United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

SENATE—*Tuesday, March 4, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of all, we pray today for our Senators. You said in Your Word that we should pray for those who govern so that we may live quiet and peaceable lives in all Godliness and honesty. So we ask You to walk beside our lawmakers. Give them wisdom and knowledge. May discretion be their shield, delivering them from the evil path. Direct their decisions and infuse them with the spirit of knowledge and discernment. Deliver them from all littleness of heart, shallowness of mind, and smugness of spirit that would keep them from embracing Your purposes. Draw them into deeper friendship with You and each other.

We pray in the Name of Him who gives us life eternal. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 4, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican Leader, the Senate will be in a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each and the time controlled between the two leaders or their designees. Following morning business, the Senate will proceed to the consideration of S. 2663, the bill to reform the Consumer Product Safety Commission. The Senate will stand in recess from 12:30 until 2:15 p.m. to allow for the weekly caucus lunches.

We are going to do everything within our power to finish the CPSC bill this week. Everyone should understand that we have to complete the bill this week because next week we have to be on the budget. So I would hope everyone understands that if we finish this bill at a decent hour on Thursday, we will be out Thursday; otherwise, we are going to have to work until we complete it, whatever that takes.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the majority controlling the first half of the time and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

BOEING LOSES

Mrs. MURRAY. Mr. President, last Friday I stood on the floor of the 767 line with workers in Everett, WA, who have put their hearts and their souls into making Boeing airplanes. I was there as those workers learned that after 50 years—five decades—the Air Force no longer wants them to build its refueling tankers. I saw the dismay in their eyes when they learned their Government is going to outsource one of the largest defense contracts in history to the French company Airbus. It was devastating news for Boeing, for American workers, and for America's men and women in uniform.

Today, those workers are frustrated, and they are angry, not only because the tanker contract would mean 44,000 new American jobs in 40 States, including 9,000 in my home State of Washington; they are frustrated and angry because their Government let them down. They are frustrated and angry because their Government wants to take American tax dollars, their tax dollars, and give that money to a foreign company to build planes for our military.

I am frustrated and angry, too, because I cannot think of a worse time for a worse decision. Our economy is hurting. We are nearing a recession, if we are not already there. Families are struggling just to get by, in part because their factory jobs have been moved overseas.

This tanker contract was not just one defense contract, it was a key piece of our national and economic security. The Boeing 767 tanker would have helped stabilize and strengthen the American aerospace industry. We are hemorrhaging manufacturing jobs to foreign countries already, so I cannot imagine why, at a time like this, our Government would decide to take 44,000 American jobs, good jobs, and give them to the Europeans instead of securing the American economy and our military while we are at war. We are

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

creating a European economic stimulus plan at the expense of U.S. workers.

I have a lot of tough questions I hope I will get answers to soon because there seems to be some real disconnect here. For one, how can we, while we are at war across the globe, justify putting a contract that involves military security into the hands of a foreign government? Outsourcing a key piece of our American military capabilities to any foreign company is a national security risk.

Airbus and its parent company, EADS, have already given us reason to worry about how hard they will work to protect our security interests.

In 2005, EADS was caught trying to sell military helicopters to Iran despite our concern about Iran's support of terrorists in Iraq and their efforts to develop nuclear weapons. When they were confronted, EADS answered that as a European country, they were not supposed to take into account embargos from the United States. Well, that is the company to which the Air Force is now going to give a major military contract. But that is just one example. In 2006, EADS tried to sell C–295 and CN–235 transport and patrol planes to Venezuela—a circumvention of U.S. law. We prohibit foreign countries from selling military products containing U.S.-made military technology to third countries without U.S. approval. Part of the reason is because we want to keep our weapons from falling into the hands of countries such as Venezuela which have threatened U.S. security and mean us harm. We cannot trust a foreign company to keep our military's best interests in mind, especially one that has a history of trying to sell weapons and military technology to unfriendly countries.

But you know what, I think this raises a bigger question too. What happens if France or Russia—which is pushing to increase its stake in EADS, by the way—decided it wants to slow down our military capacity because it does not like our policy? Do we want another country to have that kind of control? I think that is one of the questions we need to answer, and we need to answer it now.

I also want to know why this Government would choose an unproven plane using unproven technology for a program that is so vital to our U.S. Air Force. Tankers are so important to our military that Army GEN Hugh Shelton, who was the former Chairman of the Joint Chiefs, said that the motto of the tanker and airlift forces should be ''try fighting without us.''

Boeing has 75 years of experience designing planes for our Air Force. Boeing's tanker has been a reliable part of the U.S. military fleet for so long that we have squadron pilots whose fathers and even grandfathers have flown them. Boeing could have started building these tankers immediately.

In Everett, the machinists call Airbus's tanker a ''paper airplane.'' Why? Because Airbus's tanker only exists on a sheet of paper. Now, although Airbus has taken contracts for tankers, it has not yet actually delivered a single refueling tanker, ever. Yet our Air Force just picked that plane—that ''paper airplane''—to serve one of military's most critical functions.

Finally, I do not understand why the Air Force did not take jobs into consideration when it awarded this contract. Yet that is what they said on Friday. The Air Force said simply that Airbus's tanker will be an American plane with an American flag on it. Well, you know what, you can put an American sticker on a plane and call it American, but that does not make it American-made, especially if it was made in France. It seems to me extraordinary that when the military is deciding how to spend $40 billion in American taxpayers' hard-earned dollars, it would not at least consider the effects it would have on the economy.

This is not just $40 billion either, and it is not just 44,000 jobs; it is much bigger because this affects Boeing's entire 767 line and all of the communities that depend upon it. In Everett, we know this. Boeing's health touches everything: how much people spend on groceries and clothes and whether they can buy a car or even a home. I think the Everett Herald put it in perspective Saturday when it quoted the general manager of our local mall, who said:

> When Boeing sneezes, we all grab for the Kleenex.

This loss is going to be felt in our homes and our businesses and communities throughout Washington State and the entire country wherever there is a Boeing factory or a Boeing supplier.

Now, my colleagues from Alabama came on the floor last night and defended Airbus. They argued that this contract does not outsource jobs. We still do not really know how many jobs Airbus might create in the United States. That has not been decided. The only thing we know for sure is that much if not most of the initial work will be done overseas. And today, guess what. The Europeans are celebrating that. The United Kingdom's Business Secretary is already counting the jobs. Do not listen to me. Listen to what they are saying in their papers overseas over the weekend after the contract was announced.

UK's Business Secretary, John Hutton, quoted in the papers in Europe over the weekend:

> The massive contract will secure a number of years of work for the UK industry benefitting not just Airbus UK, but also many other UK suppliers.

The German Government's coordinator for the aerospace industry said over the weekend:

> It is a massive breakthrough for the European aerospace industry on the key American market.

They are not talking about jobs that might be created in the United States, they are talking about jobs that are being created—and lots of them—in the European Union. For decades, we have been talking about this, and now here we are.

What does France's Prime Minister say? He said of the victory over the weekend:

> It testifies to the competitiveness of our industry and does honor to France and Europe.

They are not celebrating this as an American victory, they are celebrating it as a victory for France and Europe. Europe has provided subsidies for decades to prop up this company, Airbus, and EADS-Airbus is a European jobs program that has created an uneven playing field and led to tens of thousands of layoffs here in the United States. Europeans are willing to do anything to distort the market and beat out Boeing.

The tanker they will supply for the military is a result of that decades-long effort. I have for years—and my colleagues know this—been coming out here and urging the administration and Congress to fight to save America's aerospace industry from a European takeover in order to save American jobs. We have demanded that Europe stop the subsidies and play by the rules. In fact, because of EADS illegal tactics, the U.S. Government right now has a WTO case pending against Airbus, the same company to which we are now awarding a $40 billion contract. It took us 100 years to build the aerospace industry in this country. We have to defend it. Once those plants are shut down and our skilled workers move on to other fields, we cannot recreate that overnight. What did the administration turn around and do? It handed Airbus $40 billion of taxpayer money and 44,000 jobs and did ''honor to France and Europe.'' It is no wonder Boeing's workers are angry. One worker said to me: It is a slap in the face. Many others are asking: How could this happen?

I am angry too. I am looking forward to asking these questions of the administration. The hard-working Americans in my State and across the country deserve to know why this administration has given their jobs and a contract involving a major piece of our military capability to France.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, what on Earth is going on here? I am extremely disappointed. No, I am shocked. This isn't shock and awe; this is shock and shock over the Air Force's decision to choose EADS or Airbus over Boeing to make our critical new aerial refueling tanker. This is the Air

Force, not Alice in Wonderland. I pay credit and associate myself with the remarks of the distinguished Senator from Washington, Mrs. MURRAY, and thank her for reserving this time, for taking a leadership role, along with her colleague from Washington, Senator CANTWELL. I thank them both for their efforts. We are going to need a bipartisan approach to this to see if we can't get some answers.

Simply put, it does not make sense that the Air Force would choose a foreign entity that has no prior tanker experience to build the next generation of refueling aircraft for the men and women of our Air Force. I met with the Air Force yesterday. I appreciate that. It was about an hour and a half meeting. It was not pleasant. We had what we call ''meaningful dialog.'' I am still not satisfied with their conclusion. In fact, I think there are many more questions that must be answered before this bid conclusion should move forward.

For example, as the distinguished Senator has pointed out, why can't the Air Force brief Boeing sooner than next week? We already have leaks all over this town as to exactly what happened and the specifics of the RFP and the bid selection and everything else, but Boeing has not had a debriefing. Yesterday the Air Force said it was OK, that Boeing said: Fine, we are OK with a briefing next week on Tuesday. That is not the case.

The two competitors were originally told that the briefing would be within 4 to 5 days of the contract announcement. The Air Force is not holding up to that bargain. Why did the secondary cargo mission—i.e., a larger plane—factor so large in the announcement briefing when this was a competition for a tanker? How could an airplane as large as the A330, which burns 24 percent more in fuel than the KC–767, possibly be valued as less costly? How did the Air Force evaluate the risk associated with a foreign government owning and subsidizing the Airbus tanker? Why were the fixed price options discussed at the announcement brief when the life-cycle cost was supposed to be the only measure? Is the Air Force concerned about delays and other issues stemming from the fact that EADS Airbus have never built a tanker with a boom? Will the Air Force need new equipment to deal with the repair of a foreign tanker? Why does the Air Force place cargo space over fuel efficiency and the ability to land and take off from more places? Where is this larger airplane going to land? Is the Air Force prepared to pay way more for the Airbus because of the amount of fuel it takes to fly them and the amount of capital it takes to open a brandnew assembly line in Europe? Is the Air Force aware that they currently do not use all of their available cargo space in the fleet? Is the Air Force aware that the Boeing 767 would provide even greater cargo space than they have now?

What about the issues regarding the fact that the EADS Airbus company made the Lakota light utility helicopter? The way it was delivered, it can't even fly on hot days. They are putting air conditioning units in that helicopter. That makes it modified and makes it less maneuverable.

Is the Air Force at all concerned with the backlash, described by Senator MURRAY, all across this country regarding the fact that they did not consider American jobs, much less the WTO dispute with Airbus or government subsidies issue with the EADS proposal? I can tell you, I hope I have been able to express my dismay over the Air Force's choice, but the problems simply don't end there. The Airbus frame will be made in Europe. There is no question about that. The nose will be made in France, the wings in Great Britain, and part of the fuselage in Germany. Bonjour, the Air Force has certainly gone into the wild blue European yonder, and they have never done this before.

The Air Force gave no consideration to the fact that Boeing has built a tanker that lasted over 50 years. With every airframe being built in France, we are paying for the French national health care system. What kind of sense does that make? In fact, they gave more credit to Northrup Grumman for making other defense systems as recently as last year than they did Boeing. That is saying something about this competition when you consider Northrup won't even be making most of the plane. Airbus will. Again and again in this competition, the Air Force has not judged the two bids fairly. Not only did they not consider past performance accurately, they also placed a much higher price on the cargo space than they led anyone to believe.

As my colleague from Kansas, Congressman TODD TIAHRT, expressed yesterday in the meeting with the Air Force, if they wanted an aircraft as large as the KC–10, they should have put out an RFP for one. But they didn't. They asked for a tanker, and that is what Boeing proposed. Airbus proposed something much different. It is my opinion that the men and women flying those aircraft are going to suffer for it.

Make no mistake: Unless something changes, we will be dealing with the ramifications of this bid for the next 80 years. It will take Airbus longer to start up the assembly line than Boeing, and it will take them longer to produce a viable plane. When they finally do, that plane will be just plain too big.

I am deeply troubled by this announcement. I expect to see a very detailed documentation on the questions we raised yesterday that were not answered from the Air Force. I also expect them to brief both competitors quickly. The long and short of it is, if this decision holds, it will be at the cost of American jobs, American dollars, if not our national security.

I again thank Senator MURRAY for reserving this time and yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HOUSING CRISIS

Mr. MCCONNELL. Mr. President, I wish to take a few moments of my leader time, not to interfere in the record with this discussion that has been ongoing between the Senators from Kansas and Washington.

Last week we debated housing. Democrats want to raise monthly mortgage payments on everyone who wants to buy a new home or refinance an existing one. Republicans have a broader, bolder plan. We want to create the economic conditions that make home ownership easier—more jobs and higher wages. Our first priority is to help families who are either facing foreclosure or seeing the values of their homes drop as a result of other foreclosures nearby.

This morning I want to talk about one specific action we can take to help these families. Home values are falling not only because of cut-rate sell-offs by banks but also because areas with high volume and vacant homes often see an increase in crime and neglect. One thing government has done in the past to the help reverse a slide in home values is to make tax credits available to people who pick up foreclosed homes in affected areas. This worked in the mid-1970s when a period of easing credit led to overconstruction and higher interest rates. Congress responded with a $6,000 tax credit spread over 3 years for anyone who bought a new home for their primary residence. This is what they did back in the 1970s. Home values were stabilized. Inventory dropped, and the housing market recovered.

Congress should do the same today. Senator JOHNNY ISAKSON of Georgia, a real expert in real estate and housing, who spent decades in that field, has a fabulous idea. He saw the good effects of the tax credit that Congress provided back in the 1970s. Now he is proposing a $15,000 credit spread over 3 years for people who buy newer homes with a first mortgage in default or single-family homes in the possession of a bank. Let me say that again. He is proposing a $15,000 tax credit spread over 3 years for people who buy newer homes with a first mortgage in default or single family homes in the possession of a bank. Buyers must occupy those homes as their principal residence to be eligible. We are not about to let speculators come in and make the current problem even worse.

This is one idea Republicans are proposing to help families struggling with the painful effects of the housing downturn. I mentioned some of these ideas yesterday. We will discuss others as the week goes on.

A lot of families need urgent relief. They should know the Government is doing everything it can, without damaging our long-term economy, to help them through a very difficult stretch. We certainly should avoid measures that make the underlying situation worse, as the centerpiece of the Democrats' response to the housing situation would certainly make happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

BOEING LOSES

Ms. CANTWELL. Mr. President, I rise to join my colleagues, the senior Senator from Washington, Mrs. MURRAY, who did an eloquent job talking about the shocking news that came out last Friday about the Air Force's decision to go with the KC–30 tanker over the Boeing KC–767 plane. I know my colleagues from Kansas want to continue this dialog as well.

What we see is a lot of concern and questions that have not been answered by the Air Force. I appreciate the fact that Speaker PELOSI also issued a statement today questioning the decision by the Air Force and asking for further congressional review. That is why my colleagues are here this morning. We want answers from the Air Force. Frankly, we don't want to wait another week to get them. For 75 years, Boeing has been making tanker products. They know what they are doing. They submitted a bid to the Air Force for a more flexible plane with a cost-effective life cycle. It has proven boom technology. This technology is used to refuel aircraft for the militaries all over the world. Other governments have already bought this product and have made the decision to use this technology. It is amazing to my colleagues and me that the Air Force would make this decision about these planes based one bid that is a proven technology and has proven successful for more than 70 years and all of a sudden switch to a product that has yet to be built and yet to be proven. The Air Force has made assertions and assumptions without giving Congress the answers.

What I am really amazed about, frankly, is that we are seeing some of the highest fuel costs in America and that impacts our Air Force as well and I want to know why the Air Force picked such a large plane, when their specs clearly asked for a medium-sized plane. If the Air Force wanted a large plane, the Air Force should have simply asked for a large plane. The Boeing Company could have provided a 777 instead of the 767. But that is not what the Air Force asked. I take the Air Force at its word when they say they want to be more energy efficient. In fact, the Air Force uses more than half of all the fuel the U.S. Government consumes each year. Aviation fuel accounts for more than 80 percent of the Air Force's total energy bill. In 2006, they spent more than $5.8 billion for almost 2.6 billion gallons of jet fuel, more than twice what they spent in 2003.

If anybody thinks fuel costs are somehow magically going to come down, they are not. The Air Force needs to consider the impact of fuel costs in the future. In fact, I believe it is a national security concern as to where the Air Force is going to get fuel in the future.

Just last Friday, the Air Force Assistant Secretary told the House Armed Services Committee that it wants to leave a greener footprint with more environmentally sound energy resources. Well, if the Air Force is coming up to Capitol Hill talking about a greener, more fuel-efficient plane and at the same time awarding a contract for a plane that burns 24 percent more fuel than the Boeing KC–767, they do not have their act together.

This is what Assistant Secretary Bill Anderson said:

> The increasing costs of energy and the nation's commitment to reducing its dependence on foreign oil have led to the development of the Air Force energy strategy—to reduce demand, increase supply and change the culture within the Air Force so that energy is a consideration in everything we do.

Well, I certainly want to know what consideration the Air Force gave to this new energy mandate in their decision to go with the KC–30 over the KC–767, when the Boeing plane is 24 percent more fuel efficient.

Now, one of the things the Air Force stressed in the contract announcement was the size of the KC–30. It is a slightly bigger plane, and the Air Force claims to want that larger plane because it can carry more fuel. However, that fuel is going to cost us.

Since the Vietnam war, the average amount of fuel offloaded from these air tankers is 70,000 pounds. When these tankers are out refueling planes the average amount of fuel they need to carry to complete a mission is less than 70,000 pounds, and that is during combat operations when they are very busy, which obviously would be less during in peacetime operations. This begs the question: Why did the Air Force choose a foreign-built tanker that has the capacity to carry 245,000 pounds of fuel versus the right-sized plane from Boeing that carries 205,000 pounds of fuel? Why did they choose a plane they know is going to have more expensive life cycle costs and more expensive on fuel costs, instead of buying the right sized plane? That would be like driving a humvee to the Capitol every day when you could drive a more fuel-efficient car. The Air Force has to live up to their commitment to a greener energy strategy.

The second issue that is troubling to me is the fact that there is an issue about runway, ramp, and infrastructure capacity. The KC–767 tanker is a smaller plane, it has ability to land on many more airstrips we have access to around the world. The Boeing tanker can land on shorter runways, takes up less ramp space, and altogether needs less infrastructure. The KC–767 can operate at over 1,000 bases and airstrips worldwide.

For example, at a strategic central Asian airbase in Manas, Kyrgyzstan that I think is key to the war on terrorism, the current runway cannot support the KC–30 plane. It cannot support the plane the Air Force just selected. However, it can support the KC–767 that Boeing offered. Again, it begs the question: why did the Air Force would choose a larger plane when it knows it is going to be unable to land at many bases and airstrips? Are we going to have to pay for the cost of infrastructure improvements of that as well?

It is very important, given these fuel issues and these infrastructure issues, that the Air Force prove to Congress that the cost-effectiveness throughout the life cycle of this procurement really does pan out. If we are simply talking about buying cheaper planes up front, but the life-cycle cost of these planes turns out to be exorbitant—because the fuel is more expensive, because the plane cannot land at various bases—and you have to spend billions more on both of those things, that is very troubling.

The reason this is so troubling to me is because I have seen this same issue play out in the commercial marketplace. Airbus planes have been backed by government financing in the commercial markets, so they were able to put a cheaper plane out in front of many governments across the globe. Boeing, on the other hand, has proven with technology to have more fuel-efficient planes, and they were able to show people that the true life cycle costs of their planes were actually more cost effective. The end result is a WTO dispute over the financing of Airbus by government-backed operations.

What I am trying to say is that the private sector has figured it out. In the commercial space, fuel-efficient planes are paying their way. I wonder why the Air Force did not figure out the same scenario and did not figure out that they will save U.S. taxpayers' dollars by having a more fuel-efficient plane. I also ask the Air Force to explain when the Boeing tanker is 22 percent cheaper to maintain because of the flexibility advantages it has.

I have concerns that Boeing worked hard to meet the requirements the Air

Force set. The 767 platform best matched what the Air Force wanted. If they wanted a bigger plane with more capacity, they simply could have asked for one. Yet here we are with a questionable decision that I think raises concerns about the ability of the Department of Defense to maintain critical skills. We need to make sure there is a homegrown workforce and engineers to deliver products we need.

The U.S. Government needs to consider the national security implications of fuel efficiency in this procurement decision. It needs to take a look at the U.S. workforce and determine whether the loss of high-skill manufacturing jobs is impacting our national security. I plan to ask the Government Accountability Office to investigate these issues and report back to Congress so we can have a full debate and move ahead.

I will remind the Air Force that in the conclusion of their testimony last week before Congress, they stated: We will continue to wisely invest in our precious military construction and operations and maintenance. They highlighted energy as the key element wise investment. I think the Air Force has a lot of explaining to do, and I want to know why they have made this choice. I guarantee you that Congress will continue to ask the tough questions until the information is clear to everyone in America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority's time has expired.

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

Mr. BROWNBACK. Mr. President, thank you very much.

I thank my colleagues. I, too, am from a State that is keenly impacted by what is taking place on this bid proposal. The Air Force's decision to award a new tanker contract last week is a crowning achievement, not for the Air Force or the United States but for Airbus and the Europeans.

We were saying in our office, I wonder if in the future our young men and women going into the Air Force to fly these planes or to work on these planes are going to have to pass a test in French—''Parlez-vous francais?''—to be able to determine whether we can work on these aircraft. And to be able to get maintenance, equipment, and training, well, we are going to have to go to Europe to be able to do that. We are going to have to get the people who built them to tell us how to do it. I do not think that is right.

I also would like to say to my colleagues, I have been around this fight between Airbus and Boeing for a long time, and Airbus has subsidized itself directly into the commercial aviation market. They had zero market share 30 years ago. They started a European consortium called Airbus and EADS to be able to get at Boeing and into the commercial aviation market. They completely subsidized their way into it. It got to a point with the subsidies where they were taking over half of the marketplace in commercial aviation. Now here we go again. We are just now on the defense side of it. Instead of the commercial side, we are on the defense side.

This aircraft which EADS and Airbus have put together is heavily subsidized by European governments, by European treasuries, to be able to get a price point, to be able to compete against a well-known Boeing aircraft that has been in our fleet for decades, that has worked well for decades, that has been used to train our young pilots and multiple generations of pilots on this tanker. Now we are going to put those pilots in an Airbus plane, and they are going to land in fields all over the world in an Airbus airplane—our U.S. military risking life and limb—while the Europeans make money off of us and get into, by subsidization, a defense marketplace.

Make no mistake, this is just a start. This is what the Europeans did in commercial aviation. They started subsidizing commercial aviation. They got in one place, got all the market share, and subsidized into another one.

They do things called launch aid. I don't know, my colleagues probably are not familiar with launch aid, but launch aid is where European governments say: We will give you this much money to start this aircraft, and if you stop producing this aircraft, then you have to pay the money back. Well, it then pays them to keep producing the aircraft, and even selling it at a loss, because then they do not have to pay the launch aid back.

Well, now they are doing it in a defense contract field, and they start with tankers. The Europeans start with tankers. Then they will go with surveillance aircraft. Then they will move to other airframes, to where then is it going to be all of our major airframes that are going to be made by the Europeans?

I like the comment from my colleague from the State of Washington: What happens if the Europeans are not pleased with what we are doing in the war on terrorism or what we are doing in the defense of Israel and if then their governments start saying: Well, I don't like what your policy is in the Middle East. Now, as you know, what they do is they say: Well, we are not going to give you overflight rights. We are not going to let you fly your planes out of Germany or not let you fly your planes out of Great Britain. We are going to stop you.

What if in the future they start saying: We are not going to sell you spare parts. Then where are we at that point in time? What do we say to them? I do not know how to use my French enough to plead and beg for spare parts, but I really do not want to be in that spot, and I do not think we should.

As a friend of mine said to me this morning—he is for a very open trading system—he said: There are two things we should not be dependent upon other governments for: one is for your defense, and one is for your food. Those are just two things you should not be dependent upon another government for. Now we are going to be dependent for our defense on a European government that often goes a different way than us. I think this is crazy. For a decision that is going to last—as my colleague, my seatmate from Kansas, said—for up to 80 years, that just does not seem to be a smart way to go.

This is one Senator who is going to fight against this, who is going to fight against this in the appropriations process. I do not think it is smart. I think it is the wrong thing to do.

Mr. ROBERTS. Mr. President, will my colleague and friend yield for a question?

Mr. BROWNBACK. Yes, I will.

Mr. ROBERTS. I say to the Senator, you brought something up that I think is very important. As you look at the various countries that form up EADS and Airbus and that will participate in this joint effort, which is subsidized, even though we have a WTO case against them, what happens if these countries do not agree, as the Senator has pointed out, with our appropriate policy in regard to the war against terrorism or any other endeavor?

The example I would like to make is: Look at the amount of money these countries, in their gross domestic product, give to defense. The answer is almost zero. Look at the amount of investment they give to NATO, where we are now fighting al-Qaida in Afghanistan. A few countries will fight with us. Note the word I said: ''fight.'' As to other countries that are now receiving this contract, despite the fact they are subsidizing their own product, they are not fighting in Afghanistan. They are not contributing to NATO in a positive way. Some of them are there, but they do not enter into the battle.

Now, here we are, with the American taxpayer paying for the security of Europe and Europe really not facing up to the task of funding and participating in NATO to the extent they can. Yet, in regard to our national security with this particular purchase—and if you do not have tankers, you do not have global reach, you cannot go anywhere, you have access denial, and you cannot even fight the war in regard to Afghanistan or any future place. Yet they are absent without leave, they are not even there. So I think my friend has made an excellent point and I thank him for his comments. We are going to join in

an effort to see what can be done because this is harmful not only in regards to workers in France, vis-a-vis these workers in America, but it involves our national security.

I think my colleague and my friend from Kansas has made an excellent point.

Mr. BROWNBACK. I appreciate my colleague joining with me. I wish to make two other quick points. One is I think we need a long-term economic model of the impact on our economy versus the impact on the European economy. Because I believe if you look at the true cost and if you look at the true impact of these jobs being in the United States versus subsidized jobs in Europe, you are going to see the long-term economic impact on this country and on our Government with the taxes our workers would pay will be better by building the plane here.

Second—and this is a strategic issue—this is a bigger plane that is being purchased by the military. It is going to need a longer landing strip. Are those longer landing strips going to be available in countries such as Azerbaijan or Kazakhstan or are we going to be able to get a longer runway to be able to land on? Now we have a plane that will carry more fuel, but it will take a longer landing strip. We can build those in the United States. We can build bigger hangars here. Can we around the world so we can have the reach we need?

Mrs. MURRAY. Mr. President, will the Senator from Kansas yield for a question?

Mr. BROWNBACK. I am happy to yield.

Mrs. MURRAY. I am listening to the Senator from Kansas, and he makes a very good point about the infrastructure that will be needed to be built to build these larger airplanes. Was any of the cost of building those runways or those hangars to accommodate the larger airplanes in part of the bid from Airbus?

Mr. BROWNBACK. I understand from the Air Force yesterday that some of it was, but I don't understand if it was—I do not know fully if it was just the U.S. cost or if it is also what we are going to have to get from other countries around the world on costs there for landing, longer landing strips, and bigger hangars to be able to put any of the aircraft in. So I don't know if that is fully in it as well. But these are huge, decade-long projects and costs.

Mrs. MURRAY. I thank the Senator. I think it is a point we have to look at in terms of the costs of providing this military contract to a subsidized foreign company as well as the future costs—not just for those airplanes but for the infrastructure to handle it and our capability of doing that.

Mr. BROWNBACK. Mr. President, we have just started this discussion, and I think it is a big one, I think it is an important one, whether we should be dependent upon European governments for our global reach in military for our aircraft. That is what tankers provide us is a global reach and whether we should be dependent on the European governments—upon the French, upon the Germans, upon the Brits—for our global reach. I don't think we should be. I think we have to look at the subsidization of this cost by the Europeans. I think that needs to be discounted and taken out of this proposal. I think we have to look at a long-term project, and we are going to be talking about this a lot before we go forward with this—as Chancellor Merkel called it, this giant success for Airbus and the European aviation industry. It may have been that it is at our cost. I am not going to stand still and let it happen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, what is the regular business? Are we in morning business? Do we have a half hour?

The ACTING PRESIDENT pro tempore. We are in morning business and the Senator has a half hour.

THE BUDGET

Mr. GREGG. Mr. President, I am going to speak, and then I understand the Senator from Texas is going to speak a little bit about the coming events of the next 2 weeks which will be the issue of how we address the budget of the United States. This is an annual event, of course, and so what I am going to give is a little review of last year's budget and where we are going with this year's budget. I regret to say it is a review of what amounts to basically a horror movie because the budget which was produced last year by the Democratic Congress was a horrible thing for the American people in the way of increasing taxes and increasing spending and increasing debt on the American people.

Now, we will hear from the other side of the aisle: Well, the President's budget does this and the President's budget does that and the President's budget does this. However, I think the people who are listening to this discussion should understand the President has no legal responsibility in the area of the budget and producing the budget; that under the Budget Act, the President can send up a budget and that is where it stops. The actual budget is produced by the Congress of the United States, the House and the Senate. It is not—and this is important—it is not signed by the President of the United States. He cannot veto it. The budget of the United States is purely a child of and a product of the House and the Senate and the U.S. Government. So it is our responsibility—not the President's responsibility—to produce a budget that is responsible for the American people and especially for working Americans, so they are not overburdened by the Government, and for our children and our grandchildren, so we don't put too much debt on them as a government.

Last year was the first time the Democratic Congress produced a budget in 12 years. They had the benefit of the doubt. When they said they were going to control spending, people gave them the benefit of the doubt. When they said they were going to address the problems which we confront with entitlements because of the baby boom generation and the cost that is going to be put on our children, people gave them the benefit of the doubt. When they said they were going to use pay-go rules—this motherhood term—to discipline spending around here, people gave them the benefit of the doubt. When they said they weren't going to raise the national debt any more than the President was, people gave them the benefit of the doubt. When they said they weren't going to raise taxes on the American people, that they were going to find revenues by simply collecting taxes that were already owed, people gave them the benefit of the doubt.

Well, the shell game is over. The benefit of the doubt no longer applies. The record is in and the record is pretty dismal.

The budget from last year produced by the Democratic Congress increased taxes over a 5-year period by $736 billion. It dramatically increased spending. In the discretionary accounts, the Democratic budget last year, as it was finally executed, increased spending over what the President requested. The President requested a $60 billion increase in discretionary spending. It increased spending or proposed to increase spending when you combine the supplemental proposals and the actual budgeting proposals by over $40 billion. It added $2.5 trillion—trillion—to the Federal debt over the 5-year period. This term ''pay-go'' is the most abused term on the floor of the Senate and on the floor of the House in the area of fiscal discipline: ''Oh, we are going to use pay-go to discipline Federal spending.'' We hear that from every Democratic candidate starting with their Presidential candidates right down to their House Members.

Last year on 15 different occasions they either directly waived pay-go or they gamed it in the most cynical manner by changing dates, changing years, moving money here, moving money there, to the tune of $143 billion of new spending, which should have been subject to pay-go, which was not. It was simply added to the deficit and to the debt of our children, that our children will have to pay. They didn't do one thing about addressing the most significant fiscal issue we face as a country, which is the pending meltdown of

our Nation's fiscal policy because of the $66 trillion of unfunded liability we have on the books as a result of obligations and commitments we have made to the baby boom generation which is beginning to retire right now—$66 trillion. The President at least sent up a package which proposed trying to discipline the rate of growth of entitlement spending—specifically Medicare—in very reasonable ways, by asking people such as Warren Buffett, for example, to pay a fair cost of their drug benefit—people over 65 who have a lot of money should pay some cost of their drug benefit; by using technology more aggressively, by limiting the number of lawsuits that are brought against doctors to something reasonable along what is known as the California or Texas models. The President's proposals would have limited this liability here as it related to health care by $8 trillion. It would have reduced it. They were reasonable proposals.

But the Democratic budget, as passed and as executed, not only didn't limit or reduce in any way this outyear liability, they actually aggravated it. They aggravated it dramatically, by $466 billion over a 5-year period. It was totally irresponsible.

On the tax side, this tax increase is real dollars—real dollars that Americans are going to have to pay. For 43 million Americans, under the Democratic budget as was passed last year, their taxes will go up by $2,300 a year—$2,300 a year beginning in 2011. For 18 million seniors, their taxes will go up by $2,200 a year—that is a lot of money for somebody—beginning in 2011. For low-income Americans, 7.8 million Americans who do not pay taxes today because the 10-percent bracket is in place, their taxes will go up. They will have to start paying taxes. For small businesspeople, 27 million small businesses that file what is known as a subchapter S, which means they basically are taxed as individuals, their taxes will go up on average $4,100. Those are real dollars people are going to have to pay in new taxes as a result of the Democratic budget.

Let's put it in another context. The Democratic budget, the nightmare budget, the shell budget, added $2.5 trillion to the debt: $736 billion in new taxes, $466 billion in new deficit spending in the area of mandatory increases, $205 billion over 5 years in discretionary increases over what the President suggested—huge increases, totally irresponsible.

Equally important, as I mentioned, here is the tax increase, discretionary increase, the debt increase under the Democratic budget and absolutely no mandatory savings, which is the biggest issue of concern for us as a nation as we look into the outyears from the standpoint of being able to pass on to our children affordable Government. If you give to your children the debts of today, this $2.5 trillion they added, and you put on top of that $66 trillion of debt as a result of Medicare and Medicaid and Social Security costs that we haven't figured out how we are going to pay for, you are essentially going to say to our children: I am sorry, you can't have as good a life as we have had as a generation. You are not going to be able to send your kids to college. You are not going to be able to buy your first house. You are not going to be able to live the quality of life Americans have been experiencing throughout the generation of the baby boom generation because we are going to put on you so much debt, so many costs, we are simply going to overwhelm you.

What did the Democratic budget do to address that? Nothing. A lot of lip service. In one of the most obscene—obscene is the only accurate term—actions of budgetary gimmickry, the Democratic budget claimed they were going to raise $300 billion in tax revenues from people who owe taxes but weren't paying them. This is how they are going to pay for all their new programs. They are going to raise $300 billion collected from people who owe taxes. Well, yes, those are the estimates. There is a huge amount of money out there that isn't being collected today and should be collected. But how much was collected under the Democratic budget of that owed and unpaid balance? Zero. Why was that? Why did they only get zero? Because they actually cut the dollars going to the Internal Revenue Service for enforcement. So not only could the Internal Revenue Service not collect the additional money—and they could never have gotten $30 billion anyway—the highest estimate the Internal Revenue Service gave us was something in the range of 20 billion to 30 billion was their best number. They plugged this number in that the Democrats said they were going to get, which is $300 billion, and why did they plug it in? Because they wanted to spend it. They wanted to spend $300 billion.

It is pretty interesting because, if you go back here, you will notice discretionary spending went up $205 billion, right here, and they claimed they were going to pay for that and have a little surplus with this empty number which they never got of $300 billion. Where did the $205 billion actually get paid for? How did it get paid for? It got paid for by putting debt—debt—on our children's shoulders.

Then, on top of that, of course, they are going to raise taxes by $336 billion, as I mentioned. For 34 million Americans, it means a $2,300 tax increase.

As if this isn't bad enough, their track record now is such a glaring example of fraud and misdeeds and misrepresentation of a shell game, of claiming one thing and doing the opposite in the area of tax policy and raising taxes when they said they would not, raising spending when they said they would not, not addressing entitlements when they said they would. As if that isn't bad enough, we now have the Presidential candidates out there campaigning. On top of the track record of total gross fiscal mismanagement, we have Presidential candidates on their side of the aisle making proposals to increase spending which dwarf what is already here, a dramatic rise in spending.

Senator OBAMA, for example, has proposed 158 new programs that we know of, that we can score—158—totaling annual increases in spending—annual—of $300 billion a year plus. Senator OBAMA and Senator CLINTON say: Well, we are going to pay for this by taxing the rich; we will just tax the rich, tax the rich, tax the rich, tax the rich.

Let's look at the numbers. If we take the top rates in America, which are the rates the rich pay, back to the days of Bill Clinton, you take them from 35 percent—they pay 35 percent of their income to taxes now—take it back up to approximately 40 percent, 39.6 percent which is, I presume, what they are referring to—and, in fact, that is what they are specifically referring to—they say they are going back to the Clinton tax rates for the rich. You raise $25 billion in income taxes.

Senator OBAMA has already proposed spending $300 billion plus a year. So he is short $280 billion. From where is that going to come? That is going to come from raising taxes on all the other Americans who work and pay income taxes. He is talking about basically repealing all the Bush initiatives and, believe me, even if he does that, he cannot raise enough money to pay for what he is proposing. So he is talking about adding dramatically to the debt. It is a spend-arama, an Obama spend-arama, which is going to cause us huge problems with taxes.

So as we go into this next budget, there is no longer the benefit of the doubt out there for our colleagues on the other side of the aisle. They now have a track record of a budget that raised taxes $736 billion, a track record of a budget that increased discretionary spending by $205 billion, a track record of a budget that increased the debt by $2.5 trillion, a track record where they game their own pay-go rules—game them—so they spend $143 billion, which they should have had to offset, without any offsets, and a track record of not addressing the most significant issue we have today, which is how do we pay for the future costs of the retirement of the baby boom generation and not put that burden on our children.

I suspect the budget they are going to bring forward next week is going to look a lot like the one they passed last year. But when they claim this year they are going to get another $300 billion from some wizard behind the

screen by collecting taxes that are owed but are not collected, I hope the press and the American people will say: But hold it. You already claimed that once. Are you going to do it again?

When they claim they are going to discipline spending around here by using pay-go, I hope people will say: Hold it. Last year you said you were going to do that, and you spent $143 billion subject to pay-go.

When they claim they are not going to raise taxes, somebody has to say: Hold it. The only way you can pay for your program is to repeal the tax laws as they presently exist and make the taxes go up dramatically on all Americans, not just on wealthy Americans.

And when they claim they are not going to increase discretionary spending, somebody needs to ask: Hold it. Last year you increased discretionary spending by $205 billion over what the President wanted in nondefense discretionary.

They have no credibility any longer. So I hope the American people and the press, and certainly I hope the Senate, will ask some serious questions of them as they bring forward their budget.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I congratulate the Senator from New Hampshire for his leadership as the ranking member of the Senate Budget Committee and somebody whom I think understands the complexities of the Federal budget better than just about anybody. I do not claim to have that same level of understanding, but what I do think I understand is what works and what does not work.

I will cite as an example a story in today's Wall Street Journal comparing my State, Texas, to another State that I will not name for present purposes, and wondering why the economy is booming, why jobs are being created in Texas when jobs are leaving the other unnamed State. They cited three main reasons. One is the belief in the benefits of free trade and selling our goods and services overseas in a reciprocal free-trade arrangement. They cite lower taxes which provide more incentive for productivity. And they cite the fact that in Texas, you have a right to work without having to belong to a labor union. You can if you want to, but you don't have to in order to work. And I add to those three items, sensible tort reform, which has not only created a business environment in our State which says to employers: You are not prey for predatory activity on the part of the trial bar, but you are welcome in our State to create jobs. Yes, you are going to be held accountable, but we are not going to create a hostile litigation lottery which is going to chase jobs and employers out of our State.

A lot of those basic principles which have helped make my State, the State of Texas, such a welcoming State for economic growth and prosperity and creating jobs and opportunity apply to the Federal budget, too, about which I wish to talk.

Senator GREGG had this chart up which talks about last year's budget; frankly, things that were done last year that I hope we would have learned our lesson this year and will not repeat. For example, last year's budget anticipated a tax increase on the American people of $736 billion. One might ask: From where is that money going to come? Is Congress actually going to vote for a tax increase? We may recall that the tax relief that we passed in 2001 and 2003 was not permanent because we could not get sufficient votes to make it permanent, so it was temporary. A significant portion of that tax relief—the capital gains and the dividends reduction—will expire during this budget period. It will result, if it does expire, without Congress acting, in effectively the largest tax increase in American history—but here is the worst part—without a vote of Congress. In other words, by Congress's inaction, we will see the largest tax increase in American history, and that is part of the revenue that this budget that was passed last year anticipates.

That contradicts the lesson I mentioned a moment ago that we have experienced in my State. We don't have a State income tax. We have tried to keep taxes as low as possible. It just makes common sense. You don't have to have a Ph.D. in economics to understand that if you want more of something, then you reduce the burden of producing it through lower taxes, through less regulation, and less litigation. If you want less of something, then you increase taxes, you increase regulation, you increase litigation. To me, that is the lesson we have learned, not only in my State, as I mentioned, but also in the Congress as a result of the tax relief we did pass in 2001 and 2003. We have seen more than 50 straight months of economic growth with more than 9 million new jobs created in the United States since 2003. Was that an accident? Was it serendipity? No, it was a result of reducing the burden of producing income and allowing taxpayers to keep more of what they earn, and it resulted, coincidentally, in some of the highest levels of revenue to the Federal Treasury because more people were working. They were incentivized to work harder and, as a consequence, they ended up paying more taxes which generated more revenue to the Federal Treasury, bringing the deficit down over what had originally been projected.

Of course, keeping taxes low is part of the equation. The other part of the equation is spending. As Senator GREGG pointed out, this budget passed last year dramatically increased Federal spending. This is one of the hardest things Members of the Congress have to do because, of course, we have people coming to see us every day saying: Senator, I would like your help funding this transportation project or providing an appropriation to pay for this or for that. But the fact is, we need to be good stewards of the taxpayers' money, and we need to learn how to say no because it is in the best interest of our economy and, in the long run, it is in the best interest of the American people because when we increase spending, we grow the size of the Federal Government. As Government expands, individual liberty contracts.

In other words, the bigger Government is, the less freedom we have to do what we want, as long as it is lawful. And what that means in the economic sphere is we are going to generate more economic activity, more revenue, create more jobs and more opportunity in the process.

So greater spending, dramatically increasing spending, is exactly the wrong thing. We ought to cut spending, eliminate wasteful programs, particularly those—and I have spoken on this issue before. The Office of Management and Budget has a Web site called expectmore.gov. You can go there and see a thousand different Federal programs that have been surveyed by the Office of Management and Budget, 22 percent of which either there is no evidence that they are meeting their intended purpose or effective, in other words, or the Office of Management and Budget simply cannot tell. Those are exactly the kinds of programs, the kind of waste that ought to be eliminated to reduce spending so that we can spend where it is absolutely necessary on our national priorities. But eliminate that wasteful spending. This budget does not do that.

Then, I think the most, frankly, shameful part of this budget is its failure to step up and recognize our responsibility to our children and our grandchildren who are depending on us to make sure they are not left with a debt they have to pay but, rather, they are left with, hopefully, a better life and better opportunity than we as their parents and our grandparents had. I know that is what my parents wanted for me and my brother and my sister. They wanted at least as good a life as they had, hopefully better. That is what every parent and every grandparent wants for their children and their grandchildren.

What has this Congress done to make sure that can happen? Frankly, not much. Let me put it this way: not enough because what we see is a growing debt. This budget passed last year grew the debt by $2.5 trillion. I know it is hard to think in terms of trillions. I doubt there is a human mind that can really conceive of how big that is. I mentioned yesterday that a billion seconds ago it was 1976. We are talking

about not billions but trillions—a huge amount of money.

This budget grew the debt by $2.5 trillion but, frankly, what this proposed budget we are going to take up next week will in all likelihood fail to address is 66—6–6—$66 trillion in unfunded liabilities of the Federal Government.

One might ask: We understand the budget deficit, but what is the debt? The deficit is the amount of money we overspend each year, but the debt is how much we owe to our children and grandchildren, the debt we are simply passing down to them by failing to fix the Medicare Program, failing to ensure that the Social Security Program is on a solid fiscal financial basis. The fact is, there is legislation that I hope will be offered during the course of this budget debate that a task force be created.

As a matter of fact, the distinguished Democratic chairman of the Budget Committee and Senator GREGG, as ranking member, have proposed a task force so we can finally roll up our sleeves and come to grips with this growing financial crisis and the debt we are simply passing on to our children and grandchildren.

I mentioned that $1 trillion is impossible, perhaps, for us to comprehend, but let me bring it down to a number that we all can understand; and that is $66 trillion in unfunded liabilities due to the Congress's failure to deal with this growing cost of entitlements—Medicare, Medicaid, and Social Security. If you divide that by every man, woman, and child in the United States of America, it comes down to about $175,000. So $66 trillion in unfunded liabilities, for entitlements primarily, boils down to $175,000 for every man, woman, and child, including the baby who was born last night. That baby was born into the United States—the most prosperous, the freest Nation in the world—burdened by $175,000 of debt because that baby's adult parents and the people they elect to Congress have failed to take responsibility to make sure that baby would be born into a world of prosperity, opportunity, and freedom. Instead, the baby has been born into a world that has that freedom and opportunity but also is burdened by $175,000 in debt.

There are a lot of challenges that lie ahead, and I have other charts I won't bother the Members of the Senate with here today, but we have to have an important debate here as we write the Federal budget. I agree with the Senator from New Hampshire, this is not the President's budget. As a matter of fact, everybody knows what happens to a President's budget, whether it is a Democrat or Republican in the White House. It is basically ''dead on arrival'' at Congress. I could say it another way. The President proposes and Congress disposes the budget. But it is our responsibility to write that budget, and we should do so in a way that is fiscally responsible.

We should also do it in a way that addresses the real pinch that average Americans feel when they fill up their gas tank and find that gasoline is $3.25, $3.50 a gallon, on its way to $4 a gallon probably this spring; and when they find that their health care costs continue to go up year after year after year such that they have less and less disposable income. Those are the sorts of things we ought to be paying attention to—reducing taxes, eliminating the debt, taking responsibility for that, and taking care of those bread-and-butter issues that the American people care about, because those are the ones that impact their quality of life on a day-to-day basis.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CPSC REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 2663, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

AMENDMENT NO. 4090

Mr. PRYOR. Mr. President, I have an amendment at the desk, No. 4090, that I wish to call up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 4090.

The amendment is as follows:

(Purpose: To correct a typographical error.)

On page 87, line 11, strike ''cigarette'' and insert ''Cigarette''.

Mr. PRYOR. Mr. President, we are today, once again, starting the debate on the Consumer Product Safety reform bill. This is a very important piece of legislation, and I am sure Senators from all over the country have heard from their constituents about this because we saw last year a record number of product recalls, especially in the toy area. We saw last year recall after recall after recall, and some of the news stories that made the headlines were about lead in toys, but certainly the recalls last year were not in any way, shape, or form limited to lead.

Lead is a very serious problem. We deal with lead in this legislation. In fact, we virtually ban lead in all children's products. That is a very important new safety rule. If the Senate adopts this measure, the new safety rule would be that there is a very tough scientifically based lead standard for toys.

When I say ''virtually ban,'' I do think it is important for my colleagues to understand that we can probably never absolutely get rid of lead in any product because there is some lead out in the atmosphere. It is a naturally occurring element. But we virtually ban lead in all children's products.

Another thing that we do, which I think is very important, is illustrated by this chart, and that is we recognize the changes in the U.S. economy. The last time the Senate reauthorized this legislation, which was in 1990 or 1992, we have to think about what the U.S. economy looked like. If you think about how many imports we had coming into this country from overseas, one of the things this chart illustrates is the number of imports in dollar figures, starting in 1974 and going up here to the year 2006. The actual numbers and the years aren't as important as the trend line. You can see what is happening with imports coming into this country.

We all know we are getting more and more imports, and one of the things I think we need to fight for is our U.S. manufacturing base, but that is not the discussion we are having here today. We are seeing more and more imports coming into this country. However, at the very same time, over the very same years, if you go to this bottom chart, again starting in 1974 and going up to this year, you will see what the Consumer Product Safety Commission's staff has done year by year.

Unfortunately, you see it peak in about 1980 or so, and then it starts to drop off dramatically. Here again, the numbers are not as important as the fact that you see this downward trend when it comes to employees at the Consumer Product Safety Commission. The reason that is important—and, by the way, the numbers are 420 full-time employees, and at the height of the agency there were about 900. But those numbers are not as important as the trend. You can see that today we have less than half of the full-time employees at the CPSC as they did 20 years ago.

The problem is when you compare these two charts. Again, I totally understand we can work more efficiently today with things such as computers and telecommunications and all that. We can work more efficiently. We can do more with fewer people. I do acknowledge that. But when you look at how the imports have grown and how the Consumer Product Safety Commission staff has shrunk, that explains

why you see a record number of recalls. That explains why you see millions and millions of products being pulled from the shelves last year. Because as the Consumer Product Safety Commission has become less capable, less able to deal with the changes in the import economy, what you are seeing is more and more dangerous products coming into this country.

I don't think it is an accident. My colleagues need to know that I don't think it is an accident that last year every single toy recall—and we will talk more about this in a few moments—but every single toy recall from last year was made in China. None of these were U.S. made. In fact, they weren't made in any other country except China. So we need to reexamine the priorities of this agency. We need to restructure the agency in such a way that it meets the needs of the changing U.S. economy. We need to help this agency right here, when it comes to dollar amounts and full-time employees for this agency.

Again, it may be another discussion where we try to help the U.S. economy here in the number of imports and try to manufacture more products here—that is another bill and that will come at some point in the future—but right now this is what we are focused on, is trying to make sure that the Consumer Product Safety Commission is equipped to handle the changes in the U.S. economy.

Mr. President, I see Senator KLOBUCHAR is here, and she wishes to say a few words. I will be on the floor all day today. I encourage my colleagues to come down and talk to me if they have amendments. Certainly we have seen a growing list of amendments. My hope would be that all the amendments would be germane and that we could maybe get a bipartisan agreement on amendments.

I know Senator STEVENS has been very good to deal with on this legislation. He and I have not talked about any of the amendments yet. I think our staffs have been talking with each other. But I encourage my colleagues to come to the floor when it is convenient, or send their staff over when it is convenient to talk about whatever amendments they maybe wish to offer. I know we had some meetings last night with various staff people on certain Senators' staffs on the Republican side of the aisle, and certainly we have an open door to try to talk through those.

One last thing, again for the staff members watching this on C–SPAN and for the folks all around this country who are watching it on C–SPAN 2. We have made many changes in this legislation since it left the committee, and we have listened and we have worked very hard to try to find common ground on a whole variety of issues. When we started, there were maybe 20 or 30 or 40 controversial parts to this bill. I think we are now down to two or three. I am not sure that anyone has put a number on it, but we have worked very hard to try to come up with a bill that can have bipartisan support and something that people all over this country can be very proud of.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am proud to be a member of the Commerce Committee that passed this legislation through the committee under the leadership of Chairman INOUYE, Senator STEVENS, and the Consumer Subcommittee Chairman PRYOR. I am also glad this legislation includes the bill I introduced that finally put a mandatory ban on lead in children's toys.

This legislation has been called by the Wall Street Journal as ''the most significant consumer-safety legislation in a generation.'' That comes from the Wall Street Journal. But what this is about is not all the details of all the toys, which I am going to talk about in a minute, and the 29 million toys that have been recalled and what this has meant to our economy, but what this is about are these little children.

Senator PRYOR and I just left an event where two children, their families, their mothers, were there to talk about what had happened to them. The first was this little boy named Jacob. His family is from Arkansas. The mom painted this picture for us. Look at this little boy. She painted this picture that I will never forget, of her standing in the kitchen one day and all of a sudden they see their little boy and he is practically limp. Just like that he went from being a happy little boy playing.

What happened is he had swallowed one of these Aqua Dots toys, one of these toys you put in water and it expands to an animal or whatever it is. He had swallowed it. So he is getting more and more limp, and finally the ambulance comes and they end up in the hospital. Within an hour, he is completely unconscious. They have no idea what is wrong. Unconscious. They thought maybe he had swallowed a little toy, maybe something that you would think would be in his stomach creating some indigestion or something such as that, but the hospital tries everything they can think of. They thought maybe he had accidentally gotten into their medicine cabinet and they didn't know it and took some medicine and something happened. So they gave him drugs to try to reverse it, but he wouldn't wake up. It was a complete puzzle because they didn't know how this could have happened. Nothing they tried worked.

Finally, 6 hours later—and the doctor said if he hadn't been there, he wouldn't have believed it—with all these tubes connected and everyone thinking they are going to lose him, he wakes up and he is fine. And they think: How could this happen? What is wrong? And they simply don't know.

So they call the company that manufactures these Aqua Dots and they try to write them. The mom gets home the next day and gets on the Internet with bloggers trying to figure out what could be wrong. She writes letters to the company, trying to get information.

Well, finally, they tested him some more and they tested these Aqua Dots some more. And what did they find? They found that the Aqua Dots contained a chemical that was really the date rape drug.

The date rape drug, as a prosecutor, I can tell you that we handled those cases where women have been slipped one of those drugs in their drink; they are suddenly completely out of it and do not know what happens. You know the crimes that have occurred as a result there.

But here is this little boy swallowing a dot, a dot that had the date rape drug in it manufactured in China. And that mother stood here with Senator PRYOR and me and told this moving story and said: This cannot happen to other parents.

She said: The Senators in this body, why do they not think if this happened to their kid or their grandkid where they suddenly swallow a little toy and are out like that. It is like swallowing a gumball, out like that for 6 hours thinking they are going to die.

Then there was another mother who came from Oregon. She told the story of her son, whom we see now years later, Colton. When he was very little, he swallowed a charm they had gotten from some one of those little vending machines that you put your money into.

He swallowed it. And all of a sudden she said he started acting completely lethargic, not at all like the little toddler he was. And they brought him into the hospital and they found out that charm was 39 percent lead, 39 percent lead.

Now, their story, unlike the story of little Jacob, did not end there, because he has that lead permanently in his system. And today, years and years later when they go to the doctor, he is still tested for elevated lead levels. And, in fact, even a few days after he got home, after they had gotten the charm out of his stomach, he bit his cheek and his cheek swelled up to the size of a golf ball because of the lead that was in his system.

That is what we are talking about—moms getting little charms that their kids swallow, which used to be maybe if you swallowed a penny, having this kind of health effect.

We all know what lead can mean. I certainly know in Minnesota where we

had a little boy whose mom was not with us today. The mom was not there because her heart is broken. Her little 4-year-old boy died when he swallowed a charm that turned out to be 99 percent lead. And he did not die from choking, he did not die because it blocked his airway, he died because that lead seeped into his system day after day. And when he died, he was tested at three times the normal lead level.

In 2007, nearly 29 million toys and pieces of children's jewelry were recalled because they were found to be dangerous and, in some cases, deadly for children. As a mom and a former prosecutor and now as a Senator, I find it totally unacceptable that these toxic toys are in our stores and on our shores. As my 12-year-old daughter said when she found out that the Barbies were being recalled, she said: This is getting serious.

The provision of the Consumer Product Safety Commission Reform Act that I authored addresses some of the most serious discoveries of this past year. And that is the lead that has been surfacing in these toys. The toy that little Jarnell Brown swallowed that led to his death was made in China. It was 99 percent lead.

The toy that little Colton swallowed that nearly led to his death and has led to elevated lead levels in his bloodstream for many years was 39 percent lead.

These deaths, these injuries have been made so much more tragic by the fact that they could have been prevented. These little boys should never have been given these toys in the first place. It should not take a child's death or severe injury or a child swallowing an Aqua Dot with a date rape drug to alert us that there is a problem in this country.

Parents should have the right to expect that these toys are tested and that these problems are found before these toys get to the toy box. For 30 years, we have been aware of the dangers poised by lead. We all know about it from the lead paint standard.

But what is ironic to me is we have a Federal standard for lead paint, we have a standard, but we have never had a standard for lead in toys or jewelry; never had a standard for those little pieces of jewelry that will end up in kids' stomachs, or how about teenage girls who are sitting in class and chewing on a charm that they may have around their neck—never had a standard; it has all been voluntary.

It is not just these cheap trinkets that are being discovered to contain hazardous levels of lead. Last summer the CPSC recalled 1.5 million Thomas & Friends trains, including the Thomas the Train caboose, the Thomas the Train rail car, the box car, after they were discovered to be coated with poisonous lead paint.

A lot of those parents had bought these toys because they were wood, they thought they would be better for their children. Many of these products reaching retail for between $10 and $20 apiece were on the market for almost 3 years before they were discovered to be defective, putting hundreds and thousands of toddlers at serious risk for lead ingestion and brain damage.

What is even worse is what happened after the initial recall. This shows you how out of hand things have been because there have been no set standards and no good regulations coming from the Consumer Product Safety Commission.

After more than 3 months passed, RC2, which is the company that makes Thomas the Train sets, realized that their first recall was incomplete. They had asked for a recall and then they found hundreds of thousands of additional products, many of which had been sold in the same packaging with trains that had already been recalled, were coated with lead paint and also needed to be recalled.

Clearly, the RC2 Corporation that manufactured Thomas & Friends trains was embarrassed by its safety record. It apologized to its customers, saying it would make every effort to ensure that this would not happen again. To help encourage customer loyalty, which you can understand in a competitive market, and to get them to return those recalled toys, RC2 said: Okay, parents, we are so sorry this happened. We are going to give a bonus gift for your trouble.

Well, the bonus gift backfired in a big way because it was discovered that 2,000 of these bonus gift trains that they had given to parents for them sending back the recalled products contained lead levels four times higher than legally allowed, leaving parents of toddlers across the Nation to deal with a double recall. All of these toys are manufactured in China.

The burden should not fall on parents or kids to tell if a toy train is coated with lead paint or if a toy has been assembled so shoddily that it will come apart in a toddler's mouth. How would a parent ever think an Aqua Dot would contain the date rape drug?

I think it is shocking for most parents when they realize we never have had a mandatory ban on lead in children's products, all we have had is this voluntary guideline. It is shocking that until this legislation is passed, the Consumer Product Safety Commission cannot actually enforce a lead ban in children's toys.

In response to a series of letters I wrote to Chairwoman Nord in August about the danger of lead in children's products, the chairwoman responded on September 11. In that letter, Chairwoman Nord acknowledged that:

> The CPSC does not have the authority to ban lead in all children's products without considering exposures and risk on a product by product basis.

Now, that is really going to help the family of Colton to find that out, that our powerful Federal agency, with which we thought we had solved all these consumer product issues back in the 1970s, that this a safe country, does not have that authority.

Chairwoman Nord went on to say that: Were the CPSC to attempt banning lead in all children's products, it would likely take several years and millions of dollars in staff and other resources.

This response makes it clear that Congress cannot wait for the CPSC to act to ban lead from all children's products. We have been waiting for years. These parents have been waiting for years and years. This mother who spoke with us today wrote all these letters. She has been trying to lobby by herself on behalf of her son to make sure this did not happen again.

And what she told me this morning was her heart broke 2 years after her son had this horrible experience when she heard about the case of Jarnell Brown who had died. She felt her efforts were in vain.

Well, this Congress has a duty to make sure they were not in vain. Parents should not have to wait years for the CPSC to take action we already know is appropriate. The medical evidence is clear and overwhelming, lead poisons kids and there must be a Federal ban.

To talk a little bit more about the specifics, this legislation effectively bans lead in all children's products by classifying lead as a banned hazardous substance under the Federal Hazardous Substance Act. The bill sets a ceiling for a trace level of allowable lead at .03 percent of the total weight of a part of a children's product or 300 parts per million.

To put that in some perspective, California has standards right now of .04 for children's toys and .02 for jewelry. The voluntary ban that is not even mandatory right now that the Consumer Product Safety Commission uses is at .06. We have worked with pediatricians, we have worked with consumer experts. We set this at a very smart standard of .03 percent of trace levels. That ceiling would take effect in 1 year, allowing retailers and manufacturers to comply; 2 years later the legislation would then further drop the amount of allowable lead in children's products to .01 percent of the total weight of a part or 100 parts per million.

Now, if the CPSC finds you can actually go below the threshold, which a lot of pediatricians have argued we can do in this country, that we can even get down to zero lead, that would be great.

What this law says is you do not have to be stuck up there at .01, which is of course a small amount of trace lead.

You can, in fact, do a rulemaking and go lower for certain products or for all products.

This legislation gives the CPSC the power to lower levels even further as science and technology allow.

The legislation before us today also sets an even lower threshold for paint. Under this bill, the allowable lead level for paint would drop immediately to 90 parts per million. This lowered threshold is critical because science has shown that as children put products in their mouths, it is the painted coatings which are most easily accessible to kids. Every parent of a toddler knows that to be true. They can see, if any parent looks in their toy box, all the little teeth marks, and they know they put them in their mouth.

Under current law, the Consumer Product Safety Commission has adopted this voluntary guideline of .06 percent. It is voluntary. That is part of the reason it takes so long, that is part of the reason we have had this huge delay. This puts in a mandatory guideline at .03 going down to .01.

This legislation changes what is a bad system, a broken system, and gives the CPSC the tools it needs immediately to go after the bad actors who used lead or lead-based paint in their products.

To me the focus is simple: We need to get these toxic toys out of our kids' hands, not just voluntarily, not just as a guideline but with the force of law.

Millions of toys were being pulled from these shelves, 29 million last year. Right in the middle of Halloween, they were pulling the little funny teeth that you put in your mouth, Aqua Dots, Thomas the Train, Sponge Bob Square Pants, Barbie dolls, you name it. It gives the force of law to pull these toys from the shelves.

As if the appalling number of recalls this year is not bad enough, these recalls illuminated other problems with pulling toys from the store shelves, the daycare center floor or the drawer under the kid's bed.

This I actually heard from my friends. Because once these recalls happen, every parent runs to the kid's room and says: Okay, I have got to find the toy that has been recalled. Now, how are you going to tell the difference between the brunette Barbie doll, the blonde one, the one that had this outfit on. This is practical when you are a mother. How are you going to tell the difference between this caboose or this box car? So they are looking at these toys trying to figure it out, putting them up to the Web site. Because, guess what, there is no batch number on these toys.

I have to tell you, most parents, when they get their kid a toy, do not keep the packaging. My mother-in-law may be an exception to that, but most parents do not keep the packaging. So what this legislation does is it says: The batch number will be on the toys whenever practical. They are not going to go on a pick-up stick, but whenever practical, the batch number will be on the toys so when there is a recall, the parent is going to be able to figure out which toy it is, and also the batch number is going to be on the packaging.

Why do we need this? Because we do know that large retailers such as Toys ''R'' Us and Target, the minute there is a recall, they have been very good about stopping all sales; they do it through their computer system.

Well, some of the smaller mom-and-pop retailers do not have that capability, not to mention eBay and those kinds of things. So we want to make sure the batch number, in this legislation, requires it not only be on a toy but also on the packaging.

This legislation, though, does a lot more than ban lead in children's toys and to help parents identify recalled toys. It brings consumers the protection that has been lacking for almost two decades. As we all know, the CPSC's last authorization expired in 1992, and its statutes have not been updated since 1990.

Not surprisingly, the marketplace for consumer practices has changed significantly in the last 16 years. And we have seen through recall after recall how ill-equipped the Consumer Product Safety Commission is to protect consumers. Today, the Commission is a shadow of its former self, although the number of imports has tripled, tripled in recent years.

So what you have seen is a tripling of imports, products coming in, and then what have you seen with the staff? Well, have you seen quite a drop in the staff. The CPSC staff has dropped by almost half, falling from a high in 1980 of 978 people who worked there. Okay. Well here we go, 978 people. And what do we see in 2007? Well, we have 393 today. You wonder how are these date drugs getting into our system, getting on to our shores. You don't have the staff adequate to monitor these toys. So while you have seen a tripling of imports coming from China and other places, you have seen an enormous decrease in the staff that regulates them. In fact, much has been made of a guy named Bob who is the only official toy inspector at the CPSC. He is retired. He was out in a back room testing toys by dropping them to the ground. He had all these toys on his desk. That is what we are dealing with, while we have seen a tripling of imports and toys and jewelry that have tested to be 99 percent lead.

What have we seen now with the recalls? We have actually seen a huge increase in the number of recalls. As you know, part of it is because finally you have had the businesses, once this hit the streets and was all over newspaper headlines, saying: We finally better start testing these products more frequently, which was a good thing. But we have seen in 1980, 681,300 recalls. In 2007, we have seen 28,773,640 recalls, all toys that either were in parents' homes or were sitting there on the toy shelf ready to be bought.

Let's look at a comparison so you can see why. It doesn't take a rocket scientist. Probably my 12-year-old daughter would see what is going on. When you look at this comparison, in 1980, you had only 681,000 toys recalled. Then you go up to 2007, where you had 28 million recalled. Look at the staff comparisons. When you have 681,000 toys recalled, the staff is up here at 1,000. When you have 28 million toys being recalled, you have a staff that is half of what it used to be. So there is a graphic depiction of what we are dealing with.

What does this legislation do? It puts 50 more staff at U.S. ports of entry in the next 2 years to inspect toys and products coming into the country. Not only does this bill give the CPSC the necessary funding and staff, it also gives the commission the ability to enforce violations of consumer product safety bills. We have seen too many headlines this year to sit around and think about this problem and say: It is just going to solve itself. The market will take over.

The market has been broken. The CPSC has been broken. This is the time that Government comes in, which is reasonable, and works with business, as we have done. I am proud of the work Toys R Us has done with us, as well as Target, which has always been helpful in working with us. They know it has had an effect on their bottom line.

Here is what this bill does. We can beef up this agency that has been languishing for years. We can put sensible, responsible rules in place that make it easier for them to do the job. This is not just numbers on a chart. This is about a little kid that just in the last year, in the year 2007 in the United States, could swallow just a little toy, which kids have done for centuries, and end up in a coma, unconscious from a date rape drug. This bill is about numbers. This bill is about our economy. But more than that, this bill is about these kids.

I urge my colleagues to support it. I thank Senator PRYOR and the other members of our committee for their leadership.

I see Senator DURBIN from Illinois. I thank him for his great leadership on this bill. It is the most significant consumer safety legislation in our generation, as the Wall Street Journal has said. We have an opportunity, and we must work swiftly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

AMENDMENT NO. 4094

Mr. CORNYN. Mr. President, I have conferred with the distinguished Senator from Arkansas, the bill manager. I ask unanimous consent to set aside the pending amendment, call up my amendment No. 4094, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PRYOR. Reserving the right to object, as soon as he finishes his 10 minutes on his amendment, we will go back to the pending amendment.

Mr. CORNYN. I agree with that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4094.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit State attorneys general from entering into contingency fee agreements for legal or expert witness services in certain civil actions relating to Federal consumer product safety rules, regulations, standards, certification or labeling requirements, or orders)

On page 58, strike lines 4 through 7 and insert the following:

''(g)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

''(2) For purposes of this subsection, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

Mr. CORNYN. Mr. President, I congratulate my friends, Senator PRYOR and Senator STEVENS, the principal cosponsors of this legislation. I had the great pleasure of working with Senator PRYOR when he and I both were State attorneys general. As such, we were the chief consumer protection officers for our States and our citizens. I believe strongly in the importance of strong consumer protection laws. I believe this bill actually does something positive by adding to the resources available to the Federal Government by authorizing the State attorneys general under some circumstances to help make sure consumers are protected and the laws are enforced.

There is also a concern I have. That has to do with the use of outside counsel when it comes to filing legislation on behalf of a sovereign State such as the State of Texas, the State of Arkansas, or the like. We have seen examples of abuses in the past where State attorneys general have essentially transferred their authority to outside lawyers and paid them a contingency fee based on whatever the value is of what they were able to recover by way of a judgment or settlement. This, unfortunately, has created an anomaly under our system of government where we have nonelected, nonaccountable private sector lawyers who are essentially making decisions on behalf of a sovereign State. If the people of my State, for example, don't agree with what they are doing, they essentially have no right nor ability to hold them accountable or to demonstrate their displeasure with what these outside counsel have done.

There is also a tremendous—and, frankly, tragic from a historical perspective—abuse of this contingency fee arrangement when it comes to outside lawyers. In my own State, my predecessor, as attorney general, got caught up in one of these tragedies—there is no other word to describe it—and actually served time in the Federal penitentiary for directing some of the proceeds in the tobacco litigation to a friend, an outside lawyer in the case, something that, obviously, he should not have done and for which he has paid a high price. But it demonstrates the type of temptation and, indeed, the potential for corruption that exists when an elected official abdicates their responsibility and essentially hands it over to a private individual who is not accountable in a way that elected officials and public stewards of the public trust are.

What this amendment does is say the State attorneys general who are authorized under this legislation to seek an injunction in Federal court to enforce Federal law—something I support—should play by the same rules regarding the recovery of costs and attorney's fees. Section 20(g) of the bill awards costs and attorney's fees whenever the attorney general of the State prevails in any civil action under Federal consumer protection laws. But the word ''prevails'' is not defined. Under the Consumer Product Safety Act and the Flammable Fabrics Act, the Federal Government can go to court to seek an interim or preliminary injunction against a company pending a determination by the Consumer Product Safety Commission whether a product violates either act. State attorneys general would be granted the same authority under section 20 of the bill.

I support that because I think the additional resources over and above what the Department of Justice and the Federal Government currently have will help us be more vigilant when it comes to protecting consumer safety. But to charge costs and attorney's fees against a defendant based on a court's preliminary finding and before the Consumer Product Safety Commission determines whether any law was violated would be clearly unjust.

The Consumer Product Safety Act already has standards governing when the Consumer Product Safety Commission can be awarded costs and attorney's fees. So my amendment would make sure these same standards would apply to State attorneys general who would be authorized to seek an injunction under the act, that they would be no better off and no worse off but actually in the same shoes as the current standard for the Consumer Product Safety Commission.

My amendment also requires State attorneys general to play by the same rules with regard to contingency fees. We want attorneys general to bring civil cases to protect the public interest not to create a windfall for private sector lawyers. I believe this also is consistent with Executive order No. 13433 of May 16, 2007, that prohibits the Consumer Product Safety Commission and other Federal agencies from entering into contingency fee arrangements with private lawyers, and the same standard should apply to State attorneys general under this bill's new enforcement authorities.

I have talked to my friend, Senator PRYOR, former attorney general of the State of Arkansas. We have had a lawyerly discussion about why would we want to ban contingency fee arrangements when the only authority given to them under the statute is to seek an injunction and not recover money damages or fines. The fact is, creative lawyers can come up with ways to create a fee arrangement, even where only injunctive relief is sought. There is a case that he and I talked about where basically what happened is the contingency fee was calculated following an injunction based on what complying with that injunction would cost the defendant. Some percentage of that cost was then calculated as a contingency fee. Ironically, in that case it wasn't the defendant who paid that fee, it was the taxpayers of the State, in a further sort of ironic twist. There is a way for contingency fees to be calculated, even where the only authority granted is to seek an injunction.

Finally, it is important that the Senate send a strong message about contingency fee arrangements with outside counsel under these circumstances for the purposes of this act because we know the Senate will not be the final word on this—there will be a conference committee—a strong statement by the Senate that while we believe that State attorneys general can perform a useful function in seeking injunctive relief, that we should not put them in a better position than the Consumer Product Safety Commission, nor should we see the kind of abuses that can occur with hiring outside counsel under contingency fee arrangements.

I thank the distinguished Senator from Arkansas. I congratulate him on his good work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me thank my colleague from Texas for coming to the floor and offering an amendment. I don't know if I will be able to support it, but I do commend him because the amendment clearly relates to the bill, a very important bill, and it draws us into something perilously close to debate which hardly ever happens on the floor of the Senate. I hope the spirit in which he has offered this amendment will be respected on both sides of the aisle.

I know there are many pressing issues facing us in Congress and few opportunities to bring them up. But I hope this bill can pass this week, that we have an honest debate on the merits of the bill, and then bring it to passage. I support the bill. I thank Senator PRYOR.

Senator PRYOR of Arkansas has been a leader on this issue. He has done an extraordinarily good job making this a bipartisan bill. All of us read the stories last year about toy safety. Many parents came up to me in Illinois and said: What am I supposed to buy this year? Is everything dangerous? If it says ''made in China,'' am I supposed to stay away from it?

I didn't have a good answer. I couldn't recommend toys. That is not what I do for a living.

I have to tell you, a lot of the stories that were coming out in the newspapers were troubling, not just for parents but for grandparents such as me. Magnetic toys, I never had those when I was a kid. All we had were Lincoln Logs and Tinker Toys and all kinds of stuff like that—erector sets. But these were little objects that could stick together with magnets. Kids could build them into huge forms. My grandson loved them. He had boxes full of this stuff and he would make these huge things with his dad, and always wanted more.

Well, I bought it—something to bring around at Christmastime—and did not realize, until the newspaper stories came out, this toy was a danger. Because the reason it worked is, it had these tiny, little, rare earth magnets. It looked like a pill, a little black pill. They were on the end of these sticks of plastic, and that is what kept all this toy structure together.

It turned out in the earliest design of these Magnetix toys, if a kid threw it on the floor, stepped on it, whatever—ran over it with a bicycle—the little magnet could pop out. And that little magnet, for my grandson, who was a little older, was not a problem. But for tiny children, it turned out to be a big problem. If they popped it in their mouth—which little kids, crawling infants would do—and swallowed it, and swallowed more than one, those two magnets could come together inside their body and cause serious obstruction in their intestines, forcing surgery to take care of it, and in the most extreme cases killing a baby.

That was the reality of a badly designed toy on sale in the United States. The Chicago Tribune did a front-page story on it. That is when I first started paying attention to this more closely, because I thought ''I bought one of these for my grandson, and it is a danger''—at least it is for smaller children. The Chicago Tribune told the story in a very good series, about what happened when they discovered this toy was dangerous.

What happened added to my sense of urgency to deal with this issue. Because no sooner did this hazard appear than the lawyers appeared, and the lawyers took these toys and went to their legal playground and played with them for month after month after month, while they were still being sold across America. That has to stop. If there is a dangerous toy in America, you cannot expect every family to do a test. You cannot expect every family to be able to certify safety. They expect the Government to do that. That is what we are supposed to do—the Consumer Product Safety Commission. When they do not do their job, it puts families and children at risk. So this law we are currently trying to amend may have been good many years ago. Today it is not up to the challenge.

Senator KLOBUCHAR of Minnesota has been another great ally of Senator PRYOR on this effort. She had a chart earlier, and I want to show you kind of a version of it, if you will. This is a little bit different chart than hers. It indicates the number of imports coming into the United States.

I talked about toys, but we are concerned about the safety of all products—electronic products and so many others—coming into the United States. You can see from the chart, starting back in the 1970s and all the way up to today, this dramatic surge in the number of imports. Now, this may be hard for people to see, but here are the numbers of full-time employees at the Consumer Product Safety Commission—reaching a high number of about 1,000 employees in 1980, it looks like, and then this steady decline of employees, until we are down around 400 employees today. So here is a surge of imported products, and a dramatic decline, by more than 50 percent, of inspectors. Well, what is going to happen? Fewer products are inspected, fewer unsafe products are detected, and there is more danger in the marketplace.

There was kind of a popular cliche on Capitol Hill back in this era: Get Government off my back. Well, this is an example of where a safety agency fell victim to that mentality and dramatically reduced its staff, at a time when it should have kept up with the imports to protect American citizens. That is what I think troubles many of us.

I am the chairman of the Appropriations subcommittee for the Consumer Product Safety Commission. We increased the President's request for this agency, I believe from $62 million to $80 million in this year—that is an $18 million increase in real terms, about 30 percent—and said to the agency: Now staff up. Put the inspectors in place. Protect the consumers across America.

I suppose we could have given them more, but I am a little bit reluctant, having watched the process for a number of years, to put too much money too fast into an agency. I am afraid many times they do not hire the best people and they cannot adjust to change. Thirty percent, I think, is probably tops out of what you can do in any given year without running some real risks, and even that has to be carefully monitored.

So we are hoping in this bill—and I commend Senator PRYOR—to see a steady increase in the number of employees and inspectors at this agency in the hopes that when we get this done, at the end of the day we will have enough people to do the job.

When you look at the millions of dollars worth of toys brought into the United States, and all the attention we paid to those toys, there is a legitimate question about: Well, how many people out of about 400 at the Consumer Product Safety Commission were actually inspecting toys? Well, it turned out that when it came to certain types of toys, such as these loose magnets and that sort of thing, there was basically one man. His name was Bob. I had a picture of Bob standing at his inspection station which I had back in the cloakroom and somebody took it. I wish I could have brought it out here because Bob became kind of legendary. Bob has since retired. He is retired from the Federal Government. But we did manage to save a picture of Bob's workspace.

Shown in this picture is Bob's testing laboratory for toys imported into the United States. That is not a real confidence builder. It looks like my work bench in my basement in Springfield, IL. In fact, that work bench looks a little better, when I think about it. This is a mess. His toolbox is over here, and there is a bunch of toys stacked up.

Bob, the Federal inspector of toys for the United States of America—he was making do with what he had, and it was not a lot. What he did was draw this little line on the wall about 3 feet up, and then he drew another one at about 6 feet up, and he would take these toys out of the boxes and drop them on the floor to see if they broke open. That was one of Bob's impact tests in his laboratory. I do not want to make light of Bob's contribution to safety in America, but I will bet you families across America thought it was a little different process that led to an inspection of a toy that might end up in the hands of their child if they bought it in a store in America.

The good part about Senator PRYOR's bill that I am happy to cosponsor is that he goes after this whole laboratory inspection process. We should not and cannot build enough laboratories in the United States owned by the Federal Government to inspect every product that comes into our country, but we can certify laboratories in other countries that are recognized to be professional and trustworthy—that is a good investment—and then make sure that the products go through these laboratories, and make sure when they come to the United States we can identify where they came from, when they were produced and, if there is a problem, trace them back.

So Senator PRYOR's bill moves in the right direction: more inspectors here, but people also to certify laboratories in the countries of origin. If there is a toy coming from China, as an example, it may go to an underwriter's laboratory that is open in China that has been certified by the United States as a reliable laboratory, and they will have to give a seal of approval before it is shipped to the United States. That, to me, makes a lot of sense. It is a way to use our money wisely and to avoid this kind of sad situation here where you cannot believe this is going to result in a reliable process.

The funding increases in this bill are important, but even more important, from my point of view, is to make sure this Consumer Product Safety Commission is run by people who care, who want this to work. It is sad. There are supposed to be five members of this Commission. Unfortunately, there are only two who are currently serving.

This Commission under current law has to negotiate press releases with companies. If you find a Magnetix toy with a magnet that a child can swallow and can have terrible health consequences and want to take the product off the shelf or recall it, it turns out to be a battle royal between lawyers even negotiating the wording of the press release. While all this is going on, unsuspecting families are buying these toys. Now Senator PRYOR in this bill is going to expedite this process.

Secondly—and this is one that I think is essential—we have to fine those who violate this law in a manner where they will pay attention. If you have a product you continue to sell that is dangerous, that is on recall and you sell it anyway but figure: My company will make enough money that I can pay the fine and live through it to see another day, that is not a good outcome—certainly not for the consumers across this country.

So what Senator PRYOR in this bill does is to increase the fines to a level where they truly are meaningful, and companies will have to think twice before they would consider selling a product that is facing recall.

This package also over time increases the authorization level for the agency. It strengthens civil and criminal penalties. It requires third-party certification and testing, as I mentioned. It makes it mandatory for manufacturers of toys and children's products to comply with accepted safety standards. It bans the presence of lead in all children's products. My hat is off to Senator KLOBUCHAR. She has been a great leader on that issue. It allows for parents to have faster access to injury reports and other information to help alert parents to product safety risks. It improves the way this Commission conducts its business.

It allows State attorneys general to enforce product safety law in specified instances. I believe it is only injunctive relief they can seek, and only if the Consumer Product Safety Commission and Federal agencies do not move forward to protect the consumers. It restores the Consumer Product Safety Commission to a five-member Commission, which it should be.

I hope my colleagues will look at this bill closely and realize we are doing something that is rare. We are taking a law that has not been touched for 18 years and bringing it up to speed.

Eighteen years ago, as my chart showed earlier, imports were at a very low level. Imported products have risen dramatically. We have to rise to the challenge. It is heartening this bill Senator PRYOR brings to the floor, along with Senator STEVENS, Senator COLLINS, Senator INOUYE, myself, Senator KLOBUCHAR, and so many others, has a broad coalition of groups supporting it: the Consumer Federation of America, the American Association of Pediatricians, and Consumers Union, to name a few. One of the CPSC Commissioners, Mr. Moore, has endorsed this legislation, and a number of State attorneys general.

Passing a strong, consumer-oriented bill such as this is the next step in safeguarding consumers. I do not think American families should ever have to go through a Christmas or holiday season as they did last year wondering if products on the shelf are safe for their kids. If history is our guide, we may not have the chance to revisit these policies if we do not pass this bill right now.

I want to thank a number of individuals who played a significant role in helping me work on this issue and helping others: Rachel Weintraub, who was at the press conference yesterday for the Consumer Federation of America; Ami Ghadia and Ellen Bloom of the Consumers Union; Ed Mierzwinski with U.S. PIRG; David Arkush and Mike Lemov from Public Citizen; Cindy Pelligrini with the Association of Pediatricians; Nancy Cowles with Kids in Danger; and Patricia Callahan and Maurice Possley with the Chicago Tribune. The last two did an exceptional job as reporters. This was journalism at its best. They told a story—a gripping story—well documented, which caught the attention of this legislator, which led me to take this issue more seriously. My hat is off to the Chicago Tribune, Patricia Callahan, and Maurice Possley for their work on this issue.

Finally, let me say this: Passing this law is not the end of the story. My Appropriations subcommittee is going to call the Consumer Product Safety Commission in. We are going to keep an eye on them. We are going to make sure that taxpayers' dollars are well spent, that there is no question in the minds of those who are running this Commission about what Congress wants to achieve with this new authority and these new resources. If there is push-back and resistance from this agency to change, they are in for a battle. I hope we do not see that.

I think American consumers want to know the toys and products they buy off the shelves across America are safe for their families and safe for their kids. We focused on toys, but it is not the end of the story. There are an awful lot of products, many products which we buy every day, trusting this Government to put its seal of approval on and some inspection behind it. We have to meet our obligation to people who count on us to make sure that government does its job in an effective, efficient, and dollar-efficient way. Unfortunately, this agency has fallen behind. As it fell behind, so did some of the confidence of American consumers about products on the shelves.

I also think we ought to work with foreign governments. The Chinese came to see me repeatedly during the last holiday season and said: We have gotten the message. We are going to straighten this out. I am hoping they live up to that promise.

Also, in fairness to China, for example, which has been the butt and focus of many of the critiques when it comes to imports, the fact is that many of the toys they sold were designed by American companies, and those companies need to be held responsible for the toy design that the Chinese actually implemented.

The last word I will say is for special recognition to two companies which, during the midst of this toy scandal, did the right thing as corporate citizens of America—one was the chain Toys R Us, and the other, a major toy maker, Mattel—when this story came out. The CEOs of both of those companies contacted my office and said: We are going to work with you. We are not going to run away from this issue. We know that if American consumers don't have faith in our stores and in our commitment to them, it will not only hurt our sales, but it will put families in jeopardy.

Jerry Storch from Toys R Us was at the press conference yesterday. I commented that in the old days, corporate strategy used to be duck and cover. If a scandal emerges involving your company or your products, you duck the press and you try to cover it up. Jerry Storch didn't do that. He stepped right up and said: Toys R Us is going to work with you to make sure the products are safe. He kept his word and came to the press conference yesterday.

The same thing is true with Mattel. I think they are genuinely committed to the safety of kids and families, and I thank them for their leadership, as well as others, but those two really impressed me, that they would do the right thing from a corporate viewpoint. I hope consumers across America will hold them to their promise, and if they keep it, we will reward them with our business. They deserve it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask that we return to the regular order.

The ACTING PRESIDENT pro tempore. Amendment No. 4090 is pending.

Mr. PRYOR. Mr. President, I wish to thank my two colleagues who just spoke—really, all three.

Senator KLOBUCHAR has shown great leadership when it comes to this issue. This is a very personal issue with Senator KLOBUCHAR. These recalls and injuries and even deaths of children have affected some families in her State, but she has taken this on as a very important personal issue that just so happens to be good for the country.

I also wish to thank Senator DURBIN for his leadership. He has been involved in this legislation since the beginning. He has given a lot of wise counsel over the course of this legislation. He has a very strong passion about this issue. He also has been able to, as he mentioned, talk with Toys R Us and have them come in as one of the largest toy retailers, to allow them to show some leadership in the retail industry, which I think has been very helpful and very positive in the last few days.

Lastly, I wish to mention Senator JOHN CORNYN. Again, we are going to look at his amendment to see if it is something we can agree to. I have a few traps running over here, but I told Senator CORNYN a few moments ago that we would definitely give his amendment a very serious look, and maybe it is something we could work on and work through and maybe attach to the bill. But I have some work to do on my side.

I wish to say a few words about one provision of the consumer product safety legislation we are working on right now. It has to do with the Commissioners. This is an agency that, when it was formed in the 1970s, had five Commissioners. No one can really tell us why, but sometime in the 1980s or 1990s, it went down to three Commissioners. It may have been an appropriations issue, and it was perhaps a pragmatic decision at the time. No one is really sure about that. However, I feel strongly—and I have talked to several colleagues, and they see the wisdom in this—that we really need five Commissioners on the CPSC. The reason is because the CPSC deals with over 15,000 types of products. It has a huge amount of jurisdiction that is really too much for three Commissioners to handle.

In fact, I have had the opportunity to talk to Commissioners from the Federal Trade Commission and the Federal Communications Commission, as well as former Commissioners from the CPSC. All of them agree that given the broad jurisdiction the CPSC has, it would be very helpful to have five Commissioners. For one thing, it gives a broader variety of perspectives and opinions, but another thing that happens as a matter of practice is the five Commissioners, whether by design or because it just happens this way, tend to start to specialize in certain areas.

Again, given the 15,000 types of products the CPSC oversees, we could understand how we might need a little bit of specialization and we might need the Commissioners to focus on specific areas because it will help the Commission be stronger overall. So we change the law in our legislation. We go from the three-Commissioner setup we have today and we move it to five Commissioners. We return it back to the way the Commission was originally designed. We feel as though this will be a very positive development.

As part of this issue as well—in a little different section of the bill but nonetheless related—I believe and the cosponsors believe we need to reauthorize this Commission for 7 years. Part of that is because we need to help retool and rebuild this Commission over a several-year period.

One of the things we make very clear in the legislation is we don't try to fix everything on day one. There is a lot that needs to be fixed, a lot that needs to be addressed, but as a practical matter, realistically, we can't fix everything in 1 day. Rome wasn't built in a day, and you can't rebuild the CPSC in one fiscal year. What we are trying to do is phase this in over time and make sure we do it the right way, make sure we do it the smart way. That is why I believe that a 7-year reauthorization makes good sense under the circumstances.

The last point I wish to make this afternoon, or at least right now, is that we have a provision in this bill that I think will really benefit families in a very practical way; that is, we have a provision in this legislation to put identifying marks on products.

We have all been in the situation where big brother gets a G.I. Joe or whatever it may be and passes it down to little brother, or your daughter gets a set of dolls from a neighbor whose kids don't play with those dolls anymore, or whatever the case may be, and we never even saw the original packaging on a lot of that stuff. We don't know when it was made. We don't know how old it is. We don't know anything about it. All of a sudden, we read something in the paper or see something on television about a recall. Right now, we don't have any way of knowing whether it is this particular toy that has been recalled.

So what we are trying to do is set up a regime here where—and by the way, we worked with the manufacturers on this to make sure this is a practical, sensible solution, and we think it is—but to actually stamp the products with different identifying numbers, maybe batch numbers, lot numbers, whatever—not to get into all the technical aspects of it—so that when there is a recall, when there is a problem, or there is some sort of hazard that has been identified, families can look at their product, look at their toys, and know if that is a product that is subject to recall.

So we are trying to be very practical in how we approach this. We are trying to beef up the number of Commissioners. We are trying to make this a 7-year reauthorization, but we are also trying to do things that help families make the determination to keep their families safe, and this is something which I think has been lacking in the current system. Hopefully we will be able to measure in the number of injuries and in the number of deaths and even the number of recalls that happen and the amount of litigation—we hope all of that will go down when it comes to consumer product safety. Hopefully, we will be able to look back and see this as a good piece of legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

AMENDMENTS NOS. 4095 AND 4096, EN BLOC

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up two amendments I have at the desk. They are amendments Nos. 4095 and 4096.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, I am sorry, what were the two amendments?

Mr. DEMINT. If I can respond to the chairman, two amendments—one is the House bill, which is 4095, and the other relates to the whistleblower provision, which is 4096.

Mr. PRYOR. I am sorry. Was the request just to talk about those?

Mr. DEMINT. No. They are at the desk. I wanted to call them up and speak about them later.

Mr. PRYOR. Call them up and then go back to the pending amendment?

Mr. DEMINT. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendments numbered 4095 and 4096.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment (No. 4095) is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 4096) is as follows:

(Purpose: To strike section 21, relating to whistleblower protections)

Beginning on page 58, strike line 11 and all that follows through page 66, line 9.

Mr. DEMINT. Mr. President, I yield the floor.

AMENDMENT NO. 4094

Mr. PRYOR. Mr. President, I ask to return to the regular order.

The ACTING PRESIDENT pro tempore. The amendment is pending.

Mr. PRYOR. Mr. President, I think we have some colleagues who may be on their way to the floor shortly. I would encourage our Senate colleagues to come to the floor and offer amendments if they have amendments or offer constructive suggestions if they have those or even if they just want to come down and speak. We would really like to get this legislation wrapped up this week. So far, the cooperation has been excellent on both sides.

Again, I wish to commend Senator DEMINT and Senator CORNYN for coming down and offering and addressing amendments that are germane. One of the concerns I had is that we might see the floodgates open up on this legislation and come in with all kinds of nongermane amendments. So I thank colleagues on both sides of the aisle for keeping the amendments germane and on point.

Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

THE CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT—Continued

The PRESIDING OFFICER. Who seeks recognition? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have an amendment I wish to offer. I will not do it at this point because in order to offer the amendment, I have to ask unanimous consent that the current amendment be set aside. I will describe at least what I am intending to offer. I am going to speak for a couple of minutes because there will be time later to consider this amendment.

This amendment does not deal directly with the underlying legislation. It certainly deals with consumers and this bill deals with consumers. I first applaud my colleague from Arkansas for the work he has done on the bill. I have a couple of amendments to the bill that I will offer as we move along. But this amendment that I wish to offer deals with something else that is urgent and important, and either I get it done on this bill or the next authorization bill that comes along.

The price of oil is somewhere around $103 a barrel at this point. It is bouncing around up in that stratosphere, and the price of gasoline, depending on where one lives, is $3, $3.25, $3.50, some analysts say going to $4 a gallon. Even as the price of oil has ratcheted way up, this Government of ours and the Department of Energy is taking oil from the Gulf of Mexico by awarding royalty-in-kind contracts to companies with to the Federal Government. Instead of putting this oil into the supply pipeline by allowing companies to simply sell it, our Government is actually putting oil underground in the Strategic Petroleum Reserve.

I support the Strategic Petroleum Reserve, but I do not support filling it when oil is $103 per barrel. Putting 60,000 to 70,000 barrels per day, every single day, underground makes no sense at all. That puts upward pressure on gas prices. The EIA Administrator estimated this morning at an Energy and Natural Resources hearing that the Government's action is raising prices about a nickel a gallon. The fact is, I believe it is more than that.

In any event, I do not think we ought to be taking oil out of the supply pipeline as a deliberate policy of the Federal Government and sticking it underground in these caverns. That makes no sense to me.

This issue came up in the hearing this morning. We have had hearings previously on this topic. I have indicated I intend to offer legislation. My legislation would do two things. It would say, at least for the next year: Let's take a pause on sticking oil underground and taking it out of the supply. Let's take a pause as long as oil is above $75 a barrel. When oil is above $75 a barrel, let's at least, for the next year, not be taking it out of the supply and sticking it underground.

Here is what is happening. On this chart, these are places that our Federal Government is now putting oil underground—Bayou Choctaw, West Hackberry, Big Hill, and Bryan Mound. We are getting oil from the Gulf of Mexico and putting it underground in these salt domes.

The price of oil is subject to a lot of things including excess speculation these days which I have described on the floor of the Senate previously. We had a hearing on this topic. Here are comments from Fadel Gheit, a top analyst from the Oppenheimer & company. He says: There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above $55 a barrel. Oil speculators include the largest financial institutions in the world are speculating on the future's market for oil. I call it the world's largest gambling hall.

He is talking about the futures market on which these prices are made.

I call it the world's largest gambling hall. . . . It's open 24/7. Unfortunately, it's totally unregulated. . . .This is like a highway with no cops and no speed limit and everybody is going 120 miles an hour.

We have hedge funds that are speculating every day in a significant way in the oil futures market. We have investment banks that are speculating in the oil futures market. In fact, we now read that investment banks are actually buying storage facilities so they can take oil off the market, put it in storage, and wait until the price goes up. We have not had that before. This is not about a supply-and-demand relationship of oil. It is about speculators who are driving up the price of oil and a futures oil market that is rampant with speculation.

Even as that is occurring and we see oil bouncing at $103 a barrel, we have a policy in the Federal Government to take oil from the Gulf of Mexico and stick it underground. That makes no sense to me at all. What we ought to be doing is, the royalty-in-kind oil we get from those wells that belongs to the people of the United States that comes to our Government ought to go into the marketplace to be sold, to be part of the supply system. The Federal Government gets the money for it because it was the Federal Government's payment for that oil as part of the royalty. The oil goes into the supply pipeline and, as a result of that, we put downward pressure on gas prices.

Instead, as a matter of deliberate policy, our Government has decided to stick it underground in the Strategic Petroleum Reserve. It is now about 60,000 to 70,000 barrels a day, and it is going to increase to 125,000 barrels a

day in the second half of this year. It is oblivious to all common sense to be putting upward pressure on gas prices as a deliberate policy of the Federal Government. It makes no sense.

As I indicated, my amendment would very simply say: Let's take a pause; let's use a deep reservoir of common sense, take a pause during this year, during a 1-year period, that if the price of oil remains above $75 a barrel, we ought not put that oil underground.

The average price, by the way, in the Strategic Petroleum Reserve of oil that has been stored is about $27 a barrel. Why on Earth would you buy oil at $103 a barrel, put upward pressure on gas prices, and stick that expensive oil underground? It makes no sense.

I indicated that I do not intend to speak at length about this amendment. I have spoken about this before and will later. I see Senator BARRASSO from Wyoming is on the floor. He was part of the hearing in the Energy Committee this morning. He and I talked about this subject. He and I have some of the same concerns. I visited with him, perhaps, about cosponsoring this amendment at some point.

With that, I don't know whether we have been able to clear offering this amendment. I understand not at this point. In order for me to offer an amendment—in order for anybody to offer any amendment I have to ask unanimous consent to set the pending amendment aside. So if I were to offer that, I understand that has not yet been cleared. My hope is we will be able to clear it so I will be able to offer this amendment later this afternoon.

Mr. President, I have spoken with the manager of the bill and I will withhold asking unanimous consent to offer this amendment that I apparently cannot yet get. However, I would like to come back later this afternoon and hopefully we can clear my offering this amendment.

I understand my colleague from Wyoming is seeking recognition. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

CRAIG AND SUSAN THOMAS FOUNDATION

Mr. BARRASSO. Mr. President, years from now, young people in Wyoming will talk about the many events that have helped shape their lives—people such as their parents, their friends, and their teachers, places such as the Tetons, Devil's Tower, and the Wyoming Range, and some will say that Craig and Susan Thomas helped change their lives. They will say there was a foundation. Almost out of the blue they will say that it gave them a scholarship, that it encouraged them to succeed, and that it helped them back into school. And one of those individuals will be able to say: I now have a great job, I have a family, and I get to keep living in Wyoming. These young people will say: If it wasn't for the Craig and Susan Thomas Foundation, I don't know where I would be today.

We know the Craig Thomas who fought every day for the people of Wyoming, advocating before each of you with a Western common sense that is legendary, but on the weekends and on his time in Wyoming, for nearly two decades, the one thing our friend Craig Thomas dedicated himself tirelessly to was the young people of Wyoming. Every kid—top of the class, middle of the class or simply in the class—Craig Thomas would want to meet with them, would want to talk with them, want to laugh with them. He even played Hacky Sack with them in his cowboy boots. He would find out how they were doing, what they were thinking, what they were going to do with their lives. He would tell them to find out what it was they liked to do the best and then do it.

Craig believed everyone should be a good citizen, learn as much as possible, and then have a chance to be happy. But for economic reasons, for family challenges or just a raw deal, we know some of these kids face tall hurdles. Some kids have a harder time, and Craig was always there to help.

Many of my colleagues know Craig also had a wonderful partner in his mission for Wyoming kids, Susan Thomas. A lifelong teacher herself in developmental education, she joined him proudly in reaching out to Wyoming's youth. Together they did an amazing job. I saw them do it. I know many of my colleagues also saw it when Craig would bring members of Susan's classes through the Capitol each year. They would come to watch, to learn, and to be invited in.

Craig and Susan inspired kids across Wyoming and kids right in this area too. When Craig passed, the letters came streaming in. They came from young adults who said that when Craig Thomas told them they could do something, that they could be anything they wanted to be, when he helped steer them toward achievement, it made a difference in their lives. He inspired and he improved their lives.

Today, March 4, 2008, Susan Thomas is in Cheyenne to launch the Craig and Susan Thomas Foundation. It is a foundation that will reach out, that will search out, that will find the young Wyoming people who need, as Susan says it, a leg up in getting back on a horse after falling off.

Technically, it is a foundation that serves at-risk kids by helping them into programs—programs from cosmetology to culinary schools, votech to high tech, mechanical to anything they are interested in achieving.

The Craig and Susan Thomas Foundation is also ready to identify these young people through many avenues, through the traditional school systems but also through people active in the community. For those people who champion the causes of Wyoming's young people, the foundation will give them special leadership awards.

This is a program for kids who may not qualify for other programs, kids who deserve our attention, kids whom we should not ignore, kids whom our Senator Craig Thomas almost instinctively knew how to help, how to lift up. The Craig and Susan Thomas Foundation will continue to find them, thankfully, and to help them.

This is an exciting day, and congratulations to Susan Thomas, who, with courage and love, carries on Craig's legacy for inspiration, for hope, and for a better life for all of Wyoming's young people.

We miss Craig very much. We are still touched by his deeds. Good luck, Susan, and our very best to you.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, let me start our conversation this afternoon about the consumer product safety bill with a chart. I will come back to it in a few minutes, but as the camera focuses on this chart, these are the toys that were recalled in the last year. You can see it starts in March of 2007 and goes to February of 2008. Represented on this calendar are the record number of recalls that we saw last year. I am sure members of the public recall over the summer months—May, June, July, August, and even into September—there were a series of newspaper articles, news magazine stories, television, radio, in addition to Internet stories about the excessive number of recalls.

Really, this matter came to the public's attention through the toy recall issue. Now, of course the Consumer Product Safety Commission deals with a lot more than just toys. Toys are very important, and it is a big piece of what they do, but the CPSC does a lot more than toys. But this chart shows the toys, to give a sense of how many recalls we are looking at every year. And what we have done is, we have picked one item that would represent that recall every month. You can see that most months it is four or five recalls in that given month.

So the CPSC has been very busy. Unfortunately, that is part of the problem. They are overwhelmed with the

marketplace today, and it has been very difficult for the CPSC to keep up with the tremendous number of imports.

By the way, every single toy on this calendar is from China—every single toy. I didn't come here to pick on China today, but facts are facts. Last year, in 2007, every toy recall was from China.

One of the things we are trying to accomplish in this legislation is to make sure imported toys meet our safety standards. This is a very basic function of Government; that is, to provide for the health and safety and the general welfare of the people. The Consumer Product Safety Commission is on the front line of doing that.

Now, I want to talk about this again in a few moments, so I will leave it up and allow people to look at it if they want. But before I do, I want to talk about another provision in the legislation that some have found to be controversial. To be honest with you, some of this controversy is because people have looked at the previous version of the bill.

In the previous version of the bill, we had an attorney general enforcement provision that was very aggressive and somewhat open, and people were very concerned that the attorneys general might go wild, so to speak, and start to initiate litigation and bring lawsuits that the CPSC was reluctant to bring.

Regardless of how the committee bill was drafted, that has changed in this legislation. I want to be very clear for my colleagues and, again, for staff members who are watching in their offices on Capitol Hill, that has changed dramatically. I want to go through those changes, if I may, very quickly.

First, when we talk about adding State attorneys general to this enforcement mechanism for the CPSC, we are talking about putting more cops on the beat or, as someone said the other day, ''more feet on the street.'' You can call it what you want, but the idea is that we have a choice to make. If we want to enforce CPSC decisions, we can do it one of two ways: We can hire more people at CPSC and maybe the Justice Department and pay another $5 million, $10 million, $20 million, $50 million, or whatever it may be for enforcement personnel, who are Federal employees, or we can turn this responsibility over to the States and allow the States a piece of this so if there are problems in their home States, they can go after their problems with no Federal taxpayer expense. And that is the route we have chosen in S. 2663.

I know there are some, especially in the business community, who fear the attorney general. When I say that, I mean the State attorney general. They have seen what happened in the tobacco case several years ago. They have seen what has happened in a few other cases since then, and they fear what the attorney general can do, and will do, given the opportunity. Well, let me say a couple of things about that.

First, I was the attorney general of my State, and I know how that office works and I know how attorneys general think and the approach they take to problem solving. I would say that most attorneys general have resource issues like everybody else. They are strained in terms of how much time and attention they can devote to certain matters. Most AGs—not all but most AGs—have the consumer protection ability in their State offices right now. There are very few who don't.

The other thing that is very important about the attorney general is, in the States, the attorney general position is a very respected position. If you take a poll around the country and ask various people in their States, they have a high degree of respect for the attorney general because, by and large, these men and women have done a great public service for their States. In fact, we have to remember, as Members of the Senate, these attorneys general are elected by the very same people we are. I think it is 44 States—I can't remember the exact number—where the attorney general is popularly elected. There are a few that are not. I think Tennessee has the State supreme court appoint the attorney general. But, regardless, most State AGs are elected by the people, and the people trust them.

The other thing I wanted to say about attorneys general is, in general, the reason the State attorneys general act is because Congress fails to act. We saw that in the tobacco case. Several years ago—again, this has been about 10 years ago now or a little more—there was a bill in Congress to regulate tobacco and to fundamentally change Federal tobacco law and the national tobacco policy. Again, I don't remember exactly what year this was—it was sometime in the mid-1990s, I don't remember exactly, but that bill got bogged down. That bill did not make it out of the Congress, and it never became law.

That was the triggering mechanism for the States' tobacco litigation to rev up. I think it had existed before that, but once the Congress failed to act, once people here in Washington couldn't address and couldn't resolve one of the Nation's great problems, the States acted. And that is the nature of it.

So one thing I encourage my colleagues to think about is to think about our acting and our taking care of the Consumer Product Safety Commission so we don't see that patchwork out in the many States, where State legislators come in with these great ideas about consumer product safety legislation, where State AGs don't try to get creative and come up with some sort of master plan for litigation. Let's avoid that. Let's pass this S. 2663, the CPSC Reform Act. Let's pass this and allow the State AGs some enforcement responsibility but also keep this in the Federal purview.

Let me talk briefly about that. S. 2663 would authorize the State attorneys general to bring a civil action to seek—and this is very important—injunctive relief only for clear violations of the statute or clear violations of orders by the CPSC. So I need to be very clear.

What we are talking about is enforcement only. We are talking about injunctive relief only. That means no money damages. That is what we are talking about. We are talking about the States watching the CPSC, maybe the best example, maybe doing a recall somewhere in the State. They find that product is still on the shelves; it should not be. Maybe it is showing up in Dollar Stores, maybe some retailers like small guys or whatever ignoring it. The State attorney general can step in and get those products off the shelf.

You all know as well as I do the way that is going to work in the real world is the minute the attorney general shows up at that store, they are going to get those products off the shelves. That is the way it works.

It is like a friend of mine told me—one time I called him up and I was the attorney general. He said: Oh, man, my worst nightmare is to have the attorney general call me at my office because you never know what the AG is going to do. It is like having ''60 Minutes'' show up in your front lobby or something.

But, nonetheless, that is the way it is going to work. The mere fact that the States have this authority gives a local hammer to the CPSC that they do not have right now. Right now, what we have to do is rely on the Justice Department or we have to rely on CPSC employees to turn around and try to enforce those out in the various States; try to track down all of these products wherever they may be.

It is hurting enforcement. The States and the State attorneys general are naturally in a better position to know what is going on in their State, and they are in a better position to enforce the CSPC orders in their State. That is the way it is.

Let me say a few more things. I want to get back to this chart. The Consumer Product Safety Commission bill we are talking about now not only limits the attorneys general in the two ways I have mentioned, they have to follow the CPSC, and it has to be for injunctive relief only, but also this requires that the State would serve written notice on the Commission 60 days prior to them filing. So they have to actually notify the Commission.

The fourth thing, the fourth out of five safeguards that are built into this legislation, is that the Commission, if

they so choose for whatever reason, can intervene in that litigation.

The last thing is that if the Commission has a pending action going, the States cannot get in that action. Here again, we want to make sure that the CPSC remains in the driver's seat. One of the myths about this legislation that I have heard—and, quite frankly, it has been mostly on this side of the aisle and this is in the business community—is if we pass my bill, what is going to happen is there are going to be 51 different standards out there, there is going to be litigation coming everywhere. That is not the case. Again, because of Senator STEVENS' work that he did to make this bill a bipartisan bill, what we are left with is these very tight controls on the attorneys general. Nonetheless, I think there is value, good value in the States having that enforcement mechanism on a State level.

The other thing I wanted to say before I turn to this chart is this is not a new approach. This is not a new approach. In fact, for over a decade State attorneys general have been able to seek injunctive relief under the Federal Hazardous Substance Act, a statute enforced by the CPSC. This authority has not resulted in varying interpretations of law that have been a concern—if we give the States some authority, we are going to have all of these 51 jurisdictions out there doing all of these different things. That is not the case. We have a 10-year track record with the Hazardous Substances Act and the States have not abused it. They have not abused it. So we know the States can play a very important role with the CPSC and with the Federal Government.

And, by the way, there are lots of other examples—I do not have to get into all of those right now, but lots of other examples where there is a Federal component and a State component to something where the States are allowed to do some enforcement or play a State role, an important State role. I think that is what this has as well.

Let me go to this ''toxic toy'' calendar again. Here again you see these toys that look very familiar, like Thomas up here. Here is the ''Evil Eye'' up here in June of 2007. If I am not mistaken, this is one where they actually had kerosene in the eyeballs. Can you imagine that? They sell these little rubbery or plastic eyeballs that actually had kerosene in those. And this was a children's toy. It is hard to believe.

But you see tops, you see Sesame Street characters, you see little things such as building blocks, you see little scooters, dart boards, a wagon, you see all kinds of things. Some of these might have had lead paint, some of these may present choking hazards. But you can see how busy the Consumer Product Safety Commission is.

Again, part of our legislation is to give them the resources they need in order to do these recalls. But you can imagine with all these recalls and how busy they are—you know, they are over here in September of 2007. They do these toy recalls. Well, suddenly it is October, and they are working on five more. They do not have time to go back to the State of Arkansas or the State of Delaware or Wyoming or wherever it may be in order to go back and enforce what they had been doing in the previous month. They do not have time for that or have the resources for that.

Again, I think the way we have this structured is very positive. Let me give a few examples of what we are talking about here. Let's start with this first month, March of 2007. See this airplane right here? The batteries can overheat in this airplane and cause a fire. This animal farm, this little farm right here, these little pieces can fall off and they become a choking hazard. This keyboard can catch fire. This easel has lead in it.

Then we go over here to April. We see on the infant bouncer, which is right here, this little infant chair, a falling hazard out of the seat. There may have been something in the design or construction that made children susceptible to falling out of this.

This puzzle has a choking hazard. Again, maybe these knobs come off or something will break off, I am not quite sure, but a choking hazard; this activities chart, a choking hazard; the bracelets that you see here, lead poisoning. Again, you can go down this list. This infant swing right here is an entrapment hazard. I am going to tell you, these entrapment hazards are terrible stories. I have talked to those families before. We had a case in Arkansas a few years ago. It was not with an item here, but it was with a crib type playpen. I am going to tell you, it collapsed on the child and choked the child. It was terrible. Unfortunately, we see that all over the country.

This ''Evil Eye'' eyeball, they are ''evil eyes'' because they are full of kerosene. It is hard to believe. Seriously. Think about that. It is hard to believe that any company with any sense at all—I mean, unbelievable—would actually put kerosene in the little toys. Think about it. I do not know why in the world they would ever do that. But that is exactly what they did.

Again, we can go down a long list of what can go wrong with these toys. But this is why the marketplace needs some supervision. The marketplace needs something such as the CPSC and someone on a State level, such as the State attorneys general, to make sure these toys are not present in the stream of commerce in the various States.

Again, the attorneys general provision of this proposed bill has been a little bit controversial, but it should not be anymore because we have built in the safeguards. We have tried to find the consumer protections. We have tried to make the right policy but at the same time make sure that the attorneys general have the right parameters on them and also keep the CPSC in the driver's seat and to make sure that the State AGs can only seek injunctive relief.

That is a very important point, that injunctive relief, because what that means is there are no money damages with an injunction. They are going out there to force someone to do something such as pull something off the shelf or stop selling something or whatever the case may be. That is a very positive development.

I have heard from a few groups in the last several days on this concern about contingencies: We should not have any contingent fees. Well, realistically, as a practical matter, I do not think you are going to see any contingent fees with injunctive cases. It is very rare to find injunctive cases with a contingency fee. I guess it can happen. I have seen one example where some lawyers tried to do that.

The other thing about the State AGs, given the nature of these claims, I do not think you are going to see very many States use outside counsel. Usually the States bring in outside counsel when there is something very complicated, where there are a lot of costs, or it is a long-term piece of litigation that is going to take years and maybe millions of dollars to repair, very complicated. Again, this is not one of those types of cases. This type of case is you see a CPSC finding, for example, they say the evil eyeballs, kerosene-filled eyeballs cannot be sold in the United States. Some AG is out, they look around, they see it being sold in a Dollar Store, they see it being sold in some discount store somewhere, and they can go after that store and make them get them off the shelves.

Again, I think what you will see here is probably very little litigation. I think once that attorney general tells them, we are about to come after you, in my experience as attorney general, most people will respond to that and respond to that very quickly. They do not want the publicity, they do not want the hassle of selling something such as that.

The last thing I was going to say on the contingent fees is contingent fees, of course, are used in lots of different types of litigation. But if you think about it with injunctive relief cases, there is no money to base a contingent fee on. So if you are going to pull a bunch of ''Evil Eye'' eyeballs off the shelf, how does the contingent fee work? I think more often than not, much more often than not, you will not see any contingent fee cases. I do not think they apply.

The last thing I was going to say on the outside counsel, most States have a process you have to go through to get outside counsel. In fact, when I was attorney general of Arkansas, we never went through the process. We knew about the process; we never went through it. But you actually had to get approval of the State legislature and have the Governor sign off on it. They did that before I became AG. I do not think they ever did that when I was there. I do not think they have done it since. Everyone has a different process, but usually the States will have to go through an RFP type process that can take months. Again, we already have a provision in here where they have to send notice to the CPSC for 60 days. So I would be surprised if you see the States want to stretch out this timeframe, because usually what they have done is they have found a dangerous product in their State, and they are trying to get rid of it.

We have worked very hard to listen to everyone's concerns about the State AGs. We have tried to meet these concerns. We have tried to make sure the concerns are valid. We have tried to meet those and tried to make sure we can keep this bill bipartisan, and hopefully get the 50 votes on this bill as it is written right now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

AMENDMENTS NOS. 4095 AND 4096

Mr. DEMINT. Mr. President, I would like to take a few minutes to speak on two amendments I called up this morning. I appreciate the opportunity to speak. These amendments certainly relate to the consumer product safety bill my colleague from Arkansas has done such a great job ushering through committee and onto the floor. It is clearly a very important issue for us as a nation.

Last year, we were reminded a number of times of the problems when the safety of our products is not ensured. We saw some products coming in from other countries that gave us cause for concern, as well as from within our own country. In the food and drug area, we have certainly seen problems there. So we need as a Congress to make sure we do everything we can to ensure the products that are sold in this country, particularly for our children, are safe.

This was an issue the House of Representatives took very seriously. They have worked for a number of weeks, if not months, on a consumer product safety bill. Speaker PELOSI was very involved with the bill, as well as Chairman DINGELL and Ranking Member BARTON. They produced a bill that had been vetted by a number of people. It had support from consumer product groups, as well as from a number of manufacturers, which is key, that we cannot ignore in the Senate. We need to make the products safe, but we also need to make sure we do not put such a burden on American businesses that they cannot create the jobs and grow the opportunities in the future. That is a delicate balancing act which I believe the House achieved.

In a remarkable vote, the House voted unanimously to support the consumer product safety bill they had on the floor. That bill does a number of things we talk about here.

Let me first read a quote from Chairman DINGELL, who is the chairman of the Committee on Energy and Commerce. It was his committee that worked so hard on this bill. He said, in a New York Times editorial:

> Let's hope that the Senate acts expeditiously and with the same bipartisan commitment as the House.

It is a quote I very much appreciate. We were here in the Senate disturbed, a few weeks ago, when we worked real hard to pass a bipartisan Foreign Intelligence Surveillance Act that we hoped the House would act on in the same bipartisan fashion. Unfortunately, the House decided they needed to include some provisions, some special interest provisions that allow plaintiffs' lawyers to sue the telecommunications companies that are helping us intercept messages from suspected terrorists.

I am afraid we are doing the same thing now on the Senate side that our House colleagues did. We have a very important issue in front of us, which is consumer product safety. The House has sent us a bipartisan bill with clear support from all our constituencies. Yet we have decided on the Senate side to add some special interest provisions, specifically for plaintiffs' attorneys and union bosses.

The House bill does a lot of the things I believe in and I think most of my Senate colleagues believe need to be done.

First of all, it requires there be third-party testing of children's products for lead and other hazards to ensure that unsafe toys never make it to the shelves.

It also requires, as my colleague from Arkansas was mentioning earlier today, that manufacturers place distinguishing marks on products and packaging of children's products to aid in the recall of those products. It can be years later that a product is found to be defective and recalled, and we need to have a way to identify those defective products and recall them and to notify consumers of safety problems.

The bill the House passed unanimously also replaces the Consumer Product Safety Commission's aging testing lab with a modern, state-of-the-art lab that will allow them to find which toys are safe and which ones are not.

It improves the public notice about recalls so we have a better system of letting the public know when we find a safety problem.

It preserves a strong relationship between industry and the Consumer Product Safety Commission to ensure that industry continues to share information we can use to determine the safety of products.

It also restores the full panel of five Commissioners to the Commission.

This bill is a bill we should pass in the Senate. We know if we go through the process this week of adding amendments and changing the bill, even if we ultimately pass a bill, we are looking at weeks if not months in conference with the House to come out with a final bill.

We have an opportunity. If we pass this amendment, which is a substitute to the underlying bill, passing the House bill, we can send a new bill, a consumer product safety bill, to the President that can be implemented right away.

Again, this is a bill that passed 407 to nothing in the House, with the Democratic leadership taking the initiative on this bill and Republicans agreeing. What we are doing here in the Senate is adding a number of provisions that are not for consumer product safety but designed to create loopholes for special interests.

One is the whistleblower protection provision, which I have a separate amendment to strike. There are ways we can fix this provision. We have a Federal standard we apply to our own agencies that does not create an open-ended litigation process but focuses more on protecting those who make us aware of a problem that an employee tells us about. We need to do that in industry.

I am certainly willing to work with the majority on this issue. I believe Senator CORNYN has an amendment that applies that Federal standard, which would improve this legislation, provide whistleblower protection, but at the same time not create a playground for plaintiffs' attorneys as well as create an opening, as this bill does, for disgruntled employees to wreak havoc inside an organization.

The way the bill is set up, any employee—who may be aware he is getting ready to lose his job for incompetence or something else—can complain about a safety issue, which may or may not be real, and that employee is basically guaranteed a job for life because this bill does not allow a company to fire someone who complained about a safety problem. Even if there

was not a safety problem, all the employee has to do is say they had a reasonable belief there was a safety problem.

Folks, it is hard enough to do business in this country today. It seems everything we do in this Congress makes it more expensive and more difficult for our companies to compete in a global economy. Countries throughout Europe lowered their corporate tax rate to 25 percent. China has lowered its corporate tax rate. We continue to keep ours at a level that makes it very difficult for our companies to compete. We need to realize, as we seek consumer product safety, particularly safety for children, we do not need to put unnecessary burdens on our companies and make it more difficult for them to operate in this country.

The whistleblower provision in this bill does not improve consumer product safety, but it does create a potential for increased problems with folks who are manufacturing in this country. We need to realize foreign-based companies are not faced with this same provision. It is only those that are American owned, operating here, that have to follow this whistleblower law the Senate is attempting to add in the consumer product safety legislation. So what we have are American companies at a disadvantage to companies in other parts of the world that do not have to comply. My amendment would strike this provision. Perhaps we can reach a compromise and protect the whistleblower without damaging our competitiveness as a nation.

Mr. President, these are two amendments, and I have a number of others that get at some of the problems in the bill. But, again, I commend the chairman for his work and the commitment by this body to improve consumer safety in this country. I hope we can work together in a bipartisan fashion to create a bill that is focused on safety and not so much on doing favors for our different constituencies.

With that, Mr. President, I yield back and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the time until 5:30 p.m. be used for debate on DeMint amendment No. 4095; that the time be equally divided between Senator DEMINT and Senator PRYOR or their designees; and that following the use or yielding back of time, the Senate proceed to a vote in relation to the DeMint amendment No. 4095, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I wish to speak about the DeMint amendment. Senator DEMINT, by the way, has been very constructive in our meetings and in our discussions. His staff met with my staff last night. The meetings to date have been constructive and positive. We are hoping that they might actually lead to some improvements to the legislation, but we will have to wait and see to know how some of this works out.

I think it is very important for colleagues to understand what this amendment does that Senator DEMINT is offering first and that we will vote on at 5:30, and that is it would take the work the Senate has done on this legislation so far and throw it out the window and adopt the House-passed measure. Now, there are a lot of differences between the House and the Senate versions. Senator DEMINT was correct a few moments ago when he talked about how there are a lot of similarities as well, and that is exactly right. I think I can be fair in my discussion when I say that at least my impression is that when the House started their process last fall, they were doing it—again, from my perspective—more in terms of a reaction to a lot of the news stories everybody was seeing about dangerous toys and children's products that were setting off alarm bells all over the country. I think their bill started as a reaction to that. That is not a bad way to start a bill; I am not critical of the House in any way on it. I am proud of what they did and glad they got it through their committee and actually passed it on the House floor. I believe it was the very last day they were in session last year—if not the last day, it was the last week. So I am proud of what they have done. I would say their bill is a pretty good bill.

Part of the reason, though, or the primary reason their bill has a lot of similarity to ours is during that process—and this is just legislation; I am not critical at all, but during that process they eventually looked at our bill that we were working on in committee, and they took about half or so of it—maybe about 60 percent of it—and did some cutting and pasting and just put it in their legislation. Again, I am honored that they did and flattered that they did because we had been working hard in the Commerce Committee to make sure the reform we were talking about was comprehensive and was good.

I would say generally, in broad strokes, there are two or three major differences between the House bill and the Senate bill as the Senate bill exists today. One is that we have more enforcement in our legislation. We have more transparency in our legislation. We have more comprehensive reform in our legislation than the House bill does. Again, I am not taking away from the House bill. I appreciate their bipartisan effort over there, so I don't want my words to be interpreted as in any way critical. But I do think our bill is better. Ours is bipartisan—and so is theirs, by the way—with Senator STEVENS and Senator COLLINS. I have spoken with several of my Republican colleagues over the last few days, and I would hope they would consider joining us as cosponsors. I would love for them to consider doing that today. I had some discussions yesterday with a handful of Republicans who said they were interested in at least considering cosponsoring. So we are waiting to hear back from some of those offices today, but we would love to add more Republican cosponsors if at all possible.

Let me go through some of the primary differences in what the House bill does and what the Senate bill does. There are many. Again, the bills are largely similar because the House adopted a lot of what we did, or more or less adopted what we did in the committee. A lot of that has not changed at all, or it has changed very little. So let me run through a few points, five or six points.

First, I would say the Senate bill is more transparent. When I say that, what I am talking about is, under our bill—again, the bipartisan Senate substitute—what I am talking about is there is more information publicly available to people under the Senate bill. We have seen this happen on many occasions. I was going to tell this story later. We have some charts to this effect I didn't want to bring out right now because we will get into this in more detail later. We are going to talk about several examples of incidents where people were injured and where they had bought and used a product that the CPSC had known about and known about the dangers of it, but the CPSC was in negotiations or in discussions with the manufacturer about doing a recall. In fact, there is one incident we are going to talk about later—and it may be tomorrow at this point, depending on how the rest of the day goes—there is one product we are going to talk about where a baby crib collapsed, and it caught a young girl's hand in that crib. I think she was roughly about a year old. We will get the facts on this when we go to it. I think she did end up avoiding serious injury, but it was scary. There were some moments there for the parents.

So the father called the manufacturer of the crib and the manufacturer played dumb. They say: Gosh, we didn't know. We never heard of this problem before. We didn't know our cribs had this problem. Are you sure you had it set up the right way? Are you sure she wasn't abusing it somehow? All of those kinds of things.

The father found out later that by the time he called, that company had 80 complaints about that crib doing exactly the same thing. But because there is no transparency under the current law, there was no way for the father to find out.

If our bill passes, we will set up a database that is searchable where you can go and look at a specific product and know if there have been complaints about it before. This will be a huge benefit to parents and grandparents all over the country. We need to do this. The House bill doesn't have that provision. The House bill has a study. It says: Yes, we ought to study this idea of a database, but they don't have a database. In fact, the database we are talking about, we are not inventing this out of whole cloth. We are using another Federal agency's idea which has worked very well, and that is NHTSA, the National Highway Traffic Safety Administration. I would encourage—here again, I mentioned this before—all of the staff people who are watching in their offices and who think their boss might be undecided on this legislation or undecided on this one point, I would encourage them right now to go to the NHTSA Web site, and there is a little area you can click on that talks about recalled products. I encourage you to do that and go through that and see first how easy it is to use; secondly, the quality of the information that is on there.

Again, we are going to show this later with charts to show all of my Senate colleagues how easy it is, but also how balanced and how fair it is. The industry has had some concerns they will be smeared, that they will be slandered or libeled with all of these complaints. But I think the NHTSA Web site shows it can be done in a very responsible way and done in a way that does help the general public.

Another difference I want to talk about, the second difference between the House version and the Senate version is, the Senate bill—the bill we are on right now—adopts what they call ASTM963–07, which is a standard that is widely accepted by the industries. ASTM stands for the American Society for Testing and Materials, and that has just kind of become a lingo—ASTM has become a lingo in the consumer product world for a set of standards. ASTM963–07 has become a widely recognized, widely utilized standard.

What we do is, we codify that standard. If our bill passes, it is not going to be voluntary. It is not going to be—some people may be following it, and some people may not. We are going to codify it. We will make it law. Again, these are standards that the industry has been using and has accepted. This is not a controversial piece of this legislation. However, this ASTM963–07 is not in the House bill. So the House bill keeps the status quo. They say they are going to assess the effectiveness. Well, it has already been assessed. It has been out there for years and years and years. Again, it is basically universally agreed that these are good safety standards that set the standard for industry and should be adopted into Federal law.

The third difference with the House bill I wanted to talk about is this idea of punishing companies when they do the wrong thing. The Senate committee passed the bill out of committee with a $100 million civil penalty—$100 million. It went from $1.8 million to $100 million—over 50 times what is in existing law.

The House, in the meantime, passed a provision that had a $10 million penalty. Well, the concern I have with the $10 million penalty—civil penalty—is that for a lot of these big companies, $1.8 million can just be the cost of doing business. Again, we have some charts on this that we may show in the next couple of days—it can be the cost of doing business for some of these big companies—$10 million is better. It gets their attention. But what we do is, we set our cap under the Senate bill at $10 million unless there are aggravating circumstances. If there are aggravating circumstances such as maybe you have a repeat offender, maybe you have some particularly egregious behavior, or maybe you have a company that just absolutely does not have any regard for U.S. safety standards. Again, a lot of these products that are defective are coming in from overseas. Maybe they don't have the quality control over there. I don't know. They maybe have a chronic problem or whatever it may be. The Senate bill allows you to take the $10 million max and do an additional $10 million, again, if there are aggravating circumstances.

Quite frankly, I hope the CPSC never has to use that, but the fact that they have that ability maybe will put a little fear in some people when they make some of these decisions about cutting corners on lead paint or making defective products, whatever they may be.

So, again, the Senate bill has a 10-plus-10 provision, which is $10 million max in lesser aggravating circumstances, and then you can go for an additional $10 million. The House bill just has the flat $10 million.

Another difference, and I would call this the fourth difference between the Senate bill and the House bill, is that the Senate bill has a protection for employees who notify the CPSC of violations. Now, this is important. You don't want employees to be punished for doing the right thing. We all know how it works in the real world. It happens where an employee will, over the objections of a company—over the objections of his employer—go and inform the CPSC about some safety violation. It does happen. Again, we have examples. We have charts if anybody wants to see them, or we have memos and background, news articles, et cetera, if people want to see those. But the truth is, you have to keep this in perspective.

What we are talking about with our so-called whistleblower provision is a provision where an employee—it is basically only triggered when an employee of a company tells the CPSC about a dangerous product.

This is fundamental stuff. This employee is out there letting the public know, basically telling the Government there is a dangerous product that is either in the U.S. market or about to get to the U.S. market. Again, that employee for doing the right thing should not be fired or demoted or whatever the case may be. If we set up a process in our law that is based on existing law where the employee goes through the Department of Labor process, it is well established, we adopt what this Congress has passed in previous years as the standard we would like to see on our whistleblower statute. The House bill has no such protection. We feel as if this is an important improvement in the legislation because we think we will get more information to the CPSC if the employees understand they are protected.

Let's talk about misinformation about this one provision. In the Commerce Committee bill, we actually had a bounty for these employees for turning in companies. We had a bounty in the bill. When I talked with Senator STEVENS, that was not acceptable to him. He made it very clear that he thought it would cause a lot of heartburn on the Republican side. He was very adamant we take that provision out, and we did.

We have also done some other things to build in some safeguards. For example, if an employee files a frivolous claim with the Department of Labor, he can be subject to a $1,000 penalty. I don't have to go through all that today.

Our Senate bill, we believe, is balanced, we believe it is fair, we believe it is in the public interest to have this information come forward and the employee not be punished at work for telling the Government about a safety violation.

The fifth matter I wish to talk about is lead. I heard someone say this bill is the ''get the lead out'' bill. This bill does, for the first time, in a very historic manner, set a standard for lead in children's products. Most Americans believe there is a standard for lead in children's products. There is not a standard. There is a standard for lead in paint but not for children's products.

Every pediatrician with whom I have ever talked and every pediatrician who has testified either on the House side or the Senate side and every scientist

will tell you of the dangers of lead. It is basic scientific medical knowledge today that lead is bad for children.

What we do in the Senate version of the legislation is we essentially ban lead. We do not completely ban it because we understand that lead is a naturally occurring element. We are going to have trace amounts of ambient lead in the atmosphere. We acknowledge that in our legislation. And our legislation, when it comes to lead, is more aggressive in getting the lead out of children's products. We do it quicker, and I think we do it in a better way than the House bill does.

The last point I wish to mention on the seven major differences between the House version and the Senate version is the DeMint amendment—and that is what we are talking about today—to make sure the Consumer Product Safety Commission has the funding it needs to do what we want it to do.

The Senate version is a 7-year reauthorization. The DeMint amendment would flat line the funding at a 10-percent level after 2009. Our bill actually has a slower ramp-up or it does have a ramp-up in resources, but we acknowledge there is a lot of work to be done with this Commission. We cannot just give it a year or two of increased appropriations and then flat line it and hope it is going to be OK. What we need to do is continue to invest in this Commission to make sure long term we set it up for success.

The Senate version has that major advantage over the DeMint amendment. The current version has a big advantage over the DeMint amendment when it comes to providing the resources to the Consumer Product Safety Commission.

On that point, I say this: My colleagues all know, because they have seen my voting record, there have been times when I have been pretty much a deficit hawk around here and times when I have tried to shrink Government and different efforts such as that. I am not a person who believes we ought to throw money at a problem because I think generally when we do that, we do not get a very good result. I have seen that time and time again on the Federal level. But this is an exception. This is one of those times when I think we are being targeted, I think we are being responsible, I think we are slowly ramping up this Commission and not throwing a bunch of resources at it right now, but we are measuring out those resources over time, over a several year period.

I think what we will see in 7 years is a much stronger CPSC than we have today. It is not just about the CPSC as a commission being stronger. That may, in and of itself, be OK, but what is good about our legislation, the Senate version, is I believe very strongly we will have a big improvement in safety all across America.

We talk about toys, and toys are a very important piece of what the CPSC does, but they do all kinds of things. Part of this legislation is to have a Federal standard on portable gas cans and the caps that are on gas cans. We have seen that problem in many incidents around the country because there is no common standard on gas caps on these gas cans.

What we will be able to do with this legislation, with the Senate version, is to make the consumer product safety world much safer. Again, my hope is that when we stand here, say, 5 years from now, we will see a precipitous decrease in litigation, we will see a decrease in recalls, we will see a decrease in injuries, and we will see a decrease in deaths as a result of consumer products and consumer product violations.

I say to my fellow Senators, it looks as if we are going to vote on the DeMint amendment at 5:30 p.m. today. I encourage Senators and their staffs to look at the DeMint amendment and look at how it weakens the Senate version of the Consumer Product Safety Reform Act. It does weaken the Senate version. The DeMint amendment is basically—well, it is exactly accepting everything the House has done. We can do better than that. We can be stronger. In fact, I have talked with several House Members who like what we are able to do in the Senate version. The DeMint amendment puts us where the House is, and we need to have the Senate's stamp on this legislation so we can go back home and tell the people what we are doing for them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, I ask that the time come out of the Republican time, because I think the Republicans have 55 minutes, or something like that, and the Democrats only have 28 minutes.

Mr. ALLARD. That is acceptable to our side. I thank my colleague.

The PRESIDING OFFICER. The Senator from Colorado.

THE BUDGET

Mr. ALLARD. Mr. President, I think it would be helpful for us to spend some time before the fiscal year 2009 budget bill is before us to review the fiscal year 2008 budget. This is something we could not do last year. Last year, the majority was in their first year and in sort of a honeymoon phase. They had the benefit of the doubt and no recent record to be saddled with. They could make pledges and promises, they could make forecasts and make predictions, and we were under an obligation to wait for those results. The charge of tax and spend was from the past. Perhaps things were different.

Well, the Democrats' 2008 budget raised taxes by $736 billion. It assumed the largest tax increase ever, hitting 116 million people. It failed to extend middle-class tax relief, as promised. The Democrats' fiscal year 2008 budget increased spending by $205 billion. It hiked nondefense discretionary spending $205 billion over 5 years. That is $350 billion over 10 years. It manipulated reconciliation to spend $21 billion in entitlements. It allowed entitlement spending to grow by $466 billion over 5 years.

The budget and its supporters repeatedly ignored, waived, or gimmicked pay-go to the tune of $143 billion. The Democrats' fiscal year 2008 budget grew the debt by $2.5 trillion. It passed the debt along to our children, who will each owe $34,000 more. The Democrats' fiscal year 2008 budget ignored entitlement reform. It failed to offer any real solutions to the $66 trillion entitlement crisis.

The budget and its supporters rejected reasonable proposals to address this entitlement crisis and, instead, allowed entitlement spending to grow by $466 billion over 5 years. The budget wildly overstated revenues from closing the tax gap to justify more spending. That bill was, in fact, a classic Democratic tax-and-spend bill.

The majority had a clean slate, a new dawn. They went with the worst policies of the past—bigger taxes, bigger spending, bigger debt, and larger government. One example will show we are dealing with what can only be described as either cold cynicism about the value of their rhetoric or gross ignorance of government realities. The SCHIP authorization bill increased entitlement spending $35.4 billion over 5 years and $71.5 billion over 10 years. However, a blatant budget gimmick drastically cut the program's funding in 2013 by 85 percent to avoid a pay-go point of order. Nobody seriously expects this funding cut to occur. Nobody

seriously believes this qualifies as paying as you go. Yet both claims were made on this floor.

I voted against the fiscal year 2008 budget. The budget represented a 6.8-percent increase in domestic Federal spending in 1 year. And let us look at the debt figures. We see the debt is increasing unimaginably. We are seeing a tremendous growth in the deficit, increasing by $440 billion. We see mandatory spending growing unchecked by $411 billion in fiscal years 2008 through 2012. We spend more than $1 trillion of the Social Security surplus. Unfortunately, what we end up with is a growth in the debt of over $2.2 trillion.

Yet the deficit is increasing while more taxes are expected to be collected. If the tax increase goes into place—and that happens because there was no provision to make the tax cuts that were passed in the Republican Congress in 2001 and 2003 permanent—by default these taxes are going to increase by over $736 billion. So we have a deficit that is increasing even though we have a dramatic increase in revenues which were taken into account in this budget. That is going to be the largest tax increase in the history of this country contributing to overspending.

We are entering a new phase in our economy, a time when the negative effects of the housing crunch are coming due. But the housing problems are attacking the prosperity that resulted from our earlier tax policies. The tax cuts we put in place in 2003 stimulated the economy. As a result of those tax cuts, there was more money available for local governments to help pay for their programs, including State governments. There was more money available for the Federal Government. That is why it was so easy for the majority party to put together that budget last year, because of the large amount of revenues coming in to the Federal Government. I attribute that to the fact that we cut prices for the working men and women of this country, primarily those who own their small businesses and, by the way, who put in more than 40 hours a week. Many times they work 7 days a week to keep those small businesses operating, supporting their communities. That is where we generate the revenue.

Now that our economy is trending in the wrong direction, and when we need the benefits of a reasonable and progrowth tax policy, the reality is going to be that we are going to depress our economic growth. We are talking about increasing taxes on corporations that do business all over the world. Well, they are in a competitive environment. They have to compete with other countries. We cannot constrict our economy to strictly American borders. We have to extend beyond that. If we want to get our economy going, we are going to have to talk about trade. We are going to have to talk about doing business all over the world.

Let's look and see how individuals are going to be impacted by this tax increase that will happen by default because we do not keep it from expiring in the outyears. A family of 4, earning $40,000 a year—that is if both the husband and the wife are working and making $20,000 each—will face a tax increase of $2,052. We have 113 million taxpayers who will see their taxes go up an average of $2,216.

Now, if we look at this a little further, we see that over 5 million individuals, families who have seen their income tax liabilities completely eliminated, will now have to pay taxes. That is the new tax bracket we have created to provide tax relief for many of those working families. So that is going to expire. When that expires, that is going to impact 5 million individuals and families who will begin to have to pay taxes that they were allowed to get by without having to pay so they could pay for the education of their kids, so they could pay for health care, so they could pay for the needs of the family, food and shelter.

We are not talking about individuals who are making a lot of money in this case. Forty-five million families with children will face an average increase of $2,864; that is the marriage penalty. Fifteen million elderly individuals will pay an average tax of $2,934. These are the people who are on retirement. Twenty-seven million small business owners will pay an average tax increase higher than any of those groups that I mentioned of $4,712. That is where our economic growth is generated—or was generated.

People of Colorado have asked me: How is this likely to affect me as a Coloradan? Let me talk a little bit about how this could affect taxpayers of the State of Colorado.

In Colorado, the impact of repealing the Republican tax relief would be felt widely. For example, more than 1.6 million taxpayers statewide who are benefiting from a new low 10-percent bracket would see their tax rates go up; 590,000 married couples could face higher tax rates because of an increase in the marriage penalty; 432,000 families with children would pay more taxes because child tax credits would expire; and 310,000 Colorado investors, including seniors, would pay more because of an increase in the tax rate on capital gains and dividends.

Remember, seniors who have retired have a lot at stake when we talk about capital gains taxes and dividends because they put their money in the stock market. They have put it in investments. As retired individuals, they are finding that they are beginning to pull that out for their retirement. The consequences are that without that tax break, they would not have been able to save as much money toward their retirement.

Tomorrow, we are going to get our first glimpse of the majority's proposed fiscal year 2009 budget. We have more clarity now on what we can actually expect when pay-go—which some refer to as ''tax gap''—and spending curbs and other terms are thrown at us by the supporters of that budget. We know that last year the words might have implied one thing, but the numbers said an entirely different story: Spending went up, the deficit went up, and taxes went up. Let's hope this year is a better year for the taxpayers and the citizens of this country.

I yield the yield floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I will retract that and not set aside the pending amendment.

AMENDMENT NO. 4104

I would like to speak on an amendment I intend to submit at the appropriate time.

There are six chemicals that are often included in plastic toys. What those chemicals do is essentially make the toy softer, more pliable—ergo, more attractive to children.

This is my communications director's young son. His name is Max Gerber. He is 8 months old in this picture. He is sucking on his favorite book. I ask unanimous consent that I might show you what that book looks like.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. This is that book. The book is called ''Hello Bee, Hello Me.'' As you can see, it is an attractive book. It was studied in 2006, and it was found to be loaded with phthalates. But this is what babies do; they put everything in their mouths.

Phthalates all too often are found in high quantities in children's toys and other products. Studies have found that they are linked to both birth and other serious rare reproductive defects. When these young children chew or suck on a toy with phthalates, these chemicals can leech from the toy into the child and enter the child's bloodstream.

They interfere with the natural functioning of the hormone system, and they can cause reproductive abnormalities and result in an early onset of puberty. Parents across the country actually have no idea of these risks.

These chemicals have been banned in the European Union, five other countries, and my home State of California, and eight other States are now proposing similar bans. I believe this is the appropriate time for the Federal Government to shield children from these chemicals.

Now, of course, my communications director, like many parents, had no idea that this book contained high levels of phthalates. But it is not just books; phthalates can be found in a variety of soft children's toys such as rubber ducks and teethers like this one.

I ask unanimous consent that I may show you that teether.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. It is this. It is very flexible. It is loaded with these chemicals.

So you can see Max is a little bit older, chewing on a teether. Tests found that teether contained a high level of phthalates.

In 2006, the San Francisco Chronicle sent 16 common children's toys like this teether to a Chicago lab to test whether they contained phthalates. They did, in fact.

The results should alarm parents everywhere. One teether contained a phthalate level of five times the proposed limit. A rubber duck sold at Walgreens had 13 times the amount of phthalates now permissible under California law. The face of a popular doll contained double California's new phthalates limits.

Another study tested 20 popular plastic toys. The results were equally troubling. A Baby I'm Yours doll sold at Target contained nearly 32 percent of phthalates. A toy ball sold at Toys R Us was found to contain 47½ percent phthalates. Three types of squeeze toys—a penguin and two ducks—contained high levels of phthalates. They were also bought at Wal-Mart and Target.

So I would like to, if I can, if I will be cleared to do it, send an amendment to the desk. The amendment would replicate what will be California law in 2008 and ban the use of the chemical phthalates in toys as California has done and eight States are continuing to do.

The European Union banned phthalates in 2006. That is all these countries: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the UK. They have all banned the use of these chemicals in children's toys. Fiji, Korea, and Mexico have also banned or restricted phthalates in children's products.

Beginning next year, toys containing more than trace amounts of phthalates cannot be sold in California stores. My home State was the first State to ban phthalates in toys and other children's products. Governor Schwarzenegger signed the legislation, which, as I say, will become effective in January of 2009. Eight States are following California's lead. Legislation has been offered in Washington State, Maryland, Hawaii, Illinois, Vermont, West Virginia, Massachusetts, and New York.

Unfortunately, toys containing phthalates are still available to children across this country. I think it is time for the rest of the country to follow the lead of California, the European Union, and other nations because without action the United States risks becoming a dumping ground for phthalate-laden toys that cannot legally be sold elsewhere. I think American children deserve better. Parents in every State should be able to enter any toy store, buy a present for their child, and know they are not placing their son's or daughter's health at risk.

This amendment follows the same standards already set by the European Union and California. It bans the use of six types of phthalates in toys. Three of the phthalates are banned from all children's toys; three others are banned from toys children place in their mouths. The amendment clearly states these chemicals cannot be replaced with other dangerous chemicals identified by the Environmental Protection Agency as carcinogens, possible carcinogens, or chemicals that can cause reproductive or developmental harm.

Now the science. The science involving phthalates is still evolving; however, we know exposure to phthalates can cause serious long-term effects. Some of the potential health effects and defects are highly personal and difficult to discuss. They are problems no parent would ever want a child to experience.

I have two anthologies here which I will make available, a phthalates research summary and a paper which summarizes several of the works of science.

Here are some of the effects: Pregnant women with high levels of phthalates in their urine were more likely to give birth to boys with reproductive birth defects. That is a University of Rochester 2005 study. Phthalate exposure has also been linked to the premature onset of puberty in young girls as young as 8 years old. That is a 2000 study published in Environmental Health Perspective. A 2002 study linked phthalate exposure levels to decreased fertility capacity in men. And phthalates found in household dust have been linked to asthma symptoms in children. That is a Swedish study. The evidence that phthalates cause health problems continues to mount. Young children whose bodies are growing and developing and extraordinarily sensitive are particularly vulnerable when exposed to phthalates in the toys around them.

Now, many American toy retailers have already stepped up when it comes to phthalates. I am very grateful for this. Target has already eliminated phthalates from baby changing tables. Late last year, they announced that most toys they sell will be phthalate-free by fall of 2008.

Wal-Mart and Toys R Us announced they will voluntarily comply with California's standard nationwide. These are two huge retailers that will voluntarily comply with the California standard. They informed toy producers that beginning in 2009, they will no longer sell toys that contain phthalates.

These retailers should really be commended. I would like to do so. Thank you, Wal-Mart, thank you Toys R Us and thank you, Target.

This action also underscores the emerging uneasiness about those chemicals, with toy retailers acknowledging that parents do not want to unwittingly provide their young children with toys that could prove hazardous to their health. The amendment I hope to enter levels the playing field in the toy industry, requiring every toy store and manufacturer to comply with the standards being voluntarily put in place.

I do wish to underscore an important point: This voluntary action, while highly commendable, should not take the place of an official regulatory standard.

Candidly, I can't imagine why we have waited this long. We always wait until the States take action. Some manufacturers have marketed products as phthalate free, but tests conducted by independent laboratories have found phthalates. Parents wishing to purchase phthalate-free toys must be able to know what it is they are buying. I firmly believe only a legal standard with the full weight of the law and potential legal consequences behind it will make that guarantee.

I wish to read from a letter from the Breast Cancer Fund:

> On behalf of the Breast Cancer Fund and our 70,000 supporters across the nation, I am writing to express our strong support for your amendment to the Consumer Product Safety Commission Reform Act . . . which would prohibit the manufacture, sale, or distribution in commerce of children's toys and child care articles that contain phthalates.

It goes on to describe phthalates. It is signed by Jeanne Rizzo, R.N., Executive Director.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 3, 2001.

Senator DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the Breast Cancer Fund and our 70,000 supporters across the Nation, I am writing to express our strong support for your amendment to the Consumer Product Safety Commission Reform Act (S. 2663) which would prohibit the manufacture, sale, or distribution in commerce of children's toys and child care articles that contain phthalates.

Phthalates are a family of industrial chemicals used in a wide variety of consumer products including plastics, nail polish, perfumes, skin moisturizers, baby care products and toys, flavorings and solvents. These chemicals don't stay in the plastics they soften or in the countless other products in which they are used. Instead, they migrate into the air, into food and/or into people, including babies in their mother's wombs. Phthalates have been found in indoor air and dust and in human urine, blood, and breast milk. What's especially troubling about phthalates is that they are powerful, known reproductive toxins that have been linked to birth defects in baby boys, testicular cancer, liver problems and early onset of puberty in girls—a risk factor for later-life breast cancer. The European Union and 14 other countries, including Japan, Argentina and Mexico, have already banned these chemicals from children's toys.

BCF was one of the primary sponsors of AB1108—a bill recently signed into law by Governor Schwarzenegger which made California the first State in the Nation to ban the use of phthalates in toys and other childcare articles. Now 12 other States have followed suit and have introduced—or are considering introducing—legislation to ban phthalates in toys and other products.

Obviously, there is nothing more important to the future of this country, and the world than ensuring our children are healthy today. By supporting your amendment, Congress has the opportunity to protect children from dangerous, unsafe and unnecessary exposures to toxic chemicals in the products they play with every day such as teethers, toys and childcare items. Thank you for your critically important leadership on this issue.

Very truly yours,

JEANNE RIZZO,
Executive Director.

Mrs. FEINSTEIN. Many organizations support the amendment, and I ask unanimous consent to have a list of those printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alaska Community Action on Toxics, Breast Cancer Action, Breast Cancer Fund-Center for Environmental Health, Center for Health, Environment and Justice, Citizens for a Healthy Bay, Clean Water Action Alliance of Massachusetts, Coalition for Clean Air, Commonweal, Environment California, Healthy Child Healthy World, Health Education and Resources, Healthy Building Network, Healthy Children Organizing Project, INND (Institute of Neurotoxicology & Neurological Disorders), Institute for Agriculture and Trade Policy, Institute for Children's Environmental Health, MOMS (Making Our Milk Safe), Minnesota PIRG, Olympic Environmental Council, Oregon Center for Environmental Health, Oregon Environmental Council, PODER (People Organized in Defense of Earth & her Resources), Safe Food and Fertilizer, Sources for Sustainable Communities, The Annie Appleseed Project, US PIRG, WashPIRG, Washington Toxics Coalition, WHEN (Women's Health & Environmental Network).

Mrs. FEINSTEIN. It has been a long time since I had a small child, but I used glass nursing bottles, not fancy flexible bottles. I used cloth diapers. The toys were not as flexible as they are today. My daughter grew up fine. One of the real hazards of this society is chemicals and how chemicals are used, and we don't know how they are used. When it comes to children's toys, I didn't know you could make plastic that way, so soft, so flexible. The reason you can is because of all the chemicals added to it. When these chemicals have a toxic factor and you know these chemicals are going in a child's mouth and you know they leach out of the plastic into the child's system, it simply isn't right. We ought to stop it.

People out there know that. People out there want this. I would have liked to have taken the time to have had a committee hearing on this. But candidly, this bill came up. And because this is already law in so many places—the European Union, 5 other nations, California, 8 other States ready to pass it—and you have retailers who understand and are willing to take voluntary action, it seemed to me the legal standard should be established. That is what this bill does.

I call up my amendment which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 4104.

Mrs. FEINSTEIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain specified phthalates)

On page 103, after line 12, add the following:

SEC. 40. BAN ON CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) BANNED HAZARDOUS SUBSTANCE.—Effective January 1, 2009, any children's product or child care article that contains a specified phthalate shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply to such product or article.

(b) PROHIBITION ON USE OF CERTAIN ALTERNATIVES TO SPECIFIED PHTHALATES IN CHILDREN'S PRODUCTS AND CHILD CARE ARTICLES.—

(1) IN GENERAL.—If a manufacturer modifies a children's product or child care article that contains a specified phthalate to comply with the ban under subsection (a), such manufacturer shall not use any of the prohibited alternatives to specified phthalates described in paragraph (2).

(2) PROHIBITED ALTERNATIVES TO SPECIFIED PHTHALATES.—The prohibited alternatives to specified phthalates described in this paragraph are the following:

(A) Carcinogens rated by the Environmental Protection Agency as Group A, Group B, or Group C carcinogens.

(B) Substances described in the List of Chemicals Evaluated for Carcinogenic Potential of the Environmental Protection Agency as follows:

(i) Known to be human carcinogens.

(ii) Likely to be human carcinogens.

(iii) Suggestive of being human carcinogens.

(C) Reproductive toxicants identified by the Environmental Protection Agency that cause any of the following:

(i) Birth defects.

(ii) Reproductive harm.

(iii) Developmental harm.

(c) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) applies to a phthalate that is not described in subsection (d)(3);

(2) applies to a phthalate described in subsection (d)(3) that is not otherwise regulated under this section;

(3) with respect to any phthalate, requires the provision of a warning of risk, illness, or injury; or

(4) prohibits the use of alternatives to phthalates that are not described in subsection (b)(2).

(d) DEFINITIONS.—In this section:

(1) CHILDREN'S PRODUCT.—The term ''children's product'' means a toy or any other product designed or intended by the manufacturer for use by a child when the child plays.

(2) CHILD CARE ARTICLE.—The term ''child care article'' means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(3) CHILDREN'S PRODUCT OR CHILD CARE ARTICLE THAT CONTAINS A SPECIFIED PHTHALATE.—The term ''children's product or child care article that contains a specified phthalate'' means—

(A) a children's product or a child care article any part of which contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent; and

(B) a children's product or a child care article intended for use by a child that—

(i) can be placed in a child's mouth; and

(ii)(I) contains any combination of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent; or

(II) contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

Mrs. FEINSTEIN. I wish to address a question to the distinguished chairman of the committee who has done fine work on this bill. I would at some point like a vote on this amendment, if possible. I am happy to set it aside if that is helpful and not ask for the yeas and nays at this time, but I do want to vote. I believe children are at stake in this.

Mr. PRYOR. I thank the Senator from California for being so gracious. While she was speaking, I talked to some of the Republican staff. I think

they need a little more time and maybe even people on our side need a little more time on the amendment. If possible, I ask the Senator from California to set it aside. We will have a vote at 5:30. We have several Senators who we think will come and speak on the DeMint amendment. We will be working with the Senator as this goes along.

Mrs. FEINSTEIN. I appreciate that. Out of deference to the Senator from Arkansas, I am happy to do so.

I ask unanimous consent that Senators BINGAMAN and MENENDEZ be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair and yield the floor.

Mr. PRYOR. I suggest the absence of a quorum and ask unanimous consent that time under the quorum be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise today to speak on a very important issue that is intended to protect Americans and to protect our children.

Before I make my comments, I wish to give a shout out to Senator MARK PRYOR, who has been leading this effort on behalf of the Senate. I worked with Senator PRYOR during his time as attorney general from Arkansas. If there is one thing that typifies the reality of attorneys general, they are protectors of the people. MARK PRYOR, as attorney general of Arkansas, was a great example of a protector of the people of Arkansas, and he has continued that fine tradition in the Senate by moving forward in the Commerce Committee and being the lead person in putting together this legislation that will protect American consumers, in particular American children.

I wish to begin today by sharing a story about a brave 4-year-old boy from Severance, CO, by the name of Tegan Leisy. Tegan and his family found out about toy hazards the very hardest of ways.

Last year, when Tegan was only 3 years old, he suddenly and inexplicably became very sick. He was vomiting and in a lot of pain. Tegan's parents rushed him to the emergency room, and the doctor took a series of x rays. The x rays showed something in Tegan's stomach that looked like a metal object. The doctors said the object would pass in 72 hours and not to worry. Unfortunately, it did not pass.

Tegan remained in severe pain, so Tegan's parents took him back to the hospital. This time they admitted Tegan, and they held him for observation. Over the next 2 days, the doctors x raying Tegan found there was an object inside his stomach that was not moving.

On the third day, the surgeon decided to operate. What did they find in the 3-year-old young man's stomach? They found six magnets—six magnets—from toys that Tegan had swallowed. The magnets had stuck together, and it created 11 holes in Tegan's intestines. The doctors had to remove 6 inches of his intestines that day during surgery.

Think of that, Mr. President. Think of that, all those who are watching this debate on the Senate floor today. A 3-year-old boy had to have portions of his intestines removed because he swallowed pieces that had come off his toys. Tegan is, in fact, one of the lucky ones. He is alive because of the good work of doctors who saved him and because his parents helped him catch the problem on time. Not all kids in America are that lucky today.

Congress created the Consumer Product Safety Commission, now more than 30 years ago, to protect American consumers against death or injury from unsafe products. However, the agency is grossly underfunded and understaffed. The CPSC estimates that products it is authorized to regulate are related to 28,200 deaths and 33.6 million injuries each year. Over 28,000 deaths a year. Yet the agency only gets $63 million a year to carry out its mandates.

As a result, stories such as Tegan's are commonplace across America.

In the last few months, newspapers have run stories on hundreds of cases of unsafe chemicals in toothpaste, contaminated dog food, and toys tainted with toxic levels of lead.

I support the CPSC Reform Act for several reasons. First, this bill would restore funding for the CPSC so that it can stop dangerous products and toys from even reaching the marketplace. If a dangerous product reaches the shelf, it is often too late.

Second, the bill finally takes steps to ban lead in children's toys. Exposure to lead can cause serious neurological and developmental health problems in children. In the past year, millions of children's toys have been recalled for containing hazardous levels of lead. The toys have included metal jewelry, train sets, and Halloween costumes. I see no reason why Congress would pass a Federal law banning lead in paint, but not in children's toys.

Third, the CPSC Reform Act would grant State attorneys general the ability to bring a civil action on behalf of its residents to obtain injunctive relief against entities that the Attorney General believes has violated a consumer product safety. I had the great privilege of serving as Colorado attorney general for 6 years. As an attorney general, you want to do everything in your power to protect the citizens of your State. The narrowly tailored watchdog power granted in this bill would have given me another tool to help protect the citizens of Colorado from unsafe and hazardous products.

There are many other fine provisions in the CPSC Reform Act. I strongly urge my colleagues to support the bill and to help restore American confidence in the safety of the toys and other products that are sold in the marketplace. We must do what we can to prevent parents across the country from experiencing the nightmare that Tegan's parents experienced.

This Consumer Product Safety Commission Reform Act will take major steps in moving forward the solution to an issue that is facing American consumers every day in our Nation.

I conclude my statement by making this comment: There has been a lot of discussion here about a particular provision of this legislation that gives attorneys general the opportunity to come in and to enforce the law. It is appropriate whenever you have a situation such as this to throw more cops into the situation to try to make sure consumers are protected. This is an area of law where attorneys general from across the country—both Democrats and Republicans—have been waging the war on behalf of consumers for a very long time. They do not do it based on Republican or Democrat. They do it based on what is good to protect the American consumer.

So for those colleagues on the other side who will argue against giving this power to the attorneys general of America—I would say they, frankly, are mistaken, that when you look at the history over the last 30 years of attorneys general taking the lead role in terms of enforcing the laws of our country to protect consumers, this is exactly the kind of situation that calls out for giving that power to the attorneys general of the United States of America.

So I am hopeful we can come together as a Senate, as a Congress, and push legislation that gets to the President's desk and that he signs into law so we protect the kids of America, we can protect the consumers of America, and keep situations such as the one I described in Colorado from occurring again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent to have printed in the RECORD a letter, dated February 29, 2008, from the National Association of State Fire Marshals. It is addressed to Senator INOUYE and Senator STEVENS, where they endorse this legislation, this Senate bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
STATE FIRE MARSHALS,
Washington, DC, February 29, 2008.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Commerce, Science and Transportation, Dirksen Senate Office Building, Washington, DC.

Hon. TED STEVENS,
Vice Chairman, Senate Committee on Commerce, Science and Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS INOUYE AND STEVENS: The National Association of State Fire Marshals (NASFM) consists of state public safety officials committed to the protection of life, property and the environment from fire and other hazards.

NASFM deeply appreciates all you have done to produce a bi-partisan substitute for the Consumer Product Safety Commission Reform Act (S. 2663), and we support the substitute language without reservation. However, NASFM believes that these compromises go far enough. We would prefer that this legislation be settled in the next Congress if further reductions in fines and federal and state authority become necessary as a result of floor amendments or in negotiations with the House of Representatives.

Sincerely,

JOHN C. DEAN.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that I be listed as an original cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I understand we are trying to divide the quorum calls, so until some other Senator comes and wants to speak, I will seek the appropriate parliamentary position.

FLORIDA DEMOCRATIC PRIMARY

But I wish to take this opportunity to speak about the bill, the Consumer Product Safety Commission. I also wish to speak about another unrelated subject, but one in which we are having a potential train wreck coming on the American political scene if, in fact, the worst were to happen, and we did not have a nominee in the Democratic Party for President all the way down into late August, going into the convention in the State of the Presiding Officer—Denver, CO—where the Democratic National Convention will be. Because then the issue would be so raw as to whether to seat the Florida and the Michigan delegations at the convention.

Now, the reason I am making these remarks is I have talked to a number of our colleagues, and what I am about to tell you our colleagues don't know about the State of Florida in this fracas that is going on. Because most people think it was the Florida Democratic Party that suddenly got all riled up and shifted the Democratic primary in Florida ahead of the permitted time of February 5 and shifted it a week earlier to January 29. Not so. It was the Republican Legislature of Florida passing a law that was signed into law by the Republican Governor that changed, by law, Florida's date from its previous date of a primary in March to January 29. At the time the legislature did this, a year ago, in the annual legislative session, in early 2007, the rules of the Democratic National Committee said any State moving ahead earlier than February 5 would be penalized with half of its delegates taken away. Interestingly, that is what the rules of the Republican National Committee said as well. But when the Florida Legislature moved the date—and by the way, here is another fact that my colleagues of the Senate are surprised about when I tell them. When the bill came forward, it was an election reform bill, an election machine reform bill that was clearly going to pass on final passage in the Florida Legislature.

It had a provision put forth by the Republicans in the legislature of moving the primary date early, to January 29. The Democratic leader of the Florida Senate offered an amendment to put it back to comply with the rules of the Democratic National Committee to February 5. That amendment was defeated, and then the bill went on to final passage since the main part of the bill was election machine reform—something we are sensitive about in Florida, by the way—and the Governor signed it into law, thus making part of the bill January 29. But then, once it became the law—and nobody is going to change that in Florida; that is the law. That is the date of the election. That is the date around which all of the State election machinery would operate, and the State of Florida would, in fact, pay for that election. And indeed they did—$18 million worth of paying for.

Then an interesting thing happened on the way to this crisis. The Republican National Committee said: No, Florida, you moved your date early. You broke the rules. Our rules say we are going to take away half your delegates. That is exactly what the Republican National Committee did. The Republicans went on to have a primary election, realizing they were only going to get half their delegates. But that is not what the Democratic National Committee did. The Democratic National Committee rules said: We are going to take away half your delegates. But over the course of the summer, some on the Democratic National Committee got so riled up about Florida jumping ahead of South Carolina, which wanted the privilege of being the first Southern State to have a primary, that they convinced the Democratic National Committee to exact the full measure of punishment—not what the rules called for, to take away half the delegates—but instead take away all the delegates.

Then, another interesting thing happened. Those who wanted to punish Florida decided to concoct a pledge that they would force all of the Presidential candidates to sign, and the pledge said they would not go into Florida to campaign. Campaigning was defined as having staff, having an office, using telephones, even holding a press conference. But, by the way, there was an exception. They could go into Florida and raise money.

So my colleagues can see how this has created a highly distasteful bad taste in the collective mouths of four and a quarter million registered Democrats in Florida, almost half of whom turned out on election day, January 29, when they were being told: Your vote is not going to count. Well, it is pretty precious to us in Florida that our vote count, and our vote count as intended, and 1.75 million Florida Democrats turned out. That was far in excess of twice the number that had ever turned out in any Presidential primary held in the State of Florida before. The Democratic National Committee still says they are not going to allow Florida's votes to be counted. Well, all of this fracas is coming full circle.

Now, by the way, it wasn't that a lot of us didn't try. A whole bunch of us in the Florida congressional delegation first tried to work a compromise. We tried to say if everyone would get in the order that they wanted, the first four original States could end up being the first anyway. But, no, they were not about to listen to a compromise. This is back in the summer. This is in August. This is in early September, before the final decision became effective in September from the DNC of cutting off all the delegates in Florida. Congressman ALCEE HASTINGS and I even filed suit in Federal district court against Howard Dean and the Democratic National Committee on the constitutional arguments that due process and equal protection of the laws under the Bill of Rights in the Constitution was violated. The Federal judge who heard the case in December decided he bought the argument of the DNC, that a court case from the 1970s—a Wisconsin case, in fact—applied, and that

the DNC could do whatever it wanted in the setting of its rules.

So what we come to is an unfortunate turn of events where, if the race is close, and delegates pledge delegates and decisions of superdelegates going into the summer, and if Florida and Michigan, which have a different set of circumstances, which are both being denied, were to make the difference, and if they are not seated at the Democratic National Convention, it is finally dawning on the partisan party leaders that how are Florida and Michigan and the people of those States going to feel 2 months hence after the Democratic National Convention, when election day, November 4, comes around. That is starting to make some people very nervous.

So I call on all the reasonable heads—as the Good Book says, come let us reason together—to honor the fact that almost 2 million Florida Democrats went and voted and they expect their vote to count and count as they intended it to count. I call on the reasonable leadership to come together for the sake of unity and allow us to go into a convention in a unified fashion so that we can have a very legitimate election process for the leader of our country for the next 4 years.

I understand there are other Senators who wish to speak, so I will defer my comments about the Consumer Product Safety Commission bill, of which I am a cosponsor, until a later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4095

Mr. DEMINT. Mr. President, I would like to speak for a few minutes on my amendment that I believe we will be voting on at 5:30 today. This amendment brings up the House-passed consumer product safety bill. This was a bill that had extraordinary bipartisan support. It was led by Speaker NANCY PELOSI and Chairman DINGELL and Ranking Member BARTON. They worked together for a number of weeks to create a bill that did a lot of the things we had hoped to do in the Senate, and Chairman DINGELL has encouraged us to take up the House bill and pass it today.

I see Senator STEVENS has come to the floor, and I know he wants to speak on this bill. I would be glad to yield my time or part of my time and then follow Senator STEVENS, if he would like me to. I think we have the balance of the time until 5:30 together, and I understand the Senator from Alaska needs 5 minutes. I yield 5 minutes to Senator STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the Senator is very generous for sharing his time. I have come to the floor to speak on his substitute bill.

I hope the Senate realizes this is a complete substitute, and it will take the House bill and replace it for the actions that the Senate has taken through our Commerce Committee and on the Senate floor so far. While there are some portions of the House bill that are positive, and I am pleased to say we will be happy to work with them in conference. I must oppose this amendment because it would gut this entire bipartisan compromise that is now before the Senate.

Consumer product safety has been before the Senate before, and we have not been able to get to this point. We have gotten to this point because Senator PRYOR, Senator INOUYE, Senator COLLINS, myself, and others have worked together to bring to the Senate a bill that has positive safety provisions that are not currently in the House bill. I urge my colleagues to vote no on this amendment because what we have done in this bill will provide some very positive changes that I believe the House will be willing to accept in conference. The difficulty is this amendment would not include those additional protections. We would have to go back and start all over again in the legislative process to address the additional provisions we have added to this bill.

I believe we can get through the amendment process in the next couple of days, and it is my hope we can go to conference and this bill will be sent to the President as soon as possible. I believe the country is ready for a change and a reemphasis on consumer product safety, particularly as it relates to children.

I am the father of 6 children, grandfather of 11, and I hope to have more—at least grandchildren. That is supposed to be funny. I think we ought to be able to take this compromise bill to conference, and I welcome that. I promise I will confer with my colleague with regard to the changes we might make in conference, but this is not the time to end this bipartisan process.

If there is one thing the Senate needs, the one thing Congress needs, it needs bipartisanship to move forward on the business we should act on during this Congress. This is a product of that, the product of a long, hard conference on a bipartisan basis.

I urge my colleagues to vote no on this amendment. It is my hope the Senate will allow us to go to conference on the bill on which we worked so hard.

I thank the Senator for his courtesy.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I agree with a number of points the Senator from Alaska just said, particularly the importance of working in a bipartisan fashion on a bill as important as consumer product safety. That is exactly what I am proposing with this amendment because this is something that not only had bipartisan support in the House, it had unanimous support in the House.

The Senator from Alaska also mentioned the importance of moving quickly. He suggested that my amendment might actually slow this bill down. In fact, the opposite is true. If we were to adopt this amendment, the consumer product safety bill could go to the President tonight. This is a bill that has been thoroughly vetted and includes a lot of good provisions about which I would like to speak. But even my colleagues who would like to vote for the final Senate bill—I don't know whether my amendment will be adopted or not tonight—can still vote for the Senate bill even if they vote for the House bill.

Voting for this amendment is voting for a good, clean, bipartisan consumer product safety bill that we might not have at the end of this process. As all of us know, the longer this debate goes on, the more nongermane amendments will be added to the bill, and the possibility of this bill being passed and going to conference and actually coming out with a bill we can all support—we don't know what the odds of that are. But we do know if we pass the House version of the bill tonight, we will have a new consumer product safety bill that does a number of the things all of us want. I will mention a few of those.

One of the items we talked about is not just to count on companies to test their own product safety but to have a third-party testing, particularly of children's products, for lead and other hazards. The House bill sets that up.

We also require manufacturers to put distinguishing marks on their products so that in the event of a recall, we would know how to identify the products that are out in the marketplace that need to come back. Consumers would know which ones are safe and which ones are not.

It also replaces the aging testing labs the Commission uses now and installs a state-of-the-art testing system that will help us determine more quickly which products are safe and those that are not.

We create a new system of advising the public when we have found a safety problem through using the Internet, radio, and television, and we preserve the strong relationship between industry and the Consumer Product Safety Commission, so we get the information from them on a constant basis if there are any safety problems or even improvements in safety in different product categories. And we restore the full panel of Commissioners to the Commission, which is not in place right now.

The House bill had support from a total range of Members. From the most conservative Republican to the most liberal Democrat, they agreed to come

together without further delay and pass a bill that we need.

The groups from the outside that look at these issues, particularly the manufacturer groups, such as the National Association of Manufacturers and the Chamber of Commerce, that represent millions of jobs across this country—and that is really what we are talking about here. The Senate bill would actually put an additional burden on American-based manufacturers that our foreign competitors do not have. If there is one thing we do not need to do as a Congress, it is to make it even more difficult to do business in this country, to put our workers at a further disadvantage to workers from overseas by adding an unnecessary burden to this consumer product safety bill, provisions that do not necessarily improve safety but do make it increasingly difficult to be competitive as an American manufacturer. We need not do that.

The Senate bill has some problems, and we have a number of amendments we can add. Right now, my amendment has the support of the National Association of Manufacturers, chamber groups; business journals, such as the Wall Street Journal, are supportive of this amendment, and they are not supportive of the Senate version, frankly.

So we have a better alternative tonight. I encourage my colleagues to set aside partisanship, to set aside maybe particular special interests we may want to do some favors for in the Senate bill. The House set that aside, and they did the right thing. That is really what I am encouraging my colleagues to do tonight: Do the right thing.

This is not a bill I created. This is a bill which is supported by Speaker NANCY PELOSI and Chairman DINGELL, as well as the Republicans on the House side. We probably will not have another opportunity this year as a Senate to vote for a bill that has unanimous support in the House. Yet we have it on the floor tonight. I encourage my colleagues: Do the right thing. Let's practice what we preach for once and be bipartisan and support an amendment that will get a consumer product safety bill to the President right away so we can start the implementation process.

Mr. President, I appreciate the time. I know my colleague, the chairman, wishes to speak before the vote. I yield the remainder of my time. He can have the rest of that time. I yield back my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Senator from South Carolina for his gracious allotment of time and tell him how much I appreciate his spirit of cooperation and trying to come together and find as much common ground as we can on not just his amendment that is pending but other amendments and other matters. He has been a true gentleman in how he has conducted himself, and I appreciate that.

I wish to say a few words about the DeMint amendment. Really, all the DeMint amendment does is it cedes us to the House version of the bill. It is significantly different. As I said before, the House, during their process, basically took about half, maybe a little more of the Senate committee bill and basically cut and pasted it into their legislation. So we have a little bit of, I guess you can say pride of authorship in the House version. There are a lot of good provisions in the bill.

The House version is different in several material ways. I went through some of those before, but let me touch on about 8 or 10 more items right now. And I can do this very quickly.

First, the Senate bill gives a financial responsibility in the sense that it requires, under certain circumstances, manufacturers to put funds in escrow or to get insurance in the event of a recall. It is not automatic, but it allows the CPSC to do that under cases that might warrant that action. The DeMint amendment takes that away.

The Senate bill has a specific provision on portable gasoline containers and makes it clear that there will be a national standard. Again, the DeMint amendment takes that away.

The Senate bill has several provisions on all-terrain vehicle safety. It sets a national standard. It sets all kinds of benchmarks that need to be met, and it makes the Federal law very clear about ATV safety standards in this country. Unfortunately, the DeMint amendment takes that away.

The Senate bill also contains a garage door opener standard. We all know how dangerous garage door openers can be. They do not have to be. There is technology available. We set a national standard which is a good belt-and-suspenders type of standard. Again, we are talking about garage doors that have a track record of causing injury, in some cases death, not just to children but mostly to children. The DeMint amendment takes that standard away.

The Senate bill also contains a provision on carbon monoxide poisoning, specifically with generators. Again, this has been a problem, not just with Katrina and Rita and other situations such as those but just generally for people who use these generators in various contexts. There has been a carbon monoxide poisoning problem. The Senate bill takes care of that problem. Unfortunately, the DeMint amendment takes that away.

The completion of a cigarette lighter rulemaking is something that has been pending with the CPSC for quite some time. We clarify that there will be a national standard. We set that standard. We pretty much tell the CPSC what needs to happen with this issue. Unfortunately, the DeMint amendment takes that away.

The last point I want to make—there are several other points I could make, but the last one I want to mention is under certain circumstances, the Senate bill provides for the destruction of imported products that violate our safety standards. This is important because if we do not destroy those products, somehow, some way, oftentimes they end up in the U.S. market even though they are not supposed to, but also we see the dumping of these products in Third World countries. If we do not take a principled stand on this issue, we are just going to be dumping our problems on other countries. Unfortunately, the DeMint amendment takes that away.

I am certainly not critical of Senator DEMINT or critical of the House. The House came together in a bipartisan way. The bottom line is, we just have a stronger bill in the Senate. It is a bill of which we can be proud. It is a bill people in our home States would love to see us pass. I tell you, most people in Arkansas, most people around the country in the other 49 States probably could not tell you what CPSC stands for, but they could tell you they want stronger and tougher protections when it comes to imported products. They want to make sure someone is watching to make sure the toys they buy for their children and grandchildren are safe. They want to make sure that someone in the Federal Government is watching to make sure products, such as lighters, are safe and products as simple as gasoline cans are safe and that when you use a portable generator, you do not get carbon monoxide poisoning. People in our country expect those kinds of standards, and that is exactly what the Senate bill does. It is good not just for the CPSC, but it is good for this country.

As I have said before, we have several specific differences I have just articulated, differences between the House version and the DeMint amendment, which is basically the House version. The bottom line is, the Senate bill has more transparency, more enforcement, and more comprehensive reform. This bill is something of which we can all be proud. Not that we go home and brag to people in our home States about getting something right up here, but this will give every Senator in this Chamber an opportunity to go to their home State and talk about something good the Senate is doing for this country, something that is nonpolitical, something that is bipartisan, something that is good public policy, and that is the Senate bill.

Again, the House bill is good. It is OK. It is an improvement over current law. I do not have any criticism of our House colleagues for doing what they did, I really do not, especially considering that about half of that bill is

really the Senate committee bill. Regardless of that, I do not have any criticism of them, and I do not want anything I have said to be interpreted as criticism. But the Senate bill is stronger, it is better, it is more comprehensive, it is better for the American people, and I think it will, over time, lessen the amount of litigation, and I think over time you will see fewer recalls and you will see consumer confidence in products they buy go up.

Overall, this is a very good bill for the people of this country. I encourage my colleagues to vote no on the DeMint amendment, and on final passage of the Senate bill, whenever that happens—tomorrow or the next day—I encourage all my colleagues to vote yes.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I move to table the DeMint amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—57

Akaka	Hagel	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Smith
Casey	Leahy	Snowe
Collins	Levin	Specter
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Stevens
Dorgan	McCaskill	Tester
Durbin	Menendez	Warner
Feingold	Mikulski	Webb
Feinstein	Murkowski	Whitehouse
Grassley	Murray	Wyden

NAYS—39

Alexander	Cornyn	Isakson
Allard	Craig	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	Martinez
Bond	Dole	McConnell
Brownback	Domenici	Roberts
Bunning	Ensign	Sessions
Burr	Enzi	Shelby
Chambliss	Graham	Sununu
Coburn	Gregg	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Voinovich
Corker	Inhofe	Wicker

NOT VOTING—4

Byrd	McCain
Clinton	Obama

The motion was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. ENSIGN. Mr. President, on rollcall vote No. 37, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTOR COACH SAFETY

Mr. BROWN. Mr. President, last Sunday marked the 1-year anniversary of a tragic bus crash outside Atlanta, GA, which was transporting members of the Bluffton University baseball team from my State of Ohio to play baseball in Florida. The crash took the lives of Tyler Williams and Cody Holp, Scott Harmon, Zack Arend, and David Joseph Betts. The driver, Jerome Niemeyer, and his wife Jean were also killed in the crash. Most of the other 33 passengers were treated for injuries.

While the investigation into the cause of the crash is ongoing, one thing is clear: Stronger safety regulations could have minimized the fatalities and injuries resulting from the crash.

John Betts, who lost his son in this accident, sees upgrading the safety laws for motor coaches as an opportunity to save the lives of future riders. One year ago, Mr. Betts made a promise to his late son. He promised to dedicate himself to motor coach safety. Thus, through this tragedy, a movement began to adopt commonsense safety regulations that lower the risk of injury or fatality in accidents. Mr. Betts launched a Web site to educate the public about motor coach safety. He agrees to do regular interviews so he can use his own heartbreaking experience to gain momentum for his cause.

Mr. Betts visits his son's grave twice a day. Of his visit the other day, he said:

> I just asked him to give me strength, give me wisdom, give me the words to keep fighting to make sure something good comes from something so bad.

Last fall, Senator KAY BAILEY HUTCHISON of Texas and I joined this effort, introducing the Motor Coach Enhanced Safety Act. This bill, which has the support of Mr. Betts and countless safety advocates, would codify recommendations from the National Transportation Safety Board. It surprised me—and it will surprise my colleagues—that the safety improvements in this bill are not already standard safety practice. They include such basic and logical safety measures as the use of seatbelts and fire extinguishers. These are not new technologies. These are safety features widely used in other transportation equipment. They are commonsense. They save lives. They should be a given, not some distant goal.

Many of the injuries sustained in motor coaches could be prevented by incorporating high-quality safety technologies that exist today but, unfortunately, are not widely used, such as crush-proof roofing and glazed windows to prevent ejection.

Unfortunately, the Bluffton University baseball team's bus crash was not an isolated incident. Senator HUTCHISON quickly pointed to the many accidents in Texas while this bill was being drafted, such as the crash involving the Westbrook High School girl's soccer team in 2006.

As a father of four and recently a grandfather, it upsets me to know motor coaches are such unregulated vehicles that our kids don't have the option to buckle up. The tragedy of these and other motor coach accidents has created motivation and hope in Mr. Betts and others for increased safety in this industry in the future. It is our job to take that motivation and that hope and turn them into action.

I urge my colleagues to consider the Motor Coach Enhancement Safety Act. Passage of this bill would undoubtedly mean saved lives in the future. It is my hope in the future parents will not have to endure the anguish and the rest-of-his-life grief that John Betts and other families' members have experienced.

For those who suffered from the tragedy in Atlanta of the Bluffton baseball team on March 2, 2007, I offer my thoughts and prayers.

Mr. COCHRAN. I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR FORCE AERIAL REFUELING TANKER SELECTION

Mr. COCHRAN. Mr. President, I was pleased to learn last week that the Air Force had made a selection for the development and procurement of its new aerial refueling tanker fleet. I am told that the replacement of the 1950s-era fleet of KC–135s had been the Air Force's No. 1 procurement priority. By the time the last one is replaced, it will be over 80 years old. It is good to see the Air Force move forward to replace these aging aircraft.

GEN Arthur Litche, the commander of Air Mobility Command, whose mission it is to provide rapid global mobility and sustainment for America's Armed Forces, recently said:

> Tanker modernization is vitally important to national security.

I have been told this acquisition selection process is the most documented selection process the U.S. Air Force has ever conducted. Last Friday, Secretary of the Air Force Michael Wynne said:

> Today's announcement is the culmination of years of tireless work and attention to detail by our Acquisition professionals and source selection team, who have been committed to maintaining integrity, providing transparency, and promoting a fair competition for this critical aircraft program.

The Air Force advises us that 25,000 American workers at 230 U.S. companies located in 49 States will support the assembly of these aircraft. The winning proposal was submitted by the team led by Northrup Grumman and includes EADS North America and General Electric Aviation. It was judged to provide the best value for the U.S. Air Force and for the U.S. taxpayer. General Litche said the winning proposal gives the military more passengers, more cargo, more fuel to offload, more availability, more flexibility, and more dependability.

I am pleased to congratulate the winners of the competition, and I look forward to the day when this new aircraft joins the fleet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PRYOR. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT

Mr. NELSON of Florida. Mr. President, I wish to speak as to why the Consumer Product Safety Commission Reform Act is so desperately needed.

Most parents, and consumers for that matter, will not forget in the past—and it was as recent as this past summer—the huge amount of toy recalls. There were children's jewelry and toys that were covered in lead paint. There were toys with detachable magnets that can cause fatal intestinal obstructions. There were stuffed animals with small parts that can detach and become a choking hazard. There was a children's craft kit containing beads that when swallowed became ingested into the child's digestive system; and what came out of those beads was the same chemical compound, believe it or not, as GHB, which is the date rape drug.

The Laugh & Learn Bunny became a choking hazard. This magnetized building set, as shown on this chart—over 4 million units were sold—those magnets became ingested into the child's digestive track. Thomas the Train, over 1.5 million units were sold, and lo and behold those were painted with lead paint. And then the Barbie accessories—675,000 units of those were sold—had lead paint. And there were other toys. In fact, one of them was some kind of little doll where the nose came off. It was exactly the size that could get into a child's windpipe and cause them to choke to death.

As a matter of fact, one of the children's hospitals in Florida I visited about this very thing gave me a plastic thimble of about the size they said they hand out to the children's parents because they want them to see the size of anything that could detach—if it did from a toy—that is a choking hazard for a child.

So in visiting with this team of emergency room doctors, they showed all these things in real life to me and told me about the invasive surgery that then they had to do on children that was traumatic for a child who is 4 or 5 years old.

Then, I had the very sad duty to visit with a momma and a daddy in Jacksonville, who left two of their children in a room with a disco ball toy. What happened? It became overheated because it was illuminated. It became overheated. It caught fire, and it emitted enough carbon monoxide to kill both the children.

Now, these incidents simply should not be happening. Yet with this bill Senator PRYOR is managing on the floor, we can better ensure American parents do not have to face another summer of recalls.

So this act is going to do a number of things. It would increase the number of professional staff who work at the Consumer Product Safety Commission. It would ensure consumer access to information about these products. It would eliminate lead from children's products. It increases civil penalties for wrongdoers. And it protects employees from retribution who report violations of consumer product safety. This bill also requires the first mandatory standard for toy safety, and it requires third-party testing of toys and other children's products.

What has come to the floor is a combination of different legislation. What this Senator had contributed was S. 1833, the Children's Products Safety Act, which would require third-party testing of products intended for children aged 7 and under. I am very pleased it has been included in this overall package.

There are two provisions that are critical. First, the third-party testing provision ensures that all of those toys and products undergo testing by a third party prior to entering the stream of commerce. Any that did not have the third-party testing would be banned from importation. Now, why is this necessary? Because we were letting the Chinese industry police itself, and it wasn't doing it, and the Government of China wasn't doing the inspecting. So we had the substandard and indeed unsafe toys coming to the American consuming public.

Second, this bill would set the first mandatory safety standards by adopting the ASTM—the international consumer safety specifications for toy safety. That is often referred to as standard F–963. ASTM is a nonprofit standard-setting organization. It is an independent organization that involves the CPSC—the Consumer Product Safety Commission—consumer groups, and the industry in toy standards and the development process. The standards contain 100 other toy safety specifications, including testing for shock points, flammability, toxicity, and noise.

These standards, in their development process, also provide a fast, collaborative process to address these changing conditions. So when the detachable magnet issue arose last year, the ASTM standards development team recognized the seriousness of the issue. They came up with a new magnet safety standard 9 months after the problem was first reported.

Well, under the provisions of the bill, the updates to the ASTM standard will automatically be incorporated into the Federal toy safety standard, unless for some reason the CPSC would determine that it wasn't going to improve the public safety. So as a result, the consumers are going to have the benefit of new toy safety standards immediately after the adoption of this legislation.

Taken together, these provisions will ensure that toys will be tested by a rigorous third-party testing process that is constantly updated to address new and emerging hazards to our children. Third-party testing has been endorsed by a number of consumer groups and a number of the manufacturers that realize we have a problem here. So we need to build a consensus and get this legislation passed.

Last year, over 46 million children's products were recalled—can my colleagues believe that, 46 million recalled—and almost a fifth of those were recalled after a child was seriously injured or killed. It is not enough just to recall these toys; we need to make sure they never enter the stream of commerce in the first place, and this bill provides that safety.

I wish to say there is also something in here about generators, portable generators. If you live in a coastal State such as mine and you get hit by a big hurricane—and especially gasoline stations are learning they need them because people need to be able to drive their cars and they can't get gasoline—well, in any kind of natural disaster such as that, people really rely on these portable generators to provide electricity. Unfortunately, every year, a number of people are severely injured or killed by the carbon monoxide poisoning that results from improper generator use. They crank this thing up in an enclosed room, and they ultimately are harmed or killed as a result of carbon monoxide.

Section 32 of the CPSC Reform Act requires the CPSC to complete a long-pending rulemaking on portable generator carbon monoxide poisoning within 18 months of the enactment. When this rule is finalized, it is going to require new technologies to stop these tragedies, and it will save lives. It is a wonder that the CPSC hadn't already done this when folks such as myself are articulating what has happened with the deaths in the aftermath of a hurricane and have asked them to do it. Now we are going to bring it to fruition because it is going to be required under this legislation.

I again thank my colleague, Senator PRYOR, who is shepherding this legislation through a tortuous legislative process. I hope all of our colleagues will join in supporting this critical legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum, unless the Senator from Arkansas—it looks as if his eloquent self is rising to speak.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, before my dear colleague from Florida leaves the floor, I would like to acknowledge his work on this legislation. He has been a real go-to guy on these toy issues. In fact, he had filed a bill—before we even filed our bill that became the committee bill, he filed a bill that basically—I don't want to say we took verbatim, but we took large pieces of it and all the concepts of it and incorporated his legislation, and it really became the bedrock piece of the committee bill, which has now been amended and substituted, and now it is the bipartisan bill the Senate is working on. So Senator BILL NELSON of Florida really deserves a lot of credit for helping to get the ball rolling and getting things moving in the right direction.

In fact, we have so many colleagues who have helped in this process, and I will thank them more as the week goes on. But I think of SUSAN COLLINS of Maine, who came in probably, I don't know, several months ago—I don't remember exactly when—and she had a very important role. Of course, Senator STEVENS really worked hard to make this bipartisan. Both of them are Republican cosponsors.

Again, for all of the Senators who are listening, I would love to talk to more Republican Senators about maybe possibly becoming cosponsors in the next day or two because, as we saw from the vote tonight, this bill does have broad-based bipartisan support. I appreciate the effort all of our colleagues have done, but I did want to single out Senator BILL NELSON, who has been so instrumental in moving this forward.

Mr. President, if there is no one else who is planning on speaking, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, it looks as if we are at the close of our business today. Tomorrow, I look forward to returning to the consideration of S. 2663, the Consumer Product Safety Commission Reform Act.

COLLOQUIES REGARDING H.R. 6

Mr. LEVIN. Mr. President, I have been asked about the timing of the colloquy that I entered into with Senators INOUYE and FEINSTEIN on December 13, 2007, during consideration of H.R. 6, the Energy Independence and Security Act of 2007.

Immediately prior to the vote on cloture, on the motion to concur with an amendment to the House amendment to the Senate amendment to the text of H.R. 6, I was recognized on the Senate floor and requested and obtained consent ''that a colloquy between myself, Senator Inouye and Senator Feinstein be inserted in the record at this point.''

Agreement among the three of us on the content of that colloquy was critical to both my vote for cloture and my later vote for final passage, as I indicated in my own statement prior to final passage that was submitted later in the day. The colloquy between Senator INOUYE, Senator FEINSTEIN, and me read in its entirety, as follows:

NHTSA REGULATIONS ON FUEL ECONOMY

Mr. LEVIN. Mr. President, I support this bill and, in particular, the provisions that require the Department of Transportation, through the National Highway Traffic Safety Administration, NHTSA, to set new fuel economy standards for vehicles that will reach an industry fleet wide level of 35 miles per gallon by 2020 based on my understanding that these new Federal standards will not be undercut in the future by regulations issued by the Environmental Protection Agency regulating greenhouse gas emissions from vehicles.

I believe that we have taken historic steps in this legislation by putting in place ambitious but achievable fuel economy standards that will reduce our Nation's fuel consumption and greenhouse gas emissions. In this legislation, the Senate and House have come together and established the appropriate level of fuel economy standards and have directed NHTSA to implement that through new regulations. In this legislation, the Congress has agreed that the appropriate level of fuel economy to reach is 35 miles per gallon in 2020, or an increase of 10 miles per gallon in 10 years.

But it is essential to manufacturers that they are able to plan on the 35 miles per gallon standard in 2020. We must resolve now with the sponsors of this legislation in the Senate any ambiguity that could arise in the future when EPA issues new rules to regulate greenhouse gas emissions from vehicles pursuant to its authority under the Clean Air Act so that our manufacturers can have certainty. With that in mind, I want to clarify both Senator Inouye's and Senator Feinstein's understanding and interpretation of what the Congress is doing in this legislation and to clarify their agreement that we want all Federal regulations in this area to be consistent. We do not want to enact this legislation today only to find later that we have not been sufficiently diligent to avoid any conflicts in the future.

The Environmental Protection Agency has authority under the Clean Air Act to regulate greenhouse gas emissions from vehicles and to delegate that authority, as the agency deems appropriate, to the State of California. This authority was recently upheld by the U.S. Supreme Court, and it is not our purpose today to attempt to change that authority or to undercut the decision of the Supreme Court. We simply want to make clear that it is Congressional intent in this bill that, with respect to regulation of greenhouse gas emissions, any future regulations issued by the Environmental Protection Agency to regulate greenhouse gas emissions from vehicles be consistent with the Department of Transportation's new fuel economy

regulations that will reach an industry fleet wide level by 35 miles per gallon by 2020.

Does the Senator from California and original sponsor of this legislation, Mrs. Feinstein, agree with my view that the intent of this language is for EPA regulations on greenhouse gas emissions from vehicles to be consistent with the direction of Congress in this 35 miles per gallon in 2020 legislation and consistent with regulations issued by the Department of Transportation to implement this legislation?

Mrs. FEINSTEIN. Yes, of course, we have worked hard to come together on this legislation directing NHTSA to issue new fuel economy regulations to reach an industry fleet wide level of 35 miles per gallon by 2020, and it is our intent in the bill before us that all Federal regulations in this area be consistent with our 35 miles per gallon in 2020 language.

Mr. LEVIN. I thank the Senator for her clarification of her intent.

Does the chairman of the Commerce Committee, the distinguished Senator from Hawaii, Mr. Inouye, agree with my understanding of the intent of this bill that any regulations issued by the Environmental Protection Agency be consistent with the direction of Congress in this legislation and regulations issued by the Department of Transportation to implement this legislation?

Mr. INOUYE. Yes. I agree that it is very important that all Federal regulations in this area be consistent and that we provide clear direction to the agency that has responsibility for setting fuel economy standards, the Department of Transportation.

Mr. LEVIN. I thank my distinguished colleague from Hawaii, Mr. Inouye, for his clarification.

With the colloquy accepted and placed in the CONGRESSIONAL RECORD, I voted to invoke cloture. Sometime after the vote on cloture, later in the day, a separate colloquy between Senator FEINSTEIN and Senator INOUYE was inserted in the CONGRESSIONAL RECORD. It was placed in the RECORD immediately following the Levin-Feinstein-Inouye colloquy, quoted above, although it was, in fact, presented for inclusion in the RECORD at a later point in the day, as noted by Senator INOUYE in the second sentence of the Inouye-Feinstein colloquy. Their colloquy reads as follows:

AGENCY MANAGEMENT

Mr. INOUYE. Mr. President, I have worked for many months with the Senior Senator from California and the original sponsor of this legislation, Mrs. Feinstein, to draft a sound policy to increase fuel economy standards in our country. I stated earlier today that ''all Federal regulations in this area be consistent.'' I wholly agree with that notion, in that these agencies have two different missions. The Department of Transportation has the responsibility for regulating fuel economy, and should enforce the Ten-in-Ten Fuel Economy Act fully and vigorously to save oil in the automobile fleet. The Environmental Protection Agency has the responsibility to protect public health. These two missions can and should co-exist without one undermining the other. There are numerous examples in the executive branch where two or more agencies share responsibility over a particular issue. The Federal Trade Commission and the Federal Communications Commission both oversee telemarketing practices and the Do-Not-Call list.

The FTC also shares jurisdiction over antitrust enforcement with the Department of Justice. Under the current CAFE system, the Department of Transportation and the Environmental Protection Agency work together. DOT enforces the CAFE standards, and the EPA tests vehicles for compliance and fuel economy labels on cars. The President himself foresaw these agencies working together and issued an Executive Order on May 14, 2007, to coordinate the agencies on reducing automotive greenhouse gas emissions. The DOT and the EPA have separate missions that should be executed fully and responsibly. I believe it is important that we ensure that the agencies are properly managed by the executive branch, as has been done with several agencies with shared jurisdiction for decades. I plan on holding hearings next session to examine this issue fully.

Mrs. FEINSTEIN. I would like to thank the chairman of the Commerce Committee, and I would like to clarify what I believe to be the intent of the legislation I sponsored to increase fuel economy standards in the United States.

The legislation increasing the fuel economy standards of vehicles by 10 miles per gallon over 10 years does not impact the authority to regulate tailpipe emissions of the EPA, California, or other States, under the Clean Air Act.

The intent was to give NHTSA the ability to regulate fuel efficiency standards of vehicles, and increase the fleetwide average to at least 35 miles per gallon by 2020.

There was no intent in any way, shape, or form to negatively affect, or otherwise restrain, California or any other State's existing or future tailpipe emissions laws, or any future EPA authority on tailpipe emissions.

The two issues are separate and distinct.

As the Supreme Court correctly observed in Massachusetts v. EPA, the fact ''that DOT sets mileage standards in no way licenses EPA to shirk its environmental responsibilities. EPA has been charged with protecting the public's health and welfare, a statutory obligation wholly independent of DOT's mandate to promote energy efficiency. The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.''

I agree with the Supreme Court's view of consistency. There is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.

The U.S. District Court for the Eastern District of California in Central Valley Chrysler-Jeep v. Goldstone has reiterated this point in finding that if approved by EPA, California's standards are not preempted by the Energy Policy Conservation Act.

Title I of the Energy Security and Independence Act of 2007, H.R. 6, provides clear direction to the Department of Transportation, in consultation with the Department of Energy and the Environmental Protection Agency, to raise fuel economy standards.

By taking this action, Congress is continuing DOT's existing authority to set vehicle fuel economy standards. Importantly, the separate authority and responsibility of the U.S. Environmental Protection Agency to regulate vehicle greenhouse gas emissions under the Clean Air Act is in no manner affected by this legislation as plainly provided for in section 3 of the bill addressing the relationship of H.R. 6 to other laws.

I fought for section 3. I have resisted all efforts to add legislative language requiring ''harmonization'' of these EPA and NHTSA standards. This language could have required that EPA standards adopted under section 202 of the Clean Air Act reduce only the air pollution emissions that would already result from NHTSA fuel economy standards, effectively making the NHTSA fuel economy standards a national ceiling for the reduction of pollution. Our legislation does not establish a NHTSA ceiling. It does not mention the Clean Air Act, so we certainly do not intend to strip EPA of its wholly separate mandate to protect the public health and welfare from air pollution.

To be clear, Federal standards can avoid inconsistency according to the Supreme Court, while still fulfilling their separate mandates.

NATIONAL SPORTSMANSHIP DAY

Mr. REED. Mr. President, today marks the 18th annual National Sportsmanship Day. This initiative, the largest of its kind in the world, is a program of the Institute for International Sport based at the University of Rhode Island. Since 1991, the program has promoted the highest ideals of sportsmanship and fair play among not only the young people of Rhode Island but also among youth in every other State and, indeed, around the world. This year alone over 7 million children in more than 14,000 schools throughout the United States and countries as diverse as Ghana, Nigeria, India, Australia, and Bermuda, will celebrate National Sportsmanship Day.

Our appreciation of sports is deep-rooted. The ancient Greeks, for example, recognized ''a sound mind in a sound body'' as the foundation of a good education. But a complete individual not only develops the mind and body, he or she also develops and exhibits fairness and honesty, key elements of sportsmanship.

This year, Jackie Joyner-Kersee, the famed Olympic Gold medalist, serves as chair of the National Sportsmanship Day program. She and the program's founder, Dan Doyle, remain committed to the goal of making sports a more positive force in society. They hope to achieve their objective by focusing this year on improving parental involvement in athletics, encouraging parents to be good sports on the sidelines so they can be good models of ethical behavior for their children.

I am proud that Rhode Island is the home base of this program, and I hope it enjoys continued success.

TRIBUTE TO JOHNNIE CARR

Mr. SESSIONS. Mr. President, it is with sadness that today I note the loss of a great American and a hero of the civil rights movement, Mrs. Johnnie Carr.

Mrs. Carr passed away in Montgomery on February 22, 2008, at the age of 97, but her lifelong struggle for equality in America will be an inspiration for many years to come.

I had the great privilege to know Mrs. Carr personally. I was always struck by her deep faith and commitment to improving our State. She was an independent thinker, and her remarkable strength served her well as a leader.

Mrs. Carr lived all her life in Montgomery, where she was a foot soldier in the fight for equality. She was a founding member of the Montgomery Improvement Association, an organization that proved instrumental in the important civil rights events in Alabama during the 1950s and 1960s.

Carr was the schoolmate, friend, and partner of Rosa Parks, who was the recipient of the Congressional Gold Medal and who was honored, 2 years ago, by having her body lie in honor in the Rotunda of the U.S. Capitol.

Fred Gray, lawyer for Dr. Martin Luther King, Jr., and author of ''Bus Ride to Justice,'' a valuable history of the civil rights movement in Alabama, points out that Johnnie Carr was one of the organizers of the bus protest. Gray eloquently notes that her boycott ''Set in motion the modern civil rights movement and gave birth to a world leader, Dr. Martin Luther King, Jr., a future Nobel Peace Prize Laureate.'' That protest succeeded as a result of unified African-American community leaders like Johnnie Carr.

Later, in 1964, Carr became the lead plaintiff in the historic school desegregation case, Carr v. the Montgomery Board of Education, a victory for colorblind public education and one of many important cases heard by U.S. District Judge Frank M. Johnson. Indeed, this case was the first time that the U.S. Supreme Court approved ''quotas, goals, and time-tables'' as corrections for past discrimination, Gray writes.

She committed her entire life to equality and her faith, which provided her the courage to make a difference.

It is fitting that Mrs. Carr followed Dr. King as president of the Montgomery Improvement Association. For more than four decades she led campaigns to promote voter registration and integrate public facilities.

Always a strong leader, Mrs. Carr promoted cooperation and consensus during a difficult period in our Nation's history. She reached across racial lines to promote positive change for Alabama, serving as both an active member of Hall Street Baptist Church and as a missionary for the Montgomery Antioch District.

Many individuals and organizations have recognized Mrs. Carr's long history of leadership and advocacy. It is a privilege to lend my voice to the choir of those who have honored the spirit and dedication of this American hero. She left a lasting legacy in this country that will not soon be forgotten.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY AND SANCTIONS WITH RESPECT TO THOSE PERSONS WHOSE ACTIONS UNDERMINE THE DEMOCRATIC PROCESSES OR INSTITUTIONS OF ZIMBABWE—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 4, 2008*.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 4, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2272. A bill to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2478. A bill to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1675. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service (Rept. No. 110–271).

By Mr. BIDEN, from the Committee on Foreign Relations, with amendments and an amendment to the title:

H.R. 1469. A bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (Rept. No. 110–272).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 2798. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes (Rept. No. 110–273).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2688. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mr. BAYH, and Mr. NELSON of Florida):

S. 2689. A bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions; to the Committee on Armed Services.

By Mr. BROWNBACK:

S. 2690. A bill to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans; to the Committee on Veterans' Affairs.

By Mr. BOND:

S. 2691. A bill to amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to provide enhanced agricultural input into Federal rulemakings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2692. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $4,600,000 for the construction of an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2693. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $3,150,000 for additions and alterations to a Flight Simulator Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2694. A bill to authorize to be appropriated to the Defense Logistics Agency for fiscal year 2009 $14,400,000 to replace fuel storage tanks at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2695. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $1,050,000 for additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2696. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $14,500,000 for the alteration of a hangar at Holloman Air Force Base, New Mexico, for the construction of a Low Observable Composite Repair Facility; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2697. A bill to authorize to be appropriated to the Special Operations Command for fiscal year 2009 $18,100,000 for the construction of a Special Operations Force Maintenance Hangar at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2698. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $2,150,000 for additions and alterations to a Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

By Mr. LAUTENBERG (for himself and Mrs. BOXER):

S. 2699. A bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 2700. A bill to amend the Oil Pollution Act of 1990 to double liability limits for single-hull tankers and tank barges for 2009, and for other purposes; to the Committee on Environment and Public Works.

By Mr. NELSON of Nebraska:

S. 2701. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery in the eastern Nebraska region to serve veterans in the eastern Nebraska and western Iowa regions; to the Committee on Veterans' Affairs.

By Mr. SALAZAR (for himself and Ms. SNOWE):

S. 2702. A bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 469. A resolution providing for a protocol for nonpartisan confirmation of judicial nominees; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. HAGEL):

S. Res. 470. A resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan; to the Committee on Foreign Relations.

By Mr. ISAKSON (for himself, Mrs. MURRAY, and Ms. KLOBUCHAR):

S. Res. 471. A resolution designating March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day''; considered and agreed to.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. STEVENS, Mr. VOINOVICH, Mr. CARPER, Mr. COLEMAN, Mr. DOMENICI, Mr. WARNER, and Mr. SUNUNU):

S. Res. 472. A resolution commending the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers nationwide for their dedicated service in protecting the people of the United States and the Nation from acts of terrorism, natural disasters, and other large-scale emergencies; considered and agreed to.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 772

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2002

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2060

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2060, a bill to amend the Elementary and Secondary Education Act of 1965 to establish a Volunteer Teacher Advisory Committee.

S. 2099

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Montana (Mr. TESTER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2161

At the request of Mr. JOHNSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2419

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2419, a bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

S. 2544

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S. 2580

At the request of Mr. BROWN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2606

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2643

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2643, a bill to amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units.

S. 2663

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2678

At the request of Mrs. MCCASKILL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2678, a bill to clarify the law and ensure that children born to United States citizens while serving overseas in the military are eligible to become President.

S. RES. 390

At the request of Mr. KOHL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

S. RES. 445

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 445, a resolution expressing the sense of the Senate on the assassination of former Prime Minister of Pakistan Benazir Bhutto, and the political crisis in Pakistan.

S. RES. 455

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 455, a resolution calling for peace in Darfur.

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 455, supra.

S. RES. 459

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 459, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit, and for other purposes.

AMENDMENT NO. 4085

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 4085 intended to be proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 2688. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Commercial Seafood Consumer Protection Act. I am joined by Senator STEVENS, the Vice Chairman of the Senate Commerce, Science, and Transportation Committee. I thank him for his work on this important issue.

The average American eats approximately 16 pounds of fish and shellfish each year. Given this fact, it is essential that Americans have confidence in the safety and quality of the seafood they consume. Yet just last year, Americans faced news reports of tainted seafood imports reaching their kitchen tables. The Commercial Seafood Consumer Protection Act will help prevent such contaminated seafood from ever reaching the mouths of consumers.

The Commercial Seafood Consumer Protection Act would work to ensure that commercially distributed seafood in the United States is fit for human consumption by strengthening the National Oceanic and Atmospheric Administration's, NOAA, fee-for-service seafood inspection program, SIP. Specifically, the bill would increase the number and capacity of NOAA laboratories that are involved with the SIP under the National Marine Fisheries Service.

The bill would further direct the Secretary of Commerce and the Secretary of Health and Human Services to work together to create an infrastructure that provides a better system for importing safe seafood. This new system would provide a means to inspect foreign facilities, and examine and test imported seafood. It would also provide technical assistance and training to foreign facilities and governments. Additionally, it would also expedite seafood imports from countries that consistently maintain high standards.

The Commercial Seafood Consumer Protection Act is a strong step in protecting the safety and quality of the seafood products Americans consume.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2688

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commercial Seafood Consumer Protection Act''.

SEC. 2. SEAFOOD SAFETY.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

SEC. 3. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

SEC. 4. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this Act to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this Act and as provided for in appropriations Acts.

SEC. 5. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines, on the basis of reliable evidence, that shipments of such seafood or seafood products is not likely to meet the requirements of Federal law.

(b) INCREASED TESTING.—If the Secretary determines, on the basis of reliable evidence that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section 3, then the Secretary shall order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) RELIABLE EVIDENCE DEFINED.—In this section, the term ''reliable evidence'' includes—

(1) the detection of failure to meet Federal law requirements under subsection (a) by the Secretary;

(2) the detection of all seafood products that fail to meet Federal law requirements by an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)) or a laboratory certified under subsection (c);

(3) findings from an inspection team formed under section 6; or

(4) the detection by other importing countries of non-compliance of shipments of seafood or seafood products that originate from the exporting country or exporter.

(f) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. 6. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess whether any prohibited drug, practice, or process is being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood. The inspection team shall prepare a report for the Secretary with its findings. The Secretary of Commerce shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary of Commerce shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register. A country may offer a rebuttal to the assessment within 90 days after publication of the report.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this Act, $15,000,000.

By Mr. BOND:

S. 2691. A bill to amend the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 to provide enhanced agricultural input into Federal rulemakings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. Mr. President, I rise today to introduce a bill that I call the Farm Red Tape Reduction Act.

This act will give farmers a voice in Federal rulemakings whenever a new Federal regulation threatens to impose severe economic pain on farmers.

As we saw with small businesses, many times the Government overlooks the plight of the little guy, who does not have the resources or know-how to weigh-in with big Government agencies in Washington. In 1976, Congress created the Office of Advocacy to ensure that small businesses have an advocate in Government and a seat at the table when new regulations affecting them are drafted. I want to share that same success now with farmers.

The idea is simple. This act would help provide a more transparent Government that listens to the people most affected by the regulations. It will hold the Government more accountable for its actions. It is a message that the Federal Government is meant to serve to its citizens, not bully them. We want to make this an easy process. Citizens should be heard while the Government is deciding on a regulation that affects them—not after the decision is made. The difference is subtle, but important. Listen to farmers and agriculture first—be inclusive.

Cutting unnecessary red tape will provide greater flexibility for agriculture businesses by removing barriers to enterprise. Encouraging enterprise is essential if the United States is to compete in a global environment.

Farms and other agricultural businesses will benefit from simplified rules.

This measure will help in cutting red tape with a view to improving the environment for agricultural business. My experience on the Small Business Committee tells me that there are currently dozens of regulatory proposals before Federal agencies—but most without a true assessment of impact on the very people they will most affect.

The question we must ask ourselves is this: Are all these initiatives necessary and what are the consequences? I want agencies to look into this question. The best way to do that is to hear from the folks most affected.

The Office of Advocacy celebrated its 30th anniversary this year. The Regulatory Flexibility Act, RFA, is 27 years old and the Small Business Regulatory Enforcement Fairness Act, SBREFA, is 11 years old.

The common theme: They have all gone a long way in making agencies aware of the unique concerns of small business. With the passage of these laws small business concerns were given a voice at the table, they have been putting that voice to use ever since—with great success.

These laws have been successful. Early intervention and improved compliance have led to less burdensome

regulations. For example, in fiscal year 2001, involvement in agency rulemakings helped save small businesses an estimated $4.4 billion in new regulatory compliance costs.

Similarly, in fiscal year 2002, efforts to improve agency compliance with the RFA on behalf of small entities secured more than $21 billion in first-year cost savings, with an additional $10 billion in annually recurring cost savings. Most recently, in fiscal year 2003, they achieved more than $6.3 billion in regulatory cost savings and more than $5.7 billion in recurring annual savings on behalf of small entities.

If we can add farmers to the table and save them any portion of that kind of money—just that fact will make this bill a success.

Just as important is that these laws have not hindered the development of regulations. In fact, these laws are credited with helping regulators come up with better plans. Plans that work—because the people who will be regulated are involved in the development of the rules. This gives them some ownership and that makes successful compliance and implementation.

Our economy and the lives of farmers is constantly changing—this is due in no small part to what we are doing today—making changes to farm legislation, new technologies, new trade deals, new regulations of every kind being implemented year round. This creates new and constant challenges for analyzing regulatory impacts on farmers. If there was ever a time farmers needed a voice at the table when new regulations are made—it is now.

It is not my intention to throw out regulations simply as a matter of principle if, for example, they involve costs for businesses. I am more concerned with obtaining solid impact analyses that can serve as a basis for informed decision-making.

It is also quite clear that better regulations will be possible only if those affected also play their part, since it is they who will be responsible for implementation.

What I have heard from some who oppose this, is that they are concerned about the burden of red tape. However, they are not concerned about the burden of red tape on farmers. They are concerned about the burden of red tape on Washington regulators working to impose red tape on farmers.

Surely the Senate should be more concerned with red tape on our farmers than red tape on our Washington regulators. We should have a rulemaking advocate for farmers just as we have one at Small Business Administration for small businesses. Advocates do not have the power to change standards or stop regulations, only inform them. We should all support a more informed process so burdens are reduced and regulations are more effective and widely supported. We all know what having a USDA rulemaking advocate means in Washington; there will still be 20 officials from other agencies in the room working to regulate farmers. But now, there may be one from USDA also in the room.

This bill has received support from the American Farm Bureau Federation, the National Council of Farmer Cooperatives, the National Cotton Council, the American Soybean Association, National Milk Producers Federation, South East Dairy Farmers Association, National Association of Wheat Growers, USA Rice Federation, Western United Dairymen, and the National Pork Producers Council.

I ask my colleagues to support this bill and join me in helping farmers and agricultural business reduce unnecessary bureaucratic red tape by including them at the table.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2691

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Farmer Red Tape Reduction Act of 2008''.

SEC. 2. AGRICULTURAL REGULATORY FLEXIBILITY.

The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6901 et seq.) is amended by adding at the end the following:

''TITLE IV—AGRICULTURAL REGULATORY FLEXIBILITY

''SEC. 401. DEFINITIONS.

''In this title:

''(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

''(2) AGRICULTURAL ENTITY.—The term 'agricultural entity' means any person or entity that has income derived from—

''(A) farming, ranching, or forestry operations;

''(B) the production of crops, livestock, or unfinished raw forestry products;

''(C) the sale (including the sale of easements and development rights) of farm, ranch, or forest products, including water or hunting rights;

''(D) the sale of equipment to conduct farming, ranching, or forestry operations;

''(E) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(F) the provision of production inputs or services to farmers, ranchers, or foresters;

''(G) the processing (including packing), storing (including shedding), or transporting of farm, ranch, or forestry products; or

''(H) the sale of land used for agriculture.

''(3) CHIEF COUNSEL FOR ADVOCACY.—The term 'Chief Counsel for Advocacy' means the Chief Counsel for Advocacy of the Office of Advocacy of the Department of Agriculture appointed under section 413(b).

''(4) COLLECTION OF INFORMATION.—

''(A) IN GENERAL.—The term 'collection of information' means obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States that are to be used for general statistical purposes.

''(B) EXCLUSION.—The term 'collection of information' does not include collection of information described in section 3518(c)(1) of title 44, United States Code.

''(5) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

''(6) RULE.—

''(A) IN GENERAL.—The term 'rule' means any rule for which an agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law.

''(B) INCLUSION.—The term 'rule' includes any rule of general applicability governing Federal grants to State and local governments for which an agency provides an opportunity for notice and public comment.

''(C) EXCLUSIONS.—The term 'rule' does not include a rule of particular applicability relating to—

''(i) rates, wages, corporate or financial structures or reorganizations of the structures, prices, facilities, appliances, services, or allowances; or

''(ii) valuations, costs, accounting, or practices relating to those rates, wages, structures, prices, facilities, appliances, services, or allowances.

''SEC. 402. AGRICULTURAL REGULATORY FLEXIBILITY AGENDA.

''(a) IN GENERAL.—During the months of October and April of each year, each agency shall publish in the Federal Register an agricultural regulatory flexibility agenda that shall contain—

''(1) a brief description of the subject area of any rule that the agency expects to propose or promulgate that is likely to have a significant economic impact on a substantial number of agricultural entities;

''(2) a summary of—

''(A) the nature of the rule under consideration for each subject area listed in the agenda under paragraph (1);

''(B) the objectives and legal basis for the issuance of the rule; and

''(C) an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

''(3) the name and telephone number of an agency official who is knowledgeable concerning the rule described in paragraph (1).

''(b) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—Each agency shall transmit the agricultural regulatory flexibility agenda of the agency to the Chief Counsel for Advocacy for any comment.

''(c) NOTICE AND COMMENT BY AGRICULTURAL ENTITIES.—Each agency shall, to the maximum extent practicable—

''(1) provide notice of each agricultural regulatory flexibility agenda to agricultural entities or the representatives of agricultural entities through direct notification or publication of the agenda in publications likely to be obtained by the agricultural entities; and

''(2) invite comments on each subject area on the agenda.

''(d) ADMINISTRATION.—Nothing in this section—

''(1) precludes an agency from considering or acting on any matter not included in an agricultural regulatory flexibility agenda; or

''(2) requires an agency to consider or act on any matter listed in the agenda.

''SEC. 403. INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

''(a) IN GENERAL.—If an agency is required by section 553 of title 5, United States Code, or any other law, to publish general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial agricultural regulatory flexibility analysis of the proposed rule that describes the impact of the proposed rule on agricultural entities.

''(b) PUBLICATION.—The agency shall publish the initial agricultural regulatory flexibility analysis or a summary of the analysis in the Federal Register at the time of the publication of general notice of proposed rulemaking for the rule.

''(c) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—The agency shall transmit a copy of the initial agricultural regulatory flexibility analysis to the Chief Counsel for Advocacy for any comment.

''(d) INTERPRETATIVE RULES.—In the case of an interpretative rule that involves the internal revenue laws of the United States, this title applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations only to the extent that the interpretative rule impose on agricultural entities a collection of information requirement.

''(e) CONTENTS.—Each initial agricultural regulatory flexibility analysis of an agency for a proposed rule required under this section shall contain—

''(1) a description of the reasons why action by the agency is being considered;

''(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

''(3) a description of and, if feasible, an estimate of the number of agricultural entities to which the proposed rule will apply;

''(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of agricultural entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) an identification, to the maximum extent practicable, of all relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule.

''(f) ALTERNATIVES.—

''(1) IN GENERAL.—Each initial agricultural regulatory flexibility analysis of an agency for a proposed rule shall contain a description of any significant alternatives to the proposed rule that—

''(A) accomplish the purposes of the applicable law; and

''(B) minimize any significant economic impact of the proposed rule on agricultural entities.

''(2) TYPES OF ALTERNATIVES.—Consistent with the purposes of the applicable law, the analysis shall discuss significant alternatives such as—

''(A) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to agricultural entities;

''(B) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for agricultural entities;

''(C) the use of performance rather than design standards; and

''(D) an exemption from coverage of the rule, or any part of the rule, for agricultural entities.

''SEC. 404. FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.

''(a) IN GENERAL.—If an agency promulgates a final rule under section 553 of title 5, United States Code, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 403(a), the agency shall prepare a final agricultural regulatory flexibility analysis of the final rule that describes the impact of the final rule on agricultural entities.

''(b) CONTENTS.—Each final agricultural regulatory flexibility analysis of an agency for a final rule required under this section shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2)(A) a summary of the significant issues raised by the public comments in response to the initial agricultural regulatory flexibility analysis;

''(B) a summary of the assessment of the agency of the issues; and

''(C) a statement of any changes made in the proposed rule as a result of the comments;

''(3) a description of and an estimate of the number of agricultural entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of agricultural entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on agricultural entities consistent with the purposes of applicable law, including a statement of—

''(A) the factual, policy, and legal reasons for selecting the alternative adopted in the final rule; and

''(B) why each 1 of the other significant alternatives to the rule considered by the agency that affect the impact on agricultural entities was rejected.

''(c) PUBLIC AVAILABILITY.—The agency shall—

''(1) make copies of the final agricultural regulatory flexibility analysis available to members of the public; and

''(2) publish in the Federal Register the analysis or a summary of the analysis.

''SEC. 405. AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSIS.

''(a) OTHER AGENDA OR ANALYSIS.—An agency may perform the analyses required by section 402, 403, or 404 in conjunction with or as a part of any other agenda or analysis required by any other law if the other analysis meets the requirements of that section.

''(b) NO SIGNIFICANT ECONOMIC IMPACT ON AGRICULTURAL ENTITIES.—

''(1) IN GENERAL.—Sections 403 and 404 shall not apply to a proposed or final rule of an agency if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of agricultural entities.

''(2) PUBLICATION OF CERTIFICATION.—If the head of the agency makes a certification under subsection (a), at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, the agency shall publish in the Federal Register the certification and a statement providing the factual basis for the certification.

''(3) NOTICE AND COMMENT BY CHIEF COUNSEL FOR ADVOCACY.—The agency shall provide the certification and statement to the Chief Counsel for Advocacy for comment.

''(c) CLOSELY RELATED RULES.—In order to avoid duplicative action, an agency may consider a series of closely related rules as 1 rule for the purposes of sections 402, 403, 404, and 410.

''SEC. 406. EFFECT ON OTHER LAW.

''The requirements of sections 403 and 404 do not alter any standards otherwise applicable by law to agency action.

''SEC. 407. PREPARATION OF ANALYSES.

''In complying with sections 403 and 404, an agency may provide—

''(1) a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule; or

''(2) more general descriptive statements, if quantification is not practicable or reliable.

''SEC. 408. WAIVER OR DELAY OF COMPLETION.

''(a) INITIAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—An agency head may waive or delay the completion of all or part of the requirements of section 403 for a proposed rule by publishing in the Federal Register, not later than the date of publication of the proposed rule, a written finding, with a statements of the reasons for the finding, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with section 403 impracticable.

''(b) FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—

''(1) IN GENERAL.—Except as provided in section 405(b), an agency head may not waive the requirements of section 404 for a final rule.

''(2) DELAYED COMPLETION.—An agency head may delay the date for complying with section 404 for a final rule for a period of not more than 180 days after the date of publication in the Federal Register of the final rule by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with a statement of the reasons for the finding, that the final rule is being promulgated in response to an emergency that makes timely compliance with section 104 impracticable.

''(3) EFFECT OF NONCOMPLIANCE.—If the agency has not prepared a final agricultural regulatory analysis for a final rule pursuant to section 404 within 180 days after the date of publication of the final rule—

''(A) the rule shall lapse and have no effect; and

''(B) the rule shall not be repromulgated until a final regulatory flexibility analysis has been completed by the agency.

''SEC. 409. COMMENTS.

''(a) DEFINITION OF COVERED AGENCY.—In this section, the term 'covered agency' means—

''(1) the Environmental Protection Agency; and

''(2) the Department of the Interior.

''(b) IN GENERAL.—If a rule is promulgated that will have a significant economic impact on a substantial number of agricultural entities, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall ensure that agricultural entities are given an opportunity to

participate in the rulemaking for the rule through the use of techniques such as—

''(1) the inclusion in an advanced notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant economic effect on a substantial number of agricultural entities;

''(2) the publication of general notice of proposed rulemaking in publications likely to be obtained by agricultural entities;

''(3) the direct notification of interested agricultural entities;

''(4) the conduct of open conferences or public hearings concerning the rule for agricultural entities, including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by agricultural entities.

''(c) REQUIREMENTS FOR COVERED AGENCIES.—Prior to publication of an initial agricultural regulatory flexibility analysis for a proposed rule that a covered agency is required to conduct under this title—

''(1) the covered agency shall—

''(A) notify the Chief Counsel for Advocacy of the proposed rule; and

''(B) provide the Chief Counsel for Advocacy with information on the potential impact of the proposed rule on agricultural entities;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel for Advocacy shall identify individuals representative of affected agricultural entities for the purpose of obtaining advice and recommendations from those individuals on the potential impact of the proposed rule;

''(3) the covered agency shall convene a review panel for the proposed rule consisting of—

''(A) full-time Federal employees of the office within the covered agency responsible for carrying out the proposed rule;

''(B) the Office of Information and Regulatory Affairs of the Office of Management and Budget; and

''(C) the Chief Counsel for Advocacy;

''(4) the panel convened under paragraph (3) for the proposed rule of a covered agency shall—

''(A) review any material the covered agency has prepared in connection with the proposed rule, including any draft proposed rule;

''(B) collect advice and recommendations of each individual agricultural entity representative identified by the covered agency, after consultation with the Chief Counsel for Advocacy, on issues related to paragraphs (3), (4), and (5) of subsection (b), and subsection (c), of section 403(e); and

''(C) not later than 60 days after the date the panel is convened, submit to the covered agency a report on—

''(i) the comments of the agricultural entity representatives; and

''(ii) the findings of the panel on issues related to paragraphs (3), (4), and (5) of subsection (b), and subsection (c), of section 403(e); and

''(5) the covered agency shall—

''(A) make the report provided under paragraph (4)(C) public as part of the rulemaking record; and

''(B) if appropriate, modify—

''(i) the proposed rule;

''(ii) the initial agricultural flexibility analysis; or

''(iii) the decision on whether an initial flexibility analysis is required.

''(d) NO SIGNIFICANT ECONOMIC IMPACT ON AGRICULTURAL ENTITIES.—A covered agency may apply subsection (c) to rules that the covered agency—

''(1) intends to certify under subsection 405(b); but

''(2) believes may have a greater than de minimis impact on a substantial number of agricultural entities.

''(e) WAIVERS.—

''(1) IN GENERAL.—The Chief Counsel for Advocacy, in consultation with the individuals described in subsection (c)(2) and the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, may waive the requirements of paragraphs (3), (4), and (5) of subsection (c) by including in the rulemaking record a written finding, with a statement of the reasons for the finding, that those requirements would not advance the effective participation of agricultural entities in the rulemaking process.

''(2) FACTORS.—In making a determination on a proposed rule of a covered agency under this subsection, the Chief Counsel for Advocacy shall consider—

''(A) in developing the proposed rule, the extent to which the covered agency—

''(i) consulted with individuals representative of affected agricultural entities with respect to the potential impact of the proposed rule; and

''(ii) took those concerns into consideration;

''(B) special circumstances requiring prompt issuance of the rule; and

''(C) whether the requirements of subsection (c) would provide the individuals described in subsection (b)(2) with a competitive advantage relative to other agricultural entities.

''SEC. 410. PERIODIC REVIEW OF RULES.

''(a) PLAN FOR PERIODIC REVIEW OF RULES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, each agency shall publish in the Federal Register a plan for the periodic review of the rules issued by the agency that have or will have a significant economic impact on a substantial number of agricultural entities.

''(2) AMENDMENTS.—The agency may amend the plan by publishing the amendment in the Federal Register.

''(3) PURPOSE OF REVIEW.—The purpose of the review shall be to determine whether the rules should be continued without change, or should be amended or rescinded, consistent with the purposes of applicable law, to minimize any significant economic impact of the rules on a substantial number of agricultural entities.

''(4) TIMETABLE.—Subject to paragraph (5), the plan shall provide for—

''(A) the review of all such agency rules existing on the date of enactment of this title not later than 10 years after that date of enactment; and

''(B) the review of each rule adopted after the date of enactment of this title not later than 10 years after the date of the publication of the rule as the final rule.

''(5) EXTENSION.—If the head of the agency determines that completion of the review of existing rules is not feasible by the date required under paragraph (4), the head of the agency—

''(A) shall certify the determination in a statement published in the Federal Register; and

''(B) may extend the completion date by 1 year at a time for a total of not more than 5 years.

''(b) FACTORS FOR MINIMIZING IMPACT.—In reviewing rules to minimize any significant economic impact of a rule on a substantial number of agricultural entities in a manner consistent with the purposes of applicable law, the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints or comments received concerning the rule from the public;

''(3) the complexity of the rule;

''(4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the maximum extent feasible, with State and local governmental rules; and

''(5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(c) PUBLICATION OF LIST OF RULES.—

''(1) IN GENERAL.—Each year, each agency shall publish in the Federal Register a list of the rules that have a significant economic impact on a substantial number of agricultural entities, which are to be reviewed pursuant to this section during the succeeding 1-year period.

''(2) CONTENT.—The list shall include a brief description of each rule and the need for and legal basis of the rule.

''(3) PUBLIC COMMENTS.—The agency shall invite public comment on the rule.

''SEC. 411. JUDICIAL REVIEW.

''(a) IN GENERAL.—In the case of any rule subject to this title, an agricultural entity that is adversely affected or aggrieved by final agency action may seek judicial review, of agency compliance with—

''(1) sections 404, 405(b), 408(b), and 410, in accordance with chapter 7 of title 5, United States Code; and

''(2) sections 407 and 409(a), in connection with judicial review of section 404.

''(b) JURISDICTION.—Each court having jurisdiction to review a rule for compliance with section 553, United States Code, or under any other provision of law, shall have jurisdiction to review any claim of noncompliance with—

''(1) section 404, 405(b), 108(b), and 110 in accordance with chapter 7 of title 5, United States Code; and

''(2) sections 407 and 409(a), in connection with judicial review of section 404.

''(c) TIMING.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, an agricultural entity may seek review under this section during—

''(A) the 1-year period beginning on the date of final agency action; or

''(B) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of that 1-year, during the period established under the provision of law.

''(2) FINAL AGRICULTURAL REGULATORY FLEXIBILITY ANALYSIS.—If an agency delays the issuance of a final agricultural flexibility analysis pursuant to section 408(b), an action for judicial review under this section shall be filed not later than—

''(A) 1 year after the date the analysis is made available to the public; or

''(B) if a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in the provision of law that is after the date the analysis is made available to the public.

''(d) RELIEF.—In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this title and chapter 7 of title 5, United States Code, including—

''(1) remanding the rule to the agency; and

''(2) deferring the enforcement of the rule against agricultural entities unless the court finds that continued enforcement of the rule is in the public interest.

''(e) EFFECTIVE DATE OF RULE.—Nothing in this subsection limits the authority of any court to stay the effective date of any rule or provision of any rule under any other provision of law or to grant any other relief in addition to the relief authorized under this section.

''(f) AGRICULTURAL FLEXIBILITY ANALYSIS.—In an action for the judicial review of a rule, the agricultural flexibility analysis for the rule (including an analysis prepared or corrected pursuant to subsection (d)) shall constitute part of the entire record of agency action in connection with the review.

''(g) SOLE MEANS OF REVIEW.—Compliance or noncompliance by an agency with this title shall be subject to judicial review only in accordance with this section.

''(h) OTHER IMPACT STATEMENTS.—Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of the statement or analysis is otherwise permitted by law.

''SEC. 412. REPORTS AND INTERVENTION RIGHTS.

''(a) MONITORING AND REPORTING.—The Chief Counsel for Advocacy shall—

''(1) monitor agency compliance with this title; and

''(2) report at least annually to the President and to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate on agency compliance with this title.

''(b) INTERVENTION.—

''(1) IN GENERAL.—The Chief Counsel for Advocacy may appear as amicus curiae in any action brought in a court of the United States to review a rule.

''(2) VIEWS.—In any action described in paragraph (1), the Chief Counsel for Advocacy may present the views of the Chief Counsel for Advocacy with respect to—

''(A) compliance with this title;

''(B) the adequacy of the rulemaking record with respect to agricultural entities; and

''(C) the effect of the rule on agricultural entities.

''(3) GRANTING OF APPLICATION.—A court of the United States shall grant the application of the Chief Counsel for Advocacy to appear in any action under this subsection for the purposes described in paragraph (2).

''SEC. 413. OFFICE OF ADVOCACY OF THE DEPARTMENT OF AGRICULTURE.

''(a) ESTABLISHMENT.—There is established within the Department of Agriculture an Office of Advocacy of the Department of Agriculture.

''(b) CHIEF COUNSEL FOR ADVOCACY.—The management of the Office shall be vested in a Chief Counsel for Advocacy who shall be a private citizen appointed by the President, by and with the advice and consent of the Senate.

''(c) PRIMARY FUNCTIONS.—The primary functions of the Office of Advocacy shall be—

''(1)(A) to measure the direct costs and other effects of government regulation on agricultural entities; and

''(B) to make legislative and nonlegislative proposals for eliminating excessive or unnecessary regulations of agricultural entities;

''(2)(A) to study the ability of financial markets and institutions to meet agricultural entity credit needs; and

''(B) to determine the impact of government demands for credit on agricultural entities;

''(3)(A) to recommend specific measures for creating an environment in which all agricultural entities will have the opportunity to compete effectively and expand to the full potential of agricultural entities; and

''(B) to ascertain the common reasons, if any, for agricultural entity successes and failures; and

''(4)(A) to evaluate the efforts of each department and agency of the United States, and of private industry, to assist agricultural entities owned and controlled by veterans, and agricultural entities concerns owned and controlled by serviced-disabled veterans;

''(B) to provide statistical information on the use of the programs by the agricultural entities; and

''(C) to make appropriate recommendations to the Secretary and to Congress in order to promote the establishment and growth of those agricultural entities.

''(d) ADDITIONAL DUTIES.—The Office of Advocacy shall—

''(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the President and any other Federal agency that affects agricultural entities;

''(2) counsel agricultural entities on how to resolve questions and problems concerning the relationship of the agricultural entity to the Federal Government;

''(3) develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of agricultural entities and communicate the proposals to the appropriate Federal agencies;

''(4) represent the views and interests of agricultural entities before other Federal agencies whose policies and activities may affect agricultural entities; and

''(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating—

''(A) information about the programs and services provided by the Federal Government that are of benefit to agricultural entities; and

''(B) information on how agricultural entities can participate in or make use of the programs and services.''.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2692. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $4,600,000 for the construction of an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs associated with the Air Force's decision to house F–22A Raptors at Holloman Air Force Base.

One of these is an Aerospace Ground Equipment facility to support the F–22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 09 Defense budget request, and in keeping with that request my legislation authorizes $4.6 million for the construction of the Aerospace Ground Equipment facility.

Holloman Air Force Base is an important asset to our nation, and I am proud to support the base and the airmen stationed there by introducing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2692

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

SECTION 1. CONSTRUCTION OF AEROSPACE GROUND EQUIPMENT FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct an Aerospace Ground Equipment Facility at Holloman Air Force Base, New Mexico, in the amount of $4,600,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,600,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2693. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $3,150,000 for additions and alterations to a Flight Simulator Facility at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs because of a March 2006 decision by the Secretary of Defense to use Holloman Air Force Base as an F-22 Raptor base.

One of these is for additions and alterations to a Flight Simulator facility to support the F-22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $3.15 million for the additions and alterations to the Flight Simulator facility.

Our Air Force fighter wings defend our homeland and support all global combat operations. I am proud to support those airmen, and I look forward to working on this bill and taking other actions to support our military forces.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2693

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

SECTION 1. MODIFICATION OF FLIGHT SIMULATOR FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to the Flight Simulator Facility at Holloman Air Force Base, New Mexico, in the amount of $3,150,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,150,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2694. A bill to authorize to be appropriated to the Defense Logistics Agency for fiscal year 2009 $14,400,000 to replace fuel storage tanks at Kirtland Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Kirtland Air Force Base, New Mexico.

Kirtland Air Force Base serves many roles for the Department of Defense and the U.S. Air Force. The Nuclear Weapons Center, Air Force Research Laboratories, the New Mexico Air National Guard, and a Department of Energy National Nuclear Security Administration national laboratory are some of the many Federal entities doing work at Kirtland. As such, Kirtland's construction needs are many.

Therefore, I am proud to offer this bill to authorize replacement of fuel storage tanks at Kirtland Air Force Base. The President's fiscal year 2009 budget requests $14.4 million for this work, and in keeping with that request my legislation authorizes $14.4 million for the work to replace the fuel storage tanks.

Our armed forces deserve our full support, I am proud to offer my support for the personnel at Kirtland Air Force Base by introducing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2694

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

SECTION 1. REPLACEMENT OF FUEL STORAGE TANKS AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may replace fuel storage tanks at Kirtland Air Force Base, New Mexico, in the amount of $14,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,400,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2695. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $1,050,000 for additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because Holloman has a variety of military construction needs because of a March 2006 decision by the Secretary of Defense to use Holloman Air Force Base as an F–22 Raptor base.

One of these is for additions and alterations to Aircraft Maintenance Units to support the F–22 transition and stationing, at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $1.05 million for additions and alterations to Aircraft Maintenance Units.

The F–22A is a unique capability, and we must ensure that our airmen have the facilities they need to utilize and care for that capability. I am proud to offer this legislation to fulfill those purposes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2695

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

SECTION 1. MODIFICATION OF AIRCRAFT MAINTENANCE UNITS, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to Aircraft Maintenance Units at Holloman Air Force Base, New Mexico, in the amount of $1,050,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,050,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2696. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $14,500,000 for the alteration of a hangar at Holloman Air Force Base, New Mexico, for the construction of a Low Observable Composite Repair Facility; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Forc Base, New Mexico.

I am proud to offer this bill because with F–22s scheduled to arrive at Holloman in 2009, military construction is needed at the base.

One of those needs is alteration of an existing hangar for construction of a Low Observable Composite Repair Facility to support the F–22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $14.5 million for the construction of the Low Observable Composite Repair Facility.

Our Air Force fighter wings are an important part of our global combat operations. I am proud to support our airmen, and I look forward to working on this bill to address some of their construction needs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2696

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

SECTION 1. CONSTRUCTION OF LOW OBSERVABLE COMPOSITE REPAIR FACILITY, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may alter a hangar at Holloman Air Force Base, New Mexico, to construct a Low Observable Composite Repair Facility, in the amount of $14,500,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,500,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN).

S. 2697. A bill to authorize to be appropriated to the Special Operations Command for fiscal year 2009 $18,100,000 for the construction of a Special Operations Force Maintenance Hangar at Cannon Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Cannon Air Force Base, New Mexico.

I am proud to offer this bill because Cannon has a variety of military construction needs because of a June 2006 decision by the Secretary of Defense to use Cannon Air Force Base as an Air Force Special Operations base.

One of these needs is the construction of a Special Operations Forces Maintenance Hangar. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorized $18.1 million for the construction of a Special Operations Forces Maintenance Hangar.

Our special operations forces are a part of some of the most important missions in the Global War on Terror, and we have more special operations

warfighters deployed now than ever before. I am proud to support those soldiers, and I look forward to working on this bill taking other actions to support our special operations forces.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2697

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

SECTION 1. CONSTRUCTION OF SPECIAL OPERATIONS FORCES MAINTENANCE HANGAR AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may construct a Special Operations Forces Maintenance Hangar at Cannon Air Force Base, New Mexico, in the amount of $18,100,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $18,100,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) to carry out the project authorized under subsection (a).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2698. A bill to authorize to be appropriated to the Department of the Air Force for fiscal year 2009 $2,150,000 for additions and alterations to a Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation authorizing new construction at Holloman Air Force Base, New Mexico.

I am proud to offer this bill because there are a number of military construction needs at Holloman as a result of a decision by the Secretary of the Air Force to use Holloman Air Force Base as an F–22 Raptor base.

One of these is a Jet Engine Maintenance Shop to support the F–22 transition and stationing at Holloman. The Department of Defense budgeted for this item in its fiscal year 2009 Defense budget request, and in keeping with that request my legislation authorizes $2.15 million for the construction of the Jet Engine Maintenance Shop.

Mr. President, our airmen are one of the most important assets we have in the Global War on Terror, and they need adequate facilities to do their work. I am proud to offer this legislation to support them in one of their newest missions, flying the F–22A Raptor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2698

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

SECTION 1. MODIFICATION OF JET ENGINE MAINTENANCE SHOP, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) PROJECT AUTHORIZATION.—The Secretary of the Air Force may construct additions and alterations to the Jet Engine Maintenance Shop at Holloman Air Force Base, New Mexico, in the amount of $2,150,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,150,000 for fiscal year 2009 for military construction, land acquisition, and military family housing functions of the Department of the Air Force to carry out the project authorized under subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—PROVIDING FOR A PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 469

Whereas judicial nominations have long been the subject of controversy and delay in the United States Senate, particularly over the last twenty years;

Whereas, in the past, the controversy over judicial nominees has occurred regardless of which political parties controlled the White House and the Senate;

Whereas, in the current Congress the controversy over judicial nominees continues;

Now, therefore, be it

Resolved,

SECTION 1. PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES.

(a) TIMETABLES.—

(1) COMMITTEE TIMETABLES.—The Chairman of the Committee on the Judiciary, in collaboration with the Ranking Member, shall—

(A) establish a timetable for hearings for nominees to the United States district courts, courts of appeal, and Supreme Court, to occur within 30 days after the names of such nominees have been submitted to the Senate by the President; and

(B) establish a timetable for action by the full Committee to occur within 30 days after the hearings, and for reporting out nominees to the full Senate.

(2) SENATE TIMETABLES.—The majority leader shall establish a timetable for action by the full Senate to occur within 30 days after the Committee on the Judiciary has reported out the nominations.

(b) EXTENSION OF TIMETABLES.—

(1) COMMITTEE EXTENSIONS.—The Chairman of the Committee on the Judiciary, with notice to the Ranking Member, may extend by a period not to exceed 30 days, the time for action by the Committee for cause, such as the need for more investigation or additional hearings.

(2) SENATE EXTENSIONS.—

(A) IN GENERAL.—The majority leader, with notice to the minority leader, may extend by a period not to exceed 30 days, the time for floor action for cause, such as the need for more investigation or additional hearings.

(B) RECESS PERIOD.—Any day of a recess period of the Senate shall not be included in the extension period described under subparagraph (A).

SENATE RESOLUTION 470—CALLING ON THE RELEVANT GOVERNMENTS, MULTILATERAL BODIES, AND NON-STATE ACTORS IN CHAD, THE CENTRAL AFRICAN REPUBLIC, AND SUDAN TO DEVOTE AMPLE POLITICAL COMMITMENT AND MATERIAL RESOURCES TOWARDS THE ACHIEVEMENT AND IMPLEMENTATION OF A NEGOTIATED RESOLUTION TO THE NATIONAL AND REGIONAL CONFLICTS IN CHAD, THE CENTRAL AFRICAN REPUBLIC, AND DARFUR, SUDAN

Mr. FEINGOLD (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 470

Whereas armed groups have been moving freely among Sudan, Chad, and the Central African Republic, committing murder, banditry, forced recruitment, mass displacement, gender-based violence, and other crimes that are contributing to insecurity and instability throughout the region, exacerbating the humanitarian crises in these countries and obstructing efforts to end violence in the Darfur region of Sudan and adjacent areas;

Whereas, on February 2, 2008, rebels stormed the capital of Chad, N'Djamena, in their second coup attempt in two years, prompting clashes with forces loyal to President of Chad Idriss Deby that caused more than 100 civilian deaths, thousands of displacements, and an estimated 10,000 refugees from Chad to seek refuge in neighboring Cameroon;

Whereas, on February 2, 2008, the United States Embassy in N'Djamena was forced to evacuate employees' families and all nonemergency staff and urged United States citizens to defer all travel to Chad;

Whereas, on February 2, 2008, the United States Government condemned the armed attack on N'Djamena and expressed ''support [for] the [African Union]'s call for an immediate end to armed attacks and to refrain from violence that might harm innocent civilians'';

Whereas, on February 12, 2008, the United Nations High Commissioner for Refugees (UNHCR) reported that recent offensives by the Government of Sudan in Darfur have prompted up to 12,000 new refugees to flee to neighboring Chad, where the UNHCR and its partners are already struggling to take care of 240,000 refugees from Sudan in eastern Chad and some 50,000 refugees from the Central African Republic in southern Chad;

Whereas cross-border attacks by alleged Arab militias from Sudan and related intercommunal ethnic hostilities in eastern Chad have also resulted in the displacement of an estimated 170,000 people from Chad in the region, adding to the humanitarian need;

Whereas there have been allegations and evidence in both Chad and Sudan of government support for dissident rebel militias in each other's country, in direct violation of the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006;

Whereas, on January 16, 2008, the United Nations' Humanitarian Coordinator for the Central African Republic reported that waves of violence across the north of that country have left more than 1,000,000 people

in need of humanitarian assistance, including 150,000 who are internally displaced, while some 80,000 have fled to neighboring Chad or Cameroon;

Whereas, since late 2007, arrests, disappearances, and harassment of journalists, human rights defenders, and opposition leaders—particularly those reporting on military operations and human rights conditions in eastern Chad— mirror the repressive crackdown in the aftermath of an attack on N'Djamena in April 2006, and conditions have only worsened since the February 2008 attempted coup;

Whereas, on September 27, 2007, the United Nations Security Council passed Security Council Resolution 1778 (2007), authorizing a limited United Nations peacekeeping mission (MINURCAT) and a concurrent European-led force (EUFOR), which is permitted to ''take all necessary measures'' to protect refugees, civilians, and aid workers in eastern Chad and northern Central African Republic;

Whereas, despite the explicit support of President Deby, deployment of both the 3,700 EUFOR troops and the 350 MINURCAT officers has been hampered by political and security delays as well as insufficient resources; and

Whereas continuing hostilities will undermine efforts to bring security to Sudan's Darfur region, dangerously destabilize volatile political and humanitarian situations in Chad and the Central African Republic, and potentially disrupt progress towards peace in southern Sudan: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the concern and compassion of the citizens of the United States for the hundreds of thousands of citizens of Sudan, Chad, and the Central African Republic who have been gravely affected by this interrelated violence and instability;

(2) calls upon all parties to these conflicts to cease hostilities immediately and uphold basic human rights;

(3) urges the governments of Chad and Sudan, with support from other key regional and international stakeholders, including France, Libya, and China, to commit to another round of inclusive negotiations towards a sustainable political solution for national and regional stability facilitated and monitored by impartial third-party leadership;

(4) calls upon the governments of Chad and Sudan to reaffirm their commitment to the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006, refrain from any actions that violate these agreements, and cease all logistical, financial, and military support to insurgent groups;

(5) urges the Government of Chad to increase political participation, strengthen democratic institutions, respect human rights, improve accountability and transparency as well as the provision of basic services, and uphold its commitment to protect its own citizens in order to redeem the legitimacy of the Government in the eyes of its citizens and the international community;

(6) calls for diplomatic and material support from the United States and the international community to facilitate, implement, and monitor a comprehensive peace process that includes an inclusive dialogue with all relevant stakeholders to end violence, demobilize militias, and promote return and reconstruction for internally displaced persons and refugees; and

(7) encourages the United States Government and the international community to provide immediate and ongoing support for the multilateral peacekeeping missions in Darfur, eastern Chad, and the northern Central African Republic, along with adequate assistance to meet the continuing humanitarian and security needs of the individuals and areas most affected by these interrelated conflicts.

SENATE RESOLUTION 471—DESIGNATING MARCH 1, 2008, AS ''NATIONAL GLANZMANN'S THROMBASTHENIA AWARENESS DAY''

Mr. ISAKSON (for himself, Mrs. MURRAY, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 471

Whereas Glanzmann's Thrombasthenia affects men, women, and children of all ages;

Whereas Glanzmann's Thrombasthenia is a very distressing disorder to those who have it, causing great discomfort and severe emotional stress;

Whereas children with Glanzmann's Thrombasthenia are unable to participate in many normal childhood activities including most sports and are often subject to social discomfort because of their disorder;

Whereas Glanzmann's Thrombasthenia includes a wide range of symptoms including life-threatening, uncontrollable bleeding and severe bruising;

Whereas Glanzmann's Thrombasthenia is frequently misdiagnosed or undiagnosed by medical professionals;

Whereas currently there is no cure for Glanzmann's Thrombasthenia;

Whereas it is essential to educate the public on the symptoms, treatments, and constant efforts to cure Glanzmann's Thrombasthenia to ensure early diagnosis and treatment of the condition;

Whereas Helen P. Smith established the Glanzmann's Thrombasthenia Research Foundation in Augusta, Georgia, in 2001; and

Whereas Helen P. Smith and the Glanzmann's Thrombasthenia Research Foundation have worked tirelessly to promote awareness of Glanzmann's Thrombasthenia and help fund research on the disorder: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day'';

(2) urges all people of the United States to become more informed and aware of Glanzmann's Thrombasthenia; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Glanzmann's Thrombasthenia Research Foundation.

SENATE RESOLUTION 472—COMMENDING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY, THEIR PARTNERS AT ALL LEVELS OF GOVERNMENT, AND THE MILLIONS OF LAW ENFORCEMENT, FIRE SERVICE, AND EMERGENCY MEDICAL SERVICES PERSONNEL, EMERGENCY MANAGERS, AND OTHER EMERGENCY RESPONSE PROVIDERS NATIONWIDE FOR THEIR DEDICATED SERVICE IN PROTECTING THE PEOPLE OF THE UNITED STATES AND THE NATION FROM ACTS OF TERRORISM, NATURAL DISASTERS, AND OTHER LARGE-SCALE EMERGENCIES

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. STEVENS, Mr. VOINOVICH, Mr. CARPER, Mr. COLEMAN, Mr. DOMENICI, Mr. WARNER, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas it has been almost 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas al-Qaeda and affiliated or inspired terrorist groups remain committed to plotting attacks against the United States, its interests, and its foreign allies, as evidenced by recent terrorist attacks in Great Britain, Algeria, and Pakistan, and disrupted plots in Germany, Denmark, Canada, and the United States;

Whereas the Nation remains vulnerable to catastrophic natural disasters, such as Hurricane Katrina, which devastated the Gulf Coast in August 2005;

Whereas the President has declared more than 400 major disasters and emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act since 2000, in response to a host of natural disasters, including tornadoes, floods, winter storms, and wildfires that have overwhelmed the capabilities of State and local governments;

Whereas acts of terrorism, natural disasters, and other large-scale emergencies can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to the Nation's critical infrastructure, and inflicting billions of dollars of costs on both the public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing risk to the Nation from a full range of potential catastrophic incidents, Congress established the Department of Homeland Security on March 1, 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing information analysis, infrastructure protection, and science and technology, and focusing its more than 200,000 employees on the critical mission of defending the Nation against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal departments and agencies and partners at all levels of government to help secure the Nation's borders, airports, sea and

inland ports, critical infrastructure, and people against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas the Nation's firefighters, law enforcement officers, emergency medical services personnel, and other emergency response providers selflessly and repeatedly risk their lives to fulfill their mission to help prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary individuals across the country have been working in cooperation with the Department of Homeland Security and other Federal departments and agencies to enhance the Nation's ability to prevent, protect against, prepare for, and respond to natural disasters, acts of terrorism, and other large-scale emergencies; and

Whereas the people of the United States can assist in promoting the Nation's overall preparedness by remaining vigilant, reporting suspicious activity to proper authorities, and preparing themselves and their families for all emergencies, regardless of their cause: Now, therefore, be it

Resolved, That the Senate—

(1) on the occasion of the fifth anniversary of the establishment of the Department of Homeland Security, commends the public servants of the Department for their outstanding contributions to the Nation's security and safety;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and individuals across the country for their efforts to enhance the Nation's ability to prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

(3) expresses the Nation's appreciation for the sacrifices and commitment of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers in preventing, protecting against, preparing for, and responding to acts of terrorism, natural disasters, and other large-scale emergencies;

(4) urges the Federal Government, States, local governments, Indian tribes, schools, nonprofit organizations, businesses, other entities, and the people of the United States to take steps that promote individual and community preparedness for any emergency, regardless of its cause; and

(5) encourages continued efforts by every individual in the United States to enhance the ability of the Nation to address the full range of potential catastrophic incidents at all levels of government.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4091. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table.

SA 4092. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4093. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4094. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4095. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4096. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4097. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4098. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4099. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4100. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4101. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4102. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4103. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4104. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) proposed an amendment to the bill S. 2663, supra.

SA 4105. Ms. KLOBUCHAR (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4106. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4107. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4104 proposed by Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) to the bill S. 2663, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4091. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —COMMERCIAL SEAFOOD CONSUMER PROTECTION

SEC. —01. SHORT TITLE.

This title may be cited as the ''Commercial Seafood Consumer Protection Act''.

SEC. —02. SEAFOOD SAFETY.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

SEC. —03. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of Commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

SEC. —04. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

SEC. —05. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an

order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines, on the basis of reliable evidence, that shipments of such seafood or seafood products is not likely to meet the requirements of Federal law.

(b) INCREASED TESTING.—If the Secretary determines, on the basis of reliable evidence that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section —03, then the Secretary shall order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) RELIABLE EVIDENCE DEFINED.—In this section, the term ''reliable evidence'' includes—

(1) the detection of failure to meet Federal law requirements under subsection (a) by the Secretary;

(2) the detection of all seafood products that fail to meet Federal law requirements by an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)) or a laboratory certified under subsection (c);

(3) findings from an inspection team formed under section —06; or

(4) the detection by other importing countries of non-compliance of shipments of seafood or seafood products that originate from the exporting country or exporter.

(f) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. —06. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess whether any prohibited drug, practice, or process is being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood. The inspection team shall prepare a report for the Secretary with its findings. The Secretary of Commerce shall cause the report to be published in the Federal Register no later than 90 days after the inspection team makes its final report. The Secretary of Commerce shall notify the country or exporter through appropriate means as to the findings of the report no later than the date on which the report is published in the Federal Register. A country may offer a rebuttal to the assessment within 90 days after publication of the report.

SEC. —07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this title, $15,000,000.

SA 4092. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. EQUESTRIAN HELMETS.

(a) STANDARDS.—

(1) IN GENERAL.—Every equestrian helmet manufactured on or after the date that is 9 months after the date of the enactment of this Act shall meet—

(A) the interim standard specified in paragraph (2), pending the establishment of a final standard pursuant to paragraph (3); and

(B) the final standard, once that standard has been established under paragraph (3).

(2) INTERIM STANDARD.—The interim standard for equestrian helmets is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(3) FINAL STANDARD.—

(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code—

(i) to establish a final standard for equestrian helmets that incorporates all the requirements of the interim standard specified in paragraph (2);

(ii) to provide in the final standard a mandate that all approved equestrian helmets be certified to the requirements promulgated under the final standard by an organization that is accredited to certify personal protection equipment in accordance with ISO Guide 65; and

(iii) to include in the final standard any additional provisions that the Commission considers appropriate.

(B) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, and 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(C) EFFECTIVE DATE.—The final standard shall take effect not later than 1 year after the date it is issued.

(4) FAILURE TO MEET STANDARDS.—

(A) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not meet the interim standard, required under paragraph (1)(A), shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(B) STATUS OF FINAL STANDARD.—The final standard developed under paragraph (3) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(b) GRANTS REGARDING USE OF SAFE EQUESTRIAN HELMETS.—

(1) AUTHORITY TO AWARD GRANTS.—The Secretary of Commerce may award grants to States, political subdivisions of States, Indian tribes, tribal organizations, public organizations, and private nonprofit organizations for activities that encourage individuals to wear approved equestrian helmets.

(2) APPLICATION.—A State, political subdivisions of States, Indian tribes, tribal organizations, public organizations, and private nonprofit organizations seeking a grant under this section shall submit to the Secretary an application for the grant, in such form and containing such information as the Secretary may require.

(3) REVIEW BEFORE AWARD.—

(A) REVIEW.—The Secretary shall review each application for a grant under this section in order to ensure that the applicant for the grant will use the grant for the purposes described in subsection (c).

(B) SCOPE OF PROGRAMS.—In reviewing applications for grants, the Secretary shall permit applicants wide discretion in designing programs that effectively promote increased use of approved equestrian helmets.

(c) PURPOSES OF GRANTS.—A grant under subsection (b) may be used by a grantee to—

(1) educate individuals and their families on the importance of wearing approved equestrian helmets in a proper manner in order to improve equestrian safety;

(2) provide assistance to individuals who may not be able to afford approved equestrian helmets to enable such individuals to acquire such helmets; or

(3) carry out any combination of activities described in paragraphs (1) and (2).

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report on the effectiveness of grants awarded under subsection (b).

(2) CONTENTS.—The report shall include a list of grant recipients, a summary of the types of programs implemented by the grant recipients, and any recommendations that the Secretary considers appropriate regarding modification or extension of the authority under subsection (b).

(3) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(e) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) CONSUMER PRODUCT SAFETY COMMISSION.—There is authorized to be appropriated

to the Consumer Product Safety Commission to carry out activities under subsection (a), $500,000 for fiscal year 2009, which amount shall remain available until expended.

(2) DEPARTMENT OF COMMERCE.—There is authorized to be appropriated to the Department of Commerce to carry out subsection (b), $100,000 for each of fiscal years 2009, 2010, and 2011.

(f) DEFINITIONS.—In this section:

(1) APPROVED EQUESTRIAN HELMET.—The term ''approved equestrian helmet'' means an equestrian helmet that meets—

(A) the interim standard specified in subsection (a)(2), pending establishment of a final standard under subsection (a)(3); and

(B) the final standard, once it is effective under subsection (a)(3).

(2) EQUESTRIAN HELMET.—The term ''equestrian helmet'' means a hard shell head covering intended to be worn while participating in an equestrian event or activity.

SA 4093. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LABELING OF CLONED FOOD.

(a) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z)(1) If it contains cloned product unless it bears a label that provides notice in accordance with the following:

''(A) A notice as follows: 'THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY'.

''(B) The notice required in clause (A) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

''(C) The notice required under clause (A) is clearly legible and conspicuous.

''(2) For purposes of this paragraph:

''(A) The term 'cloned animal' means—

''(i) an animal produced as the result of somatic cell nuclear transfer; and

''(ii) the progeny of such an animal.

''(B) The term 'cloned product' means a product or byproduct derived from or containing any part of a cloned animal.

''(3) This paragraph does not apply to food that is a medical food as defined in section 5(b) of the Orphan Drug Act.

''(4)(A) The Secretary, in consultation with the Secretary of Agriculture, shall require that any person that prepares, stores, handles, or distributes a cloned product for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with this paragraph and paragraph (aa).

''(B) The Secretary, in consultation with the Secretary of Agriculture, shall publish in the Federal Register the procedures established by such Secretaries to verify compliance with the recordkeeping audit trail system required under clause (A).

''(C) The Secretary, in consultation with the Secretary of Agriculture, shall, on annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this subparagraph.

''(aa) If it bears a label indicating (within the meaning of paragraph (z)) that it does not contain cloned product, unless the label is in accordance with regulations promulgated by the Secretary. With respect to such regulations:

''(1) The regulations may not require such a label to include any statement indicating that the fact that a food does not contain such product has no bearing on the safety of the food for human consumption.

''(2) The regulations may not prohibit such a label on the basis that, in the case of the type of food involved, there is no version of the food in commercial distribution that does contain such product.''.

(2) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

''(g)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $100,000 for each such violation.

''(2) Paragraphs (3) through (5) of subsection (f) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (f).''.

(3) GUARANTY.—

(A) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(i) by striking ''(d)'' and inserting ''(d)(1)''; and

(ii) by adding at the end the following paragraph:

''(2) Subject to section 403(z)(4), no person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) and 403(aa) if such person (referred to in this paragraph as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food to the effect that (within the meaning of section 403(z)) the food does not contain any cloned product.''.

(B) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting ''or 303(d)(2)'' after ''303(c)(2)''.

(4) CITIZEN SUITS.—Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331 et seq.) is amended by adding at the end the following section:

''SEC. 311. CITIZEN SUITS REGARDING MISBRANDING OF FOOD WITH RESPECT TO PRODUCT FROM CLONED ANIMALS.

''(a) IN GENERAL.—Except as provided in subsection (c), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

''(1) a person who is alleged to have engaged in a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(z) or 403(aa); or

''(2) the Secretary where there is alleged a failure of the Secretary to perform any act or duty under section 403(z) or 403(aa) that is not discretionary.

''(b) RELIEF.—In a civil action under subsection (a), the district court involved may, as the case may be—

''(1) enforce the compliance of a person with the applicable provisions referred to paragraph (1) of such subsection; or

''(2) order the Secretary to perform an act or duty referred to in paragraph (2) of such subsection.

''(c) LIMITATIONS.—

''(1) NOTICE TO SECRETARY.—A civil action may not be commenced under subsection (a)(1) prior to 60 days after the plaintiff has provided to the Secretary notice of the violation involved.

''(2) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under subsection (a)(2) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in subsection (a)(1).

''(d) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under subsection (a), the Secretary, if not a party, may intervene as a matter of right.

''(e) AWARD OF COSTS; FILING OF BOND.—In a civil action under subsection (a), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(f) SAVINGS PROVISION.—This section does not restrict any right that a person (or class of persons) may have under any statute or common law to seek enforcement of the provisions referred to subsection (a)(1), or to seek any other relief (including relief against the Secretary).''.

(b) AMENDMENTS TO THE FEDERAL MEAT INSPECTION ACT.—

(1) REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following:

''SEC. 7A. REQUIREMENTS FOR LABELING REGARDING CLONED MEAT FOOD PRODUCTS.

''(a) DEFINITIONS.—In this section:

''(1) CLONED ANIMAL.—The term 'cloned animal' means—

''(A) an animal produced as the result of somatic cell nuclear transfer; and

''(B) the progeny of such an animal.

''(2) CLONED PRODUCT.—The term 'cloned product' means a product or byproduct derived from or containing any part of a cloned animal.

''(3) CLONED MEAT FOOD PRODUCT.—The term 'cloned meat food product' means a meat food product that contains a cloned product.

''(b) LABELING REQUIREMENT.—

''(1) REQUIRED LABELING TO AVOID MISBRANDING.—

''(A) INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product—

''(i) is a cloned meat food product; and

''(ii) does not bear a label (or include labeling, in the case of a meat food product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notice described in subsection (c).

''(B) NO INVOLVEMENT OF CLONED MEAT FOOD PRODUCT.—

''(i) IN GENERAL.—For purposes of sections 1(n) and 10, a meat food product is misbranded if the meat food product bears a label indicating that the meat food product is not a cloned meat food product, unless the label is in accordance with regulations promulgated by the Secretary.

''(ii) REQUIREMENTS.—In promulgating regulations referred to in clause (i), the Secretary may not—

''(I) require a label to include any statement indicating that the fact that a meat food product is not a cloned meat food product has no bearing on the safety of the food for human consumption; or

''(II) prohibit a label on the basis that, in the case of the type of meat food product involved, there is no version of the meat food product in commercial distribution that is not a cloned meat food product.

''(2) AUDIT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall require that any person that manufactures, produces, distributes, stores, or handles a meat food product maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with the labeling requirements described in paragraph (1).

''(B) PUBLICATION.—The Secretary, in consultation with the Secretary of Health and Human Services, shall publish in the Federal Register the procedures established by the Secretaries to verify compliance with the recordkeeping audit trail system required under subparagraph (A).

''(C) REPORT.—The Secretary, in consultation with the Secretary of Health and Human Services, shall, on annual basis, submit to Congress a report that describes the progress and activities of the recordkeeping audit trail system and compliance verification procedures required under this paragraph.

''(c) SPECIFICS OF LABEL NOTICE.—

''(1) REQUIRED NOTICE.—The notice referred to in subsection (b)(1)(A)(ii) is the following: 'THIS PRODUCT IS FROM A CLONED ANIMAL OR ITS PROGENY'.

''(2) SIZE.—The notice required in paragraph (1) shall be of the same size as if the notice provided nutrition information that is required under section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(1)).

''(d) GUARANTY.—

''(1) IN GENERAL.—Subject to subsection (b)(2) and paragraph (2), a person engaged in the business of manufacturing or processing meat food products, or selling or serving meat food products at retail or through a food service establishment (referred to in this subsection as the 'recipient') shall not be considered to have violated this section with respect to the labeling of a meat food product if the recipient establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food product or the animal from which the meat food product was derived, or received in good faith food intended to be fed to the animal, to the effect that the meat food product, or the animal, or the meat food product, respectively, does not contain a cloned product or was not produced with a cloned product.

''(2) AUDIT VERIFICATION SYSTEM.—In the case of recipients who establish guaranties or undertakings in accordance with paragraph (1), the Secretary may exempt the recipients from the requirement under subsection (b)(2) regarding maintaining a verifiable recordkeeping audit trail.

''(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

''(e) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c) in an amount not to exceed $100,000 for each violation.

''(2) NOTICE AND OPPORTUNITY FOR HEARING.—

''(A) IN GENERAL.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this paragraph and section 554 of title 5, United States Code.

''(B) WRITTEN NOTICE.—Before issuing an order under subparagraph (A), the Secretary shall—

''(i) give written notice to the person to be assessed a civil penalty under the order of the proposal of the Secretary to issue the order; and

''(ii) provide the person an opportunity for a hearing on the order.

''(C) AUTHORIZATIONS.—In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

''(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall consider—

''(A) the nature, circumstances, extent, and gravity of the 1 or more violations; and

''(B) with respect to the violator—

''(i) ability to pay;

''(ii) effect on ability to continue to do business;

''(iii) any history of prior violations;

''(iv) the degree of culpability; and

''(v) such other matters as justice may require.

''(4) CERTAIN AUTHORITIES.—

''(A) IN GENERAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1).

''(B) DEDUCTION FROM SUMS OWED.—The amount of a civil penalty under this subsection, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of the order with—

''(i) the United States Court of Appeals for the District of Columbia Circuit; or

''(ii) any other circuit in which the person resides or transacts business.

''(B) FILING DEADLINE.—A petition described in subparagraph (A) may only be filed within the 60-day period beginning on the date the order making the assessment was issued.

''(6) FAILURE TO PAY.—

''(A) IN GENERAL.—The Attorney General shall recover the amount assessed under a civil penalty (plus interest at prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5)(B) or the date of the final judgment, as appropriate) in an action brought in any appropriate district court of the United States if a person fails to pay the assessment—

''(i) after the order making the assessment becomes final, if the person does not file a petition for judicial review of the order in accordance with paragraph (5)(A); or

''(ii) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Secretary;

''(B) EXEMPTIONS FROM REVIEW.—In an action described in subparagraph (A), the validity, amount, and appropriateness of the civil penalty shall not be subject to review.

''(f) CITIZEN SUITS.—

''(1) IN GENERAL.—Except as provided in paragraph (3), any person may on his or her behalf commence a civil action in an appropriate district court of the United States against—

''(A) a person who is alleged to have engaged in a violation of subsection (b) or (c); or

''(B) the Secretary in a case in which there is alleged a failure of the Secretary to perform any act or duty under subsection (b) or (c) that is not discretionary.

''(2) RELIEF.—In a civil action under paragraph (1), the district court involved may, as appropriate—

''(A) enforce the compliance of a person with the applicable provisions referred to paragraph (1)(A); or

''(B) order the Secretary to perform an act or duty referred to in paragraph (1)(B).

''(3) LIMITATIONS.—

''(A) NOTICE TO SECRETARY.—A civil action may not be commenced under paragraph (1)(A) prior to 60 days after the date on which the plaintiff provided to the Secretary notice of the violation involved.

''(B) RELATION TO ACTIONS OF SECRETARY.—A civil action may not be commenced under paragraph (1)(B) if the Secretary has commenced and is diligently prosecuting a civil or criminal action in a district court of the United States to enforce compliance with the applicable provisions referred to in paragraph (1)(A).

''(4) RIGHT OF SECRETARY TO INTERVENE.—In any civil action under paragraph (1), the Secretary, if not a party, may intervene as a matter of right.

''(5) AWARD OF COSTS; FILING OF BOND.—

''(A) AWARD OF COSTS.—In a civil action under paragraph (1), the district court involved may award costs of litigation (including reasonable attorney and expert witness fees) to any party in any case in which the court determines such an award is appropriate.

''(B) FILING OF BOND.—The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

''(6) SAVINGS PROVISION.—This subsection does not restrict any right that a person (or class of persons) may have under any statute or common law—

''(A) to seek enforcement of the provisions referred to in paragraph (1)(A); or

''(B) to seek any other relief (including relief against the Secretary).''.

(2) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(A) by striking ''or'' at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(C) by adding at the end the following:

''(13) if it fails to bear a label or labeling as required by section 7A.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 180-day period beginning on the date of enactment of this Act.

SA 4094. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 58, strike lines 4 through 7 and insert the following:

''(g)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

''(2) For purposes of this subsection, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

SA 4095. Mr. DEMINT proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Product Safety Modernization Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authority to issue implementing regulations.

TITLE I—CHILDREN'S PRODUCT SAFETY

Sec. 101. Ban on children's products containing lead; lead paint rule.
Sec. 102. Mandatory third-party testing for certain children's products.
Sec. 103. Tracking labels for children's products.
Sec. 104. Standards and consumer registration of durable nursery products.
Sec. 105. Labeling requirement for certain internet and catalogue advertising of toys and games.
Sec. 106. Study of preventable injuries and deaths in minority children related to consumer products.
Sec. 107. Review of generally-applicable standards for toys.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Sec. 201. Reauthorization of the Commission.
Sec. 202. Structure and quorum.
Sec. 203. Submission of copy of certain documents to Congress.
Sec. 204. Expedited rulemaking.
Sec. 205. Public disclosure of information.
Sec. 206. Publicly available information on incidents involving injury or death.
Sec. 207. Prohibition on stockpiling under other Commission-enforced statutes.
Sec. 208. Notification of noncompliance with any Commission-enforced statute.
Sec. 209. Enhanced recall authority and corrective action plans.
Sec. 210. Website notice, notice to third party internet sellers, and radio and television notice.
Sec. 211. Inspection of certified proprietary laboratories.
Sec. 212. Identification of manufacturer, importers, retailers, and distributors.
Sec. 213. Export of recalled and non-conforming products.
Sec. 214. Prohibition on sale of recalled products.
Sec. 215. Increased civil penalty.
Sec. 216. Criminal penalties to include asset forfeiture.
Sec. 217. Enforcement by State attorneys general.
Sec. 218. Effect of rules on preemption.
Sec. 219. Sharing of information with Federal, State, local, and foreign government agencies.
Sec. 220. Inspector General authority and accessibility.
Sec. 221. Repeal.
Sec. 222. Industry-sponsored travel ban.
Sec. 223. Annual reporting requirement.
Sec. 224. Study on the effectiveness of authority relating to imported products.

SEC. 2. REFERENCES.

(a) COMMISSION.—As used in this Act, the term ''Commission'' means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(c) RULE.—In this Act and the amendments made by this Act, a reference to any rule under any Act enforced by the Commission shall be considered a reference to any rule, standard, ban, or order under any such Act.

SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

TITLE I—CHILDREN'S PRODUCT SAFETY

SEC. 101. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) CHILDREN'S PRODUCTS CONTAINING LEAD.—

(1) BANNED HAZARDOUS SUBSTANCE.—Effective 180 days after the date of enactment of this Act, any children's product containing more than the amounts of lead set forth in paragraph (2) shall be a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

(2) STANDARD FOR AMOUNT OF LEAD.—The amounts of lead referred to in paragraph (1) shall be—

(A) 600 parts per million total lead content by weight for any part of the product;

(B) 300 parts per million total lead content by weight for any part of the product, effective 2 years after the date of enactment of this Act; and

(C) 100 parts per million total lead content by weight for any part of the product, effective 4 years after the date of enactment of this Act, unless the Commission determines, after notice and a hearing, that a standard of 100 parts per million is not feasible, in which case the Commission shall require the lowest amount of lead that the Commission determines is feasible to achieve.

(3) COMMISSION REVISION TO MORE PROTECTIVE STANDARD.—

(A) MORE PROTECTIVE STANDARD.—The Commission may, by rule, revise the standard set forth in paragraph (2)(C) for any class of children's products to any level and form that the Commission determines is—

(i) more protective of human health; and

(ii) feasible to achieve.

(B) PERIODIC REVIEW.—The Commission shall, based on the best available scientific and technical information, periodically review and revise the standard set forth in this section to require the lowest amount of lead that the Commission determines is feasible to achieve.

(4) COMMISSION AUTHORITY TO EXCLUDE CERTAIN MATERIALS.—The Commission may, by rule, exclude certain products and materials from the prohibition in paragraph (1) if the Commission determines that the lead content in such products and materials will not result in the absorption of lead in the human body or does not have any adverse impact on public health or safety.

(5) DEFINITION OF CHILDREN'S PRODUCT.—

(A) IN GENERAL.—As used in this subsection, the term ''children's product'' means a consumer product as defined in section 3(1) of the Consumer Product Safety Act (15 U.S.C. 2052(1)) designed or intended primarily for children 12 years of age or younger.

(B) FACTORS TO BE CONSIDERED.—In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

(iii) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

(iv) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

(6) EXCEPTION FOR INACCESSIBLE COMPONENT PARTS.—The standards established under paragraph (2) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. A component part is not accessible under this paragraph if such component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. The Commission may require that certain electronic devices be equipped with a child-resistant cover or casing that prevents exposure of and accessibility to the parts of the product containing lead if the Commission determines that it is not feasible for such products to otherwise meet such standards.

(b) PAINT STANDARD.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall modify section 1303.1 of title 16, Code of Federal Regulations, to—

(A) reduce the standard applicable to lead paint by substituting ''0.009 percent'' for

''0.06 percent'' in subsection (a) of that section;

(B) apply the standard to all children's products as defined in subsection (a)(5); and

(C) reduce the standard for paint and other surface coating on children's products and furniture to 0.009 milligrams per centimeter squared.

(2) MORE PROTECTIVE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Commission shall, by rule, revise the standard established under paragraph (1)(C) to a more protective standard if the Commission determines such a standard to be feasible.

(c) AUTHORITY TO EXTEND IMPLEMENTATION PERIODS.—The Commission may extend, by rule, the effective dates in subsections (a) and (b) by an additional period not to exceed 180 days if the Commission determines that—

(1) there is no impact on public health or safety from extending the implementation period; and

(2)(A) the complete implementation of the new standards by manufacturers subject to such standards is not feasible within 180 days;

(B) the cost of such implementation, particularly on small and medium sized enterprises, is excessive; or

(C) the Commission requires additional time to implement such standards and determine the required testing methodologies and appropriate exceptions in order to enforce such standards.

SEC. 102. MANDATORY THIRD-PARTY TESTING FOR CERTAIN CHILDREN'S PRODUCTS.

(a) MANDATORY AND THIRD-PARTY TESTING.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Every manufacturer'' and inserting ''Except as provided in paragraph (2), every manufacturer''; and

(B) by striking ''standard under this Act'' and inserting ''rule under this Act or similar rule under any other Act enforced by the Commission'';

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

''(2) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, every manufacturer of a children's product (and the private labeler of such children's product if such product bears a private label) which is subject to a consumer product safety rule under this Act or a similar rule or standard under any other Act enforced by the Commission, shall—

''(A) have the product tested by a independent third party qualified to perform such tests or a proprietary laboratory certified by the Commission under subsection (e); and

''(B) issue a certificate which shall—

''(i) certify that such product conforms to such standards or rules; and

''(ii) specify the applicable consumer product safety standards or other similar rules.''; and

(3) in paragraph (3) (as so redesignated)—

(A) by striking ''required by paragraph (1) of this subsection'' and inserting ''required by paragraph (1) or (2) (as the case may be)''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) DEFINITION OF CHILDREN'S PRODUCTS AND INDEPENDENT THIRD PARTY.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'children's product' means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

''(2) The term 'independent third party', means an independent testing entity that is not owned, managed, controlled, or directed by such manufacturer or private labeler, and that is accredited in accordance with an accreditation process established or recognized by the Commission. In the case of certification of art material or art material products required under this section or under regulations issued under the Federal Hazardous Substances Act, such term includes a certifying organization, as such term is defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations.''.

(c) CERTIFICATION OF PROPRIETARY LABORATORIES.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

''(e) CERTIFICATION OF PROPRIETARY LABORATORIES FOR MANDATORY TESTING.—

''(1) CERTIFICATION.—Upon request, the Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may certify a laboratory that is owned, managed, controlled, or directed by the manufacturer or private labeler for purposes of testing required under this section if the Commission determines that—

''(A) certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(B) the laboratory has established procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(C) the laboratory has established procedures for confidential reporting of allegations of undue influence to the Commission.

''(2) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify any laboratory certified under paragraph (1) if the Commission finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''standards under this Act'' and inserting ''rules under this Act or similar rules under any other Act enforced by the Commission''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

Section 14(a) (15 U.S.C. 2063(a)) is further amended by adding at the end the following:

''(4) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, the manufacturer of a children's product shall, to the extent feasible, place distinguishing marks on the product and its packaging that will enable the manufacturer and the ultimate purchaser to ascertain the location and date of production of the product, and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks.''.

SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF DURABLE NURSERY PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable nursery products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(c) CONSUMER REGISTRATION REQUIREMENT.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(A) to provide consumers with a postage-paid consumer registration form with each such product;

(B) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(A) include spaces for a consumer to provide their name, address, telephone number, and email address;

(B) include space sufficiently large to permit easy, legible recording of all desired information;

(C) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(D) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(E) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(F) include an option for consumers to register through the Internet; and

(G) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product. In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(3) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(4) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls and whether such registration forms should be required for other children's products. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to Congress.

(d) DEFINITION OF DURABLE INFANT OR TODDLER PRODUCT.—As used in this section, the term ''durable infant or toddler product''—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) shall include—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs, booster chairs, and hook-on chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

SEC. 105. LABELING REQUIREMENT FOR CERTAIN INTERNET AND CATALOGUE ADVERTISING OF TOYS AND GAMES.

Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

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

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

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—Effective 180 days after the Consumer Product Safety Modernization Act, any advertisement of a retailer, manufacturer, importer, distributor, private labeler, or licensor that provides a direct means for the purchase or ordering of any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. Such cautionary statement shall be displayed in the language that is primarily used in the advertisement, catalogue, or Internet website, and in a clear and conspicuous manner consistent with part 1500 of title 16, Code of Federal Regulations (or a successor regulation thereto).

''(2) ENFORCEMENT.—The requirement in paragraph (1) shall be treated as a consumer product safety rule promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) and the publication or distribution of any advertisement that is not in compliance with the requirements of paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).

''(3) RULEMAKING.—Not later than 180 days after the date of enactment of Consumer Product Safety Modernization Act, the Commission shall, by rule, modify the requirement under paragraph (1) with regard to catalogues or other printed materials concerning the size and placement of the cautionary statement required under such paragraph as appropriate relative to the size and placement of the advertisements in such printed materials. The Commission may, under such rule, provide a grace period for catalogues and printed materials printed prior to the effective date in paragraph (1) during which time distribution of such printed materials shall not be considered a violation of such paragraph.''.

SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS IN MINORITY CHILDREN RELATED TO CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan native, and Asian/Pacific Islander children in the United States. The Comptroller General shall consult with the Commission as necessary.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drownings associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report the findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) the Comptroller General's findings on the incidence of preventable risks of injuries and deaths among children of minority populations and recommendations for minimizing such risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce statistical disparities.

SEC. 107. REVIEW OF GENERALLY-APPLICABLE STANDARDS FOR TOYS.

(a) ASSESSMENT.—The Commission shall examine and assess the effectiveness of the safety standard for toys, ASTM-International standard F963–07, or its successor standard, to determine—

(1) the scope of such standards, including the number and type of toys to which such standards apply;

(2) the degree of adherence to such standards on the part of manufacturers; and

(3) the adequacy of such standards in protecting children from safety hazards.

(b) SPECIAL FOCUS ON MAGNETS.—In conducting the assessment required under subsection (a), the Commission shall first examine the effectiveness of the F963–07 standard as it relates to intestinal blockage and perforation hazards caused by ingestion of magnets. If the Commission determines based on the review that there is substantial noncompliance with such standard that creates an unreasonable risk of injury or hazard to children, the Commission shall expedite a rulemaking to consider the adoption, as a consumer product safety rule, of the voluntary safety standards contained within the ASTM F963–07, or its successor standard, that relate to intestinal blockage and perforation hazards caused by ingestion of magnets.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall report to Congress the findings of the study conducted pursuant to subsection (a). Such report shall include the Commission's opinion regarding—

(1) the feasibility of requiring manufacturer testing of all toys to such standards; and

(2) whether promulgating consumer product safety rules that are substantially similar or more stringent than the standards described in such subsection would be beneficial to public health and safety.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

SEC. 201. REAUTHORIZATION OF THE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsections (a) and (b) of section 32 (15 U.S.C. 2081) are amended to read as follows:

''(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(1) $80,000,000 for fiscal year 2009;

''(2) $90,000,000 for fiscal year 2010; and

''(3) $100,000,000 for fiscal year 2011.

''(b) In addition to the amounts specified in subsection (a), there are authorized to be appropriated $20,000,000 to the Commission for fiscal years 2009 through 2011, for the purpose of renovation, repair, reconstruction, reequipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards).''.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commission shall transmit to Congress a report of its plans to allocate the funding authorized by subsection (a). Such report shall include—

(1) the number of full-time inspectors and other full-time equivalents the Commission intends to employ;

(2) the plan of the Commission for risk assessment and inspection of imported consumer products;

(3) an assessment of the feasibility of mandating bonds for serious hazards and repeat offenders and Commission inspection and certification of foreign third-party and proprietary testing facilities; and

(4) the efforts of the Commission to reach and educate retailers of second-hand products and informal sellers, such as thrift shops and yard sales, concerning consumer product safety standards and product recalls, especially those relating to durable nursery products, in order to prevent the resale of any products that have been recalled, including the development of educational materials for distribution not later than 1 year after the date of enactment of this Act.

SEC. 202. STRUCTURE AND QUORUM.

(a) EXTENSION OF TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the period beginning on the date of enactment of this Act through—

(1) August 3, 2008, if the President nominates a person to fill a vacancy on the Commission prior to such date; or

(2) the earlier of—

(A) 3 months after the date on which the President nominates a person to fill a vacancy on the Commission after such date; or

(B) February 3, 2009.

(b) REPEAL OF LIMITATION.—The first proviso in the account under the heading ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' in title III of Public Law 102–389 (15 U.S.C. 2053 note) shall cease to be in effect after fiscal year 2010.

SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 204. EXPEDITED RULEMAKING.

(a) RULEMAKING UNDER THE CONSUMER PRODUCT SAFETY ACT.—

(1) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by inserting ''or notice of proposed rulemaking'' after ''advance notice of proposed rulemaking'' in subsection (c); and

(E) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(1)) is amended to read as follows:

''(1) Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which the Commission finds meets the requirements section 2(f)(1)(A).''.

(2) PROCEDURE.—

(A) Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(B) Section 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(2)) is amended to read as follows:

''(2) Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(3) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking subsection (d) of section 2 and inserting the following:

''(d) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in section 14(b), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission''; and

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 20(a)(1) (15 U.S.C. 1275(a)(1)).

(c) RULEMAKING UNDER THE FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' and inserting ''may be commenced by a notice of proposed rulemaking or'';

(B) in subsection (i), by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193 et seq.) is further amended—

(A) by striking subsection (i) of section 2 and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''the Commission'';

(C) by striking ''Secretary'' each place it appears, except in sections 9 and 14, and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place either term appears in reference to the secretary and insert ''it'' and ''its'', respectively;

(E) in section 4(e), by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(F) in section 15, by striking ''Consumer Product Safety Commission (hereinafter referred to as the 'Commission')'' and inserting ''Commission'';

(G) by striking section 16(d) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related materials, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) in section 17, by striking ''Consumer Product Safety Commission'' and inserting ''Commission''.

SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) (15 U.S.C. 2055(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''30 days'' and inserting ''15 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(2) in paragraph (2)—

(A) by striking ''10 days'' and inserting ''5 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(3) in paragraph (4), by striking ''section 19 (related to prohibited acts)'' and inserting

''any consumer product safety rule under or provision of this Act or similar rule under or provision of any other Act administered by the Commission''; and

(4) in paragraph (5)—

(A) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; or'';

(C) by adding at the end the following:

''(D) the Commission publishes a finding that the public health and safety require public disclosure with a lesser period of notice than is required under paragraph (1).''; and

(D) in the matter following such subparagraph (as added by subparagraph (C)), by striking ''section 19(a)'' and inserting ''any consumer product safety rule under this Act or similar rule under or provision of any other Act administered by the Commission''.

SEC. 206. PUBLICLY AVAILABLE INFORMATION ON INCIDENTS INVOLVING INJURY OR DEATH.

(a) EVALUATION.—The Commission shall examine and assess the efficacy of the Injury Information Clearinghouse maintained by the Commission pursuant to section 5(a) of the Consumer Product Safety Act (15 U.S.C. 2054(a)). The Commission shall determine the volume and types of publicly available information on incidents involving consumer products that result in injury, illness, or death and the ease and manner in which consumers can access such information.

(b) IMPROVEMENT PLAN.—As a result of the study conducted under subsection (a), the Commission shall transmit to Congress, not later than 180 days after the date of enactment of this Act, a detailed plan for maintaining and categorizing such information on a searchable Internet database to make the information more easily available and beneficial to consumers, with due regard for the protection of personal information. Such plan shall include the views of the Commission regarding whether additional information, such as consumer complaints, hospital or other medical reports, and warranty claims, should be included in the database. The plan submitted under this subsection shall include a detailed implementation schedule for the database, recommendations for any necessary legislation, and plans for a public awareness campaign to be conducted by the Commission to increase consumer awareness of the database.

SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 208. NOTIFICATION OF NONCOMPLIANCE WITH ANY COMMISSION-ENFORCED STATUTE.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) fails to comply with any other rule affecting health and safety promulgated by the Commission under the Federal Hazardous Substances Act, the Flammable Fabrics Act, or the Poison Prevention Packaging Act;''; and

(3) by adding at the end the following sentence: ''A report provided under this paragraph (2) may not be used as the basis for criminal prosecution under section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264), except for offenses which require a showing of intent to defraud or mislead.''.

SEC. 209. ENHANCED RECALL AUTHORITY AND CORRECTIVE ACTION PLANS.

(a) ENHANCED RECALL AUTHORITY.—Section 15 (15 U.S.C. 2064) is amended—

(1) in subjection (c)—

(A) by striking ''if the Commission'' and inserting ''(1) If the Commission'';

(B) by inserting ''or if the Commission, after notifying the manufacturer, determines a product to be an imminently hazardous consumer product and has filed an action under section 12,'' after ''from such substantial product hazard,'';

(C) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively;

(D) by inserting after ''the following actions:'' the following:

''(A) To cease distribution of the product.

''(B) To notify all persons that transport, store, distribute, or otherwise handle the product, or to which the product has been transported, sold, distributed, or otherwise handled, to cease immediately distribution of the product.

''(C) To notify appropriate State and local public health officials.''; and

(E) by adding at the end the following:

''(2) If a district court determines, in an action filed under section 12, that the product that is the subject of such action is not an imminently hazardous consumer product, the Commission shall rescind any order issued under this subsection with respect to such product.''.

(2) in subsection (f)—

(A) by striking ''An order'' and inserting ''(1) Except as provided in paragraph (2), an order''; and

(B) by inserting at the end the following:

''(2) The requirement for a hearing in paragraph (1) shall not apply to an order issued under subsection (c) relating to an imminently hazardous consumer product with regard to which the Commission has filed an action under section 12.''.

(b) CORRECTIVE ACTION PLANS.—Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''An order under this subsection may'' and inserting:

''(2) An order under this subsection shall'';

(6) by striking '', satisfactory to the Commission,'' and inserting '', as promptly as practicable under the circumstances, as determined by the Commission, for approval by the Commission,''; and

(7) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective or appropriate under the circumstances, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may, by order, amend, or require amendment of, the action plan. In determining whether an approved plan is effective or appropriate under the circumstances, the Commission shall consider whether a repair or replacement changes the intended functionality of the product.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan.''.

(c) CONTENT OF NOTICE.—Section 15 is further amended by adding at the end the following:

''(i) Not later than 180 days after the date of enactment of this Act, the Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any notice required under an order under subsection (c) or (d) of this section or under section 12. Such guidelines shall include any information that the Commission determines would be helpful to consumers in—

''(1) identifying the specific product that is subject to such an order;

''(2) understanding the hazard that has been identified with such product (including information regarding incidents or injuries known to have occurred involving such product); and

''(3) understanding what remedy, if any, is available to a consumer who has purchased the product.''.

SEC. 210. WEBSITE NOTICE, NOTICE TO THIRD PARTY INTERNET SELLERS, AND RADIO AND TELEVISION NOTICE.

Section 15(c)(1) (15 U.S.C. 2064(c)(1)) is amended by inserting '', including posting clear and conspicuous notice on its Internet website, providing notice to any third party Internet website on which such manufacturer, retailer, or distributor has placed the product for sale, and announcements in languages other than English and on radio and television where the Commission determines that a substantial number of consumers to whom the recall is directed may not be reached by other notice'' after ''comply''.

SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LABORATORIES.

Section 16(a)(1) is amended by striking ''or (B)'' and inserting ''(B) any proprietary laboratories certified under section 14(e), or (C)''.

SEC. 212. IDENTIFICATION OF MANUFACTURER, IMPORTERS, RETAILERS, AND DISTRIBUTORS.

(a) IN GENERAL.—Section 16 (15 U.S.C. 2065) is further amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is in the possession of the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which the manufacturer directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication or such product or substance; and

''(C) each subcontractor from which the manufacturer obtained a component thereof.''.

(b) COMPLIANCE REQUIRED FOR IMPORTATION.—Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (g), by striking ''may'' and inserting ''shall''; and

(2) in subsection (h)(2), by striking ''may'' and inserting ''shall, consistent with section 6,''.

SEC. 213. EXPORT OF RECALLED AND NON-CONFORMING PRODUCTS.

(a) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end the following:

''(c) Notwithstanding any other provision of this section, the Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under any Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under this Act or a similar rule under any such other Act;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

(b) PROHIBITED ACT.—Section 19(a)(10) (15 U.S.C. 2068(a)(10)) is amended by striking the period at the end and inserting '' or violate an order of the Commission issued under section 18(c); or''.

(c) CONFORMING AMENDMENTS TO OTHER ACTS.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(2) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, the Consumer Product Safety Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under the Consumer Product Safety Act or with a rule under this Act;

''(2) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

SEC. 214. PROHIBITION ON SALE OF RECALLED PRODUCTS.

Section 19(a) (as amended by section 210) (15 U.S.C. 2068(a)) is further amended—

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

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public;

''(C) subject to an order issued under section 12 or 15 of this Act; or

''(D) designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8); and

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''.

SEC. 215. INCREASED CIVIL PENALTY.

(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) INITIAL INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) TEMPORARY INCREASE.—Notwithstanding the dollar amounts specified for maximum civil penalties specified in section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)), section 5(c)(1) of the Federal Hazardous Substances Act, and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)), the maximum civil penalties for any violation specified in such sections shall be $5,000,000, beginning on the date that is the earlier of the date on which final regulations are issued under section 3(b) or 360 days after the date of enactment of this Act.

(B) EFFECTIVE DATE.—Paragraph (1) shall cease to be in effect on the date on which the amendments made by subsection (b)(1) shall take effect.

(2) PERMANENT INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) AMENDMENTS.—

(i) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(ii) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(iii) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended by striking ''$1,250,000'' and inserting ''$10,000,000''.

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the earlier of—

(i) the date on which final regulations are issued pursuant to section 3(b); or

(ii) 360 days after the date of enactment of this Act.

(b) DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) FACTORS TO BE CONSIDERED.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20(b) (15 U.S.C. 2069(b)) is amended—

(i) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''products distributed, and'' and inserting ''products distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)) is amended—

(i) by inserting ''the nature, circumstances, extent ,and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''substance distributed, and'' and inserting ''substance distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(C) FLAMMABLE FABRICS ACT.—Section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)) is amended—

(i) by striking ''nature and number'' and inserting ''nature, circumstances, extent, and gravity'';

(ii) by striking ''absence of injury, and'' and inserting ''absence of injury,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

SEC. 216. CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.

Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalty provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act of any other Act enforced by the Commission for which the violator is sentenced under this section, section 5(a) of the Federal hazardous Substances Act (15 U.S.C. 2064(a)), or section 7 of the Flammable Fabrics Act (15 U.S.C. 1196).''.

SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

Section 24 (15 U.S.C. 2073) is amended—

(1) in the section heading, by striking ''PRIVATE'' and inserting ''ADDITIONAL'';

(2) by striking ''Any interested person'' and inserting ''(a) Any interested person''; and

(3) by striking ''No separate suit'' and all that follows and inserting the following:

''(b)(1) The attorney general of a State, alleging a violation of section 19(a) that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief.

''(2) Not less than thirty days prior to the commencement of such action, the attorney general shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein;

''(C) and to file petitions for appeal.

''(c) No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section the court may in the interest of justice award the costs of suit, including reasonable attorneys' fees (determined in accordance with section 11(f)) and reasonable expert witnesses' fees.''.

SEC. 218. EFFECT OF RULES ON PREEMPTION.

In issuing any rule or regulation in accordance with its statutory authority, the Commission shall not seek to expand or contract the scope, or limit, modify, interpret, or extend the application of sections 25 and 26 of the Consumer Products Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261), section 7 of the Poison Prevention Packaging Act (15 U.S.C. 1476), or section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) with regard to the extent to which each such Act preempts, limits, or otherwise affects any other Federal, State, or local law, or limits or otherwise affects any cause of action under State or local law.

SEC. 219. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end the following:

''(f)(1) The Commission may make information obtained by the Commission under this Act available (consistent with the requirements of section 6) to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) in the case of a foreign government agency, such agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) The Commission may abrogate any agreement or memorandum of understanding entered into under paragraph (1) if the Commission determines that the agency with which such agreement or memorandum of understanding was entered into has failed to maintain in confidence any information provided under such agreement or memorandum of understanding, or has used any such information for purposes other than those set forth in such agreement or memorandum of understanding.

''(3)(A) Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(B) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).

''(g) Whenever the Commission is notified of any voluntary recall of any consumer product self-initiated by a manufacturer (or a retailer in the case of a retailer selling a product under its own label), or issues an order under section 15(c) or (d) with respect to any product, the Commission shall notify each State's health department or other agency designated by the State of the recall or order.''.

SEC. 220. INSPECTOR GENERAL AUTHORITY AND ACCESSIBILITY.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Commission shall transmit a report to Congress on the activities of the Inspector General, any structural barriers which prevent the Inspector General from providing robust oversight of the activities of the Commission, and any additional authority or resources that would facilitate more effective oversight.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—The Inspector General of the Commission shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules, regulations, or the provisions of any Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall transmit a report to the Commission and to Congress setting forth the Inspector General's findings, conclusions, actions taken in response to employee complaints, and recommendations.

(c) COMPLAINT PROCEDURE.—Not later than 30 days after the date of enactment of this Act the Commission shall establish and maintain on the homepage of the Commission's Internet website a mechanism by which individuals may anonymously report incidents of waste, fraud, or abuse with respect to the Commission.

SEC. 221. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 222. INDUSTRY-SPONSORED TRAVEL BAN.

The Consumer Product Safety Act (15 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

''SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.

''(a) PROHIBITION.—Notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Commission shall accept travel, subsistence, and related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

''(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICIAL TRAVEL.—There are authorized to be appropriated, for each of fiscal years 2009 through 2011, $1,200,000 to the Commission for certain travel and lodging expenses necessary in furtherance of the official duties of Commissioners and employees.''.

SEC. 223. ANNUAL REPORTING REQUIREMENT.

Section 27(j) (15 U.S.C. 2076(j)) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Commission'' and inserting

''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note), the Commission''; and

(2) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively and inserting after paragraph (4) the following:

''(5) the number and summary of recall orders issued under section 12 or 15 during such year and a summary of voluntary actions taken by manufacturers of which the Commission has notified the public, and an assessment of such orders and actions;''.

SEC. 224. STUDY ON THE EFFECTIVENESS OF AUTHORITY RELATING TO IMPORTED PRODUCTS.

The Commission shall study the effectiveness of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)), specifically paragraphs (3) and (4) of such section, to determine a specific strategy to increase the effectiveness of the Commission's ability to stop unsafe products from entering the United States. The Commission shall submit a report to Congress not later than 9 months after enactment of this Act, which shall include recommendations regarding additional authority the Commission needs to implement such strategy, including any necessary legislation.

SA 4096. Mr. DEMINT submitted an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

Beginning on page 58, strike line 11 and all that follows through page 66, line 9.

SA 4097. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, strike lines 4 through 7 and inserting the following:

''(g) ATTORNEY FEES.—The prevailing party in a civil action under subsection (a) may recover reasonable costs and attorney fees.''.

SA 4098. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON IMPORTATION OF TOYS MADE BY CERTAIN MANUFACTURERS.

Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (a), as amended by section 10(f) of this Act—

(A) in paragraph (5), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) is a toy classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that is manufactured by a company that the Commission has determined—

''(A) has shown a persistent pattern of manufacturing such toys with defects that constitute substantial product hazards (as defined in section 15(a)(2)); or

''(B) has manufactured such toys that present a risk of injury to the public of such a magnitude that the Commission has determined that a permanent ban on all imports of such toys manufactured by such company is equitably justified.''; and

(2) by adding at the end the following:

''(i) Whenever the Commission makes a determination described in subsection (a)(7) with respect to a manufacturer, the Commission shall submit to the Secretary of Homeland Security information that appropriately identifies the manufacturer.

''(j) Not later than March 31 of each year, the Commission shall submit to Congress an annual report identifying, for the 12-month period preceding the report—

''(1) toys classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that—

''(A) were offered for importation into the customs territory of the United States; and

''(B) the Commission found to be in violation of a consumer product safety standard; and

''(2) the manufacturers, by name and country, that were the subject of a determination described in subsection (a)(7)(A) and (B).''.

SA 4099. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—STRATEGIC PETROLEUM RESERVE FILL SUSPENSION AND CONSUMER PROTECTION

SEC. 201. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during calendar year 2008, the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method.

(b) RESUMPTION.—The Secretary may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program or any other acquisition method under subsection (a) not earlier than 30 days after the date on which the Secretary notifies Congress that the Secretary has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel.

SA 4100. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, beginning in line 8, strike ''except as provided in subparagraph (C),''.

On page 26, beginning with line 21, strike through line 15 on page 27.

On page 27, line 16, strike ''(D)'' and insert ''(C)''.

On page 27, beginning in line 21, strike ''desdribed in subparagraph (C) of this paragraph, or''.

On page 27, line 24, strike the comma.

On page 29, line 4, strike ''(E)'' and insert ''(D)''.

On page 29, beginning in line 8, strike ''(including a laboratory certified as a third party laboratory under subparagraph (B) of this paragraph)''.

SA 4101. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 72, beginning with line 6, strike through line 8 on page 75 and insert the following:

SEC. 26. INSPECTOR GENERAL REPORTS.

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about failures of other employees to properly enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission, including the

negotiation of corrective action plans in the recall process; and

(B) the process by which corrective action plans are negotiated by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons regulated by the Commission that are not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

SA 4102. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __01. GET IN LINE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Get in Line Act''.

(b) PROHIBITION ON THE PAYMENT OF INDIVIDUALS TO RESERVE A PLACE IN LINE FOR A LOBBYIST FOR A SEAT AT A CONGRESSIONAL COMMITTEE OR FEDERAL ENTITY HEARING OR BUSINESS MEETING.—

(1) PROHIBITION.—The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''SEC. 27. PROHIBITION ON THE PAYMENT OF INDIVIDUALS TO RESERVE A PLACE IN LINE FOR A LOBBYIST FOR A SEAT AT A CONGRESSIONAL COMMITTEE OR FEDERAL ENTITY HEARING OR BUSINESS MEETING.

''(a) PROHIBITION.—Any person described in subsection (b) shall not make a payment to an individual to reserve a place in line for a seat for that person at a congressional committee or Federal entity hearing or business meeting.

''(b) PERSONS SUBJECT TO PROHIBITION.—The persons subject to the prohibition under subsection (a) are any lobbyist that is registered or is required to register under section 4(a)(1), any organization that retains or employs 1 or more lobbyists and is registered or is required to register under section 4(a)(2), and any employee listed or required to be listed as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C).''.

(2) CERTIFICATION.—Section 5(d)(1)(G) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)(G)) is amended—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) in clause (ii), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(iii) has read and is familiar with section 27, relating to paying individuals to reserve seats at congressional committee or Federal entity hearings or business meetings, and has not violated that section.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(c) COMMITTEE HEARING AVAILABILITY.—A committee of the Senate that is unable to accommodate all persons wishing to sit in the hearing room for a committee hearing or business meeting shall—

(1) make all reasonable accommodations for such overflow, including opening up an overflow room with a video monitor showing the hearing or meeting if possible; and

(2) stream the hearing or meeting on the committee website to the extent practicable

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SA 4103. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 21 and 22, insert the following:

(c) TRAINING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) develop standards for training product safety inspectors and technical staff employed by the Commission; and

(B) submit to Congress a report on such standards.

(2) CONSULTATIONS.—The Commission shall develop the training standards required under paragraph (1) in consultation with a broad range of organizations with expertise in consumer product safety issues.

SA 4104. Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) BANNED HAZARDOUS SUBSTANCE.—Effective January 1, 2009, any children's product or child care article that contains a specified phthalate shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply to such product or article.

(b) PROHIBITION ON USE OF CERTAIN ALTERNATIVES TO SPECIFIED PHTHALATES IN CHILDREN'S PRODUCTS AND CHILD CARE ARTICLES.—

(1) IN GENERAL.—If a manufacturer modifies a children's product or child care article that contains a specified phthalate to comply with the ban under subsection (a), such manufacturer shall not use any of the prohibited alternatives to specified phthalates described in paragraph (2).

(2) PROHIBITED ALTERNATIVES TO SPECIFIED PHTHALATES.—The prohibited alternatives to specified phthalates described in this paragraph are the following:

(A) Carcinogens rated by the Environmental Protection Agency as Group A, Group B, or Group C carcinogens.

(B) Substances described in the List of Chemicals Evaluated for Carcinogenic Potential of the Environmental Protection Agency as follows:

(i) Known to be human carcinogens.

(ii) Likely to be human carcinogens.

(iii) Suggestive of being human carcinogens.

(C) Reproductive toxicants identified by the Environmental Protection Agency that cause any of the following:

(i) Birth defects.

(ii) Reproductive harm.

(iii) Developmental harm.

(c) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) applies to a phthalate that is not described in subsection (d)(3);

(2) applies to a phthalate described in subsection (d)(3) that is not otherwise regulated under this section;

(3) with respect to any phthalate, requires the provision of a warning of risk, illness, or injury; or

(4) prohibits the use of alternatives to phthalates that are not described in subsection (b)(2).

(d) DEFINITIONS.—In this section:

(1) CHILDREN'S PRODUCT.—The term ''children's product'' means a toy or any other product designed or intended by the manufacturer for use by a child when the child plays.

(2) CHILD CARE ARTICLE.—The term ''child care article'' means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(3) CHILDREN'S PRODUCT OR CHILD CARE ARTICLE THAT CONTAINS A SPECIFIED PHTHALATE.—The term ''children's product or child care article that contains a specified phthalate'' means—

(A) a children's product or a child care article any part of which contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent; and

(B) a children's product or a child care article intended for use by a child that—

(i) can be placed in a child's mouth; and

(ii)(I) contains any combination of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent; or

(II) contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

SA 4105. Ms. KLOBUCHAR (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, beginning with line 16, strike through line 3 on page 4, and insert the following:

''(a)(1) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(A) $88,500,000 for fiscal year 2009;

''(B) $96,800,000 for fiscal year 2010;

''(C) $106,480,000 for fiscal year 2011;

''(D) $117,128,000 for fiscal year 2012;

''(E) $128,841,000 for fiscal year 2013;

''(F) $141,725,000 for fiscal year 2014; and

''(G) $155,900,000 for fiscal year 2015.

''(2) From amounts appropriated pursuant to paragraph (1), there shall shall be made available, for each of fiscal years 2009 through 2015, $1,200,000 for travel, subsistence, and related expenses incurred in furtherance of the official duties of Commissioners and employees with respect to attendance at meetings or similar functions, which shall be used by the Commission for such purposes in lieu of acceptance of payment or reimbursement for such expenses from any person—

''(A) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(B) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

SA 4106. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, insert the following:

SEC. 40. INFANT CRIB SAFETY.

(a) DEFINITIONS.—In this section:

(1) COMMERCIAL USER.—

(A) The term ''commercial user'' means—

(i) any person that manufactures, sells, or contracts to sell full-size cribs or non-full-size cribs; or

(ii) any person that—

(I) deals in full-size or non-full-size cribs that are not new or that otherwise, based on the person's occupation, holds oneself out as having knowledge or skill peculiar to full-size cribs or non-full-size cribs, including child care facilities and family child care homes; or

(II) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or non-full-size cribs that are not new.

(B) The term ''commercial user'' does not mean an individual who sells a used crib in a one-time private sale.

(2) CRIB.—The term ''crib'' means a full-size crib or non-full-size crib.

(3) FULL-SIZE CRIB.—The term ''full-size crib'' means a full-size baby crib as defined in section 1508.1 of title 16, Code of Federal Regulations.

(4) INFANT.—The term ''infant'' means any person less than 35 inches tall or less than 2 years of age.

(5) NON-FULL-SIZE CRIB.—The term ''non-full-size crib'' means a non-full-size baby crib as defined in section 1509.2(b) of title 16, Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

(b) REQUIREMENTS FOR CRIBS.—

(1) MANUFACTURE AND SALE OF CRIBS.—It shall be unlawful for any commercial user—

(A) to manufacture, sell, or contract to sell, any full-size crib or non-full-size crib that is unsafe for any infant using it; or

(B) to sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, any full-size or non-full-size crib that is not new and that is unsafe for any infant using the crib.

(2) PROVISION OF CRIBS BY LODGING FACILITIES.—It shall be unlawful for any hotel, motel, or similar transient lodging facility to offer or provide for use or otherwise place in the stream of commerce, on or after the effective date of this section, any full-size crib or non-full-size crib that is unsafe for any infant using it.

(3) ADHERENCE TO CRIB SAFETY STANDARDS.—A full-size crib, non-full-size crib, portable crib, playpen, or play yard, shall be presumed to be unsafe under this section if it does not conform to the standards applicable to the product as listed below:

(A) Part 1508 of title 16, Code of Federal Regulations (relating to requirements for full-size baby cribs).

(B) Part 1509 of title 16, Code of Federal Regulations (relating to requirements for non-full-size baby cribs).

(C) American Society for Testing Materials F406-07 Standard Consumer Safety Specification for Non-Full Size Baby Cribs/Play Yards.

(D) American Society for Testing Materials F1169 Standard Specification for Full-Size Baby Crib.

(E) American Society for Testing and Materials F966-00 Consumer Safety Specification for Full-Size and Non-Full Size Baby Crib Corner Post Extensions.

(F) Part 1303 of title 16, Code of Federal Regulations (relating to banning lead-containing paint).

(G) Any amendments to the regulations or standards described in subparagraphs (A) through (F) or any other regulations or standards that are adopted in order to amend or supplement the regulations or standards described in such subparagraphs.

(4) DESIGNATION AS HAZARDOUS PRODUCT.—A full-size or non-full-size crib that is not in compliance with the requirements of this section shall be considered to be a banned hazardous product under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057). The Consumer Product Safety Commission shall have the power to enforce the provisions of this section in the same manner that the Commission enforces rules declaring products to be banned hazardous products.

(5) EXCEPTION.—The requirements of this section shall not apply to a full-size crib or non-full-size crib that is not intended for use by an infant, including a toy or display item, if at the time it is manufactured, made subject to a contract to sell or resell, leased, sublet, or otherwise placed in the stream of commerce, it is accompanied by a notice to be furnished by each commercial user declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

(c) EFFECTIVE DATE.—This section shall take effect on the day that is 90 days after the date of the enactment of this Act.

SA 4107. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 4104 proposed by Mrs. FEINSTEIN (for herself, Mr. BINGAMAN, Mr. MENENDEZ, and Mrs. BOXER) to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. SAFETY OF CHILDREN'S PRODUCTS CONTAINING PHTHALATES.

(a) FINDINGS.—Congress finds that—

(1) phthalates are a class of chemicals used in certain plastics to improve flexibility and are used in many products intended for use by young children, including toys and soft plastic books;

(2) concerns have been expressed that the use of phthalates in certain vinyl children's products and child care articles may have potential health risks for children;

(3) pursuant to section 28 of the Consumer Product Safety Act (15 U.S.C. 2077), the Consumer Products Safety Commission (referred to in this section as the ''Commission'') has the authority to convene a Chronic Hazard Advisory Panel (referred to in this section as a ''CHAP''), which shall be expert and independent, to critically assess hazards and risks to human health;

(4) the Commission has previously convened a CHAP to study diisononyl phthalate (referred to in this section as ''DINP''), the phthalate plasticizer most commonly used in soft plastic toys. The CHAP found that exposure to DINP from toys posed little or no risk of injury to children, and the Commission concurred, finding no demonstrated health risk; and

(5) the Commission has not convened a CHAP to assess other phthalates or other plasticizers that are used in children's products and child care articles.

(b) SAFETY STUDY OF CHILDREN'S PRODUCTS CONTAINING PHTHLALATES OR OTHER PLASTICIZERS.—

(1) IN GENERAL.—The Commission shall examine and assess the risks to human health presented by exposure to toys or any other products designed or intended for use by children under 6 years of age that contain phthalates or other plasticizers used to soften vinyl products.

(2) ADVISORY PANEL ON PHTHALATES.—Pursuant to section 28 of the Consumer Product

Safety Act (15 U.S.C. 2077), the Commission shall appoint a CHAP to critically assess the risks to human health presented by exposure to toys or any other products designed or intended for use by children under six years of age that contain phthalates or other plasticizers used to soften vinyl products.

(3) DISCRETION TO SUPPLEMENT PRIOR STUDY.—The Commission may update its prior assessment of DINP to the extent determined necessary by the Commission.

(4) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Chairman of the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that summarizes the relevant scientific evidence pertaining to any significant health risks presented by exposure to toys or any other products designed or intended for use by children under 6 years of age that contain phthalates or other plasticizers used to soften vinyl products.

(c) RULEMAKING.—

(1) INTERIM REGULATION ON CHILDREN'S PRODUCTS CONTAINING DINP.—Notwithstanding the requirements under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), not later than 3 months after the date of the enactment of this Act, the Commission shall promulgate a rule that—

(A) sets limits on the DINP content of toys or any other products designed or intended for use by children under 6 years of age that are consistent with the findings of the CHAP on DINP; and

(B) shall take effect 1 year after the date on which it is promulgated.

(2) FINAL RULE ON SAFETY OF CHILDREN'S PRODUCTS CONTAINING PHTHALATES OR OTHER PLASTICIZERS.—

(A) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act, the Commission, subject to the requirements of section 9(f)(3) of the Consumer Product Safety Act (15 U.S.C. 2058(f)(3)), shall promulgate a final rule to regulate products or categories of products identified in the study described in subsection (b), as reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such products.

(B) ESTABLISHMENT OF LIMITS.—The final rule promulgated under this paragraph shall establish limits for—

(i) the content of phthalates and other plasticizers in products or categories of products identified in the study described in subsection (b) that are consistent with the findings of the CHAP appointed pursuant to subsection (b)(2); and

(ii) the DINP content of toys or any other products designed or intended for use by children under 6 years of age that are consistent with the findings of the CHAP on DINP and any updated assessment of DINP conducted pursuant to subsection (b)(3).

(C) EFFECTIVE DATE.—Notwithstanding the requirements of section 9(g)(1) of the Consumer Product Safety Act (15 U.S.C. 2058(g)(1)), the final rule promulgated under this paragraph shall take effect 1 year after the date on which it is promulgated.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 6, at 10 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the state of facilities in Indian Country—jails, schools, and health facilities.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 12, 2008, at 10 a.m. to hear testimony on ''Is the Myth of In-Person Voter Fraud Leading to Voter Disenfranchisement?''

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 9:30 a.m., in open and closed session in order to receive testimony on the United States Central Command and Special Operations Command in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 4, 2008, at 10 a.m., in order to conduct a hearing entitled ''The State of the Banking Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The purpose of this hearing is to evaluate operational incidents associated with oil spills. The Subcommittee will examine non-tank vessel fuel tank design, the Coast Guard's Vessel Traffic System, and the U.S. vessel pilot system.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Tuesday, March 4, 2008, at 10 a.m., in room SD 366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding Energy Information Administration's revised Annual Energy Outlook.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 9:30 a.m. in SD–410, in order to conduct a hearing on Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m. in order to conduct a closed hearing entitled ''NSPD–54/HSPD–23 and the Comprehensive National Cyber Security Initiative.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, March 4, in order to conduct a joint hearing with the House Veterans' Affairs Committee to hear the legislative presentation from the Veterans of Foreign Wars of the U.S. The Committee will meet in room 216 of the Hart Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 4, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 4, 2008, at 2:30 p.m., in open and closed session in order to receive testimony on military space programs in review of the defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND THE AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, March 4, 2007, at 10 a.m. in order to conduct a joint hearing entitled, ''Is Housing Too Much To Hope For?: FEMA's Disaster Housing Strategy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that Christopher Day and Bill Couch, members of my staff, be granted floor privileges during the consideration of S. 2663, the CPSC Reform Act.

PERMISSION TO VOTE BY PROXY

Mr. PRYOR. Mr. President, I ask unanimous consent, notwithstanding rule XXVI, paragraph 7, of the Standing Rules of the Senate and rule III of the Senate Budget Committee rules, that any member of the committee be permitted to vote by proxy, with the concurrence of the chair and ranking member of the committee, at the meeting of the Senate Budget Committee on March 6, 2008, and that any vote cast on behalf of that member by proxy in the Budget Committee on that date be treated by the committee as if that member were physically present but the proxy not count for the purposes of establishing a quorum present; and that if the Budget Committee orders reported a concurrent resolution on the budget for fiscal year 2009 on that date, such measure be deemed to have been ordered reported in compliance with rule XXVI, paragraph 7, of the Standing Rules of the Senate and the rules of the Senate Budget Committee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HONORING THE LIFE OF MYRON COPE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 467 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 467) honoring the life of Myron Cope.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 467) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 467

Whereas Myron Cope was a legendary Pittsburgher and voice of the Pittsburgh Steelers for an unprecedented 35 seasons from 1970 to 2005;

Whereas Myron Cope died the morning of February 27th, 2008, at the age of 79;

Whereas it is the intent of the Senate to recognize and pay tribute to the life of Myron Cope, his service to his community, and his legacy with the Pittsburgh Steelers, the game of football, and the city of Pittsburgh;

Whereas Myron Cope is best known for his quirky catch phrases and for creating the ''terrible towel'', which is twirled at Steelers games as a good luck charm and has since developed into an international symbol of Pittsburgh Steelers pride;

Whereas Myron Cope coined the phrase ''Immaculate Reception'', which became a household term to describe the game-winning play in the Steelers' 1972 American Football Conference Divisional playoff victory against the Oakland Raiders, one of the most notable plays in all of National Football League and sports history;

Whereas Myron Cope spent the first half of his professional career as one of the Nation's most widely read freelance sports writers, writing for Sports Illustrated and the Saturday Evening Post;

Whereas Myron Cope became the first professional football broadcaster to be elected to the National Radio Hall of Fame in 2005;

Whereas Myron Cope became so popular that the Steelers did not try to replace him when he retired in 2005, instead downsizing from a 3-man announcing team to 2;

Whereas Myron Cope served his community on the board of directors of the Pittsburgh Chapter of the Autism Society of America and the highly successful Pittsburgh Vintage Grand Prix charity auto races, of which he was a co-founder;

Whereas Myron Cope also served on the Tournament Committee of the Myron Cope/Foge Fazio Golf Tournament for Autistic Children;

Whereas, in 1996, Myron Cope contributed his ownership of ''The Terrible Towel'' trademarks to Allegheny Valley School, an institution for the profoundly mentally and physically disabled;

Whereas Myron Cope was born in Pittsburgh on January 23, 1929, and lived all but a few months of his life in Pittsburgh; and

Whereas the passing of Myron Cope is a great loss to the city of Pittsburgh and the game of football, and his life should be honored with highest praise and respect for his heart of black and gold: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Myron Cope as a familiar voice to every Pittsburgher and football fan alike, and his beloved persona which will live on in the hearts of Pittsburghers and Steelers fans for generations to come; and

(2) recognizes the outstanding contributions of Myron Cope to the city of Pittsburgh, the game of football, and the Pittsburgh Steelers.

NATIONAL GLANZMANN'S THROMBASTHENIA AWARENESS DAY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 471, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 471) designating March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 471) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 471

Whereas Glanzmann's Thrombasthenia affects men, women, and children of all ages;

Whereas Glanzmann's Thrombasthenia is a very distressing disorder to those who have it, causing great discomfort and severe emotional stress;

Whereas children with Glanzmann's Thrombasthenia are unable to participate in many normal childhood activities including most sports and are often subject to social discomfort because of their disorder;

Whereas Glanzmann's Thrombasthenia includes a wide range of symptoms including life-threatening, uncontrollable bleeding and severe bruising;

Whereas Glanzmann's Thrombasthenia is frequently misdiagnosed or undiagnosed by medical professionals;

Whereas currently there is no cure for Glanzmann's Thrombasthenia;

Whereas it is essential to educate the public on the symptoms, treatments, and constant efforts to cure Glanzmann's Thrombasthenia to ensure early diagnosis and treatment of the condition;

Whereas Helen P. Smith established the Glanzmann's Thrombasthenia Research Foundation in Augusta, Georgia, in 2001; and

Whereas Helen P. Smith and the Glanzmann's Thrombasthenia Research Foundation have worked tirelessly to promote awareness of Glanzmann's Thrombasthenia and help fund research on the disorder: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1, 2008, as ''National Glanzmann's Thrombasthenia Awareness Day'';

(2) urges all people of the United States to become more informed and aware of Glanzmann's Thrombasthenia; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Glanzmann's Thrombasthenia Research Foundation.

COMMENDING THE EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 472 submitted earlier today by Senator LIEBERMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 472) commending the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers nationwide for their dedicated service in protecting the people of the United States and the Nation from acts of terrorism, natural disasters, and other large-scale emergencies.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I am pleased to join Senator LIEBERMAN in support of S. Res. 472, commending the employees of the Department of Homeland Security on the Department's fifth anniversary, and honoring their partners at all levels of Government, the private sector, and the millions of men and women in law enforcement, the fire service, emergency-medical services, and other emergency-response professions who risk their lives to protect us.

Five years ago, on March 1, 2003, the Department of Homeland Security commenced operations as a new organizational umbrella over 22 federal agencies and with new responsibilities for developing and coordinating an integrated, all-hazards approach to planning for, mitigating against, responding to, and recovering from major disasters.

Creating DHS was a critical part of our national response to the terrorist attacks of September 11, 2001. We are safer today because of the work of the Department's dedicated employees and because of their support and coordination with State, local, tribal, and nonprofit agencies with emergency-management, prevention, and response responsibilities.

The Department was severely tested in the Hurricane Katrina catastrophe of 2005, and extensive investigation by the Committee on Homeland Security and Governmental Affairs identified serious flaws in the Department's response. But, spurred by legislation that Senator LIEBERMAN and I authored in 2006, the Department has taken significant strides in improving its response and recovery capabilities. The Department's responses to recent disasters, such as the wildfires in California, the Patriots' Day storm in Maine, and the recent tornadoes in the South, visibly demonstrate these improvements.

The task of integrating the 22 agencies and more than 200,000 employees that compose the Department has not always gone smoothly. As the Government Accountability Office justly observed in a progress report on DHS last summer, however, ''successful transformations of large organizations, even those faced with less strenuous reorganizations than DHS, can take 5 to 7 years to achieve.'' The Department has made significant progress. Congress must help it make more.

On this noteworthy anniversary, I salute the men and women of DHS and all of their partners who protect our borders, transportation hubs, critical infrastructure, seaports, and—above all—our people. This Senate resolution is a small but heartfelt expression of our gratitude, our respect, and our commitment to the future of this Department.

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 472) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 472

Whereas it has been almost 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas al-Qaeda and affiliated or inspired terrorist groups remain committed to plotting attacks against the United States, its interests, and its foreign allies, as evidenced by recent terrorist attacks in Great Britain, Algeria, and Pakistan, and disrupted plots in Germany, Denmark, Canada, and the United States;

Whereas the Nation remains vulnerable to catastrophic natural disasters, such as Hurricane Katrina, which devastated the Gulf Coast in August 2005;

Whereas the President has declared more than 400 major disasters and emergencies under the Robert T. Stafford Disaster Relief and Emergency Assistance Act since 2000, in response to a host of natural disasters, including tornadoes, floods, winter storms, and wildfires that have overwhelmed the capabilities of State and local governments;

Whereas acts of terrorism, natural disasters, and other large-scale emergencies can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to the Nation's critical infrastructure, and inflicting billions of dollars of costs on both the public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing risk to the Nation from a full range of potential catastrophic incidents, Congress established the Department of Homeland Security on March 1, 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing information analysis, infrastructure protection, and science and technology, and focusing its more than 200,000 employees on the critical mission of defending the Nation against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal departments and agencies and partners at all levels of government to help secure the Nation's borders, airports, sea and inland ports, critical infrastructure, and people against acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas the Nation's firefighters, law enforcement officers, emergency medical services personnel, and other emergency response providers selflessly and repeatedly risk their lives to fulfill their mission to help prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary individuals across the country have been working in cooperation with the Department of Homeland Security and other Federal departments and agencies to enhance the Nation's ability to prevent, protect against, prepare for, and respond to natural disasters, acts of terrorism, and other large-scale emergencies; and

Whereas the people of the United States can assist in promoting the Nation's overall preparedness by remaining vigilant, reporting suspicious activity to proper authorities, and preparing themselves and their families for all emergencies, regardless of their cause: Now, therefore, be it

Resolved, That the Senate—

(1) on the occasion of the fifth anniversary of the establishment of the Department of Homeland Security, commends the public servants of the Department for their outstanding contributions to the Nation's security and safety;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and individuals across the country for their efforts to enhance the Nation's ability to prevent, protect against, prepare for, and respond to acts of terrorism, natural disasters, and other large-scale emergencies;

(3) expresses the Nation's appreciation for the sacrifices and commitment of law enforcement, fire service, and emergency medical services personnel, emergency managers, and other emergency response providers in preventing, protecting against, preparing for, and responding to acts of terrorism, natural disasters, and other large-scale emergencies;

(4) urges the Federal Government, States, local governments, Indian tribes, schools, nonprofit organizations, businesses, other entities, and the people of the United States to take steps that promote individual and community preparedness for any emergency, regardless of its cause; and

(5) encourages continued efforts by every individual in the United States to enhance the ability of the Nation to address the full range of potential catastrophic incidents at all levels of government.

ORDERS FOR WEDNESDAY, MARCH 5, 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, March 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, I ask that following morning business the Senate resume consideration of S. 2663, a bill to reform the Consumer Product Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Wednesday, March 5, 2008, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 4, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. ROYBAL-ALLARD).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC
March 4, 2008.

I hereby appoint the Honorable LUCILLE ROYBAL-ALLARD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. BLUMENAUER) for 5 minutes.

NATIONAL BIKE SUMMIT

Mr. BLUMENAUER. Thank you, Madam Speaker.

This week, hundreds of cyclists from around America will descend on Capitol Hill to advocate on behalf of America's 100 million people who enjoy bicycling for recreation, for their livelihood, and some for basic transportation.

With 176 members of the Congressional Bicycle Caucus, I know there will be great receptivity in many offices, but it is time for everybody to take these men and women very seriously when they bring their message to Capitol Hill.

Yes, bicycling is fun. We know that from our youth. Everybody seems to have a bicycling story that they love to tell. However, there are many reasons why bicycling should be taken very seriously by policymakers. Consider the times. Remember last year when oil averaged $72 per barrel and gasoline averaged $2.81 per gallon and how people were deeply concerned about those increases over just the year before? Well, already oil is significantly over $100 a barrel and rising gasoline prices are expected to perhaps reach as much as $4 a gallon this summer.

There is also an emerging consensus on global warming that it is not just an urgent problem, but that transportation is the largest source of carbon emissions that we can manage quickly to reduce. The carbon emissions from riding a bicycle to work or to the store or for exercise are zero.

Consider the livability of our cities and neighborhoods as we are struggling with traffic congestion, air pollution, and the quality of life in every neighborhood and downtown and everywhere in between. Bicycles, obviously, make a huge difference there.

Last but not least, impacts on our health. There is great unease about soaring health care costs. There is a childhood obesity epidemic. The bicycle is the simplest, most cost-effective way to be able to enhance our health as we enhance the quality of life for our young people. Think for a moment right now how many people somewhere in America are stuck in traffic on their way to ride a stationary bike at a health club. These are all initiatives that can be dealt with by taking over 100 million bicycles that are stored in our garages and basements and locked to a back porch and putting them to use. The role for the Federal Government is not to tilt in favor of cycling, although I could certainly make that argument, but just to level the playing field.

Why do some Members of Congress think it's all right to give tax benefits to commuters that burn gasoline to help them cushion their costs, but are against providing modest tax benefits for those who burn calories instead? Three times the House of Representatives has passed a modest reform for bike commuter equity, but it has yet to be enacted into law.

Mostly it's time to set the table for the massive transportation reauthorization that will be before us next Congress. I have introduced House Concurrent Resolution 305, which would be the first comprehensive bicycling policy statement as a guide for authorization and beyond.

I urge my colleagues to look at it. It's the simplest, most cost-effective direction the Federal Government can give to make more transportation choices for Americans, to provide safer opportunities for our children to get to school, to deal with health and climate change, and to heal our communities while we strengthen our bodies and improve our spirits.

Bicyclists are an indicator species of a livable community, a place where our families are safe, healthy and economically secure. It's time for the Federal Government to step up and do its part.

WHAT GEORGE WOULD HAVE DONE

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

Mr. MCDERMOTT. Madam Speaker, over the weekend, the Washington Post carried a thoughtful op-ed that I think we ought to send down to the White House to make sure the President reads. It's called ''Lessons on Iraq from a Founding Father.'' The author, Brian O'Malley, an adjunct professor at Jones College in Jacksonville, Florida, reminds us that the Nation's first President, George Washington, could offer some good insights into what to do in Iraq.

In the fall of 1775, before the Declaration of Independence, the fledgling Nation prepared to invade Canada, in what the author calls America's first preemptive war. George Washington had misgivings, and he expressed them in his letters to his commander, Colonel Benedict Arnold.

Washington explicitly told Arnold to be sure that the Canadian people wanted America to cross the border. In his words, ''ever bearing in mind that if they are averse to it, and will not cooperate, or at least willingly acquiesce, it must fail of success. In this case you are by no means to prosecute the attempt.''

Washington also understood that the safety of his soldiers depended on how they treated people, and he urged restraint. In his words, ''not only the good of their country and their honor, but their safety depends upon the treatment of these people.''

The first President also worried about treating prisoners properly and with respect. He ordered his commander to restrain his forces, in his words, ''from all acts of cruelty and insult, which will disgrace the American arms, and irritate our fellow subjects against us.''

Washington even warned of consequence against any American found to mistreat a prisoner. And Washington understood the need to respect

religion, telling his commander to restrain officers and soldiers from any ridicule or disrespect of religion.

The concerns raised by Washington in 1775 are exactly the concerns that should have been raised in 2002 before the Iraq invasion. It might have prevented Abu Ghraib. It might have prevented the wholesale dismissal and dismantling of the Iraq army that led to the rise of insurgents. It might have prevented an Iraq quagmire that has needlessly claimed American lives, wastefully drained our Treasury, carelessly tainted American leadership in the world and absolutely harmed our economy here at home. That is the Iraq war record.

History is replete with lessons, but unless we learn the lessons of history, we are doomed to repeat them. That is what is going on in Iraq today. The latest estimate places the cost of the war at $3 trillion, and that doesn't account for the cost of treating the thousands of U.S. soldiers coming back.

Iraq is like quicksand, and America sinks deeper and deeper every single day. Our military is in shambles, the housing market looks more and more like a house of cards, the U.S. dollar is in free fall against other currencies, and the U.S. economy is in recession.

The President says he hasn't heard that respected economists are talking about $4 a gallon gasoline next month. He's the only one who's missed the news. Gas is up almost $1 from a year ago. Diesel prices have already climbed to $3.60. But they have a rose garden down at the White House and a President who thinks everything is rosy. And if he says it, then it must be true.

What is true is that Americans are using credit cards just to try and stay afloat. What is true is that a record number of Americans are losing their homes to foreclosure. What is true is that a President fixated on waging a perpetual Iraq war ignored the urgent needs of the American people. He has squandered their money and our leadership. The only signs pointing upward for the President are those that proclaim more bad news—another house foreclosed, another family bankruptcy. Instead of gazing out the window at the rose garden, the President ought to try walking down Main Street and talking to a few people. He is out of touch and America is out of time.

[From the Washington Post, Mar. 1, 2008]

LESSONS ON IRAQ FROM A FOUNDING FATHER

(By Brian O'Malley)

What would George Washington do about Iraq? In a December Outlook essay, historian Joseph J. Ellis argued that it's not possible to theorize exact answers because the ''gap between the founders' time and ours is nonnegotiable, and any direct linkage between them and now is intellectually problematic.'' But Ellis also conceded that this position is ''unacceptable to many of us, because it suggests that the past is an eternally lost world that has nothing to teach us.''

History does hold lessons about today's issues, and this is clear when considering Iraq and U.S. conduct in the war against terrorism. Consider the 1775–76 invasion of Canada, America's first preemptive war, which ended just days before Congress ratified the Declaration of Independence.

On Sept. 14, 1775, Washington wrote two letters to Col. Benedict Arnold, who led an American force into Canada. Five of Washington's points for invasion merit particular attention.

First, if the citizens don't want us there, don't go. Washington told Arnold, ''You are by every means in your power to endeavor to discover the real sentiments of the Canadians towards our cause, and particularly as to this expedition; ever bearing in mind that if they are averse to it, and will not co-operate, or at least willingly acquiesce, it must fail of success. In this case you are by no means to prosecute the attempt.''

The expense of starting the mission and the disappointment of not completing it, Washington wrote, ''are not to be put in competition with the dangerous consequences which may ensue from irritating them against us.''

Second, the safety of American personnel depended on how they treated people. Washington wanted Arnold to ''conciliate the affections'' of the Canadian settlers and Indians and ordered Arnold to teach the soldiers and officers under his command ''that not only the Good of their Country and their Honour, but their Safety depends upon the Treatment of these People.''

Third, proper treatment of prisoners was necessary. The prominent British parliamentarian William Pitt, who championed American grievances, had a son serving in Canada. John Pitt was never taken into American custody, but in the event that Pitt was captured, Washington warned Arnold, ''You cannot err in paying too much Honour to the Son of so illustrious a Character, and so true a Friend to America.''

This insistence on kind treatment extended beyond Pitt. Washington wrote, ''Any other Prisoners who may fall into your Hands, you will treat with as much Humanity and kindness, as may be consistent with your own Safety and the publick Interest.''

Washington told Arnold to restrain the Continental troops and their Indian allies ''from all Acts of Cruelty and Insult, which will disgrace the American Arms, and irritate our Fellow Subjects against us.''

Fourth, any Americans who mistreated Canadians should be punished. ''Should any American Soldier be so base and infamous as to injure any Canadian or Indian, in his Person or Property,'' Washington wrote, ''I do most earnestly enjoin you to bring him to such severe and exemplary Punishment as the Enormity of the Crime may require.'' In an accompanying letter Washington added, ''Should it extend to Death itself it will not be disproportional to its Guilt, at such a Time and in such a Cause.''

Fifth, respect the people's religion. ''As the Contempt of the Religion of a Country by ridiculing any of its Ceremonies or affronting its Ministers or Votaries, has ever been deeply resented, you are to be particularly careful to restrain every Officer and Soldier from such Imprudence and Folly and to punish every Instance of it.''

American ideals won immediate support from the Canadians, but American misconduct squandered it. Contrary to Washington's orders, some American commanders disrespected Canadians' religion, property and liberty.

Lamenting this American misconduct, Washington wrote to Gen. Philip Schuyler on April 19, 1776, ''I am afraid proper measures have not been taken to conciliate their affections, but rather that they have been insulted and injured, than which nothing could have a greater tendency to ruin our cause in that country; for human nature is such that it will adhere to the side from whence the best treatment is received.''

George Washington is still first in war, first in peace and first in the hearts of his countrymen. It's too bad he couldn't have been the first person we asked about how to proceed in Iraq.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MATSUI) at 2 p.m.

PRAYER

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

Lord, You are Eternal Light which enlightens every human conscience and penetrates every aspect of life with Your mercy. Enable us, as Your free children, to move and act with responsibility, facing the consequences of all our decided words and actions today.

Give us faith, Lord, which is strong enough to sense Your presence in our midst and bold enough to seek Your holy inspiration in our ordered routine.

Then, in partnership with one another, empower us to broaden the field of justice and establish a Nation of mutual understanding and trust. So let us give You glory today and every day of our lives. Amen.

THE JOURNAL

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

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

Mr. BISHOP of Utah. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. PITTS led the Pledge of Allegiance as follows:

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

ETHANOL WILL SAVE US ALL?

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

Mr. POE. Madam Speaker, they told us that ethanol from corn would save us all—save us from global warming and dependence on foreign oil, but it just isn't so.

The rush to till up more farmland may turn out to be a crop disaster. Science Magazine reports that ''using good crop land to expand biofuels will increase global warming.'' The reason is, now farmers will need to plow under more forests and massive grasslands to grow enough of that ''savior'' corn. But doing so will release carbon stored in plants and soils.

The new evidence indicates, ''after taking into account worldwide land use changes, corn-based ethanol will increase greenhouse gasses by (a staggering) 93 percent compared to gasoline over a 30-year period.''

It is only logical that if farmland once used to grow corn that we eat is used to grow corn that we burn as fuel, more land will be needed for both agricultural production and ethanol production.

So here comes the big wipe out of massive amounts of land, all to subsidize an unproven, unpredictable industry that is potentially hazardous to our health.

And that's just the way it is.

FISA

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

Mr. PITTS. Mr. Speaker, the 21-day FISA extension that our friends on the other side of the aisle fought hard to pass 2 weeks ago would have expired this week. This extension was the Democrat alternative to a permanent bill to provide our intelligence community with the tools they need to fight the war on terror, and yet we still have not voted on the bipartisan Senate bill, or any alternative bill for that matter. We've done nothing.

I believe this exposes the House leadership's plan for what it is, an abdication of their duty to provide our intelligence community with the tools needed to protect the United States.

It has been 17 days since the Protect America Act expired. In the words of the Democratic chairman of the Senate Intelligence Committee, our intelligence gathering capabilities have already been ''degraded.''

Contrary to what some say, there is urgency in this matter. We are losing out on obtaining new and evolving intelligence to enable our fight against terror. There are enough votes in the House to pass the bipartisan Senate bill. It's time for the Speaker to bring the legislation up for a vote.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 3, 2008, at 2:32 p.m. and said to contain a message from the President whereby he submits the 2008 National Drug Control Strategy.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

2008 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–98)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit the 2008 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration published its first National Drug Control Strategy in 2002, inspired by a great moral imperative: we must reduce illegal drug use because, over time, drugs rob men, women, and children of their dignity and of their character. Thanks to bipartisan support in the Congress; the work of Federal, State, local, and tribal officials; and the efforts of ordinary citizens, 6 years later fewer Americans know the sorrow of addiction.

We have learned much about the nature of drug use and drug markets, and have demonstrated what can be achieved with a balanced strategy that puts resources where they are needed most. Prevention programs are reaching Americans in their communities, schools, workplaces, and through the media, contributing to a 24 percent decline in youth drug use since 2001. Today, approximately 860,000 fewer young people are using drugs than in 2001. We have expanded access to treatment in public health settings, the criminal justice system, and in sectors of society where resources are limited. The Access to Recovery program alone has extended treatment services to an additional 190,000 Americans, exceeding its 3-year goal by over 50 percent. We have seized unprecedented amounts of illegal drugs and have denied drug traffickers and terrorists the profits they need to conduct their deadly work. During the first three quarters of 2007 we saw significant disruptions in the cocaine and methamphetamine markets, with prices rising by 44 percent and 73 percent, and purities falling by 15 percent and 31 percent, respectively.

These results do not mean that our work is done. Rather, they provide a charter for future efforts. By pursuing a balanced strategy that addresses the epidemiology of drug use and the economics of drug availability, we can further reduce drug use in America.

I thank the Congress for its support and ask that it continue this noble work on behalf of the American people.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 3, 2008.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

AUTHORIZING SECRETARY OF INTERIOR TO LEASE LANDS IN VIRGIN ISLANDS NATIONAL PARK

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1143) to authorize the Secretary of the Interior to lease certain lands in

Virgin Islands National Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1143

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

SECTION 1. DEFINITIONS.

In this Act, the following definitions apply:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) RUE.—The term ''RUE'' means the retained use estate entered into by the Jackson Hole Preserve and the United States on September 30, 1983.

(3) PARK.—The term ''park'' means Virgin Islands National Park.

(4) CBI.—The term ''CBI'' means CBI Acquisitions, LLC.

(5) RESORT.—The term ''Resort'' means Caneel Bay Resort on the island of St. John in Virgin Islands National Park.

SEC. 2. LEASE AGREEMENT.

(a) AUTHORIZATION.—The Secretary may enter into a lease agreement with CBI governing the use of property for the continued management and operation of the Resort.

(b) ADDITIONAL LANDS.—Any lease entered into pursuant to this Act shall include the property covered by the RUE and any associated property owned by CBI donated to the National Park Service.

(c) TERMS.—The lease agreement authorized under subsection (a) shall—

(1) require that operations and maintenance of the Resort are conducted in a manner consistent with the preservation and conservation of the resources and values of the Park as well as the best interests of the Resort;

(2) be for the minimum number of years practicable to enable the lessee to secure financing for any necessary improvements to the Resort, taking into account the financial obligations of CBI, but in any event shall not exceed 40 years;

(3) prohibit any transfer, assignment or sale of the lease or otherwise convey or pledge any interest in the lease without prior written notification to and approval by the Secretary;

(4) prohibit any increase in the number of guest accommodations available at the Resort;

(5) prohibit any increase in the overall size of the Resort;

(6) prohibit the sale of partial ownership shares or timeshares in the Resort;

(7) be designed to facilitate transfer of all property covered by the lease to Federal administration upon expiration of the lease; and

(8) include any other provisions determined by the Secretary to be necessary to protect the Park and the public interest.

(d) APPRAISALS.—The Secretary shall require appraisals to determine the fair market value of all property covered by the RUE and any property, including the value, if any, of the surrendered term of the RUE, owned by CBI to be donated, or otherwise conveyed, to the National Park Service. Such appraisals shall be conducted pursuant to the Uniform Appraisal Standards for Federal Land Acquisition.

(e) COMPENSATION.—

(1) IN GENERAL.—The lease authorized by this Act shall—

(A) require payment to the United States of the property's fair market value rent, taking into account the value of any associated property transferred by CBI as well as the value, if any, of the surrendered term of the RUE;

(B) include a provision—

(i) allowing recalculation of the amount of the payment required under this subsection, at the request of the Secretary or CBI, in the event of extraordinary unanticipated changes in conditions anticipated at the time the lease was finalized; and

(ii) providing for binding arbitration in the event the Secretary and CBI are unable to agree upon an adjustment to the payment in these circumstances.

(2) DISTRIBUTION.—Eighty percent of the payment to the United States required by this subsection shall be available to the Secretary, without further appropriation, for expenditure within the Park. The remaining twenty percent shall be deposited in the Treasury.

(3) APPLICABILITY OF CERTAIN LAW.—Section 321 of the Act of June 30, 1932 (40 U.S.C. 1302), relating to the leasing of buildings and property of the United States, shall not apply to the lease entered into by the Secretary pursuant to this Act.

SEC. 3. RETAINED USE ESTATE.

As a condition of the lease, CBI shall relinquish to the Secretary all rights under the RUE and transfer, without compensation, ownership of improvements covered by the RUE to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) will each control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. REYES. Mr. Speaker, I wish to commend our distinguished colleague from the Virgin Islands, a valuable member of our Committee on Natural Resources and the chairwoman of our Insular Affairs Subcommittee, DONNA CHRISTENSEN, for sponsoring the pending legislation, H.R. 1143.

The bill would authorize the National Park Service to continue its successful relationship with Caneel Bay Resort, ensure that park resources are protected, and allow the resort to undertake needed maintenance and improvement programs that will benefit visitors to Virgin Islands National Park and the Caneel Bay Resort well into the future.

Congresswoman CHRISTENSEN deserves our thanks for her work in ensuring that visitor services at Virgin Islands National Park are available and that resources are protected.

I fully support passage of the pending bill and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 1143 and yield myself such time as I may consume.

This has been adequately explained by Chairman RAHALL. We support this legislation.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I yield such time as she may consume to the gentlelady from the Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the chairman for yielding.

Mr. Speaker, I rise in, of course, strong support of H.R. 1143, legislation I introduced to authorize the Secretary of the Interior to enter into a new arrangement, a lease with the owners of Caneel Bay Resort in my congressional district.

I want to also thank Chairman RAHALL as well as Chairman GRIJALVA for not only supporting the passage of this bill, but for traveling to my district to see for themselves the importance of Caneel Bay to the island and to the people of St. John.

Mr. Speaker, Caneel Bay traces its roots to Laurence Rockefeller's coming to the island of St. John in 1952. He purchased the then-existing resort facilities and also acquired more than 5,000 surrounding acres to protect the area. In 1956, he donated the additional land to create the Virgin Islands National Park. At the same time, he created Caneel Bay Resort, comprising 170 acres, which continues to complement and to be environmentally consistent with the natural beauty of the park's setting.

Mr. Rockefeller subsequently decided to transfer the land underlying Caneel Bay to the National Park Service, while retaining the improvements and continuing the Caneel Bay operations. He accomplished this through the execution of a series of unique agreements generally known as a retained use estate, or RUE.

H.R. 1143 became necessary because the RUE is slated to expire in 2023, and its current owners require more than the remaining 15 years to provide the capital and long-term financing necessary to reverse the decline of the facilities over the years and to return it to the grandeur and stature that it deserves.

Mr. Speaker, other than the Virgin Islands National Park, Caneel Bay Resort is perhaps the single most important entity to the tourism-based economy of St. John, and it's also important to the economy of the Virgin Islands in general. It is not an exaggeration to say that Caneel Bay helped to establish the U.S. Virgin Islands, and the Island of St. John in particular, as a major tourist destination point, playing a prominent role in the island's economic renaissance of the mid-1900s.

□ 1415

Since its founding in October of 1956, it has been and remains a paradise of choice for generations of families, many of whom return every year.

It's also the largest employer on St. John, employing approximately 475 workers, many of whom spend their entire career spanning two or three decades, and some even more than that as employees of Caneel.

In conclusion, Mr. Speaker, I want to thank the Natural Resources staff director, Jim Zoia, and the staff of the National Parks, Forest and Public Lands Subcommittee, in particular former staff director Rick Healy and current staff director Dave Watkins, for their hard work in making it possible for H.R. 1143 to be on the floor today. I also want to thank the full committee ranking member, DON YOUNG, and subcommittee ranking member, ROB BISHOP, and their staffs for their support as well.

I urge my colleagues to support the passage of this bill, which is very important to the economy of the Virgin Islands.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1143, as amended.

The question was taken.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

NEVADA CANCER INSTITUTE EXPANSION ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1311) to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1311

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nevada Cancer Institute Expansion Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALTA-HUALAPAI SITE.—The term ''Alta-Hualapai Site'' means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.); and

(B) identified on the map as the ''Alta-Hualapai Site''.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term ''Institute'' means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term ''map'' means the map titled ''Nevada Cancer Institute Expansion Act'' and dated July 17, 2006.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term ''Water District'' means the Las Vegas Valley Water District.

SEC. 3. LAND CONVEYANCE.

(a) SURVEY AND LEGAL DESCRIPTION.—The city shall prepare a survey and legal description of Alta-Hualapai site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(b) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(c) CONVEYANCE FOR USE AS NON-PROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a non-profit cancer institute.

(d) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai site necessary for ancillary medical or non-profit use compatible with the mission of the Institute.

(e) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this Act shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(f) TRANSACTION COSTS.—All land conveyed by the Secretary under this Act shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(g) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

SEC. 4. RIGHTS-OF-WAY.

Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights of way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

SEC. 5. REVERSION.

Any property conveyed pursuant to this Act which ceases to be used for the purposes specified in this Act shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Mr. Speaker, H.R. 1311, introduced by our colleague from Nevada, Representative SHELLEY BERKLEY, authorizes the Secretary of the Interior to convey 80 acres of land in Las Vegas, Nevada, to the nonprofit Nevada Cancer Institute. The bill also authorizes a limited conveyance to the city of Las Vegas for the development of medical facilities affiliated with the cancer institute.

I commend our colleague, Representative BERKLEY, for her leadership on this matter and her willingness to work with the committee to address a number of issues raised with the legislation.

I support passage of H.R. 1311 and urge its adoption by the House.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 1311, and I yield myself such time as I may consume.

This has also been adequately explained by Chairman RAHALL. We support this legislation. I would like to note that this legislation is an example of how local control of public land benefits our communities, and I hope the majority will support us as we explore similar ways to empower our constituents.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1311, as amended.

The question was taken.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL ENHANCEMENT ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3111) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3111

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Port Chicago Naval Magazine National Memorial Enhancement Act of 2008''.

SEC. 2. PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.

Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431; 106 Stat. 4235) is amended—

(1) by redesignating subsection (c) as subsection (f);

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

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

''(1) the land is excess to military needs; and

''(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

''(e) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the Memorial.''; and

(3) in subsection (f), (as redesignated by paragraph (1)), by striking ''Secretary of the Navy to provide public access to the Memorial.'' and inserting ''Secretary of Defense to provide as much public access as possible to the Memorial without interfering with military needs.''.

SEC. 3. SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL.

(a) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by section 2, the Secretary of Defense should promptly remediate remaining environmental contamination related to the land.

(b) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to—

(1) repair storm damage to the Port Chicago site; and

(2) develop a process by which future repairs and necessary modifications to the site can be achieved in as timely and cost-effective a manner as possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to bring to the House for its consideration this legislation that's sponsored by the former chairman of the Committee on Natural Resources and current chairman of the Committee on Education and Labor, Representative GEORGE MILLER.

This bill provides that the Port Chicago Naval Magazine Memorial be managed as a unit of the National Park System. Currently, the area is managed as an affiliated site by the National Park Service.

On July 17, 1944, 320 men, 202 of whom were African American sailors, were killed in an explosion at the Port Chicago Navy ammunition loading base in the San Francisco Bay area. This was the largest homeland disaster during World War II.

In 1992, Congress designated the Port Chicago Naval Magazine Memorial. The pending measure furthers that commitment by providing that the Port Chicago Naval Magazine Memorial be managed as a unit of the National Park System.

Mr. Speaker, I urge support for H.R. 3111, and I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, January 31, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: On October 10, 2007, the Committee on Natural Resources ordered H.R. 3111, the ''Port Chicago Naval Magazine National Memorial Enhancement Act of 2007,'' to be reported. As you know, this measure contains certain provisions that are within the jurisdiction of the Committee on Armed Services, and thus, was sequentially referred to the Committee on Armed Services by the Parliamentarian for the House.

Our Committee recognizes the importance of H.R. 3111 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 3111. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees,

I would appreciate the inclusion of this letter and a copy of the response in your Committee's report on H.R. 3111 and the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, February 5, 2008.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 3111, which provides for the administration of the Port Chicago Naval Magazine National Memorial as a unit of the National Park System.

I appreciate your willingness to waive rights to further consideration of H.R. 3111, and am pleased that mutually agreed upon language was developed for this legislation. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

Although the Committee's report on H.R. 3111 has already been filed, this exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 3111, and I yield myself 15 seconds.

The chairman has adequately explained the bill. It's a good bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Port Chicago Naval Magazine National Memorial Enhancement Act, a bill that ensures that the stories of Port Chicago will be preserved and that the site will be properly maintained for generations to come. This bill will increase the National Memorial's accessibility, provide additional visitor services, and help ensure long-term preservation of the site.

The legislation before us today is the result of months of diligent and collaborative effort, for which I want to thank: Chairman NICK RAHALL of the Natural Resources Committee, and ranking member DON YOUNG; Chairman RAÚL GRIJALVA of the National Parks, Forests, and Public Lands Subcommittee, and ranking member ROB BISHOP; Chairman IKE SKELTON of the Armed Services Committee, and ranking member DUNCAN HUNTER; and the thoughtful and hard-working staff for the two committees, including Meghan Conklin, Dave Watkins, and David Sienicki, and my own legislative director, Ben Miller.

The Port Chicago memorial, which is in my district, commemorates a very important story in American history.

The deadly munitions explosion there on the night of July 17, 1944, killed more than 300 people—the worst homefront disaster of World War II.

When sailors were ordered to resume work a few weeks later, most of them refused to return to their dangerous tasks until supervision, training, and working conditions were improved.

In response, the Navy charged 50 men with conspiring to mutiny—all were convicted.

The majority of the men killed while handling ordinance at Port Chicago, and all of those convicted of mutiny, were African-American.

The Port Chicago story was a turning point in American history. The injustice strongly influenced the Navy's move toward desegregation in 1945.

The Port Chicago memorial tells that story, and I am proud to have authored the legislation designating the memorial, as I am proud to be involved in enhancing it with this legislation.

At our hearing in Mr. GRIJALVA's subcommittee last fall, we heard from the National Park Service, in support of this bill; from Dr. Robert Allen, who literally wrote the book on Port Chicago and is a board member of the Friends of Port Chicago; and Mr. Eugene Sayles, who was a seaman first class at Port Chicago and helped to get injured men out of the barracks after the explosion.

As they and others have said, the Port Chicago Naval Magazine National Memorial tells a critical story in our civil rights and military history, and with this legislation, we are ensuring that more Americans will hear the Port Chicago story.

The National Parks Conservation Association has also strongly supported this legislation, pointing to the "broad local and national support" for the effort, and noting that the Port Chicago memorial deserves elevation to its "rightful place as a fully-fledged unit of the National Park System."

The new designation under this bill brings with it increased stature—and more importantly, the Park Service will be able to budget for the memorial's needs.

In addition, the bill provides for an interpretive center for the Memorial—this facility will allow school groups, families, and other visitors to learn about Port Chicago even if they can't access the site, which is located within the Concord Naval Weapons Station.

Again, I want to thank Chairman GRIJALVA, Chairman RAHALL, Chairman SKELTON, and their staff for helping us bring this important legislation to the floor today.

Mr. BISHOP of Utah. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3111, as amended.

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

A motion to reconsider was laid on the table.

HUNTING IN NEW RIVER GORGE NATIONAL RIVER

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5137) to ensure that hunting remains a purpose of the New River Gorge National River.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5137

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

SECTION 1. HUNTING IN NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended in the first sentence by striking "may" and inserting "shall".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Mr. Speaker, the New River Gorge National River in southern West Virginia was designated as a unit of the National Park System in 1978. At times referred to as the "Grand Canyon of the East," we in West Virginia refer to the Grand Canyon as the "New River Gorge of the West."

The national river is comprised of over 70,000 acres of mostly rugged terrain and is renowned as a destination for its world-class whitewater recreation, rock climbing, and other outdoor activities. But it is also a place where generations of West Virginians have hunted and fished.

Unfortunately, the National Park Service, as part of the development of a new general management plan for the park unit, has included a no-hunting alternative. It is doing so because legislation which establishes the New River Gorge National River states that hunting "may" be permitted.

The enabling statute for the nearby Gauley River National Recreation Area, on the other hand, states that hunting "shall" be allowed. In fact, this is the case for the vast majority of the 62 units of the National Park System in which hunting is permitted.

The bill we are considering today simply changes the "may" to a "shall" in the law which established the New River Gorge National River. While there is no doubt in my mind that the current superintendent of this park unit will do the right thing and allow hunting to continue in the final general management plan, this is too important of an issue to remain at the discretion of future managers of the park unit.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 5137, and I yield myself such time as I may consume.

When credit is earned, credit needs to be given where it is due, and Chairman RAHALL has a wonderful bill. I am totally supportive of his efforts, and it's an excellent bill.

This ensures that hunting rights will continue in this great area, the New River Gorge National River. I am encouraged to see that many of my colleagues on the other side appreciate the importance of hunting and the benefit it has on public lands even within the Park Service System. And I hope that the chairman will join with us as we work to ensure second amendment hunting rights on Federal lands are secured in the other 49 States as well. I am confident that we can build a consensus around State and local control of hunting and deliver the rights that this legislation ensures to the Federal land around this particular entity.

As I said, I am totally in support of this bill. I think it's an excellent bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5137.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE 60TH ANNIVERSARY OF EVERGLADES NATIONAL PARK

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 845) recognizing the 60th anniversary of Everglades National Park, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 845

Whereas Everglades National Park celebrated its 60th anniversary on December 6, 2007;

Whereas when President Harry S. Truman dedicated Everglades National Park on December 6, 1947, he stated: "Here is land, tranquil in its quiet beauty, serving not as the

source of water, but as the last receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country'';

Whereas Marjory Stoneman Douglas gave the Everglades the name ''River of Grass'' stating, ''There are no other Everglades in the world'';

Whereas Everglades National Park has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance, in recognition of its significance to all the people of the world;

Whereas the Everglades ecosystem encompasses 3,000,000 acres of wetlands and is the largest subtropical wilderness in the United States featuring slow-moving freshwater that flows south from Lake Okeechobee through sawgrass and tree islands to the mangroves and seagrasses of Florida Bay;

Whereas Everglades National Park is home to rare and endangered species, such as the American crocodile, the Florida panther, and the West Indian manatee, and more than 350 species of birds, including the Great Egret, Wood Stork, Swallow-tailed Kite, and Roseate Spoonbill;

Whereas the Central and South Florida region is an international center for business, agriculture, and tourism, with a rapidly growing population of varied ethnic, economic, and social values, all of which are dependent on a sustainable framework for the water resources of the region to restore the Everglades ecosystem, provide adequate freshwater supplies, and promote a healthy and sustainable economy and overall quality of life;

Whereas Everglades National Park is an essential component of a larger ecosystem restoration effort, the Comprehensive Everglades Restoration Plan, which has been described as the world's largest ecosystem restoration project; and

Whereas this restoration effort must succeed in order to restore the natural Everglades ecosystem and ensure that the treasures of Everglades National Park can be passed on to our children and grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of Everglades National Park; and

(2) dedicates itself to the success of the Comprehensive Everglades Restoration Plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Mr. Speaker, the pending resolution, introduced by our colleague from Florida, Representative ALCEE HASTINGS, recognizes the 60th anniversary of the Everglades National Park. It is the first of two resolutions the House is considering this afternoon in tribute to the Everglades.

The landscape of the Everglades is completely unique, a grassy river 40 miles wide and 100 miles long. While half of this wonderful landscape has been lost to agriculture, much of the remaining portions of this famed ''River of Grass'' are now protected by the Everglades National Park.

I commend and congratulate our colleague, Representative ALCEE HASTINGS, for keeping the issues facing the Everglades in the spotlight. I fully support passage of H. Res. 845 and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on House Resolution 845, and I yield myself such time as I may consume.

This bill, once again, has been adequately explained by Chairman RAHALL, and I urge the adoption of this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Res. 845, as amended, recognizing the 60th anniversary of the Everglades National Park.

Former Florida Governor Reubin Askew once stated, ''We must build a peace in south Florida—a peace between the people and their place, between the natural environment and man-made settlement, between the creek and the canal, between the works of man and the life of mankind itself.''

Indeed, the natural areas surrounding and encompassing Everglades National Park represent the largest subtropical wilderness in the United States featuring slow-moving freshwater. The Everglades are naturally unique and provide tremendous benefits to south Florida in many capacities, but the park is also one of the most endangered national parks in our country.

The Park totals more than 1 million acres, and the Everglade ecosystem itself encompasses 3 million acres of wetlands. More than 1 million visitors come to the Everglades each year, learning of the Everglades environmental importance while igniting the State's tourism industry.

The Committee on Transportation and Infrastructure has a long history of oversight of the Everglades restoration. The Water Resources Development Act of 2007, P.L. 110–114, authorized the first three projects in the Comprehensive Everglades Restoration Project—Picayune Strand, Indian River Lagoon, and the Site 1 Impoundment Project. Support for provisions like these was so strong that this Congress overrode the President's veto of the bill by a vote of 381–40, an overwhelming majority of the House of Representatives.

We must continue to take action to preserve and protect this treasured wetland. This resolution reminds us of this precious natural resource, and I urge my colleagues to join me in agreeing to the resolution.

Mr. MACK. Mr. Speaker, I rise today to celebrate one of the Nation's greatest treasures and to express my continued support for this important resolution introduced by my colleague from Florida which recognizes the 60th anniversary of Everglades National Park. It is our responsibility to ensure that a healthy and vibrant Everglades is there for future generations.

In addition to being an international center for business, tourism, and agriculture, the Everglades is the largest subtropical wilderness in the United States and is home to numerous rare and endangered species. Growing up in southwest Florida and so close to the Everglades, I was able to experience all the Everglades has to offer.

This resolution recognizes the continuing impact the Everglades has made on individuals throughout the world with the inception of the Comprehensive Everglades Restoration Plan, CERP. The Comprehensive Everglades Restoration Plan is one of the most extensive ecosystem restoration efforts ever created which will restore and protect one of our Nation's greatest natural resources. CERP's main goal is to capture fresh water that now flows to the ocean and the Gulf of Mexico and redirect it to the areas that need it most. The majority of water will be devoted to environmental restoration, and the rest will enhance water supplies in south Florida. Make no mistake: the Everglades and Florida's unique environment are vital to our quality of life.

Mr. Speaker, protecting the Everglades is important for the overall health of south Florida's environment and way of life. It is our responsibility to ensure that a healthy and vibrant Everglades is there for our children and grandchildren. I urge all of my colleagues to recognize and support this important bipartisan resolution.

Ms. WASSERMANSCHULTZ. Mr. Speaker, I rise today in support of House Resolution 845 recognizing the 60th anniversary of Everglades National Park.

Not coincidentally, it was also 60 years ago that Marjory Stoneman Douglas famously said in her book, the ''River of Grass,'' that ''there are no other Everglades in the world.'' As we celebrate the 60th anniversary of the creation of the park, we must come to terms with the critical threats facing this unique ecosystem and re-dedicate ourselves to Everglades restoration. Let us not lose this truly unique national treasure forever.

In 2000, we created the Comprehensive Everglades Restoration Plan, embarking on a historic Federal-State partnership with Florida to restore historic water flows, dramatically reduce water pollution and address development encroachment that threatens both the National Park and the larger Everglades.

However, most of the more than 50 component projects that are part of the Restoration Plan are already behind schedule. For 7 years Congress has largely failed to follow through on its part of the bargain in both authorizing projects and funding those projects. This is not an auspicious start.

I am happy to say, this is beginning to change. With passage of the Water Resources Development Act in 2007, we authorized several important components of the restoration plan. But our work is far from done. I call on my colleagues to work with me and the entire Florida delegation to make sure we properly fund this restoration work. Together we must ensure that 60 years from now we will be remembered as those that breathed new life into

Marjory Stoneman Douglas's vision and saved the Everglades for generations to come.

Mr. Speaker, I urge my colleagues to support House Resolution 845 and vote for its final passage.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of House Resolution 845, a resolution recognizing the 60th anniversary of Everglades National Park. I proudly introduced this resolution with my colleague and fellow co-chair of the Everglades Caucus, Representative MARIO DIAZ-BALART.

I applaud Representative DIAZ-BALART for his commitment to working together to preserve and restore the Everglades.

I thank the chairman of the Committee on Natural Resources, Representative NICK RAHALL, a true champion of protecting our Nation's natural resources, especially our majestic national parks, for his support for protecting Florida's environment.

I also would like to thank the ranking member of the Committee, Representative DON YOUNG, for his support as well.

The bipartisan support this resolution enjoys is reminiscent of the past and present bipartisan support Everglades restoration efforts enjoy.

Today we honor the 60th anniversary of Everglades National Park. The park, which spans 3 million acres of wetlands, is habitat to many endangered species and is an international center for business, agriculture, and tourism.

Our work to restore the Everglades is the largest restoration effort of its kind in history.

As a fifth generation Floridian and great grandson of a Creek Indian, my passion for these majestic wetlands extends back to my birth.

I have seen species that have since become endangered, and a living ecosystem that has since been degraded by management and development activities.

Regrettably, since the passage of landmark legislation in 2000, restoration efforts in Congress have been mired. Now the Everglades is paying a hefty price for Federal delays. Expected project completion timeframes have been shifted, and the restoration price tags increased.

With new perspectives and new priorities, Congress is again reaffirming our commitment to the Everglades.

Just last November, Congress overrode a President Bush veto and passed the Water Resources Development Act of 2007, authorizing $1.8 billion in Everglades restoration funding.

As we pause to celebrate the anniversary of the Everglades National Park today, we enhance our vigilant efforts to restore the park to the pristine ecosystem it once was.

I thank the leadership of the House for their work on this bill, and urge my colleagues to support this resolution.

Ms. CASTOR. Mr. Speaker, "Here are no lofty peaks seeking the sky, no mighty glaciers or rushing streams wearing away the uplifted land. Here is land, tranquil in its quiet beauty, serving not as the source of water, but as the receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country."

These were the words of Harry Truman, 60 years ago at the dedication of the Everglades National Park. And it is in the same spirit that I support H. Res. 845, recognizing the 60th anniversary of Everglades National Park. The Everglades are a completely unique treasure for Floridians, and all Americans. So it is fitting that they should also be unique in the national park system. The Everglades were the first unit of the park system to be designated not for their scenic beauty alone, but for the extraordinary diversity of their wildlife.

One of the largest bodies of fresh water in the United States, Lake Okeechobee, sits at the top of the Everglades. During the wet season, Okeechobee slowly pours water over its southern edge, and it flows out in a slow flood that slides south and spreads out over hundreds of square miles. The water flows south, but very slowly, sometimes as little as a hundred feet in a day. And it is remarkably shallow, as little as a foot in depth, which allows the incredible diversity of plant and animal life, unrivaled in the Nation.

In 1947, when Marjory Stoneman Douglas published "Everglades: River of Grass" and Harry Truman dedicated the Everglades as part of the parks system, it was with the intention of preserving the Everglades for future generations. Douglas continued to fight for the Everglades for the rest of her life, and she led an ever growing chorus of voices, advocating for our environment. The Everglades became a touchstone for an entire movement of Floridians and other Americans who continue to fight to save our natural places, not only for future generations, but also for their own sake.

Unfortunately, the Everglades still faces threats of the attrition of development, and the redirection of its waters. In the Water Resources Development Plan of 2000, Congress included a comprehensive restoration plan to bring the Everglades back to its natural state. The Everglades remain one of the Nation's greatest natural treasures, and I am proud to stand in recognition today of their 60th anniversary as part of the park system.

Mr. PUTNAM. Mr. Speaker, I rise today in support of House Resolution 845 to bring awareness and recognize the 60th anniversary of our beautiful and unique Everglades National Park.

The Everglades are truly a national treasure, an irreplaceable part of our national landscape with its vast wetland wilderness unlike any other in the world. The Everglades National Park is part of the south Florida ecosystem that includes over 3 million acres with subtropical wetland landscapes that stretch 220 miles from Orlando to Florida Bay. As President Truman noted when he dedicated the park in 1947, "To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country."

The Everglades National Parks constitutes the largest subtropical wilderness in the Nation featuring slow-moving waters and provides critical habitat to ecosystems for countless animals including rare and endangered species such as the American crocodile, Florida panther, Western Indian manatee and more than 350 species of birds, including the Great Egret, Wood Stork, Swallow-tailed Kite, Cape Sable seaside sparrow, and Roseate Spoonbill.

For good reason, it has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance—in recognition of its significance to all people of the world.

Many people have had a great impact on the establishment and history of the Everglades, including former Florida Governor Spessard Holland, who incidentally is a Bartow native. His work in the 1940s to secure thousands of acres needed for the creation of the park along with his 25 year Senate career in which he championed and ensured resources were made available for projects was instrumental. He was one of the first great champions of the Everglades and I am so grateful for his work, without which, we might not be here celebrating the Park's 60th anniversary.

Unfortunately, the Everglades have been negatively impacted by encroachment and disruption that has harmed wildlife and destroyed wetlands. I am pleased that Congress and the State of Florida have been working together to restore and rehabilitate this treasure through the Comprehensive Everglades Restoration Plan, CERP. I join my colleagues in continued support and dedication to these efforts in the years to come to ensure and preserve the Everglades' majesty and beauty for future generations to enjoy.

Mr. REGULA. Mr. Speaker, the Everglades National Park plays a major role in preserving an important ecosystem in the State of Florida. The Everglades act as a natural filter that helps provide fresh water to major cities in Florida. In a time when water is becoming an increasingly valuable resource, protecting this area for its natural filtering benefits is vital. While I was chairman of the House Appropriations subcommittee responsible for funding the programs that will restore the Everglades, I made sure that this task received the support that it needed. I again stand today in support of the Everglades and the Everglades National Park, an area that plays a vital role that is key to restoration of this ecosystem.

Mr. BISHOP of Utah. I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

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

A motion to reconsider was laid on the table.

HONORING THE LIFE OF MARJORY STONEMAN DOUGLAS, CHAMPION OF THE FLORIDA EVERGLADES AND FOUNDER OF FLORIDA'S ENVIRONMENTAL MOVEMENT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 807) honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 807

Whereas Marjory Stoneman Douglas was born on April 7, 1890, in Minneapolis, Minnesota, the daughter of Frank Stoneman, the first publisher of the Miami Herald;

Whereas Marjory Stoneman Douglas graduated from Wellesley College in 1912 where she was a member of the literary group Scribblers, editor-in-chief of the yearbook, and served on the executive board of the Equal Suffrage League;

Whereas Marjory Stoneman Douglas served in the Red Cross in Europe during World War I;

Whereas Marjory Stoneman Douglas moved to Miami in 1915 and became a reporter and writer at The Miami Herald where she wrote about progressive issues such as the fight for women's rights, racial justice, and environmental conservation;

Whereas Marjory Stoneman Douglas wrote dozens of short stories that were published in the Saturday Evening Post, Collier's, and Woman's Home Companion throughout the 1920s, 30s, and 40s;

Whereas in 1947 Marjory Stoneman Douglas wrote a ground-breaking book titled The Everglades: River of Grass that helped to draw national attention to a vast and little-known area that South Florida developers had deemed a worthless swamp;

Whereas in the same year, Marjory Stoneman Douglas' book mustered the public support to guard this subtropical marshland through a declaration from President Harry Truman, officially protecting the Everglades as a National Park;

Whereas at the age of 78, Marjory Stoneman Douglas founded the Friends of the Everglades, an educational and advocacy group dedicated to the protection and restoration of this ecosystem that continues to be at forefront of Florida conservation;

Whereas in November 1993, President Bill Clinton awarded Marjory Stoneman Douglas the Presidential Medal of Freedom, the highest honor given to a civilian;

Whereas 2007 marked the 60th anniversary of the publication of her book, The Everglades: River of Grass; and

Whereas Marjory Stoneman Douglas passed away in 1998 living to the age of 108, her ashes scattered in the Everglades she worked so tirelessly to preserve: Now, therefore, be it

Resolved, That the House of Representatives honors the life, achievements, and distinguished career of Marjory Stoneman Douglas, pioneer in the field of conservation, on the occasion of the 60th anniversary of the publication of The Everglades: River of Grass.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

□ 1430

Mr. RAHALL. Following on the heels of the resolution just considered by the House, this resolution honors the life, accomplishments, and distinguished career of Marjory Stoneman Douglas, the ''Grande Dame of the Everglades,'' on the 60th anniversary of the publication of her book, The Everglades: River of Grass. House Resolution 807 was introduced by our colleague from Florida, Representative ILEANA ROS-LEHTINEN, and is cosponsored by every member of the Florida delegation.

Marjory Stoneman Douglas was an author, journalist, and environmental conservationist, best known for her advocacy for the preservation of the Florida Everglades. Her best known work, The Everglades: River of Grass, is considered a classic example of environmental writing and is credited with bolstering public support for preserving the Everglades as a National Park.

I support passage of H. Res. 807 and urge its adoption by the House.

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

Mr. BISHOP of Utah. I also rise in support of House Resolution 807 and yield myself such time as I may consume.

This resolution has been well explained by the chairman, and I would also like to commend the Congresswoman from Florida (Ms. ROS-LEHTINEN) for her work on this resolution. What is most extraordinary about Marjory Stoneman Douglas is that she did not take a central role the Everglades fight until she was 78, an age when most people begin to settle into their retirement, and she would continue her fight for another 30 years, until the age of 108.

I urge the adoption of this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of House Resolution 807, a resolution honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades and founder of Florida's environmental movement. I am proud to have introduced this resolution with my colleague and good friend, Representative ILEANA ROS-LEHTINEN. I share Representative ROS-LEHTINEN's desire to recognize and commemorate the significance of Marjory Stoneman Douglas's lifelong work to promote awareness of the need to protect and conserve Florida and the entire Nation's natural resources.

As co-chair of the Everglades Caucus, I particularly share Ms. Douglas's passionate commitment to restoring the River of Grass to the pristine ecosystem it once was.

Ms. Douglas deserves much credit for raising awareness of the importance of these majestic wetlands and making restoration efforts a national priority. In 1947 she wrote the infamous book, ''The Everglades: River of Grass,'' which helped draw national attention to the Everglades. This book is responsible for initiating public support for President Harry Truman's 1947 declaration officially protecting the Everglades as a national park. Today, this book serves a the ''bible'' for all Everglades supporters and environmental activists around the world.

Ms. Douglas is also responsible for founding the Friends of the Everglades, an educational and advocacy group dedicated to the protection and restoration of the Everglades. Through the group's ecosystem conservation efforts, Ms. Douglas's legacy lives on.

This resolution enjoys bipartisan support from every Member of the Florida delegation. The support this resolution enjoys indicates the respect our delegation has for Ms. Douglas's lifelong work and the impact of her contributions on the entire State of Florida.

I am proud to join Representative ROS-LEHTINEN in introducing this bipartisan resolution and pledge to carry on Ms. Douglas's legacy effort by continuing to champion Everglades restoration efforts in Congress.

I urge my colleagues to adopt this excellent resolution.

Ms. CASTOR. Mr. Speaker, I strongly support H. Res. 807, honoring the life of Marjory Stoneman Douglas, champion of the Florida Everglades, and founder of Florida's environmental movement. Marjory Stoneman Douglas's life was dedicated to the idea that my State of Florida, and indeed the United States has a great treasure in the Everglades, unlike any other in the world. When others were looking at the land of the Everglades with the hope of draining away the water, and building on the land, Marjory Stoneman Douglas allowed all of us to see Florida the way she saw it, in its utterly unique natural majesty. When she spoke, it was with the voice of the Everglades, and the natural places of Florida.

Marjory Stoneman Douglas was a tireless advocate since her youth, writing as a voice for the voiceless and downtrodden, and fighting for equality of people of all races, genders, and for the conservation of the natural places. But it was not until she was almost 60 years old, that she wrote ''Everglades: River of Grass.'' That book, in the simplicity, beauty and depth of its prose, opened the eyes of America to the significance of the Everglades, and the great danger of allowing that treasure to be squandered. Marjory Stoneman Douglas wrote ''Everglades: River of Grass in 1947.'' By December of that year, the Everglades had been dedicated as a part of the National Parks System.

Marjory Stoneman Douglas devoted her life to preserving the Everglades she had first helped to bring into American consciousness. She fought to prevent shortsighted development that would have permanently damaged the Everglades, and to restore the park to its former majesty. In her autobiography, she wrote that ''Since 1972, I've been going around making speeches on the Everglades. No matter how poor my eyes are I can still talk. I'll talk about the Everglades at the drop of a hat. Whoever wants me to talk, I'll come over and tell them about the necessity of preserving the Everglades.''

She began ''Everglades: River of Grass'' by writing, ''there are no other Everglades in the world. They are, they have always been, one

of the unique regions of the earth." In the same way, there was only one Marjory Stoneman Douglas. She was a unique individual, in the conservation movement, and we in Florida, and in the United States, owe her a great debt. We are proud to honor her life and her work today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 807, as amended.

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

A motion to reconsider was laid on the table.

ORCHARD DETENTION BASIN FLOOD CONTROL ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 816) to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 816

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Orchard Detention Basin Flood Control Act''.

SEC. 2. RELEASE OF CERTAIN LAND IN THE SUNRISE MOUNTAIN INSTANT STUDY AREA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 65 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is—

(1) known as the ''Orchard Detention Basin''; and

(2) designated for release on the map titled ''Orchard Detention Basin'' and dated March 18, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. The pending measure was introduced by our colleague from Nevada, Representative JON PORTER. It authorizes the release of a 65-acre section of the Sunrise Mountain Instant Study Area from wilderness study, to be used for construction and maintenance of a floodwater retention basin, known as the Orchard Detention Basin Project.

The proposed Orchard Detention Basin Project is a part of the Clark County Regional Flood Control District's master plan to protect the rapidly growing Las Vegas Valley. The project is designed to shield 1,800 acres of urban land from flooding. I have no objection to passage of H.R. 816.

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

Mr. BISHOP of Utah. Mr. Speaker, again I rise in support of H.R. 816 and yield myself such time as I may consume.

Let me first make a simple point of clarification. There is no such place as Nevada. There is, though, a Nevada in the western United States, and that is the issue of which we are speaking here.

H.R. 816 seeks to protect the citizens of Clark County, Nevada, from floods by releasing 65 acres from Sunrise Mountain Wilderness Study Area. This is a critical need for one of the fastest growing areas of the United States. Title to the land will remain with the Bureau of Land Management. I would strongly encourage BLM to act expeditiously in granting Clark County a right-of-way to this acreage so the flood control operations can start soon.

I would also like to commend Congressman PORTER and his staff for their work on this legislation. I urge passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 816, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

BOUNTIFUL CITY LAND CONSOLIDATION ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3473) to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3473

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bountiful City Land Consolidation Act''.

SEC. 2. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) LAND EXCHANGE AUTHORIZED.—If the City of Bountiful, Utah (in this section referred to as the ''City''), conveys to the Secretary of Agriculture all right, title, and interest of the City in and to three parcels of land consisting of a total of approximately 1,680 acres identified on the map entitled ''Bountiful City Land Consolidation Act'', the Secretary may convey to the City in exchange all right, title, and interest of the United States in and to such quantity of National Forest System land located in the Wasatch-Cache National Forest in Township 2, North, Range 1 East, Salt Lake Meridian, and identified for possible conveyance on the map such that the value of the land acquired by the Secretary is equal to the value of the Federal land conveyed. The value of the Federal and City lands to be exchanged shall be determined by an appraisal carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(b) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized by subsection (a).

(d) MANAGEMENT OF ACQUIRED LAND.—The lands acquired by the Secretary under subsection (a) shall be added to and administered as part of the Wasatch-Cache National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) and the laws and regulations applicable to the National Forest System.

(e) BONNEVILLE SHORELINE TRAIL AND OTHER RIGHTS-OF-WAY.—In making the land exchange authorized by subsection (a), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail. The Secretary and the City may reserve such other rights-of-way for utilities, roads, and trails as they may agree upon and which they consider to be in the public interest.

(f) TREATMENT OF REMAINING FEDERAL LAND.—

(1) DISPOSAL AUTHORITY.—In the case of any National Forest System land identified for possible conveyance on the map referred to in subsection (a) and not exchanged under such subsection, the Secretary may dispose of all or a portion of the remaining land upon a determination by the Secretary, pursuant to an amendment of the land and resource management plan for Wasatch-Cache National Forest and a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that the land or portion thereof is in excess to the needs of the National Forest System.

(2) CONSIDERATION.—As consideration for any conveyance of land under this subsection, the Secretary shall require an amount equal to not less than the fair market value of the conveyed land.

(3) RELATION TO OTHER LAWS.—Any conveyance of land under this subsection by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(4) DISPOSITION OF PROCEEDS.—Funds received by the Secretary as consideration under paragraph (2) shall be deposited into the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). Funds so deposited shall remain under the control of the Secretary and be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to such additional terms and conditions as the Secretary and the City may agree upon, and any conveyance under subsection (f) shall be subject to such additional terms and conditions as the Secretary may require.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. The pending legislation is sponsored by a valuable member of the Natural Resources Committee, who is the ranking member on the Subcommittee on National Parks, Forests, and Public Lands, and who was instrumental in teaching me how to pronounce the State of Nevada's name, the gentleman from Utah, Mr. ROB BISHOP.

It is my privilege to call this bill up for consideration by the House today. The measure would facilitate a land exchange between the Secretary of Agriculture and the City of Bountiful, Utah. I will leave it to the gentleman from Utah to further explain his bill. Suffice it to say that I do urge its adoption by the House.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise in support of H.R. 3473 and again yield myself such time as I may consume.

This, along with Chairman RAHALL's bill, are the two brilliant bills of this particular package. I can't say more. On behalf of my constituents who reside in Bountiful, Utah, I express my appreciation for the consideration of this bill today. It has been a long time in coming. My office has been involved in negotiations with the city, as well as the United States Forest Service, for the last 3 years.

For nearly 20 years, the City has commenced and called off multiple attempts to exchange this land administratively, primarily due to change in personnel within the local office in Utah. That is why we are doing this legislatively now.

We finally have before us, I think, a direct land exchange which does several things. It increases the equal value exchange between Bountiful and the United States Forest Service. Bountiful City will give 1,600-plus acres to the Forest Service. The Forest Service will exchange part of a 220-acre parcel that is in the city limits, balance their contiguous area, and also has the ability of protecting a gun range, which is extremely important in that particular area, a shoreline trail, and the Davis Aqueduct within Davis County.

This bill allows for a process to move forward to allow the Forest Service to deal with any lands not consumed by this exchange. My goal in drafting this bill is not to create a long-term management issue, either for Bountiful or the Forest Service. I believe this bill accomplishes both the letter and the spirit of that particular goal.

I also wish to express my appreciation for the many staff hours which have gone into this particular bill. I also express appreciation to city officials in Bountiful for their patience, their willingness to work in good faith with our office, as well as the United States Forest Service, and especially the majority staff on our committee.

It is a good bill, and it does move the process of dealing with these particular land exchanges forward. It makes it easier to manage for both the Forest Service as well as the City of Bountiful. I urge passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3473, as amended.

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

A motion to reconsider was laid on the table.

COMMEMORATING THE 200TH ANNIVERSARY OF CONGRESSIONAL CEMETERY

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 698) commemorating the 200th anniversary of Congressional Cemetery.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 698

Whereas 2007 is the 200th anniversary of the founding of Congressional Cemetery;

Whereas Congressional Cemetery, first called the Washington Parish Burial Ground, was founded in 1807 near the banks of the Anacostia River in the District of Columbia and served the new federal city and a young America as its first unofficial national cemetery, predating Arlington National Cemetery by 70 years;

Whereas Congress was the primary developer of the cemetery through appropriations for road grading, fencing, building of the Public Vault and its Slate Path, and construction of the original Gatehouse, and Congress ultimately attached its name to the burial ground as early as the 1830's, referring to it as Congressional Cemetery;

Whereas within months of the establishment of the cemetery, the first burial of a Member of Congress took place when Senator Uriah Tracey (CT) died in Washington on July 19, 1807, and was interred the following day;

Whereas there are 19 Senators and 71 Representatives interred at Congressional Cemetery, and its cenotaphs, designed by second Architect of the Capitol Benjamin Latrobe, mark 165 sites to honor Members of Congress who died in office;

Whereas Congressional Cemetery holds more than 55,000 individuals in 30,000 burial sites marked by 14,000 headstones;

Whereas among those who have been buried at Congressional Cemetery are Vice Presidents George Clinton and Elbridge Gerry; Tobias Lear, personal secretary to George Washington; Commodore Thomas Tingey, first commandant of the Washington Navy Yard; William Wirt and William Pinckney, Attorneys General of the United States; Generals Jacob J. Brown and Alexander Macomb of the U.S. Army; General Archibald Henderson, longest-serving Commandant of the Marine Corps; Dr. William Thornton, who originally designed the United States Capitol and was the first Architect of the Capitol; George Watterston, third Librarian of Congress; Robert Mills, architect of the Washington Monument, the Department of Treasury Building, the Old Post Office, and the original U.S. Patent Office Building (current home of the National Museum of American Art and National Portrait Gallery); Philip P. Barbour, Speaker of the House of Representatives and Associate Justice of the Supreme Court; and 10 mayors of the City of Washington;

Whereas several prominent Native Americans who died while in Washington were buried at Congressional Cemetery, including Push-Ma-Ta-Ha, Chief of the Choctaws and a Brigadier General of the U.S. Army, and Kan Ya Tu Duta (or Scarlet Crow), a delegate of the Dakota Sioux;

Whereas among other significant figures in American history who are interred at Congressional Cemetery are Belva Lockwood, the first woman to practice law before the Supreme Court; conductor and composer John Philip Sousa; Adelaide Johnson, suffragette and sculptor of the ''Portrait Monument'' to Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony in the Rotunda of the Capitol; Civil War photographer Matthew Brady; silent film star Mary Fuller; and FBI Director J. Edgar Hoover;

Whereas the Congressional Cemetery was placed on the National Register of Historic Places on June 23, 1969;

Whereas the National Trust for Historic Preservation named Congressional Cemetery one of the 11 most endangered historical sites in America on June 16, 1997;

Whereas for over 30 years the cemetery has been managed by the nonprofit Association for the Preservation of Historic Congressional Cemetery, whose mission is to preserve, interpret, and honor this national treasure, significant District of Columbia landmark, and unique Capitol Hill asset; and

Whereas by working with community volunteers such as the Congressional Cemetery Dogwalkers Club, as well as with the Department of Veterans Affairs, the National Park Service, the Navy, and the Joint Military District of Washington, the Association for the Preservation of Historic Congressional Cemetery has made significant improvements to the cemetery: Now, therefore, be it

Resolved, That on the 200th anniversary of the founding of Congressional Cemetery, the House of Representatives recognizes and honors the cultural and historical importance of Congressional Cemetery and the value of protecting and restoring this national treasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. The pending resolution, introduced by our colleague from New York, Representative JAMES WALSH, and cosponsored by Representative FARR of California, recognizes and honors the cultural and historical importance of Congressional Cemetery here in Washington, DC, on the occasion of its 200th anniversary.

Established on the banks of the Anacostia River, Congressional Cemetery started as a neighborhood burial ground. But with the death and interment of Connecticut Senator Uriah Tracy in 1807, it became the favored place for burial for Members of Congress who passed away while Congress was in session. Seventy-one representatives and 19 Senators are buried at Congressional Cemetery. Other prominent citizens were buried there as well, including members of the Armed Forces, Mayors of Washington, DC, well-known Native Americans, architects, and artists.

I fully support passage of H. Res. 698 and urge its adoption.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on House Resolution 698 and will again yield myself such time as I may consume.

This bill has been very well explained by the chairman. Congressman WALSH, as well as the cosponsor, the gentleman from California, should be commended for their work on this particular bill. I urge its adoption.

At this time, I would like to yield such time as he may consume to the author of the bill, the gentleman from New York (Mr. WALSH).

Mr. WALSH of New York. Mr. Speaker, I would like to thank my distinguished friend from Utah (Mr. BISHOP) for yielding me time, and to the chairman of the committee, Mr. RAHALL, for the courtesy of bringing this bill up on suspension, and also my colleague and good friend from California, SAM FARR, for cosponsoring this bill.

I rise today in support of House Resolution 698, a resolution commemorating the 200th anniversary of the Congressional Cemetery. Nineteen Senators and 71 Representatives are interred at the cemetery, located at the corner of 18th Street and E in southwest Washington, as well as monuments to 120 Members of Congress who died while in office.

Congressional Cemetery, older than the more well-known Arlington National Cemetery, served as our Nation's first unofficial national burial ground. In 1997, my good friend, Jim Oliver, who worked for many, many years in the Republican cloakroom and provided great service to this institution, brought the cemetery's poor condition to my attention, and at the same time, the National Trust for Historic Preservation named this cemetery one of America's most endangered places.

After personally visiting the cemetery back then, I understood why. Headstones were turned over, grass was 2 feet tall, trees had fallen onto buildings, and headstones had damaged the integrity of this sacred place. As chairman of the Legislative Branch Appropriations Subcommittee, I was in a position at the time to do something to save this piece of history from becoming history.

In fiscal year 1999 appropriations, the Congress appropriated $1 million for the creation of a special Congressional Cemetery trust fund to restore and sustain this treasured landmark. Money was raised to match these funds in the private sector, and that fund now pays for the constant maintenance in perpetuity for this cemetery.

Some of America's great historic figures are buried in Congressional Cemetery, including Vice President and Declaration of Independence signer Elbridge Gerry, whose name is carried into my home district of Elbridge, New York; civil war photographer Matthew Brady; composer John Philip Sousa; and perhaps the most famous, FBI Director J. Edgar Hoover is also buried there.

This legislation recognizes the work of the Association for the Preservation of Historic Congressional Cemetery, charged with management and preservation of this historic site, and pledges that this body will never again forget the cemetery's important role in the development of our Nation's government and cultural foundations. I urge its adoption, and I thank the Chair and the ranking member for their courtesy.

Mr. FARR. Mr. Speaker, I rise today to commend my colleague, Mr. WALSH, for his efforts in bringing attention to a marvelous memorial and historical site at the other end of the Capitol venue. I speak of the Congressional Cemetery and the resolution we consider today, H. Res. 698, to commemorate the cemetery's 200th anniversary.

Many people think of cemeteries as dreary places. But I see them differently. Cemeteries are the great repositories of more than just the long dead. They are centers of civilization.

They teach us about our heroes.

They teach us about our faith.

They give us clues about our culture and architecture and art.

They are our history all wrapped up in one place. Places like this deserve to be preserved and appreciated.

The Congressional Cemetery was first established to accommodate the repose of our predecessors who met their end while in Washington. Back in those days refrigeration was not available and the deceased had to be dealt with quickly. Many members, so far from home, needed a resting place of some dignity. The Congressional Cemetery became that place.

The cemetery passed out of congressional control and unfortunately later fell into neglect and disarray. More recently a local effort by neighbors and community renewed interest in the history of the cemetery and that, I believe, is evidence of a reinvigorated dedication to what ultimately unites us all: our humanity, our mortality.

And what a wonderful thing that it can be manifested in such a magnificent surrounding! This cemetery has many famous residents, not the least of whom is John Phillip Sousa. I can think of no other artist who knew that to feel most alive, you need music. I am tickled to know that every year on Sousa's birthday there is a musical celebration at his gravesite honoring him and the very American music he gave to our country.

Mr. Speaker, I am proud to be a cosponsor of H. Res. 698 and commend it to my colleagues with gusto. I hope each of you will take a walk down to the cemetery, visit our forbears and revel in the history of this site with quiet reflection. Take your time, too: there's 200 years of history to catch up on.

Mr. BISHOP of Utah. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 698.

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

A motion to reconsider was laid on the table.

JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1922) to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1922

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term ''Lighthouse'' means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term ''Local Partners'' includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 4(a).

(5) MAP.—The term ''map'' means the map entitled ''Jupiter Inlet Lighthouse: Outstanding Natural Area'' and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Jupiter Inlet Lighthouse Outstanding Natural Area established by section 3(a).

(7) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) STATE.—The term ''State'' means the State of Florida.

SEC. 3. ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in subsection (b) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(b) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(1) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(2) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management; and

(2) the Eastern States Office of the Bureau of Land Management in the State of Virginia.

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, section 6, and any existing withdrawals under the Executive orders and public land order described in paragraph (2), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in paragraph (1) are—

(A) the Executive Order dated October 22, 1854;

(B) Executive Order No. 4254 (June 12, 1925); and

(C) Public Land Order No. 7202 (61 Fed. Reg. 29758).

SEC. 4. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(1) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(2) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(b) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(1) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, the Loxahatchee River Historical Society, and other partners; and

(2) in a manner that ensures full public participation.

(c) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(d) INCLUSIONS.—The management plan shall include—

(1) objectives and provisions to ensure—

(A) the protection and conservation of the resource values of the Outstanding Natural Area; and

(B) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(2) objectives and provisions to maintain or recreate historic structures;

(3) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(4) a proposal for administrative and public facilities to be developed or improved that—

(A) are compatible with achieving the resource objectives for the Outstanding Natural Area described in section 5(a)(1)(B); and

(B) would accommodate visitors to the Outstanding Natural Area;

(5) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(6) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(e) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

SEC. 5. MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(A) as part of the National Landscape Conservation System; and

(B) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems.

(2) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(b) USES.—Subject to valid existing rights and section 6, the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further—

(1) the purposes for which the Outstanding Natural Area is established;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable laws.

(c) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary shall, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area.

(d) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and

Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in section 3(b).

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(A) adjacent to the Outstanding Natural Area; and

(B) identified in the management plan as appropriate for acquisition.

(2) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under paragraph (1) only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(3) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under paragraph (1) shall be added to, and administered as part of, the Outstanding Natural Area.

(f) LAW ENFORCEMENT ACTIVITIES.—Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(1) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(2) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(3) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(g) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

SEC. 6. EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.

Nothing in this Act, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 1445

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Introduced by our colleague, Representative TIM MAHONEY, the pending measure would establish the Jupiter Inlet Lighthouse Outstanding Natural Area, to be managed by the Bureau of Land Management in coordination with the U.S. Coast Guard and a local working group. The lighthouse is the oldest building still standing in Palm Beach County.

The design for the elegant brick and wrought iron building was originally drawn by Lieutenant George Gordon Meade, who later gained fame as the victorious Union general at Gettysburg. The bill would set aside 126 acres surrounding the lighthouse for protection as an Outstanding Natural Area as part of the BLM's Natural Landscape Conservation System. In addition to protecting the historic property, the bill would allow BLM, the Coast Guard and their local partners to continue and enhance their long-term stewardship of the area, including several habitat restoration projects.

Representative MAHONEY has done excellent work on this bill to protect and enhance a piece of the heritage of his district. I fully support passage of the legislation and urge its adoption.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 1922, and yield myself such time as I may consume.

Mr. Speaker, the chairman has adequately explained the bill. I have no additional speakers. It is a good bill.

Mr. MAHONEY of Florida. Mr. Speaker, I rise in strong support of H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act. Today is a great day for the towns and communities that live and thrive beneath the light of this magnificent landmark.

I want to begin by thanking everyone in the community who worked tirelessly to make this day a reality. The Jupiter Inlet Lighthouse Outstanding Natural Area Act serves as an example of what local governments working together can do. The commitment to this historical lighthouse from officials and volunteers from Palm Beach County, the Town of Jupiter, the Village of Tequesta, and the Loxahatchee River Historical Society is truly remarkable.

I would specifically like to recognize the efforts of Palm Beach County Commissioner Karen Marcus and Mayor Karen Golonka from the town of Jupiter. Their leadership and vision have been invaluable on this project.

The Jupiter Inlet Lighthouse is more than a beacon of light that guides mariners to safety; it is a monument to Florida's history and a symbol of our community. Since the lighthouse's construction in 1860, it has played an important role during military conflicts and has facilitated commerce up and down the East Coast.

Designed by Lieutenant George Meade, who would later become famous for his service during the Civil War, the light allowed for vessels to safely travel down Florida's coast carrying cargo to new markets in the Caribbean. During World War II, the keeper dimmed the light in order to protect Allied warships traveling off the coast of Florida from German U-boat attacks. Today, the light still guides boaters safely home.

The National Landscape Conservation System, and more specifically the Outstanding Natural Area Designation, was created in 2000 by the Department of the Interior in an effort to better meet the management needs of our Nation's public lands and historic treasures. In addition to the better management practices the system promotes, the designation helps to spur tourism and expand educational opportunities in surrounding communities.

It is important to note that the area designated by this bill as an Outstanding Natural Area is much more than the lighthouse. H.R. 1922 also seeks to protect and better coordinate the management of the more than 100 acres surrounding the historic structure. This land, like the lighthouse, has historical, cultural, and environmental value. For example, the area was first used by Native Americans over 4,000 years ago. Likewise, in the 17th Century, Europeans first made contact with this area.

This lighthouse and the surrounding area, however, is much more than a historical marker. It has become a symbol of this community, woven into the fabric of our culture, even appearing on the town of Jupiter's seal.

I recently received a letter from a student at Jupiter High School detailing why the lighthouse is special to her. She says in the letter: "I often reminisce about the days my parents used to take [me] to the area when I was a child and due to these trips my love for nature and its protection first started to blossom." Today, she is a member of the Jupiter High School Environmental Research and Field Studies Academy. It is important that we preserve this structure and continue to give children the opportunity to explore their history and learn about the environment.

In closing, I would like to thank Chairman RAHALL and Subcommittee Chairman GRIJALVA for their support throughout this process.

Mr. Speaker, I urge my colleagues to support H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1922, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.''.

A motion to reconsider was laid on the table.

WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK DESIGNATION ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4191) to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as ''Wright Brothers-Dunbar National Historical Park'', and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4191

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wright Brothers-Dunbar National Historical Park Designation Act''.

SEC. 2. REDESIGNATION OF DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—The Act titled ''An Act to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes'', approved October 16, 1992 (106 Stat. 2141), is amended—

(1) by striking ''Dayton Aviation Heritage National Historical Park'' each place it appears and inserting ''Wright Brothers-Dunbar National Historical Park'';

(2) by redesignating subsection (b) of section 108 as subsection (c); and

(3) by inserting after subsection (a) of section 108 the following new subsection:

''(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.''.

(b) REFERENCES.—Any reference in any law (other than this Act), map, regulation, document, record, or other official paper of the United States to the ''Dayton Aviation Heritage National Historical Park'' shall be considered to be a reference to the ''Wright Brothers-Dunbar National Historical Park''.

SEC. 3. NATIONAL AVIATION HERITAGE AREA.

Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking ''104'' and inserting ''504'';

(2) in section 503(4), by striking ''106'' and inserting ''506'';

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking ''106'' and inserting ''506''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

Mr. RAHALL. Mr. Speaker, H.R. 4191, introduced by our colleague Representative MICHAEL TURNER of Ohio, would change the Name of Dayton Aviation Heritage National Historical Park in Ohio to the Wright Brothers-Dunbar National Historical Park. The bill also sets conditions under which the Secretary of Interior may make grants to the park's partners.

A contemporary of the Wright brothers in Dayton was poet Paul Laurence Dunbar. The house that Dunbar purchased for his mother is part of Dayton Aviation Heritage National Historical Park. The Wright brothers and Paul Laurence Dunbar are each featured prominently at this park, and this redesignation of the park as the Wright Brothers-Dunbar National Historical Park will provide equal weight to both of these important stories.

I support passage of H.R. 4191 and urge its adoption.

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

Mr. BISHOP of Utah. Mr. Speaker, I rise to speak on H.R. 4191, and yield myself such time as I may consume.

This does change the name of the Dayton Aviation National Park to reflect more accurately the individuals being commemorated at this site and the role they played in the history of aviation in this country. Additionally, this new name describes the park's purpose.

I thank my colleague from Ohio (Mr. TURNER) for bringing this bill to us. It is an excellent bill, and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TURNER), the sponsor of the bill.

Mr. TURNER. Mr. Speaker, I want to thank National Parks, Forests, and Public Lands Subcommittee Chairman GRIJALVA and Ranking Member BISHOP, as well as Natural Resources full committee Chairman RAHALL and Ranking Member YOUNG, for their support in bringing this bill to the floor today.

H.R. 4191, the Wright Brothers-Dunbar National Historical Park Designation Act, is identical to H.R. 4612 from the 109th Congress which passed the House Committee on Resources by unanimous consent on June 21, 2006. It renames the Dayton Aviation National Historic Park as the Wright Brothers-Dunbar National Historical Park.

In 2002, Chairman and Federal Judge Walter Rice of the Dayton Aviation Heritage Commission appointed a committee made up of commission members to make recommendations regarding the name of the Dayton Aviation National Historic Park.

The committee held several hearings and solicited comments from businesses, government, stakeholders, neighborhood and citizens groups on the name change. Based on the public comments, the committee recommended to the commission that the name of the park, Dayton Aviation Heritage National Historical Park, be changed to the Wright Brothers-Dunbar National Historical Park.

Following input from the community, that committee recommended to the commission that the name of the park be changed to the Wright Brothers-Dunbar National Historical Park, which was approved by the full commission and the National Park Service in 2003.

The commission recognized a number of reasons for the name change. The new name establishes a clear connection to the universally recognized Wright brothers, the inventors of the airplane, and the new name also creates a better link between the park and the primary park assets. All four of the park sites, a majority of interpretive exhibits and media at the park sites describe the accomplishments of the Wright brothers and the first recognized African American Poet Laureate, Paul Laurence Dunbar.

Finally, the new name also establishes a better distinction between the park and the new National Aviation Heritage Area.

The new name of this park will truly be a reflection of Dayton's heritage, that of innovation and creativity. The Wright brothers' airplane and Dunbar's famous poems are two historic assets which make Dayton a great place to call home. It is fitting that the new park name pays homage to Dayton's hometown heroes, Paul Laurence Dunbar and Orville and Wilbur Wright.

It is also important to note that the National Heritage Park in Dayton is unique in that it is a scattered site national park and it works with regional partners to advance the park's mission. The Park Service partners with ''Dayton History'' at Carillon Park and Wright-Patterson Air Force Base to provide maintenance and program assistance for park assets.

Both entities contain different parts of the national park. The Wright Flyer

III, the world's first practical airplane, is located at Carillon Park, and the Huffman Prairie Flying Field, where the Wright brothers perfected flight, is located on the grounds of Wright-Patterson Air Force Base. This bill authorizes grant funding to these partner organizations to ensure their continued cooperation with the Park Service in fulfilling the mission of the park.

Mr. Speaker, today's bill is the result of a community process which has resulted in an improved and more appropriate name to a regional asset, a name which reflects Dayton's true heritage. While Ohio is the birthplace of aviation, Dayton is the birthplace of the first airplane and the birthplace of Wright-Patterson Air Force Base, where 1 million people every year visit the National Museum of the United States Air Force.

Dayton's future is bright, with over 1,000 jobs headed to Wright-Patterson Air Force Base as a result of 2005 BRAC process, and it will continue to be a leader in American innovation.

Mr. Speaker, the Wright brothers and Paul Laurence Dunbar would be proud of the accomplishments in their hometown, and I am proud today to speak for this bill, which will honor their legacies.

Mr. BISHOP of Utah. Mr. Speaker, once again I encourage adoption of this excellent bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 4191.

The question was taken.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DONNELLY) at 6 o'clock and 30 minutes p.m.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1143, by the yeas and nays;

H.R. 1311, by the yeas and nays;

H.R. 816, by the yeas and nays.

The vote on H.R. 4191 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AUTHORIZING SECRETARY OF INTERIOR TO LEASE LANDS IN VIRGIN ISLANDS NATIONAL PARK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1143, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1143, as amended.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 50, as follows:

[Roll No. 88]

YEAS—378

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goode
Goodlatte
Gordon
Graves
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—50

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

□ 1858

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEVADA CANCER INSTITUTE EXPANSION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1311, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 1311, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 51, as follows:

[Roll No. 89]

YEAS—377

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

NOT VOTING—51

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Sullivan
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1907

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

The title was amended so as to read: ''A bill to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes.''.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ORCHARD DETENTION BASIN FLOOD CONTROL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 816, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 816, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 53, as follows:

[Roll No. 90]

YEAS—375

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

NOT VOTING—53

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
McCarthy (CA)
McIntyre
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Price (GA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1915

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, due to events in my district, I will miss votes today. Had I been present, I would have voted as follows:

H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes—"yea."

H.R. 1311, to direct the Secrtary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility—"yea."

H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project—"yea."

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I took a leave of absence today. Had I been in attendance I would have voted as follows:

"Yea"—H.R. 1143—to authorize the Secretary of Interior to lease certain lands in Virgin Islands National Park, and for other purposes (Representative CHRISTENSEN—Natural Resources).

"Yea"—H.R. 1311—to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility (Representative BERKLEY—Natural Resources).

"Yea"—H.R. 816—to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project (Representative PORTER—Natural Resources).

PERSONAL EXPLANATION

Mr. GINGREY. Mr. Speaker, on rollcall No. 88 on H.R. 1143, I am not recorded because I was absent due to flight delays returning to Washington. Had I been present, I would have voted "yea."

On rollcall No. 89 on H.R. 1311, had I been present, I would have voted "yea."

On rollcall No. 90 on H.R. 816, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, had I been present today, I would have voted ''yea'' on rollcall No. 88, ''yea'' on rollcall No. 89, and ''yea'' on rollcall No. 90.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent today. Had I been present, I would have voted "yea" on rollcall votes 88, 89 and 90.

HONORING JUDITH HOPKINS

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

Mr. WITTMAN of Virginia. Mr. Speaker, I rise today to honor the career of Judith Hopkins, Social Security Administration level 1 district manager in Richmond, Virginia, who is retiring from Federal service after 33 years. A dedicated and selfless individual, Judy has devotedly served the public since 1975.

Judy's tenure with the Federal Government began as a Social Security claims representative trainee in Richmond, soon advancing to operations supervisor, operations officer, assistant

district manager, and the position she retires from this month as district manager.

Judy's outstanding leadership, communication, and coalition-building skills were recognized by the agency as she was asked to serve on many regional and national Social Security workgroups. As the district manager of the Richmond complex, she was responsible for four offices and approximately 70 employees.

Constituents in the First District of Virginia greatly benefited from Judy's positive attitude and conscientious work ethic. My staff and my fellow Virginia colleagues' offices always received courteous and prompt attention from Judy whether the question was a simple issue or an intensive, complex case. The commitment to public service was always apparent in the way she treated her co-workers, employees, and the citizens of Virginia.

I am thankful to Judy Hopkins for the assistance and attention she provided my constituents, and I would like to wish Judy all the best as she embarks on this new chapter in her life.

SUPPORTING H.R. 1922

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

Mr. KLEIN of Florida. Mr. Speaker, I rise today in support of H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007. As one of its cosponsors, I applaud my good friend, Representative TIM MAHONEY, for shepherding this bill through the House.

H.R. 1922 will establish the Jupiter Lighthouse and the surrounding 126 acres as an ''outstanding natural area,'' only the second in the country and the only one east of the Mississippi.

The lighthouse area is well-deserving of this designation. It is home to a wide range of endangered species of flora and fauna, and it tells a rich story of Florida's history and prehistory.

The Jupiter Lighthouse is the epicenter for education, history, ecology, science, and recreation. This legislation will elevate this local and regional site to national prominence and help an important part of Florida's history become a valuable part of our shared American history.

FIGHTING CRIME

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

Mr. COHEN. Mr. Speaker, yesterday evening in my hometown of Memphis, Tennessee, there was a senseless killing of six individuals. Four adults and two children were shot and/or stabbed in the Binghampton community.

We have seen more and more and more urban crime in this country, and the response has not been sufficient from the Federal Government to help the locals with law enforcement funding. This House has passed a COPS bill that is still pending in the Senate and is opposed by the administration. We need to see that the COPS bill becomes law and we have an opportunity to help fund the policemen on our streets in our urban centers, and all over this country.

We also need to help the Second Chance programs to see that people don't resort to crime. Crime must stop, Mr. Speaker, and we must do our part.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–99)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 4, 2008*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TANKER SHOULD BE BUILT BY AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, we should all be deeply troubled by last week's decision by the Air Force to choose a French-built air refueling tanker.

The European Aeronautics Defense and Space Team, known as EADS, found a front American company, Northrup Grumman, to bid their foreign-built tanker. When the Air Force chose this French tanker, they chose to outsource our national security and to send American jobs overseas.

This contract award has rightly created outrage all across the United States. It is just another example, and perhaps the best example, of how our own government is putting the United States at an economic disadvantage. At a time of economic insecurity, it is mind-boggling that the Department of Defense would send at a minimum 19,000 jobs overseas.

We should have an American tanker built by an American company with American workers. Instead, the Air Force awarded this contract for a French tanker built by Europeans. How could this happen? Well, first, the Department of Defense has created an unlevel playing field that favored foreign companies. We should have known something was wrong when the replacement for Marine I, the President's helicopter, was awarded to a European company. If that wasn't enough, we should have known it was fixed in favor of foreign companies when the Army awarded a French company the contract to build the light utility helicopter. The light utility helicopter is for domestic use here in America, awarded to a French company. And, now, the third big contract in a row goes to a French company to build a French tanker.

First it was the Presidential helicopter went to a foreign company, then it was the light utility helicopter went to a foreign company, and now our air-refueling tanker. We need an American tanker built by American companies with American workers. The Air Force rules do not consider the loss of American jobs. The Air Force rules do not consider illegal subsidies given to foreign companies. The Air Force rules do not consider that NATO allies, the French company, do not have to comply with the same American regulations as American contractors do. The Air Force does not consider the loss of Federal revenue, because French workers do not pay American taxes. But the Air Force will have to consider the outrage of outsourcing our national defense.

The Air Force will have to consider that we need an American tanker built by American companies with American

workers. To help the Department of Defense and the Air Force understand this nationwide outrage, I have set up an online petition that all Americans can participate in.

Mr. Speaker, I encourage all of my colleagues to go to the Web site, www.House.gov/Tiahrt, and sign a petition expressing their own outrage at outsourcing our national security and outsourcing American jobs.

We need an American tanker built by an American company with American workers.

SUPPORTING H.R. 1922

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MAHONEY) is recognized for 5 minutes.

Mr. MAHONEY of Florida. Mr. Speaker, I rise today in support of H.R. 1922, the Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007. And I would like to also thank Chairman RAHALL and Subcommittee Chairman GRIJALVA and my good friend, Congressman RON KLEIN, for helping me get this bill passed today in the House of Representatives.

Mr. Speaker, H.R. 1922 is an important piece of legislation, as it will establish the Jupiter Lighthouse and the surrounding 126 acres as an outstanding natural area, only the second in the country and the only one east of the Mississippi.

□ 1930

An outstanding natural area is a congressional designation to protect the unique, scenic, scientific, educational, and recreational contributions of a natural area to this and future generations.

One of the reasons why I enthusiastically support the designation is because Florida's rich and diverse history is sometimes overlooked by the millions of tourists who visit from all across America. Of course, it's not hard to see why. With our pristine coastline, trendsetting hotels and restaurants, and ample eco-tourist activities, a typical family vacation in south Florida can pass, and very quickly without having the chance to see all other amazing aspects of Florida's ecology, culture, and history.

The Jupiter Lighthouse area is one such example. It is a local and regional icon, and with this new designation, the United States Congress can say that Florida's rich history should be celebrated as an integral part of our larger American history.

Situated where the Loxahatchee River and the Indian River Lagoon meet, the Jupiter Inlet Lighthouse area is home to a wide range of endangered species of flora and fauna, and it is one of the true scenic gems of south Florida.

The lighthouse also tells a rich story of Florida's history and prehistory. Native Americans first used the area around the Jupiter Lighthouse over 4,000 years ago, and Europeans made contact with it in the 17th century. As trade increased in the 1800s, the need for the lighthouse became more urgent as shipwrecks increased off Florida's coast and, in particular, off the dangerous reefs near Jupiter.

The United States Congress responded in 1853 by providing $35,000 to establish a lighthouse in Jupiter. Despite an intervening war with the Seminole Nation, the lighthouse was finally completed in 1860, the first built along Florida's coastline. I think it's fitting that 155 years later the same distinguished body is poised to make the Jupiter Inlet Lighthouse an outstanding natural area. Doing so will preserve the natural and cultural significance of the area for future generations and will reaffirm that Florida's history is an important part of American history.

Again, I'd like to thank my colleagues for passing this important legislation.

FOREIGN SHORTFALLS IN IRAQ AID PLEDGES

The SPEAKER pro tempore (Mr. DONNELLY). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to bring to the attention of the House and to the American people a disturbing situation involving a shortfall in Iraq aid pledges. I also brought this issue to the attention of Secretary of Defense Robert Gates, for whom I have great respect, during a hearing last month of the House Armed Services Committee.

On January 30 of 2008, USA Today reported that allied countries have paid only 16 percent of their pledge. Their pledge was $15.8 billion, and they have only paid $2.5 billion.

The article further reports, and I quote, ''The biggest shortfall in pledges by 41 donor countries are from Iraq's oil rich neighbors and U.S. allies,'' namely, Saudi Arabia and Kuwait.

Yet, the United States has already spent $29 billion to help rebuild Iraq, and Congress has approved an additional $16.5 billion.

Mr. Speaker, it is troubling that some of the countries that may benefit from a secure and stable Iraq, particularly its neighbors in the region, are not providing the money they pledged to help achieve the goal to rebuild Iraq.

Unlike the United States, which is borrowing money from foreign governments to pay its bills, many of Iraq's neighbors are running record surpluses because of profits flowing into their government coffers by their national oil companies. These countries have the economic resources to meet their commitments.

In a letter on February 8, 2008, I expressed these concerns to Secretary Condoleezza Rice and to President Bush.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2008.

Hon. CONDOLEEZZA RICE,
Secretary of State,
Washington, DC

DEAR MADAM SECRETARY: I am writing to express my concern over information reported January 30, 2008, in the USA Today article, ''Allies fall short on Iraq aid pledges.'' According to the article, during and after an October 2003 conference in Madrid, allied countries pledged $15.8 billion to help rebuild Iraq. Now almost five years later, allied countries have paid only 16%, or $2.5 billion, of those pledges. The article also states: ''The biggest shortfalls in pledges by 41 donor countries are from Iraq's oil-rich neighbors and U.S. allies.''

While the United States has spent $29 billion to help rebuild Iraq, and Congress has approved an additional $16.5 billion, it is troubling that some of the countries that may benefit the most from a secure and stable Iraq—particularly its neighbors in the region—are not providing the money they pledged to help achieve that goal. It's not as though these nations lack the economic resources to meet their commitments; in fact many of Iraq's neighbors are running record surpluses as a result of the windfall profits flowing into their government coffers via their national oil companies.

Madam Secretary, I have no doubt that you and others in the Administration are working to make sure those who promised money to rebuild Iraq actually make good on those promises. Therefore, I respectfully request that you provide me with a written update of the Administration's efforts in this regard. Thank you in advance for your consideration.

Sincerely,

WALTER B. JONES,
Member of Congress.

I look forward to hearing the administration's response and an update on what steps they are taking to insure the Arab countries fulfill their pledges to aid Iraq. Our government should be working to make sure that those who promised money to help rebuild Iraq actually make good on those promises.

While oil is at a record high of near $104 a barrel, American taxpayers are facing prices of more than $3 at the pump.

Mr. Speaker, out of fairness to the American taxpayer, it is time that the administration tell these Arab countries that they are running record surpluses, that they need to pay their bills in Iraq. Again, they pledged $15.8 billion. They have only paid $2.5 billion. And the poor taxpayer of America is having to foot the bill to rebuild Iraq. It is not right, and it's time that we ask those rich Arab countries to meet their responsibilities.

LET'S THINK ABOUT THE NUMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, when asked about the possibility of gas going up to $4 a gallon, the President of the United States and leader of the free world said, ''That's interesting. I hadn't heard that.''

Yes, gas prices are predicted to top $4 a gallon, and the leader of the free world doesn't even know? Something is clearly wrong.

Mr. Speaker, with an economy based on the fuel of yesterday, America needs new vision and leadership. We cannot rely on leaders who don't know what most Americans understand and are living every day, that our oil economy is based on borrowed time that is fast running out.

Let's think about these numbers. A recent Congressional Research Service paper summarized the point clearly. Researchers predict that a 10 percent increase in oil prices lowers economic growth in our country by a quarter point to a little over a point over the next four quarters, compared to a flat growth rate for oil prices.

When President Bush took office, gasoline cost 1.45 a gallon. Today gasoline averages $3.17 a gallon, with some analysts saying the price could reach $4 a gallon. Californians already know that.

The American people don't need the Congressional Research Service to do the math to understand what this means, but let's run the numbers just for the sake of argument.

During Bush's tenure in office, the average price of gasoline has increased over 218 percent; not 10 percent, 218 percent. With researchers predicting that a one quarter increase of 10 percent in oil prices leads to an economic contraction of a quarter percent to 1.1 percent for the following four quarters, the American people can only imagine what a 218 percent increase has meant for the American consumer over the last 7 years. It is profound.

In rough terms, the Bush economic stewardship plan has driven our economy into a tailspin. Our economy is in trouble. It needs rescuing. And our top leader doesn't even know prices could reach $4 a gallon?

We should have learned something from the first Arab oil embargo of the 1970s when the United States suffered both high unemployment and rampant inflation. President Reagan called it the misery index. Don't we remember that misery? It's being exacted on the American people again.

The rising prices of oil imports in 2006 and 2007 alone accounted for over $70 billion of our mammoth trade deficit. The global savings glut is being driven largely by the transfer of wealth from our country and western democracies to the oil rich kingdoms of the Middle East, and this imbalance continues to grow, and our people continue to suffer more.

The dollar declines. It's very clear what's happening. Gasoline prices are destroying the economic gains of our economy every day, pushing up our trade deficit and making America less competitive on the global market.

Every paper you open up there are layoffs in community after community after community, coast to coast, and people are losing their homes at greater rates. Without a course correction, the next generation will never be able to compete.

Energy legislation this House considered last week is a step in the right direction, and the other body ought to pass it quickly. But it is only a step.

This is the time for America to redouble our efforts and invest in an energy-independent future that uses geothermal, wind, biomass, solar, advanced vehicle research, new fuels of all kinds and new vehicles, developing the technologies of tomorrow for this new century.

America needs energy independence now, not in 2025, not even in 2015. We need every single elected official at the national level to be committed to energy independence now. We need a change in this Capitol city. We need a change in the White House, and we need people elected to this Congress who will save America from ruin because of the terrible toll that rising oil prices are having on the innards of this economy, in every borough, in every hamlet, in every city, in every town across this country.

It is high time America moved from the carbon-based economy into the carbohydrate economy, and we can't do it fast enough.

The sun waits to be captured. The wind across our plains needs to be put to new use, and it is renewable. It was given to us as a precious gift. We ought to use it. And we need to have elected officials who are committed to this great American quest in this new American century.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker it is March 4, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,825 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same.

All the gifts that these children might have brought to humanity are now lost forever.

Mr. Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we condemn the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.'' Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet another day has passed, Mr. Speaker, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been given them.

Mr. Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer is ''yes,'' there is a second destiny question that inevitably follows.

And it is this, Mr. Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Mr. Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Mr. Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who hears this sunset memorial will finally realize that abortion really does kill little

babies, that it hurts mothers in ways that we can never express, and that 12,825 days spent legally killing nearly 50 million children in America is enough, and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 4, 2008—12,825 days since Roe v. Wade—in the land of free and the home of the brave.

MEDICARE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BARTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTON of Texas. Mr. Speaker, in 1965 the hot car on the American market was a Ford Mustang, which cost less than $2,000. The President of the United States was Lyndon Johnson. The entire Federal budget was less than $100 billion. The war that was on the front pages was the war in south Vietnam. The Super Bowl didn't exist. Cell phones didn't exist. If you wanted to use a computer, you typed out your program on data index cards and submitted them in a batch to a mainframe computer. I believe the dominant mainframe was an IBM 360. Gasoline cost approximately 25 cents a gallon, and a little-noticed program was put into effect to help our senior citizens with their health care costs called Medicare.

Forty-three years later, that Medicare program is going to expend over $400 billion to provide health care for over 45 million senior citizens in every State and territory of the United States. If something is not changed between now and the year 2018, in the year 2018, or 2019, the Medicare Trust Fund is going to be bankrupt.

If we look back in 1965 at how health care was provided and look at how it's provided in 2008, you would see numerous differences. We now focus, in Medicare, through the Medicare Advantage programs, which 20 percent of our seniors have chosen, on preventive care. A lot of Medicare spending today is through drug therapy, as opposed to surgery, things of this sort.

But the one thing that's constant has been the continuing escalation in cost. Medicare has averaged double digit increases in cost the last 10 years, and it's expected, by the year 2018, to be over $800 billion.

Medicare spending this year of over $400 billion is going to exceed by a factor of 4 the entire Federal budget back in 1965, the year that was created.

So because of the increase in the population, the increase in the complexity, the diversity of health care therapies, several years ago the Congress put into place what's called the Medicare trigger. The Medicare trigger says that in any year that Medicare spending or Medicare revenues come from 45 percent or more of the general revenue, i.e., the premiums that Medicare beneficiaries and the cost share that companies and Medicare payors pay into the system, when more than 45 percent of the funds going into Medicare come from the general U.S. Treasury, the Medicare trustees have to issue to the Congress a report. And if this happens 2 years in a row, the President of the United States has to submit a proposal to the Congress on how to bring spending back below the 45 percent trigger. That happened for the first time last year, in fiscal year 2006, and it's happened again this year, in the fiscal year that just ended, fiscal year 2007.

So several weeks ago the President and the Secretary of Health and Human Services presented to this Congress a report that did two things: Number 1, it did announce that the spending had exceeded 45 percent of the revenues of the general treasury, and Number 2, it put forward an outline of the proposal on how to bring that spending back below the 45 percent trigger.

□ 1945

The Congress does not have to act on the President's proposal. The Congress can initiate one of its own. In fact, if 70 Members of this House decide that they want a different proposal than the President of the United States, if 70 Members will sign a letter, I believe, to the Speaker of the House and also to the chairman of the Budget Committee, those 70 Members will present their proposal to the Budget Committee. If the Budget Committee holds hearings and certifies that the proposal that's been submitted by the 70 Members does, in fact, meet the requirements of the law, that proposal then is ordered reported to the House of Representatives for an up-or-down vote.

So sometime in the next several months, you are going to hopefully see a number of proposals submitted to the Budget Committee on how to deal with the pending crisis in Medicare. And I would encourage all Members of this body, since we all have Medicare recipients in our congressional districts, to be a part of some group that tries to address this problem.

Now, the President's proposal, again, it is not a definitive legislative language developed proposal. It's more of an outline of policy objectives, but the policy objectives are pretty straight forward: number one, Medicare beneficiaries that have higher incomes would pay slightly more in their premiums so you would begin to have a graduated means-tested premium increase based on your ability to pay the Medicare premium; number two would be a Medicare liability reform proposal that has been talked about for years. That, by itself, would probably save $180 billion over 5 years or so. There would be a requirement for more pricing transparency and more openness, so that Medicare beneficiaries could see what prices they're paying or are being paid on their behalf. And also there are some proposals, I believe, on quality indexing, quality of reporting so that, again, before the beneficiary decides where to have a particular procedure done or which doctor to use, he or she might have some data on the quality of the health care that's provided by various Medicare providers.

All in all, the President's proposal is very modest, but it's certainly one that needs to be seriously considered; and, again, the need for doing something on Medicare is something that we need to begin to address as a Congress. The Medicare trustees have reported that if current policies are not changed within the next 11 years, the Medicare trust fund will go bankrupt. What that means is if you are 54 years old or younger, when you retire there will be no money in the Medicare trust fund to pay your Medicare benefits which you are, by law, entitled to at age 65.

So this is a problem that we can't put off for 20 years or 50 years. In my opinion, we can't put it off for any years. Again, we need to begin to address it immediately, we need to address it in this Congress, and we need to hopefully address it in a bipartisan fashion.

I now yield to the distinguished member of the Energy and Commerce Committee, the ranking member of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I want to thank some of my colleagues for their vision back in 2003. They recognized that Congress does a good job talking about Medicare and the concerns about the future, but they realize that very few are very committed to addressing Medicare's challenges.

We, as a Congress, came together and worked with President Clinton in the 1990s when we did the Balanced Budget Act; and at that time, we even realized that Medicare was growing, the growing senior population was going to be a tremendous challenge to us; and in 2003 a small group of Members of Congress, they put in trigger legislation, and now this trigger, as the chairman said, goes into effect if the Medicare board of

trustees certifies in two consecutive years that 45 percent of Medicare spending will come from general revenues in any of the upcoming 6 years.

Last year, the trustees certified this Medicare spending level; and again this year, they have certified that the spending is exorbitant and that the trigger has now been hit.

As directed by law, the President had no choice. He sent legislation to Congress to address this spending. We in Congress have a responsibility to the American people to act on the President's proposal. Unfortunately, last year my Democrat colleagues tried to remove this trigger so that they can continue to put off addressing the unsustainable cost of our Medicare program. Under their CHAMP legislation, they slipped in a provision that would have removed this trigger. In effect, it would have allowed Congress to continue to ignore Medicare's growing cost.

Even worse, the Democrats decided to ignore Medicare's growing costs; and when they do that, frankly it just shoves these challenges off into the future and onto the backs of our children, and that is something we should not be doing.

Last week, the majority leader and the minority leader introduced a bill to move forward with the President's proposal to bring Medicare costs back under the trigger level. That is the responsible thing to do.

This Congress now should act on this legislation. According to the Centers for Medicare and Medicaid Service Health Care Spending, the United States will hit $4.3 trillion by year 2017, nearly double that of 2007, equating to nearly 20 percent of our gross domestic product. In 2007, health care spending accounted for 16.3 percent of our gross domestic product. But more of that cost is expected to shift to government agencies even as the Federal Government struggles to shrink our own deficits.

Medicare spending alone is expected to grow to $844 billion in year 2017. That's up from the $427 billion we spent just last year in 2007. So Congress must stop talking about Medicare and its potential insolvency, and we must take action.

Medicare is the single largest purchaser of health care in the United States; and within the next 11 years, the Medicare trust fund could potentially go bankrupt. Our Nation is at risk to lose this important health care program for seniors if we do not reform this program. Future generations will not have access, and that would be unfortunate.

This trigger has forced Congress to be honest with the American people about Medicare's dim future. The future of our Medicare program, as I said, is at risk. I ask my colleagues to join with me to change this trend and protect Medicare for future generations, and we can only do that by working together.

Mr. BARTON of Texas. Mr. Speaker, I want to recapitulate why we are here this evening taking this Special Order. As I pointed out earlier, Medicare is a mandatory program for senior citizens over age 65. It was established in 1965, which is 43 years ago. I don't exactly remember in the first year how many citizens were covered and how much money was expended, but my recollection is that several million senior citizens were covered and expenses were in the order of a magnitude of 6 or $700 million. In the last year that we have numbers for, 45 million Americans were covered and the costs were over 400 billion.

Now, it is a good thing that we have 45 million senior citizens in this country. Those are our grandparents and great grandparents and great aunts and uncles. They are certainly the generation that has been pointed out that fought the great wars of World War II and Korea and Vietnam. They have ushered in an amazing American economy unsurpassed in the history of the world in terms of its ability to generate wealth and economic prosperity. And they are well deserving of the benefits that we are paying out for Medicare.

So the problem is not that our senior citizens don't deserve the best health care in the world, and it is not that we are living healthier and longer. The problem is, quite simply, how do we pay for it. Average expenditures for Medicare are on the order of magnitude of about $7,000 per person per year. And to put that in perspective, that is more than most families pay per person for their food or for their housing.

If nothing is done on the current Medicare program in terms of its policies and the way it's structured in 11 years, in 2019, the Medicare trust fund is going to be bankrupt. As I pointed out earlier, if you are 54 years young or younger, when you retire, there will be no Medicare. Now I'm 58. So if I were to retire at age 65, in 7 years I would have 3 years of Medicare benefits before the program went bankrupt. My wife, Terry, who's younger than me, when she retires, she would have no benefits. None of my children would have benefits. None of my grandchildren would have benefits.

So this is not a program that we can just let go on automatic pilot. We need to begin to fundamentally and in a focused way look at the Medicare program as it exists today, not cut people off the program, not change it so that there are fewer benefits. We need to look at Medicare and try to bring our technology to bear, bring our management processes to bear, all of the innovations that have happened in the last 40 years.

As I pointed out earlier, if we were still making the 1964 Mustang, that was a great car in 1964, 1965. But it's hardly the car that people want to buy today. We didn't have cell phones in 1965. Today, everybody in America has a cell phone. In fact, there are more cell phones than there are hard line phones. If you look at computers, the computer in 1965 was a mainframe computer that you had to go to a central location to use. I would guess that almost every American citizen has some access to a personal computer today.

So a lot has changed in many fields since 1965. But in Medicare, we have the same basic program funded the same basic way.

□ 2000

So we need to look at ways to change that program and to bring it into the 21st century. I think some of those ideas are going to be in the form of preventive medicine, like we have in those seniors, about 20 percent of those 9 million that have chosen a Medicare Advantage plan. There may be some ways in terms of sharing costs; as the President has suggested, Medicare beneficiaries that are more well-to-do could pay a higher share of their premium.

We have the whole issue of health information technology, or health IT. It's suspected and predicted that if we would bring health information technology to bear on Medicare, you could save tens of billions, perhaps more, each year just by using that technology that's currently in the private sector.

So, there are a number of great ideas, but because of this Medicare trigger, this year, a certain percent of Members, I believe it is 70 Members, but a number on that order of magnitude, if they have a plan to restructure Medicare, to reform it, to bring the spending in total below 45 percent of general revenue, they can submit their plan to the chairman of the Budget Committee. The chairman of the Budget Committee will hold hearings to certify that the plan does, in fact, meet the Medicare trigger recommendations. And if it does, my understanding of the law is that those plans have to be brought to the floor; they have to be voted on by the House of Representatives. Now, I'm not clear exactly the procedure for the rules for bringing these proposals to the floor, whether every proposal is given a vote on the floor or whether there are only certain proposals that are certified by the Rules Committee, but my understanding is that all proposals that meet the budgetary cutoff do get an up or down vote on the House floor.

So, if you're a member of the majority, of the Democrat Party, and you've got an idea and you can get 70 Members to support it, your plan can be voted on. If a bipartisan group of Members bring a proposal, that plan can be voted on. If the Republican leadership, whom I'm doing this Special Order for,

has a plan, it can be voted on. If the President can get 70 Members to sign under his plan, it can be voted on. I personally don't see any problem with having different plans on the floor. The bottom line is to vote on some plan that begins to restructure and reform Medicare. Again, not trying to cut people off the program, not trying to tell our senior citizens we're going to do away with Medicare; what we should be telling our senior citizens is that we want Medicare to be there not just for another 11 years, but we want it to be there for another 50 years, another 60 years, not for people that are just now over 60 and over 70, but for our children and our grandchildren.

This is a program that, again, in 1965, my recollection is it cost less than $1 billion a year. This past year it cost over $400 billion. And by 2018, it's going to cost over $800 billion. And by 2036, it's going to cost more than the entire Federal budget today, which is over $2 trillion.

So this is not something that we can just put on the back shelf and not do anything about. It is something that we need to take action on. And again, because of the Medicare trigger, we have the ability, under expedited rules, to put these proposals to the Budget Committee, the Budget Committee certifies its proposal will meet the cost savings requirement, those plans will come to the floor and be voted on sometime this year before we go home in October for the elections in November.

So, Mr. Speaker, I want to bring to the attention of the House the Medicare trigger language and that it does require the President to submit a proposal. He has done so. It does require the Budget Committee to meet on that proposal and any other proposals that 70 Members of the body can put before the Budget Committee. And it does require that the House vote on the bill, or the bills, later this year.

We need to address it. The Medicare trustees have pointed out that for 2 years in a row the spending has exceeded 45 percent of the general revenues going into the program, and so it is time for us to begin to address it.

Mr. Speaker, I see no other Members present. So with that, I would humbly suggest that everybody begin to think about what to do to protect and reform Medicare.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1424, PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

Ms. CASTOR (during the Special Order of Mr. BARTON of Texas), from the Committee on Rules, submitted a privileged report (Rept. No. 110–538) on the resolution (H. Res. 1014) providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2857, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION (GIVE) ACT

Ms. CASTOR (during the Special Order of Mr. BARTON of Texas), from the Committee on Rules, submitted a privileged report (Rept. No. 110–539) on the resolution (H. Res. 1015) providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws, which was referred to the House Calendar and ordered to be printed.

ADMINISTRATION'S DISREGARD FOR CONGRESSIONAL AUTHORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, tonight I will discuss some serious examples of how this administration's contemptuous disregard for the authority delegated to Congress by the Constitution has impacted on how we do business here in Washington. This bad attitude has consistently manifested itself in a sophomoric resentment of Congress' constitutional role as an equal branch of government.

Ironically, Congress has proven itself far more willing to cooperate than what Ronald Reagan found during the Cold War. The executive branch, however, seems too insecure to let Congress do its job, as the executive branch sees Congress basically, even with a Republican-controlled majority, as a rival. And they see us as a spoiler rather than as elected representatives of the American people playing a rightful role in establishing policy for our great country. So, unfortunately, we see that in this President of the United States.

But let me add that I have worked in the White House before. I worked in the White House at a time when Democrats controlled both Houses of Congress. And I have witnessed times when Congress itself, yes, has sought to undermine foreign policy initiatives of Presidents who are watching out for America's national security interests in a tumultuous time. That is not what I'm referring to and will be referring to tonight. But I mention this only to note that, yes, while I am condemning our President tonight, I recognize that in the past, many liberal left Democrats have been obstructionist in their relationship with the White House as today that I see the White House is being obstructionist to Congress.

Many congressional Democrats, especially those on the far liberal left of the party, fought President Reagan every step of the way as he maneuvered to thwart Soviet expansionism during the waning days of the Cold War. Whether it was building a missile defense system, which now, I might add, protects us from rogue states such as Iran, Korea and China, or whether it was supporting resistance movements against Soviet puppet regimes in Afghanistan and Nicaragua, many congressional Democrats not only voted against the policy, which of course is their prerogative, but went far beyond that in an attempt to actually undercut and undermine the implementation of President Reagan's Cold War strategy. Liberal left Democrats in the U.S. Congress, for example, visited Nicaragua to encourage that Soviet ally regime to hold firm against Ronald Reagan's pressure to democratize.

Even as the Soviets poured billions of dollars of military equipment into Nicaragua, Congress, at a very crucial moment, restricted aid to the resistance fighters who were struggling to pressure the Sandanistas, to what? To have democratic elections.

In order to save Central America from a hostile takeover, Reagan had to overcome Soviet support for these rogue regimes, like the Sandinistas and different insurgencies that were supported by Cuba and the Soviet puppets in Central America, but the President also had to overcome congressional undermining of this stand that he had taken.

In the end, of course, Congress, after 1 year of eliminating all aid to the freedom fighters, or he would say the ''democratic resistance'' in Nicaragua, after 1 year, which drew, threw the entire Reagan strategy into a chaotic state, Congress restored U.S. financial aid to the Nicaraguan resistance. All of this was in keeping with the fact that the liberal left of the Democratic Party at that time was trying their best not to cooperate with Ronald Reagan but to undermine what he was trying to do.

Finally, after Congress, by the way, restored money to the democratic resistance, the Sandanistas agreed and relented to a democratic election. And when it was held, the Sandanistas were trounced at the polls and thrown out of power for about 10 or 15 years, which of course must have surprised the liberal left Members of the U.S. Congress who had repeatedly dumped their vitriol on President Reagan as if he was supporting a terrorist group that was trying to implement a policy in Nicaragua that would lead not to democracy but to control of their government.

Well, don't let anyone tell you that bipartisanship won the Cold War. It did not. And from my point of view, and I saw it very firsthand, there was a lack of cooperation, an unwillingness to cooperate on the part of many liberal left Members of this body during the Cold War. And that's history. That's a long time ago. And it was not a shining moment for many congressional Democrats. And it is certainly not a great example, as many people say, of cooperation and bipartisanship during the Cold War.

Reagan's personal influence, however, enabled Congress and the executive branch to function even though there was a certain number of people here who were intent on obstructionism. Reagan respected disagreement, even if it was done in such a disruptive way. He respected the separation and the balance of powers at the heart of our Federal Government's structure and consulted often with Congress and had very significant changes of views with Members of Congress, even those liberal leftists who were trying to obstruct his policy. That same spirit from the top is, unfortunately, not evident in this administration.

The Cold War is history, yes, but currently, radical Islam has declared war on us. It is a threat that should strengthen our willingness to pull together and cooperate. Yet, the disdain and uncooperative nature of this administration towards Congress, including Republican Members, is so egregious that I can no longer assume that it is simply bureaucratic incompetence or some isolated mistake; rather, I have come to the sad conclusion that this administration is intentionally obstructing Congress' rightful and constitutional duties.

Tonight I will discuss some serious examples of this administration's contemptuous disregard for authority that was delegated to Congress by the Constitution. This bad attitude has consistently manifested itself in a sophomoric resentment toward Congress' constitutional role as an equal branch of government.

Ironically, Congress has proven itself far more willing to cooperate than what Ronald Reagan found in the Cold War. The executive branch, however, seems too insecure to let Congress do its job, and it is an executive branch that sees Congress, even when the Republicans held the majority, as a rival and a spoiler rather than as elected representatives of the American people, people who are playing a rightful role in establishing a policy for our great country.

Unfortunately, when the President of the United States rejects the legitimacy of congressional prerogatives, there are serious consequences. Tonight I will provide examples of how this administration, for the past 7 years, has undercut congressional investigations, had lied to Members of Congress, and has forged ahead with secret deals in spite of efforts and pleas by Congress to be informed, if not involved.

In the last Congress, I was chairman of the Oversight and Investigation Subcommittee of the House Foreign Affairs Committee. In that capacity, I learned that in the time immediately leading up to the bombing of the Federal building in Oklahoma City, convicted Oklahoma City bomber and murderer Terry Nichols had been in Cebu City in the Philippines. His stay in Cebu City coincided with another visitor, al Qaeda's terrorist leader Ramsey Yousef. Well, interestingly, both Nichols and Yousef used similar bombs and methods just 2 years apart to blow up two American targets. Yousef was the mastermind of the first attack on the World Trade Center in 1993. Fifteen years ago, 1993, the World Trade Center blew up. That was Ramsey Yousef who organized that attack.

□ 2015

Two years later Terry Nichols was a co-conspirator in the bombing of the Oklahoma City Federal Building. These two individuals, one an American, one an Arab, were responsible for planning two of the most lethal terrorist attacks in our country's history. We are to believe, however, that by coincidence they both ended up in an off-the-beaten-track city in the southern Philippines. Well, one doesn't have to be a conspiracy nut to understand that this coincidence is worth looking into.

The perfunctory investigation into this matter was not comprehensive. And, yes, there was a small investigation into this, but it left many questions unanswered. So I started a congressional inquiry to look at that investigation and to look into the issue myself. This inquiry was sanctioned by Henry Hyde, chairman of the International Relations Committee, and its purpose was to see whether Terry Nichols or his accomplice Timothy McVeigh had foreign help with their murderous bombing attack on the Alfred Murrah Federal Building in Oklahoma City in 1995. Again, in light of the fact that Terry Nichols and Ramzi Yousef were both in Cebu City, some off-the-beaten-track city in the Philippines, and they were there at the same time and they had both committed hauntingly similar terrorist attacks, it was no stretch for a congressional investigative committee to look into the matter.

However, the Bush administration felt quite differently. To those I had to deal with, it was case closed, don't bother us, the matter has been looked into, and Congress should simply and blindly accept the conclusions that there was no Nichols-Ramzi Yousef connection. ''Don't bother us'' was the attitude I confronted. This at times was bureaucratic laziness. At other times it was clearly based on a disdain for congressional investigations and authority.

During my investigation, I secured Ramzi Yousef's cell phone records. The cell phone calls he made were documented. These were calls that he made in New York City, in that area, just months before he bombed the World Trade Center. The phone records clearly show that Yousef had made at least two phone calls to a row house in Queens, New York, basically at a time leading up to the bombing. Significant to my inquiry, that row house that Yousef, the bomber of the World Trade Center, was calling was occupied by the cousin of Terry Nichols' Filipino wife. Let me repeat that: the terrorist bomber of the first World Trade Center attack, the nephew of al Qaeda's 9/11 mastermind, Khalid Sheik Mohammed, made phone calls to the same row house that was occupied by Terry Nichols' cousin-in-law just 2 months before Ramzi Yousef exploded his bomb in the garage of the World Trade Center. What another coincidence. Just another coincidence.

I gave this information to the Department of Justice that had never been thoroughly investigated, and since that time I have repeatedly sought their help to investigate this matter. Time after time my requests have gone unanswered or flatly denied.

I also asked the Department of Justice on numerous occasions to help me investigate the name Samir Khalil. Now, this name is on the list, Samir Khalil, of unindicted co-conspirators in the 1993 bombing of the World Trade Center. I found that name. That name was there. A lot of people had overlooked that name. Why is it important? Because that is also the name of an Iraqi man in Oklahoma City who, at the time of the Oklahoma City bombing, employed an immigrant who was ID'd by many witnesses as a possible accomplice to the bombing. He was a look-alike. He may have been the person. He may have been John Doe II. He looked like what everybody described as John Doe II. That man's employer was Samir Khalil, and that same name happens to be on a list of unindicted co-conspirators for the World Trade Center bombing.

Well, let's look at this for a moment. Numerous witnesses at the scene of the Oklahoma City bombing and the truck rental company that provided the truck for the bombing described an accomplice they say had accompanied bomber Tim McVeigh. An FBI sketch was made, and this unknown suspect was labeled ''John Doe II.'' You remember John Doe II. John Doe I was, of course, Timothy McVeigh. These witnesses described a man who, as I

say, looked very much like this employee of another Arab immigrant, Samir Khalil.

I have repeatedly asked the Department of Justice to tell me if the Samir Khalil on the unindicted co-conspirators list of the 1993 World Trade Center bombing is the same Samir Khalil who employed this man who was originally identified as John Doe II by a number of witnesses. The Justice Department's answer: it would be far too burdensome for us to try to find out if this is the same man.

Further, we asked for help in finding the Arab immigrant, the John Doe II look-alike, who was employed by Samir Khalil. The guy who may well have been in the bombing of the Oklahoma City bombing. We traced this man to Boston, but we had no support and no cooperation in finding this very possible terrorist or at least a terrorist suspect.

By the way, we now know that this same man who worked for Samir Khalil, the same guy who looked like John Doe II, once he went to Boston, and this has not been proven yet but it is possible and it may well be true that he was working at Boston's Logan Airport on 9/11 of 2001, the day that a plane took off from that airport and was hijacked and then crashed into the World Trade Center. I guess another weird coincidence to the Oklahoma City bombing.

If we don't want conspiracy theories to run wild, these types of things should be investigated. Instead, no follow-throughs, no interest, case is closed, don't bother us.

Both Samir Khalil and his Iraqi employee now reside at this moment in the United States. And now let's not forget that there were eye-witnesses who described an accomplice at Tim McVeigh's side at the time of the bombing and when he rented the truck that carried the bomb to the Federal building there in Oklahoma City. These are witnesses who saw somebody, and the FBI after a very short time simply declared John Doe II to be nonexistent. He never existed, and thus that means that no more investigation would be necessary even if a congressional investigator comes up with names that seem to match the Oklahoma City bombing and a list of unindicted co-conspirators for the first World Trade Center attack. No, that is not worthy of investigating even then because that would be too burdensome.

Well, if it is true, of course, and it's not being investigated, that means there are two terrorists. If this happens to be true, and we don't know it's not true because the Justice Department refuses to investigate and to help in our investigation, that means there are two terrorists out there who may still be active and, in fact, may have been active later on in other terrorist actions.

That is just a small taste of the deplorable lack of cooperation for a legitimate congressional investigation. And this, by and large, was a time when Republicans controlled the House. And it was no fluke, this lack of cooperation. I didn't happen to snag an uncooperative Federal employee. No, this was the level of noncooperation Congress now has learned to expect.

And, yes, let me acknowledge that Departments and agencies have limited resources. So maybe they have other uses, better uses, for their time of their investigators. I understand that. I can hear that. I can listen with a sympathetic ear. They probably want to use the time of their investigators to follow up on their own leads and their own cases rather than following up on leads provided by Members of Congress.

Well, I could buy that excuse except for the fact that there has been a total lack of cooperation that goes way beyond just not using their resources, committing scarce resources. Even when it costs no time and no resources, the administration has stonewalled my every effort to look into these so-called ''coincidences.''

For the past year, for example, I have repeatedly requested an interview with imprisoned terrorist Ramzi Yousef. This would have taken no time. It would have required no new resources to be committed from the executive branch, or it wouldn't use the time of any Federal employee. This request was well within my committee jurisdiction and didn't cost the executive branch any time or effort or money. And as ranking member of an investigative subcommittee on the House Foreign Affairs Committee, I certainly had the right and, yes, my committee has the jurisdiction to make such inquiries and to look into such issues.

This request that I made just to interview Ramzi Yousef, who is in prison, this request has been supported by the chairman of the investigative subcommittee on which I serve, that is, the chairman of the investigative subcommittee of the Foreign Affairs Committee, Mr. DELAHUNT; the chairman of the Judiciary Committee; the chairman of the Intelligence Committee. All of them are backing this request. This is a bipartisan request that DANA ROHRABACHER, who has been looking into this issue, who has an official investigation, who is part of an official investigative subcommittee, is being denied a simple request to interview a Federal prisoner.

Such attention by Congress should be welcomed by the administration. The legislative branch should be able to help bring new information to light. We can actually, if we look into these things, lay to rest some conspiracy theories that have no validity. We can help inform the public.

Nevertheless, the Department of Justice, consistent with its treatment of congressional inquiries mainly during the tenure of this President, has dismissed our request, this valid request. It has treated the request with what I can only describe as contempt and condescension. The point is, unfortunately, that this rejectionist attitude is typical of this administration, not just for Democrats but for Republicans alike.

So why should this administration obstruct congressional inquiries such as this? Remember, Ramzi Yousef was the mastermind of several devastating terrorist plots against America. He led the first murderous attacks on the World Trade Center in 1993. And after fleeing to the Philippines after that explosion, he and two other terrorists plotted to kill thousands of Americans by blowing up 12 commercial airliners over the Pacific. This was known as the Bojinka Plot. It was within 2 weeks of being executed when it was discovered and thwarted by the Philippine police.

Now, interestingly, the terrorist operation that we're talking about, the Bojinka Plot, the blowing up of these airliners, was to take place about the same time as the Oklahoma City Federal Building was to be bombed. Perhaps it was to be happening on the same day, but we don't know, of course, because we're stonewalled and blocked from looking into this. Perhaps we should know if the Bojinka Plot was originally scheduled to happen on the same day that the Federal building was blown up in Oklahoma City.

In fact, when Philippine police arrested Ramzi Yousef's right-hand man at the makeshift bomb factory in the Philippines, Yousef fled the Philippines immediately, left the country. But he wasn't the only one to flee the country once that bomb-making factory had been captured by the Philippine police. The very next morning after it was learned that that bomb factory had been broken into and people had been arrested there by the Philippine police, Terry Nichols, who was down in Cebu City in the southern Philippines, cut short his scheduled visit to the Philippines and took the first available flight out of the country. This after just a day or two after he had extended his passport with the explanation that he wanted to stay a few more weeks in the Philippines.

□ 2030

Yousef has been a Federal prisoner for over a decade. He is a prisoner with a unique understanding of al Qaeda terrorist structure. He is the nephew of Khalid Sheikh Mohammed, the mastermind of 9/11.

In 2006, when I was chairman of the Oversight Investigation Subcommittee, 2006, I was investigating Yousef's moments and activities not only in the

United States, but also in the Philippines. I even traveled to the Philippines to question the authorities who had captured Yousef's roommate and coconspirator in the Bojinka plot. In spite of the fact I was looking into Yousef's terrorist activities, and in spite of the fact that I had obtained new information about Yousef's phone calls and some of the people he was associating with while he was in the United States prior to the bombing of the World Trade Center, the first bombing, the Department of Justice still dismissed this effort, just dismisses it. More than that, they are obstructing a legitimate congressional investigation by refusing to permit this elected Member of Congress, who is a ranking member of a congressional investigative committee, to interview a Federal prisoner. They refuse access to Yousef, claiming there is an ''ongoing investigation''. I have been told by people in the Justice Department, people who had worked for the Justice Department in high levels, that this is nothing more than a vehicle, without any justification, for turning down any requests made by a Member of Congress.

The arrogance of this ongoing investigation answer has to be understood. As I say, I was told by a high level Justice Department official that this was just the standard tactic to dismiss a Member of Congress, even though there was no validity and there was no even looking into whether or not there really was an investigation. It was without substance; a phrase that is used simply to turn down Members of Congress and to shut the door on inquiry.

Let me note, an ongoing investigation. They expect us to believe that? This prisoner has been in jail for over ten years. More likely what we have here is an ongoing coverup. Not an ongoing investigation, an ongoing coverup. It is outrageous and, unfortunately, it is not atypical of this administration.

By accepting this behavior, or perhaps, more accurately, acquiescing to it, we Republicans are permitting this administration to set a terrible precedent. Doesn't Congress have the right to talk to Federal prisoners? Is that the rules of engagement that we want to lay down and accept for our government? That is apparently what the Bush administration is trying to establish as the executive branch's rightful authority to deny congressional investigators access to Federal prisoners.

What happens when a Democrat President engages in such stonewalling and obstructionism of congressional oversight? My fellow Republicans need to take this very seriously. This is an issue that goes way beyond Republicans and Democrats. This is a matter of the legitimate congressional oversight authority and whether or not we are going to permit this administration to basically undermine an important element of our right of oversight, and that is to go to Federal prisoners and to interview them ourselves to try to find information about what is going on in the Federal Government.

Again, the attitude in its treatment of a legitimate request by a congressional oversight committee is not an aberration. It is not nonrepresentative of the way this administration has exercised its authority. It is actually representative of the way they have handled themselves.

This request was first made and denied when Republicans controlled Congress, and I was then the chairman of the Investigative Subcommittee. The Congress now has a Democrat majority. In my position as ranking member of the International Organizations Human Rights and Oversight Subcommittee of the House Foreign Affairs Committee, I have seen this time and again.

Our current subcommittee chairman, now that the Democrats have taken control of the House, is Congressman BILL DELAHUNT from Massachusetts. He read in the paper that our President is negotiating a secret agreement with the Iraqi Prime Minister that will govern the future relationship of our countries. Let me say that again. The chairman of the Oversight Subcommittee of the House Foreign Affairs Committee is getting his information about a hugely important bilateral security agreement from the newspaper.

So, Chairman DELAHUNT rightfully decided to conduct a hearing and find out as much as he could about the agreement and invited the administration to testify before Congress. How did the administration respond? They ignored the request. So the hearing was held with private witnesses. Yes, the public has a right and an obligation to fully understand what commitments are being made by our President in our name. But the President and this administration did not feel compelled to come and tell us anything about those agreements.

In a democratic society, policy is made after having open dialog. This administration has had to have been dragged, kicking and screaming, into open dialog because this President was elected President. George Bush was elected President. Perhaps he thinks he was elected king.

In another attempt last month, our subcommittee held another hearing on this Iraqi security agreement and again we invited an administration witness to come to the panel, and the response was silent. The subcommittee held another, a third hearing on the topic, and again the subcommittee invited a Member of Congress to tell us what is going on in these negotiations about an agreement, status of forces agreement, and other agreements, with the government of Iraq, which may or may not commit us to future military involvement in that country. Even our full committee chairman wrote letters asking the administration to participate, and all the requests to this administration by our committee were ignored, except in one instance Chairman DELAHUNT's subcommittee was told by a White House staffer, and this went to one of the committee staffers that were looking into this, that the administration was unwilling to participate because, ''There's nothing to talk about because we haven't put pen to paper.'' Haven't put pen to paper on this security agreement.

When confronted with the fact that the New York Times had written a story saying that a 17-page agreement was being passed around, that 17-page, and I might say, first draft of the agreement was being passed around, this same White House staffer backtracked and quibbled. This, Madam Speaker, is unacceptable. It's dishonest, and it is typical.

For an update, the stonewalling prevailed until a few weeks ago when Secretary of State Condoleezza Rice, a person who I dearly admire, testified at a hearing of the full International Relations Committee. When asked, she pledged, now she was asked directly by Chairman DELAHUNT, she pledged that in the future, witnesses dealing with the Iraqi agreement would be forthcoming.

Well, today our subcommittee held another hearing, and at long last, at long last, the administration sent two witnesses, one from the State Department and one from the Defense Department, to come and talk to us about the ongoing negotiations and the ongoing development of different plans, the status of forces agreements and such dealing with Iraq, agreements that might bind us in some way to future ties with Iraq, and we had a long and positive discussion. That should have happened a long time ago. But we had to force the administration, after months, after months, to have an open discussion of this issue. And it took Condoleezza Rice herself to overcome the bad attitude that was preventing that. So, thus, we have to assume that that bad attitude was coming from someone higher up than Condoleezza Rice.

Sadly, this administration's antipathy to the constitutional responsibilities of the legislative branch of government does not stop and end with the efforts of my Subcommittee on Investigations. In October of last year, 22 Members, 22 colleagues and I wrote a letter to the Acting Attorney General regarding former National Security Advisor Sandy Berger. In 2005, Sandy Berger pled guilty to mishandling and destruction of classified documents. He admitted to unlawfully removing and subsequently destroying classified documents from the National Archives. These documents dealt with the failure

of our intelligence agencies during the Clinton administration to prevent the horrendous attacks of 9/11.

As part of his plea deal, Mr. Berger agreed to take a lie detector test, which was to be given by the Department of Justice. This would verify what documents had been stolen by Mr. Berger. We are still waiting, Madam Speaker, for that lie detector test to be administered. We need to know what documents this man took from the Archives. It is important for us to know who is responsible for 9/11, what mistakes were being made, and what is being kept from the American people. As a senior member of the House Foreign Affairs Committee, I was and still am rightfully concerned that this lie detector test has not been given and we haven't verified what documents have been stolen.

Well, on October 10, I and, as I said, 22 of my colleagues sent a letter to the DOJ, the Department of Justice. We received a letter back on October 22. It acknowledged the DOJ's receipt of our inquiry, and it was signed with an illegible signature so we weren't able to find out who the heck was answering us. And we were given a tracking number so we could track further correspondence.

Well, in spite of the fact that we were treated with this insulting computer-generated response, as well as a tracking number, what we have here is an official inquiry by 23 Members of Congress, and we had hoped that in time our request would at least be answered by a responsible party at Justice. Well, we got our wish. On January 24, 2008, 94 days later, we received a response, a dismissive short letter that explained that the Department of Justice saw no reason to polygraph test Sandy Berger. No reason whatsoever.

Madam Speaker, I have been a Member of Congress now for over 19 years, and I have never seen such a pattern of blatant disregard and outright disdain for Members of Congress. If Sandy Berger is not to be polygraphed to verify what documents he stole from the Archives, we need to know why such verification is not being done. We don't need to be dismissed with short letters and form letters. Twenty-three Members of Congress made a request, a legitimate request, and this administration thumbed its nose at these Members of Congress, and thus was thumbing its nose at congressional oversight and our congressional prerogatives as elected representatives of the people. This administration wouldn't even give a respectable answer to a rightful inquiry of Members of Congress.

Of course, on the other hand, the President thinks he has a right to make demands on us. In his State of the Union address, Mr. Bush demanded that Members of Congress must act on certain issues, we must do as he wishes, we must pass legislation that is necessary. Yes, we must do things; yet, when 23 Members of Congress, most of his own party, write to his Justice Department a serious letter of inquiry about a national security issue or we make a request to see a Federal prisoner, we get a computer-generated letter, or just a disdainful, contemptuous turndown.

By the way, one of the responses I received, obviously looking into this, all of them, not just one but all of them were basically, one was an old letter, a copy of an old letter that had been sent to another Congressman. This bad attitude that I am detailing is pervasive.

The handling of a proposed totalization agreement with Mexico is yet another example of the type of bad attitude and secrecy of this administration. The totalization agreements with Mexico have to be looked at very closely. Totalization agreements in and of themselves can serve a useful function. Large corporations in both the United States and elsewhere, in Europe, for example, assign personnel to work overseas, and during these years when these employees are overseas, they are double taxed. They pay both Social Security and the equivalent tax in their native countries.

So allowing the Social Security Administration and foreign agencies to give credit to one another towards their retirement systems makes sense when it involves a limited number of persons working legally and temporarily in another country.

□ 2045

So the concept is not itself alarming. However, this is not the case with illegal immigrants.

We have 20 million people living and working illegally in the United States, with Mexicans by far making up the largest chunk of this illegal immigrant population. This is not a limited number of Swedes or Japanese executives who will work here for several years and then go home. We are talking about millions and millions of people who can make or break our Social Security system if this issue is not handled responsibly.

Knowing the volatility of both the Social Security and illegal immigration issues, the totalization negotiations with Mexico have been kept strictly under wraps. Remember, these negotiations started in 2002. That is when Republicans controlled Congress. One would think that a Republican administration would at the very least advise Congress, perhaps a status report, concerning such significant diplomatic efforts as the totalization negotiations with Mexico. Well, Congress did not know the details about this negotiation until it hit the press.

Now, I just detailed for you a few moments ago how the President of the United States and this administration is keeping things from this Congress, tried its very best not to send witnesses to help discuss a grievance that is being made with the Government of Iraq. Well, that is not new. What I am telling you now is that it also manifested that very same lack of openness and secretiveness in these talks with Mexico over a totalization agreement.

And it wasn't just secrecy. Worse, the press releases about the negotiations that were going on were misleading, and it appears that Congress was being misled as to exactly what it was the administration was agreeing to concerning Social Security benefits for Mexican nationals who are working illegally in the United States.

This issue is of the utmost concern to my constituents, who are suffering from the uncontrolled flood of illegals pouring into our country. In California, our schools, our health care system, our criminal justice system all are at the breaking point. All we need is to attract millions more illegals into our country by giving them access to our Social Security system.

I have in fact proposed legislation to ensure that no work done while someone is in this country illegally should count toward a Social Security benefit. That is not what President Bush believes, however. In the totalization agreement negotiations, the Bush administration agreed that illegal aliens from Mexico will be eligible for the same treatment under Social Security as U.S. citizens, without ever becoming a legal resident or citizen of our country.

It took a long, drawn-out battle in the form of a Freedom of Information lawsuit to get the details of this agreement from this administration. Again, another example of secrecy, of deceit. Again, the administration was stonewalling and concealing information from the American people and from Congress, information Congress and the American people had a right to know.

Please remember, the danger from this agreement has not passed. While due to public outrage it has been put on the back burner, our President at any time can still submit this agreement to Congress, and he just might do it, just to show us who is boss.

Now, what I am describing is a pattern of arrogance and contempt that is especially true not just with Social Security, but with the broader issues related to illegal immigration and with issues dealing with Mexico. The tragic case of wrongly imprisoned Border Patrol agents Ignacio Ramos and Jose Compean exemplifies the worst aspects of this attitude and this problem, and it will forever leave a black mark on this administration.

President Bush has himself made decisions that directly led to this ongoing travesty, which sees these two Border Patrol agents languishing in solitary confinement. They could have

been sent to a minimum security prison, but the decision was made at the highest levels, no, that would mean they would be treated differently than other prisoners.

Of course, they are law enforcement officers. At a medium security prison, their lives are in danger, but they are not permitted, and this was made probably in the White House, they couldn't go to a minimum security prison. They would have to it stay in a medium security prison. One of them was attacked, as was very predictable, and beaten half to death, and now they have been sent to solitary confinement, a punishment that usually goes to horrible criminals and to terrorists. Even the terrorists in Guantanamo aren't treated like this.

But yet Ramos and Compean, two men with perfect records, whose crime was they discharged their weapon at a fleeing suspect who they had interdicted while trying to put $1 million worth of drugs in this country, and they didn't report it right, which should have meant a reprimand, instead, the book was thrown at them. And not only was the book thrown at them, once they were in prison, the administration decided they would not be able to go to minimum security prison, which has led directly to the fact that they are languishing in solitary confinement and have been in solitary confinement almost a year. This is a disgrace. It is a horrendous, horrendous disgrace.

In this clearly questionable case, President Bush deliberately dug in his heels to protect his good friend and young protégé, prosecutor U.S. Attorney Johnny Sutton. Rather than entertain the probability that a tangible injustice was in progress and to instruct the Justice Department and the Department of Homeland Security to cooperate so that Congress could get to the bottom of this nightmare, this President has thumbed his nose at congressional concerns and initiated a policy of obstruction and denial in our efforts to get to the bottom of the Ramos and Compean case.

Let's note here that Members of Congress have pleaded with President Bush personally on this issue. We in the House even voted to take money for Ramos and Compean's imprisonment out of the DOJ budget. Not only will President Bush not entertain the possibility that an injustice is being done, his administration has obstructed congressional inquiries and lied, let me repeat that, has lied to Congress on this matter.

Since the Ramos and Compean case was brought to my attention in September of 2006, I have written over a dozen letters to this administration requesting various documents regarding the harsh, harsh prosecution of Ramos and Compean. I have been joined by several Members of Congress in this effort, in fact, many Members of Congress. In fact, a majority of Members of Congress have expressed themselves in the Ramos and Compean case, expecting that this travesty would not be permitted to go on.

Some of the Members who are most active have been Congressmen POE, CULBERSON and MCCAUL. These three Members from Texas, in fact they are all former lawyers, prosecutors or judges themselves, attended a briefing about the Ramos and Compean prosecution conducted by the Department of Homeland Security Inspector General's Office on September 26, 2006.

At that briefing, serious questions were raised by these Members about the fundamental justification for the prosecution of Ramos and Compean. The President and his lapdog prosecutors would like us to believe that they had no discretion. But the actual charges being brought against Ramos and Compean were totally at the discretion of the prosecutors.

What were the grounds for charging these men with crimes like attempted murder? Here is a drug dealer that they had just been in a physical altercation with who was escaping the scene of a crime, and they are charged with attempted murder for discharging their weapons at this fleeing suspect?

Assault with a deadly weapon, the unlawful discharge of a firearm during a crime of violence and a civil rights violation. These charges have put Ramos and Compean in prison for a minimum of 11 years. These were the charges that were made, and the jury was not permitted to hear all of the evidence, and they were convicted.

But what they were charged with was totally at the discretion of the prosecution. Did this fit the crime? Two men with a perfect record, two men who had an unblemished record. One of them, one of them, Officer Compean, it might have been Officer Ramos, but was up to be Border Patrol Agent of the Month. He was nominated for that the month that this incident took place.

They had nothing on their record that showed any misuse of firearms. Yet they did not report the incident correctly. They had wounded a fleeing suspect, although they didn't know they had wounded him. And who was the suspect? He was someone who they had who was a drug dealer, an illegal alien drug dealer who was smuggling $1 million worth of drugs into our country and was now escaping the scene of his crime after assaulting a police officer who had intercepted him. This, again, was not someone who was out having a picnic; not some person they discharged their weapons and shot who was an illegal alien just trying to cross the border. This was a drug dealer who was trying to bring $1 million worth of drugs into the country. And although these laws were never intended by Congress to be applied to law enforcement officers, who have to carry a gun and have to make split-second decisions, the gun law mandatory prison sentence was applied to these police officers, these law enforcement officers.

So, remember, we send a message not only to all the Border Patrol agents, but to law enforcement all around the country, that if in the middle of an altercation they discharge their weapon because they think their life is in danger, they may end up in prison, maybe even in solitary confinement.

Again, this is a travesty. The prosecutors knew that charging law enforcement officers in situations like this was not the intent of Congress, but they threw the book at the agents anyway. The charges made against Ramos and Compean, again, they require a 10-year mandatory imprisonment. Filing those charges was totally at the discretion of the prosecutors. They went ahead anyway.

President Bush has supported these prosecutors and backed them up in this grotesquely wrong decision. He has backed them up even when they have crossed the line of both legality and propriety. Let me repeat that. President Bush has backed up his prosecutors even when they have crossed the line of legality and propriety.

When Congressmen POE, CULBERSON and MCCAUL in their official briefing asked why the most serious charges that could be leveled at the Border Patrol agents were initiated by the prosecutors and why the prosecutors took the word of the drug smuggler that he had no weapon, and by the way, the Border Patrol agents said that they thought he had a weapon, of course, the drug smuggler, who got away, claimed he didn't have a weapon, the prosecutors took the word of the drug smuggler.

This was asked: Why would the prosecutors take the word of the drug smuggler over the word of two law enforcement officers? The Department of Homeland Security officials who were briefing the Congressmen said and proclaimed that this was a legitimate and righteous prosecution. These were, according to the Department of Homeland Security briefers, rogue cops. Remember, Ramos and Compean, clean records, and they are called rogue cops. In fact Johnny Sutton later went out and charged that they were corrupt cops. And as soon as he was, of course, brought to task, they said what corruption were they charged with, he had to backtrack on that, after he had already tried to smear these two guys in public.

Yes, they were labeled as rogue cops. And the Congressmen being briefed were told that these guys had actually confessed. Ramos and Compean confessed that they knew the drug smuggler was unarmed and that the agents didn't feel threatened.

Now, tell me, does that make sense? The agents are just going to say, Oh

yeah, we shot at him, but we knew he didn't even have a gun and we didn't even feel threatened. Is that what the Department of Homeland Security was telling these three Members of Congress, all three of whom had been prosecutors or judges?

Of course, the biggest lie of all came out at this point when the Department of Homeland Security briefers insisted that Ramos and Compean had told their fellow officers the day of the incident that they wanted to go out and shoot a Mexican. That charge raised eyebrows. Certainly, how could anyone believe that? Ignacio Ramos and Jose Compean are themselves Mexican Americans, married to Mexican American wives with Mexican American children. Sure, they just wanted to go out and intentionally shoot some Mexicans. Sure they did. This is what Members of Congress were told at an official briefing.

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It takes a lot of chutzpa to give that kind of lie to Members of Congress. Asking for proof, the three Congressmen being briefed were told the charges were documented in the reports of the investigative officers. The Department of Homeland Security promised to provide these reports as proof that Ramos and Compean actually intended to go out that day and kill a Mexican.

The proof, of course, never came. The Congressmen kept asking. The calls weren't returned. It is called stonewalling. The DHS stonewalled for 5 months.

Members asked for copies of the completed report of investigation, which should have backed up these alleged facts that were being told to the Members of Congress during their September 26 briefing. Months passed, and nothing from the Department of Homeland Security. After several letters and public pressure, the Department of Homeland Security finally releases a redacted version of the official report in February 2007. Surprise, surprise, the alleged confessions by Ramos and Compean were not to be found. The documentation for the charge that they had brazenly proclaimed their intent to kill a Mexican was not there. How could this be?

The Department of Homeland Security officials had assured Members that it was a solid prosecution and they were guilty, that they wanted to shoot a Mexican. But these were flat out lies told to Members of Congress.

During a DHS Subcommittee hearing on February 6, 2007, DHS Inspector General Richard Skinner was questioned by Congressman CULBERSON about this issue. Under oath, Mr. Skinner acknowledged the information given to the Texas Congressman was in fact false, but smugly justified this blatant and willful lying by calling it ''a mischaracterization, unfortunately repeated at the briefing.'' No, Mr. Skinner, it wasn't a mischaracterization. It was a lie, no matter how colorful the euphemism. Ollie North was prosecuted for far less an egregious act. Ollie had given some misinformation to congressional staffers who were not even part of an official briefing to Congress.

To this day, absolutely nothing has been done about this crime, the crime of lying to Congress. Administration officials deliberately misled Members of Congress in order to discourage them from pursuing the Ramos and Compean case, and no one has been held accountable for it.

U.S. Attorney Johnny Sutton himself was publicly labeling these two brave men who risked their lives for us as corrupt. Johnny Sutton lives behind a gated community. Johnny Sutton, who has no track record of experience and service to his country as these two men who put their lives on the line for us every day, yet Sutton dishonestly claimed them to be corrupt. He also felt compelled to expose one of the men who had a family altercation a few years before that had nothing to do with his job; yet Mr. Sutton had to expose that family altercation of one of these, Ramos and Compean, to the public.

Well, Ramos and Compean is a case that stank from day one, and that stench is coming straight from the White House. The President, instead of looking into this matter, has dug in his heels, permitting his appointees to slander these two agents.

I would suggest that what we see in Ramos and Compean and the other issues that I brought up tonight demonstrate a pattern that is unacceptable. The American people should understand the attitude that is going on here in Washington. We should look closely, and we should demand a higher standard from this administration.

Even worse, the President has personally made decisions that have resulted in these two agents languishing in solitary confinement. Again, to say this is a mean-spirited vindictive prosecutor is to put it mildly. Importantly, President Bush is backing this malicious and unjustified prosecution to the hilt.

This case demonstrates why hearings are an integral part of the checks and balances system. It is in this venue that the Executive Branch is held accountable for their actions, under oath. It was only when an Administration official was under oath that the lies about Ramos and Compean were admitted. But this Administration has decided to thumb its nose at that obligation to make its case under oath at a public hearing.

Chairman WILLIAM DELAHUNT graciously approved my request to hold hearings on the Ramos and Compean case. In doing so, an official Subcommittee investigation into the case in preparation for the hearing was authorized.

During the course of this investigation, the resistance from the Departments of Justice, Homeland Security and State was consistent with the arrogance and obfuscation that flows through this Administration from the top down. Our hearing had to be postponed for months because of the Administration's refusal to provide requested documents or to send the necessary witnesses to testify before the Subcommittee, citing the Committee did not have proper jurisdiction. Therefore, U.S. Attorney Johnny Sutton, DHS Inspector General Richard Skinner or any of his investigators refused to appear. That decision was, clearly, made in the White House.

Our government provided a flawed immunity agreement, free health care, and unconditional border crossing cards to an illegal alien criminal in exchange for testimony that sent border patrol agents Ramos and Compean to prison.

Our government kept secrets from the jury that the drug dealer intercepted by Ramos and Compean had hauled another shipment of drugs across our border, this, while on a government issued border cross pass. Clearly, this is well within the jurisdiction of an oversight committee responsible for overseeing relations with other countries, including Mexico, including international drug smuggling. Clearly, the public has a right to know about these things. This Administration apparently believes there is no obligation to answer questions in public and under oath about actions and policies of the Administration. It's a travesty.

How bad is it? In preparation for the Ramos and Compean hearing, we made request after request, countless phone calls and even a FOIA lawsuit by the watchdog group, Judicial Watch, and the Administration still refused to release copies of the border crossing cards issued to the drug smuggler in this case, claiming the smuggler is protected under the ''Privacy Act.'' I was instructed by the Justice Department to obtain a privacy waiver in order for that information to be released. A privacy waiver from an illegal alien criminal? This absurd contention is just another example of a condescending and dismissive attitude. Such obstructionism, however, is the rule, not the exception with this Administration.

By the way, due only to a bureaucratic fluke we finally obtained those border crossing cards. Our repeated requests for documents were taken so nonchalantly that I actually received an official response letter from the Department of Justice, dated March 16, 2007, addressed to ''Congresswoman ROHRABACHER.'' That was just one of several insulting form letters sent in response to Member letters regarding the Ramos and Compean case.

Plea after plea from Members of Congress, for the President to intervene on behalf of Ramos and Compean by either pardoning or commuting their sentences, have been ignored. Last year, I personally reached out to the President to take the pressure and confrontation out of this issue. I suggested that the President direct the Justice Department to request that Ramos and Compean be permitted to remain free on bond, pending their appeal. Even common criminals get that kind of leeway. What was the response? A White House press release was issued the next day, proclaiming that the Administration opposed letting Ramos and Compean out pending appeal and that no special consideration would

be granted to anyone, much less these two border patrol agents, sounds righteous—a position of not making any exceptions. Except, of course, for the fact that a short time later, White House aide Scooter Libby, had his sentence commuted by the President in a heartbeat. For the record, I believe it was proper to commute Scooter Libby's sentence. He got a raw deal. Unfortunately, this incident suggests that only the members of the President's clique gets such consideration. Of course, in the meantime, the President has pardoned or commuted the sentences of dozens of convicted criminals, including drug dealers.

It is truly with a heavy heart Mr. Speaker, that I stand here reciting example after example of the maliciousness and condescending attitude exhibited by this Administration. It is a problem flowing from the top.

When I hear my friends on the other side of the aisle accusing this Administration of stonewalling, of cover-ups, or of thwarting investigations, I sadly must concur with them. This White House exemplifies needless hostility, turf jealousy and obstructionism. The American people should know it, and should know that this charge comes not from a partisan Democrat, but from a lifetime conservative Republican.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. HOYER) for today.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today.

Mr. CONYERS (at the request of Mr. HOYER) for today.

Ms. WOOLSEY (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and the balance of the week on account of constituent obligations.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today and the balance of the week on account of a family medical emergency.

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of official business.

Mr. KELLER of Florida (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of his daughter, Kate Elizabeth Keller, born on March 3, 2008.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of flight delays due to inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MAHONEY of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, March 10 and 11.

Mr. FRANKS of Arizona, for 5 minutes, March 6 and 10.

Mr. BURTON of Indiana, for 5 minutes, today, March 5 and 6.

Mr. TIAHRT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today, March 5, 6, 10 and 11.

Mr. GARRETT of New Jersey, for 5 minutes, March 6.

Mr. MORAN of Kansas, for 5 minutes, March 5.

Mr. BURGESS, for 5 minutes, March 6.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 5, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5602. A letter from the Chief, Policy Division, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Wireless E911 Location Accuracy Requirements Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling 911 Requirements for IP-Enabled Service Providers [PS Docket No. 07-114 CC Docket No. 94-102 WC Docket No. 05-196] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5603. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-292, ''Commission on Fashion Arts and Events Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5604. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-313, ''Emergency Medical Services Improvement Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5605. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-312, ''Evictions with Dignity Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5606. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-293, ''Park East Assistance Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5607. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-294, ''Choice in Drug Treatment Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5608. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-310, ''New Convention Center Hotel Omnibus Financing and Development Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5609. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-295, ''Burned Fire Fighter Relief Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-311, ''Uniform Anatomical Gift Revision Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5611. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery and Shrimp Fishery of the Gulf of Mexico; Amendment 27/14 [Docket No. 0612243157-7799-07] (RIN: 0648-AT87) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5612. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Chafee National Youth in Transition Database (RIN: 0970-AC21) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5613. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.1361: Special Rule for Bank Required to Change from the Reserve Method of Accounting on Becoming an S Corporation (Rev. Proc. 2008-18) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1424. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans; with an amendment (Rept. 110–374 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 1084. A bill to amend the Foreign

Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes; with an amendment (Rept. 110–537). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 1014. Resolution providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans (Rept. 110–538). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 1015. Resolution providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws (Rept. 110–539). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. BARROW):

H.R. 5522. A bill to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; to the Committee on Education and Labor.

By Mr. MCDERMOTT:

H.R. 5523. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling; to the Committee on Ways and Means.

By Mr. YARMUTH (for himself, Mrs. BIGGERT, Mr. GRIJALVA, Mr. HINOJOSA, Mr. COHEN, Ms. BERKLEY, Mr. CHANDLER, Ms. ROYBAL-ALLARD, Mr. HOLT, Ms. SCHAKOWSKY, Ms. BORDALLO, and Mr. DAVIS of Illinois):

H.R. 5524. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FILNER:

H.R. 5525. A bill to amend the Small Business Act to improve the National Veterans Business Development Corporation; to the Committee on Small Business.

By Mr. FORTUÑO (for himself and Mr. SERRANO):

H.R. 5526. A bill to direct the Secretary of Veterans Affairs to establish the Task Force on Medical Facility Improvements in Puerto Rico, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself, Mr. HALL of New York, Mr. SESTAK, and Mrs. GILLIBRAND):

H.R. 5527. A bill to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LYNCH (for himself, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. DELAHUNT, Mr. MCGOVERN, Mr. TIERNEY, Mr. CAPUANO, and Ms. TSONGAS):

H.R. 5528. A bill to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. DOGGETT, Mr. HONDA, Mr. BLUMENAUER, Mr. HALL of New York, Mr. TERRY, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Mr. BOSWELL, Ms. SHEA-PORTER, and Mr. HODES):

H.R. 5529. A bill to direct the President to seek to establish an international renewable energy agency to expand the availability and generating capacity of renewable energy to markets around the world in order to increase economic opportunity, drive technological innovation, enhance regional and global security, raise living standards, and reduce global warming pollution; to the Committee on Foreign Affairs.

By Mr. PALLONE (for himself, Mr. FILNER, Mr. HONDA, and Mr. GRIJALVA):

H.R. 5530. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. CANTOR, Mr. LATOURETTE, and Mr. CANNON):

H. Con. Res. 306. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. BRADY of Pennsylvania:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers; to the Committee on House Administration.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, and Mr. WOLF):

H. Con. Res. 308. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, and Mr. WOLF):

H. Con. Res. 309. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. MOORE of Wisconsin (for herself, Ms. BALDWIN, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CLAY, Mr. CLYBURN, Mr. COHEN, Mr. COURTNEY, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. KAGEN, Ms. KILPATRICK, Mr. KIND, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. OBEY, Mr. RUPPERSBERGER, Mr. SALAZAR, Ms. HERSETH SANDLIN, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIRES, Ms. SUTTON, Mr. TOWNS, and Mr. WU):

H. Res. 1013. A resolution expressing the sense of Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance; to the Committee on Education and Labor.

By Mr. FEENEY (for himself, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. TANCREDO, Mr. WALBERG, Mr. DREIER, Mr. ROHRABACHER, Mr. MCHENRY, Mr. RADANOVICH, Mr. BARTLETT of Maryland, Mr. LAMBORN, Mr. ENGLISH of Pennsylvania, Mr. TIAHRT, Mr. DUNCAN, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. AKIN, Mr. GOHMERT, Mr. SMITH of Texas, Mr. KING of New York, Mr. SENSENBRENNER, Mr. SALI, Mr. REYNOLDS, Ms. FOXX, Mr. WELLER, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. GARRETT of New Jersey, Mr. HUNTER, Mr. BARTON of Texas, Mr. COLE of Oklahoma, Mr. ROYCE, Mr. DOOLITTLE, Mr. BROUN of Georgia, Mr. MORAN of Kansas, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. SHAYS, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. SESSIONS, Mr. GINGREY, Mrs. SCHMIDT, Ms. PRYCE of Ohio, Mr. CANNON, Mrs. EMERSON, Mr. HENSARLING, Mr. CARTER, Mr. POE, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. MACK, Mr. CAMPBELL of California, Mr. ISSA, Mr. FRANKS of Arizona, Mr. PETRI, Mr. BURGESS, Mr. FOSSELLA, Mr. PUTNAM, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. LUCAS, Mr. WOLF, Mr. MCCAUL of Texas, Mr. CULBERSON, Mr. BLUNT, Mr. FORTENBERRY, Mr. BOEHNER, Mr. CHABOT, Mrs. CAPITO, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. HALL of Texas, Mr. SOUDER, Mr. PENCE, Mr. PRICE of Georgia, and Mr. BACHUS):

H. Res. 1016. A resolution expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr; to the Committee on Oversight and Government Reform.

By Mrs. GILLIBRAND (for herself and Mr. MCCAUL of Texas):

H. Res. 1017. A resolution expressing support for designation of the week before Thanksgiving as ''Global Entrepreneurship Week'' to inspire young people everywhere to embrace innovation, imagination, and creativity and to train the next generation of entrepreneurial leaders; to the Committee on Oversight and Government Reform.

By Mr. HILL (for himself, Mr. WAMP, Mr. BOYD of Florida, Mr. MOORE of Kansas, Mr. MATHESON, Mr. DONNELLY, Mr. MELANCON, Mr. MAHONEY of Florida, Mr. SULLIVAN, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. SMITH of New Jersey, and Mr. GOODE):

H. Res. 1018. A resolution amending the Rules of the House of Representatives to establish the House Ethics Commission; to the Committee on Rules.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. WOOLSEY, and Mr. GRIJALVA):

H. Res. 1019. A resolution expressing the sense of the House of Representatives that the current economic slowdown in the United States is directly related to the enormous costs of the ongoing occupation of Iraq, consigning the United States to what can only be called the Iraq recession, and for other purposes; to the Committee on Armed Services.

By Mr. WELCH of Vermont (for himself, Mr. HIGGINS, Mr. TIAHRT, and Mr. WALBERG):

H. Res. 1020. A resolution recognizing the tremendous service that members of the Armed Forces have given to the Nation, especially those who have been wounded in combat; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Mr. RUSH, Mrs. CAPPS, Mrs. MALONEY of New York, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CASTOR, Ms. BALDWIN, Ms. HOOLEY, Mrs. JONES of Ohio, Ms. KILPATRICK, Mrs. DAVIS of California, Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. SCHIFF, Mrs. MCCARTHY of New York, Ms. BERKLEY, Ms. MATSUI, Ms. SCHAKOWSKY, Ms. HARMAN, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCMORRIS RODGERS, Ms. HERSETH SANDLIN, Ms. LEE, Ms. WATERS, Mr. PETERSON of Minnesota, Mr. SERRANO, and Mr. TOWNS):

H. Res. 1021. A resolution supporting the goals, ideals, and history of National Women's History Month; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 193: Mr. LAMPSON.
H.R. 351: Ms. CORRINE BROWN of Florida.
H.R. 371: Ms. SCHAKOWSKY.
H.R. 402: Mr. FEENEY.
H.R. 462: Mr. TIM MURPHY of Pennsylvania.
H.R. 552: Mr. SIRES, Mr. WOLF, Mr. MARKEY, Ms. HIRONO, Mr. HALL of New York, Mr. PAYNE, and Mr. ANDREWS.
H.R. 661: Mr. LIPINSKI.
H.R. 688: Mr. SESSIONS, Mr. BUTTERFIELD, Mr. SIRES, Mr. WALZ of Minnesota, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. WAMP, and Mr. DUNCAN.
H.R. 706: Mr. FALEOMAVAEGA, Mr. GONZALEZ, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. GENE GREEN of Texas.
H.R. 724: Mr. FEENEY.
H.R. 725: Mr. LAMBORN.
H.R. 734: Mr. LIPINSKI.
H.R. 748: Ms. SCHWARTZ.
H.R. 876: Mr. UDALL of Colorado.
H.R. 943: Mr. JOHNSON of Illinois.
H.R. 992: Mrs. LOWEY.
H.R. 1014: Mr. CUELLAR, Mr. MCINTYRE, and Mr. HALL of Texas.
H.R. 1032: Mr. GENE GREEN of Texas, Ms. FALLIN, Mr. ELLISON, and Ms. HARMAN.
H.R. 1043: Mr. DOYLE.
H.R. 1078: Mrs. WILSON of New Mexico.
H.R. 1095: Mr. SOUDER.
H.R. 1108: Mr. BILBRAY.
H.R. 1110: Mr. ELLISON.
H.R. 1148: Ms. DEGETTE.
H.R. 1188: Mr. SMITH of New Jersey, Mrs. MALONEY of New York, Mr. ETHERIDGE, and Mr. BOOZMAN.
H.R. 1198: Mr. MCGOVERN and Mr. REYNOLDS.
H.R. 1222: Mr. BLUMENAUER and Mr. MCKEON.
H.R. 1228: Mr. PICKERING, Mr. MAHONEY of Florida, Mr. CARNAHAN, Mrs. DAVIS of California, Mr. BRALEY of Iowa, Mr. COURTNEY, Mr. PERLMUTTER, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. EMANUEL, Mr. YARMUTH, Mr. SNYDER, Mr. ELLISON, and Mr. LARSON of Connecticut.
H.R. 1237: Mr. BRADY of Pennsylvania, Mr. MCINTYRE, Mr. WELCH of Vermont, Mr. SHADEGG, Mr. BUCHANAN, and Mrs. CHRISTENSEN.
H.R. 1256: Mr. DAVIS of Virginia and Mr. FILNER.
H.R. 1304: Ms. FOXX.
H.R. 1363: Mr. CARNEY, Mr. YARMUTH, and Mr. GUTIERREZ.
H.R. 1418: Mr. EMANUEL.
H.R. 1424: Mr. SMITH of Texas.
H.R. 1436: Mr. ROTHMAN.
H.R. 1439: Mrs. BONO MACK.
H.R. 1514: Ms. WASSERMAN SCHULTZ.
H.R. 1524: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1554: Mr. CARNEY.
H.R. 1576: Mr. RODRIGUEZ and Mr. THORNBERRY.
H.R. 1596: Mr. WITTMAN of Virginia.
H.R. 1621: Mr. TIM MURPHY of Pennsylvania.
H.R. 1653: Mr. KENNEDY.
H.R. 1767: Mr. SHUSTER, Ms. GINNY BROWN-WAITE of Florida, and Mr. HILL.
H.R. 1783: Mr. LEWIS of Georgia and Mrs. NAPOLITANO.
H.R. 1818: Mr. BROWN of South Carolina.
H.R. 1820: Ms. ZOE LOFGREN of California, Mr. ELLISON, and Ms. SCHAKOWSKY.
H.R. 1841: Mrs. CAPPS.
H.R. 1850: Mr. HASTINGS of Florida.
H.R. 1884: Mr. SESTAK and Ms. VELÁZQUEZ.
H.R. 1921: Mr. STARK.
H.R. 2053: Mrs. WILSON of New Mexico and Mr. PASCRELL.
H.R. 2122: Mr. COURTNEY.
H.R. 2165: Mr. TOWNS, Mr. PASTOR, and Mr. FRANK of Massachusetts.
H.R. 2183: Mr. BILIRAKIS.
H.R. 2238: Mr. SERRANO.
H.R. 2325: Mr. SPACE.
H.R. 2370: Mr. KILDEE and Mr. AKIN.
H.R. 2380: Mr. ROSS.
H.R. 2514: Mr. BISHOP of New York and Mr. ENGLISH of Pennsylvania.
H.R. 2652: Mr. WITTMAN of Virginia.
H.R. 2702: Mr. DEFAZIO, Mr. JONES of North Carolina, Mrs. CAPPS, Mr. GORDON, Ms. ESHOO, and Mr. FRANK of Massachusetts.
H.R. 2790: Mr. SESTAK.
H.R. 2805: Mr. PAUL, Mr. GONZALEZ, Mr. LATHAM, Mr. WALBERG, Mr. JEFFERSON, Mr. ABERCROMBIE, Mr. BISHOP of Utah, Mr. LATOURETTE, Mrs. BOYDA of Kansas, Mr. GENE GREEN of Texas, Mr. BRALEY of Iowa, Mr. CAPUANO, and Mr. INSLEE.
H.R. 2894: Mr. GRIJALVA, Ms. SOLIS, and Mr. DONNELLY.
H.R. 2915: Mr. SHAYS and Ms. WATSON.
H.R. 2925: Mr. ROSS.
H.R. 2994: Ms. SHEA-PORTER.
H.R. 3151: Mr. HELLER.
H.R. 3309: Mr. RUPPERSBERGER.
H.R. 3334: Mrs. WILSON of New Mexico.
H.R. 3366: Ms. DEGETTE.
H.R. 3452: Ms. CORRINE BROWN of Florida.
H.R. 3457: Mr. STARK.
H.R. 3463: Mr. GILCHREST.
H.R. 3533: Mr. YARMUTH and Mr. MCCOTTER.
H.R. 3547: Ms. SLAUGHTER.
H.R. 3646: Mr. DAVID DAVIS of Tennessee and Mr. CANNON.
H.R. 3681: Mr. BROWN of South Carolina.
H.R. 3697: Mr. TIM MURPHY of Pennsylvania.
H.R. 3717: Mr. BRALEY of Iowa.
H.R. 3724: Mr. ENGLISH of Pennsylvania.
H.R. 3797: Mr. VAN HOLLEN and Ms. MOORE of Wisconsin.
H.R. 3799: Mr. ELLISON.
H.R. 3819: Mr. MCINTYRE and Ms. FOXX.
H.R. 3820: Mr. UPTON.
H.R. 3825: Mr. JOHNSON of Georgia, Mr. FILNER, Mr. DAVIS of Illinois, and Ms. GRANGER.
H.R. 3846: Mr. ROTHMAN and Mr. BISHOP of New York.
H.R. 3981: Mr. GILCHREST, Ms. DEGETTE, Mrs. LOWEY, Mr. MCDERMOTT, Ms. SUTTON, Mr. MCGOVERN, and Mr. PICKERING.
H.R. 3995: Mr. STARK and Ms. WASSERMAN SCHULTZ.
H.R. 4001: Mr. LAMPSON, Mr. RUPPERSBERGER, and Mr. TAYLOR.
H.R. 4008: Mr. VISCLOSKY and Mr. BOOZMAN.
H.R. 4022: Mr. MCDERMOTT.
H.R. 4061: Mr. SCOTT of Georgia, Mr. HODES, and Mr. BUCHANAN.
H.R. 4063: Ms. MATSUI, Mr. BUTTERFIELD, Ms. DEGETTE, and Ms. SCHAKOWSKY.
H.R. 4089: Ms. WOOLSEY, Mr. MICHAUD, and Mr. WALZ of Minnesota.
H.R. 4105: Ms. GIFFORDS.
H.R. 4106: Mr. CLAY, Mr. LYNCH, and Mr. MORAN of Virginia.
H.R. 4107: Ms. WASSERMAN SCHULTZ.
H.R. 4139: Mr. BERRY and Mr. MICHAUD.
H.R. 4172: Mr. DONNELLY.
H.R. 4236: Ms. DELAURO, Mr. ALTMIRE, and Ms. BALDWIN.
H.R. 4237: Mr. MCDERMOTT and Mr. MURPHY of Connecticut.
H.R. 4266: Mr. SKELTON.
H.R. 4279: Mr. COBLE.
H.R. 4296: Mr. BRADY of Pennsylvania and Mr. SMITH of Washington.
H.R. 4304: Mr. WESTMORELAND.
H.R. 4318: Mr. CAMP of Michigan.
H.R. 4335: Ms. SHEA-PORTER.
H.R. 4355: Mr. MCHUGH, Mr. SESSIONS, and Mr. DOOLITTLE.
H.R. 4829: Mr. HINOJOSA.
H.R. 4837: Mr. ENGLISH of Pennsylvania.
H.R. 4847: Mr. PAYNE, Mr. SCOTT of Virginia, Mrs. EMERSON, Mr. WU, and Ms. Richardson.
H.R. 4926: Mr. GENE GREEN of Texas, Mrs. LOWEY, and Mr. ISSA.
H.R. 4934: Ms. ZOE LOFGREN of California and Mr. BLUMENAUER.
H.R. 4995: Mr. SALI.
H.R. 5036: Mrs. LOWEY.
H.R. 5057: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SCHIFF, Mr. ABERCROMBIE, and Mr. NADLER.
H.R. 5087: Mr. DONNELLY.
H.R. 5109: Mr. ALEXANDER and Mr. LEWIS of Kentucky.
H.R. 5110: Mr. ISRAEL, Mr. CARNAHAN, and Mr. SERRANO.
H.R. 5124: Mr. HALL of Texas.
H.R. 5143: Mrs. LOWEY, Mr. CLAY, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. SESTAK, Mr. CONYERS, and Ms. SUTTON.
H.R. 5148: Mr. UPTON, Mr. FORTENBERRY, Mrs. NAPOLITANO, Mr. HENSARLING, and Mr. BOSWELL.
H.R. 5152: Mr. NADLER.
H.R. 5161: Mr. COSTELLO.

H.R. 5171: Mr. MORAN of Virginia.

H.R. 5173: Ms. SCHAKOWSKY, Mr. SERRANO, Mr. COHEN, Mr. YARMUTH, and Mrs. BOYDA of Kansas.

H.R. 5175: Mr. CANNON.

H.R. 5222: Mr. JONES of North Carolina, Mr. CAMP of Michigan, and Mr. GALLEGLY.

H.R. 5235: Mr. MCCARTHY of California, Mrs. MYRICK, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5244: Mr. STARK, Mr. HARE, Ms. SLAUGHTER, and Mr. CAPUANO.

H.R. 5265: Mr. HODES, Mr. WOLF, Mr. LOBIONDO, and Mr. WITTMAN of Virginia.

H.R. 5315: Mr. AL GREEN of Texas and Mr. RODRIGUEZ.

H.R. 5395: Mr. HULSHOF, Mr. ROTHMAN, Mr. GRIJALVA, Mr. JEFFERSON, Mr. WYNN, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. CLYBURN, and Mr. JOHNSON of Georgia.

H.R. 5401: Mr. GRIJALVA, Mr. BLUMENAUER, and Mr. HONDA.

H.R. 5428: Mr. FILNER.

H.R. 5443: Mr. WILSON of South Carolina, Mr. ENGEL, and Ms. BORDALLO.

H.R. 5447: Mr. JOHNSON of Georgia, Ms. NORTON, Mr. ENGLISH of Pennsylvania, Mr. PASTOR, and Ms. WOOLSEY.

H.R. 5461: Ms. DELAURO, Mr. SERRANO, and Mr. GENE GREEN of Texas.

H.R. 5464: Mr. CONYERS and Mr. MORAN of Virginia.

H.R. 5466: Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mr. COOPER, and Ms. WOOLSEY.

H.R. 5475: Mr. SKELTON, Mr. ENGEL, and Ms. WASSERMAN SCHULTZ.

H.R. 5481: Mr. WILSON of South Carolina and Mr. BISHOP of Georgia.

H.R. 5505: Mr. SHIMKUS, Mr. DAVIS of Illinois, and Mr. CLAY.

H.R. 5513: Mr. ROGERS of Michigan.

H.J. Res. 68: Mr. DAVIS of Illinois.

H. Con. Res. 75: Mr. MURPHY of Connecticut, Mr. LEWIS of Georgia, and Mr. TOWNS.

H. Con. Res. 223: Mr. Issa and Mr. GOODLATTE.

H. Con. Res. 255: Mr. SHERMAN.

H. Con. Res. 276: Mr. VAN HOLLEN and Mr. BAIRD.

H. Con. Res. 292: Mr. RYAN of Ohio, Ms. WATERS, and Mr. DREIER.

H. Con. Res. 295: Mrs. DRAKE, Mr. CULBERSON, and Mr. LATTA.

H. Con. Res. 302: Mr. BILBRAY and Mr. ALTMIRE.

H. Res. 185: Mr. MORAN of Virginia.

H. Res. 276: Mr. JONES of North Carolina.

H. Res. 543: Mr. BRADY of Pennsylvania, and Mr. WILSON of Ohio.

H. Res. 679: Mr. ENGLISH of Pennsylvania.

H. Res. 821: Mrs. MYRICK.

H. Res. 845: Ms. BORDALLO.

H. Res. 896: Mr. CLAY, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. AL GREEN of Texas, and Mr. HINOJOSA.

H. Res. 911: Mr. CARNAHAN, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. COURTNEY.

H. Res. 924: Ms. CASTOR, Mr. ALTMIRE, Mr. MITCHELL, Mr. COURTNEY, Mr. KLEIN of Florida, Mr. WALZ of Minnesota, Mr. HILL, Mr. KIND, Mr. CLAY, and Mr. BOUSTANY.

H. Res. 935: Mr. HINCHEY.

H. Res. 936: Mr. HINCHEY.

H. Res. 945: Mr. MCCOTTER.

H. Res. 951: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. DAVIS of Virginia, Mr. RYAN of Wisconsin, Mr. BILIRAKIS, Mr. BISHOP of New York, Mr. BARRETT of South Carolina, Mr. ALTMIRE, Mrs. TAUSCHER, Mrs. DRAKE, Mr. THOMPSON of California, Mr. GONZALEZ, Mr. CUELLAR, Mr. YARMUTH, Mr. BURGESS, Mr. BOREN, Mr. GRIJALVA, Mr. FORTENBERRY, Mr. SALAZAR, Mr. DOYLE, Mr. BOSWELL, Mrs. LOWEY, Mr. DONNELLY, Mr. LUCAS, Mr. DAVIS of Alabama, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. SARBANES, Mr. FILNER, Mr. JACKSON of Illinois, Mr. HILL, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. UDALL of New Mexico, Ms. PRYCE of Ohio, Ms. DEGETTE, Mr. AKIN, Mr. HAYES, Mr. BROWN of South Carolina, Mr. ALLEN, Mr. SCOTT of Georgia, Mr. RAMSTAD, Mrs. SCHMIDT, Mr. VAN HOLLEN, Mrs. BACHMANN, Mr. RYAN of Ohio, Ms. HERSETH SANDLIN, Mr. SMITH of New Jersey, Mr. HULSHOF, Mr. PUTNAM, Mr. PERLMUTTER, Mr. LATTA, Mr. HUNTER, Mr. ADERHOLT, Mr. POMEROY, Ms. TSONGAS, Mr. COSTA, Mr. BUCHANAN, Mr. MCCARTHY of California, Mr. MILLER of North Carolina, and Mr. MCNERNEY.

H. Res. 952: Mr. WEINER and Mr. JONES of North Carolina.

H. Res. 953: Mr. INGLIS of South Carolina and Mr. BOOZMAN.

H. Res. 962: Ms. WOOLSEY, Ms. LEE, and Ms. SOLIS.

H. Res. 973: Mr. KENNEDY, Ms. CASTOR, and Ms. SCHAKOWSKY.

H. Res. 977: Ms. SHEA-PORTER.

H. Res. 981: Mr. BUTTERFIELD, Mr. BILBRAY, Mr. GORDON, Mr. MACK, Mr. MARKEY, Mr. GONZALEZ, Mr. ALLEN, Mr. BOUCHER, Mr. RUPPERSBERGER, Mr. SNYDER, Mr. CROWLEY, Mr. WOLF, and Mr. BOOZMAN.

H. Res. 988: Mr. DONNELLY, Mr. ELLSWORTH, Mr. CHANDLER, Mr. MELANCON, Mr. ORTIZ, Mr. DUNCAN, and Mr. WAXMAN.

H. Res. 991: Mr. BISHOP of New York, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. CROWLEY, Mr. TOWNS, Mrs. MALONEY of New York, Mr. ENGEL, Mrs. GILLIBRAND, Mr. MCNULTY, Mr. HINCHEY, Mr. WALSH of New York, Mr. HIGGINS, Mr. KUHL of New York, Mr. WEINER, and Mr. HALL of New York.

H. Res. 992: Mr. BISHOP of Georgia, Mr. TOWNS, Mr. RYAN of Ohio, Mr. ROTHMAN, Ms. GIFFORDS, Mr. HINCHEY, Ms. NORTON, Mr. DAVIS of Illinois, and Ms. BORDALLO.

H. Res. 1007: Ms. BORDALLO.

H. Res. 1008: Mr. BERMAN, Mr. ENGEL, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. MCGOVERN, and Mr. PENCE.

H. Res. 1011: Mr. JEFFERSON and Mr. CAPUANO.

H. Res. 1012: Mr. BLUNT.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Carolyn McCarthy, or a designee, to H.R. 2857, the Generations Invigorating Volunteerism and Education (GIVE) Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII,

219. The SPEAKER presented a petition of the City of Fruitland Park, Florida, relative to a letter informing the Congress of the United States that the City of Fruitland Park did not receive any requests for social security numbers for calendar year 2007; which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

CONGRATULATING DR. PATRICK KERRIGAN ON THE OCCASION OF BEING NAMED ''MAN OF THE YEAR'' BY WILKES-BARRE FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Patrick J. Kerrigan, D.O., of Wilkes-Barre, Pennsylvania, who was named 2008 "Man of the Year" by the Friendly Sons of St. Patrick of Greater Wilkes-Barre.

Dr. Kerrigan's contribution to the field of medicine in northeastern Pennsylvania has been truly impressive. Since 1986, he has been engaged in the private practice of family medicine in Wilkes-Barre. He is a provider of geriatric medical care at several nursing homes in the greater Wilkes-Barre area. He is also active in sports medicine, having served as team physician at the little league, high school and college levels.

Dr. Kerrigan has also been active in medical education with the Philadelphia College of Osteopathic Medicine. For 2 years, he served as a member of the board of directors for the Luzerne County Medical Society. Dr. Kerrigan has also lectured extensively over the years at nursing homes, institutions of higher learning and before the general public on topics that included AIDS, managed care, common orthopedic injuries, heart disease, preventive medicine and physician career choices.

Dr. Kerrigan was appointed medical director of the Heritage House, a skilled nursing facility, in 2003. In 2006, he became medical director of Erwine's Home Hospice Group. Dr. Kerrigan was named president-elect of the medical staff of the Wyoming Valley Health Care System in January, 2007, where he also serves as chairman of the medical executive committee and as a member of the board of directors.

In 2006, Dr. Kerrigan was awarded the "Key to the City of Wilkes-Barre" for 20 years of community service.

Dr. Kerrigan is a member of the Luzerne County, Pennsylvania and American Medical Societies. He is also a member of St. Mary's of the Immaculate Conception Roman Catholic Church where he served as a lector. He is also a former member of the board of directors of the Friendly Sons of St. Patrick of Greater Wilkes-Barre.

Madam Speaker, please join me in congratulating Dr. Kerrigan on this auspicious occasion. Dr. Kerrigan's determination and commitment to benefit his home town is entirely evident in the vast contributions he has made over the years to improve the quality of life for his fellow citizens. His selection as "Man of the Year" is a well deserved honor.

COMMEMORATING THE ANNIVERSARY OF THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. FATTAH. Madam Speaker, I rise today to commemorate the 200th anniversary of U.S. abolition of the slave trade, which marked a historic turning point in our Nation's history.

On March 2, 1807, President Thomas Jefferson signed a bill, which became effective January 1, 1808, abolishing the transatlantic slave trade. The issue of slavery had long been a contentious issue that divided Americans, with those in favor of abolition and those against struggling to reach a compromise. The abolition of the transatlantic slave trade was one step in the quest to end slavery, but the path to full social, political, and economic equality for African Americans would be a long upward battle that would not be reached for over 100 years.

While our forefather's move to formally end the U.S. participation in the transatlantic slave trade was a giant leap toward racial equality, the "color line," as W.E.B. Dubois has called it, still divides America. Even though it has been over a hundred years since the Emancipation Proclamation, the remnants of slavery still exist in the black community, and in America as a whole.

African Americans in the underclass of our cities and the rural areas of the South continue to battle challenges including a dearth of affordable housing, unemployment and a lack of educational attainment. These problems continue to shake the foundations of the black community. African American men and women still bring home smaller paychecks than their white counterparts, African American children still suffer from a lack of qualified teachers and educational resources when compared with their privileged white peers and African American neighborhoods are still under siege from street violence and urban crowding. These problems are not only representative of the pervasive social and economic injustice between the races; these problems are tearing at the threads of the American social fabric.

Despite these challenges, African Americans have made considerable progress. With advancements such as the 14th and 15th Amendments, the Voting Rights and Civil Rights Acts, African Americans began to participate more fully in American life. Since the hard-fought accomplishments of the 20th century, African Americans are now participating in the political, economic, and cultural life of America more than ever before. The commemoration of the bicentennial of the U.S. abolition of the slave trade will allow us to take time to reflect on how far America has come in reaching its dream of racial equality, but it should also serve as a reminder that as a nation we still have work to do before we can finally erase the color line that divides us.

A TRIBUTE TO THOMAS PATRICK BECK RECIPIENT OF THE 2008 DONALD WRIGHT AWARD

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Thomas Patrick Beck upon receiving the prestigious Donald Wright Award for distinguished service to the community from the Pasadena Bar Association.

Mr. Beck is a founding partner of Thon, Beck & Vanni, formerly known as Thon & Beck, a highly rated and respected law firm in Pasadena, California, that is celebrating thirty years of existence. Thon, Beck & Vanni specializes in representing seriously injured tort victims.

A member of the American Board of Trial Advocates, Tom is enthusiastically involved in all aspects of his profession. He is a past president of the Pasadena Bar Association, a former board of trustee member of the Los Angeles County Bar Association, and was on the Los Angeles Superior Court Bench and Committee. He is a former president of the Irish American Bar Association and is a founding member of the Cowboy Lawyers Association.

Mr. Beck's professional accomplishments include being a three-time nominee for Los Angeles Trial Lawyers Association's (now known as Consumer Attorneys Association of Los Angeles) Trial Lawyer of the Year, and his recent election as a Fellow of the American College of Trial Lawyers.

Tom is an active participant in many community organizations. Some of his past volunteer affiliations include the Pasadena Tournament of Roses Association, Loyola Marymount University Alumni Association board of directors, and coaching for Little League, YMCA Basketball and the American Youth Soccer Organization. In 2006, he received the Lasallian Volunteer of the Year Award from LaSalle High School in Pasadena.

Currently, Tom is the chairman of the Methodist Hospital of Southern California Foundation Board, chairman of the Executive Committee of the St. Thomas More Society of Los Angeles, a mentor/benefactor of San Miguel Catholic School, and a member of Helps International.

I ask all Members of Congress to join me in congratulating Thomas Patrick Beck upon receiving the Pasadena Bar Association's 2008 Donald Wright Award and wish him continued success.

TRIBUTE TO THE 100TH BIRTHDAY OF THE SETTLEMENT MUSIC SCHOOL

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and celebrate the 100th birthday of Settlement Music School, the largest community school of music in the United States. Settlement Music School originated in 1908 at the College Settlement House, a social service center for newly arrived immigrants in south Philadelphia when two young women volunteers, Jeannette Selig and Blanche Wolf, offered piano lessons for a nominal fee. Their effort grew into an independent community school of the arts. Today, there are six Settlement branches serving every zip code in the Greater Philadelphia region. The Jenkintown and Kardon-Northeast branches of Settlement Music School are located in my Congressional District, serving residents of Montgomery County and northeast Philadelphia.

Since its inception, the mission of Settlement Music School has been to provide community-based music and arts instruction and activity to students of all ages, races, religions, economic standings, talent levels and music preferences. In addition to the school's core program, it offers educational and enrichment programs for disabled children and adults, preschool programs for low-income inner-city children, and a Teacher Training Institute to disseminate best practice techniques to the broader educational community. Settlement Music School tuition fees have remained modest with over 60 percent of the student population receiving financial aid.

Annually, close to 15,000 students participate in music, dance and visual arts programs guided by a faculty of experienced and credentialed musicians. Settlement Music School is the largest employer of musicians in Pennsylvania, providing a source of income for many freelance musicians. Since its opening, Settlement Music School has served over 300,000 students. Today there are Settlement graduates in every major symphony in the United States, as well as alumni who have distinguished themselves in the worlds of opera, theater, popular music, and jazz. Settlement Music School has produced Pulitzer prize-winning composers and former students have served as Mayor of Philadelphia, Philadelphia City Council member, Pennsylvania Senator and Representative, and Member of Congress.

Settlement Music School will celebrate this milestone centennial year with banquets, concerts and recitals featuring alumni and present-day students. Settlement Music School will honor the ''Settlement 100''—a roster of diverse Settlement alumni whose experiences at Settlement Music School helped to shape their lives.

Madam Speaker, I ask that my colleagues join me in congratulating Settlement Music School's centennial milestone and wishing the alumni, students, teachers, and board directors much continued success.

TRIBUTE TO THE 162ND ANNIVERSARY OF METROPOLITAN AME ZION CHURCH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues in the House of Representatives to join me as I rise to acknowledge the Metropolitan African Methodist Episcopal Zion Church in Jersey City, New Jersey, on the celebration of its 162nd anniversary. Metropolitan AME Zion Church, established in 1846, has a long and rich history as the oldest African-American congregation in Jersey City.

Metropolitan AME Zion Church grew out of the John Street Methodist Church, established in 1796 near the African Burial Ground National Monument in New York City. Since its founding in Jersey City 19 years before the United States abolished slavery, the church has occupied several locations in Jersey City and thrived under the leadership of a long line of dedicated pastors.

On March 27, 1968, Metropolitan hosted Reverend Dr. Martin Luther King, Jr., for what would be one of his final speeches. He addressed an overflow crowd of more than 2,000 people promoting his ''Poor People's march on Washington.''

The deep history of Metropolitan AME Zion Church is a story of strong faith and passionate work on behalf of the surrounding community. Theirs is a journey that we hope will continue for many years to come. I am pleased to congratulate the Metropolitan Church and its current pastor Reverend Nathaniel B. Legay on this momentous occasion.

Madam Speaker, I know my colleagues join me in wishing the Metropolitan African Methodist Episcopal Zion Church of Jersey City a joyous anniversary and best wishes for the future.

IN TRIBUTE TO PERCY JULIAN, JR.

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I rise to honor the life of Mr. Percy Julian, Jr., a pioneering civil rights and civil liberties attorney from my home State of Wisconsin. My friend, Percy Julian, Jr., passed away on February 24, 2008, at the age of 67.

Mr. Percy Julian, Jr. helped to make the civil rights laws passed in the Martin Luther King, Jr. era real tools for justice. He became best known for representing University of Wisconsin-Madison students charged in the Dow Chemical demonstrations in the 1960s, and further for handling pioneering employment discrimination and voting rights class action suits across the United States, often in cooperation with the NAACP Legal Defense Fund.

Percy Julian, Jr. grew up in the Chicago area but made Wisconsin his home. He was son to Percy Julian, Sr., an acclaimed scientist of the 20th century. A 2-hour documentary on Julian Sr., ''Forgotten Genius,'' which aired last year, not only highlighted his enormous contributions as a chemist, but also detailed how racism had hampered his career. Julian, Jr. said of his father in the documentary, ''My father took advantage of the country's promise of equality, but was in some ways undone by the country's failure to live up to that promise.'' Julian Jr. spent much of his legal career insuring the country met its promises.

Percy Julian, Jr. was both a fierce advocate and a model for other attorneys in promoting the importance of civility. While serving as a State senator in Wisconsin, I called upon Percy Julian, Jr. to utilize his expertise on voting rights and civil rights issues. His presence often caused the other side to retreat rather than face his formidable knowledge base.

He is survived by his wife, Jan Blackmon; daughter, Kathy Julian; and sister, Faith Julian. Wisconsin and our country have lost a valuable leader and a civil rights and civil liberties pioneer. Percy Julian, Jr.'s work in the areas of fair housing, voting rights, school desegregation, and first amendment issues have proved invaluable in preserving the rights of all people in our State and our Nation. I extend my condolences to his family and friends on this tremendous loss. Madam Speaker, for these reasons, I am honored to pay tribute to Percy Julian, Jr.

TRIBUTE TO JUDGE JOSE FRANCISCO ''FRANK'' TORRES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to honor the life of Judge Jose Francisco ''Frank'' Torres, a native of southern Colorado and until his passing a resident of the 3rd Congressional District of New Mexico.

Judge Frank Torres was a crusader for civil rights who upon retirement lived in New Mexico, the home of his ancestors, for 21 years. He was descended from the original Spanish colonists that arrived with General Juan De Onate in 1598 to establish the first European settlement in the United States. He was married to Crusita Kimball Torres, who was a descendant of the first territorial Governor of New Mexico. His daughter, Eva Torres Ashenbrenner, is my constituent, renowned for her involvement in the community and for her love and commitment to New Mexico and its cultural heritage. She continues her father's tradition of community involvement and public service.

Judge Torres practiced and taught good citizenship throughout his life and brought the highest moral values and standards not only to each position he occupied, but to his private life as well.

Judge Torres was an accomplished man who despite adversity became one of the first Hispanic attorneys in Colorado. Among his many accomplishments, Judge Torres strongly opposed the activities of the Ku Klux Klan, organized the first credit unions in southern Colorado in 1938, and was actively involved in

the Boy Scouts of America for some 70 years, earning its highest honors ''the silver beaver award,'' for his leading of Troops and service on the Boy Scouts Regional Council. Also, during the Depression years Judge Torres organized and directed a charitable homeless persons shelter in Trinidad, Colorado, which was one of the earliest efforts in the region.

He provided strong and equal legal representation to everyone, including those too poor to afford legal representation. He worked to secure the rights and interests of the elderly poor and defended the Alianza Hispano Americana in legal cases brought by the State of Arizona to take control of that organization.

Judge Torres organized and was elected president of the Colorado Spanish American Club, served as president of the Colorado State Board of credit unions, was elected vice-president of the Colorado Young Democrats, and worked as legal counsel to the Las Animas County Catholic Church's Knights of Columbus, representing them at national conventions.

Judge Torres was well known in Santa Fe, New Mexico, and befriended notable New Mexican historians such as Fray Angelico Chavez and Orlando Romero and other notable figures such as Raphael Chacon, Casimire Barela, Elfego Baca, and former Congressman Bronson Cutting.

Madam Speaker, Frank Torres was a crusader during his time as an attorney and judge, and it is fitting that he is honored for his great work and service to the people of Colorado and New Mexico.

THE NATIONAL OCEAN EXPLORATION PROGRAM ACT

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SHEA-PORTER. Madam Speaker, I was pleased to cosponsor and vote for the National Ocean Exploration Program Act, H.R. 1834, which authorizes two excellent and successful National Oceanic and Atmospheric Administration, NOAA, programs, the Natonal Undersea Research Program, NURP, and the Ocean Exploration program, OE.

While new technologies have enabled us, for example, to create high-resolution maps of the sea floor, to measure plate movements, or to study ocean processes quantitatively, the world's oceans remain, to a great extent, unknown. We know so little about the ocean's living creatures, nonliving resources, and processes. We don't know enough about the impact of global climate and other environmental change on the ocean. Ocean exploration and ocean research complement each other. Because of the importance of our oceans to life on earth, we need to step up the pace of both exploration and research to be able to make informed decisions about issues related to the ocean.

This bill promotes integration of the two programs, combining their strengths and capabilities, in order to serve our country and NOAA more effectively. NURP has maintained a network of regional centers of undersea science and technology for 30 years, while OE, when established in 2001, began a national effort to explore the ocean. Both programs have been collaborating in development of innovative technologies for exploration, and on voyages of exploration, such as an expedition in the South Pacific that discovered new marine environments and ecosystems.

The complementary relationship between the two programs within NOAA will make the whole greater than the sum of its parts. The bill's authorization of these programs will help provide the best scientific information on ocean habitats and other phenomena, and will ensure that this information is widely distributed. We must explore and work to reveal the unknown so that we can deepen our understanding of crucial oceanic environmental issues and inspire scientists, educators, decision-makers, and the public to learn more about the ocean. In the coming years, America's economic, environmental and national security may depend on our knowledge of the ocean, and our understanding of how it sustains life on earth.

TRIBUTE TO THE PEACE CORPS 47TH ANNIVERSARY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. EHLERS. Madam Speaker, I rise today to express my support and appreciation for the Peace Corps on their 47th anniversary. Since 1961, more than 190,000 American volunteers have served in 139 developing countries around the world. Since its founding, the Peace Corps has sought to meet its legislative mandate of promoting world peace and friendship by sending American volunteers to serve at the grassroots level in villages and towns abroad, These Peace Corps volunteers live and work with local people, helping them improve their lives, and helping them understand American culture. The volunteers often work as teachers, environmental and agriculture specialists, health promoters, and small business advisors.

I have been an extremely strong supporter of the Peace Corps ever since President John F. Kennedy first proposed it in a speech in Ann Arbor, Michigan, many years ago. The Peace Corps is one of America's most effective ways to share our compassion and values abroad, and, in many instances, the volunteers play the important role of dispelling myths about the U.S. I would dearly love to see the Peace Corps double or triple in size.

I also praise and recognize those volunteers from the Third Congressional District of Michigan who are currently serving abroad in the Peace Corps. My thanks go out to: Chad Anderson, serving in Uganda; Brent Benner, serving in Peru; Edna Bermejo, serving in Mauritania; Brendan Brink-Halloran, serving in Guatemala; Amanda Collier, serving in Romania; Christopher De Bruyn, serving in Mongolia; Adrienne Gilbert, serving in the Dominican Republic; Sara Igleski, serving in Jordan; Rachel Jacobs, serving in Zambia; Joshua Johnson, serving in Romania; Jeffrey Luehm, serving in El Salvador; Elizabeth Smith, serving in Senegal; Joseph Stevens, serving in Bolivia; Daniel Vander Ploeg, serving in Kazakhstan; Meredith Vanover, serving in Ukraine; Kirstin Webster, serving in Romania; Daniel Westerhof, serving in Paraguay; and Michael Wilcox, serving in Senegal.

Again, congratulations to the Peace Corps on their 47th anniversary. I thank and commend all of those who so faithfully volunteer to serve our Nation abroad.

HONORING WIL COOKSEY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. LEWIS of KENTUCKY. Madam Speaker, I rise today to recognize Wil Cooksey for his service to the Commonwealth of Kentucky. Mr. Cooksey, a resident of Bowling Green, Kentucky, recently retired as plant manager of the General Motors Bowling Green Assembly Plant.

Mr. Cooksey served as plant manager at the ''Home of the Corvette'' since 1993. The Bowling Green facility employs approximately 1,000 total employees and assembles 35,000 Chevrolet Corvettes and 4,000 Cadillac XLRs per year. Under Mr. Cooksey's leadership the Corvette team has earned more than 70 automotive industry awards since 1997 including Motor Trend Car of the Year, JD Power Silver Plant Award, JD Power APEAL Award, and Car and Driver Top 10.

Mr. Cooksey has been a successful advocate for building diversity at the Bowling Green facility, recruiting qualified minority students from schools not used in the past. Mr. Cooksey has also been active on the Executive Advisory Board of Advancing Minorities' Interest in Engineering and 100 Black Men of America Inc. For his hard work, Mr. Cooksey was recently awarded the Civil Rights Humanitarian Award by the State Street Baptist Church.

Mr. Cooksey is also an active member of the Greenview Hospital board of directors, the boards of the National Corvette Museum, Tennessee State University, Western Kentucky University's College of Education and Behavioral Science, and the Drug Abuse Resistance Education Advisory Council.

It is my privilege to honor Wil Cooksey today, before the entire United States House of Representatives, for his service to the Bowling Green community. I wish Wil, and his wife Elizabeth, a happy and healthy retirement.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. FORTENBERRY. Madam Speaker, from late January 29 through February 7, 2008, I was unavoidably detained due to my daughter's heart surgery.

On January 29, I missed rollcall votes Nos. 27 and 28. Had I been present, I would have voted ''aye'' on both votes.

On February 6, I missed rollcall votes Nos. 29 through 31. Had I been present, I would have voted ''aye'' on all three votes.

On February 7, I missed rollcall votes Nos. 32 through 42. Had I been present, I would have voted ''nay'' on Nos. 32, 33, 36, 37, and 38, and ''aye'' on Nos. 34, 35, 39, 40, 41, and 42.

CONGRATULATING MR. JAY DELANEY ON THE OCCASION OF BEING NAMED ''MAN OF THE YEAR'' BY THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Jay Delaney, of Hughestown, Pennsylvania, who was selected as the 2008 ''Man of the Year'' by the Greater Pittston Friendly Sons of St. Patrick.

Mr. Delaney is a lifelong resident of the Greater Pittston community and is a leader in business, civic, and government affairs. He presently serves as executive assistant to Pennsylvania State Senator Raphael Musto, a post he has held since 1994.

Mr. Delaney was associated with Wilson Foods Corporation from 1952 to 1994, retiring as regional sales manager for the northeastern United States covering eight States including Washington, DC. He was named manager of the year in 1987 after he earned a place in the ''General's Club'' of Wilson Foods in 1982. Also in 1987, he became president of the prestigious Wilson Foods Ring Club.

Mr. Delaney was mayor of Hughestown borough from 1982 to 1989. He served as a member of Hughestown borough council from 1969 to 1977. He was also chairman of the Hughestown Democratic organization for 4 years and successfully chaired the special election to the 11th Congressional District in 1980 on behalf of then State Representative Raphael Musto.

He is a member of the Blessed Sacrament Church, Hughestown; a former member of the Earth Conservancy Land Use Planning Committee; former member of the American Heart Association and former member of the Luzerne County Democratic Executive Committee. He has received national recognition by the American Cancer Society, Cystic Fibrosis Foundation, Muscular Dystrophy Association, and St. Jude's Children's Hospital. He has served on the board of directors of the Harvey's Lake Yacht Club and is a charter member of the Nutty Buddy Club of Greater Pittston. He is a life member of the John F. Kennedy Council 372, Knights of Columbus and its Fourth Degree Assembly; the Greater Pittston Friendly Sons of St. Patrick; life member of the Hughestown Hose Company; and a member of the Salvation Army advisory board.

Mr. Delaney and his wife, Dorothy, to whom he has been married for 51 years, are the parents of four children and seven grandchildren.

Madam Speaker, please join me in congratulating Mr. Delaney on this special occasion. Mr. Delaney's service to family and community is extraordinary and an inspiration to all. His selection for this honor reflects the respect with which he is held by his neighbors and peers.

IN SUPPORT OF THE NATIONAL URBAN LEAGUE'S ''THE OPPORTUNITY COMPACT,'' A BLUEPRINT FOR ECONOMIC EQUALITY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. FATTAH. Madam Speaker, as Chairman of the Congressional Urban Caucus, it gives me great pleasure to welcome Marc H. Morial, President and CEO of the National Urban League (NUL), and delegations from Urban League affiliates from around the country to Washington, DC for their 5th Annual Legislative Policy Conference on March 5–6, 2008. Over the course of these two days, the NUL unveils its annual landmark State of Black America report, meets with Congressional leaders, and brings a slate of key policy recommendations to members of both houses.

Established in 1910, the National Urban League is the Nation's oldest and largest civil rights organization devoted to empowering African Americans to thrive in the economic and social mainstream. Today, the National Urban League, headquartered in New York City, spearheads the non-partisan efforts of its 101 local affiliates in 36 states and the District of Columbia, providing direct services to more than 800,000 people annually, and impacting millions more through its advocacy and research.

This year the NUL and its affiliate delegates are bringing to Congress an important blueprint for economic equality known as The Opportunity Compact. The Compact is a comprehensive set of principles and policy recommendations set forth by the National Urban League (NUL) designed to empower all Americans to be full participants in the economic and social mainstream of this Nation. In pursuit of this end, the NUL (1) identifies principles that reflect the values inherent in the American dream; (2) examines the conditions that have separated a significant portion of the American population—particularly the poor and disadvantaged residents of urban communities—from accessing that dream; (3) proposes, for honest evaluation and discussion, several policy recommendations intended to bridge the gap between conceptualization and realization of the American dream.

The Opportunity Compact is the culmination of extensive research and policy analysis by the National Urban League Policy Institute (NULPI) and is based upon the input of dozens of policy experts from academia, public policy think tanks, non-profit service and advocacy organizations, the business sector, and the Urban League movement. Among other things, the NULPI hosted a series of five roundtable discussions and obtained feedback and recommendations from numerous experts concerning the development of a coherent and comprehensive plan for empowering the Nation's urban communities. As the foundation for such a plan, NUL has clearly identified four cornerstones that reflect the values represented by the American dream: (1) The Opportunity to Thrive (Children), (2) The Opportunity to Earn (Jobs), (3) The Opportunity to Own (Housing) and (4) The Opportunity to Prosper (Entrepreneurship). These cornerstones are supported by a list of ten policy priorities.

Each of these opportunities for upward economic and social mobility are available in few other countries outside the United States. Therefore, maintaining equal access to these opportunities is a vital part of preserving the very principles that make this country unique and will prove to be an effective way to eliminate gaps in income, wealth and educational attainment within this country that are too often defined along the lines of race or socioeconomic status.

The Opportunity Compact serves as a vehicle to develop a serious plan of action to address the persistent inequalities faced by those in urban communities. Yet, all Americans, regardless of place of residence or racial identity, can benefit from the policy recommendations presented in this blueprint for economic equality. Furthermore, there is a role for all parties to play—private citizens, national, state and local governments, community-based service providers and the business community—as together, we seek to strengthen our Nation by maximizing the potential of all its citizens. By generating new ideas, initiating productive partnerships and fostering collaboration, The Opportunity Compact seeks to expand access to the incentives and rewards that act as the driving force behind what makes this country great—personal responsibility, initiative and hard work.

Madam Speaker, I firmly believe that the proposals embodied in the National Urban League's Opportunity Compact provide a powerful framework for approaching the difficult challenges faced by America's cities. I therefore rise today to congratulate the National Urban League for its work on behalf of cities and for bringing The Opportunity Compact to the attention of Congress.

TRIBUTE TO CYNTHIA J. KURTZ

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor Cynthia J. Kurtz, who recently retired from her post as City Manager of Pasadena, California. Ms. Kurtz served the City for over 20 years, spending the last 10 years as the chief administrative officer of Pasadena's diverse community of 144,000 residents and has left a legacy that will be enjoyed by generations to come.

In her capacity as city manager, Cynthia was responsible for over 2,300 employees with an operating budget of over $550 million. With a keen vision for the ''big picture'' and a wealth of experience to draw upon, she was

the driving force behind some of the most important projects in the city's history.

Cynthia came to Pasadena after 10 years of employment with the city of Portland, Oregon, where she held a variety of positions in the Office of Transportation and the Bureau of Economic Development. That experience served Pasadena well when she was hired as the City's Capital Program Administrator in 1987. In 1991, she became director of public works for the City of Pasadena where she shepherded high profile projects such as the delicate $24 million reconstruction of the historic Colorado Street Bridge.

During my years in the California State Senate, I worked with Cynthia on the planning for a light rail line from Los Angeles to Pasadena, and her contributions to that project were vital to its success. Completed on time and under budget, the Gold Line light rail project has been an invaluable asset to the San Gabriel Valley, and especially to Pasadena.

The Pasadena City Council was well aware of Cynthia's hard work on their behalf, and when the position of city manager became open in 1998, she was the first woman to be appointed to that post. As city manager, she first concentrated on solidifying budget procedures while also attending to the quality of life issues that make Pasadena a special place to live and work.

Ms. Kurtz's most recent landmark achievement was last year's completion of a $118 million renovation of historic Pasadena City Hall. When the structure was determined to be seismically vulnerable, she worked with her staff to create a plan that would safeguard Pasadena employees while also preserving this most recognizable jewel of the "Crown City." The project was completed ahead of schedule and continues to stand as a testament to Pasadena's rich architectural heritage.

Cynthia Kurtz has been an invaluable asset to the city of Pasadena, and I ask all Members to join me in thanking Cynthia J. Kurtz for over 2 decades of dedicated service.

HONORING THE EASTERN MONTGOMERY COUNTY CHAMBER OF COMMERCE

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Eastern Montgomery County Chamber of Commerce on achieving an important milestone, its 75th anniversary. Since 1933, the Eastern Montgomery County Chamber of Commerce has tirelessly promoted its members and the economic health of our community. I am honored to represent this organization in Congress.

In 1933, the Jenkintown Businessmen's Association was incorporated with just 44 members. Since that time, the chamber has changed its name a number of times to mark its growth within the business community. In 1961, the organization became the Jenkintown Chamber of Commerce. By 1968, the organization became known as the Greater Jenkintown Chamber of Commerce to reflect the expansion of its service area. In 1992, the chamber became the Eastern Montgomery County Chamber of Commerce.

While successfully fulfilling its mission to support and promote local businesses of all sizes, the chamber has also successfully established strong community ties. The chamber has partnered with area businesses to host the annual Best of the Burbs celebration of business cultural and community events, featuring the chamber's annual Business Expo, which showcases over 100 area businesses. In 2003, the chamber established Leadership Montgomery County, an innovative program dedicated to strengthening the personal and professional skills of our community's future leaders.

The chamber's active board of directors and committed staff implement outreach, advocacy and fundraising activities to strengthen the chamber's enduring presence in the community. Over the past 75 years, the Eastern Montgomery Chamber of Commerce has served as a powerful catalyst, uniting businesses, community agencies, government officials, and educational institutions to make our community a great place to live and work.

Madam Speaker, I ask that my colleagues join me in celebrating the Eastern Montgomery County Chamber of Commerce's 75th anniversary milestone and wishing the chamber and its members many more years of community enrichment and service.

TRIBUTE TO MONSIGNOR WILLIAM J. LINDER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. PAYNE. Madam Speaker, I ask my colleagues in the House of Representatives to join me as I rise to acknowledge the lifetime service of Monsignor William J. Linder, pastor of St. Rose of Lima Parish in Newark, New Jersey and founder of the New Community Corporation.

Monsignor Linder has served in the Catholic priesthood for more than 44 years, spending the entire length of his ministry in Newark, New Jersey. For the past 31 years he has been the pastor of St. Rose of Lima parish, a multi-ethnic and multi-racial congregation with representation from 42 nations around the world.

The New Community Corporation celebrates its 40th anniversary this year. Its history is filled with stories of service to the city of Newark. The New Community Corporation is the most comprehensive and largest community development organization in the United States, employing over 1600 individuals and providing urban dwellers with housing, day care, alternative education, social services, job training, employment services and health care.

Monsignor Linder has received many honors and awards including the HUD Distinguished Service Award, The National Association of Home Builders Housing Hall of Fame award, the Aetna Foundation Voice of Conscience Award, the MacArthur Foundation Fellows Award and the Governor's Gold Medal (NJ). He was also selected by President Clinton to attend the president's first inauguration as one of the 60 "Faces of Hope" and by President Bush to participate in a conference on faith-based initiatives.

Madam Speaker, I know my colleagues will join me in honoring a wonderful servant to humanity. I am pleased to recognize his tremendous contributions to the city of Newark and wish him the best in all his future endeavors.

IN TRIBUTE TO LOUVENIA JOHNSON

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a woman of faith, journalist, businesswoman, communicator and grassroots activist from the Fourth Congressional District. Mrs. Louvenia Johnson passed away on February 27, at the age of 96.

Born in McDermott, Arkansas, Mrs. Johnson relocated to Milwaukee in 1939, with her husband, Paul Johnson, who preceded her in death. She worked in the health care field as a Licensed Practical Nurse. She was Executive Director of Project Focal Point, a youth and elderly service agency. After retirement in 1981, she established "The Christian Times" with three others: Nathan Conyers, Lynda Jackson-Conyers, and the late Luther Golden. The weekly newspaper was devoted to church news within the city's African American faith community. The paper was renamed "The Milwaukee Times Weekly Newspaper" as it began to cover more general community news. The Christian Times remains as a standing feature section of that newspaper to this day.

Louvenia Johnson established "The Black Excellence Awards Program" in 1985, to recognize the good works of ordinary people from Milwaukee's black community whose accomplishments had gone unnoticed. The awards program observed its 23rd year on February 15, 2008. More than 680 local citizens whose activities have benefited all of Milwaukee have been recipients of the award.

Mrs. Johnson established The Louvenia Johnson Journalism Scholarship Fund in 1988 to assist college-bound high school graduates who wished to pursue careers in print and broadcast journalism. She initially funded the scholarship with money from her Social Security benefits. The scholarship funds are awarded during The Black Excellence Awards Program. To date, more than $350,000 has been awarded to area students through this nonprofit, charitable organization. Previous scholarship recipients include Jamaal Abdul-Alim, an urban affairs reporter for the Milwaukee Journal Sentinel; and Silvia Acevedo, news reporter for WTMJ–TV/Channel 4 in Milwaukee.

Madam Speaker, for these reasons, I am honored to pay tribute to Louvenia Johnson who is survived by her siblings, Mr. Harvey Williams, Mrs. Algenora Davenport, nieces, nephews and many friends. Mrs. Johnson has made a positive impact on Milwaukee and her contributions and legacy continue to benefit

the citizens of the Fourth Congressional District.

NORTHWEST INDIANA BUSINESS AND INDUSTRY HALL OF FAME

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. VISCLOSKY. Madam Speaker, it is with the utmost sincerity and admiration that I rise to commend seven exceptional business leaders from Northwest Indiana who will be honored as the inaugural class of the Northwest Indiana Business and Industry Hall of Fame. Created by The Times and BusINess magazine, induction into the Indiana Business and Industry Hall of Fame is determined by a panel of local civic and business leaders. While there were many deserving nominees, the individuals selected as the 2008 Indiana Business and Industry Hall of Fame inductees are: Mark Maassel, Donald Powers, Mamon Powers, Jr., Denis Ribordy, Frank Van Til, Robert Welsh, Jr., and Dean White. For their many contributions to the enhancement of Northwest Indiana, these honorees will be recognized at a ceremony taking place at the Radisson Hotel at Star Plaza in Merrillville, Indiana, on Friday, March 7, 2008.

Mark Maassel is the former president of the Northern Indiana Public Service Company (NIPSCO), as well as a leader of the Northwest Indiana Forum. For many years, Mark has been seen as an innovative leader, not only in terms of his profession, but for his charitable efforts in the community as well. In one of many examples, Mark is largely credited with bringing together the United Way campaigns throughout Lake, Porter, and LaPorte Counties in Indiana. He has also been an active leader with the Indiana Humanities Council, the Indiana Chamber of Commerce, and the Ivy Tech Foundation.

Donald Powers is the president and CEO of the Community Foundation of Northwest Indiana, Inc. and the Community Healthcare System and the founder of a very successful real estate development company. Known throughout Northwest Indiana and beyond for his vision and determination, Donald is credited with the development of Munster, Indiana, as well as the Community Hospital and the Center for Visual and Performing Arts. In addition, he has been instrumental in the development of the Purdue University-Calumet campus in Hammond, Indiana.

Mamom Powers, Jr. is the president and CEO of Powers and Sons Construction Company, Inc., the company founded by his father in 1967. After learning the value of hard work and dedication from his father, Mamon took over the company and has always found a way to give back to his community. Mamon has always been active in serving the youth and has been a constant supporter of the Boys and Girls Clubs of Northwest Indiana. In addition, he also serves as a trustee with Purdue University.

Denis Ribordy was the owner of Ribordy Drugs, Inc., a very successful chain of twenty-six drug stores throughout Indiana, prior to its sale in 1985. He was also president and CEO of Ribordy Enterprises, which consisted of eight Hallmark stores. Having started his drug store business in Gary, Indiana, in 1955, Denis has always remained active in the community. Throughout his career, Denis has been recognized on numerous occasions for his commitment to Tradewinds and many charities throughout his community.

Frank Van Til is the co-owner of Van Til's supermarket in Hammond, Indiana. Raised in the grocery store business, Frank's parents opened their first store in Hammond in 1936. The Van Til family eventually went into business with the Strack family to create what would become a successful chain of 29 supermarkets throughout Indiana and Illinois. Although the Strack and Van Til stores were sold in 1998, Frank continues to operate Van Til's supermarket in Hammond. Not only did Frank learn the grocery business from his father, but he also learned the importance of being an active member of the community, and to this day, he remains an active member of many civic and charitable organizations in Northwest Indiana.

Robert Welsh, Jr. was the owner of the former Welsh Oil Company and is the current CEO and chairman of Welsh Holdings LLC. Throughout his career, Robert's innovative thinking has made him a true pioneer in his field. As the owner of Welsh Oil Company, he is credited with many modern advancements, including self-serve gasoline stations, alcohol-blended fuels, and food service within gasoline stations. Robert has been the recipient of many accolades, not only for his business ventures, but also for his constant commitment to his community. Most notably, Robert has been recognized as the University of Notre Dame's Man of the Year. Always an advocate of the youth, Robert has been an active contributor to the Calumet Council of the Boy Scouts of America for over 30 years.

Dean White, CEO of Whiteco Industries, is credited with turning Merrillville, Indiana into the retail center that it is today. Dean is the founder of the Star Plaza in Merrillville, and he has developed much of the surrounding area, which includes hotels, businesses, shops, and offices. With business ventures ranging from billboard advertising to residential and hotel development to high-technology innovations, Dean's holdings include companies local to Northwest Indiana as well as businesses throughout the world. While Dean's contributions to business and development in Northwest Indiana are well known, it is equally important to acknowledge the impact he has made on his community through his constant support of local charities and organizations in the area.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding leaders on their induction into the Indiana Business and Industry Hall of Fame. These individuals are most deserving of being named the Inaugural Class of 2008, and for their leadership and commitment to the Northwest Indiana community, each of the recipients is worthy of our respect and admiration.

IN HONOR OF THE NATIONAL PEACE CORPS WEEK AND THOSE SERVING IN THE PEACE CORPS FROM THE 24TH DISTRICT OF TEXAS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MARCHANT. Madam Speaker, it is my pleasure to honor the Peace Corps and its 47 years of service. Nearly 200,000 U.S. citizens have served their country, as well as instilling peace and goodwill in 139 countries abroad, since March 1, 1961. The week of February 25–March 3, 2008 was celebrated around the U.S. as National Peace Corps Week.

Currently 15 residents of the 24th District of Texas are serving abroad in 14 different countries. These selfless individuals should be recognized for their commitment to peace and development.

Their names and respective countries of service are as follows: Ryan Alvares—Mozambique; Lauren Banta—Senegal; Andrew Birdsell—Ecuador; Melanie Bittle—Nicaragua; Eric Brooke—Bulgaria; Kira Cha—Costa Rica; David Fox—Macedonia; Courtney Gilman—Gambia; Robert Henderson—Ukraine; Mary Jones—Georgia; Jamie Lewis—Malawi; Curtis Miller—Bolivia; Katherine Moore—Kenya; John Poulter—China; and Carin Wunneburger—Senegal.

It is my honor to recognize these individuals and the long-standing institution known throughout the globe. The people of the 24th District of Texas are proud of their achievements. I wish them and all members of the Peace Corps the best of luck and an eventual safe return home.

IN HONOR OF FRANK THOMPSON AND HIS SERVICE TO SPOKANE COUNTY VETERANS

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Mr. Frank Thompson. On March 1, 2008, Mr. Thompson, Director of the Spokane County Veteran Services, retired from his post in Spokane County, after an honorable 32-year career in veterans' services. In a time when our country acknowledges how much we depend upon our soldiers, and accordingly understand what honor, respect, and responsibility is owed to them when they become veterans, Frank Thompson stands out as an example of what it means to truly dedicate oneself to these deserving men and women, to serve them in a meaningful way.

Frank Thompson grew up in Pittsburgh, PA, and attended West Virginia Wesleyan College, graduating with a B.A. in social studies in 1967. When he entered the Air Force 3 months later, he began a lifelong attachment to the military which would continue all the way up to today. He later went on to serve 4

years in the Strategic Air Command during the Vietnam War. Upon being discharged, he attended graduate school at Gonzaga University in Spokane, WA. Earning an M.A. in counseling in 1975, he also entered the Washington Air National Guard, joining the 105th Tactical Air Control Squadron. It is obvious, Mr. Speaker, that Frank Thompson's dedication to the United States and his willingness to serve in the armed forces can never be doubted.

Frank began his service of three decades to American veterans on February 1, 1976, when he began working at the Spokane County Veteran Services as a Veterans Contact Representative. His reliability and talent shown through when, just 4 years later, he was appointed director in 1980. Mr. Speaker, he did all this while still serving in the Washington Air National Guard and did not retire from military service until December of 1991, having attained the rank of major. He continued his honorable work at the Spokane County Veteran Services until this past week.

Madam Speaker, I thank Frank Thompson for his service to those who sacrificed so much for their country. I praise him as example to us all of what true responsibility to our veterans looks like. And I offer my best wishes for him and his family as they open this new chapter in their lives.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. WOOLSEY. Madam Speaker, on February 28, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 85–87.

Had I been present I would have voted:

Rollcall No. 85—''yes''—John ''Marty'' Thiels Southpark Station.

Rollcall No. 86—''yes''—Sgt. Jason Harkins Post Office Building.

Rollcall No. 87—''yes''—Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building.

HONORING WINIFRED ANN WATERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. ENGEL. Madam Speaker, a community is an aggregate of it residents, but its quality of life is determined by the dedication of those who devote themselves to the welfare of their community. Winifred Ann Waters, known to all of us as Winnie, is a born and bred Bronx girl who has devoted herself to her community and the people in it.

She was born to Peter and Elizabeth McGee and grew up on Cypress Avenue and 138th Street. Her father died when she was a youthful teenager and she grew up helping her mother care for her siblings, Jimmy, Louis, and Veronica.

Winne was 16 when she first met Jimmy Waters, who was to become her husband. They have now been happily married for 40-plus years, and have 4 children, Jimmy, Vincent, Peter and Mary, who gave them 6 grandchildren with a seventh on the way.

After working for several years in the private sector Winnie left to have her first child. In 1985 she began working at Community Board 12 as a community associate with one of her responsibilities taking the complaints of unhappy citizens.

Taking lemons and making lemonade, she established many lasting and close relationships over the years. She is one of a rare breed who works unselfishly without need for credit or praise. In time she started to adopt the community as a second family and devoting herself to making the community a better place to live, work, and raise a family.

Now, no matter where Winnie walks in the Community Board 12 neighborhood, she is recognized by all. She will be greatly missed in her retirement but her goal of making the community a family environment is one that we will continue to follow from her fine example.

I sincerely thank her for all that she has done for the people of her community. She is an inspiration to all.

A BIRTHDAY TRIBUTE TO WILBERT TATUM AND THE AMSTERDAM NEWS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. RANGEL. Madam Speaker, I rise today to celebrate two birthdays.

Wilbert ''Bill'' Tatum never shies away from a good fight. The publisher emeritus of Amsterdam News, starting in 1978, ran editorials excoriating then-Mayor of New York, Democrat Ed Koch, once a week—every week—on the paper's front page. The recurring, and unrelenting, box read: ''Why Koch Should Resign.'' By the time Koch left office a decade later, Tatum had turned his attention to another New York mayor, this time Republican Rudolph Giuliani. He demanded his resignation, too.

Throughout his life, which this year eclipses the 75-year mark, Tatum has been unafraid to show his mettle. He has railed against one-time popular policies—the invasion of Iraq and racial profiling—and defended unpopular, often controversial figures. The man who forged a niche for himself in black journalism, and broadened the field with his editorial perspective, is all about developing big ideas—and sticking to them. ''Don't worry about your beliefs if they are yours,'' Tatum writes in a recent column. ''If you have to depend upon somebody else's beliefs, then you have no beliefs at all.'' On the anniversary of his birth, it is that unflappable spirit we celebrate, honor, and uplift.

He's a self-billed ''pragmatic idealist.'' As the director of community relations for the city's building department, he fervidly sought to develop new housing in poor neighborhoods. He spent a winter's night in 1967, huddled in an evacuated and unheated Queens housing development, just to highlight the plight of tenants. He, years later, lobbied then-Governor Mario Cuomo to establish a toll-free telephone line that gave residents tips, and accepted their complaints, about drug trafficking. But over the past quarter century, he's made his mark in the media.

He owned financial interests in Inner City Broadcasting Corp, Apollo Theatre, and two radio stations, WLIB and WBLS. He served a brief stint as co-publisher of the New York Post in 1993, alongside real estate developer Abe Hirschfeld. And through the pages of the Amsterdam News, the Harlem-based Black weekly that came under his direction in 1982, Tatum developed his own voice.

That paper projected a critical and focused voice of its own, particularly at a time when issues of concern to African Americans were largely ignored by the mainstream media. It all began nearly 100 years ago—with nothing but $10, six sheets of paper, a lead pencil, and a table as its initial capital—and, in short order, it became New York's largest and most influential Black-owned, Black-operated business. At its zenith, its circulation peaked 100,000 and by the 1940s, it had become a leading black paper along with the storied Pittsburgh Courier, the Afro-American, and the Chicago Defender. Greats like W.E.B. DuBois, Roy Wilkins, and Adam Clayton Powell contributed to its pages. As one of the most frequently quoted black weeklies in the world, it says its strength lies in its ''shaping the advancement and realization of Black aspirations.''

It now commands an irrefutable spot on the mantel of American Black history. It made visible the invisible; gave speech to the voiceless. It championed the causes of civil rights, amplifying the too-often muffled calls from the community. It fought for integration in the Armed Forces during World War II and was at the forefront in covering events such as the Montgomery bus boycott in Alabama. Tatum, himself, has been lauded for taking the paper in a new, fresh direction—harkening back to its history while remaining modern and relevant. He's expanded its coverage of international affairs, attracting a wide variety of new readership from all corners of the local, national, and even international market.

Tatum was born in January 23, 1933, in a three-room shack in Durham, North Carolina, 10th out of 13 siblings, against the backdrop of segregation and summers of tobacco-field toil. He today boasts a degree from Pennsylvania's Lincoln University, the oldest Black university in the U.S., a master's in urban studies from Occidental College in L.A, and a National Urban fellowship at Yale. Out of work in segregationist America, ''too well-educated'' to land a post as a janitor at any of the New York newspapers, and instead, tried his luck as a reporter and columnist in Europe.

But he has since carved out a safe space of his own, assuming the leadership of a historic paper and injecting his powerful voice into the dialog. He has all our best wishes on his birthday and in this year, as his paper celebrates a milestone—a century's worth of scoops, awards, exclusives, and history-making. We are all the better for it.

HONORING THE PEAK CENTER OF LANSDALE, PENNSYLVANIA

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate The Peak Center of Lansdale, Pennsylvania, for receiving National Institute of Senior Centers accreditation. Of the 15,000 senior centers in America, The PEAK Center is one of only 153 senior centers to receive this high honor, bestowed by the National Institute of Senior Centers, a constituent unit of the National Council on Aging.

The National Institute of Senior Centers mark of accreditation demonstrates the PEAK Center's outstanding service and commitment to seniors who live in the North Penn region of my district. As part of the accreditation process, staff evaluated their current programs and developed a 3-year strategic plan that will facilitate the development of additional programs and services. Accreditation demonstrates the Peak Center's outstanding leadership and commitment to continuing their tradition of developing quality programs and services for adults.

The Peak Center's mission is to support wellness and quality of life for adults over 55 years of age and promote their participation in all aspects of community life. The staff of the PEAK Center works diligently to maintain the center as a hub of learning and activity in the community. The center has year-round programs that engage adults in lifelong learning pursuits, some in cooperation with local corporations and civic groups. Programs include aerobics, studio art, health screening, computer training, and the ''Senior Environment Corps.'' I have been pleased to recognize the Peak Center's active participation in the Veterans History Project of the Library of Congress.

Madam Speaker, I ask that my colleagues join me in congratulating the PEAK Center on receiving National Institute of Senior Centers accreditation and wishing this important organization many more years of success.

COMMEMORATING THE COURAGE OF THE HAITIAN SOLDIERS WHO FOUGHT FOR AMERICAN INDEPENDENCE IN THE ''SIEGE OF SAVANNAH'' AND FOR HAITI'S INDEPENDENCE AND RENUNCIATION OF SLAVERY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong support of this resolution commemorating the courage of the Haitian soldiers who fought for American independence in the ''Siege of Savannah.'' This resolution also honors those soldiers who fought for Haiti's independence and the renunciation of slavery. As a cosponsor of this legislation, I would like to express my appreciation for the efforts of my good friend from Florida, Congressman KENDRICK B. MEEK, for introducing this important legislation and for the House Leadership for bringing it to the floor for a vote.

The War for American Independence was not easily won, and it took the contributions of an untold number of American patriots. It is important that we continue to remember those heroes who gave their lives for the freedoms we can enjoy today. In 1779, American rebels fought to take back the city of Savannah from the British. This resolution commemorates a group of 500 Haitian volunteers who fought valiantly alongside the patriot forces for more than 2 weeks as the siege continued. It is important for us to take this moment to commemorate and honor the memory and sacrifice of the 300 Haitians who gave their lives during that historic battle.

It is fitting that a monument to these brave men now stands in Savannah, Georgia, where this momentous fight took place. It is also fitting that the monument depicts a young Henri Christophe, a man who helped gain Haitian independence and end slavery in that country.

Mr. Christophe and his compatriots fought valiantly for the causes of liberty and justice on both American and Haitian soil, proving their deep commitment to these ideals. Their desire for liberty is not yet fulfilled, so we must continue to work with the people of Haiti to realize the dreams of their founders.

We can hardly begin to measure the ways in which the people of Haiti have shaped our country. In South Florida, residents of Haitian descent have contributed so much to the fabric of our community. Their culture, heritage, and traditions have influenced almost every single corner of our society. South Florida—so rich in diversity—would not be what it is today without the Haitian people. From the beginning of our history, the Haitian people have left their mark on America and have helped to shape our great nation. In fact, the contributions of Haitians began before our country had even won its independence, and they continue to this very day.

Madam Speaker, I strongly urge my colleagues to support this important resolution and honor the valor and ideals of the Haitian soldiers who fought for American independence and to end the practice of slavery.

RECOGNIZING BOBBIE AND DON CASSANO

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MITCHELL. Madam Speaker I rise today to recognize the achievements of two outstanding people from my hometown, Tempe, Arizona—Don and Bobbie Cassano. My pride in their contributions is magnified because I also count them among my friends.

The Tempe Chamber of Commerce recently presented them with the 2008 Spirit of Tempe Award during the annual Breakfast for Chamber Champions on February 29th. This award recognized business people who ''go above and beyond''.

The soul of any community is its people, and Don and Bobbie Cassano have epitomized the spirit that makes Tempe such an outstanding community. I am pleased that their outstanding efforts for our community have been formally recognized by the Tempe Chamber.

Don and Bobbie wasted no time in getting involved in their community when they moved to Tempe thirty four years ago. It is easy to assume that this was strictly a team effort, but Don and Bobbie have each made significant individual contributions as well.

Bobbie has served as president of Tempe Leadership, the Tempe/Kyrene Communities in Schools and the Tempe Governors. She was a founder of the Communities in Schools group. She has also served on the Tempe Community Council Board of Directors, the Tempe Connections Advisory Council and the Tempe Citizens Corps Council.

Don has also served as President of a number of organizations, including Friendship Village of Tempe, Arizona Clean and Beautiful and the Tempe Nuevo Kiwanis Club. He has chaired the Valley Business Council and Valley Forward Association. I am also proud to have served with him during the time he was a member of the Tempe City Council, from 1984–1993.

Together they joined forces to help pass a transit tax in Tempe which goes toward improving public transportation, including the light rail system which starts running this year. In addition, it funds expanded bicycle paths, and a free neighborhood circulator bus to help increase ridership on public transportation.

I can't think of two people who are more deserving of this award, and I say congratulations for a job well done.

RECOGNIZING THE CITY OF LUBBOCK, TEXAS ON ITS CENTENNIAL

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. NEUGEBAUER. Madam Speaker, as the city of Lubbock turns 100 years old, I could not be more proud to be part of a wonderful community that has grown to embrace all that is good in America. The traditional values upon which this country was founded still flourish and are taught to the next generation here.

The history of Lubbock is a story of men and women that came to this region with a dream. They came with a determination that would be tested over and over again. That ''can-do'' spirit turned this remote area of the High Plains of Texas into one of the most productive agricultural regions in the world. My grandfather came to Lubbock in 1909 to be part of this new community. Over the past 100 years, many visionary citizens stepped forward to build and strengthen this growing and developing town. Now today, because of their efforts, Lubbock is not only an important agricultural area, but it is also a city of world-class educational and medical facilities and the regional distribution center for the entire South Plains and part of New Mexico.

As we celebrate the past, let us look forward with great anticipation toward the future. Lubbock is not just a city celebrating 100 years. it's home to me. I am proud to call Lubbock home and am honored to represent each its residents in the United States Congress.

TRIBUTE TO DWIGHT ''PETE'' MITCHELL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Dwight ''Pete'' Mitchell, a community leader in Southwest Michigan who is retiring this week after more than 35 years in public service.

In the center of downtown Benton Harbor sits a large rock, engraved with the name of Dwight ''Pete'' Mitchell City Center Park. That certainly represents Pete Mitchell—he's solid as a rock, a foundation for our community. An accomplished boxer as a young man, Pete Mitchell, like his hometown of Benton Harbor, has shown he can take a punch, and he can fight back and win. Many of the projects that are being accomplished right now that are leading Benton Harbor's renaissance have benefited from Pete's quiet and steady leadership. Whether it's the Arts District, downtown development, new housing, or new jobs and recreation, Pete was there with the vision and perseverance to put together the partnerships that are making a difference in lives of Benton Harbor residents.

While Pete is retiring as Benton Harbor City Manager, he has a long legacy of involvement in his community. A 1954 graduate of Benton Harbor High School, Pete has served on the Benton Harbor Area Schools board, the Airport Authority, the Council for World-Class Communities, the Boys and Girls Club, and a number of other organizations in his hometown. He has been honored by Lake Michigan College with the Distinguished Alumni Award, and was a recipient of the College's Diversity Award.

Pete Mitchell is a man who dedicated his life to his hometown, and to the betterment of his fellow man. He is truly ''The Rock.''

COMMEMORATING THE PASSING OF DR. ROBERT JASTROW

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. ROHRABACHER. Madam Speaker, I would like to commemorate the passing of the prominent American scientist Dr. Robert Jastrow on February 8, 2008. Born in New York in 1924, Robert Jastrow worked in the U.S. lunar landing program, established and managed two scientific research centers, and played an active role in national public policy debates on national security and environmental policy.

Robert Jastrow earned his Ph.D. degree in theoretical physics at Columbia University. He became an assistant professor at Yale before joining the staff at the Naval Research Laboratory. In 1958, Dr. Jastrow was chosen to head NASA's new theoretical division. Dr. Jastrow immediately set to work planning the future space science program and drawing a high level of scientific talent into NASA.

Dr. Jastrow was convinced of the unique importance of the moon for understanding the origin of the earth and the other planets and was an early champion of lunar exploration. In 1958, he and Harold Urey, the Nobel Laureate chemist, made the case for NASA to build a significant program for lunar exploration, resulting in the establishment of the Ranger Project.

With permission from NASA and in association with Columbia University, Robert Jastrow organized the Goddard Institute for Space Studies and became its first Director in 1961. Scientists at the Goddard Institute, a government laboratory which carried out research in astronomy and atmospheric science, played a key role in the Pioneer, Voyager, and Galileo planetary missions under Jastrow's guidance. In recognition of his work, Dr. Jastrow received the NASA Medal for Exceptional Scientific Achievement and the Arthur Fleming Award for Outstanding Service to the U.S. Government.

Dr. Jastrow stayed at the helm of the Goddard Institute for 20 years before becoming joining the faculty at Dartmouth College, where he held the position of Professor of Earth Sciences until 1992. In that year he resigned to become Chairman of the Board of Trustees of the Mount Wilson Institute, which manages the Mount Wilson Observatory in California on behalf of the Carnegie Institution of Washington. Dr. Jastrow retired as Director of the Mount Wilson Institute in January 2003. He also was a member of the Board of Governors of the National Space Society.

With Drs. Frederick Seitz and William Nierenberg, Dr. Jastrow founded the George C. Marshall Institute in 1984 to conduct assessments of scientific issues affecting public policy. He was an influential figure in the public debates on ballistic missile defense and climate change. At the Institute, he worked to provide the Congress and successive Administrations with perspectives and interpretations of scientific and technical matters.

Dr. Jastrow was a prolific author and public commentator on the space program, astronomy, earth science, and national security. He hosted more that 100 CBS–TV network programs on space science and was the special guest of NBC–TV with Wernher von Braun for the Apollo-Soyuz flights. Dr. Jastrow's articles have appeared in the New York Times, Time, Reader's Digest, Foreign Affairs, Commentary, Atlantic Monthly and Scientific American. His books include Red Giants and White Dwarves—the Evolution of Stars, Planets and Life; Until the Sun Dies: God and the Astronomers; The Enchanted Loom—Mind in the Universe; Astronomy—Fundamental and Frontiers; Journey to the Stars—Space Exploration Tomorrow and Beyond, How to make Nuclear Weapons Obsolete and Scientific Perspectives on the Greenhouse Problem with William Nierenberg and Frederick Seitz. Dr. Jastrow's contributions to science will be missed, and I extend my condolences to his family, friends and colleagues.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. LANGEVIN. Madam Speaker, on February 28, 2008, I was away from the Chamber and unable to vote. I would like the RECORD to reflect that, had I been present, I would have voted ''yea'' on rollcall vote Nos. 85, 86 and 87.

COMMEMORATING NATIONAL I.D. THEFT PREVENTION WEEK, MARCH 3–7, 2008

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MITCHELL. Madam Speaker, I rise today to commemorate National Identity Theft Prevention Week in Arizona and in several other states, as well as Consumer Protection Week around the Nation, and to bring attention to this growing and troubling trend in crime. Identity theft is a serious offense that occurs when someone uses your personal information without your permission to commit fraud or other crimes.

Unfortunately, Arizona is one of the states hardest hit by identity theft, which continues to impact millions of victims and remains the fastest-growing white-collar crime in the United States. Identity theft costs businesses and consumers billions of dollars each year. Additionally, victims must take valuable time and often endure tremendous stress as they work to repair the damage to their credit and accounts.

However, Arizona is also the site of some of the Nation's most innovative efforts to combat this crime. The Arizona Attorney General's Office regularly hosts ''shred-a-thons'' where residents can safely destroy documents containing personal information. And private companies like Lifelock, which is headquartered in my hometown of Tempe, has become a nationwide industry leader in helping consumers to proactively protect their personal information and render it useless to criminals.

Madam Speaker, I wish to applaud these efforts and encourage my colleagues to join me in doing all that I can to turn the tide against identity thieves across the Nation.

IN HONOR OF HUGH PATRICK CARROLL

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. PICKERING. Madam Speaker, today an effective and loyal member of my staff serves his last day in my office. But, he does not leave his service to Mississippi. Hugh Carroll, my legislative director, will be moving to the other chamber to serve in the office of Senator

ROGER WICKER, my friend and our former colleague in the House who is now serving out the remaining term of Trent Lott.

Hugh came to Washington, DC, from Greensboro in the Piedmont of North Carolina. He earned his undergraduate and law degrees from the Catholic University of America here in Washington. Hugh served as a law clerk for the Architect of the Capitol and the General Services Administration. Prior to that, he interned both with the House Committee on the Judiciary as well as with Congressman HOWARD COBLE.

I first met and worked with Hugh when he served on the House Committee on Transportation and Infrastructure staff as counsel. He worked closely with my office on Hurricane Katrina recovery legislation and investigations. At that committee, he helped draft ''A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.'' I served on that select bipartisan committee and grew to appreciate Hugh's work and insights.

Hugh joined my staff in February 2007 to serve as my chief counsel and legislative director, and oversee my telecommunications policy. His tenacity and natural instincts fit my policy objectives, and he effectively assisted in moving my legislative and appropriation priorities forward. His knowledge of Hurricane Katrina issues provided the ready experience necessary to hit the ground running for my State's continuing recovery needs.

I know that Hugh's parents, Marvin and Sandra Carroll, are proud of him and his work for the House of Representatives. I am proud of his work for Mississippi and while sorry to see him leave my staff, am glad he will continue to serve my district and my constituents as an aide to Senator WICKER.

My staff will remember Hugh Carroll's dry humor, passion for the Boston Red Sox, love of his dog, and interesting wardrobe choices. I hope Hugh will remember all the work we have accomplished together, and also the symbolism of ''The Five Flags.'' We all will remember his good nature, determined work ethic, and professional accomplishment of his duties. I thank him for his hard work, and wish him the best of fortune in his new assignment and future endeavors.

THE INTERNATIONAL RENEWABLE ENERGY AGENCY (IRENA) ACT OF 2008

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MARKEY. Madam Speaker, I am introducing the International Renewable Energy Agency Act today because our energy security, the health of our planet, and the strength of our economy have reached a critical juncture. As gasoline prices creep towards $4 per gallon, and emissions of heat-trapping gases continue to climb to dangerous levels, two things have become clear. First, a fundamental change is needed in the way we generate and use energy here at home. Secondly, the rest of the world must be also part of this new energy future. The legislation I am introducing today calls for the establishment of an International Renewable Energy Agency, IRENA, to address both of these challenges.

This week, world leaders from government, civil society and private business are meeting as part of the Washington International Renewable Energy Conference, WIREC, of 2008 to discuss a major scale-up in the deployment of renewable energy technology around the world. This collaboration is a good start, but the urgency of global warming and our dependence on oil require that we take the lead in creating a permanent international agency to drive the development and deployment of renewable energy in all countries, including ours.

Despite the enormous strides renewable energy and energy efficiency technologies have made over the last several years, hurdles remain to major and rapid scale-up on the level needed to meet the world's need for energy while also addressing global warming. IRENA will provide the institutional support needed to address the technological, financial, informational, and policy barriers that keep renewable energy and energy efficiency technologies from reaching their full potential.

Renewable energy has the potential to reduce global warming pollution while also creating millions of ''green jobs,'' reducing our dependence on foreign sources of energy, and spurring the technological development that will fuel the global economy over the coming century.

New investment in clean energy technology worldwide topped $148 billion in 2007, an increase of 60 percent over 2006 and up from just $33 billion in 2004. However, about two thirds of this investment lies in just six countries. Over the next two decades, greenhouse gas emissions from developing countries are projected to grow at more than twice the rate of those in developed countries. Encouraging growth of renewable energy in developing countries reduces the extent and likelihood that these economies will follow a carbon-intensive, fossil energy development path. It also opens a valuable market for the clean energy companies that developed economies will rely on for growth over the coming century. The International Renewable Energy Agency will have the independence, credibility, and expertise necessary to assist governments at the national, state, and local level implement renewable energy policies and projects.

Existing international energy agencies were formed to address narrow problems. The International Energy Agency, IEA: oil security and fuel supply disruptions. The International Atomic Energy Agency, IAEA: nuclear proliferation and safety. With the aid of institutional support, these energy resources became foundations of modern economies. An international renewable energy agency is needed to support the unique problems facing renewable energy: marketplace failures, political inertia, and information gaps. To this end, IRENA will:

Support governments in drafting policies and programs for the promotion of renewable energy and energy efficiency measures;

Assist governments in conducting studies that analyze the potential of renewable energies and the appropriateness of different technologies;

Provide long-term projections and scenarios based on existing data and policy in order to identify opportunities as well as gaps, barriers, and failures in markets and policies;

Organize training programs, information campaigns, and courses for civil servants, scientists, businesses, and non-government organizations;

Supply curriculum for schools and universities on relevant renewable energy topics;

Work with financial institutions to support innovative financing mechanisms for renewable energy projects;

Develop international norms and quality standards;

Gather and disseminate data, statistics, and reports on renewable energy deployment, policy approaches, and technology development.

The status quo is not working for America or the planet. The environmental, energy, and economic problems we are facing are largely due to a failed energy policy. An international renewable energy agency represents an opportunity for America to change its energy path and confront global warming while reestablishing its leadership role and reputation in the international community.

CONGRATULATING THE STATE BAR OF ARIZONA ON ITS 75TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 4, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate the State Bar of Arizona on its 75th anniversary. The Arizona Bar Association was first incorporated in Arizona in 1906 and in 1912 first began official admission procedures for the practice of law. On March 17, 1933, the State Bar of Arizona was established as a mandatory membership organization through an act of the Arizona State Legislature. Since its statutory establishment, it has functioned as a self-policing organization that has worked to ensure that the legal profession in Arizona maintains the highest possible ethical standards and technical skill.

The State Bar of Arizona is guided in its service of the public by the core values of integrity, service, diversity, professionalism, promotion of justice, and leadership. The State Bar utilizes these core values to further the legal profession and the administration of justice.

The State Bar serves not only the legal profession, but also the public, ensuring equal access to high quality legal services for all Arizona residents. The State Bar also serves the public through its participation in programs like ''Wills for Heroes'' where members of the State Bar donate their time and talent to provide free legal services in the area of wills and probate to emergency personnel in Arizona.

The State Bar of Arizona and its nearly 20,000 members should be proud of the work they continue to do to ensure that all Arizonans have access to equal justice.

SENATE—*Wednesday, March 5, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, all things, all places, all people belong to You. You have promised that those who seek You will find You. Strengthen our faith to believe that You will be with us wherever the circumstances may lead. Continue to sustain the Members of this body as they confront challenges. Give them the wisdom to depend on You.

Heal wounded spirits, troubled consciences, and remove cares. Provide them with wisdom to perceive You, intelligence to understand You, and diligence to seek You. Replenish their physical strength when the days are long and give them resiliency for the difficult road ahead.

We ask this in the name of Him who supplies all our needs. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican Leader, the Senate will be in a period of morning business for an hour, with the time divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of the Consumer Product Safety Commission legislation.

Mr. President, I certainly complain when things do not go well here on the floor and we are unable to legislate. I think that what has transpired on the CPSC legislation is how we should legislate. I hope it continues that way. In that regard, it appears we have a piece of legislation—it is bipartisan in nature, it came out of the committee after much consternation. We were concerned that we could not get anything out of there. We finally did get something out of the committee. It looks like a very good piece of bipartisan legislation.

We are going to finish this bill this week. I hope we can finish it sooner rather than later. I alerted my caucus that we would be in session until we do finish the bill, but there is no reason we cannot finish this very quickly. I see no reason we have to move to cloture. If that becomes necessary, I will certainly talk to the distinguished Republican leader. But I do not see that on the horizon at this stage.

I hope we can move forward on this legislation. I would comment on this: The managers of the bill are somewhat hesitant on an amendment. They did not know if we should vote on it. That was handled properly when the manager of the bill, Senator PRYOR, moved to table an amendment.

That is the way to go, not worry about people talking too much or, well, they are not going to let us vote on it. The manager of the bill has that prerogative when someone offers an amendment. They say their piece, they move to table. It is nondebatable. And we need do that on this legislation and other pieces of legislation and not worry so much about a difficult vote.

So I hope we can move forward as we have and finish this legislation as quickly as possible.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MINORITY LEADER

Mr. MCCONNELL. Mr. President, I wish to use my leader time.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AMT IMPACT

Mr. MCCONNELL. Mr. President, last week our friends on the other side pulled the housing bill. But the problem the bill was meant to address obviously does not go away. The effects of the housing downturn continue to spread.

Yesterday the Fed Chairman called for a vigorous response from banks and from lenders. He said aggressive action by lenders would help stressed homeowners and help ensure the health and well being of the broader U.S. economy.

Well, we Republicans have been saying the same thing about Congress's response to the housing crisis for 2 weeks. The Democratic plan for stressed homeowners is to raise monthly mortgage payments on those who buy new homes or refinance existing ones. We have a different view on this side of the aisle. We want to expand the family budget, not the Federal budget, by helping homeowners with targeted assistance and homebuyer tax credits that will make the problem better, not worse. We have a concrete plan to foster the conditions that lead to more homeownership by protecting existing jobs, creating new jobs, increasing wages and keeping taxes low.

Among the things we can do to keep taxes low is to patch the loophole that threatens tens of millions of middle-class Americans with a giant AMT tax this year. There is no reason we cannot come together now and remove any doubt Americans have about paying a tax that threatens to cost them, on average, $2,000 more in taxes this year.

We patch the AMT every year, and because it was never meant to hit middle-class taxpayers in the first place, we patch it without creating new taxes somewhere else. In the current economy, we should spare taxpayers the political theatre of waiting until the last minute to go through this annual charade.

Last night the Budget Chairman said the Democratic budget proposal this year will include an AMT patch without an accompanying tax hike. I think that is certainly good news. I commend him for that decision, and it is one more reason we should not put off passing the AMT fix. If this is what the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

chairman intends, we should follow through on it now to give taxpayers added certainty. We should remove the doubt about the AMT now so Americans who are worried about the economy have one less thing to be concerned about.

Last year a Democratic-led standoff over passing an AMT patch threatened to delay tax returns for 50 million taxpayers, totaling about $75 billion in refunds. In this economy, we cannot afford to play these kinds of games. We know we will patch the AMT at some point this year. We should give some comfort to taxpayers by doing it now. It is time to put American families' budgets in front of the ever-expanding Federal budget.

Mr. President, I share the view of the majority leader that we are making good progress on the underlying bill, and hopefully that will continue today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I think it is important I respond to my distinguished counterpart. We did not pull the bill. We were unable to go to the bill. We moved to proceed to the bill and had to file cloture. We could not get 60 votes because we had 1 Republican vote with us to move so we could legislate on housing.

As I have said so many times, if the Republicans were serious about legislating on housing, they would have moved to the bill. I pulled the bill? That is as Orwellian as this conversation could be. I did not pull the bill. I tried to go to the bill. Republicans would not let us go to the bill.

We have five simple things in our housing package that are extremely important to the housing industry. Transparency is JACK REED's provision that all of these agreements should be transparent, they should be understandable.

No. 2, the President asked, and we proceeded to do what he asked, to have revenue bonds to take care of some of the distressed properties. No. 3, we have large segments of—we were in a meeting that is still going on with faith leaders. The head of the Baptist Convention says in his neighborhoods, one, two, and three houses are going into foreclosure every week. They have neighborhoods that are in trouble.

We have CDBG grants in our bill to allow States to step in and take care of some of those troubled properties. We also have something that the homebuilders care about a great deal, and that is a loss carryforward. It is something they want that would be helpful to the economy, that would be helpful to the housing market.

Finally, we have a provision that says: If you have a home, you should be able to go to bankruptcy court and have the loan rate adjusted, just as you can if you have a vacation property that you need to have readjusted. Those are the five things, very simply.

But I say if my Republican colleagues think there is a housing crisis, let us legislate the housing crisis. Come here, offer amendments and deal with it.

But remember, they held a press conference on the same day, on the same day they stopped us from going forward on housing. What did they do in the press conference? Here is what they wanted to do to solve the problems of housing around our country: tort reform. Now, you can imagine what a laugher that is, tort reform to solve the housing crisis in America today.

Secondly, they want to lower taxes. Now try that one on. They are not serious about the housing crisis or they would allow us to move forward. No, we did not pull the housing bill; they would not let us go to the housing bill. That is the record. Vote No. 35, 110th Congress, cloture, motion to proceed, cloture motion was rejected because we did not get 60 votes.

So all we want are the facts. When you look at those nasty facts, it indicates the Republicans do not want to legislate on housing. They want, as the President suggested in his press conference last week, to let us see what happens in June when the rebates come back.

This is not a wait-and-see, this is a problem we have to address immediately. What the President has done is voluntary in nature. It helps less than 3 percent of the homes in foreclosures now. Reports yesterday said it was basically worthless.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Idaho.

THE BUDGET

Mr. CRAPO. Mr. President, I wish to use my time by following up on the comments our leader has made with regard to the budget. It is budget time in Washington right now. Although many people are focused very heavily on the President's budget submission, the reality is that the budget is a uniquely legislative responsibility. The President makes a recommendation, but it is this Congress, the Senate and the House of Representatives, that establishes the budget for our Nation.

The budget that was announced yesterday and reviewed, which we will be evaluating in the Budget Committee today, in my opinion, is not responsible. In fact, it is an embarrassment.

We often talk about the fact that we want to avoid tax-and-spend politics in Washington. But this budget plunges headlong back into the very tax-and-spend policies of the past that have put us in the dire fiscal position we are in today.

The budget is a failure on the spending policy, it is a failure on the tax policy, and it is a failure on the additions to our national debt that are monumental, which it contemplates. It is a failure because it does not do a single thing about the most significant fiscal problems facing us, namely the entitlement problems and the entitlement portion of our budget.

Let me go through all those briefly. To do so, I am going to explain—this may be a little bit basic to those in the middle of budgeting, but I am not sure the folks who pay attention to those understand exactly how the budgeting process works.

This year we will have the first budget that exceeds $3 trillion in Federal spending. In rough approximation, that budget is approximately two-thirds entitlements and spending on the interest on the national debt. The other remaining third is made up of what we call discretionary spending.

Again, approximately half of that is our national defense budget, and the remaining half is the rest of our nondefense discretionary spending; basically the rest of everything in Government more than our entitlement programs, interest on the national debt, and defense spending.

The problem, the most significant problem we face in our budget today, is the fact that the two-thirds portion I talk about, the entitlements and the interest on the national debt, are out of control. I often say they are on auto pilot, this spending in that two-thirds of our budget. That is growing at a rate that has often doubled, sometimes more than doubled, even tripled or quadrupled the rate of the growth of our economy.

It grows without a vote in Congress. Previous Congresses have passed legislation, and previous Presidents have signed the legislation into law that has established our entitlement programs.

Entitlement programs grow regardless of what we do in Congress. We could never vote again here in Congress and this spending would continue at rates that have nothing to do with the health or strength of the economy and which, as I have said, far ourpaces our economy. What does the budget before us propose to do about this? Nothing. Yet again we have no opportunity proposed in the budget that we will be battling over to try to address this incredible fiscal problem our Nation faces.

What does the budget do instead? It increases spending dramatically in the discretionary part of the budget as well

as allowing the entitlement section of the budget to rage uncontrolled. We are looking in this budget at a $350 billion deficit, and that doesn't count war spending except for a small portion. It doesn't take into account the fact that we just passed a stimulus package that put another $150 billion of debt on the backs of our children and grandchildren without paying for it under the pay-go rules we are required to live by in Congress—in other words, $150 billion of new spending with no offsets against any other spending immediately put on the backs of our children and grandchildren in the form of national debt which they will pay back at a much higher rate as interest compounds on it over the years.

What does this budget do in order to try to deal with this increased rush for spending? It raises taxes. It raises taxes over $700 billion in the next 5 years. How does that happen? By the way, this tax increase America will face under the assumptions of this budget will occur with no vote in Congress. How does that happen? To explain that, I need to explain how the budget works.

As most people in America are becoming aware, there is a filibuster in the Senate that requires, on major policies where there is disagreement, essentially that in order to move forward, 60 votes are needed to get past the filibuster, to get cloture. Because of that 60-vote requirement on filibusters, it is difficult to either increase taxes or cut taxes because there is usually opposition to either move, and it requires 60 votes to move forward. But there is one bill each year on which we don't have to have 60 votes. It is called the reconciliation bill. It is a part of our budget process. Because of the way the law is set up, we can have a 50-percent-plus-one vote on that reconciliation bill each year. That is how the tax cuts of 2001 and 2003 were put into place.

Those tax cuts, as a reminder, were reductions in the income tax marginal rates for every American, with the largest percentage of those reductions in the lower and middle-income categories, reductions of the capital gains tax, reductions of the dividends tax, and a number of other very important tax policies that in 2001 and 2003 reduced taxes because we were able to use the reconciliation bill to do so. The problem is that the reconciliation process requires a sunset.

People around the country must wonder why we are facing a sunset of these tax cuts. It is because in order to avoid the filibuster and get the tax cuts put into place, the reconciliation process was used, which itself carries a sunset. So over the next 3 or 4 years, the tax cuts of 2001 and 2003 will expire. Once they expire, taxes will go back up in nominal amounts on every American.

All we have to do is to extend those tax cuts to keep tax rates at their current levels, to be responsible about tax policy. But what does this budget do? In order to facilitate the explosion of new spending this budget contemplates, it assumes there will be no vote in Congress to extend those tax rates cuts. What does that mean?

Let's look at the first chart. Over the next 5 years, that means taxes are going to go up by $1.3 trillion. The lower income tax rates people are paying today are going to go back up. The child tax credit, the marriage penalty elimination, the estate tax reductions, and the small business tax relief all go back up. One year of AMT fix is contemplated, but the alternative minimum tax which is now slamming the middle class will not be accommodated in any year of this budget except for the first year. There are other extensions of other types of R&D tax credits and other things that are important for our economy that will go up. When you have totaled it all up, this budget contemplates and provides for $1.3 trillion of new taxes.

Over a 10-year period, the number is even more phenomenal: $3.9 trillion of new taxes. That is how we are facilitating the increased spending contemplated in this budget.

As I indicated, we are now facing a situation where Washington has returned to the tax-and-spend policies of the past. If we do nothing, which is what this budget contemplates, entitlement spending will continue to rage, driving up our debt. Discretionary spending will be accelerated, driving up the debt. Taxes will explode. When those tax rates go up, remember, it is going to happen with no vote in Congress. We are simply going to sit back and let America have the hugest tax increase it has ever had by taking no action to protect the American taxpayer.

I was elected to the House of Representatives back in 1992 or 1993. Ever since that time, we have tried to reduce taxes to accommodate a better tax policy and tax structure in this policy. Every time we have proposed a tax cut, that tax cut was attacked as a tax cut for the wealthy. That simply is not true. As our leader said, whether you look at the alternative minimum tax, the marriage tax penalty, the small businesses, the child tax credit, or the reductions of income tax rates across the board for every taxpayer in America, these taxes squarely hit the middle class and every income category across the board. We often talk about that typical family of four and the several thousand dollars of taxes they are going to be asked to pitch in for this. But it really is not just that typical family of four; it is a single mother, a single man, a family with children, a family without children, a married couple. Everybody who pays taxes is going to see their taxes go up dramatically.

This budget is not responsible. It is not responsible on spending policy. It is not responsible on taxing policy. It is not responsible because it provides for no action to deal with the entitlement reform so pressing in our Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

JOHN McCAIN

Mr. COLEMAN. Mr. President, I would like to take a few moments to talk about one of my colleagues, the Senator from Arizona, Mr. McCAIN.

Last night, he secured the nomination of the Republican Party to be President of the United States. I must admit that about 6 months ago, I was one of those who questioned whether Senator McCAIN would be successful in this quest. While his passion for our Nation has never been in doubt, my sense was that his campaign for the Presidency was flickering to a close. What you saw last night is a reflection of character, the character of JOHN McCAIN, the character that allowed him to persevere through the terrible torture of tiger cages in Vietnam.

JOHN McCAIN has never, ever given up on this Nation. In the end, at a time when there is so much cynicism in the body politic and the public about politicians, it is uplifting, not just for this party or for this body, because the next President of the United States will come from this body, but for this country to have as our candidate a man whose character has been tested in a furnace that has burned hotter than any one of us could possibly understand.

At a time when the issues of security are so preeminent, we have as a candidate JOHN McCAIN, who has been as steadfast on protecting this Nation as one could ever imagine. At a time when the public is concerned about wasteful Washington spending, we have as our candidate an individual who has been a champion in fighting wasteful Washington spending.

I wanted to take a few moments to offer my congratulations to our colleague from Arizona and to say to the American public, at a time when there is such doubt and cynicism, such division in this country, we have before them an individual whose character is strong. His courage is unquestioned. He has shown the ability to overcome the deep, divisive, partisan divide that tears this body apart, that tears this country apart. That is a wonderful thing.

I offer my heartfelt congratulations to our colleague from Arizona, Senator McCAIN.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to echo the sentiments of my colleague from Minnesota. The great

thing about being involved in public service and having the opportunity to serve people from our respective jurisdictions is the privilege of becoming associated with other individuals who are dedicated public servants. We stand on the verge of history right here because in this Presidential election we are going to have two Members of the U.S. Senate who are going to be vying to become Commander in Chief. I think all of us as Members of Senate ought to be justly and duly proud of all of those who have put their names out there, who have worked hard, campaigned hard, and been willing to make the sacrifices necessary to travel the country expressing their views and opinions about issues to become President.

Obviously, last night our good friend, Senator JOHN MCCAIN, became the nominee on the Republican side. JOHN deserves an awful lot of credit for endurance, perseverance but, most importantly, for standing by his principles. That is the one thing we as Members of the Senate need to look to JOHN and say: There are ways to do this, and there are ways not to. But you stood by your values. You stood by your principles. You did this in the right way.

He is unique in so many ways. Everybody in here has their own unique assets. Certainly JOHN has a great and storied background from a military perspective, and he served his country well before he ever got to this body. But once he got here, as my friend has just said, he exhibited great leadership from the standpoint of providing the kinds of ideas, the kind of vision that is needed from a national security and a national defense standpoint. He also, primarily, had a vision about how the taxpayers' money, how the individuals he represents, as well as all other taxpayers in the United States, ought to have their money spent. JOHN has been a tireless advocate for the elimination of wasteful Washington spending. Assets such as those are what have projected JOHN to the nomination of our party. I am very proud of the fact that he is going to be leading us.

It is going to be a spirited campaign. All of us as Members of the Senate should be justly proud of all of these candidates who have been out there. I am very proud to stand today and salute my dear friend, my colleague, Senator JOHN MCCAIN.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. Mr. President, I echo the comments of my colleagues. Congratulations to JOHN MCCAIN and, more importantly, congratulations to Cindy McCain. Cindy has stood by his side every step of the way—through good, when people wanted to write his obituary, and now in the glow of being the nominee. She is clearly a wonderful partner in this process.

Many ask why JOHN MCCAIN succeeded. I would suggest it is because he loves America. He believes in America. He believes in the American people. He stated it in a real and personal way. But as my colleagues have highlighted, his background has set him up for this role at this time in our history.

JOHN is a man of consistency, so consistent, many times some of his colleagues have been critical of the fact that he is that consistent. But America is hungry for consistency. They are hungry for somebody to represent them who actually does what they say, means what they say, more importantly, takes on the tough issues.

JOHN is passionate, JOHN is courageous. His passion comes through sometimes in a different way than many of us, but he is tenacious when he sets his mind toward a goal. I think we have seen that in this election cycle. JOHN is stubborn and he is real. I think the most incredible thing about JOHN MCCAIN is: What you see is what you get. He has carried out straight talk with America, even when he went to Michigan and said things that were not popular. He has said about the war: I would rather lose an election than to bring our troops home with less than victory. Well, JOHN MCCAIN meant it, and he meant it because he understands the next generation is what the focus of his Presidency is about.

I am convinced this body should be proud because the next President will be a Member of this body. I am excited and delighted for JOHN and Cindy MCCAIN because their quest to be the Republican nominee has been fulfilled last night. I certainly commend him for his tenacity and for his hard work as he has gone toward this quest.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank my colleagues for coming down and highlighting the fact that the Presidential nomination on the Republican side has finally come to a conclusion—Senator MCCAIN won. To all those who were in the race, I think I have a little taste of how difficult it was for you and your families.

The Republican Party was blessed this year to have a group of candidates who represented the best in the Republican Party: To Governor Huckabee last night, he ran a great campaign; Governor Romney; RON PAUL—whatever you want to say about RON PAUL, he bleeds, he won his primary last night—and Mayor Giuliani. What a talented field we had on our side. It is equally true on the other side. We are going to have a Senator, as Senator BURR said, for both parties. I do not know when that last happened. But it is an exciting time.

I have had the pleasure of knowing Senator MCCAIN for many years. They will write books about how this happened because our campaign ran into a wall in the summer. I think one of the things you can say about Senator MCCAIN, as Senator BURR indicated, is that when he sets his mind to something, he is pretty hard to stop. He believes he has a little more service left in him.

If you want to know JOHN MCCAIN, you need to look at his family and the way he has lived his life—his time in the Navy. He looks at being President as one more chance to serve the country.

I was talking to him last night. The idea of being President is overwhelming. It is such a prestigious office, it is such an important office for the world and for our Nation. I just indicated to him: Just look at it as another tour of duty. This time you are Commander in Chief.

To the men and women in uniform out there who are serving in faraway places, standing watch as I speak, you are going to have a great Commander in Chief if JOHN MCCAIN wins. The other candidates are fine people, but I think the differences are going to be real.

Senator CLINTON said something last night. She is a very strong competitor and you never count the Clintons out and I do admire Senator CLINTON. This is going to be a spirited contest. But she said she wanted to end the war in Iraq and win in Afghanistan. Well, what the heck does that mean? I want to win in Iraq and I want to win in Afghanistan.

Senator OBAMA, who is a real phenomenon, who has come a long way in a short period of time, says the world is watching. He talked about some gentleman, the grandfather of one of his campaign operatives, I think maybe in Uganda, staying up all night to watch what we do in America. Senator OBAMA is absolutely right.

I can tell you who else is watching. Some of the most vicious killers known to humanity are watching what we do in terms of Iraq and the war on terror. They are measuring us. They are measuring our candidates for President. They are seeing who blinks and who does not. They are going to watch what we do in the Senate, and they are looking for openings.

This is going to be a great contest. What an important time for America and the world. I hope we can have a civil debate. I am sure it will be. But the fact that there are great differences in a democracy is a good thing. I say to the American people, you are going to be blessed with some good choices. Please choose wisely because a lot of people depend on what you say or do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

THE BUDGET

Mr. CORNYN. Mr. President, I wish to commend my colleagues for coming

down to the floor and talking about Senator MCCAIN, who won the Republican nomination for President last night as a result of his success in the Texas primary. If there is one thing I can relate to beyond his security credentials, it is his commitment to eliminating wasteful Washington spending and making sure we are good stewards of the taxpayers' dollars.

I would like to engage in a colloquy with my distinguished colleague from New Hampshire, the ranking member of the Budget Committee, about some aspects of the budget we are going to be considering first in the Budget Committee and then on the floor of the Senate as early as next week. Because this is front and center in terms of whether we are going to restore our reputation, frankly, as Senators who believe in limited Government, if we believe Government should work effectively and we should keep our promises when it comes to how we deal with the American people.

I wish to ask the distinguished Senator, through the Chair: As we await the fiscal year 2009 budget today, I remember the majority last year, the Democrats, said they were very proud to announce a surplus as a result of that process. I would like to ask the Senator, how did that turn out?

Mr. GREGG. Mr. President, first, I would like to join with fellow Members of the Senate who have risen today to congratulate Senator MCCAIN. He is a force for right in this country. He is a person whose personal history is extraordinary. As somebody said: What you see is what you get. And what you get is an extraordinary American hero who understands we need to defend ourselves around the world and we need to be fiscally responsible in the United States.

New Hampshire sort of brought him back in this campaign, and so we played a small role in that, although I was not necessarily a part of that role. But, in any event, I now join with my colleagues and look forward to supporting him aggressively as he goes forward in this campaign.

I think the Senator from Texas raised some excellent questions. The question is, what happened with the Democratic budget last year, as I understand it. Essentially, what happened was they produced a budget which they claimed was going to do one thing, and it ended up doing the exact opposite.

They claimed, for example, they were going to basically produce a budget which would produce a surplus. In fact, they produced a budget which produced a huge tax increase—a $900 billion tax increase. To try to put that in context, that means every American—or 47 million Americans who pay income taxes—will have their taxes go up $2,700 as a result of the Democratic budget. It means 18 million seniors will have their taxes go up $2,400 as a result of the Democratic budget. It means small businesses across this country—24 million small businesses—will have their taxes go up $4,700 because of this almost genetic factor within the Democratic Party which says they have to raise taxes and they have to spend your money.

So their budget was a huge tax increase, I would say to the Senator from Texas, through the Chair.

Mr. CORNYN. Mr. President, I ask the Senator from New Hampshire, there was talk about a surplus, and then there ended up being a promise to extend middle-class tax cuts. I believe Senator BAUCUS, the chairman of the Finance Committee, proposed an extension of certain tax cuts.

I wonder if the Senator from New Hampshire can explain how you can have a surplus and then ultimately how that relates to tax cuts the Senator promised.

Mr. GREGG. Mr. President, to respond the Senator from Texas, what happened was the Democratic leadership last year produced a budget which raised taxes by $900 billion on the American people. They said: Oh, but out of the generosity of our heart, we are going to offer an amendment which cuts back that tax increase by about $154 billion, I think it was—the Baucus amendment—because we are going to extend the child care tax credit, the 10-percent individual rates, the marriage penalty. We are going to do all these wonderful things, even though we are raising taxes, even after that, by $750 billion.

But lo and behold, once again, we saw their actions be a lot different than their words. Even though they passed that amendment, took credit for that amendment, they never actually extended any of those tax cuts. So those tax rates are still in place on the American people, and that was a total fraud that was exercised last year by the Baucus amendment because nothing came of it.

Mr. CORNYN. Mr. President, I ask the Senator from New Hampshire through the Chair: I remember the Budget Committee chairman saying on ''60 Minutes'' last March that ''We need to be tough on spending.'' Surely, as the architect of the fiscal year 2008 budget, he was able to do that; correct?

Mr. GREGG. Well, Mr. President, I regret to inform the Senator from Texas, not surprisingly, he was not. In fact, they dramatically increased spending in last year's budget in the discretionary spending. They increased it well over what the President asked for—$250 billion of additional spending over what the President asked for over 5 years in their budget. Then, on top of that—that was not enough for them—they stuck $21 billion into the supplemental, which translates into another $200 billion of spending increases. So they had a total of approximately $450 billion of new spending—almost $500 billion of new spending—over 5 years in their budget last year.

So they did not discipline the budget spending at all. So when Senator CONRAD said on ''60 Minutes,'' ''We need to be tough on spending,'' they were not able to live up to that.

Mr. CORNYN. Mr. President, I ask the Senator from New Hampshire, although he has pointed out this last year's budget raised taxes and failed to control spending—indeed, spending increased——

The ACTING PRESIDENT pro tempore. Time has expired.

Mr. CORNYN. Mr. President, I ask unanimous consent for an additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

I ask the Senator, in addition to raising taxes and failing to control spending, surely the budget last year dealt with the growing entitlement spending crisis, which has $66 trillion in unfunded liabilities that will be paid by our children and grandchildren. Could the Senator address that?

Mr. GREGG. Well, Mr. President, again, regrettably, for the American people at least, the Democratic leadership said one thing last year on the budget and did the exact opposite. Not only did they not control any entitlement spending, entitlement spending expanded by $466 billion over their budget. This is similar to their claim they were going to not be raising taxes, when they raised taxes over $750 billion; similar to their claim they were going to be tough on spending, when they actually increased spending on the discretionary side by over $450 billion. This entitlement spending is another example of saying one thing and doing the opposite.

Mr. CORNYN. Mr. President, I say to the Senator, I remember when you were Budget chairman, Senator GREGG, we worked under the reconciliation process in fiscal year 2006 to reduce spending by nearly $40 billion over 5 years. Didn't the Democrats use reconciliation last year, too?

Mr. GREGG. Yes, they definitely ''used'' it. In my view, the Democrats manipulated the reconciliation process to increase gross spending by $21 billion, while saving a paltry net $750 million over 6 years.

Mr. CORNYN. I do remember Chairman CONRAD insisting that closing a portion of the tax gap—in other words, collecting unpaid taxes that are owed—would give us about $300 billion in revenues to pay for all this new spending. How much was recovered?

Mr. GREGG. Actually, none. The Democratic Congress last year passed up an opportunity to close the tax gap, failing to fund IRS enforcement efforts, and passed bills that would actually expand the tax gap.

Mr. CORNYN. Well, as a member of the Budget Committee, I have heard a lot from Chairman CONRAD on the state of the gross Federal debt. I have heard lots of press-friendly sound bites from him like ''the debt is the threat.'' Surely Democrats took some action to reduce the debt?

Mr. GREGG. No, again, no action. The fiscal year 2008 budget allows the gross debt to grow dramatically, by $2.5 trillion over 5 years, and spends all of the Social Security surplus, which is more than $1 trillion.

It is important to remember that this debt will be paid back by our children, so that a $2.5 trillion increase basically adds another $34,000 to the amount already owed by every American child under the age of 18.

Mr. CORNYN. What about budget enforcement mechanisms? For example, Democrats have claimed their pay-go will ensure fiscal discipline, and I have heard Budget Chairman CONRAD say that it is working. Is that true?

Mr. GREGG. No, it is not true. Democrats have waived, gimmicked or ignored their own pay-go rules to the tune of $143 billion in deficit spending.

Mr. CORNYN. I would like to learn more about this. To go back, when the Democrats took the majority, one of the first things they did was to restore tough pay-go, correct?

Mr. GREGG. It started out that way, but took a left turn. Democrats in the Senate ended up with a watered-down version of pay-go: no first-year deficit-neutrality test; no deficit-neutrality test for the second 5 years—all about spending now, paying much later.

Mr. CORNYN. But I thought that the Democrats were congratulating themselves for the hard choices they had to make in order to comply with pay-go.

Mr. GREGG. They did congratulate themselves. They even boasted about the ''pay-go surplus'' on the pay-go scorecard.

But they shouldn't congratulate themselves for hard choices—they should congratulate themselves for thinking up gimmicks and machinations to fool people into believing they made hard choices.

Mr. CORNYN. I have heard about a gimmick where the Democrats were able to increase mandatory spending for free by including it in an appropriations bill.

Mr. GREGG. Can you believe that? They included a 1-month extension of the mandatory MILC program in the 2007 emergency supplemental. Then the chairmen of the Senate and House Budget Committees told CBO to put the spending into the baseline—which covers 10 years of the program—to the tune of $2.4 billion.

The topper: They included an enforcement mechanism in their budget resolution that prohibited this practice, but they exempted the 2007 supplemental.

Mr. CORNYN. I have also heard about early sunsets as a gimmick to avoid pay-go. How does that work?

Mr. GREGG. In the SCHIP bill, the Democrats reduced funding from $14 billion per year to $3.5 billion in the last year, 2012. The gimmick hides $45 billion in spending.

The farm bill in the Senate also used this early sunset tactic to hide $18 billion in costs.

Mr. CORNYN. Wow. Are there more tricks?

Mr. GREGG. You bet. The student loan reconciliation bill phased down interest rates to 3.4 percent in 2011, then snap them back up again to 6.8 percent in 2012. This kept $17 billion in costs hidden.

The student loan bill turned off mandatory Pell Grant spending in 1 of the 10 years—hiding $9 billion in spending.

Mr. President, $10 billion in farm bill spending is pushed out beyond 2017—totally escaping pay-go enforcement.

I haven't even mentioned all of the corporate estimated tax shifts they have used, which move revenues from one fiscal year into another. Even Budget Chairman CONRAD himself called this ''funny-money financing'' during debate on the last highway bill.

Mr. CORNYN. Sounds like these gimmicks and violations add up to a pretty hefty total.

Mr. GREGG. Mr. President, $143 billion—quite a chunk of change.

Mr. CORNYN. Is there anything we can do about it?

Mr. GREGG. We can try and reinstitute a first-year deficit test, and we can try and reinstitute a second 5 years deficit test. We can adopt a scoring rule that prohibits shifts such as the corporate estimated tax shift from being used to satisfy pay-go.

But I am not confident they will accept such changes. They seem determined to keep up what the Wall Street Journal called ''a con game from the very start.''

Mr. CORNYN. This is very disheartening. Are there other examples of Democrats weakening budget enforcement rules?

Mr. GREGG. Yes, in last year's budget, the Democrats failed to protect Social Security for seniors. Democrats, in their fiscal year 2008 budget, threw out both the bipartisan Social Security ''circuit breaker'' and the bipartisan ''save Social Security first'' budget point of order contained in the Senate-passed version, thus removing crucial tools to eliminate the practice of spending the Social Security surplus on other programs. Under the Democrats' fiscal year 2008 budget, every dollar of the Social Security surplus, or $1 trillion, was spent.

They failed to protect workers against tax increases. Democrats, in their fiscal year 2008 budget conference report, threw out a bipartisan budget point of order against raising income tax rates that had been included in the Senate-passed version.

They failed to protect the integrity of the reconciliation process. Democrats threw out a bipartisan point of order in the Senate-passed version that would have limited any new spending in response to reconciliation instructions to 20 percent. By converting reconciliation to a spending exercise, Democrats allowed new spending that was 2,900 percent larger than the savings instruction in their budget.

They failed to protect State and local governments from expensive mandates. Democrats threw out a Senate rule requiring a supermajority to waive the unfunded mandates budget point of order, thus making it much easier to burden State and local governments with costs from Federal Government requirements.

They failed to protect the firewall between mandatory and discretionary spending. Democrats weakened a budget point of order against mandatory spending in appropriations bills, and exempted the 2007 supplemental appropriations bill from the requirement altogether, thus allowing no enforcement protection against the $2.4 billion MILC program enacted last year.

Mr. CORNYN. Well, I certainly hope that we do not see a repeat of this outrageous tax-and-spend budget this year, and that there is a great deal more honesty and transparency about what the Government is spending and how. I hope to see a return to fiscal discipline, with an eye on how today's budget will impact future generations.

Mr. GREGG. I completely agree. As Republicans, our top priority is to pass on prosperity and a strong economy to the next generation. We need to keep spending in check, take the needed steps to address entitlement reform, and keep the economy growing with a fair, progrowth tax system in place. It is unconscionable to leave behind this kind of fiscal mess the majority is making.

Mr. CORNYN. Mr. President, I thank the Chair and I thank the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

AIRBUS FALSE CLAIMS

Mrs. MURRAY. Mr. President, I come to the floor this morning to spend a few minutes talking about the future of our Nation's global aerospace leadership, because, frankly, I believe it is in serious jeopardy.

Now, for any of my colleagues who have not heard, last Friday, the Air Force awarded one of the largest military contracts in history. It is a $40 billion contract. But the Air Force picked a group led by the French company, Airbus, over an American company, Boeing, to supply our next generation of aerial refueling tankers.

I think I speak for many of us when I say it is deeply troubling we would turn our aerospace leadership over to a foreign company. If the contract had gone to Boeing, it would have meant 44,000 American jobs. So now Airbus is arguing that this contract isn't outsourcing jobs because it teamed with Northrop Grumman, and they have their supporters on the radio and TV talking about how excited they are about the work that will come to the United States because of this deal.

I think we better step back and take a good hard look at what Airbus is planning before anybody pops the champagne. The reality is, we don't know what Airbus is planning.

The Air Force has already said it did not consider jobs a factor when it awarded the tanker contract, so all we have to go on is Airbus's word. We have seen Airbus's slick marketing campaign before, and we have very good reason to be worried. Airbus has a history of bending the truth to try to convince Congress that it plans to invest in the United States, but when you examine their claims, they don't hold up.

Five years ago, when Airbus was first working to unravel Boeing's tanker contract, Airbus and its parent company, EADS, hired a small army of lobbyists to come out here and assert to us that their business was good for America. Well, at the time I was very skeptical of their PR campaign, so I asked our Commerce Department to investigate. Guess what I found. Airbus had claimed they had created 100,000 jobs here, but the Commerce Department looked into it and it wasn't 100,000 jobs; it was 500. Airbus said it had contracted with 800 U.S. firms, but the Commerce Department came back and said it was only 250.

At that point, Airbus did something very funny. They changed their numbers, decreasing the number of contracts from 800 all of a sudden to 300, but they increased the alleged value of those contracts from $5 billion to $6 billion a year. So I said at the time: You cannot trust Airbus's funny numbers.

What is interesting is, if you peel back the veneer on Airbus's promises this time, you start asking similar questions. Airbus had said it will build an assembly plant in Alabama. The Air Force says the planes will be American. A plant doesn't exist in America, and the only thing we know about the jobs it will create is that most of that work is going to be done overseas. If you don't believe me, read the British newspapers.

An article in a newspaper in Britain reported Monday that:

> Airbus will build the planes in Europe, and fly them to a plant in Mobile, Alabama, for fitting out.

Supposedly, this allows them to call them ''made in America.'' That is like shipping a BMW over from Germany, putting new tires on it, and calling it America's newest luxury car.

As I have said before, you can put an American sticker on a plane and call it American, but that doesn't make it American made.

I think we have to take some cues from the reaction of the French and German leaders about what this contract means for Boeing and the American industry, and it is not good. German Chancellor Angela Merkel called the deal ''an immense success for Airbus and the European aerospace industry.''

That is what they are saying in Europe.

A spokesman for French President Nicolas Sarkozy called this deal a ''historic success.'' That is what they are calling it in Europe.

Four years ago, I stood on this floor to raise an alarm to my colleagues about Europe's attempt to dismantle the American aerospace industry, and I have spent years warning the administration and Congress that we have to defend our industry and demand that Airbus play by the rules. For decades, Europe has provided subsidies to prop up Airbus and EADS. Airbus is, to them, a jobs program in Europe, and it has led to tens of thousands of layoffs in the United States because of their illegal tactics, which I have been out on the floor a number of times over the past years to delineate for all of my colleagues. The U.S. Government now has a WTO case pending against Airbus—against the exact company the Air Force has now awarded a $40 billion contract to.

So I think we have even more reason for concern because this contract now gives Airbus a firm foothold as a U.S. contractor, and it is one that is going to hurt our U.S. workers for years to come.

It took us 100 years to build an aerospace industry in the United States. But once our plants shut down, the industry is gone. We can't just rebuild it overnight. So let's set the record straight. With this contract—this Air Force contract—Airbus is not creating American jobs; it is killing them. With this contract, we can say bon voyage to 44,000 U.S. jobs and bon voyage to $40 billion of our taxpayer money.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN. The Senator from Louisiana is recognized.

Mr. VITTER. I ask unanimous consent to be recognized for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. VITTER. Mr. President, I address the Senate today to announce the organization of a new caucus: the Border Security and Enforcement First Caucus. I am very proud to be joined today by several Members in this endeavor; specifically, Senators DEMINT, SESSIONS, INHOFE, BURR, DOLE, CHAMBLISS, ISAKSON, and WICKER. In the next few days, or in a week or so, we will have additional Members join, I am confident, based on a number of meetings and conversations I have had. So, again, I am happy to announce this important caucus to further the debate about a pressing national challenge. Our point of view and our focus is clear: border security and enforcement first.

Why join this caucus? Why form this caucus? Well, clearly, this problem is a major challenge for the country. Right now, 1 in 25 U.S. residents is here illegally. It is staggering when you think about it: 1 in 25, or 4 percent. The American people have voiced their enormous concern about this en masse, large-scale problem. They have also voiced their clear concern about some of the proposals put forward in Washington to allegedly solve the problem. One of those was shot down very clearly, very soundly last summer, and that is a solution that leads with a big, broad amnesty program.

I believe this debate moved forward last summer because we defeated soundly on the Senate floor that approach because the American people were finally heard loudly and clearly. I believe the message was unmistakable, beyond debate: We don't want a big, broad amnesty; we do want enforcement first. We want enforcement first. This caucus will basically follow that lead of the American people and continue to push the viewpoint and specific, concrete legislation that puts enforcement first, both at the border and at the workplace, as the way to begin to solve this enormous illegal immigration challenge.

So, first, our goal is simple: to push for border security and interior enforcement measures first, including workplace enforcement. That can be a main part of addressing this challenge and solving this problem. This caucus will be a platform to let Americans know that some in the Senate—a significant number—are continuing to make sure laws already on the books will be enforced and to push for stronger border security and interior enforcement legislation, and the funding, the mechanisms, and the systems we need in place to make that work. This caucus will act as a voice for those concerned citizens who have expressed that viewpoint—as I said, most clearly last July.

Another big point this caucus will help make over and over is a simple message: attrition through enforcement. In this immigration debate, I believe it has been a stale debate dominated by a straw man. That is the false choice that either we have to grant a huge amnesty to folks in this country

illegally or we have to turn around the next day and have the law enforcement and resources to arrest, as some people put it, 13 million people. That is the false choice that is so often harped on and presented on the Senate floor. That is a false choice.

There is a third way, and that is attrition through enforcement or whittling down in a significant way this 13 million plus figure to something much smaller, much more manageable, through real enforcement measures, not only at the border which, of course, is necessary to make sure the numbers don't go up and up, but in the interior, specifically at the workplace.

According to a recent Zogby poll, when given the choice between mass deportations, mass amnesty, and the third way, attrition through enforcement, a majority of Americans clearly choose attrition through enforcement. Of course, most polls leave out that option. Most polls promote the false choice. Most debate, quite frankly, on the Senate floor promotes the false choice, but it is false. There is this real alternative.

How do we get there? Two main ways: border security—the good news there is we have begun to make inroads, spending $3 billion on significant new border security in the last appropriations cycle, and that was positive follow-on to the defeat of the amnesty bill last summer. But there is also a second key ingredient, a second key ingredient that has been largely ignored and not addressed in this effort, and that is interior enforcement, particularly at the workplace.

In my opinion, that is the missing link, the missing piece of the puzzle to make all of this begin to come together. Border security is crucial. We have done significant work there. We need to do much more. But interior enforcement and enforcement at the workplace is at least as crucial. We need to have a real system that works for that security—a real-time database, not a system based on paper documents which can so easily be forged—to ensure that companies only hire folks in this country legally. When we have that system in place, that will change the dynamics overnight. That will begin this process of attrition through enforcement. That will bring that 13 million plus number down significantly, if we truly have the political will to produce a system, a real-time database, a nonpaper system to ensure that employers only hire folks in this country who are here legally. If they do otherwise, then, of course, they should be hit with significant criminal penalties.

So, again, I am proud to announce the organization of this new caucus: the Border Security and Enforcement First Caucus. My colleagues will be hearing a lot more from us in the coming days and months as we repeat the message delivered by the American people last summer so loudly, so clearly: We don't want amnesty. We do want enforcement first, including workplace enforcement, including interior enforcement that can lead to attrition through enforcement. Hopefully, we can begin to get our hands around this very crippling, potentially debilitating problem of illegal immigration.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Washington is recognized.

Mrs. MURRAY. How much time is left?

The PRESIDING OFFICER. There is 14 minutes 16 seconds.

THE BUDGET

Mrs. MURRAY. Madam President, I rise this morning to respond to the ranking member of the Budget Committee, who came out a few moments ago to talk about the budget. We are in the process right now of putting together this year's budget. It will be voted on in committee today or tomorrow and, of course, then out here on the floor. We will have a lot of floor time over the next week to discuss the budget.

I felt it was really important to set the record straight because it is that rhetorical time again when we will hear our colleagues on the other side of the aisle come out and say Democrats are tax-and-spend liberals. Let me set the record straight.

Last year's budget had a $180 billion tax cut in it—not for the wealthiest Americans but for hard-working middle-class Americans.

We worked very hard to put together a fiscally responsible budget. We are not going to sit here and listen to ''tax and spend'' thrown at us time and time again when, in reality, with the Democratic President 7 years ago we came into the time with a budget that had a surplus, which we soon saw diminished incredibly, and we are now in deficit spending because of an irresponsible tax cut the Republicans have been pushing for the wealthiest of Americans, which even Senator JOHN MCCAIN didn't vote for at the time. It did leave us without the capacity to make sure we had the investments we needed to be able to ensure that Americans can stay in their homes; that they can have roads they can drive on to get to work; that they can make sure their children have the kind of education they need so they can get a job and contribute back to this country; and, importantly, to take care of our veterans who are coming home from Iraq and Afghanistan and finding long waiting lines at our medical facilities and not getting the adequate care they need.

The budget that the Budget chair will present this afternoon is, once again, a fiscally responsible document that understands the needs of Americans and will make sure we are responding to the crisis we are in today in this country and invest in America's people. It is fiscally responsible. It is not about tax cuts or tax increases, it is about making sure we have the revenues available to make sure every single American today has the opportunity that is available for them, that dream that they can live to be a strong American citizen and to keep our communities and America strong.

So I reject the argument that we all hear thrown at us time and again that Democrats are ''tax-and-spend'' liberals. We are fiscally responsible Democrats, and we are proud of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, as I understand, we are still in morning business.

The PRESIDING OFFICER. That is correct.

Mr. PRYOR. I ask unanimous consent that we yield back the time, and it is my understanding that more Senators would like to speak this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CPSC REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2663, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

Pending:

Pryor amendment No. 4090, of a technical nature.

Cornyn amendment No. 4094, to prohibit State attorneys general from entering into contingency fee agreements for legal or expert witness services in certain civil actions relating to Federal consumer product safety rules, regulations, standards, certification, or labeling requirements, or orders.

DeMint amendment No. 4096, to strike section 21, relating to whistleblower protections.

Feinstein amendment No. 4104, to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain specified phthalates.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I wish to notify our colleagues that I

think we are making great progress on this legislation. Senator CORNYN is here to talk about one of his amendments. We know there are a few other amendments that are being discussed right now, maybe in the cloakrooms or in Senators' offices. That is very encouraging. The feedback we have received has been very positive. It looks as if there are some amendments that will require votes.

I encourage all Senators who would like to come and speak to make plans to do that at some point today. I encourage anyone who has any amendments that they would like to have considered to run those down to the floor as quickly as possible, if they have not already. We are really making good progress. I was encouraged yesterday by the vote we had at 5:30.

Here, again, we find that the Consumer Product Safety Commission is an agency that needs our reform. They need us to come in and to not just give them more resources—it is not a matter of just throwing money at the problem. They need more tools in their tool box and more resources and a little bit of restructuring. It has, again, been the goal of this legislation to make sure the American marketplace is safe, make sure that when people go to a store and buy a product, they can rely on the fact that there are safety standards, that it doesn't have materials in it that are dangerous or harmful. Really, this is an effort for us to accomplish something great in this Congress, in this election year, for the people of this country. So I thank all my colleagues on both sides of the aisle for their diligence in trying to get this done.

I ask any colleagues who would like to speak or anyone who has an amendment, please let us know because I am starting to get this sense that there are many who would like to wrap this bill up as quickly as we can.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I again congratulate the Senator from Arkansas and the Senator from Alaska for working on an important piece of bipartisan legislation, this reform of the Consumer Product Safety Commission. This is very important to all Americans.

I agree that we ought to be able to move through the amendments that are being offered. I have tried to offer amendments early so we don't backload them and create problems later in the week. I appreciate what the Senator from Arkansas had to say.

I have one amendment pending. In a moment, I intend to offer another amendment, so it will be pending. I have told Senator PRYOR that I am more than happy to agree to a short time agreement and a time for a vote after a debate and everybody has had a chance to be heard. These are not complicated amendments, but they are important. I hope we can move through this and vote on the amendments and complete our work shortly.

I told Senator PRYOR that I do have another amendment I would like to call up and get pending.

AMENDMENT NO. 4108

Mr. CORNYN. Madam President, at this time, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4108 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, once the Senator finishes his presentation, we will go back to the pending amendment.

Mr. CORNYN. I agree.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4108.

Mr. CORNYN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide appropriate procedures for individual actions by whistleblowers, to provide for the appropriate assessment of costs and expenses in whistleblower cases, and for other purposes)

On page 63, strike line 6 and all that follows through page 64, line 6, and insert the following:

in an amount not to exceed $15,000 for costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $15,000, to be paid by the complainant.

''(4)(A) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B).

''(B) In an action brought under subparagraph (A), the court may grant injunctive relief and compensatory damages to the complainant. The court may also grant any other monetary relief to the complainant available at law or equity, not exceeding a total amount of $50,000, including consequential damages, reasonable attorneys and expert witness fees, court costs, and punitive damages.

''(C) If the court finds that an action brought under subparagraph (A) is frivolous or has been brought in bad faith, the court may award to the prevailing employer a reasonable attorneys' fee, not exceeding $15,000, to be paid by the complainant.

Mr. CORNYN. Madam President, I will explain to my colleagues what the amendment does.

Under the bill as offered, it creates, unfortunately, a bounty, so to speak, for alleged whistleblowers up to $250,000 in attorney's fees and penalties, which I think, rather than creating a level playing field and trying to address the legitimate concern that I happen to agree with, that people who disclose or identify illegal conduct need to be protected against arbitrary termination of their jobs when they are just trying to make sure the law is complied with and help contribute to the public safety. I think this bill, as currently written, tilts the playing field too far in favor of whistleblower complainants and has the unintended effect of encouraging frivolous and bad-faith allegations against employers.

So what my amendment would try to do would be to level that playing field while protecting legitimate whistleblowers but not actually encouraging people who have, perhaps, engaged in other misconduct and giving them a bounty, so to speak, to sue for under this statute.

Under the bill, an alleged whistleblower may file a complaint with the Secretary of Labor, and if the Secretary of Labor fails to act, then with the Federal district court. If the complainant prevails at a hearing or action, he or she can receive an unlimited amount of costs and expenses, including attorney's fees and expert witness fees. If the Secretary finds that the complaint is frivolous or brought in bad faith, the amount the employer can recover is limited to $1,000.

Let me make sure my colleagues understand that. If the employee prevails in the action, they can recover unlimited damages and costs, including attorney's fees and expert witness fees. If the Secretary of Labor finds at the administrative level that it is frivolous or brought in bad faith, the employer can only recover $1,000—obviously an unequal playing field and one that will have the unintended impact of encouraging bad conduct. If the case goes to district court, the employer cannot recover attorney's fees at all.

I submit that the rules ought to be fair for both parties and that $1,000 is not a significant deterrent to frivolous and bad-faith suits. If the complaint process is going to have any integrity, there have to be consequences for abusing the process with frivolous and bad-faith complaints.

What is more, the $1,000 limit on attorney's fees in the bill is inadequate to compensate an employer for the cost of defending against a frivolous or bad-faith complaint. An employer who is a target of such a suit will almost certainly incur more than $1,000 in fees

just to have a lawyer review the file, file a brief, and attend a hearing. If the case goes to district court, the attorney's fees will be even greater but will not be recoverable at all under the bill as written.

This amendment levels the playing field by capping the costs and fees recoverable for both parties.

I might just add that I have to raise the question of whether a whistleblower provision is necessary. We are still researching the matter. Under most State laws, including the law in the State of Texas, an employer cannot fire an employee for reporting unlawful conduct. There are already remedies in place under State law, and I have to question whether it is necessary to create an additional remedy under Federal law. Assuming there is, I think we should, I hope, agree that there ought to be a level playing field.

My amendment strikes a reasonable balance between the interests of punishing retributive employer conduct and of discouraging frivolous and bad-faith claims. The amendment punishes wrongdoers and makes victims whole without creating incentives for employees to sue employers for frivolous or harassing reasons.

The amendment is fair to complainants, who can recover costs and fees whenever they prevail, as opposed to employers, who can recover only when the whistleblower complaint is shown to be frivolous or brought in bad faith. My amendment fully compensates complainants who prevail. Complainants can still get unlimited injunctive and compensatory relief. In other words, they can get their job back and recover backpay to be made whole. In addition, complainants can receive consequential and punitive damage that are not available to the employer, which is why the amendment allows complainants to recover up to $50,000 in total costs and fees and consequential and punitive damages, while employers can receive only $15,000 in attorney's fees.

I believe this is a reasonable amendment offered in the spirit of compromise, and I hope the other side will take a look at it and agree to accept the amendment. If not, I am willing, as I said earlier, to agree to some reasonable time agreement so we can debate it further and then have a vote on it.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, before the Senator from Texas leaves, I wish to thank him publicly. He has been very constructive in this process. He has offered a couple of amendments that he feels very strongly about, and we met with him and his staff on them. So I have talked to him about them. He is being very constructive in the process. I thank my colleague from Texas.

The other thing I noticed, Madam President, is that Senator COLLINS of Maine just walked on the floor. This bill has been called the Pryor-Stevens bill, but I could not exaggerate the amount of contribution Senator COLLINS has made to this effort as well. I have found her, in the last 5 years, to be a wonderful colleague to work with. She has made this bill better in some very fundamental ways—maybe not very exciting ways, but she really focused on one of the major problems we have with the CPSC today, and that is that the CPSC, with all due respect to the people who work there, has been almost incapable of dealing with imports in the way they should.

Senator COLLINS, I believe, had four amendments. We accepted all four. We have worked with her office and with her personally to make sure the language is right, to make sure the policy is right, to make sure it is smart law, which I think it is, and also to make sure it is a big improvement over the present situation; I don't think anybody can look at her sections of the bill and ever say she is not greatly improving our ability to protect our shores from dangerous and unsafe products. I am certainly glad she is here this morning to help manage this legislation.

The other point I wish to add is, Senator COLLINS has a lot of respect on both sides of the aisle. The fact that people know she worked on the legislation gives a comfort level on both sides of the aisle, but certainly on the Republican side, because they have seen how she has conducted her business since she has been in the Senate, but also the fact that she has had hearings in her committee on CPSC and some import problems. She has been a key player, a key architect in this legislation. I thank her.

I know we are going to have a lot of amendments today and a lot going on in this Chamber. We are going to try to clear a lot of amendments. Again, I encourage colleagues to come to the floor if they do have amendments or wish to speak. We are going to try to be in that process today of clearing amendments, putting a managers' package together, and having votes.

Before the day got crazy and confusing, I wanted to thank Senator COLLINS for her leadership.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Madam President, I ask unanimous consent that I be allowed to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO SENATOR JOHN MCCAIN

Mr. MARTINEZ. Madam President, before I begin my remarks regarding the very difficult situation that has arisen in South America between Colombia and some of its neighbors, I wish to take a moment this morning to congratulate our colleague and dear friend, Senator JOHN MCCAIN, on his outstanding achievement last night, becoming the nominee of the Republican Party for the Presidential election and going forward as the nominee of our party for these upcoming elections.

Senator MCCAIN is an example of resiliency in his life story but also particularly in this election. I am extremely proud to call him a friend, and I certainly wish him the very best as he goes forward. I know all of us in the Senate take great pride in the fact that he is going to be the nominee of one of our major parties. I wanted to note that event and give him my best wishes and congratulations on this very important achievement for him.

VENEZUELA-COLOMBIA CONFLICT

Madam President, I know many of us in this Chamber, across the country, and, frankly, across the Western Hemisphere and the world are watching with concern the reports about the situation developing between Colombia and Ecuador and the complicating elements to it brought on by Venezuela.

This past Saturday, Colombia conducted an antiterrorist operation. The Government of Colombia does this on an ongoing basis because Colombia has been attacked and under siege by a group of people who seek the overthrow by violence of that Government. So as they often do, this Saturday, they conducted an operation which required an airplane flying within the Colombian airspace to fire into Ecuadorian territory by only a few feet. Then Colombian troops entered that area to clean out what appeared to be a permanent base camp of the FARC, the Revolutionary Armed Forces of Colombia which has ravaged Colombia for now over 25, 30 years as an illegitimate terrorist organization bent on killing, kidnapping, and maiming. The result of that action was the No. 2 leader of the FARC was killed.

The FARC is the oldest, largest, and best equipped insurgency. As a result of the actions of the Colombian military, with assistance and training from the United States, this insurgency has been lowered in its numbers from the times when it was many thousands. Today it is believed to be between 6,000 and 9,000 strong. It has for decades aggressively sought to disrupt and destabilize the Colombian Government. Its stated goal is none other than ''the violent overthrow of the Colombian Government.''

Let there be no doubt that this is a terrorist organization. They kill, they kidnap, they hold innocent people for ransom while funding all of its violence by actively engaging in narcotics trafficking. We now have learned they do have other sources of funding, and I will get to that in a moment.

Just as Hamas and Hezbollah, the FARC operates by using ruthless terrorist tactics. According to the State Department's most recent Report on Terrorism, the FARC is known to routinely conduct crossborder operations. What they do is they will attack in Colombia. They will kill. They will throw bombs. They will kidnap in Colombia and then retreat conveniently to their borders in friendlier countries, such as Ecuador and Venezuela. Unfortunately, this new development has emerged because Ecuador has allowed its border with Colombia to be a sanctuary for the FARC.

As we continue to receive updates on this situation, we cannot lose sight of the fact that the FARC has repeatedly and violently infringed on Colombia's efforts at stability and democracy and is operating from a neighboring country using it as a sanctuary.

It is the FARC that has declared war against the Colombian people. It is the FARC that has killed and kidnapped thousands of civilians. They have kidnapped teachers, journalists, religious leaders, union members, human rights activists, members of the Colombian Congress, and Presidential candidates.

This organization today is known to be holding as many as possibly 700 hostages. During their reign of terror, they have held at times as many as 100 American citizens. Today, they are currently holding three American citizens: Mark Gonsalves, Keith Stansell, and Thomas Howes. They have been held hostage by the FARC for over 5 years, living in subhuman conditions in the jungle, chained to trees. This is the fate of three Americans at the hands of the FARC.

In December of 2007, the Senate approved a resolution condemning the kidnaping of these three United States citizens and demanded their immediate and unconditional release. It is time that these three Americans be released. Their families have suffered long enough. It is time that the FARC be called by the international community to end their reign of terror.

I believe Colombia has had no choice but to continue to confront this aggression led by the FARC by military means. The antiterrorist strike of this past Saturday resulted in the death of Raul Reyes, a well-known senior leader of the FARC—No. 1, maybe No. 2.

So who was Raul Reyes? He was a notorious and ruthless criminal who had been long sought by our Government and the Government of Colombia. He is on the FBI's most wanted list. He is on Interpol's most wanted list. Since May of 2007, Reyes has been listed on the U.S. Department of the Treasury's foreign narcotics kingpin designation list, and in March of 2006, Reyes was among 50 FARC members indicted by the Department of Justice on drug and terrorism charges. So until his death, he was a fugitive of American justice. He was wanted by the Colombian Government on more than 100 criminal charges, including more than 50 homicides, and his actions should be condemned by all of us and by the international community.

Among the items retrieved by Colombia during the antiterrorist strike, among other things, was Reyes's laptop. What a trove of information it appears to have yielded. I have received copies of some of the documents recovered from the laptop, and they show a consistent pattern of communication and cooperation among Venezuela and the FARC, among the Government of Ecuador and the FARC, President Correa sending personal communications and his foreign minister to meet with Mr. Reyes; this avowed terrorist, this criminal of international justice meeting with a foreign minister, dealing as if he were a head of state.

A copy of one letter recovered from a senior leader of the FARC to Chavez states that ''it is important for his government and the FARC to maintain close ties'' to ensure the success of their efforts. And part of the report obtained from these computer files indicates that the FARC may have received or was in the process of receiving as much as $300 million in financial support from Venezuela.

We know that the Government of Venezuela, while its people are suffering shortages of goods, while the people are having to endure rationing and lines to get foodstuff for their children, this Government, now awash in petrodollars, is utilizing its funds, as we have now seen through indictments in the Southern District of Florida, to meddle in the elections of other countries by sending cash, and now to meddle in the peaceful pursuit of Colombia's democracy by giving $300 million to a terrorist organization attempting to overthrow by violence the Government of Colombia.

I wish to address the confrontational behavior of Venezuela regarding this situation which happened between Ecuador and Colombia. I am not sure what Venezuela's business is in this matter. Venezuela's leader Hugo Chavez has decided to take an aggressive stance. He has threatened Colombia with military action and has amassed troops along the Venezuela-Colombia border. That is at the complete opposite end of the country. The Venezuela border has nothing to do with the Ecuador and Colombia border. He is attempting to divert international attention from the very embarrassing facts that are being yielded from the computer files that have been found. He is trying to divert national and international attention from the suffering of his own people as a result of his mismanagement of their economy, as a result of his mismanagement of the wealth he is obtaining through oil.

He has no role in this bilateral matter between Ecuador and Colombia, and yet he is attempting to derail any efforts of resolution, including the ongoing negotiations of the Organization of American States. In fact, my colleague Senator DODD clearly stated yesterday that Venezuela's ''recent troop buildup in the region is an irresponsible and clearly provocative act aimed at inciting further hostility.''

It is good to note that the Government of Colombia has used restraint. They have not deployed troops. They have simply been going through computer files learning the truth about the relationship between these governments and this illegitimate terrorist group.

It is clear that Venezuelans are growing increasingly disenchanted with their Government's unfulfilled promises and Chavez is trying to exploit the situation with Colombia and Ecuador to distract the world from the shortcomings of his Government's policies. This is an old trick, tried and failed repeatedly in Latin America and elsewhere in the world. It is not working and will not work.

This January, Chavez began calling for removal of the FARC from the terror lists of Canada and the European Union. Chavez has stated that the FARC is not a terrorist group, claiming incomprehensively that they are a ''real army.'' he says they are a ''Bolivarian'' army that follows the spirit of the South American liberator Simon Bolivar. Nothing could be further from the truth. These claims are completely divorced from the reality of what the FARC is and what they represent to the Colombian people and to the region.

In recent testimony, the Director of National Intelligence Mike McConnell told us that ''. . . since 2005, Venezuela has been a major departure point for South American—predominantly Colombian—cocaine destined for the United States market and its importance as a transshipment center continues to grow.''

It is clear that Venezuela is not a part of the solution; it is a part of the regional narcotrafficking problem.

Venezuelan ports are increasingly becoming the departure points of choice for Colombian traffickers. According to both the National Intelligence Center and Office of National Drug Control Policy, private aircraft are increasingly choosing to route cocaine shipments from Venezuela to the island of Hispanola rather than relying on go-fast boats from Colombia because Venezuelan complicity makes it safer to do it that way.

It is also well known that both trafficking groups and guerrilla groups enjoy safe haven inside Venezuela along the border with Colombia.

Chavez has acknowledged his sympathy and support for the FARC, despite the fact that they are also currently holding upwards of 200 Venezuelan nationals as hostages. The Colombian people are well aware of the barbaric practices of the FARC, and yet they are resilient people.

On February 4, a few weeks ago, millions of Colombians peacefully took to the streets in Colombia to demonstrate against FARC's violence and terrorism, demanding ''No more FARC.''

Countless others joined similar peaceful demonstrations in the United States and around the world. An example of their resolve in the face of ruthless FARC violence is Colombia's Foreign Minister, Fernando Araujo. I have had the privilege of meeting the Foreign Minister. He has been serving his nation capably for now almost a year, after bravely enduring 6 years of captivity at the hands of the FARC and surviving a miraculous escape in February of 2007. Minister Araujo is a symbol of freedom and hope for a better future without terrorism.

The killing of Raul Reyes is another success of the Colombian Government's increased efforts to combat terrorism, investigate terrorist activities inside and outside Colombia, seize ill-gotten assets, and bring terrorists to justice.

This operation is a testament to Colombian Armed Forces' professionalism and competence and a success for the Colombian Government's efforts to combat terrorism, investigate terrorist activities inside and outside Colombia and to seize assets and to bring terrorists to justice.

President Uribe is a committed leader and our country will and should continue to support his mission. This President was reelected overwhelmingly by his people and today enjoys an 80-percent approval rating among the Colombian people.

President Bush could not have been clearer yesterday when he stated that:

> America fully supports Colombia's Democracy [and that we will] firmly oppose any acts of aggression that could destabilize the region.

In the Congress, the best way we can show our support for democracy and the need for stability in Colombia is by ensuring the passage of the Colombian Free Trade Agreement.

President Uribe has consistently made clear that passage of that agreement will show the Colombian people democracy and free enterprise will, in fact, lead to a better life for all Colombians.

The Colombian people and President Uribe have made clear their commitment to a hopeful future of a stable democratic and economically thriving Western Hemisphere. The FARC is our common enemy, and we owe our continued support to Colombia as it carries this shared fight against terrorists and drug traffickers.

The Colombian Ambassador was clear in his comments at the OAS yesterday. His country ''has not sent troops to their borders.''

He further stated their goal is to resolve this situation with continued discussion and cooperation.

As we are ourselves fighting a global war on terror, we have to understand terrorism anywhere is terrorism that we need to be against. Groups that rely on violence and terror are not acceptable in the world in which we live. The FARC's time has come. It is over. It is time for us to clear the cobwebs of confusion about this group, to not allow Chavez to make this group into something other than what they are, a group of terrorist killers, kidnapping and maiming people for the sake of their misguided political aims, which are to destabilize the democratically elected Government of Colombia.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY.) The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business on an issue that is very important to my State.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR FORCE TANKER CONTRACT

Mr. BROWNBACK. Mr. President, I thank my colleagues for allowing me a few minutes to speak about the tanker contract going to the Airbus-Northrop Grumman consortium. I am still worked up about this; I am going to be worked up about this for some period of time. This is a big impact contract. I want my colleagues to think for a minute about this, about us subcontracting out the building of our ships, our ships to the lowest bidder around the world.

If we said: OK. We are going to start building our ships wherever we can get the cheapest hulls for them, do you think we would be building them in the United States?

OK. I think other countries or other countries' governments would say: Well, now, here is a good deal. We want to be in shipbuilding, and so we are going to subsidize our way into this.

Do you not think we probably would end up building these ships in other places overseas? What we have taking place in this country is Airbus, which is subsidized with aid by European governments, is going to build basically these tanker planes and is going to fly them over here and then they are going to be fitted or militarized in this country. That is what is going to take place.

They are going to fly the whole plane over here and then militarize it. Now, is this a European plane or is this an American plane? This is an Airbus plane. It is going to be Airbus components. It is going to be built, it is going to be manufactured, it is going to be done there.

I ask my colleagues to think about this. Is this the right thing we want to do? Do we want our tankers and then our AWACS and our ships and our submarines, bid them out to the lowest bidder? In this process, my guess is we will have a lot built in Asia and South America and Europe and subsidized by governments.

I do not think this is the way we want to go. So before we move forward on this issue, I think we need to ask and have answered several questions. No. 1, what is the economic impact to our Treasury of outsourcing our military construction? These jobs are going overseas. That has an impact to our Treasury of the jobs being overseas instead of here.

Let's have a real, true economic picture of this taking place. I think we ought to have that. No. 1, I think we need to know the direct and indirect amount of the subsidization Airbus is giving to this plane to be able to get this contract. Because here we have a 40-percent bigger plane being produced by Airbus, at a substantially lower price than the Boeing aircraft, and they are not beating us on labor costs. They are certainly not beating us on exchange ratios, given the dollar to the Euro ratio.

There is no way to do this without heavy subsidization, either direct or indirect. You cannot do this without some subsidization. OK. Fine, let's find out what the number is, and then let's start where I guess we are going to have to compete on a subsidy, we compete on subsidization. But I think we need to know that number before we go forward with a multidecade, $40 billion contract of made-in-Europe tankers.

No. 3, I think we need to know our security vulnerability before we make those tankers overseas. I think there is a very real prospect that in the future, if we are involved in supporting the Israelis, and the Europeans do not like it, they want to go more with the neighbors in the neighborhood, they say: OK, we are not going to give America flyover rights over Europe, and also we are not going to sell them spare parts on these tankers. I think we need know what the security vulnerability is before we go forward with this as well, and that needs to be appraised.

Finally, I would urge and we are starting to look at ''Buy American'' provisions in our military contracts. I am a free-trade person, but I think you ought to compete on an equitable playing ground, and that if they are going to subsidize, then we have to subsidize if they are; otherwise, we force them not to subsidize.

Also, on defense, we should not be dependent upon foreign governments for our Defense bill's military construction, particularly when they depend

upon us for a lot of the security, and then they get the big contract to build the equipment.

I do not think this is fair at all. I do not think it is the right way for us to go. I think we have several vulnerabilities. I think if you look at a full economic picture of shooting these jobs overseas, of what that does to our Treasury versus buying a cheaper, subsidized European plane versus buying an American plane, where you are having your full costs, but your workers are here and they are paying taxes here, my guess is to the Federal Treasury it is a net positive for us to build them here, even if the plane costs us a bit more because we do not subsidize the price of the plane such as the Europeans are.

I have been in this fight previously on civil aviation, where the Europeans subsidized their way into that business. Now they are doing it in the military contract area. I do not think we ought to do it, particularly on a contract that is going to last decades.

So these are several questions we are going to be working on along with my other colleagues. I would hope we ask these big questions and get them answered before this big contract is let.

Are we are starting to build our defense industry in Europe rather than in the United States? I wish to thank my colleagues for allowing me to speak on this issue.

I yield the floor.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4105, AS MODIFIED

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment, No. 4105, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], for herself and Mr. MENENDEZ, proposes an amendment numbered 4105, as modified.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 3, beginning with line 16, strike through line 3 on page 4, and insert the following:

''(a)(1) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(A) $88,500,000 for fiscal year 2009;

''(B) $96,800,000 for fiscal year 2010;

''(C) $106,480,000 for fiscal year 2011;

''(D) $117,128,000 for fiscal year 2012;

''(E) $128,841,000 for fiscal year 2013;

''(F) $141,725,000 for fiscal year 2014; and

''(G) $155,900,000 for fiscal year 2015.

''(2) From amounts appropriated pursuant to paragraph (1), there shall shall be made available, for each of fiscal years 2009 through 2015, up to $1,200,000 for travel, subsistence, and related expenses incurred in furtherance of the official duties of Commissioners and employees with respect to attendance at meetings or similar functions, which shall be used by the Commission for such purposes in lieu of acceptance of payment or reimbursement for such expenses from any person—

''(A) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(B) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

Ms. KLOBUCHAR. Mr. President, as a member of the Commerce Committee, I appreciate the leadership of Senator PRYOR on this bill and the work all of us did, as well as Senator DURBIN and Senator NELSON. I believe this is landmark legislation. I have been to this floor many times to talk about this bill, how important it is to have that Federal mandatory lead standard, as well as the recall provision our office was instrumental in writing.

I think it is a very good bill. There is one change that I think would make it even better. This is an amendment Senator MENENDEZ and I have.

The Consumer Product Safety Commission Reform Act is not just about increasing staffing, funding, and oversight of the Consumer Product Safety Commission, it is also about making the Commission more accountable to the public.

The Commission must make consumer safety an absolute priority. But it must also perform its duty outside the influence of the people whom it is supposed to regulate, outside the influence of the manufacturers, the retailers, the lobbyists, and the lawyers.

In November 2007, however, an appalling picture of the CPSC came to light. What you have to understand is when we found out about this travel, hundreds of trips and thousands of dollars of travel that had been paid for by the industry that this Commission was supposed to regulate, we were in the midst of this bill, we were in the midst of looking at recalls, now up to 29 million toys that have been recalled.

We were in the midst of finding out about kids who went into a coma from swallowing an Aqua Dot that turned out was laced with the date rape drug. That is what we were doing when we found out that for years the head of the Consumer Product Safety Commission had been traveling on the consumer dime, on the dime of the industries they are supposed to be regulating.

Through an article in the Washington Post, we learned that thousands of dollars' worth of travel had been taken by the current Consumer Product Safety Commission Chairwoman Nord and her predecessor, Hal Stratton.

Since 2002, Chairwoman Nord and former Chairman Stratton took 30 trips—30 trips—on the trade associations', manufacturers', lobbyists' or lawyers' dime, totaling nearly $60,000. So that is 30 trips totalling nearly $60,000.

In one particularly egregious instance, the Consumer Product Safety Commission Chairman accepted $11,000 from the fireworks industry for a 10-day trip to China. The claim was the industry had no pending regulatory requests but had a safety standard proposal before the Commission. Now, you try to tell this to the moms whom we were with yesterday, of those kids who were swallowing toys, one that was laced with lead and one had morphed into the date rape drug. You tell them they had the proposals before them—and they were not pending regulatory requests but they were proposals pending—they would see through this.

This kind of abusive Government practice must end. With this amendment, the amendment that Senator MENENDEZ and I have offered, no Commissioner or employee of the Consumer Product Safety Commission can accept payment or reimbursement for travel or lodging from any entity with interests in their regulations. So it simply means people and the companies the Consumer Product Safety Commission is regulating cannot pay for their trips to China or their trips to Florida or to California. It is that simple.

Now, what is interesting about this is that many agencies, including the Securities and Exchange Commission, the Food and Drug Administration, the Federal Communications Commission, and the Federal Trade Commission, have similar rules restricting industry-sponsored travel. CPSC doesn't have that rule. As the Senate considers this sweeping reform in consumer product safety, we believe we should be free of any appearance of impropriety or undo influence of regulated industries on the CPSC.

Senator MENENDEZ has a bill, a very good bill—and I am a cosponsor; many people are cosponsors—that extends this to all agencies. And I hope very much the Senate will consider this bill very soon. I am so pleased we are working together on this amendment, which is focused on the Consumer Product Safety Commission. Leaving the Commission vulnerable to charges of impropriety is simply unacceptable, especially at a time when the public has completely lost faith in the CPSC's

ability to regulate the industries they are supposed to be watching.

Ethics is at the core of government and democracy. Without ethical leaders, our entire system fails. Ethics is woven into the very fabric of how government works, and ethics reform goes to the very heart of our democracy, to the public trust and respect that is essential to the health of our Constitution.

Like you, Mr. President, I came to Washington to bring ethical government back to the city, and I am so proud that shortly after we joined the Senate, the most sweeping ethics reform legislation since Watergate passed the Senate and became law. But as seen by the actions of the Consumer Product Safety Commission, our job does not stop with one law. We must be resolute that ethical government is not optional, it is not voluntary, and it is not limited to elected officials.

With this amendment, we will send a signal to the Commission that their priority is keeping consumers safe. Their priority is not going on trips financed by the people they are supposed to regulate. Their priority is looking out for those two kids who almost died from those toys, or the family of little Jarnell Brown, that is still watching what is happening here today—this little 4-year-old boy who died when he swallowed a charm that was 99 percent lead. That is their job, not going on trips paid for by the fireworks industry.

It is my hope that my colleagues will support a travel ban amendment to the Consumer Product Safety Reform Act of 2008. I am very pleased to be sponsoring this amendment with my colleague from New Jersey, Senator MENENDEZ.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I am proud to stand here with the distinguished Senator from Minnesota to offer an amendment that prohibits members of the Consumer Product Safety Commission from taking trips paid for by the industries they regulate.

Not long ago, this body overwhelmingly voted to prohibit Members of Congress—Members of this body—from taking trips sponsored by lobbyists—from taking trips sponsored by lobbyists. That is what there was an overwhelming bipartisan vote for. There is absolutely no reason members of the Consumer Product Safety Commission should not be held to the same high standard, particularly given the outstanding number of products that were recalled last year because they were deemed unsafe for American consumers to use after they were placed on the shelves in our stores, bought by our families, and used by our children.

Perhaps most disturbing, the most common victims of these regulatory failures were children—children who played with toys and slept in cribs that the Consumer Product Safety Commission allowed to come to market, children who were seriously injured as a result.

Last year, we saw a toxic toy shipped in from China laced with lead paint that could cause permanent neurological damage or death. We saw car seats dump out the kids who sat in them. We saw beads that contained a chemical that could put children into a coma if swallowed. We saw cribs that would fall apart if an infant pulled on their pieces.

This year is shaping up to be just as tragic. In January, there was a recall of toys with magnets that could cause fatal intestinal blockages if swallowed. Last month, we had a scare about children's sketchbooks coated with potentially fatal levels of lead paint.

So the question Americans are asking themselves is, isn't somebody supposed to be watching to make sure this doesn't happen? And the answer is, absolutely. That is the very mission of the Consumer Product Safety Commission, to make sure products sold in the United States are safe for American consumers, safe for our families. But members of the Consumer Product Safety Commission were busy doing other things.

There are a lot of problems plaguing the Commission, and I will return to the floor to talk in detail about many of them another time. I certainly appreciate the work that has been done by the distinguished chair of the committee and the ranking member in moving a bill that I think goes a very long way towards achieving the goals of knowing that in America our families will be safe from the products that are put on our shelves, and for this I commend them. However, despite the progress we have made under the leadership of Senator PRYOR, there are still issues to be resolved. Most notably, we see that officials of the Consumer Product Safety Commission, tasked with protecting American consumers, were too busy taking trips sponsored by the very companies they were supposed to keep an eye on.

Mr. President, we should never again have to worry that our children are playing with lead-filled toys while the people who should be looking out for them are hopscotching around the world with corporate bigwigs. This is toxic travel, and we have to put an end to it. The American people deserve to have objective, professional safety inspectors, not wined and dined, pampered corporate houseguests. We need to make sure these product gatekeepers are looking out for one interest, and one interest only: the well-being of the American people.

That is why Senator KLOBUCHAR and I are offering this amendment: to prohibit product regulators from taking trips sponsored by the industry they regulate. I think Americans listening across the landscape of our country would say that is just common sense. Regulators should never be indebted to those they regulate. They should never be compelled to let a product slip by as thanks to the great golfing they shared or the fabulous trip they took, while children suffer as a result.

So let me close by thanking my colleague, Senator KLOBUCHAR, a member of the committee, for taking the lead in the committee to improve the safety of the products that end up in the hands of our children. It has been a privilege to work with her on this amendment. And I certainly hope our colleagues will join us in saying, as they did in setting the high standard for every Member of the Senate in prohibiting travel paid for by lobbyists, that those who are there to protect the very essence of our safety and our lives and those of our families should live to no less a standard.

I urge my colleagues to support the amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by commending the Senators from Minnesota and New Jersey for bringing forward this amendment. Many of us, I think all of us, were troubled by the press reports last fall that suggested that the current and previous Chairman of the Consumer Product Safety Commission accepted reimbursement from entities that they were regulating when they were traveling. For example, trade associations, manufacturers of products, and other entities paid for trips that totaled nearly $60,000.

The Klobuchar-Menendez amendment is intended to make clear that taxpayer money should be used for that travel in order to remove the appearance of a conflict of interest that arises when the members of the Commission receive reimbursement for travel from regulated entities.

I do want to make clear that the Commission's ethics officers reviewed these trips and found that there was no conflict of interest. But the fact is, there is an appearance of a conflict of interest. Receiving reimbursement from regulated entities creates the appearance that the decisions that are subsequently made by the Commission members may be tainted by a conflict of interest. The fact is, this kind of appearance of a conflict of interest shakes the consumers' confidence in the impartiality of decisions that are made by regulatory agencies.

Now, I do want to emphasize that these trips may well have been justified. Governmental officials cannot and should not make all of their decisions

within the confines of their offices. They can learn a lot about the issues by taking official travel, by going out into the field, by reviewing a manufacturer's procedures, by traveling to a port, by undertaking completely legitimate travel. But at least the appearance, and in some cases an actual conflict of interest, arises when this travel is subsidized or paid for totally by the regulated entity. So I view this as a good government amendment, an amendment that will help to restore the confidence of consumers, of the public, in the regulatory process.

I also want to make clear to some of my colleagues, particularly on my side of the aisle, that the amendment put forth by the two Senators does not increase the budget of the Consumer Product Safety Commission beyond the amounts authorized in the underlying bill. Instead, what their amendment would say is that up to $1.2 million of the budget of the amount appropriated can be used for the Commissioners' travel in lieu of the Commissioners' accepting payment or reimbursement for travel from any person or entity that is seeking official action from, doing business with, conducting activities regulated by, or whose interests may be substantially affected by decisions made by the Commission.

This is a commonsense amendment. It will advance the public's confidence in the decisions that are made by this important regulatory Commission. It is very much in keeping with the bill that we put forth, and I believe we will be able to work out something on this amendment later in the day.

I do want to point out to my friends on the other side of the aisle that there is also an amendment pending by the Senator from Texas, and I believe it is the managers' intent to try to package a series of amendments at the same time. But for my part, I think this amendment makes a great deal of sense, and I commend the two Senators for bringing it forward.

Mr. President, let me also take this opportunity to thank the manager and author of the bill, Senator PRYOR, for his thoughtful comments earlier this morning about my contributions to the bill. It has been a great pleasure to work with Senator PRYOR on this bill. We have worked together on a host of issues, and I commend him for his leadership in helping to ensure that the toys and other consumer products that reach our store shelves are as safe as they can be. In particular, his commitment to making sure the children of America are receiving safe products is commendable.

So I thank him for his kind words, and it has been an honor to work with him on this bill.

I thank the Chair.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL SECURITY

Mr. ENZI. Mr. President, I rise to discuss my concerns with the fiscal security of our country. This week we are considering the fiscal year 2009 congressional budget resolution in the Budget Committee. As stewards of the public trust, the Congress needs to make hard choices necessary to leave a fiscally and economically sound country to our children and grandchildren. Unfortunately, the easy road is where we have already trod. The budget we will be working on today is another slip of paper in a trail leading this country to financial ruin. We simply cannot sustain the current level of spending which is spiraling out of control. I know that crafting an annual budget is a difficult task, but it is important. This document is a vital part of the operation of Congress. It sets a fiscal blueprint that Congress will follow for the year and establishes procedural hurdles when these guidelines are ignored. As stewards of the public trust, we owe to it all American taxpayers to use the funds they provide us in the most effective and efficient means possible. If we do that, we provide future generations with a strong and secure U.S. economy. If we don't, then the children of America's future will be waking up to something very unpleasant.

As an accountant, I particularly enjoy this opportunity to look at the overall spending priorities of our Nation. Fiscal year 2009 will be another tight year for spending. It will not be good enough to have another pass-the-buck Democratic budget like the one we saw last year, which I did not support. If we consider another budget this year that is tax and spend, more and more taxes to pay for more and more spending, I will vote against it again. We must begin this year's debate on a fiscal year 2009 congressional budget resolution with a clear understanding of our responsibilities. We cannot accept a repeat of last year's empty promises, of reducing the debt and reforming entitlements.

What actually happened is disgraceful. Last year's budget raised taxes $736 billion, the largest tax increase ever, hitting 116 million people. If we follow this year's proposed budget, many of our constituents will have to dig into their pockets starting in 2011 and find an additional $2,000 to pay Uncle Sam on top of what they pay in taxes now. That ought to be a wake-up call. I travel around Wyoming most weekends. I can easily take a poll of my constituents. I am not running into anybody who thinks they are paying too little in taxes. If they think their taxes are going to go up, knowing that the Federal Government is receiving more in revenues than it ever has in the history of the United States, they are upset. So looking at a $736 billion tax increase will upset them. We are going to be discussing this as it gets closer and closer to April 15. That is the day they are particularly cognizant of what they are paying in taxes.

Last year's budget increased spending by $205 billion. Last year's budget grew our national debt by $2.5 trillion. Last year's budget ignored entitlement reform. There was no attempt to tackle the $66 trillion in unsustainable long-term entitlement obligations that face us. Well, not us; it is our children and grandchildren. But we will be the beneficiaries of that. That is not fair. Americans want to know what we can do to help them, not hurt them. Empty promises can no longer be made.

I want to highlight a recent editorial from the Wall Street Journal that talks about spending promises being made right now. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNMENT SHOWDOWN

(By Kimberley A. Strassel)

Hillary Clinton and Barack Obama were midway through a joint ode to big government in their last debate when a disbelieving Wolf Blitzer interrupted. Were they both really going into a general election proposing ''tax increases on millions of Americans,'' inviting the charge of tax-and-spend liberals?

''I'm not bashful about it,'' said Mr. Obama. ''Absolutely, absolutely,'' chimed in Mrs. Clinton.

In the middle of an election that is supposed to be about ''change,'' the country is instead being treated to the most old-fashioned of economic debates. The fun of it is that neither side is being shy about where it stands, which has only sharpened the old choice: higher taxes and bigger government, or more economic freedom and reform. With health care, entitlements and education all on the agenda, the stakes are huge.

We don't have a Democratic nominee yet, but in terms of this battle it matters little. Mrs. Clinton and Mr. Obama both dropped major economic addresses this week, and their most distinguishing feature was that they were nearly indistinguishable. Just ask Mrs. Clinton, whose campaign complained that Mr. Obama had copied her best ideas (even as it simultaneously complained he offered no ''solutions''—go figure).

Republican frontrunner John McCain certainly sees no differences, and his frontrunner status has allowed him to begin training his economic guns on the Clintbama approach. The battle lines are, as a result, already taking shape.

This is going to be an old-fashioned fight over taxes. Whatever they may have said on CNN, Mr. Obama and Mrs. Clinton aren't

fool-hardy enough to embrace wholesale tax hikes. Like John Kerry and congressional Democrats before them, both are instead proposing raising taxes on only ''the rich.'' Both campaigns made an early bet that the Republicans'' broad tax-cutting message had gone stale, and that Americans were frustrated enough with rising healthcare and education costs that they'd embrace redistributionist tax policies.

Maybe. But the economic landscape has changed from last year and even frustrated Americans have grown jittery of tax-hike talk. Mr. Obama has already shifted, and started placing more emphasis on his promise to return some of his tax-hike booty to ''middle-class'' Americans via tax credits. Both Democrats are already justifying their hikes by pointing out that Mr. McCain voted against the Bush tax cuts in the past.

Mr. McCain's challenge—which he's already embraced—is to keep the tax focus on the future. His campaign is going to play off polls that show the majority of Americans are still convinced that political promises to soak the rich translate into higher taxes for all. He will use gobs of other proposed Democratic tax * * * Grand Canyon proportions. Democrats have presented themselves as the party of fiscal responsibility of late, a message that contrasted well with spendthrift Republicans in the 2006 elections. The Democratic presidential candidates will struggle to make that case, given both are inching toward the $900-billion-in-proposed-new-spending mark.

Mr. Obama's wish list for just one term? Some $260 billion over four years for health care. Another $60 billion for an energy plan. A further $340 billion for his tax plan. A $14 billion national service plan. A $72 billion education package. Also, $25 billion in foreign assistance funding, $2 billion for Iraqi refugees and $1.5 billion for paid-leave systems. (I surely forgot some.) Mr. Obama says he'll pay for these treasures by stopping the Iraq war and taxing the rich. But both Democrats have already spent the tax hikes several times over, and even a Ph.D, would struggle with this math.

Making a message of fiscal responsibility harder is Mr. McCain's reputation as a fiscal tightwad, and his role as one of the fiercest critics of his own party's spending blowout. Watch him also expand this debate to earmarks, as he's already done with an ad ripping into Mrs. Clinton for her $1 million request for a Woodstock museum. Mr. McCain's earmark requests last year? $0.

Mr. Obama's and Mrs. Clinton's economic speeches this week were noteworthy for sweeping government initiatives, straight out of FDR-land. Both propose a federally backed ''infrastructure bank'' that would finance projects with subsidies, loan guarantees and bonds. Both are vowing to ''create'' five million ''green-collar'' jobs in the environmental sector. These are in addition to giving government a huge new health-care role.

This is the area where Mr. McCain has the most work to do in drawing distinctions. He is already hitting both Democrats for their desire for ''bigger government.'' But the Arizonan's challenge will be explaining to voters why more government-run health care is bad for their pocketbook, why school choice will do more than more education dollars. Further, he's going to have to work through his own hit-and-miss instincts, which in the past have led him toward big government initiatives like a climate-change program.

This will be an old-fashioned debate about the role of business in America, whether it will be a federal cash cow and punching bag, or its tax rates lowered so it can compete with the rest of the globe. This will be an old-fashioned debate about trade, which will, with any luck, finally explore the vagaries of the growing ''fair trade'' movement. This will be an old-fashioned debate about the minimum wage, and its ability to kill jobs.

None of this is to say this economic battle won't encompass ''change.'' If a Democrat wins the general election, things will certainly look different, starting with your tax bill. And if * * *

Mr. ENZI. The majority should be held responsible for its actions. We need to prepare a budget for our Nation that reduces national debt, promotes honest budgeting, and encourages true economic growth by reducing energy costs, reducing taxes, and reducing health care costs. I do believe that the first priority of any nation must be the health of its people. Every American should have access to high quality health care at affordable prices, and Congress must work with State governments and the private sector to achieve that goal. One way Congress can curtail this rapid rise in health care costs is to use health information technology as a cost-saving measure. I hope we can work across party lines to enact health IT legislation this year and to aid in addressing the fiscal challenges associated with spiraling costs and unacceptable levels of medical errors.

I wonder if the American people realize that when the baby boomers are fully retired and receiving benefits, the cost of supporting that generation through Medicare, Medicaid, Social Security will be so high we will have no money available for our Federal Government to do anything else. We will have no money for national defense, no money for education, no money for transportation infrastructure, not to mention a whole bunch of other things we are intricately expecting. That is unacceptable. Our country's future cannot sustain the cost.

This year, again, the President's budget proposes to reduce the rate of growth in one of our most expensive entitlements, which is Medicare. The President has sent a legislative proposal to Congress to meet the requirements laid out in the Medicare Modernization Act passed in 2003, thus providing more funding for the general fund that pays for other government programs such as defense, education, and infrastructure. What reception did it get from our friends in the majority? Unfortunately, we have heard that the proposal sent by the administration is dead on arrival and the administration has trumped up a phony crisis in Medicare. A phony crisis? There is nothing phony about it. We are standing at the edge of a tsunami as the huge baby boomer generation, my generation, reaches Medicare and Social Security eligibility.

The President's Medicare proposal is a good starting point; $34 trillion of unfunded liability is certainly not a phony crisis in Medicare. We must address this serious funding constraint head on.

Last year the majority also promised to abide by pay-go rules and actually pay for all the new spending to get America on the right track economically. As far as I can see, this has not happened. In fact, pay-go enforcement rules have been so weakened and thwarted through a variety of different mechanisms and smoke and mirrors that we ended up with billions and billions in new spending that is not offset. It is time to bite the bullet. We need to limit increases in discretionary spending by Federal Government agencies. This is necessary while we are also taking extreme care to keep our Nation safe and secure. I reiterate that we must take seriously the warnings we have heard from the General Accounting Office and the Congressional Budget Office about Federal expenditures spiraling out of control. We need to make the budget procedural and process changes to directly address this problem.

One of the many procedural reforms I believe would promote fiscal responsibility and safeguard the Nation's economic health is a 2-year budget process. In fact, in his budget for fiscal year 2009, the President once again proposed commonsense budget reforms to restrain spending. He has several recommendations, including earmark reforms and the adoption of a 2-year budget for all executive branch agencies in order to give Congress more time for program review. While we may negotiate on the details, we should implement these overall recommendations. The budget process takes up a considerable amount of time each year and is drenched in partisan politics while other important issues are put on the back burner. It should not be this way. The current Federal system, frankly, is broken. No, it is smashed. It is in shambles. We only have to look at the mammoth spending bills that nobody has time to fully read or understand before they are glibly passed into law and the hammer comes down on another nail in the coffin of good budgeting.

Last year's omnibus appropriations bill is Exhibit A in my prosecution of a system that promotes fiscal recklessness. It is a serious problem that must be fixed. The current budget and appropriations system lends itself to spending indulgences this country cannot afford. It should be scrapped for a system that is a proven winner.

To divert slightly and remind us of some of what happened last year as we were going through the process, we passed authorization bills around here which are supposed to set the grand parameters for what we are doing. One of those grand parameters involved the AIDS bill, passed unanimously through

this body and through the other body and signed by the President. We set up a formula for AIDS help. That formula said the money will follow the patient. Good concept, good enough for everybody to agree it was the way to go. Then last year we had to vote on a $6 million proposal for San Francisco that stole money from 42 other cities in large amounts and smaller amounts from many other cities. We defeated that because we had set up a formula through authorization. But when the final omnibus bill came out, it had that same $6 million with the same theft put in it. We didn't have an opportunity then because $6 million out of $767 billion is not enough to worry about voting on, I guess. And we don't vote on it. But it still wound up in there.

We need to do something with our system of budgeting, and we need to do something about earmarks as well. There is a crucial need to enact procedural and process changes that will enable us to get this country on the right budgetary track. We simply cannot risk the economic stability of future generations by continuing to get by with the status quo. The risks are far too great.

Make no mistake: A change to a new budget process will not be easy. There are very strong feelings on both sides of this issue. But as responsible legislators, we need to come together to begin the difficult but necessary process of change. I, for one, intend to continue to work with my colleagues who are also committed to make the hard choices to safeguard our economic and fiscal future.

A nation that cannot pay its bills is a nation that is in trouble. If it is a repeat of last year, the fiscal year 2009 congressional budget resolution could mortgage the future of our children and grandchildren and require huge tax increases for all Americans. I welcome the opportunity to consider our Nation's spending priorities, keeping in mind we need to make tough choices and sacrifices in order to keep our country strong and healthy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I would like to talk about a provision in the Consumer Product Safety Commission Reform Act that deals with a database to make sure information about dangerous products is available to the public.

Here again, this has changed through the process. We have tried to build in safeguards. I want to talk about those. We have tried to find something that is balanced, that provides information, but also has some filtering so we make sure erroneous information is not disseminated. But the goal of this provision is that the public has the right to know when products are dangerous.

We have many examples—and I will go through some of these right now. But I promise you, for every one example I am going to give, there are probably 100 others I could talk about—we have many examples of dangerous products that are being sold and used while the company and the CPSC know of the risks of the product. But because of the inability for CPSC to get a mandatory recall or the inability of them to work out the terms with the manufacturer in many cases, the public does not know about these dangerous products. So what happens is that the product continues to be sold and continues to be used when the Government and the manufacturer know it is a dangerous product.

Let me start with this one statement. This is from OMB Watch. It says: ''CPSC estimates the number of toy-related injuries''—just toy-related injuries—''jumped from about 130,000 in 1996 to about 220,000 in 2006—more than 600 injuries every day.''

Now, this is over a 10-year period: to go from 130,000 injuries—we are not talking about incidents; we are talking about injuries—130,000 in 1996 to 220,000 in 2006. We are not talking about isolated incidents where there might be the occasional toy or the occasional product that might cause a problem. We are talking about 600 injuries every day—600 injuries, not incidents—to children. This is just in toys. This statistic is just for toys. So, again, we are not talking about things that are in isolation that do not matter in the real world. This bill matters in the real world.

The next chart I wanted to show you is the recall process. This is a flow chart about recalls. My colleagues can see how complicated and how long and how many steps there are in the recall process. Listen, it is not that important about what each and every step is. But this is how it works. You can see, for a product to be recalled, there are a lot of hoops that have to be jumped through. Those hoops take time.

There again, as I mentioned just a moment ago, we know of many instances. I will give you one right here. There was a product called Stand & Seal, which was a product that, apparently, you spray on tile to seal the tile. That product was dangerous, was actually killing people, and definitely injuring people. The company knew about it, the CPSC knew about it, but the public did not know about it.

What happened was, in the one incident I am most familiar with—again, there are many others—in the one incident I am most familiar with, Home Depot continued to sell this product not knowing that it was a dangerous product, not knowing it was injuring people, not knowing it violated U.S. safety standards. They were selling it to the public.

Well, at the end of the process, guess what happens. Home Depot gets sued. They get sued for selling a product for which they had no knowledge of the problem. The CPSC knew, the Government agency knew about the problem, but the general public did not. The retailer did not know. So part of the reason we get into that situation is because of this long recall process.

Now, we are going to address a lot of this in the legislation. We are going to give the CPSC the ability to move through this process much quicker. We are going to give them the leverage they need to make decisions. Right now, the manufacturers, unfortunately, in many instances, have the leverage, not the CPSC. So we are going to try to address some of this.

But that is not even what I am talking about because I want to talk about the database. The database provision that is in the legislation, we believe, is a very important provision. It is very balanced. We have tried to find that right balance.

Let me, if I can, talk about one specific toy which has actually received a lot of attention nationally because of some of the egregious injuries and the serious problems. This is a toy made by Rose Art, which is a company that makes a lot of toys and crayons and art supplies and lots of other things—a lot of craft kinds of stuff. Rose Art makes a toy called Magnetix. This is the ''Xtreme Combo Flashing Lights Castle.'' Well, you can understand why this would have a lot of appeal to parents and children. Just look at the box. It looks like something that would be fun to play with.

If you can notice on this picture, there are these little silver dots, these little silver balls. Those are magnets. That is how you put this together. You can see right here in the picture, in someone's hand, that little dot. I hope it shows up on television for the folks watching around the country. That is one of those little dots.

The problem with these little magnets is they fall off. They can come loose. In 2007, over 1,500 incidents were reported before the 4 million units of Magnetix were recalled. So we have 1,500 examples of these either falling off or, in some cases, children swallowing pieces with the magnet still attached. The reported incidents included 28 injuries and 1 death.

I do not want to go into the details of this on the Senate floor, but the medical issues that children have to go through when they ingest one of these is not pretty. Again, I do not want to go through that on the Senate floor and turn this debate into a gory example. But, nonetheless, trust me when I say these toys, this Magnetix set—there are many varieties—has caused a lot of hardships for parents and children.

But what do kids like to do? They like to put things in their mouths. They eat things. They suck on things.

We know how it is. But this is why we need a database so that people can know what is going on out there. We have 4 million units of this toy that were eventually recalled, but there were over 1,500 incidents reported before the recall. That is 1,500 incidents where parents and grandparents, et cetera—day care centers—had no way of knowing this was a dangerous product. So the database solves that problem.

Again, this is just a chart to run through the timetable. We do not have to spend a lot of time on the details. But in 2003, Rose Art introduced these building sets. They were very popular. By the way, they were on lists for a couple of holiday seasons about the best toy for kids, et cetera, et cetera, et cetera. The retailers loved them because they just flew off the shelves.

We could go through this long process, but you can see the first attempted recall was in March of 2006. That is almost 3 years later. They later had to do another recall, a more comprehensive, clearer recall. They did that in mid-2007. So these were on the shelves for a long time. But I am telling you right now, the parents have no way of knowing these are dangerous until the CPSC does their recall.

One of the things I want my colleagues to understand is that, again, this is not an isolated incident. We mentioned Magnetix. We are not trying to pick on Rose Art. We are just reporting the facts as they exist. But here is Magnetix shown on the chart. There were 1,500 incidents before it was recalled, before the public knew of the problem.

Again, we are not going to go through this, but you can see this next particular product had 679 incidents, this one had 400, this one 278, and on down the line.

My fellow Senators, we could print 10 or 20 or 30 of these charts and go down the numbers. You can see the different types of hazards we are talking about. I am telling you, the evidence is overwhelming that in the legislation we need to fix the CPSC.

So what is the best way for the public to know? Well, I would say the best way for the public to know is to inform the public, give the public some information, let them look at it. I must be candid right now to say we have had a few people—not all. I want to be fair. Not all, but a few people—a few companies in the business community, a few associations that have been opposed to this database idea. They think it will create a hardship. They think it will smear companies. They are concerned about the uncontrolled nature of that.

Well, we keep pointing them to the NHTSA Web site. What we are proposing is not novel. It is not new. It is tested. We have seen it in action for years, and that is the NHTSA Web site, the National Highway Transportation Safety Administration Web site. It looks like safercar.gov might be at least one of the ways to get there. But this is actually a copy of the NHTSA Web site.

When you go to safercar.gov or nhtsa.gov, I guess, you can come up with this page. You can see, it has ''Defects & Recalls.'' You can click on this and find out about the defects and recalls.

Let me walk the Senate through this, if I may, for just 1 minute. Here again, you click on something; you go to this page, you click on ''Search Complaints.'' Here again, we are talking about complaints from consumers and from third parties such as hospitals, day care centers, et cetera, who can put their information on a Web site. You put your information on the Web site. If you are a parent or grandparent or day care center operator, and you are searching on a Web site, you would come to a place like this one or two or three screens later—and it is probably a little bit hard to tell on television, but right here it says ''To use the 'Drill Down' search method'':

What they do is walk you through these tabs—1, 2, 3, 4, 5 steps—and you put in information about the product that you are curious about. What happens is, you go through these steps. I did it yesterday in my office. I am going to tell you, you can look up a product in about 1 minute. It just takes that long. It is easy to use. It is very user friendly.

NHTSA has been doing this for years and years. This is the kind of thing, we would hope, when this legislation passes, that the CPSC would set up. It could be very useful for people all over this country. But you go through the tabs, and you set up what you want to set up. You search the items you want to search. You finally come to this page. This is the page that is the page that most Americans would love to see the Consumer Product Safety Commission offer. They would love to see this type of information.

This is a ''Complaints'' page. This information was filed by a consumer. In many cases, it is done online. It does not have to be, but in many cases it is done online. It is real easy, very inexpensive to do—not a lot of manhours for most of this. It has a ''Report Date,'' which in this case is March of 2008. That is when we ran this. It has the ''Search Type,'' and you see we typed in: ''child safety seat.'' We typed in the name: ''Fisher-Price.'' And for the ''Model,'' we just put the generic child safety seat model. This is all on little pop-up menus and little scroll-down-type menus. It is very easy to use. So we looked at Fisher Price. Crash: No. Fire: No. Number of injuries: One.

We come down here to this child seat: Tether, or strap.

Here is the summary, and this is pretty much what the consumer wrote, right here. It says: The consumer states that the harness strap of the child seat snapped from the back, causing the child to fall out of the seat, and there were some minor injuries.

You will see it has an ID number so they can track each record.

Here again—this is important. Part of the compromise we reached with Senator STEVENS and Senator COLLINS on this issue is that we don't provide information about the complainant. In other words, some in the business community—again, not all, but some—were concerned if we provided information about who is filling these out, then they get a letter from a trial lawyer and all of a sudden you have a lawsuit. We are putting the safeguard in to make sure that doesn't happen. The CPSC under our bill cannot provide that type of information.

Another thing we require of the CPSC is to remove any incorrect information that may be offered by the consumer, by the complaining person. We also allow manufacturers the opportunity to comment on information in the database. For example, they may offer a comment which said: Be sure you follow the instructions because if you don't get it buckled in right, you may have a problem, or whatever; I don't know what their comment may be. But these comments can actually be very useful to people who are searching this. So we built in these safeguards to make sure this NHTSA-type database will work with the CPSC. This is the goal we are trying to get to. We are trying to get to providing that information. While the CPSC is going through this long recall process or working through whatever they have to work through, at least the public has the right to know.

I know I have at least one colleague here who wishes to speak, so let me wrap up on this one final point.

There is a girl who was 14 months old. Her name is Abigail Hartung. She is from New Jersey. When Abigail was 14 months old, she was trapped by a crib. The crib collapsed and her hand was trapped in it. She was 14 months old. It turned out she didn't have a very serious injury, but certainly it was upsetting to the parents and to the child. When the father, Mr. Hartung, called the manufacturer to ask them about this and to tell them about it, the manufacturer told him on the phone: Well, this is amazing. We have never heard of this before. Are you sure you had it set up right? Are you sure the child wasn't somehow abusing the crib, Et cetera, et cetera, et cetera. Come to find out, the company told him they had never heard of this happening before. Come to find out, the company had already received 80 complaints about this happening—80.

This database will build in the accountability for some of these companies that are going to do that. Some of

these companies—again, not all; I don't want to paint with a broad brush here, because many of these companies are very responsive. They take these consumer complaints very seriously. They are trying to do the right thing; others, not so much. So for those who are not going to respect the safety and the welfare of their customers, this database will help level the playing field. It will provide information to families and consumers of all sorts to know that there is another place they can go and check and find out if this product has a problem, so companies won't treat others as the Hartungs were treated.

Mr. President, I see I have a wonderful colleague who wants to say a few words, so I will yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. SANDERS. Let me begin by thanking my friend the Senator from Arkansas and my friend the Senator from Maine for their fine work on this very important issue in trying to protect the needs of our kids. I thank them very much.

What I wish to talk about for a short period of time is the budget situation. I am a member of the Budget Committee. The Budget Committee, I believe, will be marking up the budget in committee tomorrow. I believe it will be on the floor sometime next week. This entire process of determining a budget is enormously important, because it reflects the priorities of the American people and it reflects our values. It is no different than any family budget. It has everything to do with where we choose to spend our resources and how we raise our resources. So it is an issue of enormous importance.

As a member of the Budget Committee, I am going to be looking at this budget within a context of four major concerns. No. 1, as I go around my State of Vermont and, in fact, America and talk to a whole lot of people, I think the American people understand, even as Congress and the White House may not, that the middle class in this country today is in the midst of a collapse, and I use that word advisedly. Despite a huge increase in worker productivity, great strides forward in technology, there are tens of millions of American workers today who are working longer hours for lower wages. Poverty in America is increasing. I think of most concern is that moms and dads all over this country are worried that for the first time in the modern history of our country, their kids are going to have a lower standard of living than they do. That is the first sense of reality I look at as we prepare the budget.

The second reality I look at is that while the middle class is shrinking and poverty is increasing, the people on top have not had it so good since the 1920s. I understand we are not supposed to talk about those things. Not too many people talk about the fact that we have the most unequal distribution of wealth and income of any major country on Earth. The rich are getting much richer, while everybody else virtually is seeing the decline in their standard of living. It is not something we are supposed to talk about. I talk about it. I think it should be talked about. I think it is an issue that must be addressed as we look at the budget, because we are going to have to ask a question about how we raise more revenue in order to address many of the unmet needs in our country.

The third issue is just that. The reality is that there are enormous unmet needs in this country. When people say Government shouldn't be involved, I don't know to whom they are talking. Our infrastructure is collapsing. The civil engineers tell us that we have over $1 trillion in unmet needs in terms of our roads, our bridges, our tunnels, our wastewater systems. We need to fund those. It isn't going to get any better if we don't improve them, and we will create jobs as we do that.

But it is not only our physical infrastructure. We have the highest rate of childhood poverty of any major Nation on Earth. This is a national disgrace. Eighteen percent of our kids are in poverty. We have other seriously unmet needs. So looking at the budget, we have to look at not only the general collapse of the middle class, the fact that the rich are getting richer and everybody else is getting poorer; we have to understand with regard to our children, our infrastructure, there are huge unmet needs.

The fourth issue we have to deal with is that in the midst of all that, our national debt is soaring. It is now over $9 trillion.

So I look at those four areas as issues that must be dealt with as we move into this new budget.

Since President Bush has been in office, median household income for working-age Americans has declined by almost $2,500. That is part of the collapse of the middle class. The reality is we have lost some 3 million good-paying manufacturing jobs in Pennsylvania, in Ohio, and in the State of Vermont. We are losing good-paying jobs, in my view, because of a disastrous trade policy which simply encourages corporate America to throw American workers out on the street, move to China, and then bring their products back into this country. So we are losing good-paying jobs.

Since President Bush has been in office, over 8.5 million Americans have lost their health insurance. We are now up to 47 million Americans without any health insurance. Meanwhile, health care premiums have increased by 78 percent.

Under George W. Bush's watch, for the first time since the Great Depression, the personal savings rate has fallen below zero. This simply means that because of dire economic conditions, we are actually as a people spending more money than we are earning. There are millions of people right now who, when they go to the grocery store, don't buy their Wheaties and don't buy their rice and don't buy their milk with cash. They buy it with a credit card. By the way, they are often charged 25, 28 percent for that credit card. We are looking at a foreclosure crisis which is certainly the highest on record, turning the American dream of home ownership into an American nightmare for millions of our people.

So that is No. 1: The middle class is collapsing. There is tremendous economic pressure. People go to the gas station to fill up their gas tank and pay $3.20 for a gallon of gas, while ExxonMobil makes $40 million last year.

People can't afford home heating oil. The price of food is going up. Everywhere you turn there is enormous pressure on working families and on the middle class. That is a reality we must address as we look at this budget.

But as I mentioned earlier, not everybody is in that boat. Let's be honest about it. The wealthiest people in this country have not had it so good since the 1920s. According to the latest figures from the IRS, the top 1 percent—1 percent—earned significantly more income in 2005 than the bottom 50 percent. That means the 300,000 Americans on the top earn more income than do the bottom 150 million Americans. It is the most unequal distribution of income and of wealth in our country of any major country on Earth. That is a reality that must be addressed as we look at the budget.

According to Forbes Magazine, the collective net worth of the wealthiest 400 Americans—400—increased by $290 billion last year, to $1.54 trillion. Incredibly, the top 1 percent now owns more wealth than the bottom 90 percent. That is an issue we have to deal with.

In terms of our national debt, our national debt is now at $9.2 trillion. I think the history books will be pretty clear in that among many other negative characteristics, President Bush will go down in history as being the most financially and fiscally irresponsible President in the history of this country. The national debt is soaring, and clearly, one of the reasons for that is we spend $12 billion every single month on the war in Iraq which, according to some people, is going to go on forever, I guess—$12 billion a month. And who is paying for it? Our kids and our grandchildren are paying

for it, because it is easier to pass the cost of that war on to them than tell the American people today there is a cost of war, and you have to make some choices. Twelve billion dollars a month.

There are people here in the Senate, and the President of the United States, who think we should repeal the estate tax. One trillion dollars worth of benefits go to the wealthiest three-tenths of 1 percent. And how do they propose to make up the difference? They don't. Just pass it on to the kids and our grandchildren and let the millionaires and billionaires of this country have a huge tax break. No problem at all, just: That is what we will do.

I wish to talk about something else that also is not talked about very much, and that is the terrible situation of unmet social needs that exists in this country, and the President's budget. At a time when we have a major health care crisis, the President wants to make major cuts in Medicare and Medicaid. As a member of the Budget Committee, I am going to do everything I can to make sure we do not make the health care crisis in this country even worse. We have, as any mother or father knows—it is true in Vermont and it is true virtually all over this country—a horrendous crisis in terms of affordable childcare. The President has said in his budget that he wants to reduce the number of children receiving childcare assistance by 200,000. We have a major crisis, and the President's response is let's make it even worse.

Embarrassingly, in this great country, many of our citizens are going hungry.

I know in Vermont, our emergency food shelters are running out of food. This is true all over the country. We need to address that issue. The President's response is to deny food stamps to 300,000 families and children, and so forth and so on. It is a crisis among low-income working people. The President's response is to cut those programs so we can give tax breaks to the wealthiest people in this country.

It seems to me that at a time when our country has so many serious problems, at a time when the American people know in their souls that we are moving in the wrong direction in so many areas, with fundamental problems in this country, we have to have the courage to have a serious debate about moving this country in a new direction.

There was an article in the papers recently—last week—and it brought forth a fact that many of us had known, but it is important to repeat: In the United States of America, we have the largest number of people behind bars of any country on Earth. People say, well, China is much larger than America and is an authoritarian, Communist country, so surely they have more people—I am not talking per capita, I am talking collectively, in total—behind bars than we do. Wrong.

Is there a correlation between the fact that we have more people in jail than any other country and the fact that we have the highest rate of childhood poverty of any major country on Earth? I think there is a direct correlation. I think you either pay now or you pay later. Either you give kids the opportunity for decent childcare, nutrition, and education, and keep an eye on them so that in fourth grade they don't mentally drop out, and in the tenth grade they don't really drop out of school and get involved in destructive activity—you either do it—and it costs money—or you ignore that reality.

When these kids go to jail and commit crimes, we spend $50,000 a year keeping them behind bars. That is our choice. If people want to ignore the crisis and the reality we have, which is the highest rate of childhood poverty, that we are underfunding Head Start, and so on, you can ignore it, but you are going to pay the price at the other end by locking up many people in jail.

I also want to mention to my colleagues that I will be bringing amendments to the floor during the budget process. They are simple. What they say is that at a time when the wealthiest people in this country have never had it so good, when the President has given these same people huge tax breaks, the time is now that we rescind the tax breaks that go to millionaires and billionaires and use some of that money to reduce our national debt, and use others of those sums to start protecting the middle-class working families and the kids in this country.

A budget is about priorities, about choices. I intend to provide some choices to the Members of the Senate. I hope they will support me and those amendments in moving this country in a fundamentally different direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 4097

Mr. VITTER. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up my amendment, No. 4097.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, to make sure, we will go back on the pending amendment as soon as he completes his presentation.

Mr. VITTER. Yes. Mr. President, I wish to modify my unanimous consent request to include that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. VITTER) proposes an amendment numbered 4097.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow the prevailing party in certain civil actions related to consumer product safety rules to recover attorney fees)

On page 58, strike lines 4 through 7 and inserting the following:

''(g) ATTORNEY FEES.—The prevailing party in a civil action under subsection (a) may recover reasonable costs and attorney fees.''.

Mr. VITTER. Mr. President, the amendment is simple and straightforward. It establishes a ''loser pays'' rule for actions by attorneys general under the law. It doesn't make it mandatory, it makes it discretionary, or up to the court. But the court would be allowed to award costs and attorney's fees from the losing party to be paid by the losing party to the winning party. I think that is fair and reasonable. That essentially is the present law. It is also essentially the sort of provision that is in the House bill.

In the Senate bill, the availability of fees and costs and attorney's fees is only available to the winner, if the winner is the attorney general. If the attorney general loses in those suits, if the private party prevails, the private party cannot get those costs and attorney's fees. I think that is unfair. Perhaps more important than it being unfair, I think it creates an imbalance that might encourage clogging the system, clogging the courts—perhaps most important, clogging the workload of the Consumer Product Safety Commission with unnecessary lawsuits that are not fully thought through. I think this reasonable provision—loser pays, whoever the loser is, up to the discretion of the courts, not mandatory, simply allowable, if the court decides—is the fair and balanced approach.

In offering this, let me make clear that we need to do more to increase product safety. This bill does many good things in that regard. The House bill does many good things in that regard. I support that move. But as we do that, I don't want to create an imbalance or actually clog up the system, whether it is the court system or the CPSC workload, clog it up with unnecessary, perhaps frivolous, suits and litigation, and prevent us from getting to that goal.

We should make sure we don't overburden the Consumer Product Safety Commission. One of the problems we have now that this bill and the House bill attempts to address is that of overburdening an inadequate staff and resources. So we need to make sure that as we fix those problems with one hand, we don't use the other hand to make them worse by creating incentives to increase the workload unnecessarily with lawsuits that are not thought through and that are frivolous.

Again, I look forward to supporting and promoting greater consumer safety. I supported the amendment on the floor recently that embodied the House bill, because I think the House bill does that in a substantial way, without having some of the shortcomings—including this one—of the Senate bill. We do need to do more. One thing we don't need to do is create more lawsuits than actually accomplish the objective of safety or to encourage lawsuits that are not thought through, to encourage actions that can be frivolous. This is a reasonable, balanced way to prevent that.

In closing, let me be clear that this doesn't mandate ''loser pays'' in every case. This says to the court that you can award costs and attorney's fees from the loser to the winner in whatever direction that works, no matter who the winners and losers are, but it is not mandatory. That is broadly consistent with present law and broadly consistent with the House bill, which I believe is a fairer, more balanced approach, which will avoid clogging up the system yet again, even as we try to give the system more resources.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that Senators CHUCK SCHUMER and BARACK OBAMA be added as cosponsors to amendment No. 4105 to the Consumer Product Safety Commission Reform Act. This is the amendment Senator MENENDEZ and I have introduced to ban industry-sponsored travel by those who regulate them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MENTAL HEALTH PARITY

Ms. KLOBUCHAR. Mr. President, I rise to commend the House for bringing today before the House a step that will bring our Nation closer to achieving long overdue fairness for people suffering from mental illness and chemical dependency.

We are now one step closer as the House considers this important mental health parity bill today, one step closer to realizing the dream of my friend, the late Senator Paul Wellstone, who championed equality for those with mental health needs, until his untimely death in 2002.

If this law passes, as it should, we can thank the persistence of leaders such as Representatives JIM RAMSTAD and PATRICK KENNEDY; we can thank Senators PETE DOMENICI and TED KENNEDY; and we can thank the Wellstone sons, particularly David, who continues to carry the torch lit by his father.

While Federal law may not alleviate the stigma that surrounds mental illness, it can bring us closer to ending insurance discrimination and easing the unfair financial burden borne by patients and their families.

Most health care plans currently have barriers to mental health and chemical dependency treatment. Individuals seeking treatment for these health problems face higher copayments and higher deductibles, as well as arbitrary limits on the number of office visits or inpatient days covered. These people pay the same premiums as everybody else, but when they get sick, their insurance doesn't cover them.

The House and Senate proposals build upon the Mental Health Parity Act of 1996 by mandating that if an insurer offers mental health and chemical dependency coverage, the treatment limitations can be no more restrictive than for medical benefits.

Minnesota is proud to have one of the strongest mental health parity laws in the country. But this law only goes so far. Federal action will expand mental health parity protections to those covered by self-insured plans—117 million people—and move us toward real equity for those needing vital services.

It is appropriate that this legislation in the House is named in honor of Paul Wellstone—an inspiring figure whose ceaseless motion and tireless pursuit of a better world was brought to a stop only by that tragic plane crash.

Many in this body, including myself, counted Paul as a friend. We all know Paul was a crusader and a man with many passions. But anybody who ever met or talked with him quickly found out that he had a special place in his heart for helping those with mental illness. This deep and abiding concern was shaped by the suffering of his own brother. Paul's brother Steven suffered from mental illness. As a young child, Paul watched his brother's traumatic dissent into mental illness. As a freshman in college, he suffered a severe mental breakdown and spent the next 2 years in mental hospitals. Eventually, he recovered and graduated from college with honors. But it took his immigrant parents years to pay off the hospital bills.

Writing about this, Paul recalled the years that his brother was hospitalized. For 2 years, he said, the house always seemed dark, even when the lights were on. It was such a sad home. Decades later, Paul knew there were far too many sad homes in our great Nation—too many families devastated by the physical and financial consequences of mental illness.

Paul knew that we can and should do better. For years, he fought to allocate funding for better care, better services, and better representation for the mentally ill, and for years he fought for mental health parity and insurance coverage. For Paul, this was always a matter of civil rights, of justice, and of basic human decency. Of course, on this issue, as with every other issue, Paul and Sheila, his wife, worked together.

We should all care about securing mental health and chemical dependency treatment equity for the same reasons that Paul did. We should care because of the suffering and stigma that individuals and families endure due to mental illness and addiction. We should care because it is cruel when people with mental health or addiction problems receive lesser care than those with physical health problems. We should care because of the enormous financial cost of these diseases for our society and because the economic research shows how cost effective good treatment can be.

I saw this firsthand as a county prosecutor. I cannot tell you the number of violent crime cases I remember where the right treatment could have prevented a horrible crime, and the later costs of imprisonment, or maybe the right medication would have stopped someone from spiraling downward to a point where they committed a crime. This is not to excuse the crime, and it doesn't mean that we didn't prosecute them aggressively and that they didn't go to prison; it just means if we can prevent the crimes with appropriate treatment and medication, then we must do it.

Untreated mental illness and substance abuse adds an enormous burden to the criminal justice system every day. That is why we created a mental health court in Hennepin County, where I prosecuted, which has had many successes, as well as a drug court. But it would be better to prevent people from getting into the system in the first place. That is why this legislation is so important.

Finally, we should care because we know that people who are suffering need help. Mr. President, 54 million Americans suffer from mental illness or substance abuse. Almost 15 million suffer from depression. Over 2 million suffer from schizophrenic disorders. Over 20 million Americans need treatment for alcohol or drug abuse. These numbers are staggering, but ultimately what convinces anyone of the importance of this issue is when we see how real people close to us suffer, whether it is a son or a daughter, a mother or father, or, as in Paul's case, a brother or a sister, a neighbor or a coworker.

PATRICK KENNEDY and JIM RAMSTAD have been brave enough to talk about their own struggles, and that really adds some moral compass to their leadership in the House. I have seen it in my own family with my dad, who suffers from alcoholism, a larger-than-life dad who could climb the highest mountains, whom also I have seen plunge to

the lowest valleys with his battle of alcoholism. My dad finally got the treatment he needed, and I have never seen him so happy as in the past 10 years. Other families need to be, as my dad puts it, ''pursued by grace.'' This legislation offers crucial support for people in need.

Several months ago, our Senate unanimously voted in support of mental health parity. The House is now passing its own legislation. I will say that the House bill is stronger, and I prefer the House bill over the Senate version, but I trust these two bills will be reconciled and signed into law, and I hope my Senate colleagues involved in the conference committee will get us and bring us back the strongest bill possible. This will be a victory for millions of Americans living with mental illness who face unfair discrimination in their access to affordable health care treatment.

Again, I thank my colleagues, Senator KENNEDY and Senator DOMENICI, for their leadership on this issue. I thank PATRICK KENNEDY and JIM RAMSTAD for their continued leadership. But in the end, I am here today with respect to Paul Wellstone, who led this fight for so many years. I know he is looking down on us today and looking down at the House of Representatives that is passing this bill with his name in his honor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4094

Mr. LEAHY. Mr. President, I realize we earlier thought we might vote at 12:30 p.m. That has been put off to a little later. I wish to talk about the pending amendment to the Consumer Product Safety Commission Reform Act. I am very worried about it. It would tie the hands of State attorneys general who seek to protect their citizens from harmful products.

I see the distinguished chairman on the floor. He was an attorney general. He knows what is involved in these areas. I applaud his efforts for including in the legislation the power for State attorneys general to enforce consumer product safety violations. As a former prosecutor and as one who watches how carefully anything such as this is done in my home State of Vermont, I certainly do not want us to gut that important enforcement provision by immunizing corporate bad actors for the reasonable costs and fees it takes State attorneys general to bring these actions. States are not rolling in money, but they expect their attorneys general to protect them. If wrongdoers have to pay part of that cost, so be it.

If we strike line 5, 6, and 7 of the pending bill, we immunize corporate bad actors. I don't think any of us should have to go home and tell our legislatures: Boy, we just gutted the ability of our State attorney general to do something, and if he does do something, we want to hit you with a higher bill than you would have paid otherwise.

I understand Senator CORNYN's floor statement in support of his amendment mentioned nothing about reasonable fees and costs incurred by the offices of State attorneys general. Rather, he focused on contingency fee agreements that some attorneys general have decided to make with private lawyers to enforce laws.

Setting aside the contingency fee argument for a moment, I wish to highlight that his amendment would do more than just micromanage the types of staffing decisions State attorneys general enter into. I am always somewhat nonplused to hear Members say how we have to get the Federal Government off our backs and let our States make the determination, that Washington doesn't know best, that our State capitals, legislatures, and Governors have a better idea how to do things, and then all of a sudden bring in amendments that would just run roughshod over our 50 States, would relegate our State Governors and legislators to the dustbin.

We should not strike the lines of this bipartisan legislation that make corporations found liable for violating consumer laws responsible for reasonable costs and fees incurred by States. We do this in private litigation all the time. If you have somebody who has violated the law, they ought to pay the costs and not ask the taxpayers to pay the costs for the violators.

The purpose of Senator CORNYN's amendment is to tie the hands of State attorneys general by prohibiting them from entering into certain types of contracts with private lawyers. I have been here long enough to remember a time when principles of federalism and deferring to State governments meant something in this great Chamber. State elected officials are accountable to their citizens. If the State voters do not like the way a State attorney general is staffing cases, that is easy—just don't reelect him or her. But Senator CORNYN's amendment would make the staffing decision for all State attorneys general, whether it is in Vermont or New Hampshire or Arkansas or Texas or anywhere else. What he is asking us to do, the 100 Members of this body, is to stand up and say we have greater wisdom than all the legislatures in this country and we are going to tell individual States how they should conduct their business. I believe that is unwise, especially in the context of unsafe products that have the potential to harm consumers. So I oppose this amendment. It undermines the important enforcement role of State attorneys general, and it runs roughshod—it runs roughshod—over any State where their legislature, their Governor, their attorney general wants to protect the people of their State from unsafe consumer products.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, it looks as if we have a couple Senators who are preparing to speak. I wish to follow up on the comments, very briefly, that the distinguished chairman of the Senate Judiciary Committee made about the attorneys general.

This idea of allowing State attorneys general to assist Federal agencies with enforcement of Federal decisions is not new in this bill. This has been around for a long time. I have nine examples I want to mention very quickly.

In the Fair Credit Reporting Act, the Telephone Disclosure and Dispute Resolution Act, the Children's Online Privacy Protect Act, the Telemarketing and Consumer Fraud and Abuse Prevention Act, the Credit Repair Organizations Act, the Controlling the Assault of Nonsolicited Pornography and Marketing Act, and one section of the Truth in Lending Act all provide for State attorneys general to have a role in enforcement.

My last point—and this is the ninth one I want to mention—a few years ago, the FTC's telemarketing sales rule went into effect. They said at one point:

> The commission believes that the joint Federal-State enforcement model under the Telemarketing Act provides a practical framework for coordinating our efforts with those of States and results in an efficient and effective law enforcement program.

We are utilizing a model that other Federal agencies that had this model before recognize is an effective and efficient use of resources.

My last point on adding the attorneys general to the enforcement of the CPSC rules, regulations, and decisions is that it is a very efficient way to do it. If we wanted to, the Congress could add another $5 million, $10 million, $20 million, $50 million—whatever it may be—in appropriations to this Federal agency to put people out there around the various States to do the very same work the State attorneys general offices can do without any Federal taxpayers' dollars involved.

I thank the distinguished chairman of the Senate Judiciary Committee for his comments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

AMENDMENT NO. 4109

Mr. CASEY. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up amendment No. 4109.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY], for himself, Mr. BROWN, and Ms. LANDRIEU, proposes an amendment numbered 4109.

Mr. CASEY. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Consumer Product Safety Commission to study the use of formaldehyde in the manufacturing of textiles and apparel articles and to prescribe consumer product safety standards with respect to such articles)

On page 103, after line 12, add the following:

SEC. 40. CONSUMER PRODUCT SAFETY STANDARDS USE OF FORMALDEHYDE IN TEXTILE AND APPAREL ARTICLES.

(a) STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

(b) CONSUMER PRODUCT SAFETY STANDARD.—Not later than 3 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe a consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) with respect to textile and apparel articles, and components of such articles, in which formaldehyde was used in the manufacture thereof.

(c) RULE TO ESTABLISH TESTING PROGRAM.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe under section 14(b) of such Act (15 U.S.C. 2063(b)) a reasonable testing program for textile and apparel articles, and components of such articles, in which formaldehyde was used in the manufacture thereof.

(2) INDEPENDENT THIRD PARTY.—In prescribing the testing program under paragraph (1), the Consumer Product Safety Commission shall require, as a condition of receiving certification under subsection (a) of section 14 of such Act (15 U.S.C. 2063), that such articles or components are tested by an independent third party qualified to perform such testing program in accordance with the rules promulgated under subsection (d) of such section, as added by section 10(c) of this Act.

(d) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) protects consumers from risks of illness or injury caused by the use of hazardous substances in the manufacture of textile and apparel articles, or components of such articles; and

(2) provides a greater degree of such protection than that provided under this section.

''(e) SENSE OF THE CONGRESS.—Congress finds that:

''(1) Formaldehyde has been a known health risk since the 1960s;

''(2) As international trade in textiles has grown an number of countries have recently recalled a number of textile products for excessive levels of formaldehyde;

''(3) The Federal Emergency Management Agency and the Centers for Diseases Control released formaldehyde testing results from trailers in Louisiana and Mississippi on February 14, 2008:

''(A) Results of these tests showed levels of toxic formaldehyde that were on average five times as high as normal;

''(B) Formaldehyde in textiles is a known contributor to increased indoor air concentrations of formaldehyde; and

''(C) The Centers for Disease Control has recommended residents of the 2005 hurricanes living in Federal Emergency Management Agency trailers immediately move out due to health concerns.''

The PRESIDING OFFICER. The Senator is recognized.

Mr. CASEY. Mr. President, I wish to first of all commend the work of several colleagues on this Consumer Product Safety Commission legislation, and in particular the Senator from Arkansas, Senator PRYOR, for long overdue changes of the law that pertain to how we protect consumers, families, across America from unsafe products from around the world that come into Pennsylvania and come into America and can do harm to our families. So I am grateful for the work that went into this legislation.

Today, I wish to raise with this amendment a particular concern I have, and I think it is shared by a lot of people in this body, and that is the threat posed by formaldehyde. I am going to put up a definition so people have a sense of what we are talking about. Formaldehyde is a colorless, strong-smelling gas, and when present in the air at levels above 0.1 parts per million, it can cause watery eyes, burning sensations in the eyes, nose, and throat, nausea, coughing, and all the things you see here, but it has also been shown to cause cancer in scientific studies using laboratory animals and may cause cancer in humans. So we are talking about something that is a threat to families across this country, and it is something that this legislation should deal with.

Our amendment is very simple. And I should note for the record this amendment is being offered not only by me but by Senator BROWN of Ohio and Senator LANDRIEU of Louisiana. It is very simple what we do. We set forth in this amendment to have the Consumer Product Safety Commission, first of all, study the use of formaldehyde in the manufacturing of textile and apparel articles. That study would be conducted within 2 years, and basically we would want that study to identify risks to consumers caused by the use of formaldehyde in the manufacturing of articles that may be clothing articles or components of such articles.

So, first of all, the study. Secondly, not later than 3 years after the date of the enactment of the amendment, the Consumer Product Safety Commission should set forth a safety standard, which is something this Commission can do and should do with regard to formaldehyde.

Thirdly, we say that the Consumer Product Safety Commission shall prescribe a testing program, a reasonable testing program for textile and apparel articles and components of such articles. Basically, what we are talking about is to test for the presence of formaldehyde and the threat it poses.

Now, what are we talking about? Some of the news articles over the last couple of years point to very basic articles in the life of any family in this country—blankets. There was a problem not too long ago with the presence of formaldehyde in blankets. We have seen examples where toys and other products that impact children, but especially when it comes to clothing in this case, there have been examples of baby clothing where there is a threat posed by the presence of formaldehyde.

Some might say: Well, why would the Consumer Product Safety Commission have to have a regulation such as this and to have a program to deal with this? Well, for some reason, it has been left off the list. Because in terms of the Government agencies already that have regulated the use of or exposure to formaldehyde, the list is long. The Occupational Safety and Health Administration, OSHA, has it; the Environmental Protection Agency, EPA, has it; the Food and Drug Administration; the Housing and Urban Development agency has it. So these are agencies already in the Federal Government that have regulated the use of and exposure to formaldehyde, and what we are asking in this amendment is that yet another critical agency in our Government, the Consumer Product Safety Commission, be charged with the responsibility of studying, setting forth rules and regulations, and also making sure we are doing everything possible to prevent this from becoming an even larger threat to American families.

I would conclude with one chart: the Consumer Product Safety Commission regulations of formaldehyde. And after that, the entire chart is blank because that is exactly what the Consumer Product Safety Commission is doing right now on formaldehyde—nothing,

not a single thing, not a single rule that deals with this, despite the threat posed to young children, to babies when they wear baby clothing, or the threat it poses to all Americans when it comes to what we wear.

This is long overdue, and I hope colleagues on both sides of the aisle would not only support, as I think they will, strongly, the elements of this Consumer Product Safety Commission legislation but in particular that they would support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4122

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4122.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision allowing the Commission to certify a proprietary laboratory for third party testing)

On page 25, beginning with line 21, strike through line 13 on page 29 and insert the following:

''(3) THIRD PARTY LABORATORY.—

''(A) IN GENERAL.—The term 'third party laboratory' means a testing entity that—

''(i) is designated by the Commission, or by an independent standard-setting organization to which the Commission qualifies as capable of making such a designation, as a testing laboratory that is competent to test products for compliance with applicable safety standards under this Act and other Acts enforced by the Commission; and

''(ii) is a non-governmental entity that is not owned, managed, or controlled by the manufacturer or private labeler.

''(B) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations) meets the requirements of subparagraph (A)(ii) with respect to the certification of art material and art products required under this section or by regulations issued under the Federal Hazardous Substances Act.

''(C) PROVISIONAL CERTIFICATION.—

''(i) IN GENERAL.—Upon application made to the Commission less than 1 year after the date of enactment of the CPSC Reform Act, the Commission may provide provisional certification of a laboratory described in subparagraph (A) of this paragraph upon a showing that the laboratory—

''(I) is certified under laboratory testing certification procedures established by an independent standard-setting organization; or

''(II) provides consumer safety protection that is equal to or greater than that which would be provided by use of an independent third party laboratory.

''(ii) DEADLINE.—The Commission shall grant or deny any such application within 45 days after receiving the completed application.

''(iii) EXPIRATION.—Any such certification shall expire 90 days after the date on which the Commission publishes final rules under subsections (a)(2) and (d).

''(iv) ANTI-GAP PROVISION.—Within 45 days after receiving a complete application for certification under the final rule prescribed under subsections (a)(2) and (d) of this section from a laboratory provisionally certified under this subparagraph, the Commission shall grant or deny the application if the application is received by the Commission no later than 45 days after the date on which the Commission publishes such final rule.

''(D) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify a third party laboratory if it finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4098

Mr. DORGAN. Mr. President, I send another amendment to the desk and ask for its consideration; amendment No. 4098.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4098.

Mr. DORGAN. Mr. President, I ask unanimous consent the amendment be considered read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ban the importation of toys made by companies that have a persistent pattern of violating consumer product safety standards)

On page 103, after line 12, add the following:

SEC. 40. BAN ON IMPORTATION OF TOYS MADE BY CERTAIN MANUFACTURERS.

Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (a), as amended by section 10(f) of this Act—

(A) in paragraph (5), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) is a toy classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that is manufactured by a company that the Commission has determined—

''(A) has shown a persistent pattern of manufacturing such toys with defects that constitute substantial product hazards (as defined in section 15(a)(2)); or

''(B) has manufactured such toys that present a risk of injury to the public of such a magnitude that the Commission has determined that a permanent ban on all imports of such toys manufactured by such company is equitably justified.''; and

(2) by adding at the end the following:

''(i) Whenever the Commission makes a determination described in subsection (a)(7) with respect to a manufacturer, the Commission shall submit to the Secretary of Homeland Security information that appropriately identifies the manufacturer.

''(j) Not later than March 31 of each year, the Commission shall submit to Congress an annual report identifying, for the 12-month period preceding the report—

''(1) toys classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that—

''(A) were offered for importation into the customs territory of the United States; and

''(B) the Commission found to be in violation of a consumer product safety standard; and

''(2) the manufacturers, by name and country, that were the subject of a determination described in subsection (a)(7)(A) and (B).''.

Mr. DORGAN. Mr. President, this issue of imported products from abroad in an increasingly globalized world is a very significant and serious issue. I am not one who suggests we can retreat from the global economy. Clearly, the global economy exists. I would say the rules for the global economy have not nearly kept pace with the galloping movement of this global economy and, as a result of it, we have some very serious trade issues, we have imbalances in trade, we have the largest trade deficit in human history, we have the loss of American jobs being shipped overseas, and then we have, in addition to all that, we have products that are now made overseas, shipped into this country, that we have discovered are dangerous products.

My colleague from Arkansas, Senator PRYOR, under his leadership, and with others, have brought a bill to the floor of the Senate. I am on the Senate Commerce Committee, and I was pleased to work with them and play a very small role in helping create this legislation, but I wish to commend my colleague and others for bringing a bill to the floor that gives the Consumer Product Safety Commission some additional authority.

Now, the Consumer Product Safety Commission is headed by somebody who didn't want the authority; didn't seem to think it was necessary, unfortunately. We need someone at the Consumer Product Safety Commission who is very interested, very alert, and very engaged on these issues. Because the fact is, these can be life-or-death issues. That is a plain fact.

Now, the amendment I have offered, the second amendment, is relatively simple. I wish to describe it. It is an amendment that says the Consumer Product Safety Commission should have the authority to permanently ban imports from certain producers, foreign producers, that have shown a persistent pattern of shipping unsafe products to our shores. Let me repeat. This simply gives the Consumer Product Safety Commission the authority to

ban imported toys from unsafe producers.

Under this amendment, the Consumer Product Safety Commission would have the full discretion to decide whether a particular case warrants such a ban. I think it would shock most Americans to learn that there is no such authority that exists at the moment. We can have a company that sends us once, twice, 4 times, 5 times, 10 times or 20 times unsafe products into this country, and there is no authority for anyone to ban that company from shipping products into the U.S. marketplace. That is wrong.

So let's say that a company, in this case let me say China—and I don't mean to pick on the Chinese, but the fact is 85 percent of the toys that come into this country are coming in from China—let's say a manufacturer has a complete and persistent record of painting their toys with lead paint. How often should we allow that company to be caught sending toys into this country with lead paint; lead paint that has a significant capacity to provide injury to children? How long should we allow that to happen? Under current law, the answer is, there is no limit.

Hopefully, we will find the toys and prevent them from being on the store shelves. But at the present time, there is no limit, and no one has the capability to ban the producers from sending those products into this country.

There are Chinese companies producing for U.S. brands that have had many repeated problems. In September, Mattel, Incorporated, announced the third massive recall in a 5-week period. At that point, Mattel found 848,000 Chinese-made Barbie and Fisher-Price toys that had excessive amounts of lead paint. Toys were pulled from the store shelves at that point, and that included Barbie kitchens, furniture items, Fisher-Price train toys, and Bongo Band drums, among others. The surface paints on these toys contained excessive levels of lead, which is prohibited under Federal law because, frankly, it is unsafe for children.

Now, in addition to those recalls, Mattel has recalled nearly 9 million Chinese-made toys coated with toxic lead paint and other safety problems. The plastic preschool toys sold under the Fisher-Price brand in the United States include the popular Big Bird, Elmo, Dora, and the Diego characters.

In June of last year, RC2 Corporation recalled 1.5 million wooden railroad toys and set parts from its Thomas & Friends. Most parents of young children will recognize Thomas & Friends, the wooden railway product line, which was made by Hansheng Wood Products factory using lead paint. So 1.5 million of these toys were headed to the store shelves in this country.

Now, the question: Why would a producer anywhere use lead paint? Well, because lead paint is bright, it is durable, it is flexible, it is fast drying, and most of all, it is cheap. China mass produces lead paint and coloring agents such as lead chromate because they are generally cheaper than organic pigments.

But lead is dangerous even in small quantities. We have known that for a long while in this country. Going back to 1978, the U.S. Consumer Product Safety Commission made it illegal to use any paint containing more than 0.06 percent of lead for residential structures, hospitals, and children's products.

We have known about lead for so long that Ben Franklin wrote about the dangers of lead. Ben Franklin wrote a letter about the bad effects of lead taken inwardly. Some 19th century paint companies advertised their paint in newspaper ads bragging it was lead free. So this isn't some new discovery, that lead is a problem and a potential human health problem. And it is no accident that some of these toys are containing excessive levels of lead paint. Because, as I said, lead is cheap, the contractors that are making these products are trying to lower costs, and they are not spending a lot of time wondering about human health issues.

Now, let me describe this silver chain. This is a Chinese-made charm.

This charm is an example of a heartbreaking case. This happened in March 2006 when a 4-year-old Minnesota boy died of lead poisoning after swallowing this small, heart-shaped charm that came as a gift with a purchase of Reebok tennis shoes. A little 4-year-old boy swallowed this, and this was 99 percent lead. The fact is, these kinds of circumstances can kill. Unsafe toys can kill.

Jarnell died because a trinket, made of 99 percent lead, was included with a shoe, and that trinket was swallowed by a young child, and he is dead.

Ann Brown, who headed the Consumer Product Safety Commission from 1994 to 2001—and by the way, I might say, she was an extraordinary public servant, did a wonderful job. She said there should be an outright ban on any lead in any toy product. She said: If I were at the CPSC now, the Consumer Product Safety Commission, I would say that trying to recall tainted products is like picking sand out of the beach: it is just not possible. I agree with that.

The only way to make certain our products on our store shelves are safe, and especially toy products that are going to be used by our children, is to give the officials who are supposed to be monitoring this and regulating this the authority to permanently ban unsafe producers. Short of that, we are going to continue to see these problems. Then we are going to scratch our heads and wonder: Why do these still exist? The reason they still exist is the same companies are shipping us tainted products and unsafe products. This is not rocket science. We have seen the products, we have read about the products, we have heard about the products. They include, yes, a trinket with a tennis shoe; they include a small wooden toy painted with lead paint; they include toothpaste; they include cat food, contaminated shrimp, car tires—you name it.

The question is, Who is going to stand up for and support the interest of American consumers? I think it has been the case that when these problems came to light and people lost their lives because of them, many of the producers, particularly some in China, said: None of this is true. These are problems that are exaggerated, and our products are safe.

Then, in June, when there was a tremendous outcry here in the United States, regulators in China finally said they had closed 180 food plants and that inspectors had uncovered more than 23,000 food safety violations. China Daily, the nation's English-language newspaper, said industrial chemicals, including dyes, mineral oils, paraffin wax, and formaldehyde, had been found in everything from candy to pickles to biscuits to seafood. China announced on July 9 of last year that it had actually executed the former head of its food and drug safety agency for accepting bribes in excess of $800,000 in exchange for approving substandard medicines.

Well, we know the problem. That is why we have a bill on the floor of the Senate. We know at least a part of this solution. The bill on the floor of the Senate is a good bill. But I have an amendment that would improve it, so that when you have a company that has a persistent and consistent and relentless problem of shipping unsafe products to this country, we can say: Stop, you cannot do it anymore.

I read a while back about a guy in my home State who was picked up 13 or 14 times for drunk driving. Our State said: Stop. You cannot drive any more. It is over. We are not putting up with this.

We ought to do the same thing with companies—not only in China but elsewhere—that send unsafe or tainted products that are unsafe for American consumers and especially children. We ought to do the same thing to companies that do that over and over again. If they are not willing to abide by the regulatory processes and by the standards we set and adopt in this country, then they are not welcome any longer to ship products to our store shelves. So I offer an amendment that would allow us at least the authority—not the requirement, the authority—to outright ban products from companies that have a record of persistent problems in sending unsafe or tainted products to our store shelves.

Again, I wanted to say that as all of this has played out, this is all part of the global economy these days. You know, you produce somewhere and ship it somewhere else, and someone consumes it. I have spoken extensively about this, this issue of the global economy that has galloped forward, but the rules have not kept pace. This is one more area where the rules have not kept pace, and this underlying piece of legislation is an attempt to establish better rules.

Now, the fact is, we cannot force this to work unless we have people in agencies who are hired and paid by the Federal Government who want to do their job. The fact is, we have had abysmal leadership at one of the agencies that ought to have been involved in stopping this. It is unbelievable to me that someone collects a paycheck and has a sense of self-worth if they are not interested in standing up for what their agency should stand up for, but that has been the case.

So we bring a piece of legislation to the floor that is a good piece of legislation, that establishes new rules, rules that will provide for safety for American consumers. But we need better management and better leadership as well at some of these agencies who have decided they are going to stand up for consumers too.

AMENDMENT NO. 4122

I wish to mention the second amendment I have offered, which is one about which I will not speak at great length. I wish to visit with the manager of the bill at some point. That is an amendment which would strike the provision that allows the Commission to certify a proprietary laboratory for third-party testing. I would like to see independent testing. Let me hasten to say I accept the good intentions, the good will of those who wish to test themselves, but in my judgment, when you have proprietary testing, it is a step or several steps away from independent testing. I wanted to talk to the manager of the bill about this amendment to see if we can find a way to at least make sure all testing that is done represents truly independent testing.

STRATEGIC PETROLEUM RESERVE

Mr. President, I wish to finish my comments with another point.

Yesterday, I came to the floor, and I was going to offer an amendment, but there was an objection because my amendment is admittedly not germane. I will not attempt to offer it today. I understand others are not offering the nongermane amendments, so I will certainly not offer mine, except to say I intend to offer it every chance I get. I will find a crevice someplace on an authorization bill or I will do it on the Energy and Water appropriations bill that I write because writing the chairman's mark gives me an opportunity to simply write it in.

It deals with this question of today, on Wednesday, we are sticking 60,000 to 70,000 barrels of oil underground in one of our domes to save it for the future, at a point when the price of gasoline is at $3, $3.50, going to $4 a gallon and oil is rocketing up around $103 a barrel and the Strategic Petroleum Reserve, where we store oil underground for a rainy day, is 97 percent full. We have the administration taking oil from the Gulf of Mexico as royalty-in-kind from oil wells, and instead of putting it into the supply and converting it to money for the Federal Government, they are sticking it underground and saving it for a rainy day. This is, by the way, a subset of oil called sweet light crude. What that does is put upward pressure on oil and gas prices at exactly the wrong time.

This is not rocket science either. Why would you pick the highest price of oil and say: By the way, the Federal Government has decided, in addition to all of the other issues out there with respect to energy policy, we have decided to see if we cannot put some upward pressure on gas prices, and they have. Government witnesses testified before the Energy Committee yesterday and admitted that this puts upward pressure on gas prices. So why on Earth would we stick 60,000 or 70,000 barrels of oil a day underground? That is unbelievable to me. It is going to double. There are going to be 125,000 barrels a day in the second half of this year, sticking it in the Strategic Petroleum Reserve.

I now have a piece of legislation that would say: You cannot do that. There has to be a 1-year pause unless the price of oil goes back below $75. But if it does not, there has to be a 1-year pause, that the oil has to go into the supply, not underground.

The Federal Government ought not be making things worse for consumers, you know. There are a lot of interests here that are causing American drivers to be burned at the stake, but the Federal Government is carrying the wood when it is putting oil underground. That makes no sense at all. We have OPEC, all of these other issues. We have unbelievable speculation in the market, with hedge funds and investment banks knee-deep in a carnival of speculation.

We had a witness testify that the oil futures market has become like a 24/7 casino—never closes. The result of all of this speculation by people who are trading in oil—and they will never have the oil and never get oil, yet they are trading futures contracts and driving up the price every time as all of that speculation goes on. I think that deserves and needs an investigation.

Our Federal Government has decided on a policy of taking oil out of the supply and sticking it underground. There is only one word for that; that is, ''nuts.'' We have to stop it.

I was not able to offer this amendment on this bill yesterday, but I will be back with this amendment. In my judgment, we will have a vote on it in the Senate because we have the votes to pass it and say to this administration: Stop it. Put an end to it. Put that oil in the supply and put downward pressure on gas prices and downward pressure on oil prices.

Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I have an amendment I would like to offer at some point. I will not do so at this time, but I would like to make some general comments on the subject.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KOHL. Mr. President, the bipartisan amendment I am talking about addresses the troubling use of court secrecy. Far too often, our courts permit vital information that is discovered in litigation, which bears directly on public health and safety, to be covered up. Our amendment is a narrowly targeted measure that will make sure court-endorsed secrecy does not prevent the public from learning about health and safety dangers.

This amendment is a good amendment because it is a complement to this bill, and we know private lawsuits are often a critical source of information about dangerous products. Court secrecy often hinders regulatory agencies in their efforts to protect the public.

Under the amendment, judges would have to consider public health and safety before granting a protective order for sealing court records and settlement agreements. Judges have the discretion to grant or deny secrecy based on a balancing test that weighs the public's interest and public health and safety hazards and legitimate interests in secrecy such as trade secrets. The amendment does not place an undue burden on our courts. It simply states that in a limited number of cases, judges would have to take a closer look at requests for secrecy.

We know there are appropriate uses for these orders and we are confident that our judges will protect information that truly deserves it.

We are all familiar with well-known cases where protective orders and secret settlements prevented the public from learning about the dangers of silicone breast implants, IUDs, prescription drugs, exploding gas tanks, dangerous playground equipment, collapsing baby cribs, and defective heart valves and tires. Had information

about these harmful products not been sealed, injuries could have been prevented and lives could have been saved.

At a December hearing, we learned that while some judges may be more aware of the issue, this problem continues, and we have examples to prove it. Johnny Bradley told us the chilling details of a car accident caused by tire tread separation that killed his wife and left him and his son severely injured. During his lawsuit against Cooper Tire, he learned that information about similar accidents had been kept secret for years through court orders and secret settlements. Today, details about this tire defect remain protected by court orders while Cooper Tire continues to aggressively fight attempts to make them public.

We also heard from Judge Joe Anderson, a Federal district court judge in South Carolina. He supports the bill as a balanced approach to address ''a discernable and troubling trend'' for litigants to ask for secrecy in cases where public health and safety might be adversely affected. He told us about a local rule in South Carolina, one that goes even further than our amendment, and how it has been a great success. The number of trials has not increased and cases continue to settle even though secrecy is no longer an option in that court.

I have heard concerns about national security and personally identifiable information so I have included language to ensure that this information is protected. I have also heard concerns about protecting trade secrets. I would like to make it very clear that our amendment protects trade secrets. We are confident that judges, as they are already required to do, will give ample consideration to them as part of the balancing test. However, we will not permit trade secrets that pose a threat to public health and safety—such as defective tire design—to justify secrecy.

Some people argue that there is no evidence that protective orders or sealed settlements present a significant problem. Just ask the thousands of people who took the prescription drug Zyprexa without knowing the harmful side effects that were concealed by a secret settlement. Or ask the parents whose children were injured or killed by dangerous playground equipment, collapsing baby cribs, ATVs, and over-the-counter medicines.

If information about these products had not been sealed, we may have known about the dangers and lives could have been saved. So I hope my colleagues will support the efforts we are trying to bring to bear to pass this long overdue legislation.

Thank you so much, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4096

Mrs. MCCASKILL. Mr. President, I want to talk a little bit about an amendment that has been offered by Senator DEMINT to remove a very important provision of this bill—a very important provision because it deals with whistleblowers.

Now, why do we need to protect whistleblowers? Well, let's be honest about this. I think Senator PRYOR has done a masterful job of laying out the reality of the Consumer Product Safety Commission and, frankly, the tawdry way it has met its responsibilities over the last 7 years. We obviously need to do many of the things that are included in this legislation, and I thank Senator PRYOR for his work on this legislation, along with Senator INOUYE, Senator STEVENS, and Senator COLLINS, because this is important.

We are talking about the lives and health and safety of people who think we are on the job. They think their Government is, in fact, looking out for their safety and protection in terms of consumer products, and the safety of those products.

So why do we need whistleblower provisions? Because frankly that is our best line of defense. It is, in fact, the people who work at this important agency who have been most offended at some of the practices of this administration in terms of undermining and gutting the work that has been done by the brave, talented, and competent people who work there. So I do not know why we would be reluctant to give them whistleblower protection.

This is not a new concept. Whistleblower protection is not a new concept. This Congress has enacted and this President has signed many whistleblower protection laws into being over the last several years. Let's review them. These are the same commonsense protections that were already passed by the Senate and signed into law as part of the 9/11 Implementation Act and Defense Authorization Act.

Since 2000, Congress has passed the following same kind of commonsense whistleblower protections: We have done AIR–21 in 2000 for airline industry workers. We have done Sarbanes-Oxley in 2002 for employees of publicly traded companies. We have done the Pipeline Safety Act in 2002 for oil pipeline employees. We have done the Energy Policy Act in 2005 for nuclear workers. We have done, as I said, the Implementing Recommendations of the 9/11 Commission Act in 2007 for railroad and public transportation workers. And, of course, we have done the Defense Authorization Act in 2008 for Department of Defense contractors.

Now, why would we want to protect the contractors' employees at the Defense Department and not protect the employees in the Consumer Product Safety Commission? That does not even make sense. Of course, we want to protect them.

Let me give you some examples of what some of the employees have said publicly about some of the pressures they face and about the atmosphere in which they work. Then you realize the kind of protection they need.

One CPSC safety employee said his boss, his superior:

> . . . hijacked the presentation. . . . He distorted the numbers in order to benefit industry and defeat the petition. It was almost like he still worked for them, not us.

And by ''them,'' he meant the industry that was supposed to be regulated and supposed to be made accountable.

Another CPSC safety employee said:

> Buyer beware—that is all I have to say.

Another one:

> So much damage has been done.

Another one:

> It's a complete disaster.

All of these employees were talking about what they know and what they see in terms of this agency's failings to do the bare minimum, the basic necessities of protecting consumers.

In March 2005, CPSC called together the Nation's top safety experts to confront an alarming statistic: 44,000 children riding ATV vehicles were injured the previous year, nearly 150 of them killed. Subsequent to an alarming presentation by CPSC employees of the dangers and risks, the agency's director of compliance then presented a public view that was unsubstantiated by the research that had been done.

The head of the poison prevention unit resigned when the efforts to require inexpensive child-resistant caps on hair care products that had burned toddlers were delayed, and delayed so industry costs could be weighed against the potential benefit to unsuspecting children.

These whistleblower protections will not shield bad employees. It does not protect disgruntled employees who make false claims, and it does not prevent an employer from firing a whistleblower for unrelated reasons, such as poor performance.

Let's get to the meat of the matter. The President does not like the whistleblower protections. I wish I were surprised. The claim is that the administration thinks this provision of the bill extends new whistleblower protections in ways that are unnecessary. This administration being hostile to a provision protecting whistleblowers is a little bit like the Sun coming up. It has gone out of its way to lobby against every whistleblower law that has been enacted.

This is a very secretive administration, and they are simply hostile to the concept of whistleblowing because it sheds light—it sheds light—and public

scrutiny on abusive conduct that betrays the public trust.

Another claim made by the administration: These provisions are likely to result in serious problems for the CPSC in carrying out its mission and will cause a serious increase in the number of frivolous claims brought against employers.

Yes, the specter of frivolous claims. We always need to be worried about the specter of frivolous claims and frivolous lawsuits. It is not real, this worry from the administration. This provision is designed to help the dramatically understaffed CPSC enforce the law. It is a necessary enforcement cornerstone for this vital reform to be realized most effectively.

With only 400 employees, we cannot expect this agency to find every single consumer hazard or product that makes its way to consumers. We need to empower the employees to help. We need to protect them if they want to bring the public's attention to the work they have done.

There have been numerous concerns expressed about the increased burden to be placed on employers because of litigation. Frankly, these shrill predictions have been made every single time—every time we have considered one of the 35 other corporate whistleblower laws that Congress has passed.

The CPSC whistleblower language retains preexisting effective structural checks against litigation abuses. And this is important; let me underline this. There is not one case—not one case—since 1974 where the CPSC has had to use the structural checks against litigation abuses. In other words, this is a complete paper tiger.

Let's do what is right here. We should be celebrating whistleblowers, we should be thanking whistleblowers, and, by all means, we should be protecting whistleblowers.

I urge the Senate to reject the DeMint amendment that would gut one of the important ways we have in this bill to actually protect the innocent consumer from, in fact, having a toy with lead paint or another dangerous product that could do real and irreversible harm to members of their family.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I wish to address one point related to the amendment that the Presiding Officer and I have, amendment No. 4105, which is coming up for a vote shortly.

I received an e-mail communication from the Consumer Product Safety Commission which pledged Chairman Nord's support for our amendment. I am pleased she is supporting our amendment which basically bans industry from financing travel when it involves industries the Consumer Product Safety Commission regulates.

They also clarified in the amendment that there were, in fact, I think 29 instead of 30 trips that were taken in the last 7 years but also that Chairman Nord herself took only 3 of these trips and that the rest of the trips were her predecessor who went on trips to places such as China. I would point out that one of the trips she took, which they call mundane in this e-mail, was to New York that was financed by the toy industry itself. As my colleagues know, we are now dealing with these toxic toys. Another one she took which wasn't mentioned in her e-mail, but I am getting out of the Washington Post article, was $2,000 in travel from the Defense Research Institute to attend its meetings in New Orleans on product litigation trends. Her predecessor had attended the same group's meeting in Barcelona.

My point is to clarify the record. We are pleased to have Chairman Nord's support for our amendment. But I would note the issue that doesn't seem to be grappled with in this e-mail is the consumers who have to deal with this—the families with whom Senator PRYOR and I met, including the mother of the little boy who swallowed the Aqua Dot that morphed into the date rape drug—they were not able to finance the travel. They were not able to spend 2 days with the head of the Consumer Product Safety Commission to make their case.

That is why I believe it is very important, as we look at the ethical accountability issues related to the Consumer Product Safety Commission, that this amendment pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 4103

Mr. CARDIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4103.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 4103.

Mr. CARDIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Consumer Product Safety Commission to develop training standards for product safety inspectors)

On page 5, between lines 21 and 22, insert the following:

(c) TRAINING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) develop standards for training product safety inspectors and technical staff employed by the Commission; and

(B) submit to Congress a report on such standards.

(2) CONSULTATIONS.—The Commission shall develop the training standards required under paragraph (1) in consultation with a broad range of organizations with expertise in consumer product safety issues.

Mr. CARDIN. Mr. President, this amendment would require that new hires of the Consumer Product Safety Commission be adequately trained by making sure a study is done on adequate training.

First, I wish to take some time, if I might, for one moment to thank my colleagues for bringing the Consumer Product Safety Commission Reform Act to the floor of the Senate. It is long overdue. There are many important provisions in this act, including dealing with an issue that has been very dear to me, coming from Baltimore, which has been a city actively involved in trying to deal with lead poisoning. I am pleased this legislation will ban lead in our children's toys and set up independent testing to make sure we have an effective way to deal with lead in toys, particularly those that are imported.

There are many other important provisions of this act. The amendment I called up is an amendment to make sure that as the new hires come to the Commission, these individuals are adequately trained so we can make sure they are doing their work appropriately. I believe we will have support on both sides of the aisle, and I hope that amendment can be cleared.

I also anticipate offering two additional amendments which have not yet been cleared for introduction, and I hope I have a chance to do that on behalf of Senator OBAMA. One amendment would include the right to know for products that are recalled, so the public would know the exact information they need so the recall notices are effective. It would include the manufacturer. It would include where the product came into our market. It would include a lot more information, consumer information, as to how they can get relief. I hope I have a chance to offer that amendment at a later point.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate

proceed to a vote immediately in relation to Klobuchar amendment No. 4105, as modified, with 2 minutes of debate prior to the vote, equally divided; further, that no second-degree amendments be in order prior to the vote; that following the vote in relation to the Klobuchar amendment, there be 1 hour of debate on Cornyn amendment No. 4094, as modified, with the time equally divided between Senators CORNYN and PRYOR, or their designees; further, that a vote in relation to the Cornyn amendment occur at a time to be determined by the two leaders; that no second-degree amendments be in order prior to the vote, and there be an additional 10 minutes of debate prior to the vote in relation to the Cornyn amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4105

We now have 2 minutes of debate on the Klobuchar amendment. Who yields time?

Ms. KLOBUCHAR. Mr. President, I will divide my time with Senator MENENDEZ. We feel strongly about this amendment. This is an amendment that basically says the Chairman of the Consumer Product Safety Commission and other employees cannot finance their travel from the industry they are regulating. This was a major scandal this fall, right in the middle of the time that we found out that 29 million toys had been recalled, that employees of the CPSC were taking travel paid for by the industry they are supposed to regulate. It is not consistent with what SEC and other agencies do. We believe this amendment is very important. We heard from the chairman of the Commission that she doesn't oppose this amendment. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I join my colleague from Minnesota in advocating that all Members of the Senate support the amendment. The Senate overwhelmingly voted to do the same as it related to this institution, this body, in terms of not taking travel from lobbyists. The CPSC should have no less a standard. Consumers should feel safe that, ultimately, those products are going on the market not because of the influence of some trips a Commissioner took.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the Klobuchar amendment.

Ms. KLOBUCHAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—96

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Cantwell	Inouye	Sessions
Cardin	Isakson	Shelby
Carper	Johnson	Smith
Casey	Kennedy	Snowe
Chambliss	Kerry	Specter
Coburn	Klobuchar	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Tester
Conrad	Lautenberg	Thune
Corker	Leahy	Vitter
Cornyn	Levin	Voinovich
Craig	Lieberman	Warner
Crapo	Lincoln	Webb
DeMint	Lugar	Whitehouse
Dodd	Martinez	Wicker
Dole	McCaskill	Wyden

NOT VOTING—4

Byrd	McCain
Clinton	Obama

The amendment (No. 4105), as modified, was agreed to.

Ms. KLOBUCHAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4094

The PRESIDING OFFICER. There is now 60 minutes equally divided on the Cornyn amendment. Who yields time?

AMENDMENT NO. 4124

Mr. DEMINT. Mr. President, I have an agreement with the chairman and the next speaker to bring up an amendment and then yield the floor. I ask unanimous consent to set aside the pending amendment and send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4124.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 31, relating to garage door opener standards)

Beginning on page 85, strike line 22 and all that follows through page 86, line 8.

Mr. DEMINT. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 4094

Mr. CORNYN. Mr. President, the managers of this legislation, Senator PRYOR and Senator STEVENS, have introduced what I think is, by and large, a very good bill designed to protect consumers. As a matter of fact, I support the expansion of enforcement authority not only to include the Department of Justice, Federal law enforcement authorities, but also to deputize State attorneys general to seek injunctions for violations of the act. That comes from my experience as serving as the attorney general of my State for 4 years.

I think the State attorneys general can provide additional resources in their capacity as the chief consumer protection officer of their State to make sure that consumers are protected. Although in talking to my colleagues, the question was raised, well, if there is only an injunction sought, then why do we need a prohibition against contingency fees that might be paid to outside lawyers to whom this job would be outsourced? And the answer to that is, lawyers can get pretty creative sometimes and figure out a way to pay an outside lawyer a contingency fee even when all the relief that is granted is an injunction.

I want to be clear about what this amendment is and what this amendment is not. This amendment has no bearing whatsoever on the right of an individual if they can't afford any other way to hire a lawyer than based on a contingency fee arrangement. Historically, since the days of England, or Anglo-American jurisprudence, we have recognized the contingency fee as the poor person's key to the courthouse; being able to sign a piece of their recovery, whether it is a settlement or a judgment of a court, as a way to get into court, to sort of level the playing field.

But this is not a case of a person who cannot afford to hire a lawyer unless they hire them using a contingency fee. We are talking about the Federal Government. We are talking about the State governments. And I think there are important reasons to make sure the people who represent the sovereign State of Texas and the other 49 States or the U.S. Government are accountable to the public and are not only in it as bounty hunters seeking to maximize their recovery without any sort of

political accountability. That lack of political accountability happens when lawyers for the Government outsource their responsibilities, or at least the job of suing, to private lawyers but without any political accountability associated with it.

I would point out there are tragic examples of what I am talking about. It is not a hypothetical. Before I was elected as attorney general of my State in 1998, my predecessor hired outside lawyers to pursue tobacco companies in the much ballyhooed tobacco litigation. The justification for that was supposed to be that the money was going to be used to stop underage smoking and to try to make sure the public was well educated about the dangers of tobacco. Well, I am sorry to say, as a result of that litigation, the private lawyers hired by the then-attorney general of Texas received more than $3 billion—billion dollars—in attorney's fees that I believe should have gone to the State of Texas to help in those targeted sorts of programs.

There is no accountability. There is no reason the State or the Federal Government should have to outsource its responsibilities to private lawyers. And my amendment is designed to make sure that does not happen under the context of consumer protection.

We found out, though, what is being circulated by an organization that used to be called the American Trial Lawyers Association, now called the American Association for Justice—interesting selection of names—that is opposed to my amendment. It makes clear the concerns I had that ultimately this bill, which would provide only for the attorneys general to seek injunctions, is perhaps to be used as a vehicle to expand that to allow private lawyers, acting under the authority of the State attorneys general, to seek money judgments against any business they are big enough and bad enough to sue.

As you can see, in the fourth paragraph of this document, it says:

> Proponents of the Cornyn amendment are desperate to prevent an even playing field for consumers. Prohibiting the use of contingency fees will result—as the proponents of the amendment know it will result—in State attorneys general being wholly unable to utilize private attorneys in those very cases where litigation expenses and complexity make the assistance of private attorneys essential.

It is ironic, that it is the very outside lawyers—the trial lawyers—who hope to be hired by the State attorneys general to pursue that litigation who are opposing this amendment, even though they know that under the consumer product safety laws that are currently on the books it provides for the computation of a reasonable attorney's fee in the recovery and pursuit of a claim. As a matter of fact, it provides an attorney's fee based on actual time expended by the attorney in providing the advice and other legal services in connection with representing a person in an action brought under this law, such reasonable expenses as may be incurred by the attorney in the provision of such services, which is computed at the rate prevailing for the provision of similar services with respect to actions brought in the court which is awarding such fee.

So it is, unfortunately, clear this provision, in this otherwise good piece of legislation, is being used as a Trojan horse not just to protect consumers but to benefit outside lawyers and to have a lack of political accountability that is, I believe, required to make sure the lawyers who represent the United States of America in the Department of Justice or the State attorneys general conduct themselves in an appropriate and accountable sort of fashion.

I mentioned this before, and I will mention it again, that there are examples where this very arrangement has resulted in corrupt bargains. My predecessor's attorney general has just recently left a Federal penitentiary, having served time in prison because he used this outside fee arrangement basically to funnel money to a friend. So this is a very real and present problem.

It is clear the provisions that have been negotiated between the distinguished Senator from Arkansas and the distinguished Senator from Alaska, which would limit it to just seeking injunctions, that perhaps there is a design or plan or the possibility that this will be expanded in conference to include authorizing private lawyers to then sue small businesses and large businesses across the country and authorize the delegation or outsourcing of those responsibilities that the Department of Justice or these attorneys general have to outside counsel, with no accountability, and the very real prospect that there will be abuse and, in some cases perhaps, even corruption.

So I hope my colleagues will learn from the experience of the past, the sad experience of the past, where these sorts of arrangements have been entered into in a way that has resulted in not only not accomplishing the goals sought by the legislation but also outright corruption.

AMENDMENT NO. 4094, AS MODIFIED

Mr. President, I ask unanimous consent that my amendment be modified, with the changes at the desk, and I reserve the remainder of my time.

The PRESIDING OFFICER. The amendment is modified under the order.

The amendment, as modified, is as follows:

On page 58, strike lines 4 through 7 and insert the following:

''(g) If the attorney general of a State obtains a permanent injunction in any civil action under this section, that State can recover reasonable costs and a reasonable attorney's fees from the manufacturer, distributor, or retailer, in accordance with section 11(f).

''(h)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

''(2) For purposes of this subsection, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time run equally.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object, I did not hear the request.

Mr. PRYOR. I suggested the absence of a quorum and that the time run equally on both sides.

Mr. CORNYN. Mr. President, if I may, I will object only for the purpose of asking unanimous consent that the document that was depicted in the chart be made a part of the record following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPPOSE THE CORNYN CONTINGENCY FEES AMENDMENT—DON'T LET OPPONENTS OF STRONGER CONSUMER PROTECTIONS CHANGE THE SUBJECT AND WEAKEN ENFORCEMENT

(By the American Association for Justice (formerly ATLA))

Despite what the bill's opponents wish the Senate to believe, the CPSC Reform Act is not about plaintiffs' attorneys and it is not about allowing state officials to reward their friends or pursue a political agenda. Those are entirely spurious attacks by the bill's opponents, deliberately designed to change the subject and undermine the Senate's will to enact the bill's tough, new standards for manufacturers.

Congress has no business (and no constitutional authority!) telling state governments they may not enter into contracts that are perfectly legal under state law. Prohibiting state attorney generals from entering into lawful contracts with private attorneys is designed for one purpose only: to discourage the use of the very enforcement tools that the CPSC Reform Bill sets out to enact.

Opponents of the bill know that occasionally state governments will lack the necessary financial resources or the requisite expertise to themselves handle complicated civil actions. In such cases, Congress has no constitutional authority whatsoever to deny these governments their right to enter into lawful contracts under state law.

Proponents of the Cornyn Amendment are desperate to prevent an even playing field for consumers. Prohibiting the use of contingency fees will result—as the proponents of the amendment know it will result!—in state attorneys general being wholly unable to utilize private attorneys in those very cases where litigation expenses and complexity make the assistance of private attorneys essential. It is ironic that the defendant corporations backing the Cornyn Amendment themselves employ dozens of outside counsel to protect their own interests in every state.

State governments need the same flexibility to bring in additional resources, just as private corporations do.

Without the availability of the contingency fee system that has historically allowed state governments to utilize private attorneys, many successful consumer and environmental protection actions brought by state attorneys general would not have been possible. In the past, these actions have led to much faster removal of unsafe products from the marketplace and have protected children from extended exposure to lead paint and protected consumers from unsafe chemicals like arsenic in food and water and formaldehyde in homes.

The PRESIDING OFFICER. Without objection, the request of the Senator from Arkansas is agreed to, and the clerk will call the roll on the absence of a quorum request.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

AMENDMENT NOS. 4094 AND 4097

Mr. WHITEHOUSE. Madam President, I rise to oppose amendments offered to the Consumer Product Safety Commission bill by Senators CORNYN and VITTER. Before speaking about these amendments, I first commend Senator PRYOR for his important work on this bill. I know he has been working on this a long time and we are, as former State attorneys general, particularly pleased to see language in this bill granting State attorneys general the authority to obtain injunctive relief against entities that violate consumer protection laws. I know Senator PRYOR and other former attorneys general in this body understand that this authority is an efficient and effective way to enforce consumer protection laws. Unfortunately, the amendments offered by Senators CORNYN and VITTER would needlessly undercut these important protections.

The Cornyn amendment adds the following language to the bill. It says:

An Attorney General of a State may not enter into a contingency fee arrangement for legal or expert witness services related to a civil action under this section.

I oppose inclusion of this language in the bill. As an attorney general, I was involved in Rhode Island in a very significant piece of litigation which is now successful. We have won the jury case. It was filed on behalf of tens of thousands of Rhode Island children who either had been poisoned by lead in paint or were going to be poisoned by lead in paint if nothing was done. Without the ability to bring in a significant law firm to support my office's efforts, we would have been simply blown out of the litigation by the blizzard of dilatory tactics, by the paper blizzard that defense attorneys can specialize in. I can recall being forced to chase down a witness list of 100 witnesses to take depositions, not one of whom was called as an actual witness. I believe it was an effort to create a wild goose chase, to stretch our resources, to try to make these kinds of cases painful to attorneys general who might dare bring them. The ability of a State to authorize its attorney general or recognize the inherent authority of the attorney general to enter into these contingency fee agreements is an important part of that State's own law. Simply put, Congress has no business telling elected State attorneys general what kind of contracts they can or cannot enter into which would be perfectly legal under State law.

I am especially surprised to see what appears to be significant Republican support for this amendment since it contradicts a very basic principle—federalism. Congress ought to let the States, whenever possible, govern themselves. As a former State attorney general who has had this experience of taking on powerful corporations with essentially unlimited resources, I believe strongly that State attorneys general should not have their hands tied by Congress so that they cannot aggressively pursue and punish corporate wrongdoing on a level playing field. That is all they ask for.

I will oppose the Vitter amendment for similar reasons. This amendment requires State taxpayers to pay the legal fees and costs if a manufacturer prevails in a consumer protection suit brought by a State attorney general. This appears to be an effort to weaken this important bipartisan legislation. First, it would obviously discourage State AGs from bringing consumer protection cases in the first place. If it looks as though something went wrong with the case, you would have to find a way to fund your opponent's legal fees. Second, it places an unreasonable burden on State taxpayers. Why, for instance, should the taxpayers of Rhode Island have to cover the legal fees for an out-of-State, possibly even an out-of-the-United States foreign company that has been charged with violating our consumer protection laws?

As a former State attorney general, I well understand that these amendments will have a significant effect, diminishing the ability of State attorneys general to enforce consumer protection laws. If these are good consumer protection laws, we want to see them enforced. We don't want to discourage those officials charged with their enforcement.

I urge my colleagues to vote against the amendments of my friends Senators CORNYN and VITTER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, before I make my remarks on the pending amendment, I ask unanimous consent to speak for 4 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

911 CALLS

Mr. STEVENS. Madam President, 911 calls are a lifeline for those in danger and essential for our public safety personnel to respond quickly to emergencies. Public safety communications are a priority for Senator INOUYE and myself as we work together on the Commerce Committee. In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a single number be established to report emergency situations. AT&T established 911 as the emergency code throughout the United States.

I come to the Senate today to speak about one of my constituents, a 4-year-old named Tony Sharpe. He is a preschooler in North Pole, AK. When his mother collapsed and lost consciousness during a gallbladder attack, Tony knew to call 911 because his grandmother had sent him a children's book called, ''It's Time To Call 911: What To Do in an Emergency.'' Tony called 911 and his mother received emergency medical help. Tony proves that proper education about 911 can help save lives. As a matter of fact, Tony, again, in another emergency, his mother had called 911 when they lived at another location. Once again, he had the privilege of helping his mother.

This week I had the honor of presenting the E–911 Institute's Citizen in Action Award to Tony. He sets a fine example for young people throughout the country and Alaskans are very proud of him. Heroic actions such as Tony's led Senator CLINTON and me to introduce S. Res. 468. It designates April of 2008 as the National 911 Education Month to recognize the need for education about 911 and make people aware of how the system works with new technologies. Ensuring that 911 is compatible with new communications technologies is crucial to the safety and security of all Americans. The E–911 congressional caucus has worked to pass legislation to improve 911 service. Last week the Senate approved S. 428, the IP-Enabled Voice Communications and Public Safety Act. This act will require communications services to provide customers with 911 access and establish a framework for IP-enabled voice service providers to coordinate with public safety entities. It also ensures that the next generation of 911 systems reach rural America and are available to Americans with disabilities.

The Commerce Committee has worked on this bill for several years. I look forward to working with the House to send this bill to the President as soon as possible. We want to continue to ensure that our 911 system keeps up with changing communications technology and that Americans

of all ages know help is only a phone call away.

AMENDMENT NO. 4094

If I may, I want to say I am pleased to be here when the statement was made about the amendment of Senator CORNYN. I have been practicing law for a few years; as a matter of fact, for well over 50. I do remember several instances where we had to have counsel and expert witnesses. The difference here is, what Senator CORNYN is saying is a contingent fee arrangement as an attorney general enforces Federal law, a decision of the Consumer Product Safety Commission. We want them to do that. But if they need expert witnesses or they need outside counsel, they should make an agreement with them. If they succeed and get the decision they seek, they will be entitled to recover those costs under the bill we have before us. Reasonable costs will be recovered. But a contingent fee to be charged by an outside counsel or by an expert witness means that if the attorney general is successful without regard to whether those people are used, they will get one-third, whatever it is, contingent recovery from the defendant.

This bill does not contemplate that there is going to be an award of damages in the sense of a normal damage type case. This is an action authorizing the attorney general to enforce a decision and make that decision applicable immediately within his or her State. We are seeking an outreach for enforcement, not an outreach for getting damages, particularly for utilizing the services of buddy-buddy lawyers or buddy-buddy expert witnesses to get money from defendants as we seek to enforce the decisions of the Consumer Product Safety Commission.

I support the Cornyn amendment because I do not like the concept of contingent fees involved in expert witnesses or outside counsel when it comes to this type of enforcement of a Federal decision. It is a decision of the Consumer Product Safety Commission. It should not be the basis for recovery based on contingent concepts in this matter. I do want to make certain that everybody understands the Cornyn amendment. If it is not properly drafted, I urge that it be changed so that there be no question about the right of an attorney general to recover the cost of the expert witness or recover the cost of the outside counsel if it is necessary for the attorney general to have one. But I do not want to see contingency concepts entered into this type of arrangement.

I was in private practice involved in plaintiffs' litigation. I understand full well the concept of contingent fees. They have been very useful in the sense where an attorney takes on a case and represents a client and, in effect, will do so without any compensation at all if they lose. But when they win, they share in that success by having their fee based upon a contingency rather than upon an agreement based on an hourly basis or a retainment basis.

But this is not that kind of situation. This is for an attorney general—an official of the State—giving them, at their request, the authority to enforce the Consumer Product Safety Commission's decisions in their State immediately rather than wait for someone to come from the Consumer Product Safety Commission to their State and take action against those who should abide by the decisions of the Consumer Product Safety Commission.

I support this entirely. It broadens the concept of enforcement. That is what we are seeking, that for decisions of the CPSC, to have enforcement available in 50 States immediately, if the attorneys general wish to do so. That will mean taking these toys and other things off the shelves immediately. But it is not the kind of situation that requires or should need an expert witness.

Beyond that, why would someone need an outside counsel on a contingent fee to enforce what has already been decided by the CPSC? All that is necessary is action within the State giving an order to give the attorney general the authority to go take stuff off the shelf or to tell the manufacturer to cease and desist. That is not a situation that involves a normal plaintiff litigation opportunity.

So I do urge particularly the lawyers in this Senate to understand what we are doing. We are not creating a contingency-type litigation field. We are only creating a situation where enforcement of the CPSC's decisions are capably extended to 50 States immediately upon a decision, which I think is going to help children. It is going to help the parents.

It is not a situation that requires the employment of outside counsel or expert witnesses. But if some situation arises where it is necessary because of a challenge to the defendant, then the attorney general can employ them, can recover the amount in terms of both the attorney's fees and the expert witnesses on an agreement basis, not on a contingency basis.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I thank Senator STEVENS for his comments on the Cornyn amendment.

I oppose the Cornyn amendment for several reasons, although I must say Senator CORNYN has been very fair in his dealings on this amendment. We have sat down with him. I have talked to him several times on the Senate floor. But let me give you a few reasons I oppose this amendment. I know some other Senators want to come and speak.

First, we have to remember what we are doing in the context of this legislation. We have drafted a bill that contains a provision where the State attorneys general can enforce what CPSC says. We made it very clear in this statute that the State AGs must follow the CPSC. They cannot get out in front of the CPSC.

One of the concerns by some in the business community, in fairness to them—not all but some in the business community—is where they have had the concern that there are going to be 51 standards; that it is going to be a patchwork, a crazy quilt of AGs running around out there. That is not what we are doing in this legislation. I believe we drafted the legislation very clearly, where the attorneys general must follow the CPSC. The CPSC remains in the driver's seat. That is very important.

The second limitation on the States in this legislation is that the State AGs can only pursue injunctive relief. In layman's terms, what that means is there are no money damages. They can only pursue injunctive relief. If you think about it, given the nature of what we are talking about, I think it is going to be the rare exception when a State would ever want to use outside counsel because by the nature of what we are talking about, if they found some dangerous product that is in circulation in their State, they—in my experience as attorney general—probably will approach that business, and probably that business will immediately respond by taking corrective action. That is probably what happens 99 percent of the time because the company does not want the bad publicity. They do not want the legal headache. Once you point out to them they are in violation of some Federal law, they are going to pull those products off the shelves, whatever the case may be. So it is going to be very seldom used.

But in the event the company does not do that, in every case I have ever heard of—and I used to be the attorney general of my State of Arkansas—in every case I have ever heard of, when the attorney general sues—excuse me, has to hire outside counsel to do it—those are complicated and expensive and in some cases long-term cases.

This is not one of those kinds of cases. These kinds of cases will be that when they find some violation in their State, they will want to act quickly. They will not want to have to go through maybe an RFP process. Or in our State, we had a statutory process we had to get signed off on by the legislature, signed off on by the Governor. All that takes time; you have to negotiate a contract; you have to bid it. I am going to tell you right now, most States are never ever going to use outside counsel when it comes to trying to enforce CPSC rules.

Another reason—and this is just a practical reason, where the rubber meets the road—they are not going to

pursue outside counsel to help them because it is injunctive relief only. In injunctive relief cases, there is no money, so there is no way to pay for the litigation. I think it is going to be very seldom used.

Now, I have had brought to my attention—at least one and there may be more—fee agreements that have been negotiated where there is some sort of contingent fee based on injunctive relief. Again, I have never heard of that. I do not know how you enforce that. If you do a contingent fee based on some value of injunctive relief, that money is going to have to come out of the State's hide. It is not going to come out of the defendant in the lawsuit.

So there, again, I think people are concerned about this, and I do not doubt their sincerity but, really, I think you are going to see this happen very seldom, if ever.

The last couple of things I want to say about the States attorneys general before a couple of my colleagues come and talk on this bill and other matters are, we have to remember who the State attorneys general are. They are elected officials. They were elected by the same people who elected us. The people in their home States trust them. They like the fact that the attorney general is out there looking after the public interest. They like the fact that the attorney general is looking after public safety issues. I will guarantee you, they like the fact they are out there making sure unsafe toys are taken off the shelves. So the people of the States, they have elected the attorneys general to do things such as this.

My experience in Arkansas and in talking to other AGs around the country is the people in those States have a high level of trust and confidence in their attorney general. And they know—we may not always understand this—they know the attorney general will not abuse this right they will be gaining under our Senate bill.

This Cornyn amendment smacks of micromanagement. I understand what he is trying to do. I appreciate it and I respect it. Like I said, I do not think you are ever going to see any contingent fee cases anyway. But regardless of that—maybe you will under some circumstances—let's allow the States to make that decision.

Again, almost all these States have some sort of a legal process they have to go through before they can hire outside counsel. Let's let the States do it. These State AGs in most cases are elected by the people of the State. There are a few who are not. A few are appointed by the Governor; appointed in one case by the State supreme court. But, nonetheless, let them make that decision. We do not need to micromanage this. Let them do what they believe is in the State's best interest. That is what this bill is all about anyway.

So I oppose the Cornyn amendment. But I certainly appreciate Senator CORNYN reaching out in the manner he has to work with us on this legislation.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent to be recognized to speak for up to 10 minutes and ask that the time not count against the Cornyn amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Thank you very much, Madam President.

First, I congratulate the manager of the bill, the Senator from Arkansas, Mr. PRYOR, on the outstanding job he has done to develop a modern framework for consumer product safety.

There was a time when I was the appropriator for the Consumer Product Safety Commission. Also, the Consumer Product Safety Commission is located in my State. I know what a consumer product safety agency does, I know what it should do, and I know what faithful, independent civil servants would want to do if they had the right leadership and the right authority.

I believe what the Senator from Arkansas has done is modernize the consumer product safety framework from when it was originally invented in the 1970s. Technology has come a long way. Products are more complex. Imports are on the rise. We know we need to modernize if we are going to protect Americans.

I view what the Senator from Arkansas has done as an act of homeland security because what is it homeland security does? It protects the American people from anyone who has a predatory intent toward the United States. I believe if you put lead in children's toys, if you knowingly look the other way when you make the blood thinner called heparin—that is a lifeline to so many people with heart disease—let me tell you, if you know you did it, and you know it is coming to the United States, or you are making something in the United States, standing up to protect the consumer is exactly an act of homeland security, and I congratulate the Senator in doing it and the bipartisan coalition he has put together. So he can count on me to support the bill.

But like any good idea, it can be improved. That is why I am here today. I have an amendment I wish to discuss that requires any food that comes from a cloned animal or progeny to be labeled. In other words, cloned animals have now been approved by the FDA to be safe for human consumption, even though most Americans actively oppose cloning and scientists say we should monitor it.

I have always taken the position that consumers have a right to know, they have a right to be heard, and they have a right to be represented. Yet when we talk about cloned food entering the marketplace, if it enters the marketplace, it has been deemed safe by the FDA, but when it comes to your table, to the restaurant, to school lunch programs, it will be unidentified, it will be unlabeled, and it will be unknown to you. Well, I find that unacceptable.

Here we have a picture of Dolly. Sad, isn't it? But nevertheless, Dolly is the first cloned animal. Dolly, or cows, or other animals, have been deemed safe to enter our food supply. So you could walk into a restaurant and you could have a ''Dolly-burger.'' You could go to a fast food chain or maybe that local malt shop that has so many fond memories for you in Missouri and you could have a ''Dolly milkshake.'' You could have ''Dolly in a glass.'' You could have ''Dolly on a bun.'' You could have ''Dolly on the table.'' You could have ''ground Dolly,'' ''pattied Dolly,'' ''roast Dolly,'' ''pot roast Dolly.'' But any way you have Dolly, you would not know you were eating Dolly. I say that is not acceptable.

What I wish to do, if appropriate, is offer an amendment to the consumer product safety bill, even though it is regulated by the FDA—and I acknowledge that—that would label them as being from cloned animals or their progeny.

Now, in this bill, we look out for toys, strollers, appliances and all of that is right and I salute my colleague, as I have said. But I also wish to look out for the food we put on our table.

People say: Well, Senator MIKULSKI, hey, the FDA approved it. Well, the FDA used to be the gold standard, but we have heard ''it is safe'' for too long. We were told asbestos was safe, but I have men who worked in the Baltimore shipyards who traded in their lunch bucket to carry an oxygen tank because of the lung disease they have. We were told DDT was safe. Do you want to be sprayed with DDT? Then there were people who said thalidomide was safe. No pregnant woman would take it today. Then Vioxx was safe. Would anyone with a heart condition or cholesterol want to take it?

So there are a lot of flashing yellow lights around FDA. Where are they the weakest? In postapproval surveillance. But you can't surveil unless you know there is a problem with a product.

The National Academy of Sciences said cloned food might be safe, but the science is too new. We need to monitor it. But you can't monitor it unless you know where it is. That is why I am for labeling. Labeling would tell us where the food is and we could do that postmarket surveillance.

I don't know why there is an urgency to do this—to have cloned food enter the marketplace. What labeling would do is it would give consumers the right to know that it is there. It would allow

scientists to monitor. Also, it would protect our export markets.

I have talked about why it would be good science to have labeling so we can monitor and why consumers want to know, but what about the export deal? Well, you know what I worry about? I worry about our food being banned from exports because they don't know if cloned food is coming into their country.

There are those who already called our genetically altered products ''Frankenfood.'' They call it Frankenfood, and they don't want it to come in.

Our European trading partners have exhibited consistent concern about genetically altered products. My State exports food, particularly chicken. We are a big chicken State and chicken-producing State. We share that with the Senator from Arkansas. It has helped save our agricultural interests down there. So I want us to be able to export, and that is why I want whatever is cloned or its progeny to be labeled.

While we see Dolly in this photograph, I have to wonder what cloned food accomplishes. We don't have a shortage of food in our country. We don't have a shortage of milk in this country. For those who want to produce Dolly, we can't stop it, but we should stop the effort to put cloned food into the food supply without labeling and without informed consent. At the appropriate time, I will offer this as an amendment.

At this time, I wish to again thank my colleague for the wonderful job he has done. I am glad to be part of the effort. We need more fresh and creative and affordable solutions such as the Senator has done.

I yield the floor.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I ask unanimous consent that during this quorum call, the time run equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4124

Mr. DEMINT. Madam President, I want to speak for a few moments on my amendment No. 4124, which focuses on section 31 of the underlying bill, the Consumer Product Safety Commission Reform Act. This section deals with garage door openers.

It is important, obviously, as the bill that addresses safety, to look at issues such as garage doors. I remind my colleagues that the whole reason for the Consumer Product Safety Commission is to evaluate the safety of various products. When we as a Senate or as a Congress as a whole take it upon ourselves to determine what is safe and what is not, we basically violate the principle of what we are trying to do—particularly when we get into even more detail, where we attempt to prescribe the particular technology that has to be used on certain projects before it is deemed safe. That totally goes around the idea of an expert panel on this commission, with the testing lab that we are going to fund, using their expertise and resources to determine the safety of a product.

This particular section, I am afraid, takes one particular technology that is only used in one product in one State and says that has to be the technology used on all garage door openers. This is something that, as a Senate, we all need to stop at this point. The precedent that it establishes for us to prescribe a particular technology violates everything we are trying to do here.

Let me talk specifically about it for a few minutes. Section 31 mandates that all garage doors in the United States include a device that doesn't require contact with an item or person, using photosensors, while prohibiting the sale of other technologies, namely the touch technology, in the United States.

Most new garage doors in this country—automatic garage doors—use a technology where if it touches something on the way down, it stops. It generally uses the pressure of about 15 pounds.

Specifically, the section states:

> Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 . . . or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety-UL 325, all automatic garage door openers that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

Keep in mind that it has been deemed safe to use the technology that is being eliminated by this bill. The language explicitly says ignore the experts at the Underwriters Laboratories. This effectively requires all garage doors to include a photosensor at the bottom of the door that reverses the door direction.

Why is this a problem? This provision puts Congress in the position of picking and choosing winners and losers in a highly technical area of safety regulation. No Senator has the expertise to determine what is a safe garage door technology. Most of the Members of this body are lawyers or businessmen, physicians and veterinarians, and we should not substitute the judgment of Senators who, by and large, have no technical background for the expertise of the engineers at the Underwriters Laboratories. By legislatively mandating that only one technology is safe, we are doing just that—requiring garage door manufacturers who sell garage doors to include these devices, increasing the cost to consumers, and it discourages innovation in the future. If we say this is the technology that has to be used, then the chances of new technology which improves safety and convenience in the future are diminished. Legislatively mandating that only one type of technology is safe enough for us in the United States will also help certain companies at the expense of others and discourage innovation in one of the areas where innovation is most important and should be encouraged, which is consumer product safety.

This will mandate away free market competition. It will boost the sales of companies that sell this required technology while hurting the sales of those that do not.

The Door and Access Systems Manufacturers Association, which is an association representing garage door manufacturers, recently voted on whether they would support this provision. They voted 14 to 1 to oppose the provision. I will let you guess who the one vote was that voted against it. It was Chamberlain, the company that makes the technology that is required in this legislation.

The inclusion of this provision in the Consumer Product Safety Commission Reform Act represents why the American people do not trust Congress. It represents Washington politics as its very worst. After the experts approved a competing technology for sale in the United States, this one company, Chamberlain, retained a high-powered lobbying shop in Washington and paid them in excess of $140,000 to secure inclusion in this provision. Because of the connections to the lobbying firm, it was able to secure proposed Federal legislation that would protect its company from competition.

Is the technology that the bill mandates the only safe technology? Not at all. According to the experts at Underwriters Laboratories, the technology the bill mandates is safe, but it is not the only safe technology. The Underwriters Laboratories, through its standard product certification process, has certified another technology as safe, which does not use a photosensor

but uses approximately 15 pounds of resistance to trigger a reverse on the door.

For example, according to the Architect of the Capitol, the doors of the Senate subway that we all ride on, which carries thousands or maybe millions of people per year from the Dirksen to the Hart Senate office buildings, uses touch technology. If it touches an object that provides more than 30 pounds of resistance, the doors will pop back open. The Senate daycare also uses the same technology on its doors, which reopen if they touch an object with 8 to 15 pounds of resistance. Thus, the technology that the Underwriters Laboratories found safe, which this bill deems unsafe, requires less resistance than the Senate subway doors and approximately the same resistance as the Senate daycare doors to reverse the course.

The fact is that touch resistance technology is being used all over our country today very successfully and safely. This bill prohibits its use in the future. The reason it prohibits it is one of the reasons people don't trust us here—because it is clearly not there to make America and American products safer, but to do a specific favor for a constituent with a lobbying firm that puts pressure here on Congress.

Why do my colleagues need to support striking section 31? As I have said several times, I think it represents the worst of the legislative process here, and we all know better. Congress should not use its power to override the opinions of congressionally designated experts, unless we have proof they are wrong. We should not promote legislation that would pick winners and losers in the marketplace. We should not pass legislation that would discourage innovation, especially when it comes to ensuring we have the safest technology possible to protect our children.

By striking section 31 of the Consumer Product Safety Reform Act, this amendment would give the experts at Underwriters Laboratories the final say in determining what technologies are safe for sale in the United States. The amendment would not give a competitive advantage to any company, and it does not strike any safety provisions. It simply restores the law to where it is today. It would only require that the experts decide what technologies are safe in the United States, which is the purpose of the whole bill. We give more funding to the Commission. We give them a more sophisticated testing lab to use. We are empowering the best experts in the country. It is not our job to come in and try to give one company an advantage because it happens to be in the State we represent.

Mr. President, I hope all of my colleagues will support the amendment to strike section 31 from the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, let me say that, again, I thank the Senator from South Carolina for being very constructive during this process and working on this legislation this week. We sat with him and his staff on a number of occasions to try to work through language in amendments. He has been a delight to work with on this matter. I appreciate that.

Let me talk about this garage door provision that is in the Senate bill. I think it is important for colleagues to understand the history of why, and why it is in there. You can look at existing law and, basically, what the Congress did years ago was to more or less allow Underwriters Laboratories to set the safety standards for garage doors. For years and years, there was a two-part safety standard. One dealt with pressure for a motorized garage door that, when it hit a certain level of pressure, would stop and reverse, and also some sort of noncontact systems, where if someone were to pass under the garage door, such as a baby crawling or whatever it may be, it would trigger these sensors and the door would never come down and touch in the first place. That has been the standard in this country for a long time.

But what has happened over the last year or so, UL has changed their standards and they have actually gone, in my view, backward by saying this pressure sensor is enough. They have updated the standard—and I may be overgeneralizing that a little, but they are basically saying you don't need that second safety mechanism. We all probably remember the years of the 1970s and 1980s when it was common for garage doors to kill people. It is not as common anymore, and power garage doors are much more common today than they used to be.

In section 31, we tried to not just restore the old law, but we tried to enhance it and improve it. This is what it says:

> All automatic garage door openers that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

This is a technology-neutral provision. Many companies make this laser technology we have all seen. I used to have one on my garage door where there is a mechanism that shoots a little beam of light. When you interrupt that contact somehow—I don't know exactly how it works—it triggers the door, stops it, and it opens. That is actually a fairly cheap piece of technology. I have heard estimates of that technology costing something around $10 per door. I am sure it depends on the brand, who installs it, where you buy it, et cetera. Roughly, as I understand, it is about $10 per door. It is very cheap, very inexpensive, very effective. That is the traditional laser technology.

As we might expect in today's world, there are all kinds of new emerging technologies. We do not know what the future holds. We do know that this technology the automakers are putting on their bumpers now, the reverse indicator, the backup warning—when you are backing up your car, some cars that have this technology will beep when you get too close to an object behind. Apparently, as I understand it—do not ask me to explain it in any detail—apparently, that is some sort of radar technology. Again, it is pretty cheap and pretty effective. Supposedly, the garage door people are coming up with some sort of new radar technology that some believe may be better or may be a good alternative, at least, to the laser technology. Apparently, there are other types of motion sensors. Again, I don't know all the technology, and I don't know how the technology is going to emerge.

What we are trying to do with this provision in this act is, quite frankly, have a little belt-and-suspenders here. We want to make sure we have two safety mechanisms on doors. That has really been, again, what Underwriters Laboratory set as the U.S. standard for years and years. Now they reversed that standard. I think they are going in the wrong direction. They are going back to basically one type of safety device, not having two per door. This is a stronger safety provision than what is currently under U.S. law.

Another point I wish to mention is there has been some discussion that this might set a bad precedent for us, the Congress, to set a safety standard; isn't this what CPSC is supposed to do? The answer is yes, this is what they are supposed to do, but there are many occasions where the Congress has specifically laid out safety standards. I will give a few: lawn mowers; garage door openers; bicycle helmets; a toy that has been banned called Lawn Darts that was unsafe, and Congress actually banned it; lead-lined water coolers. There are safety standards Congress has mandated on refrigerators and other products. Certainly, we authorize CPSC to come up with a lot of safety standards, and they should; they are the experts, but there have been many occasions in the past where Congress has laid out a safety standard for a specific product or specific item.

Here, again, this approach we are utilizing in section 31 is a little bit redundant. With safety, it is not all bad to be redundant. It is a little bit of belt-and-suspenders. Again, it basically would reestablish a previous standard in the United States that when you have a power garage door, there would be

some sort of pressure mechanism with the motor, that when it feels the right amount of pressure, it will stop and reverse.

Also, there will be some, as it says, external secondary entrapment protection device. In other words, it would be separate from the motor. This is a very technology-neutral, very vendor-neutral phrase, and we will let the industry sort out what an ''external secondary entrapment protection device'' may mean because there may be technology on the drawing board today we know nothing about, maybe designs of these garage door systems about which we know nothing. Nonetheless, we want to make sure we have that double protection.

Mr. DEMINT. Will the Senator yield?

Mr. PRYOR. Absolutely.

Mr. DEMINT. Madam President, I appreciate the Senator's comments. I do wish to make it clear that while Congress has set many safety standards, it is very unusual for us to select and prescribe the technology that will be used to achieve those standards. For instance, a bicycle helmet has to take a certain amount of impact, but we do not prescribe what that helmet is to be made of. We do the same with automobiles and impact. We need to tell the safety labs, the manufacturers, what standards they have to achieve, but when we start picking the technology, we get way out of bounds.

I have the UL standards in front of me. I just need to clarify what my colleague from Arkansas said because the standard does require a primary reversing system as well as a secondary reversing system. So currently, most garage doors are going to have a system in the motor, and if it senses resistance, it will reverse, and there needs to be a secondary system. The way that is done today is either by some photo type of mechanism where if something crosses the path between the door and the bottom, it stops and reverses. That is one way. The other way is pressure sensitivity along the bottom of the door itself. But what the underlying bill does—the UL standard is it has to be an equivalent secondary safety measure; it has to be the photo type of system or the touch system. But this bill says it has to be the photo system. Frankly, from what we understand from talking with some consumers, there is not necessarily a lot of satisfaction with just the photo system because a door that goes down can be opened by a leaf blowing underneath it. But the touch system has been deemed just as safe by the Underwriters Lab, but it does not have the same inconvenience.

What we are asking is that we stick to the standards that are here, that we have a primary and a secondary reversing system but we allow the industry to pick whether it is a photo type of reversing system or a touch system, and let the UL system we have set up, the Consumer Product Safety Commission, determine which is safe and which is not. This bill says that only one way is safe for the secondary reversing system. Actually, the industry has already proven that there are other safe ways to do it which we need to continue to allow.

Again, I thank my colleagues for the opportunity to debate. I appreciate the intent of this amendment, which is to make garage doors safer, but I think we can leave the technology to the Consumer Product Safety Commission.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I rise today to oppose the DeMint amendment No. 4124 and explain why the garage door safety provision in the Consumer Product Safety Reform Act is really important.

Garage doors inherently pose a risk to families, particularly small children who could be crushed by the doors. The doors often weigh more than 300 to 400 pounds. Many families open and close them a lot of times during the course of a day. The 12 inches between closing the door and the floor, they call it the crush zone. A tremendous amount of force is generated as gravity pulls this 300- or 400-pound door down and it starts to come to the floor of the garage. This crush zone is a real risk for children, particularly small children. Small children live close to the ground—we all know that—and they are always in the crush zone when they are near a garage door.

For some time, this has been a serious risk. In the 1970s and 1980s, 67 deaths caused by garage doors were reported to the Consumer Product Safety Commission, and there were even more serious injuries. Most of these were caused by entrapment under the door.

Congress stepped in and passed legislation in 1980 that included a garage door safety standard requiring that doors have what is called an external secondary entrapment device. We directed Underwriters Laboratory to modify its standards. We gave it the force of a product safety rule.

The primary device most often is the drivetrain of the garage door. When there is an obstruction in the door's path, the drivetrain reverses. So if the door is coming down and senses something, it goes back up. In other words, when the door hits a person or object, the drivetrain will reverse. Unfortunately, this primary device does not always do the job adequately. That is why Congress required a secondary device to protect consumers.

The secondary device deployed by garage door installers for the past 15 years has been an optical sensor. This is technology that anyone who has owned a garage door over the last 15 years is familiar with. If you do not know it, go home and take a look. When your garage door comes up, look down at the bottom near the guide on one of the sides of the garage door, and you will see a tiny little photosensor light. It is like a beam of light. It is trained on another receptor on the other side of the garage door opening. It creates this photosensor. If you walk across that between those two devices, you trip it, and the garage light usually goes on, and the garage door knows someone is there, don't let the door come down.

We are trying to make this standard so no matter what kind of mechanical device you have that brings the door down, you are always going to have the secondary noncontact sensor. The door does not have to hit me in the head to turn around. I can trip it by walking through that doorway and breaking that photosensor light.

Senator DEMINT wants to eliminate that safety requirement. He believes it is unnecessary. First, let's put it in perspective, if we can.

How much do you think those little light devices cost? The answer? Five dollars. That is what it costs to buy those two little photosensors, one on each side of your garage door.

How much does a garage door cost? It is about $200 or $300 for the device to move it up and down. You can pay up to $1,000 for the whole door; $5 for the photosensor to save the child who is walking into the garage versus the $1,000 for the door. Is it worth it? If it is my kid, it is worth it. If it is my grandson, it is worth it. If it is about the neighbor's kid whom I dearly love, too, it is worth it.

Well, Senator, you didn't tell us how much it costs to install it. It turns out it costs $15 to install it—$20 total cost for this safety device on a $1,000 garage door, and Senator DEMINT says we don't need it.

Underwriters Laboratory that he quotes, in fairness to him, has been in the midst of deciding whether we move away from the photosensor to not requiring it. But they come out with a minimum requirement for safety.

What I am suggesting is, it is worth 20 bucks to every garage door owner and installer in America and to every family to have the peace of mind of this safety. Is it worth one kid's life, $20? I think it is worth a lot more. I think it is worth a lot for us to include it, and I am glad it is in the bill.

The secondary device deployed by garage door installers, as I said, for 15 years has been this optical sensor. It is not new, questionable technology. It works. I have seen it work on my own garage in Springfield, IL. I wondered why the garage door wouldn't come down. Finally, I figured it out. The optical sensor lights were not tracking on one side. A simple little adjustment, and everything worked fine. The minute I crossed those lights, the garage door mechanism knew not to

close. When an object breaks the beam, the garage door reverses.

Since this requirement has first been put into effect, during the last 15 years, injury and fatality rates by garage doors have dropped dramatically—dramatically. An ounce of prevention, that is what we are talking about here, a $20 expense to make sure a child is not injured or crushed by a 400-pound garage door coming down.

The Underwriters Laboratory standard for garage doors was modified in the late 1990s to allow for a new type of technology to serve as the secondary device. That technology, like the primary device, required direct contact. The problem with this standard is it relies entirely on contact when an effective, inexpensive system that does not require context exists.

Underwriters Laboratory is a fine organization. I have worked with them over the years, and I really believe they do a good job. But they do not provide maximum protection. They provide minimum protection. This bill, asking for another $5 device and $20 total cost, is going to provide even more protection for families.

Who supports this bill? Who supports this amendment that Senator DEMINT wants to strike? The Consumer Federation, the Consumers Union, U.S. PIRG, and Public Citizen. Those four are the leading groups on consumer safety in America today. None of them work for any companies. They work for the common good, for families across America, trying to make sure safety and consumer interests are protected. They joined in a joint letter saying they support the language that is both appropriate and protective of consumer safety and that a noncontact sensor is a valuable safety requirement.

I know my friend has offered this amendment in good faith, but I would tell him, I believe that requiring this photosensor and protecting kids who might wander into this crush zone is not too much to ask. I would rather vote for this and have somebody say it is belt and suspenders than to have on my conscience that we walked away from this tiny, almost insignificant cost to the garage door, than lose a child's life in the process. That would be something which would be hard for me to reconcile.

So I urge my colleagues to join the leading consumer groups across America, join the cause of common sense, and be willing to put a $20 cost onto a garage door and possibly protect the life of an innocent child.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, I would like to clarify some of the facts my colleague is talking about because there is nothing in my amendment to strike or prohibit the use of this phototechnology. If that is deemed the safest by the manufacturer, then certainly it can be used. But the secondary reversing device that uses touch technology has had no injuries. It has been deemed safe as well. In the future there are likely to be even better and safer and maybe even more economical ways to make garage doors safe.

The reason we need to strike this provision is because it limits consumer safety to one idea—one idea that exists today. It prescribes for the UL laboratories that it has to be done this particular way instead of us saying, as a Congress, it has to be safe. If we want to prescribe those standards, that is fine, but I am afraid we are distorting the information. We need to allow the opportunity for innovation in safety in all areas.

There is nothing that says this phototechnology is any safer than the touch technology we have talked about, which is another option being used by garage door companies today. So the argument to keep this in is totally parochial. It is not about safety for children, which has been spoken about today.

We believe the current standards that have a primary and secondary reversing system are important and that we need to encourage manufacturers to innovate on the safest ways to make that happen and that the labs we have put in charge of determining safety can look at these different ways to make garage doors safe and tell us which ones are the safest and tell consumers which ones are the safest. It makes absolutely no sense, and it is a terrible precedent for us as a Senate to come in and say: This is the technology that always has to be used in order to be safe, and we have no standard associated with it. We say, this is the technology.

Our job is to set the safety standards and say products should be safe, not to act on behalf of companies that happen to be in our States and say you use their technology or you don't use any at all. That is not what my amendment says. My amendment says: Find the very best technology, make it as safe as possible, but don't prescribe how that has to be done.

Madam President, I yield back.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I ask unanimous consent that the vote in relation to the Cornyn amendment, No. 4094, as modified, occur at 4:45 p.m., with the provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I wish to address my colleagues here for a minute and tell them about our status and what we are trying to accomplish this week. Of course we are on the Consumer Product Safety Commission reauthorization bill.

Again, I thank all my colleagues on both sides of the aisle for their spirit of cooperation that we have seen all week. It has been exemplary. I appreciate it. I have told several of you that privately and publicly. It has been great.

Our status is right now we are going to have a vote at 4:45 on the Cornyn amendment. It deals with attorney's fees with regard to attorneys general. We are going to have a vote on that.

Then we would love to set up more votes tonight. We have several amendments that have been filed that are pending. It is not a long list, but we do have several. We would love for Senators, if at all possible during this vote, to come and talk to me or talk to Senator STEVENS or talk to our staffs about how you wish to see your amendments sequenced.

I think it is very realistic that we can finish this bill tomorrow. At some point tonight, we are all going to sit down and begin to work very diligently on a managers' package. We have had several amendments, noncontroversial, or that we have made modifications to. There has been a lot of progress made. I know sometimes when you watch the Senate you wonder if anything is going on. A lot of progress has been made. Again, I thank all of my colleagues for that.

So we are going to sit down tonight and work through a managers' package. If a Senator wishes their amendment included in the managers' package, please let me or Senator STEVENS know. We are going to be working on that very diligently tonight. That is where we stand.

We encourage people, if they want votes for their amendments, to please let us know. We encourage people to come in and talk about their amendments. We encourage Senators to work together and either try to get their language included in the managers' amendment or have a vote on it tomorrow or tonight. We would love to have some more votes tonight. We think there are at least one, two, or three

that we may be able to vote on tonight, realistically. So I wanted to alert Senators to that fact.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, if I can engage the Senator from Arkansas for a minute to clarify. I do have this amendment that is germane that deals with a chemical that has shown up in microwave popcorn and has proved to be fairly deadly to workers; in one case at least that we know about, in consumers.

I understand we are having a vote in 5 minutes. Would it be amenable if I spoke about this amendment? I believe it is at the desk. The amendment is at the desk. If I could speak about it until it is time to vote. Would that be something you would encourage?

Mr. PRYOR. Yes. I have no objection to that. We have spoken on the Cornyn amendment extensively.

Mrs. BOXER. Thank you.

The ACTING PRESIDENT pro tempore. The majority's time has expired.

Mrs. BOXER. I have the time.

The ACTING PRESIDENT pro tempore. The Senator from Texas controls the balance of the time.

Mrs. BOXER. I am confused. Can someone explain that—I had the time. I was recognized by the Chair—as to why I do not have the time?

The ACTING PRESIDENT pro tempore. There was a previous order allocating 10 minutes, and the majority's time has expired.

Mrs. BOXER. I ask unanimous consent that I have 2 minutes before Senator CORNYN to explain this amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mrs. BOXER. I would add 2 minutes, if that is okay, and then I am done.

Mr. CORNYN. Reserving the right to object, and I will not object, I am happy to do that as long as I preserve my 5 minutes before the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Of course that was my intent, Mr. President. I mean no disrespect in any way.

AMENDMENT NO. 4127

I wanted an opportunity to talk about an amendment that I have at the desk. It is germane. It would ban certain uses of a chemical that poses very serious health risks to the lungs of consumers and workers.

In recent years, scientific evidence has mounted that a chemical called diacetyl seriously harms the lungs of workers in factories making microwave popcorn. I am sure you have read about it, because there is a huge list of stories that appeared in the press about doctors linking illnesses to this particular chemical.

Also there is documentation that says that the large popcorn manufacturers have banned this chemical. But we do not have a ban in law, which means it is simply not fair. We have some companies that have banned it, but we have not acted to ban it. I think it is so dangerous. It causes the tissue inside the lungs to get clogged and creates scar tissue and inflammation and it leaves the victim struggling to breathe.

That is the reason Senator KENNEDY has teamed up with me on this amendment. The severity of the lung symptoms can range from only a mild cough to a severe cough, shortness of breath. These symptoms do not improve when the worker goes home at the end of the day, and severe symptoms can occur suddenly. The worker may experience fever, night sweats, and weight loss. Doctors were very puzzled, but they finally found a link with this chemical.

I am not going to go on. I have a lot more to say on this. I hope it will not be necessary for us to have an argument about this, since the large companies have already banned it. It seems to me only right that we follow their lead and do so in law. My amendment simply levels the playing field for all microwave popcorn makers, including importers and small manufacturers, by banning this chemical, diacetyl. I urge my colleagues at the appropriate moment to please support this.

I will say to the Senator from Arkansas, Mr. PRYOR, if it is possible, I hope this will not be controversial. Perhaps it could be part of the managers' package.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

AMENDMENT NO. 4094, AS FURTHER MODIFIED

Mr. CORNYN. Mr. President, I ask that my amendment be modified with the changes at the desk. My modification makes clear that the expert witness fees are part of the recoverable costs and fees that the State attorneys general can recover. I appreciate Senator STEVENS for raising this concern to me and hope my modification is responsive to his concerns.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Texas has already been authorized.

The amendment, as further modified, is as follows:

On page 58, strike lines 4 through 7 and insert the following:

''(g) If the attorney general of a State obtains a permanent injunction in any civil action under this section, that State can recover reasonable costs, expert witness fees, and reasonable attorney fees from the manufacturer, distributor, or retailer, in accordance with section 11(f).

''(h)(1) An attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section.

''(2) For purposes of this subsection, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.''.

Mr. CORNYN. Mr. President, first we are told that the reason why State attorneys general need to be explicitly authorized under this statute to pursue these consumer complaints is so there is no risk of runaway lawsuits, because they will be confined to seeking an injunction in Federal court. I actually support that provision of the bill.

Then we are told there is an objection to my amendment, which would prohibit State attorneys general from entering into contingency fee arrangements in order to pursue authorized activities under this bill, that there is no reason for the amendment. Next thing I know, there is a document circulated by the American Trial Lawyers Association arguing the only way consumers can get access to the court is by allowing the outsourcing of the responsibility of the State attorneys general under a contingency fee arrangement which makes me mighty suspicious whether this is, in fact, a Trojan horse to allow trial lawyers basically to do the work elected State attorneys general should be doing and that currently the Department of Justice is doing. All my amendment is designed to do is to make sure the purpose for which the State attorneys general are authorized—that is, to seek an injunction only—is maintained and that it not be allowed to serve as a Trojan horse to outsource these responsibilities. There are some very important public policy reasons for that. No. 1, trial lawyers hired by State attorneys general are not accountable to the public.

We have seen examples. I mentioned some in the tobacco litigation, where there were serious abuses that could not be rectified by the electorate when it came to holding public officials accountable. Those public officials in some cases left office; some, such as my predecessor, as attorney general in Texas, went to Federal prison because of misconduct associated with those kinds of arrangements. This amendment is prophylactic in nature. But I will tell you I am concerned it has been mischaracterized. It will not prohibit State attorneys general from contracting with outside lawyers on an hourly rate arrangement under the same circumstances under which lawyers can be reimbursed now. But it will prevent the sort of trophy hunting and the outlandish attorney's fees that were awarded in the tobacco litigation through these contingency fee arrangements. It is something that is within the power of this body to correct. I hope my colleagues will join me in passing this commonsense amendment which is entirely consistent with the underlying purposes of the bill. I worry

this is being used as a Trojan horse for other purposes. But if my amendment is passed, I think we can all lay this matter to rest and realize consumers will be protected, but it will not be used as a pretext for enriching private lawyers and political constituencies.

The ACTING PRESIDENT pro tempore. Is all time yielded back?

Mr. CORNYN. My understanding is there was 10 minutes divided. If there is no other response, I will yield my time back, if the majority yields back their time.

Mr. PRYOR. I yield back my time.

The ACTING PRESIDENT pro tempore. All time is yielded.

Mr. PRYOR. I move to table the Cornyn amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. LEAHY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—51

Akaka	Harkin	Murray
Baucus	Hatch	Nelson (FL)
Bayh	Inouye	Nelson (NE)
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Conrad	Levin	Specter
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	Tester
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Mikulski	Wyden

NAYS—45

Alexander	Craig	Lugar
Allard	Crapo	Martinez
Barrasso	DeMint	McConnell
Bennett	Dole	Murkowski
Bond	Domenici	Roberts
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burr	Graham	Snowe
Chambliss	Grassley	Stevens
Coburn	Gregg	Sununu
Cochran	Hagel	Thune
Coleman	Hutchison	Vitter
Collins	Inhofe	Voinovich
Corker	Isakson	Warner
Cornyn	Kyl	Wicker

NOT VOTING—4

Byrd	McCain
Clinton	Obama

The motion was agreed to.

Ms. CANTWELL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have had a conversation with the Republican leader—in fact, several of them. I have talked to the two managers of the bill, Senator STEVENS and Senator PRYOR. We have made very good progress on this bill. As I said when we opened this morning, I think this is a good way to legislate. We are on this piece of legislation. It is a bipartisan bill that the Commerce Committee spent days of their time working on to get to the point where we are now. Is it a perfect bill? From my perspective, it is really good. Others who know the issue better than I may not think it is perfect, but I think it is a pretty good piece of legislation. We have had a number of amendments offered, and we have voted on several of them.

At this stage, there is nothing that I think we can vote on tonight. I want the managers to work during the evening to see if there is something we can do tomorrow constructively to move toward finalizing this.

The Republican leader and I usually don't agree on issues such as this, but I think it would be to the benefit of the Senate if—before we go out tonight, I am going to file a cloture motion, just to protect us in case it appears we are not going to be able to finish. I have told Senator STEVENS that when I file that tonight, I will say—and I will say it here—that we can go to third reading anytime tomorrow when this issue is over with and we, of course, won't do the vote on cloture. If this doesn't work, then Friday we will have to have a cloture vote. So I hope everyone understands the good intentions of the two managers and everyone else who has been involved in this piece of legislation.

So I will come out later tonight and formally file a cloture motion. Until then, I hope more progress can be made on the legislation. I think it is fair to say there will be no more votes tonight.

AMENDMENT NO. 4096 WITHDRAWN

Mr. KYL. Mr. President, I ask unanimous consent that the DeMint amendment No. 4096 be withdrawn.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, just to reiterate what the leader said a few moments ago, we are making great progress. Again, I thank my colleagues on both sides of the aisle. Everyone has been very reasonable.

My sense is that this body really wants to get this done tomorrow. I can tell my colleagues right now that our staffs will be working, burning the midnight oil tonight trying to put together a managers' package. We made progress during this vote, with one or two amendments going away.

So thank you to all of my colleagues who have been working so hard to get us where we are today. We will continue to work. Again, if any Senator's staff wants to come and talk to us about amendments or something they would like to see in the managers' package, now is the time to do it because we are about to work very hard to try to get this bill done tomorrow.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. DODD. Mr. President, I rose to address the Senate less than a week ago about this present economic set of circumstances in the country. Obviously, the foreclosure issue is a major question that is causing serious problems all over the country. In fact, it is now becoming more of a global issue than just a domestic issue. I know there have been serious efforts, and I commend the majority leader and others who have tried to put together—along with those of us on the Banking Committee, the Finance Committee, and the Judiciary Committee—a proposal that would offer some hope and some confidence-building measures to grapple and deal with the foreclosure issue, which is the epicenter, obviously, of this economic crisis we are all seeking answers to.

I thought it might be worthwhile to take a couple of minutes this afternoon to again urge the minority—I have worked closely with Senator SHELBY, and let me just report on a favorable note that I think we are fairly close to having an FHA reform bill that we will be able to adopt very quickly. While that is not going to solve all of the problems, it is yet another piece in this economic puzzle that deserves our attention. I am hopeful and confident we will be able to do that in relatively short order.

I commend the chairman of the Financial Services Committee, Congressman FRANK, BARNEY FRANK of the other body, for his work—the work they put together on a bipartisan basis in the House—and his willingness to compromise on this issue so that we

can achieve a proposal that would enjoy broad-based support both here and in the other body.

This issue we are facing today is a very serious one. I hope all of my colleagues appreciate that statement. That is not hyperbole; the realities are there. One cannot pick up a morning newspaper—it is no longer just in the business section; these issues are now front-page stories with fears of growing economic dislocation, a slowdown in our economy that we have not seen in years, with housing values falling nationally at rates that one has to go back literally to the Great Depression to find similar national statistics. We have rising unemployment rates and rising inflation rates. The cost of a barrel of oil once again is exceeding $100 a barrel. Food prices—my colleague from Rhode Island, the Presiding Officer, pointed out the other day, just in terms of bakeries in the country, the rising cost of wheat. The price of wheat has risen dramatically in the country. These are examples of what is occurring that contributes, obviously, to a worsening economic situation in our country.

All we are hoping for here—or I had hoped for before the Easter Passover break—is that we would be able to adopt a series of measures that would attract broad-based support that could offer some relief, some confidence, some optimism to people across the country. I am less optimistic that it is going to happen in a broad sense, but I am still hopeful that FHA reform might be adopted before we leave.

We are facing a very serious situation, and we are doing so in a much weaker position than we were just 7 years ago, the last time that our nation was on the brink of a recession. This is not a partisan or an ideological statement. When the Federal Reserve Chairman, Governor Bernanke, was before the Banking Committee last week, I asked him whether he thought we were in a worse position today to respond to the problems we are facing than we were when we last faced a recession in 2001. The Chairman of the Federal Reserve agreed that we are indeed in a worse position today than we were 7 years ago. He specifically said that the standard monetary and fiscal policy tools we have to confront economic downturns are far more constrained today than they were 7 years ago. He also said the American consumer is facing the brunt of this economic downturn.

The incoming economic data show how serious the problem is. The Nation's economy has slowed to a near standstill in the fourth quarter, with overall GDP growing by less than 1 percent and private sector GDP growing by only one-tenth of 1 percent.

The country had a net loss of jobs in January. That is the first time we have lost jobs in over 4 years. Incoming data on retail sales has been very weak, and most projections, by the way, by private economists and by the Federal Reserve for economic growth this year have been revised down sharply.

The Vice Chairman of the Federal Reserve, testifying before the Banking Committee yesterday, indicated that the next several quarters do not offer much hope at all that this economy is going to strengthen. Credit card delinquencies are on the rise as consumers find themselves increasingly unable to tap the equity in their homes to help pay down credit card debt and other financial obligations.

Lastly, as I mentioned a minute ago, inflation has increased by 4.1 percent this year. That is the largest increase in 17 years, driven mainly by the rising cost of energy, food, and health care. Oil prices are above $100 a barrel, and the U.S. dollar is at the lowest point in modern history since we began freely floating our currency in 1973.

This economic decline has been reflected in the falling stock prices, the falling currency, and the increased volatility in the securities markets.

Our economy is in trouble, which is to state the obvious, and the data clearly confirms that, but we don't necessarily help the situation by just acknowledging that. What are we doing? What steps are we taking in this body and in the other body? What steps is the administration taking? What steps is the Federal Reserve taking, and others, to reverse these trends and to offer some hope?

I don't want to engage in a self-fulfilling prophecy by reciting the data that is going on here without suggesting that we might not be able to do some things that could help.

As I said previously, the catalyst of the current economic crisis is the housing crisis. Overall, 2007 was the first year since data has been kept that the United States had an annual decline in nationwide housing prices. A recent Moody's report forecasts that home values will drop in 2008 by 10 to 15 percent, and others are predicting a similar decline in 2009. This would be the first time since the Great Depression that national home prices have dropped in consecutive years.

If the catalyst of the current economic crisis is the housing crisis, then the catalyst of the housing crisis clearly is the foreclosure crisis. I have said that over and over again over the last number of weeks.

What steps have we taken?

Last week, it was reported that foreclosures in the month of January were up 57 percent compared to a year ago and continue to hit record levels. When all is said and done, over 2 million Americans will lose their homes, it is predicted. There are already 1.4 million homes in foreclosure nationally, including over 14,000 in my home State of Connecticut, according to RealtyTrac, which publishes these figures, as a result of what Secretary Paulson himself has called ''bad lending practices.'' These are lending practices that no sensible banker, no responsible banker would have engaged in. Yet they did. Reckless and careless, sometimes unscrupulous actors in the mortgage industry allowed loans to be made that they knew many people would not be able to afford, particularly when they reached the fully indexed value and price. They engaged in practices that the Federal Reserve, under its prior leadership, did absolutely nothing, in my view, to effectively stop.

This crisis affects more families who will lose their homes. Property values for each home located within one-eighth of a square mile will drop by $5,000. That is another specific decline. Another statistic which is not often quoted is that when you have neighborhoods that end up with foreclosed properties, the crime rates go up about 2 percent automatically. So you get declining value with increased crime rates, and, of course, declining values and foreclosed properties mean less property taxes coming in to local counties or communities, which, of course, affects services, including fire, police, and emergency services, not to mention social services. So you get a contagion effect.

We now know it has spilled over into student loans. The State of Pennsylvania and the State of Michigan have indicated there may be no student loans available this year. For hard-working, middle-income families who may be current in their mortgage obligations and who are managing their finances well, to find out that their students, their children may not qualify or find student loans available will be yet another added hardship in this country.

So this matter is spilling out of control. I know from time to time people say that is excessive language. It is not excessive at all. What disturbs me deeply is that while I don't claim there is any one silver bullet answer to this, and I would be the last to suggest there was a simple package of four or five items that might help cure all of the housing problems.

I am not saying anything that is not known by others. The troubling data on the housing market and the economic situation is readily available. It is being reported on a daily basis in the national media. The question is, what are we doing, if anything, to try to reverse these serious trends; to offer some optimism and confidence from this body, the Senate, the Congress of the U.S., the administration, and the regulatory bodies? What can we do to act in a responsible and constructive manner to get the country back on the right track?

Yesterday, I chaired a hearing in the Banking Committee with representatives of the Federal bank, thrift, and

credit union regulators. The evidence strongly suggests that they were asleep at the switch as this crisis built and when the alarm went off, they merely hit the snooze button. The Federal Reserve, in particular, candidly acknowledged—and I appreciate Don Kohn's testimony—that they failed to properly assess and address excessive risks that were being taken.

The regulators abandoned proven standards of applying good judgment and strong supervisory oversight. Instead, they relied on models and estimates that were being used to justify that there was no housing bubble. These models and estimates were wrong.

What is so troubling is that questions were raised about them some years ago, before the bubble burst, by regulators people such as Ned Gramlich who, when he sat as a Governor of the Federal Reserve, warned that this problem was growing. The staff at these agencies knew this as well. Yet nothing was done. The warning flare shot into the sky by him and others went largely ignored.

Now that this bubble has burst, the regulators are telling us they are ''studying'' what went wrong. While studying the problem has its place, and I appreciate that, I must say that conducting studies of the crisis in the economy and financial markets is, of course, like firefighters responding to a fire by picking up a book and studying how to put out a fire rather than going and doing the job.

I think we all know we need action today, not complacency by the frontline bank regulators. That is why Senator SHELBY and I will continue to press the regulators for the actions they are taking to address the serious problems that our country is facing. I commend Senator SHELBY, who I thought yesterday had good and strong questions for the regulators. The answer we got was that people were too complacent. Many speeches were given and informal conversations took place, but the job of a regulator, the cop on the beat, is not just to give speeches and have informal conversations. If the staff at these agencies knew this bubble could burst, that there were serious problems, that Governors at the Federal Reserve Bank were warning about this problem we are facing, giving speeches and having informal conversations was hardly the kind of action we should have been expecting from very important agencies charged with the responsibility of seeing to it these kinds of problems would be handled before they became as significant as they are today.

Congress, too, I think should act. Again, I am not suggesting any one specific action, but the idea that we have no role to play while we are watching this wave grow of people who are going to lose their homes—by the way, the estimates are we could be looking at as many as 2 million to 2.5 million families who could lose their homes, and the effect will be as many as 44 million to 50 million homes as a result of the value of homes exceeding, of course, the financial obligations on the residences. If that is the case, and if it goes on too long, and if unemployment rates continue to rise and energy costs continue to rise and student loans become less available, and the cost of education goes up, and health care continues to go up, families who would have been able to manage owning a home under normal circumstances will have serious trouble surviving these economic circumstances. If these problems increase, for families that have a mortgage in excess of the value of the property, and the home value continues to decline, obviously, those families are going to face additional troubles. Therefore, the problem spreads beyond just—not as if it were just 2, but 2.5 million who are losing their homes to a much larger constituency in this country.

So this problem is serious. We are now in another week. I have great respect for what is going on here and dealing with the legislation at hand. But as the majority leader said over and over again, this housing matter is the most serious one in the country. I think the failure to get some agreement and understanding on a package of proposals that we could go forward in a bipartisan fashion is tragic. We will be in here next week on the budget and then we are gone for 2 weeks. While this may seem like academic issues to some people here, if you are that American homeowner out there who lost your job and is watching energy costs go up, with kids you were planning on getting a college education, and student loans may not be available, then this is not an academic issue to you at all.

The question is, Where are the people here doing their job? The majority leader offered and said this is the problem we ought to be addressing. Yet because of whatever reasons, we are unwilling or unable to come together to offer some ideas that could offer relief and optimism. I think it is terribly wrong and I worry about the consequences of inaction.

I know there have been disagreements about what steps to take. That is legitimate. Candidly, this issue ought to be addressed in a far more urgent fashion than is the norm. If there are different ideas on bankruptcy or tax policy or even on the community development block grant idea or the counseling ideas that are all part of a package we had suggested, then let there be a debate about it; let alternatives be offered. But if we cannot spend a few hours or days talking about an economic crisis that has as its center a foreclosure crisis and a housing crisis, then what are we doing here?

This problem is mounting, growing, getting more serious every single day. The failure of this institution to respond in a more responsible way I, again, deeply regret. One point I hope we can all agree on is that doing nothing is not an option. Yet that is what is happening at this very hour.

We need to work out these differences and provide solutions that will work. To that end, I will continue to work with my colleague from the Banking Committee, Senator SHELBY, on several key issues. I thank him again for his willingness to move forward. We are working together with our counterparts in the House on a final version of the FHA legislation that I mentioned. That bill passed 93 to 1 just weeks ago. My hope is that the House and Senate can resolve those differences and present a final product before we leave next week.

Modernizing the Federal Housing Administration is a critical step in responding to the housing crisis. Another important step is comprehensive Government-sponsored enterprise reforms, GSE reforms. I am committed to that issue. We have another hearing I will be holding on that tomorrow, in fact, at the Banking Committee level. So we can hear views from all sides before drafting what I hope will be a bipartisan bill, that we can bring to the Chamber rather quickly for its adoption.

As Chairman Bernanke said several days ago in the Banking Committee, our country is in a worse economic situation today to face a recession than we were 7 years ago. Traditional monetary and fiscal tools might not be adequate to face the unprecedented challenges our economy is facing, with national home prices falling, as I mentioned earlier, for the first time since the Great Depression. We must hear new ideas and proposals to address these problems. The strength of our economy 7 years ago is not there today. We don't have the strength of the dollar, we don't have low inflation, and we don't have low unemployment. Our fiscal situation is a far cry from where it was 7 years ago. So we are in a very different situation to rely on traditional market forces to act as a cushion against a likely recession. We need to think creatively about ways to avoid what is growing and, quite obviously, going to come if additional steps are not taken.

Unfortunately, the administration has so far been reluctant to hear new ideas and take action on proposals to address these problems. At every single turn of this housing crisis, the administration has been one step behind, unfortunately: one step behind the 2.2 million homeowners facing foreclosure last year; one step behind the financial

markets which started tightening credit for student loans and other consumer needs last summer; one step behind those of us in Congress who have called for solutions to the foreclosure crisis for more than a year now; one step behind the regulators at the FDIC who have urged broad-based modifications for homeowners since last spring.

Sheila Bair, former legal counsel to Senator Bob Dole, deserves great credit. Almost a year ago, the FDIC, under her leadership, was calling for actions to be taken. Had we acted then, I think the problem would have been a lot less severe than it is today.

Now the administration is again one step behind this time, behind the Federal Reserve who is now calling for more action before the housing crisis gets worse. I commend Chairman Bernanke again for his candor and for the speech he gave yesterday in Florida, calling for more creative action before the problem grows worse, as it does almost hourly.

It took some time for the Federal Reserve to acknowledge the severity of the housing problem, but they have come around. Days after I convened the first hearing of the 110th Congress on foreclosures, Federal Reserve Board Governor Susan Bies said she didn't ''think there will be a large impact on the prime mortgage industry.'' Last March, Treasury Secretary Paulson reinforced that benign and incorrect view, saying that the economic fallout from the housing market would be ''painful to some lenders, but . . . largely contained.''

By the time I held a second hearing on the subprime abuses on March 22 of last year, the Federal Reserve finally acknowledged that the Fed had acted too slowly to address mortgage lending abuses. The Fed pledged then to do more to protect homeowners. Unfortunately, the administration continued to deny the severity of the problem.

Throughout last spring and summer, the Treasury Secretary commented that ''we are at or near the bottom'' of the housing correction and there was no risk to the economy overall. When the Treasury sends such rose-colored messages to the public, it is no surprise that the administration and the industry were slow to assist homeowners with broad-based loan modifications.

I organized the first Homeownership Preservation Summit in April of last year, to bring together the Nation's leading mortgage loan servicing companies, regulators, and community organizations to discuss a timetable and a tangible solution to reduce foreclosures. But the private sector, acting alone, yielded minimal results. Moody's found that just 1 percent of loans had been modified in the spring and summer of last year. Instead of taking action throughout these months to help homeowners, the administration continued its happy talk about the housing market and the economy. The Treasury stated in July that troubles in the housing market were ''largely'' over and ''contained.'' It wasn't until November, just a few months ago, that the administration convened its own homeownership preservation summit. Unfortunately, during those 7 months that passed, tens of thousands of new homeowners became delinquent on their mortgages.

Instead of working with us in the Congress to develop solutions for homeowners over the summer, the Treasury Secretary said on August 1 that he did not see anything that caused him to reconsider his views, that the economic damage from the housing correction was ''largely contained.'' Echoing Secretary Paulson's benign assessment of the housing market, just days later, President Bush said, ''It looks like we are headed for a soft landing.''

Later that month, in August, I met with Secretary Paulson and Federal Reserve Chairman Bernanke, urging them to use all of the tools at their disposal to address the mortgage market turmoil. I wrote a letter to the Treasury Department and the Department of Housing and Urban Development urging them to move expeditiously to make administrative changes to the Federal Housing Administration single family insurance program to help borrowers escape abusive mortgages by refinancing into more affordable FHA loans.

Throughout the fall, FDIC Chair Sheila Bair and I advocated for systemic loan modifications to help homeowners facing foreclosure. Instead of using his authority and influence to promote such solutions, the Treasury Secretary said, ''The idea of across-the-board modifications is not something that this group [of large subprime servicers] is looking to do . . . and it's not something we in this administration are advocating.'' Weeks later, however, the Treasury Secretary changed his view, saying they saw an ''immediate need to see more loan modifications and refinancing and other flexibility'' and a standardization of loss-mitigation metrics to evaluate servicers' performance goals.

If I have learned one lesson from this housing crisis, a lesson all of us should have learned, it is that delayed action will cost families, neighborhoods, the economy of our Nation, and, of course, the taxpayers more and more money than timely action would have avoided. Instead of turning a tin ear, we must listen to the growing chorus of homeowners, lenders, servicers, housing counselors, economic experts, and regulators who are calling for bold action to prevent this housing crisis from becoming worse than it is today. I believe bold action must include financing options for homeowners through FHA, the GSEs, and a new fund at FHA that I propose to use to preserve home ownership.

We must also do more to slow the tide of foreclosures that are overwhelming many of our communities. And we need to give our local officials the tools and resources to cope with these increases in foreclosed properties. In doing so, we will help break, I believe, the downward cycle that is pushing our economy toward a recession, if we are not already in the middle of one.

By acting, we can bring some certainty where today only uncertainty exists. We can help restore the confidence of consumers and investors that is indispensable to economic progress for our Nation.

There are some steps we have taken in the housing sphere already. Working closely, again, with Senator SHELBY, ranking member of the Banking Committee, we have been able to pass FHA reform legislation. As I mentioned, we have been working with the House to resolve our differences on that legislation.

I am committed to working with my colleague from Alabama and the administration to pass a GSE regulatory reform bill so Fannie Mae, Freddie Mac, and the Federal Home Loan Banks can expand their efforts to help people keep their homes.

The committee also held extensive oversight hearings on the problems that plague the housing market, including a hearing on January 31 to look at the foreclosure issue. We held a hearing on the state of the economy and financial markets with Secretary of the Treasury Paulson, Chairman Bernanke, and SEC Chairman Christopher Cox. We held a hearing with Chairman Bernanke last week to receive the semiannual monetary policy report, and we held a hearing yesterday on the state of the banking industry with all the Federal bank regulators. We are holding a second hearing on GSE reform tomorrow, and there will be more hearings to come.

I also believe that S. 2636 would help address the problems we are facing in the housing and mortgage markets in a number of ways by providing counseling services, dealing with bankruptcy reform, improving disclosures, increasing availability of mortgage revenue bonds, and appropriating emergency funds for local communities struggling with these empty properties. Again, I commend Majority Leader REID for his leadership on this issue. I emphasize those ideas I mentioned are, by and large, noncontroversial, but I know there are those who disagree with them, as one might expect. That is not a reason not to try to move forward and allow a debate to occur, amendments to be offered to modify any of these ideas or additional ones people might bring to the table.

But, doing nothing at all is inexcusable. The fact that days go by, despite

the growing alarm bells going off about the seriousness of this problem, as I said a week ago, will be indictable by history if we do not to step up and offer some ideas to get this right.

At the end of the day, this legislation by itself is not going to stop foreclosures or restore our communities to economic health. In my view, we need to do more to bring liquidity to the mortgage markets, to help establish value for the subprime securities that are clogging up the system and a way of clearing them out of the markets so capital can once again flow freely. I continue to work on the details of a home ownership preservation entity that makes use of existing platforms, such as FHA or GSEs, to help achieve this result. There are other ideas that I welcome, maybe not this idea, but something similar to it will work. Whatever it is, we ought to bring our practical talents to bear on all this and do something rather than sitting around doing nothing about this issue.

The home ownership preservation entity will facilitate the refinancing of distressed mortgages. This idea was originally proposed by the American Enterprise Institute and the Center for American Progress, two organizations that do not normally come together on economic ideas, but they did on this one; two organizations that approach economic issues from very different philosophical perspectives but that agree more action is needed to stem the housing crisis.

In its general outline, the home ownership preservation entity would capture the discount for which delinquent and near-delinquent loans are trading in the marketplace through a transparent, market-based process and transfer the discounts to the homeowners so more families can stay in their homes.

I would hope such an entity could purchase and restructure these loans in bulk so we could help as many people as possible, but a case-by-case approach is possible as well. I would not rule that out. It would require lenders and investors to recognize losses so there would be no bailout. In my view, this entity should make use of existing institutions, such as FHA and the GSEs, to expedite the process and maximize the process. Every day that goes by without action means more families are going to lose their homes. Obviously, many details need to be fleshed out, I know that, but I am currently drafting legislation for such an idea and plan to introduce it in the coming weeks. The legislation closely mirrors the approach recommended by Federal Reserve Chairman Ben Bernanke in a speech before community lenders he gave yesterday morning in Florida.

Again, I encourage all my colleagues to work with us. I see the Senator from Iowa on the floor, the former chairman of the Finance Committee, the ranking member today. I commend the Finance Committee. They have offered some very sound ideas out of their committee to deal with revenue mortgage bonds and other ideas. Again, those ideas will not solve everything, but I commend their committee for stepping up and saying: Here are a couple things that may restore confidence, increase optimism, and may save some families from falling into the worst of all situations.

Remember, only 10 percent of these subprime mortgages went to first-time home buyers. Most of them went to people who are making a second mortgage to take care of financial obligations, people who have been in their homes for years building up that equity to take care of future economic difficulties, student loans, health care problems or retirement, and to watch the wealth that accumulated for years disintegrate before their very eyes. Many end up losing the only wealth creator they have had, the long-term financial security for retirement goes out the window, and we are sitting around doing absolutely nothing about it. It is reprehensible. Again, not everyone is in that category.

The Senator from Iowa, Senator GRASSLEY, to his credit, and Senator BAUCUS and their committee have stepped up, and I commend them for it. We are doing our part. What I regret is we cannot find the time for a couple of days to let some of these ideas at least be raised for debate, discussion, and possibly action before we leave.

As we take off for our 2-week break and enjoy our families, travel, and do whatever else we do, in that time there will be people losing their homes in the country, and maybe, just maybe, if we stepped up to the plate, we might have avoided that from happening.

I think it is sad, indeed, that we cannot find the time to do it, unwilling to sit down and engage in what this body was created for—for healthy, responsible debate about actions we ought to be taking to avoid this problem that grows worse by the hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDING OFFICER. No, we are still on the underlying bill.

Mr. GRASSLEY. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I will speak for a short period of time if anyone else wants the floor.

STONEWALLING ON OVERSIGHT

Mr. GRASSLEY. Mr. President, throughout my career in the Senate, I have taken very seriously our constitutional responsibility of oversight. So I have actively conducted oversight of the executive branch of Government regardless of who controls Congress or who controls the White House.

These issues that I do oversight on are about basic, good Government and accountability in Government. It does not deal with party politics or with ideology. The resistance from the bureaucracy is often fierce. It does not matter whether we have a Republican President or a Democratic President. There is an institutional bias among bureaucracy not to cooperate with Congress in doing our constitutional job of oversight.

Protecting itself is what the bureaucracy does best, and it works overtime to keep embarrassing facts from congressional and public scrutiny. This has gone on too long. It is time for the stonewalling to stop. We have a duty under the Constitution to act as a check on the executive branch, and I take that duty seriously. I know other Members of the Senate do. But too often, we let issues in oversight slide that somehow we do not let slide in legislation. So I am asking my colleagues to ramp it up a little bit, to be more serious in the pursuit of information, but not just in the pursuit, to make sure that information actually comes to us when we do not get the proper response from the administration.

When the agencies I am reviewing get defensive and refuse to respond to my requests, it makes me wonder what they are trying to hide. They act as if the documents in the Government files belong to them. These unelected officials seem to think they alone have the right to decide who gets access to information—information, which, by the way, was probably collected at taxpayers' expense.

I have news for them. I am asking my colleagues to have news for them. Documents in Government files belong to the people, and the elected representatives of the people in our constitutional role of oversight of the executive branch have a right to see them. That right is essential to carry out our oversight function.

Let me summarize a few examples of the kind of stonewalling I face. But before I do that, I would like my colleagues to know this is the first of several trips to the floor that I intend to make about the executive branch and its stonewalling. I am tired of it, and I am going to talk about it until we in the Senate and this Senator gets what we are entitled to under the Constitution. All the kids in America study the checks and balances that are a part of our system of Government, and this is part of the congressional check under the Constitution on the executive branch of Government.

So let me start this evening with what is outstanding and is being held up at the FBI on the one hand, the

State Department on the other, and the Department of Homeland Security in another case. Let's look at the use of the jet aircraft that is available for the FBI.

The Government Accountability Office is beginning an audit that I requested on the use of luxury executive jets by the FBI. I asked for the audit after a Washington Post article detailed evidence that the jets were being used for travel by senior FBI officials rather than for the counterterrorism purpose as Congress intended when the jets were provided. However, the FBI Director has refused to commit to providing the flight logs to the Government Accountability Office investigators who are working on this project.

What is wrong with a little bit of public scrutiny about the flight logs on a corporate jet, which the taxpayers have paid for, for the use of Government bureaucracy and Government officials?

Let's go to the Michael German case. For nearly 2 years, despite requests from two Judiciary Committee chairmen, the FBI refused to provide documents in the case of FBI whistleblower Michael German. It took more than a year for the FBI to respond to questions for the record following last year's FBI oversight hearing by the Judiciary Committee. Even when the responses finally came in, most of them ducked and evaded the questions rather than answering them very directly.

The FBI misled the public about the facts in the German case. Even faced with the evidence, the FBI still will not admit that German was right about domestic and international terrorist groups meeting to discuss forming operational ties. Now they are trying to hide that evidence from the public. Don't you think the public ought to know everything there is to know about people who are planning terrorist activities against Americans?

I would like to bring up next exigent letters. The FBI continues to stonewall this committee on requests for documents. For example, last March, we requested internal FBI e-mails on their issuance of exigent letters. These letters were criticized by the Justice Department inspector general as inappropriate ways to obtain phone records without any legal process and said the letters contained false statements, promising that a subpoena would be on the way even when there was no intent to issue such a subpoena. Here we are, then, a whole year later, and the FBI has provided only 15 pages. We know they have been sitting on even more e-mails that should shed light on this controversy. It is enough to make you wonder what they might be trying to hide.

Let us go back to something now 5 years old—the anthrax case. Not 5 years I have been working on it, but it hasn't been too far short of 5 years. There is still no public indication of progress in the investigation of the anthrax attacks. Well, this involved attacks on individual Senators. A former journalist is being fined for failure to disclose her sources, despite press accounts stating the sources were unnamed FBI officials. Whether anyone in the Justice Department has taken any serious steps to find out who in the bureau was leaking case information about Stephen Hatfill to the press is still a mystery. And why should it be? It shouldn't be a mystery. Have they obtained and searched the phone records of their own senior officials to see who was calling the reporters in question? You know, it is mysterious, but the FBI won't say.

Let us go to the Cecilia Woods matter. We have been waiting 2 years for documents in the case of a whistleblower named Cecilia Woods. Woods came to my office to report that she was retaliated against for reporting that her supervisor had an inappropriate intimate relationship with a paid informant and that her supervisor was inexplicably not fired, despite overwhelming evidence of this misconduct. I asked to see the FBI internal investigation to find out why. I still have not received adequate replies.

Let us look at the Goose Creek defendants. It is not only the FBI we have problems with. The Homeland Security and State Departments are stonewalling Congress as well. Last year, I wrote to Secretary Rice—she is an honorable person, Secretary of State, doing well—and we wrote to Secretary Chertoff—he is an honorable person. We wrote about the case of two Florida State University students arrested near Goose Creek, SC, with explosives in their trunk. They are both Egyptian nationals. One of them, Ahmed Mohammed, entered the United States on a student visa. However, I learned he had previously been arrested in Egypt and that he even declared his arrest on his visa form. I wanted a copy of his visa application and other documents to investigate how our screening system for visa applicants could still be so broken 7 years after 9/11. Both the Department of Homeland Security and the State Department have thus far refused to comply. Why would they want to keep information such as this from a Member of the Senate, who has responsibility for appropriating enough money to make sure we can keep terrorists from doing another attack against American citizens?

For today, I have given only a few examples. I am going to come to the floor again to outline more examples where these agencies and other agencies have delayed and delayed and delayed. Months turn into years, and we don't get the information we need. It is time for excuses to stop so Congress can perform its constitutional job of check and balance—in this case check the executive branch of Government—and our constitutional responsibility of oversight of that branch of Government, the executive branch.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. CANTWELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. VOINOVICH. Madam President, as we prepare to consider the budget resolution next week, I rise today to comment on the need for fiscal responsibility and reform of the very financial pillars that support our Government's foundation. Building on a speech I gave last October, and in the tradition of another Member of this body, Senator Fritz Hollings, I hope to regularly provide my colleagues and the American people with updates on our growing national debt. We need to be reminded of the fiscal reality which we find ourselves in. We cannot continue to live in a state of denial.

The Congressional Budget Office projects a $219 billion budget deficit for 2008—that is the fiscal year we are in right now—which does not include the $152 billion economic stimulus package President Bush recently signed into law. With the addition of the economic stimulus bill, the 2008 projected deficit can be assumed to be $371 billion in 2008.

But even that figure hides the true degree to which our official situation has deteriorated, mainly because it uses every dime of the Social Security surplus. I think it is important for our colleagues to understand we are using every dime of the Social Security surplus, as well as surpluses in other trust funds, to hide the true size of the Government's operating deficit.

If you wall off the Social Security surplus so that Congress can't spend it on other programs, as I believe we should, then the Government's operating deficit amounts to $566 billion, over 50 percent more than the reported deficit of $371 billion. In other words, what we do is we hide from the American people the fact that we are borrowing money from ourselves to run our Government, and the only thing we report to them is the public debt, but we don't report to them the Government debt. So when we make these figures available, we will say, oh, the deficit is $371 billion, but the truth of the

matter is, when you add in the Social Security surplus, it is $566 billion.

But the annual difference between revenues and outlays is not what is truly threatening our future. It is the cumulative ongoing increase in our national debt that matters. Unfortunately, many in Washington pretend that the debt doesn't even exist. How often do you hear anybody talk about the national debt? They don't.

I think we all remember that in 1992 Ross Perot was out running around America talking about our fiscal irresponsibility and the national debt. At that time, Ross Perot—and this is 1992—predicted that by 2007, the national debt would be $8 trillion. Well, the fact is, he was wrong. It is $1 trillion more. It is $9 trillion.

Now, the interesting thing is that from the beginning of our country to 1992, it is something like 200 years. We have since 1992 increased the debt—doubled it—from what it was. In other words, in the last 15 years, we have increased the debt more than what it was for the first 200 years. Think about that—200 years. And the tragedy of it is that each and every American—man, woman, and child—owes $30,000. That is what we all owe today.

Here are some additional facts: 47½ percent of that privately owned national debt is held by foreign creditors, mostly foreign central banks. That is up from 13.3 percent only 5 years ago. And who are the foreign creditors? The three largest creditors are Japan, China, and the oil exporting countries, or the OPEC nations. Can you imagine how high our interest rates would soar if these countries moved out their investment to somewhere else? In other words, if they would get shaky about where we are in terms of our U.S. economy.

According to the S&P and Moody's, U.S. treasuries will lose their triple-A credit in 2012. In other words, by 2012, our treasuries are going to lose their triple-A rating. That is the best rating you can get. In dollar purchases, I think most of us remember when we could take the American dollar and buy more Canadian dollars. Today, a dollar buys 98 cents of a Canadian dollar. In Europe, it takes $1.52 to buy one Euro.

I have traveled overseas in the last several years, and at one time everybody wanted the American dollar. They called them Reagans. I want a Reagan.

Well, the fact is, today they do not want Reagans, they wanted Euros. Our long-term fiscal situation makes short-term responsible budgeting today even more important. The adoption of a biennial budget for the Federal Government, as I had as Governor of Ohio, would ensure Congress can get its work done on time while also conducting the oversight necessary to ensure that programs and agencies are functioning effectively.

I am hoping we can convince the chairman of the House Budget Committee that this is something that would be great for this country because it is a systemic change that would make a real difference.

I have long championed this issue. I have been a cosponsor of Senator DOMENICI's Biennial Budgeting Act since I came to the Senate in 1999. I have been advocating for its passage nearly 10 years.

In 25 of the last 30 years, Congress has failed to enact all of the appropriations bills by the start of the fiscal year, instead passing omnibus bills and continuing resolutions. Government-by-CR has consequences: Agencies cannot plan for the future, they cannot make hiring decisions, and they cannot sign contracts.

In the next several weeks, I am going to give another speech on the floor of the Senate to remind people about the disruption our not being able to pass budgets on time and the effect continuing resolutions have on inefficient Government and our inability to do the job the taxpayers want us to do. As I said, we get more waste and inefficiency from the Government by what we are doing. We get lower quality services provided to the people. At the end of the day, we get higher spending and less accountability and oversight of the taxpayers' money. This is irresponsible management, and it has to stop.

Biennial budgeting will ensure Congress does its job and actually looks back to see if the money we have spent is doing what it is supposed to do.

While biennial budgeting can restore order to the appropriations process, it will not solve our long-term entitlement problems or reform our Tax Code. We must enact fundamental tax reform to help make the Tax Code simple, fair, transparent, and economically efficient.

Tax reform is not just a matter of saving taxpayers time and effort; this is about saving taxpayers real money. The Tax Foundation estimates that comprehensive tax reform could save us much as $265 billion in compliance costs associated with preparing our returns.

People come to my office every day, and I ask them: How many of you do your own tax returns? And the answer is most of them—the hands go up. I am an attorney. I used to make out my own return. I used to do them for my clients. I would not touch my tax return today with a 10-foot pole.

Now, if we can straighten this out through good tax reform, fair, easy to understand, even if we did it halfway, it would save almost $160 billion for all of the taxpayers of this country. That is a real tax reduction, and it is something that would not cost the Treasury one dime.

In January 2005, President Bush announced the creation of an all-star panel led by former Senators Mack and Breaux, and that panel spent most of the year engaging the American public to develop proposals to make our Tax Code simpler, more fair, and more conducive to economic growth.

In November 2005, the panel issued its final report. While not perfect in everyone's mind, the panel's two plans provided a starting point for developing tax reform legislation that will represent a huge improvement over the current system. The panel's proposals belong as a key part of the national discussion on fundamental tax reform.

Last January, I introduced the Securing America's Future Economy—or SAFE—Commission Act, legislation that would create a bipartisan commission to look at our Nation's tax and entitlement systems and recommend reforms to put us back on a fiscally sustainable course and ensure the solvency of entitlement programs for future generations. My colleague, Senator ISAKSON, has joined me as a cosponsor.

Democratic Congressman JIM COOPER of Tennessee and Republican FRANK WOLF of Virginia introduced a bipartisan version of the SAFE Commission in the House, where they have 73 cosponsors from both parties. This bipartisan, bicameral group has support from corporate executives, religious leaders, think tanks across the political spectrum, from the Heritage Foundation to the Brookings Institution, and former members from both parties.

On the heels of this, two of my colleagues, the Budget Committee chairman from North Dakota and the ranking member from New Hampshire, recently introduced a bipartisan bill that would create a tax and entitlement reform commission entitled the ''Bipartisan Task Force for Responsible Fiscal Action.'' I signed on as a cosponsor of the Conrad-Gregg proposal. I look forward to working with them to restore fiscal sanity to the U.S. Government.

I would like to comment on the efforts of Divided We Fail, a coalition comprised of the AARP, Business Roundtable, Service Employees Union, and the National Federation of Independent Businesses, for encouraging bipartisan congressional action on this legislation. I want to repeat that. Here is a group. They call themselves Divided We Fail. It is made up of the AARP, the Business Roundtable, and the National Federation of Independent Businesses, which are supporting this. What an interesting array of individuals who think it is time for us to do entitlement and tax reform.

I am encouraged that the Senate Budget Committee is planning to mark up the Bipartisan Task Force for Responsible Fiscal Action, and I urge my colleagues to pass this critical legislation before the close of 2008.

The next President, whoever that may be, should be ready in January

2009 to work with the task force in addressing these critical reform issues. What we are doing now is not working for us. We know that oversight is an important part of our job. But oversight takes time. We must identify programs that are mired in waste, fraud, and abuse.

Another piece of legislation I have introduced, along with Senator CORNYN, is the United States Authorization and Sunset Commission Act. This legislation would create a bipartisan commission to make recommendations to Congress on whether to reauthorize, reorganize, or terminate Federal programs. It would establish a systemic process to review unauthorized programs and agencies and, if applicable, programs that are rated as ''ineffective'' or ''results not demonstrated'' under the program assessment rating tool, which is called PART. Hopefully, the next administration will adopt the criteria the Bush administration has set for PART.

Now, this legislation does not take away from our obligations to make difficult decisions about which programs to continue and those that we can no longer afford to support. What it does is provide an opportunity to work harder and smarter and do more with less.

I believe by establishing this commission to do a thorough examination of programs and agencies using the established criteria, and a transparent reporting process, we can carry out our oversight responsibility more efficiently and effectively.

The legislation will help us distinguish between worthwhile programs and those that have outlived their purpose, are poorly targeted, operate inefficiently, or simply are not producing results taxpayers expect. I used such a commission as Governor of Ohio, and it has helped us work harder and smarter and do more with less.

As we near the end of the Presidential primary season and move into the nominating conventions, the Presidential candidates of both parties should address the critical issue of tax reform, entitlement spending, and budget process reform.

All of the leading Presidential candidates are Members of the Senate. The American electorate should demand that they take a stand on the SAFE Commission and on the Bipartisan Task Force for Responsible Fiscal Action. Voters should demand that Congress pass this bill this year and insist Presidential candidates pledge that upon being elected, they will guarantee that one of their first actions they take as President is to make their appointments to this task force. The Presidential candidates should have recommendations on tax reform, entitlement reform, and biennial budgeting.

But I am afraid that the candidates, whether Democratic or Republican, will avoid these topics, because these challenges require tough choices. Where is Ross Perot? Where is Ross Perot? Voters must ask candidates if they are willing to discuss our country's financial future. If a candidate avoids this topic of responsibility in the campaign, how can voters trust them to be forthright after they are elected?

The former Comptroller General, David Walker, has said:

> The greatest threat to our future is our fiscal irresponsibility.

He added:

> America suffers from a serious case of myopia, or nearsightedness, both in the public sector and in the private sector. We need to start focusing more on the future. We need to start recognizing the realities that we are on an imprudent and unsustainable fiscal path and we need to get started now.

I have three children and seven grandchildren. My wife Janet and I are wondering whether they are going to have the same opportunities we have had, as well as the same standard of living or our quality of life. I question what kind of legacy we are going to leave them as a nation.

The time to act is now. When you look at the numbers, it is self-evident that we must confront our swelling national debt, and we must make a considered bipartisan effort to reform our tax system, slow the growth of entitlement spending, and halt this freight train that is threatening to crush our kids' and grandkids' future. We owe it to our children and grandchildren to take care of it now. All of us—all of us—should think about them. We have a moral responsibility to the future of this country, our children and our grandchildren, to make sure our legacy is one that we can be proud of, that they will have the same opportunities we had during our lifetime.

Mr. LEAHY. Madam President, I support Senator KOHL's amendment to the Consumer Product Safety Commission, CPSC, Reform Act. This legislation would make it more difficult to prevent public disclosure of information in lawsuits involving a product that poses a serious public heath or safety risk.

Senator KOHL's amendment would promote transparency in court proceedings by prohibiting courts from restricting access to information in civil cases that could affect public health or safety. The amendment would prohibit judges from sealing court records, information obtained through discovery, and certain details of a settlement unless the public health or safety interest is outweighed by a specific and substantial interest in maintaining confidentiality. When issued, protective orders could be no broader than necessary to protect the privacy interest asserted.

The Judiciary Committee heard compelling testimony in a recent hearing about the tragic consequences of court secrecy in cases concerning defective products. We heard from Johnny Bradley, a Navy recruiter who tragically lost his wife in a car wreck that resulted from tread separation on a Cooper tire on his Ford Explorer. Mr. Bradley chose to buy Cooper tires in the wake of the Bridgestone/Firestone recall, believing that they would be safer. It was not until after the tragic death of his wife that he found out during litigation that Cooper had faced numerous similar incidents and had thousands of documents detailing design flaws and defects in the company's tires. The details from as many as 200 lawsuits against Cooper remained covered up through various protective orders, demanded by the tire company. As a result, vital information that could have saved Mr. Bradley's wife was not disclosed to the public. Mr. Bradley's story is just one example of the terrible consequences of court secrecy in cases involving products that pose health and safety risks.

Last December, Senator KOHL introduced the language contained in this amendment as the Sunshine in Litigation Act. I am a cosponsor of Senator KOHL's bill, and I support this amendment. In an environment where the administration is clearly not enforcing product safety regulations, we need to make sure that consumers have better access to information that affects their health and safety.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2663, a bill to reform the Consumer Product Safety Commission.
>
> Harry Reid, Charles E. Schumer, Russell D. Feingold, Bernard Sanders, Debbie Stabenow, Patrick J. Leahy, Jon Tester, Christopher J. Dodd, Edward M. Kennedy, Blanche L. Lincoln, Byron L. Dorgan, Richard Durbin, Mark L. Pryor, Jeff Bingaman, Amy Klobuchar, Kent Conrad.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PRYOR. Madam President, I ask unanimous consent that the Senate

proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING REPRESENTATIVE ALDO VAGNOZZI

Mr. LEVIN. Madam President, Representative Aldo Vagnozzi is a beloved figure in Michigan. He is one of those people who talks the talk, walks the walk, and does both to the great benefit of all of those who are fortunate enough to cross his path.

Aldo served in the U.S. Army during World War II as an interpreter in Italy, talking in English and Italian and rising to the rank of sergeant. He took advantage of the GI bill to finish his education at Wayne State University, graduating with a degree in journalism in 1948.

That same year, he married Lois Carl, beginning a 50-year marriage. They would raise two daughters and two sons, seven grandchildren, and two great-grandchildren.

As editor of several publications, including numerous labor newspapers, Aldo reported on and learned about Michigan's social and political environment and the workings of government. This understanding, along with his knack for making friends, would serve him and the State of Michigan well.

Aldo would later serve on the Farmington Hills City Council, the Farmington District School Board, the Farmington Area Parent-Teacher Association, and as the mayor of Farmington Hills. He has been actively involved in numerous community organizations.

In 2002, Aldo ran for election to the Michigan House of Representatives. He personally went door-to-door to 15,000 houses, walking over 900 miles including a 5-day, 70-mile walk from Farmington Hills to Lansing.

Term limits will keep Aldo from continuing his service in the House of Representatives after his current term ends this year, and he will be deeply missed by his colleagues and his constituents.

I salute my friend Aldo Vagnozzi for his years and years of service to Michigan, his indomitable spirit, and his remarkable ability to walk, talk, and sometimes do both while working for the people of Michigan.

I have lost track of the retirement parties I have been to for Aldo Vagnozzi. I am confident his next one won't be his last as he moves on to other endeavors.

NATIONAL PEACE CORPS WEEK

Mr. KYL. Madam President, last week marked the 47th anniversary of the founding of the U.S. Peace Corps. Since its inception in 1961, 190,000 Americans have served in 139 countries around the globe. Currently, 126 Arizonans are Peace Corps volunteers, dedicating their time and hard work to projects in 51 countries.

The Peace Corps is an organization through which many Americans have made meaningful service and have contributed to the well-being of peoples in other lands. A spirit of generosity and volunteerism helped build our Nation; in that same spirit, these Peace Corps volunteers are helping others to build theirs.

Peace Corps volunteers are also ambassadors of American culture—exchanging ideas and bridging cultural divides are critical to helping people understand America's values and message of freedom.

I would like to pass on my thanks and congratulations to those who have served in the Peace Corps, and I applaud their contributions to our Nation and nations abroad.

TRIBUTE TO CHRISTOPHER K. BRADISH

Mr. SPECTER. Madam President, I pay tribute to a very distinguished staffer in my office, Christopher K. Bradish, who serves as my legislative assistant for defense and foreign affairs issues.

Recently, the National Guard Association of the United States recognized Christopher's extraordinary work by presenting him with the Patrick Henry Award—the civilian counterpart to the National Guard Association of the United States Distinguished Service Medal. Created in 1989, the Patrick Henry Award provides recognition to local officials and civic leaders, who in a position of great responsibility distinguished themselves with outstanding and exceptional service to the Armed Forces of the United States, the National Guard, or the National Guard Association of the United States.

To fully comprehend the magnitude of this honor, it is important to note the criteria for the selection of the Patrick Henry Award. Superior performance of normal duty alone does not justify award of this honor. An individual must have provided exceptionally strong support for the National Guard such that the readiness and the future of the National Guard must have been positively impacted.

Christopher has provided a tremendous service to our Nation's military, as the United States continues to wage a war on terrorism in this post-9/11 era. Additionally, he has demonstrated a remarkable amount of enthusiasm for ensuring that the Armed Forces and National Guard have the readiness capabilities to defend our country. The assistance he has provided the National Guard will not be easily matched; however, for Christopher this level of dedication is par for the course.

I applaud the National Guard Association of the United States for recognizing Christopher's behind-the-scenes work to increase National Guard funding and champion projects of special interest to the Guard. Christopher also strives to provide the legislative tools necessary to give soldiers and airmen the best support available. He has worked hard on these issues—each time jumping in feet first, soaking up knowledge, and moving legislation forward in this often complicated process.

I urge my colleagues to join me today in commending Christopher K. Bradish for his receipt of the Patrick Henry Award and his leadership on behalf of the Armed Forces of the United States, the National Guard, and the National Guard Association of the United States.

UNITED NATIONS SECURITY COUNCIL SANCTIONS ON IRAN

Mr. SMITH. Madam President, I wish to speak on the latest round of United Nations Security Council sanctions on Iran.

This past Monday, the Security Council voted 14 to 0 to increase sanctions on Iran in response to its continued enrichment of uranium. I applaud the United Nations for pursuing the diplomacy necessary to avoid hostilities. The vote was another step on the long diplomatic path toward increasing stability in the Middle East, but more remains to be done. Among other measures, these sanctions are important in restricting the travel and freezing the assets of certain Iranian officials and banks. The U.N. is now following the American lead in taking action against banks like Bank Melli which are deeply involved financially with the Iranian Government and its nuclear program.

The near unanimity shown by members of the Security Council, including the five veto-holding countries, was a strong and unmistakable signal of the international community's condemnation of Iranian policies. That signal would be even stronger if the Security Council members—and Russia and China in particular—would take further economic measures, including against Iran's energy sector. These countries need to realize that a nuclear-armed Iran does not just threaten the United States or the West but indeed the entire Middle East, the nuclear nonproliferation regime, and potentially the world. The very idea of a nuclear Iran is chilling.

In March of last year, Senator DURBIN and I introduced the Iran Counter-Proliferation Act, a bill outlining steps the United States and its allies should take to prevent Iran from continuing its nuclear program. I am pleased that this legislation currently has 69 cosponsors, and the Bush administration has taken many of the measures I suggested. Other nations, particularly our

European allies, should follow the United States in using additional sanctions to supplement the actions of the Security Council. The international community particularly needs the cooperation of states which actively do business with Iran to draw down that business, in addition to holding key Iranian leaders personally responsible.

Some of the foreign countries which engage Iran economically have been cooperative in reducing the extent of that cooperation, like Germany, which is steadily decreasing the export credits granted to investments in Iran. Others have been far more recalcitrant, especially Russia, which continues to provide nuclear and military assistance to Tehran. This cooperation, under the circumstances, is unacceptable.

The diplomacy of the United States and the United Nations must continue to intensify until Iran verifiably agrees to forego its nuclear ambitions. Until that day, and until Iran's political leaders decide they have more to gain from cooperation than from conflict, the sanctions enacted today and others like them will continue.

EQUAL CARE FOR ARMED FORCES

Mr. SMITH. Mr. President, I rise today to speak to an important piece of legislation to secure equal care for members of the armed services who suffer from a mental illness. I am pleased to have my colleagues Senators EVAN BAYH and BILL NELSON joining me in this cause by serving as original cosponsors of this bill, the Travel Assistance for Family Members of our Troops Act of 2008.

There is no greater obligation than caring for those who have served this country through their military service. We would be remiss if we did not ensure that the health care of our heroes in arms is the finest medicine has to offer.

What we now refer to as post-traumatic stress disorder, PTSD, was once described as ''soldier's heart'' in the Civil War, ''shell shock'' in World War I, and ''combat fatigue'' in World War II. Whatever the name, they are serious mental illnesses and deserve equal attention and care as a physical wound.

In recent reports, we have heard that 20 to 40 service men and women are evacuated each month from Iraq due to mental health problems. In addition to those who are identified, there are many more who will return home after their service to face readjustment challenges. Some will need appropriate mental heath care to help them adjust back to ''normal'' life, while others will need medical assistance to heal more serious PTSD issues. Yet others will need help to mentally cope with their physical wounds.

So many of our veterans from previous conflicts, such as World War II and the Korean and Vietnam wars, needed similar programs once they returned home. Yet I fear that we didn't do enough to help them. With proper and early support systems in place, including support of their families, we can work to prevent the more serious and chronic mental health issues that come from a lack of intervention.

The legislation I am introducing today will provide support for family members of our uniformed service men and women receiving inpatient treatment for serious psychiatric conditions. Right now, the Department of Defense does not classify Active-Duty servicemembers receiving treatment for mental illnesses as ''Very Seriously Ill'' or ''Seriously Ill.''

Therefore, under current policy, family members are not eligible to receive the same travel allowances as patients being treated for physical injuries.

This bill will eliminate the current disparity in treatment against our country's men and woman who are bravely serving in the armed services. We have already taken legislative steps through the Defense reauthorization bill to begin to address needed improvements in the quality of health care, both from mental and physical injuries. This bill is another important piece in that process.

Travel Assistance for Family Members of our Troops Act of 2008 ensures that patients with serious mental impairments can spend time with their family—the same treatment we currently are providing to patients with physical injuries requiring inpatient care.

We urge our colleagues to support this important piece of legislation.

ADDITIONAL STATEMENTS

RECOGNIZING THE MINNEAPOLIS EMERGENCY COMMUNICATIONS CENTER

• Ms. KLOBUCHAR. Madam President, I wish to recognize the Minneapolis Emergency Communications Center, which is being honored today as the Nation's Outstanding Call Center.

Too often, the exceptional work and service that 9–1–1 call centers and workers perform every day across America goes unrecognized.

Before I came to Washington, I served as the chief prosecutor for Hennepin County, Minnesota's largest county, for 8 years. During that time, I saw firsthand the critical contributions 9–1–1 call centers make to public safety on a daily basis—helping to save lives and bring criminals to justice—and gained an unending appreciation for their work.

Today, I wish to thank all 9–1–1 operators for all they do to keep our communities safe—for coordinating the response to each and every emergency, and for doing it all with composure and compassion, and never with complaint.

But today is a special honor for the Minneapolis Emergency Communications Center, now recognized as the Outstanding Call Center of 2007 for its response to the tragic I–35W bridge collapse in August of 2007.

I would like to congratulate and thank director John Dejung, deputy director Heather Hunt, and each of the 77 call center agents involved in the response.

In the minutes and hours following the bridge collapse, the response of Minnesota's fire fighters, police, and other emergency personnel was extraordinary. One of the most enduring images of the response is that of brave young firefighter Shanna Hansen who, with a rope tied around her waist, kept diving down into the depths of the Mississippi to search for any survivors.

What wasn't seen was how the Minneapolis Emergency Communications Center directed the response. Under the most difficult of circumstance, center personnel produced the very best of results and no doubt saved lives. The entire Nation saw Minnesota's finest on display in those first few hours after the collapse, and it was made possible by the 9–1–1 responders we are honoring today and their colleagues in Minneapolis.

So it is with great pride that I congratulate the Minneapolis Emergency Communications Center for this well-deserved award of Outstanding Call Center of 2007.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 816. An act to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project.

H.R. 1143. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 1311. An act to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes.

H.R. 1922. An act to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.

H.R. 3111. An act to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

H.R. 3473. An act to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes.

H.R. 5137. An act to ensure that hunting remains a purpose of the New River Gorge National River.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 816. An act to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Energy and Natural Resources.

H.R. 1143. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1311. An act to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes, to the Committee on Energy and Natural Resources.

H.R. 3111. An act to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

H. R. 3473. An act to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5137. An act to ensure that hunting remains a purpose of the New River Gorge National River; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2709. A bill to increase the criminal penalties for illegally reentering the United States and for other purposes.

S. 2710. A bill to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a ''no match'' notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

S. 2711. A bill to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes.

S. 2712. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S. 2713. A bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 2714. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorists activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 2715. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2716. A bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Departments of Homeland Security, and for other purposes.

S. 2717. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2718. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2719. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2720. A bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

S. 2721. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 2722. A bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5299. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerances and Time-Limited Pesticide Tolerances'' (FRL No. 8352–2) received on February 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5300. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetic Acid; Pesticide Tolerance'' (FRL No. 8350–8) received on February 28, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5301. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, its semiannual report relative to monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

EC–5302. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to funds provided for Federal-aid highway and safety construction programs; to the Committee on Commerce, Science, and Transportation.

EC–5303. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program for military personnel; to the Committee on Commerce, Science, and Transportation.

EC–5304. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 8530–7) received on February 28, 2008; to the Committee on Environment and Public Works.

EC–5305. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio'' (FRL No. 8533–8) received on February 28, 2008; to the Committee on Environment and Public Works.

EC–5306. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 8535–9) received on February 28, 2008; to the Committee on Environment and Public Works.

EC–5307. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction'' (FRL No. 8536–6) received on February 28, 2008; to the Committee on Environment and Public Works.

EC–5308. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Allentown-Bethlehem-Easton 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory'' (FRL No. 8536–5) received on February 28, 2008; to the Committee on Environment and Public Works.

EC–5309. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NOx RACT Determinations for Merck and Co., Inc.'' (FRL No. 8536–4) received on February 28, 2008; to the Committee on Environment and Public Works.

EC–5310. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Delegated Authority to Order Use of Procedures for Access to Certain Sensitive Unclassified Information'' (RIN3150–AI32) received

on February 28, 2008; to the Committee on Environment and Public Works.

EC–5311. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fuel Cell Motor Vehicle Credit'' (Notice 2008–33) received on February 28, 2008; to the Committee on Finance.

EC–5312. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Closing Agreement Program for Issuers of Tax-Exempt Bonds and Tax Credit Bonds'' (Notice 2008–31) received on February 27, 2008; to the Committee on Finance.

EC–5313. A communication from the Assistant Secretary for Import Administration, Foreign-Trade Zones Board, Department of Commerce, transmitting, pursuant to law, an annual report relative to the Board's activities for fiscal year 2006; to the Committee on Finance.

EC–5314. A communication from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Mine Rescue Teams'' (RIN1219–AB53) received on February 28, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5315. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Services Block Grant Act Discretionary Activities; to the Committee on Health, Education, Labor, and Pensions.

EC–5316. A communication from the White House Liaison, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Attorney General, received on February 27, 2008; to the Committee on the Judiciary.

EC–5317. A communication from the Director, Department of Homeland Security, transmitting, pursuant to law, the Annual Report of Citizenship and Immigration Services for fiscal year 2007; to the Committee on the Judiciary.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources. *J. Gregory Copeland, of Texas, to be General Counsel of the Department of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE:

S. 2703. A bill to reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself and Mr. CRAPO):

S. 2704. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. INHOFE, Mr. OBAMA, Mr. LIEBERMAN, Mr. BIDEN, Mr. REED, Ms. MIKULSKI, Ms. COLLINS, Mr. MENENDEZ, Mrs. DOLE, and Mr. INOUYE):

S. 2705. A bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes; to the Committee on Armed Services.

By Mr. DORGAN:

S. 2706. A bill to impose a limitation on lifetime aggregate limits imposed by health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARDIN (for himself, Mr. BIDEN, Mr. CARPER, Mr. CASEY, Ms. MIKULSKI, Mr. SPECTER, Mr. WARNER, and Mr. WEBB):

S. 2707. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 2708. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 2709. A bill to increase the criminal penalties for illegally reentering the United States and for other purposes; read the first time.

By Mr. SESSIONS:

S. 2710. A bill to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a ''no match'' notice as evidence that the employer violated section 274A of the Immigration and Nationality Act; read the first time.

By Mr. SESSIONS:

S. 2711. A bill to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes; read the first time.

By Mr. DEMINT:

S. 2712. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes; read the first time.

By Mr. VITTER:

S. 2713. A bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; read the first time.

By Mr. VITTER:

S. 2714. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorists activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes; read the first time.

By Mr. INHOFE:

S. 2715. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes; read the first time.

By Mr. DOMENICI:

S. 2716. A bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Departments of Homeland Security, and for other purposes; read the first time.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 2717. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes; read the first time.

By Mr. BARRASSO (for himself, Mr. ENZI, and Mr. VITTER):

S. 2718. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals; read the first time.

By Mrs. DOLE:

S. 2719. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; read the first time.

By Mr. SPECTER:

S. 2720. A bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country; read the first time.

By Mr. ALEXANDER:

S. 2721. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; read the first time.

By Mrs. DOLE:

S. 2722. A bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits; read the first time.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. DODD, Mr. OBAMA, Mr. HARKIN, Mrs. CLINTON, Ms. CANTWELL, Mr. BIDEN, Mr. REED, Mrs. FEINSTEIN, Mr. SANDERS, Mr. TESTER, and Mr. STEVENS):

S.J. Res. 28. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mr. LEVIN, and Mr. VOINOVICH):

S. Res. 473. A resolution designating March 26, 2008, as ''National Support the Troops and Their Families Day'' and encouraging the people of the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad, as well as

the sacrifices of their families; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. CHAMBLISS, Mr. DOMENICI, Mr. CASEY, Mr. KERRY, Mr. SANDERS, Mr. DURBIN, and Mr. DODD):

S. Res. 474. A resolution expressing the sense of the Senate that providing breakfast in schools through the National School Breakfast Program has a positive impact on the lives and classroom performance of low-income children; considered and agreed to.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. MCCONNELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 12, a bill to promote home ownership, manufacturing, and economic growth.

S. 22

At the request of Mr. WEBB, the names of the Senator from Florida (Mr. NELSON), the Senator from Oregon (Mr. SMITH), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 329

At the request of Mr. CRAPO, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 394

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of Medicare coverage of medical nutrition therapy services.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1390

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1390, a bill to provide for the issuance of a ''forever stamp'' to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 1430

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1576

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1693

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1693, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1853

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1853, a bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2243, a bill to strongly encourage the

Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2421

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2421, a bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated.

S. 2439

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2439, a bill to require the National Incident Based Reporting System, the Uniform Crime Reporting Program, and the Law Enforcement National Data Exchange Program to list cruelty to animals as a separate offense category.

S. 2458

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2458, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a competitive Federal matching grant program.

S. 2460

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2606

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2639

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. RES. 455

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 455, a resolution calling for peace in Darfur.

S. RES. 459

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 459, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to extend invitations for membership to Albania, Croatia, and Macedonia at the April 2008 Bucharest Summit, and for other purposes.

AMENDMENT NO. 4088

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 4088 intended to be proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

AMENDMENT NO. 4093

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 4093 intended to be proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

AMENDMENT NO. 4105

At the request of Ms. KLOBUCHAR, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4105 proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4105 proposed to S. 2663, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2716. A bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes; read the first time.

Mr. DOMENICI Mr. President, I rise today to introduce a bill that builds upon border security successes achieved as part of Operation Jump Start by continuing that effort and allowing Governors to use their respective State's National Guard units for border activities in support of U.S. Customs and Border Protection, CBP.

As a border State Senator, I know firsthand the need to secure our international borders because every day I hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders, and the status quo is not acceptable.

I also know firsthand the improvements in border security we have made over the past few years. One of those successes has come in the form of Operation Jumpstart, which was an initiative begun in the summer of 2006 to allow National Guardsmen from across America to deploy to the southwest border in support of CBP. This program proved successful almost immediately. During the summer of 2006, Border Patrol agents apprehended more than 2,500 illegal immigrants in about 6 weeks with the support of National Guardsmen. Tens of thousands of pounds of illegal drugs were seized during the same time period.

The program is also beneficial to the National Guard. Deploying as part of Operation Jumpstart has allowed these men and women to gain valuable training in areas including construction, vehicle maintenance, technology support, aviation support, intelligence support, surveillance and reconnaissance support, and intelligence analysis.

Despite these successes, Operation Jumpstart is being phased out; there are fewer National Guardsmen on the border today than there were a year ago. I believe to phase out this mutually beneficial work between CBP and the National Guard is a mistake, and National Guardsmen should be able to continue helping to secure our border.

For that reason, I am introducing legislation that addresses this need in two ways. First, the bill calls for the continuation of Operation Jumpstart at its initial level of 6,000 guardsmen on the southwest border until we have control of that border. Second, the bill expands existing Federal law that allows Governors to utilize their State's guardsmen for drug interdiction and counterdrug activities to allow Governors to also utilize their State's guardsmen for border control activities, including constructing roads,

fences, and vehicle barriers, conducting search and rescue missions, gathering intelligence, repairing infrastructure, and otherwise supporting CBP. The legislation provides that in order to utilize guardsmen for border activities, Governors must submit plans to the Secretary of Defense regarding the use of the Guard, and the plans must be approved by the Secretary of Defense in consultation with the Secretary of Homeland Security. Additionally, the Secretary of Defense would be required to submit an annual report to Congress regarding the activities carried out as part of this work under my bill.

Mr. President, I believe our National Guardsmen are an invaluable asset in securing our borders, and I believe guardsmen should be able to continue working on the border.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 473—DESIGNATING MARCH 26, 2008, AS ''NATIONAL SUPPORT THE TROOPS AND THEIR FAMILIES DAY'' AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD, AS WELL AS THE SACRIFICES OF THEIR FAMILIES

Ms. STABENOW (for herself, Mr. LEVIN, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 473

Whereas it was through the brave and noble efforts of the Nation's forefathers that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,500,000 active and reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all Americans cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of their fellow Americans for putting their lives in danger for the sake of the freedoms enjoyed by all Americans;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of Americans;

Whereas the families of our Nation's troops have made great sacrifices and deserve the support of all Americans;

Whereas all Americans should participate in a moment of silence to support the troops and their families; and

Whereas March 26th, 2008, is designated as ''National Support Our Troops and Their Families Day'': Now, therefore, be it

Resolved, That—

(1) the Senate designates March 26, 2008, as ''National Support the Troops and Their Families Day''; and

(2) it is the sense of the Senate that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad, as well as their families.

SENATE RESOLUTION 474—EXPRESSING THE SENSE OF THE SENATE THAT PROVIDING BREAKFAST IN SCHOOLS THROUGH THE NATIONAL SCHOOL BREAKFAST PROGRAM HAS A POSITIVE IMPACT ON THE LIVES AND CLASSROOM PERFORMANCE OF LOW-INCOME CHILDREN

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. CHAMBLISS, Mr. DOMENICI, Mr. CASEY, Mr. KERRY, Mr. SANDERS, Mr. DURBIN, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 474

Whereas participants in the National School Breakfast Program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools, as well as schools in rural, suburban, and urban areas;

Whereas access to nutrition programs such as the National School Lunch Program and the National School Breakfast Program helps to create a stronger learning environment for children and improves children's concentration in the classroom;

Whereas missing breakfast and the resulting hunger has been shown to harm the ability of children to learn and hinders academic performance;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and to work faster in math exercises than those who eat a partial breakfast;

Whereas implementing or improving classroom breakfast programs has been shown to increase breakfast consumption among eligible students dramatically, doubling and in some cases tripling numbers of participants in school breakfast programs, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing absences, tardiness, and disciplinary referrals;

Whereas studies suggest that eating breakfast closer to the time students arrive in the classroom and take tests improves the students' performance on standardized tests;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger are likely to have lower math scores, receive more special education services, and face an increased likelihood of repeating a grade;

Whereas making breakfast widely available in different venues or in a combination of venues, such as by providing breakfast in the classroom, in the hallways outside classrooms, or to students as they exit their school buses, has been shown to lessen the stigma of receiving free or reduced-price school breakfasts, which sometimes prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas, in fiscal year 2006, 7,700,000 students in the United States consumed free or reduced-price school breakfasts provided under the National School Breakfast Program;

Whereas less than half of the low-income students who participate in the National School Lunch Program also participate in the National School Breakfast Program;

Whereas almost 17,000 schools that participate in the National School Lunch Program do not participate in the National School Breakfast Program;

Whereas studies suggest that children who eat breakfast take in more nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast; and

Whereas children who do not eat breakfast, either in school or at home, are more likely to be overweight than children who eat a healthy breakfast on a daily basis: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the National School Breakfast Program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the positive impact of the Program on the lives of low-income children and families and on children's overall classroom performance;

(2) expresses strong support for States that have successfully implemented school breakfast programs in order to alleviate hunger and improve the test scores and grades of participating students;

(3) encourages all States to strengthen their school breakfast programs, provide incentives for the expansion of school breakfast programs, and promote improvements in the nutritional quality of breakfasts served; and

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4108. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

SA 4109. Mr. CASEY (for himself, Mr. BROWN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4110. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4111. Mr. KOHL (for himself, Mr. GRAHAM, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4112. Mrs. BOXER (for herself, Mr. COLEMAN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4113. Mr. REID (for Mr. OBAMA (for himself and Mr. CARDIN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4114. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4115. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4116. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4117. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4118. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4119. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4120. Ms. LANDRIEU (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4121. Mr. BUNNING (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4122. Mr. DORGAN proposed an amendment to the bill S. 2663, supra.

SA 4123. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4124. Mr. DEMINT proposed an amendment to the bill S. 2663, supra.

SA 4125. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4126. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. CARDIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4127. Mrs. BOXER (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4128. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4129. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4130. Mr. NELSON of Florida (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4131. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4132. Mr. BROWN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4133. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4108. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 63, strike line 6 and all that follows through page 64, line 6, and insert the following:

in an amount not to exceed $15,000 for costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $15,000, to be paid by the complainant.

''(4)(A) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B).

''(B) In an action brought under subparagraph (A), the court may grant injunctive relief and compensatory damages to the complainant. The court may also grant any other monetary relief to the complainant available at law or equity, not exceeding a total amount of $50,000, including consequential damages, reasonable attorneys and expert witness fees, court costs, and punitive damages.

''(C) If the court finds that an action brought under subparagraph (A) is frivolous or has been brought in bad faith, the court may award to the prevailing employer a reasonable attorneys' fee, not exceeding $15,000, to be paid by the complainant.

SA 4109. Mr. CASEY (for himself, Mr. BROWN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 103, after line 12, add the following:

SEC. 40. CONSUMER PRODUCT SAFETY STANDARDS USE OF FORMALDEHYDE IN TEXTILE AND APPAREL ARTICLES.

(a) STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

(b) CONSUMER PRODUCT SAFETY STANDARD.—Not later than 3 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe a consumer product safety standard under section 7(a) of the Consumer Product Safety Act (15 U.S.C. 2056(a)) with respect to textile and apparel articles, and components of such articles, in which formaldehyde was used in the manufacture thereof.

(c) RULE TO ESTABLISH TESTING PROGRAM.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall prescribe under section 14(b) of such Act (15 U.S.C. 2063(b)) a reasonable testing program for textile and apparel articles, and components of such articles, in which formaldehyde was used in the manufacture thereof.

(2) INDEPENDENT THIRD PARTY.—In prescribing the testing program under paragraph (1), the Consumer Product Safety Commission shall require, as a condition of receiving certification under subsection (a) of section 14 of such Act (15 U.S.C. 2063), that such articles or components are tested by an independent third party qualified to perform such testing program in accordance with the rules promulgated under subsection (d) of such section, as added by section 10(c) of this Act.

(d) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) protects consumers from risks of illness or injury caused by the use of hazardous substances in the manufacture of textile and apparel articles, or components of such articles; and

(2) provides a greater degree of such protection than that provided under this section.

(e) SENSE OF THE CONGRESS.—Congress finds that:

(1) Formaldehyde has been a known health risk since the 1960s;

(2) As international trade in textiles has grown a number of countries have recently recalled a number of textile products for excessive levels of formaldehyde; and

(3) The Federal Emergency Management Agency and the Centers for Disease Control released formaldehyde testing results from trailers in Louisiana and Mississippi on February 14, 2008:

(A) Results of these tests showed levels of toxic formaldehyde that were on average five times as high as normal;

(B) Formaldehyde in textiles is a known contributor to increased indoor air concentrations of formaldehyde; and

(C) The Centers for Disease Control has recommended residents of the 2005 hurricanes living in Federal Emergency Management Agency trailers immediately move out due to health concerns.

SA 4110. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and

for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON CIVIL PENALTIES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study to assess the amount of civil penalties imposed and authorized to be imposed pursuant to the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and other Federal regulatory laws.

(b) FEDERAL REGULATORY LAWS DEFINED.—In this section, the term ''Federal regulatory laws'' means Federal laws designed to protect the safety of the public, including the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), chapter 301 of title 49, United States Code (relating to motor vehicle safety), the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and laws relating to environmental protection.

(c) CONTENTS.—The study required under subsection (a) shall—

(1) compare and assess—

(A) the maximum amount of civil penalties that may be imposed pursuant to the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and other Federal regulatory laws;

(B) the actual amount of penalties imposed by Federal agencies pursuant to the Consumer Product Safety Act and other Federal regulatory laws; and

(C) the costs to manufacturers and other persons of complying with the Consumer Product Safety Act, other Federal regulatory laws, and regulations promulgated pursuant to such Act and laws, including costs associated with recalls of products; and

(2) include recommendations regarding the amount of civil penalties appropriate to further the purposes of the Consumer Product Safety Act and other Federal regulatory laws, considering—

(A) the deterrent effect of civil penalties; and

(B) the actual and potential burdens of civil penalties on large and small businesses.

(d) SUBMISSION TO CONGRESS.—The Comptroller General of the United States shall submit the study required under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 1 year after the date of the enactment of this Act.

SA 4111. Mr. KOHL (for himself, Mr. GRAHAM, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 40. SUNSHINE IN LITIGATION.

(a) SHORT TITLE.—This section may be cited as the ''Sunshine in Litigation Act of 2008''.

(b) RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.—

(1) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

''§ 1660. Restrictions on protective orders and sealing of cases and settlements

''(a)(1) A court shall not enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case unless the court has made findings of fact that—

''(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

''(B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

''(2) No order entered in accordance with paragraph (1), other than an order approving a settlement agreement, shall continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) have been met.

''(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

''(4) This section shall apply even if an order under paragraph (1) is requested—

''(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

''(B) by application pursuant to the stipulation of the parties.

''(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

''(B) No party shall request, as a condition for the production of discovery, that another party stipulate to an order that would violate this section.

''(b)(1) A court shall not approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order subject to subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

''(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

''(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement described under subsection (a)(1) between or among parties that prohibits 1 or more parties from—

''(A) disclosing that a settlement was reached or the terms of such settlement, other than the amount of money paid; or

''(B) discussing a case, or evidence produced in the case, that involves matters related to public health or safety.

''(2) Paragraph (1) does not apply if the court has made findings of fact that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information.

''(d) When weighing the interest in maintaining confidentiality under this section, there shall be a rebuttable presumption that the interest in protecting personally identifiable information relating to financial, health or other similar information of an individual outweighs the public interest in disclosure.

''(e) Nothing in this section shall be construed to permit, require, or authorize the disclosure of classified information (as defined under section 1 of the Classified Information Procedures Act (18 U.S.C. App.)).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

''1660. Restrictions on protective orders and sealing of cases and settlements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

SA 4112. Mrs. BOXER (for herself, Mr. COLEMAN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 2, insert ''that provides a direct means of purchase'' before ''posted by a manufacturer''.

SA 4113. Mr. REID (for Mr. OBAMA (for himself and Mr. CARDIN)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, insert the following:

SEC. 40. REQUIREMENTS FOR RECALL NOTICES.

(a) IN GENERAL.—Section 15 (15 U.S.C. 2064) is amended by adding at the end the following:

''(i) REQUIREMENTS FOR RECALL NOTICES.—

''(1) IN GENERAL.—If the Commission determines that a product distributed in commerce presents a substantial product hazard and that action under subsection (d) is in the public interest, the Commission may order the manufacturer or any distributor or retailer of the product to distribute notice of the action to the public. The notice shall include the following:

''(A) A description of the product, including—

''(i) the model number or stock keeping unit (SKU) number of the product;

''(ii) the names by which the product is commonly known; and

''(iii) a photograph of the product.

''(B) A description of the action being taken with respect to the product.

''(C) The number of units of the product with respect to which the action is being taken.

''(D) A description of the substantial product hazard and the reasons for the action.

''(E) An identification of the manufacturers, importers, distributers, and retailers of the product.

''(F) The locations where, and Internet websites from which, the product was sold.

''(G) The name and location of the factory at which the product was produced.

''(H) The dates between which the product was manufactured and sold.

''(I) The number and a description of any injuries or deaths associated with the product, the ages of any individuals injured or killed, and the dates on which the Commission received information about such injuries or deaths.

''(J) A description of—

''(i) any remedy available to a consumer;

''(ii) any action a consumer must take to obtain a remedy; and

''(iii) any information a consumer needs to take to obtain a remedy or information about a remedy, such as mailing addresses, telephone numbers, fax numbers, and email addresses.

''(K) Any other information the Commission determines necessary.

''(2) NOTICES IN LANGUAGES OTHER THAN ENGLISH.—The Commission may require a notice described in paragraph (1) to be distributed in a language other than English if the Commission determines that doing so is necessary to adequately protect the public.''.

(b) PUBLICATION OF INFORMATION ON RECALLED PRODUCTS.—Beginning not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall make the following information available to the public as the information becomes available to the Commission:

(1) Progress reports and incident updates with respect to action plans implemented under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

(2) Statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c) of the Consumer Product Safety Act (15 U.S.C. 2064(c)).

(3) The number and type of communication from consumers to the Commission with respect to each product with respect to which the Commission takes action under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

SA 4114. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. STUDY AND REPORT ON EFFECTIVENESS OF AUTHORITIES RELATING TO SAFETY OF IMPORTED CONSUMER PRODUCTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the authorities and provisions of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to assess the effectiveness of such authorities and provisions in preventing unsafe consumer products from entering the customs territory of the United States;

(2) develop a plan to improve the effectiveness of the Consumer Product Safety Commission in preventing unsafe consumer products from entering such customs territory; and

(3) submit to Congress a report on the findings of the Comptroller General with respect to paragraphs (1) through (3), including legislative recommendations related to—

(A) inspection of foreign manufacturing plants by the Consumer Product Safety Commission; and

(B) requiring foreign manufacturers to consent to the jurisdiction of United States courts with respect to enforcement actions by the Consumer Product Safety Commission.

SA 4115 Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 61, lines 11 and 23, insert the word ''substantial'' before ''contributing factor''.

At page 61, line 17, and at page 62, line 2, strike ''clear and convincing evidence'' and insert ''a preponderance of the evidence''.

SA 4116. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 58, insert between lines 7 and 8 the following:

''(h) If private counsel is retained to assist in any civil action under subsection (a), the State may not demand or receive discovery of information that is protected by the attorney-client privilege, unless a private party would be able to obtain discovery of the same information in a comparable private civil action.''

SA 4117. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 64, line 6, and at page 65, line 17, insert after the period the following:

''If the court finds that no genuine issue of fact or law exists with regard to a claim asserted pursuant to this paragraph that would allow a reasonable juror to find in favor of the party presenting the claim, the court shall award to the prevailing party 30 percent of the reasonable attorney's fees that were incurred by the prevailing party in connection with that claim.''

SA 4118. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At page 58, line 7, insert before the quotation mark the following:

''If private counsel is retained in any civil action under subsection (a), the court shall review the fees proposed to be paid to the private counsel and shall limit those fees to an amount that is reasonable in light of the hours of work actually performed by the private counsel and the risk of nonpayment of fees assumed by that counsel when he agreed to represent the party. The court may, as appropriate, retain the services of an independent accounting firm to assist the court in conducting a review under this subsection.''

SA 4119. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 9 and 10, insert the following:

(c) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) IN GENERAL.—If new recall notification technology becomes available and the Consumer Product Safety Commission determines that such new recall notification technology is at least as effective as the use of consumer registration forms, then the Commission shall inform the public of its findings, report to Congress, and shall allow manufacturers that utilize such new recall technology as an alternative means of fulfilling the requirements of subsection (c). The Commission shall make a determination as to the effectiveness of such new recall notification technology after a minimum of 6 months, but no more than 1 year of testing or empirical study or a combination thereof and shall issue its determination no later than 1 year after conclusion of such testing or empirical study.

(2) REGULATIONS.—The Commission shall prescribe regulations to carry out this subsection.

SA 4120. Ms. LANDRIEU (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 9 and 10, insert the following:

(c) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) IN GENERAL.—If the Commission determines that a recall notification technology can be used by a manufacturer of durable infant or toddler products and such technology is as effective or more effective in facilitating recalls of durable infant or toddler products as the registration forms required by subsection (a)—

(A) the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such determination; and

(B) a manufacturer of durable infant or toddler products that uses such technology in lieu of such registration forms to facilitate recalls of durable infant or toddler products shall be considered in compliance with the regulations promulgated under such subsection with respect to subparagraphs (A) and (B) of paragraph (1) of such subsection.

(2) STUDY AND REPORT.—Not later than 1 year after the date of the enactment of this Act and periodically thereafter as the Commission considers appropriate, the Commission shall—

(A) for a period of not less than 6 months and not more than 1 year—

(i) conduct a review of recall notification technology; and

(ii) assess, through testing and empirical study, the effectiveness of such technology in facilitating recalls of durable infant or toddler products; and

(B) submit to the committees described in paragraph (1)(A) a report on the review and assessment required by subparagraph (A).

(3) REGULATIONS.—The Commission shall prescribe regulations to carry out this subsection.

SA 4121. Mr. BUNNING (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—EXCHANGE RATES

SEC. ____01. SHORT TITLE.

This title may be cited as the ''China Currency Manipulation Act of 2008''.

SEC. ____02. FINDINGS.

Congress makes the following findings:

(1) The People's Republic of China has a material global current account surplus.

(2) The People's Republic of China has, since 2000, accumulated a current account surplus with the United States of approximately $1,200,000,000,000, twice the size of the current account surplus of any other United States trade partner.

(3) The People's Republic of China has engaged in protracted large-scale intervention in currency markets, thereby subsidizing Chinese-made products and erecting a formidable nontariff barrier to trade to United States exports to the People's Republic of China, in contravention of the spirit and intent of the General Agreement on Tariffs and Trade and the Articles of Agreement of the International Monetary Fund.

SEC. ____03. ACTION TO ACHIEVE FAIR CURRENCY.

(a) DETERMINATION.—Notwithstanding any other provision of law, the Secretary of the Treasury shall make an affirmative determination that the People's Republic of China is manipulating its currency within the meaning of section 3004(b) of the Exchange Rates and International Economic Policies Coordination Act of 1988 (22 U.S.C. 5304(b)) and take the action described in subsections (b), (c), and (d).

(b) ACTION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this Act, establish a plan of action to remedy currency manipulation by the People's Republic of China, and submit a report regarding that plan, to the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate and the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(2) BENCHMARKS.—The report described in paragraph (1) shall include specific benchmarks and timeframes for correcting the currency manipulation.

(c) INITIAL NEGOTIATIONS.—The Secretary shall initiate, on an expedited basis, bilateral negotiations with the People's Republic of China for the purpose of ensuring that the country regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payment adjustments and to eliminate the unfair competitive advantage.

(d) COORDINATION WITH THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall, not later than 30 days after the date of the enactment of this Act, instruct the Executive Director to the International Monetary Fund to use the voice and vote of the United States, including requesting consultations under Article IV of the Articles of Agreement of the International Monetary Fund, for the purpose of ensuring the People's Republic of China regularly and promptly adjusts the rate of exchange between its currency and the United States dollar to permit effective balance of payments adjustments and to eliminate the unfair competitive advantage in trade.

SA 4122. Mr. DORGAN proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 25, beginning with line 21, strike through line 13 on page 29 and insert the following:

''(3) THIRD PARTY LABORATORY.—

''(A) IN GENERAL.—The term 'third party laboratory' means a testing entity that—

''(i) is designated by the Commission, or by an independent standard-setting organization to which the Commission qualifies as capable of making such a designation, as a testing laboratory that is competent to test products for compliance with applicable safety standards under this Act and other Acts enforced by the Commission; and

''(ii) is a non-governmental entity that is not owned, managed, or controlled by the manufacturer or private labeler.

''(B) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations) meets the requirements of subparagraph (A)(ii) with respect to the certification of art material and art products required under this section or by regulations issued under the Federal Hazardous Substances Act.

''(C) PROVISIONAL CERTIFICATION.—

''(i) IN GENERAL.—Upon application made to the Commission less than 1 year after the date of enactment of the CPSC Reform Act, the Commission may provide provisional certification of a laboratory described in subparagraph (A) of this paragraph upon a showing that the laboratory—

''(I) is certified under laboratory testing certification procedures established by an independent standard-setting organization; or

''(II) provides consumer safety protection that is equal to or greater than that which would be provided by use of an independent third party laboratory.

''(ii) DEADLINE.—The Commission shall grant or deny any such application within 45 days after receiving the completed application.

''(iii) EXPIRATION.—Any such certification shall expire 90 days after the date on which the Commission publishes final rules under subsections (a)(2) and (d).

''(iv) ANTI-GAP PROVISION.—Within 45 days after receiving a complete application for certification under the final rule prescribed under subsections (a)(2) and (d) of this section from a laboratory provisionally certified under this subparagraph, the Commission shall grant or deny the application if the application is received by the Commission no later than 45 days after the date on which the Commission publishes such final rule.

''(D) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify a third party laboratory if it finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

SA 4123. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 17 and 18, insert the following:

''(8) Notwithstanding paragraphs (1) through (7), a Federal employee shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of this section.

SA 4124. Mr. DEMINT proposed an amendment to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

Beginning on page 85, strike line 22 and all that follows through page 86, line 8.

SA 4125. Mr. CORBIN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLICLY AVAILABLE DATABASE OF TRIAL LAWYERS WINDFALL PROFITS.

Section 6 (15 U.S.C. 2055) is amended by adding at the end the following new subsections:

''(f) PUBLICLY AVAILABLE DATABASE OF TRIAL LAWYERS WINDFALL PROFITS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the CPSC Reform Act, the Commission shall establish and maintain a publicly available searchable database accessible on the Commission's web site that includes information about all civil actions filed after the date of the enactment of this Act with respect to consumer products. The database shall include, with respect to each such civil action—

''(A) the identity of each law firm or attorney representing the parties to such action;

''(B) information on lawyer's fees, rates, and the retainer received by the Commission from—

''(i) lawyers, union members, teamsters, and lobbyists; and

''(ii) Federal, State, and local government agencies; and

''(C) the amount of any damages, fees, or other compensation awarded, including a breakdown of the disbursement of such damages, fees, or other compensation to the parties to the action and each law firm or attorney representing such parties.

''(2) ORGANIZATION OF DATABASE.—The Commission shall categorize the information available on the database by date, civil action, representing law firm or attorney, and any other category the Commission determines to be in the public interest.

''(3) TIMING.—The Commission shall include in the database the information referred to in paragraph (1) not later than 15 days after such information becomes available to the Commission.

''(4) APPLICATION WITH CONSUMER PRODUCT SAFETY DATABASE.—If a civil action reported in the database pertains to information reported in the database maintained under subsection (b)(9), the results of the action shall be included together with such report on such database.

''(g) FUNDING FOR DATABASES.—The databases established and maintained under subsections (b) and (f) shall be funded solely through amounts deposited into the CPSC Database Maintenance Fund established under section ___ of the CPSC Reform Act.''.

SEC. ___. CPSC DATABASE MAINTENANCE FUND.

(a) ESTABLISHMENT AND ADMINISTRATION.—The Secretary of the Treasury shall establish a special account in the Treasury of the United States to be known as the CPSC Database Maintenance Fund (in this section referred to as the ''Fund''). The Fund shall be administered by the Consumer Product Safety Commission.

(b) USE OF FUND.—The Commission shall use the assets of the Fund only for the purpose of establishing and maintaining the consumer product safety database and the civil action fees and awards database under subsections (b) and (f), respectively, of section 6 of the Consumer Product Safety Act (15 U.S.C. 2055), as added by section 7(14) and section ___, respectively, of this Act.

(c) DEPOSITS.—There shall be deposited into the Fund 1 percent of all costs and fees awarded to attorneys generals with respect to civil actions under section 26A(g) of the Consumer Product Safety Act, as added by section 20(a) of this Act.

(d) AVAILABILITY.—Amounts deposited under subsection (c) shall constitute the assets of the Fund and remain available until expended.

SA 4126. Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. CARDIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. PERCHLORATE MONITORING AND RIGHT-TO-KNOW.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) perchlorate—

(i) is a chemical used as the primary ingredient of solid rocket propellant; and

(ii) is also used in fireworks, road flares, and other applications;

(B) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(C) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(D) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(E) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(F) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(G) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(H)(i) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(ii) in adults, the thyroid helps to regulate metabolism;

(iii) in children, the thyroid helps to ensure proper mental and physical development; and

(iv) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(I)(i) in October 2006, researchers from the Centers for Disease Control and Prevention published the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(I) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(II) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(ii) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in clause (i);

(J) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a ''Drinking Water Equivalent Level'' of 24.5 parts per billion for perchlorate, which—

(i) does not take into consideration all routes of exposure to perchlorate;

(ii) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain pregnant women and fetuses, infants, and children; and

(iii) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found;

(K) on August 22, 2005 (70 Fed. Reg. 49094), the Administrator proposed to extend the requirement that perchlorate be monitored in drinking water under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' promulgated pursuant to section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)); and

(L) on December 20, 2006, the Administrator signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' (72 Fed. Reg. 368 (January 4, 2007)).

(2) PURPOSE.—The purpose of this section is to require the Administrator of the Environmental Protection Agency—

(A) to establish, not later than 90 days after the date of enactment of this Act, a health advisory that—

(i) is fully protective of, and considers, the body weight and exposure patterns of pregnant women, fetuses, newborns, and children;

(ii) provides an adequate margin of safety; and

(iii) takes into account all routes of exposure to perchlorate;

(B) to promulgate, not later than 120 days after the date of enactment of this Act, a final regulation requiring monitoring for perchlorate in drinking water; and

(C) to ensure the right of the public to know about perchlorate in drinking water by

requiring that consumer confidence reports disclose the presence and potential health effects of perchlorate in drinking water.

(b) MONITORING AND HEALTH ADVISORY FOR PERCHLORATE.—Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(12)) is amended by adding at the end the following:

''(C) PERCHLORATE.—

''(i) HEALTH ADVISORY.—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate that fully protects, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, newborns, and children), considering body weight and exposure patterns and all routes of exposure.

''(ii) MONITORING REGULATIONS.—

''(I) IN GENERAL.—The Administrator shall propose (not later than 60 days after the date of enactment of this subparagraph) and promulgate (not later than 120 days after the date of enactment of this subparagraph) a final regulation requiring—

''(aa) each public water system serving more than 10,000 individuals to monitor for perchlorate beginning not later than October 31, 2008; and

''(bb) the collection of a representative sample of public water systems serving 10,000 individuals or fewer to monitor for perchlorate in accordance with section 1445(a)(2).

''(II) DURATION.—The regulation shall be in effect unless and until monitoring for perchlorate is required under a national primary drinking water regulation for perchlorate.

''(iii) CONSUMER CONFIDENCE REPORTS.—Each consumer confidence report issued under section 1414(c)(4) shall disclose the presence of any perchlorate in drinking water, and the potential health risks of exposure to perchlorate in drinking water, consistent with guidance issued by the Administrator.''.

SA 4127. Mrs. BOXER (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. BAN ON MICROWAVE POPCORN THAT CONTAINS INTENTIONALLY-ADDED DIACETYL.

Notwithstanding any other provision of law, effective January 1, 2009, microwave popcorn that contains intentionally-added diacetyl shall be treated as banned under such Act (15 U.S.C. 1261 et seq.) as if such microwave popcorn were described by section 2(q)(1) of such Act (15 U.S.C. 1261(q)(1)), and the prohibitions contained in section 4 of such Act (15 U.S.C. 1263) shall apply to such microwave popcorn.

SA 4128. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall program, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 4 through 16, and insert the following:

(1) INACCESSIBLE COMPONENTS.—

(A) IN GENERAL.—Subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product.

(B) INACCESSIBILITY PROCEEDING.—Within 2 years after the date of enactment of this Act, the Commission shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible for purposes of subparagraph (A).

(C) APPLICATION PENDING CPSC GUIDANCE.—Until the Commission promulgates a rule pursuant to subparagraph (B), the determination of whether a product component is inaccessible to a child shall be made in accordance with the requirements of subparagraph (A) for considering a component to be inaccessible to a child.

(D) CERTAIN BARRIERS DISQUALIFIED.—For purposes of this paragraph, paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

SA 4129. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section 17(15 U.S.C. 2066) is amended by adding at the end thereof the following:

''(i) The Commission may—

''(A) designate as a repeat offender, after notice and opportunity for a hearing, any country found by the Commission to have contributed on multiple occasions in the preceding twelve months to the importation of a consumer product in violation of subsection (a) (disregarding de minimus violations thereof) by the intentional, knowing, or reckless failure of its national or local government officials to enforce its own health or safety laws, regulations, or mandatory standards; and

''(B) refer any such country to United States Customs and Border Protection with a recommendation that all or any subset specified by the Commission of that country's consumer product imports be temporarily denied entry for a period of up to six months to allow U.S. inspections and corrective action by the designated country to be undertaken.

''(2) The United States Customs and Border Protection shall for the specified period deny entry to the specified consumer product imports of any country referred to it under paragraph (1)(B).

''(3) The Commission may renew any referral under paragraph (1)(B), and any renewal of any referral made under this paragraph, if it determines, after notice and opportunity for hearing, that the designated country has yet to take appropriate corrective action to enforce its own health or safety laws, regulations, or mandatory standards.

''(4) To ensure compliance with international trade obligations, the Commission shall not make a referral under paragraph (1)(B) or a renewal of a referral under paragraph (3) with respect to a country whose products the United States has agreed to extend national treatment if it finds that the United States, by the intentional, knowing, or reckless failure of its national or local government officials to enforce its own health or safety laws, regulations, or mandatory standards, has on multiple occasions in the preceding twelve months contributed to the sale, offer for sale, manufacture for sale or distribution in commerce of a consumer product that, had it been imported, would have been refused admission under subsection (a) (disregarding de minimus violations thereof).''

SA 4130. Mr. NELSON of Florida (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, strike line 15 and insert the following:

SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS AND STANDARDS FOR DURABLE INFANT OR TODDLER PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

SA 4131. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 2 through 12 and insert the following:

(a) ESTABLISHMENT OF UNITS-OF-MASS-PER-AREA STANDARD.—The Consumer Product Safety Commission, in cooperation with the National Academy of Sciences and the National Institute of Standards and Technology, shall study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard (similar to existing measurement standards used by the Department of Housing and Urban Development and the Environmental Protection Agency to measure for metals in household paint and soil, respectively) that is statistically comparable to the parts-per-million measurement standard currently used in laboratory analysis.

(b) REPORT ON COORDINATION WITH ENVIRONMENTAL PROTECTION AGENCY ON SAFETY STANDARDS AND ENFORCEMENT.—The Consumer Product Safety Commission, in cooperation with the Environmental Protection Agency, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report—

(1) comparing the safety standards employed by the Commission with respect to lead in children's products and the environmental standards employed by the Environmental Protection Agency with respect to lead under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(2) making recommendations for—

(A) modifying such standards to make them more consistent and to facilitate interagency coordination; and

(B) coordinating enforcement actions of the Commission and the Environmental Protection Agency with respect to children's products containing lead, including toy jewelry items.

SA 4132. Mr. BROWN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. TEMPORARY REFUSAL OF ADMISSION INTO CUSTOMS TERRITORY OF THE UNITED STATES OF CONSUMER PRODUCTS MANUFACTURED BY COMPANIES THAT HAVE VIOLATED CONSUMER PRODUCT SAFETY RULES.

(a) IN GENERAL.—Section 17 (15 U.S.C. 2066), as amended by section 38(e) of this Act, is amended by adding at the end the following:

''(j) TEMPORARY REFUSAL OF ADMISSION.—

''(1) IN GENERAL.—A consumer product offered for importation into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States) may be refused admission into such customs territory until the Commission makes a determination of admissibility under paragraph (2)(A) with respect to such product if—

''(A) such product is manufactured by a manufacturer that has, in the previous 18 months—

''(i) violated a consumer product safety rule; or

''(ii) manufactured a product that has been the subject of an order under section 15(d); or

''(B) is offered for importation into such customs territory by a manufacturer, distributor, shipper, or retailer that has, in the previous 18 months—

''(i) offered for importation into such customs territory a product that was refused under subsection (a) with respect to any of paragraphs (1) through (4); or

''(ii) imported into such customs territory a product that has been the subject of an order under section 15(d).

''(2) DETERMINATION OF ADMISSIBILITY.—

''(A) IN GENERAL.—The Commission makes a determination of admissibility under this subparagraph with respect to a consumer product that has been refused under paragraph (1) if the Commission finds that the consumer product is in compliance with all applicable consumer product safety rules.

''(B) REQUEST FOR DETERMINATION OF ADMISSIBILITY.—

''(i) IN GENERAL.—An interested party may submit a request to the Commission for a determination of admissibility under subparagraph (A) with respect to a consumer product that has been refused under paragraph (1).

''(ii) SUPPORTING EVIDENCE.—A request submitted under clause (i) shall be accompanied by evidence that the consumer product is in compliance with all applicable consumer product safety rules.

''(iii) ACTIONS.—Not later than 90 days after submission of a request under clause (i) with respect to a consumer product, the Commission shall take action on such request. Such action may include—

''(I) making a determination of admissibility under subparagraph (A) with respect to such consumer product; or

''(II) requesting information from the manufacturer, distributor, shipper, or retailer of such consumer product.

''(iv) FAILURE TO ACT.—If the Commission does not take action on a request under clause (iii) with respect to a consumer product on or before the date that is 90 days after the date of the submission of such request under clause (i), a determination of admissibility under subparagraph (A) with respect to such consumer product shall be deemed to have been made by the Commission on the 91st day after the date of such submission.

''(3) COMPLIANCE WITH TRADE AGREEMENTS.—The Commission shall ensure that a refusal to admit into the customs territory of the United States a consumer product under this subsection is done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States.''.

(b) RULEMAKING.—

(1) NOTICE.—Not later than 90 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall issue a notice of proposed rulemaking with respect to the regulations required by paragraph (2).

(2) REGULATIONS.—Not later than 120 days after the date of the publication of notice under paragraph (1), the Consumer Product Safety Commission shall prescribe regulations to carry out the provisions of the amendment made by subsection (a).

(c) CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—The Consumer Product Safety Commission shall consult with the Secretary of Homeland Security in carrying out the provisions of this section and the amendment made by subsection (a).

SA 4133. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances (including how to mitigate undue adverse economic impacts on small businesses, consistent with principles and processes required under chapter 6 of title 5, United States Code).

NOTICE OF HEARING

SUBCOMMITTEE ON ENERGY

Mr. DORGAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 26, 2008, at 10:30 a.m., in the Missouri Room at Bismarck State College located at 1500 Edwards Avenue, Bismarck, ND 58501.

The purpose of the hearing is to receive testimony on the challenges associated with rapid deployment of large-scale carbon capture and storage technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson at (202) 224–7143 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 9:30 a.m., in open session, In order to receive testimony on the Department of the Air Force in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a business meeting on Wednesday, March 5, 2008, at 11:15 a.m., in room SD366 of the Dirksen Senate Office Building. At this mark-up, the Committee will consider the nomination of J. Gregory Copeland to be General Counsel of the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, March 5, 2008, at 3 p.m., In room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the Impacts of the capability of the United States to maintain a domestic enrichment capability as a result of the recently initialed amendment between the United States and the Russian Federation of the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation.

PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 9:30 a.m in order to hold a hearing on strengthening national security through smart power.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 5, 2008 at 9:30 a.m. in SD–430.

Agenda

S. 1810, Prenatally and Postnatally Diagnosed Conditions Awareness Act; S. 999, Stroke Treatment and Ongoing Prevention Act of 2007; S. 1760, Healthy Start Reauthorization Act of 2007; H.R. 20, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; and S. 1042, Consistency, Accuracy, Responsibility, and Excellence in Medical Imaging and Radiation Therapy Act of 2007.

National Board for Education Sciences, Jonathan Baron, Frank Handy, Sally Shaywitz; National Foundation on the Arts and Humanities, Jamsheed Choksy, Gary Glenn, David Hertz, Marvin Scott, Carol Swain; National Museum and Library Science Board, Julia Bland, Jan Cellucci, William Hagenah, Mark Herring; Truman Scholarship Foundation, Javaid Anwar; Assistant Secretary of Labor ODEP, Neil Romano.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''The Climbing Costs of Heating Homes: Why LIHEAP is Essential'' on Wednesday, March 5, 2008. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 9:30 a.m. in order to conduct a hearing entitled ''Census in Peril: Getting the 2010 Decennial Back on Track.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation'' on Wednesday, March 5, 2008 at 10 a.m. in room SD-106 of the Dirksen Senate Office Building.

Witness list

The Honorable Robert S. Mueller, III, Director, Federal Bureau of Investigation, United States Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONNEL SUBCOMMITTEE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 2:30 p.m., in open session in order to receive testimony on the findings and recommendations of the Department of Defense Task Force on Mental Health, the Army's Mental Health Advisory Team reports, and Department of Defense and service-wide improvements in mental health resources, including suicide prevention, for servicemembers and their families.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Wednesday, March 5, 2008, at 2:30 p.m. in order to conduct a hearing entitled, ''The State of the U.S. Postal Service One Year After Reform''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, Wednesday, March 5, 2008 from 10:30 a.m.–12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that a fellow from my office, Gemma Weiblinger, be granted the privileges of the floor for this speech and the budget presentation next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that Bruce Fergusson, a fellow in the office of Senator BAUCUS, be granted the privilege of the floor during consideration of the Consumer Product Safety Commission bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING FOR PEACE IN DARFUR

Mr. PRYOR. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 455 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 455) calling for peace in Darfur.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 455

Whereas, during the past 4 years in Darfur, hundreds of thousands of innocent victims have been murdered, tortured, and raped, with more than 2,000,000 people driven from their homes;

Whereas some but not all of the parties to the conflict in Darfur participated in the first round of a United Nations-African Union peace process launched in October 2007 in Sirte, Libya;

Whereas the Comprehensive Peace Agreement (CPA) reached between the Government of Sudan and the Sudanese People's Liberation Movement (SPLM) in January 2005 has not been fully or evenly implemented;

Whereas the Government of Sudan has continued to obstruct the deployment of a joint United Nations-African Union peacekeeping force to Darfur that would include non-African elements;

Whereas elements of armed rebel movements in Darfur, including the Justice and Equality Movement (JEM), have made violent threats against the deploying peacekeeping force;

Whereas 13 former world leaders and current activists, including former president Jimmy Carter, former United Nations Secretary-General Kofi Annan, Bangladeshi microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu, have called for the immediate deployment of the peacekeeping force; and

Whereas, while these and other issues remain pending, it is the people of Darfur, including those living in refugee camps, who suffer the continuing consequences: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon the Government of Sudan and other signatories and non-signatories to the May 5, 2006, Darfur Peace Agreement to declare and respect an immediate cessation of hostilities, cease distributing arms to internally displaced persons, and enable humanitarian organizations to have full unfettered access to populations in need;

(2) calls upon the Government of Sudan to facilitate the immediate and unfettered deployment of the United Nations-African Union peacekeeping force, including any and all non-African peacekeepers;

(3) urges all invited individuals and movements to attend the next round of peace negotiations and not set preconditions for such participation;

(4) calls upon the diverse rebel movements to set aside their differences and work together in order to better represent the people of Darfur and end their continued suffering;

(5) encourages the participation in future talks of traditional Arab and African leaders from Darfur, women's groups, local nongovernmental organizations, and leaders from internally displaced persons (IDP) camps;

(6) condemns any intimidation or threats against camp or civil society leaders to discourage them from attending the peace talks, whether by the Government of Sudan or rebel leaders;

(7) condemns any action by any party, government or rebel, that undermines or delays the peace process in Darfur; and

(8) calls upon all parties to the Comprehensive Peace Agreement (CPA) to support and respect all terms of the agreement.

HONORING THE NAACP ON ITS 99TH ANNIVERSARY

Mr. PRYOR. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 289, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 289) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 289) was agreed to.

The preamble was agreed to.

NATIONAL ASBESTOS AWARENESS WEEK

Mr. PRYOR. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 462, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 462) designating the week of April 2008 as ''National Asbestos Awareness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 462) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 462

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a ''National Asbestos Awareness Week'' would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2008 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

NATIONAL SUPPORT THE TROOPS AND THEIR FAMILIES DAY

Mr. PRYOR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 473, submitted earlier today by Senator STABENOW.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 473) designating March 26, 2008, as ''National Support the Troops and Their Families Day'' and encouraging the people of the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad, as well as the sacrifices of their families.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 473) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 473

Whereas it was through the brave and noble efforts of the Nation's forefathers that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,500,000 active and reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all Americans cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of their fellow Americans for putting their lives in danger for the sake of the freedoms enjoyed by all Americans;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of Americans;

Whereas the families of our Nation's troops have made great sacrifices and deserve the support of all Americans;

Whereas all Americans should participate in a moment of silence to support the troops and their families; and

Whereas March 26th, 2008, is designated as ''National Support Our Troops and Their Families Day'': Now, therefore, be it

Resolved, That—

(1) the Senate designates March 26, 2008, as ''National Support the Troops and Their Families Day''; and

(2) it is the sense of the Senate that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad, as well as their families.

NATIONAL SCHOOL BREAKFAST PROGRAM

Mr. PRYOR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 474, submitted earlier today by Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 474) expressing the sense of the Senate that providing breakfast in schools through the National School Breakfast Program has a positive impact on the lives and classroom performance of low-income children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Madam President, I rise today in support of a Senate resolution that expresses the Senate's esteem for and commitment to the National School Breakfast Program. I am pleased to be joining Senator FEINGOLD in both recognizing the good that this program accomplishes for low-income children and encouraging more States to participate.

The United States is experiencing a hunger crisis. In 2006 alone, the U.S. Department of Agriculture, USDA, reported that 35.5 million Americans did not have the money or resources needed to provide food for themselves or their families, and this number is sadly on the rise. Between 2005 and 2006, the number of hungry people in the United States increased by over 400,000. As we continue through hard economic times, we can only assume the number of hungry people in America will continue to increase.

Hunger is not just a problem that plagues adults. Of the 35.5 million people who go hungry each year in America, 12.6 million of them are children. This means that 17.2 percent of all children are unsure where their next meal will come from—which poses a real problem. Hunger hinders growth and development and negatively affects health, leading to increased illness, fatigue, and even hospitalizations. Studies have also shown that hunger impairs cognitive function; hungry children are more likely to perform poorly on tests and repeat grades.

Recognizing the relationship between good nutrition and the ability to learn and be healthy, Congress established a pilot National School Breakfast Program in 1966. Because of its success in raising the nutrition level of needy children, Congress permanently authorized the program in 1975. Since its inception, the School Breakfast Program has experienced tremendous growth. According to the USDA, the number of participating students has increased from 0.5 million children in 1970 to 9.7 million in 2006. This means that each day, more and more children receive a breakfast that provides them with one-fourth of the recommended dietary allowance for protein, calcium, iron, Vitamin A, Vitamin C, and calories. And because of improvements in implementation, including initiatives that provide breakfasts both in classrooms, in hallways, and as students exit buses, the number of students participating in the programs has doubled and in some cases tripled. Yet the number of students participating in the Breakfast Program is still much less than half of the number participating in the National Lunch Program. It is vitally important that we keep up the National Breakfast Program's momentum and provide the States with the tools they need to encourage as many needy children to take part as can.

Appreciating the importance of the program, Pennsylvania has helped increase the number of schools that take advantage of this important program. Each year, Pennsylvania invests nearly $35.5 million in school breakfast and lunch, paying school districts 10 cents for each breakfast served and 10 cents for each lunch served. To increase the number of students receiving both breakfast and lunch, Pennsylvania pays an additional 2 cents per lunch if breakfast is offered in the school and an additional 4 cents per lunch if the school serves breakfast to at least 20 percent of enrolled students. As with national participation, Pennsylvania's participation is on the rise; over 100 more schools participated in the program between 2005 and 2006 than the previous year. Through this resolution, we hope to encourage States, like Pennsylvania, to continue to work toward our common goal of reducing child hunger.

This Senate resolution recognizes the positive impact the National School Breakfast Program has on needy children. The program not only gives students a balanced breakfast, it provides a solid foundation on which they can start their day. Eating breakfast alone increases student attentiveness and improves overall performance and wellness. The National School Breakfast Program is making great inroads into child hunger. This resolution recognizes the efforts of the States in implementing the program and encourages them to expand their efforts.

Mr. PRYOR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 474) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 474

Whereas participants in the National School Breakfast Program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools, as well as schools in rural, suburban, and urban areas;

Whereas access to nutrition programs such as the National School Lunch Program and the National School Breakfast Program helps to create a stronger learning environment for children and improves children's concentration in the classroom;

Whereas missing breakfast and the resulting hunger has been shown to harm the ability of children to learn and hinders academic performance;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and to work faster in math exercises than those who eat a partial breakfast;

Whereas implementing or improving classroom breakfast programs has been shown to increase breakfast consumption among eligible students dramatically, doubling and in some cases tripling numbers of participants in school breakfast programs, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing absences, tardiness, and disciplinary referrals;

Whereas studies suggest that eating breakfast closer to the time students arrive in the classroom and take tests improves the students' performance on standardized tests;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger are likely to have lower math scores, receive more special education services, and face an increased likelihood of repeating a grade;

Whereas making breakfast widely available in different venues or in a combination of venues, such as by providing breakfast in the classroom, in the hallways outside classrooms, or to students as they exit their school buses, has been shown to lessen the stigma of receiving free or reduced-price school breakfasts, which sometimes prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas, in fiscal year 2006, 7,700,000 students in the United States consumed free or reduced-price school breakfasts provided under the National School Breakfast Program;

Whereas less than half of the low-income students who participate in the National School Lunch Program also participate in the National School Breakfast Program;

Whereas almost 17,000 schools that participate in the National School Lunch Program do not participate in the National School Breakfast Program;

Whereas studies suggest that children who eat breakfast take in more nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast; and

Whereas children who do not eat breakfast, either in school or at home, are more likely to be overweight than children who eat a healthy breakfast on a daily basis: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the National School Breakfast Program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the positive impact of the Program on the lives of low-income children and families and on children's overall classroom performance;

(2) expresses strong support for States that have successfully implemented school breakfast programs in order to alleviate hunger and improve the test scores and grades of participating students;

(3) encourages all States to strengthen their school breakfast programs, provide incentives for the expansion of school breakfast programs, and promote improvements in the nutritional quality of breakfasts served; and

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts.

MEASURES READ THE FIRST TIME—S. 2709, S. 2710, S. 2711, S. 2712, S. 2713, S. 2714, S. 2715, S. 2716, S. 2717, S. 2718, S. 2719, S. 2720, S. 2721, and S. 2722

Mr. PRYOR. Madam President, I understand there are 14 bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The legislative clerk read as follows:

A bill (S. 2709) to increase the criminal penalties for illegally reentering the United States and for other purposes.

A bill (S. 2710) to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a ''no match'' notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

A bill (S. 2711) to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes.

A bill (S. 2712) to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

A bill (S. 2713) to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

A bill (S. 2714) to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorists activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

A bill (S. 2715) to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

A bill (S. 2716) to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes.

A bill (S. 2717) to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

A bill (S. 2718) to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

A bill (S. 2719) to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

A bill (S. 2720) to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

A bill (S. 2721) to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

A bill (S. 2722) to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

Mr. PRYOR. Madam President, I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2663

Mr. PRYOR. Madam President, I ask unanimous consent that when the Senate resumes consideration of S. 2663, the Consumer Product Safety Commission legislation, the Senate then resume consideration of the Vitter amendment No. 4097, with 15 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senators PRYOR and VITTER or their designees; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the amendment with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 6, 2008

Mr. PRYOR. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, March 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business for up to 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the

Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 2663, a bill to reform the Consumer Product Safety Commission, and that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. PRYOR. Madam President, this evening we were able to reach an agreement to have a vote in relation to the Vitter amendment regarding attorney's fees. Senators should be prepared to vote as early as 10:50 a.m. tomorrow.

Today the leader filed cloture on the bill. However, it is our intention to complete action on the bill tomorrow evening. Therefore, rollcall votes are expected to occur throughout the day in relation to the remaining amendments to the bill.

ORDER FOR ADJOURNMENT

Mr. PRYOR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator THUNE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

BENEFITS OF RENEWABLE FUEL

Mr. THUNE. Mr. President, this last year, Americans sent almost half a trillion dollars, almost $500 billion, overseas to purchase imported oil from other countries around the world. Think about that massive transfer of wealth and what that means for our national security because, in many respects, a lot of those dollars being used to purchase imported fuels are going to countries that are not favorable toward the United States. Of course, some say it is a world market, let the market work.

The difference is that most of our trading partners around the world are people we consider to be at least friends, allies, folks we do business with. They are not countries that are funding organizations that are trying to kill Americans. Regrettably, what we end up doing is funding both sides of the war on terror, because we send almost half a trillion dollars annually to foreign countries, petro dictators around the world who use those dollars to fund terrorist organizations that are designed to kill Americans, and then we end up having, of course, to fund our military to go fight the very same terrorists. It seems like a very misguided policy.

I make that point because I think we have a dangerous dependence on foreign energy. Today, 65 percent of our petroleum comes from outside of the United States. As most of us know, the fuels in this country are mostly petroleum based. The reason I say all that is I think we have an important decision to make in this country about whether we are going to continue to subsidize foreign governments, petro dictators who use those dollars that transfer wealth out of this country to fund terrorist organizations that attack Americans, or whether we are going to make an investment in the United States that provides benefits to the economy in America and provides jobs for Americans. I think that is an important decision we have to make.

For the past several years, this Congress as a matter of policy has tried to put into place incentives to increase the production of renewable energy, and with some degree of success. If you look at last year and this year, by the end of this year, we will be at about 7.5 billion gallons of ethanol produced in the United States. There are some 160, I think, ethanol biorefineries in this country. If you look at it, 22 States are home to some of those, with a collective capacity of over 7.5 billion gallons. There are sixty biorefineries under construction and several plants are in the process of expansion. That is a great story for America and for our agricultural economy. It is also a great story for our national security, in my view.

Lately, we have had a lot of attacks launched on the ethanol industry, and on renewable fuels generally. Many of them have been, again in my view, very misguided and misleading in terms of the reporting that has been done regarding food prices. If you look at several editorials recently, the New York Times went out of their way to discount the impact of high energy prices and worldwide demand for protein as reasons for food price increases. Rather, they decided to blame ethanol by stating, ''The most important reason for the price shock is the rich world's subsidized appetite for biofuels.'' The editorial board claims, ''The benefits of this strategy are dubious.''

A February Washington Post article, entitled ''The Problem With Biofuels,'' leads the public to believe that biofuels will only serve to starve people. The article quotes a university study and states, ''By putting pressure on global supplies of edible groups, the surge in ethanol production will translate into higher prices for both processed and staple foods around the world.''

The food versus fuel debate is an important debate to have. However, it has to be based upon facts and not anti-renewable fuel rhetoric.

It is a fact that energy prices have a 2-to-1 greater impact on food prices relative to the price of inputs such as corn.

Last year, John Uranchuck of LECG issued a report detailing the impact of rising energy prices on the price of food. According to that study,

> Increasing petroleum prices have about twice the impact on consumer food prices as equivalent increases in corn prices. A 33 percent increase in crude oil prices—the equivalent of $1 per gallon over current levels of retail gasoline prices—would increase retail food prices measured by the CPI for food by 0.6 to 0.9 percent. An equivalent increase in corn prices—about $1 per bushel over current levels—would increase consumer food prices only 0.3 percent.

In December 2007, Informa Economics issued a report called ''Marketing Costs and Surging Global Demand for Commodities Are Key Drivers of Food Price Inflation.'' This report also concluded that the price of raw commodities is not the leading component of the Consumer Price Index for food. Rather, this report correctly identified rising energy and transportation costs as leading causes of food inflation.

To place the blame for food inflation on biofuels and the rising prices of certain commodities is simply misguided. According to the U.S. Department of Agriculture, costs of food inputs only account for a fraction of food prices. Specifically, labor, packaging, transportation, advertising, and profits account for 68 cents of every dollar a consumer spends on food.

The long-term outlook for corn prices under the expanded renewable fuels standard is somewhere in the $3.25 to $3.50 per bushel range. To put that into perspective, so the average person around the country can understand what I am talking about, the average box of corn flakes contains about 10 ounces or one ninetieth of a bushel of corn. Even at $4 corn—$4 a bushel corn—that amounts to 5 cents of corn in a box of corn flakes. Think about that. A box of corn flakes. Everybody assumes the farmer, because of high corn prices, is cutting a fat hog, but 5 cents of that goes back into the farmer's pocket. Attributing food inflation to biofuels and corn-based ethanol is simply untrue.

Now, with respect to climate change, because we have heard a lot of discussion as well and criticism of the ethanol industry with regard to how it impacts that debate, critics of renewable fuels have also started blaming climate change on renewable energy. I find that hard to believe, as well, because the purpose of biofuels is to replace petroleum as a fuel source. For years, environmentalists have decried petroleum as a major emitter of harmful carbon emissions. Today, we have a homegrown alternative that is displacing

more and more petroleum by the day. Some are claiming now that ethanol is creating more global warming. If our national policy is to manage climate change, falsely blaming ethanol for global warming is not helpful to the cause.

According to the Argonne National Laboratory, regular blends of ethanol, gasoline containing 10 percent ethanol, reduce greenhouse gas emissions by 18 to 29 percent relative to regular gasoline.

As more ethanol is produced and consumed, our Nation's carbon footprint will continue to shrink. In 2006, ethanol use in the United States reduced carbon dioxide emissions by approximately 8 million tons. Such a reduction is the equivalent of removing 1.21 million cars from the road.

As Congress continues to debate climate change legislation and the causes of global warming, it is important to set the record straight. Ethanol production is a carbon sink, not a net producer of carbon emissions. Furthermore, as new types of cellulosic ethanol come online, the carbon-reducing benefits of ethanol are only going to increase.

Ethanol may be able to be blamed for some other transformations in our economy. For one, increased ethanol production is allowing our demand for gasoline to go down and displacing foreign imports of oil. Again, I point to some of the statistics that bear that out. If you look at the amount of ethanol that is being produced in America today—and this is based on a 2007 number—in 2007, the ethanol that was produced, 6.5 billion, in this country displaced the need for 228 million barrels of oil, saving American consumers more than $16 billion or $45 million a day from going to countries, as I said earlier, outside the United States and enriching petrodictators who would do us ill will.

If we look at the impact on tax revenues coming into the Treasury, the ethanol industry generated an estimated $4.6 billion in Federal tax revenue and $3.6 billion in additional tax revenue for State and local governments. So if you couple that with the fact that according to the USDA—and I think this is an important point to make, too, by those who would criticize ethanol—according to the USDA, the increased demand for grain use in ethanol production reduced Federal farm program costs by more than $8 billion last year, meaning that even with the cost of the tax incentive that we use to encourage more production of ethanol, ethanol saved U.S. taxpayers, when you couple that with the additional tax revenue coming into the Treasury and the $8 billion that was saved because the Federal Government was not making farm program payments to farmers in this country, U.S. taxpayers saved more than $9.2 billion as a result of this industry.

Right now, about 50 percent of the gasoline in this country is blended with ethanol, and before very long, we hope that from coast to coast we will have every single gallon of gasoline in this country blended with ethanol.

But my point very simply is: This has been a great success story, one which has benefited and enriched our country, our farmers, people in this country who are working hard making a living contributing to a better quality of life for all Americans, as opposed to shipping all that wealth outside the United States to other countries.

Let me restate what I started by saying at the very beginning, and that is that last year, we spent almost half a trillion dollars, almost $500 billion, in purchasing imported oil. That, again, makes absolutely no sense to me in light of these statistics that I shared. I think as we look at the future of this industry and the promise it holds and the benefit it holds, not only for the economy in this country but also as we get away from this dangerous dependence on foreign sources of energy, renewable fuels, biofuels, have a great future for America, and I believe we ought to be continuing to invest in making sure that those who are involved with that industry—our farmers, those who are constructing ethanol plants around this country, that we provide not fewer incentives but more incentives for this kind of biofuel production that, again, gets rid of the carbon in our atmosphere, cleans up our environment, lessens our dependence on foreign sources of energy, and puts dollars back into the pockets of hardworking Americans, farmers, the rural economy, creating jobs, helping grow the economy right here at home in the United States rather than shipping those dollars to some foreign country where, again, many of these dollars are used to turn around and fund organizations that are designed to undermine America's interests around the world.

This debate will continue to percolate around this country, but when we get into this debate about food versus fuel, it is important we have the facts in front of us because this industry has undergone a lot of criticism of late. As I said before, I think much of it is misguided because it is based on misinformation and wrong facts. We need to have the facts in front of us, and then we can have a meaningful debate. Until that happens, we are going to hear more of these false attacks against an industry that is creating American jobs, helping reduce our dependence on foreign energy, and I hope, in the very near future, we will be able to increase the amount not only of production in this country but the amount of consumption because I believe in the very near future we will start seeing more and more momentum for increasing the blend rate.

Right now, we blend 10 percent ethanol, as I said, in 50 percent of the gasoline in the country. I hope in the future we can increase that to 20 percent. The University of Minnesota completed a study where they compared effects of 10 percent and 20 percent on materials compatibility, driveability—all those types of issues. The result of the data that came from that study was that you can move to a 20-percent blend, a higher blend, an intermediate blend right now and have no impact on any of those issues.

The issue of emissions is still being studied. The renewable energy laboratory in Golden, CO, and the Department of Energy and EPA are undertaking some studies. When that data comes in, I believe it will show what the University of Minnesota study has shown and that is you can go to a higher blend with minimal impact and, in fact, in many cases with a better result; that we should move very quickly. I am going to encourage the administration and continue to try to influence that decisionmaking process in a way that will increase the amount of ethanol that is used in this country so, again, we can achieve the many benefits that I think dependence on American agriculture creates for us as opposed to our dependence upon foreign energy.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:16 p.m., adjourned until Thursday, March 6, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

NEIL SURYAKANT PATEL, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE JOHN M. R. KNEUER.

DEPARTMENT OF STATE

JAMES B. CUNNINGHAM, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

DONALD GENE TEITELBAUM, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

FRANK CHARLES URBANCIC, JR., OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

UNITED STATES INSTITUTE OF PEACE

NANCY M. ZIRKIN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE MARIA OTERO, TERM EXPIRED.

J. ROBINSON WEST, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011. (REAPPOINTMENT)

KERRY KENNEDY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE LAURIE SUSAN FULTON, TERM EXPIRED.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009, VICE HOLLY J. BURKHALTER, TERM EXPIRED.

STEPHEN D. KRASNER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011, VICE CHARLES EDWARD HORNER, TERM EXPIRED.

DEPARTMENT OF LABOR

ALEXANDER PASSANTINO, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ANDREW TOWNSEND WIENER, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

LORA ANN BAKER, OF CALIFORNIA
CYNTHIA ANN BIGGS, OF SOUTH CAROLINA
DARREL WAH CHEW CHING, OF HAWAII
JAMES GOLSEN, OF MARYLAND
VAL EUGENE HUSTON, OF INDIANA
DENNIS A. SIMMONS, OF FLORIDA
DOUGLAS WALLACE, OF MARYLAND
DALE R. WRIGHT, OF VIRGINIA
ERIC B. WOLFF, OF NORTH CAROLINA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

GEOFFREY BOGART, OF CALIFORNIA
JENNIFER KANE, OF THE DISTRICT OF COLUMBIA
CHARLES RAOUL RANADO, OF VIRGINIA
CATHERINE P. SPILLMAN, OF PENNSYLVANIA

DEPARTMENT OF STATE

ANDREA L. DOYLE, OF WASHINGTON
MARISSA DENISE SCOTT, OF LOUISIANA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MANOJ S. DESAI, OF MASSACHUSETTS
ERIK R. RIKANSRUD, OF VIRGINIA
CONRAD WAI-PAC WONG, OF VIRGINIA

DEPARTMENT OF STATE

PATRICIA M. AGUILO, OF NEW HAMPSHIRE
ANDREA K. ALBERT, OF VIRGINIA
CHRISTINA PAULA ALMEIDA, OF RHODE ISLAND
MARIA CECILIA ALVARADO, OF NEW MEXICO
J. DEAN ARKEMA, OF VIRGINIA
KEVIN BAE, OF THE DISTRICT OF COLUMBIA
ZANE LEE BARNES, OF CALIFORNIA
BRIAN P. BAUER, OF ILLINOIS
ROBBIE LANEICE BROOKER, OF TEXAS
PETER HEARTH BROWN, OF NEW YORK
JEFFREY ALLEN BUTLER, OF VIRGINIA
JOSHUA M. BUXTON, OF CALIFORNIA
BRYAN J. CLAYTON, OF VIRGINIA
ANGELA COOPER, OF VIRGINIA
THOMAS M COYLE, OF MICHIGAN
PIERCE MICHAEL DAVIS, OF THE DISTRICT OF COLUMBIA
CHANEL NICOLE DENNIS, OF DELAWARE
AUSTIN GALE DEVER, OF VIRGINIA
EILEEN F. DI DOMENICO, OF VIRGINIA
KYLA DOTSON, OF VIRGINIA
HANNAH ASHLEY DRAPER, OF ARKANSAS
JONATHAN S. DRUCKER, OF VIRGINIA
JAMES P. DUVERNAY, OF NEW JERSEY
ALICE H. EASTER, OF NEW YORK
CANDACE LYNN FABER, OF WASHINGTON
JOANNA HOPE GANSON, OF NEW YORK
BRIAN HARRY GETTER, OF VIRGINIA
CATHERINE G. GILLEN, OF VIRGINIA
ASHLEY R. GRAY, OF KENTUCKY
ALEXANDERIA B. HAIDARA, OF COLORADO
ARTHUR J. HALL, JR., OF VIRGINIA
KENT B. HALLBERG, OF VIRGINIA
MARK C. HALLISEY, OF CONNECTICUT
REID T. HAMILTON, OF VIRGINIA
JENNIFER G. HANDOG, OF NEVADA
ANNA M. HARGIS, OF VIRGINIA
RUBEN HARUTUNIAN, OF MARYLAND
RACHEL Y. HAWKINS, OF TENNESSEE
EMILY JEANETTE HICKS, OF TEXAS
ROBERT M. HINES, OF VIRGINIA
RICHARD HOGE, OF VIRGINIA
DONALD J. HOWARD, OF VIRGINIA
ELIZABETH HOWARD, OF FLORIDA
MELISSA D. HUDSON, OF TENNESSEE
AJANI HUSBANDS, OF TEXAS
SIMONE W. JOHNSON, OF MISSOURI
ANTHONY M JONES, OF VIRGINIA
NICKOLAS A. JORJANI, OF VIRGINIA
CAMERON F. KAHI, OF VIRGINIA
HEERA KAUR KAMBOJ, OF NEW YORK
ALLA PAVEL KAMINS, OF VIRGINIA
MARIAH KENDALL WOHLFEIL, OF VIRGINIA
JAMES P. KLAPPS, OF VIRGINIA
STEVEN GEORGE LACEY, OF VIRGINIA
SHEA N. LEAHY, OF VIRGINIA
RACHEL M. LEHR, OF VIRGINIA
JAMES T. LEONG, OF VIRGINIA
ROBERT A. LESTER, OF VIRGINIA
DAVID ANTOINE LEWIS, OF THE DISTRICT OF COLUMBIA
JOSEPH S. LIVINGSTON, OF NEW YORK
PHILLIP LAMAR LOOSLI, OF CALIFORNIA
ADAM JOHN LORBER, OF VIRGINIA
THOMAS JOSEPH LYONS, OF THE DISTRICT OF COLUMBIA
ERIN L. MACIEL, OF VIRGINIA
KATHERINE K. MARQUIS, OF VIRGINIA
VICTOR LERUN MARSH II, OF MICHIGAN
NICOLE LUCINDA MEWHINNEY MARTIN, OF VIRGINIA
DEVIN V. MILLER, OF VIRGINIA
BETH MINIX, OF VIRGINIA
JONATHAN ANDRE MITCHELL, OF PENNSYLVANIA
JOSHUA SHUN MO, OF VIRGINIA
CHARLES D. MYERS, OF VIRGINIA
ELIZABETH FAWN NEDEFF, OF WASHINGTON
JONATHAN JAMES NELLIS, OF MARYLAND
JOSHUA W. NELSON, OF VIRGINIA
THU HUYNH NGUYEN, OF WASHINGTON
JEFFREY MICHAEL OSWEILER, OF IOWA
JOHN PARK, OF VIRGINIA
JOHN L. PORTER, OF THE DISTRICT OF COLUMBIA
SEAN C. POWERS, OF VIRGINIA
ADAM P. PRICE, OF THE DISTRICT OF COLUMBIA
PABLO BENJAMIN QUINTANILLA, OF MISSOURI
DOMINIC PETER RANDAZZO, OF PENNSYLVANIA
CATHERINE C. REGEN, OF VIRGINIA
BRIAN EDWARD RENTSCH, OF VIRGINIA
KIMBERLY ANN RENTSCH, OF TEXAS
CHRISTINA E. REPP, OF THE DISTRICT OF COLUMBIA
JAMES ROLLENS IV, OF LOUISIANA
EDWIN O. RUEDA, OF NORTH CAROLINA
ANGELA SAGER, OF TEXAS
ERIC FULTON SANDERS, OF VIRGINIA
DAVID RYAN SEQUEIRA, OF VIRGINIA
HEIDY SERVIN-BAEZ, OF OREGON
CHRISTOPHER SILKIE, OF CALIFORNIA
SARAH ANNEMARIE SIMONS, OF CALIFORNIA
KRISTEN ANNA SIUDZINSKI, OF VIRGINIA
MICHAEL G. SLONAKER, OF MARYLAND
GUY G. SMITH, OF VIRGINIA
GARY E. STANULIS, OF VIRGINIA
TRISHA ANN TAINO, OF VIRGINIA
TOD M. THEDY, OF FLORIDA
STACY L. TOLLISON, OF TEXAS
CYNDEE-NGA TRINH, OF TEXAS
STACEY H. TSAI, OF TEXAS
DALEYA S. UDDIN, OF NEW JERSEY
THOMAS M. VENNER, OF ILLINOIS
NICOLE M. VERSTRAETE-DISHNER, OF VIRGINIA
ANNY HONG AN TRINH VU, OF CALIFORNIA
MELISSA DANIELLE WALSH, OF OKLAHOMA
MUJAHID A.M.M. WASHINGTON, OF NEW YORK
KELLY A. WATKINS, OF NEW HAMPSHIRE
ANDREW DAMRON MCBRIDE WATSON, OF VIRGINIA
NATALIE M. WAUGH, OF CALIFORNIA
AMY WEINHOUSE, OF THE DISTRICT OF COLUMBIA
LAURA M WILLIFORD, OF GEORGIA
MARK DAVID WISEMAN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DAVID T. NEWELL, OF FLORIDA
JOHN V.G. SPILSBURY, OF NEW YORK

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

TROY A. LINDQUIST, OF UTAH

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant (junior grade)

BENNIE N. JOHNSON

To be ensign

MARK S. ANDREWS
MEGAN R. GUBERSKI
NATHAN E. WITHERLY
CHRISTINE L. SCHULTZ
CLAIRE V. SURREY
RONALD L MOYERS, JR
BRIAN D. PLAYER
GLEN A. RICE
PATRICK M. REDMOND
MEGAN H. O'BRIEN
RUSSELL A. QUINTERO
NATHAN B. PARKER
JONATHAN R. HEESCH
MATTHEW C. GRIFFIN
FAITH C. OPATRNY

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

MARGARET C. BASH
DIANE E. BENNETT
M MILES BRAUN
LOUISA E. CHAPMAN
DONALD W. CLARK
GEORGE A. CONWAY
THERESA DIAZ VARGAS
STEVEN H. FOX
WALTER G. HLADY
HAMID S. JAFARI
SUSAN A. MALONEY
DIANE A. MITCHELL
ANTHONY W. MOUNTS
CAROL A. PERTOWSKI
EDWARD L. PETSONK
LISA G. RIDER
STEVEN R. ROSENTHAL
PATRICIA M. SIMONE
GAIL M. STENNIES
PAMELA STRATTON
JOHN C. WATSON

To be senior surgeon

TECORA D. BALLOM
D. W. CHEN
PATRICK H. DAVID
MICHAEL C. ENGEL
PAUL T. HARVEY
RICHARD P. HEDLUND
MICHAEL T. MARTIN
JOHN R. MASCOLA
WILLIAM H. ORMAN
BERNARD W. PARKER
KAREN L. PARKO
KEVIN A. PROHASKA
WILLIAM RESTO-RIVERA
THERESA L. SMITH
STEPHEN H. WATERMAN

To be surgeon

DANIEL S. BUDNITZ
SOJU CHANG
EILEEN F. DUNNE
DIANA L. DUNNIGAN
DAVID R. GAHN
JOHN M. HARDIN
SCOTT A. HARPER
RICHARD P. HEDLUND
MITCHELL V. MATHIS, JR.
MATTHEW R. MOORE
MARIE A. RUSSELL
DOROTHY J. SANDERSON
JOHN W. VANDERHOOF
HUI-HSING WONG

To be senior assistant surgeon

SONGHAI C. BARCLIFT
RICHARD P. HEDLUND
MITCHELL V. MATHIS, JR.
MATTHEW J. OLNES
GREGGORY J. WOITTE

To be dental director

JOEL J. AIMONE
MITCHEL J. BERNSTEIN
DAVID A. CRAIN
CLAY D. CROSSETT
CHRISTOPHER G. HALLIDAY
KATHY L. HAYES
STUART R. HOLMES
LINDA A. JACKSON
JOHN W. KING
MICHAEL E. KORALE
TAD R. MABRY
RONALD J. NAGEL
MARY S. RUNNER
SAUNDERS P. STEIMAN
JAMES N. SUTHERLAND
STEPHEN P. TORNA

To be senior dental surgeon

TIMOTHY L. AMBROSE
ANITA L. BRIGHT
BRENDA S. BURGES
CIELO C. DOHERTY
ROBERT G. GOOD
RENEE JOSKOW
GELYNN L. MAJURE
KIPPY G. MARTIN
HSIAO P. PENG
ROSS W. SILVER
JOHN R. SMITH
MICHAEL P. WINKLER
PAUL S. WOOD
BENJAMIN C. WOOTEN

To be dental surgeon

STEPHANIE M. BURRELL
TANYA T. HOLLINSHED-MILES
MARY B. JOHNSON
CRAIG S. KLUGER
ROBERT C. LLOYD, JR.
TANYA M. ROBINSON
BRIDGET R. SWANBERG-AUSTIN
VANESSA F. THOMAS
JAMES H. WEBB, JR.
EARLENA R. WILSON

To be nurse director

MARY C. AOYAMA
REGENA DALE
FERN S. DETSOI
MAUREEN Q. FARLEY
CLARICE GEE
ANN R. KNEBEL
SHERYL L. MEYERS
ERNESTINE MURRAY
JAMES M. POBRISLO
ANA M. PUENTE
GWETHLYN J. SABATINOS
TONI JOY SPADARO
DIANE R. WALSH
JANET L. WILDEBOOR

To be senior nurse officer

YVONNE L. ANTHONY
DOLORES J. ATKINSON
KATHERINE M. BERKHOUSEN
ROSA J. CLARK
BUCKY M. FROST
ALEX GARZA
BRADLEY J. HUSBERG
LYNN M. LOWRY
IVY L. MANNING
DANIEL REYNA
MICHAEL L. ROBINSON
LINDA M. TRUJILLO
VIEN H. VANDERHOOF
THERESA B. WADE
AMANDA S. WAUGAMAN
KONSTANTINE K. WELD
CHRISTINE L. WILLIAMS
ADOLFO ZORRILLA

To be nurse officer

AMY F. ANDERSON
FELICIA A. ANDREWS
DEBRA D. AYNES
LISA A. BARNHART
ELIZABETH A. BOOT
ALICIA A. BRADFORD
THEODORA R. BRADLEY
CLAUDIA M. BROWN
MAUREEN J. CIPPEL
WILLIAM F. COYNER
SUSIE P. DILL
JENNY DOAN
JOHN S. GARY, JR.
DEANNA M. GEPHART
AKILAH K. GREEN
CHRIS L. HENNEFORD
ERIK S. HIERHOLZER
EUNICE F. JONES-WILLS
CHARLES M. KERNS
YVONNE T. LACOUR
STEPHEN D. LANE
CHRISTINE M. MATTSON
THEL MOORE, JR.
ALOIS P. PROVOST
TONIA L. SAWYER
SEAN-DAVID A. WATERMAN
KELLIE L. WESTERBUHR
ZENJA D. WOODLEY

To be senior assistant nurse officer

DAVID A. CAMPBELL
DARRELL LYONS
CHRISTINE M. MERENDA
GLORIA M. RODRIGUES
GERI L. TAGLIAFERRI

To be engineer director

DANA J. BAER
ROBERT E. BIDDLE
DAVID M. BIRNEY
CRAIG W. LARSON
PETER C. PIRILLO, JR.
GEORGE D. PRINGLE, JR.
PAULA A. SIMENAUER

To be senior engineer officer

DONALD C. ANTROBUS
LEO M. BLADE
RANDALL J. GARDNER
BRADLEY K. HARRIS
EDWARD M. LOHR
ROBERT J. LORENZ
DALE M. MOSSEFIN
SUSAN K. NEURATH
PAUL G. ROBINSON
ARTHUR D. RONIMUS III
JACK S. SORUM
KENNETH T. SUN
HUNG TRINH
DANIEL H. WILLIAMS

To be engineer officer

MARK T. BADER
SEAN M. BOYD
TRACY D. GILCHRIST
RAMSEY D. HAWASLY
STEPHEN B. MARTIN, JR.
MARCUS C. MARTINEZ
MARK A. NASI
DELREY K. PEARSON
NICHOLAS R. VIZZONE

To be scientist director

S. LORI BROWN
LEMYRA M. DEBRUYN
DARCY E. HANES
DELORIS L. HUNTER
MAHENDRA H. KOTHARY
FRANCOIS M. LALONDE
O'NEAL A. WALKER

To be senior scientist

JON R. DAUGHERTY
JOHN M. HAYES
WILLIAM J. MURPHY
RICHARD P. TROIANO

To be scientist

DIANA M. BENSYL
MARK J. SEATON

To be environmental health officer director

STEVEN M. BREITHAUPT
RICHIE K. GRINNELL
KATHY L. MORRING
JOHN P. SARISKY

To be senior environmental health officer

DEBRA M. FLAGG
JEAN A. GAUNCE
KEVIN W. HANLEY
TIMOTHY M. RADTKE
KELLY M. TAYLOR

To be environmental health officer

DAVID B. CRAMER
THOMAS M. FAZZINI
BRIAN K. JOHNSON
TINA J. LANKFORD
JOHN W. SPRIGGS
BOBBY T. VILLINES

To be veterinary director

PETER B. BLOLAND
WALTER R. DALEY
JUDITH A. DAVIS
SHELLEY HOOGSTRATEN-MILLER
MARISSA A. MILLER

To be senior veterinary officer

KRISTINE M. BISGARD
BRENT C. MORSE
KIM D. TAYLOR

To be veterinary officer

PRINCESS R. CAMPBELL
MARIANNE PHELAN ROSS

To be pharmacist director

RODNEY M. BAUER
LAURIE B. BURKE
DIANE CENTENO-DESHIELDS
PAUL A. DAVID
JOSEPHINE E. DIVEL
GEORGE A. LYGHT
MICHAEL J. MONTELLO
CECILIA-MARINA PRELA
BRYAN L. SCHULZ
RAELENE W. SKERDA
MATTHEW A. SPATARO

To be senior pharmacist

EDWARD D. BASHAW
JEFFREY T. BINGHAM
BEECHER R. COPE, JR.
WESLEY G. COX
SUSAN J. FREDERICKS
MUHAMMAD A. MARWAN
JILL D. MAYES
JOHN F. SNOW
ROBERT C. STEYERT
JULIENNE M. VAILLANCOURT
TODD A. WARREN
KIMBERLY A. ZIETLOW

To be pharmacist

CHRISTOPHER K. ALLEN
MITZIE A. ALLEN
MICHAEL J. CONTOS
DAVID T. DIWA
LOUIS E. FELDMAN
RICHARD K. GLABACH
ANDREW S. HAFFER
GLENNA L. MEADE
ANDREW K. MEAGHER
SURYAMOHAN V. PALANKI
LAURA L. PINCOCK
MARTIN H. SHIMER II
MARK N. STRONG
BRANDON L. TAYLOR
TERESA A. WATKINS
SAMUEL Y. WU
CHARLA M. YOUNG

To be dietitian director

TAMMY L. BROWN
KAREN A. HERBELIN

To be senior dietitian

SILVIA BENINCASO
JEAN R. MAKIE
VANGIE R. TATE

To be therapist director

TERRY T. CAVANAUGH
GEORGIA A. JOHNSON
SUSAN F. MILLER
REBECCA A. PARKS

To be senior therapist

NANCY J. BALASH
MERCEDES BENITEZ-MCCRARY
GARY W. SHELTON

To be therapist

CYNTHIA E. CARTER
GRANT N. MEAD
SUE N. NEWMAN
TARRI ANN RANDALL

To be health services director

MARIE E. BURNS
PETER J. DELANY
JULIA A. DUNAWAY
ANNIE BRAYBOY FAIR
STEVEN M. GLOVER

To be senior health services officer

GAIL A. DAVIS
RAFAEL A. DUENAS
GREGORY D. MCLAIN
NANCY A. NICHOLS
JUDY B. PYANT
LARRY E. RICHARDSON
RAFAEL A. SALAS
WILLIAM TOOL
GINA B. WOODLIEF
ELISE S. YOUNG

To be health services officer

JEFFREY S. BUCKSER
CHRISTOPHER C. DUNCAN
AMANDA K. DUNNICK
NIMA D. FELDMAN
BETH D. FINNSON
CELIA S. GABREL
DANIEL H. HESSELGESSER
ERICH KLEINSCHMIDT
AUDREY G. LUM
JACK F. MARTINEZ
PRISCILLA RODRIGUEZ
KAREN J. SICARD
COLLEEN E. WHITE
FELICIA B. WILLIAMS

To be senior assistant health services officer

TRACY J. BRANCH
WILLIAM L. COOPER
DEBORAH A. DOODY
SUZANNE CAROLE HENNIGAN
SCARLETT A. LUSK

HOUSE OF REPRESENTATIVES—*Wednesday, March 5, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. MOORE of Wisconsin).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 5, 2008.

I hereby appoint the Honorable GWEN MOORE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord our God, Father of all, at times You seem to be that infinite horizon that the human heart is drawn to. In our desire to establish justice for all and a peaceful landscape where human life and family values may flourish, You draw us upward and onward.

In our work and prayer for this Nation, its protection and its security, You inspire the Members of this Chamber and all Americans to be rooted in the truth and filled with compassion and care, especially for the most vulnerable in our society. Yet each day, holy mystery that You are, You reach out to us in every situation of our lives as individuals and as a Nation.

To the extent that we are able to accept Your holy inspiration and freely offer personal gifts and common resources in response to Your hope and desire for us do we find full satisfaction in the work before us.

Be with us again this day as we aspire with all our hearts to better this Nation and accomplish Your holy will, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HOLT led the Pledge of Allegiance as follows:

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

EMERGENCY ASSISTANCE FOR SECURE ELECTIONS ACT

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

Mr. HOLT. Madam Speaker, so far this primary season elections have been conducted in 14 States that still use unauditable voting machines, purely electronic. I have shared in letters to my colleagues information about incidents in a number of States, one where 90 percent of the machines were not functioning in one county when the polls opened; and another State, where results from the internal paper tapes did not match results on the corresponding memory cartridges; another State, where six voting machines in a county had faulty memory cards; in a polling place in Chicago, where no touch screen machines were working; and at a polling place in Atlanta, where only one in five was working.

In counties where there are no paper records verified by their voters, the irregularities cannot be resolved. Machine failures elsewhere would have prevented voters from voting had backup paper ballots not been available. Some jurisdictions where paper ballots are required allow voting data to be verified by the voters and then used to confirm the results despite the failure of electronic memory.

There is still time before November to secure our electoral system. The Emergency Assistance for Secure Elections Act, if enacted, will provide localities what they need to do this. Please support this legislation.

FISA

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

Mrs. DRAKE. Madam Speaker, it has now been nearly 3 weeks since the Democrat majority allowed the Protect America Act to expire, and we have yet to address the resulting gap in our intelligence. That is 18 days that our intelligence professionals have been denied the information that according to the Director of National Intelligence is needed to keep our country safe.

I believe that most Members on the other side of the aisle share my concern although, sadly, there are others who do not. So, here we are in a political year, working Tuesday through Thursday, and one of the most important pieces of legislation is blocked from this floor. Why? Because it will pass.

In 2001, we asked the telecommunications industry to assist our intelligence experts in tracking terrorist movements, but now an army of trial lawyers are waiting to sue them for their patriotic acts.

It is time the Democrat leadership moves this bill and gives our intelligence community the tools they need to protect America.

ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

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

Mr. BRALEY of Iowa. Madam Speaker, while President Bush and congressional Republicans sit on the sideline demanding that this House rubber-stamp the Senate-passed FISA bill, House and Senate Democrats are doing exactly what's expected of us, working to iron out differences between different FISA bills passed earlier in the two Chambers.

Last November, the House passed the RESTORE Act that modernizes the FISA law by giving the intelligence community the tools it needs to track terrorists while protecting the constitutional rights of innocent Americans.

The Bush administration objects to our legislation because we oppose giving blanket immunity to telecommunications companies who turned over information about their customers. Today, our committees continue to review telecom documents so that we can ensure the companies' actions are thoroughly reviewed and they are held appropriately accountable.

Madam Speaker, despite the fear-mongering from the President, his own administration says the intelligence community still has access to all the information it did last month. We have time to get this critical legislation right, and that's exactly what we plan to do.

RESPONSIBLE SPENDING, NOT IRRESPONSIBLE TAX INCREASES

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

Mr. WILSON of South Carolina. Mr. Speaker, the budget season is upon us. Today, the Budget Committee will meet to mark up the 2009 budget resolution.

With a new year and new opportunity, I hope the majority does not resort to the Big Government policies of the past. That means no more tax increases for hardworking Americans. Taxpayers already pay enough out of their pockets to fund the Washington bureaucracy. They should not be asked to fork over more money to subsidize billions of dollars in new wasteful government spending.

Republicans and Democrats need to craft a budget that accurately reflects the needs of the American people, honors our obligation to be good stewards of taxpayer dollars, and above all, takes a realistic and proactive approach to reining in runaway entitlement spending. Future generations should not be forced to pay the price while the leadership here in Washington refuses to make the tough decisions.

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

A NEW DIRECTION IN IRAQ

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

Mr. MORAN of Virginia. Mr. Speaker, Mahmoud Ahmadinejad, Iran's vitriolic, anti-American, Holocaust-denying leader, just concluded the first ever trip to Iraq by an Iranian President. Many commentators in the Middle East hailed the visit as a diplomatic success for him. Before our invasion, no Iranian President would have dared to step foot inside Iraq. He was received by Iraqi Prime Minister Nouri al-Maliki not with one, but four kisses for luck at a staged press conference with Iraqi media.

I quote Ahmadinejad: ''The Americans have to understand the facts of the region. Iraqi people do not like America.''

After 6 years in Iraq, 4,000 American lives lost, tens of thousands wounded, and $570 billion spent, this is what we have to show for it? Iran's anti-American leader being given the opportunity to try to humiliate us at a joint press conference with Iraq's leader?

Mr. Speaker, we are seeing the fruition of our strategic blunder in Iraq. The groundwork has been laid for a Shiite-dominated Iraqi theocracy, loyal to Iran and diametrically opposed to our strategic interests in the region. We can stay this course or chart a new direction that will end this failed policy and bring our troops home.

It's about time we chose a direction that is worthy of the patriotism of our troops and the sacrifices of their families.

FREEDOM IS WINNING IN IRAQ AND AFGHANISTAN

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

Mr. PENCE. Mr. Speaker, I got a sense of what we have to show for it in Iraq this weekend. I joined a bipartisan delegation that toured the metes and bounds of Iraq and Afghanistan.

In the course of 4 days, we took off and landed 20 different times in four different types of aircraft. The one inescapable conclusion, after years of difficulty and setback in varying degrees, is freedom is winning in Iraq and Afghanistan.

In northern Iraq, we saw firsthand the Kurdish region where security, political progress and economic growth are taking hold. In central Iraq, following the military surge, al Qaeda and insurgent violence are in steep decline. Violence across the country has been reduced in the last year by more than 60 percent. It is truly extraordinary.

And the political progress is taking hold. There has been a surge in optimism in Iraq due to the passage of a de-Ba'athification law, and provincial elections could well be just around the corner this fall.

Later today, in words and pictures, I will detail our trip on my Web log at mikepence.house.gov. And I hope many of my constituents will take time to read it.

As we practice freedom here at home, Americans of good will should be encouraged to know freedom is winning in Iraq and Afghanistan.

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT

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

Mrs. CAPPS. Mr. Speaker, I rise to voice my support for the Paul Wellstone Mental Health and Addiction Equity Act.

At the heart of this bill is the fact that there exists an unreasonable difference in the way society treats mental health conditions as opposed to all other health conditions. There are quite a few health professionals in Congress, and to all of us there is no distinction in the necessity of treating heart disease, bone disease, or mental health disease. They are all equally vital to our body's functioning, and that is our goal in this act.

We must finally put an end to the discrimination being practiced by insurers and others when they offer health coverage for some health conditions and not others. It's not fair to say we'll cover some parts of your health care, but we'll pick and choose which parts of your body to cover. That's bad for business. I know it's bad for health care.

I commend PATRICK KENNEDY and JIM RAMSTAD for their tireless work on this bill and seeing its coming to the floor. I encourage all of my colleagues to join me in supporting this excellent legislation.

LET AMERICANS KEEP THEIR OWN MONEY

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

Mr. POE. Mr. Speaker, it's springtime in the city, but the trees and flowers aren't the only things growing in Washington. Federal spending is going to grow as well because springtime means Federal budget time, and this year the American taxpayer may be asked to finance the largest budget in U.S. history.

Now, in order to pay for all these expensive pigs and piglets, the government has to find a way to raise money. One option is to borrow the money. Why don't we just borrow it from the Chinese like we did in the past. Or just go into deficit spending. Or Congress can raise taxes. Yes, that's right, tax those among us that are making money. Punish success. Tax them. Take their money and give it to Uncle Sam, who will redistribute it to more government programs.

Maybe Congress should try a novel idea: cut spending. Cut out useless programs. Tell special interest groups, no, they can't have taxpayer money for their special pork projects. Cut taxes. Let Americans keep more of their own money. Shock the country and shock the world, spend less this spring, cut taxes, and watch the economy grow because you cannot tax and spend your way to economic success.

And that's just the way it is.

□ 1015

CALLING ON CONGRESS TO REMOVE INCENTIVES FOR OUTSOURCING OF JOBS

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

Mr. HALL of New York. Mr. Speaker, in the last few months, the economy has been battered. Wages have stagnated, and expenses continue to rise. Personal debt is skyrocketing, and investment for the future has become nonexistent. American families are

once again paying the price for this difficulty. More and more employers are moving overseas to take advantage of cheap labor and complacent regulations in places like India.

Last month, this pernicious trend made its mark on my district when Watson Pharmaceuticals, the second largest employer in Putnam County, New York, announced that they were closing their facility and moving all their jobs to India.

The company has praised its workers. The CEO said there was nothing the workers could have done differently or better to save their jobs. But that does them no good. The pull of profits from outsourcing was just too much to ignore for another American manufacturer.

There is something very wrong when U.S. companies are only too happy to pick up and move overseas, abandoning their employees and the county and the country that has supported them for years. I hope this Congress acts swiftly to remove incentives for this kind of behavior and that CEOs of these corporations will show some patriotism and loyalty to our communities.

CONGRESS MUST FIX FISA PERMANENTLY

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

Ms. FOXX. Mr. Speaker, America's intelligence community has been without the tools it needs to monitor foreign terrorist communications for weeks. Last month, the Senate passed a bipartisan bill that put the necessary tools in place, but for some reason the majority will not allow a vote in the House on this broadly supported bill.

The bipartisan Senate legislation had the votes of 21 Senate Democrats. It would have permanently fixed FISA and enabled our intelligence community to monitor foreign terrorists' electronics communications effectively.

The House's refusal to consider this legislation has created bureaucratic hurdles that made our intelligence gathering on foreign terrorists unnecessarily difficult. As Senate Intelligence Chairman JAY ROCKEFELLER said last month, America's intelligence gathering capability is being degraded.

The House should not adjourn until we have passed a permanent FISA fix that protects Americans and equips our intelligence community with the tools to thwart the plans of foreign terrorists. The American people expect and deserve no less.

THE ADMINISTRATION'S DECISION TO YANK A CONTRACT FROM AN AMERICAN COMPANY AND GIVE IT TO A CONSORTIUM DOMINATED BY EUROPE

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

Mr. INSLEE. Mr. Speaker, Americans across the country are infuriated today that the administration yanked a contract away from Boeing, an American company, for our air tankers and gave it to a consortium dominated by Europe, and they're infuriated for several good reasons:

Number one, why are we giving a $40 billion stimulus plan to France? It is our economy that is in danger.

Second, why, when we are suing this consortium for violation of international trade laws because of illegal subsidies, do we turn around and award them with a $40 billion contract? One agency says they're illegal; the other agency's giving them $40 billion of our taxpayer money.

Number three, and this was an insulting thing when I heard this award, the person making the award says, well, this is an American airplane. It's got an American flag on the tail. Well, you can't just go out and buy a one nickel sticker, slap it on an Airbus airplane and call it ''America.''

We have got to have a policy of procurement that's good for our economy and our security. We need to fix this disastrous administration decision.

PROTECT AMERICA—NOW

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

Mr. PRICE of Georgia. Mr. Speaker, Americans are demanding action on an issue of paramount importance to our national security that is being carelessly ignored by this liberal majority.

Nearly 3 weeks, that's how long it's been since Democratic leadership allowed the Protect America Act to expire, removing essential tools from American intelligence officials.

Almost 3 weeks, that's how long it's been since Democrats unilaterally disarmed our Nation, leaving us more vulnerable to attack.

Americans will not be fooled by Democratic rhetoric that there's no threat or that we're prepared enough, safe enough with pre-9/11 intelligence gathering capabilities. They know we are not adequately prepared. They know we cannot be prepared when Congress, this House, takes crucial tools away from those who are charged with keeping us safe.

This careless and irresponsible course of action must not stand. Americans will not stand down and they won't give up until the House does what's right, does what the Senate has already done, and that is to protect the people and the stability of our great Nation.

Mr. Speaker, vote on the Protect American Act today.

EMBRYONIC STEM CELL RESEARCH

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

Ms. DEGETTE. Mr. Speaker, embryonic stem cell research has the potential to cure diabetes, Parkinson's, paralysis, and so many other diseases and injuries. Over the past few months, we've seen some amazing new discoveries from adult stem cells and others from embryonic stem cells.

Some have claimed that the recent discoveries using induced pluripotent cells means that we no longer need to continue embryonic stem cell research. I disagree and so does the scientific community.

When we develop new tools, we don't throw out the old ones. Why should it be different when it comes to medical research? We need to support cell-based research in all types of venues. We need to find out what will not just be best for scientific advances but what will help with medical advances as well.

It's time that we develop a new framework for considering all forms of ethical stem cell research. We need to continue embryonic stem cell research as well as all other ethical forms of regenerative medicine research. And we need to have a central mechanism for ethics control over all of this research.

PROVIDING THE TOOLS TO PROTECT AMERICA

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

Mr. BOUSTANY. Mr. Speaker, for more than 2 weeks, our national intelligence community has lacked the capability to track terrorists quickly. Despite the known threats against this Nation, the House Democratic leadership has said there's no urgency on updating our Nation's intelligence laws. The FISA law dates back to the Carter administration, and that was almost 30 years ago, and they argue we should not update the law now?

It's no coincidence that the United States has been free from attack at home since September 11, 2001. Violent extremist terrorists are a threat, and that threat must be stopped. Congress must give our intelligence officers the tools and techniques they need to meet the long-term challenges.

Two weeks have passed since our national security community lost the ability to track intelligence without going through slow and burdensome bureaucratic hurdles. That's more than 2 weeks of terrorist communications that will never be recovered.

I am committed to providing responsible and appropriate tools to our intelligence community to protect and defend Americans at home and abroad. I urge my colleagues to do the same and pass the bipartisan FISA bill today.

THE PEACE CORPS

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

Mr. FARR. Mr. Speaker, I rise this morning to commemorate the creation of the Peace Corps. Forty-seven years ago this month, March 1961, President Kennedy called upon Americans to serve abroad. Since that time, nearly 200,000 Americans have responded to that call, including five sitting Members of Congress. They left behind the comforts of family and friends and decided to forego high-paying jobs to share their abilities with people across the globe.

Peace Corps volunteers work in the poorest communities of the world's poorest countries, where they build lasting relationships, inspire young people to become leaders, and simply make good friends. Peace Corps volunteers improve America's standing worldwide, one community at a time.

Today I have introduced a bill to reauthorize the Peace Corps and to double its size by the year 2012. I look forward to bipartisan support for the Peace Corps and ask all Members to join the Returned Peace Corps Volunteer Members of Congress who cosponsored the Peace Corps reauthorization.

FINANCIAL CRISIS FACING OUR NATION WILL REQUIRE BIPARTISAN EFFORT

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

Mr. WOLF. Mr. Speaker, I testified last week before the Budget Committee about the enormous fiscal challenge we face as a Nation and offered a bipartisan solution to respond to outgoing U.S. Comptroller David Walker's characterization of a ''tsunami of spending and debt levels that could swamp'' our Nation. We must come together across the aisle, and if we don't get our financial house in order and make the sacrifices necessary today, we will hurt our children and our grandchildren.

JIM COOPER and I have joined efforts, a Democrat and a Republican, calling for a national bipartisan commission that will put everything on the table, entitlement spending, other Federal program spending, and tax policy, and come up with recommendations to put our country on a sustainable path. Nothing would be off limits for discussion and recommendations by the commission members. Congress would be required to vote up or down on the plan. If other viable bipartisan solutions are presented, we should look at those too.

I urge Members, I beg Members on both sides of the aisle to come together to take this issue to heart. Let's work together to take the necessary actions to save this country.

IMPORTANCE OF STEM CELL RESEARCH

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

Mr. PERLMUTTER. Mr. Speaker, I rise today because I believe there is promise in all forms of stem cell research but especially in embryonic stem cells. Currently, this administration's prohibition of Federal funding for embryonic stem cell procurement is ridiculous.

I campaigned on this issue because people suffering from diabetes, Parkinson's, Alzheimer's, and epilepsy deserve a government that fights for them. Researchers who care about finding cures to these debilitating diseases need every resource available. That is why I promise to fight until funding flows from Washington to the lab benches in scientific institutions across the country.

Federal funding is essential for embryonic stem cell research and for progress in curing these tough diseases. Mr. Speaker, it is time that we got on track and we stop fighting science in this country.

FISA

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

Mr. KAGEN. Mr. Speaker, ladies and gentlemen, the American public needs to know about misrepresentation. This morning we have heard a misrepresentation of reality about the FISA bill.

We passed a FISA bill that guarantees that we protect not only our Nation but our constitutional rights. Every single Member of Congress has sworn to uphold our United States Constitution, and that means we have judicial oversight, oversight of our administration and the executive branch that may reach far too deep into our personal lives. No administration has the constitutional right to listen in on U.S. citizens. And at no time has FISA gone dark. Our intelligence community has at all times been listening in on conversations of those who seek to destroy our freedom and our rights.

Fellow Americans, understand this: The FISA conversation you're hearing here on the floor is all about a smokescreen. We have been protecting America each and every minute of the day.

DEMOCRATS WILL CONTINUE TO PUSH FOR NEW DIRECTION IN IRAQ TO BRING TROOPS HOME

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

Ms. SHEA-PORTER. Mr. Speaker, as we prepare to mark the unfortunate 6-year anniversary of the war in Iraq, a war that is being financed by deficit spending, it's important to recognize the serious effects this war is having on our military. Our generals are warning that our military has been stretched and strained too far.

Perhaps that's why in a recent poll of 3,400 present and former military officers, 88 percent of them said that the demands of the war in Iraq have ''stretched the U.S. military dangerously thin.'' This is the worst readiness crisis since the Vietnam War, and military officers are justifiably worried about military preparedness. Military personnel are so concerned that nearly three-quarters of the officers surveyed in that recent poll said that their civilian leaders are setting ''unreasonable goals for the military'' in Iraq. And due to multiple deployments, the Army is facing a shortage of officers and enlisted personnel.

Mr. Speaker, the 110th Congress is listening to the military. We will continue to push for a new direction, a new change, and an end to the war in Iraq.

□ 1030

PRESIDENT SEVERELY OUT OF TOUCH WITH CONCERNS OF RISING OIL PRICES

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

Mr. CARDOZA. Mr. Speaker, it is clear that President Bush is out of touch with today's consumer. First, he refused to accept that the economy was heading in a downturn. Now, it takes a reporter's question for him to realize that gas prices in this country will soon reach $4 a gallon at the pump. Despite being reported in newspapers around the Nation, President Bush has told reporters last week that he didn't realize that $4 gas was possible. The President's energy record leaves a great deal to be desired. Since he took office, gas prices have doubled, and home heating costs have tripled.

While President Bush remains out of touch, House Democrats acted last week to ease some of that burden. We passed legislation that repeals unnecessary tax subsidies to big oil companies, which reported record profits last year and last month. Instead, the subsidies will go towards tax incentives for clean, renewable energy.

Mr. Speaker, President Bush should recognize that his energy policy has failed the American people, and that he should join us in supporting legislation that will reduce our dependence on foreign oil.

GORHAM PAPER MILL

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

Mr. HODES. Mr. Speaker, the people of Gorham, New Hampshire are hurting. Over 160 workers will lose their jobs at the Fraser Paper Mill next month. Decades ago, the paper industry was thriving throughout Coos and Grafton Counties in New Hampshire. But with new trade policies that ship our jobs oversees, these jobs are disappearing faster, and towns across northern New Hampshire are hurting.

In February, Fraser Paper announced that it will lay off 167 jobs from their facility in Gorham. The news broke just months after the Wausau Paper Mill closed its doors in Groveton and left 303 workers without jobs, and nearly 2 years after Fraser Paper shut down its Berlin site, which resulted in the loss of 250 jobs in the region. I will visit Coos County this Friday to meet with workers in Gorham, Groveton, and Berlin to hear their stories.

I am working to take action to stand up for these working families and their communities. We have already helped with the bipartisan economic stimulus plan that puts more money in the hands of working families, and boosts our economy, but the people of Gorham and the surrounding communities and workers in America need additional help.

I plan on submitting legislation to keep mills and business and jobs like these in New Hampshire. I urge my colleagues to stand with me and stand with our working men and women.

STEM CELL DEBATE

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

Mr. LANGEVIN. Mr. Speaker, in recent months, researchers have created apparent embryonic stem cells from reprogrammed adult skin cells. This is an exciting new breakthrough, known as induced pluripotent stem cells, or iPS, which is an important and incredible milestone. However, it should not halt our efforts towards embryonic stem research. The iPS method is still in its earliest stages, and there is widespread debate among the scientific community as to the safety and effectiveness of its practical application.

Embryonic stem cell research remains the gold standard for potential therapeutic use. Further, it has laid the foundation of scientific knowledge that has made these recent discoveries possible. We should not abandon one area of research just because we have made progress in another. We must continue our investment, both public and private, into all areas of responsible stem cell research, whether that is adult stem cell research, embryonic stem cell research, or this new, exciting iPS method. It is the right thing to do. It offers great potential to offering cures for millions of people suffering from some of life's most challenging chronic conditions and diseases. The hope of millions of Americans depends on it.

ON FISA, PRESIDENT AND REPUBLICANS PLAY POLITICS WITH NATIONAL SECURITY

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

Mr. PALLONE. Mr. Speaker, neither the public nor the press are buying into the scare tactics coming out of the White House and the Republican leadership here on Capitol Hill about the expiration of the President's supposed Protect America Act. Here are just a few of the editorial examples in papers from around the Nation.

The St. Louis Post-Dispatch wrote that, ''The President's assertion that our country is in more danger of an attack is patently ridiculous.'' The Miami Herald writes that, ''Once again, the administration has claimed that if it doesn't get its way, the terrorists win. Unfortunately, the administration is resorting to exaggeration and hyperbole to make its case.'' The Syracuse Post Standard concluded that ''Congress should take the time to get this legislation right.''

Mr. Speaker, Congressional Democrats are serious about passing a strong FISA law that gives our intelligence community the legal tools necessary to protect our national security, and that is why bicameral negotiations continue. But, unfortunately, Republicans refuse a seat at that table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1084

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this Act, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 4. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

"SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

''(2) PRE-NOTIFICATION REQUIREMENT.—The President may not furnish assistance pursuant paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

''(3) FUNDS.—The funds referred to in paragraph (1) are funds made available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

''(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2008, 2009, and 2010, except that the authority may not be exercised to furnish more than $100,000,000 in any such fiscal year.''.

SEC. 5. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 3 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.

''(d) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 6. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 5 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this Act, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 5 of this Act.

SEC. 7. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 8. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for

each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this Act. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 5 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 7 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I want to first thank our colleague and friend from California, a valuable member of the Appropriations Committee, an individual who has always had a long-term interest in the issue of capacity building in our international relations effort, Congressman SAM FARR, who introduced this vitally important legislation and who has an unwavering commitment to restoring the strength and expertise of U.S. civilian agencies.

Since the end of the Cold War, the United States has been engaged in a stabilization or reconstruction operation once every 18 to 24 months. During the same period, the backbone of America's diplomatic and development might, the State Department and the U.S. Agency for International Development, has been substantially weakened by staff cuts, hiring freezes and consolidation.

Despite new hires, there are only 6,600 professional Foreign Service officers in the State Department. According to Secretary of Defense Gates, this is less than the personnel of one carrier battle group, and allegedly less than the number of active military band members.

Likewise, at a time when the United States is engaged in two massive stabilization and reconstruction efforts and countless other emergencies, USAID, America's premier development agency, barely has 1,000 Foreign Service officers. Compare that number to the height of the Cold War, when it had more than 4,500 Foreign Service officers with expertise in engineering, agricultural development, rule of law, and civil administration. In essence, we have created a situation where those who are best suited for complex stabilization missions simply aren't there.

Mr. Speaker, this personnel imbalance is unacceptable and dangerously shortsighted. Stabilization operations require expertise in smart skills, such as job creation, rule of law programs, fortification of police forces, and good governance training, which lies within America's civilian agencies. Amazingly, at a time we need to call on this expertise the most, the U.S. Government capacity for these skills is at its weakest.

We need look no further than Iraq to see the dangers of overburdening our military with stabilization and reconstruction activities for which they were not trained, nor for which they are best suited. As Secretary Gates aptly observed, ''Brave men and women in uniform have stepped up to the task, with field artillerymen and tankers building schools and mentoring city councils, usually in a language they don't speak. But it is no replacement for the real thing, civilian involvement and expertise.''

The U.S. needs experienced police officers to train local Iraqi counterparts. We need USAID personnel to assist with municipal administration, sewage treatment, banking, electricity, and thousands of other tasks. This bill aims to successfully address upcoming threats and prosecute the long-term fight against terror by fortifying the U.S. Government's civilian capacity to deal with instability, particularly in areas where terrorists thrive.

The Reconstruction and Stabilization Civilian Management Act of 2008 authorizes the establishment of a Readiness Response Corps to plug the gap regarding civilian capacity. The corps will include active and standby components composed of Federal employees, and a reserve component made up of civilian experts from State and local governments and nongovernmental organizations.

To effectively establish the corps, the bill includes several innovative personnel provisions which ensure that the State Department and other Federal employees will not be prejudiced by joining the corps and that the Secretary of State will have unambiguous authority to hire personnel appropriate for the corps, including experts from Federal, State and local agencies. The bill also authorizes the President to use up to $100 million in any given fiscal year for the purposes of furnishing assistance to stabilize and reconstruct a country or region at risk.

Finally, the bill codifies the establishment of an Office of the Coordinator for Reconstruction and Stabilization within the Department of State.

Mr. Speaker, we expect this bill to accomplish two key goals. In the short term, the bill will ease the burden on the Armed Forces by allowing the State Department to deploy civilians in crisis situations previously staffed by the military. In the long term, the bill will enable the U.S. Government to project ''smart power'' in situations that cry for such civilian expertise.

For these reasons, I thank my colleague, Mr. FARR, for introducing this legislation, and I urge all of my colleagues to support this legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 1084, the Reconstruction and Stabilization Civilian Management Act. I want to thank Chairman BERMAN; the gentleman from California (Mr. FARR), the author of the bill; and my dear friend, Mr. SAXTON, the lead Republican cosponsor of the legislation, for working to reach the bipartisan agreement before us.

The text we are considering today was finalized in consultation with the State Department and the White House. It provides the President and Secretary of State with the basic authorities they have been seeking for expanding reconstruction and stabilization activities in order to assist countries whose descent into internal crisis may endanger the national security interests of the United States.

The legislation formally creates and gives full legislative support to the 4-year-old office of the Coordinator for Reconstruction and Stabilization. It also provides the President with the authority to create a Federal Response Readiness Corps and a volunteer Civilian Reserve Corps, a proposal based on a December 2005 Presidential directive and which enjoys the support of a broad cross-section of U.S. agencies.

These new corps will work to prevent future conflicts overseas and ensure that we are better prepared to effectively address post-conflict scenarios in countries that are important to our Nation's security interests. The hope is that, by preorganizing and training qualified civilian personnel, any future reconstruction and stabilization operations can be better coordinated and

more effective in order to free up our Armed Forces to better focus on strategic military and security objectives.

It is important to note that the text before us provides these authorities in a limited, careful manner, subject to greater congressional oversight. In contrast with the original text and other proposed drafts, there are several things that today's suspension text does not do: It does not mandate specific funding levels, and limits funding authorities to a 3-year trial period, from fiscal year 2008 through 2010; it does not create additional budget drawdown authority for emergency peacekeeping assistance; it does not mandate a minimum number of Civilian Reserve Corps personnel; and it does not include special personnel authorities such as waivers to allow dual compensation of Federal retirees or an increase in the premium pay cap.

Although we are attempting to create a system that is better equipped to intervene more effectively in foreign crises, we are not intending to lower the threshold for U.S. involvement in such situations. This is not an invitation to ''nation building.'' For this reason, the amended text requires a Presidential national security interest determination and advance congressional notification before any deployment of the corps to a country in crisis.

□ 1045

We also intend that these activities be conducted in a transparent and fiscally responsible manner. Toward that end, the text includes an annual worldwide cap of $100 million on all reconstruction and stabilization assistance provided under the act.

In order to mitigate the potential domestic impact, the text we are considering today mandates that the Civilian Reserve Corps be staffed in a way that does not diminish the capacity of State or local governments from which the volunteers may be drawn. It also charges the Office of the Coordinator to avoid duplication with other U.S. foreign assistance activities. Finally, it requires enhanced reporting to Congress on the structure, operation and cost of core operations, their relations to other U.S. foreign assistance efforts, and any impact on U.S. domestic readiness and capabilities.

I am gratified that we are able to reach this compromise, and look forward to working together in the future to ensure the success of this and other U.S. foreign assistance programs. I urge my colleagues to support this bipartisan measure.

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

Mr. BERMAN. Mr. Speaker, I am pleased to yield 4 minutes to the chief sponsor of this legislation, the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership and vision on this issue. I would also like to thank the Foreign Affairs Committee staff for their meticulous work. We have a better bill on the floor for it.

This legislation is important because future stabilization operations are going to rely on a different set of skills, different than we currently have. We talk about stabilization and peace building, but how exactly do you do that? That is what this bill is about.

It is a bill that allows the Secretary of State, working with the Secretary of Defense, to essentially bring the core of people that have the talent, have the linguistic talent, the knowledge talent, the experience of careers, to come together to form an emergency response team, much like we have in the domestic program with FEMA.

Even Secretary of Defense Gates has noted that future conflicts will be fundamentally political in nature and will require an application of all elements of national power, not just the Defense Department. On another occasion, Secretary Gates called for more resources to be given to our civilian agencies, so that they will have the civilian professionals capable of carrying out reconstruction and stabilization operations.

Why would the Secretary of Defense ask for more money to go to the State Department and to USAID? It is because he sees the future threats and our capacity to deal with them and understands that a safer and more secure and more peaceful world depends upon adequately funding our civilian agencies. He knows that the best way to avoid war is to stabilize countries by creating stakeholders for peace in those countries.

USAID, our foremost development agency, has the expertise, but lacks the manpower and regular training to conduct stabilization operations. With this bill, USAID will receive additional personnel to implement stabilization operations. The State Department will also be enhanced as it takes on the role of coordinator of these complex operations.

Again, I appreciate all the hard work that went into this bill to get it to the floor. I appreciate the strong backing from Secretary Gates and from Secretary Rice. I would also like to thank Congressman SAXTON, my colleague, for his stalwart support and his work on H.R. 1084. It is my earnest hope that improved American civilian capabilities will yield fewer and shorter conflicts and will build a more peaceful and prosperous world. In order to do that, I need your vote, and I ask for that for the betterment of America and the world.

Mr. BILIRAKIS. Mr. Speaker, I have no further speakers and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to my colleague, the gentlewoman from California (Mrs. Davis).

Mrs. DAVIS of California. Mr. Speaker, I rise today in strong support of H.R. 1084. In today's security environment, it is absolutely essential that we authorize the creation of the Response Readiness Corps and Response Readiness Reserve within the State Department and USAID. This legislation is a vital step toward achieving a proper balance between civilian and military efforts in stabilization and reconstruction missions.

Iraq and Afghanistan have really highlighted a need for better interagency coordination and a more robust civilian capacity. As someone who went to Iraq early and saw a void of adequate civilian support, I know that we need to improve the civilian apparatus for future stability in reconstruction efforts. In Iraq and Afghanistan, we have relied on the military to act as diplomats, help build government capacity and conduct combat missions, all at the same time.

Simply put, stability and reconstruction have fallen too heavily on our military in recent years. Unable to tap into a viable, full-scale deployable civilian force, our great men and women have been asked to perform jobs outside of their area of expertise. Congress must, must do a better job of marshalling all elements of national power in support of U.S. goals abroad and ensure that future missions are not military-centric, but joint interagency efforts. Part of this effort must be greater capacity within civilian agencies, a bench to pull from when contingencies arise. This legislation by my friend from California will help do just that.

Congress must also be thinking about how to capture the skills and lessons learned from military personnel and civilians who have served on PRTs or other interagency projects in Iraq and Afghanistan. These individuals now have vital skills that could be used to help train Federal civilian employees deploying to zones of conflict.

Mr. Speaker, H.R. 1084 gets us on the right path, and I encourage all of my colleagues to support this legislation.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to a gentleman who has been very interested in this whole process of capacity building, the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, people in Arkansas want to be safe and they want to feel safe. Everyone in America wants to be safe and have a strong national defense. National security means a strong military. National security also means that all the tools in our tool box must be available, including the capacity and availability of the civilian side of our government.

Mr. FARR has been leading this charge, along with Mr. SAXTON, and I appreciate the great work of Mr. BERMAN stepping into his new role, to

bring forth this issue that all the tools of U.S. strength must be available. As Mrs. DAVIS was pointing out, we have a lot of work to do beyond this bill in terms of the coordination of all our different agencies.

I was talking to one of my constituents who is a civilian working in Iraq, and she said, You know, I sometimes think the differences in conflicts between the agencies of the U.S. Government are greater than the differences between us and the Iraqis. I think that really brings home the issues and challenges that we have.

But this bill today is a great step towards making sure that we have all the tools in our tool box that we need for our national security, and I applaud its passage today.

Mr. BERMAN. Mr. Speaker, before I yield back my time, I would like to include for the RECORD an exchange of letters regarding H.R. 1084 between the gentleman from California, the chairman of the Committee on Oversight and Government Reform (Mr. WAXMAN), and me.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 4, 2008.

Hon. HOWARD L. BERMAN,
Acting Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 1084, the Reconstruction and Stabilization Civilian Management Act of 2008.

As you know, on February 27, 2008, the Committee on Foreign Affairs ordered H.R. 1084 reported to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 1084 that fall within the Oversight Committee's jurisdiction, including matters related to the federal workforce.

In the interest of expediting consideration of H.R. 1084, the Oversight Committee will not separately consider this legislation. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 1084 or a similar Senate bill be considered in conference with the Senate. I also request that you include our exchange of letters on this matter in the Report by the Committee on Foreign Affairs on H.R. 1084 and in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1084, the Reconstruction and Stabilization Civilian Management Act of 2008, which authorizes the President to provide assistance to stabilize and reconstruct a country or region that is at risk of, in, or is in transition from, conflict or civil strife, and establishes a Response Readiness Corps and Civilian Reserve Corps to respond to such country or region.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I will ensure that our exchange of letters is included in my Committee's report on the bill and in the Congressional Record during consideration on the House floor of H.R. 1084, and I look forward to working with you on this important legislation.

Cordially,

HOWARD L. BERMAN,
Acting Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of 1084, the Reconstruction and Stabilization Civilian H.R. Management Act of 2008, introduced by my distinguished colleague from California, Representative FARR.

This important legislation will amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 in order to build operational readiness for civilian agencies.

Since the end of the cold war, the United States has consistently been engaged in stabilization or reconstruction operation at the average interval of once every 18 to 24 months. However, despite the United States' ever increasing stabilization efforts around the world, U.S. Agency for International Development, USAID), the most significant dipolmatic and development organ of the United States Government, has been substantially weakened due to staff cuts, hiring freezes, and consolidation. This is absolutely unacceptable.

In a time where the U.S. has mounted a global war on terror, arguably destabilizing more regions than not, it is imperative that American diplomatic missions reflect American global involvement. This important legislation authorizes the Secretary of State, in consultation with the Administrator of USAID, to establish a Response Readiness Corps to provide stabilization and reconstruction activities in foreign countries or those with expertise in engineering, agricultural development, rule of law, and civil administration required for the complex stabilization missions of today are simply not there. At a time regions that are at risk, in, or are in transition from, conflict or civil strife (up to 250 personnel to serve in the Corps, and such other personnel as the Secretary may designate from the Department and USAID).

I have said time and time again that what the United States needs is a new diplomatic offensive, a diplomatic surge. That being said, there are only 6,600 professional Foreign Service officers today in the State Department. According to Secretary of Defense Robert Gates, the number of professional Foreign Service officers is less than the personnel of one carrier battle group. In a time when the United States is engaged in two massive stabilization and reconstruction efforts and countless other emergencies, USAID has less than 1,000 Foreign Service officers, as opposed to during the height of the Cold War when there were more than 4,500 Foreign Service officers. In essence, we have created a situation where those with expertise in engineering, agricultural development, rule of law, and civil administration required for the complex stabilization missions of today are simply not there. At a time when we need to call on this expertise the most, the U.S. Government capacity for these skills is at its weakest.

This legislation seeks to alleviate some of this total lack of diplomatic and developmental capacity. The aim of this bill is to successfully address upcoming threats and prosecute the long-term fight against terror by fortifying the United States Government's civilian capacity to deal with instability, particularly in areas where terrorist and terrorism thrive. This legislation will authorize the Secretary to establish a Readiness Response Corps in order to alleviate the gap in civilian capacity. This Corps will include active, as well as standby, components composed of Federal employees. Furthermore, it includes a reserve component consisting of civilian experts from State and local governments as well as non-governmental organizations.

The current American diplomatic and developmental strategy simply does not sufficiently meet the needs of today's world. This bill will amend the Foreign Assistance Act of 1961 to authorize the President to transfer or reprogram up to $100 million in any given fiscal year for the purposes of furnishing assistance and permitting the export of goods and services to assist in stabilizing and reconstructing a country or region that is in, or is in transition from, conflict or civil strife. It also amends the State Department Basic Authorities Act of 1956 in order to establish within the Department of State an absolutely essential Office of the Coordinator for Reconstruction and Stabilization.

I strongly support this legislation that will ease the burden on the Armed Forces by allowing the State Department to deploy civilians in crisis situations previously staffed by the military. Our men and woman in uniform have accomplished what we asked them to do and it is time that the U.S. Government responsibly and appropriately addresses the stabilization and reconstruction situations that

persist, despite our inaction, throughout the world. I urge my colleagues to join me in supporting this extremely important and timely piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 1084, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING TAIWAN'S FOURTH DIRECT AND DEMOCRATIC PRESIDENTIAL ELECTIONS IN MARCH 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 278) supporting Taiwan's fourth direct and democratic presidential elections in March 2008, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 278

Whereas the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

Whereas Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced by Taiwan's first democratic presidential election in 1996, second in 2000, and third in 2004;

Whereas the democratic and open presidential elections in 2000 mark the first transfer of power from one party to another in Taiwan's history;

Whereas Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule of law, and free and fair elections routinely held in a multiparty system;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas, with its stable democratic system and impressive economic prowess, Taiwan stands apart from many equally young democracies whose freedom and liberty have been severely challenged; and

Whereas the United States Congress has organized congressional delegations to witness the electoral process in thriving democracies, including elections in Taiwan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States Government should reaffirm its unwavering commitment to Taiwan's democracy and security; and

(2) international delegations should be encouraged to visit Taiwan for the purpose of witnessing the presidential elections in March 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution, and yield myself 5 minutes.

I would like first to thank the ranking member of the full committee, Ms. ROS-LEHTINEN, for introducing this important resolution.

The United States' relationship with Taiwan speaks to the great importance of democracy in our foreign policy. Over the past 60 years, the U.S.-Taiwan relationship has undergone dramatic changes, but it is Taiwan's development of democracy that underpins the strong U.S.-Taiwan friendship we enjoy today.

Initially our relations were defined by a shared strategic purpose of containing the spread of communism in Asia. This Cold War imperative served our strategic goals, but compelled us to cooperate with an authoritarian dictatorship in Taipei that failed to respect basic human rights. With the normalization of relations with Beijing in 1973, the Cold War's strategic landscape changed, and, over time, could have threatened to diminish the importance of the U.S.-Taiwan partnership. But Taiwan's commitment to democracy prevented such a split.

As the PRC liberalized and opened up to the world economically, Taiwan's political system evolved from authoritarianism to one of the strongest democratic systems in Asia, and in the process the U.S.-Taiwan relationship transformed from one based solely on shared interest to one based on shared values.

Today Taiwan is a flourishing, multiparty democracy that respects human rights, upholds the rule of law and holds competitive elections, including presidential elections in 1996, 2000, and 2004. This remarkable political evolution proves beyond any doubt that the notion of ''Asian values,'' which was used to justify one man or one party rule, is a complete fallacy. Democracy, freedom and human rights are universal values to which all human beings aspire.

This resolution recognizes Taiwan's strong democratic system by supporting Taiwan's fourth democratic presidential election, which will take place in March of this year, and by encouraging delegations from around the world to visit Taiwan to witness the election process.

□ 1100

It is important to note, however, that this resolution should not be construed as taking a position on the referendum regarding Taiwan's membership in the United Nations under the name Taiwan, which is also being held in conjunction with the presidential election. The purpose of this resolution is to honor the U.S.-Taiwan friendship by celebrating Taiwan's democracy. I strongly support this resolution and encourage my colleagues to do the same.

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

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

I would also like to thank Ranking Member ROS-LEHTINEN for authoring this great piece of legislation, the resolution.

I would like to take this opportunity also to offer our varied Asian American communities, Taiwanese, Chinese, Vietnamese, Korean, and Singaporean, belated wishes for good fortune in the lunar new year which began last month. I wish all these communities health, long life, and prosperity as they welcome the Year of the Rat, a year which brings hard work, activity, and renewal. We also expect hard work and much activity in the months ahead in what promises to be a dynamic 2008.

Taiwan faces a very competitive campaign in the next 2 weeks before the March 22 presidential election. No one is able to predict the final outcome. That in itself is an indication of a thriving democracy.

Those skeptics who once said that democratic values would never thrive in a Chinese cultural context need to look no further than Taiwan. Free and fair elections in Taiwan bear a significance which reaches far beyond the shores of one island.

Taiwan, through its maturing democratic institutions, stands as a shining example for other Asian states struggling with the introduction of representative forms of government and the rule of law. Taiwan's free elections, however, have the greatest impact on those who are still yearning to breathe free in the vast Chinese mainland just across the narrow Taiwan Strait.

Taiwan's young democracy faces constant military threat and intimidation from neighboring China. Yet in spite of these belligerent threats and the constant saber-rattling by Beijing, Taipei has continued to stand tall for freedom. Taiwan's evolving and dynamic democracy serves as a beacon of hope for those still suffering under oppression in the Communist Chinese mainland.

Taiwan's democracy is a torch which shines ever brighter, far outshining the Olympic torch of the Chinese regime which hopes this year to use sports to achieve propaganda victory. Freedom shines brighter than any medal, Mr. Speaker.

Today, I ask my colleagues to join me in giving their strong, enthusiastic support to this resolution which welcomes Taiwan's fourth direct and democratic elections as part of our ongoing efforts to promote democracy around the world and in the Asian region in particular. I wish the people of Taiwan continued peace, prosperity, and liberty in this Year of the Rat, and in the years and decades ahead.

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

Mr. BERMAN. Mr. Speaker, I am pleased to yield to my friend from American Samoa, the chairman of the Asian Subcommittee, Mr. FALEOMAVAEGA, 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, last month the House Foreign Affairs Committee marked up House Concurrent Resolution 278, and I would like to thank the distinguished chairman of the House Foreign Affairs Committee, Mr. BERMAN, and also our senior ranking member, Ms. ROS-LEHTINEN, for agreeing to removal of certain language suggesting that the People's Republic of China is currently threatening or intimidating Taiwan as it seeks to hold democratic elections.

Mr. Speaker, I visited Taiwan twice in the past year, and most recently in November I met with their President and Premier and even their presidential candidates. I can assure my colleagues that elections are in full swing in Taiwan with no intimidation from the People's Republic of China. In fact, quite the opposite. Taiwan's current administration has hung signs and posters on government buildings, including the presidential palace, urging Taiwan's accession to the United Nations, a policy which the United States does not support and which this administration also opposes.

Mr. Speaker, I appreciate Chairman BERMAN's comments before the House Foreign Affairs Committee in marking up this resolution, and I quote, ''Passage of this bill should not be construed as taking a position on the referendum regarding Taiwan's membership in the United Nations, which the Government of Taiwan plans to hold in conjunction with the election.''

I would like to associate myself with Chairman BERMAN's position and remarks as, again, this administration has made it clear that it does not support a vote on the referendum being held in conjunction with the election.

Mr. Speaker, Taiwan has come a long way. It was only until 1996 that they had their first elected President of the people of Taiwan. Taiwan ranks among the top 10 of our trading partners of the world and, ironically, Taiwan currently holds a $100 billion trade relationship with the People's Republic of China. Many people don't realize this.

Given the nature of this debate, Mr. Speaker, it is my intent to be in Taiwan this month to monitor or to observe the upcoming elections. I think it is important for Members to observe firsthand the process and meet the leaders in Taiwan and Beijing before being so quick to condemn the People's Republic of China.

Mr. Speaker, while Hong Kong is a different case, we should not forget that it was China, not Britain, that wrote into the Basic Law of Hong Kong provisions for Hong Kong to hold democratic elections ultimately based on universal suffrage.

I support Taiwan's right to hold democratic elections which started, as I said earlier, about 10 years ago; but I do not believe it will be in the best interest of our country to support the position of Taiwan's current administration which has attempted to push for independence, which is contrary to the U.S. position on one China, two systems. Whatever political relationship Taiwan and China want to work out peacefully, I believe that this is what we should also be supporting. Therefore, in no way should passage of this resolution be construed to be anything than what it is. This is a resolution to congratulate Taiwan's efforts to build a greater foundation for democracy and its upcoming presidential elections. It is my understanding that the U.S. does not and should not take a position on which candidate the people of Taiwan should elect. It is up to the people of Taiwan to determine who will best represent their interests, and we will support the will of the people.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), the ranking member of the Committee on Small Business and a longstanding friend of Taiwan.

Mr. CHABOT. I thank the gentleman for yielding.

I rise as one of the founding members of the Congressional Taiwan Caucus, and I also want to thank the gentlelady from Nevada, SHELLEY BERKLEY, for her leadership in that capacity as well, as well as our colleagues ROBERT WEXLER and DANA ROHRABACHER who are the other founding members.

I most recently traveled to Taiwan this last January, the week prior to the Legislative Yuan Elections, and I rise in support of House Resolution 278, a resolution recognizing Taiwan's fourth direct democratic presidential election to be conducted later this month. This resolution sends the right message at the right time.

As one of the very few democracies in Asia, Taiwan should be recognized for its courage and commitment to allow its citizens to choose its future. It is a democracy that maintains a multiparty political system, and one that recognizes and respects individual liberty and human rights.

Just across the Taiwan Strait is the People's Republic of China. It most certainly is not a democracy. It maintains an abysmal human rights record. It does not recognize the rule of law. It practices religious persecution. It warehouses political prisoners. It carries out a coercive abortion policy. And it has more than 800 missiles pointed directly at Taiwan. It is against this backdrop that Taiwan forges on with its elections.

I am disappointed that the stronger language contained in the introduced version of the bill, which referenced the acts of intimidation and pressure by China, were eliminated. It is better to speak the truth rather than to worry about offending China's sensitivities. Intimidation, pressure, and outright bullying will not go away by ignoring it or by being silent about it.

Notwithstanding this concern, I am supportive of the resolution, and I would urge its passage today.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I congratulate the chairman for obtaining this position. I know he is going to do a remarkable job.

Mr. Speaker, I rise in support of this resolution and in support of a United States ally and a fellow democracy.

For over 50 years, Taiwan and the United States have enjoyed a strong political and economic partnership. In the last two decades, we have watched Taiwan blossom into one of the world's leading democracies, holding a number of open, fair, and internationally approved elections. Its constitution guarantees fundamental freedoms and civil liberties, and ensures all citizens have a voice in local and national affairs.

Mr. Speaker, in an age of terrorism and political violence, it is absolutely imperative that the United States stand up for and stand with peaceful and free countries around the globe. We must make certain that our fellow democracies can determine their own destinies at the ballot box without fear of attack or violence.

This resolution calls on our government to reaffirm its unwavering commitment to Taiwan's democracy and security. One way for us to do this is to support this election and avoid being seen as taking sides. Only by standing firmly with a democratic Taiwan can we uphold the principles, our principles, of promoting peace and democracy worldwide. I urge support for this resolution.

Mr. POE. Mr. Speaker, today the House considers a timely resolution supporting Taiwan's fourth direct and democratic presidential elections which will take place in just a few weeks. I am pleased to be a cosponsor of this resolution.

In 1979, Congress passed the Taiwan Relations Act, which caused our Government to consider Taiwan in nearly all respects a sovereign partner. President Ronald Reagan reinforced this stance in 1982 when he publicly reiterated the US position regarding Taiwan's sovereignty. Since that time, the United States and Taiwan have enjoyed increasingly close relations, and our two countries maintain a strong strategic alliance. Today Taiwan remains one of the strongest democratic allies of the United States in the Asia-Pacific region.

The United States and Taiwan share a common vision of freedom and democracy. Since Taiwan's first democratic presidential election in 1998, Taiwan has successfully held routine, free, and fair elections in a multiparty system. As a beacon of democracy in the Asia-Pacific region, Taiwan deserves recognition and support from the United States.

I am pleased to rise in strong support of Taiwan's continued commitment to democratic elections. Now is the time for the United States to reaffirm its unwavering commitment to Taiwan's democracy and security. For an ally that shares our values of freedom, security and prosperity, we can do nothing less.

And that's just the way it is.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 278, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONDEMNING THE ONGOING PALESTINIAN ROCKET ATTACKS ON ISRAELI CIVILIANS

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 951) condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 951

Whereas more than 4,000 rockets and mortar shells have been fired at Israel from the Gaza Strip by Hamas and other terrorist organizations since Israeli forces withdrew from there in 2005;

Whereas, since January 1, 2008, terrorists have fired nearly a thousand rockets and mortar shells into Israel;

Whereas the near-daily rocket fire has been targeted primarily and intentionally at civilian communities in Israel, such as Sderot and Ashkelon, making life in such areas agonizing;

Whereas the terrorist rockets have hit homes, schools, buildings, roads, power lines, and other such infrastructure in Israel;

Whereas these unprovoked rocket and mortar attacks have murdered over a dozen Israelis, inflicted hundreds of casualties, produced thousands of cases of shock and post-traumatic stress, especially among children, and caused severe disruption of daily life;

Whereas these deliberate cross-border rocket and mortar attacks on civilian populations constitute a blatant violation of human rights and international law;

Whereas those responsible for launching rocket attacks against Israel routinely embed their production facilities and launch sites amongst the Palestinian civilian population, utilizing them as human shields;

Whereas intentionally targeting civilian populations and the use of human shields violates international humanitarian and human rights law;

Whereas numerous reports have cited the copious amounts of sophisticated weapons, small arms, and weapons manufacturing materials that have been smuggled into Gaza through Egypt;

Whereas public reports have cited the role of Iran and Syria in providing material support and training to those carrying out rocket and other terrorist attacks from Gaza;

Whereas public reports have referenced the increased flow of ammunition, explosives, and higher-grade weapons into the Gaza Strip as a result of Hamas' breach of the 12-kilometer security fence separating Gaza from Egyptian Sinai on January 23, 2008;

Whereas it was reported that after the breach of the Egyptian-Gaza border, many Palestinian terrorists who had trained in Syria and Iran returned to Gaza;

Whereas the fielding and use of longer-range rockets by Hamas and other terrorist organizations to reach larger Israeli cities represents a dangerous expansion of the organizations' offensive capabilities and an escalation of the terrorist attacks on Israel;

Whereas the Government of Israel's military operations in Gaza only target Hamas and other terrorist organizations;

Whereas the inadvertent inflicting of civilian casualties as a result of defensive military operations aimed at military targets, while deeply regrettable, is not at all morally equivalent to the deliberate targeting of civilian populations as practiced by Hamas and other Gaza-based terrorist groups; and

Whereas the situation in the Gaza Strip remains a threat to international security and regional stability: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns—

(A) Hamas, which controls Gaza, and other Palestinian terrorist organizations for the ongoing rocket attacks on Israeli civilians and continued human rights violations;

(B) state sponsors of terror, such as Iran and Syria, for enabling Palestinian terrorist organizations to carry out attacks against innocent Israeli civilians; and

(C) the use of innocent Palestinian civilians as human shields by those who carry out rocket and other attacks;

(2) expresses condolences to the families of the innocent victims on both sides of the conflict;

(3) supports the sovereign right of the Government of Israel to defend its territory against attacks;

(4) expresses sympathy and support for innocent Palestinian civilians who reject all forms of terrorism and desire to live in peace with their Israeli neighbors but who continue to be utilized as human shields by terrorist organizations;

(5) considers rocket attacks against Israel and the fostering of terrorism in the Palestinian territories as direct and serious impediments to the achievement of Israeli-Palestinian peace;

(6) calls on the President to—

(A) direct the United States Permanent Representative to the United Nations to introduce a resolution within the United Nations Security Council condemning Palestinian rocket and other attacks against innocent Israeli civilians; and

(B) direct the Secretary of State to raise this issue in all applicable bilateral and international fora;

(7) calls on responsible countries and United States allies in the Middle East to officially and publicly condemn Palestinian rocket attacks and other terrorist actions against Israel; and

(8) reaffirms the strong and unyielding friendship between the Governments and the people of Israel and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution and I yield myself as much time as I may consume.

Mr. Speaker, when this resolution came before the Foreign Affairs Committee last week, the situation in Gaza was deteriorating, and that deterioration continued apace. We have since amended this measure to reflect the latest facts, but the fundamental realities remain the same: Israel has a right to exist free from terror. Terrorist Hamas, which controls Gaza, does not accept this right. The United States will now and always stand firmly by Israel's side, committed to its survival; and we oppose all forms of terrorism and incitement meant to undermine the quest for peace.

Nearly every day, shrapnel-filled rockets launched from Gaza rain down on Israeli communities, shocking the residents with their explosive power and expanded range. Israel has answered the deadly downpour by placing pressure on the Hamas leadership and their henchmen who launch these missiles. But because these thugs cravenly place the men, women, and children in Gaza in harm's way by using civilian communities as a base, counterstrikes

have lamentably caused civilian injuries and deaths, along with the deaths of the terrorists.

□ 1115

The casualties are far too numerous, since even one innocent life lost is one too many.

And so, as we show our support with this resolution for the people of Israel, we also express our sympathy with the overwhelming majority of Gazans who only want a decent life but whose terrorist leaders have contemptuously sentenced them to mayhem.

In August 2005, the Israeli Government removed all Jewish settlements from the Gaza Strip and evicted Israeli families from their homes in hopes of injecting life into a moribund peace process. Israel's hope, and the hope of all who wish for peace in the region, was that Gaza would prove to be the fertile ground from which Palestinian statehood would emerge.

But since that time, Hamas has seized control of Gaza. It responded to good-faith efforts at peace not with reciprocal concessions or conciliatory gestures but with a relentless terrorist offensive.

In more than 2 years of rocket attacks, Israel has suffered countless casualties, including more than a dozen deaths, and serious damage to property and infrastructure. But perhaps worst of all has been the untold psychological trauma and interruption of all aspects of daily life. Reportedly, 90 percent of the children in the community of Sderot have suffered from post-traumatic stress syndrome. The beachside city of Ashkelon, until recently out of range for the simple rockets that Hamas could muster, has now been slammed by more than a dozen sophisticated missiles, next to the city hall, in the marina, leaving craters and shattered lives all around. This is a city of 120,000 people. The range of the rockets is increasing, and if the terrorists are not stopped, we all know that casualties likewise will increase.

For now the attacks are continuing unabated, and they are destroying what hopes remain of an Israeli-Palestinian peace. That is why this resolution unambiguously recognizes and reaffirms Israel's sovereign right to defend its citizens and territory.

We need also to recognize that Hamas and other Palestinian terrorist groups are not operating in a vacuum. They rely on the material and logistical support of nations like Iran and Syria. The international community must condemn Iranian and Syrian behavior and take all possible steps to halt it.

Much of the material for these rockets is smuggled into the Gaza Strip through Egyptian territory. We must prevail upon our friend Egypt, which has made invaluable contributions to peace in the years past, to do much more to end this smuggling.

This resolution therefore calls on all nations, including Egypt, to take affirmative, transparent and verifiable steps to stop the flow of rockets and related materials to the Palestinian territories.

Mr. Speaker, we can only condemn the policy of Hamas and its supporters to continue the brutal, cynical, and unprovoked attacks on Israel, and we must recognize this policy for the terrorist crime it is.

I commend the gentleman from New Jersey (Mr. GARRETT) for introducing this resolution, and his cosponsors as well, and I urge my colleagues to vote ''aye.''

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

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

Mr. Speaker, I rise today in strong support of H. Res. 951, which does not merely condemn the ongoing Palestinian rocket attacks on Israeli civilians, but also clearly articulates that the United States stands shoulder to shoulder with the people of Israel in their time of need.

Since the inception of the Palestinians' latest war against Israel, which started in September of 2000, Palestinian suicide bombers have struck at crowded buses, hotels, cafes, and other civilian targets, shedding innocent blood in Jerusalem, Tel Aviv, and other communities.

Additionally, during the war in Lebanon during the summer of 2006, Hezbollah rockets rained down on Israeli civilian populations, claiming dozens of innocent lives. And then, Mr. Speaker, there is Sderot and other Israeli communities bordering Gaza where every day ordinary people must cope with the fear that a rocket could fall at any moment, killing or maiming them and their loved ones.

Last month, as the international press covered a Palestinian demonstration against Israel, Hamas and other Palestinian jihadist groups launched rockets that struck Sderot and elsewhere. The scene was terrifying. A father of four died of shrapnel wounds after a rocket struck his car, and a 10-year-old boy lay severely injured after being struck in a supermarket as his 8-year-old sister tried to comfort him. These are just a few instances of Israeli suffering in the border communities broadcast internationally, but the trauma endured by innocent Israeli civilians in such attacks has been ongoing and extensive.

The psychological impact from continued rocket attacks has affected all segments of the population. However, the brutal impact has been most vivid on the Sderot children. Reports indicate that almost one-third of the people between the ages of 4 and 18 have suffered post-traumatic stress disorder, and I have spoken to some children that were under this situation. Many more exhibit feelings of severe anxiety and feelings of helplessness that warn of more serious problems to come. And, Mr. Speaker, the rockets continue to fall.

With the help of Iran and Syria, Hamas and its accomplices are developing, acquiring, and firing rockets with longer range, more accurate lethality. It is an unfortunate situation, Mr. Speaker, and we have to do something. Yet, even though Palestinian extremists continue to target innocent men, women, and children in clear violation of international law, the response of other nations and other international bodies, such as the United Nations, has often been openly hostile to the Israelis, the very people under attack.

In multiple U.N. forums, not a word is uttered about the Hamas rockets falling from the sky, and Israel is denounced for inflicting suffering on Gaza when it defends itself against those who attack its citizens, including through an economic blockade, a blockade which does not apply to food, medicine, and other vital necessities.

While the European Union earlier this week denounced Israel's actions against those who launch rockets against the Israeli people, it said next to nothing about the countless Israeli victims of Palestinian violence. Therefore, Mr. Speaker, it is vital that Congress takes a stand against this double standard.

This resolution states that the Palestinian extremists behind the rocket attacks against Israeli civilians are in clear violation of international humanitarian standards as they not only brutally target civilian populations, but use peace-loving Palestinian civilians as human shields against Israel's self-defense measures.

Furthermore, this resolution calls on the President to direct the U.S. permanent representative to the U.N. to introduce a resolution at the U.N. Security Council condemning Palestinian rockets and other attacks against innocent Israeli civilians and direct the Secretary of State to raise this issue in all applicable bilateral and international fora.

Finally, this resolution sends a message to the very people under daily attack by these rockets, our Israeli friends and allies, that the Congress of the United States stands firmly behind them in their struggle against Palestinian extremists. Mr. Speaker, I strongly urge my colleagues to support this critical resolution.

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

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding and thank him very much for his leadership on this important issue.

Mr. Speaker, in the summer of 2005, Israel voluntarily withdraw from the Gaza Strip. Making incredibly painful concessions, the Israeli Government forced its own citizens to abandon their homes, businesses, and synagogues in Gaza in the hope that the Palestinians would use this opportunity to build a functioning state, to demonstrate that they were capable of self-governance.

Instead, Hamas burned down those homes and businesses and used Gaza as a missile launching pad to attack Israelis who live on undisputed Israeli territory. Hamas does not want a Palestinian state. Its mission is to destroy Israel. That is painfully clear.

First, it was Sderot, just a few kilometers from the Gaza, a constant barrage of short-range, imprecise missiles falling indiscriminately and occasionally hitting a school or a home or a child in Sderot.

Now Hamas has longer range missiles acquired from Iran, and they have now hit Ashkelon, a thriving city of 120,000 men, women, and Israeli children. What next? Tel Aviv? Jerusalem? How many Israelis have to die before Israel is justified in defending its citizens?

Instead of applauding Israel for standing up to Hamas, the world denounces this democracy at every turn. When the Israelis finally cut off, after much provocation and extraordinary constraint, cut off the water and electricity to Gaza in an effort to weaken Hamas' grip, the world called it a human rights violation. And when Israel goes after Hamas, a terrorist organization that purposely puts its own civilians in harm's way and has vowed to destroy Israel, they are called war criminals. Abu Mazen likened Israel's action to the Holocaust. Abu Mazen is a Holocaust denier, and he has the audacity to liken survival of the State of Israel to the Holocaust? What nation in the world provides electricity and water to its enemy so they can lob missiles back at them?

Mr. Speaker, I applaud the Israeli Government for standing up to Hamas and for doing what every state would do in their position: defend their citizens. And I find it astonishing that the United States Congress must periodically affirm Israel's right to exist and Israel's right to defend itself against terrorist attacks. I urge support for this resolution.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Res. 951, a resolution condemning the ongoing Palestinian rocket attacks on the people of Israel.

When Israel withdrew from Gaza back in 2005, there was hope that this was an opportunity for peace. Sadly, this has not been the case. Instead, Hamas and other terrorist groups, with the support of Iran and Syria, have fired more than 4,000 rockets and mortar shells into Israel from Gaza, killing, maiming, and traumatizing innocent Israeli civilians. This unprovoked disregard for human life must be condemned in the strongest possible terms.

I support passage of this resolution, H. Res. 951, and urge my colleagues to do so as it supports the sovereign right of Israel to defend its territory and stop the rocket attacks on its citizens. It further calls on all nations, including Egypt, to take affirmative steps to stop the flow of rockets and other materials and equipment used by terrorists into Gaza and other Palestinian territories. Finally, it reaffirms the strong and unyielding friendship between the governments and the people of Israel and the United States.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. ENGEL), the chairman of the Western Hemisphere Subcommittee.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 951. I am the lead Democrat on the resolution, and I am proud to be the lead Democrat, and I am glad it is a bipartisan resolution.

This resolution condemns the Palestinian rocket attacks on civilians in the south of Israel and supports Israel's right to self-defense. I ask my colleagues: When are these horrendous, unprovoked attacks going to stop?

□ 1130

Last week a student at Sapir College in Sderot was killed, and one other person wounded by shrapnel after a Kassam rocket fired from the Gaza Strip by Palestinians hit the western Negev campus. The rocket that struck the college's parking lot was one of a barrage of six fired 1 week ago, two of which landed in Sderot.

I've been in Sderot. It is a good town. There are good people there, and they live in fear.

According to the Jerusalem Post, a total of 22 Kassam rockets were launched in the south of Israel on that day from the Gaza Strip. In fact, Mr. Speaker, more than 4,000 rockets and mortars have been fired at Israel from Gaza since Israel withdrew in 2005. And my colleagues have mentioned that Israel withdrew from Gaza in 2005. People say there should be land for peace in the settlement. Well, Israel gave up land, didn't get peace. It's not land for peace, it's land for war, and it's got to stop.

Today, longer range Palestinian rockets are hitting larger Israeli cities, representing a serious escalation in Hamas' terror war against Israel. The Hamas rockets simply continue the pattern of indiscriminate attacks on innocent men, women and children, which has been the strategy of the Palestinian terror groups for decades. They represent a blatant violation of human rights and international law by intentionally targeting civilian populations and using human shields to hide the rockets.

I am further concerned by the source of these weapons of terror. Published reports indicate that Iran and Syria have provided material support and training to those carrying out the rocket attacks. I was pleased to be the author of the Syria Accountable Act, and we must make sure that Syria is held accountable, and Iran as well.

The world stood with the U.S. after the terrorist attacks of September 11, and we must strongly support our friend and ally, Israel, at this time. The people of Israel must know that we will stand shoulder to shoulder with them as they seek to defend themselves against the terror.

It is important to point out that Israel's military response has been carefully calibrated to halt the rocket fire, surgically eliminate the terrorists firing the rockets, and ensure the safety of Israeli citizens, while at the same time making every effort to limit Palestinian civilian casualties. In this, the Israelis have my full support.

Finally, Mr. Speaker, H. Res. 951 takes a firm stand against the Palestinian rocket attacks and condemns Hamas and other Palestinian terrorist organizations carrying out the terrorism. It holds Syria and Iran responsible for their roles enabling the terrorist organizations and offers America's strong support to our ally, Israel, as it responds in self-defense.

Mr. Speaker, rocket attacks against Israel must end. We must support this resolution.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise in support of H. Res. 951, sponsored by Congressmen GARRETT and ENGEL, condemning the rocket attacks on innocent Israelis in Sderot and Ashkelon.

Israel is our greatest ally and our best friend. Our nations share a strong commitment to freedom and democracy. We have worked together in confronting the serious and very real threat posed by Islamist terrorists.

The tensions and violence between Israelis and Palestinians have gone on far too long. Hamas, a violent terrorist organization, has squandered every opportunity to demonstrate it can coexist peacefully with Israel by promoting suicide bombings on innocent civilians and by firing thousands of rockets into neighboring Israeli cities.

The terrorist attacks on Israeli citizens are no different than the cowardly attacks on the World Trade Center and Pentagon. Clearly, Israel has the right and the obligation to defend its citizens and status as a nation.

Unless Hamas recognizes the State of Israel, ceases incitement, and permanently disarms and dismantles its terrorist infrastructure, the United States

cannot work with this terrorist government, nor can Israel.

Israel has the right to exist free from terror. Its people, who can never and will never forget Hitler's Germany, have every right to expect the world will uniformly condemn Hamas.

I urge the resolution's adoption and thank the gentleman from California (Mr. BERMAN) for bringing this to the floor.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I commend those sponsors of the bill who brought this piece of legislation to the floor. And I rise to recount a story that I was told in August when I was in Israel with several of our colleagues. We visited a young family who was then living in Sderot. And the mother told a story about the pain that her children are living through and about the requirement that her kids now understand that wherever they go throughout their day, they must first know where the safe room is because they will know ultimately that rocket will sound and the kids will have to scurry to safety.

But what touched me the most about the story of this young family was the mother, again, explained how 2 years ago they uprooted their family from Gush Katif, a community in the south of Gaza when Israel pulled out of the Gaza Strip. And it was then that her children asked her, why, Mother? Why do we have to do this? And she explained to the children that they have to do this to give peace a chance so that they and the people of Israel could live in peace and live a normal life. And now where are they?

Clearly, a contagion of fear has spread across their community. But they should ask, what is it that they've done wrong to live under these kind of conditions?

And frankly, whatever conclusion the world comes to, we know now that the only crime they've committed is trying to live in freedom in a Jewish state. And that is what Hamas is going after, because for Hamas and their terrorist allies, the primary objective is to destroy Israel.

But important to all of us in this Congress is the fact that what befalls Israel in its struggle against Hamas, its rockets and other attacks have severe implications for us in America and the rest of the civilized world. The Israeli people are squaring off against an arm of the radical Islamic movement that includes al Qaeda in Iraq, al Qaeda in northwest Pakistan and Afghanistan, as well as Hezbollah in Iran. Hamas' success and ability to win sympathy from the world will only motivate and encourage these various movements.

So, Mr. Speaker, as the United Nations engages in its denunciation of Israel's acts of defense, we in America must unite in solidarity with our only democratic ally in the Middle East, Israel.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, more than 4,500 rockets and mortar shells have been fired at Israel from the Gaza Strip by Hamas and other terrorist organizations since Israeli forces withdrew from there in 2005.

Nearly 1,000 of these rockets and mortar shells have been launched into Israel just since New Year's Day this year. The near daily rocket fire has been targeted primarily and intentionally at civilian communities in Israel, such as Sderot and Ashkelon, and the rockets being used are getting bigger and traveling farther. Some rockets have blown through living room ceilings, crashed through classrooms and downed power lines. And as a result, Israel has suffered dozens of casualties, hundreds of shock victims, thousands of traumatized children.

I've heard from Ruthie Eitan, a professor at Sapir College in Israel, just a mile from the Gaza Strip, who told us how the entire campus lives in constant terror. It would be like any college town in America, except this college has been hit with hundreds of rockets since the year 2000, and the barrage is not stopping. In fact, just last week, one of the students died shortly after sustaining massive wounds to his chest from a rocket in a parking lot on campus.

Ruthie tells us that many of Sapir's classrooms and auditoriums are unusable, either because of past rocket damage or from being in the line of future rocket fire. But somehow life attempts to go on.

But for Ruthie and thousands like her, we introduced this resolution to condemn in the strongest possible terms the ongoing Palestinian rocket attacks on Israeli civilians and to support the sovereign right of the Government of Israel to defend its territory and to stop the rocket attacks on its citizens.

And perhaps most importantly, Mr. Speaker, we reaffirm the strong and unyielding friendship between the governments and the people of Israel and the United States.

I strongly urge support of all my colleagues for H. Res. 951.

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

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the author of this measure, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman for yielding the time.

Mr. Speaker, today the United States Congress will stand up for the people of Israel by sending a message to the terrorists and also to those countries that aid them. Rocket attacks and intentional violence against innocent civilians will not be tolerated. Israeli communities like Sderot and Ashkelon have sustained terrible, egregious damage, and the citizens have suffered from serious injuries, even fatalities. I should point out that oftentimes Palestinians as well, those who do not support the violence, are also victims of the crossfire. It is time that this brutality come to an end for all people.

Passing this resolution today truly is just a stepping stone to help end those egregious, aggressive acts of Palestinian terrorists and ensuring that innocent civilians in Israel can live together and live peacefully. It is violent Palestinian groups and terrorist organizations that must be held accountable for their horrific acts. Organizations such as Hamas, the Islamic Jihad and the Popular Resistance Committee, the PRC, need to understand that when they attack the people of Israel, the United States and other countries and the U.S. House of Representatives will not remain silent. Unjust actions like this must not go unpunished.

Today, we have a gentleman from one of those communities, Sderot, with us here in the House, in the House galleries. If he was here on the floor with us, he could share with us the life-and-death circumstances that he and his family and his neighbors and his community experience on a day-to-day basis.

As we are here on the floor of this House, in the safety of this city and of this community and of this country, we have to think about the men and women, think about the children who are back there right now, the children who, for all we may know, are in their safe rooms cowering, wondering when the next attack may be coming.

Many of those members of the community have already made the decision that it is just unbearable to live under that threat, under the constant pressure of not knowing when the next attack, when the next missile strike will come. And upwards around 20 percent of the country or the community has left, fled the area to safer havens, wherever they may be.

If this was an incident occurring in our country, along the borders of the United States, would we sit idly by while our neighboring country or the terrorists within that were lobbing rockets into it, into our territory? I think not.

It is for that reason that it is so unfortunate that other portions of the world community, parts of the U.N., have condemned Israel for taking defensive measures such as they have here.

I come to the floor today with my colleagues as well from both sides of the aisle and I appreciate the bipartisan support, to say, who will condemn the attackers?

Well, Mr. Speaker, I will. We will. This House of Representatives will, and this country will. Rest assured that I will continue to ensure that the Islamic radicals are held responsible for launching these vicious attacks, and also that countries like Iran, Egypt and Syria, which support terrorists and allow this activity to continue, should be held accountable as well.

I will join with my colleagues from both sides of the aisle to continue this fight until the global community joins in with the U.S. in condemning terrorism and its violent acts.

Mr. BILIRAKIS. Mr. Speaker, I really urge strong support for this resolution. We can't put up with this any longer. And I really appreciate this resolution. I want to thank the author and the chairman on this. And I urge strong support, as I said.

Mr. WEXLER. Mr. Speaker, I rise today in strong support of House Resolution 951, condemning the ongoing Palestinian rocket attacks on Israeli civilians and unequivocally supporting Israel's right to defend its citizens against this continuous threat.

As you know, nearly a quarter of a million Israeli citizens living in Sderot, Ashkelon, and other cities and towns close to Gaza are under attack daily and are living in a constant state of fear. It is critical that Congress stand with Israelis who are under constant threat of rocket attacks perpetrated by Hamas. To that end, I am proud to stand with my colleagues as a sponsor of this resolution and as an unequivocal supporter of Israel's right to defend itself against this constant threat.

The international community must join with the United States in condemning the thousands of rockets that have been maliciously launched from Gaza by Hamas since Israeli forces withdrew from Gaza in 2005. It is unconscionable for the United Nations or any nation to chastise Israel while rockets reign down unabated. Instead of criticizing Israel, the United Nations and the international community should be condemning Hamas and their deadly attacks. The international community, which has been largely silent on these attacks, should publicly condemn Hamas, which is intentionally targeting civilian communities in Israel when it fires these rockets. These attacks have led to dozens of casualties, thousands of shock victims, and an uncountable number of children who have been traumatized and will live in fear for years to come. The international community should also support Israel's right to go on the offensive in Gaza in an effort to eliminate Hamas' terrorist infrastructure and destroy Hamas' ability to continue this campaign of terror.

Unfortunately, the rocket attacks continue, and the threat Hamas poses to Israelis with more sophisticated rockets still looms. As a close friend and ally of Israel and a staunch defender of freedom around the world, America must stand with Israel in its efforts to end these attacks and defend Israel's right to live in peace free from rocket attacks.

The resolution we are debating today clearly expresses my support as well as that of my colleagues for Israel's right to defend itself against the deadly threat Hamas poses, and encourages Palestinians who reject Hamas and all forms of terrorism to denounce these attacks and dismantle the terrorist infrastructure in Gaza. This resolution also squarely places direct responsibility for these attacks on Hamas, and reaffirms the unyielding friendship between the governments and the people of Israel and the United States. As Israel faces the terrorist threat of Hamas, I will continue to encourage my colleagues in Congress to join me in supporting Israel's right to self defense. The plea of Israelis under this constant threat has been heard in Congress, and House Resolution 951 is a clear statement that Congress and the American people stand with the Israelis at this difficult time.

Mr. ACKERMAN. Mr. Speaker, from time to time, I've heard some of our colleagues wondering why there are so many resolutions about Israel, and the Palestinian-Israeli conflict. Why, they may wonder, do we have to take up these issues? Doesn't everyone already know that the Congress supports Israel? And it's true, American support for Israel is overwhelming, it is bi-partisan, and it is nearly universal in Congress. But sadly, we are the exception in the world.

Around the globe, there have been protests going on about the situation in Gaza. What may not be known is that these demonstrations are not about the rockets that have been falling on Israeli civilians. These protests are not against Hamas. These protests are not about the absurdity of expecting Israel to provide electricity and fuel to the people attacking them.

These protests are against Israel and its right of self-defense. They are against demanding that Hamas stop the terror. They are against putting responsibility on the shoulders of Hamas for the welfare of the people in Gaza.

To us, in the United States, such protests seem perverse. People who intentionally fire artillery rockets at civilians are properly called "war criminals." People who deliberately seek the death of the innocent are not called "militants," or "activists," or "guerillas." They are properly called "terrorists," and it is hard for us to imagine that these are not universal beliefs.

But they're not. What we have seen in the past, and are seeing again is an offensive and deplorable double standard: Every nation is obliged to protect its citizens—except the Israelis; they should be patient and exercise restraint. Every nation is entitled to fight terrorism—except the Israelis; they should have a dialogue with the people who call for their extermination. Every nation is entitled to use force defend itself—except the Israelis; they should only use force if there won't be civilian casualties.

Mr. Speaker, we all mourn the loss of innocent life, and the sympathy of decent people is not limited by nationality. The American people are concerned about both Israeli and Palestinian lives. But that concern is not a excuse to dispense with judgement. There is guilt and there is innocence; and there is aggression and there is self-defense. Refusal to acknowledge, or to insist on these distinctions is not only immoral, but dangerous.

And that is why the business in Gaza is the business of this House. America, as a leader among the community of nations, has an obligation to stand up in defense of certain values. And it is never so essential to do so than when those values are under attack, and that is what is happening right now.

That is why we have to condemn Hamas. That is why we have to condemn the rockets that are still falling on Israeli towns and cities. That is why we have to stand with a democratic ally. That is why we have to declare again and again from this house that the people of Israel—no less than any other people—are entitled to live in peace and security. Certainly we Americans would accept nothing less for ourselves.

Mr. POE. Mr. Speaker, I rise today in support of H. Res. 951, a resolution condemning the ongoing Palestinian rocket attacks on Israeli civilians.

Since January 1st of this year, Palestinians have fired more than 450 mortar shells into Israel. Let's put that number into perspective, that's 7 shells a day or 45 shells a week every week since the beginning of this year.

Since the Israeli forces withdrew from the Gaza Strip in 2005, more than 4,000 rockets and mortar shells have been fired at Israel from the Gaza Strip by Hamas and other terrorist organizations.

This rocket fire has intentionally targeted civilian communities in Israel and made life for these people a living nightmare.

Even folks at the U.N.—an institution that has consistently where Israel is consistently discriminated against—have condemned these acts of violence. John Holmes, the U.N. undersecretary general for humanitarian affairs, said recently "We condemn absolutely the firing of these rockets. There's no justification for it. They are indiscriminate, there's no military target."

Did you hear that no military targets. Hamas rulers in the Gaza Strip are intentionally injuring and killing innocent civilians. In recent years 12 people have been killed and dozens have been wounded. In fact, just last an 8 year old boy lost his leg in one of the attacks. These acts of brutality have to stop.

These acts of terror are unacceptable and it's about time the world community collectively expresses its opposition to Palestine's rocket attacks on innocent civilians and supports the sovereign right of Israel to defend its territory and stop the rocket attacks.

And that's just the way it is.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to express my strong support for H. Res. 951, a resolution condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes. I am proud to have been a cosponsor of this resolution and helped gather support for its consideration on the House floor today.

This resolution is very timely as Israel faces new and increasing threats to its security. Palestinian rockets have been fired from Gaza and hit Israeli communities on an almost daily basis. More than 200,000 Israeli citizens are within range of these Palestinian rockets.

In 2005, as part of an effort to move the peace process forward, Israel removed all of

its civilian and military personnel from the Gaza Strip. There was hope that a Palestinian state could emerge and co-exist peacefully alongside Israel. However, Hamas has taken control and instead of working toward peace and efforts to improve the lives of the Palestinians, has decided to inflict terror upon Israel. In recent weeks, the Israeli communities of Sderot and Ashkelon have been especially hard-hit, resulting in numerous casualties and psychological trauma to its citizens.

Furthermore, just this week, UN Secretary-General Ban Ki-moon told the Security Council that Hizbullah has 30,000 rockets in southern Lebanon—10,000 of the rockets are long-range and 20,000 are short-range. Israel faces many threats on multiple fronts.

The resolution before us appropriately condemns the rocket attacks on Israeli citizens and supports the right of the Israeli government to stop the rocket attacks on its citizens. While Israel has shown restraint in dealing with the Palestinians, along with a willingness to work towards peace, the Israeli citizens who are under attack are looking toward their government to protect them. We must support the efforts of the Israeli government to keep its people safe.

I am grateful that we have the opportunity to consider this resolution on the House floor and send a strong message that attacks against Israeli citizens are not acceptable. Israel is one of America's closest allies and we must do all that we can to ensure the security of the state of Israel and its people. Terrorism is not acceptable here and is not acceptable around the world. Americans, Israelis, and others should be free to live their lives without fear of being attacked. Children should be able to go to school and not have to worry about a Palestinian rocket attack.

I urge all of my colleagues to stand up for safety and security and send a message to the International community. Pass H. Res. 951.

Mr. MORAN of Virginia. Mr. Speaker, over the past few days we have witnessed the Annapolis peace process come unraveled. There have been grave escalations between Israel and Hamas. These are a symptom of failed policies, irresponsible actions, and a lack of strategic thinking. Further escalation of the violence in Gaza may deal a fatal blow to the credibility and viability of any peace process. It would further erode support for the peace process. It would further erode support for the peace process among both Israelis and Palestinians.

No one can help but feel deep concern for the residents of Israeli communities near Gaza, who have been suffering from a campaign of Qassam rocket attacks. Israel has the right and must take measures to protect its citizens, as well as to seek to free its captured soldier Gilad Shalit. But excessive response that endangers innocent lives and threatens emergency care and services in hospitals is likely to cause graver harm than good.

Certainly Hamas understands that its crude rockets, while able to create fear and suffering in Sderot and, now, Ashkelon, can neither destroy Israel, nor break its economic blockade—just as Israel's citizens and military leaders appreciate that while its air force and army can achieve lethal short-term tactical gains in Gaza, this strategy has only enhanced popular support for Hamas, coalesced West Bank sympathy for the Gazan population, and harmed any realistic chances for lasting peace.

I firmly believe that any realistic, sustainable resolution to this crisis will require all parties including the United States to engage, directly or indirectly, to achieve a ceasefire. For that reason, I would prefer that the resolution before us were focused not on condemning one side, but rather on supporting more constructive and balanced efforts to achieve a meaningful cease fire and constructive engagement. I believe that any resolution of this conflict needs to recognize and address the current humanitarian crisis facing the people of Gaza. How many more innocent Israelis and Palestinians will die or be wounded before our country attempts a more productive policy approach?

While the Bush Administration has recently become more proactive in its efforts to attain a ceasefire, stabilize Gaza, and re-build Palestinian national unity, the policy of not including all parties and of blockading Gaza, risks making our country less and less relevant. We need more constructive leadership on all sides.

Mr. McDERMOTT. Mr. Speaker, today I will vote "Present" on H. Res. 951.

Its stated purpose is "condemning the ongoing Palestinian rocket attacks on Israeli civilians and for other purposes." Everyone in this House, including me, condemns these rocket attacks. If that had been all that H. Res. 951 expressed, of course I would vote in favor.

But as so often happens in resolutions that concern matters of bipartisan and overwhelming support, vague and ill-considered "other purposes" were added. The United States needs the cooperation and involvement of nations throughout the region, including Syria and Iran, if we are to help bring about a stable and lasting peace to Lebanon, Iraq, and to help crack down on the very smuggling that is enabling these rocket attacks.

The State Department has repeatedly met with representatives of Iran and Syria to engage them, and is pursuing difficult diplomatic tracks with both countries. I applaud these efforts and recognize the difficult job State has. Injecting Congress into this mix, as expressed in this Resolution, at this point in time, is not helpful.

By not simply condemning the rocket attacks coming from Gaza and declaring our solidarity with the Israeli civilians threatened by them, by not simply condemning those in Gaza who are bombarding Israeli civilians, but drawing in the governments of Iran and Syria, we could diminish our diplomatic course and, at the same time, inflame tensions.

Who does this help? How does this contribute to resolving problems in the region? Why did a House vote on what should have been a simple statement turn into a complicated effort to add to difficulties with Iran and Syria?

I strongly condemn these rocket attacks; let there be no doubt about that. At the same time, I strongly support our State Department and its efforts to find a path to a lasting peace in the region. Let's not do anything that might interfere with that difficult yet vital goal.

Mr. FATTAH. Mr. Speaker, I have always been a strong supporter of Israel and I am pleased with the friendship that the United States has forged with the people and government of Israel. I am appalled at the current situation in Israel and heavily condemn the ongoing Palestinian rocket attacks on Israeli civilians.

For three years, over 4,000 rockets and mortar shells have been fired at Israel from the Gaza strip by Hamas and other terrorist organizations. These destructive terrorist rocket attacks have crippled Israel's infrastructure, traumatized and injured its citizens, and severely disrupted ongoing daily life. I can only offer my unending support of Israel in its sovereign right to defend its territory and people.

I would like to join in with the rest of my colleagues in expressing my disapproval of the terrorist rocket attacks on Israel, and I look forward to the day that peace is restored to the region.

Mr. PAUL. Mr. Speaker, I rise in opposition to H. Res. 951, a resolution to condemn Palestinian rocket attacks on Israeli civilians. As one who is consistently against war and violence, I obviously do not support the firing of rockets indiscriminately into civilian populations. I believe it is appalling that Palestinians are firing rockets that harm innocent Israelis, just as I believe it is appalling that Israel fires missiles into Palestinian areas where children and other non-combatants are killed and injured.

Unfortunately, legislation such as this is more likely to perpetuate violence in the Middle East than contribute to its abatement. It is our continued involvement and intervention—particularly when it appears to be one-sided—that reduces the incentive for opposing sides to reach a lasting peace agreement.

Additionally, this bill will continue the march toward war with Iran and Syria, as it contains provocative language targeting these countries. The legislation oversimplifies the Israel/Palestine conflict and the larger unrest in the Middle East by simply pointing the finger at Iran and Syria. This is another piece in a steady series of legislation passed in the House that intensifies enmity between the United States and Iran and Syria. My colleagues will recall that we saw a similar steady stream of provocative legislation against Iraq in the years before the U.S. attack on that country.

I strongly believe that we must cease making proclamations involving conflicts that have nothing to do with the United States. We incur the wrath of those who feel slighted while doing very little to slow or stop the violence.

Ms. LEE. Mr. Speaker, I voted for this resolution because I believe we must condemn the rocket attacks launched from Gaza into Israel. Many innocent persons, both Israeli and Palestinian, have been killed or injured in the violence. In addition to death and injury, the ongoing violence has destroyed property, instilled fear, and disrupted the lives of innocent civilians on both sides of the conflict.

I appreciate that the resolution helps document the toll that rocket attacks have exacted on Israeli civilians. But I very much regret that the resolution misses an important opportunity to acknowledge the complexity of problems and issues which give rise to the conflict. And

I am particularly troubled that the resolution fails to recognize the depth and breadth of human suffering, misery, and death that has been visited upon the people of Gaza.

Mr. Speaker, the humanitarian situation in Gaza has only worsened since the armed takeover by Hamas in June 2007. Basic items such as baby milk, wheat grain, vegetable oil, and dairy products are in short supply. Additionally, the tightening of restrictions on the movement of goods and people by the Israeli government is causing serious hardship according to the United Nations Office for the Coordination of Humanitarian Affairs, OCHA.

The OCHA has found that these restrictions have had the effect of preventing the people of Gaza from receiving desperately needed healthcare treatments like chemotherapy and radiation therapy for cancer patients, pediatric surgery, and neurosurgery. The restrictions on the movement of goods make it difficult for healthcare providers to obtain new diagnostic medical equipment or the parts to service existing equipment that has fallen into disrepair. To make matters worse, it appears that those Palestinians who want to leave Gaza to pursue treatment in Israel or abroad are finding it difficult to do so.

Mr. Speaker, ensuring that humanitarian assistance is available and accessible to the people of Gaza is one of the most important steps that can be taken to ensure that the peace process succeeds and is not derailed by continued violence. It is for this reason that I recently wrote to Secretary of State Rice urging her to do all she can to make certain that vital humanitarian goods and services are successfully delivered in Gaza. I believe the moral force of the resolution would have been enhanced had it called for similar action.

Finally, this resolution cites the roles of Iran, Syria, and Egypt in enabling these attacks. I want to be clear that nothing recited in the resolution would justify a preemptive military response against these countries nor should it be used as grounds to build a case for such an action.

Mr. Speaker, the rocket attacks against Israel condemned by this resolution have caused great suffering to the victims. Acknowledging that suffering in a congressional resolution is a fitting and proper thing to do. But at the end of the day, the peace and justice we all seek will not come from passing a resolution in Congress. Rather, a just and lasting peace will come from the parties resolving in their hearts and minds to rededicate themselves to the active engagement in good faith negotiation to bring the two-state solution into being. I call upon the Administration to redouble its efforts in discharging its indispensable role as honest broker in the peace process.

Mr. CAPUANO. Mr. Speaker, I rise to explain the reasons and the scruples that led me to vote ''present'' on H. Res. 951.

I would note, first, that the resolution as amended and passed is more acceptable to me than the original draft. Most important to me is that the amended resolution recognizes the suffering of innocent victims on both sides of the conflict. However, I continue to believe that resolutions containing language such as some of the language in H. Res. 951 do not advance us towards the most important goal relative to this issue: peaceful co-existence for the region.

The resolution properly states America's support for the people of Israel and their right to defend themselves. It notes the near daily rocket and mortar attacks on southern Israel that have been launched from the Gaza Strip since Israel withdrew from Gaza in the interests of peace in 2005. It fairly condemns Hamas and other terrorist organizations. I have never wavered in my support for Israel's right to defend itself against terrorists. I approved their action against the Iraqi nuclear site. I was bitterly criticized for my defense of the ''targeted assassination'' of Sheikh Yassin in 2004. I led the resistance in the city of Somerville to a campaign to divest in Israel. I am a friend of Israel and I do not believe this resolution makes Israel safer. It fails to reconfirm our commitment to peace and to a process that can bring about peace. I believe this failure renders America less able to be an effective broker for peace in the region.

In addition, I question the desirability and wisdom of reiterating the status of Iran and Syria as ''state sponsors of terror''. The Department of State has so listed them and, certainly, there is ample evidence that both countries have actively and passively provided aid and comfort to Hamas and also to Hizbollah. Certainly, the current leaders of Iran have publicly stated their vile opinions about Israel and their determination to eradicate it. No one can deny these facts. Nonetheless, I have always been of the opinion that finding a way to peace is more important than name calling—even if the names seem to be well-deserved. I believe that those who are truly committed to finding a peaceful solution—two democratic states, recognized by other nations and coexisting in peace—must not succumb to the temptation of name-calling. We cannot let terrorists shape our agenda. We must remain determined to pursue peace.

I would ask anyone whether they are more or less likely to open their ears so they can hear their opponent if that opponent constantly calls them names. I would ask anyone whether they are more or less likely to believe that someone who calls them names can truly understand their concerns. We all suffer from the same human weakness that causes us to lash out at those who attack us. This is a natural and understandable emotional reaction. However, it is one that we must resist, especially when engaging in what should be seen as deliberative and thoughtful endeavors such as Congressional resolutions.

That said, I believe every observer agrees that Egypt and Syria must be active participants in resolving this conflict. Many might agree that Iran must participate as well—or at least acquiesce. How then does it encourage them to do so when the Congress states or implies that they are to blame for the problems in the region? This question seems particularly relevant because the resolution, a condemnation of Hamas rocket attacks and an expression of solidarity with the people of Israel does not require us to condemn other regional powers. There is no need to ''poke our finger in the eye'' of governments able to thwart or advance a peaceful solution.

I would point out that the Congress has taken this approach for years. We have passed numerous resolutions—too many, in my view, that are gratuitously confrontational. I ask: Have those resolutions moved us any closer to finding a peaceful solution? The approach has not worked thus far and I see no reason to believe it will start working now.

I voted ''present'' rather than ''no'' because I was in sympathy with much of the resolution. I voted as a Member of Congress determined that the United States act responsibly in pursuit of peace.

Mr. KUCINICH. Mr. Speaker, I am unequivocal in my support for the security of Israel and its citizens. I am committed to the right of all people in the Middle East, and the world, to live peacefully. However, because of H. Res. 951's overt lack of balance and its unreconciliatory approach, I oppose this bill.

The resolution appropriately ''expresses condolences to the families of the innocent victims on both sides of the conflict.'' However, H. Res. 951 fails to take a balanced approach to the ongoing violence in Gaza by acknowledging only the rocket and mortar attacks fired on Israel while making no mention of Israel's use of force in the region other than to acknowledge ''the sovereign right of the Government of Israel to defend its territory against attacks.''

The resolution states that the ''rocket and mortar attacks have murdered over a dozen Israelis, inflicted hundreds of casualties, produced thousands of cases of shock and post-traumatic stress, especially among children, and caused severe disruption of daily life.'' The resolution fails to take into account the 117 Palestinians killed in Gaza over the last week or to mention that half of these victims were civilians and at least 22 were children.

Furthermore, the resolution makes no mention of the ongoing Israeli-imposed blockade on Gaza that has cut off Palestinians from fuel supplies and prevented the delivery of food and medical supplies to the Gaza Strip. According to a recent report by Oxfam and other humanitarian organizations, ''the blockade has effectively dismantled the economy and impoverished the population of Gaza. Israel's policy affects the civilian population of Gaza indiscriminately and constitutes a collective punishment against ordinary men, women and children. The measures taken are illegal under international humanitarian law.''

How can the U.S. be an honest broker for peace if we fail to acknowledge the suffering, as well as the rights, of the people on all sides of this ongoing conflict? To broker a viable peace, we must address the long-standing and structural issues that exacerbate the conflict rather than sweep over them in our condemnation of its symptomatic violence.

The United States must seek to prevent violence and human casualty by setting the stage for productive exchanges which can lead to mutual understanding, security and peace. To achieve this peace it is necessary to integrate an open dialogue with diplomatic negotiations aimed at ending all violence and human suffering. Our involvement in the Middle East should aim to coalesce alienated forces rather than drive them farther apart from one another and from a viable solution. Israelis and Palestinians share a mutual future. Therefore, we should set the stage for productive exchanges which can lead to mutual understanding, security and peace.

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

Mr. BERMAN. Mr. Speaker, we have no further speakers.

I do want to congratulate the gentleman from New Jersey for presenting this. The passage of time since he introduced it has only made the logic of it even more compelling. I join my colleagues on both sides of the aisle in urging passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 951, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1145

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4191, by the yeas and nays;

H. Con. Res. 278, by the yeas and nays;

H. Res. 951, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK DESIGNATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4191, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 4191.

The vote was taken by electronic device, and there were—yeas 407, nays 4, not voting 17, as follows:

[Roll No. 91]

YEAS—407

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

NAYS—4

Broun (GA)
Flake
Paul
Shadegg

NOT VOTING—17

Brady (TX)
Brown-Waite, Ginny
Conyers
Doggett
Fattah
Gonzalez
Johnson, E. B.
Keller
Kucinich
Marchant
Ortiz
Rangel
Renzi
Reyes
Rush
Tanner
Woolsey

□ 1211

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''To redesignate the Dayton Aviation Heritage National Historical Park in the State of Ohio as the ''Wright Brothers-Dunbar National Historical Park'', and for other purposes.''.

A motion to reconsider was laid on the table.

SUPPORTING TAIWAN'S FOURTH DIRECT AND DEMOCRATIC PRESIDENTIAL ELECTIONS IN MARCH 2008

The SPEAKER pro tempore (Mr. HOLDEN). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 278, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 278, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, answered ''present'' 1, not voting 17, as follows:

[Roll No. 92]

YEAS—409

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

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Davis (KY)

NOT VOTING—17

Brown-Waite, Ginny
Conyers
Doggett
Feeney
Gonzalez
Herger
Johnson, E. B.
Keller
Kucinich
Marchant
Ortiz
Rangel
Renzi
Reyes
Rush
Tanner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1218

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 92, I was inadvertently detained. Had I been present, I would have voted "yea."

CONDEMNING THE ONGOING PALESTINIAN ROCKET ATTACKS ON ISRAELI CIVILIANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 951, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 951, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered ''present'' 4, not voting 19, as follows:

[Roll No. 93]

YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)

Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—4

Abercrombie
Capuano
McDermott
Moran (VA)

NOT VOTING—19

Brown-Waite, Ginny
Buyer
Cardoza
Conyers
Doggett
Gonzalez
Johnson, E. B.
Keller
Kucinich
Marchant
Ortiz
Pence
Rangel
Renzi
Reyes
Rush
Tanner
Weldon (FL)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1226

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Condemning the ongoing Palestinian rocket attacks on Israeli civilians by Hamas and other Palestinian terrorist organizations, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. PENCE. Mr. Speaker, I was detained during a vote on March 5, 2008. Had I been present, I would have voted in the following manner: Rollcall No. 93 (On Motion to Suspend the Rules and Agree, as Amended—H. Res. 951)—''yea.''

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H. Res. 951, I would have voted ''yea.''

HONORING MARGARET TRUMAN DANIEL AND HER LIFETIME OF ACCOMPLISHMENTS

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) honoring Margaret Truman Daniel and her lifetime of accomplishments.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 292

Whereas Margaret Truman Daniel was born to Bess and Harry S. Truman on February 17, 1924, in Independence, Missouri;

Whereas Margaret, a loving daughter, wife, mother, and friend, passed away on January 29, 2008, after leading an interesting and eventful life rooted in the strong will and independent spirit of her mother and father;

Whereas Margaret grew up in Missouri and moved to Washington when her father became a United States Senator for Missouri, during which time she attended The George Washington University;

Whereas Margaret became First Daughter when Vice President Harry S. Truman, the former Missouri Senator, was sworn into office after the passing of President Franklin D. Roosevelt;

Whereas, on April 21, 1956, Margaret married newspaperman Clifton Daniel in Independence, Missouri, at Trinity Episcopal Church, the same church in which her parents were married;

Whereas after graduating from The George Washington University in 1946 with a degree in history, Margaret pursued a singing career, which featured performances at Constitution Hall and Carnegie Hall;

Whereas, in 1953, after the Truman presidency, Margaret moved to New York City to work with the National Broadcasting Company, working on such shows as Edward R. Murrow's ''Person to Person'' and cohosting a talk show program with Mike Wallace;

Whereas, in 1955 and 1956, she acted as hostess on a radio program called ''Weekday'', and in 1965 cohosted a half-hour special events program broadcast live from Philadelphia;

Whereas, in 1966, Margaret conducted a radio program called ''Authors in the News'', a 5-minute interview with prominent writers which was broadcast every weekday on more than 100 radio stations;

Whereas, as a novelist, Margaret wrote 23 books, including best-selling mysteries and biographies;

Whereas Margaret exhibited a deep commitment to public service, serving as secretary to the Board of Trustees of the Truman Scholarship Foundation, as a member of the Board of Directors of the Truman Library Institute, as a member of the Executive Committee on the Truman Centennial Committee, and as a constant advocate for Presidential libraries;

Whereas, in 1984, Margaret received the Harry S. Truman Public Service Award;

Whereas for Missourians and countless others, Margaret will be forever respected and considered a ''real'' person, who grew up in Independence, Missouri;

Whereas Margaret Truman Daniel was an intelligent, independent, and gracious woman who made our Nation proud as she flourished in every aspect of her life; and

Whereas Margaret in every sense carried on the Truman family legacy and is survived by 3 sons, Clifton Daniel, Harrison Daniel, and Thomas Daniel, as well as 5 grandchildren, and is pre-deceased by her husband, Clifton Daniel, and a fourth son, William Daniel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors Margaret Truman Daniel and her lifetime of accomplishments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the sponsor of this legislation, the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. First of all, Mr. Speaker, let me thank the committee and the work that has been done by Chairman DAVIS. All nine members of the Missouri delegation joined together to support this concurrent resolution.

As I think all people in this Nation know, Harry Truman was from Independence, Missouri, a part of the district that I currently represent, and we are very, very pleased and proud that Harry Truman not only rose to become President of the United States in 1948, but he contributed to our community in a number of ways.

And his daughter, Margaret Truman Daniel, was not a person who had her sights on becoming an individual in Washington who would garner a great deal of attention, but it was bestowed on her. And when her father chose to run for President, she actually traveled around with him on the ''Whistlestop'' campaign.

□ 1230

Once he became President, she did all of the things that the offspring of Presidents will in fact do. But she had more to offer than just being the President's daughter. She ended up being a great singer. She performed at the Metropolitan Opera, she was on the old ''Ed Sullivan Show,'' and then eventually had her own television show in Philadelphia, a daily show in Philadelphia.

She was such a factor in our community that on February 23, my colleague from Missouri, IKE SKELTON, and I, along with all the members of the Truman family, buried her at the Harry Truman Library, alongside her parents in Independence, Missouri.

And so it is my hope that Congress can make its expression of support of Margaret Truman Daniel by passing this concurrent resolution.

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

I would like to submit my whole statement for the RECORD and be a little more brief.

Mrs. Margaret Truman Daniel, as has been stated, was the daughter of Harry Truman, who was one of the fighting Presidents of the United States, and his daughter, Margaret, was also a very strong young lady. As has been mentioned, she became a vocalist, had her own television show. She went to George Washington University, and in 1944, the same year her father was elected Vice President, she earned her first degree. In 1946, one year after her father was sworn in as President of the United States, Margaret graduated with her bachelors in history. At the age of 16, she became a singer, taking voice lessons from a friend in Independence, and after graduating from GW, she pursued her career as a vocalist.

She was a very outstanding young lady, accomplished a great deal, and was a credit to not only her mother and father but her country. She was highly regarded. She married a gentleman from the New York Times, and they, I think, had four children and three or four grandchildren. She was a very fine lady, and I think it's appropriate we honor her today with this.

I rise today to urge passage of this resolution honoring one of the great first-daughters of American history, Mrs. Margaret Truman Daniel.

Born to Harry and Bess Truman on February 17, 1924, in Independence, Missouri, Margaret Truman spent the majority of her childhood in her hometown until, in 1934, her father was elected to the United States Senate.

Through the remainder of her primary school years, she split her education between Independence and Washington before graduating in 1942.

That year she enrolled in George Washington University and in 1944, the same year her father was elected Vice President, she earned her associates of art. In 1946, one year after her father was sworn in as President of the United States, Margaret graduated with her bachelors in history.

At the age of 16 Margaret began taking voice lessons from a friend in Independence and after graduating from GW, she actively pursued her career as a vocalist.

Making her concert debut in 1947 with the Detroit Symphony Orchestra, Margaret Truman embarked on a career that included several national tours and appearances at Constitution Hall and Carnegie Hall.

Never shirking her duties as first-daughter, she always made time to break from her blossoming career to help her father, including frequent trips with him during his successful 1948 "Whistlestop" reelection campaign.

After her father left the White House in 1953, Margaret took her vocal talents to New York City, where she spent a number of years working in both radio and television. While in New York, Miss Truman met Clifton Daniel, an assistant editor for the New York Times, and the two were wed in 1956 in Independence. The Daniels were the proud parents of four boys and grandparents of five.

Beyond singing, Margaret Truman enjoyed a successful career as a writer. Completing her first book in 1956, she is probably best known for her Capital crime series novels, most of which took place in Washington, DC. She also published a number of biographies and nonfiction books relating to her parents and her time in the White House.

After her husband's retirement in 1977, Margaret spent the remainder of her years in New York.

She maintained her deep commitment to public service until the time of her death, serving on the board of trustees of the Truman Scholarship Foundation and as a member of the board of directors of the Truman Library Institute, among other worthy bodies. In 1984, she was the recipient of the Harry S. Truman Public Service Award.

On January 29, 2008, at the age of 83, Margaret Truman Daniels passed away in Chicago.

She will live on in the hearts of this country not only as a dedicated first-daughter and public servant, but also as a passionate vocalist, talented writer, and loving mother and grandmother. Let us honor this tremendous American with swift and unanimous passage of this resolution.

Mr. Speaker, I ask my colleagues to join me in supporting this fitting tribute.

I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the distinguished gentleman from Missouri, the chairman of the Armed Services Committee, Representative IKE SKELTON.

Mr. SKELTON. I certainly thank the gentleman.

Mr. Speaker, it is with great admiration for a remarkable Missourian that I support this concurrent resolution. This measure was introduced by Congressman EMANUEL CLEAVER, which honors the life of my late friend, Margaret Truman Daniel.

Margaret was a loving daughter, wife, mother, an accomplished vocalist, journalist and author. She was filled with the unique Truman spirit, and personified the plainspoken, no-nonsense nature of so many Show-Me-State residents. The qualities that defined Margaret as a person were instilled by her parents, President Harry S Truman and his wife, Bess. Throughout her life, Harry and Bess provided a steady hand and unfailing support and love which allowed Margaret to flourish.

But Missouri itself played a meaningful role in Margaret's life. She was always a proud Missourian. On one occasion, she returned to Independence and spoke about Missouri's influence on her. She stated, ''Even till today, I feel it in my bones. Although I have now spent much more of my life in Washington and New York than in Missouri, it is Missouri that has molded my character, my conduct, my sentiments, and yes, my prejudices; Missouri and its people, its customs, its attitudes, and its habits. These are ingrained in me.'' She added, speaking of her many Missourian artifacts and pictures in her home, ''So you see that on every hand I'm reminded of my Missouri, Jackson County, Independence heritage. I couldn't forget it even if I wanted to.''

Through the years, I had the great pleasure of working with Margaret on several occasions that honored her father's life. Her efforts gave added meaning to President Truman's legacy. Margaret was gracious, intelligent, wise, witty, and spirited. Truly her father's daughter. I was pleased that our paths crossed, as they did, during her lifetime.

She will long be remembered as an inspiration to those who knew her and to all Missourians. I was honored to call Margaret Truman Daniel my friend.

Mr. BURTON of Indiana. Mr. Speaker, I yield back the remainder of my time.

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

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Con. Res. 292, which acknowledges and seeks to honor the late Margaret Truman Daniel for her lifetime of achievements and accomplishments. H. Con. Res. 292 was introduced by Representative EMANUEL CLEAVER of Missouri on February 12, 2008, and was considered by and reported from the Oversight Committee on February 26, 2008, by voice vote.

This measure has the support of over 50 Members of Congress, and provides our body a collective opportunity to both recognize and pay tribute to one of America's remarkable and accomplished first daughters, the Honorable Margaret Truman Daniel.

Margaret Truman Daniel was born on February 17, 1924, in Independence,

Missouri, to the parents of former President Harry S Truman and first lady Elizabeth ''Bess'' Virginia Wallace. In fact, she was the couple's only child. A public school student up until the time of her father's election to the U.S. Senate in 1934, Margaret Truman Daniel would later attend George Washington University, beginning in the fall of 1944, which was the same year her father was elected Vice President.

Ms. Truman Daniel graduated from George Washington University in 1946, receiving a bachelor of arts degree in history. It was her father, who had been President since April 12, 1945, that delivered the commencement address at Ms. Truman Daniel's graduation ceremony and presented her with her diploma.

Beyond her role as the daughter of an American President, Margaret Truman Daniel was a talented vocalist and skillful journalist in radio and print media throughout much of the 1950s. It was around this time that Ms. Truman Daniel would meet her husband, Clifton Daniel, with whom she would later raise four boys, Clifton, William, Harrison and Thomas.

The 1984 recipient of the Harry S Truman Public Service award, presented annually by the City of Independence to an outstanding American citizen, and an acclaimed author, Margaret Truman Daniel was able to touch the hearts and minds of so many people in our country before passing away on January 28 of this year.

I am sure, Mr. Speaker, that all of us agree and concur in the passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in proud support of H. Con. Res. 292, as offered by my distinguished colleague from Missouri, Congressman EMANUEL CLEAVER. This resolution recognizes and honors the lifetime accomplishments of Margaret Truman Daniel. Margaret Truman Daniel, a singer and an author, was the one and only child of the late President Harry S Truman. Margaret Truman Daniel deserves no better tribute than that of being honored by members of the United States Congress.

Mrs. Margaret Truman Daniel was born on February 17, 1924, in Independence, Missouri. When Margaret Daniel Truman was 16 years old, she began taking voice lessons in Independence, Missouri, from Mrs. Thomas J. Strickler, a family friend. Mrs. Daniel graduated from George Washington University in 1946 and received a bachelor of arts degree in history. Her father. President Harry S Truman, took office one year before on April 12, 1945, gave her commencement address, and presented her with her diploma. She made her first outdoor appearance as a singer on August 23, 1947 at the Hollywood Bowl before a crowd of approximately 20,000 people with Eugene Ormandy conducting the orchestra. She later had her first concert on October 17, 1947, in Pittsburgh, Pennsylvania.

Mrs. Margaret Truman Daniel married Clifton Daniel on April 21, 1956, at the Trinity Episcopal Church in Independence, Missouri. They had four children; Clifton Truman, born June 5, 1957; William Wallace, born May 19, 1959 (died September 4, 2000); Harrison Gates, born March 3, 1963; and Thomas Washington, born May 28, 1966. The Daniels' family has five grandchildren.

Mrs. Margaret Truman Daniel was the author of 23 novels, non-fiction and fiction, including two biographies on her parents' lives. The biographies, Harry S Truman (1972) and Bess W. Truman (1986), described the lives of the former President and former First Lady from the perspective of their only daughter, Margaret Truman Daniel. After her father's death in 1972, Mrs. Daniel worked as an advocate for presidential libraries. Mrs. Margaret Truman Daniel died in Chicago, Illinois, at the age of 83 on January 29, 2008.

It is not often in American history where the nation has the opportunity to witness the only child of a President of the United States become a singer and a novelist. Mrs. Margaret Truman Daniel was widely known for these accomplishments but to many Americans she was so much more. She deserves to be honored today by our Nation.

Today, I seek to offer my condolences for her death, and also recognize her lifetime accomplishments. For these reasons, I strongly support H. Con. Res. 292 and urge all Members to do the same.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 292.

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

A motion to reconsider was laid on the table.

CYNDI TAYLOR KRIER POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4774) to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the ''Cyndi Taylor Krier Post Office Building,'' as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4774

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

SECTION 1. CYNDI TAYLOR KRIER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, shall be known and designated as the ''Cyndi Taylor Krier Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Cyndi Taylor Krier Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I now yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I join Representative LAMAR SMITH and his fellow colleagues from the Lone Star State of Texas in considering H.R. 4774, as amended, which renames the postal facility in San Antonio, Texas, after the Honorable Cyndi Taylor Krier. As stated, the measure at hand was first introduced by Congressman SMITH on December 18, 2007, and is cosponsored by all members of the Texas congressional delegation. The measure was referred to the Committee on Oversight and Government Reform, where it was amended and then passed by voice vote on February 26, 2008.

H.R. 4774 would help to recognize the life and service of Cyndi Taylor Krier by renaming the post office on John Saunders Road in San Antonio, Texas, in her honor. A remarkable public servant, Ms. Krier has given over 25 years of her life in government service, with positions on the Federal, State and local levels in the executive, legislative and judicial branches of government.

Born July 12, 1950, in Beeville, Texas, Cyndi Taylor Krier became the first woman ever elected as Bexar County judge, where she represented 1.4 million people in the metropolitan area of San Antonio, Texas. She was reelected as county judge in 1994 and 1998 without opposition.

Mr. Speaker, I ask that we pay tribute to the contributions made by this great American citizen and pass H.R. 4774, as amended.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield to my colleague from Texas (Mr. SMITH), the sponsor of the bill, such time as he may consume.

Mr. SMITH of Texas. First of all, I thank my friend from Indiana (Mr. BURTON), the former chairman of the Government Reform Committee, for yielding me time. I also want to thank the gentleman from Illinois (Mr. DAVIS) for bringing this bill to the House floor today.

Mr. Speaker, today we honor Cyndi Taylor Krier, a distinguished public servant who has spent more than a

quarter of a century in local, State and Federal public office in the executive, legislative and judicial branches of government.

Cyndi Krier began her public service career when she became the first woman from Bexar County elected to the Texas senate. She represented Bexar County in the State senate from 1985 to 1992, serving on the Finance, Education, Jurisprudence, and Natural Resources Committees. She then became the first woman elected Bexar County judge. She served as county judge from 1992 to 2001, representing more than 1.4 million people in the San Antonio metropolitan area.

Cyndi Krier also was a regent for the University of Texas system from 2001 to 2007, overseeing the University of Texas' nine academic and six health campuses, and serving as vice chairman of the board and as chairman of the academic affairs committee.

Cyndi Krier's family has strong ties to the United States Postal Service. Her grandfather served as postmaster in Dinero, Texas, until his death in 1956, and was succeeded by her grandmother, who served as postmaster for more than 20 years. Her mother served the United States Postal Service in Beeville, Texas, for more than 30 years as a clerk, rural route delivery person, and civil service examiner.

I encourage my colleagues to join me in recognizing the accomplishments of a good friend, Cyndi Taylor Krier, by supporting H.R. 4774, to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the Cyndi Taylor Krier Post Office Building.

Mr. Speaker, again, it gives me great pleasure to have introduced this bill and to see it considered by the House today.

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

I rise today to urge passage of this bill honoring a tremendous citizen of the great State of Texas for her continued dedication to improving her region, state, and country—the Honorable Cyndi Taylor Krier.

A native of Texas, Cyndi Krier has proudly followed in the footsteps of a long line of public servants. Her grandfather served as the postmaster in Dinero, Texas, until his death in 1956 and was succeeded by his wife, Cyndi's grandmother, who served as postmaster for an additional 20 years. Additionally, Cyndi's own mother served the USPS in Beeville, Texas, for more than 30 years.

Earning both her bachelor's and law degrees from the University of Texas, Austin, Mrs. Krier was elected to the State Senate in 1984 and went on to serve two terms, until 1992.

In 1992, Mrs. Krier became the first woman and first Republican ever elected as Bexar County Judge. In this capacity she worked to "Build a Better Bexar County."

Throughout her career as judge, she focused on youth education programs, broad-based ethics reform, recycling and conservation, competition for country and contracts and controlling government spending. She was successfully reelected twice in 1994 and 1998.

In 2001, Governor Rick Perry appointed her to a six-year term on the University of Texas System Board of Regents. She served in various capacities on the board including as vice chairman and as Chairman of the Academic Affairs Committee.

Throughout her career, Mrs. Krier has remained active in the community outside of her professional duties. Whether through her work with the United Way, serving as Chairman of the UT Austin Ex-Student Association or the number of statewide task forces helping to plan for the future of Texas, Judge Krier has consistently demonstrated her commitment to improving others' lives.

I urge swift passage of this bill designating the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the "Cyndi Taylor Krier Post Office Building," to honor this dedicated, passionate, and tireless public servant.

Mr. Speaker, I ask my colleagues to join me in supporting this fitting tribute.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4774, as amended.

The question was taken.

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

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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RECOGNIZING AND HONORING EARL LLOYD FOR BECOMING THE FIRST AFRICAN-AMERICAN TO PLAY IN THE NATIONAL BASKETBALL ASSOCIATION LEAGUE

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286) expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 286

Whereas Earl Lloyd was born in Alexandria, Virginia on April 3, 1928;

Whereas Earl Lloyd first developed his passion for basketball at the city of Alexandria's segregated Parker-Gray High School;

Whereas Earl Lloyd was drafted by the NBA in 1950 as a ninth round pick by the Washington Capitols;

Whereas on October 31, 1950, Earl Lloyd became the first African-American to play in the NBA;

Whereas Earl Lloyd dissolved the color barrier in the NBA 3 years after Jackie Robinson had done the same in baseball;

Whereas Earl Lloyd proudly put his professional career on hold and served in the Army for 2 years before returning to the NBA;

Whereas Earl Lloyd played 560 NBA games and won a championship before retiring in 1960;

Whereas in 2003, Earl Lloyd was inducted into the Naismith Memorial Basketball Hall of Fame; and

Whereas the newly constructed basketball court at T.C. Williams in his home town of Alexandria was named in his honor: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the author of this legislation, JIM MORAN from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend Mr. DAVIS, and also his excellent staff assistance provided by William Miles and Roberto Valencia. I very much appreciate the work that has gone into this.

I rise in support of H. Con. Res. 286. It recognizes and honors Earl "Big Cat" Lloyd for tearing down the color barrier and becoming the first African American to play in the National Basketball Association.

Earl Lloyd was born in Alexandria, Virginia, on April 3, 1928, at a time in our Nation's history when racial prejudice was intense.

Mr. Lloyd developed his passion for the game of basketball as a star at the segregated Parker-Gray High School. This was well before Parker-Gray was joined with George Washington High School into T.C. Williams, which subsequently has been made famous by the movie "Remember the Titans."

He was twice named an All-American at West Virginia State College, where

he led his collegiate alma mater to two conference and tournament championships, including the school's only undefeated season in 1947–1948. I am told our colleague ED TOWNS was actually recruited by West Virginia State or played with them, but, anyway, he has some connection. But this is about Earl Lloyd.

Drafted by the Washington Capitols in 1950, Mr. Lloyd played his first game in the NBA on October 31, 1950. Imagine. This was the first time that the NBA actually allowed somebody to play in the NBA who could actually jump. Over the course of nine seasons, interrupted by a 2-year stint in the Army, Mr. Lloyd played in 560 games, helping carry his team to an NBA championship in 1955. Mr. Lloyd later became the NBA's first African American assistant coach, and went on to be the head coach of the Detroit Pistons.

When I spoke to Earl yesterday, he wanted to acknowledge this honor on behalf of all the great African American players along the way who never got a chance to play in the NBA solely because of their race. His mom used to tell him, ''Earl, never fold up your tent, never give up, and never disappoint the people who love you.'' He had just returned from the Central Intercollegiate Athletic Association Tournament. For decades, that used to be called the Colored Intercollegiate Athletic Tournament. How easy it is to forget the way things used to be, even in our lifetimes.

I trust that this resolution will receive the unanimous support of my colleagues, and I thank the dozens of Members who were willing to sign on as cosponsors. Mr. Lloyd deserves this recognition.

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

Mr. Speaker, I would just like to ask of the bill's sponsor if he would mind adding my name as a cosponsor of the bill.

Mr. MORAN of Virginia. Done. We would be very proud of that.

Mr. BURTON of Indiana. Mr. Speaker, the reason I want to do that is because I remember ''Big Cat.'' When I was a boy, I remember when he broke into the NBA, and he was an outstanding basketball player.

The prejudice that occurred back in those days was unbelievable. I played sports at Shortridge High School, and we used to go down to a place called St. Andrews and we played against some really great basketball players who understood how the game was to be played.

Big Cat said, and I just read his biography, his background here, said it was tougher playing basketball on the grass courts and the asphalt courts than it was when he went into college and the NBA, and I can attest to the fact that that was pretty rough basketball.

We played against a guy, he probably doesn't remember me very well, but we played against a guy named Oscar Robertson back in the fifties who was a pretty good basketball player from Indiana. And ''Biscuit'' Williams and Herschel Turner and some of the other guys that had to endure the prejudices of that time were really outstanding basketball players. You have to give an awful lot of credit to people who were willing to fight and overcome the racial prejudice and barriers that existed at that time.

So Big Cat gets my vote, along with Oscar Robertson and all these other guys. I really admire them for what they went through, and I also admire them for their basketball ability. I am telling you, some of those guys were unbelievable. Oscar Robertson was the only guy I ever saw play basketball who could go in five different directions at once and hit a shot without touching the rim. He was unbelievable. And Big Cat was in that league as well.

Mr. Speaker, I rise today in support of H. Con. Res. 286, honoring the accomplishments of Lloyd, the first African-American man to play in the NBA.

How strange it must seem to young people that a league now 80 percent populated by African-American players once didn't allow them.

But before Earl Lloyd signed with the Washington Capitols in 1950, that wasn't the case.

Mr. Speaker, I don't want to take away anything from the well-chronicled accomplishments of Jackie Robinson. But in some ways, it must have been more difficult to do what Earl Lloyd did.

Baseball is played on a big field, and the players are rarely close enough to the fans to hear their comments.

Basketball is played in a room—sometimes not all that big of a room. Players wear what amounts to glorified underwear. In basketball, players hear the comments that get directed at them.

But Earl Lloyd was used to that. Raised in Alexandria, Virginia, Lloyd honed his skills on the tough playgrounds of this very city, Mr. Speaker. He once said college and even pro basketball were easy after the education he'd received on the Banneker and Parkview playgrounds in Washington, DC.

Mr. Speaker, Earl Lloyd did not accomplish what he did because of his skin color. And how did he do it? He helped his teams win. At West Virginia State, he led his team to two conference championships and one runner-up finish. In the pros, after being drafted by Washington, he played six seasons with the Syracuse Nationals.

In 1955, the Nationals won the NBA title, making Lloyd the first African-American man to own an NBA championship ring.

Today, he works in community relations for the Bing Group, which was founded by another D.C. basketball legend—Dave Bing.

He continues to contribute and make his community proud.

Mr. Speaker, I ask my colleagues to join me in supporting this fitting tribute.

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

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

Mr. Speaker, I always knew that Representative DAN BURTON was indeed a superstar. I just didn't get a chance to watch him play. Of course, ED TOWNS often talks about his days as a star athlete and basketball player.

But as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Con. Res. 286, which acknowledges sports legend Earl Lloyd for breaking the color barrier and becoming the first African American to play in the National Basketball Association League 58 years ago.

H. Con. Res. 286 was introduced by our colleague, Representative JIM MORAN of Virginia, on January 29, 2008, and was considered by and reported from the Oversight Committee on February 26, 2008, by voice vote. The measure has the support of over 85 Members of Congress and provides our body a chance to reflect on and remember another individual's inspiring story as part of our country's long history of racial integration.

Mr. Lloyd's participation in the 1950–51 professional basketball season marked the integration of the National Basketball Association, which has since then become one of the most diverse professional sporting leagues in the world.

A native of Alexandria, Virginia, Earl Lloyd has long been recognized as one of the NBA's early defense greats. Earl Lloyd, also known as ''Big Cat,'' played college basketball at West Virginia State College before being selected in the ninth round of the 1950 NBA draft by the Washington Capitols. Under Lloyd's leadership, West Virginia State became the only undefeated college team in the United States during the 1947–48 season.

After his years with the Washington Capitols, Lloyd joined the Syracuse Nationals and became the first black player to win an NBA championship. Later, with the Detroit Pistons, he was the first African American to be named an assistant coach and the first to be named the bench coach.

Mr. Speaker, let us also note that although Lloyd was the first to play in an NBA game, there were actually three African Americans to enter the NBA in the 1950–51 season. During this season, Charles ''Chuck'' Cooper played with the Boston Celtics, and Nat ''Sweetwater'' Clifton became the first African American to play for the New York Knicks.

Even today, as we continue to see African Americans break barriers and become the first in an array of fields from athletics to business, Presidential campaigns to research and discovery, let us take an opportunity to look back on what occurred 58 years ago to make our Nation a more perfect Union.

Therefore, Mr. Speaker, I urge passage of H. Con. Res. 286, which expresses the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African American to play in the National Basketball Association.

Mr. DAVIS of Virginia. Mr. Speaker, I join in honoring Earl "Big Cat" Lloyd, a Northern Virginia native who rose to become the first black player in the history of the NBA.

Earl Lloyd grew up in Alexandria, learned his basketball on the always-competitive playgrounds of Washington, DC. He played his high school ball at the segregated Parker-Gray High in Alexandria. Today, of course, all students in the city attend T.C. Williams High. The merger of the three high schools that existed then served as the plot line for the movie "Remember the Titans." Today, the basketball court in the recently rebuilt T.C. Williams is named for him.

Lloyd actually was one of 3 African-Americans to enter the NBA at the same time. It was only because his team played its first game a day before the Boston Celtics unveiled Charles Cooper and 4 days before the New York Knicks' Nat "Sweetwater" Clifton made his debut that it was Lloyd who broke the color barrier.

Lloyd scored 6 points in that game on Halloween night of 1950 and averaged 8.4 points and 6.4 rebounds over his 560-game, 8-season career. But he, Cooper and Clifton endured the taunts, showed the class and provided the quality of play that paved the way for Michael, Magic, Kareem and all the rest who came behind. He also served as the first African-American assistant coach when he worked for the Detroit Pistons for two seasons after retiring as a player.

It also should be noted that Lloyd, a member of the National Basketball Hall of Fame, took 2 years out of his career to serve in the U.S. Army. His job these days—community outreach for a concern headed by Dave Bing, another product of the playgrounds of Washington, DC., to make good in the pros—seems a hand-and-glove fit for a man who, throughout his life, has made everyone around him better.

His play on the court made all his teammates better—he led his college team to two conference titles and his pro team to one NBA championship. His class on and off the court made those who signed him and helped him start his NBA career look smart. And his professional accomplishments make his teachers in those segregated schools in Alexandria, his professors at West Virginia State, his family and all those responsible for his upbringing and education justifiably proud.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 286 recognizing and honoring Earl Lloyd, the first African-American to play in the National Basketball Association.

Earl Lloyd was born April 3, 1928, in Alexandria, Virginia. It was at the city of Alexandria's segregated Parker-Gray High School that Lloyd began to develop his passion and skills for basketball. He began his collegiate career playing at West Virginia State College, a historically black college at the time. Before entering the NBA, Earl Lloyd earned titles for All-Conference and All-American for his tremendous basketball skills.

On October 31, 1950, Earl Lloyd integrated the NBA. Three years prior to Lloyd's integration of the NBA, Jackie Robinson became the first African-American to play Major League Baseball in 1947. Jackie Robinson has received national iconic status for breaking baseball's color barrier, yet Earl Lloyd has been overlooked for breaking that same barrier in basketball. Lloyd once said, "In 1950 basketball was like a babe in the woods, it didn't enjoy the notoriety that baseball enjoyed." It is now 2008 and the NBA is long out of the woods and the time is long overdue for us to recognize and honor one of its pathfinders, Earl Lloyd. He is responsible for lighting that path and since then many great African-Americans have traveled the road paved by Earl Lloyd.

Earl Lloyd's journey was beset with people yelling cruel and derogatory words. He used their insults to fuel his passion to excel. He proved that African-Americans could successfully enter into the National Basketball Association. He should continue to be a source of inspiration to all and for this reason he should be commemorated.

This accomplishment must be saluted as Mr. Lloyd's life serves as an inspiration to many, both athletes and non-athletes.

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in support of Representative JIM MORAN's House resolution expressing the sense of Congress to recognize and honor Earl Lloyd for breaking the color barrier as the first African-American to play in the National Basketball Association (NBA).

In addition to Earl Lloyd's accomplishments during the 1950 season, I want to take this opportunity to also recognize the Boston Celtics franchise and legendary coach and general manager Red Auerbach for their work in the advancement and inclusion of African-Americans in the NBA.

In 1950, before Earl Lloyd became the first African-American to play in an NBA game, Chuck Cooper became the first African-American to be drafted in the NBA by the Boston Celtics in the second round of the selection process. This milestone was the first in a long list of accomplishments the Celtics organization has made during their storied history to break down the color barrier in professional sports.

In addition to drafting the first African-American player, Red Auerbach was also the first to have an all African-American starting lineup which included Bill Russell, Willie Naulls, Tom Sanders, Sam Jones and K. C. Jones. In the 1966–67 season, the Celtics would go a step further by making Bill Russell the first African-American to coach an NBA team.

I hope all of my colleagues will join me today in honoring Earl Lloyd, Chuck Cooper and all the individuals who were a part of breaking down the color barrier in professional sports.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 286.

The question was taken.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

MAJOR ARTHUR CHIN POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5220) to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5220

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

SECTION 1. MAJOR ARTHUR CHIN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, shall be known and designated as the "Major Arthur Chin Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Arthur Chin Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this bill.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the author of this legislation, the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the history of America is the history of ordinary individuals who rise to extraordinary challenges and who volunteer their service in times of dire need. I rise today to recognize one such American, Major Arthur Chin.

Arthur Chin was born in Portland, Oregon in 1913. As a young man, he

helped form a flying club, the Chinese Aero Club, a group of Chinese Americans who trained to fly fighter aircraft. He grew very concerned about Japan's invasion of China's northeastern provinces in 1931, and he volunteered to serve in the Chinese Air Force in 1932. Although he was safe at home in Oregon and did not need to do this, he saw the threat of fascist invasion and the need to face it down, and he volunteered himself to face this challenge, not only to China, but to the world.

After receiving advanced fighter training, Major Chin was ultimately assigned to the 28th Fighter Squadron, and he saw his first aerial combat in 1937, four years before America entered the war. Soon he was credited with having shot down his first enemy aircraft of the war. Though he and his comrades were almost always outnumbered, Chin and his fellow aviators fought valiantly, and by mid-1939 he had downed five enemy aircraft, making him one of the first American fighter aces of the Second World War.

But Arthur Chin's heroism was not without personal sacrifice. He was shot down three times, and on December 27, 1939, he was badly burned when his Gloster Gladiator took enemy fire and exploded. Chin spent the next years of his life enduring a painful recovery in hospitals in China, India and the United States.

After America entered the war, he returned to service in 1944 as a major in the United States Army Air Force. Major Chin spent the remainder of the war flying desperately needed supplies from India to China over the Himalayas, the air route now known as ''the hump.'' For his extraordinary service, Arthur Chin received numerous medals and awards, including the Distinguished Flying Cross.

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After the war, he returned to his native Portland where he raised a family and worked for the postal service in Beaverton. Arthur Chin passed away in September of 1997, and following his death he was honored as one of the first inductees into the American Combat Airmen's Hall of Fame.

Mr. Speaker, it is altogether fitting that we should recognize Major Arthur Chin, both a former postal worker and a genuine war hero, with a post office named in his honor. It is an appropriate memorial to an individual who courageously answered the call of duty, whether at home or abroad, and who returned home to continue serving his country as a postal worker. I strongly urge my colleagues to support this bill.

Mr. BURTON of Indiana. Mr. Speaker, I will submit the majority of my remarks for the RECORD.

I would just like to say that after reading about this gentleman, Mr. Chin, I think it is a great honor for him to receive having his name put on this post office. But he earned it. He really earned it. When you read about his exploits, as my colleague just mentioned, you can see why people like this deserve recognition.

Mr. Speaker, I rise today to honor the memory of a great American, Arthur Chin, who passed away in 1997 at the age of 85.

Angered by the Japanese invasion of China's northeastern provinces, Mr. Chin sailed to China along with other Chinese-American flyers to volunteer for the Chinese Air Force in 1932. After enlisting in the Chinese Air Force, Mr. Chin fought in many aerial battles against the more experienced Japanese.

Mr. Chin excelled in his military career and rose through the ranks to become a major in 1939. By this time, he had been shot down and wounded three times, and was severely burned when his Gloster Gladiator was hit by enemy fire at 3,000 feet and exploded.

Amazingly, he survived but he spent five years recovering in hospitals all over the world. Despite the extensive healing process, Mr. Chin valiantly flew again.

He transported supplies from India to China over the Himalayas until the end of the war.

After the war, Mr. Chin briefly flew for China National Airways Corporation in China until the Communists took over in 1949.

Upon returning to the United States, Mr. Chin settled back in his hometown of Portland, Oregon where he took a job with the United States Postal Service.

Because of his outstanding military service, he was awarded numerous medals, including the prestigious Distinguished Flying Cross. Soon after his death, Mr. Chin was also honored as one of the first American aviators inducted into the American Combat Airmen's Hall of Fame.

In recognition of his years of selfless public service to his State and country, I believe it is fitting to name a post office in Beaverton, Oregon, in Mr. Chin's honor.

I yield back the balance of my time.

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

As a member of the House Committee on Oversight and Government Reform, I join my colleagues in consideration of H.R. 5220, which renames the postal facility in Beaverton, Oregon after the legendary Major Arthur Chin.

The measure being considered was first introduced by Congressman DAVID WU of the State of Oregon on January 29, 2008, and is cosponsored by all members of the Oregon congressional delegation. The measure was referred to the Committee on Oversight and Government Reform, and on February 26, 2008, our committee approved the bill by voice vote.

H.R. 5220 allows us to pay homage to the service of Major Arthur Chin, whose tale of heroism and dedication should be known by every American. Born in the city of Portland, Oregon, which lies in the congressional district of my dear friend, Representative DAVID WU, on October 23, 1913, Arthur Chin is best known for his service as a member of the Guangdong Provincial Air Force which was the first and original group of American volunteer combat aviators to fight in World War II.

An American-born citizen of Chinese descent, Major Chin is deemed America's first World War II ace, and in appreciation for his valiant service he has been awarded the Distinguished Flying Cross. This is in addition to having received the Five Star Medal, Six Star Medal, the Awe-Inspiring Medal 3rd Grade, and the list goes on.

Major Chin's public service didn't cease with the end of the war. After being honorably discharged from the military in 1945, Major Chin returned to private life in his hometown of Portland, Oregon. It appears that Major Chin actually worked at the Beaverton Post Office before retiring in 1980. Major Chin passed away on September 3, 1997 in Portland, only a month before his October 4 Hall of Fame of the American Airpower Heritage Museum induction ceremony.

Mr. Speaker, given Major Chin's illustrious background, I agree that it is only befitting that we pass H.R. 5220 and name the U.S. postal facility on 185th Avenue in Beaverton, Oregon after this great American citizen.

Mr. DAVIS of Illinois. yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5220.

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

A motion to reconsider was laid on the table.

SGT. MICHAEL M. KASHKOUSH POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5400) to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5400

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

SECTION 1. SGT. MICHAEL M. KASHKOUSH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, shall be known and designated as the ''Sgt. Michael M. Kashkoush Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Sgt. Michael M. Kashkoush Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I stand with my colleagues from the Buckeye State of Ohio in consideration of H.R. 5400, which renames the postal facility in Chagrin Falls, Ohio, in honor of Sergeant Michael M. Kashkoush.

H.R. 5400 comes to us with widespread support from the Ohio congressional delegation, yet the measure was first introduced by my colleague, Representative STEVE LATOURETTE, back on February 12, 2008. The measure was taken up by the Oversight Committee on February 26, 2008, where it was passed by the panel by voice vote.

H.R. 5400 calls for honoring Sergeant Kashkoush's service to our country by naming the post office in his hometown of Chagrin Falls after him.

Assigned to the 3rd Intelligence Battalion, III Marine Expeditionary Force, Okinawa, Japan, Sergeant Michael M. Kashkoush succumbed to his death on January 23, 2007, as a result of fatal wounds received while conducting combat operations in Iraq's Anbar province.

Born and raised in Chagrin Falls, Ohio, Sergeant Kashkoush was a graduate of Chagrin Falls High School, where he was instrumental in taking the school's football and wrestling teams to winning seasons before electing to enlist in the Marine Corps after graduation. Sergeant Kashkoush was only 24 years old when he died in the line of duty as a counterintelligence/human intelligence specialist attached to the 2nd Battalion, 8th Marine Regiment, 2nd Marine Division.

Mr. Speaker, in honor of Sergeant Kashkoush's sacrifice and service to America, let us pass without reservation H.R. 5400.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield to my good friend, Mr. LATOURETTE of Ohio, a very fine Congressman, for such time as he may consume.

Mr. LATOURETTE. I thank the gentleman from Indiana for yielding.

Mr. Speaker, I first want to thank Chairman WAXMAN and Ranking Member DAVIS for moving this legislation expeditiously through the committee and on to the floor today. And I want to thank the other Mr. DAVIS from Illinois and Mr. BURTON for so ably managing it today as well.

Mr. Speaker, Michael Kashkoush grew up in Michigan, and then he moved to Chagrin Falls to start high school. He was the beloved son of Marwan and Mary Jane Kashkoush.

He spent his freshman and sophomore years in Chagrin Falls, and then moved with his family to London for a year and returned to Chagrin for his senior year, graduating in 2001.

Michael was like many young men. His high school years had been about girls, friends, lifting weights, sports, and parties. He started college with great intentions, but didn't find it a good fit for that moment in his life and, after 2 years, he announced to his parents that he wanted to join the Marines. The exceptionally bright and capable young man said that he had led a soft life and wanted to be a marine because ''they're the toughest and most disciplined in the world.'' The Marines were the matching puzzle piece for this gifted former high school wrestler and football player.

Michael's father urged him to finish college and instead attend officers school, but Michael believed he could not lead unless he knew what it was that the grunts had to do. Marwan Kashkoush stood behind his son's choice.

Michael was an exemplary marine and was promoted to sergeant in 2005 in counterintelligence/human intelligence. He had never spoken Arabic, but at the Defense Language Institute in 6 short months he mastered the language. He had a limitless future in the Marines.

In 4 short years, the United States Marine Corps made Michael Kashkoush a man. They gave his self-described ''soft life'' purpose. He was very proud of his military service to our country. On January 23, 2007, just 10 days after being sent to Iraq, he died while conducting combat operations in Anbar province.

Earlier this year, Michael's father and stepmother, Phoebe Brockman Kashkoush, wrote to me and asked me if I would introduce this piece of legislation in honor of Michael. It was a wonderful idea, and it is a perfect one for Chagrin Falls, Ohio.

Chagrin Falls is a small, tight-knit community where neighbors are close and there is a genuine sense of community. It is a place where there are almost as many American flags as front porches, and when one of their own died, it deeply touched the community.

Chagrin Falls, a town of about 4,000 people, turned out en masse for the funeral services, and some 600 people crammed into St. Joan of Arc Catholic Church, where they sang a joyful, tearful rendition of Don McLean's ''American Pie.'' The Jaycees adorned street posts with hundreds of flags, and more than 300 people walked the half-mile trek from the church down South Franklin Street in blustery snow to Michael's final resting place.

It is fitting, Mr. Speaker, that the Chagrin Falls Post Office be named in honor of Sergeant Michael Kashkoush, and it is a wonderful remembrance for a family who has lost so much.

The father who first resisted his son's plan to enlist credits the Marines with changing his life. He said, ''They built me my best friend.''

Mr. BURTON of Indiana. Mr. Speaker, I was looking at the picture of Mr. Kashkoush, and all I can say is he exemplifies the thousands of young men and women who have gone to serve their country in Afghanistan, Iraq, and elsewhere in the world. And we just can't say enough about young people like that who go out there and risk their lives to protect our freedoms. I am very happy that my colleague from Ohio took the time to introduce this legislation, and I am very happy to support that.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5400.

The question was taken.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR APPOINTMENT OF JOHN W. MCCARTER AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 25) providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the

class other than Members of Congress, occurring because of the expiration of the term of Walter E. Massey of Georgia, is filled by the appointment of John W. McCarter of Illinois, for a term of 6 years, effective on the date of the enactment of this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the RECORD on this Senate joint resolution being considered today.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, Senate Joint Resolution 25 would appoint John W. McCarter, Jr. as a citizen regent of the Smithsonian for a 6-year term. Mr. McCarter is currently the president and CEO of the Field Museum in Chicago, which is one of our Nation's great cultural institutions.

Mr. McCarter has had a diverse background in government and business in addition to his role in heading one of the Nation's great museums. A native Chicagoan, he previously was senior vice president of Booz Allen & Hamilton, president of DeKalb Corporation, and was budget director of the State of Illinois under Governor Richard B. Ogilvie. He was a White House Fellow during the administration of President Lyndon Johnson.

Mr. McCarter brings a wealth of useful skills to the board. As an experienced museum director, he may prove especially valuable in helping to implement governance reforms at the institution.

Passage of this joint resolution would fill a vacancy on the Smithsonian Board of Regents that has lasted for nearly 1 year. It continues the necessary process of bringing new blood into the Smithsonian Institution. Passage now would allow Mr. McCarter to join the board in time for a vote to appoint a new Secretary, which is expected later this month.

There is still one vacancy remaining among the citizen regents of the Smithsonian. I urge the board to send Congress a recommendation soon, so we can bring it back up to full strength.

I urge approval of the joint resolution.

I reserve the balance of my time.

Mr. EHLERS. I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of S.J. Res. 25, the appointment of John W. McCarter as a citizen regent of the Smithsonian Institution's Board of Regents.

The previous speaker, the Chair of the House Administration Committee, has pointed out the outstanding record of Mr. McCarter and what he has done. He is the ideal appointee to the board of the Smithsonian.

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Mr. McCarter combines extensive experience as director of the Field Museum, which is a responsibility very similar to that of the Smithsonian Museum, although perhaps on a smaller scale. His experience in the day-to-day operations of the Field Museum will hold him in good stead on the Smithsonian Board. Furthermore, he has considerable experience in the private sector, and that experience will also be most helpful in the operation of the Smithsonian.

Mr. Speaker, we have had some problems with the Smithsonian during the past few years, with both the previous secretary and with some of the enterprises the Smithsonian has engaged in. I would volunteer that Mr. McCarter is precisely the sort of person we need to straighten out the operations of the Smithsonian, to serve with his unique knowledge in the field of museums, and also his role in business. I believe he is going to make an outstanding addition to this board. I am very confident that we should appoint him, and that he will be a well-qualified, highly capable addition to the board charged with protecting the Nation's Attic, as we fondly call the Smithsonian. I urge all of my colleagues to support this resolution.

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

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the appointment of John McCarter to serve on the Smithsonian Institution's Board of Regents.

The Board of Regents is responsible for a variety of issues related to the Smithsonian Institution, including budgets, planning documents, proposed programs and construction, appointments to Smithsonian advisory boards, and legislative initiatives. Given the variety and importance of the Board's responsibilities in managing the public's most cherished cultural institutions, and given the recent controversies regarding Smithsonian leadership, we must support the appointment of members to the Board of Regents who will ensure that the Smithsonian Institution will fulfill its critical mission in perpetuity. That is why I am pleased to support John McCarter's appointment.

John McCarter has an accomplished history of service in both the public and private sector. Currently, he serves as President and Chief Executive Officer of The Field Museum, a jewel in the crown of cultural attractions in Chicago, and one of the greatest natural history museums in the world. The Field Museum attracts over 1 million visitors each year; its collection includes over 23 million specimens, a number which continues to grow due to its ongoing expeditions and research in 94 countries around the world; and its staff includes 72 Ph.D.s.

Under John's leadership, the Field Museum has undertaken a series of projects to rebuild and restore the museum. During his tenure the Museum has created several new permanent and traveling exhibits, including the "Tutankhamen and the Golden Age of the Pharaohs" exhibit in 2006, which has toured to Philadelphia, London, and soon Dallas, to sold out crowds. The museum has also expanded its educational role in the community, establishing partnerships with science teachers in the community and organizing activities for inner-city schools.

A native Chicagoan, John previously was Senior Vice President of Booz Allen & Hamilton, Inc. Earlier in his career, he served as President of DeKalb Corporation, and was Budget Director of the State of Illinois under Governor Richard B. Ogilvie. John was also a White House Fellow during the administration of Lyndon B. Johnson, and is currently a trustee of the University of Chicago and a board member and former Chairman of Chicago's Public Television Station Channel 11. McCarter is a graduate of Princeton University and Harvard Business School, and also attended the London School of Economics.

It is my honor to support the appointment of John McCarter to the Smithsonian Institution's Board of Regents. John's service to the Field Museum, to the City of Chicago, to Illinois, and to the country, will make him an invaluable addition to the Board.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 25.

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

A motion to reconsider was laid on the table.

CAPITOL VISITOR CENTER ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5159

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Capitol Visitor Center Act of 2008".

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

Sec. 1. Short title; table of contents.

TITLE I—ADMINISTRATION AND MANAGEMENT OF CAPITOL VISITOR CENTER

Subtitle A—Description of Facility

Sec. 101. Description and purposes of Capitol Visitor Center.
Sec. 102. Oversight of committees.
Sec. 103. Special rule for certain spaces in the Capitol Visitor Center.

Subtitle B—Office of the Capitol Visitor Center; Chief Executive Officer for Visitor Services

Sec. 111. Establishment.
Sec. 112. Appointment and supervision of Chief Executive Officer for Visitor Services.
Sec. 113. General duties of Chief Executive Officer.
Sec. 114. Acceptance of gifts and volunteer services.
Sec. 115. Special rules regarding certain administrative matters.

TITLE II—RELATED SERVICES PROVIDED AT CAPITOL VISITOR CENTER

Subtitle A—Related Services Described

Sec. 201. Gift shop.
Sec. 202. Food service operations.
Sec. 203. Licenses and other agreements for operations or other functions.

Subtitle B—Capitol Visitor Center Revolving Fund

Sec. 211. Establishment; accounts.
Sec. 212. Deposits in the Fund.
Sec. 213. Use of monies.
Sec. 214. Administration of Fund.

TITLE III—TREATMENT OF CAPITOL GUIDE SERVICE

Subtitle A—Transfer to Office of the Capitol Visitor Center

Sec. 301. Transfer of Capitol Guide Service.
Sec. 302. Duties of employees of Capitol Guide Service.

Subtitle B—Office of Congressional Accessibility Services

Sec. 311. Establishment of Office of Congressional Accessibility Services.
Sec. 312. Director of Accessibility Services.
Sec. 313. Transfer from Capitol Guide Service.

Subtitle C—Technical and Conforming Amendments

Sec. 321. Technical and conforming amendments.

Subtitle D—Transfer Date

Sec. 331. Transfer date.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Authorization of appropriations.

TITLE I—ADMINISTRATION AND MANAGEMENT OF CAPITOL VISITOR CENTER

Subtitle A—Description of Facility

SEC. 101. DESCRIPTION AND PURPOSES OF CAPITOL VISITOR CENTER.

(a) TREATMENT AS PART OF CAPITOL.—In this Act, the ''Capitol Visitor Center'' is the facility authorized for construction under the heading ''Capitol Visitor Center'' under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–569), and such facility shall be considered to be part of the United States Capitol for all provisions of law in accordance with this Act.

(b) PURPOSES OF THE FACILITY.—In accordance with the provisions of this Act, the Capitol Visitor Center shall be used to—

(1) provide enhanced security for persons working in or visiting the United States Capitol; and

(2) improve the visitor experience by providing a structure that will afford improved visitor orientation and enhance the educational experience of those who have come to learn about Congress and the Capitol.

(c) CONFORMING AMENDMENT RELATING TO VISITOR CENTER SPACE IN THE CAPITOL.—Section 301 of the National Visitor Center Facilities Act of 1968 (2 U.S.C. 2165) is repealed.

SEC. 102. OVERSIGHT OF COMMITTEES.

The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives (hereafter in this Act referred to as the ''supervising Committees'') shall exercise policy review and oversight over the Capitol Visitor Center.

SEC. 103. SPECIAL RULE FOR CERTAIN SPACES IN THE CAPITOL VISITOR CENTER.

(a) SENATE AND HOUSE OF REPRESENTATIVES EXPANSION SPACE.—Notwithstanding any other provision of this Act, the Senate and House of Representatives expansion space described as ''unassigned space'' under the heading ''Architect of the Capitol, Capitol Visitor Center'' in the Legislative Branch Appropriations Act, 2002 (Public Law 107–68; 115 Stat. 588)—

(1) shall not be treated as part of the Capitol Visitor Center for purposes of this Act; and

(2) shall be treated for purposes of law (including rules of the House of Representatives and Senate)—

(A) in the case of space assigned for the use of the Senate, as part of the Senate wing of the Capitol and subject to the authority and control of the Committee on Rules and Administration of the Senate, or

(B) in the case of space assigned for the use of the House, as part of the House of Representatives wing of the Capitol and subject to the authority and control of the Speaker.

(b) TREATMENT OF CONGRESSIONAL AUDITORIUM AND RELATED ADJACENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the space in the Capitol Visitor Center known as the Congressional Auditorium, together with each of the areas referred to in paragraph (2), shall be assigned for Congressional use by the Chief Executive Officer for Visitor Services under guidelines established by the supervising Committees.

(2) AREAS DESCRIBED.—The areas referred to in this paragraph are as follows, as identified and designated by the Architect of the Capitol on October 1, 2007:

(A) The North Congressional Meeting Room (CVC268) and the South Congressional Meeting Room (CVC217).

(B) The North Pre-function Area (CVC268CR) and the South Pre-function Area (CVC217CR).

(C) Lobbies CVC215 and CVC212.

(D) The North Cloak Room (CVC210) and the South Cloak Room (CVC208).

(E) The Projection Room (CVC209).

(F) The Green Room (CVC207).

(G) The TV Control Room (CVC105).

(H) Offices CVC101, CVC102, CVC103, CVC104, CVC106, CVC204, and CVC205.

Subtitle B—Office of the Capitol Visitor Center; Chief Executive Officer for Visitor Services

SEC. 111. ESTABLISHMENT.

There is established within the Office of the Architect of the Capitol the Office of the Capitol Visitor Center (in this Act referred to as the ''Office''), to be headed by the Chief Executive Officer for Visitor Services (in this Act referred to as the ''Chief Executive Officer'').

SEC. 112. APPOINTMENT AND SUPERVISION OF CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.

(a) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Architect of the Capitol.

(b) SUPERVISION AND OVERSIGHT.—The Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to policy review and oversight by the supervising Committees.

(c) REMOVAL.—Upon removal of the Chief Executive Officer, the Architect of the Capitol shall immediately notify the supervising Committees and the Committees on Appropriations of the House of Representatives and Senate, stating the reasons for the removal.

(d) COMPENSATION.—The Chief Executive Officer shall be paid at an annual rate of pay equal to the annual rate of pay of the Deputy Architect of the Capitol and Chief Operating Officer of the Office of the Architect of the Capitol.

(e) TRANSITION FOR CURRENT CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.—

(1) APPOINTMENT.—The individual who serves as the Chief Executive Officer for Visitor Services under section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) as of the date of the enactment of this Act shall be the first Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) CONFORMING AMENDMENT.—Section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) is repealed.

SEC. 113. GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER.

(a) ADMINISTRATION OF FACILITIES, SERVICES, AND ACTIVITIES.—

(1) IN GENERAL.—Except to the extent otherwise provided in this Act, the Chief Executive Officer shall be responsible for—

(A) the operation, management, and budget preparation and execution of the Capitol Visitor Center, including all long term planning and day-today operational services and activities provided within the Capitol Visitor Center; and

(B) in accordance with subtitle A of title III, the management of guided tours of the interior of the United States Capitol.

(2) INDEPENDENT BUDGET SUBMISSION.—

(A) IN GENERAL.—The proposed budget for the Office for a fiscal year shall be prepared by the Chief Executive Officer, and shall be included without revision in the proposed budget for the year for the Office of the Architect of the Capitol (as submitted by the Architect of the Capitol to the President).

(B) EXCLUSION OF COSTS OF GENERAL MAINTENANCE AND REPAIR OF VISITOR CENTER.—In preparing the proposed budget for the Office under subparagraph (A), the Chief Executive Officer shall exclude costs attributable to the activities and services described in section 115(b) (relating to continuing jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center).

(b) PERSONNEL AND OTHER ADMINISTRATIVE PROVISIONS.—

(1) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out this Act, the Chief Executive Officer shall have the authority—

(A) to appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office, except that no employee may be paid at an annual rate in excess of the maximum rate payable for level 15 of the General Schedule unless otherwise authorized by law;

(B) to disburse funds as may be necessary and available for the needs of the Office (consistent with the requirements of section 213 in the case of amounts in the Capitol Visitor Center Revolving Fund); and

(C) to designate an employee of the Office to serve as contracting officer for the Office, subject to subsection (c).

(2) TEMPORARY ASSIGNMENT OF PERSONNEL.—The Chief Executive Officer shall temporarily assign personnel of the Office based on a request from the Capitol Police Board to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with—

(A) the inauguration of the President and Vice President of the United States;

(B) the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives; or

(C) other special or ceremonial occasions in the United States Capitol or on the United States Capitol Grounds that require the presence of additional Government personnel.

(3) AGREEMENTS WITH THE OFFICE OF THE ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLATIVE BRANCH AGENCIES, AND WITH OFFICES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—Subject to the approval of the supervising Committees, the Chief Executive Officer may place orders and enter into agreements with the Office of the Architect of the Capitol, with other legislative branch agencies, and with any office or other entity of the Senate or House of Representatives for procuring goods and providing financial and administrative services on behalf of the Office, or to otherwise assist the Chief Executive Officer in the administration and management of the Capitol Visitor Center.

(c) REQUIRING APPROVAL OF CERTAIN CONTRACTS.—The Chief Executive Officer may not enter into a contract for which the amount involved exceeds $250,000 without the prior approval of the supervising Committees.

(d) SEMIANNUAL REPORTS.—The Chief Executive Officer shall submit a report to the supervising Committees not later than 45 days following the close of each semiannual period ending on June 30 or December 31 of each year on the financial and operational status during the period of each function under the jurisdiction of the Chief Executive Officer. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

SEC. 114. ACCEPTANCE OF GIFTS AND VOLUNTEER SERVICES.

(a) ACCEPTANCE OF GIFTS.—

(1) AUTHORITY TO ACCEPT AND USE GIFTS.—The Chief Executive Officer, with the approval of the supervising Committees, is authorized to receive, accept, and hold unrestricted gifts of money on behalf of the Capitol Visitor Center, and to use the gifts for the benefit of the Capitol Visitor Center.

(2) ACCEPTANCE OF GIFTS OF WORKS OF ART AND OTHER RELATED OBJECTS BY OTHER LEGISLATIVE BRANCH ENTITIES.—

(A) IN GENERAL.—In the case of a gift consisting of a work of art, historical object, or exhibit for which the authority to accept the gift for display in the Capitol is provided to an entity referred to in subparagraph (B), the entity shall have the authority to accept the gift for display in the Capitol Visitor Center in accordance with the authority provided under applicable law.

(B) ENTITIES DESCRIBED.—The entities referred to in this subparagraph are as follows:

(i) The Joint Committee on the Library under section 1831 of the Revised Statutes of the United States (2 U.S.C. 2133).

(ii) The United States Capitol Preservation Commission under section 801 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2081).

(iii) The House of Representatives Fine Arts Board under section 1000 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2121).

(iv) The Senate Commission on Art under section 1 of Senate Resolution 382, Ninetieth Congress, agreed to October 1, 1968 and enacted into law by section 901(a) of Public Law 100–690 (2 U.S.C. 2101).

(3) ANNUAL REPORT ON GIFTS ACCEPTED.—Each semiannual report submitted under section 113(d) shall include a description of each accepted by the Chief Executive Officer under this subsection during the period covered by the report.

(b) ACCEPTANCE OF VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Chief Executive Officer may accept and use voluntary and uncompensated services for the Capitol Visitor Center as the Chief Executive Officer determines necessary. No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or connection with such services, other than a claim under the provisions of chapter 81 of title 5, United States Code. No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of such title. In no case shall the acceptance of personal services under this subsection result in the reduction of pay or displacement of any employee of the Office.

SEC. 115. SPECIAL RULES REGARDING CERTAIN ADMINISTRATIVE MATTERS.

(a) SPECIAL RULES REGARDING SECURITY.—

(1) SECURITY JURISDICTION OF LAW ENFORCEMENT AGENCIES UNAFFECTED.—Nothing in this Act granting any authority to the Chief Executive Officer shall be construed to affect the exclusive jurisdiction of the United States Capitol Police, the Capitol Police Board, the Sergeant at Arms and Doorkeeper of the Senate, and the Sergeant at Arms of the House of Representatives to provide security for the Capitol Visitor Center.

(2) ATTENDANCE OF CHIEF EXECUTIVE OFFICER AT CERTAIN MEETINGS OF CAPITOL POLICE BOARD.—At the request of the Capitol Police Board, the Chief Executive Officer shall attend any portion of any meeting of the Capitol Police Board during which the Board considers issues relating to the security of the Capitol Visitor Center, including activities described in paragraph (3), or other issues relating to services provided by employees of the Office.

(3) CONSULTATION WITH CAPITOL POLICE BOARD ON SECURITY MATTERS.—The Office shall consult with the Capitol Police Board in carrying out any activity which affects the security of the Capitol Visitor Center or any other part of the Capitol, including activities relating to the hours of operation, tour routes and the number of visitors per tour guide, and other activities relating to the entry of members of the general public into the Capitol and the movement of members of the general public within the Capitol.

(4) PLAN FOR BACKGROUND CHECKS FOR EMPLOYEES.—The Chief Executive Officer, in coordination with the Chief of the Capitol Police, shall develop plans and procedures for conducting criminal history background checks on employees of the Office and individuals seeking employment with the Office (including employees of the Capitol Guide Service who are transferred to the Office under title III).

(b) SPECIAL RULES REGARDING CARE AND MAINTENANCE OF FACILITIES.—

(1) ARCHITECT OF THE CAPITOL JURISDICTION UNAFFECTED.—Nothing in this Act granting any authority to the Chief Executive Officer (including section 114) shall be construed to affect the exclusive jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center or any other part of the Capitol, and all maintenance services, groundskeeping services, improvements, alterations, additions, and repairs for the Capitol Visitor Center shall be carried out pursuant to the direction and supervision of the Architect subject to the oversight of Congress under applicable law (including rules of the House of Representatives and Senate).

(2) BUDGET SUBMISSION.—The Architect of the Capitol shall submit with the annual budget for the Office of the Architect of the Capitol for a fiscal year a separate, detailed statement of the costs anticipated to be incurred during the year for the activities and services described in paragraph (1) which are excluded from the annual budget for the Office which is submitted by the Chief Executive Officer under section 113(a)(2).

(c) SPECIAL RULE REGARDING EXHIBITS AND TOURS.—The Chief Executive Officer shall consider comments and recommendations from the Clerk of the House of Representatives and the Secretary of the Senate regarding the content of exhibits contained in and tours operated out of the Capitol Visitor Center.

TITLE II—RELATED SERVICES PROVIDED AT CAPITOL VISITOR CENTER

Subtitle A—Related Services Described

SEC. 201. GIFT SHOP.

(a) ESTABLISHMENT.—In consultation with the supervising Committees, the Chief Executive Officer shall establish a gift shop within the Capitol Visitor Center for the purpose of providing for the sale of gift items.

(b) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this subsection.

SEC. 202. FOOD SERVICE OPERATIONS.

(a) RESTAURANT, CATERING, AND VENDING.—The Chief Executive Officer is authorized to establish within the Capitol Visitor Center a restaurant and other food service facilities, including catering services and vending machines.

(b) USE OF CONTRACT TO CARRY OUT FOOD SERVICE OPERATIONS.—The Chief Executive Officer shall carry out all food service operations within the Capitol Visitor Center pursuant to a contract entered into with a private vendor.

(c) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this subsection.

SEC. 203. LICENSES AND OTHER AGREEMENTS FOR OPERATIONS OR OTHER FUNCTIONS.

(a) AUTHORITY.—The Chief Executive Officer is authorized—

(1) subject to the approval of the supervising Committees, to enter into licenses and other agreements to allow operations or other functions to occur within the Capitol Visitor Center; and

(2) to assess and collect charges or other fees as may be appropriate under such licenses and agreements, including the recoupment of costs associated with the operation or function being held.

(b) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—To the extent that a license or agreement entered into by the Chief Executive Officer under this section permits any person to sell or solicit the sale of goods or services within the Capitol Visitor Center, section 5104(c) of title 40, United States Code, shall not apply to the sale or solicitation of sales of such goods or services.

(c) APPROVAL OF CONGRESS REQUIRED FOR CERTAIN EVENTS.—No event intended for purposes other than those described in section 101(b) shall be held in the central hall of the Capitol Visitor Center unless authorized by a resolution agreed to by both houses of the Congress.

Subtitle B—Capitol Visitor Center Revolving Fund

SEC. 211. ESTABLISHMENT; ACCOUNTS.

There is established in the Treasury of the United States a revolving fund to be known as the Capitol Visitor Center Revolving Fund (in this section referred to as the ''Fund''), consisting of the following individual accounts:

(1) The Gift Shop Account.

(2) The Miscellaneous Receipts Account.

SEC. 212. DEPOSITS IN THE FUND.

(a) GIFT SHOP ACCOUNT.—There shall be deposited in the Gift Shop Account all monies received from sales and other services by the gift shop established under section 201, together with any interest accrued on balances in the Account.

(b) MISCELLANEOUS RECEIPTS ACCOUNT.—There shall be deposited in the Miscellaneous Receipts Account each of the following (together with any interest accrued on balances in the Account):

(1) Any gifts of money accepted under section 114(a).

(2) Any net profits or commissions paid to the Capitol Visitor Center under any contract for food service operations entered into under section 202(b).

(3) Any charges or fees collected from the operations or other functions within the Capitol Visitor Center under licenses or other arrangements entered into under section 203(a).

(4) Any other receipts received from the operation of the Capitol Visitor Center.

SEC. 213. USE OF MONIES.

(a) GIFT SHOP ACCOUNT.—

(1) IN GENERAL.—All monies in the Gift Shop Account shall be available without fiscal year limitation for obligation by the Chief Executive Officer in connection with the operation of the gift shops under section 201(a), including supplies, inventories, equipment, and other expenses. In addition, such monies may be used by the Chief Executive Officer to reimburse any applicable appropriations account for amounts used from such appropriations account to pay the salaries of employees of the gift shops.

(2) OBLIGATION OF FUNDS REMAINING AFTER USE OF FUNDS FOR GIFT SHOP.—To the extent monies in the Gift Shop Account are available after disbursements and reimbursements are made under subparagraph (A), the Chief Executive Officer may obligate such monies for the operation of the Capitol Visitor Center, after consultation with—

(A) the supervising Committees; and

(B) the Committees on Appropriations of the House of Representatives and Senate.

(b) MISCELLANEOUS RECEIPTS ACCOUNT.—All monies in the Miscellaneous Receipts Account shall be available without fiscal year limitation for obligation by the Chief Executive Officer for the operations of the Capitol Visitor Center, after consultation with—

(1) the supervising Committees; and

(2) the Committees on Appropriations of the House of Representatives and Senate.

SEC. 214. ADMINISTRATION OF FUND.

(a) OBLIGATIONS.—Obligations from the Fund may be made by the Chief Executive Officer.

(b) INVESTMENT AUTHORITY.—The Secretary of the Treasury shall invest any portion of the Fund that, as determined by the Chief Executive Officer, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Chief Executive Officer, has a maturity date suitable for the purposes of the Fund. The Secretary of the Treasury shall credit interest earned on the obligations to the Fund.

(c) AUDIT.—The Fund shall be subject to audit by the Comptroller General at the discretion of the Comptroller General.

TITLE III—TREATMENT OF CAPITOL GUIDE SERVICE

Subtitle A—Transfer to Office of the Capitol Visitor Center

SEC. 301. TRANSFER OF CAPITOL GUIDE SERVICE.

(a) TRANSFER OF AUTHORITIES AND PERSONNEL TO OFFICE OF THE CAPITOL VISITOR CENTER.—Except as provided in subsection (c), effective on the transfer date—

(1) the contracts, liabilities, records, property, and other assets and interests of the Capitol Guide Service, established pursuant to section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166), and the employees of the Capitol Guide Service, are transferred to the Office, except that the transfer of any amounts appropriated to the Capitol Guide Service that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(2) the Capitol Guide Service shall be subject to the direction, supervision, and control of the Chief Executive Officer in accordance with this subtitle.

(b) TREATMENT OF EMPLOYEES OF CAPITOL GUIDE SERVICE AT TIME OF TRANSFER.—

(1) IN GENERAL.—Any individual who is an employee of the Capitol Guide Service on a permanent basis on the transfer date who is transferred to the Office under subsection (a) shall be subject to authority of the Chief Executive Officer under section 302(b), except that the individual shall not be reduced in grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer while such individual remains continuously so employed as a Capitol Guide within the Office, other than for cause.

(2) ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(3) CONTINUATION OF PARTICIPATION IN STUDENT LOAN REPAYMENT PROGRAM.—Notwithstanding any other provision of law, if an individual described in paragraph (1) has a written service agreement in effect under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5) at the time the individual is transferred to the Office, the agreement shall remain in effect in accordance with the terms and conditions applicable to the agreement at the time the individual is transferred (including the provisions of such section permitting the individual to enter into additional service agreements for successive 1-year periods of employment), except that in applying such section to the individual, the following shall apply:

(A) The Office shall serve as the employing office, and the Chief Executive Officer shall serve as the head of the employing office.

(B) The Architect of the Capitol shall carry out the responsibilities of the Secretary of the Senate.

(C) Any reference to the Committee on Rules and Administration of the Senate and the Committee on Appropriations of the Senate shall be treated as a reference to the supervising Committees.

(D) If the individual is required to make any reimbursement under such section with respect to payments made after the individual is transferred, the individual shall reimburse the Office of the Architect of the Capitol.

(4) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief Executive Officer may not impose a period of probation with respect to the transfer of any individual who is transferred to the Office under subsection (a).

(c) EXCEPTION FOR CONGRESSIONAL SPECIAL SERVICES OFFICE.—This section does not apply with respect to any employees, contracts, liabilities, records, property, and other assets and interests of the Congressional Special Services Office of the Capitol Guide Service that are transferred to the Office of Congressional Accessibility Services under subtitle B.

SEC. 302. DUTIES OF EMPLOYEES OF CAPITOL GUIDE SERVICE.

(a) PROVISION OF GUIDED TOURS.—

(1) TOURS.—In accordance with this section, the Capitol Guide Service shall provide guided tours of the interior of the United States Capitol without charge, including the Capitol Visitor Center, for the education and enlightenment of the general public.

(2) ACCEPTANCE OF FEES PROHIBITED.—An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

(3) REGULATIONS OF CHIEF EXECUTIVE OFFICER.— All such tours shall be conducted in compliance with regulations approved by the Chief Executive Officer.

(b) AUTHORITY OF CHIEF EXECUTIVE OFFICER.—In providing for the direction, supervision, and control of the Capitol Guide Service, the Chief Executive Officer is authorized—

(1) subject to the availability of appropriations, to establish and revise such number of positions of Guide in the Capitol Guide Service as the Chief Executive Officer considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) to appoint, on a permanent basis without regard to political affiliation and solely on the basis of fitness to perform their duties, a Chief Guide and such deputies as the Chief Executive Officer considers appropriate for the effective administration of the Capitol Guide Service and, in addition, such number of Guides as may be authorized;

(3) with the approval of the supervising Committees, with respect to the individuals appointed pursuant to paragraph (2)—

(A) to prescribe the individual's duties and responsibilities,

(B) to fix, and adjust from time to time, respective rates of pay at single per annum (gross) rates, and

(C) to take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or termination of employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Chief Executive Officer pursuant to paragraph (7);

(4) to prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service;

(5) from time to time and as may be necessary, to procure and furnish such uniforms to such personnel without charge to such personnel;

(6) to receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public; and

(7) with the approval of the supervising Committees, to prescribe such regulations as the Chief Executive Officer considers necessary and appropriate for the operation of the Capitol Guide Service, including regulations with respect to tour routes and hours of operation, number of visitors per guide, staff-led tours, and

non-law enforcement security and special event related support.

(c) PROVISION OF ACCESSIBLE TOURS IN COORDINATION WITH OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.—The Chief Executive Officer shall coordinate the provision of accessible tours for individuals with disabilities with the Office of Congressional Accessibility Services established under subtitle B.

Subtitle B—Office of Congressional Accessibility Services

SEC. 311. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.

(a) ESTABLISHMENT.—There is established in the legislative branch the Office of Congressional Accessibility Services, to be headed by the Director of Accessibility Services.

(b) SUPERVISION AND CONTROL.—The Office of Congressional Accessibility Services shall be subject to the direction, supervision, and control of the Capitol Police Board.

(c) MISSION AND FUNCTIONS.—

(1) IN GENERAL.—The Office of Congressional Accessibility Services shall—

(A) provide and coordinate accessibility services for individuals with disabilities, including Members of Congress, employees of the House of Representatives and the Senate, and visitors, in the United States Capitol Complex; and

(B) in consultation with the Office of House Employment Counsel and the Senate Chief Counsel for Employment, provide information regarding accessibility for individuals with disabilities, as well as related training and staff development, to Members of Congress and employees of the House of Representatives and Senate.

(2) SPECIFIC FUNCTIONS.—The Director of Accessibility Services shall submit to the supervising Committees a list of the specific functions that the Office of Congressional Accessibility Services will perform in carrying out this subtitle with the approval of the supervising committees. The Director of Accessibility Services shall submit the list not later than 30 days after the transfer date.

(3) NO EFFECT ON AUTHORITY OF EMPLOYMENT COUNSELS.—Nothing in this subtitle shall be construed to limit any authority or function of the Office of House Employment Counsel or the Senate Chief Counsel for Employment that such Office or Counsel carries out prior to the transfer date.

(4) UNITED STATES CAPITOL COMPLEX DEFINED.—In this subsection, the term ''United States Capitol Complex'' means the Capitol buildings (as defined in section 5101 of title 40, United States Code) and the United States Capitol Grounds (as described in section 5102 of such title).

(d) CONFORMING AMENDMENT.—Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is repealed.

SEC. 312. DIRECTOR OF ACCESSIBILITY SERVICES.

(a) APPOINTMENT AND REMOVAL; COMPENSATION.—

(1) APPOINTMENT.—The Director of Accessibility Services shall be appointed by the Capitol Police Board.

(2) REMOVAL.—The Director of Accessibility Services may be removed by the Capitol Police Board, upon notification to the supervising Committees.

(3) COMPENSATION.—The Director of Accessibility Services shall be paid at an annual rate of pay determined by the Capitol Police Board, except that such rate may not exceed the maximum rate payable for level 15 of the General Schedule.

(4) TRANSITION FOR CURRENT HEAD OF CONGRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL GUIDE SERVICE.—The individual serving as the head of the Congressional Special Services Office of the Capitol Guide Service as of the transfer date shall be appointed by the Capitol Police Board as the first Director of Accessibility Services under this subtitle.

(b) PERSONNEL AND OTHER ADMINISTRATIVE FUNCTIONS.—

(1) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out the functions of the Office of Congressional Accessibility Services under section 311, the Director of Accessibility Services shall have the authority—

(A) to appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office of Congressional Accessibility Services, except that no employee may be paid at an annual rate in excess of the annual rate of pay for the Director of Accessibility Services;

(B) to disburse funds as may be necessary and available for the needs of the Office of Congressional Accessibility Services; and

(C) to serve as contracting officer for the Office of Congressional Accessibility Services.

(2) AGREEMENTS WITH THE OFFICE OF THE ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLATIVE BRANCH AGENCIES, AND WITH OFFICES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—Subject to the approval of the supervising Committees, the Director of Accessibility Services may place orders and enter into agreements with the Office of the Architect of the Capitol, with other legislative branch agencies, and with any office or other entity of the Senate or House of Representatives for procuring goods and providing financial and administrative services on behalf of the Office of Accessibility Services, or to otherwise assist the Director in the administration and management of the Office of Accessibility Services.

(c) SEMIANNUAL REPORTS.—The Director of Accessibility Services shall submit a report to the supervising Committees not later than 45 days following the close of each semiannual period ending on June 30 or December 31 of each year on the financial and operational status during the period of each function under the jurisdiction of the Director. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

SEC. 313. TRANSFER FROM CAPITOL GUIDE SERVICE.

(a) TRANSFER OF AUTHORITIES AND PERSONNEL OF CONGRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL GUIDE SERVICE.—In accordance with the provisions of this subtitle, effective on the transfer date—

(1) the contracts, liabilities, records, property, and other assets and interests of the Congressional Special Services Office of the Capitol Guide Service, and the employees of such Office, are transferred to the Office of Congressional Accessibility Services established under section 311(a), except that the transfer of any amounts appropriated to the Congressional Special Services Office that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(2) the employees of such Office shall be subject to the direction, supervision, and control of the Director of Accessibility Services.

(b) TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.—

(1) IN GENERAL.—Any individual who is an employee of the Congressional Special Services Office of the Capitol Guide Service on a permanent basis on the transfer date who is transferred under subsection (a) shall be subject to authority of the Director of Accessibility Services under section 312, except that the individual shall not be reduced in grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer while such individual remains continuously so employed within the Office of Congressional Accessibility Services established under section 311(a), other than for cause.

(2) ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office of Congressional Accessibility Services shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Director of Accessibility Services may not impose a period of probation with respect to the transfer of any individual who is transferred to the Office of Congressional Accessibility Services under subsection (a).

Subtitle C—Technical and Conforming Amendments

SEC. 321. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXISTING AUTHORITY OF CAPITOL GUIDE SERVICE.—Section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166) is repealed.

(b) COVERAGE UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) TREATMENT OF EMPLOYEES AS COVERED EMPLOYEES.—Section 101(3)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(3)(C)) is amended to read as follows:

''(C) the Office of Congressional Accessibility Services;''.

(2) TREATMENT OF OFFICE AS EMPLOYING OFFICE.—Section 101(9)(D) of such Act (2 U.S.C. 1301(9)(D)) is amended by striking ''the Capitol Guide Board,'' and inserting ''the Office of Congressional Accessibility Services,''.

(3) RIGHTS AND PROTECTIONS RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a)(4) of such Act (2 U.S.C. 1331(a)(4)) is amended to read as follows:

''(4) the Office of Congressional Accessibility Services;''.

(4) PERIODIC INSPECTIONS FOR OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE.—Section 215(e)(1) of such Act (2 U.S.C. 1341(e)(1)) is amended by striking ''the Capitol Guide Service,'' and inserting ''the Office of Congressional Accessibility Services,''.

(c) TREATMENT AS CONGRESSIONAL EMPLOYEES FOR RETIREMENT PURPOSES.—Section 2107(9) of title 5, United States Code, is amended to read as follows:

''(9) an employee of the Office of Congressional Accessibility Services.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

Subtitle D—Transfer Date

SEC. 331. TRANSFER DATE.

In this title, the ''transfer date'' means the date on which the Chief Executive Officer, in consultation with the Architect of the Capitol, certifies that a certificate of occupancy for the Capitol Visitor Center has been issued by the appropriate authorities.

TITLE IV—GENERAL PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on H.R. 5159.

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

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, the legislation that I bring to the floor today is the end result of a long journey that goes back to the 104th Congress, when the Capitol Visitor Center, or the CVC, was first debated. Bills were introduced and none were passed. After the 1998 entry by a gunman into the Capitol and shooting of two Capitol police officers, money was appropriated in the Omnibus Consolidated and Emergency Supplemental Appropriations Act for fiscal year 1999 for the planning, construction, and design of the CVC.

While that bill provided for the bricks and mortar of the CVC, H.R. 5159, the Capitol Visitor Center Act of 2008 is the administrative blueprint or framework for the day-to-day operation and management oversight of the CVC.

H.R. 5159 defines the duties, responsibilities, and roles for a variety of administrative offices such as the Chief Executive Officer of Visitor Services, Office of the Capitol Visitor Center, and the Office of Congressional Accessibility Services. The bill also provides for visitor center services, restaurants, and the gift shop.

This bill does not affect or change staff-led tours in any way.

H.R. 5159 is a bipartisan initiative that received unanimous support and was reported out favorably with an amendment from the Committee on House Administration. I would like to take this time to thank my colleague and cosponsor, the ranking member, Mr. EHLERS, for his assistance and cooperation.

H.R. 5159 will be the first bill by the House to deal with the internal operations and organization of the CVC. H.R. 5159 is a necessary instrument to ensure that the CVC will be able to carry out its main objectives: security, visitor education and comfort. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I also rise in support of H.R. 5159, which establishes an Office of the Capitol Visitor Center under the organization of the Architect of the Capitol.

As the Chair of the committee has pointed out, this has been a long progress, probably longer than it needed to be, but it started at the time I was the Chair of the committee. Unfortunately, the original ideas which we advanced were not accepted by all parties involved, and it has taken a considerable amount of effort to reach the point we are at today. However, what we have today is a good suggestion, a good document, a good organization, and I am very pleased with it, largely because it is very similar to what we started out with more than a year ago.

This new Office of the Capitol Visitor Center will be headed by the newly appointed Chief Executive Officer for Visitor Services, Terrie Rouse. Ms. Rouse has done a superb job in bringing together her management team to make sure that the Capitol Visitor Center is fully operational and prepared to receive visitors as soon as the building is ready to be occupied.

The legislation we are considering today provides a framework for the effective management and administration of the CVC, while at the same time ensuring that Members of the House and Senate have a definitive role to play in governing the operation of the CVC.

This marvelous building, which will be enjoyed by Americans for years to come, will operate in a way that, with this structure, will serve greatly to strengthen the safety and security of the Members, staff, and visitors to the Capitol, but above all, will create an unparalleled visitor experience for the millions of Americans who visit their Nation's Capitol each year.

In addition to being a significant administrative step in the operations of the CVC, this bill is also an important milestone as we move closer toward the facility's opening. In just a few short months, at least we hope they are a few short months, the first visitors to the CVC will have an opportunity to experience the majestic displays that highlight significant accomplishments made by the legislative branch that contributed to the development of our Nation's rich history. Though some visitors may be hundreds or even thousands of miles from home, they will remain connected through interactive kiosks that feature biographical data about their Member of Congress, and they will learn how to contact their Member.

For those Members who have not yet had an opportunity to tour the CVC, or for Members who took a CVC tour several months ago, I urge all those Members to take the time to take a new tour of the facility in its current state so that each and every Member may experience the facility as it will appear to our constituents.

As we complete the final steps before the facility opens, I thank Chairman BRADY for his leadership in bringing this important legislation to the floor. As I said earlier, this bill has a unique history with considerable difficulties, and I commend Chairman BRADY for managing to steer this bill through the pitfalls and rapids that often encumber bills, and he has presented an excellent bill to this Congress.

This bill will ensure effective management and administration of the Capitol Visitor Center with oversight by the Committee on House Administration and the Senate Committee on Rules and Administration. I look forward to continuing to work closely with Chairman BRADY as we continue our oversight activities over the Capitol Visitor Center, and as we near its November 2008 opening date and far, far beyond. I once again thank the chairman for his good work on this bill.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank the gentleman for all of his cooperation on a day-to-day basis, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5159, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT MEMBERS' CONGRESSIONAL PAPERS SHOULD BE PROPERLY MAINTAINED

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 307) expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 307

Whereas Members' Congressional papers (including papers of Delegates and Resident Commissioners to the Congress) serve as indispensable sources for the study of American representative democracy;

Whereas these papers document vital national, regional, and local public policy issues;

Whereas these papers are crucial to the public's understanding of the role of Congress in making the Nation's laws and responding to the needs of its citizens;

Whereas because these papers serve as essential primary sources for the history of Congress, the study of these papers will illuminate the careers of individual Members;

Whereas by custom, these papers are considered the personal property of the Member who receives and creates them, and it is therefore the Member who is responsible to decide on their ultimate disposition; and

Whereas resources are available through the Office of the Clerk of the House of Representatives and the Secretary of the Senate

to assist Members with the professional and cost-effective management and preservation of these papers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Members' Congressional papers (including papers of Delegates and Resident Commissioners to the Congress) should be properly maintained;

(2) each Member of Congress should take all necessary measures to manage and preserve the Member's own Congressional papers; and

(3) each Member of Congress should be encouraged to arrange for the deposit or donation of the Member's own noncurrent Congressional papers with a research institution that is properly equipped to care for them, and to make these papers available for educational purposes at a time the Member considers appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on H. Con. Res. 307.

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

There was no objection.

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

Mr. Speaker, it is very easy for Members to get caught up in the day-to-day responsibilities of their job. In between regular correspondence, speeches, and vote recommendations, Members accumulate a lot of paper. Most will not give consideration to the importance of this paper until the end or middle of their careers.

The papers generated by Members while in office reflect the issues of the day and are of historical benefit to students, scholars, and citizens in understanding the role of the House of Representatives in the Federal Government.

Mr. Speaker, H. Con. Res. 307 is a concurrent resolution that reminds Members of the importance of maintaining and archiving their papers so that future leaders and citizens of history may learn and understand the decisions that we have made. I urge passage of H. Con. Res. 307.

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

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

Mr. Speaker, I rise in support of H. Con. Res. 307, which expresses the sense of the Congress that congressional papers should be properly maintained and encourages Members to take all necessary measures to manage and preserve these papers.

This is a very important issue, and one that I am also delinquent on, as I suspect most Members are. At various times I have encouraged my staff to be certain that we take proper care of papers, that we maintain them, and that they are available for archiving once we leave office. But yet, it is a very difficult task to do this on a day-to-day basis and remember to do it.

Let me also bemoan the fact that the executive branch has been subjected to lawsuits on this isssue, and the courts have declared they must save every little piece of paper, every message, and they are open to scrutiny and subpoena at any time in the future. The net effect of this is that the White House puts hardly anything down on paper, a practice that was developed in the previous administration as well. That is unfortunate. We should have the freedom to express our thoughts freely and make certain that they are preserved in a fashion that prevents them from being used improperly in future times.

As Members of Congress, we are routinely faced with an abundance of notes, letters, and other papers that cross our desk each day. For each of us, there is a temptation to rid ourselves of today's notes and papers and begin each day anew, free from the scourge of clutter. And I know my office certainly should be more free of clutter. It would be easiest to discard these items along with rest of the day's castoffs, but as history has shown us, it is often these mundane items that have painted the most accurate and detailed picture of our Nation's history.

These papers and their contents separately may tell us very little about the place and time in which they were created, but they are threads that, when woven together, create the fabric of our democracy.

While congressional papers are the property and responsibility of the Member, the Clerk of the House and the Secretary of the Senate stand ready to assist Members of Congress in the disposition and handling of these materials. I urge all of my colleagues to join me in the effort to retain congressional documents, and in doing so, preserve a piece of history for the sake of our individual and collective posterity.

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

Mr. BRADY of Pennsylvania. I thank the ranking member, Mr. EHLERS, for your cooperation. It is a pleasure working with you from day to day.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 307.

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

A motion to reconsider was laid on the table.

□ 1330

EXPRESSING CONDOLENCES TO THOSE AFFECTED BY THE DEVASTATING SHOOTING INCIDENT AT NORTHERN ILLINOIS UNIVERSITY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1007) expressing the condolences of the House to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1007

Whereas on Thursday, February 14, 2008, a gunman entered a lecture hall on the campus of Northern Illinois University and opened fire on the students assembled there;

Whereas the gunman took the lives of 5 students and wounded 17 more;

Whereas the 5 students who lost their lives that day were—

(1) Gayle Dubowski, age 20, of Carol Stream, Illinois, a devout member of her church who sang in the church choir and worked as a camp counselor and volunteer in rural Kentucky;

(2) Catalina ''Cati'' Garcia, age 20, of Cicero, Illinois, a first-generation American who had hoped to be a teacher, was her family's ''princess'' and inspiration, and was rarely seen without a beaming smile;

(3) Julianna Gehant, age 32, of Mendota, Illinois, who dreamed of becoming a teacher, and who spent more than 12 years in the United States Army and Army Reserve, serving our Nation and saving money for college;

(4) Ryanne Mace, age 19, of Carpentersville, Illinois, a much-loved only child who was rarely without a warm smile and hoped to be a counselor so she could help others; and

(5) Daniel Parmenter, age 20, of Westchester, Illinois, ''Danny'' to his friends, a 6-foot, 5-inch rugby player with a gentle spirit and bright future, who died trying to protect his girlfriend from gunfire;

Whereas the Northern Illinois University Police Department, the Police Departments of DeKalb, Sycamore, Aurora, Batavia, Cortland, Galesburg, Genoa, Geneva, Mendota, St. Charles, Rockford, and the Village of Winnebago, the Conservation Police, the Sheriff's Offices of DeKalb County, Winnebago County, and Kane County, the Kane County Bomb Squad, the Illinois State Police, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Reach/Air Angel, Flight for Life, Life Line, the Salvation Army, and the Fire and Emergency Medical Services Department of DeKalb, Sycamore, Cortland, Malta, Maple Park, Rochelle, Hampshire, Burlington, Shabbona, Hinckley, Genoa-Kingston, Waterman, Elburn, St. Charles, Ogle-Lee, Kaneville, Sugar Grove, North Aurora, and Somonauk responded to the emergency promptly and assisted capably in the initial crisis and the subsequent investigations;

Whereas the emergency responders and the doctors, nurses, and other health care providers at Kishwaukee Community Hospital,

Saint Anthony Medical Center, Good Samaritan Hospital, Rockford Memorial Hospital, and Northwestern Memorial Hospital provided professional and dedicated care to the victims;

Whereas hundreds of volunteer counselors from Illinois and across the Nation have come to Northern Illinois University to assist the campus community;

Whereas the students, faculty, staff, and administration of Northern Illinois University, the people of the city of DeKalb and the State of Illinois, and all Americans have mourned the victims of this tragedy and have offered support to the victims' friends and families and to the greater Northern Illinois University community;

Whereas Northern Illinois University has established a scholarship fund to honor the memory of the students slain in the February 14 tragedy; and

Whereas the Northern Illinois University community is determined to move ''forward, together forward'', in the words of the Huskie fight song, and to persevere through this tragedy with heavy hearts but unbroken spirits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sincere condolences to the families, friends, and loved ones of those who were killed in the tragic shooting on February 14, 2008, at Northern Illinois University in DeKalb, Illinois: Gayle Dubowski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parmenter;

(2) extends its support and prayers to those who were wounded and wishes them a speedy recovery;

(3) commends the emergency responders, law enforcement officers, health care providers, and counselors who performed their duties with professionalism and dedication in response to the tragedy;

(4) reaffirms its commitment to helping ensure that schools, colleges, and universities in the United States are safe and secure environments for learning; and

(5) expresses its solidarity with Northern Illinois University and its students, faculty, staff, and administration as they mourn their losses and as they recover from this tragic incident.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 1007 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today to offer my deepest sympathies to the victims and families who suffered the horrific shooting tragedy at Northern Illinois University. My thoughts and prayers go out to all those who have suffered through this great loss, especially the families, students, faculty and staff of the university.

Northern Illinois University is one of the largest schools in Illinois, providing higher education to more than 25,000 students. The effects of this tragedy can be felt all across the State, and have echoed throughout the Nation.

Parents send their children to school each day to learn about the world around them and to grow and develop into responsible adults. Parents that send their children off to college expect that they will be safe and will graduate with newfound knowledge and a bright future.

As we mourn with the Northern Illinois University community, this Congress must continue in its work to make all schools safe in order to prevent this kind of tragedy in the future. We must continue to work with our colleges and universities to develop ways to anticipate, identify and prevent these horrific and disturbing acts of violence.

Mr. Speaker, we stand to show our support to the family, students, faculty and staff of Northern Illinois University who continue on despite the tragic events surrounding them. I know that the healing process will take time, but I also hope that some day soon, all members of the Northern Illinois University community will feel the safety and security that all students should have.

Mr. Speaker, especially do I want to extend appreciation to the president of Northern Illinois University, to the faculty and staff, and especially one program, something called the Chance Program, which opens its doors to students from all over the State, provides the sanctuary of the opportunity to get the best possible education, and we hope that they can put this tragedy behind them as we continue to move forward.

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

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

Mr. Speaker, I rise today in support of House Resolution 1007 to pay final respects and express the condolences of the House of Representatives for those affected by the devastating shooting incident on the campus of Northern Illinois University in DeKalb, Illinois on February 14, 2008.

On that dark Valentine's Day, five students lost their lives, and 17 others were injured. Those five who were taken from their families are: 20-year-old Gayle Dubowski of Carol Stream, 20-year-old Catalina Garcia of Cicero, 32-year-old Julianna Gehant of Mendota, 19-year-old Ryanne Mace of Carpentersville, and 20-year-old Daniel Parmenter of Westchester.

The wounds suffered that day have been deeply felt by those families that lost loved ones, but the entire Nation shares in their pain. Messages of support continue to flow in from across the country and around the world.

I would like to take special note of the extraordinary outpouring of kindness and sympathy from the students and faculty of Virginia Tech. Having endured a similar tragedy just last spring, their words of wisdom and perseverance have given strength to many in the NIU community.

Our Nation's universities and colleges are places where students begin to embrace adulthood, where they begin to relish a newfound freedom, and where they begin to realize their dreams. For many they are places that offer new beginnings and pathways to brighter futures. To have that cut short for these five young men and women by such a senseless act is almost beyond comprehension. So today we come together to comfort one another and pray that the Northern Illinois University community and our Nation can begin to heal in the aftermath of this unspeakable tragedy.

We also come together to support the efforts of America's higher education leaders and administrators to ensure tight security and safe conditions for all students. The recent violence on college campuses has American families concerned. As a Nation we must work to create safe yet accessible facilities and ensure that parents don't have to fear for their children's lives when they send them off to school. If ever there were a place where America's youth should feel safe, it is in institutions of learning.

Mr. Speaker, I also believe that we owe sincere and heartfelt gratitude to NIU's administration, the law enforcement officers, faculty and students for the way they have handled the crisis. The strong, coordinated response by campus security reflects long hours of training and undoubtedly saved the lives of potential victims. And the entire DeKalb community, both on and off campus, has shown unity and courage in the face of extraordinary adversity.

Simply put, no one can ever be truly prepared to handle a tragedy like this, but the response of the Northern Illinois University family has been a credit to them and to the State of Illinois.

So in the spirit of the NIU Husky fight song, let us now move ''forward, together forward,'' and may we all learn from the example of NIU as we tackle future challenges that face our Nation.

I ask my colleagues to keep the students and families of NIU in their thoughts and prayers, and I ask for their support of this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise to offer my deepest sympathies to the

victims and their families who suffered the horrific shooting tragedy at Northern Illinois University.

I would like to offer my deep thanks and gratitude to Chairman GEORGE MILLER and Ranking Member BUCK MCKEON of the Education and Labor Committee for allowing this resolution to come to the floor for expedited consideration.

Northern Illinois University is one of the largest schools in Illinois. It's over 25,000 students, and it's centered in the corn fields in the beautiful city of DeKalb, Illinois. And it reaches throughout the entire State and indeed around the country and in many cases around the world with the diversity of the foreign students. My colleagues and I represent thousands of Northern Illinois University faculty, staff and graduates. The tragedy has shaken all of us.

Schools are supposed to be a sanctuary of safety, which is why the news that came out of NIU on the afternoon of February 14 was particularly tragic. A lone gunman, a former NIU student, opened fire on an oceanography class, killing five students and wounding 17 more in a matter of seconds. The NIU police were in the auditorium within 30 seconds of the shots being fired. Shortly afterwards he killed himself, but all of the shooting took place prior to the police arriving, even in that short period of time. Many of us remember the shock we felt almost a year ago when 33 members of the Virginia Tech community were lost in a similar senseless act of violence.

As a father of three children in college, I cannot even imagine the sorrow and hurt the families are experiencing. I shared that a bit this past week when I, along with Senators DURBIN and OBAMA and Representatives EMANUEL, ROSKAM and BEAN stood with a crowd of more than 10,000 mourners on the NIU campus to memorialize this tragedy.

But still the sorrow and the shock remain. We cannot bring back these young men and women to the classroom, to the sidewalks of DeKalb, or to the arms of their families. We cannot explain why, but we continue to search for answers. But as we did last week at NIU, we can pause to remember the spirit, energy and life of each of the five students lost in this tragedy.

Gayle Dubowski, was a 25-year-old anthropology major from Carol Stream. She loved the arts, and was committed to her Christian faith. Her friends remembered her as a sweet and genuine person, someone who shined brightly for her Lord on the campus of NIU.

Catalina Garcia, 20 years old of Cicero, Illinois, a first-generation American who hoped to be a teacher. An honor student, an athlete and a dancer in high school, her teachers remember her as a quiet girl but with big ideas. Jamie Garcia, her older brother, says he'll always remember her as the family princess.

Julianna Gehant, age 32 of Mendota, Illinois, had served our Nation for 12 years in the Army and Army Reserves. She enrolled at NIU to major in elementary education, a childhood friend remembered, because she loved the innocence and creativity of children.

Ryanne Mace, age 19 of Carpentersville, was an only child whose friends remember her rarely being without a smile. She majored in psychology to pursue her dream of helping others. Her roommate remembers her as a vibrant person, full of life, never wanting to miss a beat.

Daniel Parmenter, age 20 of Westchester, Illinois, is remembered as a 6-foot-5 rugby player with a gentle spirit and a bright future. His family has memories of his touching gestures, phone calls and small acts of love and courage. His last act of love was to throw himself in front of his girlfriend and he took the fire and was killed. And she was injured.

It is an honor to have these students remembered in this body and to remember the courage of those who responded that day. The purpose of this resolution is to express the condolences of the House to those affected by this devastating tragedy.

The Bible tells us to mourn with those who mourn, to pray for one another that we may be healed. We pray the healing continue for the families and the victims of Northern Illinois University.

Mrs. BIGGERT. We have no further speakers, so with that, Mr. Speaker, let me just close by saying, let us keep all of these young people who we mourn in our thoughts and prayers; and let us move forward to find ways to keep our children safe in school and everywhere, that they may fulfill their dreams and continue on with their lives.

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

Mr. DAVIS of Illinois. Mr. Speaker, I would close by just simply commending the State of Illinois, led by its Governor, its United States Senators, both Senators DURBIN and OBAMA, Representative MANZULLO, Representative RAHM EMANUEL, the mayor of the City of DeKalb, all of the elected officials from the surrounding communities who joined the 10,000 people who came to a memorial service to express their sorrow, but also to express their sense of hope, to express their sense of frustration, to express their sense of solidarity with all of these students and their families, with the hope and the pledge that we will do everything in our power to try and make sure that this type tragedy does not continue to occur and reoccur on our college campuses across the Nation.

Mr. HARE. Mr. Speaker, I rise today in support of H. Res. 1007 and join with my colleagues in expressing my condolences to those who have been affected by the shooting incident at Northern Illinois University that killed 6 and injured 18 people last month. I thank my friend and fellow Illinois colleague, Representative DON MANZULLO for introducing this resolution.

I know that words will not bring those six people back or erase the fear in the eyes of those injured by this event. All I can say is that my heart goes out to the families of the victims, and to the students and faculty who survived—I too mourn with you.

Northern Illinois University is less than 100 miles northeast of my congressional district, so news of the shooting hit close to home for me. At a time like this we find ourselves asking "why?" and jumping to conclusions about campus security and gun control. However, we seldom talk about the stigma of mental health in our Nation. I find it appropriate that on the same day we are considering this resolution, we are also debating the Paul Wellstone Mental Health and Addiction Equity Act, legislation that will make it easier for people to seek and receive mental health treatment.

I believe we need to do more on mental health care in this country in addition to other measures to make our schools, our children and our young adults safe.

Again, my condolences go out to all those affected by the horrific shooting at Northern Illinois University—may you find comfort in those still with you and my you come together as a community once again and move forward to better times.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1007, expressing the condolences of the House to those affected by the devastating shooting incident of February 14, 2008 at Northern Illinois University in Dekalb, Illinois.

The shootings at Northern Illinois University, on Thursday, February 14, reminded us once again that the wrath of violence can easily destroy the lives of many students seeking education. On that day, a gunman took the lives of 5 students and wounded 17 more. My deepest sympathies and thoughts are with the victims, their families, and the community of students, teachers, and staff.

This reaffirms the steps we must take as public officials to ensure that schools, colleges, and universities in the United States are a safe and secure environment for learning. We must take a hard look at gun regulation. We must regulate the process by which civilians are able to obtain firearms for the sake of protecting those who may be victims of senseless crimes. Americans must stop apologizing and actually do something about the problem. We must stop denying that problems like this will never happen in our communities. A system of educating students and parents about gun safety should be paralleled with education systems by providing students with councelors, or spiritual advisors.

I express my deepest condolences to the families, friends, and loved ones of those who were killed in the tragic shooting: Gayle Dubpwski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parameter. As citizens of the United States, we offer support to the victims' families with prayer and hope for

a speedy recovery to those who were wounded. I commend the emergency responders, law enforcement officers, health care providers, and counselors who performed their duties with professionalism and dedication in response to the tragedy.

The Northern Illinois University Community must be determined to move 'forward, together forward', in the words of the Huskie fight song, and persevere through this tragedy. Indeed they must trod with heavy hearts but unbroken spirits.

I cannot begin to understand how the actions of something so terrible could occur in one of our institutions of higher learning. Our Nation continues to grapple with this horrific event. We can never completely understand why these things happen. I realize that no words can heal the wounds of February 14, 2008 for the NIU family, but I extend my arms as a Member of the United States Congress in offering all of my prayers, support, and hugs for your family during this difficult time.

Ms. SCHAKOWSKY. Mr. Speaker, on February 15, the United States watched in horror and despair as the lives of six innocent and promising students from Northern Illinois University were taken suddenly and cruelly. As we mourn this senseless tragedy, I would like to extend my thoughts and prayers to the victims and their families.

The tragedy at NIU last month is just another painful reminder that the United States must do more to stem the flood of violence and ensure that our campuses are as safe and secure as possible. The incident at Northern Illinois comes only a week after a gunman opened fire on a college campus in Louisiana, and just 10 months after the tragic shooting at Virginia Tech that left 33 people dead.

I believe that in order for this disturbing trend to be curtailed the United States must adopt commonsense reforms that will reduce the number of assault and other high power weapons available to the public while also allowing responsible gun owners that right to bear arms.

I urge my colleagues to work with one another toward a solution that will prevent incidents like this one from taking place in the future.

Again, I want to extend my deepest sympathies to all the students at NIU—not only the victims and their families, but those students who are dealing with the aftermath of this horrific event. I know that the impact of this event will linger forever, but I also know that NIU will continue to be a vibrant center of learning.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1007.

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

A motion to reconsider was laid on the table.

□ 1345

NATIONAL SCHOOL BREAKFAST PROGRAM

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1013) expressing the sense of Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1013

Whereas breakfast program participants under the Child Nutrition Act of 1966 include public, private, elementary, middle, and high schools, as well as rural, suburban, and urban schools;

Whereas almost 17,000 schools that participate in the National School Lunch Program do not participate in the National School Breakfast Program;

Whereas in fiscal year 2006, 7,700,000 students in the United States consumed free or reduced-price school breakfasts provided under the National School Breakfast Program established by section 4 of the Child Nutrition Act of 1966;

Whereas less than half of the low-income students who participate in the National School Lunch Program also participate in the school breakfast program;

Whereas implementing or improving classroom breakfast programs have been shown to increase the participation of eligible students in breakfast consumption dramatically, doubling, and in some cases tripling, numbers, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas making breakfast widely available through different venues or a combination thereof, such as in the classroom, obtained as students exit their school bus, or outside the classroom, has been shown to lessen the stigma of receiving free or reduced-price breakfast, which often prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas providing free universal breakfast, especially in the classroom, has been shown to significantly increase school breakfast participation rates and increase absences and tardiness;

Whereas studies have shown that access to nutritious programs such as the National School Lunch Program and National School Breakfast Program helps to create a strong learning environment for children and helps to improve children's concentration in the classroom;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and work faster in math exercises than those who eat a partial breakfast;

Whereas studies suggest that eating breakfast closer to classroom and test-taking time improves student performance on standardized tests relative to students who skip breakfast or have breakfast at home;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger have been shown to be more likely to have lower math scores, face an increased likelihood of repeating a grade, and receive more special education services;

Whereas studies suggest that children who eat breakfast have more adequate nutrition and intake of nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B–6; and

Whereas children who fail to eat breakfast, whether in school or at home, are more likely to be overweight than children who eat a daily healthy breakfast: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the National School Breakfast Program and its overall positive effect on the lives of low-income children and families, as well as its effect on helping to improve a child's overall classroom performance;

(2) expresses support for States that have successfully implemented school breakfast programs in order to improve the test scores and grades of its participating students; and

(3) encourages states to strengthen their school breakfast programs by improving access for students, to promote improvements in the nutritional quality of breakfasts served, and to inform students and parents of healthy nutritional and lifestyle choices.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may insert material relevant to H. Res. 1013 into the RECORD.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I thank so much the gentleman from Illinois for yielding.

I rise today to express my strong support for H. Res. 1013, which emphasizes the importance of school breakfast programs and their positive impact on a child's overall academic performance.

Again, I would like to thank the Education and Labor Committee for bringing this resolution forward in honor of National School Breakfast Week.

Mr. Speaker, every 35 seconds a child is born into poverty in this country. A recent survey done by the Department of Agriculture reported the prevalence of persistent hunger among children in the United States to be about 18 percent. In fact, as a Nation, we've seen a steady increase in childhood poverty since 2000, and we're now at nearly 13 million poor children. This means that every year there's an increased need for child nutrition programs.

Children represent a disproportionate share of the poor, Mr. Speaker, in the

United States. While children are only 25 percent of our total population, they represent 35 percent of the poor.

With increased energy costs, medical copayments, higher rents and mortgages, these children live in distressed families that have difficulty providing their children an adequate breakfast every day.

The National School Breakfast Program is one of the most important school nutrition programs because it provides children with the nutrients needed to get the school day off to a healthy start; and, indeed, the National School Breakfast Program serves as a critical safety net for America's poor.

In fiscal year 2006, 9.8 million students participated in the National School Breakfast Program, and a total of 1.7 billion breakfasts were served, 81 percent of which were free or at reduced prices.

This past year, my own State of Wisconsin saw the most significant increase in school breakfast participation with a 25.3 percent growth rate, and that is largely due to implementation of universal classroom breakfast in most of Milwaukee's public elementary schools.

School breakfasts under this program must meet the nutrition standards under the Dietary Guidelines for Americans which recommend that no more than 30 percent of an individual's calories come from fat and less than 10 percent from saturated fats. In addition, breakfasts must provide one-fourth of the Recommended Dietary Allowance for protein, calcium, iron, vitamin A, vitamin C, and calories.

A 2002 study done by Massachusetts General Hospital and Harvard Medical School concluded that children who are at nutritional risk have significantly poorer attendance, punctuality, and poorer grades.

The study also showed that children whose parents reported food insufficiency were more likely to have repeated a grade in school, lower scores on standardized tests, lower grades in math, and more days tardy and absent from school.

Studies have also shown that students who fail to eat an adequate breakfast increase their chances of becoming obese.

With the growing amount of uninsured children, we must work to establish and expand the National School Breakfast Program in all States.

So, in honor of National School Breakfast Week, I ask that you vote to pass this resolution.

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

Mr. Speaker, I rise today in support of House Resolution 1013, expressing the sense of the Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance.

The National School Breakfast Program was created in 1966 to help schools serving breakfast to ''nutritionally needy'' children. Made permanent in 1975, the program focuses on those schools where assistance is needed to provide adequate nutrition for students.

The School Breakfast Program is administered by the U.S. Department of Agriculture's Food and Nutrition Service through State education agencies, in agreement with local school food authorities, in nearly 84,000 schools and institutions.

In fiscal year 2006, over 9.7 million children participated in the School Breakfast Program daily. Of those, 7.9 million received their meals for free or at a reduced price. In my home State of Illinois, more than 223,000 students received free and reduced-price breakfasts daily.

Public or nonprofit private schools serving K–12 and public or nonprofit private residential child care institutions may participate in the School Breakfast Program. School districts and independent schools that choose to take part in the breakfast program receive cash subsidies from the U.S. Department of Agriculture for each meal they serve. In return, they must serve breakfasts that meet Federal requirements, and they must offer free or reduced breakfasts to eligible children.

Many States that have implemented school breakfast programs have seen encouraging outcomes. Maryland has seen an increase in standardized test scores 17 percent above the State average, an 8 percent reduction in tardiness, and a reduction in referrals to the office for discipline by 20 percent.

Unfortunately, the problem persists that millions of children go to school hungry each day, even though breakfast is the most important meal of the day. The Federal child nutrition programs can offer a great deal in the promotion of nutrition and wellness, especially in terms of assisting those children most in need. That is why I stand in support of this resolution, encouraging every child to start the school day with a nutritious breakfast in order to learn, grow, and develop to their fullest potential.

I ask for my colleagues' support.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he might consume to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Speaker, let me start by recognizing the good work of my colleague, Congresswoman GWEN MOORE. I appreciate her efforts to bring this important program to our attention.

The School Breakfast Program began as a pilot program in 1966 and has grown to serve over 10 million children nationwide. In New Jersey, almost 145,000 students ate a school breakfast during the 2007 school year; yet there are many students who cannot participate because their school does not offer this program.

This is important because research has shown how vital a good breakfast is for learning. Children who eat a healthy breakfast have higher standardized test scores; do much better in math, reading, and vocabulary tests; and attend school more regularly compared with children who do not eat breakfast.

Congress should act to increase funding for this program so that many more students can be served. It is a smart investment in our future. I encourage all of my colleagues to support this resolution and this important program.

I thank Congresswoman MOORE.

Mrs. BIGGERT. Mr. Speaker, I have no other speakers. So, if there are none on the other side, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself time to close.

Mr. Speaker, I rise today in support of H. Res. 1013, which expresses the sense of Congress that providing breakfast in school has a positive impact on classroom performance.

We all know that breakfast is the most important meal of the day. Indeed, good nutrition is a vital factor in a child's ability to grow and thrive. According to the Center on Hunger, Poverty and Nutrition, hungry children have less energy for cognitive and social activities, thereby hampering their ability to learn.

The National School Breakfast Program was established as a pilot program by the Child Nutrition Act of 1966 and made permanent in 1975. The program was created to ensure that all students start the school day with a nutritious breakfast and enter the classroom ready to learn. Over the last five decades, the National School Breakfast Program has continued to grow. It now operates in nearly 84,000 public and nonprofit schools and residential care institutions nationwide. In 2006, 9.7 million children participated in the National School Breakfast Program each day; 7.9 million of those students received free or reduced-price breakfasts.

Again, I want to commend my colleague from Wisconsin, Representative GWENDOLYN MOORE, for introducing this resolution, join with all of those who have expressed its merit, and urge passage.

Mr. MCGOVERN. We all know that breakfast is the most important meal of the day. We also know that it's nearly impossible to learn on an empty stomach. These are two of the most important reasons why the school breakfast program is so important.

I'm pleased to be a cosponsor of this important resolution recognizing the importance of school breakfasts. I want to commend the

gentlewoman from Wisconsin, Congresswoman MOORE, for introducing this important resolution and I want to recognize and honor the members of the School Nutrition Association who are here in Washington, DC, this week for their national conference.

The school breakfast program allows qualified students to eat a meal at school for either free or for a reduced price. Together with the school lunch program and after school meal programs, the school breakfast program allows America's school-aged children to receive nutritious meals while at school.

Unfortunately, there are shortcomings in the school meal program that need to be addressed in the future.

One issue is the underfunding of summer feeding programs. The Federal Government does not fund summer meals at the same level as it funds meals delivered at school. Any child who receives a meal at school shouldn't have to go without a meal during the summer months simply because Congress doesn't properly fund that part of the program.

Another is obesity and nutritious foods. Obesity is a real crisis and we need to ensure that our children are eating the most nutritious foods available. School meals must meet rigorous nutritional standards and they should be consistent nationwide. We also have to be conscious about the rising cost of food and the impact of these rising costs on the school meal programs.

A third issue is the difference between free and reduced price meals. Unfortunately, some qualified children receive free meals at school while others must pay a portion of the meal price.

Finally, I want to express my strong support for school breakfast programs that begin when class starts, or "at the bell." Most children who eat school breakfast must arrive at school before class starts. That can be both a hardship for the children and their families in trying to get them to school in time to eat. But it can also be a social stigma for these children who arrive early to eat because it's clear which children must arrive early to eat. We can eliminate that social stigma by serving school breakfasts at the bell.

The Child Nutrition Act will be reauthorized next year, and we will have an opportunity to make substantive improvements in these important school meal programs. But today, we are recognizing the importance of the school breakfast programs and honoring the people who administer and work on these programs in school districts across the country.

Mr. KIND. Mr. Speaker, I rise today in honor of National School Breakfast Week and in support of a resolution that recognizes how providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance.

It is often stated that breakfast is the most important meal of the day, and yet a great number of children begin their school day without access to a nutritious breakfast. As a former member of the House Education and Labor Committee and the father of two young boys, I understand the vital link between a healthy diet and successful performance in school. We must ensure that schools have the resources necessary to provide each student the nourishment necessary to get them through their day.

With over 8.1 million students participating in the school breakfast program, schools recognize the benefits of making sure that all children have a healthy breakfast to start their day; however, there are still many students not at the table and their academic progress may be suffering. It has been shown that school breakfast programs have led to a drastic reduction in school tardiness and provide students with the vital nutrients they need for remaining attentive in class and processing the information. They receive. We can simultaneously improve the physical well-being of our students while also improving their performance in the classroom.

The National School Breakfast Program provides students with the healthy start to the day that they need to succeed. I ask my fellow Members to join me in offering their full support of this resolution. Together we can ensure that our commitment to the physical health of our students matches our commitment to their academic progress.

Ms. JACKSON-LEE of Texas. Mr. Speaker I rise today in support of H. Con. Res. 1013 Expressing the sense of the Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance.

Research shows that eating breakfast affects a child's overall performance during school. A nutritious breakfast provides students with the energy needed to start the day. Students who eat breakfast before school do not face hunger symptoms such as headache, fatigue, sleepiness and restlessness. In turn eating breakfast helps students to think faster when doing school work and respond more clearly to teacher questions.

A good balanced breakfast has been linked to causing an increase in mental performance, helping to keep students from "drifting" during class, causing them to be calmer and less anxious. Those are things that are important for success in class.

Studies also show that eating a solid breakfast is a major way to fight child obesity. Because this is an easy way to fight obesity breakfast helps not only in the area of health but in academics as well. It is hard for our children to have their minds on school when their stomachs are empty. Because of this reason and the important link between adequate nourishment and educational performance I stand in support of H. Con. Res. 1013.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1013.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1424, PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1014 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1014

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans. The bill shall be considered as read. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committees on Energy and Commerce, Ways and Means, and Education and Labor, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the chairman and ranking minority member of the Committee on Ways and Means, and the chairman and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 1424, the Clerk shall—

(a) add the text of H.R. 493, as passed by the House, as new matter at the end of H.R. 1424;

(b) conform the title of H.R. 1424 to reflect the addition to the engrossment of H.R. 493;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 3. During consideration of H.R. 1424 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1400

POINT OF ORDER

Mr. BROUN of Georgia. Mr. Speaker, I make a point of order against the consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act.

The resolution provides that "all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI." This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act which causes the resolution to be in violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Georgia makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the

point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Georgia and a Member opposed, the gentlewoman from Florida, each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Speaker, I have both professional and personal interest in this bill. I'm a medical doctor, and for years I've treated depression, anxiety, a lot of panic disorders. I'm also an addictionologist. I've treated drug and alcohol addiction and eating disorders. And so I've had many patients over the years that have had these kinds of problems.

My mom has been involved in dealing with her own depression all the way up until she died of metastatic breast cancer, and she worked with the mental health society in our home community.

I also have personal interest in this bill because my wife has suffered from depression. She has an eating disorder and has dealt with this in her history. She has suffered from depression to the point that several years ago she even tried to take her own life, and except for the grace of God she should have died. And so I do have a very personal interest in this bill. Mr. Speaker, this is why I have a vested interest in how Congress addresses health care, and especially mental health coverage.

CBO estimates that the cost of the mandates to the private sector in this bill would be at least $1.3 billion in 2008; and this would rise to $3 billion in 2012. The Unfunded Mandates Reform Act, or UMRA, establishes an annual threshold that cannot be exceeded, at least without Congress waiving this rule. For 2007, that threshold amount is $131 million, a great deal of money. This bill exceeds the $131 million threshold by over $1 billion, and it will place a crushing burden on private health insurers and millions of Americans seeking affordable health insurance. These mandates will directly harm businesses and Americans' ability to obtain affordable health insurance.

This legislation is very well intended. It is also rash and very poorly drafted and I assure you that if this mental health parity bill is signed into law in its current form, it will result in at least three things:

H.R. 1424 will increase health insurance and mental health costs;

H.R. 1424 will result in Americans losing their mental health coverage due to the mandates and the increased costs of those mandates;

H.R. 1424 will result in a myriad of lawsuits.

I testified before the Rules Committee last night and offered two amendments that would have drastically improved this legislation. Well, the Democratic majority, instead of choosing to allow an honest dialogue and an open debate on an extremely important issue of mental health, they chose to deny all amendments to this legislation. Not only that, the majority changed the underlying bill's language late last night and inserted the text of the Genetic Information Non-Discrimination Act. This legislation will further erode mental health parity and jeopardize affordable group health insurance in America.

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

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

I strongly oppose the gentleman's point of order.

This point of order is being raised today for one purpose and one purpose only, that is, to block this rule and ultimately the underlying bill, an underlying bill that prohibits discrimination against Americans with mental illness.

I'm heartened by the fact that I do not believe the gentleman's point of order comes from a unanimous opinion of the other side of the aisle because the underlying bill is a bipartisan effort cosponsored by 274 Members of the House of Representatives. Yet there are opponents of this bill, and they will raise these dilatory tactics. The opponents don't even want to allow a debate or a final vote on this critical measure. They simply want to stop the process and kill the bill through this procedural maneuver.

So despite whatever dilatory procedural devices the other side tries to use to stop this bill, we will stand up for the millions of Americans who need parity in mental health coverage, and we will vote to consider this important legislation today.

We must consider this rule, and we will pass the Paul Wellstone Mental Health and Addiction Equity Act today.

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

Mr. BROUN of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I could hardly believe my ears when I heard my friend from Florida say that this is a dilatory tactic, and the idea was to, what was it, to deny a vote on this bill? For goodness sakes. Last night there were several attempts, several attempts to try to improve this bill in a way that would make it more palatable to more people in this House, and they were turned down every time by the majority, Democrat majority, in the Rules Committee. And so for my friend from Florida to stand up and say that that is an attempt to kill this bill, when last night she participated in an exercise to do exactly that, is just beyond me.

Mr. BROUN of Georgia. Mr. Speaker, I want to say that I resent my sincerity on this being questioned by the gentlelady from Florida. I am very sincere about this.

Ms. CASTOR. Will the gentleman yield?

Mr. BROUN of Georgia. No, ma'am.

I am very sincere about this. I talked to the Rules Committee last night. I have talked on this floor here tonight. And for you to make these charges that I'm not sincere about this bill is absolutely incorrect. Maybe the gentlelady didn't hear me, but I have very personal interests in mental health. It is an extremely important issue to me, to my wife, to my family. And for you to say I'm not sincere about this, I am just very shocked about that. But I am sincere.

This bill, the way it's written, is going to actually deny people mental health coverage. We tried to fix it last night, make it better. And those attempts were denied over and over and over again.

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

Ms. CASTOR. Mr. Speaker, I am pleased at this time to yield 2 minutes to my colleague from Tennessee (Mr. COHEN).

Mr. COHEN. I thank the gentlelady from Florida for making this time available.

My father was a physician. After being a pediatrician for many years, he chose to change his specialty and go into psychiatry, and then child adolescent psychiatry. As a result of that, I was exposed to mental health issues and mental health treatment and the need for mental health professionals throughout this country.

There has been a misconception in this country about people needing mental health treatment and their being adequately covered by insurance. In the same way that a physical illness affects people, mental illnesses do. And mental health treatment has been woefully undercovered and underserved, people who suffer from that in our country.

I am proud to be a cosponsor of this bill and to join with the gentleman from Minnesota and the gentleman from Rhode Island who brought the bill and other cosponsors, because I think it shows that this Congress understands that mental health treatment needs to be covered, that diseases of the mind are similar to diseases of the body, the effect they can have on a person's overall well-being, but that their mental health and their physical health are also intertwined, and if mental health is not treated, physical health is affected.

We need to be concerned about all of our fellow citizens, our brothers and

sisters who might suffer from any illness. And it's time that we came out from the cloak of an ancient time when we looked upon mental health treatment as something to be shunned, to be embarrassed about if it was somebody in our families, our friends, or even ourselves. And so I wholeheartedly endorse this bill and feel that the passage of this bill will be a great day for Americans and for science.

Mr. BROUN of Georgia. Mr. Speaker, in addition to the concerns that I raised earlier regarding the provisions of the mental health parity bill, that it will actually decrease mental health coverage and increase health insurance costs, let me share several additional concerns I have with the Genetic Information Non-Discrimination Act that was inserted late last night.

Title I of the GINA legislation imposes Federal mandates on health plans regarding insurance coverage, while title II imposes mandates on employers regarding employment and related hiring decisions. However, there is no explicit language in this legislation clarifying that group health insurance plan sponsors may not be subjected to the more expansive remedies provided by title II.

Why is that a problem? Because title II provides for rulemaking by the EEOC, the Equal Employment Opportunity Commission, and remedies before the EEOC and, ultimately, Federal courts.

During floor debate on H.R. 493, Congressman ROB ANDREWS suggested that ''employers, including to the extent employers control or direct benefit plans, are subject to the requirements of title II of this bill,'' including the much broader definition of genetic testing and tougher penalties associated with that title.

I believe that this lack of clarity could and will lead to additional lawsuits through the use of broader remedies available in title II that are intended to be reserved for employers who violate their employees' civil rights, not for employees seeking to litigate group health plan disputes.

Further, section 502 of ERISA says that all lawsuits must go through Federal court, which is not addressed in the mental health parity legislation. Nothing in this bill states that section 502 is preserved, so lawsuits can and will be brought in State court.

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

Ms. CASTOR. At this time I will reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I want to go through just a list of some things that this bill will do.

It's going to increase health care costs. CBO estimates that H.R. 1424 would impose mandates on private insurance companies, a total of $3 billion annually by 2012. These costs will ultimately be borne by employers offering health insurance and employees seeking to obtain coverage.

Number two, it will increase the cost of business due to private sector mandates. The bill contains multiple new Federal mandates on the private sector, affecting the design and structure of health insurance plans.

The bill also increases the threshold level at which employees suffering increased claim costs as a result of implementing the new Federal mandates can claim an exemption from the provisions of H.R. 1424.

Number three, I think this will decrease the mental health coverage. While the bill imposes several new Federal mandates on those employers who choose to offer mental health coverage, there is nothing in H.R. 1424 that would require plans to cover these conditions. Thus H.R. 1424 could have the perverse effect of actually decreasing mental health coverage by encouraging an employee who is frustrated with the bill's onerous burdens to drop mental health insurance altogether.

Four, I think it will increase the number of uninsured. It will erode the Federal preemption for employers. This codification of treatment mandate for health plans, they are going to use DSM-IV to codify that. And this book, DSM-IV, was generated for physicians to use just to be able to classify mental health. It has a whole lot of things in here that most employers would not want to cover.

□ 1415

It will increase an intergovernmental mandate. It is a violation of UMRA. It has a lack of conscience clause, and it has a lack of medical management tools.

The SPEAKER pro tempore. The gentleman from Georgia's time has expired.

Ms. CASTOR. Mr. Speaker, I urge a ''yes'' vote on the consideration of the resolution so we can move forward on the rule and to consider the bill.

Those that oppose our efforts to end discrimination when it comes to mental health services will get their opportunity to debate the bill and to vote against these measures.

So with that, Mr. Speaker, I urge a ''yes'' vote to consider the rule.

The SPEAKER pro tempore. All time for debate has expired.

The question is: Will the House now consider the resolution?

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 192, answered ''present'' 1, not voting 20, as follows:

[Roll No. 94]

YEAS—215

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

NAYS—192

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson

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

ANSWERED ''PRESENT''—1

Bachmann

NOT VOTING—20

Blunt
Boehner
Brown-Waite, Ginny
Cole (OK)
Conyers
Gonzalez
Johnson, E. B.
Keller
Kucinich
Meek (FL)
Murphy, Tim
Ortiz
Poe
Rangel
Renzi
Reyes
Rush
Sullivan
Udall (CO)
Woolsey

□ 1440

Messrs. KING of New York, DUNCAN, WITTMAN of Virginia, HOBSON, WOLF and RODRIGUEZ changed their vote from ''yea'' to ''nay.''

Messrs. RUPPERSBERGER, LYNCH and KIRK changed their vote from ''nay'' to ''yea.''

Mrs. BACHMANN changed her vote from ''nay'' to ''present.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

Stated against:

Mr. COLE of Oklahoma. Mr. Speaker, on Wednesday, March 5, 2008, I was unavoidably detained and missed rollcall vote No. 94.

Had I been present and voting, I would have voted as follows: Rollcall vote No. 94: "nay" (On Question of consideration on the Rule to provide for consideration of H.R. 1424—Paul Wellstone Mental Health and Addiction Equity Act of 2007).

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1014.

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

There was no objection.

Ms. CASTOR. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1014 provides for the consideration of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007, which expands the Mental Health Parity Act of 1996 to provide for equity in the terms of employer-sponsored health benefits for mental health and substance-related disorders compared to medical and surgical disorders.

Mr. Speaker, this is an anti-discrimination bill, this is a health care bill, this is a pro-business economic development bill, this is also a pro-family bill, and this is a bill that supports our veterans. This is a bipartisan effort, with 274 cosponsors in the House, of which I am proud to be one.

Unfortunately, Federal action is necessary because Americans who suffer from illnesses like depression, postpartum depression, severe anxiety, bipolar disorder, and many other diseases are being discriminated against. You see, HMOs and many health insurance companies have been more focused on their bottom lines than on the health of our families. Mental health is just as critical to our lives and well-being as any physical ailments or disease. And yet health insurers continue to treat mental illness differently from physical illness.

In America, more than 50 million adults, at least 22 percent of the U.S. population, suffer from mental health issues or substance abuse disorders. In addition, one out of every 10 children or adolescents has a serious mental health problem and another 10 percent have mild to moderate problems. Untreated mental illness harms our families and children, emotionally and financially. Untreated mental illness results in higher costs for businesses in lost productivity. Untreated mental illness often leads to criminal activity, which is very costly. Mental disorders are the leading cause of disability for individuals aged 15 to 44 in the United States.

A study sponsored by the National Institute of Mental Health revealed that mental and addictive disorders cost our country more than $300 billion annually. This includes productivity losses of $150 billion, health care costs of over $70 billion, and $80 billion for costs such as criminal justice.

Unfortunately, less than one-third of the people with a mental disorder who seek care receive adequate treatment. Despite the losses suffered in our society as a result of mental illness and all of the studies that demonstrate this, national employer survey data indicates that mental health coverage still is not offered at comparable coverage to other medical conditions.

□ 1445

Even after passage of the 1996 Mental Health Parity Act and all of the efforts of the States, the Government Accountability Office found that 87 percent of plans had more restrictive design features for mental health benefits than for medical and surgical benefits. In addition, many employers have adopted restrictive measures, such as limiting the number of covered outpatient visits for mental illness. This is so shortsighted. It is so costly.

Former Surgeon General Dr. David Satcher found that when health insurance plans unevenly impose higher costs for mental health services, the result, of course, is a reduction in treatment for those who need it, lost productivity and higher costs in the long run. Dr. Satcher stated that this is a true issue of fairness in coverage.

Similarly, another recent study found that deductibles and outpatient cost sharing were much higher for substance abuse than for general medical care. Well, this legislation addresses those inequities and provides a cost-effective way of providing increased access to mental health care. The bill prohibits discrimination by diagnosis by requiring coverage of all mental illnesses and substance-related disorders, just as we provide for Members of Congress and others covered by the Federal Employees Health Benefits Program. Treatment for mental illness is a proven money-saver. In fact, for every $1 spent on treatment, we save over $12.

Mr. Speaker, we all owe a debt of gratitude to Mr. KENNEDY of Rhode Island and Mr. RAMSTAD of Minnesota for their bipartisan leadership on this legislation and their work to provide for the mental health needs of our families, our neighbors, our veterans and our children. We also owe great thanks to the Wellstone family. But, most of all, we can't forget the families throughout America who have a modest request of their Congress, and that is that they be treated fairly.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, history is being made today in the U.S. House of Representatives. Yesterday, Democrat leaders and the Democrat-controlled Rules Committee chose for a record-setting, a record-setting 50th time to consider legislation under a completely closed process that allows no amendments, no alternatives, no substitute proposals, and permits not a single Member of this House the opportunity to change or improve the underlying bill.

Last January, the new Democrat majority promised the American people a new era of openness in the U.S. House, but they have delivered the most restrictive and unfair process in the history of the House. It is only March in the first part of the second session of this Congress, but the Democrats have already exceeded the 49 closed rules of the entire 109th Congress.

Mr. Speaker, that is a historic low. We were promised change, and we have gotten it. Only it has been change, Mr. Speaker, for the worse.

Mr. Speaker, time after time, Democrat leaders have shut down any and all opportunity for Members of the House to amend, alter or debate legislation. This is a sad and disrespectful way to approach the business of the American people and the people's House. It doesn't have to be this way, and it certainly isn't what the Democrat leaders promised a little more than a year ago. That promise has been tossed out the window, along with any pretense to seek out bipartisan compromise in passing legislation.

Mr. Speaker, the Senate has passed a bipartisan bill on mental health parity, and, Mr. Speaker, it passed unanimously. Yet House Democrat leaders refuse to even allow the bipartisan Senate compromise to be voted on in the House. An amendment to allow a House vote on the Senate compromise was blocked by the Democrat Rules Committee, just as it blocked every other amendment offered by Members of this House, and that only happened last night.

Yet the reach of this bill goes far beyond mental health parity. The $1.3 billion cost it would impose on businesses providing health care to employees is an issue that, frankly, is not addressed, or any loss of care that may result from new government mandates that are contained in the bill is also not addressed.

The reach of this bill stretches deep into the ability of doctors to provide care to patients across this country through a $3 billion cut in health care to Americans served by doctor-owned hospitals. This is the second time in 7 months that the House will vote on legislation that seeks to ban doctor-owned hospitals by cutting funding from Medicare and Medicaid to these facilities, and, as such, Mr. Speaker, it imposes a very real and serious threat to some Americans' ability to access health care.

One of the hospitals threatened by this proposal is Wenatchee Valley Medical Center in my district in central Washington. The Wenatchee Valley Medical Center, Mr. Speaker, was founded in 1940 by three physicians. In the last 68 years it has grown, and now employs 1,500 people. It serves a population of 250,000 people in an area the size of the State of Maryland and it treats 150,000 patients a year. It has been designated by the State of Washington as a ''critical need hospital'' that is serving a rural underserved area.

Today, Mr. Speaker, it is 100 percent owned by 150 doctors. Apparently, that is a crime, because this bill would outlaw this facility as it has existed for 68 years, because this bill would prohibit any hospital from being more than 40 percent owned by doctors if they are to continue receiving Medicare patients for the care that they provide to their seniors.

Mr. Speaker, the Wenatchee Valley Medical Center has been treating and caring for patients longer than there has been even 50 States in our Union, and yet this bill could end that care.

When I discussed this threat to Wenatchee with the proposal sponsors last night in the Rules Committee, they said the simple answer was to sell the 60 percent stake in a government-ordered fire sale so it meets the 40 percent limit on doctor ownership. Not only is a fair price, Mr. Speaker, unlikely to be paid when selling under a threat of government action, but it is unfair and disruptive to any institution with a long record of excellent care.

Mr. Speaker, what is so nefarious about 100 percent doctor ownership, or 75 percent, or 50 percent, or even, Mr. Speaker, 41 percent? What is magically solved with the ownership of 40 percent? The answer is nothing, nothing when it comes to Wenatchee.

The irony is not lost on me that this bill only bans doctor-owned hospitals in an effort to supposedly target bad behavior. Consider this, Mr. Speaker: If a corporation engages in the exact, in the exact same practices that this bill tries to stop doctor-owned hospitals from doing, the corporation would pay no penalty. It wouldn't even be touched. So apparently patients are safer if corporations are in charge, but patients are in danger and taxpayers are being ripped off if doctors prosper from owning a hospital and are providing excellent care.

What is really happening in this bill is a push to move our country ever closer to a Canadian-style government-run health care system, as under this bill such a Canadian-style system will replace good, high quality care from down-home doctors with the extensive medical expertise of Congress. The Federal Government will decide where Americans will get care and what hospitals will be banned or shutdown. The Federal Government will also decide when Americans are allowed to get care, if they are allowed to get care at all.

If the Federal Government can ban doctors from owning a hospital, then the health care access of every American, Mr. Speaker, in my view, is at risk. I fundamentally disagree with those who believe that an all-knowing Congress and thousands of Federal bureaucrats can deliver Americans the best health care possible.

Keep in mind, this ban on doctor-owned hospitals, quote-unquote, saves $3 billion. Ironically, Mr. Speaker, this is accomplished by denying or reducing access to care for seniors and poor Americans on Medicaid and Medicare. Instead of growing the size and power of the Federal Government by taking decisions away from local doctors and removing freedoms from individual Americans, we should be allowing American patients to make more choices and free doctors to focus on their profession of healing.

Mr. Speaker, when it comes to Wenatchee Valley Medical Center, the accusations of negligent care and fiscal rip-offs that are leveled at doctor-owned hospitals simply don't apply to this facility. Wenatchee is not guilty of the sins of others simply because it is a doctor-owned hospital since 1940. It should not be targeted or threatened for the real or anecdotal failures of recently created doctor-owned hospitals.

The language in this bill is simply not ready for passage as it is currently written. It is too broad and imprecise. It would punish honest, well-performing hospitals and doctors and their patients for the actions of others. If there is bad behavior, Mr. Speaker, to be banned, then target that behavior. Don't impose an overreaching ban that harms innocent patients and doctors.

My constituents are not alone in facing this threat. Both Mr. HINOJOSA of Texas and Mr. KAGEN of Wisconsin have similar concerns about health care institutions in their districts.

Efforts to improve this legislation so that it doesn't threaten and harm our home-grown hospitals have not been met with openness. In fact, we have been denied on a bipartisan basis. Last night in the Rules Committee I made three separate attempts to try to offer an amendment to protect innocent hospitals. However, Democrats on the Rules Committee chose to deny each and every attempt to preserve the stricture of my hospital and the hospitals of Mr. HINOJOSA and Mr. KAGEN.

Mr. Speaker, there are legitimate bipartisan concerns about the toll this language would have on local hospitals that have done no harm and who provide important health care access to thousands of Americans.

This bill needs to be corrected, not forced through the House with zero opportunity for improvement or amendment. This record-setting closed rule denies any chance for help to be provided to Wenatchee Valley Medical Center or to patients in hospitals in Texas and Wisconsin. The rule deserves to be defeated and this House allowed to vote on correcting this flawed bill.

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

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

Mr. Speaker, this is truly a good-news story for American families today, because not only are we going to outlaw discrimination against those who suffer from mental illness, but we adhere to the pay-as-you-go rules that were adopted by this Congress, led by Democrats, at the beginning of this Congress. Pay-as-you-go means that this bill is paid for.

And while I certainly respect the gentleman from Washington for speaking up for a medical center which operates in his district, there is a bigger picture here. And to explain that bigger picture, I yield 2½ minutes to the gentleman from New Jersey (Mr. PALLONE), who chairs the Subcommittee on Health for the Energy and Commerce Committee.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Florida. She makes the point that this physician self-referral provision in the bill actually serves two purposes. On the one hand, it is about half of the pay-for for the cost of the legislation. The physicians self-referral basically generates about $2.4 billion over 10 years, which is about half of the pay-for in this bill.

□ 1500

But beyond that, in addressing the gentleman from Washington's concerns, it is actually a good thing. It is a good government proposal. And what it does, it ends the ability of physicians to self-refer to a hospital in which they have ownership. This change is consistent with the original intent of the physicians self-referral laws. The loophole for whole hospital ownership was only there because of tiny rural hospitals that were then owned by one doctor who practiced there.

Now that structure is no longer commonplace and that is why the hospital associations all endorse our bill. The bill does provide a grandfather for hospitals that currently have physician ownership and had a provider agreement with Medicare as of July 2007, the date of introduction of the bill. Within 18 months of enactment, they need to meet a standard that no physician owned more than 2 percent of the facility individually and that aggregate physician ownership was 40 percent or less.

So it is possible for the hospital in the State of Washington to reconfigure and meet this provision. But I just want to understand why we are doing this. These physician-owned hospitals essentially are a problem because they are being overutilized. There is overutilization. In other words, physicians are referring patients to these hospitals in many cases for unnecessary procedures. The reason why CBO scores this and uses it as a pay-for is because we know that these unnecessary procedures or overutilization takes place and is not basically a good thing. So we are trying to end this practice of self-referral. We are not completely precluding a hospital from reconfiguring itself and staying open, but, generally speaking, we need to end the practice.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

If the issue is to go after doctor-owned hospitals that are not doing the ethical thing, then why not go after them instead of writing a bill that covers everything carte blanche including this facility in my district? The gentleman has not answered that. He didn't answer it last night, and he probably won't answer it today.

I yield to my friend from Texas, a member of the Rules Committee, Mr. SESSIONS, 2½ minutes.

Mr. SESSIONS. I thank the gentleman for giving me this time.

I am shocked and stunned that we financed overutilization and that is why we are doing this. Yet we understand that utilizing these physician hospitals, these new hospitals, saved the government money and are all about patient choice and are all about making sure that people who utilize these new hospitals don't get infections, don't get sick, don't check into a hospital to have surgery where other sick people are. It is a concept that keeps America not only the leading health care provider in the world; it is done in an efficient and cost-effective way. I am surprised that we find out it is overutilization.

Mr. Speaker, rather than taking this opportunity to bring parity to our health care delivery system, the Democrat leadership today is using this legislation as a vehicle to restrict future health care choices for Medicare patients. That is what this is about. It is to further own the opportunity for Medicare patients to be able to get the choices that they want, and the Democrat leadership is taking that away. Instead of using this opportunity to focus on mental health parity, the Democrats have decided to pay for this bill by pushing patients and limiting their options that they can receive for their own care.

Mr. Speaker, we will be real honest about this. According to HealthGrades, which is a nationwide study to look at hospitals and how efficient they are and how safe they are, three of the Nation's top 10 cardiac programs and three of the Nation's top 10 programs for joint replacement are at physician-owned hospitals. And despite the fact that these physician-owned hospitals make up only 3 percent of the Nation's hospitals, they are among the most efficient and the safest hospitals for people, our seniors, to go in and receive care. What will happen here today is an absolute mistake.

Mr. Speaker, I submit for the RECORD the Statement of Administrative Policy on this issue and I will quote from that:

''First, the bill would place new restrictions on physician-owned hospitals. This administration opposes this provision, which is unnecessary and could restrict patient choice without decreasing Medicare costs.''

That is right, it is going to be more expensive to argue about overutilization. Incredibly silly.

STATEMENT OF ADMINISTRATION POLICY—H.R. 1424—PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

The Administration supports passage of mental health parity legislation that does not significantly increase health coverage costs. However, the Administration has concerns with H.R. 1424, which would effectively mandate coverage of a broad range of diseases and conditions and would have a negative effect on the accessibility and affordability of employer-provided health benefits and would undermine the uniform administration of employee benefit plans. For example, the bill's confusing preemption provisions could be read to add a patchwork of remedies that vary from State to State. Therefore the Administration strongly opposes House passage of H.R. 1424 or any legislation that expands benefits and remedies beyond what is included in the Senate-passed S. 558.

H.R. 1424 also includes two provisions to offset the approximately $3 billion in on-budget costs associated with the bill. First, the bill would place new restrictions on physician-owned hospitals. The Administration opposes this provision, which is unnecessary and could restrict patient choice without decreasing Medicare costs. HHS already has administrative policies in place to address concerns about physician-owned hospitals, including disclosure of physician ownership, patient safety measures, and revisions to Medicare's payment systems to better reflect patients' severity of illness and the resources needed to treat patients.

Second, the bill also would increase the Medicaid drug rebate. The Administration objects to any offset that would legislatively mandate an increase to the rebate percentage. As CBO has noted in its 2007 analysis of budget options, it is unknown how this change would impact non-Medicaid beneficiaries and other payers. The Administration is concerned that the proposal would have an adverse impact on private purchasers, including the uninsured, further distort the market for prescription drugs, and discourage innovation in the drug development process.

The Administration urges Congress to offer meaningful protections to American workers and their families by eliminating the disparities between mental health benefits and medical and surgical benefits, without broadly mandating new benefits. The Administration believes the Senate bill strikes the necessary balance of treating mental illness

with the same urgency as physical illnesses without significantly increasing health care costs. The Administration would also urge the House to preserve uniformity in health plan administration as has been done in S. 558.

GENETIC INFORMATION NON-DISCRIMINATION ACT

The rule requires that the provisions of H.R. 493 as passed by the House be added to the Mental Health Parity bill after the House passes H.R. 1424. While the Administration strongly supports passage of legislation to prevent the misuse of an individual's personal genetic information and believes such legislation is critical to realizing the full potential of genomic medicine, the Administration has both substantive and process objections to the rule. The Administration is strongly opposed to the lack of a clear ''firewall'' between title I of the Genetic Information Nondiscrimination Act (GINA), which addresses genetic discrimination in health benefits provided by health insurers and plans, and title 11 of GINA, which addresses genetic discrimination in employment. The Administration is concerned that the bill fails to ensure that health benefits disputes are properly brought under the appropriate remedies in ERISA, the Public Health Service Act, or the Internal Revenue Code and that it could unintentionally permit ''forum shopping.'' The Administration also is concerned that unless the legislation is clarified, the bill could be construed to have the unintended effect of prohibiting health plans and issuers from using information about the manifested disease of a dependent covered under an individual's plan for appropriate and routine insurance purposes. The Administration also believes it is important that the legislation's relationship with other provisions of law, such as Health Insurance Portability and Accountability Act, be clearly defined. Finally, the Administration looks forward to working with Congress to address these concerns and pass Mental Health Parity and Genetic Nondiscrimination legislation this year.

Ms. CASTOR. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from the powerful Rules Committee and the State of California (Ms. MATSUI).

Ms. MATSUI. I thank the gentlewoman from Florida for yielding me time.

Mr. Speaker, I would like to begin today by thanking my colleagues, Mr. KENNEDY and Mr. RAMSTAD. Their advocacy on this issue has been truly remarkable.

We held a field hearing in my district last year on mental health. It provided my constituents with a forum for important dialogue about an issue that affects millions of Americans.

Mr. Speaker, anyone who has had a family member with a mental illness knows how difficult living with the disease can be for everyone involved. They also know one thing above all else: physical illness and mental illness are equally painful and equally challenging. In many ways, mental health patients suffer more because our insurance system discriminates against them. That is why this legislation is so important, because it is about people, people who struggle with mental illness every day and every night, people who suffer in silence without a doctor's help because their insurance will not cover mental health or addiction treatments.

This House has the chance to demonstrate its compassion and commitment to these people, Mr. Speaker. With one vote, we can put behind us the false conception that mental illness is not as serious as cancer or diabetes or many other diseases covered by health insurance plans.

On the contrary, mental illnesses are some of the most serious health conditions we face. The battle against them has been enormously difficult for millions of families across our Nation.

It has been tough, but this is a battle that we must win, Mr. Speaker. With mental health parity, it is a battle we can and will win.

Again, I thank Mr. KENNEDY and Mr. RAMSTAD for their courageous commitment to this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentlelady from New Mexico (Mrs. WILSON), a member of the Energy and Commerce Committee.

Mrs. WILSON of New Mexico. Mr. Speaker, I will be asking for a recorded vote on the previous question today, and the reason is that the House majority leader, Mr. HOYER, has just announced that the House will not take up the electronic surveillance bill this week, further delaying any decisions in the closing of an important intelligence gap. We have now gone 18 days since the expiration of the Protect America Act. If the previous question is defeated, we will immediately bring up the Senate legislation to close that gap.

I also rise today to oppose this rule. I commend Mr. RAMSTAD and Mr. KENNEDY for their work on mental health parity. In the past, I have been a cosponsor of their legislation. But I offered a substitute amendment in the Rules Committee last night which was not ruled in order. The alternative is supported by 285 organizations that support the Senate version of the mental health parity bill which passed the United States Senate unanimously in September. The differences are on policy, and my amendment was not made in order. Instead, we have the 50th closed rule of this Congress. No amendments. This floor can't stomach debate on policy issues, and I think that is a sad commentary on the way this House is being run.

This is a major bill, one of the most important, I think, we will consider this year. I believe very strongly that mental illness and a disease of the brain is a medical condition that should be treated as seriously as a disease of the heart or the liver or the lungs.

The amendment that I offered, the substitute, is a bipartisan compromise that was worked out in negotiations lasting over 2 years. It is supported by mental health providers, the mental health community, business and the insurance industry.

Mr. Speaker, I submit for the RECORD a list of 285 organizations supporting the alternative I offered.

285 ORGANIZATIONS SUPPORTING THE MENTAL HEALTH PARITY ACT OF 2007, S. 558, OR THE DOMENICI/KENNEDY/ENZI MANAGER'S AMENDMENT

Abilities in Motion.
ACCESS—DSPA Alliance.
Addictions Care Center of Albany (NY).
AFL–CIO.
Albany County Consumer Advocacy Board for Mental Health, Inc. (NY).
Alexander Graham Bell Association for the Deaf and Hard of Hearing.
Alliance for Children and Families.
Alliance for the Betterment of Citizens with Disabilities (ABCD) (Hamilton, NJ).
Alliance for Eating Disorders Awareness.
American Academy of Child and Adolescent Psychiatry.
American Academy of Cosmetic Surgery.
American Academy of Family Physicians.
American Academy of Neurology.
American Academy of Pediatrics.
American Academy of Physician Assistants.
American Association for Geriatric Psychiatry.
American Association for Marriage and Family Therapy.
American Association for Psychosocial Rehabilitation.
American Association of Children's Residential Centers.
American Association of Pastoral Counselors.
American Association of People with Disabilities.
American Association of Practicing Psychiatrists.
American Association of School Administrators.
American Association of Suicidology.
American Association on Health and Disability.
American Association on Intellectual and Developmental Disabilities.
American Board of Examiners in Clinical Social Work.
American College of Occupational and Environmental Medicine.
American Council of the Blind.
American Counseling Association.
American Dance Therapy Association.
American Federation of Teachers.
American Foundation for Suicide Prevention.
American Foundation for the Blind.
American Gastroenterological Association.
American Geriatrics Society.
American Group Psychotherapy Association.
American Hospital Association.
American Jail Association.
American Medical Association.
American Medical Rehabilitation Providers Association.
American Mental Health Counselors Association.
American Music Therapy Association.
American Network of Community Options and Resources.
American Nurses Association.
American Occupational Therapy Association.
American Orthopsychiatric Association.
American Psychiatric Association.

American Psychiatric Nurses Association.
American Psychoanalytic Association.
American Psychological Association.
American Psychotherapy Association.
American Public Health Association.
American School Health Association.
American Society of Plastic Surgeons.
American Therapeutic Recreation Association.
American Thoracic Society.
America's HealthTogether.
Anorexia Nervosa and Related Eating Disorders, Inc..
Anxiety Disorders Association of America.
Arizona Council of Human Service Providers.
Aspire of Western New York. Inc.
Association for Ambulatory Behavioral Healthcare.
Association for Behavioral Health and Wellness.
Association for the Advancement of Psychology.
Association for Psychological Science.
Association of American Medical Colleges.
Association of Asian Pacific Community Health Organizations.
Association of Assistive Technology Act Programs.
Association of Jewish Family & Children's Agencies.
Association of University Centers on Disabilities.
Association to Benefit Children.
Autism Society of America.
Barbara Schneider Foundation.
Bazelon Center for Mental Health Law.
Behavioral Health/Consumers In Action, Inc. (Phoenix, AZ).
The Bridge, Inc. (Caldwell, NJ).
The Carter Center Mental Health Program.
Center for Disability Issues and the Health Professions.
C.H.E.E.E.R.S. Center 4 Health Enlightenment Enrichment Empowerment Renewal Services (AZ).
Chicago Children's Advocacy Center.
Child and Family Service (Ewa Beach, HI).
Child and Family Services of Yuma, Inc. (Yuma, AZ).
Child and Family Resources, Inc (Tucson. AZ).
Child Neurology Society.
Child Welfare League of America.
Children and Adults with Attention-Deficit/Hyperactivity Disorder.
Children's Aid and Family Services, Inc. (Paramus, NJ).
Children's Defense Fund.
The Children's Guild (Baltimore, MD).
Children's Home of Reading (Reading, PA).
Children's Hospital Boston.
Christian Family Care Agency (Phoenix, AZ).
Clinical Social Work Association.
Clinical Social Work Guild 49, OPEIU.
College of Psychiatric and Neurologic Pharmacists.
Connecticut Council of Family Service Agencies.
Cornerstones of Care (Kansas City, MO).
Corporation for Supportive Housing.
Council for Children with Behavior Disorders.
Council for Exceptional Children.
Council of Family & Child Caring Agencies (New York, NY).
Council of Parent Attorneys and Advocates.
Council of State Administrators of Vocational Rehabilitation.
County of Santa Clara, CA.
Dads and Daughters.
DePelchin Children's Center (Houston, TX).
Depression and Bipolar Support Alliance.
Disability Center for Independent Living.
Disability Rights Education and Defense Fund. Inc..
Disability Service Providers of America.
Division for Learning Disabilities (DLD) of the Council for Exceptional Children.
Easter Seals.
Eating Disorders Coalition for Research, Policy & Action.
Eating Disorder Referral and Information Center/EDReferral.com.
The Elisa Project.
Ensuring Solutions to Alcohol Problems.
Epilepsy Foundation.
Families For Depression Awareness.
Families USA.
Family & Children First, Inc. (Louisville, KY).
Family and Children's Association (Mineola, NY).
Family and Children's Center (Mishawaka, IN).
Family & Children First, Inc. (Louisville, KY).
Family & Children's Service of Niagara, Inc. (Niagara Falls, NY).
Family and Community Service of Delaware County (PA).
Family Means (Stillwater, MN).
Family Service Agency (North Little Rock, AR).
Family Service Association of New Jersey.
Family Service League (Huntington, NY).
Family Service of Chester County, PA.
Family Service of Lackawanna County, PA.
Family Service of the Piedmont (Jamestown, NC).
Family Services Centers, Inc. (Clearwater, FL).
Family Services of Greater Houston.
Family Services of Greater Waterbury, Inc. (CT).
Family Services of Northeast Wisconsin (Green Bay, WI).
Family Voices.
Federation of American Hospitals.
Federation of Behavioral, Psychological, & Cognitive Sciences.
Federation of Families for Children's Mental Health.
Feeling Blue Suicide Prevention Center.
First Focus.
Friends Committee on National Legislation (Quaker).
Gail R. Schoenbach/FREED Foundation.
Germantown Settlement (Philadelphia, PA).
Glove House, Inc (Elmira, NY).
Goodwill Industries International, Inc.
Gürze Books.
Hale Kipa, Inc. (Honolulu, HI).
Hamilton-Madison House, Inc. (New York, NY).
Hartley House (New York, NY).
Helen Keller National Center.
The Hillside Family of Agencies (Rochester, NY).
Hope House Inc. (Albany, NY).
Hudson Guild (New York, NY).
Human Rights Campaign.
Huntington Family Centers, Inc. (Syracuse, NY).
Institute for the Advancement of Social Work Research.
International Association of Jewish Vocational Services.
Jewish Board of Family and Children's Services (New York, NY).
Jewish Family Services of Greater Hartford.
Jewish Federation of Metropolitan Chicago.
Jewish Vocational Service of Metropolitan Chicago.
Kentucky Center for Mental Health Studies.
Khmer Health Advocates.
Kids Project.
Kristin Brooks Hope Center.
LDA, the Learning Disabilities Association of America.
Little Colorado Behavioral Health Centers (St. Johns, AZ).
Lutheran Services in America.
McHenry County Mental Health Board.
Mental Health America.
Methodist Home for Children (Philadelphia, PA).
Minnesota Council of Child Caring Agencies.
National Advocacy Center of the Sisters of the Good Shepherd.
National Alliance for Hispanic Health.
National Alliance for Research on Schizophrenia and Affective Disorders.
National Alliance on Mental Illness.
National Alliance on Mental Illness—New York City Metro.
National Alliance on Mental Illness—Clarion County of PA.
National Alliance to End Homelessness.
National Asian American Pacific Islander Mental Health Association.
National Association for the Advancement of Orthotics & Prosthetics.
National Association for Children's Behavioral Health.
National Association for Rural Mental Health.
National Association for the Dually Diagnosed.
National Association of Anorexia Nervosa and Associated Disorders—ANAD.
National Association of Councils on Developmental Disabilities.
National Association of Counties.
National Association of County and City Health Officials.
National Association of County Behavioral Health and Developmental Disability Directors.
National Association of Disability Representatives.
National Association of Mental Health Planning & Advisory Councils.
National Association of Pediatric Nurse Practitioners.
National Association of Psychiatric Health Systems.
National Association of School Psychologists.
National Association of Social Workers.
National Association of Social Workers—Louisiana Chapter.
National Association of State Directors of Special Education.
National Association of State Head Injury Administrators.
National Association of State Mental Health Program Directors.
National Center for Learning Disabilities, Inc.
National Center for Policy Research for Women & Families.
National Coalition for the Homeless.
National Coalition on Deaf-Blindness.
National Committee to Preserve Social Security and Medicare.
National Council for Community Behavioral Healthcare.
National Council of Jewish Women.
National Council on Aging.
National Council on Alcoholism and Drug Dependence (Phoenix, AZ).
National Council on Family Relations.
National Council on Independent Living.

National Council on Problem Gambling.
National Disability Rights Network.
National Down Syndrome Congress.
National Down Syndrome Society.
National Education Association.
National Hispanic Medical Association.
National Hopeline Network.
National Law Center on Homelessness & Poverty.
National Mental Health Awareness Campaign.
National Mental Health Consumers' Self-Help Clearinghouse.
National Multiple Sclerosis Society.
National Network for Youth.
National Organization of People of Color Against Suicide.
National Partnership for Women and Families.
National Recreation and Park Association.
National Rehabilitation Association.
National Research Center for Women & Families.
National Respite Coalition.
National Rural Health Association.
National TASC.
New Jersey Alliance for Children, Youth and Families.
New Jersey Association of Mental Health Agencies, Inc.
Newtown Youth and Family Services (Newtown, CT).
NISH.
Northamerican Association of Masters in Psychology.
Obsessive Compulsive Foundation.
Ophelia's Place.
PACER Center.
Paralyzed Veterans of America.
Pendleton Academies (Pendleton, OR).
People With Disabilities Foundation.
Personal & Family Counseling Services (New Philadelphia, OH).
PREHAB of Arizona (Mesa, AZ).
Presbyterian Church (U.S.A.) Washington Office.
Pressley Ridge (Pittsburgh, PA).
Puente de Vida Recovery Center—The Council on Alcoholism and Drug Abuse of Sullivan County (NY).
School Social Work Association of America.
Screening for Mental Health, Inc.
The Shaken Baby Alliance.
Sjogren's Syndrome Foundation.
Society for Research on Child Development.
Society of Professors of Child and Adolescent Psychiatry.
Somerset Home for Temporarily Displaced Children (Bridgewater, NJ).
Suicide Awareness Voices of Education.
Suicide Prevention Action Network USA.
TASH.
The Advocacy Institute.
The Arc of Salem County, NJ.
The Arc of the United States.
Title II Community AIDS National Network.
Toby House, Inc. (Phoenix, AZ).
Tourette Syndrome Association, Inc.
Union for Reform Judaism.
Unitarian Universalist Association of Congregations.
United Cerebral Palsy Association.
United Community & Family Services. Inc. (Norwich, CT).
United Jewish Communities.
United Methodist Church—General Board of Church and Society.
United Neighborhood Centers of America.
United Spinal Association.
U.S. Psychiatric Rehabilitation Association.
Wisconsin Association of Family & Children's Agencies.
Witness Justice.
Working Assets.
World Institute on Disability.
Yellow Ribbon International Suicide Prevention Program.

BUSINESS AND INSURANCE SUPPORTING

Aetna, Inc.
American Benefits Council.
America's Health Insurance Plans.
AstraZeneca Pharmaceuticals—US.
BlueCross BlueShicld Association.
CIGNA.
Eli Lilly and Company.
National Association of Health Underwriters.
National Association of Manufacturers.
National Association of Wholesaler-Distributors.
National Business Group on Health.
National Federation of Independent Business.
National Retail Federation.
Retail Industry Leaders Association.
Society for Human Resource Management.
U.S. Chamber of Commerce.

There is one big difference between the House bill and the Senate bill that is important. The House bill requires that if a company insures any mental illness, they must provide coverage for all of the conditions listed in a diagnostic manual called the DSM–IV. That is highly unusual. Even the Federal employees' health plan that we have here in the Congress just says that you have to offer categories, like substance abuse. It doesn't say you have to cover every diagnosis, like caffeine addiction, which is a subcategory under substance abuse. This is unprecedented and, I think, would cause a lot of businesses to not offer mental health coverage at all.

So the risk here of unintended consequences, since no business is required to offer mental health insurance, is that 18 million Americans who suffer from serious mental illness may actually lose their coverage. That is the important policy choice that we are not having the opportunity to debate here today because an alternative has not been allowed.

Finally, I would say this. The alternative that I put forward was also paid for, but it wasn't paid for by closing physician-owned hospitals. It is paid for by extending an asset verification electronic system from a pilot project that exists in three States now to all 50 States. It is a fairly straightforward approach to getting fraud out of the Medicaid system and would pay for this mental health parity bill that has passed unanimously in the Senate.

The alternative that I offered is better for the mentally ill. It is widely supported by business, by insurance, and the mental health community. It does not close our physician-owned hospitals and is the kind of debate we should be having on this floor. For that reason, I would urge my colleagues to vote against the rule in front of us today.

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the gentlelady from Florida and the gentleman from Minnesota for yielding and their indulgence.

Mr. Speaker, I am rising to first of all take my hat off to Congressman PATRICK KENNEDY. This is a day in waiting, for he has worked without tiring in the tradition of my good friend, Senator Paul Wellstone, now deceased, who worked and committed themselves to changing the inequity, really, I would think, constitutionally wrong, to disallow mental health parity and those who suffered from mental health issues.

All of our family members, or all of our families, have faced these crises. We ask the question, what do we do? That is why I am so disappointed that we have taken the work of PATRICK KENNEDY and imploded it. We have dissolved the bipartisan allegiance to this bill, the commitment to mental health parity, by destroying hospitals in our districts, hospitals that are serving the poor of our districts. Why they would think that this was an important element of this bill, I don't know. And that is, of course, to end the growth of physician-owned hospitals in urban and rural areas for poor and those who are without access to hospitals.

This would restrict the ability and capacity of physician-owned hospitals. It doesn't matter if the hospital is rural or in the inner city, big or small. It punishes these hospitals. In Houston, in the 18th Congressional District, it punishes St. Joseph's, it punishes the Heights Hospital, and it does so without any reason.

We could pay for this by the tax cuts that we are taking away from those making over $250,000, or the tax cuts on the energy company. But why are you breaking the backs of those who clearly need an opportunity?

This bill should include a robust State license emergency care with doctors on call at all times to care for patients. That is what these hospitals need to have. Maintain a minimum number of physicians available at all times to provide service and provide charity care equal to at least 4 percent of its operating budget. We can put criteria on these hospitals. We don't have to destroy them. I am saddened by what we have done to this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNYDER). Members are reminded to heed the gavel.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding.

We have heard, particularly from our side of the aisle, the objection to this

bill, H.R. 1424, in regard to procedure and in regard to pay-fors, which basically I agree with. The fact is that this is the 50th time that the Democratic majority has brought forth a bill, an important bill, with a closed rule and no opportunity for our side. In the case of myself as a physician member, I think I had some good thoughts about this bill. In fact, I was proud to support the extension of the original Paul Wellstone Mental Health and Addiction Equity Act. I thought that was a good thing. But now my objection to the rule and the underlying bill, Mr. Speaker, is mainly about policy. I think they have taken this bill and adulterated it to an extent that it is unbelievable that the gentlelady from Florida in her opening remarks said that this is a business-friendly piece of legislation.

Now if we were talking about covering things like bipolar disorder, depressive disorders, anxiety disorders, post-traumatic stress syndrome, certainly this is very important that we have mental health parity. But as one of the previous speakers on our side of the aisle said, what you have done in expanding this to cover things on a mandated basis to our employees, diseases in the Diagnostic Statistical Manual of Mental Illnesses, jet lag fatigue, caffeine intoxication, sibling rivalry, substance induced sexual dysfunction, transvestite fetishism, can you imagine any employer being willing to cover things like that?

□ 1515

You are throwing the baby out with the bath water. You had a good bill. I was proud to support it, and I would proudly support it today, but to expand it to the point where no employer will offer mental health coverage, that means so many of these people, families with adult children, adult dependent children, who are suffering from some of these conditions that we know of that I mentioned, bipolar disorder, schizophrenia, they desperately need help, and they need health parity. I am in favor of that and I would support it. That is why I am supportive of the Senate version.

But I stand here, and I ask all of my colleagues to look at this and read it and understand why hardly any employer would accept this and provide health coverage when it provides all of these things that are totally unnecessary.

With that, I ask my colleagues to defeat this rule and this underlying legislation. Let's take it back to the drawing board and do probably what Paul Wellstone intended originally, and my friend PATRICK KENNEDY as well. We have ruined an otherwise good bill.

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, it has been an honor for me to speak in support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007. I want to thank both Congressman KENNEDY and Congressman RAMSTAD for their dedication to ending the insurance discrimination and ensuring that all Americans have access to mental health and addiction services.

As a Minnesotan, I'm struck by the emotion of this day because the late Paul Wellstone's tireless efforts to ensure mental health parity might finally be realized. Paul Wellstone knew it was wrong for health insurers to place discriminatory restrictions on treatments, and I am honored to be part of this effort to finally guarantee that millions of Americans who need mental health and addiction services can obtain the services they deserve.

The urgent need for the Paul Wellstone Mental Health and Addiction Equity Act is surely best expressed by those who have seen a loved one in need denied coverage. I think immediately of Kitty Westin, a Minnesotan whose daughter Anna suffered from anorexia, a deadly disease that affects approximately 8 million Americans and ultimately claimed Anna's life. During her daughter's battle with anorexia, Kitty took Anna to the hospital. Anna was refused care by the insurance company because it did not consider access to mental health treatment important enough to cover.

Kitty knows this is completely unacceptable and has been fighting selflessly to make sure that no other family experiences the same frustration and pain. I commend her for carrying on Anna's legacy so impressively through her advocacy efforts and community work. For Kitty and all of those who have encountered insurance discrimination, I carry Paul Wellstone's message that access to mental health and addiction services is imperative and must take place now.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, I thank my colleague from the State of Washington, and I rise in strong opposition to this closed rule. This rule gives the House no opportunity to engage in meaningful debate about this important issue.

I am disappointed that the majority did not make in order a substitute amendment I cosponsored to consider the bipartisan legislation that was unanimously approved by the Senate last year.

Let me be clear: I strongly support mental health parity. That is precisely why I am so concerned that the bill before us today could derail our efforts to pass mental health parity legislation altogether.

While the House bill could reduce access to care for the mentally ill, decrease the affordability for health care coverage, and even close a hospital in my State, the Senate measure represents some of the very best that can come from bipartisan collaboration and compromise. It reflects the interests of mental health advocates and providers while also respecting the rights of States like Washington to enact mental health laws that go beyond the Federal standard.

Mr. Speaker, I came to this House, this body, a little over 3 years ago. My previous profession was in law enforcement for 33 years, so I came here in a little bit different way than most Members of the House of Representatives. So today I make the statement not as a Republican but as a citizen of the United States of America. I am standing here today as an American saying that we need to stop the partisan bickering and we need to come together as Democrats and Republicans and we need to address this issue of not having opportunity, not having a voice, to share in the decisions that are being made in this House. It is time that we come together.

The Senate bill that passed unanimously needs to be considered on the House floor.

Ms. CASTOR. Mr. Speaker, I yield 1 minute to the gentlewoman from California, a champion for America's families, children, and veterans, and the Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership in bringing the rule to the floor, which will enable us to debate legislation that is very important to many people in America. I thank Mr. PALLONE for his leadership on the committee of jurisdiction, a House subcommittee of Energy and Commerce, and I thank Mr. HASTINGS as well for the opportunity to debate this important issue.

This is a very special day in the Congress of the United States. We are all very proud of our work, but there are some days that really stand out as historic, days that represent breakthroughs for America's families.

Today we are debating an issue that is relevant to the lives of so many people in our country. And we owe a great debt of gratitude to two of our colleagues, Congressman PATRICK KENNEDY of Rhode Island and Congressman RAMSTAD of Minnesota, for their great knowledge of the issue of mental illness and addiction, for their political astuteness of the political process here, and for their generosity of spirit to share their personal experience with us, to use their knowledge of issues relating to mental illness and addiction to benefit so many people in our country. It is painful, I know, and therefore very courageous of them to do so. And simply said, without their leadership, we would not have this opportunity today. So I am pleased to salute the

leadership of Congressman KENNEDY and Congressman RAMSTAD. With this legislation, they have given hope to millions of Americans.

Mr. Speaker, I rise in support of the legislation also because illness of the brain must be treated just like illness anywhere else in the body. The Paul Wellstone Mental Health and Addiction Equity Act is a comprehensive bill to help end discrimination against those who seek treatment for mental illness.

There is no shame in mental illness. The great shame would be if Congress did not take action to ensure that individuals with mental health illnesses and addictions are given the attention, treatment, and resources they need to lead a healthy life.

This is an issue of national significance. Did you know, and I found the figure startling, every year mental illness results in 1.3 billion lost days of work or school; 1.3 billion days. That adds up to more lost productivity for mental illness than arthritis, stroke, heart attack, and cancer combined. Combined. Yet bipartisan and independent research shows that there is no significant cost to insuring mental illness like any other medical disease.

This legislation will be especially relevant for our returning veterans from Iraq and Afghanistan who later become employed in the private sector. This will be potentially life-saving for those brave men and women who served in the National Guard and Reserves but who don't receive VA care for their entire lifetime.

Mr. Speaker, to help remove the stigma against mental illness, for the millions suffering from mental illness and addiction, and because it is the right thing for our Nation, I urge my colleagues to support the Paul Wellstone Mental Health and Addiction Equity Act. It is legislation that is long overdue. It gives hope to millions of people in our country and their families.

I urge my colleagues to support the legislation and honor the leadership, the courage, the generosity of spirit of Mr. KENNEDY and Mr. RAMSTAD in making this day possible for us.

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

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Florida for yielding. I rise in strong support of this rule and the underlying bill. Like all of my colleagues, I want to commend Representatives KENNEDY and RAMSTAD for their unrelenting advocacy for mental health. As a matter of fact, we have watched them travel all across the country, holding hearing after hearing, engaging people, trying to help them understand that mental illness, that mental health is just as important as any other aspect.

I have heard us debate cost. All of us know that insanity is doing the same thing over and over again and expecting a different result. We know that education, early diagnosis and prevention can save us billions of dollars in mental health. And so I would urge passage of this rule and passage of the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, there are several parts to this bill. And obviously by the remarks that I made previously, I am worried about what we call the pay-for part of that because it would have a detrimental effect, as I mentioned, on doctor-owned facilities, particularly in my district, but also in other parts of the country.

Since this issue came up some 7 months ago, we discovered that there are very few doctor-owned facilities that are unique in the sense of what I was talking about today, and I think my colleagues from Wisconsin and Texas talked about last night in the Rules Committee, and so I want to ask my friend from New Jersey who is the sponsor of this legislation, and I will be happy to yield to him.

He talked about the issue of overutilization. Now, I simply have to bring this up because I doubt that the 150,000 patients of the Wenatchee Valley Clinic would say that they are overutilizing that clinic. I think they go there because they want to have their health needs taken care of. So I don't think that is applicable to that facility, and I mentioned that in my previous remarks.

I want to ask my friend from New Jersey a question.

As I mentioned, apparently there are just a few hospitals that fall in the category that I was describing.

□ 1530

But there are bipartisan concerns about the effects of this bill on good hospitals providing quality care. I made that point.

Will you work with me and other Members from both sides of the aisle to protect these hospitals and to exempt them totally from this ban on doctor ownership?

I yield to my friend from New Jersey.

Mr. PALLONE. The answer to that is that we believe that the legislation, as it is before you today, accomplishes that goal. In other words, as I said, these hospitals within 18 months of enactment, they can essentially reconfigure, so if no physician owned more than 2 percent—

Mr. HASTINGS of Washington. Reclaiming my time, I asked if the gentleman would work with me, and apparently the gentleman is saying that he won't work with me, even though this apparently is a very, very small universe, a universe of hospitals that deserve, I think, to have some sort of special consideration because if you have, for example, a government-mandated fire sale, what is the value of the enterprise that you're trying to sell? Yet that is precisely the language that you have in place.

So I'm asking you again. Since there are very few of these facilities, in three different States, would you work with us to exempt them totally from the ban that's imposed by this bill?

Mr. PALLONE. The answer is, no, if I could explain why just very briefly.

Mr. HASTINGS of Washington. The gentleman answered me yes. Now go ahead with your no. Please explain your no.

I yield to the gentleman.

Mr. PALLONE. I've been trying to explain that the reason that the money is saved pursuant to this provision is because physician self-referrals inherently are not a good thing. We are trying to discourage it as much as possible and not having it be the case in the future. Now there are some hospitals that, as you said, historically had this configuration. But we don't want to encourage it. We want to discourage it. That's why we're saying that we'll have a standard with the 40 percent and the 2 percent and we'll even allow some of them to grow if they meet certain standards. But we're not looking to have this continue because it inherently is not a good thing.

Mr. HASTINGS of Washington. Reclaiming my time, I appreciate the gentleman's explanation.

To me, Mr. Speaker, this sounds precisely as a look into the future, as we move towards what I would consider, I know that some would want, a government-style health care in this country, where conditions are going to be set forth on what kind of care, when that care is, what's the condition of ownership. All of these things apparently are on the horizon, and we are seeing an inkling into the future of how that would be effected.

Mr. Speaker, I reserve my time.

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise today in support of the rule for the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

The time is long past due for Congress to, once and for all, act to end discrimination against patients seeking treatment for mental illness and addiction. More than 57 million Americans suffer from mental illness and more than 26 million suffer from addiction. Unfortunately, our Nation's investment in services for individuals with mental illness and addiction has not kept pace with the trend. Last year, untreated mental illness cost the U.S. economy over $150 billion, and untreated addiction cost over $400 billion.

H.R. 1424 reverses this trend by guaranteeing that plans cover the same

range of mental illnesses and addiction disorders offered by the Federal employee health plan that Members of Congress use; prohibiting insurers and group health plans from imposing treatment of financial limitations when they offer mental health benefits that are more restrictive from those applied to medical and surgical services; and creating medical management tools that are based on valid medical evidence and pertinent to the patient's medical condition so that specific coverage is not arbitrary and is more transparent to the patient.

This is a piece of legislation that is critically important to our Nation and to my constituents.

Just the other day I received a letter from a Mr. Smith in my district, whose son, a 16-year-old, was diagnosed with attention deficit hyperactivity disorder.

Last spring Mr. Smith's son started using marijuana and used it increasingly as the months progressed in what was described as self-medication. His grades dropped and he withdrew from his friends and showed other signs of substance abuse.

When his parents placed him in an outpatient counseling facility, Mr. Smith learned, to his surprise, that the necessary treatment was not covered under his employer-based health insurance. After that counseling proved ineffective, he sent his son to a facility for in-patient treatment which cost approximately $25,000.

This legislation is very important, and I would urge my colleagues to vote in favor of the rule and the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Ms. CASTOR. Mr. Speaker, I have the right to close, and we do not have any additional speakers, so I will reserve the balance of my time until my colleague has made his closing remarks.

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

Mr. Speaker, there's been a lot of discussion here today on the underlying bill, the subject of which has broad support. The issues are the PAYGO and the issues are the denial, denial of the Democrat leadership in this House to allow a vote on a bill that passed in the other body unanimously. So much for openness that was promised a little over a year ago.

Mr. Speaker, I want to focus my closing remarks on another issue, another issue that has not been taken up and needs to be addressed, and that's the FISA issue that we have talked about so many times.

It has come to my attention today, and it will be in a publication presumably tomorrow, that the distinguished majority leader said that the electronic surveillance bill, or the FISA bill, will not be taken up this week.

We are becoming unprotected in this country because we don't have all the capabilities that we need in our intelligence community.

With that, Mr. Speaker, in this rule, Democrat leaders have blocked the House from voting on a bipartisan compromise on mental health parity, as I had mentioned.

I want to talk now about modernizing the Foreign Intelligence Surveillance Act into the 21st century. The Senate has passed legislation that will bring this 1970s Jimmy Carter-era law up to date to reflect today's age of disposable cell phones and the Internet. Yet for weeks now, House Democrat leaders have refused to allow Representatives to vote on this Senate bill. They've done this despite the public support given the bipartisan Senate compromise by 21 members of the Democrat Blue Dog Coalition.

House Democrat leaders are tying the hands of our intelligence professionals to make them jump through unnecessary red tape and paperwork to protect our country. If foreign persons in foreign places are conspiring and plotting to harm Americans and our country, then our intelligence personnel should be listening to them. They shouldn't have to waste precious time and energy on bureaucratic hurdles.

We can protect and are protecting the constitutional rights of Americans, but we also must protect their lives by recognizing the terrorist threat to our country and modernizing FISA.

I ask all my colleagues to join with me in defeating the previous question so that we can immediately move to vote on the bipartisan Senate FISA bill.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose this 50th closed rule, record-setting 50th closed rule that denies every Member from offering an amendment on the House floor, and to vote ''no'' on the previous question and in favor of a bipartisan permanent solution that closes the terrorist loophole.

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

Ms. CASTOR. Mr. Speaker, back on the Paul Wellstone Mental Health Equity Act, I submit for the RECORD a letter of support from the Federation of American Hospitals along with a related letter from the American Hospital Association, Coalition of Full Service Community Hospitals and Federation of American Hospitals.

FEDERATION OF AMERICAN HOSPITALS,
March 3, 2008.

Speaker NANCY PELOSI,
U.S. Congress,
Washington, DC.
Minority Leader JOHN BOEHNER,
U.S. Congress,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: The Federation of American Hospital (FAH), representing America's investor-owned and managed hospitals and health systems, supports swift passage of the Paul Wellstone Mental Health and Addiction Equity Act of 2007 (H.R. 1424). This legislation will provide greatly needed access to mental health treatment for Americans who need it most.

This bipartisan legislation would end prevalent forms of health insurance discrimination against patients with debilitating chronic mental illnesses. Additionally, H.R. 1424 will assist millions of Americans in obtaining the necessary hospital care they need and were previously denied because of inadequate mental health coverage.

H.R. 1424 is paid for, in part, by prohibiting physician self-referral to a hospital in which a physician has an ownership interest. Physician self-referral presents an inherent conflict of interest, creates an unlevel, anti-competitive playing field; threatens patient safety; fails low-income and uninsured patients; and, has resulted in the overutilization of limited Medicare resources. We strongly support this provision.

We deeply appreciate Congress's ongoing commitment to mental health parity and strengthening the Medicare program.

Sincerely,

MARCH 4, 2008.

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

DEAR CHAIRWOMAN SLAUGHTER: On behalf of our nearly 5,000 member hospitals, health systems, and other health care organizations, and our 37,000 individual members, the American Hospital Association (AHA), along with the Federation of American Hospitals and the Coalition of Full Service Community Hospitals, strongly opposes the amendment expected to be offered by Rep. HINOJOSA (D-TX) during Rules Committee consideration of H.R. 1424.

The amendment would seriously erode the investment provisions currently included in H.R. 1424 designed to ensure that physician ownership interests and their potential to cause conflicts of interest are limited and to ensure that physician investments are bona fide and not simply a means to buy physician referrals. Specifically, it would allow grandfathered facilities of 300 beds or more to maintain their current level of physician ownership without regard to the aggregate and individual physician limits. Currently, under H.R. 1424, physicians would be granted 18 months to adjust their current physician ownership level.

Furthermore, it would allow existing physician-owned facilities that had already provided loans or financing for physicians to purchase their ownership interest to continue to do so. Finally, it weakens the language in H.R. 1424 as it pertains to the needed limitations on growth.

Physician self-referral to hospitals in which they have an ownership stake presents an inherent conflict of interest. These arrangements create an uneven, anti-competitive playing field, threaten patient safety and have, according to independent research,

resulted in over-utilization, siphoning precious resources away from the Medicare program.

The only way to protect the Medicare program and the seniors it serves, as well as ensure fair competition, is to place needed restrictions on self-referral. We urge the Committee to reject this amendment.

Sincerely.

RICK POLLACK,
Executive Vice President,
American Hospital Association.

Mr. Speaker, if anyone had followed the debate today, they might think that hospitals throughout the country are opposed to this. To the contrary. Please let me read a portion of the Federation of American Hospitals letter to the speaker and the minority leader.

''The Federation of American Hospitals, representing America's investor-owned and managed hospitals and health systems, supports swift passage of the Paul Wellstone Mental Health and Addiction Equity Act. This legislation will provide greatly needed access to mental health treatment for Americans who need it most.

''This bipartisan legislation would end prevalent forms of health insurance discrimination against patients with debilitating chronic mental illnesses. Additionally, it will assist millions of Americans in obtaining the necessary hospital care they need and were previously denied because of inadequate mental health coverage.

''H.R. 1424 is paid for, in part, by prohibiting physician self-referral to a hospital in which a physician has an ownership interest. Physician self-referral presents an inherent conflict of interest, creates an unlevel, anti-competitive playing field, threatens patient safety, fails low-income and uninsured patients, and has resulted in the overutilization of limited Medicare resources. We strongly support this provision.

''We deeply appreciate Congress' ongoing commitment to mental health parity and strengthening the Medicare program.''

Mr. Speaker, what a tremendous lifeline we provide to families of veterans today by ending the discrimination that exists under many group health plans for mental health treatment. Unfortunately, people struggling with mental illness and addiction are often denied coverage for mental health treatment. Insurers often increase patient costs for mental health treatment by limiting in-patient days, capping outpatient visits, and requiring higher copayments than for physical illnesses.

It is estimated that over 90 percent of workers with employer-sponsored health insurance are enrolled in plans that impose higher costs in at least one of these ways. This is unfair. The treatment is unfair, and it's a major barrier to receiving adequate health care. Consequently, many mental health and substance-related disorders go untreated.

Clearly, diseases of the mind should be afforded the same treatment as diseases of the body. That benefits us all. Today's bill will end this discrimination by prohibiting health insurers from placing discriminatory restrictions on treatment and cost sharing.

Mr. Speaker, again this is an anti-discrimination bill. This is a health care bill. This is a pro-business and economic development bill. This is a pro-family bill. And this is a bill that supports our veterans. So today we strike a blow for fairness and equity and improved access to mental health treatment which will fundamentally improve the lives of millions of American families.

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

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1014 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. ''That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.''

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1014, if ordered, and suspending the rules with regard to H.R. 4774 and H. Con. Res. 286.

The vote was taken by electronic device, and there were—yeas 215, nays 195, not voting 18, as follows:

[Roll No. 95]

YEAS—215

Ackerman	Andrews	Baird
Allen	Arcuri	Baldwin
Altmire	Baca	Becerra

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

NAYS—195

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

NOT VOTING—18

Brown-Waite, Ginny
Cole (OK)
Conyers
Costa
Cummings
Gonzalez
Johnson, E. B.
Keller
Meek (FL)
Ortiz
Peterson (PA)
Poe
Radanovich
Rangel
Renzi
Reyes
Rush
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1606

Ms. PRYCE of Ohio and Mr. GARY G. MILLER of California changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 209, nays 198, not voting 21, as follows:

[Roll No. 96]

YEAS—209

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

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger

Hinojosa
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jackson-Lee (TX)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Brown-Waite, Ginny
Cole (OK)
Conyers
Fallin
Gonzalez
Hunter
Johnson, E. B.
Keller
Meek (FL)
Ortiz
Peterson (PA)
Poe
Radanovich
Rangel
Renzi
Reyes
Rush
Shea-Porter
Stark
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1613

Mr. AL GREEN of Texas changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLE of Oklahoma. Mr. Speaker, on Wednesday, March 5, 2008, I missed the first two votes in a series of four votes. I missed rollcall vote Nos. 95 and 96.

Had I been present and voting, I would have voted as follows: Rollcall vote No. 95: "nay" (On Calling the Previous Question on the Rule providing for H.R. 1424); rollcall vote No. 96: "nay" (On the Rule providing for the consideration of H.R. 1424).

CYNDI TAYLOR KRIER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4774, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4774, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 24, as follows:

[Roll No. 97]

YEAS—404

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

NOT VOTING—24

Bean
Bishop (GA)
Brown-Waite, Ginny
Conyers
Gonzalez
Higgins
Johnson, E. B.
Jones (OH)
Keller
Meek (FL)
Ortiz
Pickering
Poe
Radanovich
Ramstad
Rangel
Renzi
Reyes
Richardson
Rothman
Rush
Weldon (FL)
Wilson (SC)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1620

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING AND HONORING EARL LLOYD FOR BECOMING THE FIRST AFRICAN-AMERICAN TO PLAY IN THE NATIONAL BASKETBALL ASSOCIATION LEAGUE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 286, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 286.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 16, as follows:

[Roll No. 98]

YEAS—412

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

NOT VOTING—16

Brown-Waite, Ginny
Conyers
Gonzalez
Gordon
Johnson, E. B.
Keller
Meek (FL)
Ortiz
Poe
Pryce (OH)
Rangel
Renzi
Rush
Schmidt
Sires
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1628

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on March 5, 2008, I was unavoidably detained due to weather-related travel delays. The following list describes how I would have voted had I been in attendance this afternoon.

"Yea"—H.R. 4191, To redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historic Park", and for other purposes.

"Yea"—H. Con. Res. 278, Supporting Taiwan's fourth direct and democratic presidential elections in March 2008.

"Present"—H. Res. 951, Condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes.

"Yea"—On motion to consider the resolution H. Res. 1014, providing for the consideration of H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act.

"Yea"—On ordering the previous question on H. Res. 1014, providing for the consideration of H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act.

"Yea"—H. Res. 1014, Providing for the consideration of H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act.

"Yea"—H.R. 4774, To designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the "Cyndi Taylor Krier Post Office Building".

"Yea"—H. Con. Res. 286, Expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African American to play in the National Basketball Association League 58 years ago.

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

Mr. PALLONE. Mr. Speaker, pursuant to House Resolution 1014, I call up the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1424

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Paul Wellstone Mental Health and Addiction Equity Act of 2007".

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Employee Retirement Income Security Act of 1974.
Sec. 3. Amendments to the Public Health Service Act relating to the group market.
Sec. 5. Amendments to the Internal Revenue Code of 1986.
Sec. 5. Government Accountability Office studies and reports.

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose any treatment limit on mental health and substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health and substance-related disorder benefits for items and services within such category that are more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following four categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified under paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health and substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services (as specified in paragraph (3)(C)), the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health and substance-related disorder benefits for items and services within such category in a way that is more costly to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' and inserting ''mental health and substance-related disorder benefits'' each place it appears; and

(2) in paragraph (4) of subsection (e)—

(A) by striking ''MENTAL HEALTH BENEFITS'' and inserting ''MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS'';

(B) by striking ''benefits with respect to mental health services'' and inserting ''benefits with respect to services for mental health conditions or substance-related disorders''; and

(C) by striking '', but does not include benefits with respect to treatment of substances abuse or chemical dependency''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, upon request, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health and substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder for which benefits are provided under the benefit plan option offered under chapter 89 of title 5, United States Code, with the highest average enrollment as of the beginning of the most recent year beginning on or before the beginning of the plan year involved.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health and substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental

health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (including an emergency condition relating to mental health and substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year which begins after the date of the enactment of the Paul Wellstone Mental Health and Addiction Equity Act of 2007; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—An election to modify coverage of mental health and substance-related disorder benefits as permitted under this paragraph shall be treated as a material modification in the terms of the plan as described in section 102(a)(1) and shall be subject to the applicable notice requirements under section 104(b)(1).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking out subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law that provides greater consumer protections, benefits, methods of access to benefits, rights or remedies that are greater than the protections, benefits, methods of access to benefits, rights or remedies provided under this section.

''(2) ERISA.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.''.

(i) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of such section is amended to read as follows:

''SEC. 712. Equity in mental health and substance-related disorder benefits.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Equity in mental health and substance-related disorder benefits.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2008.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan or coverage may not impose any treatment limit on mental health and substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health and substance-related disorder benefits for items and services within such category that are more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following four categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health and substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health and substance-related disorder benefits for items and services within such category in a way that is more costly to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the

total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' and inserting ''mental health and substance-related disorder benefits'' each place it appears; and

(2) in paragraph (4) of subsection (e)—

(A) by striking ''MENTAL HEALTH BENEFITS'' and inserting ''MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS'';

(B) by striking ''benefits with respect to mental health services'' and inserting ''benefits with respect to services for mental health conditions or substance-related disorders''; and

(C) by striking '', but does not include benefits with respect to treatment of substances abuse or chemical dependency''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, upon request, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health and substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder for which benefits are provided under the benefit plan option offered under chapter 89 of title 5, United States Code, with the highest average enrollment as of the beginning of the most recent year beginning on or before the beginning of the plan year involved.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health and substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (including an emergency condition relating to mental health and substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year which begins after the date of the enactment of the Paul Wellstone Mental Health and Addiction Equity Act of 2007; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—A group health plan under this part shall comply with the notice requirement under section 712(c)(2)(E) of the Employee Retirement Income Security Act of 1974 with respect to the a modification of mental health and substance-related disorder benefits as permitted under this paragraph as if such section applied to such plan.''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking out subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law that provides greater consumer protections, benefits, methods of access to benefits, rights or remedies that are greater than the protections, benefits, methods of access to benefits, rights or remedies provided under this section.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to affect or modify the provisions of section 2723 with respect to group health plans.''.

(i) CONFORMING AMENDMENT TO HEADING.—The heading of such section is amended to read as follows:

''SEC. 2705. Equity in mental health and substance-related disorder benefits.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2008.

SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—

''(A) NO TREATMENT LIMIT.—If the plan does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan may not impose any treatment limit on mental health and substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan may not impose such a treatment limit on mental health and substance-related disorder benefits for items and services within such category that are more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following four categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits

and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan may not impose such a beneficiary financial requirement on mental health and substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan may not impose such financial requirement on mental health and substance-related disorder benefits for items and services within such category in a way that is more costly to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' and inserting ''mental health and substance-related disorder benefits'' each place it appears; and

(2) in paragraph (4) of subsection (e)—

(A) by striking ''MENTAL HEALTH BENEFITS'' in the heading and inserting ''MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS'';

(B) by striking ''benefits with respect to mental health services'' and inserting ''benefits with respect to services for mental health conditions or substance-related disorders''; and

(C) by striking '', but does not include benefits with respect to treatment of substances abuse or chemical dependency''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits shall be made available by the plan administrator to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, upon request, be made available by the plan administrator to the participant or beneficiary.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health and substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder for which benefits are provided under the benefit plan option offered under chapter 89 of title 5, United States Code, with the highest average enrollment as of the beginning of the most recent year beginning on or before the beginning of the plan year involved.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a plan that provides both medical and surgical benefits and mental health and substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (including an emergency condition relating to mental health and substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year which begins after the date of the enactment of the Paul Wellstone Mental Health and Addiction Equity Act of 2007; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this subsection shall be made by a qualified actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be certified by the actuary and be made available to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1) of such section is amended to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking subsection (f).

(h) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of such section is amended to read as follows:

''SEC. 9812. Equity in mental health and substance-related disorder benefits.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Equity in mental health and substance-related disorder benefits.''.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2008.

SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES AND REPORTS.

(a) IMPLEMENTATION OF ACT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on—

(A) the cost of health insurance coverage;

(B) access to health insurance coverage (including the availability of in-network providers);

(C) the quality of health care;

(D) Medicare, Medicaid, and State and local mental health and substance abuse treatment spending;

(E) the number of individuals with private insurance who received publicly funded health care for mental health and substance-related disorders;

(F) spending on public services, such as the criminal justice system, special education, and income assistance programs;

(G) the use of medical management of mental health and substance-related disorder benefits and medical necessity determinations by group health plans (and health insurance issuers offering health insurance coverage in connection with such plans) and timely access by participants and beneficiaries to clinically-indicated care for mental health and substance-use disorders; and

(H) other matters as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of the Congress a report containing the results of the study conducted under paragraph (1).

(b) BIANNUAL REPORT ON OBSTACLES IN OBTAINING COVERAGE.—Every two years, the Comptroller General shall submit to each House of the Congress a report on obstacles that individuals face in obtaining mental health and substance-related disorder care under their health plans.

(c) UNIFORM PATIENT PLACEMENT CRITERIA.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to each House of the Congress a report on availability of uniform patient placement criteria for mental health and substance-related disorders that could be used by group health plans and health insurance issuers to guide determinations of medical necessity and the extent to which health plans utilize such critiera. If such criteria do not exist, the report shall include recommendations on a process for developing such criteria.

The SPEAKER pro tempore. Pursuant to House Resolution 1014, in lieu of the amendments recommended by the Committees on Energy and Commerce, Ways and Means, and Education and Labor printed in the bill, the amendment in the nature of a substitute printed in House report 110–538 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Paul Wellstone Mental Health and Addiction Equity Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Employee Retirement Income Security Act of 1974.
Sec. 3. Amendments to the Public Health Service Act relating to the group market.
Sec. 4. Amendments to the Internal Revenue Code of 1986.
Sec. 5. Medicaid drug rebate.
Sec. 6. Limitation on Medicare exception to the prohibition on certain physician referrals for hospitals.
Sec. 7. Studies and reports.

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified under paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services (as specified in paragraph (3)(C)), the plan or coverage shall apply such requirement (or, if

there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health or substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator (or health insurance issuer, as the case may be) to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—An election to modify coverage of mental health and substance-related disorder benefits as permitted under this paragraph shall be treated as a material modification in the terms of the plan as described in section 102(a) and notice of which shall be provided a reasonable period in advance of the change.

''(F) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Department of Labor of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Department of Labor shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(G) NO IMPACT ON APPLICATION OF STATE LAW.—The fact that a plan or coverage is exempt from the provisions of this section under subparagraph (A) shall not affect the application of State law to such plan or coverage.

''(H) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan (or health insurance coverage offered in connection with such a plan) from complying with the provisions of this section notwithstanding that the plan or coverage is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—This part shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any consumer protections, benefits, methods of access to benefits, rights, external review programs, or remedies solely relating to health insurance issuers in connection with group health insurance coverage (including benefit mandates or regulation of group health plans of 50 or fewer employees) except to the extent that such provision prevents the application of a requirement of this part.

''(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

''(3) OTHER STATE LAWS.—Nothing in this section shall be construed to exempt or relieve any person from any laws of any State not solely related to health insurance issuers in connection with group health coverage insofar as they may now or hereafter relate to insurance, health plans, or health coverage.' ''.

(i) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of such section is amended to read as follows:

''SEC. 712. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Equity in mental health and substance-related disorder benefits.''.

(j) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(k) DOL ANNUAL SAMPLE COMPLIANCE.—The Secretary of Labor shall annually sample and conduct random audits of group health plans (and health insurance coverage offered in connection with such plans) in order to determine their compliance with the amendments made by this Act and shall submit to the appropriate committees of Congress an annual report on such compliance with such amendments. The Secretary shall share the results of such audits with the Secretaries of Health and Human Services and of the Treasury.

(l) ASSISTANCE TO PARTICIPANTS AND BENEFICIARIES.—The Secretary of Labor shall provide assistance to participants and beneficiaries of group health plans with any questions or problems with compliance with the requirements of this Act. The Secretary shall notify participants and beneficiaries how they can obtain assistance from State consumer and insurance agencies and the Secretary shall coordinate with State agencies to ensure that participants and beneficiaries are protected and afforded the rights provided under this Act.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan or coverage may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for

such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health or substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator (or health insurance issuer, as the case may be) to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—A group health plan under this part shall comply with the notice requirement under section 712(c)(2)(E) of the Employee Retirement Income Security Act of 1974 with respect to a modification of mental health and substance-related disorder benefits as permitted under this paragraph as if such section applied to such plan.

''(F) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Secretary of Health and Human Services of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Secretary of Health and Human Services shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(G) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan (or health insurance coverage offered in connection with such a plan) from complying with the provisions of this section notwithstanding that the plan or coverage is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking out subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law that provides greater consumer protections, benefits, methods of access to benefits, rights or remedies that are greater than the protections, benefits, methods of access to benefits, rights or remedies provided under this section.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to affect or modify the provisions of section 2723 with respect to group health plans.''.

(i) CONFORMING AMENDMENT TO HEADING.—The heading of such section is amended to read as follows:

''SEC. 2705. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(j) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) ELIMINATION OF SUNSET.—The amendment made by subsection (g) shall apply to benefits for services furnished after December 31, 2007.

(3) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan, but does not include the application of any aggregate lifetime limit or annual limit.'', and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'',

(B) by striking ''; or'' and inserting a period, and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Section 9812 of such Code is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C)

and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of section 9812 of such Code, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of section 9812 of such Code is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan that provides any mental health or substance-related disorder benefits, the plan shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of section 9812(c) of such Code is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies, and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Secretary of the Treasury of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Secretary of the Treasury shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan from complying with the provisions of this section notwithstanding that the plan is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Paragraph (1) of section 9812(c) of such Code is amended to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''.

(g) ELIMINATION OF SUNSET PROVISION.—Section 9812 of such Code is amended by striking subsection (f).

(h) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of section 9812 of such Code is amended to read as follows:

''SEC. 9812. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Equity in mental health and substance-related disorder benefits.''.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) ELIMINATION OF SUNSET.—The amendment made by subsection (g) shall apply to benefits for services furnished after December 31, 2007.

(3) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section (other than subsection (g)) shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 5. MEDICAID DRUG REBATE.

Paragraph (1)(B)(i) of section 1927(c) of the Social Security Act (42 U.S.C. 1396r–8(c)) is amended—

(1) by striking ''and'' at the end of subclause (IV);

(2) in subclause (V)—

(A) by inserting ''and before January 1, 2009, and after December 31, 2014,'' after ''December 31, 1995,''; and

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

(3) by adding at the end the following new subclause:

''(VI) after December 31, 2008, and before January 1, 2015, is 20.1 percent.''.

SEC. 6. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

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

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

(C) by adding at the end the following new subparagraph:

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

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

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

(3) by adding at the end the following new subsection:

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on the date of enactment of this subsection; and

''(ii) a provider agreement under section 1866 in effect on such date of enactment.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

''(ii) The investment interest of any individual physician owner does not exceed 2 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

''(iii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(v) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(vi) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the investment of capital by such investor in the hospital.

''(vii) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(viii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on the date that is 18 months after the date of enactment of this subsection.

''(iv) REGULATIONS.—Not later than the date that is 18 months after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms and beds of the applicable hospital above the baseline number of operating rooms and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms and beds of the hospital after the application of the most recent increase under such an exception) by an amount determined appropriate by the Secretary.

''(ii) LIFETIME 50 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms and beds of the applicable hospital exceeding 150 percent of the baseline number of operating rooms and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS AND BEDS.—In this paragraph, the term 'baseline number of operating rooms and beds' means the number of operating rooms and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term 'applicable hospital' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 200 percent of the percentage increase in the population growth of the United States during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions and outpatient visits that

represent inpatient admissions and outpatient visits under the program under title XIX is equal to or greater than the average percent with respect to such admissions and visits for all hospitals located in the State;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) in the case of a hospital located—

''(I) in a core-based statistical area, that is located in such an area in which the average bed occupancy rate in such area is greater than 80 percent; or

''(II) outside of a core-based statistical area, that is located in a State in which the average bed occupancy rate is greater than 80 percent.

''(F) PUBLICATION OF FINAL DECISIONS.—The Secretary shall publish final decisions with respect to applications under this paragraph in the Federal Register.

''(G) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of clauses (i) and (ii) of paragraph (1)(D), the Secretary shall collect physician ownership and investment information for each hospital as it existed on the date of the enactment of this subsection.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

(c) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2)(A)(i)(III) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)(A)(i)(III)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by striking ''$4,960,000,000'' and inserting ''$5,120,000,000''.

SEC. 7. STUDIES AND REPORTS.

(a) IMPLEMENTATION OF ACT.—

(1) GAO STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on—

(A) the cost of health insurance coverage;

(B) access to health insurance coverage (including the availability of in-network providers);

(C) the quality of health care;

(D) Medicare, Medicaid, and State and local mental health and substance abuse treatment spending;

(E) the number of individuals with private insurance who received publicly funded health care for mental health and substance-related disorders;

(F) spending on public services, such as the criminal justice system, special education, and income assistance programs;

(G) the use of medical management of mental health and substance-related disorder benefits and medical necessity determinations by group health plans (and health insurance issuers offering health insurance coverage in connection with such plans) and timely access by participants and beneficiaries to clinically-indicated care for mental health and substance-use disorders; and

(H) other matters as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of the Congress a report containing the results of the study conducted under paragraph (1).

(b) GAO REPORT ON UNIFORM PATIENT PLACEMENT CRITERIA.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to each House of the Congress a report on availability of uniform patient placement criteria for mental health and substance-related disorders that could be used by group health plans and health insurance issuers to guide determinations of medical necessity and the extent to which health plans utilize such criteria. If such criteria do not exist, the report shall include recommendations on a process for developing such criteria.

(c) DOL BIANNUAL REPORT ON ANY OBSTACLES IN OBTAINING COVERAGE.—Every two years, the Secretary of Labor, in consultation with the Secretaries of Health and Human Services and the Treasury, shall submit to the appropriate committees of each House of the Congress a report on obstacles, if any, that individuals face in obtaining mental health and substance-related disorder care under their health plans.

The SPEAKER pro tempore. Debate shall not exceed 2 hours, equally divided and controlled by the chairman and ranking minority member of the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

The gentleman from New Jersey (Mr. PALLONE), the gentleman from Georgia (Mr. DEAL), the gentleman from California (Mr. STARK), the gentleman from Michigan (Mr. CAMP), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

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

There was no objection.

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

I rise today to support the passage of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007, a comprehensive bill which will establish full mental health and addiction care parity. My colleagues, Representative PATRICK KENNEDY and Representative JIM RAMSTAD, have worked exhaustively to complete the mission that Congress embarked upon more than 10 years ago through the passage of the Mental Health Parity Act of 1996. That 1996 act authorized for 5 years partial parity by mandating that the annual and lifetime dollar limit for mental health treatment under group health plans offering mental health coverage be no less than that for physical illnesses.

H.R. 1424, introduced by Representatives KENNEDY and RAMSTAD, will fully ensure equity in coverage for mental illness and substance abuse disorders by requiring that group health plans with mental health coverage offer that coverage without the imposition of discriminatory financial requirements or discriminatory treatment limitations. The bill also protects against discrimination by diagnosis and requires plans to cover all mental health and substance abuse disorders.

Mental illnesses are biologically based disorders, and there is no reason we should affirmatively provide protections to a student with depression or a young adult with schizophrenia, but not a child with autism or an elderly person with dementia. The bill also requires equality in out-of-network coverage. Again, a plan need not offer out-of-network coverage, but if it does for medical conditions, it should for mental illnesses as well. There are many good actors that already offer equity in care. However, some try and create a phantom network of providers, where doctors in the network have long waiting lists or are not appropriate to treat certain illnesses.

Mental disorders are the leading cause of disability in the United States for individuals between the ages of 15 and 44. But many health disorders are very treatable illnesses. H.R. 1424 would allow those individuals and families struggling to cope with the diverse array of illnesses which fall under the category of mental illness to have greater access to affordable care in order to alleviate the tremendous burden that these conditions can cause.

Furthermore, H.R. 1424 will help to allow individuals that have been disabled by mental health and addiction disorders to acquire the treatment that they need in order to once again become productive members of society.

Mr. Speaker, I strongly urge my colleagues to vote in favor of the passage of this important legislation which will ensure the equitable treatment of very serious diseases.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in opposition to this legislation. It is unfortunate that the majority in the House refused to pursue a strategy that our colleagues in the other body found appropriate for this legislation. Legislating, as we know, means compromising, and our colleagues on the other side of the Capitol worked together to craft a consensus piece of mental health parity legislation.

As a supporter of the concept of mental health parity, it is disappointing to me that the House has instead decided to jeopardize the possibility of getting legislation on mental health parity this year by ignoring the broad consensus among Members and stakeholders which was developed in the Senate.

Mental illness affects tens of millions of Americans. According to the Surgeon General, approximately one in five Americans suffers adverse mental conditions during any given year. The impact from such illnesses on families can be devastating, and we must be doing more to improve access to mental health services. However, this bill before us today is not the correct approach.

At a time of climbing premiums and health insurance costs, it is strange to me that we would pursue a path which the CBO acknowledges will raise the price of health insurance. CBO also projected that H.R. 1424 would cause some to lose their health insurance benefits and some employers to terminate mental health benefits altogether. In the face of a growing uninsured population in this country, statements like these from CBO concern me. We must find a more balanced approach to this problem that protects access to health insurance and mental health benefits.

The bill's focus is also overly broad and includes coverage of some conditions that fall well short of diseases under most scientifically accepted definitions. Our legislation should focus on serious biologically based mental disorders like schizophrenia and bipolar disorder, not on jet lag and caffeine addiction, as this bill would include. Employers may be willing to provide coverage for serious mental disorders, but under this bill could decide to drop coverage of mental illness altogether because they cannot afford the scope of the DSM–IV, the Diagnostic and Statistical Manual of Mental Disorders. Surely, this is an unintended consequence we should all want to avoid.

It is also important to note that under the bill, no executive or congressional action would intercede between the decisions of the American Psychiatric Association in the creation of the DSM and future legal requirements with which employers and insurers must comply under penalty of Federal law. I have always been concerned that this represents a likely constitutional conflict under the delegations doctrine. The bill appears to leave any update of what qualifies as mental health conditions and, therefore, coverage under the bill to the American Psychiatric Association. There are no criteria for judicial review, required notice and comment, or congressional review of future decisions made by a nongovernment entity.

I want to be clear that I am not questioning the value of the DSM or the practice of medicine, or the process by which the manual is developed. But I believe giving the future decisions of a nongovernmental body the force of law raises serious constitutional questions. I would support a more balanced approach to mental health parity along the lines of the Senate bill.

I would ask my colleagues to vote ''no'' today so that we can take up the Senate bill and avoid a possible stalemate in a House-Senate conference on an issue that should be signed into law this Congress.

I would reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, this is indeed a landmark day in the United States of America in the history of health care because the Congress of the United States, the House of Representatives, is going to say that mental illness deserves treatment and people suffering from mental illness deserve to have that treatment covered under their insurance plans.

I want to commend JIM RAMSTAD and PATRICK KENNEDY for decades of work on this project. They are American heroes, in my judgment. They joined me for a field hearing in my congressional district where we heard from families, patients and providers about the toll mental illness takes on their lives.

As a clinical psychologist who spent 23 years providing mental health care, I want to share with my colleagues this simple fact. I have never met, and I am sure you have never met, anyone who has not been touched personally by a family member, a friend, or a coworker whose lives have been disrupted by mental illness. All of us in some way have been touched by mental illness, in our families, our friends, or our coworkers. What this bill does is say that people suffering from such illnesses will be covered under insurance plans.

I want to be clear about one thing. This is research-based, it is effective, it saves lives, and it saves dollars for our economy. Research-based, effective, it saves lives, and it saves dollars. This legislation supports it.

Congratulations, PATRICK KENNEDY and JIM RAMSTAD. I urge a ''yes'' vote on behalf of millions of Americans.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to Mr. FERGUSON from New Jersey.

Mr. FERGUSON. I thank the gentleman from Georgia.

I rise in support of H.R. 1424, the Paul Wellstone Mental Health Addiction and Equity Act of 2007. This legislation brings treatment to individuals that desperately need the help. Addictions and mental illnesses are afflictions that have long been stigmatized and brushed aside by our society and institutions. Most of us have had a loved one or family member touched by mental illness or addictions. We know their painful stories all too well. Many individuals go years without treatment for serious illnesses due to society's stigma on mental illnesses. These individuals need and should receive the same care and treatment as if they had any other illness. However, I do have deep concerns about how this bill will be funded. Funding this legislation comes at the expense of United States medical researchers, which is ironic, since these are the folks who we look to to develop treatments for many of these very health conditions.

One of the offsets included in this legislation is a more than 30 percent increase in the Medicaid prescription drug rebate, which is a punitive and unwarranted move against the same medical researchers that we are relying on to find cures and treatments for illnesses and diseases. By increasing their cost and slapping a new tax on their work, we will be reducing their ability to invest in research and development of new products, new drugs. I believe that is profoundly shortsighted and misguided, and I believe it will set back the cause of research, which would ultimately lead to treatments for many of the diseases and afflictions that we are talking about here today.

Therefore, while I support and am a cosponsor of the underlying legislation, I urge that this particular misguided offset be struck from the bill as we negotiate with our colleagues in the Senate on a final version of this important legislation.

Mr. Speaker, I thank the gentleman, Mr. DEAL, for his leadership. I thank Mr. KENNEDY and Mr. RAMSTAD for their work.

Mr. PALLONE. Mr. Speaker, I would yield 4½ minutes to the gentleman from Rhode Island (Mr. KENNEDY), the sponsor of this legislation, who has been out on the road, and such a champion. I can't imagine what else to say about all his work on this.

Mr. KENNEDY. I thank the chairman for yielding me this time, and I want to thank him for all of his hard work and that of the other chairmen, Chairman DINGELL, Chairman RANGEL, Chairman MILLER, Chairman STARK, and obviously you, Chairman PALLONE, for hosting that committee hearing in your district, as well as Chairman ANDREWS for all the work he did on this issue to bring H.R. 1424 to the floor today.

Without all of your markups, this bill would not have made it as far as it did today to come to this floor as one of the most important public health bills that we have seen on this floor in decades. Of course, that would not have happened had it not been for the great support of our Speaker, NANCY PELOSI, and Leader HOYER who without their support this would not have happened as well. I am indebted to them for their support.

Today, this House of Representatives takes up a truly landmark piece of civil rights legislation. Why civil rights? Because just as it would account for the color of your skin, or any other immutable fact about you, you don't choose if you're born with a congenital defect or if you're born with one characteristic or another, just as you don't choose to have a predisposition to cancer, a predisposition to having asthma, a predisposition to dying early of one disease or another. And that applies true with those with mental illness. Yet when you have health insurance in this country, you expect to buy health insurance and it should cover your whole body.

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But unfortunately, unbelievably, the brain is still relegated to that part of the world where people think of it as something that should be in your control, something that you should take charge of and so forth; that even though you might have a biochemical imbalance in your brain, that it is your fault if you have that biochemical imbalance in your brain.

So if you had diabetes and you don't produce enough insulin and you eat the wrong food and have sugar imbalances, no one holds it against you if you have complications to diabetes. But God forbid you have a dopamine imbalance in your brain that causes you to use alcohol or drugs, or you have a dopamine imbalance that has you in a depression or an imbalance in your brain that has you have a mental illness like schizophrenia. Then you are held to account because someone says that is your fault. And if you wander around the streets or if you are homeless, that must be your fault.

Those are the physical symptoms of a mental illness. Yet an insurance company will hospitalize you for the symptoms of a chemical imbalance called diabetes, but they won't hospitalize you for the physical and chemical imbalances of a brain illness as a result of dopamine imbalances or glutamate imbalances. What sense does that make? It doesn't make any sense. But it is stereotyped in an old dark ages mindset that has people hanging in the shadows because they are afraid someone is going to point someone out and say you should be ashamed of yourself because you have a mental illness.

My friends, I have a mental illness. I am fortunately getting the best care this country has to offer because I am a Member of Congress. If it is good enough for Members of Congress to have full parity, then it ought to be good enough for every American in this country who buys health insurance not to be discriminated against.

If we care about health care in this country, why are we not taking care of health care, rather than sick care? We ought to be taking care of people before they end up sick. We are spending in our emergency rooms too much money taking care of all of the acute cases as a result of mental illnesses, the car accidents, stabbings and intubations. Why not take care of people before they end up ending up in the emergency rooms? Why not take care of the people before they end up in our jails?

Let's pass mental parity, make this country stronger, make our people stronger, and let's make this day a great day for civil rights for all Americans.

I want to say this couldn't have been done without my good friend and colleague JIM RAMSTAD. Let's put this bill on the floor and do it this year and make it a tribute to Congressman JIM RAMSTAD, who has fought for this bill so long and hard.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY), a member of the committee.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the ranking member.

The CBO doesn't score savings. If it did, it would note that drug and alcohol addictions cost $400 billion each year, that depression costs employers $51 billion each year, that depression increases the risk for chronic illness, and that chronic illness and untreated depression doubles the cost of health care. It would also note that caffeine withdrawal and jet lag are not something that insurance companies pay for. In fact, they are not medically necessary. It is not occurring here.

But let's see what really happens with a person with mental illness, and I am saying this as a psychologist, as someone who has seen this time and time again, how the symptom really works. A person with a deadly disease such as anorexia or bulimia withers away until malnutrition and dehydration puts them in the hospital. Once the hospital stabilizes them, they come out. Maybe they will have a visit or two with a counselor or psychiatrist or psychologist. Maybe their primary care physician will put that person on some medication. And 75 percent of psychotropic drugs are prescribed by non-psychiatrists, by people not trained in the field, because they don't have treatment possibilities under their health care plan.

I oftentimes have a somewhat tongue-in-cheek agreement with obstetricians: I don't deliver babies, and they don't treat mental illness. Unfortunately, that may be all the plan allows for.

But let's look at us as Members of Congress. Out of 435 Members of Congress, out of the 10,000 employees on our side of the Hill, we know that there are hundreds, thousands of people, quite frankly, who at some point in their working career will have some mental illness. What do we do with a well-trained employee? Do we say, you're fired? Do we say, go out and suck it up? Do we send them out into the unemployment system? Do we send them out into the welfare system? Do we take our children and send them out to the educational system and say, let the school take care of it? If it is a family member, do we say, well, be part of the criminal justice system, perhaps go into the emergency room system? No. We have the situation as Members of Congress where we can say, no, you can get help and you can get treatment.

Why not for the rest of the country? Why not look at this as a cost-saving measure? This is more than just a compassionate measure. I speak as someone who has treated the mentally ill all my professional life, for 25 years. I know time and time again, when the people who are trained in this field to do something are told, no, you can't see this patient anymore, what do you say to the autistic child's parents? What do you say to somebody suffering from depression? What do you say to that person with anorexia or bulimia or any host of other problems when you have to say you are not covered, and so they are treated by someone with nothing in terms of experience in that field?

If we really want to save money, if we really are looking at things to help business, let's look at and see what AT&T and Pepsi and PPG and other corporations have said, that it saves them millions of dollars in indirect costs, billions of dollars.

Let's be honest about this. If we leave the system the way it is, we will see more wasted money. We will see more deaths. We will see more people mistreated or lacking treatment. Let's do the right thing.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to our distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I am pleased to follow my friend Mr. MURPHY who just spoke, with whom I agree entirely. This will be a cost savings. I want to congratulate as well PATRICK KENNEDY and JIM RAMSTAD, one a Democrat and one a Republican.

But this is not a partisan issue. This is not a Republican or Democratic issue. It is an issue of human beings. It is an issue of people that need help and have been denied it, people who are one

of us, as Mr. MURPHY so eloquently and correctly pointed out.

I rise in strong support of this legislation. I strongly support this long overdue bipartisan legislation to end discrimination against patients seeking treatment for mental illness. Mr. KENNEDY spoke of that discrimination.

I want to commend Congressman KENNEDY and my friend Congressman RAMSTAD. Congressman RAMSTAD is going to be leaving us, but he has been one of the best Members that has served in this body, who looks at issues on their merits, not on partisanship. We all ought to do that.

This legislation, the Paul Wellstone Mental Health and Addiction Equity Act, now has 274 cosponsors on both sides of the aisle. Under this bill, an insurer or group health plan must ensure that any financial requirements such as deductibles, copayments, coinsurance and out-of-pocket expenses which apply to mental health and addiction treatments are no more restrictive or costly than the financial requirements applied to comparable medical and surgical benefits that the plan confers.

Why does it do that? It does it because in America we want healthy people; not physically healthy people or mentally healthy people, but people who are physically and mentally healthy, because obviously there is an extraordinary relationship between the two. Under this bill, we will accomplish that end.

It also requires equity in treatment limits. This means that the treatment limits, such as the frequency of treatment, number of visits and days of coverage applied to mental health and addiction benefits, are no more restrictive than the treatment limits applied to comparable medical and surgical benefits. Why? Again, because we want to effect the health of the individuals we are serving.

It is important to note that this bill only applies to insurers and group health plans that provide mental health benefits. That is, it does not require plans that do not currently offer mental health benefits to do so. It simply says, if you provide mental health benefits, do so equitably and fairly and equally. That is why PATRICK KENNEDY referred to this as a civil rights bill. It is a civil rights bill.

It also exempts businesses with 50 or fewer employees and businesses that experience an overall premium increase of 2 percent or more in the first year and 1 percent in subsequent years. We believe that perhaps will not happen, but it provides for it.

Research has shown that there has been no significant cost increase attributable to the parity requirement in the Federal Employees Health Benefits Program, which has made parity coverage for mental health care available to more than 8½ million Federal employees for 8 years. So we have had experience at this. This is not a radical departure. This is, however, the provision of equal treatment.

Furthermore, this bill's enforcement mechanisms are real, permitting the IRS to enforce and levy fines and penalties on plans for disallowing employers from deducting health care costs as an expense.

The two offsets in this bill were included in the Children's Health and Medical Protection Act, or the CHAMP Act, which passed the House last August. The first increases the rebate or discount that drug companies are required to provide State Medicaid programs for drugs provided for Medicaid beneficiaries. The second prohibits physicians from referring patients to hospitals in which they have an ownership interest, with the ability to grandfather existing physician-owned hospitals.

It is telling, Mr. Speaker, that this bill is supported by, among others, the American Medical Association, the American Hospital Association, the American Nurses Association, the American Psychiatric Association, and the American Psychological Association.

On the steps of the Capitol in a press conference with the Speaker, with Mrs. Rosalynn Carter, Mr. KENNEDY and Mr. RAMSTAD, as well as David Wellstone, I said that the United Negro College Fund has a wonderful phrase that it uses, and that phrase is that ''a mind is a terrible thing to waste.'' That is so very accurate. And if a mind is a terrible thing to waste, it is a terrible thing not to treat, as we would treat the broken arm or the diabetes or any other physical ailment.

This bill makes America healthier. This bill will save money. This bill makes good sense, morally and economically. Support this vital piece of legislation.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), another member of the committee.

Mr. SULLIVAN. Mr. Speaker, I rise today in support of H.R. 1424, the Mental Health and Addiction Equity Act of 2007. I would like to commend Congressman KENNEDY and Congressman RAMSTAD for the work they have done on this bill.

There is a problem I have with it, though. I am disappointed with the offsets that are in there. I think these offsets do punish the pharmaceutical industry for participating in the Medicaid program, and it places financial limitations on physician-owned hospitals. Unfortunately, these offsets are essentially just a political game, and I hope at the end of the day they are not in this bill.

Mental health illness, if someone has a biologically based mental disorder, it is no fault of their own. They either have it or they don't. It is a chemical imbalance of the brain, and I think it should be treated like any other illness, and it is high time in this country that we do that.

This bill, people are going to say, we are going to score it, it is going to cost all this money. It is not. Some research says we spent $100 billion last year on untreated mental illness in lost productivity in the workforce in this country, and last year we lost $400 billion in lost productivity in the workforce due to substance abuse problems in this country. It is high time that we do not brush this issue aside anymore. We can't do it. It is costing us way too much.

My State of Oklahoma has the highest rate of mental illness in the United States of America. I don't know why, but we do, and we need to address it. That is why I was so glad that Congressman KENNEDY did come to my district to hold a field hearing there.

We heard from businesses. We asked them point-blank, one of the biggest employers in my district, we said, is this going to cost you money? He said, no, it will help us. It will save money. We talked to other people in the district about that as well.

People need this desperately. It is high time that we do treat people that have a mental disorder just like anyone else that has diabetes, a heart illness, or any other illness. I urge my colleagues to support this measure.

□ 1700

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman, who is our wonderful chairman of the Health Subcommittee in the House, for yielding. I want to begin by paying tribute to our colleagues, JIM RAMSTAD and PATRICK KENNEDY. They came to my congressional district for a hearing, and there was an outpouring. But, in addition, there was an outpouring across the country and I believe that they carried a candle across the country and that candle has lit the way. They lit the way with their integrity, with their courage, with their patience to listen, and their legislative craft of the bill that is brought before the House today. So to both of you, I salute you and the country thanks you.

America is best when we see where we have not done right, where there is a wrong, and we correct it. Congressman KENNEDY said today that this is civil rights legislation, and it is. Every Member of the House should recognize that, today, we have the opportunity to break down a barrier, one of the last barriers in our country where those that have mental illness are indeed discriminated against in the insurance system of our country.

Now there are some in my congressional district that have led the way.

Tony and Fran Hoffman helped to found the National Association of Mental Health. Eve Oliphant has worked for that. And I am really proud that David Wellstone, the late Senator Wellstone's son, is a constituent as well.

There are some very important points that have been made about the bill. There are also many things that have been thrown at it. For those that say that jet lag is going to be paid for by insurance companies, don't insult people that have mental health illnesses in our country. That will not happen. So, my colleagues, let's pass the civil rights legislation today. We will do the country good by doing so.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 4 minutes to the ranking member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I want to thank Congressman DEAL for his excellent leadership of this issue and floor time and his demeanor and ability to coordinate the effort. I really appreciate that.

Mr. Speaker, I, along with every Member of this body, am very concerned about the almost invisible illness which we call mental illness. There is absolutely no question that it is real. There is no question that we need to do more to alleviate it and treat it and, if possible, make it possible for those that have it to be cured of it. Unfortunately, the bill before us today doesn't do that.

We are in the process of putting together a bill that, if it passes in its current form, does nothing more than bureaucratize, in my opinion, the treatment of mental illness. It goes so far as to put the entire catalog of various diagnoses into Federal statute. I don't think that makes a lot of sense. This Diagnostic and Statistical Manual has numerous categories that are very real abuses, very real problems, but I think it is a debatable proposition whether they constitute mental illness.

For example, code V71.01 of the Diagnostic and Statistical Manual covers professional thieves, racketeers, and dealers in illegal substances. Now in my book, those are thugs and criminals; they are not people suffering from a mental illness. And I don't want, if this bill were to become law and the Diagnostic and Statistical Manual be put into Federal statute, for a criminal defense attorney to stand up in court and cite this law as a reason that their client should be treated for mental illness and not be subject to criminal penalties and hopefully, if proven guilty, put behind bars.

There is a better bill. It is a bill that has come out of the other body. It is a bill that was put together in the other body with bipartisan support. In my opinion, it is a better bill than the bill before us. I would hope that at the appropriate time we might work with the other body and adopt more of that language than the language before us.

Finally, Mr. Speaker, I am concerned that this bill came before us under a closed rule. We did have an open debate in the committee and I want to commend Chairman DINGELL for that. But coming to the floor, we were offered no substitute. We were offered no amendments.

I am also concerned about the offset. The offset is an attack on physician-owned hospitals. And it is kind of odd that the same provision that the CBO now scores as saving hundreds of millions of dollars over 5 years and billions over 10 years, 3 years ago had no savings at all when we looked at a similar provision in the Budget Reconciliation Act.

So I would oppose this on procedural reasons and also policy reasons and hope we would defeat it and then work with the other body on some version of the bill that has already come out of the other body.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, this bill has been a long time coming, and I am sure Senator Wellstone would both be pleased to see us addressing this issue, finally, and also so, so proud of our colleagues, Mr. KENNEDY and Mr. RAMSTAD. The bill will provide countless protections to patients by preventing discrimination and treatment limitations by insurance companies.

All too often I hear stories about children with eating disorders, parents who are substance abusers, individuals with bipolar disorder, or any other number of mental health disorders who have been unable to access coverage for mental health services. These disorders are just as great as any physical malady and, frankly, oftentimes they have a greater impact on an individual's ability to live a healthy, happy life as a productive member of society.

Last year, during our hearing on this bill, for example, we heard from a woman named Marley Prunty-Lara, who was diagnosed with bipolar disease at the age of 15. Her family had to take out a second mortgage on their home and move to another State just to afford care. However, with proper treatment, she is now a fully productive member of society and in fact credits her treatment for saving her life.

What I remember most vividly from her testimony is how lucky she felt that her family was able to afford coverage although they had to make sacrifices to do so. And then I thought, what about all of the other individuals in this country whose insurance companies do not provide them with mental health benefits and cannot afford treatment? What about the individuals whose benefits run out before they have fully recovered? And what about people with chronic conditions? Just like my little 14-year-old daughter has type I diabetes, she will get the treatment she needs for the rest of her life. But what about people with mental health conditions who do not? We know that mental health is fundamental to good health. That is why we need to support this legislation.

I find it interesting that we are addressing the question of how we as a society want to pay for mental health at the same time as we are addressing the same question in the context of the President's budget and health care for children. I honestly hope that we can pass this legislation today and finally put the days of discrimination toward individuals with mental health or substance abuse disorders behind us. It is time to finally pass the Paul Wellstone Mental Health and Addiction Equity Act.

Mr. DEAL of Georgia. I am pleased to yield 2 minutes to another member of the committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I support the Senate-passed version of the mental health parity legislation. It was carefully crafted between mental health groups and business groups. And everyone should note that not all of the mental advocacy groups support this House language. They see some dangers in it.

In particular, in the bill that we are discussing, employers are allowed to drop their mental health benefits, and there is great concern that employers in fact will do that because of the overly broad coverage mandates as specified in the Diagnostics and Statistical Manual which is included in this bill.

The American people must know that the bill before the House today, again, is not supported universally by mental health advocacy groups as the Senate bill is. HEATHER WILSON offered an amendment in the committee; it was defeated. I am very disappointed that no amendments were offered in the Rules Committee. This is, once again, shutting down the democratic process of this House.

I don't know what you have to fear. I am really concerned about that. I am also concerned about the pay-fors for this. To substantially increase the Medicaid prescription drug rebate as one of the offsets, this significant increase could have a detrimental impact, because when you increase these rebates, there is going to be a cost shift, and that cost shift is going to have a depreciative effect. The effect will be you will increase the price on premiums, you will have an increased price of drugs on someone else.

Also, I am very bothered that the second pay-for of the bill would limit Americans' access to the specialty hospitals. These are benefits that so many people are enjoying, these specialized hospitals. They have higher patient satisfaction, lower mortality rates, and lower overall costs for health care. So at a time when our Nation's health

care costs are rising and the quality of our care is a top concern, I am very bothered that this provision would cut out that important market innovation.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I first want to congratulate the sponsors and thank them, Congressman KENNEDY and Congressman RAMSTAD, for their tireless effort on behalf of this bipartisan bill. I also want to pay tribute to Paul Wellstone. He and his wife Sheila were very good friends of me and my family. They were both leaders in ending discrimination and making sure that every person in this country has access to affordable comprehensive care, including comprehensive mental health and substance abuse treatment.

And, if Paul were here today, he would no doubt tell some stories about those he had met throughout the years who would benefit from passing H.R. 1424. And in his absence today, I remember the many, many constituents who I have heard from since first being elected to the Illinois State legislature many years ago who shared with me the need, their desperate need to pass mental health parity legislation.

Every year, about 40 million of us will experience some type of mental disorder; yet one out of every two children and two out of every three adults with diagnosable mental disorders go without treatment.

The good news is that so many mental illnesses are manageable and treatable and curable. The bad news is that, for so many, treatment for mental illness lies far beyond their reach due to high cost sharing and lower caps on services.

Some have said that using the handbook that defines mental health illnesses and is used by the mental health professionals somehow will add to the costs and jeopardize access altogether. But when implemented in the Federal Employee Health Benefit Program, our own program, in 2001, costs did not increase and not one single insurer dropped out. If we are able to benefit from this level of coverage, shouldn't our constituents get at least that much?

Maintaining strong mental health is just as important as maintaining strong physical health, and it is critical that we pass the strongest parity bill we can today.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to yield 1 minute to my colleague from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

As a physician, I have been involved in treating mental illnesses and my family has suffered from mental illnesses, and I have a tremendous interest in this area. But this bill is going to actually drive people away from being able to have health insurance coverage.

There are many things about this bill that are wrong and bad. I know it is well-intended, but I highly encourage people to vote against this bill because, though the bill is well-intended, I think it is going to cause disastrous effects and I think employers are going to opt out from giving their employees mental health coverage on their insurance. So I highly encourage my colleagues to vote against this bill.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Speaker, right now there are millions of patients and families around this country who are too scared to talk about the mental illness they are dealing with. They are too scared to go and seek treatment for that mental illness.

□ 1715

And there are millions more in this country who are living in denial, thinking they can just wish away their debilitating illness.

The legislation that we are passing today, that States like Connecticut and others around the country have been passing for the past 10 years, it is going to do a lot to get treatment to those who have insurance.

But I think just as importantly, it says this, it puts the full power of the United States Congress behind the effort to lift that veil of shame and secrecy that too often visits families and patients who are living with mental illness. Mr. KENNEDY and Mr. RAMSTAD are true heroes to those families dealing with mental illness today, and on their behalf, I thank them.

Mr. DEAL of Georgia. Mr. Speaker, I yield the balance of our time, 2 minutes, to a member of the committee, the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, as a physician, I understand the high cost of treating mental illness and substance abuse. I am also personally familiar with how the cost of this care can keep people from receiving the help that they need. But the bill before us does not solve the problem. In fact, it creates some new ones.

The bill is problematic for a multitude of reasons, and we can visit but a few of them. No insurance plan covers every possible physical diagnosis. Then why are we insisting that insurance plans cover every possible mental health or addiction diagnosis no matter the medical significance?

This bill will cost Americans more money and could cost Americans health benefits. According to the CBO, H.R. 1424 will drive up the cost of health insurance for everyone and lead some employers to drop mental health insurance benefits completely.

Another problem is the codification of the Diagnostic and Statistical Manual of Mental Disorders. The DSM-IV is not designed for legal use. It was designed for clinicians so we can adequately diagnose and adequately measure the response to therapy.

The Senate bill, on the other hand, is reasonable. It has been developed with input from patient advocates, mental health providers, and employers. This bill has offsets, and the offsets are counterproductive, such as limiting physician ownership in specialty hospitals. They are very few in number, but specialty hospitals are strong in quality and performance. Maybe that is why the Democrats feared them: They represent high-quality performance that results from competition.

For example, in my area in Texas, Baylor Health in Dallas was named the recipient of the National Quality Forum's 2008 National Quality Healthcare Award. Baylor has a joint venture, a partnership, with physicians sharing ownership of its facility. The bill before us today jeopardizes the high level of care and patient access to care provided by facilities such as Baylor.

The basis for savings calculated by the Congressional Budget Office is flawed data; and quite frankly, it is not relevant to the delivery of health care in the 21st century. And once again, we have another example of how this House leadership will choose politics over policy to the detriment of the American people.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, last March Congressman KENNEDY came to western Pennsylvania to hold a hearing with me and Congressman TIM MURPHY about the critical need for mental health parity legislation. Now, almost exactly 1 year later, I am proud to rise in support of the Paul Wellstone Mental Health and Addiction Equity Act. This much-needed legislation will eliminate the discrepancies between health insurance coverage for mental and physical illnesses by ensuring that patients seeking mental health services are no longer penalized with higher copayments and coverage restrictions.

Passage of this bill is a key step towards ending the stigma surrounding mental illness. Of the 44 million Americans living with mental illness, two-thirds did not receive the treatment they need. Treating mental illness is not only critical to mental health, but also prevents physical ailments that arise when mental health conditions go untreated.

So, Mr. Speaker, this bill will help improve the mental and physical well-being of millions of Americans, and I ask my colleagues to support this bill.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time until the end of the debate.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) is recognized for 20 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in very strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, named in honor of the late Paul Wellstone, who fought vigorously for better treatment for mental illness.

We in the Congress have known for many, many years, and so many of our constituents in our communities that we represent have known for so many years, the need for coverage for those individuals who need mental health treatment, whether it is for themselves or members of their family, and the difficulty in not only having coverage, but providing that care and to make sure that some form of that care is reimbursed. This has been a struggle for many years.

Today we address that struggle head-on with the consideration of this legislation, but we would not be standing here today without the efforts of Paul Wellstone and all of his efforts to rule out the discrimination against individuals in need of mental health services. He is joined in that fight, and they have led that fight, by Congressman PATRICK KENNEDY and Congressman JIM RAMSTAD. Again, we would not be here today debating this legislation and hopefully later this evening passing this legislation so that we can, for the first time, offer as a matter of national policy the idea that there would be parity in the coverage between physical illnesses and mental illnesses, to make sure that those people can get that coverage, can get the treatment that is necessary, can get the care that is necessary for them and for their families.

Yes, the fact is that a number of States have laws governing this treatment for mental illness and the reimbursement for those services, but Federal law still hampers the reach of many of those laws. And as a result, many of the people who would be otherwise covered are not covered, and they continue to suffer under those discriminatory practices, and they fail to get the services that they need so they can live a better life and so their families can live a better life.

Today we get an opportunity because of the hard work, the efforts that Congressman RAMSTAD and Congressman KENNEDY have made to travel this country, to talk in communities all across the country, to inform them and to discuss with them the possibilities of this legislation, what it would mean to individuals, what it would mean to families, what it would mean to the general health care in this country. They have taken on that mission, and they have convinced, I think, the vast majority of the country, and they have certainly enlisted those who understood the problem before their appearances that this is a problem that we need to address and we need to address now and we need to address in the most comprehensive fashion that we can.

This legislation doesn't do all that I would like to see it do. It doesn't do all that Congressman KENNEDY or Congressman RAMSTAD would hope that it would do. And it doesn't do all that Paul Wellstone wanted us to do in terms of eliminating all of those discriminatory provisions. But it is a magnificent start, and we should begin by passing this legislation today.

Mr. Speaker, at this time I yield to the gentlewoman from New York (Mrs. MALONEY) for a unanimous consent request.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this bill. It is long overdue.

Mr. Speaker, I rise in strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act.

This bill requires group health plans to cover mental health and substance-related disorders the same way they cover medical and surgical disorders.

It's time we permanently end discrimination on the basis of illness.

We all know that mental illness is just like any physical illness. But we would never think of limiting treatment for cancer, heart disease, or diabetes.

People would be outraged.

So, it's amazing to me that some people still see mental illness as different and separate from physical illness.

In New York City, since 9/11, we have all seen an increase in the number of people seeking mental health services.

No one should feel ashamed for seeking needed healthcare and no one should be denied care simply because they cannot afford it.

More than ever, our returning soldiers, our firefighters, and our police officers, are suffering from traumatic events and need the proper care.

Our soldiers are coming home from Iraq and Afghanistan suffering from Post Traumatic Stress Disorder and other mental health problems.

Too often, the stigma associated with mental health prevents them from seeking the care they so desperately need.

In my own district, our police officers and others are still coping with the horrors they witnessed after the tragedy of 9/11.

Thanks to the New York City Police Foundation's program, Project COPE, civilian and uniform members of the New York City Police Department (NYPD) are able to access mental health services.

Project COPE is an example of an outside group providing mental health services because too many people are going without proper treatment.

I am proud that today, as a bipartisan body, we will pass legislation that will help ease access to treatment and will help millions of people and their families battling mental illness.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to Mr. ANDREWS of New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my chairman for yielding and commend Congressman KENNEDY and Congressman RAMSTAD for bringing this bill to our attention.

Someone who is struggling with substance abuse addiction or bipolar disorder, they shouldn't be under a different set of rules for getting their bills paid by their insurance company than if they had a knee injury. That is what this is about. If you have a $500 deductible for knee surgery, you ought to have a $500 deductible for your care for alcoholism or drug treatment or bipolar disorder. The insurance industry would be required to do that under this provision.

What would be wrong with that? Why would people be concerned about this? The first argument that we have heard is that there is a defined set of benefits that would have to be offered here to protect people with mental health and substance abuse issues. Well, there is a reason for that, because the insurance industry in this country has made it a practice of telling us what they don't cover. It is a cottage industry for people to find out that procedures are experimental or there is not enough justification. People find out every day that coverage they thought they had is no longer covered.

The second objection we hear from people is that this costs too much. That directly contravenes the evidence. As a matter of fact, the evidence shows over the long haul this saves money. And in the worst case scenario, the premium increase because of mental health parity laws is 0.6 percent per year, a minimal cost that is far outweighed by the benefit.

Finally, we hear concerns about small businesses. This provision exempts small businesses of 50 and fewer employees.

This is simple good sense. It says that a substance abuse problem or mental health issue should be treated under the same rules for getting your bill paid by your insurance company as a knee operation would be. Mental illness and substance abuse reaches across racial lines, class lines, religious lines, and geographic lines. It reaches into many, many families, including families represented in this institution.

This is a reform that is long overdue. It is why it is a reform that has support from both Republicans and Democrats. I would urge my colleagues on both sides of the aisle to take a commonsense step towards helping families across this country and vote ''yes'' on this much-needed piece of legislation.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) is recognized for 20 minutes.

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

Mr. Speaker, I rise in opposition to H.R. 1424. Today we are attempting to enact legislation that achieves ''parity'' in the treatment of employer-sponsored coverage for mental and behavioral illnesses. However, although

the House bill is well-intentioned, it does not accomplish the goal of providing parity. Instead, it creates new mandates so onerous that they could do far more harm than good, potentially squeezing employers out of the voluntary health care system altogether or eliminating the very mental health benefits we are trying to provide.

First, this bill would give preferential treatment in our health care system to mental health benefits, affording mental illness a special status that is not given to other similarly severe medical illnesses.

For example, under the House bill we are considering today, virtually every mental illness defined by the mental health profession would be required to be covered by private plans. This, despite the fact that most States currently do not mandate this type of coverage. Also, H.R. 1424 does not place a similar requirement on private health plans to cover other types of medical benefits, including hospital services, physician services, drug benefits, or any other category of benefits. What this bill really accomplishes is not ''parity'' between mental health coverage and the medical and surgical benefits that are offered by plans; it is quite simply preferential treatment for mental health benefits over and above all other categories of medical benefits. The changes that have been made to the floor version of H.R. 1424 fail to address these serious concerns.

Second, we have heard the bill's supporters say that this is a balanced bill. Respectfully, it is not. The bill fails to adequately and explicitly protect the ability of private plans to apply commonsense medical management practices currently being used to help ensure the delivery of high-quality medical care and ensure that coverage for working men and women remains affordable.

□ 1730

Under this bill, plans would likely have to pay a mental health provider's bill without question, which would make it very difficult to control costs.

Third, this bill unnecessarily weakens the preemption requirements in the ERISA law. As a result, States would be free to enact standards greater than the Federal standard. Although the majority may argue that ERISA preemption is maintained, their language, at a minimum, raises serious questions about the ability of States to enact laws and remedies that preempt ERISA and impact group health plans that currently operate under Federal law.

Litigation to determine the meaning of this provision will result and group health plans could be subjected to possibly 50 different State laws on mental health benefits, making it harder to provide one set of rules that apply to all plans. This violates a fundamental rule of ERISA, which creates efficiencies by preventing plans from having to comply with 50 or more different sets of laws. One set of rules, applied equally to all ERISA plans, makes high-quality coverage affordable and available to millions of Americans. If the majority were truly interested in preserving ERISA, they would have adopted the noncontroversial language contained in the competing Senate mental health parity bill.

Fourth, the bill mandates out-of-network coverage if any other benefit is operated on an out-of-network basis. This mandate will prevent plans from coordinating medical care, which will reduce quality and increase the cost of coverage.

Lastly, this bill will increase litigation against ERISA plans by permitting application of State remedies to federally mandated benefits. There will be absolutely no consistency in State court rulings, and litigation costs could skyrocket.

Mr. Speaker, while the broad issue of mental health parity enjoys widespread support, this bill does not. It is not a negotiated compromise between all parties that have a stake in this debate and, therefore, it is not in the best interest of the country as a whole.

However, a viable alternative to the House bill with broad mainstream support already exists and has passed the Senate. The Senate's bipartisan bill has extensive support from mental health advocates, health care providers and business groups representing virtually all sides of this debate. The Senate bill is the product of years of bipartisan negotiations which accomplishes exactly what it sets out to do, provide parity for mental health benefits. It clearly reflects a more balanced and viable solution, and has a much better chance of becoming law if it were considered and passed by the House. Sadly, the majority has refused to consider that legislation, and instead offers the bill we are debating today, which gives preferential treatment to one particular class of medical benefits and has little or no chance of becoming law. Unfortunately, passage of the House bill will likely make it much more difficult to pass meaningful parity legislation this year.

For the reasons stated, I must oppose this bill and encourage my colleagues to do the same.

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

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time of the gentleman from California.

There was no objection.

Mr. ANDREWS. Mr. Speaker, at this time I would like to yield 30 seconds to the author of the bill, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I just want to take issue with the point that this is giving some kind of preferential treatment to mental health benefits. If the gentleman would yield for a second on the point, we're having to state that mental health benefits need to be in the bill because no one questions when you get a broken arm, that it's automatically covered. But if it's a mental illness, it's discriminated against. Why we have to put this in the bill is because if we don't, it gets discriminated against. It's as simple as that. That's why we're on the floor today because we have to put it into civil rights law so it's not discriminated against. That's why we're on the floor today. That's not preferential treatment.

Mr. ANDREWS. Mr. Speaker, I am pleased at this time to yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK) who has been a vigorous advocate for mental health issues since his arrival here.

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of the Paul Wellstone Mental Health and Addiction Equity Act. This bipartisan bill is the product of many months and even years of thoughtful negotiation, and I congratulate the authors of this legislation, Congressman KENNEDY and Congressman RAMSTAD, on their work to move this bill forward. And I might add that I did know Paul Wellstone, and I knew Sheila very well, too, and I know the both of them were strong advocates on this issue.

I, like many others, have personally felt the effects of mental illness in my family. My mother struggled with mental health issues for as long as I can remember, and I know firsthand how difficult and draining her struggle was.

We have all heard the statistics. One in every five people in our country will experience a mental illness this year. Many of these individuals will seek treatment, and without this legislation many would be denied. This is unacceptable.

I hope today this House will understand the importance of equal access to treatment for those suffering from mental illness. I was elected to this House to do the right thing for the people of the Second District of Iowa and the right thing for the people of America. This is the right thing to do, and I urge my colleagues to support this bill.

Mr. MCKEON. Mr. Speaker, I yield 5 minutes to the gentlelady from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I'm here today to speak in opposition of H.R. 1424. This bill, although well intended, comes with a long series of unintended consequences. And while I fully support the bipartisan efforts to bring parity between mental health and medical benefits and employer-sponsored health care plans, I cannot support this bill as it is currently written. In fact, in my mind, this legislation will diminish care for patients, will increase costs, will restrict access to care, will

restrict access to specific hospitals and doctors, along with hurting the financial investments made personally by doctors and specialty hospitals.

Oklahoma has one of the highest concentrations of specialty hospitals in the Nation, and I've had the opportunity to visit a large percentage of them. These specialty hospitals offer very good quality care with physicians who are trained specifically in areas of expertise to deliver to their patients.

These facilities offer specialties anywhere from hip and bone replacement to gynecology, to cardiology, to heart hospitals, spine hospitals, and they do provide some of the best medical care possible in the whole Nation. In fact, some of our hospitals have grown by leaps and bounds because they have people coming from all over the Nation, and they've even been rated as some of the top hospitals in the Nation.

By interfering with the ability of physicians to refer their patients to specialty hospitals, this bill will throw up a legal barrier to good medical treatment. I personally believe that competition is good in a marketplace. It improves the delivery of services. It improves the quality of services and delivery of care. It also offers greater transparency of pricing. We talk a lot in this Congress about patients knowing the price of medical care. It also offers greater transparency in the quality of care, the outcomes of the care so patients can make better choices about their treatment and become more informed about their treatment.

Specialty hospitals and medical specialties also allow doctors new ways for innovation and treatments, new techniques. They bring new techniques and innovations to the marketplace that might not always be there in our regular hospitals. And they've also shown in many cases to have better health outcomes because their doctors specialize in these particular medical practices.

This legislation would restrict patient choice to not be able to choose doctors who would specialize in a heart procedure and a hip replacement or maybe even delivery of babies.

Specialty-owned hospitals have also documented that they can have shorter stays, that they have lower infection rates, sometimes up to 50 percent lower infection rates, lower infection rates of staph infection and lower risk of illness. When you take a person who is going in for a hip replacement and you put them in a hospital with someone who has the flu, you put that person at risk of getting another illness. And when you have a specialty and they're going in for a hip replacement and that's their illness, there's less risk of another illness coming upon that patient.

We also find that a large portion of our medical specialty hospitals take big portions of Medicare patients. I know that that's been a big concern. They are Medicare certified. In fact, many of the hospitals take up to 65 to 70 percent Medicare patients in their facilities. And many of them are required to have the emergency rooms. McBride Hospital, for instance, in Oklahoma City is the third largest hospital in the whole Nation for hip and bone replacement, and people come, as I mentioned, from all over.

They're also required to meet all the procedure requirements of a full-blown hospital. We find that the other hospitals in our community often refer their patient to our specialty hospitals.

If you look at other systems that have rated specialty hospitals and these practices, HHS, MedPac, GAO have studied physician-owned hospitals, specialty hospitals, and found no negative impact on general hospitals. In fact, I heard one speaker say today that 3 percent of our Nation's hospitals are specialty hospitals.

It also has found that there's no evidence of increased utilization by physicians in facilities in which they own, which they have ownership.

And, of course, specialty hospitals have created jobs and investment in our community and have some of the best rated services in our whole Nation.

So today, Mr. Speaker, as we are considering this mental health parity bill, which is an important subject, I find language that I believe will be a disservice to patient choice, patient quality of care in our Nation.

Mr. ANDREWS. Mr. Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from New Jersey controls 12½ minutes. The gentleman from California has 9½ minutes remaining.

Mr. ANDREWS. Mr. Speaker, at this time I am pleased to yield 2 minutes to a gentleman who has become expert on both the military and civilian health care system, my friend and neighbor from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I rise in support of H.R. 1424 for three simple reasons based upon my experience in the U.S. military:

First, today we're seeing 17 percent of those who wear the cloth of our Nation in Iraq and Afghanistan returning with post-traumatic stress disorder. And over one-third are returning with a mental disorder from anxiety to depression. They will feed into our society. How can we not give them the same parity as we do to those who are double amputees and we give prosthetics?

Second, again in the military we put money in in order to prevent a greater crisis. We were the insurance for this Nation. Presently, we spend up to three times the cost, indirect cost of mental illness as it would take for the treatment. How can we not pursue this, both for the good of the individual and the cost-benefit for our society?

And the third simple reason is, I honestly do believe in the ideals that Hubert Humphrey said. The moral test of our government is how well it takes care of those in the dawn of life, the children, those in the twilight of life, the elderly, and those in the shadows of life, the sick, the disabled, the handicapped. I'm sure he would have included in that the mentally disabled, the largest disability in America.

Mr. MCKEON. Mr. Speaker, I'm happy to yield now 4 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I spoke earlier today about my grave concerns about this bill. I noted that I did my very best to offer amendments to this bill that would mitigate some of the damages that this bill will cause, which will include increased health care cost, and an actual decrease of mental health coverage for many Americans.

What my very sincere but misguided colleagues on the other side of the aisle repeatedly forget is that actions have consequences. When Congress chooses to impose billions of Federal Government mandates on the private sector, they somehow seem to believe that the money that it will take to pay for those mandates will just somehow drop out of the sky or grow on trees. I'm here to remind them that it doesn't. Someone must pay for it.

There's a great thing that we call the free market in America. I'm an ardent capitalist, and I believe that the marketplace, unencumbered by government regulation, is the best way to control quality, quantity and cost of all goods and services, including health care.

The reality is when government steps in and tries to improve the marketplace, they impede and harm the efficient delivery of goods and services, and this definitely includes mental health care.

□ 1745

Please understand me. I'm in complete agreement that mental health is an extremely important issue, but we have over 200 years of capitalistic experience in America that proves beyond a shadow of a doubt that heavy-handed government regulations just simply do not work, no matter how well-meaning they are.

We in Congress will harm Americans if this bill passes. We are trampling on the private sector, punishing employers that already offer a mental health coverage to their employees. We're harming Americans that desperately need mental health coverage, and we're trampling on the Constitution which does not give us the right to impose these restrictions and mandates on the American people and American businesses.

It is an undeniable fact that this bill includes private sector mandates in billions of dollars. It's also a fact that one thing this bill does not mandate is that employers provide mental health coverage, but for any employer that does provide that coverage, and many do and they're commended for doing so, Congress is now going to greatly increase their costs and put regulations on them in their doing so.

And in turn, what will they do? Just grin and bear it? Well, some likely will, possibly cutting costs in other areas, but there will be undoubtedly many businesses that cannot afford these burdens and will simply drop mental health coverage. That will be a shame, and it will be Congress' fault.

The real solution to health care costs, and that's all our health care costs, and the coverage is to stop these mandates and get the regulatory burden off of the health care system, including providing mental health care.

Mr. ANDREWS. Mr. Speaker, at this time I'm pleased to yield 1½ minutes to a very powerful voice for the voiceless, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I rise this afternoon to voice my strong support of this bipartisan legislation. I became an original cosponsor of the Paul Wellstone Mental Health and Addiction Equity Act of 2007 because I recognize the inequities in our health insurance system.

As a social worker and administrator, I saw firsthand that insurance companies did not cover mental illnesses the same way they covered other illnesses. This created extra strain on patients, families, and health care providers in the communities they live in. Requiring higher deductibles and copayments also blocked access to health care for many.

H.R. 1424 remedies these problems by requiring mental health parity. There should be no difference between a pain in one's abdomen and mental pain or the pain of addiction, but these patients and their families do not receive the same support and help to stabilize their condition and walk the road to recovery. This is wrong and it's time to remedy this discrimination.

I urge my colleagues to vote ''yes.''

Mr. MCKEON. May I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 6 minutes remaining. The gentleman from New Jersey (Mr. ANDREWS) has 10 minutes remaining.

Mr. MCKEON. I'm going to be our last speaker.

Mr. ANDREWS. I have others I can yield to.

Mr. MCKEON. I'll reserve.

Mr. ANDREWS. Mr. Speaker, I'm pleased to yield 2 minutes at this time to a gentleman who really understands the interface of insurance and health care law, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in strong support of the Wellstone Parity Act. This legislation will move our country forward to a more intelligent, humane, and cost-effective health care system.

Intelligent because it recognizes a scientific fact, that mental illness and disease can be diagnosed and treated like any physical illness and disease.

Humane because it will provide relief and care for millions who suffer needlessly.

And cost-effective because providing access to primary mental health treatment saves much more expensive catastrophic health care costs and increases productivity of workers suffering from illnesses such as depression and alcoholism.

This is not just a theoretical claim, Mr. Speaker. States like the State of Connecticut, which I come from, have had an operational parity bill for a number of years. It is precisely because of that fact that the carefully crafted language surrounding ERISA by the Education and Labor Committee was designed to protect existing parity laws for State-regulated health care plans. We did not want to have a bill that resulted in States ending up going backwards rather than forwards, and commissioners from States like Wisconsin and Connecticut weighed in and advised our committee to, again, make sure that we design the ERISA language carefully to protect State-regulated plans.

Finally, this legislation adheres to fiscally sound PAYGO rules. And on that note, I would again salute the work that's been done and will work to make sure that these policies in the bill will not stifle research and development for new medical cures and treatments to help those suffering from mental health and addiction problems.

Again, I urge passage of this strong, bipartisan legislation. It is long overdue that our country move in this direction.

Mr. ANDREWS. Mr. Speaker, I'm pleased to yield 2 minutes to my friend and neighbor from the State of New Jersey, Mr. HOLT.

Mr. HOLT. Mr. Speaker, I thank my friend, Mr. ANDREWS.

Mr. Speaker, it will be a landmark day when we realize that health is not just about fixing broken bones. It's about having a healthy, complete individual from head to toe.

Today the House takes an important step to require mental health parity in insurance, and I particularly want to thank and recognize PATRICK KENNEDY and JIM RAMSTAD, and the late Paul and Sheila Wellstone.

Mr. Speaker, millions of Americans suffer from mental illness of some form. Few Americans are untouched and no one is immune.

Some of my colleagues have expressed their concern about the cost of providing mental health parity; yet an analysis of the bill indicates that it would result in an increase of less than 1 percent in premiums and would reduce out-of-pocket costs by about 18 percent. Further, according to a recent article in the Journal of the American Medical Association, employers who actively encourage their employees to use mental health services actually experience better health outcomes and, I want to emphasize this, increases in hours worked and productivity gained.

I include in the RECORD an editorial from the Journal of the American Medical Association from last September of 2007 dealing with the treatment of depression.

REDUCING THE BURDEN OF DEPRESSION—BUILDING VILLAGES FOR COORDINATED CARE

(Kenneth B. Wells and Jeanne Miranda)

In this issue of JAMA, Wang et al provide evidence that implementing depression care programs through employer-sponsored managed behavioral health can improve clinical outcomes, job retention, and effective hours worked compared with usual care. The programs encouraged depressed workers to learn about and use evidence-based depression treatments, supported clinicians in following practice guidelines, and offered telephone counseling and self-help workbooks. The monetary value of the increased work time under the program exceeded the direct intervention costs and likely exceeded or was within the range of cost increases due to greater mental health specialty use under the intervention. While formal estimates of cost-effectiveness and employer return on investment are pending, it appears to be in the business interests of many employers to implement such programs to protect their investments in the retention and productivity of workers they have hired and trained.

These findings should be evaluated within the context of the simple but startling facts about depression. Clinical depressive disorders are among the most prevalent of major medical conditions, affecting about 16% of adults in their lifetime. Owing to high prevalence, early age at onset (unlike other debilitating disorders that occur past the age of parenting and work responsibilities), and strong impact on functional status, depressive disorders are leading contributors to disability worldwide. Depressive disorders are highly treatable yet often remain unrecognized and untreated. While a number of effective programs promote higher use of treatments in service delivery settings, particularly primary care practices, these programs are not yet widely implemented. Thus, technology is available to treat this disabling condition, but US health care systems have failed to take full advantage of the technology to reduce personal or societal consequences of depression.

The intervention approach in the study by Wang et al can be characterized as ''building a village'' of health plans, clinicians, and resources that ''surround'' depressed persons with opportunities to learn about and engage in evidence-based care, attending to a careful fit of intervention requirements and context-specific implementation options. This approach has generally proven effective in primary care, and the substantial outreach efforts mirror those in the WE Care study demonstrating that depression treatments

are effective for low-income and minority women. In the study by Wang et al telephone managers from the behavioral health company offered counseling and communicated recommendations to clinicians, an extension of their usual role. In the Partners in Care study, primary care nurses expanded their disease management skills to include assessment, education, and follow-up concerning depression. In both studies, patients and clinicians were free to use or not use study resources according to their preferences. Such interventions have the advantage of preserving the naturalistic context of the delivery systems, potentially facilitating the translation of findings into change by example. Interventions in both studies achieved roughly similar outcomes: a 10 percentage-point gain in use of appropriate treatment and in recovery from depression over a year, as well as roughly 2 more weeks of days worked in a year in the study by Wang et al and a month more of days worked over 2 years in Partners in Care.

Depression interventions have many advantages for individuals, their family and friends, employers and society, over and above relief of individual symptoms. As mothers' depression improves following care, for example, their children also enjoy improvements in mental health. The study by Wang et al demonstrates that treatment of depression increases productivity and may reduce economic losses due to depression for employees and employers. If such gains exceed costs of providing the interventions and treatments, there is ''money on the table'' across stakeholders that could be used to pay for interventions. Why then do many individuals with depression endure their illness without care?

One barrier to care is that depression affects motivation and cognition, making it difficult for many individuals with depression to realize they have a need and obtain care without the outreach provided by nurse/care managers. Family members also may fail to identify depression or have knowledge about appropriate care. This suggests that opportunities to improve access to depression care should be embedded within an infrastructure available to potentially depressed persons, such as primary care settings. However, an awareness of the effects of treatment on social costs such as productivity may not provide a strong incentive for clinicians and health plans to improve care, as they do not necessarily face immediate financial consequences from patients' changes in productivity or may not track this outcome. Yet most private health care in the United States is financed through employer-sponsored insurance. Direct contributions to the bottom line of employers offers them an incentive to promote depression care, independent of policy mandates or other motives such as responding to employee demand.

Other stakeholders, including policy makers and the public, may benefit from improved depression care through an increased tax base from employees who work more or an overall improved economy. Yet it is challenging in the US policy environment to use economic gains from one policy sector such as the labor market as leverage to support improved health care, However some policy changes could be implemented to better align the incentives to implement depression care programs across diverse stakeholders and to avoid undermining the goals of such programs, for example by excluding depression treatment from health insurance coverage when changing jobs or insurance based on a recent history of depression treatment in an employer-based depression program. Under such an ill-advised policy, the risk of losing coverage would serve as a major deterrent to seeking care.

The need to coordinate program implementation and policy suggests an expanded concept of ''a village,'' that includes not only wrap-around interventions but coordinated efforts across affected stakeholders. It may be trite that the stakeholder with the most power to influence services delivery for most Americans is the employer, but broader and deeper change in access to depression care may yet require a concerted effort among affected parties to yield prograns that address public and self-stigma and to provide access to depression treatments under policies that facilitate use of such programs and do not penalize individuals for using them. Studies such as that by Wang et al strongly support such integrated solutions.

Exactly how programs to improve depression care are implemented may affect the distribution of benefits—an important issue given evidence of disparities in quality of depression care and the potential for practice-based programs to overcome disparities in depression outcomes. Developers of interventions and policies should consider implications of their design for inclusion of underserved groups who may not seek behavioral health care. Despite the extensive efforts by Wang et al to reach general employees, the majority of persons had already inquired about outpatient care. Learning how to optimize personal and societal gains by improving access to quality depression care across diverse communities through employer, practice, and community-based programs and policy changes is a next agenda for evidence-based action. As a community participant in the Witness for Wellness program recently stated: ''Depression is everybody's business.''

Now, ultimately, despite the economic arguments in favor of parity, it is not a debate about dollars and cents but about lives saved and people restored. Let's work to ensure that those who need access to mental health will get it.

Mr. ANDREWS. Mr. Speaker, it is my privilege at this time to yield 2 minutes to the gentleman from Chicago (Mr. DAVIS), a member of the committee.

Mr. DAVIS of Illinois. Mr. Speaker, I'm convinced that the most widespread and most impactful health issue and problem which we face today is in the area of mental health and mental illness. The numbers of individuals affected are so great until it is more than difficult to get a handle on them, and that is one of the reasons that I rise in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Mr. Speaker, I commend Representatives KENNEDY and RAMSTAD for their leadership in introducing this legislation and shepherding it to the floor.

When we consider the numbers of people who suffer from drug addiction, whose lives are filled with anxiety, depression, fear, and uncertainty, we can readily see that more attention must be paid to our mental health needs. When we see the numbers of people living in shelters, halfway houses, and in many instances under viaducts, abandoned cars, and in the streets, when we see the numbers of people who make up the criminally ill, who hurt, injure, maim and sometimes kill other people because they've never been able to shake their demons who disrupt and plague their lives because they've had no mental health attention or treatment, Mr. Speaker, it is clear to me that this is an idea whose time has come.

I urge passage of this legislation.

Mr. MCKEON. Mr. Speaker, we do have another speaker.

Mr. ANDREWS. I would reserve my time.

Mr. MCKEON. Mr. Speaker, I'm happy to yield at this time to the gentlelady from Oklahoma (Ms. FALLIN) 2 minutes.

Ms. FALLIN. Mr. Speaker, I support bipartisan efforts to bring parity between mental health and medical benefits, but I have a concern, and it's come to my attention, about the mental health parity bill, H.R. 1424.

A Supreme Court decision, Doe v. Bolton, lists mental health as a reason that abortion is allowed for health exceptions.

This bill, as currently written, could be construed to mandate health care coverage for an abortion as part of treatment for a mental health issue such as depression.

As defined by the Court, in their words, ''health of the mother includes all factors, physical, emotional, physiological, familial, and a woman's age, relevant to the well-being of the patient. All these factors may relate to health.''

And furthermore, in testimony by Dr. James McMahon before the House Judiciary Committee in June 1995, he cited 39 partial birth abortions that were performed because of a mother's depression.

Because this issue is unclear, H.R. 1424 lacks a conscious clause applied to this legislation, and there appears to be no protection for an employer to reject health care coverage for such a procedure if they choose to extend mental health coverage to its employees.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

I would say that the manuals referred to in this bill make no reference whatsoever to any abortion services as a covered benefit.

At this time, I'd be pleased to demonstrate bipartisan support for this bill and yield 1 minute to the gentleman, my friend from Connecticut, Mr. SHAYS.

Mr. MCKEON. Mr. Speaker, I will add 1½ minutes to demonstrate also bipartisanship.

Mr. SHAYS. Mr. Speaker, I rise in support of the Paul Wellstone Mental Health and Addiction Equity Act. It is reported 50 million adults, 25 percent of

the U.S. adult population, suffer from mental disorders or substance abuse disorders; yet, despite the prevalence of mental illness, there continues to be widespread misinformation and ignorance surrounding the condition.

We need to work to destigmatize this illness and ensure those who need treatment have access to care. At the same time, we need to increase biomedical research into the causes of, and treatments for, mental illness.

It is estimated 98 percent of private health insurance plans discriminate against patients seeking treatment for mental illness by requiring higher copayments, allowing fewer doctor visits or days in the hospital, or requiring larger deductibles than imposed on other medical illnesses.

The National Institutes of Mental Health estimates the annual health care costs of untreated mental illness is $70 billion, and data has shown that instituting equal coverage for treatment of mental illness will result in lower overall health care costs.

By requiring insurers who cover mental illnesses to do so at parity with physical illnesses, we will knock down a tremendous barrier to getting the assistance these individuals require.

While I support the underlying bill, I believe we should temporarily hold off for now increasing the Medicaid drug rebate provisions intended to raise revenue to pay for this legislation. Because the Centers for Medicare and Medicaid Services are in the process of developing new regulations based on the Deficit Reduction Act, it's entirely possible Medicaid rebates will be increased administratively. Since this provision was not in the Senate bill, I'm hopeful we will be able to enact mental health parity legislation without this provision.

With this one reservation, I'm particularly pleased to support this legislation, urge its adoption, and congratulate Congressmen RAMSTAD and KENNEDY for all their efforts to help the mentally ill.

Mr. ANDREWS. Mr. Speaker, if I could inquire of my friend from California if he has any further speakers.

Mr. MCKEON. I'm the last speaker.

Mr. ANDREWS. At this point, Mr. Speaker, I would yield to the gentlelady from California who has worked on this issue for many years on the committee, Mrs. DAVIS, for 2 minutes.

Mrs. DAVIS of California. Mr. Speaker, I worked as a social worker before my career in public office, and I've seen firsthand the results when mental illnesses go untreated. Those who develop a severe mental illness can go from having a career and a family to losing everything.

About half our States now have implemented full mental health parity requirements, and these States have learned a very valuable lesson. They've learned that the benefits of ensuring parity are worthwhile.

□ 1800

Far too many people's illnesses, mental illnesses, linger without treatment, triggering physical complications that only result in more costs. So, proper diagnosis and treatment greatly offset these costs and save health care dollars over the long term.

This bill will also help our servicemembers fighting in Iraq and Afghanistan as they transition to civilian life because national barriers to mental health care ripple out to everyone. Post-traumatic stress disorder and other combat-related conditions can take months, if not years, to develop after discharge. Many of these veterans will not have access to VA health facilities and will rely upon private health insurance to obtain treatment.

Finally, and most importantly, this legislation also addresses the stigma attached to mental health care. It loudly communicates that mental health care is on an equal footing with physical health care.

Mr. Speaker, I give my enthusiastic support to the Paul Wellstone Mental Health and Addiction Equity Act. I thank the sponsors and encourage my colleagues to join me in voting for it today.

Mr. ANDREWS. Mr. Speaker, I would just represent that I am the last speaker on our side for this portion of the debate.

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

I agree with much of what has been said here, because achieving parity between mental health and medical/surgical benefits is a goal that enjoys widespread support, and I support that. Had this bill been negotiated in an inclusive, cooperative fashion, I believe a parity law could quickly be enacted this year, ensuring access to coverage for those who need it.

There was a road map that would have allowed us to forge a consensus bill. On the other side of the Capitol, stakeholders were brought together and given the opportunity to find agreement on these difficult issues. There was give and take by everyone involved, which is how the Senate was able to produce a bill that achieves parity without undue burden on our employer-based health care system. Unfortunately, we're not following that road map. Instead, we're considering a bill that overreaches and in the process puts at risk many fundamental elements of private health insurance plans.

The majority argues that the latest variation of their proposal addresses key concerns. I wish that were true. Unfortunately, the bill we're considering today contains only modest changes that fail to fully resolve concerns about ERISA preemption, costly litigation, coverage mandates, and a host of other concerns.

By giving preferential treatment to mental health benefits over other types of medical coverage, the bill creates a lopsided system that may actually be biased against mental health coverage because some employers may choose to drop their mental health coverage or, worse, all health coverage rather than comply with more burdensome mandates.

Moreover, the list of conditions that would receive mandatory coverage under this bill would be laughable were it not posing such a serious risk to health care coverage for hardworking families. At a time when health care costs are rising, this bill threatens key management tools that have helped keep costs down. And by weakening ERISA preemption, the bill opens the door to increased litigation and a patchwork of confusing requirements and inefficiencies.

Mr. Speaker, there is a better way to provide parity for mental health benefits. The bill that passed the Senate provides a thoughtful, reasonable and a balanced approach that reflects the deliberations of all relevant stakeholders. Representatives HEATHER WILSON, JOHN KLINE and DAVE CAMP sought to offer that proposal today in the hopes that we would move quickly on a consensus proposal that could be signed into law. Their amendment also used a noncontroversial payment offset, unlike H.R. 1424. Unfortunately, as has become the hallmark of the 110th Congress, we were shut out of meaningful debate, and that amendment, along with a number of other improvements to the bill, will not be considered.

I support a balanced approach to mental health parity and, therefore, I cannot support this bill in its current form. I urge my colleagues to vote ''no'' on this bill so that we can take up the consensus legislation that enjoys community and other key stakeholders' support, those who share our commitment to provide equitable benefits that support mental health without jeopardizing our health care system as a whole. I urge a ''no'' vote.

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

Mr. ANDREWS. Mr. Speaker, I yield myself the balance of the Education and Labor Committee's time.

My friend from California says that mental health parity is a goal that he lauds. Well, it's a goal that we should achieve right here, right now, today, by passing this bill.

We've heard the argument that the bill establishes preferential treatment for people with mental health and substance abuse issues, exactly the opposite of the truth. The bill establishes parity and equal treatment between mental health and substance abuse and physical and surgical benefits.

We've heard the concern that medical management practices that control

costs have been taken out of the bill. What is also true, however, is that nothing in present law, nothing in the status quo precludes medical management practices that are useful in offsetting costs. There is nothing that prohibits that.

Finally, we hear that there is a concern that employers confronted with the defined benefit package, with the guaranteed rights of the insured under this will drop coverage. In States that have similar provisions, there is not a shred of empirical evidence that that is the case. Where State laws extend robust protections to mental health and substance abuse benefits, employers have not dropped mental health coverage; in fact, it has expanded.

This is the right time for the right bill. Its cost is minimal, its benefit is great, its support is bipartisan, and its time for passage is now.

I would urge each of our colleagues, Republican and Democrat, to join this bipartisan coalition and vote ''yes'' on the legislation offered by Mr. KENNEDY and Mr. RAMSTAD.

Mr. Speaker, I yield back the balance of the Education and Labor Committee's time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. STARK. Mr. Speaker, I yield myself 2 minutes.

It's an important day, and we've been working to achieve mental health parity for decades. We finally have a bill before us to achieve that goal for more than 160 million Americans. And as my colleagues know, this bill is named for one of its chief proponents, the late Senator Paul Wellstone of Minnesota, a true champion for all people, especially those suffering from mental illness and addiction disorders.

I would like to recognize the efforts of Paul's son, David Wellstone, who has been commuting from California to lobby Members of Congress to help get this bill enacted. His dad would be proud. Wellstone Action is one of the hundreds of groups supporting this legislation.

Here in the House, our colleague from Minnesota, JIM RAMSTAD, and our colleague from Rhode Island, PATRICK KENNEDY, have been lead advocates. They've done a stunning job getting 273 cosponsors, including 41 Republicans, a real bipartisan feat in this day and age.

Enough of the accolades. The real reason we're bringing forth this bill is to end discrimination in health insurance for people with mental illnesses and addiction disorders. It's not a new concept. We took a baby step back in '96, but it wasn't enough.

This bill does for our constituents what we already receive through the Federal Employees Health Benefit Plan. We also passed the Children's Health and Medicare Protection Act last summer which would extend mental health parity to Medicare beneficiaries. That bill is still pending in the Senate.

Last year, this legislation went through multiple hearings, five markups in three major committees, and the issues are straightforward. Those who oppose true parity may engage in scare tactics or offer red herrings to distract from the underlying issues, but one thing is clear, the bill is better for patients than the Senate bill, yet the cost is almost exactly the same.

The passage of the Paul Wellstone Mental Health and Addiction Equity Act simply finishes the work we have begun. I look forward to negotiating with the Senate so we can get a bill to the President's desk soon. Tens of millions of Americans are counting on us.

I urge support for this overdue legislation.

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

We all support the goal of improving patients' access to treatment for mental illnesses. However, this bill represents a flawed approach that will ultimately do more harm for these patients by driving up costs and resulting in few employers actually offering any health care coverage to their employees.

This bill will place an unprecedented number of mandates on insurers and employers, which will increase the costs of health insurance for working Americans. Whether large or small, these costs get passed along to the purchasers of health insurance, employers and employees alike.

Dramatic increases in health care costs have already forced many employers to drop or limit health care coverage. This in turn makes it more difficult for their employees to obtain any health insurance, let alone mental health and substance abuse benefits. The mandates in this bill will only make the situation worse, making health insurance unaffordable for increasing numbers of Americans. This is why employer groups like the Chamber of Commerce, the National Restaurant Association and the National Retail Federation are all strongly opposed to the bill before us today.

There is a better way to achieve the goals of protecting patients and ensuring they get access to the mental health care they need. Senators DOMENICI and KENNEDY have crafted a bipartisan bill that is supported by mental health advocates, employers and insurers, and if that bill were on the floor today, I would vote for it. The Senate bill adopts a more targeted approach to defining covered conditions.

The bill also allows plans to determine the network of providers while maintaining parity for treatment limits and cost sharing. The Senate approach may significantly reduce the potential cost that could be imposed upon employers while still achieving the goal of mental health parity.

The Senate has worked with the mental health community to balance the needs of patients with the ability to provide quality, affordable and accessible health insurance. These compromises led the Senate to unanimously pass their legislation last September. Unfortunately, in order to pay for the costs associated with this bill the majority has also decided to shift costs to every American by increasing Medicaid rebates from pharmaceutical companies and limiting physician ownership in hospitals. Both of these proposals represent the view that bureaucrats, rather than markets, can better govern health care. At the end of the day, price controls and more government regulation increase health care spending and deny patients access to high-quality care.

Whether they want to admit it or not, the majority is increasing health care on every American twice under this bill. As more and more Americans are having difficulty affording health care, we should be looking to expand affordable health care options, not placing more mandates on employers.

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

Mr. STARK. Mr. Speaker, at this time, I am proud to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I rise today in strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act.

In recent years, many brave Americans serving in the National Guard and Reserves returned home after fighting for our freedom in Iraq and Afghanistan. They return to their civilian jobs and are subject to their private health insurance. The all-too-common tale, however, is that our veterans have witnessed horrors that many cannot even imagine. One in six of these veterans will experience symptoms of post-traumatic stress disorder, or PTSD, that can impair them for many years beyond their homecoming.

Many of these veterans choose to seek treatment at their local VA hospital or clinic. But for some of our veterans in rural areas of our country, like mine, it is far easier to use their private insurance and seek treatment from their local private doctor. Unfortunately, some of these veterans quickly find that PTSD is not covered in their health insurance plan.

Our veterans shouldn't have to travel for hours simply to meet with a qualified mental health professional. H.R. 1424 fixes this injustice and ensures that our veterans have the choice to seek treatment for PTSD through their private insurance plan.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 5 minutes to the

distinguished gentleman from Minnesota (Mr. RAMSTAD), a distinguished member of the Health Subcommittee.

Mr. RAMSTAD. I thank my friend for yielding.

Mr. Speaker, the issue before us is not just another public policy issue, it's a matter of life or death for 54 million Americans suffering the ravages of mental health and for 22 million Americans suffering from chemical addiction.

Last year alone, 300,000 people were denied access to addiction treatment, most had health insurance, and 33,000 people committed suicide from untreated depression. Over 150,000 of our fellow Americans died as a direct result of chemical addiction.

On top of the tragic loss of lives, Mr. Speaker, untreated addiction and mental illness cost our economy over $550 billion last year. According to the Wall Street Journal, untreated depression alone cost our businesses $70 billion in lost productivity last year.

So it's ludicrous for the opponents to come here and argue that parity will cost businesses $1.5 billion, as my friend from Washington, member of the Rules Committee, did. If you don't believe the Wall Street Journal, certainly those on our side of the aisle, what do you believe? Cost businesses $70 billion, just depression, untreated depression alone.

Mr. Speaker, all the empirical data, including all the actuarial studies, show that equity for mental health and addiction treatment will save literally billions of dollars nationally. At the same time, it will not raise premiums more than two-tenths of 1 percent, according to the Congressional Budget Office. That's our own CBO numbers. So, I don't know where these people are getting these numbers, these inflated cost figures. Pulling them out of thin air is the only thing I can surmise.

The CBO says it will not raise premiums more than two-tenths of 1 percent. In other words, for the price of a cheap cup of coffee per month, several million Americans in health plans can receive treatment for chemical addiction and mental illness. And it's unfortunate, Mr. Speaker, that some opponents of this legislation have misrepresented the costs of enacting parity.

□ 1815

Mr. Speaker, I'm alive and sober today only because of the access I had to treatment back on July 31, 1981, when I woke up in a jail cell in Sioux Falls, South Dakota. I'm living proof that treatment works and recovery is real.

But far too many people in our country don't have the same access to treatment that I had and other Members of Congress have also had. A major barrier for thousands of Americans is insurance discrimination against people in health plans who need treatment for mental illness or chemical addiction.

The legislation that my friend from Rhode Island, PATRICK KENNEDY, who has worked tirelessly on this legislation, who arranged for all 14 field hearings, who has been a real champion, this legislation that we have authored will end the discrimination by prohibiting health insurers from placing discriminatory restrictions on treatment for people with mental illness or addiction. In other words, no more inflatable deductibles or copayments that don't apply to physical diseases. No more limited treatment stays that don't apply to physical diseases. No more discrimination against people with mental illness or chemical addiction.

The Paul Wellstone Mental Health and Addiction Equity Act simply provides equal treatment for diseases of the brain and the body. This legislation provides people in health plans with the same exact coverage that we as Members of Congress have and other Federal employees as well.

By the way, some of the exaggeration, some of the red herrings as to the use of the Diagnostic and Statistical Manual IV are just beyond belief. The red herrings presented by opponents, caffeine addiction, sibling rivalry, jet lag, would not be subject to treatment because insurance plans can use ''medical necessity'' requirements. So let's not use bogus red herring arguments. Let's come with intellectually honest arguments if you're against this legislation.

Also, the DSM–IV is used for Medicare, Medicaid, and veterans health care. I wonder how many of you can go home and say, look, it's good enough for Members of Congress but it's not good enough for you, constituents. I don't think anybody in this body would dare do that nor should we. If it's good enough for Members of Congress, it's good enough for the American people.

Mr. Speaker, PATRICK KENNEDY and I have traveled the country from one end to the other, holding 14 field hearings. We've heard literally hundreds of stories of human suffering, broken families, tragic deaths, shattered dreams all because of insurance companies not providing access to adequate treatment for mental illness and addiction. I don't have time, Mr. Speaker, to recite some of these horror stories, but PATRICK and I could share hundreds and hundreds of horror stories caused by discrimination in treatment for mentally ill and addicted people that we heard in these 14 States.

Mr. Speaker, it's time to end the discrimination against people who need treatment for mental illness and addiction. It's time to prohibit health insurers from placing discriminatory barriers to treatment. It's time to pass the Paul Wellstone Mental Health and Addiction Equity Act. The American people, Mr. Speaker, cannot wait any longer.

Mr. STARK. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this day has been many years in the making. This mental health parity will be a signature jewel in the crown of the 110th Congress. This legislation reflects our deepest values as Americans.

I want to thank Congressman KENNEDY and Congressman RAMSTAD for your long labors in making real mental health parity a reality. Families all over America will be forever indebted to you.

I have long been a supporter of affordable, accessible, quality health care for every American for both physical and mental illnesses. As a member of the Jersey legislature, I worked for parity legislation that finally came to fruition in 1999. Like the 1996 Federal parity law, the coverage was not complete. Advocates in Jersey continue the fight to ensure real and complete coverage parity.

Today, at long last, this House will take one step closer to making that a reality by passing H.R. 1424, the Mental Health and Addiction Equity Act. Thank you, both of you.

For the first time, this legislation will eliminate inequitable treatment limits and end the imposition of financial requirements on mental health benefits which are not similarly imposed on comparable physical ailments. These two policies are considered to be essential steps toward ending coverage discrimination against individuals with mental illness.

To be clear, this legislation does not mandate insurers or group health plans to provide any mental health coverage at all. This legislation will ensure coverage of the same mental illnesses and addiction disorders available to Members of Congress and 8.5 million other Federal employees. Isn't that a breakthrough.

While opponents of this insist that parity will bankrupt the health care system, research has shown that there's no significant cost increase whatsoever. The Congressional Budget Office has estimated a minuscule impact on premiums for the mental health parity bill, just two-tenths of 1 percent.

This must be passed, both sides of the aisle, and America will benefit.

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 4 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a member of the Ways and Means Committee and the Health Subcommittee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I come to the floor today proud to say I've been looking to the issue of mental health parity since 2002. In March of that year, I chaired the subcommittee that held the very first House hearing on that topic. I

heard back then and have continued to hear over the years the concerns from mental health advocates, employers, and benefit managers about what effect parity may have on everyone's goal of providing quality health care to more Americans. So I come to the floor today disappointed that we are debating a bill that I cannot support.

Unfortunately, the majority has decided that politics should trump policy; that instead of bringing a bill to the floor that has the support of all the stakeholders in this debate, a bill the President has said he would sign into law, and a bill the Senate passed by unanimous consent, we're debating a bill that will only delay action on this very important issue.

There are real problems with the bill before us today. The first is the heavy-handed list of mandates. This bill would say to employers and insurance companies, if you decide to include mental health benefits in your health insurance package, you are forced to cover anything and everything related to mental health.

This is a requirement that doesn't exist in any other sector of the insurance industry, and I believe it would have the unintended consequence, in spite of what our opposition says, of forcing employers and companies to decide not to offer mental health benefits at all. This, of course, is not the goal we're striving to achieve today.

This bill also pays for mental health parity with a provision that would have a devastating effect on communities across the Nation. This provision would hurt every physician-owned hospital in this country, and that includes specialty hospitals, long-term acute care facilities, physician-owned full service hospitals, and patient rehabilitation facilities and others.

Physician-owned hospitals serve as an integral part of the health care system in this country. They deliver efficient, high-quality care to their patients and are a benefit to any community. These facilities across the country routinely are recognized nationally for their superior care.

In fact, just last month a hospital in my district, Baylor Health Care System, received the National Quality Award from the National Quality Forum. This award recognizes exemplary health care organizations who are role models for achieving meaningful and sustainable quality improvement in health care.

However, if this provision becomes law, this exemplary hospital would be forced to suffer serious consequences, like reducing patient care.

We all support the goal of equal access to mental health benefits; however, it should not be paid for by sacrificing facilities that bring quality health care to more Americans. Physician-owned hospitals are on the front lines of reforming our health care system, and they shouldn't be punished for the inroads they are making.

This provision will prohibit any new facility from being built as well as deny Medicare provider numbers to any facility currently under construction. It also caps the percentage of physician ownership in existing hospitals. No one facility can have more than 40 percent physician ownership, and no one doctor can own more than 2 percent of a facility. It puts the Federal Government in charge of deciding whether or not these facilities need to expand and help respond to the needs of the community.

There have been a number of studies that have shown specialty hospitals have an overall positive effect over general acute care hospitals.

Today is the day to stand up for innovation and stop taking the funding from the specialty hospitals, Mr. STARK.

Mr. STARK. Mr. Speaker, at this time I am pleased to yield 1 minute to the distinguished gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the chairman for yielding.

Mr. Speaker, I rise in strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act.

I'd like to thank and recognize my two colleagues and friends who have led this fight with tenaciousness and with integrity for so many years, Congressman KENNEDY, and my friend and fellow Minnesotan, Congressman RAMSTAD. The two of you represent the best that this institution has to offer, and I thank you. You carried on the fight that was started so many years ago by our late Senator from Minnesota, Paul Wellstone, and you've done so in such an admirable fashion. I can't tell you how proud I am to see this come to the floor.

One of Senator Wellstone's qualities was one that you've exemplified. He stood up and he fought for what he believed in. It didn't matter what the political implications were. It didn't matter what others said. He steadfastly believed that discrimination against people because of mental illness or addiction was absolutely wrong and the antithesis of what America stood for.

Senator Wellstone represented our State of Minnesota, and due to his work, Congressman RAMSTAD's work, Congressman KENNEDY's work, Minnesota has one of the strongest parity acts in the Nation, and it works. If we can do it there, we can do it in this Congress.

I would urge my colleagues to vote for this bill, not accept anything less, not the Senate version, not something from the White House, not a motion to recommit, not a smokescreen. This is the time to get this right the first time. Do the right thing. Pass this piece of legislation. This country will be better for it.

□ 1830

Mr. CAMP of Michigan. At this time I reserve the balance of my time.

Mr. STARK. Mr. Speaker, at this time I am happy to yield 2 minutes to the distinguished gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the distinguished Chair, and rise to associate myself with his remarks.

What a remarkable afternoon this has been. What a remarkable journey of two of our colleagues. I rise today to support them for what they have done in the old-fashioned democratic way, reaching out across this country, holding hearings, and bringing back to this body a piece of legislation long overdue. I commend Representative RAMSTAD and Representative KENNEDY. Their work has been extraordinary.

President Kennedy once said that communities reveal an awful lot about themselves in the memorials they create, the people that they honor. This body is about to reveal an awful lot about itself on the legislation we are about to vote on. Two of our colleagues revealed so much about themselves in an effort to bring forth the plight of others less fortunate than they, and unable to be here on this floor to speak. That is the crowning glory of this great democracy that we all participate in.

PATRICK KENNEDY had it right. This is a certain right. This is a civil right. This is something that goes beyond parity and speaks to the very essence of equality in what we stand for. And two of our colleagues have demonstrated the way to do that beyond the Chambers, beyond the Beltway, and out to the people where it really matters. Thank you so much for bringing their cause here today.

Mr. CAMP of Michigan. I reserve the balance of my time.

Mr. STARK. Mr. Speaker, at this time I am pleased to yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, Chairman STARK, for yielding.

Mr. Speaker, I rise today to give my full support to H.R. 1424, the Paul Wellstone Mental Health Parity Act. I want to thank my colleagues, my very good friends, Mr. KENNEDY and Mr. RAMSTAD, for their leadership on this important issue, for having the courage to stand up, to speak up, to speak out to take the leadership and bring this bill before us today.

Today, we win a battle in the ongoing struggle against discrimination. Discrimination against mental illness and addiction is wrong. It is dead wrong. Today, we end that discrimination in health insurance. I believe that health care is a right and not a privilege. Until we can provide real and meaningful health coverage to all

Americans, we must take each step as it comes to expand coverage. So, today we take an important step, a necessary step in that direction by requiring parity in insurance coverage.

I have fought long and hard to end discrimination in this Nation, and we have made some real progress. But people suffering from mental illness and addiction have been left out and left behind, and it's time for us to do what is right when they are told that their illness is not covered by their insurance. That discrimination must end, and it must end now.

Mental health parity is a matter of fairness, of equality, and it is the right thing to do. The time is always right to do right.

Mr. CAMP of Michigan. I reserve the balance of my time.

Mr. STARK. Mr. Speaker, could I find out how much time remains on both sides.

The SPEAKER pro tempore. Both sides have 8½ minutes remaining.

Mr. STARK. Mr. Speaker, at this time I am happy to recognize the distinguished gentleman from Maryland (Mr. VAN HOLLEN) for 2 minutes, a member of the Ways and Means Committee.

Mr. VAN HOLLEN. I thank my colleague.

Mr. Speaker, I rise in strong support of this long overdue bipartisan legislation, and I want to commend and thank our colleagues, PATRICK KENNEDY and JIM RAMSTAD, for their leadership, their passion, and their perseverance on this very important issue that is so important to millions of Americans around this country.

Last year, they traveled across this great land, holding a series of field hearings, listening to Americans in communities across the Nation, people from every walk of life. I had the privilege of hosting one of those hearings in my congressional district. The message from that hearing, as with the other hearings from around the country, was very clear, Congress needs to end insurance discrimination in mental health care. Both common sense and simple fairness require that mental health diseases be treated on an equal footing with other health conditions.

According to the National Institute of Mental Health, an estimated 26 percent of Americans suffer from a diagnosable mental disorder in any given year, and approximately 6 percent of our fellow Americans suffer from serious mental illness. Mental disorders are the leading cause of disability for individuals between the ages of 15 and 44. The good news is the science tells us that treatment works. The sad truth is that, for most Americans, health insurance coverage does not now cover the full range of their needs.

We know that for years, for years, employer-provided health care set stricter treatment limits and imposed higher out-of-pocket costs for mental health care. Congress took an important step in 1996 to correct that inequity through the Mental Health Parity Act. But problems remain, and that is the reason we have this very important legislation before us, because insurance companies were setting rigid, arbitrary caps on how they cover mental health. This legislation will finally stop those practices.

Mr. Speaker, Members of Congress have good health care coverage and mental health coverage. Let's give the same thing to the American people.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HERGER), a member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, I would like to encourage every Member of Congress to ask their constituents one simple question: Are your health insurance premiums high enough yet? Because this bill will make them even higher. We all want to improve access to mental health treatment. But the legislation before us could force some employers to drop mental health benefits altogether. Under this bill, plans are actually prohibited from covering treatment for depression, or potentially even a program to help someone quit smoking, unless they agree to cover literally everything in the book.

I am especially concerned by the offset that effectively bans physician investment in hospitals. I am concerned that this provision could have a devastating impact on access to high quality health care. For example, there are just two hospitals in the city of Redding, California, in my northern California district. One of them nearly shut down a few years ago. It was bought by a company that specializes in turning around failing hospitals.

Part of their strategy was to give the physicians who work at the hospital a partial ownership stake. They were successful. As a result, a vital community hospital is still open in a largely underserved area. This so-called ''offset'' would subject it to crippling new regulations, and it could doom other struggling hospitals to closure.

Vote ''no'' on this legislation.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL). Pending that, I yield myself 15 seconds to remind the distinguished gentleman from California that the hospital that closed in Redding was the one that killed 167 people by unnecessary cardiac procedures, and we were glad to be rid of it.

Mr. EMANUEL. I thank my friend from California for the time.

When I worked in the White House in 1996, we took two important steps on dealing with mental health parity. The first was signing the mental health parity legislation in 1996. That was referred to earlier. The second was also signing the executive order that ensured that government workers, Members of Congress and their staff, as well as other government workers, also had mental health parity in their health care. Some would think we are a little crazy for being in this job, but now we have got health care coverage for it.

The fact of what this legislation does is provide for the taxpayers in America and make sure that they have the same access to the same type of health care that we have. It's that simple. When we did the first bill, the same people that were opposed to this bill, the insurance companies, said it would ruin the health care system. It didn't happen. The same insurance companies that are in the Federal employee system said they couldn't do what the executive order told them they had to do. They did it.

Every time you try to make a little more reform to have a little more coverage, the insurance companies tell you that you can't do it. We accomplished it, and we accomplished it by doing right by the American people.

The prior speaker mentioned that everybody is for covering mental health coverage, or for having mental health coverage, except for when it comes to covering mental health coverage. You can't be for it and then against it. Everybody was for an increase in the minimum wage, except for when you wanted to vote for it, they weren't voting for it. Everybody thought it was a good idea to increase Pell Grants, except for when it came to vote to increase Pell Grants.

Well, here we are going to do this. You can't just say you're for mental health parity and then vote against it. This is the legislation. It builds on what we did in 1996 and 1999, and brings the type of reforms that are necessary. This is an illness, and these illnesses affect everybody's families, everybody's families, and it makes sure that there is one set of rules to the road when it comes to health care coverage.

I appreciate the time, and it's time that we have this type of legislation on the floor.

Mr. CAMP of Michigan. At this time we have no further speakers, so I reserve my time, except to close.

Mr. STARK. Mr. Speaker, at this time I am happy to yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. I thank my colleagues for taking the fight and leading the fight here.

Mr. Speaker, I rise today on behalf of a teenager from Bensalem, Pennsylvania, for whom mental health care came too late. I rise in favor of a health care system that works for those in need. This legislation not only

promotes fairness for those with mental illness, it also will not preempt stronger State laws, laws such as Pennsylvania's Act 106, which has saved countless lives.

I stand with the Republican State Representative from my district, Gene DiGirolamo, as we fight together to preserve these critical laws in conference. Mr. DiGirolamo of Bensalem is a leading advocate for mental health parity, and has worked tirelessly for health care laws that are fair and just.

Mr. Speaker, this bill is bipartisan and long overdue. I urge my colleagues to join us in voting for it.

Mr. CAMP of Michigan. I continue to reserve.

Mr. STARK. Mr. Speaker, do I have the right to close this section?

Then I would reserve the balance of my time.

The SPEAKER pro tempore. Mr. PALLONE had reserved 2 minutes, and he will be the final speaker. But in this section, the gentleman from California has the right to close.

Mr. CAMP of Michigan. I will be our final speaker on this side, Mr. Speaker.

This debate is not really about who's for or against mental health parity, it's about doing mental health parity in the right way. The Senate unanimously passed a mental health parity bill last year, and there, Senators KENNEDY, DOMENICI and ENZI worked in a bipartisan way and brought all affected parties together to reach a compromise that mental health groups, employers and health plans fully support.

What has really not been answered in the debate today, and I don't fully understand, is why put the entire DSM-IV manual in statute. It's a diagnostic code. It's not for coverage decisions on health benefits. That question has never really been fully answered.

Let's do the sensible thing. Let's vote this bill down and adopt the Senate bill. We can have a mental health parity bill on the President's desk by the end of the month if we followed this procedure. So I urge my colleagues to vote ''no'' on this bill.

I yield back the balance of my time.

□ 1845

Mr. STARK. Mr. Speaker, I yield myself the balance of my time just to suggest that while costs have been an issue, basically the Senate bill, as I understand it, would be the preferred vehicle for the opposition to this bill, and I would like to just remind my colleagues that the Senate bill and the House bill cost the taxpayers the same amount of money. There is no cost difference between the Senate bill and the House bill.

We are talking about a cost to employers, if they pay the entire cost of insurance, of 2 cents out of every $10, hardly a phenomenal cost when you think that the savings in productivity, human lives, and the billions of dollars that we would save in lost time and additional costs from the results of addiction and mental illness would be a bonus for which we don't get scored under our scoring procedures.

This is a bill that was first introduced in the Ways and Means Committee, as I recall, almost 20 years ago. I wasn't able to do much with it in 20 years, but my distinguished friends PATRICK KENNEDY and JIM RAMSTAD have been able to do it, and I just want to repeat how proud I am of their tireless work.

I hope that we will end the day today for the under-65 population of this country with mental health parity, and that we could come back again later this year or next year to finish this for us older guys in Medicare, so that we can also extend parity for the rest of the Americans.

I want to thank all the staffs who have worked so hard, my colleagues on the Health Subcommittee of Ways and Means, my colleagues on Energy and Commerce, my colleagues on Education and Labor. This went through three committees, a feat in itself in this Congress. I think it is a bill that the time has come. We can set aside what minor differences there are, go and negotiate with the Senate for the final bill, and I look forward to its passage.

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

The SPEAKER pro tempore. The gentleman from New Jersey, Mr. PALLONE, controls the remaining 2 minutes.

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

Mr. Speaker, I just want to also thank the two sponsors of this legislation, Mr. KENNEDY and Mr. RAMSTAD. If any of you had been in Trenton, New Jersey, the day when Mr. KENNEDY held a hearing, to see the compassion that he brought to the hearing, to hear him tell his personal story, to see those who are advocates for the bill in my State to show up and basically explain why the type of discrimination that exists now with regard to mental health coverage should not continue.

I think Mr. KENNEDY said on the floor today that this is a civil rights issue, and that is true. People may doubt that a lot of discrimination continues to exist about mental illness, and certainly we have come a long way, there is no question about that, but the fact of the matter is that the discrimination continues. And although we have made some progress in terms of the Federal law, and even different States have passed legislation that is somewhat similar to this, the bottom line is that we don't have absolute equality or equity at this point, and we need to make sure that if there is going to be mental health coverage, it covers all types of mental health illnesses as well as substance addiction. In addition to that, we want to make sure that the same is true, whether you are in or out of the health care network.

These two gentlemen, my colleagues Mr. RAMSTAD and Mr. KENNEDY, have been working on this bill for such a long time, and it really is a tribute to them and to Paul Wellstone that we are about to pass this bill. We commit, myself and the other chairmen of our respective committees, that we will not only pass this, but we will make sure that we do a bill that we can conference between the two Houses and get it to the President and hopefully get him to sign it before the end of this session.

Mr. ELLSWORTH. Mr. Speaker, I rise in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. The passage of this bill today is an important step forward in the effort to ensure every American has access to quality mental health care services.

Access to quality, affordable mental health care is just as important as access to traditional health care for Americans struggling with psychological problems. For decades, America has led the world in developing and implementing mental health diagnosis and treatment methods. Unfortunately, while American hospitals, doctors, and counselors provide the best mental health care in the world, many Americans are left without access to the benefits of that system. Too often, cost prohibits people from obtaining adequate coverage and seeking care when they need it.

This bill makes important advances in addressing this problem for Americans with private health insurance. H.R. 1424 will expand access to mental health care and services for Americans with private health insurance, requiring plans to make mental health copayments, deductibles, and other benefits equal to benefits offered for traditional, physical health care. I believe this bill is an important step in breaking down the barrier to treatment many Americans with mental health problems face when they try to improve their lives, and I urge my colleagues to support it.

While I am a strong supporter of the underlying legislation, I would like to express my concern with one of the offsets used to pay for the bill's costs. The Medicaid prescription drug rebate has proven to be an important tool in ensuring access to the best pharmaceutical drugs for low-income Americans. Currently, prescription drug producers already pay a significant rebate in order to participate in Medicaid, and this bill would increase that rebate by almost one third. I am concerned that further expanding this rebate could have a negative impact on research and development of the next generation of treatments. Congress needs to ensure it provides increased access to mental health services without jeopardizing future pharmaceutical breakthroughs.

I will continue to support this bill and encourage my colleagues to do the same. However, as this bill advances to conference with the Senate, I hope that the final product we send to the President will not contain an overly burdensome increase in the Medicaid rebate.

Mr. BACA. Mr. Speaker, I rise today in strong support of civil rights and the passage

of H.R. 1484, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

This bill is aimed at eliminating discriminatory provisions in mental health. With this bill addiction treatments are provided on par with treatment for other medical illnesses and conditions, such as diabetes, asthma and high blood pressure.

Currently, many families are facing hurdles and obstacles in obtaining quality care for mental illness and addiction disorders.

Over 57 million Americans suffer from a form of a mental health disorder and more than 26 million from a chemical addition. Our early intervention services for mental health and addiction are behind other medical conditions.

This is discrimination; this is not the American way.

In my District alone, we are facing an alarming methamphetamine-use crisis, these patients often require professional help.

Mental health must be recognized as equal to other health conditions and illnesses. The stigma must be removed so more people will be able to seek professional help and our loved ones will be able to live healthy and productive lives.

These are real diseases, and those affected by them deserve coverage. We are living in different times now and we need to pay closer attention to the mental health needs of our families.

For example, the recent school shootings are evidence of where counseling and treatment may have prevented these tragedies, yet stigma and lack affordability of mental health services stood in the way.

I urge my colleagues to support mental health parity and vote in favor of H.R. 1424.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. This bill moves forward the important principles that mental health deserves fair and equal recognition in our health care financing system and that individuals afflicted with mental health disorders deserve no less a chance at recovery than those afflicted with physical disorders.

These principles do not exist for their own sake, and there are plenty of practical reasons that mental health coverage should be equal to that of other types of health coverage. For example, the Journal of the American Medical Association estimates that employers lose as much as $31 billion per year in productivity costs associated with having depressed workers. The story is much the same for alcohol-related illnesses and certainly for suicide. Even if these economic realities did not exist, there remains no scientific justification for treating mental health as separate and inferior to physical health.

Many attribute the historical disparities between the treatment of mental health and physical health to stigmas about the realness of mental health disorders and the credibility of those who claim to have them. If this is true, surely our scientific and health care communities have moved us beyond those stigmas and shown that mental health not only exists, but is as important to one's day to day life as any physical condition. It is time that our laws and our health care financing system caught up to our scientific knowledge in this important respect.

H.R. 1424 will move us in that direction. If passed, it will bring this aspect of our private health insurance system in line with what has worked for Medicare, Medicaid, the Veterans Administration, and the Federal Employees Health Benefits Program—the very same health program available to members of Congress. This is not a mandate. Employer-based health care plans will not be required to offer mental health benefits, but those group plans with 51 or more employees who do offer mental health benefits will be required to provide coverage that is no less substantial than the coverage provided for physical health. This is sound policy, and ensures that those afflicted with mental health disorders can afford the care they need to lead productive, happy, healthy lives.

I am aware that there are some differences between this bill and the similar bill that passed the Senate last year. Some opponents of the House version, I think, have legitimate concerns about the effects of basing coverage on the Diagnostic and Statistical Manual of Mental Disorders (DSM–IV). The instances in which plans and states have adhered to the DSM–IV have not yielded the problems with overuse and treatment for the "worried well" that opponents predict, but the possibility that these problems could occur, I think, is strong enough that these differences should be addressed before the bill becomes law. I am hopeful that ongoing discussions between the House and the Senate will produce a bill that addresses these concerns and finds a suitable compromise.

I will vote for this bill because I believe that moving it forward in the legislative process is one more important step toward the final goal of instituting equity between physical and mental health coverage, a goal I hope can be achieved this year.

Mr. HULSHOF. Mr. Speaker, I am very glad that we are taking up mental health parity today. I support mental health and substance abuse parity, as does most of this body. But there are a few details of this bill I would like to change to ensure that true parity be the final result of the legislation before us.

But because this is brought up under a closed rule, these vital changes cannot be made, thus I will oppose this bill.

Let me add at the outset that I have only the utmost respect for my friend and fellow Health Subcommittee member JIM RAMSTAD. He is a champion on this issue, and the tenants of mental health parity that most here support are in no-small-part thanks to his intelligent, passionate advocacy. I thank the gentleman for that example and his service to this institution.

September 18, the Senate voice voted S. 558, legislation that was the product of input and agreement between mental health advocates, policy experts, health providers, employers, and authoring legislators.

I am concerned that in passing the language in this bill, this House will be marginalizing itself—that in passing a bill with no real hopes of adoption by the other body this body will be seen as out-of-touch, a secondary player, and at worst could hold up much needed mental health legislation.

I would like to highlight two key differences between the House and Senate bills, using the language from the Senate compromise bill—the codification of the DSM–IV, Diagnostic Statistical Manual, and protection of Medical Management.

DSM

I proposed two amendments at the Ways and Means Committee that would have won my vote there and here on the floor and would move this bill more quickly through a House-Senate conference and to the President's desk for signing.

The first issue, this legislation creates a broad new mandate by codifying usage of the DSM–4 (DSM–IV).

H.R. 1424 imposes a broad mandate to cover all mental illnesses listed in the DSM–IV Manual. DSM is the Diagnostic Statistical Manual that provides diagnostic criteria and codes for billing health plans.

Health Plans will be required to provide coverage for all the conditions listed in DSM–IV—conditions such as caffeine withdrawal and jet lag are included, as other speakers have and will discuss. This is simply a benefits mandate.

The bill exceeds the stated objective of achieving "parity" by requiring coverage of all conditions in the diagnostic manual for mental health and substance abuse disorders if a plan decides to cover any mental health or substance abuse conditions at all. No similar Federal requirement applies to any other category of benefits.

Currently, there is no Federal definition of the scope of medical/surgical benefits that plans must offer. Therefore, this is NOT true parity.

MEDICAL MANAGEMENT

The House bill contains no provision to protect medical management practices. These can include such things as coordinated disease management, care management initiatives, health coaching, and patient support tools to improve the quality and accessibility of mental health benefits.

The use of medical management allows plans to provide the right course of treatment and avoid expending resources on ineffective or unproven treatments.

The Senate bill would protect plans ability to manage mental health benefits in this way, even if such management is more intensive than the management of other types of medical services.

The reason FEHB plans have been able to keep their costs down is because they are allowed to offer medical management programs to determine whether a treatment is medically necessary or not.

In fact, the principal investigator who evaluated parity for Federal employees stated in his testimony to the Energy and Commerce Committee that "these findings suggest that parity of coverage of mental health and substance abuse services, when coupled with management of care, is feasible . . ."

If enacted, H.R. 1424 will limit the ability of group health plans to apply a full range of medical management tools—including the use of provider networks and contracting—tools essential in controlling costs and ensuring quality.

GENETIC INFORMATION NON-DISCRIMINATION ACT

I would like to make one other point on the attachment of the Genetic Information Non-

Discrimination Act to H.R. 1424, legislation I supported out of Committee.

But at Ways and Means we fixed language protecting those who donate their time and selves for clinical research, but this final language is not comprehensive.

I am concerned with the definitions of genetic testing/services, that they fully include protection for those going into clinical research. An example: John's employer learns that John is signing up for clinical research and fires him or his insurer drops his policy. The bill now says ''genetic services received pursuant to clinical research.'' So, John isn't protected because he has not had a genetic test or service, he's only signed up to do it. Or maybe the employer discovered that John is interested in participating and fires him.

The services themselves are protected, which is good. However, the definition is missing the protection of the ability to participate in clinical research. The Ways and Means Committee passed language protecting this, and I hope that this language can be perfected at conference with the Senate to protect all clinical research participants.

Mr. SMITH of Texas. Mr. Speaker, I support better health care being made available for the mentally ill. Americans should have the freedom to choose health care plans that offer mental health benefits.

I also support the passage of H.R. 1424, the ''Paul Wellstone Mental Health and Addiction Equity Act of 2007,'' because this legislation represents a step forward in the mental health care debate.

However, I believe the House bill goes too far by limiting physicians' ability to refer patients to physician-owned hospitals. Physician-owned hospitals play an important role in providing high quality care to patients. These facilities should not be penalized for offering accessible health care to so many individuals.

In addition, this legislation requires any plan that provides mental health or substance-related disorder benefits to offer coverage for all disorders listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM–IV). The list of disorders encompassed by this legislation is too broad and could be used by some individuals to take advantage of the health care system.

H.R. 1424 also will not allow employers to have discretion over the benefit coverage decisions for their employees. It instead imposes a mandate that requires employers to cover all conditions listed in the DSM–IV. This mandate likely will increase health insurance costs.

I am hopeful that if this legislation goes to a Conference Committee, the House will adopt much of the language contained in the Senate version of the bill, S. 558, the ''Mental Health Parity Act.'' The Senate bill represents a compromise between the mental health and business communities.

The Senate legislation provides employer discretion by allowing employers to determine which mental health conditions should be covered under their plan and does not include language that penalizes physician-owned hospitals.

I look forward to continuing to work with my colleagues on this important issue and to making sure we have an improved bill at the end of the process.

Mrs. BACHMANN. Mr. Speaker, today we are debating a bill which addresses an issue that is near and dear to my heart: helping those with mental health disorders.

As the wife of a clinical therapist, I have seen the many challenges that people who have mental health disorders face day after day.

These are very real impairments—but through counseling and appropriate treatments, real breakthroughs can be made.

We can help those individuals who suffer, as well as their families and our overall society.

But I have serious concerns about the scope of this legislation and the impact it will have on the affordability of health insurance for all Americans.

By mandating that group health plans offer the same financial benefit structure for both mental and physical disorders, the cost of insurance will increase across the board—and with accessibility of health care services and the affordability of health care coverage so paramount a concern for families across the country.

The Congressional Budget Office has estimated that the cost of these mandates in the private insurance market will total $3 billion annually by 2012.

This will inevitably set up a cycle of increasing costs on employers offering health insurance and thus increasing costs for employees seeking to obtain coverage.

These mandates may even have an adverse affect on access to mental health coverage at all.

My colleagues in support of the bill have stressed that it does nothing to require employers to offer coverage of mental health services—it only mandates what this coverage must include on those who choose to offer mental health coverage.

But it is not hard to imagine that many employers who are frustrated with the increased costs the bill will impose on them will simply drop mental health coverage altogether.

That, of course, would be counterproductive to the intent of the bill.

In fact, it would hurt the very people the bill purports to help.

Mr. Speaker, the cost of health care is at perhaps an all time high.

Between 2000 and 2006, premiums for family coverage have increased by 87 percent, making the average premium families' paid last year $12,106.

This is not the time to make coverage less affordable.

Though I appreciate my colleagues' good intentions, the negative impact this bill would have on our overall health care market is too serious to ignore and I must oppose it.

Mr. CONYERS. Mr. Speaker, I rise to voice my strong support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007, which requires equity in the provision of mental health and substance-related disorder benefits under group health plans. This much needed legislation would finally provide for true mental health insurance parity, offering mental health and substance-abuse benefits on par with medical and surgical benefits, ending discrimination against patients seeking treatment for psychiatric disorders.

Mental illnesses have a devastating affect on our nation. According to a 2005 Harvard study, over 35 million Americans suffer from a moderate or serious mental disorder in any given year. Societal costs, such as loss of productivity and the burden on family caregivers, total $113 billion annually. As well, the President's New Freedom Commission on Mental Health reported in 2003 that mental illnesses constitute the leading cause of disability in the United States; the Commission noted that half of those who need mental health treatment in this country do not receive it.

The treatment of mental illness works. Unfortunately, only those who are able to access care can benefit from it. Most mental disorders are chronic, ongoing illnesses that require consistent and persistent treatment in order to achieve remission. It would seem unconscionable to limit the number of times a cancer patient sees their oncologist for treatment; those suffering from severe psychiatric illness should not be held to a lesser standard of care.

Despite disinformation put forth by some of my colleagues today, the concept of mental health insurance parity is not a new one. In fact, as members of Congress, we all enjoy the benefits of mental health parity that our constituents are deprived of. The Federal Employees Health Benefits (FEHB) Program has offered mental health and substance-abuse benefits on a par with general medical benefits since 2001. A convincing study of the FEHB program published by the New England Journal of Medicine in 2006 proves that the implementation of parity in insurance benefits for behavioral health care can improve insurance protection without increasing total costs.

Mr. Speaker, the inequity of coverage with regard to mental health and substance abuse treatment benefits is tantamount to discrimination against the mentally ill, and it reinforces the strategy of insurance companies to deny care rather than provide care. It is our duty to end this intolerable discrimination against the mentally ill, and pass H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Mr. HOLT. Mr. Speaker, it will be a landmark day when we realize that health is not just about fixing broken bones. It's about having a healthy, complete individual from head to toe. Millions of Americans suffer from mental illness of some form, conditions that disrupt a person's thinking, feeling, mood, ability to relate to others, and daily functioning. Mental illnesses strain families and can contribute to lost productivity, unemployment, substance abuse, homelessness, or suicide. Few Americans are untouched by it. No one is immune.

Prompt and comprehensive treatment can reduce enormously these effects, but insurance companies—including government plans like Medicare, Medicaid, and the State Children's Health Insurance Program (SCHIP)—frequently impose limits on coverage for mental health that are not imposed on traditional medical and surgical care. Already this year, Congress has worked to address these inequalities in the federal health programs.

Today, the House of Representatives is taking a significant step toward finally ending the insurance discrimination that has existed for decades against people with mental illness.

Representative PATRICK KENNEDY and Representative JIM RAMSTAD deserve credit for

their strong leadership on the Paul Wellstone Mental Health and Addiction Equity Act, H.R. 1424, which I am proud to cosponsor along with more than 270 of my colleagues. This much needed legislation would require insurance companies to provide benefits for mental health and substance abuse treatment equal to those provided for physical medical treatment.

The Paul Wellstone Mental Health and Addiction Equity Act would require that all Diagnostic and Statistical Manual of Mental Disorders, DSM–IV, illnesses be covered, rather than letting insurance companies determine their own scope of coverage. This is the same coverage requirements that we as Members of Congress receive under our federal employee health plan, and our constituents deserve no less coverage.

The American Psychological Association, which publishes DSM–IV, reports that lack of insurance coverage (87 percent) and cost (81 percent) are the leading factors for individuals not seeking mental health services. The Paul Wellstone Mental Health and Addiction Equity Act would solve both of these problems.

Additionally, unlike the bill working through the Senate, H.R. 1424 would not preempt state law. This is very important for the residents of my home state of New Jersey and others who already have mental health parity laws on the books. For good reason these states worry that they might be forced to reduce their coverage requirements.

We know that mental illness is treatable, yet because one third of the people affected do not receive needed treatments, mental illness remains a leading cause of disability and premature death. According to the World Health Organization, the costs related to untreated mental illness are $147 billion each year in the United States. Those who oppose the legislation thinking it is too expensive should note this cost.

Yet, an analysis of the Paul Wellstone Mental Health and Addiction Equity Act indicates it would result in an increase of less than one percent premiums and would reduce out-of-pocket costs by 18 percent. Further, a recent article in the Journal of American Medical Association, JAMA, indicates that employers who actively encourage their employees to use mental health services actually experienced an increase in hours worked and productivity gains.

Ultimately, despite the economic arguments in favor of parity, it is not a debate about dollars and cents, but about lives saved and people restored. I recently received a letter from a constituent who is a corporate human resource director. She did not write me in that capacity, however. Instead, she wrote me ''as the sister of a beloved brother who committed suicide one day after his in-patient mental health care benefit 'ran-out'.'' She understood and related to me not only the human resources concerns, but also and especially, the true cost of mental health and the failure to enact mental health parity. Let's work to ensure that those who need access to mental health care, get it.

Mr. TERRY. Mr. Speaker, today the House is considering H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. I strongly support the mental health community and believe that millions of Americans living with mental health illness and addiction need access to treatment. Screening and early treatment remains an important and cost-effective way of combating mental health illness and addiction.

Unfortunately, the bill before us today seeks to extend mental health treatment by stifling innovation, increasing health insurance cost to employers and employees and mandates that ALL diagnoses, such as 'jet lag' and 'caffeine intoxication' listed in the DSM–IV be covered.

A provision in H.R. 1424 also seeks to limit physician ownership in hospitals, regardless of whether those hospitals are in rural or small communities. Physician owned hospitals strive to eliminate preventable complications and errors in order to improve patient care. Specialty care hospitals are an integral part of our community in Nebraska. They provide quality care and help keep costs down. A February article in Forbes highlighted a University of Iowa study which found that tens of thousands of Medicare patients' complication rates for hip and knee surgeries were 40 percent lower at specialty hospitals than at other hospitals.

Mr. Speaker, unlike the Senate bill which requires that insurance companies consider all mental ailments listed in the Diagnostic and Statistical Manual of Mental Disorders, the legislation before us goes one step further by requiring groups which offer mental health benefits to cover all diagnoses under the DSM–IV, this includes disorders such as 'jet lag' and 'caffeine intoxication.' Furthermore, groups would be required to extend current mental health benefits regardless of religious or moral objections they may have to paying for the treatment of psycho-sexual disorders or dubious complaints of less serious problems.

Finally, the bill would increase health insurance costs. The CBO estimates that by 2012, H.R. 1424 would cost $3 billion annually, a cost which would be passed on to employers and employees.

I am concerned that the government mandate currently proposed by H.R. 1424, though well-intentioned, could actually reduce access to mental health care. Many health plans are already responding to customer demand by gradually implementing greater coverage of mental health treatments. Mandating that such coverage would be immediately equal with medical and surgical benefits could force some plans to drop mental health benefits altogether leaving Americans in need of coverage with none at all.

Mr. Speaker, I wanted to come to this floor and vote for a Mental Health Parity bill like the one I supported in the Energy and Commerce Committee last fall. Unfortunately, this is not the same legislation, and therefore I must reluctantly oppose it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, introduced by my distinguished colleague from Rhode Island, Representative PATRICK J. KENNEDY, but ask for a closer at Section 6, and its effect on physician-owned general hospitals.

I have opposed H. Res. 1014, the rule which provided for consideration of H.R. 1424; however, I am in support of the bill itself.

This bill permanently reauthorizes and expands the Mental Health Parity Act of 1996 to provide for equity in the coverage of mental health and substance disorders as compared to medical and surgical disorders. This legislation ensures that group health plans do not charge higher co-payments, coinsurance, deductibles, and impose maximum out-of-pocket limits and lower day and visit limits on mental health and addiction care than for medical and surgical benefits.

Although this legislation does not mandate group health plans, if a plan does offer mental health coverage, then this legislation would require it to offer equity in its: (1) financial requirements applied to mental health and substance-related disorders, (2) equity in treatment limitations, (3) prohibit discrimination by diagnosis, and (4) equality in out-of-network coverage.

This legislation provides for greater transparency in medical management, and strict enforcement by the Internal Revenue Service, something we all want to see more of in the health care industry.

Over the past several decades, America's health care system has been a leader in innovation. This innovation has given patients unprecedented access to specialized care in all different fields of medicine. Whether it's in cancer centers, children's hospitals, or ambulatory surgical centers, patients now have the ability to receive quality care in a hospital of their choice.

Unfortunately, this bill stifles the very innovation and choice that has laid the groundwork to real transformation in our health care system. A provision in H.R. 1424 would severely restrict the ability and capacity of physician owned hospitals to provide quality healthcare to their patients. It does not matter if the hospital is rural, inner city, big or small this legislation will punish these hospitals, the doctors and the nurses that serve their community every day by restricting them from providing high quality care to their patients. Physician owned hospitals serve as an integral part in the future of patient care and should not be dismissed just because they have physician investment.

In Texas, we have inpatient rehabilitation hospitals, long-term acute care hospitals, general care hospitals, and community hospitals that are nationally recognized as the best in the industry and each and every one of them has physician investment. Patients across the great state of Texas have greatly benefited from the safety, quality, and innovation that physician owned hospitals bring.

In an era when hospital deaths from infections, medical errors, and other problems approach 100,000 a year, physician owned hospitals have placed a very large emphasis on eliminating preventable complications and errors in order to improve patient care.

Just this month in a Forbes article, a University of Iowa study found that tens of thousands of Medicare patients' complication rates for hip and knee surgeries were 40 percent lower at specialty hospitals than at other hospitals. These hospitals provide a needed service and they must be allowed to continue their good work now and in the future.

Before Senator Paul Wellstone's untimely death and that of his wife and daughter, I had the opportunity to meet with him and work with him on these very issues. His dedication to

creating affordable healthcare for all Americans is what is at the root of this legislation. Having a provision that actually seeks to restrict physicians and hospitals seems to obliterate the bipartisanship and purpose of this bill.

We all support the goal of equal access to mental health benefits. However, we should not believe that it should be paid for by sacrificing facilities that bring quality, efficient and accessible healthcare to all patients.

I urge my colleagues to take a closer look at the effect this legislation will have on physician-owned hospitals. Despite my reservations regarding the disproportionate impact on physician-owned hospitals, ultimately patients benefit from this legislation and therefore I ask each of you to join me in supporting H.R. 1424.

Mr. SHULER. Mr. Speaker, I rise in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. The passage of this bill is an important step for those suffering from mental health problems in this country.

I believe it should not be an uphill battle to get treatment for millions of Americans living with mental illness and addiction. Thanks to my colleagues Mr. KENNEDY and Mr. RAMSTAD we are moving towards achieving parity between mental and physical conditions.

While I support the underlying legislation, I oppose the closed rule under which it is being introduced, because it does not provide for an opportunity to address the revenue raisers included in the bill. I am particularly concerned with the offset used to pay for the legislation, specifically the Medicaid prescription drug rebate.

Increasing these rebate rates could have a chilling effect on pharmaceutical research and development for the next generation of treatments, including those that aid patients with mental health conditions that we are attempting to help today.

I urge the passage of this bill. However, as this bill advances to conference, I hope that the final product that returns to the House will not contain an increased Medicaid rebate or any other provision that will deter the innovation of new treatments for the diseases that affect American families.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. As a cosponsor of this important legislation, I applaud your leadership in bringing this bill to the floor and addressing the issue of mental health panty.

According to the National Institute of Mental Health (NIMH), approximately 26.2 percent of Americans ages 18 and older—about one in four adults—suffer from a diagnosable mental disorder. Unfortunately, the U.S. Surgeon General reports that only one in three of these people receive treatment for their disabilities. A significant reason that people fail to seek medical help for debilitating mental health issues is the lack of insurance.

The Paul Wellstone Mental Health and Addiction Equity Act would help address this problem. By requiring health plans to consider mental health issues on an equal basis with other health problems, this bill ensures that those in need can get the treatment that is medically necessary. We must expand access to mental health to ensure a strong and productive America that provides for its most vulnerable citizens.

Untreated and mistreated mental illness costs the United States $105 billion in lost productivity, a figure that has been increasing every year. According to a study funded by NIMH, treating mental health in the workplace significantly improves employee health and productivity, likely leading to overall lower costs for the employer. Mental health also has a high cost to society—for example, 20 percent of youths in juvenile justice facilities have a serious emotional disturbance and most have a diagnosable mental disorder. This bill will improve our economy and ensure those in need get the help they need before their illness turns into something worse.

My home state of North Carolina was one of the first states to adopt a mental health parity law back in 1991, and last year the State Legislature expanded and strengthened its mental health parity provisions. I support the efforts of North Carolina's mental health professionals in bringing this issue to the forefront of our State's agenda.

Mr. Speaker, while I strongly support this bill, I disagree with part of the bill's funding mechanism. We must be fiscally responsible, but we should not allow cost offsets to undermine the basic goals of this bill. I am concerned that the large increase in the Medicaid prescription drug rebate will reduce the ability of patients, including those with mental health conditions, to get the prescription medicines they need.

H.R. 1424 calls for a 33 percent increase in the rebate that brand pharmaceutical companies pay to the Medicaid program. Innovator drug companies already provide deep discounts to Federal and State Governments for the prescription drugs covered by the Medicaid program. I am concerned that a huge increase in costs will have a chilling effect on pharmaceutical research and development for the next generation of treatments, including those that aid the very patients with mental health conditions that we are attempting to help today. Mr. Speaker, I hope that you and the House conferees will work to address this issue in conference negotiations with the Senate.

After careful consideration, I urge my colleagues to join me in voting for H.R. 1424.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007, which I am proud to cosponsor. I know many people have worked hard to bring this important measure to the floor, including my friend from Minnesota, the co-chair of the Bipartisan Disabilities Caucus, Mr. RAMSTAD. Most of all, I would like to recognize the commitment and perseverance of my good friend and colleague from Rhode Island, PATRICK KENNEDY. PATRICK has been my good friend for many years, and I have watched him harness his passion and his knowledge to address the challenges faced by those with mental illness. He has raised awareness about a topic that had previously been considered taboo by the American people, using his own personal experiences to humanize the issue of mental health. I know that the people of Rhode Island admire his leadership, and I thank him for his tireless efforts.

Mental illnesses and substance abuse problems are at epidemic levels in this country. According to recent estimates, more than 35 million Americans experience the disabling symptoms of mental illness. Depression alone costs employers over $35 billion dollars a year in lost productivity, and that figure does not even factor in the multitude of other behavioral and psychological disorders that challenge our society on a daily basis. Substance abuse also directly affects an estimated 25 million Americans. An additional 40 million are indirectly affected once family members of abusers and the injured victims of intoxicated drivers are considered. Put simply, the social and monetary costs of these problems are astounding.

This bipartisan legislation makes tremendous strides in ending the inherent discrimination in our insurance system against patients seeking treatment for these illnesses. It permanently reauthorizes and expands the Mental Health Parity Act of 1996 to provide for equity in the coverage of mental health and substance-related disorders. It does not achieve equity by mandating that group health plans provide mental health coverage. However, if a plan chooses to offer coverage—as it rightfully should—then the coverage it offers must be no more restrictive in the financial requirements or treatment limits that are provided for medical or surgical disorders. This will mean equity in deductibles and co-pays, as well as in the frequency and number of visits. It will also establish parity for out-of-network coverage. In short, it will vastly expand coverage and access for those seeking treatment for their mental health.

Mental health parity is already available to members of Congress and over 8 million Federal employees under the Federal Employee Health Benefits Program, FEHBP, at minimal additional cost to the program. It is time that we extend this benefit to all Americans, and this legislation takes us considerably closer to that goal. I strongly urge my colleagues to vote in favor of this bill.

Mr. MCDERMOTT. Mr. Speaker, today is an historic day. Along with others, I have labored for a very long time to produce a comprehensive mental health parity bill. Without a doubt, our actions today will benefit real people in real ways. Many times we come to the floor to debate and vote on legislation that many Americans may wonder what is the relevance or the purpose? No one who has suffered a mental illness or has watched a family member suffer a mental illness will ask what is the relevance?

As a doctor and psychiatrist, I want to emphasize to my colleagues that this bill will make a genuine difference in the lives of the American people we serve. I know the suffering of mental illness. Not only do many patients still face the stigma of mental illness, but they also face discrimination in coverage.

Most Americans would be outraged if they heard that health plans charged higher copayments for cancer treatments or limited hospitals stays for those with heart diseases or denied care for diabetes. We would all be outraged. But, that is what we allow for mental illness.

We have heard a great deal about the costs of requiring mental health parity. What we

hear very little about is the cost of not providing mental health parity. Many untreated mental illnesses can metastasize into serious physical and costly illnesses. Untreated depressions can result in heart disease. An untreated eating disorder can result in kidney failure. Yet, had we treated the mental illness we could have saved millions of dollars in costly care.

The issue of increasing costs of insurance is simply and categorically false. We know from the FEHBP experience that mental health parity has not resulted in significant costs. In fact, CBO has reported that H.R. 1424 would increase premiums by just two tenths of one percent. I would argue the longer term savings would offset any increase in premiums and that we will see a savings.

Access to mental health is simply access to quality primary care. It's key to preventing disease and improving outcomes. It simply makes no sense to treat the brain differently than the kidney or lungs or heart.

We have also heard a great deal about the use of the DSM–IV and scope of coverage. The use of DSM–IV is a tool for diagnosing mental illness and ensures that doctors, not insurance companies, define a mental illness. Some of my colleagues have argued that the use of DSM–IV will mean that plans must cover jet lag. These are not DSM diagnoses and refer to V Codes and not developed for the DSM.

My colleagues also argue that the use of the DSM–IV will prohibit plans from medical management. Again, my colleagues are wrong. As a practitioner, let me assure you that diagnosing and treating illness are very different things. Treatments can and will still be subject to medical necessity, like any other illness.

I think it is important for me to correct the record. Many of the speakers who addressed the House today are not health care professionals and have little understanding of mental illness. Yet, they claim to be experts on diagnosing and treating mental illness.

Finally, let me say a few words about the physician ownership offset. Just a couple of weeks ago, the administration sent to the Congress the Medicare 45 percent trigger recommendations. We have heard over and over again that Medicare spending is not sustainable and we need radical reforms. Yet, when we offer a small reform measure that will save more than $2 billion over 10 years, and protect patients from unnecessary care, some Members come to the floor to oppose. In fact, they argue that this physician ownership issue reduces choice or access. Who chooses to spend $2 billion more?

I understand that there may be some clinics that are providing quality care and we need to work to ensure that Medicare beneficiaries are not denied access. But, let's remember what we are doing. This is about closing a loophole to limit physician ownership of medical facilities to reduce over utilization and protect full service community hospitals. Many of these physician owned facilities do not staff an emergency department or an ICU. This is about protecting the integrity of the Medicare program. This is about controlling Medicare spending.

I strongly support H.R. 1424. Let's end this inhumane practice of discriminating against those with a mental illness. Let's make sure that when families pay premiums for health insurance coverage that they have the right to medically necessary coverage.

Mr. KIND. Mr. Speaker, I rise today in strong support of long overdue legislation that would equalize care for the millions of Americans suffering from mental health and substance-related disorders. More than 10 years after passing the Mental Health Parity Act, Congress now has the chance to finish the job it began and ensure that no Americans face discrimination in insurance coverage of mental health care.

Patients throughout the country struggle with the enormous financial costs of mental health and substance abuse treatments not covered by insurance. Many go without treatment, creating a burden on families, communities, and even our economy. Over 1.3 billion work days are lost annually due to mental disorders, more than stroke, heart attack, and cancer combined. In addition, employers face $135 billion in lost productivity each year due to untreated alcoholism and $31 billion due to untreated depression.

Enacting H.R. 1424 is important not only as a way to remove barriers to mental health and substance abuse care, however, but also as a way to remove the stigma long associated with these disorders. Equalizing care would send a strong message that the 57 million Americans suffering from mental health disorders and 26 million from chemical addiction should be treated no differently than individuals suffering from other medical conditions. I applaud the leadership and work of Representatives KENNEDY and RAMSTAD for their tireless efforts to bring this important legislation forward, and I am proud to give them my strong support.

In moving forward, it is my hope that the House and Senate can work together to find common ground so that mental health parity can be enacted. as part of this process, I would encourage negotiators to review the offsets used to pay for H.R. 1424, particularly the increase in the base Medicaid drug rebate level. I encourage Congress to consider the effect this increase would have on small businesses that provide drugs and biologics to the Medicaid program, as well as possible disincentives this increase could create for companies to innovate and develop important new medicines. Although I am not opposed to raising the base rebate amount on principle, I am concerned that it may not be a prudent step to take without a thoughtful and complete review of its possible impacts.

Ms. BALDWIN. Mr. Speaker, I rise in strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act.

All Americans deserve access to affordable, comprehensive health care—to meet both their physical and mental needs. I believe that Americans should be provided comprehensive coverage for mental health services. Mental illness and substance abuse are real and treatable health problems—just like hypertension, cancer and heart disease; yet millions of hard-working men and women still find that their health plans place strict limits on coverage for mental health benefits.

I am proud to be an original cosponsor of H.R. 1424. This bill will finally provide for equity in coverage of mental health and substance-related disorders.

We know all too well the inequities that currently exist for those seeking mental health care and substance-related care. They are subjected to higher co-payments, higher deductibles, and more restrictive treatment limits.

I have heard hundreds of heart-wrenching stories from my constituents in Wisconsin about the effects that these inequities have had on their families.

One woman's story was especially poignant about the inequities of the current system. In the same year, both her husband and her daughter required major medical care because of life-threatening conditions. One had a disease of the kidneys, and one suffered from severe clinical depression. Both patients required emergency visits and extended treatment. Both patients were compliant and followed their doctor's treatment instructions. Both patients were covered under the same family policy.

But the insurance paid for twice as much of the costs associated with the kidney disease than they did for the severe depression, because depression is a mental illness.

And while her husband underwent multiple treatments for his kidney disease, her daughter was told after a few psychiatric visits that her insurance would not pay anything toward further visits because she had used up her allotted number of visits for the year.

These higher patient costs and treatment limits are unconscionable. I am delighted that H.R. 1424 will require equity in financial commitments and equity in treatment limits for mental health and substance-related disorders as compared to medical and surgical benefits. In addition, it will prohibit discrimination by diagnosis and provide Americans with the same mental health coverage that Members of Congress have.

Mr. Speaker, I urge my colleagues to join me in voting in favor of H.R. 1424.

Mr. BUTTERFIELD. Mr. Speaker, I rise today in strong support of the H.R. 1424—Paul Wellstone Mental Health and Addiction Equity Act of 2007. This legislation is a great step in ensuring that group health plans are discouraged from charging higher co-payments, coinsurance, deductibles, and imposing the maximum out-of-pocket limits on mental health and addiction care than those imposed for medical and surgical benefits.

Although I fully support the intent of this measure, Mr. Speaker, I have slight reservation over one of the offsets used to pay for the legislation, specifically the large increase in the Medical prescription drug rebate.

Innovative drug companies already provide deep discounts to Federal and state governments for prescription drugs covered by the Medicaid program. H.R. 1424 calls for a 33 percent increase in the rebate that brand pharmaceutical companies pay to the Medicaid program at a time when many drug companies are facing big financial challenges.

As a member of the North Carolina delegation, I realize the economic impact that this innovative industry has on my State, employing over 25,000 North Carolinians with many coming from my congressional district. I also understand the threat that this rebate poses to

research, development, and access to drugs for the Medicaid beneficiaries of my poverty stricken district. We need these companies to continue investing in the United States, creating good jobs, and developing the new drugs our patients need.

Mr. Speaker, it is my hope that the House will come together and support this progressive piece of legislation. I am pleased that we did not give up on this bill and have moved forward despite the President's veto of the Children's Health and Medicare Protection Act of 2007. Further, I would also like to encourage my colleagues who will be engaged in the conference negotiations to bring to us a final product that will not deter innovation of new treatments for the diseases and ailments that affect American families.

Mr. SESSIONS. Mr. Speaker, today on the floor of the House of Representatives we are considering the issue of mental health parity. Unfortunately, some of my colleagues have clouded this important issue with extensive and over-burdensome regulations. As a supporter of mental health parity it is regrettable that I can not support the bill at hand. With over 50 million adults suffering from mental disorders it is necessary that there is access to mental health services. The Senate has passed legislation on parity that will allow access to these needed services, and I applaud and support their efforts.

As a long time supporter of the Genetic Information Non-Discrimination Act, it is disappointing that this legislation was coupled in with the over regulated mental health parity bill. Congress has taken great strides over the last few years towards adequately protecting an individual's genetic information an encouraging lifesaving genetic testing. Attaching this legislation to the flawed parity bill puts those efforts to shame. Congress should take up the Genetic Information Nondiscrimination Act on its own and allow those, like myself, to vote in favor of the bill.

Ms. BEAN. Mr. Speaker, I rise in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. The passage of this bill is an important step for those suffering from mental health and substance-related disorders in this country.

I believe it should not be an uphill battle for the millions of Americans living with mental illness and addiction to receive quality care. Thanks to my colleagues, Mr. KENNEDY and Mr. RAMSTAD, we are taking strides to achieve parity between mental and medical conditions.

While I support achieving mental health parity, I am concerned about using the Medicaid prescription drug rebate as an offset to pay for this legislation.

Innovator drug companies already pay significant rebates to Federal and state governments for their prescription drugs to be covered by the Medicaid program. As a result of this "best price" policy, Medicaid programs already obtain drugs at a below-market price. I am concerned that further increasing this rebate will have a chilling effect on pharmaceutical research and development for the next generation of treatments, including those that aid the patients with mental health conditions we are helping today.

As the economy weakens and our manufacturers are courted with large subsidies to move their operations and jobs overseas, we must not stifle innovation. We need our pharmaceutical companies to continue investing in the United States, creating good jobs, and inventing new drugs our patients need.

I urge the passage of H.R. 1424. However, as this bill advances to conference, I hope the final product that returns to the House will not contain an increased Medicaid rebate, or any other provision that will deter the innovation of new treatments for the diseases that affect American families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a psychiatric nurse with 15 years of hands-on patient care experience, I strongly support mental health parity. All health insurers should provide coverage for mental and behavioral care.

An overwhelming body of evidence links mental- and emotional well-being to physical well-being. Simply put, the two go hand-in-hand.

For too long, too many health insurance companies have cut corners, when it comes to providing mental health benefits. Left to the "free market system," many insurers have opted not to cover mental health care, claiming that it is not medically necessary, or simply ignoring the issue and forcing patients to absorb the costs.

For too long, patients have suffered unfair expenses or delayed getting care, and the economic impact to our society has been large. Suicides, missed work due to depression, and other mental health issues have been the result of private industry's refusal to offer mental health benefits.

It is time that we put this harmful practice to a stop. I want to commend Representatives PATRICK KENNEDY, JIM RAMSTAD, and Senators TED KENNEDY and PETE DOMENICI for their tireless work to develop this legislation.

While I strongly support mental health parity, I believe that the Senate bill has been better tested by the stakeholder and business communities. The House version contains a provision, intended to help pay for the mental health benefit, that would result in reduced spending for physician-owned hospitals.

Baylor cardiovascular hospital, in my district in Dallas, would be affected by the provision. In order to collect future Medicaid reimbursements, the hospital would need to reduce its percentage of physician ownership; and growth of the hospital could be severely restricted.

It is my belief that Dallas residents are best served with as many options of affordable health care as possible—including mental health care. I hope that the House and Senate can resolve differences in the final legislation that will not harm local hospitals, yet pay for the benefits without increasing the Federal deficit.

For me, the bottom line is this: mental health parity should have existed from the onset of our modern health insurance system. Mental wellness is just as important as physical wellness. The two are the foundation for a life of wholeness and satisfaction.

Again, I thank my colleagues, stakeholder groups, and members of the Other Body for their hard work on such a critical issue.

Mr. TANNER. Mr. Speaker, I rise today to express my concern with one of the proposals being used to fund this legislation. I agree that improving coverage of mental health services is a laudable goal, and long over due, I might add. However, the proposal to help fund this increased coverage through increasing the Medicaid drug rebate is troubling to me. Drug companies already provide deep discounts to Federal and State governments for the prescription drugs covered by the Medicaid program. This legislation calls for a 33 percent increase in that rebate. I hope that a substantial increase in the rebate will not have a chilling effect on research and development for the next generation of treatments for those very patients with mental health conditions we are trying to help today.

As everyone knows, I am a strong supporter of pay go provisions. So I want to commend our leadership for their efforts to continue to address these funding issues. The other funding provision being used for the improved coverage in this bill is designed to ensure that any potential conflict of interest created by physician ownership interests in specialty hospitals is limited. I think this provision goes a long way toward creating a more equitable situation for all hospitals.

I plan to support final passage of this legislation. However, I hope that we can work together as this process goes forward to negotiate a conference agreement that offers a more balanced approach.

Mr. DINGELL. Mr. Speaker, today we are voting on the passage of H.R. 1424, the "Paul Wellstone Mental Health and Addiction Equity Act of 2007", which will permanently reauthorize and improve the Mental Health Parity Act of 1996. I commend my distinguished colleagues, Representatives KENNEDY and RAMSTAD, for their efforts in crafting this important piece of legislation.

H.R. 1424 will create true parity of coverage for mental health and substance abuse disorders. It will ensure that healthcare plans that provide mental health coverage do not charge higher co-payments, coinsurance, or deductibles for mental health or substance abuse care. It will also ensure that care for mental health and addiction disorders is no more restrictive than medical or surgical care.

Mental illness and addiction disorders have long been recognized by the healthcare community as actual and legitimate health afflictions which may have a significant affect on an individual's life and well-being. It has long been accepted that these afflictions deserve treatment by professionally trained healthcare providers.

As I think of all of the different diseases and afflictions recognized by our scientific and healthcare communities, I struggle to find a reason why someone who has healthcare coverage should confront discriminatory barriers to treatment simply because of the nature of the disease. Mental health and addiction disorders can be just as painful and debilitating as medical and surgical disorders. The strains of these illnesses affect individuals, families, and society as a whole.

I urge my colleagues to vote to pass H.R. 1424 to achieve comprehensive mental health and substance abuse parity.

Mrs. JONES of Ohio. Mr. Speaker, today I rise in support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity

Act of 2007. I am honored to support one of the many noble causes of the late Senator Paul Wellstone and strongly believe that this bill will address and improve our Nation's need for enhanced mental health services.

The plight of families suffering from mental illness is immense due to an absence of adequate social services and the unwarranted stigma surrounding mental health issues. Due to the unwarranted social stigma and a systemic failure to ensure health care coverage, over two-thirds of the people who suffer from mental illness go untreated according to the Department of Health and Human Services. Within minority communities, even greater needs exist for mental health services.

According to the National Institute on Mental Health, 20 percent of our children and 26.2 percent of American adults suffer from a diagnosable mental disorder in a given year. As the leading cause of disability in the U.S., many people suffer from more than one mental disorder at a given time. Thus, the need for mental health services is immense, and we cannot allow discriminatory practices by insurance companies to be an impediment to accessing available services.

Last year, I introduced H. Con. Res. 86 to express the sense of Congress that an appropriate month should be recognized as Bebe Moore Campbell National Minority Mental Health Awareness Month. Bebe Moore Campbell was a premier journalist who, before her untimely death, authored a children's book titled, Sometimes My Mommy Gets Angry, winner of the National Alliance for the Mentally Ill Outstanding Literature Award. Through this story of how a little girl copes with being reared by her mentally ill mother, Moore Campbell was able to raise public awareness of mental health issues and heighten the consciousness of this topic within minority communities.

In conclusion, I would like to affirm my support for H.R. 1424. This legislation is necessary to assist families who are struggling through the effects of mental illness and will contribute greatly to our Nation's overall wellness.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. I want to congratulate Congressmen KENNEDY and RAMSTAD for their excellent work on this bill. Their effort to secure parity for all Americans suffering from mental heath conditions has truly been an historic one, and I am proud to stand here today and support the House's comprehensive mental health parity bill.

Mental health conditions are the leading cause of disability for Americans aged 15–44, and are implicated in 90 percent of the more than 30,000 suicides that occur here annually. Productivity loss due to depression costs employers an additional $31 billion per year before disability claims are even taken into account. Every day, patients suffering from these debilitating conditions are denied treatment by insurers who do not provide mental health coverage—patients who could be treated safely and effectively thanks to new advances in medicine.

Mental illness is, according to nearly all medical experts, a biologically-based illness just like getting cancer, or diabetes, or the flu. But in addition to the horrendous costs that untreated and unchecked mental illness imposes on patients and society as a whole, failure to provide parity in coverage for mental illness stigmatizes patients suffering from mental health conditions and decreases the likelihood that they will seek treatment that could aid their suffering and enable them to be more productive members of society. This unjust stigmatization has no biological or medical basis, and yet it threatens promising American lives every day. We do not blame cancer patients for having cancer—why should we treat patients suffering from mental health conditions any differently?

H.R. 1424 is a comprehensive mental health parity bill that will ensure access to vitally needed treatment for countless Americans currently suffering from mental health conditions. Again, I applaud my good friends on their efforts on this bill, and I am proud to support this historic legislation here today.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to praise the passage of the Paul Wellstone Mental Health and Addiction Equity Act (H.R. 1424)—a bill that will fill the longstanding gaps in mental health care in this Nation and that will end the unfortunate disparate treatment that patients seeking mental health care currently receive.

Mr. Speaker, as a physician who practiced for more than two decades prior to coming to Congress, I have seen what happens to people who are afflicted with mental illnesses like bi-polar disorder, depression, and schizophrenia who do not receive appropriate, consistent care.

Studies confirm that mental health is integral to the holistic health and wellness of all people. Additionally, under-addressed mental health care issues are not just issues that affect the individuals who live with mental disorders; they also affect their friends, families, and communities. And, today, statistics show that 1 in 17 Americans suffer from a serious mental health disorder and that these disorders are the primary cause of disability in the United States among people 15 to 44 years of age—during their most productive life years.

Despite the enormous impact that mental illnesses can and do have on millions of Americans every day, good treatment works. But, of course, the treatment options available to patients comes with a cost and one that up until now has had to be borne largely by the consumer. It is important to recognize though that the cost of mental health problems—when they are un- and under-addressed—becomes staggering.

The good news is not only that over the past eight years, the Federal Employee Health Benefits Program (FEHBP) has made ''parity'' coverage for mental health care available to Members of Congress and 8.5 million other Federal employees, but that there has been no significant cost increase to this parity requirement in FEHBP. Based on this and further analysis, the nonpartisan Congressional Budget Office has estimated that H.R. 1424 would have a miniscule impact on premiums—just two-tenths of 1 percent.

For the sizeable proportion of Americans that suffer from more than one mental health disorder at a given time, this bill will be critical in improving mental health care access, options, and treatments available to patients seeking services.

Certainly, there is no better time than now to ensure that patients seeking treatment for mental illnesses are able to do so in a system that champions mental health parity, where care is accessible and not subject to reimbursement limitations by insurers or group health plans. This bill is exactly what is needed to finally bring equity and fairness into the mental health care system in this Nation and to finally make the health care that individuals can receive comprehensive.

Finally, Mr. Speaker, I also want to add that as the chair of the CBC Health Braintrust, I have long been concerned by the racial and ethnic disparities in mental health and in mental health care that detrimentally affect the millions of innocent, hardworking Americans, and have long championed and supported legislation to reduce such disparities.

The Paul Wellstone Mental Health and Addiction Equity Act is a bill that will help reduce the disproportionate burden of mental health and mental health care disparities on African Americans and other people of color.

Mr. Speaker, the burden of mental illness on the health and productivity in the United States and throughout the world has long been underestimated. This is a situation that demands and needs immediate action, for all children and adults who live with mental illness. Enacting strong mental health parity legislation will improve the health status of individuals who suffer dire health consequences as a result of their mental illness and pushes us one step closer to achieving health equity.

I am pleased that the House passed H.R. 1424. Now we can move forward to eliminate all disparities in health care by passing H.R. 3014, the Healthcare Equity and Accountability Act.

Ms. KAPTUR. Mr. Speaker, I am delighted that Congress was able to pass the long overdue Paul Wellstone Mental Health and Addiction Equity Act, finally vowing to end the discrepancy of health care and treatment available to patients with mental illness and addiction disorders. I commend Mr. KENNEDY and Mr. RAMSTAD for their steadfast and courageous efforts to bring this bill, and even more so, this issue, to the forefront of this Congress. This bill seeks to establish parity in coverage between mental health care and other forms of health care, ensuring greater access to treatment.

There are countless stories of Americans, including my own constituents in Ohio's 9th District, who are struggling not only with their mental illness, but with the costs of trying to treat it. Our local jails are jammed with inmates who present with serious mental illness as our sheriffs become innkeepers for the untreated mentally ill. Mental illness affects the majority of homeless in our Nation. Treating those who suffer from these cruel illnesses is long overdue. Following are accounts that show a striking difference among my constituents (whose names have been changed for privacy reasons) who have the necessary health coverage to help mange their illness, with those who do not.

Carol is a young woman not yet 30 years old, who had managed to hide her paranoid

schizophrenia for several years with treatment until a recent breakdown exposed it in a very public way. She'd lost her job—and thus her health insurance—and was struggling. She had no way to afford COBRA payments, and without health insurance, had to stop treatment. The voices in her head told her to eat bananas and drink beer, and then to drive. After following these instructions, she was picked up by the local police for driving under the influence. It was then that her parents became aware of her true condition. Because she had no health insurance, they could not find a place which would admit her for proper treatment. Her court case for the DUI was placed on suspension because, in her state of psychotic crisis, she could not participate in her own defense. Her parents finally found a counselor through the community mental health system, but her medical bills continue to mount.

Mary's situation is similarly devastating. A single mother raising four children, Mary works in a job which does not offer health insurance. Although she has purchased a private policy, it is very limited and has additional restrictions on mental health care. Mary's teenage son began to experience severe mental health problems and was diagnosed with schizophrenia. She found care in a private facility, but reached her insurance limit quickly. Now without the ability to pay for his care, she has found it very difficult to successfully continue his treatment. He has since encountered legal difficulty, and has been placed in a juvenile justice center.

With comprehensive health coverage, Bob's situation is much more fortunate, and a model for how things should be. Bob is a professional with a well-paying job and a young family. However, a crisis sent him into a downward spiral ending in depression. His full insurance coverage afforded him the ability to "shop around" as they struggled to find him proper treatment. Bob eventually sought help through a private inpatient treatment facility. Following his stay, he and his family have continued the intensive therapy he was prescribed, which has enabled him to return to a life of productivity and has restored a sense of normalcy in his family.

The Paul Wellstone Mental Health and Addiction Equity Act will go a long way in ensuring that there are more success stories like Bob's, and fewer situations like that of Carol and Mary. And, by breaking down the barriers to treatment, this bill will also help erase the unfortunate stigma that prevents those in need of mental health and addiction treatment from seeking the care they need.

The Wellstone bill moves America forward and brings hope to millions who know the scourge of mental illness.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Eleven years ago, the Congress came together to approve legislation that put the country on the road to mental health parity. But along that road, too many potholes remain unfilled. A letter I received last week from a Michigan psychologist reads, "Every day I see families with 'good health coverage' discover that their loved ones cannot get the mental health care they need because their employer-sponsored health insurance sets arbitrary, one-size-fits-all limits on mental health treatment that it does not impose on other medical or surgical benefits."

When the National Institute for Mental Health reports that 1 in 4 adults have a diagnosable mental disorder in any given year, and 1 in every 17 Americans suffers from a more serious mental condition, we know that it is time to take action. Whether it's a friend with signs of clinical depression, a son or daughter with a drug addiction or a parent with schizophrenia, too many people are not receiving the treatment that they need. In fact, a study conducted by the NIMH found that only 18 percent of Americans requiring mental health services received minimally adequate care.

We are all too familiar with the burden that inadequate access to mental health care can cause. People experiencing severe mental illnesses routinely exceed the number of allowable visits to a health care provider, leading to financial hardship or insufficient levels of care. Under the current system, a person seeking mental health services may have to wait months to get an appointment with a practitioner in his or her insurance plan's network, or have to pay a fortune out-of-pocket for mental health care.

The legislation before us ensures that Americans will have access to the mental health care they need by removing these barriers. Specifically, the bill requires health insurance companies that offer mental health benefits to offer them in a way that beneficiaries pay no more out of pocket than they would pay for physical and surgical health benefits. The bill also requires insurance companies that cover mental health benefits to cover the entire spectrum of them so that treatment for conditions like substance abuse and eating disorders will be covered.

All of us should join in supporting this important legislation to continue moving America along the road to parity, and the eventual elimination of discrimination, financial hardship and insufficient levels of care in our health care system.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in reluctant opposition to H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. To be clear, I support mental health parity and I commend my colleagues for coming together to ensure Americans can receive the care that is necessary; however, I have serious concerns about extraneous provisions that were added to the bill at the last minute.

This legislation, while seeking to increase access to mental health treatment, simultaneously raises the cost of doing business for companies who choose to provide low cost medication to the Medicaid program. In addition, the bill stifles the growth of certain specialty hospitals in an effort to bring more business to public hospitals. In a time when we should be encouraging the expansion of all types of medical care, we should not be punishing one part of the industry in order to pay for the expansion of another.

Providing access to quality mental health care is an important goal. Yet, I believe this goal can be achieved without harming unrelated aspects of the medical field, which is why I oppose H.R. 1424 and I support S. 558. If the House had brought up S. 558, which does include any of these problematic provisions, we could well be on our way to expanding mental health parity. I encourage the House to move forward with the Senate version so we can send this bill to the President as soon as possible.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today on behalf of a teenager from Bensalem, Pennsylvania for whom mental health care came too late. I rise in favor of a health care system that works for those in need.

This legislation not only promotes fairness for those with mental illness, it also will not pre-empt stronger State laws. Laws, such as Pennsylvania's Act 106, which has saved countless lives.

I stand with a Republican State representative from my district—Gene DiGirolamo—as we fight to preserve these critical laws in conference. Mr. DiGiralomo of Bensalem is a leading advocate for mental health parity and has worked tirelessly for health care laws that are fair and just.

Mr. Speaker, this bill is bipartisan and long overdue. I urge my colleagues to join me in voting for it.

The Paul Wellstone Mental Health and Addiction Equity Act is designed to end discrimination against those seeking treatment for mental illness.

This discrimination is real, and it affects the lives of millions of people every day.

We have all heard the stories of the negative stigma surrounding post traumatic stress disorder and traumatic brain injury from veterans returning from battle, and each of us has a family member or friend who has struggled at one time or another with mental illness.

Reauthorizing this important measure has waited for more than a decade—that is too long.

I am proud to be supporting it today and proud to have fought to include provisions that will keep this bill from pre-empting stronger State laws.

Act 106 is an example of a life-saving, crime-reducing law in Pennsylvania that will be preserved because of this important bill.

Act 106 not only helps addicts regain control of their lives, but also makes our State a safer and more pleasant place to live.

This protection is just one of many important items included in this bill, and Act 106 is just one of many State laws that we should preserve.

Mr. Speaker, this bill is critically important and while I am proud to support it, I must register some reservations about how we go about paying for it.

As a fiscally conservative Blue Dog Democrat, upholding the PAYGO rules are important, but the offsets chosen for this legislation are ones that have been used for another piece of legislation.

We are a Nation at war and a Nation in debt. Each person in this country owes more than $30,000 in debt because of the reckless spending habits of the past.

We need to make sure we pay for the bills we pass, but I have some serious concerns about passing two bills—two Democratic priorities—that are paid for with the same money.

I urge our leadership, that as we go to conference on both of these pieces of legislation we ensure that we have a fiscally responsible approach that is also equitable for all those involved.

Mr. Speaker, this bill is a great step forward, and it has the support of doctors, nurses, and families across the country.

I am proud to cast my vote in favor of the Paul Wellstone Mental Health and Addiction Equity Act.

Ms. WOOLSEY. Mr. Speaker, Despite the fact that 44 million Americans suffer from mental health disorders, a majority of health care plans continue to treat mental health differently than physical health. These plans discriminate against those with mental health disorders by imposing financial limitations and treatment restrictions on mental health and addiction care. Over 80 percent of Americans who need mental health treatment do not seek it because of the restrictions or the cost. This is unacceptable. Americans with mental health disorders need and deserve the same level of coverage as those who suffer from physical disorders, and with the passage of this bill, we can help give them that coverage.

This bill closes the loophole that has allowed plans to charge patients more and impose additional limits for mental health care. Efforts to weaken the bill by allowing plans to determine which mental health benefits to cover or preempting State laws providing stronger mental health protections will allow discrimination to continue against the millions of Americans who need our support in their efforts to seek treatment.

I urge everyone to vote for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, and these people whose lives depend on the treatment they need and deserve. Members of Congress have mental health parity. It's high time we provide parity to the 44 million Americans who need it.

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

As a society, we must fight for the rights of people who seek mental health and substance abuse treatment.

Vulnerable individuals with mental illnesses continue to face numerous barriers when seeking care, and we must work together to remove these barriers especially for diverse communities.

Latinos already have lower rates of employer-sponsored health insurance and lower rates of insurance with mental health coverage.

In California, 77 percent of Latinos' mental health treatment was covered by their insurance, compared to 85 percent of Whites.

The Supplement to the Report of the Surgeon General on Mental Health found that

Latinos with mental disorders underutilize mental health services.

Fewer than 1 in 11 Latinos with a mental disorder seeks help with a mental health specialist.

We must do more to help people with mental health disorders and addiction.

I hope that mental health parity will help reduce barriers to their care, such as coverage, stigma and discrimination to mental health care.

We cannot let insurers continue to discriminate against which diagnoses should be covered and which ones are not.

We should not compromise our efforts to stop the persistent discrimination in our mental health and substance abuse health care system.

This bill is a step forward for people who suffer from mental illnesses and for their families, but we in Congress must do more to enable the millions of Americans to receive the mental health care they need and deserve.

I urge my colleagues to vote in support of this landmark legislation.

Mr. RODRIGUEZ. Mr. Speaker, today I wish to express my strong support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. As a former social worker serving in the United States Congress, I am a proud cosponsor of this bill and am pleased to see it passed in the House of Representatives.

In my previous career, I worked with people affected by mental illnesses and substance abuse. Having seen the devastating effects these illnesses have on people's lives and their communities, I am glad my fellow Members of Congress also recognize that mental health services are absolutely critical to helping individuals regain control over their lives.

For years, people with mental illnesses have faced restrictions on the number of visits they can make to their providers and financial limitations which are either too restrictive or too costly for them to receive the treatment they require. With this bill, we empower people to seek the help and support they need. By helping make mental health services more accessible, we aid people to take a very important step toward overcoming the technical and social psychological barriers surrounding mental health.

Mental illnesses, like most other medical conditions, can be alleviated with treatment. When left untreated, these illnesses worsen and become a larger burden for the affected person. Because treatment is available and effective, it is a great injustice to allow financial and procedural restrictions to become yet another barrier people with mental illnesses have to overcome. Therefore, it is reasonable and fair that these illnesses receive the similar type of attention and medical coverage as other health conditions.

Mental health is a fundamental element of overall health wellness which has not been fully recognized in the past. I am confident this bill will make it possible for millions of people to improve their quality of life. I commend my colleagues for making this a reality for many of their constituents.

Mr. WALBERG. Mr. Speaker, I rise today to express concerns with H.R. 1424, the ''Paul Wellstone Mental Health Addiction and Equity Act of 2007.'' First, let me say I am a strong supporter of providing mental health parity and was pleased to support the alternative in the House Education and Labor Committee during mark-up. Senate bill 558 is a reasonable approach that will protect consumers and insurance providers alike and why it passed the Senate under unanimous consent. Unfortunately, the bill under consideration today in the House constitutes a costly employer mandate that has the potential to increase costs, leading to decreased coverage. The Congressional Budget Office estimates H.R. 1424 would impose mandates on private insurance companies totaling $3 billion annually by 2012. These costs will ultimately hit employers offering health insurance and employees seeking to obtain coverage.

Furthermore, I am concerned with using a substantial increase in the Medicaid prescription drug rebate as one of the offsets to pay for this legislation. This increase raises the basic rebate on innovator brand pharmaceutical companies by 33 percent. Increasing the discounts prescription drug manufacturers already provide the government under Medicaid could stifle innovation in the development of future treatments. My constituents yearn for the latest breakthrough therapies for cancer, Alzheimer's, diabetes, and so many other diseases. We owe it to them to encourage that innovation and not hinder its development with federal legislation.

These are just two examples of why we should oppose H.R. 1424. I would urge my colleagues to support the reasonable alternative House Republicans will bring to the floor today.

Mr. BROUN of Georgia. Mr. Speaker, regarding the H.R. 1424, the Mental Health and Addiction Equity Act, I have previously shared with my colleagues in this body my serious concerns with several provisions in this Act. I have stated my sincere conviction that this bill, if signed into law, will result in increased overall health care costs, increased mental health costs, and decreased mental health coverage for many Americans. Let me share just a few more problems with this well meaning but misguided legislation.

I am concerned with the use of a 33 percent increase in the Medicaid prescription drug rebate as one of the offsets to pay for this legislation. This represents a significant increase. In fact, it hits the innovator pharmaceutical companies almost double what we might think. While we might have the cost of mental health parity offset by about $1.7 billion over 5 years, that is $1.7 billion to the Federal Government. The cost to the research pharmaceutical companies is nearly double that amount because their rebate is split between the Federal Government and the States. This is a double hit to an industry that Americans rely on to find life-saving treatments for cancer, Parkinson's disease, HIV/AIDS and mental illness.

Furthermore, as a physician I have seen first-hand the stifling impact price controls have on innovation and who loses in that equation—patients do. We only have to look to Europe as recently as the 1990s for evidence of the failure of drug price controls. Once the world's leader in research and development for new cures, Europe has been surpassed by the United States who had committed 24 percent more to pharmaceutical R&D by 2002. Therefore, I urge the sponsors of this bill to find a more equitable offset and not one that could have such a negative impact on a single industry.

Mr. DINGELL. Mr. Speaker, I would ask that the following letters of support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2008, be submitted for the RECORD on the floor debate on this bill.

NATIONAL ASSOCIATION OF STATE MENTAL HEALTH PROGRAM DIRECTORS,
Alexandria, VA, February 29, 2008.

Hon. PATRICK J. KENNEDY,
Hon. JIM RAMSTAD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES KENNEDY AND RAMSTAD: On behalf of the National Association of State Mental Health Program Directors (NASMHPD). I am writing to offer our strong support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. NASMHPD represents state and territorial mental health commissioners/directors and their agencies that provide public mental health services to over 6 million people annually. Our members manage community-based systems of care as well as inpatient care in state psychiatric hospitals for individuals with serious mental illness.

It has been over ten years since the Congress passed the Mental Health Parity Act, which prohibited annual and lifetime dollar limits for mental health care. This small but symbolically important first step left much work to be done; it is now the time to fill remaining gaps by prohibiting treatment limitations and eliminating inequitable financial requirements. An ever-growing body of research, advanced especially during and since the 1990–2000 Decade of the Brain, demonstrates that mental and behavioral disorders are brain disorders and benefit in the same way as other physical disorders from advances in science. Scientific knowledge of mental illness has removed all justification for the wide-spread difference in insurance coverage for mental health benefits.

An October 2006 NASMHPD study describes an alarming finding that people with mental illness experience twenty-five years of lost life. This is an unconscionable situation that demands immediate action, for all adults and children with mental illness who now face such terrible odds against living a long and healthy life. The harsh reality of poor health for those with mental illness requires new approaches to integrate mental health and general health. Enacting a strong mental health parity law has the potential to measurably improve the health status of individuals with mental illness who suffer other dire health consequences.

The states' mental health directors commend you for your leadership on this critical national priority. We are pleased to add our voice to the growing chorus of support that was so clearly demonstrated during your highly successful ''Equity Campaign Tour'' along with the 273 co-sponsors of H.R. 1424.

Sincerely,

ROBERT W. GLOVER,
Executive Director.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, March 5, 2008.

DEAR REPRESENTATIVE: I am writing on behalf of the American Psychiatric Association (APA), the medical specialty representing more than 38,000 psychiatric physicians nationwide, and particularly on behalf of our patients and their families, to urge you to vote for passage of mental health ''parity'' legislation (H.R. 1424) on March 5, and to oppose any weakening amendments and/or motions to recommit.

Mental illnesses have a devastating impact on millions of Americans every day. The good news is that treatment works, but too many insurance plans impose discriminatory cost-sharing and treatment limits on mental health care that are not required for treatment of any other illnesses. For nearly a decade, the Federal Employees Benefits program has required insurers to provide parity coverage for mental health care. Research has shown that the parity requirement has not led to any significant cost increase for federal employees (including Members of Congress and their staff). Surely the public at large deserves the same coverage?

Opponents of the House bill are circulating outrageous and false claims about what the House bill does. I am attaching a brief fact sheet that sets the record straight. Please feel free to share this with your House colleagues.

The members of the APA have been pleased to work with the House Blue Dogs over the years, and look forward to a productive relationship in the years ahead. Please reject the blatant disinformation being circulated by parity opponents and vote for passage of H.R. 1424. It is long past time for Congress to act.

Thank you for your support.

Sincerely,

CAROLYN B. ROBINOWITZ,
President.

AMERICAN PSYCHIATRIC ASSOCIATION RESPONSE TO CONTROVERSY ABOUT DSM–IV AND MENTAL HEALTH PARITY—MARCH 2008

Business and insurance opposition to passage of H.R. 1424 in part involves opposition to the use of the Diagnostic and Statistical Manual of Mental Disorders (DSM–IV) to define those conditions that must be covered by health plans under the terms of the bill. Let's look at a few of these claims:

DSM–IV obligates employers to cover jet lag, caffeine intoxication, and similar conditions:

Fact: This is nonsense. These claims typically refer to so-called ''V Codes.'' These are not DSM diagnoses, The V Codes are developed by the World Health Organization for the International Classification of Diseases (or ICD), not by the APA for the DSM. They are listed in DSM as a courtesy to facilitate coding and cross-walking between DSM and the ICD, and they are intended to allow clinicians to identify the types of non-diagnostic problems that are brought to their attention.

Because it is ''so broad,'' using DSM to set baseline coverage will force insurers and employers to pay for treatments for the most minor of conditions.

Fact: This argument is based on the false premise that diagnosis and treatment are one and the same. This is absolutely false. Simply because a diagnosis is made does not obligate insurers to pay for treatment, and nothing in H.R. 1424 changes that fact. Treatment would still be subject to the same medical necessity decision-making and utilization review that is in effect today. The appropriate treatment for jet lag would almost certainly be ''get some sleep.'' Members of the House should demand that employers who argue about jet lag and caffeine intoxication provide data showing they have incurred any appreciable costs because they have been forced to pay for treatment.

DSM–IV will codify a treatment mandate.

Fact: False. This claim confuses diagnosis with treatment. Once again, DSM–IV is not a treatment mandate, it is a diagnostic tool. In fact, employers and insurers don't want you to know that they use DSM every day to limit and in some cases deny treatment under terms of medical necessity.

The American Psychiatric Association has a vested interest in having DSM–IV written into federal law, creating an improper conflict of interest.

Fact: DSM–IV is widely recognized as the leading and internationally authoritative text for the diagnosis of mental illness. It is the product of exhaustive research and deliberation over a six-year period involving more than 1,000 individuals and numerous professional organizations, as well as agencies of the Federal Government. As a result, DSM–IV is referenced and has legal standing in more than 900 federal and state laws and regulations. The major legal reason why states and the Federal Government have used DSM–IV instead of ICD–9–CM is to insist on a higher and more precise standard for defining a mental disorder. Are employers and insurers proposing to ban any references to CPT–Codes in federal law, or use of ICD–9–CM codes for billing purposes? Of course not. Why is DSM–IV any different?

The House of Representatives is poised to take a truly historic step toward ending insurance discrimination against Americans seeking help for mental illnesses, including substance-related disorders. Please do not allow the deliberate distortions and outright falsehoods about DSM–IV asserted by business and insurance groups to influence your vote. The 38,000 psychiatric physician members of the American Psychiatric Association urge you vote for passage of H.R. 1424.

For additional information, please contact the APA's Department of Government Relations.

NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE, INC.,
New York, NY, March 3, 2008.

Re support for HR–1424 the Paul Wellstone Mental Health and Addiction Equity Act.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) and our National Network of Affiliates, I am writing to express our support for HR 1424, the Paul Wellstone Mental Health and Addiction Equity Act. HR–1424 would prohibit insurance discrimination against 80 million Americans suffering from addiction and mental illness! Pass HR–1424 without any amendments that would weaken the bill and oppose any effort to substitute S–558. A vote for S–558 is a vote against addiction and mental health coverage that would count!

The lives of millions of Americans are at stake. Last year, over 650,000 individuals and family members contacted NCADD seeking help for themselves or a family member! The lack of access to alcoholism and addiction specific treatment through insurance results in continued alcohol/drug use and insurance pays a fortune to treat all of the physical symptoms that result from alcoholism and addiction, accidents, gastritis, broken arms/legs, cirrhosis, etc. The financial cost of addiction and mental health problems is staggering. And, the best way to reduce those costs is by providing access to treatment! Each year, 1.3 billion work days are lost due to mental disorders, more than arthritis, stroke, heart attack and cancer combined. Moreover, workers with untreated depression cost their employers $31 billion a year in lost productivity and workers with untreated alcoholism cost their employers $135 billion in lost productivity each year.

The time to end the insurance discrimination faced by those with addiction and mental health issues is now! The Paul Wellstone Mental Health and Addiction Equity Act (H.R. 1424), introduced by Representatives

Patrick Kennedy (D–RI) and Jim Ramstad (R–MN), has the support of the majority of the House with 273 cosponsors. The bill has been favorably reported by the Ways and Means, Energy and Commerce and Education and Labor Committees. Lastly, fourteen Congressional field hearings in 2007 clearly documented the need for equity in health plans for the treatment of addiction and mental illness, parity is a priority and it must be passed now!

Because of the critical nature of this legislation, we urge you to vote in support of HR 1424. On behalf of those who will benefit from access to life-saving treatment, thank you for support!

Sincerely,

ROBERT J. LINDSEY,
President/CEO.

Mr. RAMSTAD. Mr. Speaker, I would like to have the following letters of support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, submitted for the RECORD on the floor debate of this bill.

HAZELDEN,
Center City, MN, March 3, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Capitol Building, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the Hazelden Foundation, I am writing to express our strong support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. This landmark legislation would prohibit insurance discrimination against 80 million Americans suffering from addiction and mental illness.

I am writing because our country cannot afford the continued burden of untreated addiction and mental illness. Untreated addiction costs Americans $400 billions annually and is more expensive than 3 of the Nation's top 10 killers: 6 times more expensive than America's number one killer: heart disease ($133.2 billion/year), 6 times more than diabetes ($130 billion/year), 4 times more than cancer ($96.1 billion/year).

The time for the passage of parity is now. Over 25 million people need mental health and addiction treatment but are not getting it. Legislation to bring full equity to mental health coverage has been introduced in the House in every Congress since the 107th session but until this year, it never received consideration in committees or on the floor despite bipartisan majority cosponsorship. Now, H.R. 1424, introduced by Representatives Patrick Kennedy (D–RI); and Jim Ramstad (R–MN), has the support of the majority of the House with 273 cosponsors. The bill has been favorably reported by the Ways and Means, Energy and Commerce and Education and Labor Committees. In 2007, fourteen different field hearings were held around the country and included testimony from employers and insurers. These hearings documented the need for equity in health plans for the treatment of addiction and mental illness. The record shows parity is a priority that must be passed now.

We are hopeful the House of Representatives will pass H.R. 1424 this week with a strong bipartisan majority. The Hazelden Foundation stands ready to assist you toward the goal of achieving access to treatment for addiction in health plans for all Americans.

Sincerely,

NICHOLAS T. MOTU,
Senior Vice President and COO Publishing.

FEDERATION OF AMERICAN HOSPITALS,
Washington, DC, March 3, 2008.

Speaker NANCY PELOSI,
U.S. Congress,
Washington, DC.

Minority Leader JOHN BOEHNER,
U.S. Congress,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: The Federation of American Hospitals (FAH), representing America's investor-owned and managed hospitals and health systems, supports swift passage of the Paul Wellstone Mental Health and Addiction Equity Act of 2007 (H.R. 1424). This legislation will provide greatly needed access to mental health treatment for Americans who need it most.

This bipartisan legislation would end prevalent forms of health insurance discrimination against patients with debilitating chronic mental illnesses. Additionally, H.R. 1424 will assist millions of Americans in obtaining the necessary hospital care they need and were previously denied because of inadequate mental health coverage.

H.R. 1424 is paid for, in part, by prohibiting physician self-referral to a hospital in which a physician has an ownership interest. Physician self-referral presents an inherent conflict of interest, creates an unlevel, anticompetitive playing field; threaten patient safety; fail low-income and uninsured patients; and, has resulted in the overutilization of limited Medicare resources. We strongly support this provision.

We deeply appreciate Congress' ongoing commitment to mental health parity and strengthening the Medicare program.

Sincerely,

——— ———.

CHILDREN AND ADULTS WITH ATTENTION DEFICIT/HYPERACTIVITY DISORDERS,
Landover, MD, March 4, 2008.

Hon. PATRICK J. KENNEDY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KENNEDY: On behalf of Children and Adults with Attention Deficit/Hyperactivity Disorders (CHADD), we write in strong support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007, which will be debated this week in the U.S. House of Representatives. We write to urge all Members of Congress to vote for passage of this legislation.

Currently, 113 million Americans face higher payments and stricter coverage limits for some illnesses than for others because their health plans discriminate against them. For example, many health plans pay more of the expenses for diabetes than for depression or attention-deficit/hyperactivity disorder (AD/HD), though all can be serious, chronic conditions requiring intensive, long-term treatment. Of they pay more for Parkinson's and Alzheimer's than for schizophrenia, though all affect the structure and function of the brain. We cannot let this continue.

Disparity in mental health coverage disproportionately affects low-income and minority populations who may not have access to care, in part because they can't afford to pay the extra out-of-pocket expenses, or because they cannot access health care providers. Some families have to relinquish custody of their children in order to get needed treatment. We all pay the price when mental health and substance abuse issues are not addressed.

The Paul Wellstone Mental Health and Addiction Equity Act of 2007 will end insurance discrimination by providing equal coverage for health and mental health/substance abuse treatment, including days/visits covered, cost caps, coinsurance, co-payments, deductibles and out-of-pocket costs.

This legislation will help many children and adults—including children and adults with AD/HD—to access the mental health and substance abuse treatment they need. We strongly support this legislation, and urge all Member of Congress to vote YES on this important bill.

Thank you for your leadership on this issue.

Sincerely,

E. CLARKE ROSS,
CEO.

Hon. PATRICK J. KENNEDY,
House of Representatives,
Washington, DC.

Hon. JIM RAMSTAD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES KENNEDY AND RAMSTAD: I am writing on behalf of the American Counseling Association (ACA) to express our strong support for your legislation H.R. 1424, the ''Paul Wellstone Mental Health and Addiction Equity Act.'' ACA is the Nation's largest non-profit membership organization representing the counseling profession, which includes more than 100,000 professional counselors licensed in 49 states and the District of Columbia.

Mental and addiction disorders are real, and are treatable. For decades, millions of American families experiencing such disorders have had their access to care limited by discriminatory health insurance policies. Your legislation would help end this practice, closing major loopholes in the 1996 federal parity law. By requiring group health plans that cover mental health and substance use benefits to do so without different duration limits and financial requirements, this legislation will help millions of people with mental disorders get the care they need.

Importantly, your legislation also prohibits plans from declining to cover care for certain mental or addictive disorders. giving privately-insured Americans coverage for the same range of conditions for which members of Congress and other federal employees enjoy protection under Federal Employees Health Benefits Program (FEHBP) policies. Your legislation also requires health plans to cover out-of-network care for these disorders if they cover out-of-network care for general medical conditions. Patient choice of provider is critically important in mental health treatment, and a plan can hardly be said to be providing parity of coverage if they restrict choice of provider for mental and addictive disorders but don't do so for general medical services.

We applaud your consistent leadership in championing this landmark legislation, and we urge all House members to vote for H.R. 1424 and against any amendments to weaken its protections. Congress has a chance to take an historic step forward in passing this legislation. We hope that House passage of your strong, bipartisan bill will spur to completion the negotiations with the Senate on legislation that can become law later this year.

Sincerely,

BRIAN CANFIELD,
President,
American Counseling Association.

EATING DISORDERS COALITION,
Washington, DC, March 4, 2008.

Hon PATRICK J. KENNEDY,
House of Representatives
Washington, DC.

Hon JIM RAMSTAD,
House of Representatives
Washington, DC.

DEAR REPRESENTATIVES KENNEDY AND RAMSTAD: I am writing on behalf of the Eating Disorders Coalition which represents 36 different organizations and constituents in all 50 states and the District of Columbia. Our researchers, therapists, prevention experts, and families understand that eating disorders are life-threatening—often deadly—and can linger, diminishing one's quality of life for decades. Unfortunately, our members also know how difficult it is to access care, even under policies that supposedly include mental health coverage.

We urge House members to bring H.R. 1424, the Paul Wellstone Mental Health & Addiction Equity Act to the floor on March 5, 2008 and vote YES on this important bill,

Millions of American families face structural discrimination against the mental health benefits in their health coverage. For example, people with eating disorders are often denied services as managed care companies and health care providers struggle with arbitrary interpretations of medical necessity. Your proposed legislation will strengthen the appropriate role of managed care as it also expands access to life-saving mental health services.

We hope that House passage of your strong bipartisan bill will lead to the completion of negotiations with the Senate on a bill that can become law this year. Additionally we urge that the broad-based definition of mental disorders that is a cornerstone of H.R 1424 remain intact as it will ensure that people with eating disorders receive appropriate care.

It is time that our great nation takes the next step to advance care for people with mental health needs.

We thank you for your leadership on this important issue.

Sincerely.

MARC LERRO,
Executive Director.

Mr. KENNEDY. Mr. Speaker, I would like to have the following letters of support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, submitted for the RECORD on the floor debate of this bill.

THE BETTY FORD CENTER,
Rancho Mirage, CA,
MARCH 3, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Capitol Building, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the Betty Ford Center, I am writing to express my strong support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. This landmark legislation would prohibit insurance discrimination against 80 million Americans suffering from addiction and mental illness.

I am writing because our country cannot afford the continued burden of untreated addiction and mental illness. Untreated addiction costs Americans $400 billion each year. Moreover, each year, 1.3 billion work days are lost due to mental disorders, more than arthritis, stroke, heart attack and cancer combined and workers with untreated alcoholism cost their employers $135 billion in lost productivity annually.

The time for the passage of parity is now. Over 25 million people need mental health and addiction treatment but are not getting it. Legislation to bring full equity to mental health coverage has been introduced in the House in every Congress since the 107th session but until this year, it never received consideration in committees or on the floor despite bipartisan majority cosponsorship. Now, H.R. 1424, introduced by Representatives PATRICK KENNEDY (D–RI) and JIM RAMSTAD (R–MN), has the support of the majority of the House with 273 cosponsors. The bill has been favorably reported by the Ways and Means, Energy and Commerce and Education and Labor Committees. In 2007, the Betty Ford Center was pleased to join with families, providers, employers and state and local officials at fourteen different field hearings held around the country. These hearings documented the need for equity in health plans for the treatment of addiction and mental illness. The record shows parity is a priority that must be passed now.

I am hopeful the House of Representatives will pass H.R. 1424 this week with a strong bipartisan majority. The Betty Ford Center stands ready to assist you and your colleagues in the Senate in making equitable treatment for addiction and mental health in health plans a reality for all Americans in 2008.

Sincerely,

MRS. BETTY FORD.

BRAIN INJURY ASSOCIATION OF AMERICA,
Vienna, VA, March 3, 2008.

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

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the Brain Injury Association of America, I am writing to express our support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, which would prohibit insurance discrimination against 80 million Americans suffering from addiction and mental illness.

An intricate and intertwined relationship exists between substance abuse, mental health, and traumatic brain injury (TBI). Substance use and abuse is often both an antecedent to and a consequence of TBI. Incidence data indicate that substance abuse significantly raises an individual's risk of sustaining a brain injury. TBI is one of the most common and tragic consequences of substance abuse, especially by teenagers and young adults. In addition, neurobehavioral problems commonly arise as a direct result of TBI, and psychotherapeutic services are integral to successful neurorehabilitation programs. Access to comprehensive and specialized addiction and mental health services is critical to maximizing the recovery of individuals brain injury.

The time for the passage of parity is now. More than 25 million people need mental health and addiction treatment but are not getting it. Legislation to bring full equity to mental health coverage has been introduced in the House in every Congress since the 107th session but until this year, it never received consideration in committees or on the floor despite bipartisan majority cosponsorship. Note, the Paul Wellstone Mental Health and Addiction Equity Act (H.R. 1424), introduced by Representatives Patrick Kennedy (D–RI) and Jim Ramstad (R–MN), has the support of the majority of the House with 273 cosponsors. The bill has been favorably reported by the Ways and Means, Energy and Commerce and Education and Labor Committees. Remarkably, 14 different field hearings documenting the need for equity in health plans for the treatment of addiction and mental illness were held around the country in 2007. The record shows parity is a priority that must be passed now.

Because of the critical nature of this legislation, the Brain Injury Association of America urges you to pass H.R. 1424 when it comes to the floor this week. Our organization stands ready to assist you toward the goal of achieving fairness in health plans for all Americans.

SINCERELY,
SUSAN H. CONNORS,
President/CEO,
Brain Injury Association of America.

NATIONAL COUNCIL FOR COMMUNITY BEHAVIORAL HEALTHCARE,
March 3, 2008.

Hon. PATRICK J. KENNEDY,
House of Representatives,
Washington, DC.

Hon. JIM RAMSTAD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES KENNEDY AND RAMSTAD: I am writing on behalf of the National Council for Community Behavioral Healthcare to urge House Members to vote YES on your bill H.R. 1424, the Paul Wellstone Mental Health & Addiction Equity Act.

Millions of American families who face structural discrimination against the mental health and addiction treatment benefits in their health coverage will welcome passage of this legislation. It is designed to close loopholes in the 1996 Federal parity law that has too often been evaded. By requiring group health plans that provide mental health or substance use benefits to include them without different duration limits and financial requirements, this legislation will help people with mental and addiction disorders without a costly burden on employers.

We hope that House passage of your strong bipartisan bill will spur to completion the negotiations with the Senate on a bill that can become law this year. Further delay is not acceptable.

Thank you for your leadership on this important issue.

Sincerely,

LINDA ROSENBERG, MSW, CSW,
President and CEO.

AMERICAN SOCIETY OF ADDICTION MEDICINE,
Chevy Chase, MD, March 4, 2008.

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

Hon. JOHN BOEHNER,
Republican Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the American Society of Addiction Medicine (ASAM), I am writing to express our strong support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. This landmark legislation would prohibit insurance discrimination against 80 million Americans suffering from addiction and mental illness.

ASAM's mission is to increase access to and improve the quality of addiction treatment; to educate physicians (including medical and osteopathic students), other health

care providers and the public; to support research and prevention; to promote the appropriate role of the physician in the care of patients with addiction; and to establish addiction medicine as a specialty recognized by professional organizations, governments, physicians, purchasers and consumers of health care services, and the general public.

I am writing because our country cannot afford the continued burden of untreated addiction and mental illness, Over 25 million people need mental health and addiction treatment but are not receiving it and the costs are staggering. Left untreated, addiction costs Americans $400 billion dollars each year. Moreover, 80 percent of trauma admissions in emergency departments are alcohol and drug related.

The time for the passage of parity is now. Legislation to bring all equity to mental health coverage has been introduced in the House in every Congress since the 107th session but until this year, it never received consideration in committees or on the floor despite bipartisan majority co-sponsorship. Now, H.R. 1424, introduced by Reps. PATRICK KENNEDY (D–RI) and JIM RAMSTAD (R–MN), has the support of the majority of the House with 273 co-sponsors. The bill has been favorably reported by the Ways and Means, Energy and Commerce and Education and Labor Committees. In 2007, fourteen different field hearings were held around the country and included testimony from employers and insurers. These hearings documented the need for equity in health plans for the treatment of addiction and mental illness. The record shows parity is a priority that must he passed now.

We are hopeful the House of Representatives will pass H.R. 1424 this week with a strong bipartisan majority. The American Society of Addiction Medicine stands ready to assist you toward the goal of achieving access to treatment for addiction in health plans for all Americans.

Sincerely,

MICHAEL M. MILLER,
President and Board Chair.

SUICIDE PREVENTION ACTION NETWORK USA,
Washington, DC, March 3, 2008.

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

Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER AND LEADER BOEHNER: On behalf of the Suicide Prevention Action Network USA (SPAN USA), I am writing to express our support for HR 1424, the Paul Wellstone Mental Health and Addiction Equity Act. This landmark legislation would prohibit insurance discrimination against 80 million Americans suffering from addiction and mental illness.

Our country cannot afford to wait to pass this legislation. The cost of doing nothing to help people with their mental health and addiction problems is staggering. Each year, more than 31,000 individuals die by suicide and 1.3 billion work days are lost due to mental health and substance abuse disorders, more than arthritis, stroke, heart attack and cancer combined. Moreover, workers with untreated depression cost their employers $31 billion a year in lost productivity and workers with untreated alcoholism cost their employers $135 billion in lost productivity each year.

The time for the passage of parity is now. Far too many individuals who complete suicide have never seen a mental health professional. Legislation to bring full equity to mental health coverage has been introduced in the House in every Congress since the 107th session but until this year, it never received consideration in committees or on the floor despite having over 218 bipartisan cosponsors. Now, the Paul Wellstone Mental Health and Addiction Equity Act (H.R. 1424), introduced by Representatives PATRICK KENNEDY (D–RI) and JIM RAMSTAD (R–MN), has the support of the majority of the House with 273 cosponsors. The bill has been favorably reported by all three committees of jurisdiction. Lastly, fourteen field hearings documenting the need for equity in health plans for the treatment of addiction and mental illness were held in 2007.

Because of the critical nature of this legislation, we support passage of H.R. 1424. SPAN USA stands ready to assist you toward the goal of achieving fairness in health plans for all Americans.

Sincerely,

JERRY REED, PH.D., M.S.W.,
Executive Director, Suicide Prevention Action Network USA.

Ms. DEGETTE. Mr. Speaker, I would like to have the following letters of support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2008, submitted for the RECORD on the floor debate of this bill.

AMERICAN CORRECTIONAL ASSOCIATION,
Alexandria, VA, February 29, 2008.

Hon. PATRICK J. KENNEDY,
Cannon HOB,
Washington, DC.

DEAR REPRESENTATIVE KENNEDY: On behalf of the American Correctional Association and our 18,000 members I'd like to express our full support for your bill, H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

The health care system in our country has neglected the mentally ill long enough and it must change. We in criminal justice and more specifically the corrections profession know first-hand the effect inadequate mental health care has on our communities. Jails and prisons have become defacto mental health hospitals wherein a high prevalence of mental health problems and addiction among inmates is common and recidivism rates are high.

A report issued by the U.S. Department of Justice Bureau of Justice Statistics in September 2006 revealed that more than half of all prison and jail inmates had a mental health problem. BJS also reported that more than two-fifths of state inmates and more than half of jail inmates showed symptoms of mania, 23% of state prisoners and 30% of jail inmates suffer from depression and that 15% of state prisoners and 24% of jail inmates met the criteria for psychotic disorders. 24% of state prisoners and 19% of jail inmates suffered from substance dependence or abuse and an estimated 42% of inmates in state prisons and nearly half of those in local jails were found to have both a mental health problem and a substance dependence or abuse problem.

Without proper care and treatment in a mental hospital, these individuals will never recover or be healthy again nor will they ever be able to live a normal life. Most likely they will continue to recidivate, crowd our facilities, drive up costs throughout the entire criminal justice system and cause harm to others and unto themselves. Quite simply, correctional facilities are not equipped and corrections personnel are not trained to handle the mentally ill individuals.

We appreciate your leadership on this issue and offer you our full support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Sincerely,

GARY D. MAYNARD,
President.

NATIONAL ASSOCIATION OF ANOREXIA NERVOSA AND ASSOCIATED DISORDERS,
Highland Park, IL, March 3, 2008.

Re the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Hon. PATRICK J. KENNEDY and Hon. JIM RAMSTAD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES KENNEDY AND RAMSTAD: I am writing on behalf of ANAD, the National Association of Anorexia Nervosa and Associated Disorders, to urge House Members to vote YES on your bill H.R. 1424, the Paul Welistone Mental Health & Addiction Equity Act. ANAD is the nation's oldest organization dedicated to alleviating the problems of eating disorders, with an active membership composed of professionals, sufferers, and their families.

More than 8 million Americans suffering from eating disorders who face overwhelming obstacles to health insurance coverage for mental health treatment fully embrace the passage of this legislation. Eating disorders kill. Anorexia nervosa has the highest mortality rate of any mental illness. By closing the loopholes in the 1996 federal parity law and requiring equity in eating disorders coverage, treatment, and financial requirements, this legislation will greatly assist Americans with these potentially deadly illnesses without a costly burden to employers.

ANAD hopes that passage of your strong bipartisan bill will hasten the completion of negotiations with the Senate on a bill that will cover the full range of mental illnesses and become law this year. Further delay is unacceptable, especially for those whose lives are in peril.

We thank you for your leadership on this important issue.

Sincerely,

VIVIAN HANSON MEEHAN,
President.

EASTER SEALS,
Washington, DC, March 3, 2008.

DEAR REPRESENTATIVE: Easter Seals urges you to vote to support the passage of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2007. Access to mental health services is essential for anyone to live a healthy life.

Mental health disorders are the second leading cause of disability and premature death in the United States and are often experienced by people with disabilities. Many health insurance plans set cost limits on mental health treatment, but do not impose similar cost limits on other medical and surgical benefits. It is critical that access to mental health services be on par with access to services for other medical conditions. Breaking down barriers to accessing mental health services improves the lives of people with disabilities, strengthens families and saves lives.

We look forward to continuing to work with you as the process moves forward Thank you for considering our views.

Sincerely,

KATHERINE BEH NEAS,
Vice President, Government Relations.

SERVICE EMPLOYEES INTERNATIONAL UNION,
Washington, DC, March 4, 2008.

DEAR REPRESENTATIVE: The Service Employees International Union (SEIU) urges you to vote ''yes'' on H.R. 1424, the Paul Wellston Mental Health and Addiction Equity Act. Millions of American families are touched by mental illness and substance abuse disorders, and our workplaces are less productive when mental illness is untreated and stigmatized. H.R. 1424 would require that group health plans cover mental illness on the same terms that it provides for medical and surgical coverage. There is a growing body of evidence that supports the effectiveness of various treatments for people suffering from mental illness and substance abuse disorders. High co-pays and deductibles can discourage access to treatment, and arbitrary limits can result in discontinued therapies that would otherwise be effective. Better screening and early treatment is often the most cost-effective treatment. It is time to pass H.R. 1424 and give new hope and treatment to millions of patients and families struggling with mental illness.

Votes on this legislation will he added to the SEW scorecard found at www.seiu.org. If you have any questions, please contact Ann Kempski. Deputy Director of Legislation.

Sincerely,

ANNA BURGER,
International Secretary-Treasurer.

AUTISM SOCIETY OF AMERICA,
Bethesda, MD, March 2, 2008.

Hon. PATRICK KENNEDY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KENNEDY: On behalf of the Autism Society of America, we write in strong support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007. This legislation will go a long way to end discrimination by private health insurers by mandating parity in the treatment of mental health coverage.

Autism is a complex developmental disability that typically appears during the first three years of life and affects a person's ability to communicate and interact with others. Autism is defined by a certain set of behaviors and is a ''spectrum disorder'' that affects individuals differently and to varying degrees. There is no known single cause for autism, nor is there a single treatment.

While there is no single treatment for autism, intensive, sustained special education programs and behavior therapy does improve the function of children with autism, allowing them to increase their communication skills and learn. Individuals with autism often benefit from mental health treatments including the prescribing of medication and counseling. Beyond these, there are new treatments and interventions on the horizon, and it is important that individuals with autism can access breakthrough therapies.

Your legislation provides equal treatment of mental health insurance benefits compared to medical and surgical benefits specifically with respect to cost sharing requirements, financial requirements, and treatment limitations. Many individuals with autism have co-morbid mental illnesses and would greatly benefit from enactment of this legislation.

ASA, the nation's leading grassroots autism organization, exists to improve the lives of all affected by autism. On behalf of our 200,000 members and supporters across the nation, we thank you for your leadership on this issue, and strongly support you in your efforts.

Sincerely,

LEE GROSSMAN,
President and CEO.

Ms. SCHAKOWSKY. Mr. Speaker, I would like to have the following letters of support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act, submitted for the RECORD on the floor debate of this bill.

MARCH 4, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Capitol Building, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader, House, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: Consumers Union, the nonprofit publisher of Consumer Reports, urges you to support HR 1424, the Paul Wellstone Mental Health and Addiction Equity Act, to prohibit insurance discrimination against 80 million Americans suffering from addiction and mental illness.

Over 25 million people need mental health and addiction treatment but are not getting it. Each year, 1.3 billion work days are lost due to mental disorders, more than arthritis, stroke, heart attack and cancer combined. Moreover, workers with untreated depression cost their employers $31 billion a year in lost productivity and workers with untreated alcoholism cost their employers $135 billion in lost productivity each year. The need for equity in health plans for the treatment of addiction and mental illness is well documented—14 field hearings were held around the country in 2007. The time to pass this legislation is now.

H.R. 1424, introduced by Representatives Patrick Kennedy and Jim Ramstad, has the support of the majority of the House with 273 cosponsors. Because of the critical nature of this legislation, we urge you to support HR 1424 and move it to the full floor for a vote as soon as possible.

Sincerely,

GAIL SHEARER,
Director, Health Policy Analysis, Consumers Union Washington Office.

NATIONAL ASSOCIATION OF COUNCILS ON DEVELOPMENTAL DISABILITIES,
Alexandria, VA, March 2, 2008.

Hon. PATRICK KENNEDY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KENNEDY: On behalf of the National Association of Councils on Developmental Disabilities we write in strong support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007.

Research from the past 10 to 20 years has resulted in a fundamental change in the way mental illnesses are viewed and treated. We know now that people can improve and recover from many serious mental illnesses. Yet, according to the Substance Abuse and Mental Health Administration's (SAMHSA) Resource Center to Address Discrimination Stigma Associated with Mental Illness (ADS Center), only 1 in 5 of children in need is receiving appropriate treatment. Two-thirds of the roughly 54 million Americans with mental illnesses do not receive treatment.

Your legislation provides equal treatment of mental health insurance benefits compared to medical and surgical benefits specifically with respect to cost sharing requirements, financial requirements, and treatment limitations. Without parity, millions of Americans will continue to go without groundbreaking treatment leading them to suffer more emotional pain, disability, and financial burden, and resulting in greater morbidity costs—the loss of productivity in usual activities.

As you work to move this legislation across the finish line, the Councils strongly support your efforts. Thank you for your leadership on this issue.

Sincerely,

KAREN F. FLIPPO,
Chief Executive Officer.

LISTENING SAGE ASSOCIATES,
Santa Fe, NM.

Hon. PATRICK J. KENNEDY,
House of Representatives,
Washington, DC.
Hon. JIM RAMSTAD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES KENNEDY AND RAMSTAD: I am writing to urge House Members to vote YES on your bill H.R. 1424, the Paul Wellstone Mental Health & Addiction Equity Act.

Insurance coverage has been grossly inadequate for mental health services and many families have not been able to afford services. Insurance companies often give false impressions about the real mental health benefits they offer. Often the client pays three fourths of the bill and the insurance company pays a small co-pay. This is unfair and dishonest. I hope your bill will be supported and passed. It needs to cut out the loop holes in former mental health acts.

Thank you for your leadership.

Sincerely,

LEONA STUCKY-ABBOTT.

NATIONAL ASSOCIATION FOR THE DUALLY DIAGNOSED,
Kingston, NY, February 29, 2008.

Hon. PATRICK J. KENNEDY,
House of Representatives,
Washington, DC.
Hon. JIM RAMSTAD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES KENNEDY AND RAMSTAD: I am writing on behalf of the National Association for the Dually Diagnosed (NADD) to urge House Members to vote YES on your bill H.R. 1424, the Paul Wellstone Mental Health Addiction Equity Act.

Millions of American families who face structural discrimination against the mental health benefits in their health coverage will welcome passage of this legislation. It is designed to close loopholes in the 1996 Federal parity law that has too often been evaded. By requiring group health plans that provide mental health or substance use benefits to include them without different duration limits and financial requirements, this legislation will help people with mental disorders without a costly burden on employers.

We hope that House passage of your strong bipartisan bill will spur to completion the negotiations with the Senate on a bill that can become law this year. Further delay is not acceptable.

Thank you for your leadership on this important issue.

Sincerely,

ROBERT J. FLETCHER,
Chief Executive Officer and Founder.

Mr. PALLONE. Mr. Speaker, I would ask that the following letters of support for H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act of 2008, submitted for the RECORD on the floor debate on this hill.

PARITY NOW COALITION,
March 3. 2008.

Hon. PATRICK KENNEDY,
House of Representatives,
Washington, DC.

Hon. JIM RAMSTAD,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KENNEDY AND REPRESENTATIVE RAMSTAD: The undersigned organizations applaud you for your commitment to mental health and addiction parity legislation. We wish to thank you and your staffs for the countless hours you have dedicated to this bill thus far and look forward to working with you towards enacting the Paul Wellstone Mental Health and Addiction Equity Act of 2007 into law.

We hereby lend our formal support to this invaluable piece of legislation.

NATIONAL ORGANIZATIONS

AFL–CIO
AIDS Action Council
Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry
American Academy of HIV Medicine
American Academy of Neurology
American Academy of Pediatrics
American Association for Geriatric Psychiatry
American Association for Marriage and Family Therapy
American Association for Psychological Rehabilitation
American Association for the Treatment of Opioid Dependence
American Association of Children's Residential Centers
American Association of Pastoral Counselors
American Association of Suicidology
American College of Occupational and Environmental Medicine
American Counseling Association
American Federation of Teachers
American Foundation for Suicide Prevention
American Group Psychotherapy Association
American Hospital Association
American Medical Association
American Mental Health Counselors Association
American Music Therapy Association
American Nurses Association
American Occupational Therapy Association
American Psychiatric Nurses Association
Amercan Psychoanalytic Association
American Psychotherapy Association
American Probation and Parole Association
American Public Health Association
American School Health Association
American Society of Addiction Medicine
Anna Westin Foundation
Anxety Disorders Association of America
Association for the Advancement of Psychology
Association for Ambulatory Behavioral Healthcare
Association for Psychological Science
Association of American Medical Colleges
Association of Jewish Family & Children's Agencies
Association of Recovery Schools
Association of University Centers on Disabilities
Bazelon Center for Mental Health Law
Betty Ford Center
Bradford Health Services
Caron Treatment Centers
Center for Clinical Social Work
Center for Science in the Public Interest
Children and Adults with Attention-Deficit/Hyperactivity Disorder
Child Welfare League of America
Clinical Social Work Association
Clinical Social Work Guild 49, OPEIU
Community Anti-Drug Coalitions of America (CADCA)
Cumberland Heights
Depression and Bipolar Support Alliance
Disability Rights Education & Defense Fund
Easter Seals
Eating Disorders Coalition for Research, Policy and Action
Eating Disorder Referral and Information Center/EDReferral.com
Entertainment Industries Council
Faces and Voices of Recovery
Families for Depression Awareness
Families USA
Family Voices
Federation of Families for Children's Mental Health
First Focus
Hazelden Foundation
HIV Medicine Association
Housing Works, Inc
Human Rights Campaign
Institute for the Advancement of Social Work Research
Johnson Institute
Kids Project
Legal Action Center
Mental Health America
NAADAC—The Association for Addiction Professionals
National Advocacy Center of the Sisters of the Good Shepherd
National Advocates for Pregnant Women
National Alliance of Methadone Advocates
National Alliance to End Homelessness
National Association for Children of Alcoholics
National Association of Addiction Treatment Providers
National Association of Anorexia Nervosa and Associated Disorders—ANAD
National Association of County and City Health Officials
National Association of County Behavioral Health and Developmental Disability Directors
National Association of Mental Health Planning & Advisory Councils
National Association of Pediatric Nurse Practitioners
National Association of School Psychologists
National Association of Social Workers
National Association of State Directors of Special Education
National Association on Alcohol, Drugs, and Disability, Inc.
National Committee to Preserve Social Security and Medicare
National Council for Community Behavioral Healthcare
National Council on Alcoholism and Drug Dependence (NCADD)
National Council on Independent Living
National Development and Research Institutes, Inc. (NDRI)
National Eating Disorders Association
National Eating Disorders Coalition
National Educational Alliance for Borderline Personality Disorder
National Education Association
National Hispanic Medical Association
National Mental Health Awareness Campaign
National Physicians Alliance
National Recreation and Park Association
National Research Center for Women & Families
National Rural Health Association
Northamerican Association of Masters in Psychology
Obsessive Compulsive Foundation
PACER Center
Partnership for a Drug-Free America
Presbyterian Church (USA) Washington Office
Recovery Network Foundation
School Social Work Association of America
Society for Research on Child Development
Society of Professors of Child and Adolescent Psychiatry
Students for Sensible Drug Policy
Suicide Prevention Action Network USA
State Associations of Addiction Services (SAAS)
Therapeutic Communities of America
TII CANN—Title II Community AIDS National Network
Tourette Syndrome Association, Inc.
Union for Reform Judaism
United Jewish Community
United Methodist Church—General Board of Church and Society
United Neighborhood Centers of America
U.S. Psychiatric Rehabilitation Association
Wellstone Action

LOCAL AND STATE ORGANIZATIONS

622 Communities Partnership, Inc., Minnesota Affiliate of the National Council on Alcoholism and Drug Dependence, Inc
AA Safe Haven
Abilities in Motion
Addiction Recovery Institute
Addiction Resource Council
Addiction Treatment Providers of New Jersey
Advocates for Recovery
Alabama Voices for Recovery & Drug Education Council
Alcohol and Addictions Resource Center
Alcohol and Drug Abuse Council of Delaware County, Inc.
Alcohol and Drug Council of North Carolina
Alcoholism and Substance Abuse Providers of New York State
Alcoholism Council of New York
Alcoholism Council of the Cincinnati Area, NCADD
Alliance for Eating Disorders Awareness
Alliance for Recovery
Alliance for Substance Abuse Prevention, Inc.
Alpha Project for the Homeless
A New PATH (Parents for Addiction Treatment & Healing)
Anacostia Young Peoples Club
Arizona Association of Alcohol and Drug Abuse Counselors
Arizona Council of Human Service Providers
Arkansas Association of Substance Abuse Treatment Programs
Association of Persons Affected by Addiction
Association of Substance Abuse Programs of Texas
Aspire of Western New York, Inc.
Barbara Schneider Foundation
Behavioral Health Services Association of South Carolina
BRiDGEs, Madison County Council on Alcoholism and Substance Abuse, Inc.
Bucks County Council on Alcoholism and Drug Dependence
Burke Council on Alcoholism & Chemical Dependency. Inc.
California Association of Addiction Recovery Resources

California Association of Alcohol and Drug Program Executives
California Association of Alcoholism and Drug Abuse Counselors
Chautauqua Alcoholism & Substance Abuse Council (CASAC)
Childrens Health Initiative
Chemical Dependency Center of Charlotte-Mecklenburg Inc.
Coalition of Louisiana Addiction Prevention and Service Providers
Coastal Horizons Center, Inc.
Colorado Association of Alcohol & Drug Service Providers
Community and Family Resources
Compassionate Women of the World
Connecticut Association of Addiction Professionals
Connecticut Association of Non-Profits
Council on Addictions of New York State (CANYS)
Council on Alcohol and Drug Abuse for Greater New Orleans
Council on Alcoholism and Drug Abuse of Sullivan County
Council on Substance Abuse—NCADD
The Council on Substance Abuse & Mental Health
County Alcohol and Drug Program Administrators Association of California
Dads and Daughters
Delaware Association of Rehabilitation Facilities
DePaul's National Council on Alcoholism and Drug
Dependence—Rochester Area
Depression and Bipolar Support Alliance
Detroit Recovery Project
Division for Learning Disabilities of the Council for Exceptional Children
Dora Weiner Foundation
Drug and Alcohol Service Providers Organization of Pennsylvania
Drug and Alcohol Treatment Association of Rhode Island
The Elisa Project
Employee & Family Resources, Inc.
Erie County Council for the Prevention of Alcohol and Substance Abuse, Inc.
Exponents
Faces and Voices of Recover—Greenville, SC
Faces and Voices of Recovery-Pee Dee
Faces and Voices of Recovery—South Carolina
Faces and Voices of Recovery—Westchester
Feeling Blue Suicide Prevention Center
Florida Alcohol and Drug Abuse Association
Focus on Community
Friends of Delaware and Otsego Counties, Inc.
Friends of Recovery—Monroe County
Friends of Recovery—Vermont
Gail R. Schoenbach/FREED Foundation
Gateway Foundation
Georgia Council on Substance Abuse
GLAD House, Inc.
Greater Flint Project Vox
Greater Macomb Project Vox
Gurze Books
Hanley Center
Harbor Hall, Inc.
Hope4you
Illinois Alcoholism and Drug Dependence Association
Indiana Association of Substance Abuse Providers
Iowa Substance Abuse Program Directors Association
Jawonio, Inc
Kansas Association of Addiction Professionals
Kingdom Recovery Center
Kristin Brooks Hope Center
Long Island Council on Alcoholism and Drug Dependence
Maine Alliance for Addiction Recovery (MAAR)
Maine Association of Substance Abuse Programs
Maine Substance Abuse Foundation
Maryland Addictions Directors Council
Maryland Chapter of the National Council on Alcoholism and Drug Dependence
Maryland NAMA
Massachusetts Association of Alcohol and Drug Abuse Counselors
Massachusetts Association of Alcoholism and Drug Abuse
Counselors McHenry County Mental Health Board (IL)
McShin Foundation
Mental Health and Substance Abuse
Corporations of Massachusetts
Methadone Support Org.
Michigan Association of License Substance Abuse Organizations
Mississippi Association of Addiction Services
Missouri Addiction Counselor Association
Missouri Association of Alcohol & Drug Abuse Programs
Missouri Recovery Network
Missouri Recovery Network—Jefferson City Chapter
Montana Addiction Service Providers
Montana Association of Alcohol and Drug Abuse
Counselors
M-Power, Inc.
Mountain Council on Alcohol and Drug Dependence
Nantucket Alliance for Substance Abuse Prevention, Inc.
Nantucket Behavioral Health
National Alliance on Mental Illness, Minnesota
National Alliance on Mental Illness, Rhode Island
NCADD, Greater Kansas City
NCADD, Michigan
NCADD, South Bay
NCADD, Greater Detroit Area
NCADD, Long Beach
NCADD, Middlesex County Inc.
NCADD, New Jersey
NCADD, Northwest Florida
NCADD, Orange County
NCADD, Phoenix
NCADD, Sacramento Region Affiliate
NCADD, San Fernando Valley
NCADD, Silicon Valley
NCADD, St. Louis Area
NCADD, Tulare County. Inc.
National Council on Alcoholism/Lansing Regional Area, Inc.
Nebraska Association of Behavioral Health Organizations
Nevada Alliance for Addictive Disorders Advocacy, Prevention & Treatment Services
New England National Alliance of Methadone Advocates
New Hampshire Alcohol & Other Drug Service Providers Association
New York AIDS Coalition
NJ Advocates—NJ Chapter of NAMA
Nicks Place
North Carolina Association of Alcoholic Residential Facilities
North Carolina Substance Abuse Providers Association
North Dakota Addiction Treatment Providers Coalition
Northern California Chapter of the National Alliance of Methadone Advocates
Northern Michigan Project Vox
Northpointe Council, Inc.
Ohio Citizen Advocates for Chemical Dependency Prevention & Treatment
Ohio Council of Behavioral Healthcare Providers
Oklahoma Faces and Voices of Recovery
Oklahoma Substance Abuse Services Alliance
Ophelia's Place
Oregon Prevention, Recovery, and Education Association
PAR—People Advocating Recovery
Parent-To-Parent, Inc.
Pennsylvania Recovery Organization—Achieving Community Together (PRO-ACT)
Puente de Vida
The RASE Project Buprenorphine Coordinator Program
Recovery Center
Recovery Consultants of Atlanta, Inc.
Recovery Resource Center
Volunteers of America Alaska
Royal Oak (Michigan) Save Our Youth Task Force
Recovery Resources
Rockland Council on Alcoholism and Other Drug Dependence
Samaritan Village
Seaway Valley Prevention Council
The Second Road, Inc.
Society of Addiction Counselors of Colorado
South Carolina Association of Alcohol and Drug Abuse Counselors
South Dakota Association for Addiction Professionals
South Dakota Council of Substance Abuse Providers
Spirit Works Foundation Center for the Soul
Substance Abuse and Addiction Recovery
Alliance (SAARA) of Virginia
Substance Abuse Directors Association of Alaska
Substance Abuse Recovery Alliance of Utah
Suicide Awareness Voice of Education
Tennessee Association of Alcohol, Drug, & Addiction Services
Townsend Recovery, LLC
Transformation Center
Turning Point Recovery Center
Upstate Cerebral Palsy (NY)
Utah Behavioral Healthcare Network
Vericare Management
Vermont Association of Drug & Alcohol Programs
Virginia Association of Alcohol and Drug Counselors
Virginia Association of Drug and Alcohol Programs
Washington Association of Alcoholism & Addiction Programs
Western Massachusetts School Substance Abuse Counselors Association
West Virginia Association of Alcohol and Drug Abuse Counselors. Inc.

MENTAL HEALTH AMERICA,
Alexandria, VA, February 27, 2008.

DEAR REPRESENTATIVE: On behalf of Mental Health America and our 320 affiliates across the country, I am writing to express our strong support for House passage of the Paul Wellstone Mental Health and Addiction Equity Act of 2007, H.R. 1424, at the earliest possible date. House passage of this historic legislation is a critical step toward enactment this year of a strong mental health parity law.

Mental health conditions are the leading cause of disability in the U.S. for individuals ages 15–44, and a leading cause of premature death, implicated in 90% of the more than

30,000 suicides annually in this country. While scientific advances have led to the development of a range of effective treatments, millions of Americans who need mental health care are routinely denied access to those treatments, with often tragic results.

Despite a compelling body of science documenting that such practices are anachronistic and costly to employee health and to the ''bottom line,'' employer-sponsored health plans routinely continue to set strict, arbitrary treatment limits and financial requirements on mental health coverage, while imposing no such limitations, or far less onerous limitations, on coverage for other illnesses. It is shocking, more than 40 years after the passage of civil rights laws and 15 years after passage of the Americans with Disabilities Act, that federal law still permits insurance discrimination on the basis of mental illness. Our polling has consistently shown that Americans abhor such discrimination and support the enactment of a strong mental health panty law. Congress can and must pass such legislation this year.

Please support improved access to needed mental health treatment. Please support H.R. 1424.

Sincerely,

DAVID L. SHERN,
President and CEO.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act. This legislation is named in tribute to Minnesota Senator Paul Wellstone, whose work on behalf of the vulnerable was well known and well respected.

I also rise to thank my colleague from Minnesota, Congressman JIM RAMSTAD, for continuing Senator Wellstone's fight on behalf of those who the stigma too often attached to the issues of mental health and substance abuse has left voiceless. Mr. RAMSTAD's courage in sharing his experience with substance abuse and his dedication to passage of this legislation is the reason we are here today. This bill will help end the pattern of senseless and immoral discrimination against those suffering from mental illness and put to rest the outdated notion that these challenges are less legitimate or severe than physical ailments.

Mental illness left untreated affects all facets of our society and costs our economy over $150 billion annually. Mental illness affects 50 percent of the homeless population in Minnesota, 70 percent of those in our juvenile justice system, and those with the highest unemployment rates. Health care costs double when diabetes and heart disease patients have co-morbid depression, and patients with mental illness and substance abuse disorders are often less responsive to treatment.

In addition, the burden that mental illness places upon the health and productivity of our Nation has long been underestimated. One in five adults and one in ten children have a mental illness. And over one-third of our returning servicemembers from Iraq and Afghanistan suffer from mental health problems.

The costs of untreated substance abuse are also high for families and our health care system. Studies have shown that 1 in every 5 Medicaid dollars spent on hospital care is related to substance abuse; health care costs for those dependent on drugs or alcohol is 100 percent higher than those without an addiction; and the costs to law enforcement and to employers are significant. Treatment makes a difference. A recent study showed that after treatment, family health care costs dropped 50 percent.

H.R. 1424 requires parity with co-payments, deductibles, and out-of-pocket expenses, and requires that limits on mental health and addiction care are no more restrictive than those on physical health. This legislation requires equality in out-of-network care and ensures coverage for mental illness and substance related disorders included in the Diagnostic and Statistical Manual of Mental Disorders, DSM.

It is time to pass this bill. We have all been affected in some way—ourselves, a family member, a friend, or colleague—by mental health or substance abuse. As we look to reform our health care system, mental health and physical care can no longer be looked at as separate entities. It is morally right and good for both our economy and our health care system. I urge my colleagues to join me in voting for this important bill.

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to express my concerns with a provision contained in H.R. 1424, the ''Paul Wellstone Mental Health Addiction and Equity Act of 2007.'' I find it ironic that the House passed a bill intending to provide access to treatment for those with mental illnesses, but did so at the expense of the pharmaceutical researchers who we look to treat many of these conditions.

This legislation provides for more than a 30-percent increase in Medicaid prescription drug rebates. This will do significant damage to domestic manufacturers. You read the headlines—one pharmaceutical company after another is laying off thousands of employees. This industry, like so many others in manufacturing, is facing significant challenges. We want these companies to continue to invest in America and create the research jobs, which find tomorrow's cures. We want to continue to be known as the innovators of the world, and we should not out source this intellectual capital. Therefore, I urge that the bill's sponsors strike this provision from the bill at conference committee and look to find solutions that do not jeopardize American jobs.

Mr. RANGEL. Mr. Speaker, the time has come to enact the Paul Wellstone Mental Health and Addiction Equity Act. We need to end discrimination against those with mental illness and substance use disorders, just as we have worked to end discrimination more broadly. I regret that I could not be here to vote on its passage out of the House.

If you cannot be moved by a sense of compassion to support this important legislation, then maybe you can be moved by the statistics. More than 57.7 million Americans suffer from mental disorders. That's one in five Americans—people in our families, our friends, and coworkers. Mental disorders and addictions affect us all—regardless of race, gender or socioeconomic status. H.R. 1424 ensures that health insurers and group health plans treat mental disorders and addiction no differently than any other disease.

This is not a mandate. The Paul Wellstone Mental Health and Addiction Equity Act simply says that if plans choose to offer mental health coverage, then that coverage must not be subject to different standards than the coverage for treatments of physical disease. Parity will ensure that treatment for mental disorders and addictions will be no more restrictive than treatment limits applied to comparable medical and surgical benefits.

Opponents of true parity claim that H.R. 1424 could result in decreased access to employer provided health insurance. That is merely a scare tactic designed to undermine the broad-based support for the bill. In fact, the Congressional Budget Office (CBO) has estimated that the impact on premiums is just two-tenths of one percent. Statistics show us that depressed workers lose 5.6 hours a week of productive work time. This translates into tens of billions of dollars annually in lost productivity for employers.

We also know that every dollar spent in treatment saves up to $12 in health care and criminal justice costs alone. Do the math, and you'll see that treating mental health and addiction disorders is a wise investment. No one in this day and age should lose years of their lives in the fog of mental illness and addiction when help is available. We would never think of denying diabetes patients insulin. Yet, it seems to be acceptable to erect financial barriers or take other steps that ultimately deny patients with physical and chemical imbalances treatment for their mental illness. That is wrong, and this legislation would end these discriminatory practices. I look forward to negotiating a strong compromise with our Senate colleagues.

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

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 1014, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOEKSTRA. Yes, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

Mr. PALLONE. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra of Michigan moves to recommit the bill, H.R. 1424, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

The SPEAKER pro tempore. Does the gentleman from New Jersey continue to reserve his point of order?

Mr. PALLONE. Yes, I continue to reserve my point of order.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes to speak in support of his motion.

Mr. HOEKSTRA. Mr. Speaker, this bill is intended to ensure the mental health of Americans; yet, no American's health can be fully secured if they are under attack by a terrorist or facing the potential threat of terrorist attack.

It has now been 18 days since the Protect America Act expired, taking with it the full array of enhanced tools for the intelligence community to aggressively investigate potential attacks and detect and prevent potential terrorist attacks. This motion to recommit would ensure the health of Americans by inserting the text of the Senate bill to modernize FISA.

Eighteen days is long enough; yet, the leadership of the House still has done nothing to appoint conferees on the Senate bill to modernize FISA.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. PALLONE. Mr. Speaker, I insist on my point of order. The gentleman is not confining his remarks to the point of order.

The SPEAKER pro tempore. The point of order was reserved and the gentleman from Michigan was recognized on his motion to recommit.

Mr. HOEKSTRA. Thank you, Mr. Speaker. May I continue?

The SPEAKER pro tempore. The gentleman from Michigan may continue.

Mr. HOEKSTRA. As I said, as we deal with this bill, 18 days is a long time, yet the leadership of this House still has done nothing to appoint conferees on the Senate bill to modernize the Foreign Intelligence Surveillance Act, which passed the Senate with overwhelming bipartisan support and is supported by a majority of the House. The Democratic leadership continues to block this bill, even though a number of responsible Democrats support it and the bill will pass if brought to the floor.

It was 18 days ago, it was 3 weeks ago that it was brought to the floor to have a 3-week extension, on top of a 2-week extension, on top of a 6-month extension. It is time to move this bill forward and to again give our intelligence community the tools that they need, the enhanced tools that many recognized after 9/11 that the intelligence community needed to keep America safe. It is time to bring up the Senate-passed FISA bill.

In the 18 days since the expiration of the Protect America Act, we have already seen multiple examples where our country's ability to follow up on potential threats has been significantly impaired.

In Tampa, the Transportation Security Administration stopped a man trying to board a plane with a box cutter in his backpack. Officers also found books in the backpack titled ''Muhammad in the Bible,'' ''The Prophet's Prayer,'' and ''The Noble Qur'an.'' There may be instances in that situation where there may be intelligence clues that we would want to follow up. We want to know whether there are any connections to foreign terrorists and whether at that very moment there may be other people in other airports trying to board planes with box cutters.

We don't want our intelligence officials to have to wait for lawyers to fill out voluminous paperwork in order to obtain permission from a Federal judge to follow up on those leads. Precious time could have been lost while an attack was in progress.

Last Friday, authorities found toxic ricin, or perhaps toxic ricin, in a hotel room in Las Vegas. Absent any evidence in the hotel room to prove probable cause that the ricin was tied to international terrorists, it may have been impossible for the intelligence community to follow up on any evidence that may have pointed to a suspected tie with foreign terrorists.

These are the things that happen in the United States. When you take a look at other things that are happening around the world, our troops in harm's way in both Iraq and Afghanistan, our brave men and women who are serving in the embassies in the Foreign Service around the world today, it is important that our intelligence community be given the tools and the techniques to keep Americans, our servicemen, our embassies, and our foreign personnel safe.

It has now been 18 days. The majority promised us that they could deal with this issue, first they said in 6 months, then they said in 2 weeks, then they said in 3 weeks. It has clearly been much more time than that, and every day that we delay, we lose a little bit of our capability to track the threats that face this country.

The chairman of the Senate Intelligence Committee has said the same thing. The Director of National Intelligence has said the same thing. So now for 18 days our capabilities have slowly been eroding, but each day piles on to the loss that we had from the day before.

There are real threats out there. There are real threats to Americans, to our troops, and to other individuals serving overseas. It is time to make sure that our intelligence community has all of the tools that it needs to keep America safe. We need to join with the Senate. We need to join with the 68 in the other body who overwhelmingly passed a bipartisan FISA modernization bill that gives the intelligence community the tools that they need to keep America safe.

I call on my colleagues and the leadership on the other side of the aisle to support this motion to recommit, to send a clear signal, and then to move forward on an overall bill. Because if this passes today, what it will do is send a clear signal.

POINT OF ORDER

Mr. PALLONE. Mr. Speaker, I insist on my point of order.

I raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7 of Rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

PARLIAMENTARY INQUIRIES

Mr. HOEKSTRA. Yes, I do.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOEKSTRA. Under the rule, the text of H.R. 493, as passed by the House, is added at the end of this bill. H.R. 493 deals with genetic information discrimination. The title of the bill is ''genetic information'' and not mental health.

Mr. Speaker, how is it that a genetic information discrimination bill can be added to a mental health bill but the FISA bill to protect us from terrorist attack cannot?

The SPEAKER pro tempore. That additional text will be added by operation of House Resolution 1014 upon passage of the bill.

Mr. HOEKSTRA. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. HOEKSTRA. If I understand the Speaker and if you have just answered my question correctly, the majority has the tools at its disposal to include the FISA bill in any legislation that passes the House but is refusing to do so?

The SPEAKER pro tempore. That is not an appropriate parliamentary inquiry.

Does any Member wish to speak further on the point of order? If not, the Chair is prepared to rule.

The Chair will rely on the precedents of February 26 and February 27, 2008. The instructions in the motion to recommit address foreign intelligence surveillance, a matter unrelated to issues of health and mental health and within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore not germane and the point of order is sustained. The motion is not in order.

Mr. HOEKSTRA. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I move to table the appeal.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 186, answered ''present'' 1, not voting 18, as follows:

[Roll No. 99]

YEAS—223

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

NAYS—186

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—18

Blunt
Boehner
Brown-Waite, Ginny
Conyers
Cuellar
DeFazio
Diaz-Balart, L.
Gerlach
Gonzalez
Johnson, E. B.
Keller
Poe
Rangel
Renzi
Rush
Saxton
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1922

Messrs. JORDAN of Ohio, HALL of Texas, McCOTTER, and PLATTS changed their vote from ''yea'' to ''nay.''

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

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

The message also announced that pursuant to the provisions of S. Con. Res. 67 (110th Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies:

The Senator from Nevada (Mr. REID).

The Senator from California (Mrs. FEINSTEIN).

The Senator from Utah (Mr. BENNETT).

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007—Continued

MOTION TO RECOMMIT OFFERED BY MR. KLINE OF MINNESOTA

Mr. KLINE of Minnesota. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline of Minnesota moves to recommit the bill, H.R. 1424, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Mental Health Parity Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Mental health parity.
Sec. 3. Effective date.
Sec. 4. Federal administrative responsibilities.
Sec. 5. Asset verification through access to information held by financial institutions.

SEC. 2. MENTAL HEALTH PARITY.

(a) AMENDMENTS OF ERISA.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 712 (29 U.S.C. 1185a) the following:

''SEC. 712A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that

provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a), such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

''(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) and shall be subject to the applicable notice requirements under section 104(b)(1).

''(6) NOTIFICATION TO APPROPRIATE AGENCY.—

''(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election.

''(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

''(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

''(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

''(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

''(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(i) a breakdown of States by the size and type of employers submitting such notification; and

''(ii) a summary of the data received under subparagraph (B).

''(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may also conduct such an audit with respect to an exemption covered by such notification.

''(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.

''(g) ABORTION CLARIFICATION.—Nothing in this section shall require a group health plan (or health insurance coverage offered in connection with such a plan) to cover abortion as a treatment.''.

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by inserting after section 2705 (42 U.S.C. 300gg–5) the following:

''SEC. 2705A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more

restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a), such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

''(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) of the Employee Retirement Income Security Act of 1974 and shall be subject to the applicable notice requirements under section 104(b)(1) of such Act.

''(6) NOTIFICATION TO APPROPRIATE AGENCY.—

''(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election. A health insurance issuer providing health insurance coverage in connection with a group health plan shall provide a copy of such notice to the State insurance department or other State agency responsible for regulating the terms of such coverage.

''(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

''(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

''(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

''(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

''(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(i) a breakdown of States by the size and type of employers submitting such notification; and

''(ii) a summary of the data received under subparagraph (B).

''(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may also conduct such an audit with respect to an exemption covered by such notification.

''(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.

''(g) ABORTION CLARIFICATION.—Nothing in this section shall require a group health plan (or health insurance coverage offered in connection with such a plan) to cover abortion as a treatment.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall apply to group health plans (or health insurance coverage offered in connection with such plans) beginning in the first plan year that begins on or after January 1 of the first calendar year that begins more than 1 year after the date of the enactment of this Act.

(b) TERMINATION OF CERTAIN PROVISIONS.—

(1) ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29

U.S.C. 1185a) is amended by striking subsection (f) and inserting the following:

''(f) Sunset—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2008.''.

(2) PHSA.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended by striking subsection (f) and inserting the following:

''(f) Sunset—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2008.''.

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) GROUP HEALTH PLAN OMBUDSMAN.—

(1) DEPARTMENT OF LABOR.—The Secretary of Labor shall designate an individual within the Department of Labor to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under group health plans in accordance with this Act.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under health insurance coverage issued in connection with group health plans in accordance with this Act.

(b) AUDITS.—The Secretary of Labor and the Secretary of Health and Human Services shall each provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans are in compliance with this Act (and the amendments made by this Act).

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, the impact on benefits and coverage for mental health and substance use disorders, the impact of any additional cost or savings to the plan, the impact on out-of-network coverage for mental health benefits (including substance use disorder treatment), the impact on State mental health benefit mandate laws, other impact on the business community and the Federal Government, and other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor and the Secretary of Health and Human Services shall jointly promulgate final regulations to carry out this Act.

SEC. 5. ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

(a) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which—

''(A) a State requires each applicant for, or recipient of, medical assistance under the State plan under this title to provide authorization by such applicant or recipient (and any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance;

''(B) each such applicant or recipient (or other person) shall provide such authorization directly to the financial institution involved as a condition of eligibility for such medical assistance; and

''(C) the State uses such authorization to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—An authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

''(d) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1) of the duration and scope of the authorization.

''(e) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (a)(1)(B) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(f) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(h) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.''.

(b) STATE PLAN REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69) by striking ''and'' at the end;

(2) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program under such section.''.

(c) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (21) by striking ''or'' at the end;

(2) in paragraph (22) by striking the period at the end and inserting ''; or''; and

(3) by adding after paragraph (22) the following new paragraph:

''(23) if a State is required to implement an asset verification program under section 1940 and fails to comply with the requirements of such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section.''.

(d) REPEAL.—Section 4 of Public Law 110–90 is repealed.

(e) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–73), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$4,360,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $1,000,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

Mr. KLINE of Minnesota (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading of the amendment.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. KLINE of Minnesota. Mr. Speaker, I rise today to offer this motion to recommit on H.R. 1424 with instructions forthwith, to substitute the Kline amendment for the underlying bill.

Last night the Rules Committee issued its 50th closed rule of this Congress and did not allow consideration of the Wilson-Kline-Camp substitute amendment. This motion to recommit gives us the opportunity to pass a mental health parity bill that has both bipartisan and bicameral support, and it does so immediately, allowing the House to approve a real mental health parity bill this very night.

My motion is a viable, commonsense alternative that, contrary to H.R. 1424, achieves real parity in the treatment of employer-sponsored coverage for mental and behavioral illnesses. The motion to recommit substitutes H.R. 1424 with the version similar to the mental health parity legislation S. 558 that passed the U.S. Senate last year under unanimous consent.

During the markup of H.R. 1424 before the Committee on Education and Labor, I offered a version of the compromise Senate bill as an amendment, believing that if Congress intends to move forward with mental health parity legislation, this compromise language is the most sensible alternative and our best chance of enacting legislation on this issue this year.

Unlike H.R. 1424, this motion is a product of over 2 years of bipartisan negotiations between mental health advocates, health care providers, and business groups representing virtually all sides in this debate. The motion accomplishes what it sets out to do. It provides parity for mental health and substance abuse benefits. It provides parity while preserving the foundation of the ERISA benefit structure, protecting the ability of group health plans to medically manage their claims and providing plans with the flexibility to determine and administer on a voluntary basis the benefits provided to working men and women and their families. By steering clear of the benefit mandates and litigation traps contained in H.R. 1424, this motion makes it possible for employers to continue to provide high-quality affordable benefits, and it does so while responsibly offsetting the cost.

This motion to recommit includes an important provision that will save the American taxpayers billions of dollars by reducing the fraud in the Medicaid system by requiring all States to implement an electronic asset verification program within their Medicaid eligibility systems. Many States have balanced budget requirements and thus have limited dollars to allocate for the Medicaid programs. These new State-level Medicaid asset verification systems would ensure that Medicaid applicants are not intentionally hiding significant amounts of funds in undisclosed bank accounts in order to fraudulently enroll in a State's Medicaid program. This is a responsible way to pay for mental health parity benefits.

Finally, this motion to recommit includes language to clarify that the bill does not require a group health plan to cover abortion as a treatment. For these reasons, I strongly urge my colleagues to support this motion to recommit and vote in favor of this commonsense alternative.

I yield to the gentlewoman from New Mexico (Mrs. WILSON).

□ 1930

Mrs. WILSON of New Mexico. Mr. Speaker, I would ask my colleagues to remember only three things about this motion to recommit:

First, it happens immediately. This is ''forthwith'' so we can do this tonight. Don't send it back to committee. We can do it right now.

Second, it substitutes the Senate bill that is supported by 245 different organizations, including the National Alliance for the Mentally Ill, the American Psychological Association and numerous others. It's a bipartisan bill that passed unanimously in the United States Senate. It has the parity provisions very similar to the ones that Mr. KENNEDY and Mr. RAMSTAD have brought forward, but an important policy difference. The Ramstad-Kennedy bill does not require employers to cover mental health care. It says, if they do offer it, it must include every diagnosis in the DSM–IV manual, everything. No other, including the Federal employees health plan, goes that far. I think that the likely result of that will be what we all don't want to see, which is employers drop mental health coverage completely. That's why organizations like the National Alliance on Mental Illness support the Senate bill and not the House bill. They want to see an expansion of coverage for the mentally ill, not a loss of coverage for 18 million seriously ill Americans.

The third thing that I want you to remember is this: There's been a lot of discussion about the pay-for in the bill we're asked to vote on here on the floor tonight. This motion to recommit would defeat the provision that will close physician-owned hospitals, including a lot of them in rural areas of America as a different pay-for that extends a successful pilot project for electronic verification of assets for Medicaid eligibility.

So three things. We can do it tonight, it doesn't go back to committee. It is better policy which will extend greater coverage for those who are mentally ill. And the pay-for doesn't hurt our rural, physician-owned hospitals.

Mr. PALLONE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would yield initially to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Paul Wellstone Mental Health and Addiction Equity Act and against this motion to recommit.

My friends, this is a cynical attempt by the Republican leadership to kill a bill that they never liked from the start. Too many people worked too hard and for too long on this legislation to let it be derailed now.

274 Members have cosponsored the bill. Three committees have passed it. And my two good friends, PATRICK KENNEDY and JIM RAMSTAD, have worked for years to reach this vote today. I will not let their hard work be for nothing.

Mr. Speaker, I know what it's like to live every day with a disability and how important it is to have the care and the resources that allow me to live a normal life. See, you can see my disability. It's obvious. But with a wheelchair, with adaptive equipment, it really levels the playing field. With other support I can live a very fulfilling and normal life.

But, Mr. Speaker, there are millions of people across this country who live with a silent disability, a hidden disability, struggling day in and day out with substance abuse, mental illness, chemical imbalance, other mental illness challenges, and they don't have the support that they need, and they struggle day in and day out. They don't have the support they need because they don't have mental health parity. We have the opportunity to change that and give them the care and the support that they need to live a normal life.

PATRICK KENNEDY, my good friend, has had the courage to speak for all those suffering from the hidden disability of mental illness. He's been a champion and a leader, and millions of people across this country are looking to him right now and they will be looking at all of us to pass this bill and allow them the access and the care and the treatment that they deserve. We can't let them down.

I urge my colleagues to support this bill and reject this cynical attempt and specious motion to recommit.

Mr. PALLONE. Mr. Speaker, I reclaim my time and I want to thank the gentleman from Rhode Island for what he said.

I yield the balance of my time to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding.

Mr. Speaker, I urge my colleagues, and I ask them to vote ''no'' on this motion to recommit.

The House bill is stronger than the Senate bill. The House bill provides stronger parity protections than the Senate bill for the same cost. The House bill requires parity in out-of-network benefits. The Senate bill does not. Out-of-network care is important where plans cover a limited number of providers and there are long waiting lists to access the care.

The House bill requires coverage for all clinically significant disorders if the insurer chooses to provide coverage for mental illness. The Senate bill lets health plans pick and choose which diseases they will cover, so they could deny care for autism, eating disorders, alcoholism and more.

And also, on this motion to recommit, when it comes to protecting human life, I stand with my colleagues on both sides of the aisle. But this abortion provision in this legislation is a red herring. If this abortion provision was a problem, why would my colleagues, our colleagues, our friends in the Senate like Senator COBURN, Senator BROWNBACK, Senator DEMINT vote for it?

I sit on the Energy and Commerce Committee where this bill came from. The abortion issue never was raised.

Under the House bill, health care plans retain the right to make decisions about medical necessity, and nothing in this bill would overturn the ability of health care plans to impose a conscience clause and not cover certain services due to religious or moral objections. This was made part of Federal law in 2005 under the Abortion Nondiscrimination Act authored by Congressman DAVE WELDON. That is the law today. Nothing in this bill would affect the Weldon amendment as we know it. Nothing in this bill would affect the ability of a plan to prohibit coverage of abortion either on medically necessary grounds or on a conscience clause.

The bill provides for treating mental health services and physical services with parity. It doesn't address how plans cover physical, i.e., abortion services. The bill addresses the diagnoses plans must cover, but does not tell plans what specific benefits they have to provide for those diagnoses.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. KLINE of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and suspending the rules with regard to H.R. 5400.

The vote was taken by electronic device, and there were—ayes 196, noes 221, not voting 11, as follows:

[Roll No. 100]

AYES—196

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

NOES—221

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

NOT VOTING—11

Boehner
Brown-Waite, Ginny
Gonzalez
Johnson, E. B.
Keller
Poe
Rangel
Renzi
Rush
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1956

Mr. SESTAK changed his vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 268, nays 148, not voting 13, as follows:

[Roll No. 101]

YEAS—268

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (OH)
Wu
Yarmuth
Young (AK)

NAYS—148

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiberi
Turner
Walden (OR)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—13

Brown-Waite, Ginny
Gonzalez
Johnson, E. B.
Keller
Musgrave
Poe
Rangel
Renzi
Rush
Walberg
Welch (VT)
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2003

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1014, the text of H.R. 493, as passed by the House, will be appended to the engrossment of H.R. 1424.

SGT. MICHAEL M. KASHKOUSH POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5400, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5400.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 26, as follows:

[Roll No. 102]

YEAS—402

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

McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Arcuri
Berkley
Brown-Waite, Ginny
Cardoza
Cleaver
Dicks
Doyle
Emanuel
Feeney
Gonzalez
Holden
Johnson, E. B.
Keller
McCollum (MN)
McDermott
Murtha
Neal (MA)
Poe
Rangel
Renzi
Rush
Sessions
Wasserman Schultz
Woolsey
Wu
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2011

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAUL WELLSTONE BILL

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to take an opportunity during this 1-minute to again congratulate my good friend and colleague, Representative PATRICK KENNEDY, and to pay tribute to the late Senator Paul Wellstone.

Any of us who represent people know that there are millions who are languishing in the darkness of mental health and mental health disease. And for once now we are moving a bill that deals with the idea that no one can be discriminated against in any health policy, whether it is increased financial cost, whether it is that they deny you the equal treatment that you would get if you had a broken leg, or whether or not it is a discrimination in the diagnosis.

This bill, H.R. 1424, gives you a new lease on life. It is the civil rights of mental health. And so, Mr. Speaker, I am hoping that we will eliminate from this bill the dastardly provision that does not allow our hospitals that may be owned by physicians in urban and rural areas serving the poorest of people to be eliminated through this bill.

Let us go forth with the Paul Wellstone bill and eliminate the distraction that undermines good health in America.

WE NEED AMERICAN TANKERS

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

Mr. TIAHRT. Mr. Speaker, I am outraged tonight that we are outsourcing our national security.

Today, in the House Appropriations Subcommittee on Defense, we heard testimony that the Department of Defense has modified the Buy American Act with a memorandum of understanding that exempts our allies in Europe from the same requirements we demand of U.S. manufacturers.

The results are that in the last three major contracts, we've lost them all to European manufacturers. Marine One, the replacement of the President's helicopter, went to a foreign manufacturer. The Light Utility Helicopter went to a foreign manufacturer. Last Friday, the Air Force announced that we are going to send the air refueling tanker to a foreign manufacturer.

Today, in testimony on the other side of the Capitol, Air Force Secretary Michael Wynne said in a subcommittee that, according to the news, the European-made A330 airframe selected for the new refueling airplane could be used to replace a fleet of air control surveillance and other special mission aircraft. That would mean 200 more aircraft and 40,000 more jobs going to Europe overseas.

Mr. Speaker, we've got to stop this today. Rebid the tanker contract because we need American tankers made by American companies with American workers.

□ 2015

SUPPORT THE COLOMBIA TRADE PROMOTION AGREEMENT

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

Mr. BRADY of Texas. Mr. Speaker, U.S. relations with Latin America stand at a critical juncture.

Just last weekend after a successful attack by Colombian troops against the terrorist FARC, Venezuelan President Hugo Chavez expressed his outrage and ordered his troops to the Colombian border. He convinced Ecuador to do the same. There is evidence that Chavez has colluded with these terrorists and seeks to destroy the democratic government of Colombia.

The U.S. must support our ally at this critical time. And Congress has a unique opportunity to do just that by passing the Colombia Free Trade Agreement.

Colombia is our ally. They are committed to democracy. They are reducing violence in our country. They are fighting the terrorists in our backyard. This is not the time for America to turn our back on Colombia. We need a ''yes'' or ''no'' vote this year on this important free trade agreement.

RAISING CONCERN OVER THE AIR FORCE'S CONTRACT FOR TANKER AIRCRAFT FROM A FOREIGN MANUFACTURER

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

Mr. SHIMKUS. Mr. Speaker, I too want to join my colleague from the State of Kansas to raise concern about the recent announcement by the United States Air Force on the tanker contract.

National security is always a big concern. Having airplanes built by U.S. manufacturers and paid for by U.S. tax dollars is critically important. We want to continue to make sure that as we look at this contracting and bid-letting that everything was done according to our current rule of law and the processes designed by this House in legislation passed over this year. I promise to commit myself to the work of my colleague from Kansas to make sure that that all was done.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WELCH of Vermont). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE HOUSE ALSO SHOULD CONDEMN THE HUMANITARIAN CRISIS IN GAZA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, today I voted in favor of House Resolution 951 to condemn rocket attacks from Gaza into Israel and the death and fear those attacks have caused. These rocket attacks must be condemned, and they must be stopped. I've been to Sderot, and I have seen how these rocket attacks cause fear and suffering among the people there, where it is extremely difficult to carry on anything approaching a normal life. The residents of Sderot and now Ashkelon face a daily barrage of rockets, and that is intolerable. Terrorists are bombing citizens, not soldiers. There is nothing in Islam to justify hurting innocent civilians. Bombers cannot use religion to justify what they're doing, and I condemn it.

But this resolution is not enough. If we want to be morally consistent, we must condemn rocket attacks on Israel and also condemn the humanitarian crisis in Gaza too. The 1.4 million inhabitants of the Gaza Strip exist in a state of dreadful isolation, quite literally cut off from the world. Basic supplies and necessities are at a minimum. Ninety percent of the industry has closed down. Unemployment is rampant, and poverty and disease are endemic. Only a few weeks ago, the people of Gaza broke through walls to buy groceries in Egypt. I regret the resolution we voted on today did not devote adequate attention, in my view, to the plight of the people of Gaza.

To suggest that this is the Gazans' just desserts for voting the wrong way in the Palestinian legislative elections in January 2006 does nothing to improve the quality or alleviate the human suffering on either side of the border. We in Congress need to show compassion for the people of Gaza, Sderot, and Ashkelon and the tremendous human suffering they are undergoing. Israeli Prime Minister Ehud Olmert says he does not want the humanitarian crisis in Gaza to continue, and the Bush administration should do all it can to help him meet that commitment.

This resolution criticizes one of the leading advocates for stability and peace in the region: Egypt. The Egyptian Government has made it clear that it is doing all it can to close off smuggling. What's needed is a greater degree of cooperation with Egypt. This resolution does nothing to advance that cooperation. We need to engage Egypt, not pass resolutions that publicly offend or diminish our relations with them. Absent strong evidence that Egypt is complicit in allowing weapons smuggling to occur, I am not in favor of Egypt bashing.

I understand Egypt is doing what it can to control the border despite restrictions on its security forces imposed by Egypt's peace treaty with Israel. If Egypt had direct contact or diplomatic channels with all parties involved in the conflict, the United States should prevail upon Egypt to help effect a prisoner exchange, stop the rocket attacks on Israeli citizens, and improve the humanitarian conditions for citizens of Gaza.

It's a fortunate coincidence that the Secretary of State is in the region right now, and I am supportive of her taking an active role in resolving this conflict. Beyond resolutions and expressions of sympathy, we need real actions from the Bush administration to solidify and advance the commitments of leaders in the Middle East to a lasting peace through the two-state solution envisioned well before Annapolis. I ask my colleagues here in the House to join me in urging the Secretary of State to highlight the humanitarian needs of ordinary citizens of Gaza alongside the fear and death among ordinary Israelis as she seeks to mediate the situation so tragic for all involved.

Finally, as a Member of Congress, I am concerned about the resolution's references to Iran. Now, I agree that Iran is playing a negative role in the region, but we have seen what the Bush administration has done with past congressional resolutions. I want to repeat that there is nothing in the resolution that should be construed as a justification for military action. I remain opposed to military action against Iran. We need to start a bilateral dialogue. That has been and will continue to be my position. The most effective way to stop Iran's harmful activities is to engage them directly.

Mr. Speaker, though I wholeheartedly condemn the rocket attacks on Israel, I urge my colleagues to consider the suffering of all of the people, including the people of Sderot, Ashkelon, and Gaza.

THE GROWING U.S. NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, last night I spoke on the floor about my concern that allied countries have only paid $2.5 billion of the $15.8 billion they pledged to help rebuild Iraq. While many of Iraq's oil-rich neighbors are not making good on their promises, the United States has already spent $29 billion to help rebuild Iraq, and Congress has approved an additional $16.5 billion.

Unlike the United States, which is borrowing money from foreign governments to pay its bills, many of Iraq's neighbors are running record surpluses. While oil is at a record high of nearly $104 a barrel, American taxpayers are facing prices of more than $3 at the pump. Last night on the floor, I heard Congresswoman MARCY KAPTUR talk about the possibility of gas going to $4 a gallon. And Congressman TODD TIAHRT spoke about the Air Force's recent decision to award a multibillion contract for a new tanker aircraft to a foreign firm. He made the point that our government is putting the United States at an economic disadvantage by awarding contracts for a French tanker built by Europeans rather than an American tanker built by an American company with American workers.

Mr. Speaker, all of these issues tie into my concern over America's economic future. Our national debt is growing by $1.4 billion a day and nearly $1 million by the minute. The total current debt is more than $9 trillion, which means almost $30,000 in debt for each man, woman, child, and infant in the United States. And as our debt climbs, we are borrowing money from foreign governments to pay our bills.

It is obvious that our current fiscal policies are not sustainable. On February 26, 2008, during a hearing of the Financial Services Committee, I had an opportunity to question a panel of top economists about when our country's current financial practices will get beyond a point of no return. Dr. Mark Zandi, chief economist for Moody's Economy.com, responded that this point of no return will come ''once we get into the next President's term.'' He continued to say that if we're not successful in addressing the economic questions currently facing our Nation, ''we've got a significant problem.''

I've read a lot of history books, and most recently I read Pat Buchanan's book ''Day of Reckoning.'' I agree with his assessment that ''no world power has long survived the levels of debt and dependency America is incurring.''

If America does not get its priorities straight and get a handle on its spending, we will not be able to survive as a great Nation.

Mr. Speaker, because it is urgent that we turn our economic situation around, I hope that the Congress and the next President will take this issue seriously. Out of fairness to the American taxpayers and future generations, we can no longer delay the need to pay down our debt and work towards sounder economic policies.

With that, Mr. Speaker, I will ask God to continue to bless our men and women in uniform and ask God to please bless their families and ask God to please continue to bless America.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, it is March 5, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,826 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million children. And all of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. And each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same.

All the gifts that these children might have brought to humanity are now lost forever.

Mr. Speaker, those noble heroes lying in frozen silence out in Arlington National Cemetery did not die so America could shred her own Constitution, as well as her own children, by the millions. It seems that we are never quite so eloquent as when we condemn the genocidal crimes of past generations, those who allowed their courts to strip the black man and the Jew of their constitutional personhood, and then proceeded to murderously desecrate millions of these, God's own children.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet another day has passed, Mr. Speaker, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, I believe that this discussion presents this Congress and the American people with two destiny questions.

The first that all of us must ask ourselves is very simple: Does abortion really kill a baby? If the answer is "yes," there is a second destiny question that inevitably follows.

And it is this, Mr. Speaker: Will we allow ourselves to be dragged by those who have lost their way into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity? Or will America embrace her destiny to lead the world to cherish and honor the God-given miracle of each human life?

Mr. Speaker, it has been said that every baby comes with a message, that God has not yet despaired of mankind. And I mourn that those 4,000 messages sent to us today will never be heard. Mr. Speaker, I also have not yet despaired. Because tonight maybe someone new, maybe even someone in this Congress, who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,826 days spent legally killing nearly 50 million children in America is enough, and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 5, 2008—12,826 days since Roe v. Wade—in the land of free and the home of the brave.

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HONORING THE LIFE OF FRANCES BARHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today in honor of a life well lived. Last week a great American and a good friend of mine Mrs. Frances Barham of Mayodan, North Carolina, passed away.

My friend Frances was a lifelong North Carolinian, a woman dedicated to her community, her State, and her country. She was renowned for her unflagging attention to community issues both large and small. Her example of service is perhaps best exemplified by her receiving the distinguished North Carolina Long Leaf Pine Award, a high honor bestowed on only the finest of North Carolina citizens.

Over the course of her remarkable life, Frances positively influenced countless students in her three-decade-long service in Rockingham County schools. She was an active member of her church for more than 70 years, and was a fixture of community involvement and service.

Everywhere Frances invested her time, she made a difference, whether as a Girl Scout leader, as a member of the Mayodan Historical Society, or as a board member of the John Motley Morehead School of the Blind. In 1990, her long record of service was recognized by the people of Mayodan when she was named the town's Citizen of the Year.

She was also actively involved in the political process, because she knew that freedom meant exercising her political rights as an American. A reflection of her involvement and commitment to the realm of public service is that she was the first woman to chair the Board of Elections of Rockingham County.

While I was not able to attend her funeral on Monday, I know that her life was celebrated by many, and her passing leaves a hole in many, many people's lives. To all she left behind, I extend my sincere condolences. She was a great woman, and we will miss her ready smile and sharp wit.

REVISIONS TO BUDGET ALLOCATIONS AND AGGREGATES FOR HOUSE COMMITTEES FOR FISCAL YEAR 2008 AND THE PERIOD OF 2008 THROUGH 2012

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 314(d) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of H.R. 1424 (Paul Wellstone Mental Health and Addiction Equity Act). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	−1	−1	1,571	1,567	2,285	2,272
Ways and Means	0	0	2,830	4,029	−1,814	−1,814
Change in Paul Wellstone Mental Health and Addiction Equity Act (H.R. 1424):						
Energy and Commerce	0	0	0	0	−840	−840
Ways and Means	0	0	0	0	−360	−360
Total	0	0	0	0	−1,200	−1,200
Revised allocation:						
Energy and Commerce	−1	−1	1,571	1,567	1,445	1,432
Ways and Means	0	0	2,830	4,029	−2,174	−2,174

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008 [1]	Fiscal Years 2008–2012
Current Aggregates: [2]			
Budget Authority	2,250,680	2,354,721	(3)
Outlays	2,263,759	2,358,831	(3)
Revenues	1,900,340	2,016,859	11,141,734
Change in Paul Wellstone Mental Health and Addiction Equity Act (H.R. 1424):			
Budget Authority	0	0	(3)
Outlays	0	0	(3)
Revenues	0	0	−675
Revised Aggregates:			
Budget Authority	2,250,680	2,354,721	(3)
Outlays	2,263,759	2,358,831	(3)
Revenues	1,900,340	2,016,859	11,141,059

[1] Current aggregates do not include spending covered by section 207(d)(1)(E) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.
[2] Excludes emergency amounts exempt from enforcement in the budget resolution.
[3] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. As you know, the 30-Something Working Group comes to the floor every week to discuss issues that are at the forefront of what is going on in the country, and there are a lot of good things that are happening here under the Capitol dome on behalf of the American people.

As you know, many times we focus on the issue of Iraq, and just to continue to keep the Congress focused on that very issue, and also to keep the American people tuned in on what is happening, as of March 4, 2008, total deaths in Iraq, U.S. casualties, are 3,973; total number of wounded in action and returned to duty is 16,211; and the total number of wounded in action when not returning to duty is 13,109.

As we look at these issues and continue to focus on trying to get out of Iraq more sooner than later, I definitely want the Members to continue to focus on the sacrifice that many of our men and women are carrying out on a daily basis, and their families, I must add.

Just a case in point, Mr. Speaker, just yesterday I returned. I went to the opening of the Florida legislature. Because of bad weather, I ended up finding myself traveling through Atlanta, and I ended up getting here late yesterday evening. There was a soldier on the plane with us, and I noticed him sitting a couple of seats up ahead of me. I didn't have the opportunity to have a discussion with him. As a member of the Armed Services Committee, I always enjoy talking to our men and women in uniform.

He was ahead of me. When he came out of the gate there at the Delta terminal, there were about 30 of his family members there that were just happy to see him. Tears and prayers being answered for this young man coming back home. I understand he is from Virginia.

I did have the opportunity, I had one of my congressional coins in my computer bag, and I had the opportunity to shake his hand after 5 minutes of celebration from his family. Many of them were thanking God for his return. This kind of love is really, if one was to use biblical terms, almost close to agape love, the fact that family members had an opportunity to see their son, nephew and father and husband return back.

I think we should have the resolve every day, even on weekends, to figure out how we can bring our men and women home. I personally don't have a close relative or family member that is in theater right now, be it in Iraq or Afghanistan, but I want the Members to keep the conscience of those that do have individuals that are in harm's way.

There are a number of families on military bases, a number of families that are in subdivisions and communities. There are young people that their fathers and mothers were members of the Army Reserve and members of the National Guard that have their family or their father that is serving in Iraq.

Even though we see more peaceful days in Iraq and we don't see the political achievement that the Iraqi Government was supposed to make, I still want to share with the Members of how long can we keep that peace, and at what cost, not only in life but in U.S. taxpayer dollars.

As we talk about infrastructure issues here in this country, as we talk about the economy in this country, in Iraq we are financing new infrastructure for the Iraqi people. Here, in the United States, we still have crumbling bridges, projects that are still on the drawing board to be carried out, and they are not being carried out.

So as we get into this big discussion with the White House over the budget, as we have the debates in committees, I just want every Member, Democrat and Republican, to think about those that are living in the real world that are looking forward to a celebration that I witnessed last night.

With that, Mr. Speaker, I would like to talk a little bit about rebuilding our economy and the economic forum on Wednesday that the House Democratic leaders hosted, our second economic forum, the forum which convened national experts on economic and financial issues. It will address the state of America's economy. I think as we look

at this whole New Direction Congress, it's important that we look at that we have already passed a bipartisan stimulus package that wasn't all that it should have been or all that it could have been, if I can say that, but it was something. I know that we are going to be working very hard to do even more. It will help create 500,000 American jobs. The plan was targeted as a temporary fix to allow rebates for those families that are most at risk in this bad economy, in this bad economic turndown. I think later this spring, the recovery rebates put hundreds of dollars, up to $600 per individual and $1,200 per married couple, plus a $300 tax credit in the hands of more than 30 million Americans. That is a bipartisan piece of legislation, and I think that it's very, very important that we continue to march in that direction.

I also think that it's important that when we look at these record oil prices and we look at some of the things that we are pushing for here on the House floor, and as we work on the Senate side, I think it's important that the Bush administration works with us as we continue to rebuild this economy. Many of the Presidential candidates are out there talking about different proposals, different packages. But I can tell you right now, there's a lot of work to be done, Mr. Speaker and Members, until that actually takes place.

I know that the American people are building a lot of hope and enthusiasm around this very issue of the economy, and there are many States that are voting now that are looking at this as a primary action that they would like to see take place.

As we also start looking at the economy, we have to also pay attention to what some U.S. families are going through these days. For many of them, it used to be an unaccepted practice to even purchase a car if you couldn't pay for it in cash. It was almost an unaccepted practice to use your credit card to pay your light bill or to buy food at the grocery store. We are having more Americans that are doing that now.

More credit card companies are sending many of our constituents credit cards at very, very low interest rates at the beginning, and then 6 months later, kicking in a number of penalties that they are going to have to pay. I think it's important that we keep our eyes on this very issue.

This bipartisan feeling and structure that we have here on the floor that we built with the economic stimulus package will also help us offer a new long-term vision to not only lower fuel prices but to lower health care costs and increase health care quality. That is something that we tried to do, Mr. Speaker, before the closing of the first session of the 110th Congress, and something that we are going to continue to work on.

We have made several attempts to be able to lower energy prices and create thousands of new green jobs, providing incentives for clean and renewable energy. I think that it's very, very important that we do that because OPEC knows that we are forever more dependent on them. I encourage those cities and counties and States that are moving more towards clean burning fuel and flex vehicles and hybrids.

I was recently in New York and I was very excited to see many of the taxicabs are now transferring over to hybrid vehicles made by Ford. I personally purchased a Ford Escape, and it's a hybrid. Things have gotten better in the Meek family. I think that it's important that we all embrace this concept because it is a national security issue, Mr. Speaker. I think it's also important that we empower American ingenuity and also business tools to win in this global economy.

Also, I talked a little earlier about the issues of Iraq getting a big part of the dollars. But the dollars are not necessarily coming to our country and not coming to benefit U.S. families. Just to paint a picture so folks don't feel that I am just talking about energy or talking about it just for the sake of talking about it, Americans are paying more than double for gas than they did when President Bush first took office.

You look at January 22, 2001, it was $1.47. I remember those days when I used to fill up the tank. Now, on average, a price of a gallon today is $3.13, and some of my constituents would say, That is a low number, Congressman. I am paying a lot more than that.

I think it's important we pay attention. This information is from the Energy Information Administration. Again, these are not charts that someone made up in the back room and said, This looks good, let's put it on the floor. As it relates to gas and oil and home heating costs, they have skyrocketed, and so have oil companies' profits. When you look at the price of gas here, like I pointed out in 2001, at $1.47, you look at 113 percent as relates to the profit line. You look at the oil companies, what they have done over the years goes all the way over to 2008 and the 310 percent profit, in the billions. I think it's important that everyone understand what is happening here as it relates to who's paying and who's benefiting. Profits are not a bad word. But greed is.

Mr. Speaker, I don't blame the oil companies, I blame the Republican minority that was once the majority, and also I blame the White House for giving these oil companies an unfair advantage over the U.S. taxpayer. As we start to balance the playing field in a bipartisan way, I am encouraging my colleagues, especially on the Republican side, to think about the price that their constituents are paying at the pleasure of many of these oil companies that are celebrating not only record-breaking profits in the billions, but it is really sad for what is happening, especially right now in the economy.

This data was compiled by the Center for American Progress. I think that it's important that we look at and also note that there was a meeting that I had in my folder, and I need to pull that information out, in 2001, with Vice President CHENEY and many of the oil executives there at the White House, which is the best public housing in the United States of America and has the most famous office on the face of the Earth, that there was a meeting, and that happened in 2001.

□ 2045

Well, I can tell you, it must have been a great meeting, because there was an energy bill that was passed shortly thereafter that gave many of our oil companies an unfair advantage over the U.S. taxpayer and what they pay at the pumps.

These are the facts here: $30 billion in 2002 as it relates to profits. If a small business saw this kind of jump, it would no longer be a small business. I don't know of a small business outside of probably a dot.com company or some sort of search engine that picked up a niche and ended up really shooting through the roof as it relates to profits. But they are few and far between. But it seems like all of the oil companies hit the jackpot after this meeting and the endorsement of the Republican Congress.

In 2002, $30 billion in profits; 2003, $59 billion in profits; 2004, $82 billion in profits. Meanwhile, we are paying more at the tank, and it is inching up. In 2005, $109 billion in profits; 2006, $118 billion in profits; and 2007, $123.3 billion in profits that many of these oil companies have earned.

So when we start talking about turning green, when we start talking about making sure that the U.S. taxpayer gets their fair share and has a balanced playing field, then we have to talk about investing in the Midwest versus the Middle East. We have to talk about creating more green opportunities through biofuels and clean burning fuel here in the United States that will put people to work here in the United States and will maybe turn these companies into investing in the U.S. versus the Middle East. I think it is safer. I think it will get us more out of the conflicts that we find ourselves in in the Middle East, and I believe that it will help our economy beyond what we have seen thus far.

The economy right now is based on how much you can borrow. As you can see, the Fed has cut interest rates by half a percentage point, and then they cut it again by half a percentage point. So it really has been built on how much you can borrow, or how much can

you take out of the home, which is your financial security.

Many U.S. taxpayers and many U.S. citizens have found themselves in the situation where they have to rob Peter to pay Paul and not have those dollars to be able to assist their families in receiving a higher education, or being able to assist their families or young people in their family, assisting them in starting a new business.

I think that, Mr. Speaker, when we look at that, we have to look at the way that we are digging ourselves out of this hole. Unless we get out of Iraq more sooner than later, we will find ourselves continuing to see the image of the United States of America financially deteriorate in international markets. I think it is important that every American pays attention to this.

I hope I can get my chart that talks about the deficit, because I think that it is important that we focus on that, because even when we look at the economic stimulus package, it was based on borrowed money. It wasn't money because of good financial controls. It wasn't because the President and the Office of Budget and Management have done such a great job. It is not because we had discipline with the Republican Congress that was the Congress before this Congress as it relates to fiscal discipline. We now owe foreign nations more than we have ever owed them in the history of the Republic.

I would couch it this way: You have a neighbor that comes over to you and knocks on your door and says, can I borrow $40? And you say, well, this is my neighbor, I believe he is pretty good for it. I will give him the $40. Well, every time you see that neighbor, you are going to think about that $40. I don't care if it is the next day. And when they are talking to you and they don't necessarily mention anything about the $40 that they owe you, now you become a little bitter. Now you don't even want to listen to what that person has to say, unless they are saying they are going to give you your money back.

That is the position we are in now in the United States of America. We owe China money. We owe them. We owe OPEC countries money. We owe them. We owe Iran money. Even though folks run around here talking about Iran is a threat, Iran, we owe them money. So when we start to think about these issues, we have to think about them as it relates to making sure that we move in a way that is fiscally sound, and I think that it is important that every Member of Congress pays very close attention to that.

When you look at this war, because it is the 800 pound gorilla that is in the room, you have to look at it from the standpoint of saying the money that we are spending there, and I have been there three times in Iraq, the money we are spending there, what is the return? They say, well, who is winning? Well, I know that my district is not winning, because I am not able to even bring the dollars home I need.

We have Members running around here on the floor on the Republican side saying, oh, we need earmark reform, or we need Member project reform, when Republicans ran rampant when they were in charge with all kind of projects, bridges-to-nowhere and all kind of meaningless projects that are out there.

Meanwhile, I have a community back in South Florida, they are concerned about road money. They are concerned about mass transit. They are concerned about health care. They are concerned about education. And they want the Federal dollar to be able to make it down there so that we can educate the next generation. Not only in what you may call a pre-K through 12th grade experience, but also higher education. They are concerned about that.

Meanwhile, here in Washington, D.C. there is a spending spree on how much money can we send to Iraq? The last $70 billion I voted against going into Iraq. It didn't have any strings attached, it didn't have any accountability measures attached to it.

I remember when I first got here about 6 years ago, there was a discussion about we are doing this on the backs of future generations. Now the discussion is we are doing it on our own backs right now. We are weighing ourselves down and our chin is hitting the ground because we have so much weight on it. How much weight? Let me just point it out here. Hopefully the chart will make it here before I finish this segment of what I have to say.

When you look at it, and I have a smaller chart right here, hopefully we will have the bigger one, 224 years, 1776 up until 2000, 42 presidents, 42 presidents were only able to borrow $1.01 trillion from foreign nations. That is $1.01 trillion from foreign nations.

In 7 years, 6 years of a Republican Congress that was rubber-stamping everything that the President brought to this Chamber, President Bush and that Republican Congress were able to run up $1.33 trillion. That is in 7 years, versus what U.S. presidents in 224 years were able to accomplish.

Why do I point that out? I point that out to shed light on this deficit issue. When you pass tax cuts that you can't afford for the very super-wealthy when they are not asking for it, you have two wars going on and you really don't have a plan to take yourself out of the first war in Iraq, I think former President Bill Clinton says it best when you talk about Iraq. I will go back to the neighbor scenario, Mr. Speaker.

If there is a fire and your neighbor's house burns, it is the neighborly thing to do for you to accept that individual into your home, and probably their family. All of us would do it. We are all people of goodwill. You will probably let them stay. If you didn't have an extra room, you would let them stay in the living room on the couch, pull the sleeper couch out and let them stay there. Maybe a month will pass and they will still be there. Maybe some will even allow them to stay 6 months. Maybe even a really nice person would let them stay a year-and-a-half. But 5 years later, it is no longer about the fire.

So I think it is important that we look at this issue of getting out of Iraq more sooner than later, because it is no longer about the fire, it is about something else.

So when we look at this, as I just pointed this out and I want to make sure Members can see it, $1.01 trillion, $1.33 trillion. Seven years, this is what happened under not only the leadership of the Bush administration, but also the Republican Congress. Where did this come from? The U.S. Department of Treasury, which the Secretary of the Treasury is appointed by the President of the United States and confirmed by the Senate. I think it is important that people understand that I am not on the floor sharing fiction, that I am actually sharing fact.

As we look to make these hard decisions, I think it is important that Americans understand that we are paying more on the debt service on the money that we owe these foreign nations and that we owe overall on the debt, we are paying more on that than we are putting into homeland security. So when you have folks coming here waiving arms and carrying on saying that, well, you know, we have got to protect America. I am more standing for protecting America. Oh, I am with the troops. No, I am with the troops. I got a tattoo on my chest saying I am with the troops. When they come here and make these bold statements and giving these great floor statements, I think folks really need to understand what is really going on.

Here is a picture, Mr. Speaker. You talk about the 110th Congress and the boldness of Democrats when we came here. With some few Republicans voting with us, we voted to stop the President on the surge. When you look at the surge, it is costing the U.S. taxpayers billions and billions and billions of dollars that, again, from the first chart, that we borrowed.

This is the President and some of our Republican colleagues on the other side, as a matter fact, a supermajority of them that were there saying, Mr. President, we are going to be with you. We are 40-plus. They cannot override you, because we are going to stand with you in harmony.

Here is a picture to make that point, to make it visual for you, because I just want to make sure that Members don't feel that there is anything that is being shared here that is not true.

This is the chart, again, talking about the dollars. Look at Japan. This is actually in the billions of dollars, $644.3 billion that we owe Japan. China has a double margin here. They are up there at $349.6 billion. I think it is important that everyone understands what is happening there. Then it goes on to the U.K., $239.1 billion. These numbers are actually higher now. But these are the numbers that I just wanted to make sure going across.

You see this other red bar here that talks about OPEC nations? Those are nations that are oil producing nations. They sit in a room and talk about what a barrel of oil will cost, and it will affect our neighborhoods and heating oil prices and all.

So when we start talking about the management of the country and start talking about how we are going to move in the right direction, I think it is important that everyone pays attention to who is getting what they want and who is not getting what they need.

Here is another example. The President proposed deep cuts in key priorities, in the COPS Program, which is Community Oriented Policing. I used to be a state trooper. I can tell you that many of my colleagues in law enforcement, there are a number of sheriffs, the National Association of Sheriffs, the National Association of Chiefs, they all fight for this Community Oriented Policing.

What does it do? Well, it actually makes communities safer, and it allows them to be able to put bike patrols and foot patrols in neighborhoods where usually you will have crime. It allows them also, Mr. Speaker, to be able to go and create after-school programs for young people that are at risk. But that has received a 100 percent cut.

Talk about weatherization assistance. When we look at the whole issue of heating oil prices and what it costs to heat a home right now, Mr. Speaker, I think it is important for everyone to understand that those individuals that are financially challenged, especially those receiving Social Security benefits, are not able to receive any assistance whatsoever. A 100 percent cut in that program.

When we look at the Department of Homeland Security, First Responder Grants, they took a 78 percent cut. What does that mean back in the hometown or the parish or what have you? It means that 78 percent of what the Federal Government would have given to your local government to protect the homeland has now been cut, and those dollars are hard to find.

When you look at EPA Clean Water Grants, that has been cut by 21 percent. When you look at Community Development Block Grants, that has been cut by 20 percent. When you look at the Low Income Energy Assistance Program, that has been cut by 17 percent.

I give those examples and I am making those points, Mr. Speaker, to say that when you look at $70 billion in Iraq and you look at no-strings-attached, they seem to be able to get away with what U.S. taxpayers and U.S. cities and U.S. mayors and governors cannot get away with.

□ 2100

This past Tuesday, and I mentioned earlier at the top of this hour, I had the opportunity to go to the opening session of the Florida legislature. I heard the House Speaker talk about the deficit in the State of Florida, some 4 billion plus dollars that they have to be able to fill the gap, because they are not like those of us that are here that can be able to take out a high interest credit card and say, let's put it on that card, whatever it costs. We will worry about it later, but we just need to do it now whatever we feel like doing.

In the States, they actually have to balance. Constitutionally, they have to balance their budget. So that means something has to be taken from someone else to fill that gap. And so when you start filling that gap, I want to make sure that everyone in America understands that you are talking about cutting assistance to seniors, you are talking about higher tuition rates in colleges. Even though we cut student loan rates here on the Federal end as relates to interest rates, they are going to end up seeing higher tuition because they have got to make ends meet. You are going to end up seeing many of our youth programs cut. You are going to end up seeing many assistance for small businesses at the State level cut. They are going to have to find that $4 billion in Florida from somewhere.

So I think it is very, very important, we started looking at this whole issue of Iraq and accountability and all of the things that we talk about here on the floor. You have got to think about how these decisions trickle down to local government. When you start looking at the Bush tax cuts for those that are the connected and the wealthy, we start looking at that as devolution of taxation. We've cut your taxes up here in Washington, blah, blah, blah. You look at the previous Republican Congress, oh, this is what we've done. Apparently the American people caught on to it and that's why the Democrats are in the majority now. It's devolution of taxation.

What does devolution of taxation mean? It means once you cut something here, you're going to have to balance in the local government area. So the State government has to cut what it gives to local governments and school boards and parishes. And then, when it gets to the local government, they're going to have to make cuts to be able to fill the gaps, the obligation that the State is not making.

So when you look at those gaps being filled, I can guarantee you that many of my constituents and many of us who know what it means to punch in and punch out and have a 15-minute break in the morning and a solid half-hour for lunch and if you get a 15-minute break in the afternoon. But those individuals that know what that means, then they know that they're going to end up getting the short end of the stick, or the messy end of the stick as we may say down in Florida.

I think it is important that people understand what is happening here and what is not happening here. What is not happening here is that the President is not moving in a responsible way to get us out of Iraq. There is great debate as it relates to the Presidential candidates. The picture that I showed you of a number of my colleagues on the other side of the aisle who stood with the President and said that they will not allow him to be overridden and there they are there standing in the picture, are standing in the schoolhouse door as it relates to the kind of reform that should be happening.

What is happening here, to give you a report on that, is that there is a great attempt to be able to try to bring ourselves back into fiscal control as it relates to the budget and start working on knocking down this deficit. We are paying more on the debt service than we pay on Homeland Security. That is a problem. If the debt service is in competition with what we invest in education, that is a problem.

So when you look at these issues and you look at 2010 and the sunset of these Bush tax cuts, when you look at what first responders are not getting, 100 percent cut as relates to the COPS program, community-oriented policing program that many law enforcement officials called for and endorse 110 percent; when you look at these issues and you say that there is no money, when you have crumbling bridges here in the U.S. and you have bridges that are being built in Iraq by U.S. contractors and Middle Eastern contractors, you can't help but question who is doing the right thing and who is doing the wrong thing. Because, I am going to tell you right now, it is not happening. In all of the Congressional districts that you look around, I don't see any Congressional district saying, Oh, we're happy with what we have. We don't need anything else. We don't care about infrastructure and making and creating U.S. jobs. We don't care about investment and green collar jobs to where if we wanted to put sod on the top of the Capitol building, that won't be an overseas job. If someone dropped out of high school, they have an opportunity to take part in that. If someone went on to college, if someone went on to post-education and became an architect and they would have a part in that. Will it build our economy? Truck

drivers will make money. You will have individuals in the agriculture field that will make money and will be able to stimulate our economy for real jobs. We would no longer have the discussion that took place in Ohio just last night as relates to the Presidential primary on who is shipping jobs overseas and who is creating jobs on land here in the United States.

So as we look at that, Mr. Speaker, I think that we should look at it from the standpoint that we have to win. The U.S. taxpayer must win. We are here to represent that individual. I didn't come to represent anybody else on another continent; I came here to represent, not only my constituents, but by them voting for me to be here, Mr. Speaker, they federalized me to be able to deal with the issues of the United States of America and be a part of board of directors of the greatest country on the face of the Earth. We want that to continue to be the case.

What we don't want is what we are seeing, the downward spiral, irresponsible spending, and the cuts that the Bush White House has said that has to be made to be able to carry out a mission in Iraq that has no end in sight as far as they are concerned. I think that the American people will rise up once again in the upcoming election in saying that we are willing to put in the people who are going to put an end to this practice.

I beg my colleagues on the other side of the aisle to please join us, those of us on the Democratic side that are trying to find a way to not only bring about accountability in Iraq, but bring our men and women home so that they can be reunited with their families; so that they can actually go to some of the programs that I go to of my kids. I get an opportunity to see them. I had an opportunity to have dinner with my family this afternoon earlier. I just want them to have that opportunity. I want the men and women that serve in uniform to have that opportunity. I want that State Department worker that has had to volunteer to go to Iraq to have that opportunity. I want that church or that synagogue or that mosque to be able to spend that spare time in trying to build families versus trying to comfort families of what is going on with their loved ones in harm's way. I want that kind of America that we are used to seeing.

Like I said earlier, it is no longer about the fire, it is about something else. And I think that it is important that the Members, their number one priority should be every day that they hit this floor is how they can reunite these families and to be able at the same time save the U.S. taxpayer money or their investment. If we can come to the floor and put $70 billion like that, and that is without my vote, over into Iraq to continue what the President would like to see carried out in Iraq, then we should be able to do the same in stimulating our economy here domestically and making U.S. families stronger and making Americans stronger.

With that, Mr. Speaker, as usual, the 30–Something Working Group, we do want to hear from the Members. I want to make sure that the Members share information with us and staff share information with us. You can e-mail us at 30SomethingDems@mail.house.gov. That is 30SomethingDems@mail.house.gov. Also, we encourage the Members, and all of the charts that we have here are also on www.speaker.gov/30something.

I think it is also important to note, Mr. Speaker, that we look forward to the coming days as we start to tackle these issues every month of this year, I think, leading up until maybe about 4 or 5 more months, the Members will have an opportunity to go back to their districts for a week and have these district work weeks. I encourage all of our constituents to engage us on these issues and to continue to keep the pressure on so that we make the right decisions here in Washington, DC.

Mr. Speaker, it was an honor to address the House once again. I yield back the balance of my time.

PROTECT AMERICA ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. MCCAUL) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCAUL of Texas. Mr. Speaker, I rise today in support of the Protect America Act, and I urge the Democratic leadership in the House to bring to the floor the bipartisan bill that was passed in the Senate overwhelmingly which brought this act to permanency.

Unfortunately, last month what we saw was, on February 15, this act did not come to the floor; rather, it expired. The Democratic leadership failed to bring that to the House floor. And with the expiration of the Protect America Act, our intelligence communities went dark in many parts of the world.

This is a game of dangerous politics. It is putting the American people at great risk as every day passes. I urge again the Democratic leadership to bring the bipartisan Senate bill to the floor so that democracy can operate, because the American people support this bipartisan legislation that the Senate passed and we need to pass it now to protect American lives. If I can just step back and give this some context.

The Foreign Intelligence Surveillance Act actually passed in 1978, during the Cold War. It was a time, again, during the Cold War, not the threat that we face today, a very different threat. The FISA Act, because the technology now has outdated the law, needs to be modernized. And that is exactly what the Protect America Act does.

The Director of National Intelligence came to the Congress last year to tell us that we needed this modernization because there are dangerous loopholes and intelligence gaps in our collection capability, and that needed to be fixed. Many of us here in the House listened to that warning, answered that call, and voted in a very bipartisan way last August for the Protect America Act. Unfortunately, as I stated, last month, on February 15, the Democratic leadership allowed that act to expire, again placing Americans in grave jeopardy.

And what did we hear from the Democratic leadership at that time? Majority Leader STENY HOYER said, there really is no urgency here; the intelligence agencies have all the tools that they need. Chairman SILVESTRE REYES at the time said, Things will be just fine. Things will be just fine.

But things aren't fine. And all you have to do is look at a letter that we received in the Congress from the Director of National Intelligence and the Attorney General pointing out the grave risk that this expiration is giving to the American people. They said: The expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty, which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information. And then, they say, that is exactly what has happened since the Protect America Act expired days ago without the enactment of the bipartisan Senate bill.

This is the Director of National Intelligence, a man who served under Democrats and Republicans. This is the Attorney General of the United States. They said we have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act. I submit that this is not only a failure to act; it is a dereliction of duty to the American people. We have the most solemn obligation first and foremost to protect the American people. Mr. Speaker, we are failing in that obligation in the House today.

Intelligence is the best weapon we have in the war on terror. Intelligence is the first line of defense in the war on terror. And, if I could step back to 1993 and tell a story.

I used to work in the Justice Department. I worked on FISAs. In 1993, an individual named Ramzi Yousef came in the country with a fake Iraqi passport, and he plotted to bring down the World Trade Center. Fortunately, he wasn't successful that day, although he did kill people. Innocent lives were lost, and he caused great damage to these buildings. He fled, ended up eventually in Islamabad in Pakistan, where

he met up with his uncle, Khalid Shaikh Mohammad. Khalid Shaikh Mohammad of course is the mastermind of September 11. There, they talked about the idea of flying airplanes into buildings.

Eventually, Ramzi Yousef was caught in Islamabad and brought back to justice. But the intelligence that we missed back then because some of the flaws in the system, the 9/11 Commission studied this and they made several recommendations. And, of course, at the time they analyzed what we passed in the PATRIOT Act to fix this problem, that being the fact that a wall separated the criminal division from the foreign counterintelligence. The left hand literally didn't know what the right hand was doing. This caused great consternation within the Justice Department and within the intelligence community. I remember working before the PATRIOT Act passed and I remember some of these frustrations myself.

There is a great quote from an FBI agent who was frustrated with this. He said: You know, someday someone will die and, wall or not, the public will not understand why we were not more effective at throwing every resource we had at certain problems. Let's hope the national security law unit will stand behind their decisions then, especially since the biggest threat to us now, Osama bin Laden, is getting the most protection.

I draw this analogy because the same principle applies to the FISA modernization, and that is that if we fail to pass this act, someday someone will die.

□ 2115

The biggest threat to us is Osama bin Laden and al Qaeda; and they are, unfortunately, now getting great protections. They are getting constitutional protections that they don't deserve. We are required to go to this FISA Court any time we want to listen to overseas intelligence. Foreign communications from a foreign terrorist to a foreign terrorist, we are required to go to a court in the United States with a showing of probable cause, giving a terrorist constitutional protections they do not deserve and putting not only Americans in the United States at great risk, but the war fighter abroad at great risk.

There is a great example last year. Three American soldiers were kidnapped. Because of the FISA restrictions, we had to get lawyered up, go to the FISA Court, apply for a warrant, and show probable cause for an emergency FISA warrant. Many hours expired. In the meantime, one of those soldiers was killed, and two we haven't heard from since. This is a tragic outcome. Again, this is putting Americans at great risk.

We talk a lot in the 9/11 Commission about connecting the dots. And the fact of the matter is, if we can't gather and collect those dots, there is no way we can connect the dots. And the gentlelady from New Mexico has stated so eloquently so many times that very point. I want to yield to her. The gentlewoman from New Mexico (Mrs. WILSON) has been the leader in the House on this issue. She was the one who really brought this issue to the attention of the Congress, and I believe America owes her a great deal of gratitude, so we can fix this intelligence gap we currently have in the law and ultimately save lives.

Mrs. WILSON of New Mexico. I thank my colleague from Texas, and I also thank him for his leadership on this issue. It has been a tremendous help to this body to have people who have actually worked and tried to enact and implement the provisions of the Foreign Intelligence Surveillance Act to come and be able to explain why it doesn't work in the way it is intended to work in a time of terror.

I think it is important for people to understand, what is the Foreign Intelligence Surveillance Act and why do we have it. In the 1950s and the 1960s, there were abuses by our intelligence agencies where they were wiretapping Americans without warrants. In fact, a friend of mine gave me a copy once of a declassified memorandum signed by Robert Kennedy and J. Edgar Hoover that authorized the wiretapping of Martin Luther King. So there were abuses in the 1950s and 1960s, and the 1978 Foreign Intelligence Surveillance Act was put in place. The intention of it was to say if you want to collect foreign intelligence in the United States, and there are reasons to do so, you go to a special court called the FISA Court and get a warrant.

There are folks we suspect of being spies who are here in the United States, people working for the Soviet Union, at that time, or Cuba or China, and you want to be able to go to a court and get a warrant to listen to someone in the United States. And the Foreign Surveillance Intelligence Court was set up for that purpose. But it was written in a way that was technology specific.

In 1978, that was the year I graduated from high school. The telephone was on the wall in the kitchen, and it still had a dialy-thing in the middle. It wasn't even a push-button phone at my house. The Internet didn't exist. Cell phones were Buck Rogers stuff. So the law was written in a technology-specific way that said over-the-air communications you can listen to, you don't need a warrant for that. And at the time, almost all international calls were over the air. They were bounced over a satellite. But to touch a wire in the United States, it is presumed to be a local call and you need a warrant.

Of course today, the situation is reversed. There are over 200 million cell phones in America, and all of that communication is bouncing over the air. But that is not what we need for foreign intelligence and to prevent another terrorist attack.

So, ironically, we now have a law written specific to 1978 technology which does not protect local calls and does protect international calls. Why, because today almost all international calls are over a wire or a fiberoptic cable. And because of the way that global telecommunications is now routed, telecommunications now follow the path of least resistance, and it is entirely probable that a phone call from northern Spain to southern Spain may transit the United States because that might be the path of least resistance. Likewise, a call from Afghanistan to Pakistan or a call from the Horn of Africa to Saudi Arabia may well transit the United States. But in order to listen to that communication, if you touch a wire in the United States, our courts were saying you have to have a warrant.

So we now have the situation that was building up last year where we had intelligence agencies trying to develop statements of probable cause to get a warrant to touch a wire in the United States to listen to foreigners in foreign countries principally for the issue of preventing terrorism because terrorists use commercial communications. And so we had this huge backlog of requests. And it is worse than just the time it takes to develop a case for probable cause or to go to the courts and the time it takes our experts to be able to take time away from actually listening to terrorists to explain to other lawyers and judges why they believe someone is affiliated with a terrorist group. Sometimes you can't meet that high standard of probable cause.

Think about this for a second. If we are trying to get a warrant on someone here in the United States because we believe they are involved with organized crime, you have all of law enforcement to go out and look at what they are doing and talk to their neighbors and so on. If you have someone who is a suspected terrorist living in the Horn of Africa, you can't send the FBI out to talk to their neighbors. Sometimes the probable cause standard is too high to meet; and as a result, by the middle of last year, we had lost two-thirds of our intelligence collection on terrorism. The law had to be changed.

In the first week of August we changed it with the Protect America Act. Eighteen days ago that act expired. Now, to their credit, they worked through the backlog in that 6 months and they were able to get collections started on that whole backlog of intelligence collection related to terrorism. Those won't expire for a year. But here's the problem. New tips come in every day.

I sometimes go out and visit our intelligence agencies in my role as the ranking member of the Technical and Tactical Intelligence Subcommittee. Sometimes the director of that particular agency will say, Congresswoman, I know you are here to get a briefing on such and such a program, but I want you to know the threats we are following today. This is who we are looking for today. This is the tip we got yesterday that we are trying to track down. We have 12 terrorists who transited Madrid who just finished training in Pakistan. We are trying to figure out where they are going. We think we know the throw-away cell phone numbers that they picked up in the rail station in Bonn. We need to listen to them to figure out their plans, capabilities, and intentions. Are they going to kill Americans tomorrow?

That's why this is so important. We have to match the terrorists stride for stride, and we can't afford to have delays in intelligence collection when we are trying to prevent another terrorist attack.

Mr. MCCAUL of Texas. Mr. Speaker, as so eloquently stated by the gentlelady, this is about saving American lives, first and foremost. That is the issue at stake here. And it is also about protecting our war fighters so we don't have to go through a court in the United States to get a warrant to hear what al Qaeda is saying overseas about the threats to our military.

Mrs. WILSON of New Mexico. If the gentleman would yield for a question, is it true that if we have soldiers in a war zone, whether it is Iraq or Afghanistan, if we have soldiers in a war zone, that they may actually be authorized to shoot an insurgent, but they have to go back to talk to lawyers in Washington in order to listen to them? Is that true?

Mr. MCCAUL of Texas. That is the absurd result of us failing to pass the Protect America Act in this body. It is putting our soldiers at grave risk.

These constitutional protections, to extend them to foreign terrorists, the FISA when it was enacted was not enacted to give foreign terrorists constitutional protections. It was enacted, if you are an agent of a foreign power in the United States, to give some protection.

I have quoted before Admiral Bobby Inman who is one of the principal architects of the FISA statute. Again, it was designed to, when we want to monitor an agent of a foreign power in the United States, go to a special court and get a warrant. It was not designed to apply to foreign terrorists overseas talking to terrorists overseas. And these constitutional protections that I suppose our friends on the other side of the aisle would like to extend to the terrorists turns the statute on its head.

What Admiral Inman says is to apply FISA to ''monitoring foreign communications of suspected terrorists operating overseas such as Osama bin Laden and other key al Qaeda leaders turns the original intent of FISA on its head.'' This is the man who was principally responsible for writing the statute.

He says, contrary to some of the rhetoric coming from the Democrats, it is the members of al Qaeda, not American citizens, as our colleagues will say, it is al Qaeda who is the target of these intelligence-gathering activities.

I think the majority of the American people support the idea that we should be able to hear what al Qaeda is saying overseas without getting lawyered up and going to a court to get a warrant. We know this agenda is driven by many on their side of the aisle, the special interests, the ACLU, the trial lawyers, and it is such a dangerous policy.

Mrs. WILSON of New Mexico. If the gentleman would yield for a question, is it true that under the Protect America Act, in the Senate bill, the bipartisan Senate bill that we should vote here on this floor on as soon as possible, is it true that it is still against the law to listen to an American in the United States? Do you still need a warrant to listen?

Mr. MCCAUL of Texas. You still need a warrant because the fourth amendment of the Constitution applies to persons in the United States. But the fourth amendment of the Constitution does not apply to foreign terrorists overseas not in the United States.

That is the sort of root of this problem is that we are applying constitutional protections to overseas terrorists. Now how absurd is that?

I think if the American people really knew what was going on up here and really knew what this debate was all about, and I do think that they are rising by the day. We are getting letters and phone calls by the day, and I believe they are not going to stand for this kind of nonsense that puts the American people and the war fighter at risk.

Mrs. WILSON of New Mexico. If the gentleman would yield, there are some fallacies about the Foreign Intelligence Surveillance Act that I think we need to put to rest.

One is there is an emergency provision, you can just listen to this stuff and go to the court 72 hours from now. You have an emergency provision. It is true there is an emergency provision, but you have to develop the whole case for probable cause and present it to the Attorney General who has to stand in the shoes of the judge. So you have to get all of the work done; you just don't have the final signoff for a judge. And the time problem occurs before you get to that point. It is to develop the whole case for probable cause.

I have seen one of these packets. It is sometimes close to 2 inches thick of paper that explains how you meet all of the requirements of the act. When it really matters, when we had three soldiers who were kidnapped in Iraq, it took over 24 hours to get an emergency warrant.

I don't know whether that would have saved our soldiers or not. We thought we had a tip on who it was that had kidnapped them. I don't know if it would have been fast enough even if we would have been able to turn it on immediately. But I know if they were my kids, a 24-hour delay is not good enough, and we should expect more from our Government.

Mr. MCCAUL of Texas. Reclaiming my time, I would like to add to that, having worked on FISA applications, as the gentlelady has seen, it is a very cumbersome, paperwork-intensive process to establish probable cause and to get a court-ordered warrant. In many cases, it took us 6 to 9 months to get these warrants.

Now, it has been a little streamlined since 9/11, but it is still a very, very cumbersome process. And again, the statute was never intended to apply to this type of situation. That is why we need to fix this now.

Again, the majority leader, STENY HOYER, says there is no urgency. There is no urgency. Tell al Qaeda that.

Chairman SILVESTRE REYES, things will be just fine. Tell al Qaeda that. They must be celebrating. When they look at what we are doing with this statute, they must be saying to themselves, How naive. We are playing right into their hands, and this needs to stop.

I yield now to the gentleman from Georgia (Mr. GINGREY).

□ 2130

Mr. GINGREY. Well, I thank my colleague for yielding. I thank all of my colleagues for bringing this important issue to the floor tonight to make sure that each and every Member on both sides of the aisle has a good understanding of this issue. And anybody who might be listening or tuned in, but mainly for our colleagues here to understand.

The gentlewoman from New Mexico clearly understands the issue. The gentleman from Texas, having worked in the Justice Department, clearly understands the issue. Our colleague from Pennsylvania (Mr. DENT) who was here last week with us, I know that he clearly understands.

But it can be confusing. And you know, you listen to this, and I think sometimes eyes glass over pretty quickly when you get into the weeds of it.

But I think the bottom line is what my colleagues have already said. This law originally passed for the reasons Representative WILSON outlined back in the late 1970s. And it was very much based on the technology of the time.

And here we are in 2008, and I don't even have a hard line at my apartment

here in Washington. We have a cell phone. And we have a cell phone that has a yearly contract. But, of course, the bad guys, what they do, in regard to cell phone technology, is they buy these throwaway cell phones and these burn cards and it's very difficult to track them.

So in the modernization of FISA in the Protect America Act, and indeed in the PATRIOT Act, we tried to bring that law into the 21st century. And I'll tell you this; I trust the three Michaels on this. I trust the Attorney General, Michael Mukasey; I trust Michael McConnell, the Director of National Intelligence. I trust Michael Hayden, the Director of the CIA. And I think they would tell us what they are telling us no matter who was in the White House, no matter who the Commander in Chief was. This is not political. They're basically saying to the Congress, we need these tools. We need these new tools. We need to grant immunity to the telecommunications companies so they can provide phone records to us, so that our intelligence experts can look at this data, if you want to call it data mining. I don't know exactly how it's done. But you have to have that ability.

And indeed, the telecommunications companies in this country are required by Federal law under the penalty of both civil and criminal if they don't provide this data. So they're darned if they do and they're darned if they don't. And the Democrats seem to want to insist that this liability persist. I don't know. Maybe it's a sop to the trial lawyers. But it's absolutely essential that we pass this bill.

And as my colleagues pointed out, here we are 18 days since the FISA law expired. I heard Mr. REYES say on television this weekend on one of the Sunday morning TV shows, well, you know, we've talked to the telecommunications companies. He, of course, I'm referring to the gentleman from Texas, who is the chairman of the Select House Committee on Intelligence basically saying it's time, now that we understand, he understands the need that let's go ahead and pass this law.

And here we are this week and what happens? You know, this is the 18th day. It just goes on and on and on.

So clearly, I think when you strike right to the bottom line, it's exactly what my colleagues have said. You don't have to understand it any more than that. We need this renewal. We need this modern technology of this law to continue to protect our citizens.

I'm honored to be here with my colleagues and to share my thoughts, although I don't have the depth of knowledge that they do. I don't need to have that. I just have a little faith in what my colleagues are telling me and the need to protect our citizens.

So with that I will yield back to the gentleman from Texas, and be glad to be with my colleagues for the rest of the hour and continue to dialogue with them.

Mr. MCCAUL of Texas. I thank the gentleman for his comments. And reclaiming my time, there is an urgency here. We need to act in real time with real time intelligence. We can't afford to wait 6 to 9 months for a FISA Court to issue a warrant to a foreign terrorist overseas who has no constitutional protections.

Let's look at what the Director of National Intelligence said about this issue just recently since the expiration of the Protect America Act. He says, ''Our experience in the past few days since the expiration of the act demonstrates that these concerns are neither speculative nor theoretical. Allowing the act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability.''

I don't know of any American who can read these words from our Director of National Intelligence, the man who heads up our intelligence communities, the man who served under both Democrats and Republican, and not have a chill run up your spine when you read this quote. The threat, the risk, the grave risk that the majority is putting this country in by allowing this act to expire. There is an urgency and we need to get it passed.

With that I am going to yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I would like to thank the gentleman from Texas (Mr. MCCAUL) and the gentlelady from New Mexico, Congresswoman WILSON, for their leadership on this critical issue. I'm also pleased to be joined by my colleague from Georgia (Mr. GINGREY).

But after looking at that graphic, I think all of us should take note. It was not only Attorney General Mukasey and National Intelligence Director McConnell who have talked about the degradation of our intelligence and the intelligence product. But it's also the chairman of the Senate Intelligence Committee, a Democrat, JAY ROCKEFELLER, who also talked about how our intelligence capacity has been degraded because of the failure to enact the Protect America Act. He said, and I quote, ''What people have to understand around here,'' and that's the Senate, ''is the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunications companies lose interest.''

He said three times, this capacity will be degraded. And I do want to applaud the gentleman from Texas for bringing up that e-mail that was cited in the 9/11 Commission report from the FBI agent who was so frustrated in August of 2001 about the failure of our law enforcement intelligence officers being able to collaborate effectively because of the wall that existed pre-PATRIOT Act. And he talked about that frustration. And he wanted to make sure those barriers were removed. And he also talked about how so many protections were being provided to Osama Bin Laden and al Qaeda at the expense of the security of the American people.

When we came to this Congress, the 110th Congress, when it first convened, we were told by the new leadership under Speaker PELOSI that fulfilling the recommendations of the 9/11 Commission report was a top priority. Well, it's time to equate those words with action. It's absolutely essential that we do so.

And many of our friends on the other side of the aisle, and this shouldn't be a partisan issue because we have bipartisan support for this bill. We have more than a two-thirds majority in the Senate, and there are over 20 members of the Democratic Caucus who have said that they're going to vote for this bill. It shouldn't be a partisan issue. We all know that.

And they've often talked about that we should be allowing our law enforcement officials to deal with these terrorists more effectively and that we shouldn't be using our military as much. That is what they say.

I have a letter here from the Fraternal Order of Police asking us to pass this law. We need to give law enforcement the tools they need to do their job. We can't simply say on the one hand we shouldn't be using the military but we should be using law enforcement, and then tie the hands of those very law enforcement officials we need to help us.

Mr. Speaker I will be happy to submit this letter for the RECORD so that people can see what the Pennsylvania Fraternal Order of Police police have said or, actually it's the National Fraternal Order of Police, what they have said, why we need to enact the Protect America act.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
December 4, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington. DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: I am writing to you on behalf of the members of the Fraternal Order of Police to advise you of our position as the Senate prepares to consider legislation amending the Foreign Intelligence Surveillance Act.

The FOP does support the inclusion of language that would adequately protect telecommunications companies which cooperated with the Federal government and law enforcement investigators from any liability as a result of that cooperation. It is important that such a provision strike the right balance between the need to investigate and

gather intelligence about our nation's enemies—those actively plotting to attack and kill our fellow citizens—and the genuine expectation of privacy of the customers of these firms. It is important to emphasize that these records were voluntarily turned over because these companies were trying to assist the Federal government and law enforcement protect the United States and investigate terrorists, and we do not believe they should be punished for providing this assistance. In the view of the FOP, this is no different from a citizen helping to protect their streets by participating in a Neighborhood Watch program and reporting suspicious activity to the police.

The attacks on the United States in 2001 were a turning point in our nation's history and, like any turning point, it demands that we change and adapt without yielding our essential liberties or compromising our American values. One of these values is that of compromise, of working together to find common ground and solving problems. The defense of the United States against our terrorist enemies is not the sole province of any entity. If we are to be victorious in this struggle, we must work together. I am proud that law enforcement agencies at every level of government, Federal, State, and local, have changed the way they work so as to foster greater cooperation in the war on terror. I am pleased that our nation's corporate citizens worked with law enforcement and Federal investigators in the wake of September 11th. And now I implore our executive and legislative branch to put aside political considerations, to seek the common ground and to do the right thing those who acted in the best interests of their nation and its citizens.

Law enforcement officers must make decisions every day weighing the safety of the public against the individual's expectations of privacy—occasionally these decisions have to be made in seconds—because a law enforcement officer may not have the luxury of having months to deliberate the matter. It is time for all parties—the Administration, Congress and interest groups from both sides of this issue—to stop the hyperbole and work together to reach a solution that will protect those companies that came to the aid of their country in our war against terrorism.

I urge both of you, as leaders of your respective parties, to bring the compromise version of this legislation to the floor and work together to see it pass. I thank you in advance for your thoughtful consideration of the views of the more than 325,000 members of the Fraternal Order of Police. If I can be of any additional assistance on this or any other matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Moreover, my own Attorney General from the Commonwealth of Pennsylvania, Tom Corbett, visited me today. He's down here with the Attorneys General. He also talked about the need to enact the Protect America Act. And it is absolutely essential that we do so.

People are often frustrated by what they consider the mindless partisanship, the inability of people to get things done in Washington. That's why they're upset with Washington. They believe that Washington is broken. They're angry because Congress just fails to get commonsense legislation accomplished. And I think they want us to put the national interest ahead of special interests.

I think great points have been made here tonight about why we should pass this law, and I think we have to recognize what's holding this up. There are people in this body who are more interested in protecting the concerns of the most litigious among us in our society at the expense of the security of the American people. We all know a bipartisan accord has been reached on this FISA Act, on the Protect America Act. There really should be no more excuses. It's time to take yes for an answer. It's time to get the job done. I look forward to working with all of you to make sure we accomplish this before our intelligence is degraded further than it is today.

With that I would yield back to my friend from Texas.

Mr. MCCAUL of Texas. I thank the gentleman for his comments. Reclaiming my time, the gentleman is absolutely correct. This is a bipartisan piece of legislation. The Senate passed it overwhelmingly in a bipartisan way. In fact, the Chairman of the Intelligence Committee, Senator ROCKEFELLER, a Democrat, said this is the right way to go in terms of security of the Nation.

The gentlelady serves on the Intelligence Committee. We serve on the Homeland Security Committee, Mr. DENT and I. When you talk about the security of the Nation, you've got to leave your partisan politics and your special interests behind because protecting the American people deserves better than that. It doesn't deserve the partisan rhetoric.

Twenty-five attorneys general signed a letter, Democrat and Republican, please pass this act. So I do believe the time is now.

And the sad thing is, the most tragic thing is, we know good and well if this was brought to the floor today or tomorrow, that it would pass overwhelmingly. And yet the American people are denied that opportunity to vote on this bill, through their representatives, because special interests are holding this up.

Again, I point to the ACLU and the trial lawyers who want to take a shot at the companies, the private sector, who have carried out their patriotic duties, when the government asked them in a time of war to do their duty, to help the United States Government listen to terrorists overseas and somehow we should subject them to liability. I think that's crazy. If the government did something wrong then, of course, the government should be held accountable.

When companies are acting on behalf and certified on behalf of the Attorney General to do this, essentially a mandate to do it, they should not be held liable for those actions. So I think that is the real issue here, what's holding up this bill that would protect Americans.

I yield to the gentlelady from New Mexico.

Mrs. WILSON of New Mexico. I thank my colleague.

In fact, one of the reasons that attorney generals and the Fraternal Order of Police are so strongly in support of this legislation is that they worry that what's happening to our telecommunication companies because of their cooperation with the government on terrorism will also extend and poison the relationship between law enforcement and our telephone companies.

There are at least 15 States where we have over 25 lawsuits, some of them against telephone companies that weren't even involved, and those who are involved can't defend themselves in civil court without revealing to the terrorists how we're collecting intelligence on them and compromising our national security. I'm convinced, having looked at this, that they actually have immunity. They just can't prove it. And it is up to this Congress to clarify that companies that cooperated with the U.S. Government in helping us prevent terrorism through electronic surveillance are immune from civil liability lawsuits. I think the law is clear. It's up to the Congress to step up and reaffirm it quite clearly.

My colleague from Georgia says, and he's right, that this is kind of a difficult-to-understand technical subject in some respects. But there are some things that aren't difficult to understand. I mean, we all remember where we were the morning of 9/11. We remember who we were with, what we had for breakfast, what we were wearing, who we called first to check to see if they were okay.

Very few Americans remember where they were in August of 2006 when the British government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up simultaneously over the Atlantic. One of the terrorists that was involved intended to bring his wife and his 6-month-old baby with him so that they'd all die together. Comprehend that evil for a moment. You're willing to kill your own 6-month-old child in order to blow up an airliner. If that had happened, more people would have died that day than died on the morning of 9/11. But you don't remember it because it didn't happen. And it didn't happen because of cooperation between the British, American and Pakistani intelligence services. Forty-eight hours. They were within 48 hours.

How much time should we wait while lawyers gather in Washington to develop cases for probable cause to get a warrant on a foreigner in a foreign country?

I yield back to my colleague from Texas.

□ 2145

Mr. MCCAUL of Texas. I thank the gentlelady for her insight, and she's absolutely right that this terrorist surveillance program has protected Americans from the very scenario that you mentioned.

We all remember this day. It's etched in our memory forever. I will never forget this day, and every patriotic American will never forget what they did to us that day. But yet, every day this Act, since it has expired, with every day there's greater risk to this happening again.

There's a reason why this hasn't happened again. It's because we have been able to thwart and to stop plots against the United States to kill us. That's what this program does. That's what the Protect America Act did until the Democrats allowed it to expire almost 3 weeks ago.

Alluding back to Ramzi Yousef, very interestingly, and I know the FBI agents when they arrested him, when they busted down his door to talk about what the gentlelady talked about in terms of a sinister evilness about the terrorist, to get in the mind of the terrorist, what they found were about a dozen baby dolls, and those baby dolls were stuffed with chemical explosives. They were going to carry those on the airplanes and blow them up.

Now, chemical weapons we saw with the London arrest. They always go back to their old tricks. They attempted to sneak chemical explosives onto these airplanes. Fortunately, we had good intelligence. Without good intelligence, people die. Without good intelligence, we cannot fight this war on terror. Without good intelligence, we cannot protect the American people, and as we stated before, we put the war fighter at tremendous risk.

So, with that, I will yield again to the gentleman from Pennsylvania.

Mr. DENT. That graphic you just showed from 9/11 in New York vividly reminds me of that day, and my cousin was on the 91st floor of the north tower. He was one of the lucky ones. He got out. Everybody above him was killed, and all 11 people on his floor made it out, and it was a harrowing experience which I won't go through here tonight.

But we should also remember an article that was written by a woman named Debra Burlingame. She wrote this editorial in The Wall Street Journal a few years ago, and she talked about the fact that there were two individuals in this country before 9/11 that FBI agent you referred to earlier was concerned about. He was concerned about those individuals, and for whatever reason, nobody in the FBI was prepared to go to the FISA Court to go on a nationwide manhunt for these two individuals. Didn't happen until the afternoon of September 11, 2001.

And those two individuals that Debra Burlingame wrote about, who we were so concerned about, who were operating out of San Diego, who were making phone calls to Yemen into a switchboard run by the brother-in-law of one of those two individuals, bin Laden would call into that switchboard himself.

The point is those two individuals were the ones who crashed the plane into the Pentagon, and the pilot of that plane was a man named Burlingame, Captain Burlingame, the brother of Debra, and it really speaks to the issue that we should be surveiling and monitoring calls of people who are not American citizens and who we suspect that are engaged in serious terrorist activities.

We had a sense that those two people were bad actors, but we failed to act. We can't let that happen again. Heaven forbid if there's another terror attack like that of 9/11 or something worse, and heaven forbid if, for whatever reason, we failed in our duty to provide our law enforcement officials, our counterterrorism officials the tools they needed to connect the dots. And as you so eloquently stated, we cannot connect the dots if we can't find the dots. That's precisely the point.

Mr. MCCAUL of Texas. I thank the gentleman, again, for his insight.

Because of the wall back then and because of the intelligence gap, people did die, 3,000 Americans. Haven't we learned our lesson? How many times do the terrorists have to hit us? We know before September 11 there were many attacks against American interests, whether it was Beirut, the Khobar Towers, the USS *Cole*, the 1993 World Trade Center, they went back to it again. When are we going to learn the lesson?

The 9/11 Commission came out with its recommendations, and yet I don't believe we're heeding the warnings from the 9/11 Commission today. When are we going to learn the lesson that we need the dots to connect them in the first place?

And I think it's worth repeating, for those who have just tuned in, again the FBI agent's frustration that Mr. DENT has referred to, and I can see this. Having worked with the FBI, I can see an agent who is pounding his head against the wall because some bureaucratic rule prevents him from coordinating with the intelligence side of the house and he can't get the intelligence he needs to protect Americans because the intelligence community knows that two of these terrorists are in the United States but they can't tell the FBI about it. It is an absurd result, and he says, very, very frustrating, sending a letter to FBI headquarters, which could be a career-breaking act to do, very dangerous thing for an FBI agent to do, but he voices his frustration, saying someday someone will die. This is before 9/11. And law or not, the public will not understand why we were not more effective at throwing every resource we had at certain problems. They don't seem to understand the biggest threat to us now is Osama bin Laden.

That fell on deaf ears, and I'm afraid that this message is now falling on deaf ears again. It's certainly falling on deaf ears in this House when the majority fails and it's a dereliction of duty not to bring this bill that will protect American lives to the floor of this House.

Mrs. WILSON of New Mexico. It's not even the majority. The majority of this House, a bipartisan majority of this House, would pass this bill tonight if the liberal Democratic leadership would allow a vote. That's the thing that's so frustrating to me. This is a bill that passed with 68 votes in the Senate. It's pending on the floor of this House. The liberal Democratic leadership who, to a person, opposed the Protect America Act in August is blocking the will of the majority of the House of Representatives that wants to protect this country. They're standing in the way of protecting this country and letting the majority work its will.

Why? Because they're concerned about lawsuits against telephone companies and the deep pockets of the telecommunications industry, with trial lawyers saying, hey, aren't you with us.

Well, this majority in this House, led by the Republicans in this House, know that national security is the priority of the country, not protecting the trial lawyers.

Mr. MCCAUL of Texas. I thank the gentlelady, and I couldn't agree more.

If, God forbid, we are hit again while we have this act expiring, while we're dark in many parts of the world, while we're losing intelligence all over the world, if we could have stopped it when it happens here again and the American people wake up and realize who is responsible for this, and if American blood is spilled once again, that blood will be on the hands of Congress, and I feel very passionately, and I yield to the gentleman from Georgia.

Mr. GINGREY. I thank the gentleman from Texas for yielding.

It's just like I said earlier about the chairman of the House Select Committee on Intelligence, the gentleman from Texas (Mr. REYES), who I have tremendous respect for, and I think on both sides of the aisle, my colleagues would agree with me, a good man, a good Member.

And what he said Sunday morning, this past Sunday morning, was, look, we have now had the opportunity to talk with the telecommunication companies and understand what it is they need to provide under the law and why they did that, why they did it in a patriotic way, and yes, Mr. Moderator, we

are ready to move forward and modernize this bill. And I'm reading his lips. I'm listening to what he says, and I believe him and I sincerely believe that he wanted this bill to be brought to this floor this week.

As my colleagues have already said, it would pass overwhelmingly, but unfortunately, I can't help but believe that a good man, Mr. REYES, is being trumped by his leadership. And as the gentlewoman from New Mexico just said, why? Why would they do that unless, again, it's more concern for this special narrow interest group of trial attorneys that want to bring more lawsuits against telecommunications companies who were just obeying the law that they were required to obey.

I just want to point out, too, that as my colleagues have said, the 9/11 Commission, which was insisted upon by the 9/11 families, led by a distinguished Democrat, Lee Hamilton, former Republican Governor of New Jersey, Governor Kean, they clearly understood that we had a stovepipe system pre-9/11 in regard to intelligence gathering, as my colleague from Texas said, not really finding the dots, much less connecting them.

And it was a clear outline, a clear blueprint that that commission asked us to do. That, indeed, is what ultimately led to creation of a directorship of national intelligence so that those 16 or 18 communities of intelligence, many of which are within the Department of Defense, could talk to one another so that we could win this war. This global war on terrorism is not going to be won with air superiority, sea superiority, greater weapons systems. It's going to be won with greater intelligence, and that's what this is all about. And I yield back to my friend from Texas and I thank him for the time.

Mr. MCCAUL of Texas. I thank my colleague, and he points out so eloquently how important good and accurate intelligence is.

Because we had an intelligence gap, September 11 occurred. What we're trying to do is to stop that from ever happening again. Without that, we fail, and it's the best weapon we have, the first line of defense in the war on terror. And yet, for some reason, the majority in the Congress are being denied the right to vote on this and pass it and, in turn, denying the will of the American people, who we know support it. They want us to know what al Qaeda is saying overseas, and yet what we're doing is we're extending protection, giving the trial lawyers authority and extending constitutional protections to foreign terrorists.

The Constitution does not apply to a terrorist in a foreign country, and that is the absurd result that we find ourselves in today. And with that, I will yield to Mr. DENT from Pennsylvania.

Mr. DENT. Mr. Speaker, I'd like to just say that I think the American people hear our frustration here tonight. People of all ideological stripes in this body support the Protect America Act, and I think the people of the United States expect an answer as to why the leadership of this body under Speaker PELOSI will not allow this legislation to be considered.

And I believe very respectfully that Speaker PELOSI and the far left are driven by an extreme agenda on this critical national security issue, and it appears that there are a very small number of people in this body, in this country, who don't want to enact these important reforms.

It's time to stop pandering to trial lawyers or to the ACLU or moveon.org and get on with the business of this country, and it seems that in too many cases there are some people who are misguided, who seem to think that the FBI and the CIA and the NSA and other intelligence agencies that support this government are a greater threat to us than is al Qaeda, led by Osama bin Laden.

And that is what is so frustrating to me, that our law enforcement officials, our counterterrorism officials, our intelligence officials want us to get the job done. Intelligence officials are taking out personal liability insurance to protect themselves against lawsuits or a congressional inquiry, not protect themselves against al Qaeda but to protect themselves against people in this town, Washington, DC. And again, it's really time for us to get on with the business of this Nation.

The bipartisan compromise that we have all talked about has been reached. Many of us try to work in a very bipartisan manner on a number of issues. This is one clear case where we've done so, and it's time for the leadership to allow us to get the job done, and we call on Speaker PELOSI to do just that.

Mr. MCCAUL of Texas. I thank the gentleman, and I have to make the analogy that prior to 9/11 it's almost like before Pearl Harbor; we as a country were a sleeping giant and alarms went off at various times, the flags went up, that the majority of people here in the United States really, we didn't understand it. We didn't heed the warning. We didn't listen to those alarms before they went off.

And then, of course, on September 11, the sleeping giant awoke, and we wanted to do everything we could possibly do to secure and protect this Nation. And I think the most tragic thing that could happen is for the sleeping giant to go back to sleep, and I believe that if we fail to pass this important national security legislation, that's exactly what's going to happen. And I yield to the gentlelady from New Mexico.

Mrs. WILSON of New Mexico. I thank the gentleman for yielding.

I think there are two points that haven't been made tonight that I do think are worth making concerning the Protect America Act, which we hope to make permanent in the bill that's come over here from the Senate to fix the Foreign Intelligence Surveillance Act.

□ 2200

But one of the points that hasn't been made is that the Senate bill that has passed, that's pending on this floor, actually has stronger civil liberties protections for Americans than in the original 1978 law. In fact, Admiral McConnell and Attorney General Mukasey said in a letter on the 22nd of February, ''We note that the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the House bill.''

So, in fact, one of the things that has changed under this new piece of Senate legislation is that if you are an American, wherever you are in the world, if you're known to be an American, you have the protections of the American Constitution. That's not the case under the 1978 FISA law. So, there is actually more civil liberties protections for Americans on the bill that is on the floor of the House than there is under existing statute.

And the second thing that I think is worth pointing out is that after 9/11 the President turned to his advisers and everyone in all the intelligence agencies and said, you know, what tools do we have? How can we prevent another terrorist attack? How can we find out what their plans and capabilities and intentions are? The fact is that the terrorist threat is much different than the threat that we faced in the height of the Cold War. I was an Air Force officer in Europe during the Cold War. And the Soviets were a very convenient enemy from an intelligence point of view. They had a very big footprint. We knew where they were. We knew what they had. They had exercises the same time every year out of the same barracks using the same radio frequencies. They would have been very difficult to defeat, but we knew where they were.

With the terrorist threat, the problem is completely reversed. If we can find them, we can stop them. The problem is finding them. And, in general, they are using commercial communications. So, instead of being one ugly monster in the forest where you know where they are like the Soviets were, it's more like a ''Where's Waldo'' problem. Can you find the person in the clutter of everything else? That puts the premium on good intelligence.

And particularly, in the case of terrorism, electronic surveillance has been one of our most important tools because they are hiding and using commercial communications. That has been one of our strongest tools in preventing terrorist attacks for the last 6 years. And I must say that I believe

that the greatest accomplishment of the last 6½ years has been what has not happened. We have not had another terrorist attack on our soil since the morning of 9/11. And they have tried. It has been good intelligence that has kept this country safe. And for the last 18 days, we have been building another intelligence gap, and this body must act to close it.

Mr. MCCAUL of Texas. I thank the gentlelady for her eloquence, as always.

I would like to just add that, certainly during the Cold War at least, the principle of mutually shared destruction applied; we valued our lives and so did the Soviets. In this war against terrorism, in the day of suicide bombers, we can't say that. So real-time intelligence is absolutely critical to protecting the Nation.

I want to state again, from the DNI, the Director of National Intelligence, he says, ''Expiration of this act will result in a degradation of critical tools necessary to carry out our national security mission. And without these authorities, there is significant doubt surrounding the future aspects of our operations.'' Again, that is a warning to the United States Congress that if you don't do your job, I can't do my job. Do your job.

With that, I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Texas and the gentlelady from New Mexico and the gentleman from Georgia for engaging in this colloquy tonight.

I think just about everything has been said. We have a job to do. The American people expect us to get it done. We've heard from the attorney generals, we've heard from the U.S. Attorney General, Michael Mukasey. We've heard from the Director of National Intelligence, Michael McConnell. We have heard from everyone. And the fact that this intelligence product is being degraded should be alarming to every single American. The fact that we're debating this this evening, knowing that we may not be getting vital intelligence or information I think should be cause for alarm.

There are going to be those who say that we're doing this fear-mongering. That is absolute nonsense. We're simply stating facts. And the facts are that our intelligence personnel today don't have the tools that they had just a few weeks ago to deal with the threats that we face as a Nation.

With that, I want to thank you again for your leadership. As a member of the Homeland Security Committee, you and I are deeply engaged in these issues, along with Mrs. WILSON, who has been a great leader on the House Permanent Select Committee on Intelligence. Again, we need to keep pounding this point home. I am prepared to come to the floor of the House every single night until this law is enacted.

With that, I yield back to the gentleman from Texas.

Mr. MCCAUL of Texas. Thank you, Mr. DENT, for your leadership as well. I see we just have a few minutes left.

I yield 2 minutes to the gentlelady from New Mexico.

Mrs. WILSON of New Mexico. I want to thank the gentleman from Texas, and I won't take the 2 minutes, but I wanted to thank him for his leadership and persistence. This is going to get fixed because we will not rest until it's fixed, and it is critical to the country that it be fixed.

It is now up to the liberal Democrat leadership to listen to the will of this body and pass the Senate bill that will close the intelligence gap.

I yield back to my colleague.

Mr. MCCAUL of Texas. I thank the gentlelady.

I would like to close with a quote. Why is this debate so important? I think it's important to understand the threat and to understand who the enemy really is. Who is the enemy? Let's get inside the mind of the enemy. And our enemy says, ''The confrontation that we are calling for with the apostate regimes does not know Socratic debates, Platonic ideals, nor Aristotle diplomacy. But it knows the dialogue of bullets, the ideals of assassination, bombing and destruction, and the diplomacy of the cannon and machine gun. Islamic governments have never and will never be established through peaceful solutions and cooperative councils. They are established as they always have been, by pen and gun, by word and bullet, and by tongue and teeth.''

The words I just read to you are the preface of the al Qaeda training manual. That is how it begins. That's in their words, not mine. That is the enemy. That is the threat. That is why it's so important we pass the Protect America Act on the House floor, and pass it now.

DEMOCRATIC FRESHMEN HOUR

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes.

Mr. YARMUTH. Mr. Speaker, it's a great honor for me to be here tonight representing the class of 2006, the freshmen Democrats who were responsible for returning the majority to the Democrats in the last election. I'm particularly proud to be here to talk about the whole area of intelligence and surveillance, which our colleagues from across the aisle spent the last hour talking about.

I don't have props tonight because I look down at the dais and I see engraved in the side of the dais two words that serve as the only props I need in discussing this very important topic. I see the word ''justice,'' and I see the word ''freedom.'' Because that's really what we're talking about when we're talking about the FISA controversy. We're talking about whether the incredibly important principles of justice will apply to the way we treat corporations in this country that choose not to obey the law. And we're also talking about freedom. We're talking about the freedom of individuals to pursue their private lives free of the worry that they're being listened to for no good reason.

You know, it's interesting to listen to my colleagues from across the aisle. And I don't want to impugn their motives at all. I believe that they, just as we on the majority side of the aisle, firmly believe in patriotism. We firmly believe in securing this country. We believe this is one of our sworn duties.

There is no question that all of us take an oath to secure this country and to protect it, and one of our primary responsibilities is to defend the people of this great country. But the first thing that we swear to when we take the oath of office is to protect the Constitution of the United States. That is our solemn oath. And the Constitution was written primarily to protect the rights of the American citizens. And that's really what this controversy is all about. All of us, every one of us, Democrat and Republican, is primarily concerned about making sure that our citizens are safe. And we want to do everything in our power to make sure that we use every tool that we have at our disposal to make sure that our citizens are safe. But we also want to make sure that every tool in our power is not used to violate the Bill of Rights, the amendments which guarantee fundamental freedoms to our citizens. And that's really what we're talking about when we talk about the FISA reauthorization.

You know, it's interesting; we passed, last fall, a reauthorization of the FISA Act, the Protect America Act, and we passed it willingly. We thought it was a good bill. And here comes the President saying, I'm not going to allow this bill to go forward. I'm not going to allow these important protections for the American citizens to go forward unless we give immunity to the phone companies because the phone companies did what we ordered them to do, essentially, starting with 9/11. We asked them to help us provide surveillance of American citizens even though we knew it was against the law, even though they knew it was against the law. We asked them to do that, and, therefore, they shouldn't be held accountable for that.

Well, that's an interesting attitude. And I know that my colleagues across the aisle said all they're trying to do is to protect the trial lawyers, all they're trying to do is protect the trial lawyers. Well, I have another question because there is another side to that

point. And I'll address the trial lawyer controversy, or issue, but the other side of that is, why are they trying to protect the phone companies? Why are they trying to protect American corporations that knowingly violated the law of the United States?

Now I don't think that it's really because they care whether the phone companies have to pay millions of dollars in damages. I don't think it's really because they care whether trial lawyers might make a contingent fee. I think the only reason that they are concerned about granting immunity to the phone companies for ostensibly violating the law of the United States is because they don't want the American people to know what the phone companies were doing and what the administration has ordered them to do because in a legal procedure, a lot of that information may come out.

Now they will say, on the other hand, if they get to that, well, this is a matter of national security. And all the legal experts say no, the courts have a way of making sure that no classified information is divulged to the public. But what the administration is really afraid of is not that AT&T might have to pay $100 million. They're concerned about AT&T having to go under oath and say here's what we did, and that somebody will understand that this administration asked them to violate the law, and they knowingly did that. That's what the immunity issue is all about.

Now in terms of the trial lawyers. I know, and I know our leadership has told us, the trial lawyers have never said a word about this issue. This isn't a big deal. You're not talking about a vast number of lawyers who are going to benefit from this. There are only a few companies that did it. As a matter of fact, there are a couple of companies that were reputable enough and honest enough to say no to the government, we're not going to do that, we're not going to violate the law.

□ 2015

So they didn't need immunity because they didn't do anything wrong, and I don't know how many lawyers could actually, and I don't want to use the metaphor I was thinking of, but try to exploit that situation for their benefit, but there are not that many involved. And trial lawyers really have not lobbied this issue at all.

What we are talking about, plain and simple, is the issue of who violated the law. Is there accountability? Is there justice in this country? And this administration, in spite of their protestations of saying Osama bin Laden is out there, he's making phone calls, they're all making phone calls, that that's what we want to protect ourselves from, that has nothing to do with the immunity issue. The immunity issue is history. That's the past. We're concerned about what we do going forward. We're concerned about protecting the American people. We enacted legislation last fall that would do that. The President won't sign it.

So we have a very, very different perspective on this issue. And it's funny because they throw up their hands on the other side and say, I just can't imagine why the leadership of the Democrats is not allowing this to come to a vote, why they won't pass this bill. We need to do it. It's a perfect bill. We need to do it.

Well, I have three answers for them. I think I have already mentioned a couple of them. One is the Constitution. That's the solemn oath that we take when we enter this office. And we are not willing to pass a bill that basically eliminates part of the Constitution.

Secondly is the rule of law. I think we all agree that the rule of law is sacrosanct, that this country would fall if it weren't for the rule of law. And we are trying to make sure here that the rule of law is observed and respected.

And, finally, we're talking about individual liberty, the freedom I talked about at the outset of the remarks, that we need to make sure that if we allow individual liberties to be abridged in this country that it is done pursuant to legal authority, that it is done pursuant to warrants, that it is done pursuant to the government's going to a court and providing reasonable cause to assume that there is some reason to surveil an individual American citizen. That's what this dispute is all about. That's what this issue is on both sides.

And it's interesting. As I listened to the President not too long ago when he was once again trying to use scare tactics to intimidate this body into doing what he wants to do, to protecting him and to essentially helping him engage in a coverup of the activities of the administration and the phone companies, he made the statement that right now terrorists are plotting activities against the United States that would make 9/11 pale in comparison. That's what he said.

And when I heard him say that, my thought was, well, wait a minute. If he actually knows that, that they are plotting something that's worse than 9/11, then I guess he's getting all the information he needs. Somehow, some way he's hearing information. If he can make a claim with that specificity that it's going to be worse than 9/11 and they are planning it now, then maybe he's listening to something. Maybe the intelligence authority that he was using works and he doesn't need this additional authority.

But I don't think that's the case, of course. I think basically what he was trying to say is do this or you die because that's been the strategy of this administration in many cases. Do what we want or you will be in trouble. You will be harmed. Your family will be harmed.

I don't think the American people are buying it anymore. I think they've cried wolf far too often. But that's what we have been dealing with in trying to have a very reasonable approach to providing the type of authority that we agree is necessary to allow us to wage this struggle against terrorist activity. So that's sort of, in an introductory way, what we are dealing with.

And it gives me great pleasure now to welcome another Member of the class of 2006, my good friend, the gentleman from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Thank you, Congressman YARMUTH. I really appreciate your words of wisdom and your counsel. And I would like to engage you in some conversation this evening.

Earlier this evening we heard our colleagues on the Republican side raise some interesting issues, and one of the questions that someone raised was, almost facetiously, I hope, ''Where's Waldo?'' If security, if international security depends upon finding anybody, it's not Waldo. We took our eye off the ball. Where is Osama bin Laden, and what are we doing about him and his violent extremists and the people that follow his way of thinking?

So, may I ask you a question? Congressman YARMUTH, is it really true that our intelligence community went dark? Are we no longer listening in on conversations? Is some of this fear mongering actually real? Is there any truth in there at all? Are we going dark? Are we not listening to people who want to do us harm?

Mr. YARMUTH. Well, I think the answer to anyone who thinks about it is obvious. No, of course we are listening. And what's more, we're listening pursuant to authority that exists in the law. And when the current law expired recently, the authority to surveil under the prior act did not expire. And, in fact, there have been numerous people who have said we have all the authority we need to protect this country.

Mr. KAGEN. But, sir, there have been telephone calls going out. There have been radio conversations. There have been television commercials in districts around America trying to indicate that, in fact, we have gone dark, that we've suddenly stopped listening. Are you telling me here tonight that that just isn't true?

Mr. YARMUTH. You don't have to take my word for it. Experts in the field have testified to the fact that this is not the case. Richard Clarke, who is the former Chief NSC Counterterrorism Adviser under both Presidents Clinton and George W. Bush said, ''Let me be clear. Our ability to track and monitor terrorists overseas would not cease should the Protect America Act expire. If this were true, the President would

not threaten to terminate any temporary extension with his veto pen. All surveillance currently occurring would continue even after legislative provisions lapsed because authorizations issued under the act are under effect up to a full year.''

So, of course, there is no reason to believe the ads and the scare tactics that have been perpetrated against Members in the Congress.

Mr. KAGEN. Well, then the question has to be asked, what's really going on here? What is it that our Republican colleagues disagree with us about with regard to protecting not only America, using FISA, but also protecting our constitutional rights? Can we not protect America and our Constitution at the same time?

Mr. YARMUTH. Well, obviously we can. And obviously this body did last fall. We passed a very, very reasonable reauthorization of the Protect America Act which did virtually everything that the President wanted, and it provided authority to surveil under reasonable circumstances. It didn't grant the NSC or any other institution the ability to go on a fishing expedition. It retains some oversight, some court control. Again, this is a secret court. But this is the way the law was set up in 1978. It's worked very well since then. There are some tweaks that are needed in this law. We recognize that. We did what the administration requested. All of a sudden, this issue of immunity comes up. And, again, I can't believe that this has anything to do with worrying about whether AT&T pays out millions of dollars. This is not what they are concerned about. I don't think the gentleman believes that either.

Mr. KAGEN. I appreciate what you just said, but it raises another question.

When you indicate that there is a question of immunity, is that not another word for ''amnesty''? Is it correct to say that the current President, President Bush, is seeking amnesty? And if we are going to give amnesty to someone, isn't it a natural thing to ask what are we forgiving somebody for? Don't you think we should understand exactly what someone did before we forgive them and give them amnesty? Isn't that a reasonable thing to ask?

Mr. YARMUTH. I think it's not only reasonable; I think it's our duty to require that because it would be a frivolous act if we just said, well, whatever you did, whether it was legal or not, then we're going to grant you immunity or amnesty for doing that. No, we have to know, in order to grant immunity, whether or not there is a reason to grant immunity. Why would we want to do that if there were no reason to do it?

Mr. KAGEN. Isn't that also one of the reasons why we were sent here to Washington to try to fix this situation where the 109th Congress failed to ask questions, failed to ask the pertinent questions, failed to hold hearings to find out what it is we are fighting for, why we really invaded Iraq, where's our money being spent? I've been told that 20 percent of the money we spent in Iraq is simply unaccounted for. And 20 percent of over a trillion dollars is a lot of billions of dollars. So I think the 110th Congress has a duty, a responsibility, and, yes, a constitutional responsibility to balance the balance of power, to reset the balance, and to also investigate wherever possible and ask questions.

So the questions I would pose to my Republican friends is, what is it you're afraid of? What is it that someone has done wrong? And whom is it we are trying to protect? Are we trying to protect America, or are we trying to protect special interests, either the telephone industry or the people that ask them to break the law in the White House?

Do you think it's possible that what they are really concerned about is their own immunity in the White House? Is that a possibility?

Mr. YARMUTH. Well, I think that's exactly the case.

And I don't blame the telephone companies. I think they were in a very difficult spot. When your government asks you to do something and says that the security of this country is at stake, then I suspect that most corporations would comply with the government's request.

Now, these corporations, being the major corporations that they are, with lots of money, with lots of legal advice, lawyers everywhere, would understand that what they were being asked to do might run afoul of the law. And I would suspect that they did make a decision, being in a very difficult spot, I can see, that I either comply with the government, do what they ask me to do, understanding that the government is regulating me; so they would say, okay, I'm really between a rock and a hard place. I can do what the government asks, knowing it's a violation of the law, or I can refuse and knowing that they are regulating me, that my business might be affected some way or another.

But that's all a different dynamic from what we're dealing with. We are dealing with the question of does the Congress have the responsibility to hold anyone, corporation or individual, accountable if they violate the law? And that's what I think we're talking about today and talking about in this long debate.

Mr. KAGEN. But isn't it also true that not every telephone company bent over and yielded information that was constitutionally protected under the fourth amendment? Isn't it true that Quest in Colorado said, no, not without a court order? And isn't it true that what we are trying to obtain is judicial oversight of the executive branch? And isn't it also a fact that the telephone companies didn't just volunteer the information, that they were being paid to do so, and at one point when they weren't being paid, they stopped turning over the information and stopped the wiretaps?

So I don't think it's just out of a patriotic duty that the companies had. There was a monetary compensation that went along with it. So I think that we have a constitutional duty and the right as representatives of the people that we have the honor of serving to ask these questions and to bring out the reality and the truth of this situation.

Mr. YARMUTH. We have to do this. And I agree with my colleague that what we're talking about here is the oath we took. We took an oath to uphold the Constitution. And the Constitution says that we have to obey the laws of the land and we have to, within our area of authority, make sure the laws of the land are upheld. And we have to provide oversight for that.

We have been joined by another one of our distinguished colleagues, a freshman Member, one of our most passionate Members from New Hampshire, CAROL SHEA-PORTER, and I yield to her.

□ 2230

Ms. SHEA-PORTER. I am happy to be here. I am standing here tonight at 10:30 for the same reason that we are all here, because we believe that it's our obligation, our duty to defend the Constitution. This Constitution is a gift that has been handed to us through the centuries, and it's the envy of the world. This is what differentiates us from other nations.

To give you an idea of our Founding Fathers and what they thought about this, at the conclusion of the Constitutional Convention, Benjamin Franklin was asked, What have you wrought? And he said, A Republic, if you can keep it.

So they understood even then that we would have to defend this Constitution against well-meaning people who believed that they had to give up some liberty in order to make themselves safe. This is not the first time in our history that we have faced peril, as you know. This has been an ongoing issue for us through the centuries. There are always countries that wish to do us harm, and it is our obligation to keep ourselves safe and to keep the American public safe. But that is not what this argument is about, as you know, because we have FISA, and FISA is in effect.

Now the President more than suggested that the intelligence community went dark and that they would be unable to do any surveillance. But the reality is, and the President and the Justice Department had to admit recently, that the wiretaps could still go on.

I would just like to read this so people understand what we are talking about here. This is from Reuters: ''White House Says Phone Wiretaps Back on For Now.'' Here's the quote, the statement from the Justice Department, the Office of the Director of National Intelligence: ''Although our private partners are cooperating for the time being, they have expressed understandable misgivings about doing so in light of the ongoing uncertainty, and have indicated they may well discontinue cooperation if the uncertainty persists.'' Well, first of all, where is the patriotism there? If they believed this was for the good of the country, they should stay with this program, and will stay with this program.

Also, as my fellow Congressmen indicated, when they failed to pay the bills for the wiretap, these companies pulled the wiretaps, and we lost some critical information. So you have to wonder about that commitment there.

But there's a larger issue. First of all, we do have all the national security that we need right now. You're right that we need to tweak it, and we tried to. We tried to extend this for 3 weeks so that we could work it out. If it were so critical, why did the President and his supporters vote to let it go? We voted to extend it for 3 weeks.

So there's something that is counterintuitive and actually bizarre, that the President and his supporters would argue on one hand that we were allowing something to drop that was so critical and, on the other hand, refuse to vote to extend it for 3 weeks. So they didn't give us the time that we needed to do two things. We have to do all we can to protect Americans, and tweak this, but we also have an obligation to protect the Constitution while we do this.

So what have we done here? The intelligence community has not gone dark and the authority under this act allows the administration to conduct surveillance here in the United States of any foreign target. I am now reading from the House majority staff of the House Permanent Select Committee on Intelligence. It's important that we cite these sources so that we know. ''In the event that a new phone number or e-mail address is identified, the NSA can add to the existing orders.'' They can begin surveillance immediately, without a court warrant. Within 72 hours they have to get one. That sounds perfectly reasonable to have judicial oversight and review.

So it's not true that people can't do surveillance. They can do surveillance. They must do surveillance. If we think that there are terrorists talking on the phone, I want them to be able to listen in, and so do you. We have families here. We want the same protection that other Americans want. And they can listen in.

But there's something else happening here, and this is called the retroactive immunity for the phone companies. What do we mean by retroactive immunity. What is immunity about? If you don't do anything wrong, you don't need immunity. Immunity suggests that something happened, and you're asking for this protection. And how can we say, sure we'll give it to you until we know what they did? Why won't they tell us what they did?

I liken it to somebody, a defendant showing up in court and saying to the judge, Well, judge, I may or may not have done something wrong. I am not going to tell you. But I want you to say maybe you did and maybe you didn't, but whatever it is, you're forgiven right away.

We would not accept that from an individual, and we must not accept it for any businesses either. We are, as John Adams said, a government of laws, not men. Nobody is above the law. Not you, not I, not any individual, not any company. They knew what they were supposed to do.

I would like to point out that Qwest knew that, another telecom company, and did not follow the President's request there. The President is not the one who sets the Constitution. He is not the one who decides. We have three branches of government. We must have judicial review and oversight. And it's our obligation, as it has been on every Congressman and Congresswoman's shoulders, to watch out for this incredibly brilliant document that is the envy of the world.

Mr. YARMUTH. If the gentlelady will yield, I would like to reinforce one statement you made. You talked about the fact that we wanted to extend the act for 21 days so that we could make these corrections. It wasn't just that the President threatened to veto the bill and we voted to extend it. All 202 Republicans voted against the extension.

I actually was mystified to watch a news show right around that time, on which they said the Democrats refused to extend the act. I said, boy, is that ridiculous spin. Because we proposed the extension. Every one of the Republicans opposed it, the President threatened to veto it and demagogued it, and yet we were blamed for something we tried to do.

I yield back.

Ms. SHEA-PORTER. We were looking for a bipartisan agreement. If it's that critical, then we should have had the extension. But they know what we know, which is that FISA is still in effect, that they can eavesdrop without a warrant. That they simply, if there's an American involvement, they have to go get a court warrant within 72 hours.

By the way, that is not difficult to do. Over the period of years, there have been thousands and thousands of requests. I think only five have been refused. So this is not a problem. If they consider having to get a warrant a problem, I am sorry, but something stands between the President and this, and it's called the Constitution.

I come from a Republican family. My father was an attorney, and he was a very conservative Republican. I worked in his law office. And he taught me this great love for the Constitution. So the reason I point that out is because this is not a political issue. This has to do with the Constitution. And so regardless of whether people are Republicans or Democrats, what we saw here when they didn't extend it was a political maneuver. But it should not be. It is our first and foremost obligation to protect our freedoms while we protect our Constitution.

Mr. YARMUTH. I want to yield again to my colleague from Wisconsin, but one of the things that intrigued me earlier was the notion that somehow we were not interested in security, that we were not interested in fighting the most effective fight that we could against 9/11, and that we were playing politics with the security of this country. That seems to me to be kind of standard rhetoric when we are talking about these matters, when in fact we tend not to deal with what is in the actual law, what the facts of the situation are.

I would like to yield again to my colleague from Wisconsin. We have been joined by another distinguished colleague, Mr. PERLMUTTER, from Colorado. I would like you all to engage in a colloquy about the issue of politics and just who might be playing politics with a very important matter of national security.

Mr. KAGEN. Well, I thank you for yielding.

There were two very valuable lessons that I learned during my campaign and election to Congress. The first lesson was that people will believe a lie if it's represented to them with great skill on television repeatedly. People will believe something that just simply isn't true.

Here, the kind way of putting it is misrepresentation of reality. I am continuously amazed at how people are misrepresenting reality. We have never gone dark in our intelligence community. We have continued to survey those who seek to attack us and do us harm. We must stand strong behind our Constitution, and most especially our fourth amendment rights, which reads, ''The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons and things to be seized.''

Now if someone in the United States is seeking immunity, I ask my colleague, Mr. PERLMUTTER, what could be

the reasons for seeking amnesty or immunity?

Mr. PERLMUTTER. The reason you seek amnesty or immunity or some sort of protection from being sued or charged is that there may have been wrongdoing. There may have been some violation of a law or potentially a constitutional provision like the fourth amendment, which you just read.

I think really the issue here, and you may all have been over this a dozen times, but it bears repeating, that there is a provision in our wiretapping law, and everybody calls it FISA. This is about wiretapping. This is about eavesdropping. There are times when you need to wiretap. There are times when you need to eavesdrop if somebody you have probable cause or you have general belief that somebody is going to do you harm. It could be a criminal enterprise or it could be a foreigner who wants to attack the United States. There was a glitch in our law which needed to be fixed. There was a technical glitch which said if there was a wiretap on U.S. soil, then you had to get a warrant.

Now the way that telecommunication works these days is somebody could be calling from Pakistan to Germany, two people, foreigners who aren't entitled to the protection of the fourth amendment, but that telecommunication, that phone call is routed through the United States. We changed the law, we, the Congress, to take care of a technical telecommunication glitch and said in that instance that you don't have to get a warrant. So if it's between a foreign individual and another foreign individual, there's no need for a warrant on foreign property.

Now we fixed this. But the President asked for more. He wants to get rid of the courts who are there to protect us as citizens, as Americans, and the Constitution of the United States. He says, I don't want those courts. I don't think they need to be present. Well, we needed them when Richard Nixon was President. We needed to make sure that before the government, before the White House, before anybody looks in on my house or your house, or any American's house, there has to be a reason. And the courts were that stop. That was that objective branch. So yes, we are going to keep the courts involved.

Secondly, the President or the White House or somebody had asked the phone companies to do these taps. Well, the phone companies knew how to do taps. They got a warrant. The law said, You get a warrant, you're protected, Mr. Phone Company, or Mrs. Phone Company. You can wiretap somebody's phone call. Well, it appears that in this instance they didn't get warrants. They circumvented the courts.

Now we don't know that for sure. We haven't been given all the information that we in the Congress or the people of America deserve. Now the phone companies are asking for amnesty. They are saying, look, if we didn't follow the law, we are sorry. Just forgive us. We know at least one phone company that said, Wait a second, this doesn't make sense. You're not giving us the warrants that the law requires. We are not going to do it. That, I am glad to say, is my local phone company, Qwest.

So it isn't like everybody did this. At least one phone company said we want to follow the law. So, you know, this is about amnesty for other phone companies and this is about avoiding the courts. That is what this administration wants and, quite frankly, I am not going to shirk my responsibility to the Constitution and to the people of this country by caving in to those particular requests.

Mr. KAGEN. Before I yield to my colleague from Iowa (Mr. BRALEY), I have got a question. Millions of people are thinking to themselves right now, and have been, gee, I haven't done anything wrong. What have I got to be worried about?

What have they got to be worried about?

Mr. PERLMUTTER. We each in this country, one of the very first principles that we have and one of the very first values that we hold dearly is our privacy. Now it may not be that I don't have anything to hide, but I might not want the world to know that my daughter has epilepsy, which she does. Somebody else might not want to have somebody know that their child is failing in school, or that they are having marital problems. Who knows what it is?

We in this country enjoy our privacy. It's something that is protected by the Constitution. And it may be that we haven't committed a crime, that what we have done isn't something that is going to be brought before a court, but it's something that is personal to us.

□ 2245

We in this country enjoy that right. We enjoy that freedom not to have the government snoop into our lives unless there is really a reason. And that is why the courts are present.

I turn to my friends from Kentucky and Iowa.

Mr. YARMUTH. I am going to yield to the gentleman from Iowa in just a second, but I want to ask one question about that, and it is a rhetorical question.

But can you imagine, I want every American to imagine how their lives would change and how their conversations would change if they thought that every phone call they made was being monitored? Just imagine the chilling effect that that would have on every word you say, on your very thought process. You have to be able to put yourself in that situation to understand what is at stake when we talk about this issue. This is not just about nasty people trying to do people wrong. This is about every American having their very being altered by the threat that they are being listened to.

Now I will yield to the gentleman from Iowa, Mr. BRALEY.

Mr. BRALEY of Iowa. I would like to thank my friend. I would also like to thank my friend from New Hampshire, who mentioned earlier the great American patriot and trial lawyer, John Adams, my ancestor.

One of the real thrills of serving in this body is the ability to experience special events. We got that opportunity here tonight when out in Statuary Hall there was a reception and later a special viewing of an incredible new series on HBO dedicated to examining the life of John Adams and the enormous impact he had on this country.

I think it is very significant to take a moment and realize that 238 years ago today the Boston Massacre occurred, one of the pivotal events in our country's founding, and John Adams, a noted trial lawyer of his day, was given the dubious distinction of defending the British soldiers who made the first attack on those patriots, those brave patriots like Crispus Attucks. Like many trial lawyers, he was faced with the responsibility of doing his duty to perform an unpleasant task, and he did it because he knew that it was an important part of maintaining a system of laws, not of men.

I also think it is important to note that of those people like John Adams who were present at the signing of the Declaration of Independence, 24 of them were lawyers who understood the importance of the very issues we are talking about today.

Why do I know that? Because if you read the Declaration of Independence, you will see the stated grievances against King George and that the amazing parallels in those grievances that they were discussing at the founding of our Nation and the same things we are talking about today is stark.

Let me remind you of what is in the Declaration. These are the grievances they identified against King George III.

For depriving us in many cases of the right to trial by jury, which is why the Seventh Amendment of the Constitution and the Bill of Rights guarantees the trial by jury in all civil cases where the monetary value is in excess of $15.

Also the grievance for taking and abolishing our most valuable laws and altering fundamentally the forms of our government.

Third, for suspending our own legislatures and declaring themselves, the king, vested with the powers to legislate for us.

That is why these are fundamental civil rights that have been part of this country's history since its founding that we are talking about.

My friend from Colorado made a great point. What we are talking about with the setting up of the FISA courts was setting up retroactive warranties that gave the government the extraordinary ability to do wiretapping without a court order, which had never been before tolerated in this country, with the understanding that the terrorism risk justified that sacrifice, and setting up the FISA courts for an orderly form of due process to look backwards and guarantee that human rights were not being violated. So we are talking here about retroactive immunity, when we have already got retroactive warranties and a process in place to take care of these concerns.

One of the things that nobody has talked about on the floor during the debate over this issue is the fact that retroactive immunity only benefits wrongdoers. If you have done nothing wrong under the law or the Constitution, you don't need immunity.

My friends have been talking about the underlying basis for the violation of laws by the telecoms, and I think we need to state what that is. It goes back to 1934. The Federal Communications Act, Section 222, this Congress imposed on telecommunication carriers, such as all these companies we are talking about, the duty under law to protect sensitive personal customer information from disclosure. That is the basic statutory right that is at stake by allowing retroactive immunity to companies who violate that law.

So when people complain about us arguing the merits of standing up for defense of the Constitution and the laws passed by this Congress, I am at a loss to understand why we should be subject to all of this angst for simply doing our jobs and standing up for the oath we took when we were sworn in to uphold and defend the Constitution and the laws of this country.

With that, I yield back to my friend.

Mr. KAGEN. If I may ask a question, because I really appreciate your legal acumen, it is good to have roommates that are attorneys. So what you are explaining to us is that I have a right to my own phone records. That the records the phone company might have are not their records. They really are my personal files, and they are entrusted with that information on my behalf and cannot release that information to anyone without my permission or a court order. Did I hear you correctly?

Mr. BRALEY of Iowa. That is the very essence of the authority given to these telecommunications carriers, to use that public trust of allowing them to monitor and handle communications through a system of phone lines, which is what we had back in 1934, and in exchange for that trust, imposing on them the duty to protect that sensitive information. That is why we have the Fourth Amendment. That is why we have a system in place to guarantee the privacy of those customers.

Mr. KAGEN. Just to follow up, if I understand what you are saying, what we are really talking about is everybody's personal individual liberty and their rights as guaranteed under the Constitution, and that giving blanket immunity without asking any questions would be giving away individual liberties and rights. Is that correct, Mr. PERLMUTTER?

Mr. PERLMUTTER. Yes. To my good friend from Wisconsin, this is about the rights we enjoy as Americans, and this is about the responsibility that we have as Members of Congress to make sure that there isn't some violation of the rights that we enjoy as Americans, we as Members of Congress and everybody we represent. Really what has been troubling I think to everybody is that the President says ''Trust me. Just give them amnesty. Just give them immunity.'' The phone companies are saying, ''We really can't talk to you because we are sworn to secrecy. Just trust us.''

You know, I don't know about any of you and your constituents, but I know that my constituents expect good representation, good oversight of these kinds of things. And if the telecommunications are entitled to some protection, we have given them protection in the law. If you get a warrant, you are immune. You are doing your national duty by wiretapping or using your surveillance powers. But you got to go through the right process to protect those rights that we are so fortunate to enjoy as Americans.

Mr. BRALEY of Iowa. If the gentleman would yield for a question, I know that my friend from Colorado happens to represent a district where the headquarters for one of the telecommunications carriers is located, Denver, Colorado, where Quest has one of its primary business centers.

What I would like to ask my friend is, why didn't Quest go along with this request from the government? A lot of these other telecoms did. What was it that prompted them to say this doesn't sound right?

Mr. PERLMUTTER. Well, I don't know. I wasn't an attorney for Quest. Just in terms of what I have read and the individuals I have spoken to, I think Quest would respond by saying we wanted to follow the law. It isn't as if Quest has a spotless record everyplace, but in this instance they did the right thing and they have got to be given credit for it. Others chose to maybe take the path of least resistance.

Mr. BRALEY of Iowa. If you would yield for another question, I am going to pose this to all of my friends here on the floor.

When somebody comes to me and asks me to ignore my duties to make sure that the laws and the Constitution are followed, which is what they are asking us to do by granting immunity to these phone companies, I think the average American citizen would expect at a minimum that I would be aware of what was in these documents that are at the subject of this request for immunity.

I don't know about the rest of you, but I haven't seen a single document that has been produced in order to supposedly justify a claim for immunity. I am just curious whether any of my friends have seen them in their capacity as a Member of Congress?

Mr. KAGEN. I appreciate the question. I am not very good with analogies, but it kind of sounds like a blind umpire, doesn't it? If we don't know what we are looking at, how can we judge if it is fair or foul or a strike or a ball, in baseball parlance.

But let me come back to this idea about cherry picking our laws and cherry picking it apart to the point where the law doesn't mean anything. Earlier today in this Chamber we had the distinct privilege of passing a law about mental health care, about mental health care insurance. We laid the foundation, the foundation that would establish our constitutional rights in health care, so that people will not be discriminated against on the basis of a preexisting condition, albeit mental health care or a heart condition or otherwise.

But the idea of cherry picking our Constitution and our laws, are the signing statements, the many hundreds of signing statements by this administration or by this President, is that a sign or a symptom of cherry picking our laws? Is this a situation we are in now, where we finally have found a President that doesn't believe in the Constitution, that won't enforce the laws, either immigration or our constitutional rights? Mr. PERLMUTTER?

Mr. PERLMUTTER. Well, I want to step back for a second and just talk about what I think our responsibility is with respect to this wiretapping surveillance stuff and our responsibility as Members of Congress, and really as citizens of this country, because we each have an obligation as citizens to do these same things, to uphold the Constitution and the rights that we all enjoy under the Constitution and to make our citizenry safe, to help make our families safe, our neighborhoods safe, our communities safe.

There is a way under the law as we have revised this surveillance law to do both of those things. We have fixed this technical problem that existed where foreigners were given certain rights under our Fourth Amendment that they weren't entitled to. We have corrected that in this law. But we have maintained the Fourth Amendment and the First Amendment and the Third Amendment and everything else within the Constitution for each and

every American by including the courts to oversee this and supervise when the government says we want to eavesdrop on a citizen, and we are demanding of the President and the telecommunications companies, we want to see what it is you are asking us to let you off the hook about.

That is what is being asked. And they are saying sorry, we are not going to let you look at that. Therefore, we are going to say, then we are not doing our job. We are not going to just let you go get a get-our-of-jail-for-free or go scot-free without information. We are not doing our job then. We are not being accountable and responsible to our constituents.

As the President has laid this out, he is just trying to stir up fear in the American populace, which is wrong. He is trying to avoid the courts as being a check and balance on the awesome power of the Federal Government to invade our privacies. He doesn't want that, and he is asking us to give this carte blanche amnesty without really giving us the basis for that, and I object to all of those things. With that, I yield back to my friend.

Mr. YARMUTH. There is some other history we haven't talked about tonight yet, and that is the background of this controversy. Because what we fail to remember as we debate this issue, and obviously I think we want to deal with this prospectively, we want to make sure that this country has the power, the government has the power and authority and tools it needs to provide legitimate security for this country.

□ 2300

But this program started right after September 11, 2001, and continued for 4 years before it was exposed by the New York Times. So this was a longstanding violation of the law, a deliberate avoidance of the law by the administration. They could at any time after 9/11 have come to Congress and said, we want some additional authority. But they didn't do that. They knew that it would be tough. Even a Republican Congress at that time might have looked askance at requests to do warrantless wiretapping, so they just did it by themselves for 4 years. Then, when it was uncovered, this Congress under Republican leadership rushed to pass the Protect America Act, a stopgap measure because, obviously, it was embarrassing and they needed to do that.

But this is a longstanding deliberate ignoring of the law, and this is something that it doesn't matter whether the government sanctioned it; if companies did it and violated the law, as I said at the outset of my remarks standing right behind you, Mr. KAGEN, the words described in that dais, justice. And that is what this country has been built on. And this is a longstanding violation that needs to be redressed, and we shouldn't just say, because the government asked them to do something, that it is okay, that they broke the law. Because if that is the precedent we are setting, there is no end to the imagination of horrors that could happen if the government were able to immunize anyone for any violation of the law.

With that, I would like to yield again to CAROL SHEA-PORTER from New Hampshire who has joined us.

Ms. SHEA-PORTER. I would like to point out that if the President and his supporters managed to cut out the judicial branch, then the authority for this would go to the Attorney General and the Director of National Intelligence. Our most recent former Attorney General was Alberto Gonzalez, and I think that we do not wish to put that kind of power into the hands of people who may not see the government's role the way that we do. So I have deep concerns about that. But, again, this is not an issue of what party you are in. This is an issue of whether you are an American and you believe in our Constitution or not.

I wanted to quote Andrew Napolitano, who was a New Jersey Superior Court Judge from 1987 to 1995, and is the senior judicial analyst at Fox News. He is upset about this as well, and he said: Those who believe the Constitution means what it says should tremble at every effort to weaken any of its protections. The Constitution protects all persons and all people. And, he said, if we lower constitutional protections for foreigners and their American correspondents, for whom will we lower them next?

And that really is the question. We stand our ground now, and we protect at least our American citizens from this eavesdropping.

The question earlier was, well, what do you have to hide? And I would say that even though you may not be placing phone calls that have anything to do with any government business, you may be having a conversation about your boss's wife or husband. You may be having a conversation about your husband's problem at work. You may be having a conversation about your neighbor. And any of those conversations, if they were overheard, could be used against you. So it is not simply the kind of setting that we are talking about right now, not a grander setting, a setting where it is national security, but simply your right to privacy and for your neighbors not to know the kinds of thoughts and the kinds of words that you share with people in private phone conversations. So we have this obligation to stand here and protect all of us.

FISA

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 55 minutes.

Mr. BURGESS. I thank the Speaker for the recognition.

It has been an interesting and entertaining hour that we have just been through. I came to the floor tonight to talk a little bit about the Middle East, but after hearing the comments for the last hour I would just remind my friends that the Senate passed a bill that passed with a fairly significant majority over in the Senate. And if the Senate-passed bill were brought to the floor of the House, we would have our FISA legislation reestablished. There are enough Members on their side combined with the Members on my side where the bill would pass without any difficulty. But it has been the lack of the will of the House leadership to bring this very important bill to the House and once again establish a modicum of protection for America, because, after all, despite all the lofty rhetoric we just heard in the last hour, it is not surveillance of American citizens on American soil, it is surveillance of individuals who are outside of America, outside the shores of America who are communicating with each other. But because of the nuances of the telecommunications system, those wires may pass through the United States, a server may exist in the United States, and therein the problem lies.

And it is important, because as I talk about the Middle East I am going to come back to this issue on the Foreign Intelligence Surveillance Act, because the lack of a functioning Foreign Intelligence Surveillance Act is actually hampering some of our progress in the Middle East and I think it is important to draw that distinction.

Again, as I said, Mr. Speaker, I just returned a little over a week ago from a trip to Afghanistan, Pakistan, and Iraq. As a consequence, I was also in Kuwait briefly. But it is significant, and probably the first time where I have been in those three countries in that short a period of time. It is instructive to visit those countries in that condensed time period, because you really get a sense of how interconnected the successes and/or failures in each of those areas, how interconnected those facts are. All of those regions have their differences. They are significantly different. But certainly the progress in one area helps progress in another, and lack of progress in one signals lack of progress in the other. And I certainly saw evidence of this in all three places where I visited. And, as the saying goes, a picture is worth a thousand words and I do have several pictures that I would like to share with the House this evening and I will be doing that.

First, in Afghanistan. The battle in Afghanistan is clearly interconnected

in so many ways with our relationships with our NATO allies. In fact, in Afghanistan, probably in early 2004, just as the NATO handover was beginning, there was a lot of optimism that our NATO partners were engaging in this and NATO is going to function as an alliance. After 9/11, NATO activated article 5 for the first time in its history: An attack on one country was equivalent to an attack on all countries, and we would all respond in kind. So America had been attacked, and here in early 2004 with the arrival of the German troops, we saw the beginnings of the NATO alliance coming and bringing its full weight to bear in Afghanistan. Now it hasn't worked out quite the way we had all hoped it would have, because some of our NATO allies are somewhat recalcitrant, and they really need to begin thinking long term about the stability and the impact of stability in the Middle East and how that impacts the security of the world at large. It is not just for that one narrow area of the world; it is much more widespread.

Now, no question about it, American, British, Canadian, Dutch, and Polish soldiers are doing great work and they are fighting against the Taliban in southern Afghanistan. Other areas with other components of the NATO alliance, it is not working quite the same way. In many ways it is regarded as a humanitarian mission rather than a military exercise. But I must stress, this is not a humanitarian mission, it is still a military exercise. Until the Taliban and the resurgent elements of al Qaeda are repulsed and removed, it will remain a military exercise. And the future of NATO depends on how well each of those individual countries could work together through this admittedly very difficult period. If we act together in strength, if we act as an alliance, I don't think there is any doubt that ultimately success will come. But if the activity continues to be fractured, the work becomes much more difficult; and the results will be fractured, the alliance is at risk and, as a consequence, the enemy will be emboldened. That's a shame. Because, remember, the Taliban in Afghanistan is not a popular insurgency. These are individuals who have been seen as oppressive and repressive. When they were thrown off, it was great jubilation by the people in Afghanistan, and there is no joy in bringing the Taliban back into people's lives. The Taliban does employ military age males more or less as day laborers, puts a gun in their hand and gives them a charge to do something. But the reality is, if there were other work available, these individuals would just as soon be doing other work and feeding their families in other ways because, again, the Taliban is not a popular insurgency.

One of the things that of course was stressed a great deal in our visit in Afghanistan, our visits with General Rodriguez at the Bagram Air Base was all of the activity that takes place along the border. And certainly, when we went into Pakistan, those same themes were played out again. Not surprisingly, the perspective of the individuals, military generals in Afghanistan, was a little bit different from the political leaders in Pakistan. Suffice it to say there is a lot of activity going on along the Pakistan-Afghanistan border, and we see reports of this in our newspapers from time to time. There has been an increase in military activity on our part in some of those areas, and I think that is a good thing. I think they have removed some people who were continuing to cause great harm in the area. But at the same time, as we saw in the trip in Pakistan, it creates some difficulties in other areas.

Now Pakistan had just completed a rather large and historic election when we arrived there on February 22. President Musharraf, who had been the leader of Afghanistan, was a military general. Of course in 1999 he was responsible for a coup and deposed the prime minister, Sharif. President Musharraf has pretty much been the single and solitary ruler in Pakistan now for the last 7 or 8 years. His party lost a majority of seats in the parliament in the last parliamentary election. We did meet with President Musharraf. He was quick to point out that he had won his election the October before, so it wasn't about him not winning an election, it was about the elections in parliament. And Mr. Musharraf I think correctly pointed out, as did other leaders that we talked with, that the good news out of the election was it certainly was a repudiation of the more radical Islamist elements, that there was some concern that they were going to gain a greater foothold in the Pakistani parliament. And, in fact, the party of Benazir Bhutto, now under the hands of her husband, Mr. Zardari, had won the majority of seats, the People's Party of Pakistan had won the greatest number of seats in parliament and it appeared very likely at the time we were there that he would indeed put together a coalition government with Mr. Sharif, the former prime minister, and that would then be the ruling coalition in Pakistan.

The fate of Mr. Musharraf was at that time still pretty much in the balance. There had been a Senatorial delegation in just a few days before we were through who had suggested, I think it was in the newspapers phrased as a graceful exit. Mr. Musharraf recognized and there was acceptance and recognition that his role of necessity was going to change, but at the same time this is an individual who does care a great deal about his country and, of course, he has been a good ally and friend to the United States. And Mr. Musharraf did feel very strongly that he wanted to continue to play a role in the stability of his country. Mr. Musharraf's perspective of the border areas, the federally administered tribal areas between Afghanistan and Pakistan was again a little bit different from General Rodriguez's over in Pakistan. From Mr. Musharraf's perspective, they had been pursuing a good deal of military options. Not all of those had been successful and there was a concern on the part of the Pakistani military whether or not they were in fact actually trained and equipped to follow through with those missions, and certainly training and equipping the Pakistani army is something where the United States may continue to play a role for some time, though I would stress that the actual military presence in Pakistan is very, very minimal.

□ 2315

But the federally administered tribal area has become very problematic from the standpoint of terrorism. It is where the Taliban exists and where the remnants of al Qaeda are hiding out, and there are attempts to regroup and retake territory within the country of Afghanistan, and clearly it is an area that deserves a great deal of attention.

Mr. Speaker, I did promise to show some pictures. This is a picture of myself and Senator HUTCHISON from Texas meeting with Mr. Zardari. This is Benazir Bhutto's widower. We were that day in Pakistan discussing the role his coalition government would play in the future.

At the time we were there, it was not settled who the new prime minister would be. Obviously it would be someone who was elected in the People's Party of Pakistan because they held the largest number of seats in the Parliament. Mr. Zardari is someone I had never met before. In our discussions, he said all of the right things and in the right way. Obviously, in any situation like this, the follow-through is what is critical, so the next several weeks and months are critical for the stability of the country of Pakistan.

But Mr. Zardari was very gracious to have us into his home and meet with us. Remember, just a few short weeks before he had undergone a fairly wrenching personal episode with the loss of his wife after the assassination of Benazir Bhutto, and they appeared to be doing their best to recover as a family. And now, given the additional responsibilities of the governance of Pakistan, but he did seem to be growing into that role, and I will tell you that was reassuring to watch that.

Of course we were not able to meet with Mr. Sharif that day. We did meet with President Musharraf on that trip, but we were not able to meet with Mr. Sharif. Again, this is an area that will bear close scrutiny and watching over

the next weeks and months because, again, as I will stress, each of these areas are so interrelated and so tied together.

Clearly the Afghanistan-Pakistan border area is one issue, but there are other links to other areas where terrorism is problematic that come out of that federally administered tribal area. The Spanish have discovered recently a link between some of their home-grown terrorists and the federally administered tribal area of Pakistan. Likewise, the Germans have discovered some terrorist links to Pakistan via Turkey.

In Britain, several of the terrorist groups within Great Britain can be traced to the federally administered tribal area, that border area between Afghanistan and Pakistan. So it is clear that terrorist activities taking place in that region of Pakistan are having a direct and profound effect on the security of European countries and certainly our NATO allies.

The terrorist activity has direct and dire consequences on foreign elections. We saw that happen in Spain several years ago when the March 11 bombings obviously or significantly influenced the outcome of the elections in that country. That behavior in turn led to a new government that then subsequently withdrew its troops from Afghanistan. And subsequently I think the mission was certainly not strengthened by that exercise.

But all in all, I would say it was a very informative trip, and I am grateful to President Musharraf and grateful to Mr. Zardari for meeting with us on relatively short notice during that trip. And there is no question, it was very informative to have that level of discussion.

I also made my seventh trip into the country of Iraq during that congressional delegation. I had last been in July of this past year, July of 2007. At that point I wasn't quite sure what I was going to find when I returned to Iraq that time. I found the situation to be much better than I expected it to be, and I will say that in the intervening 6 or 7 months since I was last there, the situation has improved even more.

No question about it, troop morale has always been good. I have never seen a problem with troop morale in any of the trips I have taken into Iraq. And in this past trip, it was nothing short of spectacular.

One of the things that was perhaps a little different about this trip and something that I really had not been able to do on previous trips was venture directly into some of the neighborhoods in and around Baghdad. The reason we were able to do that was because of the establishment of the joint security stations. These are the areas where American troops are embedded with Iraq security forces and Iraqi policemen. They are there side by side day in and day out. This was the concept that General David Petraeus brought to Iraq a year ago when the famous surge or reinforcements were brought into that country. It was a strategy not without some risk and certainly many of us were justifiably concerned about that.

I know in my trip into Iraq in July in the C–130 sitting with troops as we were going from Kuwait City into Baghdad, several voiced real concern that, you know, we are going to be living side by side with the Iraqis. If there is an interruption of fuel or material or food, then certainly we could be at risk in these situations because no longer will we be going back to the base every night. You could sense there was some concern.

The situation has been one that has been enormously successful. And as a consequence, the Iraqis have gained a great deal more confidence in the American troops that are there and their ability to provide security and to react quickly. And Iraqi citizens are coming forward with much more information, information about the location of IEDs, information about the bomb-making factories, and information about people who may be doing things that are harmful to a neighborhood. So it has been an overall improvement in the relationship between regular Iraqis and the American soldiers and an improvement in our ability to gather that all-important intelligence to be able to fight this war in the way it should be fought.

Again, I would stress that it is our men and the Iraqis living side by side.

Here we are just arriving at the joint security station. We are getting a briefing there just after arrival. At that point I think they were going over the briefing on the number of IED attacks, and there was basically a Google Earth map with all of the IED explosions plotted out on the map. Red ones were where people were hurt, and blue ones where a bomb went off and no one was hurt, and yellow was where the bomb was discovered after it went off.

July and August, those photographs were literally covered with dots of one color or another. And then going through month by month, August, September, October, the numbers diminished rapidly such that in December and January, there were very few dots on the map of any sort at all. And certainly you could see in a very graphical fashion the effect of having our troops embedded on the ground and living side by side with the Iraqis.

We had seen this in the summer, in the trip in July in the city of Ramadi out in Anbar province, and now that has been fairly widely reported that there has been the Anbar awakening and the Sunnis who previously would have perhaps partnered with al Qaeda to work against the Americans had changed allegiance and changed sides and saw now the Americans as their helpers and their friends, and the city of Ramadi was markedly different in July of 2007 from July of 2006. And as a consequence then, this same sort of activity now going on in the area of Baghdad that would have been just absolutely impassable 6 months before in the month of July, and we were now able to walk around on the streets.

This is within the living quarters that the soldiers have there. The Minnesota National Guard had done some refurbishing and furnishing of the barracks there. They had tried to make it a little more homey. You can see the ubiquitous widescreen television at the top. This is a bench that had been fashioned out of some scrap wood that was around. And they had done a wonderful job as far as making the living conditions as good as could be expected.

Again, the morale of our soldiers was unlike anything I have ever seen. Clearly they understand what they are doing, and clearly they understand that they are very close to achieving success. It is something that I wish almost every Member of Congress could go over there and see in these joint security stations because it really is a moving experience.

As a consequence of these activities, al Qaeda that was so prevalent in Anbar province and along the Euphrates River Valley have been diminished to a minimum amount. Al Qaeda in Baghdad is significantly diminished as well. There are still some problems in the area around Sadr City, but with some of these embedded areas moving into that area, we will perhaps see some improvement there as well.

The former Sunni insurgents have turned their back on the insurgency. They are cooperating with coalition forces. That cooperation again is yielding good intelligence. In fact, in another part of this particular base where we were, this police station we were in, we got to see some of the surveillance activity as it was going on, and remarkable, remarkable efforts by our soldiers, by our men.

At one point a device had gone off and caused some injuries in the marketplace, and one of our young men painstakingly went back through the photos and tapes and actually discovered some physical characteristics of the individual that looked as if he may have planted the device. And then partly by luck but partly by good detective work, found that same man in a marketplace later on, brought him in for questioning, and certainly we were able to make the case of the connection between that individual and the bomb that had gone off.

One of the great things was that although the detective work was done by our soldiers with their equipment, when it came time to apprehend this individual, he was actually apprehended by the Iraqi police and brought in by the Iraqi police so the citizenry

could see that their police force was up and running and functioning.

A good news story all along. But one disturbing note was on further study of some of those surveillance photos, apparently this individual who had planted the explosive device had actually had his 3-year-old daughter carry the device to the area and place it in a trash receptacle and that is how the device came to be where it was.

Clearly we are dealing with a type of evil that most of us don't understand and can't understand. But this is the type of individual, this is the type of evil that is present in some of these areas, and this is the work that our soldiers are doing to combat that.

Again, this is a police station in inner city Baghdad. Six months ago I couldn't have gone there. Certainly 2 years ago there is no way. But now the Iraqi police are taking over. People feel safe. They feel safe to approach local law enforcement. In fact, when we left the building from this police station, out on the street a group of Iraqi men came up and was eager to talk with us. One of the soldiers found a translator for us, and we engaged in quite a lively conversation. To be perfectly honest, it was gratitude that was expressed on the part of the Iraqis who were there, gratitude for helping get their neighborhood back, and gratitude for helping get their country back. Again, it is the type of progress that you almost can't believe if you can't go there and see it yourself.

Mr. Speaker, one of the funny things is if this had been a year ago and we were here talking about Iraq, we would be talking about having yet another vote to get us out of Iraq. It seemed like every week we had that type of vote here on the floor of the House. And we are not doing that so much any more. I wonder why. Perhaps because things have gotten so much better there.

The news stories a year ago, day in and day out, a bad news story out of Iraq. Well, now you don't see those stories every day. You see odd stories like Ahmadinejad from Iran coming in to visit in Iraq, which I think is problematic. I wish it hadn't happened. But on the other hand, Iraq is a sovereign country and if Prime Minister Maliki wants to meet with Ahmadinejad, I guess. In fact, we have a Presidential candidate who said he will sit down with his enemies. Maybe Mr. Maliki had been listening to that Presidential candidate. I didn't think it was perhaps the wisest and best use of his time. After all, Mr. Speaker, a lot of the explosively formed projectiles that are so deadly, a lot of the IEDs and improvised explosive devices are made with materials that clearly come from the country of Iran.

□ 2330

And that has been problematic for many, many months. And Iran's activity as far as continuing some of the disruption in this area, Iran's activity, has indeed, I think, been problematic.

We hear a lot about the lack of political progress, and those talking points probably need to be updated. The Iraqi parliament recently passed four major pieces of legislation. They passed the de-Ba'athification reform, they passed an amnesty bill, they passed a provisional powers law, and a national budget. No question about it, there's still a lot of work to be done and that budget execution is one of those things that I watch very carefully because I don't know, you know, quite honestly, with the infrastructure that is there with their banking system, it's very, very difficult to distribute money to the local areas where it is so desperately needed.

But nevertheless, they are making the efforts. In fact, there are four things that the Iraqi parliament did this past year. I don't know what our track record is. I think we banned the incandescent light. I don't know that we've done much more in the past year, and there's four things that they've done.

One of the biggest changes that I saw last July and one of the things that really gave me great optimism, that one day we would have in Iraq a stable country that was able to govern itself, provide for its own security, provide for its own people and be a partner for peace in the Middle East.

Last summer visiting the city of Ramadi where the local political leaders, the local political shift that had gone on in that country; to be sure, the central government in Baghdad has some problems and they're going to have to work through those problems; they're going to have to find solutions to those problems, as any country would. But the fact that local leaders, like a county commissioner, like a mayor, like a county administrator, these are the guys and ladies on the front line. These are the ones the citizens turn to for help when things don't work right, when things go wrong. These are the individuals that should be the first line of contact. And indeed, in the city of Ramadi last summer and then again in this neighborhood, the al Hamandiyah neighborhood in Baghdad, the local political shift was very much in evidence. The local leaders were stepping up and doing the work that is required of local leaders. Still some difficulty getting the funding from the central government, but my understanding on this last trip was that that had improved even from 6 or 7 months before. Obviously, again, that's going to bear watching. And there are lots of areas in need of improvement. But all in all, the progress is going in the right direction.

You see that in other things, too. The national electricity hours are up. Some small water projects that were so desperately needed have now been completed. Some primary health care centers have been constructed and more are to open, all signs of progress. That was work you just couldn't do a couple of years ago because the security situation just would not permit it.

Again, Mr. Speaker, I remember very well the arguments and discussions and debate we had on the floor of this House just a little over a year ago in regards to what General Petraeus saw, what General Petraeus wanted to do, and giving him the ability, the tools to do that job consumed a lot of our discussion a year ago. But I've got to tell you, I'm glad we found the right man for the job. I'm glad we gave him the tools that he needs. And he certainly seems to be pursuing success with all due dispatch.

It's hard to know what the next steps are. You hear a lot of people talk about the troop drawdown that was essentially the surge, and as those numbers come back down are we going to come down below that. We're going to have to have a wait-and-see period. Obviously, in my mind, my opinion, those decisions should not be made by those of us here in the House. Those are decisions that should be made by the military generals on the ground.

We did have an opportunity in this trip, as we did last summer, to meet with David Petraeus at some length. We met with the general. We also met with Ambassador Ryan Crocker, a true patriot who's given now a year of his life to be in that country and to provide stability in that country. Things have not always gone to his liking, I'm sure, but nevertheless, I think he can point to a great deal of success.

I remember a year ago so clearly, you know, you could take data points almost and make whatever kind of case you wanted to make in Iraq. And General Petraeus stressed to us a year ago that it would be important to look at trend lines over time, that you just simply couldn't look at a collection of data points and make a decision.

When we visited with General Petraeus at the American embassy in Iraq, we kind of saw a preview of what he's likely to present to Congress when he comes back in March or April to give his interim report to Congress. He had a variety of charts up. You could see that the trend lines again were all moving in the right direction as far as number of attacks, as far as attacks on citizens, attacks on soldiers. The trend lines for things like electricity and water were going in the right direction, which was up. All in all, the story coming out was very positive. At the time we were there, something had just occurred which was a point of not some insignificant concern, the activity of the Turkish troops on the northern border which had the potential to be very destabilizing because, of course, the Kurdish regiments in that area

have been functioning very well, and the fact now that they were being faced with some Turkish soldiers who had come across the border to deal with some terrorism aspects that they thought were going on along the border, clearly that needed to be managed and managed very quickly and apparently has been. But it did have the potential to become much more serious than it was.

I stated early on in the hour that there might be a place to draw the FISA, Foreign Intelligence Surveillance Act, back into the discussion. And certainly that came up during our discussion with the general and the ambassador at the American embassy, or at the embassy in Baghdad that night.

Again, remember, we're talking about not surveillance on someone who's in Dallas calling someone who's in Washington. We're talking about surveillance on someone who is in perhaps one of those federally administered tribal areas in Pakistan or someone who's in Afghanistan communicating with someone in Iraq, because that method of communication may be putting up a Web site. There may be an embedded message on a Web site. But because that Web site may be carried on wires that go through the United States of America, then suddenly it becomes something that is under the jurisdiction, in some people's mind, of the Foreign Intelligence Surveillance Act. And in order to find out who put the Web site up, you'd have to go through the FISA Court to get that information. But these Web sites tend to be rather ephemeral. They don't stay up that long. But it's problematic because you can't know who put up the Web site. You can't know who visited the Web site. And if you need to, you can't take it down without going through a 72-hour process in the FISA Court.

A little less than a year ago, when some of our soldiers were kidnapped in Iraq, we gave their captors a 10-hour head start because of issues with the Foreign Intelligence Surveillance Act and having to go through the courts to get permission. You can't fight a war that way. We're either serious or we're not serious. And I think because of the concern that I heard over being able to protect not just our troops over there, but protect American citizens here at home, I think this is a critical piece of legislation.

Again, if we would just simply take up the legislation as passed by the Senate, passed overwhelmingly in the Senate, there are enough Members on my side, there are enough Members on the other side that this bill would be passed and America's protection could once again be more secure. In the meantime, we're playing a very dangerous, dangerous game, not only with our homeland security here in the United States but also as it turns out with our soldiers who are doing so much for us over in Iraq, Afghanistan and Pakistan.

We talk about a war on terror, but the reality is we're fighting a war against radical Islam. Terror is one of the tactics that's used in that fight. I don't think there's any question that we need to keep our focus on each of those countries, Iraq, Afghanistan and Pakistan, certainly redouble our efforts in Afghanistan and really begin thinking long term. You know, we hear people who want to have an 8-month time line. They want to talk about, between here and November, the election day in November.

The enemy doesn't have a time line that's that short. The enemy has a time line that's years, decades or longer. And you almost have to think in those terms to be able to satisfactorily prepare and satisfactorily protect our country, because if you're just short-term focused on what happens between now and election day in November, that's probably not going to be sufficient for protecting America. Our enemies are thinking in terms of 100 years. Maybe we need to think in terms of 100 years. Certainly, our America and our allies have to be able to match and keep up with them every step of the way.

Each of these battles is winnable. There's no question. From a tactical and strategic standpoint there is no one who can stand up against the United States, so the battles are winnable, but they're not yet won.

Again, success in one conflict means success in the other. Failure in one means failure elsewhere. You know, in fact that's not just the Middle East. That's in the United States and possibly extending to other freedom-loving nations in the world.

It is not time for us to pull our forces down and just think about coming home. We are very close to, again, establishing on the ground in the country of Iraq a country that is responsible to its people, provides for their benefit and their welfare, is a stable partner for peace in the Middle East. Those are worthwhile goals and we need to continue to pursue those.

It is a time that calls for statesmen and not politicians. It does require a vision that does encompass a time line that is longer than just the next 8 months.

I can't say it often enough. You're going to have to look to the next generation. You can't just focus on the next election because that's the wrong perspective to have.

I want to thank our troops who are working over there day and night in our behalf. It is sometimes seemingly thankless work, but again, I would stress, well, let me just show you one more picture, Mr. Speaker. And although these individuals are dressed in military uniforms, they're actually Department of Defense civilians. They work on the mine resistant ambush protected vehicle facility near Camp Victory just outside of Baghdad. These vehicles, and you can see one in the background, a very heavily armored vehicle. They are built to withstand the mine blasts and the IED blasts. And you see a group of very, very dedicated individuals standing there around that vehicle, very proud of the work they do. Most of these individuals, again, the men and women are civilians from my home State of Texas, not in my district, but up in northeast Texas, the Red River Army depot near Texarkana. In fact, most of the people that we see in the picture are very likely constituents of my neighbor and good friend RALPH HALL. But again clearly proud of the work they are doing. They understand the value that they bring, the benefit that they bring to our soldiers by providing this type of vehicle. They don't have the best shock absorbers in the world, but they are certainly functional and certainly are providing a great deal of protection for our troops. I can't say enough about the wonderful people that are defending us in all three countries. Also in Kuwait and the United Arab Emirates. We had a brief refueling stop in the United Arab Emirates and got to meet with some soldiers there, a wonderful group of people who are working their hearts out on behalf of their country. The least we can do here in the United States Congress is offer them our faithful support until their mission is complete.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today until 7:30 p.m. on account of weather delays.

Mr. ORTIZ (at the request of Mr. HOYER) for today until 5 p.m.

Mr. TANNER (at the request of Mr. HOYER) for today until 12:30 p.m.

Mr. POE (at the request of Mr. BOEHNER) for today after 12:30 p.m. and March 6 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ELLISON) to revise and extend their remarks and include extraneous material:)

Mr. ELLISON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, March 12.

Mr. POE, for 5 minutes, March 12.

Mr. JONES of North Carolina, for 5 minutes, March 12.

Mr. DREIER, for 5 minutes, today and March 6.

Ms. FOXX, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today and March 6.

Mr. BRADY of Texas, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, March 6, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5614. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Florida Citrus Fruit Crop Provisions (RIN: 0563-AC01) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5615. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Designation of Portion of San Diego County, CA as a Quarantined Area [Docket No. APHIS-2008-0005] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5616. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's certification that the survivability testing of the KC-135 Replacement Aircraft (KC-X), pursuant to 10 U.S.C. 2366(c)(2); to the Committee on Armed Services.

5617. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting notification of the review and certification of the C-5 Reliability Enhancement and Re-engining Program (RERP), pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5618. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Mandatory Use of Wide Area Workflow [DFARS Case 2006-D049] (RIN: 0750-AF63) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5619. A letter from the Acting Chairman of the Joint Chiefs of Staff, Department of Defense, transmitting a report required by Section 361 of the Fiscal Year 2008 National Defense Authorization Act; to the Committee on Armed Services.

5620. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

5621. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 on March 15, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5622. A letter from the Chairman, Broadcasting Board of Governors, transmitting a copy of proposed legislation to clarify the authority of the Broadcasting Board of Governors to hire non-citizens in its efforts to produce and broadcast programming in 44 languages to audiences around the world; to the Committee on Foreign Affairs.

5623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding a proposed agreement for the export of defense articles or defense services to the Government of Japan (Transmittal No. DDTC 011-08); to the Committee on Foreign Affairs.

5624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the December 12, 2006 — February 13, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

5625. A letter from the Director, Strategic Issues, Government Accountability Office, transmitting the Office's report entitled, ''The Judgement Fund: Status of Reimbursements Required by the No Fear Act and Contract Disputes Act (GAO-08-295R),'' as mandated by Section 206 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

5626. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 070213033-7033-01] (RIN: 0648-XF05) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5627. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pollock Total Allowable Catch Amount [Docket No. 070213032-7032-01] (RIN: 0648-XE84) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5628. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF06) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5629. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF52) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5630. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF25) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5631. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Region Standardized Bycatch Reporting Methodology Omnibus Amendment [Docket No. 070627217-7523-02] (RIN: 0648-AV70) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5632. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5262-03] (RIN: 0648-AT48) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5633. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5634. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5635. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.

070213032-7032-01] (RIN: 0648-XF21) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5636. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Prohibition on the Possession of Yellowtail Flounder in the U.S./Canada Management Area [Docket No. 070227048-7091-02] (RIN: 0648-XF04) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5637. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska [Docket No. 070213033-7033-01] (RIN: 0648-XF25) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5638. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Vessel Monitoring System; Open Access Fishery; Correction [Docket No. 070703215-7530-02] (RIN: 0648-AU08) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5639. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organization'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

5640. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Fourth Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, as required in House Conference Report 109-702, Section 3201; jointly to the Committees on Armed Services and Appropriations.

5641. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Health Care-Related Taxes [CMS 2275-F] (RIN: 0938-AO80) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5642. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Notification of the intention to waive the prohibition on the use of FY 2007 Economic Support Funds provided with respect to Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, and Tanzania, pursuant to Public Law 109-102, section 574; jointly to the Committees on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KING of New York (for himself and Mr. MCCAUL of Texas):

H.R. 5531. A bill to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes; to the Committee on Homeland Security.

By Mr. KIND (for himself and Mr. CANNON):

H.R. 5532. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Natural Resources.

By Mr. WYNN:

H.R. 5533. A bill to revise and extend the chemical-facility security program under Public Law 109-295, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIJALVA:

H.R. 5534. A bill to amend the Lacey Act Amendments of 1981 to extend its protections to bears illegally harvested for their viscera in the same manner as with respect to prohibited wildlife species, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself, Mr. SHAYS, Mr. HONDA, Mr. WALSH of New York, Mr. PETRI, and Ms. MCCOLLUM of Minnesota):

H.R. 5535. A bill to amend the Peace Corps Act to provide continued funding for the Peace Corps, to increase the readjustment allowance for returning Peace Corps volunteers, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALLEN (for himself and Mr. GONZALEZ):

H.R. 5536. A bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MURPHY of Connecticut:

H.R. 5537. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to juveniles who have committed offenses, and for other purposes; to the Committee on Education and Labor.

By Mr. NUNES:

H.R. 5538. A bill to suspend temporarily the duty on certain sleeping bags; to the Committee on Ways and Means.

By Mr. NUNES:

H.R. 5539. A bill to suspend temporarily the duty on certain sleeping bags; to the Committee on Ways and Means.

By Mr. SARBANES (for himself, Mr. WITTMAN of Virginia, Mr. HOYER, Mr. GILCHREST, Mr. WYNN, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H.R. 5540. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mr. NADLER, Mr. TOWNS, Mr. JEFFERSON, Mr. WYNN, Mr. BISHOP of Georgia, Ms. MATSUI, Mr. GRIJALVA, Mr. FILNER, Ms. BORDALLO, Mr. RANGEL, Mr. ELLISON, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. COHEN, Mrs. CHRISTENSEN, Mr. BARROW, Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Mr. HINCHEY, Mr. HALL of New York, Mr. BUTTERFIELD, Mr. KUCINICH, Mr. ARCURI, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. MARKEY, Mr. PAYNE, Ms. LEE, Mr. SERRANO, Ms. SUTTON, Ms. HIRONO, Mr. AL GREEN of Texas, Ms. WOOLSEY, Mr. CLEAVER, Mr. SARBANES, Mr. MORAN of Virginia, Mr. HIGGINS, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Mr. ROTHMAN, Mr. HOYER, Mr. CONYERS, Mr. BOSWELL, Mr. MCGOVERN, Mr. HARE, Mr. HASTINGS of Florida, Mr. GILCHREST, Mr. HONDA, Mr. FATTAH, Ms. MCCOLLUM of Minnesota, Ms. ROYBAL-ALLARD, Mr. BARTLETT of Maryland, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, and Ms. KILPATRICK):

H. Con. Res. 310. Concurrent resolution expressing support for a national day of remembrance for Harriet Ross Tubman; to the Committee on Oversight and Government Reform.

By Mrs. CAPPS (for herself, Mrs. MCMORRIS RODGERS, Ms. BALDWIN, Ms. GINNY BROWN-WAITE of Florida, Mrs. CHRISTENSEN, Ms. DEGETTE, Ms. DELAURO, Mrs. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Ms. SOLIS):

H. Res. 1022. A resolution reducing maternal mortality both at home and abroad; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H. Res. 1023. A resolution supporting the We Don't Serve Teens campaign; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. ENGLISH of Pennsylvania.

H.R. 241: Mr. GALLEGLY.

H.R. 471: Mrs. DRAKE.

H.R. 598: Mr. LAMPSON.

H.R. 758: Mr. CUELLAR, Ms. BEAN, and Ms. TSONGAS.

H.R. 882: Mrs. CUBIN.

H.R. 1092: Mr. ANDREWS.

H.R. 1102: Mrs. MYRICK.

H.R. 1188: Ms. BERKLEY.

H.R. 1237: Mr. DENT, Ms. SUTTON, Mrs. JONES of Ohio, Mr. SHAYS, Mr. FATTAH, and Ms. MOORE of Wisconsin.

H.R. 1264: Ms. FOXX and Mr. ROTHMAN.

H.R. 1293: Mr. NEAL of Massachusetts.

H.R. 1343: Mr. DONNELLY.

H.R. 1359: Mr. BILBRAY, Mr. PRICE of Georgia, Mrs. CUBIN, and Mr. DOOLITTLE.

H.R. 1439: Ms. TSONGAS.

H.R. 1532: Ms. ESHOO.

H.R. 1621: Mr. MOORE of Kansas.
H.R. 1655: Mr. PLATTS and Mr. MCCOTTER.
H.R. 1665: Ms. LORETTA SANCHEZ of California and Mr. TANCREDO.
H.R. 1687: Mr. TIM MURPHY of Pennsylvania.
H.R. 1726: Mr. LEWIS of Georgia and Mr. ROTHMAN.
H.R. 1809: Mr. FRANK of Massachusetts.
H.R. 1889: Mr. AL GREEN of Texas.
H.R. 1890: Mr. AL GREEN of Texas.
H.R. 1957: Mrs. CAPPS.
H.R. 1983: Mr. BARROW.
H.R. 2015: Mr. BECERRA.
H.R. 2054: Mr. BROWN of South Carolina and Ms. HOOLEY.
H.R. 2063: Mr. FOSSELLA.
H.R. 2123: Ms. BERKLEY and Mr. MCGOVERN.
H.R. 2267: Mr. CARNEY.
H.R. 2303: Mr. UDALL of Colorado, Mr. ROTHMAN, Ms. GINNY BROWN-WAITE of Florida and Mr. UDALL of New Mexico.
H.R. 2329: Ms. BERKLEY and Ms. SCHWARTZ.
H.R. 2552: Mr. GRIJALVA.
H.R. 2702: Mr. WALZ of Minnesota, Mr. HOLT, Ms. TSONGAS, Mr. OBERSTAR and Mrs. CAPITO.
H.R. 2712: Mr. WITTMAN of Virginia.
H.R. 2744: Mr. HODES, Mr. HOLT, Mrs. BOYDA of Kansas, Mr. PASCRELL, Mrs. MUSGRAVE, Mr. HINOJOSA, and Mr. ANDREWS.
H.R. 2833: Ms. SOLIS.
H.R. 2925: Mr. GORDON.
H.R. 2965: Mr. MCDERMOTT.
H.R. 3001: Mr. VAN HOLLEN.
H.R. 3010: Ms. MATSUI, Mr. UDALL of New Mexico, and Mr. SKELTON.
H.R. 3014: Ms. DEGETTE.
H.R. 3049: Mr. PAUL and Mr. YOUNG of Alaska.
H.R. 3223: Mr. BOYD of Florida.
H.R. 3229: Mr. FILNER.
H.R. 3282: Mr. MARKEY and Mr. TOWNS.
H.R. 3359: Mr. MCCAUL of Texas.
H.R. 3396: Mr. JOHNSON of Georgia.
H.R. 3546: Mr. PASTOR and Ms. WASSERMAN SCHULTZ.
H.R. 3609: Mr. MCGOVERN, Mrs. NAPOLITANO, and Mr. CLAY.
H.R. 3622: Mr. BURTON of Indiana, Mr. SHULER, Mr. BERRY, Mr. BILIRAKIS, Mrs. BACHMANN, and Mr. MAHONEY of Florida.
H.R. 3646: Mr. ROGERS of Michigan and Mr. PEARCE.
H.R. 3650: Mr. WITTMAN of Virginia.
H.R. 3686: Ms. SCHAKOWSKY.
H.R. 3750: Mr. BUTTERFIELD, Mr. PASTOR, and Mr. GRIJALVA.
H.R. 3819: Mr. COSTELLO.
H.R. 3842: Mr. SIRES.
H.R. 3934: Mr. MCNULTY, Mr. ROGERS of Michigan, Mr. HENSARLING, Mr. MCCARTHY of California, Mr. WAXMAN, Mr. DAVIS of Virginia, and Mr. CAMPBELL of California.
H.R. 3995: Mr. POE and Mr. COHEN.
H.R. 4054: Mr. PASTOR, Mr. BRADY of Pennsylvania, and Mr. BOSWELL.
H.R. 4091: Mrs. SCHMIDT, Mr. WELCH of Vermont, and Mr. CONYERS.
H.R. 4102: Ms. ZOE LOFGREN of California.
H.R. 4116: Ms. ZOE LOFGREN of California, Mr. DAVID DAVIS of Tennessee, and Mr. PLATTS.
H.R. 4133: Ms. FALLIN.
H.R. 4157: Mr. BOOZMAN and Mr. TIAHRT.
H.R. 4185: Mr. DREIER, Mr. DANIEL E. LUNGREN of California, Mr. STARK, and Mr. WAXMAN.
H.R. 4279: Mrs. BONO MACK.
H.R. 4304: Mr. DEAL of Georgia.
H.R. 4344: Mr. DAVID DAVIS of Tennessee.
H.R. 4449: Mr. JOHNSON of Georgia, Mr. LYNCH, Mr. WELCH of Vermont, and Mr. MAHONEY of Florida.
H.R. 4662: Mr. BLUMENAUER.
H.R. 4690: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4879: Mr. WILSON of Ohio.
H.R. 4930: Mr. KLINE of Minnesota, Mr. BOOZMAN, Mr. MORAN of Kansas, Mrs. DRAKE, Mr. FORTENBERRY, and Mr. POE.
H.R. 5032: Mr. PENCE, Mr. AKIN, Mr. KING of Iowa, Mr. TERRY, and Mr. NEUGEBAUER.
H.R. 5109: Mrs. DRAKE.
H.R. 5110: Mr. BISHOP of New York, Mr. BOSWELL, and Mr. HINOJOSA.
H.R. 5131: Mr. PITTS.
H.R. 5143: Mr. KAGEN, Mr. THOMPSON of California, and Ms. SOLIS.
H.R. 5173: Ms. BALDWIN, Mr. BLUMENAUER, Mr. BISHOP of Georgia, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. PAYNE, Mr. THOMPSON of Mississippi, and Ms. WATSON.
H.R. 5176: Mr. HINOJOSA.
H.R. 5229: Mr. ENGLISH of Pennsylvania, Mr. MCINTYRE, and Mr. ACKERMAN.
H.R. 5232: Mr. SENSENBRENNER.
H.R. 5233: Mr. BISHOP of New York.
H.R. 5315: Mrs. WILSON of New Mexico.
H.R. 5395: Mr. DAVIS of Alabama, Mrs. MALONEY of New York, Ms. WATSON, Mr. BRALEY of Iowa, Mr. RANGEL, and Mr. AL GREEN of Texas.
H.R. 5435: Mr. CUELLAR.
H.R. 5443: Mr. KIRK, Mr. GALLEGLY, Mr. CROWLEY, and Mr. ENGLISH of Pennsylvania.
H.R. 5461: Mr. BERMAN.
H.R. 5464: Ms. BORDALLO.
H.R. 5468: Mr. CARNEY and Mr. PORTER.
H.R. 5496: Mr. GRIJALVA.
H.R. 5498: Ms. BALDWIN.
H.R. 5505: Mr. LAHOOD.
H.R. 5509: Mr. LAMBORN.
H.J. Res. 12: Mr. WITTMAN of Virginia.
H.J. Res. 39: Mr. ISSA.
H. Con. Res. 32: Mr. ROSS, Mr. BARRETT of South Carolina, Mr. BUYER, and Mr. BILIRAKIS.
H. Con. Res. 69: Mr. TIAHRT.
H. Con. Res. 163: Ms. KAPTUR, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. MCHENRY, Ms. NORTON, and Ms. BEAN.
H. Con. Res. 195: Mr. MCGOVERN and Mr. BLUMENAUER.
H. Con. Res. 244: Mr. ROSKAM, Mr. ENGLISH of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, Mr. LAHOOD, Mr. LAMBORN, Mr. BOYD of Florida, Mr. SMITH of New Jersey, Mr. THORNBERRY, Mr. ALTMIRE, Mr. KING of Iowa, Mr. DAVID DAVIS of Tennessee, and Mr. BOUSTANY.
H. Con. Res. 277: Mr. PAUL.
H. Con. Res. 278: Mr. MCCAUL of Texas, Mr. SALI, and Mr. PUTNAM.
H. Con. Res. 286: Mr. BURTON of Indiana.
H. Con. Res. 294: Mr. RANGEL, Mr. RAMSTAD, Mrs. WILSON of New Mexico, Mr. SHAYS, Ms. HERSETH SANDLIN, and Mr. LOEBSACK.
H. Con. Res. 295: Mr. ENGLISH of Pennsylvania and Mr. YOUNG of Florida.
H. Res. 49: Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 146: Ms. BALDWIN.
H. Res. 333: Mr. STARK.
H. Res. 339: Mr. BOOZMAN.
H. Res. 356: Mr. LEWIS of California and Mr. TANCREDO.
H. Res. 671: Mr. SHAYS.
H. Res. 795: Mr. GORDON.
H. Res. 838: Mr. BILBRAY, Mr. BILIRAKIS, Mr. CARTER, Mr. FOSSELLA, Mr. HOLDEN, Mr. JONES of North Carolina, Mr. PAYNE, Mr. REYNOLDS, Mr. ROGERS of Michigan, and Mr. SMITH of New Jersey.
H. Res. 896: Mrs. MALONEY of New York.
H. Res. 924: Mr. HALL of New York.
H. Res. 925: Mr. CHABOT, Mr. FORTUÑO, and Mr. SMITH of New Jersey.
H. Res. 937: Mr. MORAN of Kansas.
H. Res. 948: Ms. KILPATRICK, Mr. MCGOVERN, Mr. OLVER, Mr. FILNER, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Mr. CROWLEY, Mr. TOWNS, Mrs. GILLIBRAND, Mr. WILSON of Ohio, Mr. KAGEN, Mr. LAMBORN, Mr. ROHRABACHER, and Mr. JONES of North Carolina.
H. Res. 951: Mr. BRADY of Pennsylvania, Mr. SCHIFF, Mr. PITTS, Mr. FATTAH, Ms. MATSUI, Mr. EMANUEL, Mr. CARNEY, Ms. GINNY BROWN-WAITE of Florida, Mr. KENNEDY, Mr. BERMAN, and Mr. NADLER.
H. Res. 959: Mr. HODES, Ms. FOXX, Mr. HUNTER, Mr. HAYES, and Mr. AKIN.
H. Res. 962: Mr. AL GREEN of Texas.
H. Res. 973; Mr. CHANDLER.
H. Res. 977: Mr. POE and Mr. WEXLER.
H. Res. 981: Mr. BISHOP of Georgia, Mr. FOSSELLA, and Ms. JACKSON-LEE of Texas.
H. Res. 984: Mr. POE and Mr. GONZALEZ.
H. Res. 987: Ms. SUTTON, Ms. BORDALLO, Mr. BOSWELL, and Mr. MCGOVERN.
H. Res. 988: Mr. BARROW and Mr. MOORE of Kansas.
H. Res. 991: Mr. FOSSELLA, Mr. ARCURI, Ms. CLARKE, Mr. NADLER, Ms. SLAUGHTER, and Mr. SERRANO.
H. Res. 992: Ms. ZOE LOFGREN of California, Mr. UDALL of Colorado, and Mr. MEEK of Florida.
H. Res. 994: Mr. WELDON of Florida, Mr. PENCE, Mr. DAVID DAVIS of Tennessee, Mr. FRANKS of Arizona, and Mr. FEENEY.
H. Res. 997: Mr. BILIRAKIS, Mr. FORTUÑO, Mr. CHABOT, Mr. SHAYS, and Mr. HINCHEY.
H. Res. 1005: Mr. MORAN of Virginia, Mr. SHAYS, and Mr. WOLF.
H. Res. 1008: Ms. BERKLEY and Mr. SHERMAN.
H. Res. 1016: Mr. STEARNS.
H. Res. 1018: Mr. FORTENBERRY.
H. Res. 1019: Mr. COHEN and Ms. WATERS.
H. Res. 1021: Mrs. WILSON of New Mexico, Mr. HASTINGS of Florida, Mrs. TAUSCHER, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. BORDALLO, Ms. KAPTUR, Mr. DAVIS of Illinois, Ms. BEAN, Mrs. CHRISTENSEN, Mr. SIRES, Mr. JACKSON of Illinois, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. KILDEE, Mr. STARK, and Mr. ELLISON.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. CONAWAY. Madam Speaker on rollcall No. 85, S. 2272—The ''John 'Marty' Thiels Post Office'' Designation Act, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007, I was unable to vote. Had I been present, I would have voted ''yea.''

A PROCLAMATION HONORING NORM GARY ON HIS RETIREMENT

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Mr. Gary has demonstrated values of hard work and service throughout his life, always maintaining a positive outlook; and

Whereas, Mr. Gary is recognized for 30 years of dedication to the Hocking County community; and

Whereas, Mr. Gary has impacted the lives of many while teaching residents skills that have helped them obtain employment; Now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I thank Norm Gary for his 30 years of service. We recognize the tremendous impact he has had in his community and in the lives of all those people he has touched.

VALERO

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. POE. Madam Speaker, on January 10, 1901 the world was introduced to the modern petroleum age. It was on this day in Jefferson County, Texas the Gladys City Oil, Gas, and Manufacturing Company discovered the largest oil reserve the world had ever seen. Ever since Jefferson County, Texas has been a leader in the oil and gas industry, fueling our nation's economy.

This tradition of leadership continues today with the recent announcement of Valero's Port Arthur Refinery $2.4 billion expansion project.

Valero will be expanding their Port Arthur Refinery, becoming the 2nd largest refinery in Jefferson County, which is home to some of the largest refineries in the nation. When construction is complete, it will produce 415,000 barrels of per day. The Port Arthur refinery production resume includes conventional, premium and reformulated gasoline before oxygenate blending, as well as diesel, jet fuel, petrochemicals, petroleum coke and sulfur. This project will generate an economic boost to Southeast Texas by bringing in 2,000 jobs.

Valero is more that just an oil company, it is an active corporate citizen concerned about all aspects of the community where it resides. Both the corporation and employees alike are focused on the betterment of their community. With its 2007 pledge of $13 million to the United Way Campaign, Valero is the only company that has received United Way's highest national honor, the Spirit of America Award, twice.

Valero also hosts the largest professional charity golf tournament in the country. The Valero Texas Open, which is an official PGA Tour event, and the associated Benefit for Children Golf Classic, which is Valero's own charity tournament, raised a record-breaking $8 million for charities. That is the largest contribution of any tournament in the PGA Tour's history.

Employees give back both financially and through their time, last year employees donated 272,346 hours of time for countless community projects, including mentoring students, organizing fund-raisers, participating in clean-up events, volunteering at youth centers and much more.

I am proud to commend Valero for its corporate citizenship and commitment to communities not only in Southeast Texas but across the nation.

And that's just the way it is.

QIAOCHU YUAN CONGRATULATIONS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. REICHERT. Madam Speaker, It gives me great pleasure to honor Qiaochu Yuan, a senior at Bellevue High School, for being named 1 of 40 finalists in the prestigious Intel Science Talent Search, STS—America's most prestigious research competition for high school seniors, often referred to as the ''junior Nobel prize.''

Qiaochu submitted a mathematics project involving the complex and highly intellectual subject of algebraic geometry. His groundbreaking work may one day be used by future generations in the field of computer-aided design. On top of being named a finalist in the Intel STS, Qiaochu has excelled in his daily studies and will finish first in his graduating class of 334 this spring. Additionally, Qiaochu received a perfect score on his SAT test.

Qiaochu's persistent work ethic and truly remarkable accomplishments provide a wonderful example for his peers at Bellevue High School and other aspiring scientists and mathematicians around the country. I've been told Qiaochu is deciding whether to attend MIT or Princeton next year. No matter where he takes his talent and intellect, he will surely continue to reach new heights and advance the boundaries of math and science.

TRIBUTE TO THE HARRISVILLE LIONS CLUB

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, today I rise to congratulate the members of the Harrisville Lions Club as they celebrate their 60th anniversary this year.

For over half a century, the Harrisville Lions Club has been dedicated to helping the less fortunate. As a Lions Club, the organization is part of the world's largest service organization with over 1.3 million members worldwide.

They have provided aid for those in need, whether it is helping local residents obtain eyeglasses or assisting families after disasters. The Club has been involved in several children's programs, including supporting a camp for local blind children and sponsoring a drug poster program aimed to raise awareness among elementary students of the problems associated with drug use.

I commend Harrisville club president, Lion Connie Rider, for her leadership and dedication to the organization. I'd also like to recognize Lion Leroy Montgomery, who at the age of 99, remains a very active member of the Harrisville Lions Club. I applaud Mr. Montgomery for his lifetime of dedication to helping the less fortunate in his community. His efforts have certainly not gone unnoticed.

I hope my colleagues will join me at this time in recognizing the accomplishments of these individuals as well as all of the other members of the Harrisville Lions Club. Congratulations on 60 years of service.

TRIBUTE TO DR. NICHOLAS NEUPAUER

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, I rise today to recognize and congratulate Dr. Nicholas Neupauer for his appointment as the 8th president of Butler County Community College, BC3.

Throughout his career, Dr. Neupauer has established himself as a leader in higher education. For the past 8 years he has worked at BC3, serving as vice president for academic affairs from 2004 to 2007 and as dean for humanities and social sciences from 1999 to 2004.

As vice president, Dr. Neupauer coordinated articulations and dual enrollments with three institutions as part of the LindenPointe project in addition to bringing five degree completion partners to Butler's main campus. As dean, he was instrumental in the development of the Praxis Preparation program, which has helped more than 3,000 students and attained a remarkable 95 percent passing rate since its introduction. Prior to his arrival at BC3, he chaired the Communication Department at Marist College where he created a sports communication degree and was recognized by the Office of Special Services for his efforts for students with disabilities.

Dr. Neupauer's contributions to Pennsylvania's Third Congressional District go beyond those made as an administrator and professor. Dr. Neupauer participates in many service activities, including United Way Day of Caring, Pittsburgh Area K–16 Council, and Butler P.M. Rotary. In the 2003–2004 school year, he was named an ''Outstanding Service and Community Achievement'' recipient for administrators at BC3.

I hope my colleagues will join me in congratulating Dr. Nicholas Neupauer and wishing him the best of luck in his new position as president of Butler County Community College. Pennsylvania's Third Congressional District is fortunate to have such a dedicated person to educate our youth and develop the future leaders of our district, State and Nation.

TRIBUTE TO THE REPUBLIC OF KOREA

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I am proud to congratulate the Republic of Korea on the 89th anniversary of the March 1 Independence Movement against Japan's colonial rule.

It is especially fitting for Americans to join Koreans in celebrating this day. Many believe that the Fourteen Points, outlined by U.S. President Wilson at the Paris Peace Conference, helped to inspire the Samil Movement to protest against the restrictive Japanese government.

On March 1, 1919, hundreds of Koreans participated in peaceful rallies to promote liberation. Some were upset by the burdensome taxation system that often led to famine or slavery. Many Korean Christians, including entire churches, protested the strict religious regulations enforced by the Japanese.

Across the country, nationalist leaders simultaneously read the independence declaration out loud in public. These readings motivated thousands of demonstrators to join the cause of freedom, and the movement grew. The Japanese responded by killing thousands of protestors. In at least one case, Korean men were driven into a church and burned alive. However, it took the Japanese 12 months, and the assistance of the army and navy, to quell the uprising. In the end, the Japanese government was forced to adopt more lenient measures.

The United States has been proud to stand with the people of the Republic of Korea as they confronted oppression, solidified their democracy, and became part of the vibrant Asian economy. Even after independence is gained, it must be carefully guarded. Brave citizens must be willing to sacrifice their lives in order to protect liberty. Just as both of our nations have struggled to survive after the initial moment of independence was earned, we must continue to foster the causes of freedom and democracy.

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

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. CONAWAY. Madam Speaker, on rollcall No. 86, H.R. 3936—The ''Sgt. Jason Harkins Post Office'' Designation Act, I was unable to vote. Had I been present, I would have voted ''yea.''

MISSILES AND SATELLITES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. POE. Madam Speaker, starting in WWII the Army recognized a need for defense against the German's A4, the world's first ballistic missile. In that time the allies' only defense against the A4 was to destroy or occupy its launch site. Some accounts state that if the war lasted another year, the German Army would have had the technology to develop a ballistic missile that could reach New York City. During the war, General Sir Fredrick Pile, Chief of Britain's Anti-Aircraft command, developed a system using 12,000 rounds of anti-aircraft artillery with only 3 percent accuracy. We have since come a long way in missile defense.

During the Cold War spurred on by a continued threat to our soil, Ronald Reagan called ''upon the scientific community, those who gave us nuclear weapons, to turn their great talents to the cause of mankind and world peace to give our country the means of rendering these nuclear weapons impotent and obsolete.''

Our Nation was able to use this technology once again, as Reagan had intended to keep safe the citizens of not just the United States, but this time an unknown country that could have come in direct contact with a disabled spy satellite and its dangerous 1,000 pound tank full of hydrazine fuel.

This mission was to be precisely executed with a direct hit to bus sized satellite's heart, a fuel tank. Hydrazine fuel could be compared to ammonia and would be dangerous should the intact satellite land anywhere in the world near a populated area. The U.S. military did not take this mission lightly, taking every precaution to protect the unfortunate country that would have fallen victim to this freefalling piece of space junk. A Standard Missile 3, or SM–3, costs $10 million and with another $20 million spent on missile reconfiguration for this specific task, the project cost around $30 million.

A broken down satellite does not float lazily 130 miles above the Pacific Ocean; it rockets through space at 17,000 miles per hour. The precision and timing have to be perfect to strike an object at such a great distance and speed. The SM–3 missile travels at around 6,000 miles per hour and was launched from the USS Lake Erie in the North Pacific. When the missile was fired at 10:26 p.m. Eastern Time, only 3 minutes elapsed until it hit its intended above atmosphere target. Approximately 10 minutes after the missile was launched it was confirmed ''highly likely'' that impact was made on the satellite's fuel tank. When the missile struck the satellite at a combined speed of 22,000 miles per hour there was a great burst. Marine General James Cartwright, vice-chairman of the Joint Chiefs of Staff, took this burst as an 80–90 percent chance that the missile hit its intended target, the fuel tank, because the missile was not armed with a warhead.

This giant piece of metal and gas would have done major environmental and physical damage when it eventually found a landing pad on earth. However due to accurate military technology, and exact execution scientists are now monitoring 3,000 pieces of satellite, none larger than a football, that are all expected to burn up in the earth's atmosphere before they reach the earth's surface.

The U.S. military's innovation and ingenuity is unmatched in the world. This launch was an unprecedented real world test of the United States' missile defense system so extraordinary that defense secretary Robert Gates, not a lower ranking military official had to give the launch order. Secretary Gates said in response to the direct hit ''I think the questions over whether this (missile defense system) capability works has been settled.''

And that's just the way it is.

NORTHWEST KIDNEY CENTERS SEATAC FACILITY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. REICHERT. Madam Speaker, I am pleased to rise and congratulate Northwest Kidney Centers for the recent completion of their SeaTac facility. Located near the Seattle-Tacoma International Airport, the new facility provides additional medical surge capacity at a moment's notice to communities facing a major public health emergency.

With ever-increasing numbers of obese and diabetic Americans, organizations such as Northwest Kidney Centers offer an unparalleled number of services to patients in need of critical, advanced care. Hundreds of dialysis staff and nephrologists are equipped and prepared for any emergency, and the new facility's innovative design allows additional dialysis stations to be activated at any time. The new facility will no doubt play an integral role in the lives of countless Northwest residents who depend on kidney therapy to live quality lives—and to enable them to spend more time with their families and friends.

The new Northwest Kidney Centers' SeaTac Facility is a perfect example of a successful State and Federal partnership, and it will be a significant asset to our communities. All of us in the Northwest can take pride in knowing that the SeaTac facility is a model for the rest of the country to follow.

CONGRATULATING ATTORNEY JOSEPH M. COSGROVE UPON RECEIVING THE W. FRANCIS SWINGLE AWARD FROM THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Attorney Joseph M. Cosgrove, a native of Pittston, PA, who has been honored by the Greater Pittston Friendly Sons of St. Patrick with the W. Francis Swingle Award for 2008.

Attorney Cosgrove is a graduate of St. John's High School and the University of Notre Dame and its law school in South Bend, IN. He received a master's degree in theology from Notre Dame's graduate school and a master of arts degree from Marywood University.

Attorney Cosgrove was admitted to practice law in Pennsylvania and the Federal court system including the United States Supreme Court. In 2005, he was appointed to the Lawyers Advisory Committee of the U.S. Court of Appeals for the Third Circuit on the nomination of the Honorable Max Rosenn. He serves as conflict counsel for the Luzerne County Court of Common Pleas and is engaged in the private practice of law with offices in Forty Fort, PA.

Attorney Cosgrove served two terms as president of the Luzerne County Law and Library Association and is immediate past president of the statewide Pennsylvania Association of Criminal Defense Attorneys. As president of the county bar, some accomplishments include recognition of the importance of a local case that made history through a U.S. Supreme Court decision 70 years ago. The case, Erie v. Tompkins, involved a railroad accident in Hughestown where local resident Harry Tompkins was injured. Through Attorney Cosgrove's efforts, the Luzerne County Bar and the New York City Bar will conduct a special seminar in New York in September. In addition, Attorney Cosgrove created ''Maysie's Bike Program,'' based on Harry Tompkins' promise to his niece, Maysie Cochran. In honor of that promise, the bar now awards bicycles to locally needy children and is establishing a children's pro bono representation project in Maysie's name.

Attorney Cosgrove has also worked extensively in the local educational field, having served on the Pittston Area School Board for one term and is currently a member of the board of trustees for Marywood University in Scranton. In addition to this, Attorney Cosgrove has been an adjunct faculty member at King's College for more than 20 years and is currently a member of the selection committee for dean of the Wilkes University Law School initiative. He also serves on the ethics committee at Misericordia University.

Attorney Cosgrove is a former chair of the Luzerne County Election Board where he served three appointed terms. He is also a member of the Screen Actors Guild, AFL/CIO, and has appeared in several motion pictures. He also had a recurring role on NBC–TV's hit show, ''The West Wing.''

While an undergraduate student at the University of Notre Dame in the late 1970s, he served as ''The Leprechaun,'' the university's sports mascot. During his tenure, the ''Fighting Irish'' were football national champions, and their basketball team reached the ''Final Four.''

Madam Speaker, please join me in congratulating Attorney Cosgrove on this auspicious occasion. The W. Francis Swingle Award is intended to honor those who distinguish themselves by honoring their Irish heritage and who commit themselves to a high level of community service. In that context, Attorney Cosgrove's selection for this award is indeed well deserved.

A PROCLAMATION HONORING HAROLD AND DIANE KEESEE ON RECEIVING THE ANGELS IN ADOPTION AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Harold and Diane Keesee are recognized for receiving the Angels in Adoption Award, and

Whereas, Mr. and Mrs. Keesee are an asset to our community and have been fostering children for seventeen years, and

Whereas, Mr. and Mrs. Keesee have made a difference in those lives that enter their home, and

Whereas, Mr. and Mrs. Keesee exemplify the spirit of selflessness and giving through their extraordinary work in child welfare: Now, therefore, be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I commend Harold and Diane Keesee on their contributions and service to children in Tuscarawas and Guernsey Counties. Congratulations to Harold and Diane Keesee on receiving the Angels in Adoption Award.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. CONAWAY. Madam Speaker, on rollcall No. 87, The ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office'' Designation Act, in honor of the service men and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom, I was unable to vote. Had I been present, I would have voted ''yea.''

A PHONE CALL IS PRICELESS . . .

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. POE. Madam Speaker, I would like to recognize Cell Phones for Soldiers, a nonprofit, charitable organization founded by two teenagers, Robbie and Brittany Bergquist, from Norwell, Massachusetts. True patriots, Robbie and Brittany Bergquist, recognized the fact that many of our soldiers are spending a tremendous amount of money on cell phone bills to stay connected to their families. They implemented a simple plan to help soldiers call home: Collect used cell phones, recycle them for cash, and use the money to buy prepaid calling cards to send overseas to our military. Through a network of more than 3,000 collection sites across the country, they have raised almost $1 million in donations and distributed more than 400,000 prepaid calling cards to soldiers.

Across my district, I have witnessed patriotic Americans helping military families cope through difficult times. I would like to commend patriot Dave Kilby with the Greater Humble Area Chamber of Commerce for doing his part in helping our soldiers overseas. Four years ago, Dave Kilby approached the Greater Humble Area Chamber of Commerce with the idea for the chamber to become one of the central drop off sites for Cell Phones for Soldiers. This extraordinary group of chamber members began promoting and challenging members to recycle used cell phones. Soon thereafter, collection boxes were then placed in schools, churches, and private businesses. Over 10,000 used cell phones have been collected throughout the second district of Texas on behalf of Cell Phones for Soldiers program.

Dave Kilby recalls one exceptional event held on behalf of Cell Phone for Soldiers at the Houston Astro's Minute Maid Park. Cell Phones for Soldiers Day at the park brought Robbie and Brittany Bergquist along with their family to Houston. They donated 27,000 phone cards to Col. Lanny B. McNeely, Commander of the 147th Fighter Wing stationed at Ellington Field. Col. McNeely was able to deliver those cards to troops in Iraq.

The Greater Humble Area Chamber of Commerce continues to be the designated drop site for Cell Phone for Soldiers. Dave Kilby's collections net approximately 100

phones a month. I hope that all of us recognize the significant ways in which we can strengthen our Nation's Armed Forces. I applaud the efforts of the great State of Texas.

And that's just the way it is.

HONORING MARGARET WEINBERG

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me today in recognizing Mrs. Margaret ''Midge'' Weinberg for her public service to the Germantown community.

Since joining the Maternal League in 1986, Mrs. Weinberg has been greatly involved with caring for young mothers and their babies by making it her mission to help teenage mothers learn effective parenting skills through the Maternal League's successful Sunshine program. Serving as corresponding secretary, historian and parliamentarian, Midge has been indispensable to the efforts of the League and has proven time and time again her ability to avert any crisis with her quick thinking and calm presence.

When she's not dedicating her time to the Maternal League you can often find Mrs. Weinberg serving as co-chair of ''This Side Up,'' teaching safe sleeping practices to caregivers of newborns, as well as serving on the boards of Bethany Home, The Parenting Center and LeBonheur Club.

In culmination of all her community efforts, Margaret Weinberg has been recognized by the Germantown Lions Club as their Citizen of the Year for 2007. Her experience and leadership make her an invaluable member of the Germantown community and a shining example for others to follow.

Please join me in honoring Margaret Weinberg and wishing her the best on this well-deserved award.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. AL GREEN of Texas. Madam Speaker, I was voting in the Texas Democratic Primary and missed the votes on:

H.R. 1143, To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park (Rollcall 88). Although H.R. 1143 passed by a vote of 378–0, I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on Rollcall 88.

H.R. 1311, To direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility (Rollcall 89). Although H.R. 1311 passed by a vote of 377–0, I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on Rollcall 89.

H.R. 816, To provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project (Rollcall 90). Although H.R. 816 passed by a vote of 375–0, I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on Rollcall 90.

Again, I express my full support for these important pieces of legislation.

PERSONAL EXPLANATION

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. KELLER of Florida. Madam Speaker, I have remained in Orlando, Florida with my wife and our new daughter who was born on Monday, March 3rd. If I had been present yesterday, I would have voted in the following manner: rollcall 88: ''yea''; rollcall 89: ''yea''; rollcall 90: ''yea.''

A PROCLAMATION HONORING LADY BAESMAN ON HER RECEIPT OF THE OUTSTANDING ADVOCACY VOLUNTEER AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Lady Baesman is appreciated for her dedication and contributions to the American Cancer Society; and

Whereas, she has been a volunteer for the American Cancer Society since 1956; and

Whereas, she has fought for numerous improvements and has been successful in many of her campaigns; and

Whereas, her efforts have been recognized through the Capitol Dome Award, which is the highest nationwide advocacy award given at the state level each year; and

Whereas, she has served the organization and her community selflessly and tirelessly: Now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I commend Lady Baesman on her contributions to the American Cancer Society. Congratulations to Lady Baesman on her receipt of the Outstanding Advocacy Volunteer Award.

RECOGNIZING CARLOS K. HAYDEN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. POE. Madam Speaker, Elmer Davis once said ''this nation will remain the land of the free, only so long as it is the home of the brave.'' Standing as a testament to Mr. Davis' statement are courageous Veterans like Atascocita resident Carlos K. Hayden. Born into a family with generations of soldiers, he always harbored aspirations to serve his country. Throughout his 35 year military career, Carlos K. Hayden bravely fought to uphold the liberties that we are able to today as a Nation hold dear.

Hayden was commissioned as a second lieutenant on June 17, 1941. Just a week later, he was on active duty with the 1st Armored Division, 68th Field Artillery Battalion. While fighting in Tunisia under the command of General George S. Patton he served as a forward observer. He even had the fortune of meeting Gen. Patton while overlooking a battlefield. During WWII he served 5 years of active duty, 3 in North Africa, and 2 in Italy.

When Carlos K. Hayden retired from the military in 1976 he had attained the rank of Brigadier General. The evidence of his brave 35 year career is illustrated through his many commendations. They include the Purple Heart, the Silver Star with Oak Leaf Cluster, a Bronze Star with Valor, a Presidential Unit Citation and Six Battle Stars. The Battle Stars were awarded for his service in Tunisia, Naples, Foggia, Rome-Arno, Anzio, North Apennines and the Po Valley. He also received the Texas DAR Metal of Honor, and the Ohio State University Distinguished Service Award. As a result of Hayden's impressive vocation; he was inducted into the Army ROTC hall of fame.

Now at the age of 90, Carlos continues to serve the community and commemorate his time as a military serviceman. He returned to the battlefields in Tunisia on the 50th anniversary of its liberation. With other members of the 1st Armored Division, they retraced their 1940's route. In 2008, Hayden is serving his third term as the president of the 1st Armored Division's national association. For the Military Order of the Purple Heart, he is also the senior Vice Commander of chapter 782.

Abiding with the generational service to their country, Carlos K. Hayden's Grandson Army Captain Jeff Sharpe recently returned from a second tour in Iraq. Evidence that America is still ''the home of the brave.''

And that's just the way it is.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to explain my absence from votes cast on March 4, 2008. I was in Houston for the Texas primary election.

On rollcall vote No. 88, to approve H.R. 1143, had I been present, I would have voted ''yea.''

On rollcall vote No. 89, to approve H.R. 1311, had I been present, I would have voted ''yea.''

On rollcall vote No. 90, to approve H.R. 816, had I been present, I would have voted ''yea.''

A PROCLAMATION HONORING THE PRO MUSKINGUM FAMILY AND CHILDREN FIRST

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Pro Muskingum Family and Children First has been selected to receive the Ohio Department of Education's 2007 Asset Builder Award for Exemplary Practices to a Community Organization; and

Whereas, Pro Muskingum Family and Children First is enhancing the quality of life in Muskingum County and are attracting families and businesses to the region; and

Whereas, areas such as family strengthening, promoting education, developing leaders within the community are being addressed by the organization: Now, therefore, be it

Resolved, That along with its friends, family, and the residents of the 18th Congressional District, I congratulate you on receiving the Ohio Department of Education's 2007 Asset Builder Award. With great appreciation and respect, we recognize the tremendous impact the Pro Muskingum Family and Children First has had on the community.

BRITAIN RETURNS TO THE DARK AGES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. POE. Madam Speaker, in the Dark Ages, King Henry VIII left the Catholic church because it would not permit his multiple marriages. Well, Britain is heading back to the Dark Ages. The more wives a British male has, the more benefits he will receive under welfare. This new policy will really only benefit Muslim extremist men, who keep a harem of 4 wives.

The Archbishop of Canterbury suggested that Britain appease Muslim extremists so that they would not have to choose loyalty between Islam and Britain. Tell this to the British soldiers, who are fighting Muslim extremists in Iraq, while their own government rewards Muslim extremists at home. It seems that the real extremists are Britain's own leaders, who have gone too far in the name of political correctness.

Religious law cannot overrule the law of the land. We cannot make exceptions to appease an individual group.

The great Winston Churchill once said, "Never give in, never . . . never give in except to convictions of honor and good sense." I'm sure Winston Churchill is turning in his grave.

And that's just the way it is.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS AND SOUTHEASTERN EUROPE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. TANNER. Madam Speaker, I recently led a bipartisan House delegation to NATO Parliamentary Assembly meetings in Brussels and Paris, and to additional meetings in Croatia, the Republic of Macedonia (or Former Yugoslav Republic of Macedonia, FYROM), and Albania from February 16–24. The co-chair of my delegation was the Honorable JO ANN EMERSON. In addition, Representatives CAROLYN MCCARTHY, ELLEN TAUSCHER, DENNIS MOORE, JEFF MILLER, MIKE ROSS, and BEN CHANDLER, and staff, worked to make this a highly successful trip in which we examined current NATO issues, above all the coming decision at the NATO summit in Bucharest on possible enlargement of the alliance.

The NATO Parliamentary Assembly (NPA) consists of members of parliament from the 26 NATO states, as well as members of parliament from associated states such as Russia, Georgia, Ukraine, Croatia, Albania, and Macedonia. During NPA meetings delegates discuss and debate a range of issues of current importance to the alliance. At the February meetings, three issues dominated the discussions: enlargement of the alliance, Afghanistan, and developments in Kosovo. Delegates have the opportunity to listen to presentations by specialists from NATO and on NATO affairs, and to engage in discussion of the issues raised. An additional element of the meetings is the opportunity to meet and come to know members of parliaments who play important foreign-policy roles in their own countries. Some of these acquaintances can last the duration of a career, and are invaluable for gaining insight into the developments of allied states.

Enlargement is one of the key issues before the alliance today. NATO will hold a summit in Bucharest April 2–4. Croatia, Albania, and Macedonia are candidate states, and each must receive unanimous support from all 26 allied governments in order for it to receive an invitation to join. From that point, each member state will follow its own constitutional processes to amend NATO's founding Washington Treaty to admit new states and to make a commitment to defend additional territory. There must again be unanimous support in this process for a candidate if it is to be admitted to membership. The alliance is still at an early stage, therefore, in considering the applications for membership of these three countries. Congress will hold hearings on the qualifications of the three states, and the United States and other allies will expect them to continue to work to meet NATO requirements under their Membership Action Plans (MAPs).

Our delegation also held discussions over NATO's effort to stabilize Afghanistan. It is clear, as Secretary of Defense Gates himself reportedly noted on February 8, that U.S. involvement in Iraq has damaged the effort to persuade allies to send forces to Afghanistan. European public criticism of the Iraq conflict has made more difficult our allies' task of persuading parliaments to contribute more troops to Afghanistan. The United States now contributes approximately 15,000 troops to NATO's International Security Assistance Force (ISAF), and will soon send 3,200 additional Marines to compensate for shortfalls in allied forces in the fight against a resurgent Taliban. This is a highly important mission in the effort to stem the growth of fanaticism and barbarism that remains a threat to civilized peoples everywhere. Each of us in the delegation made an effort to persuade our counterparts from the NATO parliaments to support ISAF and to contribute the forces necessary to stabilize Afghanistan.

Kosovo declared independence on February 17. Our delegation arrived for meetings in Brussels the day before, and reaction in southeastern Europe to the decision to place Kosovo under the EU's "supervised independence" was a principal topic of discussion. The United States and most allies quickly followed with recognition of Kosovo's new status and urged its continued development as a democratic, multi-ethnic state. NATO's Kosovo Force (KFOR), of whom approximately 1,500 are U.S. soldiers, continues to provide security and is an important factor for stabilization in the current tension between Kosovo Albanians and the Serb minority in the north of the country. With the assistance of our embassies, the delegation closely followed developments in Kosovo throughout the trip.

While in Brussels, we met first with Ambassador Nuland, the U.S. permanent representative to NATO. She provided a briefing and responded to our questions on a wide range of issues. There followed two days of meetings of the NPA's Economics and Security, Defense and Security, and Political Committees. The meetings raised such issues as NATO's political agenda, the effectiveness of the alliance's public diplomacy efforts, and a possible new Strategic Concept, which would lay out NATO's mission and goals for the coming several years.

We also held a private meeting with NATO Secretary General Jaap de Hoop Scheffer. Afghanistan and public support for ISAF were important topics of discussion, as was Kosovo. De Hoop Scheffer offered to come to Washington to meet with Members of Congress in the near future, and this is an idea worthy of consideration. There was also a "brainstorming" session at NATO headquarters, attended by Representatives ROSS, MOORE, and MILLER. Representative ROSS made a forceful presentation outlining the importance of the ISAF mission, and of allies making a fair share of the contributions to NATO forces in Afghanistan. The rest of the delegation attended a meeting of the North Atlantic Council, the alliance's governing body, comprised of representatives from the 26 member states. A range of issues—Russia, energy security, Kosovo, and Afghanistan among them—was discussed. We ended the day at NATO headquarters with a meeting with U.S. General Karl Eikenberry, who is the deputy head of NATO's Military Committee; he was also formerly commander of NATO forces in Afghanistan. He briefed the delegation on the effort to defeat

the Taliban, and on the complexities of the political situation in Pakistan that is affecting Afghanistan's stability.

The delegation held meetings at the European Commission the following day. As chairman of the NPA's Economics and Security Committee, I presided over some interesting meetings on trade and the international economy. A highlight of the day was an exceptional presentation by the EU's Director General for trade, David O'Sullivan, who gave a lively presentation and concise overview of the principal points of controversy in the Doha round of trade talks, and in broader trade issues.

The delegation then traveled to Paris for meetings at the Organization for Economic Cooperation and Development (OECD). After a brief session with our ambassador to the OECD and his staff, I chaired sessions at the OECD on a number of issues. The global economy, Russia's economic practices and potential, and the value of education in economic development were key subjects of discussion. That evening we met with members of the French-American Foundation, together with our ambassador to France and a number of members of the French parliament who are in the French-American caucus.

The following day the delegation traveled to Zagreb, Croatia, for the beginning of meetings with candidate state governments for membership in the alliance. Serbian reactions to Kosovo's independence and recognition by many governments had set the region on edge. The U.S. embassy in Belgrade, Serbia, was attacked on February 21, as were the Slovenian and Croatian embassies there. U.S. Ambassador to Croatia Robert Bradtke accompanied us during much of our stay in Croatia and kept us up to date on developments in Belgrade and on the safety of U.S. personnel at our embassy there. He also briefed us on Croatia's efforts to qualify for NATO membership.

While in Zagreb, we met with Prime Minister Sanader, President Mesič, and other senior officials. We were interested in discovering the progress that Croatia has made in military modernization and in other aspects of the program outlined for the country in the MAP. That evening Ambassador Bradtke arranged for us to meet with members of the Croatian parliament, including opposition figures and key members of the foreign policy and defense committees, as well as independent voices in Croatia. This meeting allowed us to hear a wide range of views beyond those in the government, and added to our ability to evaluate Croatia's progress in the MAP. There is a consensus that significant progress has been made over the past several years. A key issue was the relatively low level of public support—somewhat over 50%—in the population for NATO membership, a figure that appears to be climbing. There must also continue to be progress made in the fight against corruption.

The following day we flew first to the Republic of Macedonia (FYROM), then to Albania. In Macedonia, our ambassador gave us a briefing that touched on several issues of relevance. The delegation then proceeded to meetings with Macedonian President Crvenkovski, Prime Minister Gruevski, and other senior officials, including General Stojanovski, the chief of defense forces. The internal political situation in the country remains complicated and unsettled, and issues range well beyond ethnic divisions in the country. Macedonian troops serve in NATO operations in Afghanistan, Iraq, and Bosnia-Hercegovina, and we met several soldiers who had returned from assignments there. A key issue in NATO is the formal name of the country, and there are continuing discussions with Greece to attempt to reach a compromise under U.N.-sponsored talks. We are hopeful that Skopje and Athens can reach a settlement of this issue, and that Macedonia's candidacy for NATO can be judged solely on its qualifications under the MAP.

In Albania we met with President Topi and with Prime Minister Berisha. We also met with members of parliament from both the governing parties and the opposition. We were accompanied throughout our meetings by U.S. Ambassador Withers, who provided an overview of developments in Albania. There are conflicting views on the depth of the problem caused by organized crime and corruption in Albania, and this was one issue raised in our discussions with government officials. While laws have been passed to fight crime and corruption, it may be useful for Congress in the coming months to examine the degree to which such legislation has been implemented. It should be said that Albania, although a poor country, by all accounts has made progress in downsizing and modernizing its military.

The Serbian reaction to Kosovo's independence time and again surfaced during our meetings. In the coming months, we are likely to see a range of ideas raised for and against the possible membership of the "Adriatic 3" in the alliance. These are small countries with correspondingly small militaries; they must concentrate on niche capabilities to make a contribution to allied security, and each is making progress along this road. Given the continuing tensions in the region in part brought on by Serbia's reaction to Kosovo's independence, proponents of the three governments' candidacies are likely to argue that their developing democracies and contributions to multinational, cooperative efforts to bring stability are factors in their favor. These are issues that my delegation and other Members of Congress will be considering in the coming months.

As always, members of the United States military contributed greatly to the success of this trip. The logistics of such a trip, compressed into a tight time frame, are complicated and require lengthy and detailed preparation. Our crew was from the 932nd Air Wing at Scott AFB, Illinois. This is an Air Force Reserve unit, and they did an outstanding job. I thank them for their hard work and their dedication to duty.

TRIBUTE TO MIKE ADAMS, GERALD HAYS, AND MARCEL SHIPP

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. PASCRELL. Madam Speaker, I would like to call your attention the lives of three fellow natives of my hometown, Paterson, New Jersey, Mike Adams, Gerald Hayes, and Marcel Shipp, who will be honored this evening by the Murph Boys Charitable Association, not only for their impressive athletic achievements, but for all they have done for others in need.

Each of these men began his journey in Paterson, New Jersey, and attended the same high school, Passaic County Technical Institute, PCTI, in Wayne.

In his career at PCTI, Adams earned all-state honors, as well as all-area and all-county, and was chosen as one of the top 100 players in New Jersey. He was outgoing and well-rounded, also lettering in track and baseball. He is remembered at PCTI for his tenacity and perseverance, overcoming many obstacles to succeed. He took this "can-do" attitude to the University of Delaware, where he started 23 of 43 career games, and posted 213 tackles, 11 interceptions, and 14 PBU, and ranks 11th in school history in interceptions. He entered the NFL in 2004 as an undrafted free agent and signed with the San Francisco 49ers. He made his NFL debut in November 2004 and by the next year appeared in 14 games. In 2005 he started 10 games, posting 68 tackles, a sack, a forced fumble, and tied for the team lead with four interceptions. In 2006 he started eight games and played in all 16, recording 67 tackles, three PBU, and 12 special teams tackles. After 3 years in San Francisco he signed as a free agent with the Cleveland Browns, recording 29 tackles, a sack, and two PBU in 2007 before a knee injury placed him on injured reserve.

During his time as a PCTI Bulldog, Gerald Hayes impressed coaches from the start and was a 4-year varsity player. He was a dominating player on the field, and off the field, won numerous awards in fine arts, and his pencil drawings were displayed in galleries throughout the State. He went on to play college football at Pittsburgh, and was a three-time first-team all-Big East selection. His career statistics at Pittsburgh include 387 tackles, 13.5 sacks, nine pass deflections, and two interceptions. He was chosen in the third round of the 2003 draft by the Cardinals, and by 2004 he saw action in every 2004 game, and was poised to start in 2005 before suffering a season-ending injury in the preseason. He made his return in 2006, starting 14 games, leading the team in tackles with 111, despite missing the last two games with an injury. He had another successful season in 2007, with 98 tackles, four sacks, an interception, and three passes deflected.

Shipp was a quiet unassuming leader while at PCTI. He knew what he wanted to achieve and worked hard to reach his goal. He was an all-state selection as a senior, running for 1,510 yards and 24 touchdowns on 172 carries. Shipp then played 1 year at Milford Academy Prep, gaining 3,239 yards and 42 touchdowns on 429 carries. He then went on to the University of Massachusetts and is one of the school's most decorated athletes. He was the 6th ranked rusher in the history of NCAA Division 1–AA, with 5,383 yards. He gained over 100 yards 33 times, including 7 200-yard efforts. He holds UMass career records with 1,215 carries for 6,250 yards, 58 touchdowns,

378 points, and 7,759 all purpose yards. He signed in 2001 with the Arizona Cardinals as an undrafted free agent and as a rookie played in 10 games. He ended 2002 with 1,247 total yards, on 226 touches, a 5.5-yard average that was 2nd in the NFC. In 2003 he shared running back duties with Emmitt Smith until an injury sidelined Smith, and Shipp started the final 11 games. He gained 830 yards on 228 carries. He was the first Cardinal since 1992 to log back-to-back 100-yard games. He missed the 2004 season with an injury, but came back in 2005 to lead the team in rushing with 451 yards on 157 attempts. In 2006 he finished the season with four rushing touchdowns in the final four games and became the first Cardinal to rush for three touchdowns in one game since 1998.

What is most special about these three men is not what they achieve on the field, but what they do off of it. They all dedicate time and financial support to help those who are in need through charitable endeavors. Never taking their success for granted, they look for ways to make their communities a better place to live.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to being able to recognize the charitable community efforts of Americans like Mr. Adams, Mr. Hayes, and Mr. Shipp.

Madam Speaker, I ask that you join our colleagues, everyone at Passaic County Technical Institute, all those who have been touched by the generosity of these men, and me in recognizing the outstanding contributions of Mike Adams, Gerald Hayes, and Marcel Shipp to their communities.

A PROCLAMATION HONORING ZANE STATE COLLEGE FOR ITS INCLUSION IN WASHINGTON MONTHLY'S LIST OF THE TOP 30 COMMUNITY COLLEGES

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Zane State College is ranked ninth among two-year colleges in the nation according to a report released by Washington Monthly; and

Whereas, the results are based on graduation rates and on student feedback as collected in the Community College Survey of Student Engagement (CCSSE); and

Whereas, Zane State College has used student feedback in a successful effort to satisfy students' needs: Now, therefore, be it

Resolved, That along with its friends, family, and the residents of the 18th Congressional District, I commend and thank Zane State College for its outstanding service to students, families, and the Zanesville community. Congratulations to Zane State College on its ranking as number nine among two-year colleges in the U.S.

RECOGNIZING SERGEANT FRESHOUR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. POE. Madam Speaker, a hero is someone that accomplishes great things for others without seeking glory for themselves. Heroes don't identify themselves with this title and try to shrug off accolades by living a life of strong character and silent modesty. We pass by many heroes throughout our lives and don't even realize it because they hide their true identities behind humble titles such as dad and grandpa.

Sgt. David F. Freshour is a hero from the Second Congressional District of Texas. He recently passed away on Monday, February 18, 2008. He was a World War II veteran and a member of the 15th Air Force, 451st Bomb Group Heavy, 725th Squadron stationed in Italy.

Sgt. Freshour once described to me some of his fondest memories of military service. He repaired and maintained heavy bombers, specifically the B-24 ''flying boxcars.'' His overseas tour of duty began when his squadron was shipped over to Europe in the hold of a Liberty Ship. After 25 days in a convoy, they disembarked in Naples, Italy. During this time, the U.S. Infantry was still fighting the Germans on the west side of Italy just north of Naples.

According to Sgt. Freshour, his convoy leader got confused and led the squadrons north instead of east. They soon realized their mistake when they began to hear the bombardment of ground troops. The convoy leader turned them around and led them over the mountains to the east.

When they arrived, the base was not ready. They were then taken to a temporary location that they used for two months until the runway was so badly damaged that they had to move to another base in the south. They finally got to their final location on a plateau that overlooked Foggia Airbase occupied by the British Air Force.

Their primitive base consisted of canvas tents, some of which were located in an olive grove. There was no way to heat the tents and their January arrival was in the middle of a cold Italian winter.

Five other soldiers shared a tent along with Sgt. Freshour and they all decided that this was to be their house for the duration of their military service unless ''Axis Sally'' fulfilled her promise to bomb them out of existence.

Instead of complaining about their circumstances, Sgt. Freshour and five other soldiers took it upon themselves to improve their rustic living conditions. They borrowed a truck and went to Foggia Airbase where they loaded it with stones from bombed out buildings and brought them back. A member of the group spoke some Italian and managed to hire local laborers to pour a concrete base for their house.

Another member of the group was a construction worker and he supervised the roof and window installation. The man was so much of a perfectionist during the construction process that one time Sgt. Freshour had to cut one-eighth of an inch off a six-inch wooden board.

Military men are known for being very resourceful and Freshour's group proved that by completing numerous projects with very limited resources. They built a stove which heated their new home using ⅓ of a 55-gallon steel barrel and with copper tubing from a gasoline drum.

Their efforts inspired a building boom in the area. Most of the ground crew, air crew and officers built houses instead of living in tents.

Their enthusiasm in building extended into a desire for a permanent mess hall. Thinking about entertainment opportunities in the future, Freshour, along with several other men, began building a mess hall with a large stage to be the main focus of attention for the diners. The smart men used trusses for roof support instead of posts so that the soldiers' view of the stage would not be blocked. The stage had a curtain made of aircraft cotton and canvas on each side with murals painted by a Canadian air crew member. The stage was often used as the site for USO shows.

A kitchen which included a steam table was also built inside the mess hall. The steam table didn't improve the food much, according to Freshour, but the mess sergeants tried. The finished mess hall was a proud display of American craftsmanship. During an inspection by Major General Nathan Twining, he said the mess hall was the finest in the 15th Air Force.

As a member of the air maintenance crew, one of Freshour's main jobs was replacing fuel cells damaged by anti-aircraft flack. The plates covering the cell had thousands of small screws and the only thing they had to use was a small hand drill to remove and replace them.

Sgt. Freshour was additionally assigned as crew chief of a radar ship that was used as a lead ship to drop bombs when targets were obscured by clouds. It was sometimes used for rare night missions.

There was also a guard group assigned to patrol the planes at night. One time, some of the guards got into a plane and played a prank on the crew by cutting out the parachute nylon and replaced them with rags. When the crew found these chutes, they were so furious that the officers were afraid a war would break out. The guards were removed that day.

Sgt. Freshour and his fellow soldiers became the replacement guards. They were issued ammo for their carbines and spent the night on patrol protecting the planes and keeping the other guards and flight crew from killing each other over the parachute prank.

Freshour recalled that the day Germany surrendered; the American troops put all of the planes on the base in the air for a great fly over. The end of the war in Europe was good news because it meant that they were on their way home. They returned on a fast troop ship that arrived in America in a little over six days as opposed to the usual 35-day convoy.

One day, while on the ship, Sgt. Freshour was emptying a trashcan overboard when he ran into his good friend from his neighborhood back home. He had been a radio man on a B-24. It was a rare chance encounter seeing a close friend thousands of miles from home.

After returning to the U.S., Freshour was not yet able to immediately leave the military because the war in Japan was raging. He was

assigned to an air transport squadron in Presque Isle, Maine. The ground crew they replaced had been there all throughout the war, but since they had been stationed state-side, their everyday lives were completely different from Freshour and his squadron because they had cars, part-time jobs and their wives in the same location.

While stateside, Sgt. Freshour was Charge Quarter on night duty. He had the job of waking the air crews up and leading them to the planes that were going to the war in the Pacific. As soon as Japan surrendered, they were discharged and Sgt. Freshour reentered civilian life.

Sgt. Freshour married Doris and together they had four children: Karen, David, Sue and Denise.

As a U.S. Representative, one of the most honorable things I have the privilege of doing is recognizing American heroes of past wars such as Sgt. David F. Freshour, for their honorable actions. On August 5, 2006, I presented him with medals and citations that he had earned more than 60 years earlier for his service during World War II but had never received. I presented him with the Presidential Unit Citation, the Good Conduct Medal, the Honorable Service Lapel Button WWII, the American Campaign Medal, the European-African-Middle Eastern Campaign, and the World War II Victory Medal in a ceremony at First Presbyterian Church of Kingwood.

It was an honor to finally recognize an American hero. Our country owes a debt of gratitude towards those who fought and won World War II. We owe our lives and our liberty to ''The Greatest Generation'' of our time. The courage and sacrifice of the members of the United States Armed Forces and of the military forces of the Allied Powers who served valiantly to rescue the Pacific nations from tyranny and aggression should always be remembered.

Our Nation is safer, stronger and better because of the sacrifice of Sgt. David F. Freshour and the thousands of other World War II veterans. Though his light here on earth has extinguished, his sacrifice has made America's lantern of liberty burn brighter.

Thank you, Sgt. Freshour for being a loving father, a caring grandfather and a great American.

And that's just the way it is.

IN MEMORY OF CLYDE WALKER, JR.

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. PICKERING. Madam Speaker, Clyde Walker, Jr. served as the chief of the Collinsville Volunteer Fire Department for more than 35 years. The fire department was his life, and his love of volunteering and serving others showed drastically through his contributions to the department.

Clyde had two major goals for the department and was extremely fundamental in obtaining both for the Collinsville community. First was to receive a Federal grant to purchase a combination brush and rescue truck. After three years of perseverance, including letters and phone calls, the grant was received. The second goal was to build a new fire station. Clyde inspired the community to give financial donations, time, and materials. A building estimated to cost from $60,000 to $80,000 was built, and when the volunteers moved in, they owed only $4,000. The new station was complete with 4 bays, a kitchen and meeting area, and a room for sleeping quarters and storage space. Clyde accomplished two major feats that would drastically improve the operations of the fire department.

The amount of love and respect that the Collinsville community has for Clyde showed immensely in one of the most trying times, his death. The family asked that donations be made to the department to help pay off the final debt. So far, more than $7,000 has been donated. Not only is this enough to pay off the final note, but also they plan to have a dedication service for the new fire department.

Clyde served his community as an active member of Collinsville First Baptist Church. There he served as a deacon, Sunday school director, as well as on various committees. He was a charter member of the Collinsville Lions Club and a member of the Collinsville Community Development Club. Clyde also served as the director of the Lauderdale County Welfare Department until he retired in the 90s.

He was married to Ellen Walker for 49 years, and they have three children. Their son Randy is married to Jo Ann, and they have two daughters. Their other son, Ricky, is married to Chris, and they have two sons. Their daughter Renee is married to Max, and they have a son and daughter. Randy, Ricky, and Ricky's oldest son, Davey, are all volunteers with the fire department.

Madam Speaker, I hope the Congress joins me in remembering Clyde Walker for a lifetime of service. His contributions will be remembered by all who knew him. Clyde will be greatly missed, but his legacy will live on through his family, friends, and especially the Collinsville Volunteer Fire Department.

HONORING THE EASTRIDGE HIGH SCHOOL LANCERS VARSITY CHEERLEADING TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Eastridge High School Varsity Cheerleaders, 2008 Reach the Beach National Cheerleading Competition Grand Champions. The Eastridge High School Lancers Cheerleaders won first place in their division, and were named Grand Champions for earning the highest total score in a very competitive field of 400 teams.

On behalf of the people of New York's 25th Congressional District, I congratulate these young women on their outstanding athletic achievement and praise head coach Ashlee Arberger on her team's success. I look forward to another successful and exciting year when the Lancers defend their title in 2009.

Team members are: Catherine Andolina, Taylor Baker, Makaila Danizio, Niner Davis, Areli Diaz, Nicole Fanelli, Rebecca Junco, Cristina Magliocchetti, Christina Maniaci, Shelby Millen, Marissa Pixley, Abigail Prodrick, Latoya Sanders, Ali Scrimenti, Leah Scrimenti, Taniqua Spencer, and Marshay Williams.

HONORING INDIANA STATE SENATOR DAVID C. FORD

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. PENCE. Madam Speaker, I rise today to honor the memory of Indiana State Senator David C. Ford.

I was deeply saddened to learn of the passing of Senator David Ford. Senator Ford's passing is a loss to the entire State.

David Ford was a tireless advocate for the families and communities of Senate District 19. During our last visit, just weeks before his passing, Senator Ford still took time to advocate his optimistic vision for technology benefiting all Hoosiers.

The four-term Republican senator was not only a leader for the people of his district, he was a recognized leader across the State of Indiana. His stature was recognized last year when Senator Ford was named Government Leader of the Year by the Indiana Chamber of Commerce. Senator Ford also served as Assistant Majority Floor Leader and chaired the Senate Committee on Economic Development and Technology.

David Ford was a role model to me. His humble example of honest and visionary public service was an inspiration to all of us who had the privilege to know him. I will miss his example, his counsel and his friendship very much.

May God comfort Joyce and his entire family with the assurance of his grace and with the assurance of the gratitude of the people of the State he served and loved.

A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE SACRED HEART SCHOOL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, the parents, students, community and staff of the Sacred Heart School celebrate the 100th anniversary with great joy; and

Whereas, occasions such as these illustrate to us that we have many blessings; and

Whereas, the Sacred Heart School has been preparing students to be outstanding citizens for 100 years; and

Whereas, it is the fond wish of this body that you will continue to positively impact the community and develop students of strong character: Now, therefore, be it

Resolved, That along with its friends, family, and the residents of the 18th Congressional

District, I commend the Sacred Heart School, recognizing that all great achievements come from great dedication.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. AKIN. Madam Speaker, I was unable to participate in the following votes. Had I been present, I would have voted as follows: March 4, 2008: rollcall vote No. 90, on motion to suspend the rules and pass, as amended, H.R. 816—To provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project—I would have voted "aye"; rollcall vote No. 89, on motion to suspend the rules and pass, as amended, H.R. 1311—To direct of the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility—I would have voted "aye"; rollcall vote No. 88, on motion to suspend the rules and pass, as amended, H.R. 1143—To Authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes—I would have voted "aye."

HONORING OLD FIRST PRESBYTERIAN CHURCH

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. ISRAEL. Madam Speaker, I rise today to honor the anniversary of the Old First Presbyterian church in Huntington Village, NY. This year the church celebrates its 350th anniversary. Old First Presbyterian has not only survived wars, economic downfalls, racial and religious tensions, but has become a beacon of hope and light for its parishioners. It is a symbol of perseverance to the entire community.

After being overtaken and dismantled by the British during the Revolutionary War, the constituents of Huntington Village joined together to rebuild the church as it stands today. The large bell encased in the front hall of this building was at one time taken captive by the British. Now it is proudly displayed in a glass case with the slogan "A Town Endures" engraved upon it.

As society has evolved, so has the Old First Presbyterian Church. It now offers a vast range of services for children and adults. Many parishioners have been members since birth and have taken advantage of all that this church offers to this community. Old First Presbyterian remains the largest Presbyterian church on Long Island with a following of 680 members.

In closing, Madam Speaker, I would like to express my admiration of a community that has worked so diligently ensuring that a true piece of history remains functioning to this day. Old First Presbyterian serves as a reminder of our Nation's rich history and a source of inspiration to its members.

A PROCLAMATION HONORING COMMANDER GRADY JAY WILLIAMS II FOR HIS SERVICE ON BEHALF OF NATIONAL SONS OF AMVETS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Grady Jay Williams II has served as Sons of AMVETS Squadron 95 Commander for two years; and

Whereas, he has held the office of 2nd Vice Commander; and

Whereas, under his leadership Squadron 95 supported the AMVETS "Thank a Vet" program by hosting dinners and supplying food baskets for the needy; and

Whereas, Commander Williams set up a budget providing the Sons of AMVETS 12th District with the necessary funds to continue their excellent service for veterans; and

Whereas, Grady Jay Williams II has worked tirelessly on behalf of veterans: Now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Commander Grady Jay Williams II for his contributions to his community and country.

HONORING JOHNNIE CARR, A FORCE FOR UNITY AND POSITIVE CHANGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize and mourn the passing of Johnnie Carr, a true champion for civil rights. I am humbled and inspired by the change Johnnie Carr was able to realize over the course of her pioneering life. For nearly a century, she fought for equal treatment—remaining never complacent, never satisfied. She was the childhood friend of Rosa Parks and fought alongside her in the historic Montgomery bus boycott. She succeeded Martin Luther King, Jr. in 1967 as president of the Montgomery Improvement Association (the leading force behind the boycott) and she ably served at that post until her passing earlier this month.

But it was her dynamic message of unity—a call to arms that appealed to everyone—that set her apart as a one-of-a-kind healer, a matriarch in a movement as relevant today as it was then.

May we carry with us the exuberance and energy she maintained and aspire to live up to the ideals to which she devoted her extraordinary life of activism.

HONORING JOHN HOREJSI

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the Fairfax County Federation of Citizens Associations 2007 Fairfax County Citizen of the Year, Mr. John Horejsi.

Throughout his career, Mr. Horejsi has demonstrated selfless dedication to his community and committed to improving the lives of those in need. After graduating from the University of Minnesota, he began his career as a caseworker for the Missouri Division of Family Services, and worked his way up to become the Deputy Director 11 years later. In 1974, Mr. Horejsi moved to Washington D.C., and joined the American Public Welfare Association as a staff associate. Four years later, he became a program analyst at the Department of Health and Human Services' (HHS) Office of Family Assistance and later served as a Program Specialist at HHS. Since retiring after more than 40 years of dedicated service, Mr. Horejsi has fully committed himself to working for the Social Action Linking Together (SALT), a faith-based advocacy network he founded.

Over the years, the SALT Network has grown in size to over 1,000 members who advocate for social justice and fight to positively influence local public policy on behalf of low-income families. Since its founding, SALT has developed bi-partisan support in Fairfax County and Richmond for legislation that seeks to improve the conditions of: statewide homelessness, child support for low income families, oversight of problematic nursing homes, and taxation for food stamps. The organization has effectively lobbied Richmond by sending out e-mail updates and alerts about legislation, hosting annual training conferences to educate members, setting up meetings with state legislators, and coordinating an annual advocacy day in the capital city. Recently, Mr. Horejsi has been utilizing the SALT network to secure funding for childcare subsidies targeting low-income working families in Virginia, so that their children have access to safe and quality childcare and parents do not leave the workforce in order to qualify for the state benefits.

Mr. Horejsi has always been willing and able to step forward when his fellow citizen was in need. His work with the SALT network has earned him the respect and support of many citizens in the community. I could not think of anyone more deserving of the Citizen of the Year award. Mr. Horejsi should be proud of his career and his accomplishments.

Madam Speaker, in closing, I would like to commend and congratulate Mr. Horejsi on his impressive record of service to Fairfax County and the citizens of the Commonwealth of Virginia. I call upon my colleagues to join me in honoring Mr. John Horejsi, the 2007 Fairfax County Federation of Citizens Associations Citizen of the Year.

A PROCLAMATION HONORING THE 140TH ANNIVERSARY OF THE OHIO COLLEGE ASSOCIATION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, the Ohio College Association celebrates its 140th anniversary with great joy; and

Whereas, this milestone is the result of what a hardworking people began in 1867; and

Whereas, the Ohio College Association has unwaveringly served Ohio, its citizens, and the higher education community by promoting higher education within the State of Ohio; and

Whereas, past accomplishments have included defining and accrediting baccalaureate curricula, middle school student recruitment, joint/group purchasing, and property and casualty insurance programs; and

Whereas, the Ohio College Association looks forward to continuing service to the citizens of Ohio and its outstanding institutions of higher education: Therefore be it

Resolved, That along with its friends, family, and the residents of the 18th Congressional District, I congratulate the Ohio College Association for its service and dedication.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, March 4, 2008, my plane was delayed due to weather and I was unable to cast my vote on Suspending the Rules and passing H.R. 1143, H.R. 1311, and H.R. 816 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 88 on suspending the rules and passing H.R. 1143, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, I would have voted ''yea.''

Had I been present for rollcall No. 89 on suspending the rules and passing H.R. 1311, to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, I would have voted ''yea.''

Had I been present for rollcall No. 90 on suspending the rules and passing H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, I would have voted ''yea.''

A PROCLAMATION HONORING ALEXIS ROLL FOR BEING NAMED ONE OF OHIO'S TOP TWO YOUTH VOLUNTEERS FOR 2008

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Alexis Roll is an eighth-grader at East Muskingum Middle School; and

Whereas, she undertakes at least two community service projects each month to assist the homeless and hungry, senior citizens, orphaned pets, and others in need of assistance; and

Whereas, Ms. Roll is constantly looking for needs in her community and actively filling them; and

Whereas, as a State Honoree, Alexis will receive a $1,000 award, an engraved silver medallion, and a trip to Washington, DC, for the program's national recognition events in May; and

Whereas, she has selflessly served the needs of her community and encourages those around her to do the same: Now, therefore, be it

Resolved, That along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Alexis Roll for her service to Zanesville and the State of Ohio. Congratulations to Alexis Roll on her selection as one of the top two youth volunteers in Ohio for 2008.

LEV PONOMAREV AND THE FUTURE OF FREEDOM IN RUSSIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. HASTINGS of Florida. Madam Speaker, as President Vladimir Putin ends his presidency of the Russian Federation and his anointed successor, Dmitry Medvedev, prepares to take over, I would call the attention of my colleagues to what I consider an alarming backward step recently taken by the Kremlin in the area of civil liberties and freedom of speech.

Last week, we learned that criminal charges have been filed against human rights activist Lev Ponomarev for allegedly slandering the head of the Russian prison system, General Yuri Kalinin.

Mr. Ponomarev had charged publicly that so-called ''torture camps'' have been established in certain penal colonies under General Kalinin's jurisdiction. If taken to court and convicted, Mr. Ponomarev could be fined, or even imprisoned for as much as 3 years.

Mr. Ponomarev, the leader of the Moscow-based organization ''For Human Rights,'' is a veteran human rights campaigner, going back to the Soviet era. He recently met with the staff of the Helsinki Commission, of which I am honored to serve as chairman, to share his concerns about what he feels is a pattern of systematic abuse and violence in Russia's penal system. The slander charges were filed when he returned to Moscow.

Madam Speaker, I make no judgment about the substance of Mr. Ponomarev's contentions. Nevertheless, I would point out that much of what he stated has already been publicized in the Russian media and by the office of the Russian State Duma's human rights ombudsman. It would appear that Mr. Ponomarev is being prosecuted not for any genuine crimes he may have committed, but for his prominent and long-time human rights activity. If this is indeed the case, he joins a growing number of Russian citizens who have been subjected to questionable legal procedures by authorities as a result of their political activities.

Unfortunately, this situation is symbolic of larger problems in Russia that are recounted very well in a February 25th editorial by Washington Post columnist Jackson Diehl entitled, ''Holding Medvedev to His Words.''

I would like to submit this article for the RECORD and I urge my colleagues to read it to better understand the challenges faced by Russian citizens who work for human rights and civil society in today's Russia.

[From the Washington Post, Feb. 25, 2008]

HOLDING MEDVEDEV TO HIS WORDS

(By Jackson Diehl)

Dmitry Medvedev, the man Vladimir Putin has appointed to be elected as Russia's president next Sunday, is so slavishly devoted to his patron that he has begun imitating his physical quirks. That includes ''how he lays his hands on the table or how he stresses key words in speeches,'' not to mention walking with ''fast and abrupt steps,'' according to the Reuters journalist Oleg Shchedrov.

Medvedev presumably won't be exercising his power as president to dismiss the prime minister—the position Putin is about to assume—anytime soon. Yet the diminutive 42–year-old former law professor has been making some interesting statements the past couple of weeks. For example: ''Russia is a country of legal nihilism. No European country can boast such a universal disregard for the rule of law.''

Or: ''Freedom is inseparable from the actual recognition by the people of the power of law. The supremacy of the law should become one of our basic values.'' Or: ''One of the key elements of our work in the next four years will be ensuring the independence of our legal system from the executive and legislative branches of power.''

It's hard to believe that Medvedev could mean this. After all, the man he is to succeed has, according to estimates by Russian and Western analysts, accumulated a $40 billion fortune while in office, ranging from shares in Russian energy companies to an apartment in Paris. On his watch, 14 journalists—almost all of them Kremlin critics—have been murdered, but none of the killers has been brought to justice. Relations with Britain are icy, thanks to Putin's refusal to act on Scotland Yard's case against the former KGB agent it says poisoned a Putin critic in London.

But criminality isn't limited to the Kremlin; it may be Russia's single greatest problem. Average citizens are frustrated by everything from the bribes necessary to obtain simple services to the extortion practiced by police and the susceptibility of judges to payoffs, as well as political orders. Promising the rule of law—even if he doesn't apply it to Putin and his circle—may be the

juiciest pre-election promise Medvedev can make.

In any case, his pledge was seized upon by Lev Ponomarev, the courageous and pragmatic leader of the Russian movement For Human Rights, which is fighting an uphill battle to retard the country's return to Soviet-style lawlessness. Ponomarev was in Washington this month to lobby the Bush administration and the presidential campaigns; as he explained it, Russia's presidential transition offers a rare opportunity for outsiders to press Moscow to adhere to basic international standards.

''I don't have any big illusions,'' Ponomarev told me. ''I think Mr. Medvedev is just another face of Mr. Putin. On the other hand it provides an opportunity to follow up on the rhetoric about the rule of law. If Mr. Medvedev says A, maybe it is possible to pressure him to say B. What can B be? It can be specific steps for restoring and enforcing legal norms.''

Ponomarev said that President Bush and his successor can start by pushing Medvedev to stop using the law as an instrument of political repression. That would mean ending such practices as the prosecution of liberal academics on bogus espionage charges; the involuntary commitment of opposition activists to psychiatric wards, or their draft into the military; and the campaigns against human rights and other civil society groups based on supposed tax violations or breaches of local ordinances.

Next comes what Ponomarev called ''the torture camps'': a re-emerging gulag of some 50 prison colonies, closed to the outside world, where prisoners are subjected to systematic violence and abuse. Ponomarev's group has documented these practices in photographs and videos smuggled out of the camps, many of which are controlled by the same officials or clans that managed them in the Soviet era.

Finally, there is the legal persecution of those who report such truths. On Friday, state prosecutors brought criminal charges against Ponomarev himself, claiming that he had slandered Gen. Yuri Kalinin, the head of the prison camp system. Ponomarev's travel documents were also revoked; his lawyers believe he is being punished for speaking out in the United States.

''It seems to me that a country that is a member of the G–8,'' the group of rich democracies that Russia was allowed into a decade ago, ''cannot afford to have political prisoners and to have torture in its prison camps,'' Ponomarev said to me. It also shouldn't be allowed to prosecute human rights activists who try to promote the rule of law. Medvedev ought to be asked by President Bush and other Western leaders to explain how his talk of ending ''legal nihilism'' squares with the charges against Ponomarev—before the new president gets his first invitation to a G–8 summit.

A TRIBUTE TO PASTOR EMERITUS A.D. THOMAS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SCHIFF. Madam Speaker, I rise today to recognize Pastor Emeritus A.D. Thomas, who is celebrating more than 50 years in the ministry.

Pastor Thomas began serving in the ministry in the late 1950s at Saint Matthew Baptist Church in Merced, California. In 1966, he was called to be pastor of Lincoln Avenue Baptist Church in Pasadena, where he ministered for 28 years, until his retirement in 1994.

Under Pastor Thomas' leadership at Lincoln Avenue Baptist Church, many milestones were achieved. A few of the landmark achievements include the purchase of the church's surrounding property, construction of a new sanctuary and the A.D. Thomas Educational Center and the incorporation of Lincoln Avenue Baptist Church.

Many youth-oriented programs were created under Pastor Thomas' guidance, including a scholarship ministry, BEST after-school program, children's church, vacation bible school, youth choir, and Baptist Youth Fellowship. Other programs created during his tenure were the Nurses Guild, food outreach—clothing ministry, the Board of Christian Education, the transportation department, and new membership ministry. Pastor Thomas has also given generously of his time and experience to many community and church-affiliated organizations, such as the Interdenominational Ministerial Alliance.

Pastor Thomas and his wife, Dr. Sandra Thomas, long-time Altadena residents, have three children, Michael, Vincent, and Rosalyn, and six grandchildren.

I ask all Members of Congress to join me in congratulating Pastor Emeritus A.D. Thomas for his lifetime commitment to religious services and the betterment of the community.

RECOGNIZING THE ABILITYONE PROGRAM

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Ms. MOORE of Wisconsin. Madam Speaker, today I pay homage to an unsung hero among Federal programs. This initiative has found innovative ways to employ the blind and severely disabled persons among us. I am speaking, of course, of the AbilityOne Program, formerly known as the Javits-Wagner-O'Day Program, which in FY07 created over 40,000 quality jobs for Americans who were blind and/or severely disabled. Because of this program, blind and severely disabled people are able to gain skills and training that have helped them to find meaningful employment, which ultimately improved their quality of life.

Thanks to the AbilityOne program, blind and severely disabled people have more opportunities to more fully participate in society. Traditionally, people with these conditions are left with no other alternative but to rely heavily on Government programs such as SSI to support themselves. AbilityOne gives them more control over their own lives and destinies by allowing them to significantly reduce their dependence on Government resources. Recent studies have shown that the AbilityOne's employment program creates a positive net impact of $46.75 million to Federal and State governments in both reduction of entitlements and increases of payments employees make through income and payroll taxes. Moreover, this program also helps them to enhance their self esteem by giving them alternative ways of defining themselves, their place, and their purpose in the world.

Goodwill Industries of Southeastern Wisconsin Inc. is able to provide sound employment opportunities and training for 935 blind and disabled people through the AbilityOne Program. National Industries for the Blind and NISH, along with local nonprofit organizations in Milwaukee, Wisconsin are creating new employment opportunities for people who are blind or disabled. These local programs right here in our community make possible the economic and personal enhancement of physically disadvantaged people.

I commend the efforts of AbilityOne and Goodwill Industries of Southeastern Wisconsin Inc. in fighting to bring new opportunities and resources to those that are blind or severely disabled. The remarkable contributions that they have made to communities in and around Milwaukee are significant and worthy of recognition.

IN HONOR OF JEFF NORMAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. FARR. Madam Speaker, I rise today with a heavy heart to pay tribute to the life and memory of a dear friend, Jeff Norman, who died last fall at the young age of 56. Jeff was a longtime resident of Big Sur in my central California Congressional District. He was many things in his short life: botanist, historian, author, activist, to name just a few. But to the many people whose lives Jeff touched, he will always be remembered as a friend, an inspiration, a pillar of support in times of need, and the possessor of a most acute acid wit that could add humor and common sense to the most tense and fractious meeting.

Jeff was born in Oakland, CA, and moved to Pebble Beach in 1962 with his parents, Don and Kathy Norman. He found his life's work as a naturalist at a very young age. While only 14, he discovered a fern unknown in Monterey County at Pico Blanco Boy Scout Camp. At 15, he was the youngest person hired as a lab technician at Hopkins' Marine Station. He graduated from Pacific Grove High School in 1969 and then attended UCSC.

Jeff's childhood experiences in the Big Sur area drew him back to the coast following college. He built a life for himself in this creative and fiercely independent community of the Big Sur coast. He lived in Palo Colorado and Bixby Canyons, and on the Post Ranch. In 1980, Jeff purchased his dream home, Alta Vista, a unique, handsplit redwood cabin that was built in the 1920s by the Overstroms, a homesteading couple. Jeff lived for 28 years in his beloved remote sanctuary three miles above the highway with no road access. It was a life that few still choose to live in modern America, but Jeff sought it out with both gusto and grace. Yet Jeff was very much connected to the world around him, especially the people, history, and environment of Big Sur. Indeed, his life's work was the preservation of both the natural and social fabrics of Big Sur.

Jeff's enthusiasm for gathering information, seeking answers, and solving puzzles was insatiable. He found equal joy in discovering a new species of clover or swapping wild tales with an old timer. As a consulting biologist he was fiercely protective of the unique ecology of the Big Sur region. Over the years he worked as a biologist for many different organizations, including the U.S. Forest Service, CA State Parks, UC Santa Cruz, the Big Sur Natural History Association, the Esalen Institute, and the Monterey County Planning and Building Department, among others. An active member of the California Native Plant Society, he was a consultant for the Big Sur Land Trust and the Monterey Pine Forest Watch.

As a social historian, Jeff was a friend and chronicler of the larger-than-life characters of Big Sur, including homesteader families such as the Posts, Harlans, Ewoldsens, Pfeiffers, and Trotters, artists and bohemians, intellectuals, conservationists, ranchers, and other folk. He was in his element when he was lecturing on local history and natural history at libraries, museums, Pacific Valley School and Big Sur Elderhostel or presenting talks on Robinson Jeffers for the Tor House Foundation. He was a charter member of the Big Sur Historical Society and past president and member of the Friends of the Big Sur Library. In 2004, Jeff co-authored Images of America: Big Sur with the Big Sur Historical Society, a book that traced the history of the coast from the days of the homesteaders with numerous never-before-seen photographs of the coast. He also co-authored Big Sur Observed with Kip Stewart in 1994, and was a major contributor to Donald Clark's Monterey County Place Names (1991). At the time of his death he was energetically at work on a new book about the bohemians of Big Sur.

Madam Speaker, I know that I speak for the whole House in extending my condolences to Jeff's family and friends. He will be greatly missed. He had mastered the art of a life well lived. So while we mourn his passing we are grateful for the spark of wonder and stewardship that he ignited in all of us.

RECOGNIZING THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize the Uni-Capitol Washington Internship Program. Since the inception of the Uni-Captiol program, I have participated in this relationship building program that brings some of Australia's best and brightest future leaders to Washington. I have benefited greatly by the work of unique and talented individuals that produced top-notch work to both of my offices. In my personal office I have participated in the Uni-Captiol Washington Internship Program for the last nine years. This is the first year that I have also hosted an intern at the Commission on Security and Cooperation in Europe in my capacity as Chairman.

I have been pleased to host two amazing young women, Siobhan Coughlan and Katrina Mae.

Siobhan Coughlan, who is in her third year at the University of Queensland, first arrived in the Helsinki Commission's office on January 3, 2008, and since then has provided able, thorough, and important assistance to the professional staff of the Commission. Over the past two months with the Commission, Siobhan has demonstrated her honorable personal character and integrity in the way she confronted the topic of human rights and democratic principles and the manner in which she interacted with staff on economic development and tolerance issues in a domestic and international context. Siobhan has served our organization in a number of capacities, and at each stage has proven to be valuable because of her professionalism, her drive to succeed, and her ability to work well within a group dynamic. Siobhan always demonstrated the highest level of conscience in keeping the respectability of our program as she sought to achieve our common goals. Siobhan brought her courteous and positive demeanor to hearings, briefings and events that the Commission held and events she attended on behalf of the staff here at the Commission. Much as been gained by having an international student at our side and Siobhan has greatly contributed her experiences, ideas, and thoughts that are shared by our good Australian friends across the water. I am delighted that she's able to extend her internship for another two months.

In her short time here, Katrina Mae has become an indispensable asset to my office. An undergraduate law student at the University of Wollongong, Katrina came to my office with an ardent interest in civil rights and a desire to work with individuals who support policies that encourage tolerance and cooperation across racial and cultural lines. Over the course of her two months, she has attended hearings and briefings on a myriad of policy issues, drafted countless constituent correspondence, assisted visitors and callers in her always patient and thoughtful manner, and helped several staffers with legislative research and special projects. While her professional skills and academic credentials are certainly impressive, Katrina is also an absolute pleasure to work with. No matter the assignment, she is always eager to help and approaches every new task with a smile. The anecdotes of her adventures as a first-time visitor to the United States were a constant source of entertainment, and her tales of life in Australia gave our office a greater understanding of her country's rich history, culture, and values. Katrina arrived on Capitol Hill hoping to acquire a better understanding of the U.S. legislative process, and it is my sincere hope that she benefited as much from this experience as we did from having her with us.

Madam Speaker, in addition to Siobhan and Katrina, I am delighted to recognize our colleagues here in the House and other colleagues in the Senate who have been congressional hosts in 2008:

James Paterson of Melbourne University, interning with Rep. LINCOLN DIAZ-BALART; Monique Salm of Griffith University, interning with Sen. CHUCK HAGEL; Madelene Fox of Deakin University, interning with Rep. JERROLD NADLER; Lucas Robson of Melbourne University, interning with Sen. CHRISTOPHER DODD; Clare Anderson of Griffith University, interning with Rep. JOHN TIERNEY, Stephanie Lyons of the University of Canberra, interning with Rep. SAM FARR; Suzanne Allan of the University of Canberra, interning with Sen. MIKE CRAPO; Katrina Mae of the University of Wollongong, interning with Rep. ALCEE HASTINGS; Stella Rieusset of Melbourne University, interning with Rep. MIKE CASTLE; Anthony Bremner of the University of Queensland, interning with Rep. JAMES CLYBURN and the Majority Whip's office; Tim Goyder of the University of Western Australia, interning with Del. ENI FALEOMAVAEGA; and Ally Foat from the University of Queensland, interning with Rep. JAMES CLYBURN.

Let it not go unnoticed the hard work that goes into the Uni-Capitol Internship Program is done by founder Eric Federing. Eric is a former senior House and Senate staffer of a dozen years, who successfully combined his experience in Washington with his extensive travels and lectures throughout Australia into an ingenious program of diplomatic exchange through cultural appreciation and understanding. I have said in the past that I heartily congratulate him on making his vision a reality. This program is a step in the right direction of supporting our young people who have a passion for and commitment to civic engagement and public service.

Over the last nine years, my staff and I have greatly benefited from the relationships that have been made from the result of this program as it continues to provide all of us an extraordinary experience with our friends on the other side of the ocean. It has been a great privilege to host Siobhan and Katrina and I ask all my colleagues to extend their open arms to the Uni-Captiol Internship Program and to our Australian friends in the future.

A TRIBUTE RECOGNIZING THE 47TH ANNIVERSARY OF THE PEACE CORPS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize and commend the 190,000 former and current volunteers of the United States Peace Corps, as we celebrate the 47th Anniversary of this extraordinary agency.

In a 1960 speech to students at the University of Michigan, President Kennedy issued one of his most historic challenges. He asked Americans to trade the comforts of home for the adversities of volunteer work overseas and, in doing so, serve our country by serving the rest of the world.

President Kennedy's original mission for the Peace Corps remains unchanged today. The Peace Corps volunteers—who range from college graduates to retirees with decades of experience—help the people of host countries by sending trained men and women with expertise in a variety of professional fields. The volunteers also promote a better understanding

of Americans abroad and create bonds of friendship that last a lifetime.

More than 8,000 Peace Corps volunteers currently serve in 74 countries. In some of the most deeply impoverished regions of the world, the volunteers are often the first glimpse of America that the people have ever encountered. These volunteers make significant and lasting contributions in each host country through their work in agriculture, business development, information technology, education, youth, environment, health and HIV/AIDS.

Through the President's Emergency Plan for AIDS Relief, PEPFAR, Peace Corps volunteers continue to meet the challenges of the HIV/AIDS pandemic working both formally and informally in 10 of the 15 focus countries. In 2007, approximately 93 percent of all Peace Corps posts contributed to HIV/AIDS activities. These volunteers assisted more than 1 million people.

I am especially proud of the seven volunteers from the 34th District currently in service with the Peace Corps. These remarkable men and women from my Los Angeles district and the countries they are currently serving in are as follows: Jennifer Baez, Ecuador; Roberto Dubon, Paraguay; Anna Frumes, Ukraine; Joyce Hahn, Azerbaijan; Roanel Herrera, Panama; and Christina and Justin Senter, Mauritania in North-West Africa. I congratulate them and all of the 821 Californians currently serving around the globe as Peace Corps volunteers.

I also thank Peace Corps Director Ron Tschetter, himself a former volunteer in India, for his service at the Corps's helm since September 2006. Mr. Tschetter is the latest in a long line of distinguished Peace Corps Directors that includes Jack Vaughn, Carol Bellamy and, of course, Sargent Shriver, who served as the organization's first leader under President Kennedy.

Peace Corps volunteers each cross the borders of language and culture to inspire new perspectives, provide real assistance in their host countries, and extend American values and friendship around the world. They are a unique and effective corps of informal ambassadors for this country.

Madam Speaker, as the organization observes its 47th Anniversary, please join me in congratulating Ron Tschetter and the Corps's thousands of volunteers on a job well done. They truly represent the best of what our great Nation has to offer.

INTRODUCTION OF THE CHESAPEAKE GATEWAYS AND WATERTRAILS NETWORK REAUTHORIZATION

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SARBANES. Madam Speaker, I rise today to introduce legislation to reauthorize the Chesapeake Bay Gateways Network (CBGN), which will otherwise expire at the end 2008. The CBGN provides grants to parks, volunteer groups, wildlife refuges, historic sites, museums, and water trails throughout the Chesapeake Bay watershed. The Network ties these sites together to provide meaningful experiences and foster citizen stewardship of the Chesapeake Bay. Since 2000, it has grown to include 156 Gateways in six States and the District of Columbia, and over 1500 miles of established and developing water trails.

My own Congressional District includes several such Gateways sites. For example, the Annapolis Maritime Museum, which sits on the banks of Back Creek, promotes an understanding of the maritime heritage of Annapolis and how that history has influenced the evolution of the State of Maryland. The museum campus occupies the site of the old McNasby's Oyster Packing Company. For years, from the shores of the Back Creek and other tributaries, watermen came and went delivering their daily catch. Boatwrights and craftsmen ran boatyards to sustain the industry. Employees of McNasby's and other businesses shucked, canned, and shipped oysters and other seafood as far as the Rocky Mountains. The maritime and seafood industry made Annapolis a prosperous town—and they were all connected to and dependent upon the Chesapeake Bay. The Annapolis Maritime Museum teaches current residents and youth about this connection to the water and how it continues to influence our culture and economy to this day.

As reported in the Baltimore Sun late last year, the museum has established a program with Eastport Elementary School to connect students with the Chesapeake Bay through activities that fit into their studies in reading, math, and science. The students participate in activities such as ''measuring water temperature, salinity and clarity; they observe, measure and document the museum's terrapins and oysters; and account for funds they're raising to support the upkeep of the terrapins.'' These kinds of programs have a profound and long lasting impact on students as evidenced by the feedback from one parent who said, ''My child has become more excited and interested in the bay and what it means to the area where he lives.''

By maintaining the Gateways network and providing access to sites such as the Annapolis Maritime Museum, we can help develop the next generation of environmental stewards, which is one of the best ways to truly ''Save the Bay.'' It is therefore critical that we act now to reauthorize the Gateways program so that the Network and its partners can continue to educate residents of the Chesapeake Bay watershed about how their communities relate directly to the health of our largest estuary and a national treasure—the Chesapeake Bay.

TEXAS INDEPENDENCE DAY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. GENE GREEN of Texas. Madam Speaker, Sunday, March 2, 2008, marked Texas Independence Day. 172 years ago that day, the Texas Declaration of Independence was ratified by the Convention of 1836 at Washington-on-the-Brazos.

Driven by the same spirit of freedom that drove the patriots of the American Revolution to throw off the shackles of tyranny and oppression, the Texas Declaration of Independence was produced, literally, overnight. Its urgency was crucial, because while it was being prepared, the Alamo in San Antonio was under siege by Santa Anna's army of Mexico.

Immediately upon the assemblage of the Convention of 1836 on March 1, a committee of five of its delegates was appointed to draft the document. The committee worked long into the night to prepare the declaration. It was briefly reviewed, then adopted by the delegates of the convention the following day.

The declaration was an announcement to the world that all Texans would fight to protect their rights. The declaration stated that they would no longer live under the dictatorship of Santa Anna or a government that had been ''forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism.''

It spoke of the numerous injustices inflicted upon the settlers of the state then known as Coahuila y Tejas: the elimination of the state's legislative body; the denial of religious freedom; the elimination of the civil justice system; and the confiscation of firearms, this last one being the most intolerable, particularly among Texans.

The declaration stated that Texas was 'a free, sovereign, and independent republic . . . fully invested with all the rights and attributes' that belong to independent nations; and a declaration that they 'fearlessly and confidently' committed their decision to 'the Supreme Arbiter of the destinies of nations.'

The Texan Army was ready to defend itself from the oppression of Santa Anna and his army. Outnumbered by the vastly larger Mexican army, approximately 200 Texans and Tejanos under the leadership of Lt. Colonel William Barrett Travis and Tennessee Congressman David Crockett made their stand in the defense of Texas at an old Spanish mission known as the Alamo.

They bravely held their position for 13 days, enduring wave after wave of attack, and on the morning of March 6, 1836, they made the ultimate sacrifice for freedom as they were killed in action defending Texas at the Alamo. Two weeks later on March 27, 1836 Colonel James W. Fannin and 300 men under his command were massacred by Santa Anna's army at Goliad.

The sacrifices made at the Alamo and Goliad would not be forgotten as they became the battle cry of the Texan Army: ''Remember the Alamo. Remember Goliad!''

On April 21, 1836 a much smaller Texan Army led by General Sam Houston launched a surprise attack on the much larger Mexican force at San Jacinto. After only 18 minutes the Battle of San Jacinto was over, and Texas had won its independence.

That battle is memorialized along the San Jacinto River with the San Jacinto Monument in Baytown, Texas in the 29th district, the district I represent.

Texas Independence Day is important to all Americans because the events show that the

brotherhood of freedom can be stronger than the brotherhood of ethnicity or nationality, as Tejanos proved at Gonzalez, Bexar, Goliad, the Alamo, along the banks of the San Jacinto River, and in the government of the Republic of Texas.

People sometimes wonder what makes Texas and Texans so different, and I believe part of that answer is that the desire for freedom that gave us the first Texas Independence Day is still alive today.

Madam Speaker, I hope that Congress and this whole country join all Texans in honoring these brave men who stood up for liberty and freedom 172 years ago. God Bless Texas and God Bless America.

TO COMMEND RIPON COLLEGE FOR ITS INNOVATIVE APPROACH TO PROMOTING THE USE OF BICYCLING ON CAMPUS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. OBERSTAR. Madam Speaker, I rise today to commend Ripon College for the exciting, innovative approach it is implementing to tackle transportation needs on their campus. Ripon College, a liberal arts college in Wisconsin, last year faced for the first time a greater number of applications for parking permits than they had available spaces. In today's car-centric society, most people would have addressed this problem by laying more asphalt.

But the Ripon College president, David Joyce, refused to consider the idea of paving over any more of Ripon's beautiful and historic campus. Instead, he championed the school's new ''Velorution'' program, which provides free bicycles for incoming freshman who pledge not to bring a car to campus.

With contributions from trustees and alumni, the university teamed up with several bike retailers to provide each car-free freshman with a Wisconsin-built Trek 820 mountain bike, a helmet, and a bicycle lock.

For too long, our transportation planning and decision-making have focused solely on the automobile. It's time we support nonmotorized transportation for the many benefits it can bring. This program provides a fun and easy way for students to incorporate exercise into their daily routines, and can encourage a lifetime of healthy, active transportation choices. The program will also take cars off the road, reducing greenhouse gas emissions and the negative impact our transportation system has on the environment.

Ripon College is following in the footsteps of their representative, the gentleman from Wisconsin, Mr. PETRI, who is a leading cycling advocate in Congress. Mr. PETRI co-chairs the Congressional Bicycle Caucus, previously served as Chairman of the Subcommittee on Highways and Transit of the Committee on Transportation and Infrastructure, and has been a leader in the development of the Nonmotorized Pilot Program, which has shown early success in promoting walking and cycling as important modes of transportation in his district. Ripon College is fortunate to be led by the gentleman's vision and understanding of the necessity of making sustainable transportation choices.

I commend President Joyce and Ripon College for their fresh vision for meeting the transportation needs of students, and hope that their program will be an inspiration for colleges and universities across the country to develop sustainable communities.

HONORING KNOXVILLE COLLEGE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. DUNCAN. Madam Speaker, I rise today to recognize Knoxville College, a predominantly African-American institution in my hometown.

On March the 6th, Knoxville College will hold its 110th Founder's Day Celebration.

The school was founded by Reverend Joseph Gillespie McKee, a Presbyterian minister who came to the United States from Ireland in 1852.

It was during the American Civil War that Mr. McKee settled in Nashville, Tennessee and organized the school for black people.

East Tennessee was settled primarily by very poor Irish and Scots-Irish immigrants and in 1875 the school was moved from Nashville to Knoxville, Tennessee, where it stands today.

Thousands of graduates have gone on to serve our country and communities well in their chosen fields.

Today, many young people come from all over the United States and several other countries to receive the special attention that Knoxville College can give.

I am very proud to have this College in my hometown, and I am sure they will continue to serve its students well for many years to come.

TRIBUTE TO MRS. BETTY SEMBLER

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. PUTNAM. Madam Speaker, I am honored to congratulate Mrs. Betty Sembler as she receives the Drug Enforcement Agency Museum Foundation ''2008 Lifetime Achievement Award.'' It is certainly well-deserved as she has dedicated her life to helping prevent and mitigate drug use among our Nation's younger generation.

Most notably, Mrs. Sembler helped found the Drug Free America Foundation, a nonprofit organization dedicated to developing, promoting and sustaining global strategies, policies and laws that will reduce illegal drug use, drug addiction, drug-related injury and death.

Through her efforts, the Drug Free America Foundation has helped raise awareness about drug use and its harmful effects to kids across Florida, our Nation and the world. Having received Special Consultative Status with the Economic and Social Council of the United Nations, Mrs. Sembler has worked collaboratively with other non-governmental organizations globally to support international efforts to sustain sound drug policy. In fact, the Foundation convened the International Task Force on Strategic Drug Policy in 2001 which is now composed of more than 20 member nations who help advise governments to effect change in their nations.

Her accomplishments do not stop there. Mrs. Sembler helped re-launch the ''Students Taking Action Not Drugs,'' or STAND, which has launched several public-service campaigns regarding drug use and help youth with addiction problems find help. Their mission is to use science-based principles to educate college students about the danger of drugs and reduce drug use among 18- to 25-year olds. She has also been instrumental in working with and combining forces with other related organizations, including the National Drug-Free Workplace Alliance, which was merged with the Drug-Free Workplaces if Tampa Bay project in 2006.

In short, Mrs. Sembler has led an active life of public service that has greatly benefited her state and Nation, and I am so pleased she is receiving this prestigious award. Congratulations Betty, I wish you and your family continued success.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Ms. LEE. Madam Speaker, on October 23, 2007 the House passed H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007. My vote in support of this bill was an error. I am concerned that this legislation creates the appearance that our constitutional rights could be undermined or that peaceful dissent and protest could be discouraged. I would like the RECORD to reflect that I stand in opposition to this legislation.

A PROCLAMATION HONORING MATTHEW SEGAL FOR HIS SELECTION AS REPRESENTATIVE FOR OHIO'S 18TH CONGRESSIONAL DISTRICT IN MOBILIZE.ORG'S PARTY FOR THE PRESIDENCY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2008

Mr. SPACE. Madam Speaker:

Whereas, Matthew Segal is a sociology major at Kenyon College and resident of Gambier, Ohio; and

Whereas, he is the founder and executive director of the Student Association for Voter Empowerment (SAVE), a student-led, nonprofit, non-partisan organization aimed at increasing young voter participation and increasing civic awareness for young people; and

Whereas, Mr. Segal is a senior fellow and national challenge coordinator with the Roosevelt Institution, the nation's first student think-tank; and

Whereas, representatives at the Party for the Presidency will develop and implement strategies to inspire a stronger connection between elected officials and underrepresented American citizens; and

Whereas, Matthew Segal will honorably represent Ohio's 18th Congressional District in the Party for the Presidency; Now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Matthew Segal for his service to Kenyon College and the 18th District of Ohio. Congratulations to Matthew Segal on his selection as the 18th Congressional District of Ohio's representative for the Party for the Presidency.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 6, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the current employment situation of 2008.
SD–628

MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine the defense authorization request for fiscal year 2009 for U.S. Pacific Command and U.S. Forces in Korea, and the future years defense program.
SH–216

Veterans' Affairs
To hold an oversight hearing to examine Veterans Affairs and the Department of Defense cooperation and collaboration, focusing on caring for families of wounded warriors.
SR–418

10 a.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the U.S. Army Corps of Engineers Civil Works Program, and the implementation of the Water Resources Development Act (WRDA) of 2007 (Public Law 110–114).
SD–406

Appropriations
Interior, Environment, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of the Interior.
SD–124

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2009 to support U.S. basic research.
SR–253

10:15 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine evaluating United States policy options on the Horn of Africa.
SD–419

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the condition of the nation's infrastructure, focusing on proposals for needed improvements.
SD–538

11 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the broken pipeline, focusing on losing opportunities in the life sciences.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Department of Transportation's Cross-Truck pilot program.
SR–253

Foreign Relations
To hold hearings to examine the North Atlantic Treaty Organization (NATO), focusing on enlargement and effectiveness.
SD–419

Judiciary
To hold hearings to examine the nomination of Grace C. Becker, of New York, to be Assistant Attorney General for the Civil Rights Division, Department of Justice.
SD–226

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MARCH 12

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To receive a briefing on the current readiness of the armed forces of the United States.
SH–219

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Housing and Urban Development and conduct oversight.
SD–538

Rules and Administration
To hold hearings to examine issues relative to in-person voter fraud and voter disenfranchisement.
SR–301

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine strategic forces programs in review of the defense authorization request for fiscal year 2009 and the future years defense program.
SR–232A

10:30 a.m.
Aging
To hold hearings relative to doctors and prescription drug information and reviews.
SD–562

1:30 p.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine the gross domestic product as a measurement of national strength.
SR–253

2 p.m.
Judiciary
To hold hearings to examine Generation Rx, focusing on the abuse of prescription and over-the-counter drugs.
SD–226

Armed Services
SeaPower Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, for the strategic lift programs, and the future years defense program.
SR–222

2:15 p.m.
Energy and Natural Resources
To hold hearings to examine hardrock mining, focusing on issues relating to abandoned mine lands and uranium mining.
SD–366

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine the United States and Vietnam, focusing on the bilateral relationship.
SD–419

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine technologies to combat weapons of mass destruction.
SD–106

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.
SR–232A

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Federal Judiciary.
SD–138

MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for the United States European Command and the United States Afican Command, and the future years defense program.

SH–216

2 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the current readiness of the armed forces, and the future years defense program.

SR–232A

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Security Administration, and the future years defense program.

SR–222

Commerce, Science, and Transportation

Fisheries and Coast Guard Subcommittee

To hold hearings to examine proposed budget request for fiscal year 2009 for the National Oceanic and Atmospheric Administration (NOAA).

SR–253

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine old-growth forest science, focusing on policy and management in the Pacific Northwest region.

SD–366

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

APRIL 8

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Federal Trade Commission reauthorization.

SR–253

HOUSE OF REPRESENTATIVES—*Thursday, March 6, 2008*

The House met at 10 a.m.

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

Loving God, ever attentive to human need and openness, for some believers, You are distant and to be feared, only to be encountered in some mysterious happening or at the end of life. To other believers, Lord, You are ever present, sustaining all life, to be discovered just beneath the surface of each ordinary day. Perhaps it is Your love itself that arranges for us to experience at that precise moment what is the best and holiest thing that could ever happen to us.

Since the art of timing seems so important to us in the teaching of our young people, in the exercise of the free market, as well as in love and politics, perhaps it is best for us, too, to leave the timing of Your self-revelation also in Your hands.

Your wisdom in knowing us may best serve those who pray. For then, we will commend not only our concerns, our loved ones, our very selves, but our times to You, with the words: ''In God we trust.''

Even in Your timing, O God, we trust, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute requests from each side of the aisle.

BISHOP PAUL S. MORTON

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

Mr. JEFFERSON. Madam Speaker, I rise today to pay tribute to a peerless religious leader in our country, Bishop Paul S. Morton, who has been on a mission for God as pastor of Greater St. Stephen Full Gospel Baptist Church for the past 33 years.

He took the helm of Greater St. Stephen when he was 24 years old, and at that time the church had nearly 1,000 members. Over the next 30 years, through dynamic leadership as a premiere pastor, teacher, and award-winning gospel singer, the membership of the church grew to over 20,000 members, the largest church in my State of Louisiana, and one of the largest in the Nation. He is now retiring as its pastor.

In 1994, God gave Bishop Morton the vision to found the Full Gospel Fellowship. The fellowship now has over 1,500 churches nationally and internationally, including churches in Western Europe, Western and Southern Africa, India, Japan and the Caribbean.

Bishop Morton will continue to serve as International Presiding Bishop of the Full Gospel Fellowship. We thank God for his service to our community, to our Nation, to the international community, and to almighty God. We wish him God's choicest blessings as he repositions himself for greater service.

TAYLORSVILLE VFW AUXILIARY AND TAYLOR KING SUPPORT DEPLOYED TROOPS

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

Ms. FOXX. Madam Speaker, I rise today in honor of a group of true American patriots.

This past Christmas, a group of citizens in Taylorsville, North Carolina worked hard to communicate to our men and women stationed overseas that they are in our prayers and on our mind.

A civic-minded band of women in the Veterans of Foreign Wars Auxiliary from the rural community of Taylorsville worked together to rally their community to send care packages to local Armed Forces members stationed abroad during Christmas. The sacrifice of military service during Christmas is often overlooked during a time when many of our brave military men and women are stationed abroad, making this effort all the more meaningful to the soldiers they aided.

Thanks to the selfless work of Margaret Milsap, Mary Lasky and Jeanette Stevenson, which was spearheaded by Mary Matthews, more than 80 care packages were sent to 30 deployed soldiers during this past Christmas. Taylor King Furniture, a Taylorsville business, generously footed the entire bill for the mailing of the 80-plus packages.

Together, the VFW Auxiliary and Taylor King provided a slice of home to 30 soldiers serving in foreign countries during Christmas. I hope their example of citizenship and patriotism during uncertain times serves to inspire many more Americans to show their support for our troops who fight for freedom every day.

DR. JACK SMITH, A GREAT AMERICAN

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

Mr. SIRES. Madam Speaker, I wanted to take a moment to recognize a great American, a constituent of mine from Bayonne, New Jersey, Dr. Jack Smith.

After seeing the second plane hit the World Trade Center on 9/11, Dr. Smith immediately left his Bayonne practice and went to help treat victims in Lower Manhattan. He said he felt the world had changed that day, and he decided to enlist in the Army Medical Reserve at the age of 49 years old.

Dr. Smith has since served two tours overseas. He was sent on his first tour to Bagram Air Base in Afghanistan where he served in the 325th Combat Support Hospital Unit. His second tour was with the First Squadron of the 167th RSTA Cavalry Unit in Iraq. There he worked at the battalion aid station, the Air Force Theatre Hospital, and gave medical support for two intelligence gathering missions outside the wire.

When asked about managing his service, family, and practice, Dr. Smith says he's been blessed. I believe we are blessed to have individuals like Dr. Smith serving our country. His courage and service are an example to us all, and I want to thank him and his family for his service.

NEW EMPLOYEE VERIFICATION ACT

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

Mr. SAM JOHNSON of Texas. Madam Speaker, last Thursday, I introduced the New Employee Verification Act; it's H.R. 5515. This proposal will achieve three important objectives:

one, ensure a legal workforce; two, safeguard workers identity; and three, protect Social Security.

Effective work site enforcement is essential to securing our borders. Reforming work site enforcement will affect millions of workers, and it must be done immediately and done right. Having an effective safeguard in place will allow us to have a rational debate about the number of workers we need to legally enter our Nation.

My bill has a mandatory component that builds off of what we've learned from current E-Verify. I also have a component that helps prevent identity theft through the creation of a voluntary system to authenticate and safeguard workers' identities.

This bill has strong support in the employer community. I look forward to working with both sides of the aisle to see this bill signed into law.

IN HONOR OF MIKE DALY

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

Mr. HARE. Madam Speaker, I rise today to recognize a true humanitarian from my congressional district, Mike Daly. In 2007, Mike retired as principal of the Black Hawk Area Education Center in East Moline, Illinois, ending a remarkable 35-year career in special education and public service.

Throughout his career, Mike demonstrated tremendous passion and dedication. He successfully established partnerships between local businesses, service organizations, and the special needs community to provide opportunities for his students, such as competing in the Special Olympics, and always believing that communities should not have boundaries.

Mike's tireless efforts have touched the lives of thousands of people and their families, and I am proud to have the opportunity to represent him.

Mike, thank you for your work, your commitment to others, and your efforts to make your community a better place for everyone.

I wish you the best in your retirement, and may you continue to find fulfillment in helping others.

□ 1015

PENTAGON TO KEEP 140,000 TROOPS IN IRAQ—STATUS QUO CONTINUES DESPITE NO POLITICAL PROGRESS

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

Mr. PASCRELL. Madam Speaker, in case anyone was still under the impression that the President was serious about changing the dynamics on the ground in Iraq, they should put all those hopes aside. If the administration gets its way, this President will leave 8,000 more troops in Iraq when he leaves office than were there before the surge last year.

In 2006, before the President's troop escalation plan, there were 132,000 American troops in Iraq. This summer after five combat brigades come home, there still will be 140,000 troops on the ground.

There is not going to be a change. Last year the President moved ahead with this troop escalation plan, promising that it would give the Iraq Government the stability to make some of the tough political decisions. As the troop escalation comes to an end, the Iraq Government has failed to bring about any real political progress, and repeated deployments are severely straining our military readiness.

Madam Speaker, the status quo is not working. We will continue to fight to end this war and head our country in a new direction.

SUCCESS IN IRAQ AND AFGHANISTAN

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

Mr. WILSON of South Carolina. Madam Speaker, last weekend I was honored to travel with a delegation to visit our troops in Iraq and Afghanistan. I am grateful to report that I saw significant success while walking the market district of Haditha in Anbar province, Iraq, to driving across Asadabad, Afghanistan, to see a new bridge under construction.

Violence in Iraq has declined by over 60 percent since the beginning of the surge. In Afghanistan I appreciate the success of the 218th Brigade of the South Carolina Army National Guard, led by Brigadier General Bob Livingston, to train Afghani forces to secure their own homeland. The best way to protect American families at home is to stop terrorists overseas.

There are many challenges we face both in Iraq and Afghanistan, but the brave men and women fighting on the front lines have done everything we have asked of them. So let's do what they have asked of us. Let them complete the mission, protecting American families.

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

TRIBUTE TO RYAN NEWMAN, WINNER OF THE 2008 DAYTONA 500

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

Mr. DONNELLY. Madam Speaker, I rise today to celebrate the success and triumph of Ryan Newman, winner of the 2008 Daytona 500. Born and raised in South Bend, Indiana, Ryan serves as a shining example to young men and women who aspire to achieve great success after long hours of work and sacrifice.

Ryan's younger years were spent learning about cars at the elbow of his dad and developing the team spirit he's created to this day. He was an honors graduate of LaSalle High School and also a graduate of Purdue University.

Supported by his family, his community, nationwide fans, and a great team, Ryan won the 50th running of the Daytona 500, the Super Bowl of NASCAR. In a race with 16 different leaders and 42 lead changes, Ryan prevailed because of persistence and skill.

It is my pleasure to pay tribute to the many years of hard work and dedication that have paid off for Ryan Newman, a model Hoosier. The Second District is proud of his success and of one of its hardest-working sons, a man who serves as a role model for youth throughout the country.

PROVIDING FOR CONSIDERATION OF H.R. 2857, GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Ms. MATSUI. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1015 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1015

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment,

and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2857 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentlewoman from California is recognized for 1 hour.

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

GENERAL LEAVE

Ms. MATSUI. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1015.

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

There was no objection.

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

House Resolution 1015 provides for consideration of House Resolution 2857, the Generations Invigorating Volunteerism and Education, or GIVE, Act under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order the Education and Labor Committee-reported substitute as an original bill for the purpose of amendment.

The rule makes in order 11 amendments, which are listed in the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes. The rule also provides one motion to recommit, with or without instructions.

Madam Speaker, I rise today in support of a vital piece of legislation, legislation that directly affects all of our communities and the lives of millions of Americans; legislation that strengthens our communities, helps educate our future generations, teaches our youth to prepare for and respond to unthinkable tragedies, and fosters the growth of respect and compassion throughout our entire society.

The Corporation for National Community Service estimates that in 2006 the national service participants provided the Nation with nearly $4 billion worth of service projects. The GIVE Act reauthorizes our country's investment in community service and volunteerism.

As co-chair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved at every level and in every program of the corporation.

Madam Speaker, service and volunteerism are the bedrock of our emergency preparedness and national security. In times of strife, the American people have always shown a spirit of service and ingenuity. Investing in service and volunteer programs prepares us to handle any crisis. We must focus on building our national capacity, and harnessing the enterprising spirit of the American people is a good way to do so. In the wake of a catastrophe, a first responder is likely to be a civilian. A neighbor is likely to be the first one to provide assistance. By building up our service and volunteer programs, we are taking proactive steps to bolster our national security and capability to weather a disaster now and in the years to come.

We saw firsthand the importance of having trained volunteers in the wake of the 2005 hurricanes. These forever changed thousands of lives and communities in the gulf coast. We watched as men and women mourned their loved ones and remembered the lives they once had. We also witnessed an outpouring of support and compassion from individuals who were touched by this immense tragedy.

Following the devastation in the gulf coast, more than 92,000 national service volunteers contributed over 3.5 million hours of service to the recovery effort. They repaired neighborhoods. They rebuilt lives. Our national service participants have also applied their expertise towards training local community volunteers, further expanding the network of effective workers to 260,000 people.

The assistance from volunteers following the devastating storms represents only one example of the many accomplishments that our service volunteers achieve every single day. Through programs such as AmeriCorps State and National, Volunteers in Service to America, and National Civilian Community Corps, AmeriCorps volunteers address critical needs in our communities.

When I am home in Sacramento, I am reminded by my constituents of the great work done by AmeriCorps NCCC volunteers. AmeriCorps NCCC members are disaster trained and available for immediate deployment in the event of a natural disaster anywhere within the United States, as they were to the gulf coast. In fact, NCCC teams have responded to every national disaster since the program was established.

Over $26 million worth of hurricane recovery resources have come from AmeriCorps NCCC alone, which is more than we spent on the entire program nationwide. This is quite a return on our investment.

The GIVE Act will strengthen the emergency preparedness and response training of our country's NCCC participants. The changes will also help the program continue to grow. Recently, the corporation added two new campuses, one in Iowa and one in Mississippi.

The GIVE Act recognizes the work of every volunteer in this country. It seeks to reach out to more people to greatly expand the number of volunteers across this country. Our bill will expand AmeriCorps membership from 75,000 to 100,000 by 2012. The bill seeks to tap the growing pool of baby boomers reaching retirement that wish to continue serving their country by lowering the age of participation in Senior Corps to 55 from 60 years old. Equally important is that the bill harnesses the energy of future generations in addition to the baby boomers.

Engaging our youth early on is vitally important to the safety of our communities and the lives of our children. The Summer of Service program will ensure that students making the transition from middle to high school have an opportunity to participate in service programs. By increasing the education award, the bill allows young service participants to apply the skills that they learn in volunteerism to a successful education. The benefits of service will continue to accrue to volunteers even after they complete their service.

Madam Speaker, as a result of the great work of the AmeriCorps members, extraordinary things are happening all over America. The corporation supports such important nonprofit organizations as Habitat for Humanity, City Year, and Red Cross.

National service participants have built homes, healed wounds, and taught elementary school kids. These volunteers are part of the backbone of our country. With very little funding, service participants leverage millions of dollars and perform crucial work in classrooms, national parks, and areas of our Nation hit by disaster.

As a result, I hope my colleagues will support the rule and the underlying legislation. The spirit of service that is so important to all of our communities is one that should be encouraged and supported.

Madam Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from California (Ms. MATSUI), for the time and I

yield myself such time as I may consume.

In a world often plagued by selfishness, those who commit themselves to the service of others through volunteerism really serve as a beacon of compassion and hope for all.

□ 1030

Community service is one of the most gratifying, rewarding, fulfilling ways people can give back to their communities. Community service has always been a vital pillar of our society. Volunteers all over the Nation dedicate millions of hours to their contemporaries, all in the hope of making people's lives better. Through their selfless work and tireless effort, volunteers help improve the lives of millions of Americans.

In 1993, Congress, with my support, passed legislation creating AmeriCorps and the Corporation for National and Community Service to administer and coordinate Federal community service programs. Since then, almost 500,000 Americans have served with thousands of nonprofit organizations, public agencies, and faith-based organizations nationwide.

These citizens tutor and mentor children, they coordinate after-school programs, they build homes for the needy, they conduct neighborhood patrols, restore the environment, respond to disasters, build nonprofit capacity, recruit and manage volunteers. They do, oftentimes, exemplary work.

The underlying legislation, Madam Speaker, H.R. 2857, the Generations Invigorating Volunteerism and Education Act, known as the GIVE Act, will reauthorize the national service programs administered by the Cooperation for National Community Service. This reauthorization will help increase the number of volunteers in AmeriCorps to over 100,000 by 2012. It will also create service opportunities for middle school and high school students through the Summer of Service program.

The legislation emphasizes the critical role of service in meeting the national priorities of emergency and disaster preparedness. I do believe it will help improve program integrity.

I am pleased that the committee, the Committee on Education and Labor, worked in a bipartisan manner to reauthorize this program and to include provisions that will make these programs more effective and efficient, responding to State and local needs, and performance-oriented. It goes to show, Madam Speaker, that when we are willing to work together and negotiate, we can bring forth good pieces of legislation with bipartisan support.

Now, I know the majority is trumpeting this rule with which we bring this underlying legislation to the floor because it will allow Members to debate all the amendments to the Rules Committee. But I remind my colleagues, Madam Speaker, the majority does this only when the underlying legislation is noncontroversial, even though the majority promised to be the most open Congress in history. If the majority is so proud of this rule, it should allow open rules on controversial bills as well.

In closing, Madam Speaker, I urge Americans everywhere, regardless of whether they take part in a AmeriCorps, to volunteer and give back to their communities. The rewards are extraordinary to both the volunteer and to the community. As Winston Churchill said, ''We make a living by what we do, but we make a life by what we give.''

Madam Speaker, I reserve the balance of my time.

Ms. MATSUI. I would like to inquire of the gentleman from Florida if he has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. We have no other speakers. I am ready to make my final remarks.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself the balance of my time.

Although the reauthorization of AmeriCorps certainly is an important matter and one that deserves our attention, I must express my disappointment that the majority decided to take up this legislation before we finish our work on bipartisan legislation to protect Americans from international terrorism.

On February 14, the majority decided to leave Washington to take a President's Day recess and allowed the Protect America Act to expire 2 days later, rendering U.S. intelligence officials unable to begin new terrorist surveillance without cumbersome bureaucratic hurdles. Because of the inaction of the majority, the United States is more vulnerable to terrorist attack.

This didn't have to happen, Madam Speaker. Earlier last month, the Senate passed, by a bipartisan vote, really an extraordinary vote of 68–29, a bill updating the Foreign Intelligence Surveillance Act, FISA, a bill that the chairman, Democratic chairman of the Senate Intelligence Committee said, and I quote, ''is the right way to go in terms of the security of the Nation.''

We could have easily considered that legislation, but the majority in the House instead decided to head home. The House should vote on the Senate measure, and the House should vote on the Senate measure now.

Madam Speaker, we must always try to stay one step ahead of those who wish to harm Americans. Now is not the time to in any way tie the hands of our intelligence community. The modernization of the foreign intelligence surveillance is a critical national security priority.

I am pleased that several of my colleagues on the other side of the aisle also agree. On January 28, 21 members of the Blue Dog Coalition, Democrats, sent a letter to the distinguished Speaker in support of the Senate Rockefeller-Bond FISA legislation. The letter states, and I quote, ''The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues, and we fully support that measure, should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.''

Today, I will give all Members of the House an opportunity to vote on the bipartisan long-term modernization of FISA. I call on all my colleagues, including the members of the Blue Dog Coalition that signed the letter to the distinguished Speaker, to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law.

I remind my colleagues that defeating the previous question will not prohibit consideration of the underlying legislation being brought to the floor today, the GIVE Act, but would merely require that we first take a vote on FISA modernization.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I urge my colleagues to vote ''no'' on the previous question and in favor of a bipartisan long-term solution that helps protect American lives from international terrorism.

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

Ms. MATSUI. Madam Speaker, first, I would like to say that the Foreign Intelligence Surveillance Act continues to give the intelligence community the tools it needs to monitor terrorists. The government always has the option of tapping targets immediately and returning to the FISA Court within 72 hours to obtain an order.

My constituents and those of other Members of Congress view the protection of civil liberties as one of their top priorities. The American people want us to do our representational duty to uphold the Constitution and deliberate on this issue. We are working hard to ensure that our national security needs are met as our constitutional rights are protected.

Now we are working to support national service in our country, which

helps our communities respond to disasters and also encourages our youth to engage in civic participation. Last year, I had the pleasure of meeting with Tatiana, a strong and determined young woman from Sacramento, my hometown, who received an award for CorpsMember of the Year. When Tatiana was just 15, her mother was incarcerated, and later, she was expelled from high school. Meeting with her and hearing her story of how she used the local Conservation Corps to turn her life around was truly inspiring.

This reauthorization takes programs and infrastructure that have touched so many lives, such as Tatiana, and builds off its foundation to greatly increase the quality and quantity and improve national service. National service is a proven return on our investment. With this bill, we will broaden those involved in service, and in doing so, foster the values of civic engagement and duty that can change a life and also draw upon the lessons of guidance and wisdom of our seniors that only a lifetime of experience can provide.

This bipartisan legislation makes excellent improvements to an already successful Federal agency. It improves access and support for organizations and grant applicants, and most importantly, reassures our valued volunteers that Congress supports them and their work. I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1015 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. ''That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.''

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Ms. MATSUI. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time of any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 217, nays 193, answered ''present'' 1, not voting 17, as follows:

[Roll No. 103]

YEAS—217

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

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—17

Brown-Waite, Ginny
Cubin
Fattah
Gonzalez
Johnson, E. B.
Keller
Kennedy
McCrery
Murphy, Tim
Poe
Rangel
Renzi
Reynolds
Rush
Woolsey
Wynn
Young (AK)

□ 1106

Messrs. CARTER and PICKERING changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Ms. MATSUI. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 222, noes 190, not voting 16, as follows:

[Roll No. 104]

AYES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
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Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
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Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
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Weiner
Welch (VT)
Wexler
Wilson (OH)
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NOES—190

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

NOT VOTING—16

Brown-Waite, Ginny
Cubin
Fattah
Gonzalez
Johnson, E. B.
Keller
Kennedy
McCrery
Poe
Rangel
Renzi
Reynolds
Rush
Woolsey
Wynn
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there is 1 minute remaining in this vote.

□ 1113

Mr. MARCHANT changed his vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on the bill, H.R. 2857, into the RECORD.

The SPEAKER pro tempore (Ms. MOORE of Wisconsin). Is there objection

to the request of the gentleman from California?

There was no objection.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1015 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2857.

□ 1114

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I rise in strong support of H.R. 2857, the Generations Invigorating Volunteerism and Education Act, the first reauthorization of national and community service laws and programs since 1993. I am pleased that today this House is taking up this important measure that will take volunteerism and service into the 21st century.

It was in March of 1961 that President John F. Kennedy first challenged a generations of Americans to ask ''not what your country can do for you; ask what you can do for your country.'' By establishing the Peace Corps and the Volunteers in Service to America programs, he inspired millions of Americans to make a difference here at home and around the globe. He created a powerful legacy of hope and service that connects us as Americans.

Almost 50 years later, we should be very proud that volunteering in America is at a 30-year high. Through AmeriCorps and other service programs, new generations of Americans have become inspired to build stronger, more vibrant communities, help children succeed in schools, and rebuild cities in times of disaster.

In fact, in 2006, more than 61 million Americans gave back to their communities through service. That same year, volunteers in my home State of California contributed more than 858 million hours of service to our State economy, a value of more than $17 billion. In the 15 years since AmeriCorps was enacted into law, more than 500,000 Americans of all ages and backgrounds have participated in this program.

Our current and future generations of volunteers deserve our renewed support for their programs, just as President Kennedy first provided decades ago. The GIVE Act, this legislation, recognizes this growing service movement that is taking place across the Nation. It builds upon the successful work being done in communities across by members of AmeriCorps, VISTA, Senior Corps and Learn and Serve America.

AmeriCorps has become a successful model for public-private partnerships. Last year, the AmeriCorps program leveraged more than $200 million in matching funds, mobilized more than 1.4 million volunteers, and worked with 2,000 small and large faith-based and community-based organizations across the country.

The GIVE Act would strengthen the AmeriCorps service model by putting us on the path to increasing the number of AmeriCorps members from 75,000 to 100,000 by 2012 with a focus of engaging low-income, disadvantaged, and at-risk youth.

With soaring tuition prices making it more difficult for many students to get a college degree, the GIVE Act would help AmeriCorps members pay for college by increasing the scholarship that they earn in exchange for their service from $4,725 to $5,255 by 2012.

This bill would also introduce young people to community service by creating a new Summer of Service initiative that will offer middle school and high school students the opportunity to spend the summer working to improve their communities while earning a $500 education award that can be used for college or for college preparation.

Alumni of these programs remain valuable resources to our communities. More than 72 percent of AmeriCorps members continue to volunteer in their communities after their term of service ends. After Hurricane Katrina devastated gulf coast communities, AmeriCorps alumni played a key role in relief, recovery, and rebuilding efforts.

To help tap into these resources in times of emergency, this bill would expand the number of volunteers ready to respond by creating an Alumni Reserve Corps of service alumni with previous experience serving during disasters.

Volunteering also provides critical opportunities for older Americans to make a difference in their communities. Each year, nearly half a million older Americans participate in the Senior Corps programs, mentoring children of prisoners, providing independent living services to seniors, assisting victims of natural disasters, and mobilizing other volunteers.

The GIVE Act would expand the purpose of Senior Corps programs by adding an emphasis on recruiting retired STEM, health care, law enforcement and military professionals to help with education, after-school, public safety and technology needs.

In addition, it would phase in the competition for the Retired and Senior Volunteer Programs, an important part of the Senior Corps by 2013, allowing new grantees and volunteers to join the service movement and encouraging innovation and evolution among high-performing programs. I also want to thank the RSVP program for working with us to ensure a responsible transition.

I want to thank Members on both sides of the aisle, in particular Representatives MCCARTHY, MCKEON and PLATTS, for their leadership, as well as the Service Caucus for their support.

I also want to thank our committee staff for their hard work on this bill, including Alex Ceja, Denise Forte, Stephanie Moore, Deborah Koolbeck with Mrs. MCCARTHY, Brad Thomas with Mr. MCKEON, and Becky Wolfkiel with Mr. PLATTS.

Let me also thank Voices of Services and its member organizations, who were invaluable in helping us develop this legislation.

It is clear that service has played an important role in this country's history and will continue to help us meet the challenges and needs of our communities. It is clear that the interest in volunteering reaches across all generations: our young people, retiring baby boomers, and older Americans. The GIVE Act reflects their commitment, and our commitment, to building a stronger country through service. I urge my colleagues to join us in this effort by supporting this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume, and I rise in support of the GIVE Act.

I would like to begin by thanking Chairman MILLER, as well as the Chair and the ranking member of the subcommittee, Mrs. MCCARTHY of New York and Mr. PLATTS from Pennsylvania, for their efforts to develop a solid, bipartisan bill that will strengthen our national service programs. I would also like to recognize Brad Thomas from my staff for his hard work on this bill.

Like many of my colleagues, particularly on this side of the aisle, I historically have had concerns about AmeriCorps and the other programs within the Corporation for National and Community Service. Particularly during the 1990s, Federal management of these programs was at best dismal. For years, I joined many of my colleagues, led by Mr. HOEKSTRA, in seeking to establish performance measures to ensure that these national service programs are in fact meeting their goals.

Under the Bush administration, it has become clear that these programs are being held more accountable and they have become more efficient as a result. For example, the corporation received its seventh consecutive clean audit during the fiscal year 2006. Likewise, the corporation's leadership has instituted significant improvements in efficiency and quality, including streamlining the grants and application reporting processes, consolidating five field service centers into one, and automating education award payments, time and attendance, and travel.

In short, the recent management of this program has far surpassed its record of low accountability under the previous administration; and for that reason in particular, it deserves our continued support.

Moreover, this program brings together our neighbors to serve one another and thus benefit our Nation. Although there are clear opportunities to strengthen and improve these programs, the simple fact is that the corporation plays a key and increasingly effective role in, as President Bush would say, ''rallying the armies of compassion.''

Later today I plan to offer an amendment that will strengthen this already good bill. The purpose of my amendment is to acknowledge the patriotism, commitment, and sacrifice made by members of the military and their families. In return for their service to our Nation, I believe the least we can do is ensure our national service programs are able to benefit veterans and military families.

Madam Chairman, this bill is based on sound principles for reform outlined by the administration and developed in conjunction with the corporation. It includes a long overdue emphasis on accountability with its inclusion of performance measures and increased competition. And on the whole, I find the bill to be a balanced one that is worthy of our support.

Madam Chairman, this bill represents a bipartisan effort to come together on a program that is good for the citizens of this Nation.

Unfortunately, our Democrat colleagues have been unwilling to work in the same bipartisan fashion on our Nation's security interests. It has been 18 days since the Protect America Act expired, nearly 3 weeks that the majority has conspicuously refused to bring the bipartisan Senate Foreign Intelligence Surveillance Act modernization bill to a vote. And yesterday we got a glimpse of the reason why. An anonymous Member argued that delaying action on this critical security measure made for good politics. Madam Chairman, it is unfathomable that our Nation's security may be put at risk in the name of political gamesmanship. I strongly urge the majority to bring FISA modernization for a vote.

Madam Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. PLATTS), and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. The gentleman from Pennsylvania will control the time.

Mr. PLATTS. I reserve my time.

Mrs. MCCARTHY of New York. Madam Chairman, I yield myself such time as I may consume.

This is a great day for national service. It has been 15 years since we reauthorized our national service laws. As chairwoman of the Healthy Families and Communities Subcommittee, I am pleased to speak in support of H.R. 2857, the Generations Invigorating Volunteerism and Education Act, the GIVE Act.

I am also pleased to say that the administration and the service community support the GIVE Act. I would like to thank Chairman MILLER for his continued strong support and work on this reauthorization. I would also like to extend my thanks to the ranking member of our committee, Mr. MCKEON, for his hard work.

Finally, I would like to thank my good friend and ranking member of the subcommittee, Mr. PLATTS, for his work on this reauthorization.

Later I will speak on my manager's amendment, which is also a bipartisan effort. National service has a distinguished and strong history in our Nation. The benefits of service cannot be disputed. Evidence shows that service and volunteering lowers school dropout and crime rates, lowers costs associated with the aging population, and improves health among the elderly.

Volunteering is a cost-effective way of working to solve the challenges facing our Nation today. That is why the passage of the GIVE Act is necessary. One of the most effective volunteer organizations in this Nation is AmeriCorps. AmeriCorps volunteers offer a range of services focused on low-income and disadvantaged communities. Our legislation recognizes their invaluable work and increases the number of participants to 100,000.

The GIVE Act also encourages programs to recruit underrepresented populations to serve, including scientists and engineers, young people in our aging-out foster care, children at risk of delinquency, and other disadvantaged young people.

I truly believe that expanding national service, particularly to disadvantaged youth, is an effective way to combat things like youth gangs and violence, and the evidence bears it out.

□ 1130

If we are serious about reducing gang violence, we must take the first step and offer children an alternative.

This legislation creates a Summer of Service program which gives middle school and high school students an opportunity to become engaged in a positive way within their community. Through the Summer of Service program, our Nation's young people will have a chance to serve with others their own age while improving their community.

Research shows that if students are engaged in service at an early age, they continue to serve throughout their life.

We are strengthening the mission of the first responder volunteer program, the National Civil Community Corps by requiring more intense disaster and emergency relief training during down periods in order to be better prepared in a time of crisis.

We are all aware of what our Nation faced in the wake of Hurricane Katrina, and the NCCC was there to respond, and continues to recover today.

The GIVE Act will help our Nation become better prepared for future disasters by training and preparing more emergency volunteers. The GIVE Act creates in the corporation an office of outreach and recruitment. The new office will establish a reserve corps made up of those who have gone through the program and are alumni. The reserve corps alumni will be called on during emergencies, disasters, or other times of national need.

We've heard people asking over and over again during our hearings, why aren't we using former volunteers? The new outreach office will work to connect over 500,000 former volunteers who can be resources for recruitment.

The GIVE Act lowers the age of participation in the National Senior Service to 55 years old. By lowering the age, we are encouraging retiring Americans to participate in national service and giving older Americans the opportunity to lead us into the future. Our Nation's retiring and retired adults are a rich resource that cannot be overlooked.

Every American, old and young, has skills that improve the day-to-day functions of our society. The GIVE Act encourages individuals to get involved, creates a deeper commitment to service, and makes our Nation more like what it should be.

I want to again thank Chairman MILLER for his deep commitment to national service, Ranking Member MCKEON and Congressman PLATTS for their work with us on this bipartisan activity. And I urge my colleagues to support this much needed legislation.

Madam Chairman, I reserve the balance of my time.

Mr. PLATTS. Madam Chairman, I appreciate the opportunity to speak today, and I certainly rise also in support of H.R. 2857, the Generations Invigorating Volunteerism and Education Act. This program will certainly strengthen and finally reauthorize the Nation's national and community service programs. And after 15 years, this

reauthorization is certainly long overdue.

I want to add my words of praise and thanks to my Chair, Chairwoman MCCARTHY, as well as to the full committee Chair, Chairman MILLER, and the ranking member, BUCK MCKEON, for their important leadership in moving this reauthorization forward of this very important program that promotes active involvement of citizens of all ages.

In 1973, Congress passed the Domestic Volunteer Service Act, DVSA, to foster and expand volunteer service in communities while helping vulnerable and disadvantaged populations such as the elderly and the poor. DVSA authorized the National Senior Volunteer Corps, made up of the Foster Grandparents Program, the Senior Companion Program, and the Retired and Senior Volunteer Program.

Seventeen years later, Congress passed the National and Community Service Act, NCSA, of 1990. NCSA aims to address unmet human, educational, environmental, and public safety needs, as well as to renew a sense of civic responsibility by encouraging citizens to participate in national service programs. Authorized under NCSA are Learn and Serve America, AmeriCorps State and national grants, and the National Civilian Community Corps.

Both DVSA and NCSA are administered by the Corporation for National Community Service, and both laws were most recently amended in 1993 by the National and Community Service Act. While authorization of appropriations for both laws expired at the end of fiscal year 2006, these programs have remained funded through annual appropriations measures.

I'm pleased to be a cosponsor of H.R. 2857, the GIVE Act, and believe that this bill makes commonsense improvements to our Nation's national service programs. Not only does it provide increased flexibility for States, but importantly, and as referenced by Ranking Member MCKEON, it also increases accountability and efficiency within the administration of these programs.

H.R. 2857 strengthens existing community and national service programs by providing year-round service opportunities for students and elderly alike, and further encourages involvement of disadvantaged youth. This legislation also expands eligibility requirements for senior serving programs like Foster Grandparents and the Senior Companion Program, ensuring that individuals with an interest in serving have options available to them. Finally, the GIVE Act reauthorizes DVSA and NCSA through fiscal year 2013.

Recent natural disasters such as Hurricanes Katrina and Rita, as well as the wild fires in California, have showcased the important efforts of AmeriCorps and NCCC volunteers. I am proud to be part of this effort to strengthen national service programs and ensure that participants can continue to aid disadvantaged and needy populations. And I have seen firsthand in my district the great work of senior citizens in the Senior Companion Program and young citizens in AmeriCorps partnering with Habitat for Humanity to truly make a difference in Central Pennsylvania. And we know that these efforts are being replicated across the country.

So, Madam Chairman, I hope that all will join in supporting the GIVE Act and vote in favor of this legislation.

I reserve the balance of my time.

Mrs. MCCARTHY of New York. Madam Chairman, may I inquire how much time we have on both sides.

The CHAIRMAN. The gentlewoman from New York has 19½ minutes remaining. The gentleman from Pennsylvania has 22½ minutes remaining.

Mrs. MCCARTHY of New York. Madam Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. HARE), a member of the Education and Labor Committee.

Mr. HARE. Madam Chairman, H.R. 2857, the GIVE Act, reauthorizes our national service programs for the first time in 15 years. This legislation strengthens programs like AmeriCorps, Vista, Senior Corps and Learn and Serve America so they can continue their invaluable services and expand into underserved communities.

The people of my congressional district are no strangers to community service. We have four effective Retired Senior Volunteer Programs, known as RSVPs, located in my district: West Central Illinois RSVP, Adams County RSVP, RSVP of the Quad Cities, and RSVP of Springfield, Illinois. Together, these programs engage 3,464 volunteers in 577,226 hours of services in 13 counties. I had the opportunity to visit several of these last October and was impressed by their organization, their large number of volunteers, and the variety of services that they offer.

Illinois RSVP volunteers serve the young and old, the healthy and the infirm. They work in hospitals, nursing homes, libraries, with the Red Cross, police department, and assist with home delivery meal programs. These dedicated volunteers touch the lives of hundreds of people and have a profound impact on the communities in which they serve.

I want to thank Chairman MILLER, Ranking Member MCKEON, and their staffs for their work on this legislation and their efforts to address these concerns.

Mr. PLATTS. Madam Chairman, I yield as much time as he consumes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Chairman, you know it's a good day today where we have the opportunity to go back and reauthorize the Corporation for National and Community Service. This is a program that 15 years ago is a program that I supported, and I'm glad that this Congress is going to take the steps to move this program forward and continue the efforts in this area.

However, if we're really going to protect the Corporation for National and Community Service, if we are really going to protect the individuals that are working in these types of programs, what we should have been doing today and what we should do is we should extend the terrorist surveillance program. We should pass FISA modernization.

You know, 3 weeks ago the majority said that this bill would come to the floor. They needed a 3-week extension to get the bill done. That expires this week.

We're going to have a long day today. We'll be here till 2 or 3 o'clock, which I think will be the third week in a row where we will go home early and we will not take care of this vital national security issue.

We've had a 6-month extension, we had a 2-week extension. The program now has lapsed for 3 weeks. Each and every day our capabilities erode just a little bit more. And each and every day we remove these capabilities to track foreign terrorists by our Intelligence Community, each and every day America becomes a little bit more vulnerable. Americans living at home, people in this program, our men and women in uniform in Afghanistan and in Iraq, they're a little bit more vulnerable. Our embassy personnel around the world are a little bit more vulnerable.

Earlier this week the statement was made, well, you know, we'd maybe like to do FISA this week but the schedule is just too full. We're not going to have the opportunity to get to it. We're not going to have the opportunity to get to it. We're going to be done working some time in the middle of the afternoon and we're going to leave a national security issue laying on the table for the third week in a row?

Will the majority deal with this issue next week? Will they deal with it before we go on recess? Or will they allow it to lapse for 6 weeks? How vulnerable does America need to become before the majority decides to act on FISA?

I just wonder if the majority's even looking at what's going on around the world, taking a look at the attacks that are taking place in Pakistan, taking a look at the attacks that are happening in Afghanistan, listening to the rhetoric that's coming out of Iran, listening to the rhetoric that's coming out from al Qaeda in Iraq, listening to the rhetoric that's coming out of Hezbollah in Syria and in Lebanon. There are threats against our allies. There are threats against Western Europe. There are threats against our friends in Northern Africa. There are

threats against Western Europe, and yes, there are threats against the United States of America.

They're not listening to what al Qaeda and radical jihadists and other terrorists are saying. They're not reading what these individuals are saying, because if you were listening to what they were saying, if you were reading what they were writing, and if you were watching what they were doing, you would understand that the threat is real and that it is a grave mistake to allow this intelligence tool and to allow other intelligence tools to erode continually.

Yes, America's more vulnerable today than it was 3 weeks ago. America is more vulnerable today than it was 14 months ago because, on national security issue after national security issue, the other side refuses to give our intelligence community the tools that they need to keep America safe. These tools have developed. They've evolved. They've been working very, very well in protecting America. But for the last 14 months, the majority has not only let these tools evolve and deteriorate, in many cases they've been under direct attack from the majority. Today our intelligence community is paying a price because they do not have the tools necessary to keep America safe. Hopefully, America will not pay a price because the intelligence community hasn't been given the tools by the majority to keep America safe.

It's time to bring the Senate bill to the floor. This is a bill that has widespread support, passed by 68 votes in the Senate, supported by a majority of the Republicans and the Democrats in the Senate.

Bring that bill to the House. Bring it up right after the GIVE Act. Make sure that we've got the tools in place to keep America safe and to keep the people working in this program and other programs safe.

Mrs. MCCARTHY of New York. Madam Chairman, I yield 3 minutes to my colleague on the Healthy Families and Communities Subcommittee, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Madam Chairman, I rise today to commend Chairman MILLER, Chairwoman MCCARTHY, Ranking Member MCKEON, and others for putting together a very strong reauthorization of the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973.

□ 1145

It supports the Nation's priorities in a number of important areas. In particular, I'd like to thank the committee's leadership for recognizing the critical role that veterans and older Americans can play in solving problems and strengthening communities, by recommending several new provisions.

Our veterans are simply the best of what this country has to offer, both with respect to their exemplary character and the technical, professional, and administrative expertise which they acquire during their years of service. They are an invaluable and untapped resource to underserved communities. America should embrace the opportunity to establish a well-defined veterans-centered and -integrated community support system based on national and community service. The GIVE Act begins a national conversation on how to make this happen.

Every day nearly 8,000 of the Nation's 78 million baby boomers turn 60. We know from research that the vast majority plan to work or stay engaged in their community well past traditional retirement age. This is a wonderful opportunity, given their stated interest in helping others and the ever-worsening labor shortage in education, health care, government, and nonprofit work.

I'm a strong supporter of the idea that those who have finished their midlife careers can be a force for social good in the 21st century. By turning the aging of America into a positive story, we can tap into this energy. It is going to take creativity, experimentation, bold action, and looking to the future more than the past. Congress has a critical responsibility, along with the States and the private sector, to ensure baby boomers will have the opportunity to serve.

We talk about this wave of returning veterans, and we talk about the demographic wave of aging Americans. How you respond to a wave depends on how you position yourself. That wave can either come crashing down on us, or it can be a wave that lifts us up and moves us forward.

I look forward to continuing to work with the committee and this Congress to explore additional proposals to capture the energy, idealism, and talent of our veterans and millions of older Americans who want to make a major contribution to the public good.

Mr. PLATTS. Madam Chairman, I certainly am pleased to be part of moving this legislation, the GIVE Act; but I do want to associate myself with the gentleman from Michigan, the ranking member of the House Select Committee on Intelligence, on the importance of us moving the reauthorization of FISA; and, hopefully, we will get to that as quickly as possible and restore the tools to our intelligence community they need to protect our Nation and our citizens.

With that, I'd like to yield as much time as he may consume to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Madam Chairman, I thank the gentleman for yielding to me.

Frankly, I don't think there is a more important bill than this; and yet to hear some of the critics, it's like we're just paying people to be volunteers.

The thing I love about Ronald Reagan was Ronald Reagan believed in the future of America, the youth of America, and that the best was yet to come. And he gave us a sense of hope, as did President Kennedy.

When President Kennedy talked about the Peace Corps, I was in eighth grade. My parents bought a TV set to listen to the debate between Nixon and President Kennedy, and I was just enthralled by a President who asked me, a young person, to do something for the world, and that was to become a Peace Corps volunteer.

And from that point on, that was one of my dreams. It was something I wanted to do . . . become a Peace Corps Volunteer.

Guess what? Peace Corps volunteers are paid. We earn a salary and are given a stipend because we have to eat. We are given a certain sum of money at the end, not for education, but to frankly be able to come back and just buy some clothes. When you clean your underwear on rocks for 2 years, you don't want to continue to wear them when you get home.

So what did President Clinton want to do? He said we have the Peace Corps for those who volunteer overseas. And we have Vista for those who want to be of service in these United States. But we can make Vista better. We're going to have expanded national service here at home, and by the way, while this was happening we in Congress were getting rid of summer jobs for kids.

The President said and I want this expanded national service program to be a bipartisan proposal. I want to work with Republicans. Let's make this something all of us can get behind.

I got excited with his call to us. Let's work together, and we did. Because instead of a national program where one-size-fits-all, he said it's going to be a competitive process, something Republican should like.

And by the way, I'll just say parenthetically, Ms. MATSUI has an amendment that I am a chief cosponsor of that says let's have more of the dollars be competed for by State and local communities. It's an amendment that should pass.

So what we did is have a national program called AmeriCorps, but we had two-thirds of it going to the States. Now, the problem with that is you're going to have some bad programs that might get funded. The good thing about it is you're going to have some great programs that are going to be funded. And so former President Clinton took a risk. He said instead of having a one-size-fits-all, which would mean we'll have vanilla, and, no one can criticize it, we had some great programs and some bad programs. So the critics of AmeriCorps then took the

bad programs and started to criticize as if this was all of AmeriCorps, as if this was the President's national service bill.

Well, the bottom line is we have some great programs. Thank God we had these programs for people impacted by Katrina and other natural disasters. In my part of the country, we have young people who are giving to their neighbors, and if you think they're paid, they're paid a minimum wage and they have a stipend they can use towards their education. It gets them to think about their future and get an education.

But we have people here who will say, well, let's give out Pell Grants, we're going to give out Pell Grants for nothing; and yet we have an opportunity to give out grants that someone actually earned.

I can't speak more strongly for this legislation. I congratulate President Clinton for bringing it forward, for working with Republicans, at least those who were willing to work with him, and for having a program that has energized young people to be of service.

There are six former Peace Corps volunteers in this House, three Republicans, three Democrats. If you asked any one of us what was the most significant time in our lives, it was serving in the Peace Corps. It was helping others. But we came back more enriched than probably we gave. And I'm absolutely certain of this, the folks that are doing national service, they don't get much monetarily, but they give a lot; and in return they get a lot in terms of their personal development. They grow as individuals. They have more confidence in themselves. I think they're better Americans.

I hope whoever's the next President, and we have three good candidates to choose from, I have a preference obviously, but I think that they are going to inspire Americans to be of greater service, and they could use this legislation to help them.

I hope we pass it, and I thank our sponsors for bringing this bill out. I particularly want to thank our colleagues from New York and from Pennsylvania for their effort here today. God bless this country and God bless this program.

Mrs. MCCARTHY of New York. Madam Chairman, I'd like to yield 1 minute to the gentlelady from New Hampshire (Ms. SHEA-PORTER), a member of the Healthy Families and Communities Subcommittee.

Ms. SHEA-PORTER. Madam Chairman, as a former social worker and administrator and a cosponsor of the GIVE Act, I rise today to express my strong support for H.R. 2857.

I was able to see firsthand the hard work and self-sacrifice and dedication of our AmeriCorps volunteers during the Katrina recovery effort. As a relief volunteer myself, I worked side by side with the AmeriCorps volunteers. You can't say enough about these young people who gave of themselves and worked tirelessly for many, many hours to give comfort to their fellow Americans. This convinced me how essential AmeriCorps and other national service programs really are to this Nation.

My experiences as a social worker and as an administrator and relief volunteer have made the reauthorization of this program a high priority for me, and I'm proud that it's a high priority for this Congress as well.

I'm also grateful that the committee passed my amendment to increase the minimum amount of the State formula grants. This increase acknowledges that these volunteer programs are equally important in smaller States such as New Hampshire. These programs and the participants who are in them work miracles for very low money, and we need to thank them.

Mr. PLATTS. Madam Chairman, I'd like to reserve the balance of my time at this point.

Mrs. MCCARTHY of New York. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), a former member of the Education Committee.

Mr. KIND. Madam Chairman, I want to thank and commend my good friend Mrs. MCCARTHY from New York for the wonderful leadership that she has shown in the reauthorization of this important legislation.

I agree with my good friend and colleague from Connecticut that this is one of the more important pieces of legislation that we will be dealing with in this session of Congress, and I commend the efforts of everyone on the committee for the bipartisan support that's been shown on behalf of this bill.

Madam Chairman, this legislation will provide a vital increase in funding for a variety of domestic volunteer service programs, including AmeriCorps, Volunteers in Service to America, and Learn and Serve America. Expanding these important community-based programs is essential so that residents in the neediest places receive the assistance that they need and deserve.

I'm very proud that my home State of Wisconsin has more than 35 AmeriCorps programs. Jump Start for Young Children is just one of several programs that help prepare young children from low-income families to succeed and go on in school. Just this past year, this program benefited from the service of 3,500 corps members and volunteers from over 70 colleges. Together, these individuals were able to assist more than 13,000 preschoolers in over 20 of our States in this country. I'd like to applaud the hard work and selfless efforts of these individuals who have not only rebuilt houses in communities but also lives.

I'm especially proud that three of my congressional staff members are former AmeriCorps volunteers: Karrie Jackelen, Brad Smith, and David De Gennaro. The contributions of these participants is truly admirable given the enormous difference they've made in so many lives.

Mr. Chairman, there is a yearning for community involvement and community service across this country, and it's especially acute with the youth, the children of our Nation.

It was unfortunate that the current President sent this Nation to war without asking for any type of contribution or significant sacrifice from the average American. Except for our troops and their families who have borne the brunt of this sacrifice and burden, there's very little asked of the American people.

This legislation, which was the vision of President Clinton and his administration, tries to correct that deficiency. It's a good, bipartisan bill. I encourage my colleagues to pass the GIVE Act today.

Mr. PLATTS. Mr. Chairman, I will continue to reserve my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Chairman, I rise today in strong support of the Generations Invigorating Volunteerism and Education Act, otherwise known as the GIVE Act. This legislation speaks to what makes our country great, Americans volunteering to give back to their communities. Volunteerism is so important to helping the less fortunate, working to better one's community, and instilling a sense of patriotism and love for one's country.

Volunteers are critical to pulling our country through hard times. Following the hurricanes that plagued my home State of Florida, I witnessed firsthand the overwhelming response from volunteers who came out to respond to the needs of hurricane victims. Volunteers came together to provide these victims with clothing, food, shelter, and other items that displaced residents and families needed to get their lives back on track.

The GIVE Act will continue this strong tradition of volunteerism in America by increasing community service opportunities and providing new incentives for volunteering.

□ 1200

Furthermore, I am proud to support legislation that puts a premium on disaster preparedness and emergency response.

I would like to commend Representative MCCARTHY for her work on this bill and urge my colleagues to support this bill for the betterment of all our communities and our country as a whole.

Mrs. MCCARTHY of New York. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN (Mr. HOLDEN). Each side has 11 minutes remaining.

Mrs. MCCARTHY of New York. Mr. Chairman, with that, I yield myself as much time as I may consume.

Mr. Chairman, as we have been working through this bill, through our hearings and everything else, and listening to the volunteers that work in AmeriCorps and other aspects of volunteering, and also listening to our young people from communities that are underserved on how they want to serve and be part of it, before my colleague from Connecticut (Mr. SHAYS) talked about how we've done away with summer jobs. We see in our communities today more and more of our young people joining gangs and getting into trouble. We see that our juvenile justice system and our prisons are being overflowed, unfortunately, with young people. This is a program that can help them.

You know, I look at our country and I marvel at how people volunteer and give their time to help other people that are in need. With the programs that we're putting forth and through the work of the subcommittee and through the work of my colleague Mr. PLATTS from Pennsylvania, we have put together a great bill. This is a bill that can help people to the future. This is a bill that incorporates our elderly and our young. So, it's something that I think we should all be proud of. And certainly I'm hoping that we're not going to have any controversies further down the line.

And may I just say one thing: A number of speakers have gotten up and talked about the FISA bill. Let me say this to the American people: With the continuation that we have, this country is being protected. And we are trying to work it out with our colleagues from the other side and the administration. But let me make one thing very clear, the country is being protected. The intelligence committees can do what they need to do, and our intelligence community is getting information at that.

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

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to again just thank my subcommittee chairman, Chairwoman MCCARTHY, for her leadership on this important legislation, as well as the full committee Chair, Mr. MILLER, and the ranking member, Mr. MCKEON.

As a number of speakers have talked about their own experience and the gentleman from Connecticut, through his work in the Peace Corps, these opportunities to participate in the programs that are funded and authorized under the National Community and Service Act impact not just those who receive the benefit of the work done, but those who actually participate. And with a family member who has participated in AmeriCorps, I have seen that impact on that individual and how they were a stronger person and better prepared for the rest of their adult years because of having been part of AmeriCorps.

So, again, I urge a ''yes'' vote for this legislation and look forward to it moving forward through the House and working with the Senate to get it to the President's desk.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of H.R. 2857, the Generations Invigorating Volunteerism and Education or "GIVE" Act.

This legislation reauthorizes and strengthens our national service programs. I would like to thank my good friend CAROLYN MCCARTHY, chairwoman of the Healthy Families and Communities Subcommittee and Congressman TODD PLATTS, the ranking member, for their excellent, bipartisan work on this legislation.

The spirit of service runs strong in America. Many Americans—young and old, rich and poor—look for ways to give back to their communities and the Nation. Our national service programs nurture this spirit and ensure that all American have opportunities to serve.

The GIVE Act will increase the number of Americorps volunteers to 100,000. In my congressional district Americorps volunteers are promoting community development, improving education, and enhancing the quality of life for many of our residents. They bring a great deal of energy and contribute to a strong sense of community in our area.

The GIVE Act fosters an ethic of civic engagement in young people through a summer of service program that will enable students in middle and high school to volunteer and earn an education award for college.

The GIVE Act promotes service in areas of national need for global competitiveness, such as science, technology, engineering, and mathematics.

The GIVE Act will ensure that we can effectively and efficiently mobilize volunteers in times of national disaster.

The GIVE Act strengthens opportunities for our seniors by providing flexibility to the senior corps programs. In my congressional district, we have very strong programs that engage our seniors in service and provide them companionship and support. Our seniors continue to make tremendous contributions to our communities. We cannot afford to let their talent or energy go to waste.

My home State of Texas is a big believer in national service. We have 48,000 senior corps members. Since 1994, 24,000 Texans have earned education awards by serving as Americorps volunteers; 48,000 students have participated in Learn and Serve America, linking service with academic achievement.

The GIVE act will make this great tradition of service even stronger. I urge all of my colleagues to vote "yes."

Mr. LEWIS of Georgia. Mr. Chairman, I rise today in strong support of the GIVE Act and I thank my colleague Mrs. MALONEY for her leadership on this issue. Volunteers in our National Service Corps are doing the hard work of building what I like to call the Beloved Community—a community at peace with itself based on justice and human dignity.

We all live in one house, the American house, and people are suffering. We need so many more Americans to volunteer, to share their talents, their time and their love. That is how we form the Beloved Community.

So many Americans are giving of themselves through Americorps/VISTA, Summer of Service, and our Senior Volunteer Corps. Many more want to give and volunteer, but they can't find the time. They are stuck at work trying to make ends meet. They sit in traffic. They are helping their kids with homework. Businesses and governments need to encourage and allow people to volunteer.

Young people have been behind all of the great social movements in this Nation. We must tap into the idealism and the talents of our young people, and the young at heart, who can build bridges and ease suffering.

Something is happening in America. In Atlanta, we are embracing the merger between the Points of Light Foundation and the "Hands On" Network. I want to mention their good work and their leadership in recruiting and training volunteers.

I look forward to working with my colleagues to find more ways, like competitive grants for nonprofits, to expand our volunteer infrastructure, to push our national service agenda forward.

The GIVE Act is a good bill. It has my support. I thank my colleagues.

Mr. VAN HOLLEN. Mr. Chairman, throughout our history, American citizens have never hesitated to heed the call to service. They have answered in times of peace and prosperity, in times of war and recession. They have donated time and money and sweat—as much as they could, whenever it was needed.

When our Nation faced the Great Depression, President Roosevelt formed the Civilian Conservation Corps and put citizens to work for the national interest. When we faced political uncertainty in the world, President Kennedy challenged our young people to serve and dispatched the Peace Corps on missions of international aid and public diplomacy. And when neighbors have challenges, when communities struggle, or when the Nation sees tragedy, our citizens rally and lend a hand.

In recent years, we have seen some of the largest increases in volunteerism in history. This new trend is led by our young people, who are serving in record numbers. The number of college students who volunteer increased by 20 percent between 2002 and 2005. And the programs we consider today are a key part of that service.

Today's legislation will increase enrollment in AmeriCorps and establish ways to deploy AmeriCorps alumni in times of national need. It will establish an Office of Outreach and Recruitment to match new volunteers with service opportunities. It will create a new program, a Summer of Service, to encourage more young people to help their communities. It will strengthen our emergency preparedness and disaster response with improvements to the National Civilian Community Corps. And it will challenge our scientists, mathematicians, and engineers to meet our Nation's technical needs with creativity and innovation.

Mr. Chairman, Americans have made tremendous investments through national service. Let us, in turn, pass this legislation today

to assist their efforts and continue their commitment to our Nation's future.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in strong support of the Generations Invigorating Volunteerism and Education Act. The GIVE Act will expand the Corporation for National and Community Service which has been instrumental in helping connect Americans to high quality, meaningful service and service-learning opportunities. The GIVE Act will increase the benefits of service available to more participants and more communities, improve program quality, ensure participant diversity, increase the value of the AmeriCorps education award, and reduce the age eligibility for Senior Corps to 55.

In the last 14 years more than 500,000 individuals have served through AmeriCorps and have earned education awards worth more than $1.5 billion. Senior Corps members have generated more than 1 billion volunteer service hours, and more than 15 million young people have participated in service-learning initiatives funded by Learn and Serve America. In addition, the national service programs have provided opportunities for growing numbers of Americans to serve our Nation.

Since AmeriCorps was created in 1994, Texas has benefited from over 22,000 young people serving for at least 1 year in our communities. Through programs such as the ''National Civilian Community Corps'' and ''City Year,'' AmeriCorps volunteers address critical Texas needs in the areas of education, public safety, disaster response and recovery, and environment preservation. These programs serve the important role of providing an outlet for service to the country in a manner previously not afforded.

Mr. Chairman, the AmeriCorps program has done great things for Texas and this Nation as a whole, as is reflected in the AmeriCorps members pledge to ''get things done.'' I am indeed honored to support this wonderful program which represents the very best of the United States of America.

Mr. SHAYS. Mr. Chairman, I would like to thank the Committee on Education and Labor for all of their work in bringing this bill to the floor today.

National service is one of the most productive, cost efficient investments the Federal Government can make.

My wife Betsi and I were Peace Corps volunteers and we call ourselves volunteers because we gave 2 years of our lives in service to others.

Americorps is a similar program to Peace Corps. It takes 18, 19, 20-year-old kids and gives them an opportunity to work in a program mentored by various nonprofit organizations.

The passion of participants in Peace Corps, AmeriCorps, and other national service programs is undeniable. As they give back to their country they also learn something about themselves, each other, and the world around them.

I am pleased H.R. 2857 expands the AmeriCorps program and increases the education award, which participants in the program receive upon completion of service.

As the cost of a college education increases, students often have to choose between public service careers and other jobs to pay back student loans.

I am also pleased we are making amendments in order under this rule because I believe they will strengthen this underlying reauthorization.

Congresswoman MATSUI and I have offered an amendment to streamline funding for State and national AmeriCorps programs, which will encourage coordination, efficiency, and high quality programs.

Furthermore, this amendment will improve the collaboration between State and national entities to better serve local needs.

Congressman MCDERMOTT, Congressman FARR and I have offered an amendment to establish a Congressional Commission on Civic service that will investigate ways to increase and encourage service opportunities throughout the country.

The Commission will consider and promote ideas to inspire community service initiatives around the Nation.

There is no substitute for the passion of our Nation's volunteers, who can be found mentoring students, building houses, assisting senior citizens or beautifying our national parks.

As a co-sponsor of this legislation, I am proud to support national service initiatives and encourage my colleagues to support this important reauthorization today.

Mr. MORAN of Virginia. Mr. Chairman, I would like to take a minute to recognize an enduring legacy of John F. Kennedy—the Peace Corps—in recognition of its 47th anniversary this year. It is an honor to serve with the likes of my colleague and friend CHRIS SHAYS and others in this body and the others who serves our country in the enhancement of citizen diplomacy. I hope all Americans will join us in supporting and expanding this enduring commitment to convey our values as a Nation.

As Fareed Zakaria wrote: ''We must begin to think about life after Bush—a cheering prospect for his foes, a dismaying one for his fans (however few there may be at the moment). In 11 months he will be a private citizen, giving speeches to insurance executives. America, however, will have to move on and restore its place in the world. To do this we must first tackle the consequences of our foreign policy of fear. Having spooked ourselves into believing that we have no option but to act fast, alone, unilaterally and pre-emptively, we have managed in six years to destroy decades of international good will, alienate allies, embolden enemies and yet solve few of the major international problems we face.''

The London Financial Times last December reported that the U.S. has suffered a significant loss of power and prestige around the world in the years since the beginning of this century, limiting our ability to influence international crises, according to an annual survey from a well regarded British security think-tank. The 2007 Strategic Survey of the nonpartisan International Institute for Strategic Studies' picked the decline of U.S. authority as one of the most important security developments of the past year—but suggested the fading of American prestige began earlier, largely due to its failings in Iraq.

One of our most special and effective citizen agencies of public diplomacy is the Peace Corps. Think of this—more than 187,000 volunteers have served this venerable legacy of former President Kennedy, serving in 139 countries—where they bring our values to other peoples, and bring understanding and appreciation of other cultures back home.

The greatest gift of the Peace Corps and other civilian programs is not just that ordinary Americans share their values and our culture with other peoples, but also that when volunteers return, they bring greater understanding and appreciation of other cultures.

Foreign policy is not just what we do, but also who we are. America as a place has often been the great antidote to U.S. foreign policy—and it should be again. Mr. Zakaria writes that ''When American actions across the world have seemed harsh, misguided or unfair, America itself has always been open, welcoming and tolerant. . .''

At the end of the day, our openness is our greatest foreign policy. We have succeeded not because of the ingenuity of our government, but rather because of efforts like this unique program to keep ourselves open to the world—to sending our people out across the countries of the world to share our unique culture, our goods and services, our ideas and inventions, our people and cultures. This openness, this civilian diplomacy, has allowed us to make friends across boundaries. It will be central to our place as a nation in the future.

This week, as we celebrate National Peace Corps Week, we honor the more than 190,000 volunteers who have served in 139 developing countries since President Kennedy's call to service in 1961—and I honor 44 of my constituents currently serving our country in places as diverse as China, Mali, Azerbaijan, Macedonia, El Salvador, and Namibia. This can be lonely and demanding service, but service that can create enduring friendships and values that transcend boundaries and cultures.

Today, more than 8,000 Peace Corps volunteers around the world are currently providing training and education in 74 countries. These volunteers each donate their time and skills for over 2 years, in order to make a difference in the world and to promote understanding between cultures. By offering their valuable skills and showing a passion for helping others, they show the world that Americans value learning and cross-cultural exchange.

Volunteers work in areas of education, health and HIV/AIDS, business development, environment, agriculture and youth, and must often be creative and flexible when living and working in new cultures and learning new languages. The resulting experience is rewarding for all involved, and it highlights the importance of cooperation and involvement between cultures around the globe.

When volunteers return home and share their overseas experiences with their communities, the Peace Corps helps Americans as much as the people in developing countries. From recent college graduates to doctors with decades of experience, volunteers choose to use their valuable skills and education to help people all over the world, but their work affects their lives long after returning home.

This week we remember the dedication and passion of Peace Corps volunteers, young and old, current and returned. We thank them for their service, and encourage more Americans to volunteer with the Peace Corps.

SWORN-IN VOLUNTEERS IN THE DISTRICT OF VA–08

Volunteer Name, Country of Service, Start of SVC Date, Projected COS Date

Adriance, Joel E, ECUADOR, 31–Aug–2005, 30–Sep–2008.
Armitage, Emily M, BULGARIA, 19–Oct–2006, 10–Oct–2008.
Arnaoudova, Ina M, AZERBAIJAN, 13–Sep–2006, 12–Sep–2008.
Ballenger, Charles J, EL SALVADOR, 30–Nov–2006, 28–Nov–2008.
Banks, Cecilia M, ECUADOR, 31–Aug–2005, 30–Sep–2008.
Bergin, Sarah M, SURINAME, 03–Aug–2006, 03–Aug–2008.
Braslavsky, Gelena, BULGARIA, 29–Jun–2007, 30–Jun–2009.
Cabrera, Luis J, NICARAGUA, 20–Jul–2007, 17–Jul–2009.
Calnan, Shannon M, ROMANIA, 27–Jul–2007, 26–Jul–2009.
Chadbourn Iv, Charles C, COSTA RICA, 14–Sep–2006, 19–Sep–2008.
Cohen, Matthew B, GHANA, 21–Aug–2007, 20–Aug–2009.
Davies, Meghan E, HONDURAS, 20–Apr–2006, 14–Mar–2008.
Doherty, Jennifer J, JAMAICA, 25–Aug–2006, 25–Aug–2008.
Ferrara, Erin J, FIJI, 03–Aug–2006, 03–Aug–2008.
Ficke, Melanie K, HONDURAS, 07–Sep–2006, 06–Sep–2008.
GarciaLahiguera, Andres J, ROMANIA, 27–Jul–2007, 26–Jul–2009.
Geurtsen, Christopher P, VANUATU, 21–Jun–2007, 19–Jun–2009.
Glock, Porter O, FIJI, 03–Aug–2006, 03–Aug–2008.
Guachamin, Marcela A, COSTA RICA, 18–May–2007, 15–May–2009.
Gustafson, Kevin L, GUYANA, 26–Jul–2007, 25–Jul–2009.
Houk, Kathryn G, BOLIVIA, 28–Jul–2006, 01–Aug–2008.
Huckstep, Melanie L, CHINA, 07–Sep–2007, 08–Sep–2009.
Hurley, Emelia M, BOLIVIA, 13–Apr–2006, 11–Apr–2008.
Infantino, Ann Marie C, HONDURAS, 27–Sep–2007, 25–Sep–2009.
Johnston, Elizabeth A, PARAGUAY, 21–Apr–2006, 18–Apr–2008.
Landrigan, Gregory J, PANAMA, 28–Jul–2005, 04–Sep–2008.
Luckett, Christina C, DOMINICAN REPUBLIC, 26–May–2006, 05–May–2008.
Mandt, Kehl R, CHINA, 09–Jun–2005, 16–Aug–2009.
Milanowski, Elissa N, NAMIBIA, 06–Jan–2006, 30–Mar–2008.
Morris, Katherine M, ALBANIA, 13–Jun–2007, 13–Jun–2009.
Morrow, Katherine J, CHINA, 07–Sep–2007, 08–Sep–2009.
Neidorf, Katherine A, MACEDONIA, 15–Dec–2006, 14–Dec–2008.
Norko, Sara M, PHILIPPINES, 03–Aug–2007, 03–Aug–2009.
Papernick, Rachel J, HONDURAS, 27–Sep–2007, 25–Sep–2009.
Pasley, Virginia B, UKRAINE, 21–Dec–2006, 18–Dec–2008.
Rooney, Kieran E, MOLDOVA, 16–Aug–2007, 14–Aug–2009.
Schiller, Malaika L, BENIN, 22–Sep–2006, 22–Sep–2008.
Shah, Rekha, PHILIPPINES, 03–Aug–2007, 03–Aug–2009.
Shanahan, Kara A, EL SALVADOR, 16–Aug–2007, 13–Aug–2009.
Slotnick, Jennifer A, GUATEMALA, 27–Jul–2006, 26–Jul–2008.
Soto, Jocelyn D, UKRAINE, 21–Dec–2006, 18–Dec–2008.
Vance, Jessica H. EL SALVADOR, 19–Apr–2007, 24–Apr–2009.
Wagner, Ariel E, MALI, 25–Nov–2005, 25–May–2008.
Zehner, Amanda L, GAMBIA, 13–Apr–2007, 15–Apr–2009.

Mr. ALTMIRE. Mr. Chairman, I rise today in support of the Generations Invigorating Volunteerism and Education Act, the GIVE Act, H.R. 2857. I congratulate Chairman MILLER and Chairwoman MCCARTHY and Ranking Members MCKEON and PLATTS on their work toward this day and moving us closer to finally reauthorizing the Corportation for National and Community Service.

There are many noteworthy programs in the GIVE Act, including Senior Corps and AmeriCorps, which give countless Americans the opportunity to volunteer. Today, I would like to bring attention to a new and very promising program that I have worked to include in the GIVE Act. This new part of the law will provide grants to non-profit organizations to encourage increased volunteer, community, workforce, and educational participation in older adults.

Recent research shows that Americans in the second half of life—regardless of income, educational level, or race—want to explore options for the next stage of life, including service opportunities, obtaining new training, retooling existing skills, pursuing educational interests, and exploring flexible work.

This initiative is a timely and necessary way to help the large U.S. 'boomer' generation make the transition to a new productive life phase by providing support and community connections for ongoing learning, development, and contribution to society. Similar programs currently function as an initiative of Civic Ventures and are a proven success.

I am hopeful that we will be able to bring a program to my district to assist those that are in a transition period, whether they have lost a job, are looking for a career change, or would like to move into a volunteer role in the community.

Mr. Chairman, again I thank the leadership of the Education and Labor Committee and its excellent staff for assisting in securing this program authorization and in moving the GIVE Act forward.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 2857, the "Generations Invigorating Volunteerism and Education Act" or the "GIVE Act." I would like to thank my colleague Congresswoman MCCARTHY for introducing this important legislation, as well as the Chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing the bill to the floor today.

Mr. Chairman, this legislation will make vital strides toward expanding and improving key community service programs, including AmeriCorps, VISTA, Senior Corps, and Learn and Serve America. The GIVE Act works to ensure that volunteers, and the organizations that support them, will receive the resources that they need to continue their vital work in our communities.

Today's legislation embodies the altruistic spirit that has made our Nation great. Great numbers of Americans donate their time and their unique skills and gifts to our cities and communities, without any expectation of compensation or material reward. According to a 2005 study, 29 percent of the American public, or about 65.4 million people, had volunteered in the past year.

This legislation engages our youth and fosters a sense of civic duty. At many of our Historically Black Colleges and Universities the idea of continual service to community is embedded into the very walls of the institution. Right in this city, Howard University has symbolically and yet openly stated its belief in service. Veritas and Utilitas, Truth and Service is on the very seal of the University. Institutions such as Texas Southern University and Texas A&M University continue to provide our young people with leadership skills that are grounded in service and compassion for their fellow man.

That is why I was so pleased to see Section 1202 of this legislation, giving special consideration to Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities. I want to thank Chairman MILLER for allowing me to add to this great bill. By adding predominately minority community colleges to the list of those to receive special consideration, we help so many more students who have a commitment to service.

Our community colleges are growing as many of our returning veterans, single parents, and seniors desire to make a change in their life circumstances and simply cannot afford traditional higher education. A sense of civic engagement is not fostered only among students at Harvard and Berkeley; it is also found among students at community colleges like Houston Community College and North Harris College. I thank the Chairman for recognizing this needed addition and incorporating it into the Manager's Amendment.

The GIVE Act would: (1) increase the number of AmeriCorps volunteers from 75,000 to 100,000 by 2012; (2) increase stipends for AmeriCorps volunteers from $4,725 to $5,225 by 2012; (3) initiate a "Summer of Service" program for young people from middle school through high school to give them the opportunity to spend a summer in service to their community, for which they would receive a $500 stipend for college or for college preparation; and (4) create an AmeriCorps Alumni Reserves Network aimed at tapping into the skills and experience of alumni volunteers, with a particular focus on assisting during emergencies or natural disasters.

I am proud to cosponsor legislation that will add service before self to our leaders of tomorrow. I urge my colleagues to join me in supporting this legislation.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the Generations Invigorating Volunteerism and Education Act. I would like to thank Chairman GEORGE MILLER, Ranking Member MCKEON, Chairwoman MCCARTHY, and Ranking Member PLATTS for their work on this bill.

H.R. 2857 reauthorizes the national service programs for the first time in over 10 years and contains many positive changes and updates for these programs. During committee consideration of the bill, I added language to

make many of these programs more accessible for court-involved youth and adults, including individuals who have previously been incarcerated. I believe that getting these individuals involved in service could be a positive first step to reintegrating these individuals into their communities and giving them an avenue to begin positively participating in society.

Although I support this bill, I remained concerned about one provision, which requires the recompetition of grants under the Retired Senior Volunteer Program, RSVP. During committee consideration of this bill, Congressman HARE and I submitted an amendment that would have given existing RSVP grantees in good standing priority consideration for future grants. Since that time, we have worked with the committee to improve the provision that is in the bill, including giving existing programs technical assistance and additional time to prepare for recompetition. I appreciate this work towards a more fair system.

However, I believe that existing programs in good standing should be given a stronger priority in the recompetition process, whether that is by only recompeting under-performing programs such as in the Head Start program or by utilizing a prior experience point system such as in the TRIO programs. Through serving their communities for many years and in some cases decades, these existing programs have established strong ties in their communities on which many seniors rely and from which many others benefit. I remain concerned that the language in the base bill will create a recompetition process that will essentially become a grant-writing competition without consideration for current RSVP programs' experience and effectiveness.

Although I remain concerned about the recompetition process for RSVP programs, I intend to support the bill and urge my colleagues to support it as well.

Mr. PLATTS. Mr. Chairman, I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I urge my colleagues to support H.R. 2857, and I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2857

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

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

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

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

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

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

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

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

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

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

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

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

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

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

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

Sec. 1701. Terms of office.
Sec. 1702. Board of Directors authorities and duties.
Sec. 1703. Authorities and duties of the Chief Executive Officer.
Sec. 1704. Nonvoting members; personal services contracts.
Sec. 1705. Donated services.
Sec. 1706. Office of Outreach and Recruitment.
Sec. 1707. Study to examine and increase service programs for veterans and veterans participation in Service Corps and Community Service and to develop pilot program.

Subtitle H—Amendments to Subtitle H

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

Subtitle I—American Conservation and Youth Service Corps

Sec. 1811. State application.

Subtitle J—Training and Technical Assistance

Sec. 1821. Training and technical assistance.

Subtitle K—Repeal of Title III (Points of Light Foundation)

Sec. 1831. Repeal.

Subtitle L—Amendments to Title V (Authorization of Appropriations)

Sec. 1841. Authorization of appropriations.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 2001. References.

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

Sec. 2101. Purpose.
Sec. 2102. Purpose of the VISTA program.
Sec. 2103. Applications.
Sec. 2104. VISTA programs of national significance.
Sec. 2105. Terms and periods of service.
Sec. 2106. Support Service.
Sec. 2107. Sections repealed.
Sec. 2108. Conforming amendment.
Sec. 2109. Financial assistance.

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

Sec. 2201. Change in name.
Sec. 2202. Purpose.
Sec. 2203. Grants and contracts for volunteer service projects.
Sec. 2204. Foster Grandparent Program grants.
Sec. 2205. Senior Companion Program grants.
Sec. 2206. Promotion of National Senior Service Corps.
Sec. 2207. Technical amendments.
Sec. 2208. Programs of national significance.
Sec. 2209. Additional provisions.
Sec. 2210. Authority of Director.

Subtitle C—Amendments to Title IV (Administration and Coordination)

Sec. 2301. Nondisplacement.
Sec. 2302. Notice and hearing procedures.
Sec. 2303. Definitions.
Sec. 2304. Protection against improper use.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

Sec. 2401. Authorization of appropriations for VISTA and other purposes.
Sec. 2402. Authorization of appropriations for National Senior Service Corps.
Sec. 2403. Administration and coordination.

TITLE III—AMENDMENTS TO OTHER LAWS

Sec. 3101. Inspector General Act of 1978.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

Sec. 4101. Table of contents for the National and Community Service Act of 1990.
Sec. 4102. Table of contents for the Domestic Volunteer Service Act of 1973.

TITLE V—EFFECTIVE DATE

Sec. 5101. Effective date.

Sec. 5102. Service assignments and agreements.

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

SEC. 1001. REFERENCES.

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

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES; SENSE OF CONGRESS.

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

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

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

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

(4) in paragraph (7)—

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

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

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

(6) by adding at the end the following:

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

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

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

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

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

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

"SEC. 3. SENSE OF CONGRESS.

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

SEC. 1102. DEFINITIONS.

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

(1) by redesignating—

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

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

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

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

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

''(3) APPROVED SUMMER OF SERVICE POSITION.—The term 'approved summer of service position' means a position in a program described under section 111(a)(5) for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

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

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

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

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

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

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

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

''(C) Who have limited English proficiency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) by adding at the end the following:

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

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

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

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

"PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

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

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

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

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

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

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

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

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

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

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

''(A) local educational agencies; and

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

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

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

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

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

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

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

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

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

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

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

''(A) local educational agencies;

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

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

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

''(5) establishing or implementing summer of service programs during the summer months, including the cost of recruitment, training, and placement of service-learning coordinators—

''(A) for youth who will be enrolled in any grade from grade 6 through grade 12 at the end of the summer concerned;

''(B) for community-based service-learning projects that—

''(i) shall—

''(I) meet unmet human, educational, environmental (including energy conservation and stewardship), emergency and disaster preparedness, and public service needs; and

''(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community; and

''(ii) may include the extension of academic year service-learning programs into the summer months;

''(C) through the distribution of Federal funds made available under this part to projects operated by local partnerships that consist of local educational agencies and—

''(i) public or private elementary schools or secondary schools;

''(ii) institutions of higher education;

''(iii) public or private non-profit organizations that—

''(I) have a demonstrated expertise in providing services to meet unmet human, educational, environmental, or public safety needs; and

''(II) have been in existence for at least 1 year before the date on which the organization submitted an application under section 113;

''(iv) for-profit businesses; or

''(v) a consortia of such entities;

''(D) under which any student who completes 100 hours of service in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 139(f), shall be eligible for a summer of service educational award of not more than $500 (or, at the discretion of the Chief Executive Officer, not more than $1,000 in the case of a participant who is economically disadvantaged) from funds deposited in the National Service Trust and distributed by the Corporation as described in section 148; and

''(E) subject to the limitation that a student may not receive more than 2 summer of service educational awards from funds deposited in the National Service Trust.

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 112. ALLOTMENTS.

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

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

''(1) ALLOTMENTS.—

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

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

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

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

"SEC. 113. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive an allotment under section 112 or an allotment of approved summer of service positions under section 111(a)(5)(D), a State, acting through the State educational agency, Territory, or Indian tribe shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.

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

''(1) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

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

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

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

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

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

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

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

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

''(1) IN GENERAL.—Any—

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

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

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

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

''(E) agency or partnership described in section 111(a)(5) that desires to receive such assistance, or approved summer of service positions, from a State, Territory, or Indian tribe for an activity described in such section to be carried out through a service-learning program described in section 111,

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

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

''(d) EXCEPTION.—Notwithstanding subsections (a) and (b) of section 112, if less than $20,000,000 is appropriated for any fiscal year to carry out this part, the Corporation shall award grants to States, Territories, and Indian tribes from the amount so appropriated, on a competitive basis to pay for the Federal share of the activities described in section 111.

''SEC. 114. CONSIDERATION OF APPLICATIONS.

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

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

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

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

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

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

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

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

''(a) FEDERAL SHARE.—

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

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

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

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

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

''SEC. 116A. LIMITATIONS ON USES OF FUNDS.

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

''(1) the original recipient; or

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

SEC. 1202. HIGHER EDUCATION PROVISIONS.

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

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

(2) in subsection (b)—

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

(B) in paragraph (1)—

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

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

(iii) by adding at the end the following:

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

(3) in subsection (b)(3)—

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

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

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

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

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

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

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

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

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

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

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

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

''(1) FEDERAL SHARE.—

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

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

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

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

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

''(e) APPLICATION FOR GRANT.—

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

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

''(A) assurances that—

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

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

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

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

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

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

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

''(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

''(A) the institution;

''(B)(i) a community-based agency;

''(ii) a local government agency; or

''(iii) a non-profit entity that serves or involves school-age youth, older adults, or low-income communities; and

''(C)(i) a student organization;

''(ii) a department of the institution; or

''(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

''(5) demonstrate community involvement in the development of the proposal;

''(6) describe research on effective strategies and methods to improve service utilized in the design of the project;

''(7) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

''(8) with respect to projects involving delivery of services, specify projects that involve leadership development of school aged youth.

''(g) DEFINITION.—Notwithstanding section 101, as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

''(h) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education must demonstrate that it meets the minimum requirements under section 443(b)(2)(B) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(B)) relating to the participation of Federal Work-Study students in community service activities, or has received a waiver of those requirements from the Secretary of Education.''.

SEC. 1203. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is further amended by adding after part II the following new part:

''PART III—INNOVATIVE SERVICE–LEARNING PROGRAMS AND RESEARCH

''SEC. 118. INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH.

''(a) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants and fixed amount grants under subsection (f) with eligible entities for activities described in subsection (c).

''(b) ELIGIBLE ENTITIES DEFINED.—For purposes of this part, the term 'eligible entity' means a State education agency, a State commission, a Territory, an Indian tribe, an institution of higher education, a public or private nonprofit organization, or a consortia of such entities, where a consortia of two or more such entities may also include a for-profit organization.

''(c) AUTHORIZED ACTIVITIES.—Funds under this part may be used to—

''(1) integrate service-learning programs into the science, technology, engineering, and mathematics (STEM) curricula at the elementary, secondary, or post-secondary and post-baccalaureate levels in coordination with practicing or retired STEM professionals;

''(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low income housing and in public spaces;

''(3) involve students in service-learning projects in emergency and disaster preparedness;

''(4) involve students in service-learning projects aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including in low income or rural communities, senior centers and communities, schools, libraries, and other public spaces;

''(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in their community;

''(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

''(7) conduct innovative and creative activities as described in section 111(a); and

''(8) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

''(d) PRIORITY.—Priority shall be given to programs that—

''(1) involve students and community stakeholders in the design and implementation of the service-learning program;

''(2) implement service-learning programs in low-income or rural communities; and

''(3) utilize adult volunteers, including tapping the resource of retired and retiring adults, in the planning and implementation of the service-learning programs.

''(e) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) ENCOURAGEMENT.—Each program funded under this part is encouraged to collaborate with other Learn and Serve programs, AmeriCorps, VISTA, and the National Senior Service Corps.

''(3) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies and recommendations for improvement.

''(f) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(3) MATCHING FUNDS.—

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

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

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

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

''(g) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

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

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''subdivisions of States,'' the following: ''Territories,'';

(2) in subsection (b)—

(A) in the heading, by striking ''AGREEMENTS WITH FEDERAL AGENCIES'' and inserting ''RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES'';

(B) in paragraph (1)—

(i) in the first sentence by striking ''by the agency.'' and inserting ''by the agency, including programs under the Public Lands Corps and Urban Youth Corps as described in section 122(a)(2).''; and

(ii) by striking the second sentence;

(C) by striking paragraph (2) and inserting the following:

''(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.''; and

(D) in paragraph (3)—

(i) by striking ''receiving assistance under this subsection'' and inserting ''operating a national service program''; and

(ii) by striking ''using such assistance'';

(3) in subsection (c)(2)(B), by striking ''to be provided'' and inserting ''to be provided or otherwise approved'';

(4) in subsection (d)—

(A) in the subsection heading, by striking ''FIVE'' and inserting ''SIX''; and

(B) in paragraph (1), by striking ''5 percent'' and inserting ''6 percent''; and

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''section 140'' and inserting ''paragraph (2)'';

(ii) by striking ''Federal share'' and inserting ''Corporation share'';

(iii) by inserting after ''cost'' the following: '', including member living allowances, employment-related taxes, health care coverage, and worker's compensation,''

(iv) by striking ''may not exceed 75 percent of such cost.'' and inserting ''may not exceed—''; and

(v) by adding at the end the following:

''(A) for the first three years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the fourth through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 percent and 50 percent, as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 50 percent of such cost.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

''(2) ALTERNATIVE CORPORATION SHARE FOR PROGRAMS IN RURAL OR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.—Upon approval by the Corporation, the Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation, of carrying out a national service program that receives assistance under subsection (a) and that is located in a rural or severely economically distressed community may not exceed—

''(A) for the first six years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the seventh through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 and 65 percent as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 65 percent of such cost.'';

(E) in paragraph (3) (as so redesignated), in subparagraph (B), by inserting after ''other Federal sources'' the following: ''including funds authorized under Youthbuild (section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a))''; and

(F) by adding at the end the following:

''(5) OTHER FEDERAL FUNDS.—

''(A) RECIPIENT REPORT.—A recipient of assistance under section 121 shall report to the Corporation the amount and source of any Federal funds used to carry out the program other than those provided by the Corporation.

''(B) CORPORATION REPORT.—The Corporation shall report to the Congress on an annual basis information regarding each recipient that uses Federal funds other than those provided by the Corporation to carry out the program, including amounts and sources of other Federal funds.''.

SEC. 1302. E–CORPS AND TECHNICAL AMENDMENTS TO TYPES OF PROGRAMS.

Section 122 (42 U.S.C. 12572) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''including'' and all that follows through the semicolon at the end and inserting ''including projects involving urban renewal, sustaining natural resources, or improving human services;'';

(ii) in subparagraph (B), by striking ''including'' and inserting ''and at least 50 percent of whom are''; and

(iii) in subparagraph (C)(i), by inserting '', including mentoring'' before the semicolon;

(C) in paragraph (6)—

(i) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) students participating in service-learning programs at an institution of higher education.'';

(D) in paragraph (7)(A), by inserting '', including elementary and secondary education, and other professions such as those in health care, criminal justice, environmental stewardship and conservation, or public safety'' before the semicolon;

(E) in paragraph (8)(C), by striking ''nonprofit'';

(F) in paragraph (9), by striking ''between the ages of 16 and 24'' and inserting ''between the ages of 16 and 25'';

(G) in paragraph (10), by striking ''gifted young adults'' and all that follows through the period at the end and inserting ''school-age youth and young adults of all backgrounds, including gifted youth, along with established successful entrepreneurs of all backgrounds and professions from the community in which the program exists to—

''(A) train the participants in utilizing problem-solving, entrepreneurship, and communication skills to design solutions to community problems; and

''(B) collaborate with stakeholders in the communities to implement the solutions devised by the participants in subparagraph (A).'';

(H) in paragraph (12)(A), by striking ''learning and recreation'' and inserting ''learning, recreation, and mentoring'';

(I) in paragraph (13), by striking ''and to combat rural poverty, including'' and inserting '', including the issues of rural poverty,'';

(J) by redesignating paragraph (15) as paragraph (19); and

(K) by inserting after paragraph (14) the following:

''(15) An E–Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs which seek to increase access to technology and the benefits thereof in such community.

''(16) A program that engages citizens in public safety, public health, and emergency and disaster preparedness, and may include the recruitment and placing of qualified participants in positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers, and may engage Federal, State, and local stakeholders in collaboration to organize more effective responses to issues of public safety and public health, emergencies, and disasters.

''(17) A program, initiative, or partnership that seeks to expand the number of mentors for youths (including by recruiting high-school and college-aged individuals to enter into mentoring relationships), including mentors for disadvantaged youths, either through provision of direct mentoring services through the creative utilization of current and emerging technologies to connect youth with mentors.

''(18) A program that has the primary purpose of re-engaging court-involved youth and adults with the goal of reducing recidivism.'';

(2) by redesignating subsections (b) and (c) as (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) INNOVATIVE PROGRAMS TO MEET THE NEEDS OF VETERANS.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(2), the Corporation shall reserve up to 3 percent for competitive grants to eligible recipients under subsection (a) for the development, either directly or through subgrants to other entities, of innovative initiatives to address the unique needs of veterans.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, an entity described in paragraph (1) shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Entities receiving grants under this subsection shall use funds to develop initiatives that—

''(A) recruit veterans, particularly returning veterans, into service opportunities;

''(B) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(C) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.'';

(4) in subsection (c) (as so redesignated), in paragraph (4), by inserting after ''out-of-school youths,'' the following: ''disadvantaged youths,'';

(5) in subsection (d) (as so redesignated), in paragraph (1)(A), by striking ''subsection (b) or (d) of''; and

(6) by adding at the end the following:

''(e) REQUIREMENTS FOR TUTORS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

''(A) either—

''(i) obtained their high school diploma; or

''(ii) passed a proficiency test demonstrating that such individuals have the skills necessary to achieve program goals; and

''(B) have successfully completed pre- and in-service training for tutors.

''(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

''(f) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

''(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

''(2) offer high quality, research-based pre- and in-service training for tutors.

''(g) CITIZENSHIP TRAINING.—The Corporation shall establish requirements for recipients of assistance under the national service laws relating to the promotion of citizenship and civic engagement, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, among individuals enrolled in approved national service positions and approved summer of service positions.''.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (2)(A) by inserting after ''subdivision of a State,'' the following: ''a Territory,''; and

(2) in paragraph (5) by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 1257) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$125,000 and $750,000'' and inserting ''$200,000 and $825,000''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENT.—In making grants to a State under this subsection, the Corporation shall require the State to provide matching funds in the following amounts:

''(A) FIRST $100,000.—For the first $100,000 of grant amounts provided by the Corporation, a State shall not be required to provide matching funds.

''(B) AMOUNTS GREATER THAN $100,000.—For grant amounts of more than $100,000 and not exceeding $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $2 provided by the Corporation.

''(C) AMOUNTS GREATER THAN $200,000.—For grant amounts of more than $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $1 provided by the Corporation.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''to national service programs that receive assistance under section 121'' and inserting ''to programs supported under the national service laws''; and

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

''(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than $1 of

assistance under this subsection for each $1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, grants under this subsection may provide not more than $1 of assistance for each $2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds as matching funds if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.''.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

''SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

''(a) 1-PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The amount allotted as a grant to each such Territory under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the Territory bears to the total population of such Territories.

''(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes, to be allotted by the Corporation on a competitive basis.

''(c) ALLOTMENT FOR NATIONAL GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 23 percent for grants to nonprofit organizations to operate a program in 2 or more States.

''(d) ALLOTMENT FOR STATE COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under subsection (a) of section 121 for a fiscal year, the Corporation shall reserve 37.5 percent for innovative grants to States on a competitive basis.

''(e) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

''(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under subsection (a) of section 121 for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

''(2) ALLOTMENTS.—The amount allotted as a grant to each such State under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 37.5 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

''(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year must be at least $600,000.

''(f) EFFECT OF FAILURE TO APPLY.—If a State or Territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or Territory to—

''(1) make grants (and provide approved national service positions in connection with such grants) to other grantmaking entities under section 121 that propose to carry out national service programs in such State or Territory; and

''(2) make a reallotment to other States or Territories with approved applications submitted under section 130, to the extent grant-making entities do not apply as described in paragraph (1).

''(g) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a recipient under this section shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130.

''(h) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

''(i) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

''(j) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under section 126.

''(k) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Chief Executive Officer shall reserve an amount that is not less than 1 percent of such amount (except that the amount reserved may not exceed $10,000,000), in order to make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose.''.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

''SEC. 129A. EDUCATION AWARDS ONLY PROGRAM.

''(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed amount grants under subsection (d), provide operational assistance to programs that receive approved national service positions but do not receive funds under section 121(a).

''(b) LIMIT ON CORPORATION GRANT FUNDS.—Operational support under this section may not exceed $600 per individual enrolled in an approved national service position and may reach $800 per individual if the program supports at least 50 percent disadvantaged youth.

''(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

''(1) The limitation on administrative costs under section 121(d).

''(2) The matching funds requirements under section 121(e).

''(3) The living allowance and other benefits under sections 131(e) and section 140 (other than individualized support services for disabled members under section 140(f)).

''(d) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.''.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by inserting after ''State,'' the following: ''Territory,''; and

(B) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education'';

(2) in subsection (b)(9) by striking ''section 122(c)'' and inserting ''section 122(d)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''jobs or positions'' and inserting ''proposed positions''; and

(ii) by striking '', including'' and all that follows through the period at the end and inserting a period; and

(B) in paragraph (2) by inserting ''proposed'' before ''minimum'';

(4) in subsection (e)(2) by striking ''were selected'' and inserting ''were or will be selected'';

(5) in subsection (f)—

(A) in paragraph (1), by striking ''a program applicant'' and inserting ''an applicant''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''PROGRAM APPLICANT'' and inserting ''APPLICANT'';

(ii) in the matter preceding subparagraph (A), by striking ''program applicant'' and inserting ''applicant'';

(iii) in subparagraph (A)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(iv) in subparagraph (B)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(6) in subsection (g), by striking the period and inserting ''or is already receiving financial assistance from the Corporation.''.

SEC. 1309. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking ''jobs or'';

(2) in subsection (c), by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

''(8) The extent to which the program generates the involvement of volunteers.''; and

(3) in subsection (d)(2)—

(A) by striking subparagraphs (A) and (G), and redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively;

(B) in subparagraph (A) (as so redesignated), by striking ''section 122(c)'' and inserting ''section 122(d)'';

(C) in subparagraph (D) (as so redesignated), by adding ''and'' at the end; and

(D) in subparagraph (E) (as so redesignated), by striking ''; and'' and inserting a period.

SEC. 1310. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(B) in paragraph (2), by striking ''between the ages of 16 and 25'' and inserting ''a 16-year-old out of school youth or an individual between the ages of 17 and 25''; and

(3) in subsection (c), by striking ''(a)(5)'' and inserting ''(a)(4)''.

SEC. 1311. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a) by striking ''conducted by the State'' and all that follows through ''or other entity'' and inserting ''conducted by the entity''; and

(2) in subsection (e)(2)(C) by inserting before the semicolon at the end the following: '', particularly those who were considered at the time of their service disadvantaged youth''.

SEC. 1312. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)(1), by striking ''not less than 9 months and'';

(2) in subsection (b)(2), by striking ''during a period of—'' and all that follows through the period at the end and inserting ''during a period of not more than 2 years.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''as demonstrated by the participant'' and inserting ''as determined by the organization responsible for granting a release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the original term of service'';

(B) in paragraph (2)(A), by striking ''provide to the participant that portion of the national service educational award'' and inserting ''certify the participant's eligibility for that portion of the national service educational award''; and

(C) in paragraph (2)(B), by striking ''to allow return to the program with which the individual was serving in order''.

SEC. 1313. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (2) and (3)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

''(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided to an individual whose term of service includes hours for which the individual receives Federal work study wages shall be reduced by the amount of the individual's Federal work study award.'';

(E) in paragraph (4), by striking ''a reduced term of service under section 139(b)(3)'' and inserting ''a term of service that is less than 12 months'';

(2) in subsection (b), by striking ''shall include an amount sufficient to cover 85 percent of such taxes'' and all that follows through the period at the end and inserting ''may be used to pay such taxes.'';

(3) in subsection (c)—

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

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as (2);

(4) in subsection (d)(1), by striking the second sentence; and

(5) by striking subsections (g) and (h).

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

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''section 148(e)'' and inserting ''section 148(f)''; and

(B) in paragraph (2), by striking ''pursuant to section 196(a)(2)'' and inserting ''pursuant to section 196(a)(2), if the terms of such donations direct that they be deposited in the National Service Trust''; and

(2) in subsection (c), by striking ''for payments of national service educational awards in accordance with section 148.'' and inserting ''for—

''(1) payments of summer of service educational awards and national service educational awards in accordance with section 148; and

''(2) payments of interest in accordance with section 148(f).''.

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''if the individual'' and inserting ''if the organization responsible for an individual's supervision certifies that the individual'';

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) met the applicable eligibility requirements for the position; and

''(2)(A) successfully completed the required term of service described in subsection (b) in an approved national service position; or

''(B)(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under section 139(c); and

''(ii) served at least 15 percent of the required term of service described in subsection (b); and''; and

(C) by redesignating paragraph (4) as paragraph (3);

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

''(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, in national service educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The aggregate value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of national service educational awards the individual may receive.'';

(3) in subsection (d)—

(A) in paragraph (1) by inserting after ''national service educational award'' the following: ''or a summer of service educational award''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), and in subparagraph (A), by inserting after ''national service educational award'' the following: ''or a summer of service educational award'';

(ii) in subparagraph (A) by striking ''or'' at the end;

(iii) in subparagraph (B) by striking the period at the end and inserting ''; or'';

(iv) by adding at the end the following:

''(C) in the case of a summer of service educational award, is enrolled at an eligible institution of higher education under section 148(c) or an educational institution described under section 148(a)(4) and failed to expend the full amount of that award during the original 7-year period.''; and

(4) in subsection (e)(1)—

(A) by inserting after ''qualifying under this section'' the following: ''or under section 111(a)(5)''; and

(B) by inserting after ''to receive a national service educational award'' the following: ''or a summer of service educational award''.

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147(a) (42 U.S.C. 12603(a)) is amended—

(1) by striking ''a value, for each of not more than 2 of such terms of service, equal to 90 percent of—'' and inserting ''a value of—''; and

(2) by striking paragraphs (1) and (2) and inserting the following:

''(1) $4,825, for fiscal year 2008;

''(2) $4,925, for fiscal year 2009;

''(3) $5,025, for fiscal year 2010;

''(4) $5,125, for fiscal year 2011; and

''(5) $5,225, for fiscal year 2012 and each fiscal year thereafter.''.

SEC. 1404. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''cost of attendance'' and inserting ''cost of attendance or other educational expenses'';

(B) in paragraph (3), by striking ''and'';

(C) by redesignating paragraph (4) as paragraph (6);

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

''(4) to pay expenses incurred in enrolling in an educational institution or training establishment that meets the requirements of chapter 36 of title 38, United States Code (38 U.S.C. 3451 et seq.);

''(5) for a recipient of a summer of service educational award under section 111(a)(5)(D), to pay expenses incurred in enrolling in a college preparatory program in accordance with subsection (e); and''; and

(E) in paragraph (6) (as so redesignated) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) in subsection (b)(1) by inserting after ''the national service educational award of the individual'' the following: '', or an eligible individual under section 111(a)(5) who received a summer of service educational award for a project that began after the individual completed grade 10 and desires to apply that summer of service educational award,'';

(3) in subsection (b)(2) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable,'';

(4) in subsection (b)(5) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable'';

(5) in subsection (b)(7)—

(A) in subparagraph (A), by striking '', other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed by—

''(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

''(ii) the direct student loan program under part D of title IV of such Act;

''(iii) a State agency; or

''(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.'';

(6) in subsection (c)(1), by inserting after ''national service educational award'' the following: '', or an eligible individual under section 111(a)(5) who desires to apply the individual's summer of service educational award,'';

(7) in subsection (c)(2)(A), by inserting after ''national service educational award'' the following: ''or summer of service educational award, as applicable,'';

(8) in subsection (c)(2)(C)(iii), by inserting after ''national service educational awards received under this subtitle'' the following: ''or summer of service educational awards received under section 111(a)(5)'';

(9) in subsection (c)(3), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(10) in subsection (c)(5)—

(A) by inserting after ''national service educational award'' the following: '', or summer of service educational award, as applicable,''; and

(B) by inserting after ''additional'' the following: ''summer of service educational awards and additional'';

(11) in subsection (c)(6), by inserting after ''national service educational award'' the following: ''and summer of service educational award'';

(12) in subsection (d), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(13) by redesignating subsections (e), (f), and (g) as (f), (g), and (h), respectively;

(14) by inserting after subsection (d) the following:

''(e) USE OF SUMMER OF SERVICE EDUCATIONAL AWARD TO PAY COLLEGE PREPARATORY EXPENSES.—

''(1) APPLICATION OF ELIGIBLE INDIVIDUALS.—An eligible individual under section 111(a)(5), or the parents or legal guardian of such an individual, who desires to apply the summer of service educational award of the individual to the payment of expenses incurred in enrolling in a college preparatory program shall, on a form prescribed by the Corporation, submit an application to the college preparatory program in which the individual will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

''(2) SUBMISSION OF REQUESTS FOR PAYMENT BY PROGRAM.—A college preparatory program that receives one or more applications under paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

''(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's summer of service educational award under this subsection;

''(B) specifies the amounts for which such eligible individuals are qualified for disbursement; and

''(C) certifies that—

''(i) the college preparatory program is operated by a for-profit or non-profit organization with a track record of success in implementing college preparatory programs that collaborate with local educational agencies and adequately prepare secondary school students for admission to an institution of higher education without need for remediation;

''(ii) the college preparatory program has been in existence for at least one year prior to an eligible individual's submission of the application under paragraph (1); and

''(iii) individuals using summer of service educational awards received under section 111(a)(5) to pay the cost of enrolling in the college preparatory program do not comprise more than 15 percent of the total number of individuals enrolled in the program; and

''(D) contains such provisions concerning financial compliance and program quality as the Corporation may require.

''(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from a college preparatory program that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the summer of service educational awards for which eligible individuals who have submitted applications to that program under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the program and requires the endorsement or other certification by the eligible individual.

''(4) MULTIPLE DISBURSEMENTS.—The total amount required to be disbursed to a college preparatory program under paragraph (3) for any period of enrollment may be disbursed by the Corporation in two or more installments consistent with appropriate divisions of such period of enrollment.

''(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the summer of service educational award of an eligible individual) of amounts disbursed to programs for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved summer of service positions under section 111(a)(5).

''(6) MAXIMUM AWARD.—The portion of an eligible individual's total available summer of service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the cost of attendance.'';

(15) in subsection (f) (as so redesignated), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)''; and

(16) in subsection (g) (as so redesignated), by striking ''Director'' and inserting ''Chief Executive Officer''.

SEC. 1405. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 149. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

''(a) TIMING AND RECORDING REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding subtitles C and D, and any other provision of law, in approving a position as an approved national service position, the Corporation—

''(A) shall approve the position at the time the Corporation—

''(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or a summer of service educational award; or

''(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

''(B) shall record as an obligation an estimate of the net present value of the national service educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards for such a program and remain available.

''(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

''(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to Congress a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

''(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position that the Corporation approves—

''(A) during fiscal year 2008; and

''(B) during any subsequent fiscal year.

''(b) RESERVE ACCOUNT.—

''(1) ESTABLISHMENT AND CONTENTS.—

''(A) ESTABLISHMENT.—Notwithstanding subtitles C and D, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

''(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions for each fiscal year, the Corporation shall place in the account—

''(i) during fiscal year 2008, a portion of the funds that were appropriated for fiscal year 2008 or a previous fiscal year under section 501(a)(2), were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 111(a)(5), and remain available; and

''(ii) during fiscal year 2009 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501(a)(2) and were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 111(a)(5), and remain available.

''(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

''(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions and summer of service educational awards; or

''(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions or summer of service educational awards, as applicable.

''(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, and the records demonstrating the manner in which the

Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

''(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards or summer of service educational awards under section 148.''.

(b) CONFORMING REPEAL.—Section 2 of the Strengthen AmeriCorps Program Act (Public Law 108–145; 117 Stat. 844; 42 U.S.C. 12605) is repealed.

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

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

''SEC. 151. PURPOSE.

''It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. Such needs to be met under such programs include those related to—

''(1) natural and other disasters;

''(2) infrastructure improvement;

''(3) environmental stewardship and conservation;

''(4) energy conservation; and

''(5) urban and rural development.''.

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

''SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.''.

(2) in subsection (a), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(3) in subsection (b)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''a Civilian Community Corps'' and inserting ''a National Civilian Community Corps'';

(4) in the heading of subsection (c), by striking ''PROGRAMS'' and inserting ''COMPONENTS''; and

(5) in subsection (c), by striking ''program components are residential programs'' and all that follows and inserting ''programs referred to in subsection (b) may include a residential component.''.

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking ''if the person'' and all that follows through the period at the end and inserting ''if the person will be at least 18 years of age on or before December 31 in the calendar year in which the individual enrolls in the program.'';

(3) in subsection (c)—

(A) by striking ''BACKROUNDS'' and inserting ''BACKGROUNDS''; and

(B) by adding at the end the following: ''The Director shall ensure that at least 50 percent of the participants in the program are disadvantaged youth by year 2010. The Director shall report to the Committee on Education and Labor in the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions in the United States Senate annually on progress towards this goal.''; and

(4) by striking subsection (e).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Demonstration Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.''.

SEC. 1505. TEAM LEADERS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

''SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.'';

(2) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Demonstration Program''; and

(B) by striking ''the Civilian Community Corps shall'' and inserting ''the National Civilian Community Corps shall'';

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

''(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—'';

(B) in paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(C) in paragraph (3)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' and inserting ''campus''; and

(D) by adding at the end the following:

''(4) TEAM LEADERS.—The Director may select from Corps members individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps to perform service that includes leading and supervising teams of Corps members. Team leaders shall—

''(A) be selected without regard to the age limitation under section 153(b);

''(B) be members of the National Civilian Community Corps; and

''(C) be provided the rights and benefits applicable to Corps members, except that the limitation on the amount of living allowance shall not exceed 10 percent more than the amount established under section 158(b).'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

''(d) CAMPUSES.—'';

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

''(1) UNITS TO BE ASSIGNED TO CAMPUSES.—'';

(ii) by striking ''in camps'' and inserting ''in campuses'';

(iii) by striking ''camp'' and inserting ''campus''; and

(iv) by striking ''in the camps'' and inserting ''in the campuses'';

(C) by amending paragraph (2) to read as follows:

''(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.'';

(D) in paragraph (3)—

(i) by amending the paragraph heading to read as follows:

''(3) ELIGIBLE SITE FOR CAMPUS.—'';

(ii) by striking ''A camp may be located'' and inserting ''A campus must be cost-effective and may, upon the completion of a feasibility study, be located'';

(5) in subsection (e)—

(A) by amending the paragraph heading to read as follows:

''(e) DISTRIBUTION OF UNITS AND CAMPUSES.—'';

(B) by striking ''camps are distributed'' and inserting ''campuses are cost-effective and are distributed''; and

(C) by striking ''rural areas'' and all that follows through the period at the end and inserting ''rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.''; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''superintendent of a camp'' and inserting ''campus director of a campus'';

(ii) in subparagraph (A)—

(I) by striking ''superintendent'' and inserting ''campus director'';

(II) by striking ''superintendent's'' and inserting ''campus director's''; and

(III) by striking ''camp'' each place such term appears and inserting ''campus''; and

(iii) in subparagraph (B), by striking ''superintendent'' and inserting ''campus director''; and

(C) in paragraph (3), by striking ''camp superintendent'' and inserting ''campus director''.

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting ''National'' before ''Civilian Community Corps''; and

(B) by adding at the end the following: ''The Director shall ensure that to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs''; and

(3) in subsection (c)(2), by adding at the end the following: ''The Corporation may provide such training through grants, contracts, or cooperative agreements with organizations who have established expertise in working with disadvantaged youth in similar programs.''.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(B) in paragraph (1), by inserting before the semicolon the following: ''with specific emphasis on projects in support of infrastructure improvement, disaster relief and recovery, the environment, energy conservation and urban and rural development''; and

(C) in paragraph (2) by striking ''service learning'' and inserting ''service-learning'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''and the Secretary of Housing and Urban Development'' and inserting ''the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the United States Forest Service'';

(B) in paragraph (1)(B)—

(i) by inserting ''community-based organizations and'' before ''representatives of local communities''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(C) in paragraph (2), by inserting ''State Commissions,'' before ''and persons involved in other youth service programs.''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' both places such term appears and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2), by striking ''camp superintendents'' and inserting ''campus directors''.

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a) by inserting ''National'' before ''Civilian Community Corps''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''National'' before ''Civilian Community Corps''; and

(ii) by inserting before the colon the following: '', as the Director determines appropriate'';

(B) in paragraph (6), by striking ''Clothing'' and inserting ''Uniforms'';

(C) in paragraph (7), by striking ''Recreational services and supplies'' and inserting ''Supplies''.

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) in paragraph (1)—

(i) by inserting ''including those'' before ''recommended''; and

(ii) by inserting ''National'' before ''Civilian Community Corps'';

(2) in subsection (b)(1), by inserting ''National'' before ''Civilian Community Corps'';

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting ''National'' before ''Civilian Community Corps''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''The Director shall establish a permanent cadre of'' and inserting ''The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed''; and

(II) by inserting ''National'' before ''Civilian Community Corps'';

(ii) in subparagraph (B), by striking ''The Director shall appoint the members'' and inserting ''The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members'';

(iii) in subparagraph (C), by striking ''the Director'' and inserting ''the Chief Executive Officer''; and

(iv) in subparagraph (E)—

(I) by inserting after ''techniques'' the following: '', including techniques for working with and enhancing the development of disadvantaged youth,''; and

(II) by striking ''service learning'' and inserting ''service-learning''; and

(C) in the first sentence of paragraph (3), by striking ''the members'' and inserting ''other members''.

SEC. 1510. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking ''perform any program function under this subtitle'' and inserting ''carry out the National Civilian Community Corps program''; and

(2) in subsection (b)(2), by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1511. OTHER DEPARTMENTS.

Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''National'' before ''Civilian Community Corps'';

(ii) in subparagraph (B)(i), by striking ''the registry established by'' and all that follows through the semicolon and inserting ''the registry established by section 1143a of title 10, United States Code;'';

(B) in paragraph (2)(A), by striking ''to be recommended for appointment'' and inserting ''from which individuals may be selected for appointment by the Director''; and

(C) in paragraph (3), by inserting ''National'' before ''Civilian Community Corps''; and

(2) by striking subsection (b).

SEC. 1512. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking ''Upon the establishment of the Program, there shall also be'' and inserting ''There shall be'';

(B) by inserting ''National'' before ''Civilian Community Corps Advisory Board''; and

(C) by striking ''to assist'' and all that follows through the period at the end and inserting ''to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. Consistent with the needs outlined in section 151, the Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

''(8) The Administrator of the Federal Emergency Management Agency.

''(9) The Secretary of Transportation.

''(10) The Chief of the United States Forest Service.

''(11) The Administrator of the Environmental Protection Agency.

''(12) The Secretary of Energy.''; and

(C) in paragraph (13), as so redesignated, by striking ''industry,'' and inserting ''public and private organizations,''.

SEC. 1513. ANNUAL EVALUATION.

Section 164 (42 U.S.C. 12624) is amended—

(1) by inserting ''National'' before ''Civilian Community Corps''; and

(2) by adding at the end the following: ''Upon completing each such evaluation, the Corporation shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the evaluation.''.

SEC. 1514. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1515. DEFINITIONS.

Section 166 (42 U.S.C. 12626) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (1) the following:

''(2) CAMPUS DIRECTOR.—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

''(3) CORPS.—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the Civilian Community Corps Program.

''(4) CORPS CAMPUS.—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.'';

(4) in paragraph (5) (as so redesignated), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(5) in paragraph (6) (as so redesignated), by inserting ''National'' before ''Civilian Community Corps'';

(6) in paragraph (8) (as so redesignated), by striking ''The terms'' and all that follows through ''Demonstration Program'' and inserting ''The term 'Program' means the National Civilian Community Corps Program''; and

(7) in paragraph (9) (as so redesignated)—

(A) in the heading by striking ''SERVICE LEARNING'' and inserting ''SERVICE-LEARNING''; and

(B) in the matter preceding subparagraph (A) by striking ''service learning'' and inserting ''service-learning''.

SEC. 1516. TERMINOLOGY.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle E—National Civilian Community Corps''; and

(2) in section 160(a) (42 U.S.C. 12620(a)) by inserting ''National'' before ''Civilian Community Corps''.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking ''with respect to a project'' and inserting ''with respect to a project authorized under the national service laws''.

SEC. 1602. ADDITIONAL PROHIBITIONS ON USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

''(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal government.''.

SEC. 1603. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) by striking ''this title'' each place it appears and inserting ''the national service laws'';

(2) in subsection (a)(2)(A), by striking ''30 days'' and inserting ''1 or more periods of 30 days not to exceed 90 days in total''; and

(3) in subsection (f)—

(A) in paragraph (1), by striking ''A State or local applicant'' and inserting ''An entity''; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking ''and'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) in a grievance filed by an individual applicant or participant—

''(i) the applicant's selection or the participant's reinstatement, as the case may be; and

''(ii) other changes in the terms and conditions of service; and''.

SEC. 1604. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking ''under this title'' each place it appears and inserting ''under the national service laws'';

(2) in subsection (b)(1), by striking ''employee or position'' and inserting ''employee, position, or volunteer (other than a participant under the national service laws)''; and

(3) by adding at the end the following:

''(f) PARENTAL INVOLVEMENT.—

''(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

''(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, consistent with State law, before transporting minor children, provide the reason for and obtain written permission of the children's parents.''.

SEC. 1605. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (c)(1), by adding at the end the following:

''(J) A representative of the volunteer sector.'';

(2) in subsection (c)(3), by striking '', unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity'';

(3) by striking subsection (e)(1) and inserting the following:

''(1) Preparation of a national service plan for the State that—

''(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from companies, organizations, and public agencies using service and volunteerism as a strategy to meet critical community needs, including programs funded under the national service laws;

''(B) covers a 3-year period, the beginning of which may be set by the State;

''(C) is subject to approval by the chief executive officer of the State;

''(D) includes measurable goals and outcomes for the State consistent with those for national service programs as described in section 179(a)(1)(A);

''(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

''(i) using established networks and registries at the State level, or establishing such networks and registries; and

''(ii) coordinating with the Corporation's Office of Outreach and Recruitment;

''(F) provides for effective coordination of funding applications submitted by the State and others within the State under the national service laws;

''(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State; and

''(H) contains such information as the State Commission considers to be appropriate or as the Corporation may require.'';

(4) by redesignating subsections (f) through (j) as subsections (g) through (k), respectively;

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

''(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive, or specify alternatives to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by a State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within a State.'';

(6) in subsection (j)(1) (as redesignated by this section), by striking the period at the end and inserting '', consistent with section 174(d).''; and

(7) by adding at the end the following:

''(l) STATE PLAN FOR BABY BOOMER AND OLDER ADULT VOLUNTEER AND PAID SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State must work with appropriate State agencies and private entities to develop a comprehensive State plan for volunteer and paid service by members of the Baby Boom generation and older adults.

''(2) MATTERS INCLUDED.—The State plan shall include—

''(A) recommendations for public policy initiatives, including how to best tap the population of members the Baby Boom generation and older adults as sources of social capital and as ways to address community needs;

''(B) recommendations to the State unit on aging on—

''(i) a marketing outreach plan to businesses;

''(ii) outreach to non-profit-organizations;

''(iii) the State's Department of Education; and

''(iv) other State agencies; and

''(C) recommendations for civic engagement and multigenerational activities, such as—

''(i) early childhood education, family literacy, and after school programs;

''(ii) respite services for older adults and caregivers; and

''(iii) transitions for members of the Baby Boom generation and older adults to purposeful work in their post career lives.

''(3) KNOWLEDGE INCORPORATED.—The State plan shall incorporate the current knowledge base regarding—

''(A) the economic impact of older workers' roles in the economy;

''(B) the social impact of older workers' roles in the community; and

''(C) the health and social benefits of active engagement for members of the Baby Boom generation and older adults.

''(4) PUBLICATION.—The State plan must be made public and be transmitted to the Chief Executive Officer.''.

SEC. 1606. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

''(1) the effectiveness of various programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such, including—

''(A) an evaluation of performance measures, as established by the Corporation in consultation with grantees receiving assistance under the national service laws, which may include—

''(i) number of participants enrolled and completing terms of service compared to the stated goals of the program;

''(ii) number of volunteers recruited from the community in which the program was implemented;

''(iii) if applicable based on the program design, the number of individuals receiving or benefitting from the service conducted;

''(iv) number of disadvantaged and underrepresented youth participants;

''(v) sustainability of project or program, including measures to ascertain the level of community support for the project or program;

''(vi) measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service; and

''(vii) other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance; and

''(B) review of the implementation plan for reaching such measures described in subparagraph (A); and

''(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease to which recipients were able to receive services to maximize the cost-effectiveness of the program and its impact, for such programs.'';

(2) in subsection (g)—

(A) in paragraph (3), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) in paragraph (9), by striking ''to public service'' and all that follows through the period at the end and inserting ''to engage in service that benefits the community.''; and

(3) by adding at the end the following:

''(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—In addition to amounts appropriated to carry out this section, the Corporation may reserve up to 1 percent of total program funds appropriated for a fiscal year under the national service laws to support program accountability activities.

''(k) CORRECTIVE PLANS.—

''(1) IN GENERAL.—A grantee that fails to reach the performance measures in subsection (a)(1)(A) as determined by the Corporation, shall reach an agreement with the Corporation on a corrective action plan to achieve the agreed upon performance measures.

''(2) ASSISTANCE.—

''(A) NEW PROGRAM.—For a program that has received assistance for less than 3 years and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall—

''(i) provide technical assistance to the grantee to address targeted performance problems relating to the performance measures in subsection (a)(1)(A); and

''(ii) require quarterly reports from the grantee on the program's progress toward achieving the performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(B) ESTABLISHED PROGRAMS.—For a program that has received assistance for 3 years or more and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall require quarterly reports from the grantee on the program's progress towards achieving performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(l) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation, a grantee or subgrantee fails to achieve the established levels of performance, the Corporation shall—

''(1) reduce the annual amount of the grant award attributable to the underperforming grantee or subgrantee by at least 25 percent; or

''(2) terminate assistance to the underperforming grantee or subgrantee, consistent with section 176(a).

''(m) REPORTS.—The Corporation shall submit to Congress not later than two years after the date of the enactment of this subsection, and annually thereafter, a report containing information on the number of—

''(1) grantees implementing corrective action plans;

''(2) grantees for which the Corporation offers technical assistance under subsection (k);

''(3) grantees for which the Corporation terminates assistance for a program under subsection (l); and

''(4) grantees meeting or exceeding their performance measures in subsection (a).''.

SEC. 1607. TECHNICAL AMENDMENT.

Section 181 (42 U.S.C. 12641) is amended by striking ''Section 414'' and inserting ''Section 422''.

SEC. 1608. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

''(b) ANNUAL REPORT.—On an annual basis, the head of each Federal agency and department shall prepare and submit, to Congress and the committees of jurisdiction, a report concerning the implementation of this section, including an evaluation of the performance goals and benchmarks of the partnership programs.''.

SEC. 1609. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in each of subsections (a)(1) and (b)(1) by inserting after ''local government,'' the following: ''Territory,''; and

(2) by adding at the end the following:

''(c) INSPECTOR GENERAL.—The Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

''(1) within the possession or control of the Corporation or any State or local government, Territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act; and

''(2) that relates to the duties of the Inspector General under the Inspector General Act of 1978.''.

SEC. 1610. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

''SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

''(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.

''(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Corporation shall submit to Congress a report containing information on the actions taken to modify the application procedures and reporting requirements for programs and activities funded under the national service laws, including a description of the consultation procedures with grantees, entities that expressed interest in applying for assistance under a national service law but did not apply, those entities whose application was rejected, and applications whose assistance was terminated due to failure to meet performance measures for the year covered by the report.

''SEC. 186. SUSTAINABILITY.

''(a) GOALS.—To ensure that recipients of assistance under the national service laws are carrying out sustainable projects or programs, the Corporation, after collaboration with State Commissions and consultation with recipients of assistance under the national service laws, may set sustainability goals supported by policies and procedures to—

''(1) build the capacity of the projects that receive assistance under the national service laws to meet community needs and to work to lessen the dependence on Federal dollars to do so;

''(2) provide technical assistance to assist the recipients of assistance under the national service laws in acquiring non-Federal funds for the projects that could replace assistance received under the national service laws; and

''(3) implement measures to ascertain whether the projects are generating sufficient community support.

''(b) ENFORCEMENT.—If a recipient does not meet the sustainability goals in subsection (a) for a project, the Corporation may take action as described in sections 176 and 179.

''SEC. 187. USE OF RECOVERED FUNDS.

''(a) FACTORS CONSIDERED IN APPROVING REPAYMENT.—After the date of enactment of this section, whenever the Corporation recovers funds paid to a recipient under a grant or cooperative agreement made under the national service laws because the recipient made an expenditure of funds that was not allowable, or otherwise failed to discharge its responsibility to account properly for funds, the Corporation may consider those funds to be additional funds available and may arrange to repay to the recipient affected by that action an amount not to exceed 75 percent of the recovered funds if the Corporation determines that—

''(1) the practices or procedures of the recipient that resulted in the recovery of funds have been corrected, and that the recipient is in all other respects in compliance with the requirements of the grant or cooperative agreement, if the recipient was notified of any noncompliance with such requirements and given a reasonable period of time to remedy such noncompliance;

''(2) the recipient has submitted to the Corporation a plan for the use of those funds consistent with the national service laws and, to the extent possible, for the benefit of the community affected by the recovery of funds; and

''(3) the use of those funds in accordance with that plan would serve to achieve the objectives of the grant or cooperative agreement under which the funds were originally paid.

''(b) TERMS AND CONDITIONS OF REPAYMENT.—Any payments by the Corporation under this section shall be subject to other terms and conditions as the Corporation considers necessary to accomplish the purposes of the grant or cooperative agreement, including—

''(1) the submission of periodic reports on the use of funds provided under this section; and

''(2) consultation by the recipient with members of the community that will benefit from the payments.

''(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, the funds made available under this section shall remain available for expenditure for a period of time considered reasonable by the Corporation, but in no case to exceed more than 3 fiscal years following the later of—

''(1) the fiscal year in which final agency action regarding the disallowance of funds is taken; or

''(2) if such recipient files a petition for judicial review regarding the disallowance of funds, the fiscal year in which final judicial action is taken on such a petition.

''(d) PUBLICATION IN FEDERAL REGISTER.—At least 60 days prior to entering into an arrangement under this section, the Corporation shall publish in the Federal Register a notice of intent to enter into such an arrangement and the terms and conditions under which payments will be made. Interested persons shall have an opportunity for at least 30 days to submit comments to the Corporation regarding the proposed arrangement.

''SEC. 188. EXPENSES OF ATTENDING MEETINGS.

''Notwithstanding section 1345 of title 31, United States Code, funds authorized under the national service laws shall be available for expenses of attendance of meetings that are concerned with the functions or activities for which the funds are appropriated or which will contribute to improved conduct, supervision, or management of those functions or activities.

''SEC. 189. GRANT PERIODS.

''Unless otherwise specifically provided, the Corporation has authority to make a grant under the national service laws for a period of 3 years.

''SEC. 189A. GENERATION OF VOLUNTEERS.

''In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs.

''SEC. 189B. LIMITATION ON PROGRAM GRANT COSTS.

''(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation in a grant to operate a program authorized under the national service laws supporting individuals serving in approved national service positions may not exceed $16,000 per full-time equivalent position.

''(b) COSTS SUBJECT TO LIMITATION.—The limitation in subsection (a) applies to the Corporation's share of member support costs, staff costs, and other costs borne by the grantee or subgrantee to operate a program.

''(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation in subsection (a) and (e)(1) shall not apply to expenses that are not included in the program operating grant award.

''(d) ADJUSTMENTS FOR INFLATION.—The amount specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

''(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

''(1) WAIVER.—The Chief Executive Officer may waive the requirements of this section, up to a maximum of $18,000, if necessary to meet the compelling needs of a particular program, such as exceptional training needs for a program serving disadvantaged youth, increased costs relating to the participation of individuals with disabilities, and start-up costs associated with a first-time grantee.

''(2) REPORTS.—The Chief Executive Officer shall report to Congress annually on all waivers granted under this section, with an explanation of the compelling needs justifying such waivers.

''SEC. 189C. AUDITS AND REPORTS.

''The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 501 et seq.) and the Government Corporation Control Act of 1945 (31 U.S.C. 9101 et seq.). The Corporation shall report to the Congress any failure to comply with the requirements of such audits.''.

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

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years.'';

(2) by adding at the end the following:

''(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve for one year beyond expiration of the term if no successor is appointed or until the date on which a successor has taken office.''.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1) by striking ''shall—'' and inserting ''shall have responsibility for setting overall policy for the Corporation and shall—'';

(2) in paragraph (1), by inserting before the semicolon at the end the following: '', and review the budget proposal in advance of submission to the Office of Management and Budget and to Congress'';

(3) in paragraph (5)—

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

(B) in subparagraph (B) by inserting ''and'' at the end; and

(C) by adding at the end the following:

''(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President;'';

(4) in paragraph (9), by inserting ''and'' after ''Corporation;'';

(5) in paragraph (10), by striking ''program; and'' and inserting ''program under a cost share agreement, as determined by the Corporation, in which the funds advanced or received as reimbursement shall be credited directly to a current appropriation; and''; and

(6) in paragraph (11), by striking ''September 30, 1995'' and inserting ''January 1, 2011''.

SEC. 1703. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after ''a strategic plan'' the following: '', including a plan for achieving 50 percent full-time approved national service positions by 2010,'';

(B) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

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

''(7) prepare and submit to the Committee on Education and Labor in the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions in the United States Senate, and the Board an annual report on actions taken to achieve the goal of 50 percent full-time approved national service positions as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal;''; and

(D) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking ''June 30, 1995,'' and inserting ''June 30 of each even-numbered year,''; and

(ii) in subparagraph (A)(i), by striking ''section 122(c)(1)'' and inserting ''section 122(d)(1)''; and

(2) in subsection (c)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

''(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and''.

SEC. 1704. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''MEMBER'' and inserting ''NON-VOTING MEMBER''; and

(ii) by inserting ''non-voting'' before ''member''; and

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

''(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.''.

SEC. 1705. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Such a volunteer'' and inserting ''A person who is a member of an organization or is an individual covered by subparagraph (A)'';

(ii) in clause (i), by striking ''a volunteer'' and inserting ''such a person'';

(iii) in clause (ii), by striking ''volunteers'' and inserting ''such a person''; and

(iv) in clause (iii), by striking ''such a volunteer'' and inserting ''such a person''; and

(C) in subparagraph (C)(i), by striking ''Such a volunteer'' and inserting ''Such a person''; and

(2) by striking paragraph (3).

SEC. 1706. OFFICE OF OUTREACH AND RECRUITMENT.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196B. OFFICE OF OUTREACH AND RECRUITMENT.

''(a) ESTABLISHMENT.—There is established in the Corporation an office to be known as the Office of Outreach and Recruitment (in this section referred to as the 'Office'), headed by a Director.

''(b) DUTIES.—The duties of the Office, carried out directly or through grants, contracts, or cooperative agreements, shall be—

''(1) to increase the public awareness of the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

''(A) print media;

''(B) the Internet and related emerging technologies;

''(C) television;

''(D) radio;

''(E) presentations at public or private forums;

''(F) other innovative methods of communication; and

''(G) outreach to offices of economic development, State employment security agencies, labor unions and trade associations, local education agencies, agencies and organizations serving veterans and people with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

''(2) to identify and implement methods of recruitment to increase the diversity of participants in the programs receiving assistance under the national service laws;

''(3) to identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

''(4) to identify and implement methods of recruitment to increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

''(5) to collaborate with organizations which have established volunteer recruitment programs, including those on the Internet, to increase the recruitment capacity of the Corporation;

''(6) where practicable, to provide application materials in languages other than English for those with limited English proficiency who wish to participate in a national service program;

''(7) to coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

''(8) to collaborate with the training and technical assistance programs described in subtitle J and in appropriate paragraphs of section 198E(b);

''(9) to coordinate the clearinghouses described in section 198E; and

''(10) to coordinate with entities receiving funds under section 198E(b)(11) in establishing the Reserve Corps for alumni of the national service programs to serve in emergencies, disasters, and other times of national need.

''(c) COLLABORATION.—The duties described in subsection (b) shall be carried out in collaboration with the State Commissions.

''(d) AUTHORITY TO CONTRACT WITH A BUSINESS.—The Corporation may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(1), with priority given to those entities who have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and members of the Baby Boom generation.

''(e) CAMPAIGN TO SOLICIT FUNDS.—The Corporation, through the Director of the Office, may conduct a campaign to solicit funds for itself to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of and participants in programs and projects receiving assistance under the national service laws.

''(f) REPORTING.—The Director of the Office shall complete a report annually to the Chief Executive Officer and the Board of Directors on its activities and results.''.

SEC. 1707. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN SERVICE CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM.

(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

(1) specific areas of need for veterans;

(2) how existing programs and activities carried out under the national service laws could better serve veterans and veterans service organizations;

(3) gaps in service to veterans;

(4) prospects for better coordination of services;

(5) prospects for better utilization of veterans as resources and volunteers; and

(6) methods for ensuring the efficient financial organization of services directed towards veterans.

(b) CONSULTATION.—The study shall be carried out in consultation with veterans' service organizations, the Department of Veterans Affairs, State veterans agencies, the Department of Defense, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit to Congress a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving veterans.

(d) PILOT PROGRAM.—From amounts made available to carry out this subsection, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

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

Subtitle H—Amendments to Subtitle H

SEC. 1801. TECHNICAL AMENDMENTS TO SUBTITLE H.

(a) ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.—Subtitle H is amended by inserting after the subtitle heading and before section 198 the following:

"PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE".

(b) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking ''subsection (r)'' and inserting ''subsection (g)'';

(2) in subsection (b), by striking ''national service programs, including service-learning programs, and to support innovative and model programs, including'' and inserting ''service-learning programs and national service programs, including'';

(3) by striking subsections (c), (d), (e), and (f);

(4) by redesignating subsection (g) as subsection (c);

(5) by striking subsections (h), (i), and (j);

(6) by redesignating subsection (k) as subsection (d);

(7) by striking subsections (l) and (m);

(8) by redesignating subsections (n) and (o) as subsections (e) and (f), respectively;

(9) by striking subsections (p) and (q);

(10) by redesignating subsection (r) as subsection (g); and

(11) by redesignating subsection (s) as subsection (h).

SEC. 1802. REPEALS.

The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

SEC. 1803. INNOVATIVE AND MODEL PROGRAM SUPPORT.

Subtitle H is further amended by adding at the end the following:

"PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

"SEC. 198D. INNOVATIVE AND MODEL PROGRAM SUPPORT.

''(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may, through grants and fixed amount grants under subsection (c), carry out the following programs:

''(1) PROGRAMS FOR DISADVANTAGED YOUTH.—A program selected from among those listed in 122(a) where no less than 75 percent of the participants are disadvantaged youth.

''(A) COMPONENTS OF PROGRAMS.—Such programs may include life skills training, employment training, educational counseling, program to complete a high-school diploma or GED, counseling, or a mentoring relationship with an adult volunteer.

''(B) PRIORITY.—Priority shall be given to programs that engage retirees to serve as mentors.

''(2) PROGRAMS FOCUSED ON LEARNING AND THINKING SKILLS.—Service programs to solve community problems while engaging or developing 21st century learning and thinking skills (critical-thinking and problem solving, communication skills, creativity and innovation skills, collaboration skills, contextual learning skills, information and media literacy skills, and information and communications literacy) and life skills (leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility) for school-age youth and low income adults. This may be a summer of service program or a year-round service program. Priority shall be given to programs that collaborate with the RSVP program, the AmeriCorps programs, or the Learn and Serve programs.

''(3) PROGRAMS THAT ENGAGE YOUTH UNDER THE AGE OF 17.—Programs that engage youth under the age of 17 in service to the community to meet unmet human, educational, environmental, emergency and disaster preparedness, or public safety needs and may be a summer program or a year-round program. Priority shall be given to programs that collaborate with the RSVP Program and the AmeriCorps programs.

''(4) PROGRAMS THAT FOCUS ON HEALTH AND WELLNESS.—Service programs that focus on the health and wellness of the members of a low-income or rural community. Priority shall be given to service programs that work to—

''(A) involve the community in service to those who are at-risk to not receive or pursue health care through such activities as health and wellness education, prevention, and care;

''(B) include in the service program employment training, where applicable, for participants in the program and may extend this opportunity to members of the community; and

''(C) collaborate with local institutions of higher education to include, as a portion of the pre-professional training of health care professionals including nurses, doctors, physician assistants, dentists, and emergency medical technicians, a service component to meet unmet healthcare and wellness needs in the community in which the service program is being carried out.

''(5) PROGRAMS THAT REDUCE RECIDIVISM.—Programs that re-engage court-involved youth and adults with the goal of reducing recidivism. Priority shall be given to such programs that create support systems beginning in corrections facilities, and programs that have life skills training, employment training, an education program, including a program to complete a high-school diploma or GED, educational and career counseling, post program placement, and support services, which could begin in corrections facilities. The program may include health and wellness programs, including but not limited to drug and alcohol treatment, mental health counseling, and smoking cessation.

''(6) PROGRAMS THAT RECRUIT CERTAIN INDIVIDUALS.—Demonstration projects for programs that have as one of their primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members. Such a program may serve any purpose otherwise permitted under this Act.

''(7) OTHER INNOVATIVE AND MODEL PROGRAMS.—Any other innovative and model programs that the Corporation considers appropriate.

''(b) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) ENCOURAGEMENT.—Each program funded under this part is encouraged to collaborate with Learn and Serve, AmeriCorps, VISTA, and the National Senior Service Corps.

''(3) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies and recommendations for improvement.

''(c) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(3) MATCHING FUNDS.—

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

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

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

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

''(d) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Corporation requires, and in such manner as the Chief Executive Officer may reasonably require.''.

SEC. 1804. CLEARINGHOUSES.

Subtitle H is further amended by adding at the end the following:

"PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

"SEC. 198E. NATIONAL SERVICE PROGRAMS CLEARINGHOUSE.

''(a) IN GENERAL.—The Corporation shall provide assistance, either by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish one or more clearinghouses for the national service laws.

''(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

''(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

''(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws unless the recipient is receiving funds for such purpose under part III of subtitle B and under subtitle H;

''(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

''(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

''(4) facilitate communication among entities carrying out service-learning programs and programs offered under the national service laws and participants in such programs;

''(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, Territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

''(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

''(7) disseminate applications in languages other than English;

''(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

''(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

''(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

''(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

''(11) collaborate with the Office of Outreach and Recruitment on an alumni network for those former participants in an approved national service position, to facilitate communication and collaboration between alumni and to leverage their skills, knowledge, and experiences to improve service across our Nation and also serve in a Reserve Corps, who are ready to serve in times of national need;

''(12) disseminate effective strategies for working with disadvantaged youth in national service programs as determined by organizations with an established expertise working with such youth; and

''(13) carry out such other activities as the Chief Executive Officer determines to be appropriate.''.

Subtitle I—American Conservation and Youth Service Corps

SEC. 1811. STATE APPLICATION.

Section 199C(a) (42 U.S.C. 12655b(a)) is amended by inserting after ''a State'' the following: '', Territory,''.

Subtitle J—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

''Subtitle J—Training and Technical Assistance

''SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Corporation shall conduct, either directly or through grants, contracts, or cooperative agreements, including through State Commissions on National and Community Service, appropriate training and technical assistance to—

''(1) programs receiving assistance under the national service laws; and

''(2) entities (particularly those in rural areas and underserved communities)—

''(A) that desire to carry out or establish national service programs;

''(B) that desire to apply for assistance under the national service laws; or

''(C) that desire to apply for a subgrant under the national service laws.

''(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

''(1) providing technical assistance to those applying to carry out national service programs or those carrying out national service programs;

''(2) promoting leadership development in national service programs;

''(3) improving the instructional and programmatic quality of national service programs;

''(4) developing the management and budgetary skills of those operating or overseeing national service programs, including to increase the cost effectiveness of the programs under the national service laws;

''(5) providing for or improving the training provided to the participants in programs under the national service laws;

''(6) facilitating the education of national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

''(7) training of those operating or overseeing national service programs in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner which results in high quality service and the desire of participants or volunteers to continue to serve in other capacities after the program is completed;

''(8) training of those operating or overseeing national service programs in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the program;

''(9) training of those operating or overseeing national service programs to effectively accommodate people with disabilities to increase the participation of people with disabilities in national service programs;

''(10) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation and to coordinate community-wide planning and service;

''(11) providing training and technical assistance for the National Senior Service Corps; and

''(12) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

''(c) PRIORITY.—The Corporation shall give priority to programs under the national service laws and those entities wishing to establish programs under the national service laws seeking training or technical assistance that—

''(1) seek to carry out (as defined in section 101) high quality programs where the services are needed most;

''(2) seek to carry out (as defined in section 101) high quality programs where national service programs do not currently exist or where the programs are too limited to meet community needs;

''(3) seek to carry out (as defined in section 101) high quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

''(4) assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.''.

Subtitle K—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

Title III (42 U.S.C. 12661 et seq.) is repealed.

Subtitle L—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended to read as follows:

''SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) SUBTITLE B.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

''(i) $65,000,000 for fiscal year 2008, of which $10,000,000 shall be for summer of service grants and $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards; and

''(ii) such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

''(i) not more than 63.75 percent shall be available to provide financial assistance under part I of subtitle B of title I;

''(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

''(iii) not less than 11.25 percent shall be available to provide financial assistance under part III of such subtitle.

''(2) SUBTITLES C, D, AND H.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to administer the National Service Trust and disburse national service educational awards and scholarships under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer or the Inspector General of the Corporation may determine to be necessary, $485,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under subsections (b) and (c) of section 126, and under subtitle H of title I.

''(C) SUBTITLE C.—Of the amount appropriated under subparagraph (A), the following amounts shall be made available to provide financial assistance under section 121 of subtitle C of title I:

''(i) For fiscal year 2008, not more than $324,000,000.

''(ii) For fiscal year 2009, not more than $357,000,000.

''(iii) For fiscal year 2010, not more than $397,000,000.

''(iv) For each of fiscal years 2011 through 2012, such sums as may be necessary.

''(3) SUBTITLE E.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, $25,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under sections 126(a) and 196B, $51,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year—

''(i) up to 69 percent shall be made available to the Corporation for the administration of this Act, including to provide financial assistance under section 196B; and

''(ii) the remainder shall be available to provide financial assistance under section 126(a).

''(5) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve up to 2.5 percent to carry out subtitle J of this Act. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which they are reserved.

''(b) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.''.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is

expressed in terms of an amendment to, or repeal of a provision, the reference shall be considered to be made to a provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

SEC. 2101. PURPOSE.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking ''both young and older citizens'' and inserting ''citizens of all ages and backgrounds''; and

(2) in subsection (b), by striking ''local agencies'' and all that follows through the period at the end and inserting ''local agencies, expand relationships with, and support for, the efforts of civic, community, and educational organizations, and utilize the energy, innovative spirit, experience, and skills of all Americans.''.

SEC. 2102. PURPOSE OF THE VISTA PROGRAM.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking ''afflicted with'' and inserting ''affected by''; and

(2) in the third sentence, by striking ''local level'' and all that follows through the period at the end and inserting ''local level, to support efforts by local agencies and organizations to achieve long-term sustainability of projects, consistent with section 186 of the National and Community Service Act of 1990, initiated or expanded under the VISTA program activities, and to strengthen local agencies and community organizations to carry out the purpose of this part.''.

SEC. 2103. APPLICATIONS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,''; and

(B) in paragraph (2)—

(i) by striking ''handicapped'' and inserting ''disabled''; and

(ii) by striking ''handicaps'' and inserting ''disabilities'';

(C) in paragraph (3), by striking ''jobless, the hungry, and low-income'' and inserting ''unemployed, the hungry, and low-income'';

(D) in paragraph (4), by striking ''prevention, education,'' and inserting ''through prevention, education, rehabilitation, and treatment,'';

(E) in paragraph (5), by inserting '', mental illness,'' after ''including'';

(F) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(G) in paragraph (7), by striking the period and inserting a semicolon; and

(H) by adding at the end the following new paragraphs:

''(8) in the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling;

''(9) in developing and carrying out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education;

''(10) in initiating and supporting before-school and after-school programs servicing children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills, or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children;

''(11) in establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and other areas where such programs are needed most;

''(12) in assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services; and

''(13) in addressing the health and wellness of low-income and underserved communities, including programs to increase access to preventive services, insurance, and health care.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''recruitment and placement procedures'' and inserting ''recruitment and placement procedures that involve sponsoring organizations and'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''central information system that shall, on request, promptly provide'' and inserting ''database that provides''; and

(ii) in subparagraph (C)—

(I) by striking ''timely and effective'' and inserting ''timely and cost-effective''; and

(II) by striking ''the recruitment of volunteers'' and inserting ''recruitment and management of volunteers''; and

(C) in paragraph (3), by adding at the end the following: ''The Director shall give priority to—

''(A) disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) and low-income adults; and

''(B) retired adults of any profession, but with an emphasis on those professions whose services and training are most needed in a community, such as the health care professions, teaching, counseling, and engineering and other professions requiring a high level of technical and project management skills, to utilize their experience, including professional skills, in the VISTA program.'';

(D) in paragraph (5)(B), by striking ''information system'' and inserting ''database'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''personnel described in subsection (b)(2)(C)'' and inserting ''personnel described in subsection (b)(2)(C), sponsoring organizations, and the Office of Outreach and Recruitment'';

(ii) in subparagraph (A), by inserting ''the Internet and related technologies,'' after ''television,'';

(iii) in subparagraph (B), by inserting ''Internet and related technologies,'' after ''through the'';

(iv) in subparagraph (C), by inserting after ''senior citizens organizations,'' the following: ''offices of economic development, State employment security agencies, employment offices,'';

(v) in subparagraph (F), by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''; and

(vi) in subparagraph (G), by striking '', on request,'';

(B) in paragraph (3), by striking ''this subsection'' and inserting ''this subsection and related public awareness and recruitment activities under the national service laws and through the Office of Outreach and Recruitment''; and

(C) in paragraph (4)—

(i) by striking ''Beginning'' and all that follows through ''for the purpose'' and inserting ''For the purpose''; and

(ii) by striking ''1.5 percent'' and inserting ''2 percent'';

(4) by amending the second sentence of subsection (d) to read as follows: ''Whenever feasible, such efforts shall be coordinated with an appropriate local workforce investment board established under section 117 of the Workforce Investment Act of 1998.'';

(5) in subsection (g) by striking ''and has been submitted to the Governor'' and all that follows and inserting a period; and

(6) by adding at the end the following:

''(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this title, consistent with the provisions of section 186 of the National and Community Service Act of 1990.''.

SEC. 2104. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

Part A of title I is amended by inserting after section 103 (42 U.S.C. 4953) the following:

''SEC. 103A. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants for VISTA positions to support programs of national significance. Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to that program.

''(b) ACTIVITIES SUPPORTED.—The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern low-income and rural communities in the Nation:

''(1) In developing and carrying-out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education.

''(2) In initiating and supporting before-school and after-school programs in low-income communities that may include such activities as establishing mentoring relationships, physical education, tutoring, instruction in 21st century thinking skills, life skills, and study skills, community service, service-learning, nutrition and health education, and other activities aimed at keeping children, safe, educated, and healthy, which serve the children in such community.

''(3) In establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and areas where such programs are needed most.

''(4) In assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services.

''(5) In addressing the health and wellness of low-income and underserved communities across our Nation, including programs to fight childhood obesity through nutrition, physical fitness, and other associated life skills education programs and programs to increase access to preventive services, insurance, and health care.

''(c) REQUIREMENTS.—

''(1) ELIGIBILITY.—In order to receive a grant under subsection (a), an applicant shall submit an application to the Director at such time and in such manner as the Director requires and receive approval of the application. Such application shall, at a minimum, demonstrate to the Director a level of expertise in carrying out such a program.

''(2) SUPPLEMENT NOT SUPPLANT.—Funds made available under subsection (d) shall be used to supplement and not supplant the number of VISTA volunteers engaged in programs addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this title.

''(d) FUNDING.—

''(1) IN GENERAL.—From the amounts appropriate under section 501 for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

''(2) LIMITATION.—No funds shall be made available to the Director to make grants under subsection (a) unless the amounts appropriated under section 501 available for such fiscal year to carry out part A are sufficient to maintain the number of projects and volunteers funded under part A in the preceding fiscal year.

''(e) INFORMATION.—The Director shall widely disseminate information on grants that may be made under this section, including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2105. TERMS AND PERIODS OF SERVICE.

Section 104(d) (42 U.S.C. 4954(d)) is amended—

(1) in the first sentence, by striking ''with the terms and conditions of their service.'' and inserting ''with the terms and conditions of their service or any adverse action, such as termination, proposed by the sponsoring organization. The procedure shall provide for an appeal to the Director of any proposed termination.''; and

(2) in the third sentence (as amended by this section), by striking ''and the terms and conditions of their service''.

SEC. 2106. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended by striking ''Such stipend'' and all that follows through ''in the case of persons'' and inserting ''Such stipend shall be set at a minimum of $125 per month and a maximum of $150 per month, subject to the availability of funds to accomplish such a maximum. The Director may provide a stipend of $250 per month in the case of persons''.

SEC. 2107. SECTIONS REPEALED.

The following provisions are repealed:

(1) VISTA LITERACY CORPS.—Section 109 (42 U.S.C. 4959).

(2) UNIVERSITY YEAR FOR VISTA.—Part B of title I (42 U.S.C. 4971 et seq.).

(3) LITERACY CHALLENGE GRANTS.—Section 124 (42 U.S.C. 4995).

SEC. 2108. CONFORMING AMENDMENT.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking ''situations'' and inserting ''organizations''.

SEC. 2109. FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended—

(1) in the section heading by striking ''**TECHNICAL AND**''; and

(2) by striking ''technical and''.

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

SEC. 2201. CHANGE IN NAME.

Title II (42 U.S.C. 5000 et seq.) is amended in the title heading by striking ''**NATIONAL SENIOR VOLUNTEER CORPS**'' and inserting ''**NATIONAL SENIOR SERVICE CORPS**''.

SEC. 2202. PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

''SEC. 200. STATEMENT OF PURPOSE.

''It is the purpose of this title to provide—

''(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

''(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

''(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

''(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need;

''(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide critical support services and companionship to adults at risk of institutionalization and who are struggling to maintain a dignified independent life; and

''(6) for research, training, demonstration, and other program activities to increase and improve opportunities for people 55 years of age or older to meet unmet needs, including those related to public safety, public health, and emergency and disaster preparedness, relief, and recovery, in their communities.''.

SEC. 2203. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

Section 201 (42 U.S.C. 5001) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''avail themselves of opportunities for volunteer service in their community'' and inserting ''share their experiences, abilities, and skills for the betterment of their communities and themselves through service'';

(B) in paragraph (2), by striking '', and individuals 60 years of age or older will be given priority for enrollment,'';

(C) in paragraph (3) by inserting ''either prior to or during the volunteer service'' after ''may be necessary''; and—

(D) by striking paragraph (4) and inserting the following:

''(4) the project is being designed and implemented with the advice of experts in the field of service to be delivered as well as with those who have expertise in the recruitment and management of volunteers, particularly those of the Baby Boom generation.'';

(2) by amending subsection (c) to read as follows:

''(c) The Director shall give priority to projects—

''(1) utilizing retired scientists, technicians, engineers, and mathematicians (the STEM professionals) to improve Science, Technology, Engineering, and Mathematics (STEM) education through activities such as assisting teachers in classroom demonstrations or laboratory experiences, running after-school, weekend, or summer programs designed to engage disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or low-income, minority youth in the STEM fields and to improve mastery of the STEM content, providing field trips to businesses, institutions of higher education, museums, and other locations where the STEM professions are practiced or illuminated;

''(2) utilizing retired health care professionals to improve the health and wellness of low income or rural communities;

''(3) utilizing retired criminal justice professionals for programs designed to prevent disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) from joining gangs or committing crimes;

''(4) utilizing retired military and emergency professionals for programs to improve public safety, emergency and disaster preparedness, relief, and recovery, search and rescue, and homeland security efforts; and

''(5) utilizing retired computer science professionals, technicians of related technologies, business professionals, and others with relevant knowledge to increase, for low income individuals and families, access to and obtaining the benefits from computers and other existing and emerging technologies.''; and

(3) by adding at the end the following:

''(e) COMPETITIVE RE-EVALUATION.—

''(1) IN GENERAL.—Notwithstanding section 412, a grant or contract shall not, after fiscal year 2009, be awarded or renewed under this section unless—

''(A) the program for which the award or renewal is to be made is competitively re-evaluated in comparison to other programs; or

''(B) the program for which the award or renewal is to be made—

''(i) received an award or renewal in a fiscal year that was both—

''(I) within the preceding three fiscal years; and

''(II) after fiscal year 2009; and

''(ii) was competitively re-evaluated in connection with that award or renewal in that fiscal year.

''(2) REQUIREMENTS.—Each competitive re-evaluation required by paragraph (1) shall be carried out through a process that ensures that—

''(A) the resulting grants (or contracts) support no less than the volunteer service years of the previous grant (or contract) cycle in a given service area;

''(B) the resulting grants (or contracts) maintain a similar program distribution; and

''(C) every effort is made to minimalize the disruption of volunteers.

''(3) PRIORITY CONSIDERATION.—The competitive re-evaluation shall include some form of priority consideration for existing grantees in good standing.''.

SEC. 2204. FOSTER GRANDPARENT PROGRAM GRANTS.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a), by striking ''low-income persons aged sixty or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—'' and inserting ''may determine—'';

(ii) in subparagraph (A), by striking ''and'';

(iii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iv) by adding after subparagraph (B) the following:

''(C) whether it is in the best interests of a child receiving, and of a particular foster grandparent providing, services in such a project, to continue such relationship after the child reaches the age of 21, if such child was receiving such services prior to attaining the age of 21.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2) (as redesignated by this section), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(4) by adding after paragraph (2) (as redesignated by this section) the following:

''(3) If an assignment of a foster grandparent is suspended or discontinued, the replacement of that foster grandparent shall be determined through the mutual agreement of all parties involved in the provision of services to the child.'';

(5) in subsection (d), in the second sentence, by striking ''Any stipend'' and all that follows through ''inflation,'' and inserting ''Any stipend or allowance provided under this part shall not exceed 75 percent of the minimum wage under section 6 the Fair Labor Standards Act of 1938 (29 U.S.C. 206), and the Federal share shall

not be less than $2.65 per hour, provided that the Director shall adjust the Federal share once prior to December 31, 2012, to account for inflation,'';

(6) in subsection (e)—

(A) in paragraph (1), by striking ''125'' and inserting ''200''; and

(B) in paragraph (2), by striking '', as so adjusted'' and all that follows through ''local situations'';

(7) by striking subsection (f) and inserting:

''(f)(1) Subject to the restrictions in paragraph (3), individuals who are not low-income persons may serve as volunteers under this part. The regulations issued by the Director to carry out this part (other than regulations relating to stipends or allowances to individuals authorized by subsection (d)) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(2) Except as provided under paragraph (1), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(3) An individual who is not a low-income person may not become a volunteer under this part if allowing that individual to become a volunteer under this part would prevent a low-income person from becoming a volunteer under this part or would displace a low-income person from being a volunteer under this part.

''(4) The Office of Outreach and Recruitment shall conduct outreach to ensure the inclusion of low-income persons in programs and activities authorized under this title.''; and

(8) by adding at the end the following new subsections:

''(g) The Director may also provide a stipend or allowance in an amount not to exceed 10 percent more than the amount established under subsection (d) to leaders who, on the basis of past experience as volunteers, special skills, and demonstrated leadership abilities, may coordinate activities, including training, and otherwise support the service of volunteers under this part.

''(h) The program may accept up to 15 percent of volunteers serving in a project under this part for a fiscal year who do not meet the definition of 'low-income' under subsection (e), upon certification by the recipient of a grant or contract that it is unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.''.

SEC. 2205. SENIOR COMPANION PROGRAM GRANTS.

Section 213 (42 U.S.C. 5013) is amended—

(1) in subsection (a), by striking ''low-income persons aged 60 or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b), by striking ''Subsections (d), (e), and (f)'' and inserting ''Subsections (d) through (h)''; and

(3) by striking subsection (c)(2)(B) and inserting the following:

''(B) Senior companion volunteer trainers and leaders may receive a stipend or allowance consistent with subsection (g) authorized under subsection (d) of section 211, as approved by the Director.''.

SEC. 2206. PROMOTION OF NATIONAL SENIOR SERVICE CORPS.

Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(2) in subsection (b)(2), by inserting ''of all ages and backgrounds living in rural, suburban, and urban localities'' after ''greater participation of volunteers''.

SEC. 2207. TECHNICAL AMENDMENTS.

(a) CHANGE IN AGE ELIGIBILITY.—Section 223 (42 U.S.C. 5023) is amended by striking ''sixty years and older from minority groups'' and inserting ''55 years and older from minority and underserved populations''.

(b) NAME CHANGE.—Section 224 (42 U.S.C. 5024) is amended in the heading by striking ''VOLUNTEER'' and inserting ''SERVICE''.

SEC. 2208. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

''(2) Applicants for grants under paragraph (1) shall determine which program under part A, B, or C the program shall be carried out and submit an application as required for programs under part A, B, or C.''; and

(B) by adding at the end the following:

''(4) The Director shall ensure that at least 50 percent of the grants made under this section are from applicants currently not receiving assistance from the Corporation and when possible in locations where there are no current programs under part A, B, C in existence.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ''or Alzheimer's disease, with an intent of allowing those served to age in place'';

(B) in paragraph (2), by inserting before the period at the end the following: ''through education, prevention, treatment, and rehabilitation'';

(C) in paragraph (3), by inserting before the period at the end the following: '', including programs that teach parenting skills, life skills, family management skills, assists in obtaining affordable childcare, offers or assists in locating employment training or placement, and other skills and services needed by teenage parents and their families to establish a healthy environment for their children'';

(D) by amending paragraph (4) to read as follows:

''(4) Programs that establish and support mentoring programs for disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990), including those mentoring programs that match youth with volunteer mentors leading to apprenticeship programs and employment training.'';

(E) in paragraph (5), by inserting before the period at the end the following: '', including those programs that serve youth and adults with limited English proficiency'';

(F) in paragraph (6), by striking ''and'' and all that follows through the period and insert ''and for individuals and children with disabilities or chronic illnesses living at home.'';

(G) in paragraph (7), by striking ''after-school activities'' and all that follows through the period at the end and inserting ''after-school programs serving children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children, including those of working parents.'';

(H) by striking paragraphs (8), (9), (12), (13), (14), (15), (16), and (18);

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

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

''(10) Programs that engage older adults with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community.

''(11) Programs that collaborate with criminal justice professionals and organizations in prevention programs aimed at disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or youth re-entering society after incarceration and their families, which may include mentoring and counseling, which many include employment counseling.'';

(K) by redesignating paragraph (17) as paragraph (12); and

(L) by adding at the end the following:

''(13) Programs that strengthen community efforts in support of homeland security.'';

(3) in subsection (c)(1), by striking ''shall demonstrate to the Director'' and all that follows through the period at the end and inserting ''shall demonstrate to the Director a level of expertise in carrying out such a program.''; and

(4) in subsection (e)—

(A) by inserting ''widely'' before ''disseminate''; and

(B) by striking ''to field personnel'' and all that follows through the period at the end and inserting '', including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2209. ADDITIONAL PROVISIONS.

Part D of title II (42 U.S.C. 5000 et seq.) is amended by adding after section 227 the following:

''SEC. 228. CONTINUITY OF SERVICE.

''To ensure the continued service of individuals in communities served by the Retired and Senior Volunteer Program prior to enactment of this section, in making grants under this title the Corporation shall take actions it considers necessary to maintain service assignments for such seniors and to ensure continuity of service for communities.

''SEC. 229. ACCEPTANCE OF DONATIONS.

''(a) IN GENERAL.—Except as provided in subsection (b), a program receiving assistance under this title may accept donations, including donations in cash or in kind.

''(b) EXCEPTION.—Notwithstanding subsection (a), a program receiving assistance under this title shall not accept donations from the beneficiaries of the program.''.

SEC. 2210. AUTHORITY OF DIRECTOR.

Section 231 (42 U.S.C. 5028) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''activities;'' and inserting ''activities described in section 225(b) and carried out through programs described in parts A, B, and C; and''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) programs that support older Americans in aging in place while augmenting the capacity of members of a community to serve each other through reciprocal service centers, service credit banking, community economic scripts, barter services, timebanking, and other similar programs.''; and

(2) by adding at the end the following:

''(c) PRIORITY.—For purposes of subsection (b), priority shall be given to—

''(1) programs with established experience in carrying out such a program and engaging the entire community in service exchange;

''(2) programs with the capacity to connect to similar programs throughout a city or region to augment the available services to older Americans and for members of the community to serve each other;

''(3) programs seeking to establish in an area where needs of older Americans are left unmet and older Americans are unable to consider aging in place without such service exchange in place; and

''(4) programs that integrate participants in or collaborate with service-learning programs, AmeriCorps State and National programs, the VISTA program, the Retired and Senior Volunteer Program, Foster Grandparents program,

and the Senior Companion programs, and programs described in section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032).''.

Subtitle C—Amendments to Title IV (Administration and Coordination)

SEC. 2301. NONDISPLACEMENT.

Section 404(a) (42 U.S.C. 5044(a)) is amended by striking ''displacement of employed workers'' and inserting ''displacement of employed workers or volunteers (other than participants under the national service laws)''.

SEC. 2302. NOTICE AND HEARING PROCEDURES.

Section 412(a) (42 U.S.C. 5052(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''75'' and inserting ''60''; and

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

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as (3).

SEC. 2303. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting '', the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,'';

(2) in paragraph (13), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(3) in paragraph (14)—

(A) by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) by striking ''parts A, B, C, and E of'';

SEC. 2304. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

SEC. 2401. AUTHORIZATION OF APPROPRIATIONS FOR VISTA AND OTHER PURPOSES.

Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', excluding section 109'' and all that follows and inserting ''$100,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.'';

(B) by striking paragraphs (2) and (4) and redesignating paragraphs (3) and (5) as paragraphs (2) and (3); and

(C) in paragraph (2) (as redesignated by this section), by striking '', excluding section 125'' and all that follows and inserting ''such sums as may be necessary for each of fiscal years 2008 through 2012.''; and

(2) by striking subsection (e).

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SENIOR SERVICE CORPS.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

''SEC. 502. NATIONAL SENIOR SERVICE CORPS.

''(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $67,500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $115,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $52,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 2403. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

''SEC. 504. ADMINISTRATION AND COORDINATION.

''There are authorized to be appropriated for the administration of this Act $35,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 3101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 4101. TABLE OF CONTENTS FOR THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 (42 U.S.C. 12501 note) is amended to read as follows:

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

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings and purpose.
''Sec. 3. Sense of Congress.

''TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

''Subtitle A—General Provisions

''Sec. 101. Definitions.

''Subtitle B—School-Based and Community-Based Service-Learning Programs

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

''Sec. 111. Assistance to States, Territories, and Indian tribes.
''Sec. 112. Allotments.
''Sec. 113. Applications.
''Sec. 114. Consideration of applications.
''Sec. 115. Participation of students and teachers from private schools.
''Sec. 116. Federal, State, and local contributions.
''Sec. 116A. Limitations on uses of funds.

''PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

''Sec. 117. Higher education innovative programs for community service.

''PART III—INNOVATIVE SERVICE-LEARNING PROGRAMS AND RESEARCH

''Sec. 118. Innovative demonstration service-learning programs and research.

''Subtitle C—National Service Trust Program

''PART I—INVESTMENT IN NATIONAL SERVICE

''Sec. 121. Authority to provide assistance and approved national service positions.
''Sec. 122. Types of national service programs eligible for program assistance.
''Sec. 123. Types of national service positions eligible for approval for national service educational awards.
''Sec. 124. Types of program assistance.
''Sec. 126. Other special assistance.

''PART II—APPLICATION AND APPROVAL PROCESS

''Sec. 129. Provision of assistance and approved national service positions.
''Sec. 129A. Education awards only research.
''Sec. 130. Application for assistance and approved national service positions.
''Sec. 131. National service program assistance requirements.
''Sec. 132. Ineligible service categories.
''Sec. 133. Consideration of applications.

''PART III—NATIONAL SERVICE PARTICIPANTS

''Sec. 137. Description of participants.
''Sec. 138. Selection of national service participants.
''Sec. 139. Terms of service.
''Sec. 140. Living allowances for national service participants.
''Sec. 141. National service educational awards.

''Subtitle D—National Service Trust and Provision of National Service Educational Awards

''Sec. 145. Establishment of the National Service Trust.
''Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
''Sec. 147. Determination of the amount of the national service educational award.
''Sec. 148. Disbursement of national service educational awards.
''Sec. 149. Process of approval of national service positions.

''Subtitle E—National Civilian Community Corps

''Sec. 151. Purpose.
''Sec. 152. Establishment of National Civilian Community Corps Program.
''Sec. 153. National service program.
''Sec. 154. Summer national service program.
''Sec. 155. National Civilian Community Corps.
''Sec. 156. Training.
''Sec. 157. Service projects.
''Sec. 158. Authorized benefits for Corps members.
''Sec. 159. Administrative provisions.
''Sec. 160. Status of Corps members and Corps personnel under Federal law.
''Sec. 161. Contract and grant authority.
''Sec. 162. Responsibilities of other departments.
''Sec. 163. Advisory board.
''Sec. 164. Annual evaluation.
''Sec. 166. Definitions.

''Subtitle F—Administrative Provisions

''Sec. 171. Family and medical leave.
''Sec. 172. Reports.
''Sec. 173. Supplementation.
''Sec. 174. Prohibition on use of funds.
''Sec. 175. Nondiscrimination.
''Sec. 176. Notice, hearing, and grievance procedures.
''Sec. 177. Nonduplication and nondisplacement.
''Sec. 178. State Commissions on National and Community Service.
''Sec. 179. Evaluation.
''Sec. 180. Engagement of participants.
''Sec. 181. Contingent extension.
''Sec. 182. Partnerships with schools.
''Sec. 183. Rights of access, examination, and copying.
''Sec. 184. Drug-free workplace requirements.
''Sec. 185. Consolidated application and reporting requirements.
''Sec. 186. Sustainability.
''Sec. 187. Use of recovered funds.
''Sec. 188. Expenses of attending meetings.
''Sec. 189. Grant periods.
''Sec. 189A. Generation of volunteers.
''Sec. 189B. Limitation on program grant costs.
''Sec. 189C. Audits and reports.

''Subtitle G—Corporation for National and Community Service

''Sec. 191. Corporation for National and Community Service.
''Sec. 192. Board of Directors.
''Sec. 192A. Authorities and duties of the Board of Directors.
''Sec. 193. Chief Executive Officer.
''Sec. 193A. Authorities and duties of the Chief Executive Officer.
''Sec. 194. Officers.
''Sec. 195. Employees, consultants, and other personnel.
''Sec. 196. Administration.
''Sec. 196A. Corporation State offices.
''Sec. 196B. Office of Outreach and Recruitment.

''Subtitle H—Investment for Quality and Innovation

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE

''Sec. 198. Additional corporation activities to support national service.
''Sec. 198B. Presidential awards for service.

''PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

''Sec. 198D. Innovative and model program support.

''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

''Sec. 198E. National service programs clearinghouse.

''Subtitle I—American Conservation and Youth Corps

''Sec. 199. Short title.
''Sec. 199A. General authority.
''Sec. 199B. Limitation on purchase of capital equipment.
''Sec. 199C. State application.
''Sec. 199D. Focus of programs.
''Sec. 199E. Related programs.
''Sec. 199F. Public lands or Indian lands.
''Sec. 199G. Training and education services.
''Sec. 199H. Preference for certain projects.
''Sec. 199I. Age and citizenship criteria for enrollment.
''Sec. 199J. Use of volunteers.
''Sec. 199K. Living allowance.
''Sec. 199L. Joint programs.
''Sec. 199M. Federal and State employee status.

''Subtitle J—Training and Technical Assistance

''Sec. 199N. Training and technical assistance.

''TITLE II—MODIFICATIONS OF EXISTING PROGRAMS

''Subtitle A—Publication

''Sec. 201. Information for students.
''Sec. 202. Exit counseling for borrowers.
''Sec. 203. Department information on deferments and cancellations.
''Sec. 204. Data on deferments and cancellations.

''Subtitle B—Youthbuild Projects

''Sec. 211. Youthbuild projects.

''Subtitle C—Amendments to Student Literacy Corps

''Sec. 221. Amendments to Student Literacy Corps.

''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

''Sec. 401. Projects.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. Authorization of appropriations.

''TITLE VI—MISCELLANEOUS PROVISIONS

''Sec. 601. Amtrak waste disposal.
''Sec. 602. Exchange program with countries in transition from totalitarianism to Democracy.''.

SEC. 4102. TABLE OF CONTENTS FOR THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 note) is amended to read as follows:

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Volunteerism policy.

''TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

''PART A—VOLUNTEERS IN SERVICE TO AMERICA

''Sec. 101. Statement of purpose.
''Sec. 102. Authority to operate VISTA program.
''Sec. 103. Selection and assignment of volunteers.
''Sec. 103A. VISTA programs of national significance.
''Sec. 104. Terms and periods of service.
''Sec. 105. Support service.
''Sec. 106. Participation of beneficiaries.
''Sec. 107. Participation of younger and older persons.
''Sec. 108. Limitation.
''Sec. 110. Applications for assistance.

''PART C—SPECIAL VOLUNTEER PROGRAMS

''Sec. 121. Statement of purpose.
''Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
''Sec. 123. Financial assistance.

''TITLE II—NATIONAL SENIOR SERVICE CORPS

''Sec. 200. Statement of purpose.

''PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

''Sec. 201. Grants and contracts for volunteer service projects.

''PART B—FOSTER GRANDPARENT PROGRAM

''Sec. 211. Grants and contracts for volunteer service projects.

''PART C—SENIOR COMPANION PROGRAM

''Sec. 213. Grants and contracts for volunteer service projects.

''PART D—GENERAL PROVISIONS

''Sec. 221. Promotion of National Senior Service Corps.
''Sec. 222. Payments.
''Sec. 223. Minority group participation.
''Sec. 224. Use of locally generated contributions in National Senior Service Corps.
''Sec. 225. Programs of national significance.
''Sec. 226. Adjustments to Federal financial assistance.
''Sec. 227. Multiyear grants or contracts.
''Sec. 228. Continuity of service.
''Sec. 229. Acceptance of donations.

''PART E—DEMONSTRATION PROGRAMS

''Sec. 231. Authority of Director.

''TITLE IV—ADMINISTRATION AND COORDINATION

''Sec. 403. Political activities.
''Sec. 404. Special limitations.
''Sec. 406. Labor standards.
''Sec. 408. Joint funding.
''Sec. 409. Prohibition of Federal control.
''Sec. 410. Coordination with other programs.
''Sec. 411. Prohibition.
''Sec. 414. Distribution of benefits between rural and urban areas.
''Sec. 415. Application of Federal law.
''Sec. 416. Evaluation.
''Sec. 417. Nondiscrimination provisions.
''Sec. 418. Eligibility for other benefits.
''Sec. 419. Legal expenses.
''Sec. 421. Definitions.
''Sec. 422. Audit.
''Sec. 423. Reduction of paperwork.
''Sec. 424. Review of project renewals.
''Sec. 425. Protection against improper use.
''Sec. 426. Center for Research and Training.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. National volunteer antipoverty programs.
''Sec. 502. National Senior Service Corps.
''Sec. 504. Administration and coordination.
''Sec. 505. Availability of appropriations.

''TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

''Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
''Sec. 602. Creditable service for civil service retirement.
''Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
''Sec. 604. Repeal of title VI of the Older Americans Act.''.

TITLE V—EFFECTIVE DATE

SEC. 5101. EFFECTIVE DATE.

Unless specifically provided otherwise, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 5102. SERVICE ASSIGNMENTS AND AGREEMENTS.

(a) SERVICE ASSIGNMENTS.—Changes pursuant to this Act in the terms and conditions of terms of service and other service assignments under the national service laws (including the amount of the education award) shall apply only to individuals who enroll or otherwise begin service assignments after 90 days after the date of enactment of this Act, except when agreed upon by all interested parties.

(b) AGREEMENTS.—Changes pursuant to this Act in the terms and conditions of grants, contracts, or other agreements under the national service laws shall apply only to such agreements entered into after 90 days after the date of enactment of this Act, except when agreed upon by the parties to such agreements.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–539. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–539.

Mrs. MCCARTHY of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mrs. MCCARTHY of New York:

Page 8, line 14, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 11, line 7, strike ''and''.

Page 11, after line 7, insert the following:

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

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

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

Page 11, line 8, redesignate (10) as (11).

Page 15, line 20, add ''and'' at the end.

Page 16, line 11, strike ''; and'' and insert a period.

Page 16, strike line 12 and all that follows through page 18, line 21.

Page 22, after line 22, insert the following:

''(d) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this part exceed $43,000,000, the minimum allotment to each State (as defined in section 101) under this section shall be $65,000.''.

Page 22, line 25, through page 23, line 1, strike ''or an allotment of approved summer of service positions under section 111(a)(5)(D)''.

Page 23, after line 14, insert the following:

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

Page 23, line 15, redesignate (2) as (3).

Page 24, line 11, redesignate (3) as (4).

Page 25, line 15, add ''and'' at the end.

Page 25, line 17, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 26, strike lines 5 through 11.

Page 26, on each of lines 20, 22, and 23, strike ''State'' and insert ''State, Territory, or Indian tribe''.

Page 27, line 1, strike ''State'' and insert ''State, Territory, or Indian tribe''.

Page 28, strike lines 12 through 15 and insert the following:

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

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

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

Page 31, line 19, strike ''and'' the first place such term appears.

Page 31, line 20, insert before the period at the end the following: '', and community colleges serving predominantly minority populations''.

Page 31, line 24, through page 32, line 1, strike ''a grant is made'' and insert ''assistance is provided''.

Page 36, lines 18 through 19, strike ''a public or private nonprofit organization,'' and insert ''or a public or private nonprofit organization (including grant-making entities), a public or private elementary or secondary school, a local educational agency,''.

Page 37, line 2, insert a comma after ''postsecondary''.

Page 37, lines 16 through 17, strike ''senior centers and communities, schools, libraries, and other'' and insert ''in senior centers and communities, in schools, in libraries, and in other''.

Page 38, line 6, strike ''and''.

Page 38, after line 6, insert the following:

''(8) establish or implement summer of service programs during the summer months, including the cost of recruitment, training, and placement of service-learning coordinators—

''(A) for youth who will be enrolled in any grade from grade 6 through grade 12 at the end of the summer concerned;

''(B) for community-based service-learning projects that—

''(i) shall—

''(I) meet unmet human, educational, environmental (including energy conservation and stewardship), emergency and disaster preparedness, and public service needs; and

''(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community; and

''(ii) may include the extension of academic year service-learning programs into the summer months;

''(C) under which any student who completes 100 hours of service in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f), shall be eligible for a summer of service educational award of not more than $500 (or, at the discretion of the Chief Executive Officer, not more than $1,000 in the case of a participant who is economically disadvantaged) from funds deposited in the National Service Trust and distributed by the Corporation as described in section 148; and

''(D) subject to the limitation that a student may not receive more than 2 summer of service educational awards from funds deposited in the National Service Trust; and''.

Page 38, line 7, redesignate (8) as (9).

Page 40, lines 12 through 13, strike ''50 percent of the total cost of the program'' and insert ''75 percent of the total cost of the program in the first year of the grant and 50 percent of the total cost of the program in the remaining years of the grant, including if the grant is extended for a fourth year''.

Page 42, strike lines 24 through 25 and insert the following:

(ii) by striking ''Federal share of the cost'' and inserting ''Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation and other necessary operation costs,'';

Page 43, strike lines 1 through 4.

Page 43, lines 5 and 8, redesignate (iv) and (v) as (iii) and (iv), respectively.

Page 45, line 11, strike ''to the Congress'' and insert ''to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

Page 49, line 6, insert after ''services'' the following: '', provision of supportive services to direct mentoring service organizations (in the case of a partnership), or''.

Page 53, strike lines 13 through 16 and insert the following:

''(2) MATCHING REQUIREMENT.—In making grants to a State under this subsection, the Corporation shall require the State to provide matching funds of $1 from non-Federal sources for every $1 provided by the Corporation.

''(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to use an alternative match as follows:''.

Page 57, line 14, before the period at the end insert '', or 0.5 percent of the amount allocated for the State formula under this section, whichever is greater''.

Page 62, after line 11, insert the following:

''SEC. 129B. PILOT AUTHORITY FOR MEMBER-SELECTED NATIONAL SERVICE POSITIONS.

''(a) AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated for a fiscal year under this subtitle and consistent with the restriction in subsection (b), the Corporation may provide fixed amount grants on a competitive basis to up to 10 State Commissions to support member-selected approved national service positions.

''(2) LIMITATION.—The Corporation shall award grants under paragraph (1) to support not more than 500 approved national service positions among the participating States.

''(b) LIMITS ON CORPORATION GRANT FUNDS.—

''(1) IN GENERAL.—Grants awarded under subsection (a)(1) shall not exceed $600 per individual enrolled in an approved national service position under this section.

''(2) USE OF GRANT FUNDS.—Grants received by State Commissions under subsection (a)(1)—

''(A) shall not be distributed to organizations receiving participants with approved national service positions under this section; and

''(B) may—

''(i) be used for oversight activities and mechanisms for the service sites as determined by the State Commission or the Corporation, which may include site visits;

''(ii) be used for activities to augment the experience of AmeriCorps participants in approved national service positions under this section, including activities to engage such participants in networking opportunities with other AmeriCorps participants; and

''(iii) be used for recruitment or training activities for participants in approved national service positions under this section.

''(c) STATE COMMISSION APPLICATION.—

''(1) IN GENERAL.—A State Commission desiring to receive a grant under subsection (a)(1) shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation shall determine appropriate.

''(2) APPROVAL.—The Corporation shall approve each application under paragraph (1) in accordance with section 130(d).

''(d) SELECTION OF PARTICIPANTS.—

''(1) APPLICANTS.—Participants desiring to receive an approved national service position under this section shall submit an application to the State Commission at such time and in such manner as the State Commission determines appropriate. The application shall contain—

''(A) a position description that includes—

''(i) the unmet human, educational, public safety, or environmental need or needs that will be met by the participant; and

''(ii) a description of the activities and responsibilities that will be carried out by the participant;

''(B) a description of the organization operating the service site where the applicant intends to complete the service described in subparagraph (A);

''(C) a description of the support that will be provided by the organization to the participant to complete the activities described in subparagraph (A);

''(D) the evidence of community support for the activities described in subparagraph (A);

''(E) a certification from the organization operating the service site that the organization is accepting the participant to perform the service outlined in subparagraph (A);

''(F) a certification from the organization operating the service site that the organization satisfies qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight; and

''(G) any other information that the Corporation and the State Commission deems necessary.

''(2) RESIDENCY.—A participant may apply for approved national service positions under this section in States other than the State in which the participant resides.

''(e) ORGANIZATION REQUIREMENTS.—The Corporation and the State Commissions shall ensure that the organizations receiving participants with approved national service positions under this section—

''(1) maintain not more than 5 full-time staff and not more than 5 part-time staff; and

''(2) are not duplicating service provided by an existing AmeriCorps grantee in the same community; and

''(3) are located in a community where no Intermediary AmeriCorps grants recipient is operating; and

''(4) have not applied to receive assistance under this subtitle.

''(f) FAILURE TO COMPLY.—If an organization receiving a participant with an approved national service position under this section fails to comply with terms and conditions established by the State Commission and the Corporation—

''(1) the organization shall not be eligible to receive such a participant, or receive an AmeriCorps grant under section 121, for not less than 5 years; and

''(2) the State Commission shall have the right to remove such a participant from the organization and relocate that individual to another site.

''(g) RECEIPT OF FINANCIAL ASSISTANCE.—An organization that receives participants with approved national service positions under this section shall not be considered a recipient of Federal financial assistance based on receiving such participants.

''(h) DEFINITION.—For the purpose of this section, the term 'Intermediary AmeriCorps grants recipient' means any organization that serves as a conduit between the Corporation and other unaffiliated organizations operating service sites.

Page 72, line 11, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 72, strike line 15 and all that follows through page 73, line 3 and insert the following:

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147 (42 U.S.C. 12603) is amended—

(1) in subsection (a)—

(A) by striking ''a value, for each of not more than 2 of such terms of service, equal to 90 percent of—'' and inserting ''a value of—'' ; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) $4,825, for fiscal year 2008;

''(2) $4,925, for fiscal year 2009;

''(3) $5,025, for fiscal year 2010;

''(4) $5,125, for fiscal year 2011; and

''(5) $5,225, for fiscal year 2012 and each fiscal year thereafter.''; and

(2) in subsection (b), by inserting after ''for each of not more than 2 of such terms of service'' the following: ''in the period of one year''.

Page 73, line 20, strike ''111(a)(5)(D)'' and insert ''118(c)(8)(C)''.

Page 74, line 4, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 75, line 16, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 76, line 2, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 77, line 2, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 78, line 16, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 80, line 2, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 82, line 5, strike ''to Congress'' and insert ''to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

Page 83, line 8, strike ''111(a)(5)'' and insert ''118(c)(8)''.

Page 87, line 17, strike ''The Director'' and all that follows through ''goal.'' on line 24 and insert ''The Director shall take appropriate steps, including through collaboration with the Office of Outreach and Recruitment, to increase the percentage of participants in the program who are disadvantaged youth toward 50 percent of all participants by year 2010. The Director shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on such efforts, any challenges faced, and the annual participation rates of disadvantaged youth in the program.''.

Page 88, lines 6 through 7, strike ''Demonstration''.

Page 88, lines 24 through 25, strike ''Demonstration''.

Page 92, line 1, strike ''striking by''.

Page 93, strike lines 17 through 22 and insert the following:

(3) by amending subsection (c)(2) to read as follows:

''(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skill areas described in such subsection.''.

Page 94, line 8, after ''conservation'' insert a comma.

Page 97, strike lines 19 through 21 and insert the following:

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''the Director'' and inserting ''the Chief Executive Officer'';

(II) in clause (iii) by striking ''and'' at the end;

(III) by redesignating clause (iv) as (v); and

(IV) by inserting after clause (iii) the following:

''(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and''; and

Page 98, line 22, add ''and'' at the end.

Page 103, strike lines 24 through 25.

Page 104, lines 1 and 4, redesignate (2) and (3) as (1) and (2), respectively.

Page 107, line 24, strike ''(g) through (k)'' and insert ''(h) through (l)''.

Page 108, after line 10, insert the following:

''(g) STATE PLAN FOR BABY BOOMER AND OLDER ADULT VOLUNTEER AND PAID SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State must work with appropriate State agencies and private entities to develop a comprehensive State plan for volunteer and paid service by members of the Baby Boom generation and older adults.

''(2) MATTERS INCLUDED.—The State plan shall include—

''(A) recommendations for public policy initiatives, including how to best tap the population of members of the Baby Boom generation and older adults as sources of social capital and as ways to address community needs;

''(B) recommendations to the State unit on aging on—

''(i) a marketing outreach plan to businesses;

''(ii) outreach to non-profit organizations;

''(iii) the State's Department of Education; and

''(iv) other State agencies; and

''(C) recommendations for civic engagement and multigenerational activities, such as—

''(i) early childhood education, family literacy, and after school programs;

''(ii) respite services for older adults and caregivers; and

''(iii) transitions for members of the Baby Boom generation and older adults to purposeful work in their post career lives.

''(3) KNOWLEDGE INCORPORATED.—The State plan shall incorporate the current knowledge base regarding—

''(A) the economic impact of older workers' roles in the economy;

''(B) the social impact of older workers' roles in the community; and

''(C) the health and social benefits of active engagement for members of the Baby Boom generation and older adults.

''(4) PUBLICATION.—The State plan must be made public and be transmitted to the Chief Executive Officer.''; and

Page 108, line 11, strike ''(j)(1)'' and insert ''(k)(1)''.

Page 108, line 13, strike ''; and'' and insert a period.

Page 108, strike line 14 and all that follows through page 110, line 13.

Page 110, line 23, strike ''various''.

Page 111, line 5, strike ''grantees'' and insert ''each grantee''.

Page 112, line 12, strike ''to which'' and insert ''with which''.

Page 112, line 13, insert a comma after ''services''.

Page 112, line 14, strike ''of the program and its impact, for such programs'' and insert ''and the impact of such programs''.

Page 113, line 6, insert ''under this section'' before the period at the end.

Page 114, line 25, strike ''Congress'' and insert ''the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

Page 115, line 20, strike ''Congress and the committees of jurisdiction'' and insert ''the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

Page 117, line 5, strike ''Congress'' and insert ''the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

Page 118, line 1, strike ''to work to''.

Page 118, line 2, insert '', taking into consideration challenges that programs in underserved rural or urban areas may face'' before the semicolon.

Page 118, line 3, strike ''assist'' and insert ''aid''.

Page 118, line 5, after ''acquiring'' insert ''and leveraging''.

Page 118, lines 5 through 7, strike ''that could replace assistance received under the national service laws''.

Page 122, line 25, strike ''to Congress'' and insert ''to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

Page 124, line 11, strike ''to Congress'' and insert ''to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

Page 126, line 22, strike the period at the end and insert ''; and''.

Page 126, after line 22, insert the following:

(3) by amending subsection (g) to read as follows:

''(g) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—The Chief Executive Officer shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions of the Office of Outreach and Recruitment to ensure that such

functions are carried out in a timely and effective manner. The Chief Executive Officer shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs carried out under the national service laws or similar programs, and to individuals who have specialized experience in the recruitment of volunteers.''.

Page 129, line 25, after ''local education agencies,'' insert ''institutions of higher education,''.

Page 130, after line 7, insert the following:

''(3) to collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants with disabilities in the programs receiving assistance under the national service laws;''.

Page 130, lines 8, 12, 16, 20, and 24, redesignate (3) through (7) as (4) through (8), respectively.

Page 131, lines 4, 7, and 9, redesignate (8) through (10) as (9) through (11), respectively.

Page 132, strike line 9 and all that follows through page 133, line 19, and insert the following:

SEC. 1707. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196C. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

''(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

''(1) specific areas of need for veterans;

''(2) how existing programs and activities carried out under the national service laws could better serve veterans and veterans service organizations;

''(3) gaps in service to veterans;

''(4) prospects for better coordination of services;

''(5) prospects for better utilization of veterans as resources and volunteers; and

''(6) methods for ensuring the efficient financial organization of services directed towards veterans.

''(b) CONSULTATION.—The study shall be carried out in consultation with veterans' service organizations, the Department of Veterans Affairs, State veterans agencies, the Department of Defense, and other individuals and entities the Corporation considers appropriate.

''(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving veterans.

''(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

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

Page 134, line 23, strike ''subsections (p) and (q);'' and insert ''subsection (p); and''.

Page 134, strike line 24 and all that follows through page 135, line 2, and insert the following:

(10) by redesignating subsections (q), (r), and (s) as (g), (h), and (i), respectively.

Page 138, after line 6, insert the following:

''(5) SILVER SCHOLARSHIP PROGRAMS.—A Silver Scholarship program for citizens age 55 and older to complete no less than 600 hours of service in a year meeting unmet human, educational, public safety, or environmental needs and receive a $1000 education award, provided that—

''(A) the Corporation establishes criteria for the types of the service required to be performed to receive such award; and

''(B) the citizen uses such award in accordance with sections 146(c), 146(d), and 148(c).''.

Page 138, lines 7 and 21, redesignate (5) and (6) as (6) and (7), respectively.

Page 139, line 3, redesignate (7) as (8).

Page 139, after line 13, insert the following:

''(2) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 76 percent of the total cost of the program in the first year and may not exceed 50 percent of the total cost of the program for the remaining years of the grant, including if the grant is extended for 1 year.

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

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

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

Page 139, line 14, redesignate (2) as (3).

Page 139, line 14, strike ''ENCOURAGEMENT'' and insert ''COLLABORATION ENCOURAGED''.

Page 139, line 18, redesignate (3) as (4).

Page 139, line 23, after ''strategies'' insert a comma.

Page 140, strike line 19 and all that follows through page 141, line 9.

Page 141, lines 13 through 14, strike ''the Corporation requires, and in such manner as''.

Page 147, line 5, strike the semicolon and insert the following: ''. Such activities may utilize funding from the reservation of funds to increase the participation of individuals with disabilities as described in section 129(k);''.

Page 147, line 12, insert before the semicolon the following: '', including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973''.

Page 148, line 24, strike ''2008,'' and all that follows through the semicolon on page 149, line 4, and insert ''2008;''.

Page 149, line 10, strike ''63.75'' and insert ''60''.

Page 149, line 16, strike ''11.25'' and insert ''15''.

Page 149, after line 18, insert the following:

''(C) SUMMER OF SERVICE.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to $10,000,000 shall be for summer of service grants and up to $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 118(c)(8).''.

Page 151, after line 3, insert the following:

''(D) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in subparagraph (C), priority shall be given to programs carried out in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), as a consequence of Hurricanes Katrina and Rita.''.

Page 156, line 17, strike ''recruitment and''.

Page 156, after line 19, insert the following:

(i) in subparagraph (A)—

(I) strike ''related to the recruitment and'' and insert ''related to the'';

(II) strike ''in conjunction with the recruitment and'' and insert ''in conjunction with the''; and

(III) strike ''1993. Upon'' and all that follows through the period at the end and insert ''1993.'';

Page 156, lines 20 and 24, redesignate (i) and (ii) as (ii) and (iii), respectively.

Page 160, after line 17, insert the following:

''(1) In the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling.''.

Page 160, lines 18 and 23, redesignate (1) and (2) as (2) and (3), respectively.

Page 161, lines 7, 12, and 18, redesignate (3), (4), and (5) as (4), (5), and (6), respectively.

Page 169, strike line 5 and all that follows through page 170, line 11, and insert the following:

''(e) COMPETITIVE GRANT AWARDS REQUIRED.—

''(1) IN GENERAL.—Effective for fiscal year 2013 and each fiscal year thereafter, each grant or contract awarded under this section in such a year shall be—

''(A) awarded for a period of 3 years; and

''(B) awarded through a competitive process.

''(2) ELEMENTS OF COMPETITIVE PROCESS.—The competitive process required by paragraph (1)(B)—

''(A) shall include the use of a peer review panel, including members with expertise in senior service and aging;

''(B) shall ensure that—

''(i) the resulting grants (or contracts) support no less than the volunteer service years of the previous grant (or contract) cycle in a given geographic service area;

''(ii) the resulting grants (or contracts) maintain a similar program distribution; and

''(iii) every effort is made to minimize the disruption to volunteers; and

''(C) shall include the performance measures, outcomes, and other criteria established under subsection (f).

''(3) ESTABLISHMENT OF COMPETITIVE PROCESS.—The Corporation shall establish and make available the competitive process required by paragraph (1)(B) no later than 18 months after the date of the enactment of this subsection. The Corporation shall consult with the program directors of the Retired Senior Volunteer Program during development and implementation of the competitive process.

''(f) EVALUATION PROCESS REQUIRED.—

''(1) IN GENERAL.—Notwithstanding section 412, and effective beginning 180 days after the date of the enactment of this subsection, each grant or contract under this section that expires in fiscal year 2010, 2011, and 2012

shall be subject to an evaluation process. The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2009, 2010, and 2011, respectively.

''(2) ELEMENTS OF EVALUATION PROCESS.—The evaluation process required by paragraph (1)—

''(A) shall include performance measures, outcomes, and other criteria; and

''(B) shall evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria.

''(3) ESTABLISHMENT OF EVALUATION PROCESS.—The Corporation shall, in collaboration and consultation with program directors of the Retired Senior Volunteer Program, establish and make available the evaluation process required by paragraph (1), including the performance measures, outcomes, and other criteria required by paragraph (2)(A), with particular attention to the different needs of rural and urban programs. The processes shall be established and made available, including notification of the available training and technical assistance, no later than 180 days after the date of the enactment of this subsection.

''(4) EFFECT OF FAILING TO MEET PERFORMANCE MEASURES.—If the evaluation process determines that the recipient has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection, the grant or contract shall not be renewed. Any successor grant or contract shall be awarded through the competitive process described in subsection (e)(1).

''(5) SPECIAL RULE.—The Corporation may continue to fund a program which has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for up to 12 months if competition does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and disruption of services. In such a case, outreach shall be conducted and a new competition shall be established. The previous recipient shall remain eligible for the new competition.

''(6) PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with program directors for the Retired Senior Volunteer Program, but no earlier than fiscal year 2013.

''(B) OPERATIONAL PROBLEMS.—Effective for fiscal years before fiscal year 2013, the Corporation may, after consulting with program directors of the Retired Senior Volunteer Program, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with program directors of the Retired Senior Volunteer Program and after notifying the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(i) eliminate the use of that performance measure, outcome, or criterion; or

''(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

''(g) ONLINE RESOURCE GUIDE.—The Corporation shall develop and disseminate an online resource guide for the Retired Senior Volunteer Program within 180 days after the date of the enactment of this subsection, which shall include, but not be limited to—

''(1) examples of high performing programs;

''(2) corrective actions for underperforming programs; and

''(3) examples of meaningful outcome-based performance measures that capture a program's mission and priorities.

''(h) REPORT TO CONGRESS.—The Corporation shall submit, by 2012, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

''(1) the number of programs that did not meet or exceed the established performance measures, outcomes, and other criteria established under subsection (f);

''(2) the number of new grants awarded;

''(3) the challenges to the implementation of evaluation and competition, including but not limited to geographic distribution and the minimization of disruption to volunteers; and

''(4) how the current program geographic distribution affects recruitment for the Retired Senior Volunteer Program.''.

Page 176, line 18, strike ''family management skills'' and all that follows through ''children'' on line 23 and insert ''and family management skills''.

Page 180, strike line 8 and all that follows through page 181, line 19, and insert the following:

SEC. 2210. AUTHORITY OF DIRECTOR.

Section 231 (42 U.S.C. 5028) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) ACTIVITIES AUTHORIZED.—The Director is authorized to—

''(A) make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers; and

''(B) make incentive grants under subsection (d).

''(2) SUPPORT OF VOLUNTEERS.—The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.'';

(2) in subsection (b)—

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

(B) in paragraph (1), by striking ''activities;'' and inserting ''activities described in section 225(b) and carried out through programs described in parts A, B, and C;''; and

(C) by striking paragraphs (2) and (3) and inserting the following:

''(2) programs that support older Americans in aging in place while augmenting the capacity of members of a community to serve each other through reciprocal service centers, service credit banking, community economic scripts, barter services, timebanking, and other similar programs where services are exchanged and not paid for; or

''(3) grants to non-profit organizations to establish sites or programs to—

''(A) assist retiring or retired individuals in locating opportunities for—

''(i) public service roles, including through paid or volunteer service;

''(ii) participating in life-planning programs, including financial planning and issues revolving around health and wellness; and

''(iii) continuing education, including leadership development, health and wellness, and technological literacy; and

''(B) connect retiring or retired individuals with members of the community to serve as leaders and mentors in life planning, relationships, employment counseling, education counseling, and other areas of expertise as developed by the retiring or retired adults.''; and

(3) by adding at the end the following:

''(c) PRIORITY.—For purposes of subsection (b)(2), priority shall be given to—

''(1) programs with established experience in carrying out such a program and engaging the entire community in service exchange;

''(2) programs with the capacity to connect to similar programs throughout a city or region to augment the available services to older Americans and for members of the community to serve each other;

''(3) programs seeking to establish in an area where needs of older Americans are left unmet and older Americans are unable to consider aging in place without such service exchange in place; and

''(4) programs that integrate participants in or collaborate with service-learning programs, AmeriCorps State and National programs, the VISTA program, the Retired and Senior Volunteer Program, Foster Grandparents program, and the Senior Companion programs, and programs described in section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032).

''(d) INCENTIVE GRANTS.—The incentive grants referred to in subsection (a)(1)(B) are incentive grants to programs receiving assistance under this title, subject to the following:

''(1) Such grants (which may be fixed-amount grants) shall be grants in an amount equal to $300 per volunteer enrolled in the program, except that such amount shall be reduced as necessary to meet the goals of this section.

''(2) Such a grant shall be awarded to a program only if the program—

''(A) exceeds performance measures established under section 179 of the National and Community Service Act of 1990;

''(B) provides non-Federal matching funds in an amount that is not less than 50 percent of the amount received by the program under this title;

''(C) enrolls more than 50 percent of the volunteers in outcome-based service programs with measurable objectives meeting community needs, as determined by the Corporation; and

''(D) enrolls more volunteers from among members of the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, than were enrolled in the program during the previous fiscal year.

''(3) For each such grant, the Corporation shall require the recipient to provide matching funds of 70 cents from non-Federal sources for every $1 provided under the grant.

''(4) Such a grant shall be awarded to a program only if the program submits, at such time and in such manner as the Corporation may reasonably require, an application that contains—

''(A) a demonstration that the program has met the requirements of paragraph (2);

''(B) if applicable, a plan for innovative programs as described in paragraph (6)(B)(ii);

''(C) a sustainability plan that describes how the program will maintain the activities described in paragraph (6) when the grant terminates; and

''(D) other information that the Corporation may require.

''(5) Such grants shall be awarded for a period of 3 years, except that the grant shall be

reviewed by the Corporation at the end of the first and second fiscal years and revoked if the Corporation finds that the program has failed to continue to meet the requirements of paragraph (2) for those fiscal years.

''(6) Such grants—

''(A) shall be used to increase the number of volunteers in outcome-based service with measurable objectives meeting community needs as determined by the Corporation; and

''(B) may be used—

''(i) for activities for which the program is authorized to receive assistance under this title; and

''(ii) for innovative programs focused on the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, that have been accepted by the Corporation through the application process in paragraph (4) and are outcome-based programs with measurable objectives meeting community needs as determined by the Corporation.

''(7) The Director shall, in making such grants, give high priority to programs receiving assistance under section 201.''.

Page 191, after line 19, insert the following:

(c) EXCEPTION.—Subsections (a) and (b) do not apply to the amendments made by this Act to section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001). Any changes pursuant to those amendments apply as specified in those amendments.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to speak to the manager's amendment to H.R. 2857, Generations Invigorating Volunteerism and Education Act, the GIVE Act.

As chairwoman of the Healthy Families and Communities Subcommittee, I am pleased to offer a bipartisan manager's amendment to H.R. 2857. I am also pleased to say that the administration and the service community support the GIVE Act.

I would like to again thank Chairman MILLER for his continued support and work on this reauthorization. I would also like to extend my thanks to the ranking member of our committee, Mr. MCKEON, for his work. Finally, I would like to thank the ranking member of my subcommittee, Mr. PLATTS, for his work on this reauthorization.

I also would like to thank the staff who have worked many hours on the bill. For the majority, Deborah Koolbeck, Denise Forte, and Alexander Ceja, and for the minority, Brad Thomas and Susan Ross.

This amendment increases the ability of the Corporation for National and Community Service to tap into the pool of potential volunteers, which gives us a better opportunity to meet challenges facing our Nation's communities today.

Some of the changes in the manager's amendment include: the amendment improves the reach and capacity of the Summer of Service. This program is aimed to increase civil responsibility and community service among 5th–12th graders through summer service-learning programs. Getting younger kids involved in service is a good investment. Studies show that the earlier we get folks involved in the volunteer service the more likely they will stay in for their lifetime.

We have improved the National Civilian Conservation Corps, or the NCCC. This valuable program has a focus on disaster preparation. NCCC and volunteers have helped during disasters like Katrina. Because of the disaster focus, there is a need for supervisors and training instructors with a background in law enforcement, rescue and emergency and disaster preparedness. The amendment allows retired law enforcement, fire and rescue personnel to be part of the management of the NCCC.

My amendment makes the Retired Senior Volunteer Program a competitive grant program by 2013. I believe competition spurs innovation, and this will strengthen the program.

Also included in this amendment are incentive grants for the Senior Corps program. These grants are designed to bolster the capacity of current exceptional Senior Corps programs.

Given that the RSVP program is becoming a competitive process, it is expected that the RSVP programs which meet the eligibility requirements will be a majority of incentive grant applicants and recipients.

Finally, I have also worked with Mr. ALTMIRE, Mr. SESTAK, and Mr. SOUDER and have included changes that they suggested in the manager's amendment. I want to thank them for their great ideas.

Our national service laws were last authorized 15 years ago. We have worked with our colleagues across the aisle and with the service community to renew the spirit of service in our Nation through the GIVE Act.

I hope you will join me and support my amendment.

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

Mr. PLATTS. Mr. Chairman, I claim time in opposition to the amendment although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. I want to commend the ranking member for offering this manager's amendment which makes several very important changes to the GIVE Act.

Most importantly, this amendment includes the language that would allow the Corporation for National and Community Service to support individuals who fill national service positions in small organizations that do not receive AmeriCorps grants.

This language was originally proposed by Mr. SOUDER in committee, and the manager's amendment reflects the bipartisan approach and the bipartisan compromise that was reached to infuse more individual control and local flexibility into the national service programs.

Also, I would like to reference that this amendment injects fair competition into the Retired and Senior Volunteer Program by requiring all programs to be competitively reevaluated by fiscal year 2013. For too long, these programs have continued to receive funding without any effort to determine if those programs are successfully making a difference in their communities, and this amendment will ensure that this is no longer the case.

So, I urge a ''yes'' vote in support of the amendment.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–539.

Mr. MCKEON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCKEON:

Page 50, strike lines 21 through 23 and insert the following:

(5) in subsection (d) (as so redesignated), in paragraph (1)—

(A) in subparagraph (A), by striking ''subsection (b) or (d) of''; and

(B) by adding at the end the following new subparagraph:

''(C) PRIORITY FOR VETERANS.—Priorities established under subparagraphs (A) and (B) shall include priorities for programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.''; and

Page 64, strike line 23 and all that follows through page 65, line 10, and insert the following:

(3) in subsection (d), in paragraph (2)—

(A) in the matter preceding subparagraph (A), strike ''the Corporation may include—'' and insert ''the Corporation—''; and

(B) by striking subparagraphs (A) through (G) and inserting the following:

''(A) shall include national service programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment; and

''(B) may include—

''(i) national service programs that conform to the national service priorities in effect under section 122(d);

''(ii) innovative national service programs;

''(iii) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

''(iv) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

''(v) professional corps programs described in section 122(a)(8).''.

Page 85, after line 3, insert the following new section:

SEC. 1406. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 150. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

''(a) IN GENERAL.—The Corporation shall report annually to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the number and percentage of veterans serving in approved national service positions.

''(b) ANNUAL GOALS.—In the report described in subsection (a), the Corporation shall outline strategies and goals for increasing the number and percentage of veterans serving in approved national service positions each year, including strategies being undertaken to recruit veterans to serve in such positions, and include an evaluation of progress in meeting such goals.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in support of this amendment which will enhance the GIVE Act by codifying our commitment to ensuring veterans can serve and be served within our national service programs.

The purpose of my amendment is to acknowledge the patriotism, commitment, and sacrifice made by members of the military and their families. In return for their service to our Nation, the least we can do is make sure that our national service programs are able to benefit veterans and military families.

On a bipartisan basis, the Education and Labor Committee chose to incorporate support for veterans in the GIVE Act. My amendment is a natural extension of that theme, and I hope it will garner the same bipartisan agreement as the underlying bill.

Already, the GIVE Act seeks to increase opportunities for veterans to serve and to increase the number of national service programs responding to the needs of veterans under AmeriCorps. My amendment enhances that effort by prioritizing services for and service by veterans throughout all of our national service programs.

The bill before us includes a set-aside within AmeriCorps to support programs for veterans. In addition, the bill includes a study of how veterans are served and how they can be served more effectively. These are positive first steps, but my amendment goes further. Under my amendment, the Corporation will be required to place a priority on applications that serve veterans or recruit veterans to serve. Rather than a fixed set-aside within a single program, this amendment will allow us to broaden the reach of service by and in support of veterans.

The Corporation for National and Community Service is required to establish priorities when funding national service initiatives. This ensures a targeted, effective investment. Under my amendment, included among those priorities would be an emphasis on programs that recruit veterans into service opportunities, promote community-based efforts to meet the unique needs of military families while a family member is deployed, and promote community-based efforts to meet the unique needs of military families when a member of a family returns from a deployment.

In addition, this amendment requires the Corporation to report to Congress on its efforts to increase the number of veterans serving in AmeriCorps and other positions that are eligible for the education award.

Veterans, particularly those recently deployed to Afghanistan and Iraq, deserve opportunities to reintegrate into their communities through service programs funded under the national service laws. This amendment will increase those opportunities.

Without this amendment, we will not have the necessary information to effectively increase veteran participation in national service positions or provide an educational award in exchange for citizen service.

At a time when our service men and women are sacrificing on our behalf around the world, we should be doing all we can to repay that sacrifice. My amendment will make it the explicit policy of the Federal Government to encourage the national service programs to focus more on the unique needs of those heroes and their families, and to encourage more veterans to take advantage of service opportunities under these laws.

The GIVE Act is a solid, bipartisan reform package that will strengthen our national service laws to make them more accountable, efficient, and cost effective.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to claim time in opposition, but I am not opposing the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Mrs. MCCARTHY of New York. One of the themes of the GIVE Act is to increase opportunities for veterans to serve in national service programs and to increase the amount of national service programs responding to the needs of veterans.

At committee, two amendments were adopted to address these issues. First, we directed the Corporation to reserve 3 percent of funds allotted to AmeriCorps for competitive grant programs that focus on veterans, particularly those that are recently returned from a deployment, and their families. The second amendment required the Corporation to conduct a study of how the national service laws would better serve veterans and increase veteran participation and service, and to create a pilot program based on that study.

This amendment builds up on those efforts. Under current law, States and corporations are charged with establishing priorities to determining the types of programs to be assisted under the national service law. This amendment would require States and the Corporation to include priorities for veterans when establishing priorities for the distribution of assistance under these programs.

Those priorities would be geared towards programs that recruit veterans into service opportunities, promote community-based efforts to meet the unique needs of military families while a family member is deployed, and promote community-based efforts to meet the unique service of military families when a member of the family returns from a deployment.

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In addition, this amendment encourages the corporation to report to Congress on its efforts to increase the number of veterans serving in AmeriCorps and other positions that are eligible for the educational award. Veterans, particularly those recently deployed to Afghanistan and Iraq, deserve opportunities to reintegrate into their communities through service programs funded under the national service laws. This amendment will increase those opportunities.

At a time when our servicemen and -women are sacrificing on behalf of our country around the world, we should be doing all we can to repay that sacrifice. This amendment will make it the explicit policy of the Federal Government to encourage national service programs to focus more on the unique

needs of these heroes and their families and to encourage more veterans to take advantage of service opportunities under these laws.

I certainly urge its passage, and I thank Mr. MCKEON for offering this. It's a very good piece added to our legislation.

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

Mr. MCKEON. Mr. Chairman, I want to thank subcommittee Chair, Mrs. MCCARTHY, and ranking member, Mr. PLATTS, for their hard work on this bill. It's a good, bipartisan effort. I thank them for their help on this amendment. I urge the amendment be supported by our colleagues.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–539.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MATSUI:

Page 56, strike lines 8 through 12 and insert the following:

''(c) ALLOTMENT FOR COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve up to 62.7 percent for grants awarded on a competitive basis to States for national service programs and to nonprofit organizations seeking to operate a national service program in 2 or more States.''.

Page 56, strike lines 13 through 17.In such section 129, as proposed to be added by such section 1306, strike subsection (d) and redesignate subsections (e) through (k) as (d) through (j), respectively.

Page 56, line 18, redesignate (e) as (d).

Page 57, line 6, strike ''37.5 percent'' and insert ''35.3 percent''.

Page 57, line 15, redesignate (f) as (e).

Page 58, lines 7 and 12, redesignate (g) and (h) as (f) and (g), respectively.

Page 59, lines 1 and 20, redesignate (i) and (j) as (h) and (i), respectively.

Page 63, line 3, strike ''and'' at the end.

Page 63, line 5, add ''and'' at the end.

Page 63, after line 5, add the following:

(C) by adding at the end the following:

''(3) In the case of a nonprofit organization operating programs in 2 or more States, a description of the manner and extent to which the State Commissions of each State in which the nonprofit organization intends to operate were consulted and the nature of the consultation.''.

Page 64, after line 13, add the following:

SEC. 1308A. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c)(3) (42 U.S.C. 12583(c)(3)) is amended to read as follows:

''(3) in the case of a program that is not funded through a State, including programs operated by nonprofit organizations seeking to operate a national service program in 2 or more States—

''(A) consult with and coordinate with the State Commission for the State in which the program operates; and

''(B) obtain written confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate a program in that State.''.

Page 64, line 21, strike ''and'' at the end.

Page 65, line 10, strike the period at the end and insert ''; and''.

Page 65, after line 10, add the following:

(3) by amending subsection (d)(3) to read as follows:

''(3) ADDITIONAL PRIORITY.—In making a competitive distribution under section 129(c), the Corporation—

''(A) shall solicit and consider the view of a State Commission regarding any application for assistance to operate a national service program within the State; and

''(B) may give priority to a national service program that is—

''(i) proposed in an application submitted by a State Commission; and

''(ii) not one of the types proposed in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

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

I rise today to offer a bipartisan amendment to the GIVE Act. The Matsui-Shays amendment makes needed changes to national service and carries with it broad support. Our amendment will combine the two separate State competitive funds and national competitive funds into one singular funding pool. This change will improve national service efficiency and effectiveness, while increasing collaboration between State and national interests.

Every year organizations and the individuals they support are turned away from the grants they need because of high demand or simple administrative burdens. The current funding formula gives approximately one-third of the funding to the States based on population, approximately one-third to State competitive grants, and approximately one-third to a national competitive funding pool. Under the current formula, a high demand for State competitive grants means that State grant applicants are turned away even if there are resources still available in the national pool and vice versa.

Additionally, these deserving nonprofits and community service organizations spend far too many of their valuable resources navigating a confusing applications process and managing multiple grants. If this amendment passes, these precious resources will now be used to better serve their communities.

At its heart the amendment ensures that grants are competitively distributed based on merit and that resources are used in the most efficient and effective manner.

I hope that all of my colleagues will join Congressman SHAYS and myself, as well as the Governor-appointed State service commissions, national service organizations, leading nonprofits, and Members from both sides of the aisle in support of this valuable amendment.

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

Mr. PLATTS. Mr. Chairman, I rise to claim the time in opposition to the amendment although I am not opposed to it.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of the amendment and commend the maker of the amendment for helping to want to bring more competition to the process of the grants being awarded and more cooperation between the national and the State organizations. I'm aware that the National Governors Association has indicated its support for this amendment and the end result will be a stronger program, a program that is really more about less administrative costs and more dollars flowing to the programs that are going to make a difference in our communities, whether it be national or State.

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

Ms. MATSUI. Mr. Chairman, at this point I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY), the chairwoman of the subcommittee.

Mrs. MCCARTHY of New York. I thank the gentlewoman from California, and I thank Mr. SHAYS.

Mr. Chairman, we are in full support of this amendment. The GIVE Act seeks to improve national service and to do so in innovative, creative ways. And this amendment does just that. We are grateful to Ms. MATSUI and Mr. SHAYS for bringing forth this amendment.

Ms. MATSUI. Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I'd just like to associate myself with the remarks earlier from the gentleman from Connecticut, who spoke in favor of this amendment during his previous statement, and again to ask all Members to support this amendment when it is put before us for a vote.

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

Ms. MATSUI. Mr. Chairman, again I urge my colleagues to support the Matsui-Shays amendment.

Mr. SHAYS. Mr. Chairman, I would like to thank Congresswoman MATSUI and the Committee on Education and Labor for all of their hard work on bringing H.R. 2857 to the floor today. I would also like to thank the work and dedication of Chairman MILLER, Ranking Member MCKEON, Subcommittee Chairwoman DAVIS, and Subcommittee Ranking Member PLATTS.

I believe national service is one of the most productive, cost effective investments our government can make.

Since the inception of the Corporation for National and Community Service, of which I was a co-author, more than 1 billion service hours have been generated by Senior Corps volunteers, more than 40,000 individuals have served through AmeriCorps, and more than 1 million high school students have participated annually in service-learning initiatives.

In the wake of the September 11 attacks, natural disasters like Hurricanes Katrina and Rita, and the increasing achievement gap in education, the call to serve is louder than ever.

Our amendment will revise and improve the funding formula for AmeriCorps, which engages more than 40,000 Americans in service throughout the Nation, by combining State and national competitive funding streams.

National service programs throughout the country believe this change will provide a better means of allocating this funding and will bring the highest quality programs to States.

The change will also enable States to compete for more funding and provide States with more choices of programs.

Community service is about helping people, and it is also about gaining deeper understanding of each other and the world around us.

Through service, Americans of all ages gain a sense of commitment to their communities and their country, which will prove valuable for the rest of their lives.

I urge my colleagues to support this amendment in order to increase the effectiveness and efficiency of this valuable program.

Ms. MATSUI. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MCDERMOTT

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–539.

Mr. MCDERMOTT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MCDERMOTT:

At the end of the bill, add the following new title:

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Congressional Commission on Civic Service Act''.

SEC. 6102. FINDINGS.

Congress finds the following:

(1) The social fabric of the United States is stronger if individuals in the United States are committed to protecting and serving our Nation by utilizing national service and volunteerism to overcome our civic challenges.

(2) A more engaged civic society will strengthen the Nation by bringing together people from diverse backgrounds and experiences to work on solutions to some of our Nation's major challenges.

(3) Despite declines in civic health in the past 30 years, national service and volunteerism among the Nation's youth are increasing, and existing national service and volunteer programs greatly enhance opportunities for youth to engage in civic activity.

(4) In addition to the benefits received by nonprofit organizations and society as a whole, volunteering and national service provide a variety of personal benefits and satisfaction and can lead to new paths of civic engagement, responsibility, and upward mobility.

SEC. 6103. ESTABLISHMENT.

There is established in the legislative branch a commission to be known as the ''Congressional Commission on Civic Service'' (in this title referred to as the ''Commission'').

SEC. 6104. DUTIES.

(a) GENERAL PURPOSE.—The purpose of the Commission is to gather and analyze information in order to make recommendations to Congress to—

(1) improve the ability of individuals in the United States to serve others and, by doing so, to enhance our Nation and the global community;

(2) train leaders in public service organizations to better utilize individuals committed to national service and volunteerism as they manage human and fiscal resources;

(3) identify and offer solutions to the barriers that make it difficult for some individuals in the United States to volunteer or perform national service; and

(4) build on the foundation of service and volunteer opportunities that are currently available.

(b) SPECIFIC TOPICS.—In carrying out its general purpose under subsection (a), the Commission shall address and analyze the following specific topics:

(1) The level of understanding about the current Federal, State, and local volunteer programs and opportunities for service among individuals in the United States.

(2) The issues that deter volunteerism and national service, particularly among young people, and how the identified issues can be overcome.

(3) Whether there is an appropriate role for Federal, State, and local governments in overcoming the issues that deter volunteerism and national service and, if appropriate, how to expand the relationships and partnerships between different levels of government in promoting volunteerism and national service.

(4) Whether existing databases are effective in matching community needs to would-be volunteers and service providers.

(5) The effect on the Nation, on those who serve, and on the families of those who serve, if all individuals in the United States were expected to perform national service or were required to perform a certain amount of national service.

(6) Whether a workable, fair, and reasonable mandatory service requirement for all able young people could be developed, and how such a requirement could be implemented in a manner that would strengthen the social fabric of the Nation and overcome civic challenges by bringing together people from diverse economic, ethnic, and educational backgrounds.

(7) The need for a public service academy, a 4-year institution that offers a federally funded undergraduate education with a focus on training future public sector leaders.

(8) The means to develop awareness of national service and volunteer opportunities at a young age by creating, expanding, and promoting service options for primary and secondary school students and by raising awareness of existing incentives.

(9) The effectiveness of establishing a training program on college campuses to recruit and educate college students for national service.

(10) The effect on United States diplomacy and foreign policy interests of expanding service opportunities abroad, such as the Peace Corps, and the degree of need and capacity abroad for an expansion.

(11) The constraints that service providers, nonprofit organizations, and State and local agencies face in utilizing federally funded volunteer programs, and how these constraints can be overcome.

(12) Whether current Federal volunteer programs are suited to address the special skills and needs of senior volunteers, and if not, how these programs can be improved such that the Federal government can effectively promote service among the ''baby boomer'' generation.

(c) METHODOLOGY.—

(1) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(2) REGULAR AND FREQUENT CONSULTATION.—The Commission shall regularly and frequently consult with an advisory panel of Members of Congress appointed for such purpose by the Speaker of the House of Representatives and the Majority Leader of the Senate.

SEC. 6105. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed as follows:

(A) 2 members appointed by the Speaker of the House of Representatives.

(B) 2 members appointed by the Minority Leader of the House of Representatives.

(C) 2 members appointed by the Majority Leader of the Senate.

(D) 2 members appointed by the Minority Leader of the Senate.

(2) QUALIFICATIONS.—The members of the Commission shall consist of individuals who are of recognized standing and distinction in the areas of international public service, national public service, service-learning, local service, business, or academia.

(3) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 90 days after the date of the enactment of this title.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives at the time of the appointment.

(b) TERMS.—

(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall not affect the power of the remaining members to execute the duties of the Commission but any such vacancy shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—

(1) RATES OF PAY; TRAVEL EXPENSES.—Each member shall serve without pay, except that

each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits because of service on the Commission.

(d) MEETING REQUIREMENTS.—

(1) FREQUENCY.—

(A) QUARTERLY MEETINGS.—The Commission shall meet at least quarterly.

(B) ADDITIONAL MEETINGS.—In addition to quarterly meetings, the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(3) MEETING BY TELEPHONE OR OTHER APPROPRIATE TECHNOLOGY.—Members of the Commission are permitted to meet using telephones or other suitable telecommunications technologies provided that all members of the Commission can fully communicate with all other members simultaneously.

SEC. 6106. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Chairperson with the approval of the Commission.

(2) CREDENTIALS.—The Director shall have credentials related to international public service, national public service, service-learning, or local service.

(3) SALARY.—The Director shall be paid at a rate determined by the Chairperson with the approval of the Commission, except that the rate may not exceed the rate of basic pay for GS–15 of the General Schedule.

(b) STAFF.—With the approval of the Chairperson, the Director may appoint and fix the pay of additional qualified personnel as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS–15 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, Chairperson, or Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 6107. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold public hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—Upon request of the Chairperson, the head of any department or agency shall furnish information to the Commission that the Commission deems necessary to enable it to carry out this title.

(d) PHYSICAL FACILITIES AND EQUIPMENT.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable facilities and equipment for the operation of the Commission on a nonreimbursable basis.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request in order for the Commission to carry out its responsibilities under this title.

SEC. 6108. REPORTS.

(a) INTERIM REPORT.—The Commission shall submit an interim report on its activities to Congress not later than 20 months after the date of the enactment of this title.

(b) FINAL REPORT.—

(1) DEADLINE.—The Commission shall submit a final report on its activities to Congress not later than 120 days after the submission of the interim report under subsection (a).

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for proposed legislation.

SEC. 6109. TERMINATION.

The Commission shall terminate not later than 30 days after submitting its final report under section 6108(b)(1).

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentleman from Washington (Mr. MCDERMOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Chairman, when Katharine Lee Bates wrote ''America the Beautiful'' in 1893, I believe her poetic lyrics were intended to express the goodness of the American people as much as the natural beauty of our great Nation. America was founded on the concept of helping one another, and that selfless spirit expresses itself in countless acts of goodness by ordinary Americans every day.

I want to harness that American spirit, and I want to make it a part of the American experience. Mr. FARR, Mr. WALSH, and Mr. SHAYS have joined me in putting this amendment together, and we had a bill previously, because we believe that making this possible for every American is really where we ought to be.

We all benefit in countless ways from a Nation that is our home. I believe we owe something in return. But there are countless ways for every American to serve and give back to America, and America certainly could use their help. That's why we put this together as an amendment to establish a Congressional Commission on Civic Service.

We want this commission to investigate ways to create a broader commitment to national service in order to strengthen our common sense of responsibility to our community, our Nation, and to each other.

The commission would hold hearings around the country to engage the American people and get their own ideas. Whether it's in schools or nursing homes or prisons or mental hospitals or in the forests or cleaning up beaches or whatever, we want to talk to the local people. The commission would report to Congress with recommendations on how to harness the power of one, that is, the power of American people to improve our Nation.

Our amendment is a first step. It is simply an authorization, and the Congress will need to follow up with an appropriation. It mirrors the legislation we introduced last year, H.R. 1819.

Throughout the process, we have worked closely with some of America's best organizations: Voices for Service Coalition, the National Peace Corps Association, Corporation for National and Community Service, and the State AmeriCorps Administrators.

President John Kennedy once said: ''Ask not what your country can do for you. Ask what you can do for your country.'' From that came the Peace Corps and other organizations similar, and we want to recreate that sense of American expectation in this time. With this amendment we want to help America answer that question and the call.

Today America needs the American people like never before to meet the challenges of a slowing economy, health care, education, conservation. The government can't do it all, and ordinary Americans can and in many cases already do much of it.

It's time to build on the success of our national service programs like AmeriCorps by considering bold proposals that compel, inspire, and enable us to tackle the challenges, big and small, that will always confront us. There is no shortage of ideas.

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

Mr. PLATTS. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I do plan on supporting this amendment and appreciate the intended maker of the amendment. And to make sure that we are being thorough in our approach to this important issue, I do want to express just some reservation that we don't duplicate the efforts of the subcommittee and the work of the subcommittee or the corporation itself in exploring the ideals of public service, but I will be supporting it and encourage a ''yes'' vote.

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

Mr. MCDERMOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank the gentleman from Washington (Mr. MCDERMOTT) for yielding.

We support this amendment. We look forward to the results of the commission as we continue to increase the number of Americans who participate in national service and work to overcome challenges in our Nation's communities.

Mr. McDERMOTT. Mr. Chairman, I am waiting for Mr. FARR, but we will see if he gets here in time.

The recommendations produced by this commission would be a plan of action because it will look at three key areas: to improve the ability of Americans to serve, to improve our community here and abroad. It will also identify and offer solutions to the barriers that make it difficult to perform national service and volunteer. And, finally, we will look at ways to build the foundation of service opportunities that are currently available.

According to the data collected from the Census Bureau, Americans over the age of 16 are volunteering at an historically high rate with 61.2 million, giving their time in 2006 to help others by mentoring students, beautifying neighborhoods, and restoring homes after disasters.

Mr. SHAYS. Mr. Chairman, I would like to thank Congressman McDERMOTT and Congressman FARR, Congresswoman MATSUI and the Committee on Education and Labor for all of their hard work on bringing this reauthorization to the floor today.

This amendment establishes a Congressional Commission on Civil Service. The Commission would identify ways to expand opportunities for volunteerism and national service in America. It would also recommend ways Federal and local governments can improve awareness and access to national service opportunities, encourage increased volunteerism and better train future public service leaders.

I believe national service is one of the most productive, cost-effective investments our Government can make.

I am pleased this amendment addresses the need for a public service academy, a federally-funded 4-year institution dedicated to training the future leaders of our country's public service sector. In the next 10 years, 90 percent of our nation's Federal executives will be over the age of 50 and nearing retirement. We need to ensure that this workforce is replaced with well-trained, invigorated graduates.

Investing in service opportunities provides enormous returns to communities.

There is no substitute for the passion of our Nation's volunteers, who can be found mentoring students, building houses, assisting senior citizens or beautifying our national parks.

Community service is about helping people, and it is also about gaining deeper understanding of each other and the world around us.

Through service, Americans of all ages gain a sense of commitment to their communities and their country which will prove valuable for the rest of their lives.

I urge my colleagues to support this amendment in order to increase the effectiveness and efficiency of this valuable program.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. McDERMOTT).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–539.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ENGLISH of Pennsylvania:

At the end of the bill, insert the following (and conform the table of contents accordingly):

TITLE VI—SENSE OF CONGRESS

SEC. 6101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate the recruiting and assignment procedures of their various programs to allow senior citizens and their grandchildren to share volunteer opportunities and/or be assigned to the same geographic areas during their period of service.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentleman from Pennsylvania (Mr. ENGLISH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, this amendment would add a section at the end of the bill to express a sense of Congress that the Corporation for National and Community Service should attempt to coordinate the recruiting and assignment procedures of their various programs to allow senior citizens and their grandchildren to share volunteer opportunities and be assigned to the same geographic areas during their period of service.

I would note, Mr. Chairman, Marian McQuade, the founder of National Grandparents Day and a homemaker from Fayette County, West Virginia, held as one of her primary motivations of her advocacy for a National Grandparents Day, persuading the grandchildren to tap the wisdom and heritage of their grandparents. This amendment builds on the principles that evolved into National Grandparents Day by creating more opportunities to build bridges on an intergenerational basis and strengthen the family structure. This amendment will honor grandparents and enhance the bond between grandparents and grandchildren while encouraging a lifetime of community service.

□ 1230

It seems somehow fundamental that AmeriCorps and Senior Corps work together to bring grandparents and grandchildren together to share memorable and rewarding experiences of community service together, strengthen bonds of family, and make the lives of fellow citizens brighter.

I urge my colleagues to join me in passing this amendment today. This is a remedy for many of the pressures that we feel today on families, it's an attempt to unite generations, and it's an attempt to better coordinate two very important programs in the interest of fostering stronger families.

Mr. Chairman, I would retain the balance of my time.

Mrs. McCARTHY of New York. I rise to claim time in opposition, but I am not opposing the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Mrs. McCARTHY of New York. Thank you.

We support this amendment, as it seeks to support the fostering of service among generations of a family. It is easy to imagine the kind of benefits that grandparents and their grandchildren would gain by not only spending time together, but serving others. The earlier children are introduced to service, the more likely they will volunteer throughout their life.

Speaking as a grandparent, and I thank my colleague from Pennsylvania (Mr. ENGLISH) for introducing this, when I take my grandchildren with me and I try to explain the work that I do, and to see them get involved and be interested in the work that I do I think is a great thing.

The volunteering work that we do, and we bring the grandchildren with us, it opens up their eyes for a number of reasons. A lot of the work that we do is serving in underserved areas and to be able to see that these young children, my grandchildren, 7 and 9, are out there in the community and seeing children less fortunate than them. But to take it back even then to their classroom and say maybe we can do something, when you have Grandparents Day in school with your grandchildren, and you're fostering the sense of volunteerism.

So I thank the gentleman very much for bringing this to our attention. I certainly am in full support of it.

I yield back the balance of my time.

Mr. ENGLISH of Pennsylvania. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–539.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ENGLISH of Pennsylvania:

At the end of the bill, insert the following (and conform the table of contents accordingly):

TITLE VI—SENSE OF CONGRESS

SEC. 6101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate with the National Endowment for the Humanities to provide opportunities for young people enrolled in NACS programs to collect oral histories from senior citizens in the communities where they serve.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentleman from Pennsylvania (Mr. ENGLISH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. Thank you, Mr. Chairman.

Mr. Chairman, this amendment creates a sense of the Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate with the National Endowment for the Humanities to provide opportunities for young people enrolled in national and community service programs to collect oral histories from senior citizens in the communities that they serve.

As cochairman of the Congressional Humanities Caucus, I have been actively advocating policies and programs to raise awareness of the role of history, literature, languages, and other humanities in Americans' lives. As we all know, studying our history, our culture, and our heritage can help provide a framework to guide our decisions as we confront challenging issues facing us now and into the future. It also gives us a national memory.

If we look back to the experience during World War II when the Federal Government employed many writers to do histories of local communities that now have become an important resource to us, recognizing that we are at a time when our greatest generation is now moving on and the opportunity to consult them could very well be lost in the near future, this is an opportunity that we must seize.

As we all know, studying our history, our culture, and our heritage can be an important part of our future defining of who we are. We not only learn from museums and books, but we also learn from those who have lived in the past. For that reason, I think it's important for our youth to reach out to our knowledgeable elders who have lived through tougher times, who have fought and seen wars, and who have seen the transformation of America.

Close to 1,000 World War II veterans die each day. Many have never spoken of their experiences. During a time in their lives where many are lonely and yearning for an opportunity to have an exchange, this creates an opportunity for us to capture those memories and institutionalize them.

To carry on the American tradition and living history, I urge the support of my colleagues for this amendment today.

Mr. Chairman, I retain the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to claim time in opposition, but I am not opposing the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Mrs. MCCARTHY of New York. We support this amendment, as it continues to support the integration of priority for national service. Everyone gains when they speak to others from a different generation and learn how things have changed over the years. And yet, at the same time, how many things remain the same.

Fostering communication between people increases the connection for all of the community. This piece will add a section to the bill that is the sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate with the National Endowment for the Humanities to provide opportunities for young people enrolled in NACS programs to collect oral histories from senior citizens in the communities they serve.

With that, I would like to yield 2 minutes to Mr. ANTHONY WEINER from New York.

Mr. WEINER. I thank the sponsors of this legislation and of the amendment.

I think this is an opportunity for us to expand on the notion that many Americans already support, and that is the idea that Americans very much want to be asked to help, they want to be asked to volunteer, they want to be asked to serve. Despite the conventional wisdom about growing apathy in the country, studies have actually shown that almost 30 percent did volunteer work in 2006, up dramatically since 1989, the last time the survey was asked.

We found when asked is government, is Washington, is our country asking enough of us, overwhelmingly Americans say no, we are not being asked to do enough. Unlike the period after Pearl Harbor when FDR famously called us all to this national sense of calling, we failed to do it. The bill that we have today hopefully will reverse that to some degree and get more people involved doing more things.

One of the things the bill does that is most laudable is expands outreach to let cities, localities, and organizations know the program has grown much more flexible over the course of years. I believe that cities should be thinking about their own version of kind of a city version of AmeriCorps, addressing specific problems, maybe not as general as the AmeriCorps program is, where we have many people going, doing discrete individual things, but create programs that cities say let's try to tackle the problem of child hunger, let's try to tackle the problem of affordability. This type of a program would allow cities to take more control, something that my colleagues on both sides of the aisle support.

Not that long ago, I gave a speech in May, where I laid out a proposal in something I called AppleCorps, that New York City would come up with their program to take advantage. The idea would be if you get cities involved, maybe we can get them to put money in on top of what we in the Federal Government are offering to tackle those challenges that they face.

One thing is very clear, that when Roosevelt once famously asked, ''Now that we are in this war, we are all in it, all the way. Every single, man, woman, and child is a partner in the most tremendous undertaking of our American history. We must share together the bad news and the good news, the defeats and the victories.'' This bill seeks to do that.

Thank you very much for the time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield back the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I urge my colleagues to join me in supporting this amendment, which I think will go a long way to giving our next generation a sense of what our fathers and our forefathers have faced.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–539.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ENGLISH of Pennsylvania:

Page 133, after line 19, insert the following (and conform the table of contents accordingly):

SEC. 1708. COORDINATION WITH VETERANS ORGANIZATIONS SERVING VETERANS WITH DISABILITIES.

The Board of Directors of the Corporation for National and Community Service shall

coordinate with veterans organizations serving veterans with disabilities to provide opportunities for young people enrolled in existing NACS programs to provide transportation services on a full-time, part-time, or as-needed basis.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentleman from Pennsylvania (Mr. ENGLISH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, the freedom of the United States has depended on the courage of men and women in uniform for over 200 years. Our veterans, having served as a member of the greatest military in the world, can be assured that they have the appreciation and admiration of millions of Americans.

The experience gained from the U.S. military is without a doubt invaluable, and I applaud our veterans for the courage and the commitment that they have demonstrated consistently while serving our country.

With that said, I would like to offer this amendment, which will provide a valuable service to our veteran population while giving young volunteers an opportunity to be exposed to some of these American heroes that have allowed us to exercise our everyday freedoms. Specifically, my amendment would require the Board of Directors of the Corporation for National and Community Service to work with the Disabled American Veterans organization to provide opportunities for young people to serve as drivers in the DAV transportation network.

This new service will certainly help ease the burden on veterans throughout the country, especially in communities like mine and in yours, Mr. Chairman, in rural areas where we have many veterans who have a challenge getting the service that they need from our brick and mortar VA institutions, give them easy and convenient transportation to doctor appointments, physical therapy, and routine checkups.

Mr. Chairman, at a time when America's veterans are facing increased challenges regarding health care coverage and full access to the benefits that they have earned, Congress ought to embrace commonsense policies that will help ensure our veterans get the care they need and deserve.

In my part of Pennsylvania, Mr. Chairman, it has been a challenge to drum up the volunteers to provide driver service for many of our VA participants and clients. I urge my colleagues to join me in supporting this initiative that will help fill that gap and encourage more of our young people to volunteer to help some of our aging veterans and some of our younger veterans who happen to live a distance away from the institution that serves them.

Mr. Chairman, I retain the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to claim time in opposition, but I am not opposing this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Mrs. MCCARTHY of New York. I want to thank, again, my colleague Mr. ENGLISH from Pennsylvania for this amendment. This would require the Board of Directors of the Corporation for National and Community Service to coordinate with veterans organizations serving veterans to provide opportunities for young people to enroll in existing NACS programs to serve as drivers in the DAV transportation network on a full-time, part-time, or as-needed basis. The reason we support this amendment, which is similar to Mr. MCKEON's in a way, is that it will help serve our Nation's veterans. This amendment reminds us of the challenges faced by disabled veterans after they have devoutly served our Nation.

When I see a lot of my veterans back home in Long Island, a lot of them do volunteer their time on driving our veterans back and forth. We only have one veterans hospital on Long Island. A lot of these drivers are as old as those they are driving. So to see that our young people, and I can see something like this, which would be terrific for our young college students and our seniors that are driving, to be able to be part of this.

It was earlier mentioned by Mr. SHAYS that with the war in Iraq, no one has asked Americans to be helpful. Well, this is a perfect time. This is where our young people can feel that all right, here we have our veterans that have done a gallant job on protecting this Nation. Help them now. Let us help them to get back and forth for their physical therapy or any treatments that they need.

It's also a wonderful opportunity for our young people to get to know our seniors and our veterans that have served this country. The more I think about this, I am sorry that we didn't think of this amendment while we were having our committee hearings. I think next time I will reach out to my colleague and say what ideas do you have so we can bring them to the committee.

So, again, I support this amendment. I think it's a terrific amendment. I think it's a wonderful time for our young people and our seniors and our veterans to get to know each other. They will actually find they have a lot more in common than they do have apart.

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

Mr. ENGLISH of Pennsylvania. Mr. Chairman, let me just say in response to the gentlelady, I am most grateful for her support, and I am most grateful for her open-mindedness. Seeing the excellent work that she has done working on a bipartisan basis, and I want to also thank my colleague from Pennsylvania on this very important reauthorization. I am most grateful to them for their open-mindedness to some small refinements on what I think is a reauthorization of an enormously important program.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The amendment was agreed to.

□ 1245

AMENDMENT NO. 8 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–539.

Ms. SUTTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. SUTTON:

Page 64, after line 16, insert the following:

(2) in subsection (c)(6), insert after subparagraph (E) the following:

''(F) Areas that have a mortgage foreclosure rate greater than the national average mortgage foreclosure rate for the most recent 12 months for which satisfactory data are available.''.

Page 64, lines 17 and 22, redesignate (2) and (3) as (3) and (4), respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, communities across this Nation are being devastated by home foreclosures, and my home State of Ohio has been particularly hard hit. This crisis has not stemmed from a single cause, and mitigating its effects will not be achieved with a single solution. Housing problems stem from predatory lending practices, job losses, and situations such as death, divorce and health emergencies.

It is important, Mr. Chairman, that we pursue innovative solutions to deal with this. This includes tying the provisions of Volunteerism and Service-Learning grants to programs that will serve areas that have been adversely affected by the mortgage crisis. This amendment would require the Corporation for National and Community Service to consider whether an area has a mortgage foreclosure rate greater than the national average when considering grant applications from States and other eligible entities.

In a time when so many of our communities are struggling, we need to pursue every avenue to make sure that

the cities and towns with the greatest needs have access to the most assistance.

I urge a yes vote on this amendment.

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

Mr. PLATTS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment and would associate myself with the maker of the amendment's statements regarding the importance of helping those who are facing challenges because of the housing crisis. This amendment recognizes that communities that are particularly hard hit by this crisis may be in need of special national service efforts. I thus support the amendment and encourage a yes vote.

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

Ms. SUTTON. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I thank my colleague. Let me say that my colleague is having a problem with her voice with laryngitis, so I am actually going to be speaking for her from her talking points. So I will continue talking about Ohio, which has been particularly hurt by the current mortgage foreclosure crisis.

In a ranking of metropolitan areas with the highest foreclosure rates, Ohio has the sad distinction of having four areas in the top 20. Northeast Ohio, which includes Lorain and Elyria in her district, had the sixth highest rate. Nearly 3 percent of all households in these cities are in some stage of foreclosure, a 112 percent jump from 2006. Akron came in at 12, Dayton at 15 and Toledo at 19.

The current subprime mortgage crisis has not stemmed from a single cause, and mitigating its effects will not be achieved with a single solution. Housing problems stem from predatory lending practices, job losses, and situations such as death, divorce and health emergencies. We must pursue innovative solutions, and this includes trying the provisions of volunteerism and Service-Learning grants to areas that have been adversely affected by the mortgage crisis.

This amendment would require the Corporation for National and Community Service to consider whether an area has a mortgage foreclosure rate greater than the national average when considering grant applications from States and other eligible entities.

Each year, more than 1.5 million individuals serve our country through the service programs that were created by the National and Community Service Act. In a time when so many of our communities are struggling, we need to pursue every avenue to make sure that the cities and towns with the greatest needs have access to the most assistance.

We expect this amendment is going to be noncontroversial, but they may argue that it is duplicative because of the factors that are already included. The areas affected by high foreclosure rates would likely also be areas with high concentrations of low-income persons and high unemployment rates. But when we look at this, we see that by including this additional factor we will focus the Corporation on awarding grant funding to programs that address the specific needs of communities affected by the foreclosure crisis.

When you look at this particular amendment, the Corporation for National and Community Service administers the National Service Trust Program, which provides funding for service programs, community groups, youth groups, service-lending, campus-based programs, pre-professional training programs and other services, one of the criteria the Corporation is required to consider when evaluating applications for funding is the extent to which projects would be conducted in the areas where they are needed most.

Factors already considered are communities designated as empowerment zones or redevelopment areas; targeted for special economic incentives; designated as having high concentrations of low-income people; areas that are environmentally distressed; areas that are adversely affected by Federal actions related to the management of Federal lands that result in significant regional job losses and economic dislocation; areas adversely affected by reductions in defense spending or closure of bases; areas with unemployment rates greater than the national average for the 12 most recent months.

This amendment will add another factor that the Corporation must consider when determining what constitutes an area.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–539.

Ms. SUTTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. SUTTON:

Page 133, insert after line 19 the following (and conform the table of contents accordingly):

SEC. 1708. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.

(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of skilled workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) CONSULTATION.—The study shall be carried out in consultation with the Department of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit to Congress a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

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

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we heard with the last amendment, Ohio and many other States have suffered tremendous job losses in recent years. These workers and their families deserve our support, and they deserve creative and innovative thinking and policies from us as their representatives.

Programs such as AmeriCorps and Senior Corps have done so much to provide opportunities for our youth and seniors. It is time now that we investigate ways to provide similar opportunities for Americans who have lost jobs through no fault of their own.

This amendment would require the Corporation for National and Community Service to conduct a study to identify specific areas of need for displaced workers and how existing programs and activities carried out under our national service laws can better serve displaced workers and communities affected by plant closings and

job losses. The amendment also requires the Corporation to develop and carry out a pilot program based on the findings of the study.

Mr. Chairman, workers who have toiled for so long in manufacturing plants have much to offer their communities with their unique skill sets and leadership capabilities. I look forward to seeing how new service programs would reinvigorate America's displaced workforce with a sense of new purpose, so that they may continue to explore new career opportunities and continue contributing to our communities.

I urge a yes vote on this amendment.

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

Mr. PLATTS. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do rise in support of this amendment. This amendment is similar to a study and pilot program dealing with veterans that was authorized through an amendment that passed in the committee. While I hope that as this bill moves forward we do not end up with studies and pilot programs for so many different areas that we lose our focus on the bill's priorities, I do believe that it is appropriate activity for the corporation to undertake this effort.

In general, unemployment remains extremely low by historical standards, despite concerns about the economy. However, for those communities such as the maker of the amendment referenced in her home State of Ohio that are experiencing unusually high job losses, it would be wise to explore ways to target national service efforts towards addressing those concerns.

Therefore, I support the amendment, and encourage a yes vote.

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

Ms. SUTTON. Mr. Chairman, I appreciate the support of the distinguished gentleman from Pennsylvania. I thank him for his work on this bill. It is greatly appreciated by the people I represent. And to the distinguished chairwoman, the gentlewoman from New York (Mrs. MCCARTHY), I also extend my appreciation, and I yield her such time as she may consume.

Mrs. MCCARTHY of New York. Mr. Chairman, I thank my colleague from Ohio.

Good data collection is so important, because with data we can determine how to better implement programs and better serve the needs of our Nation's citizens. As workers must find ways to obtain new skills or transition into a new career, this study will provide us with important information. Service can be a bridge between one phase of life to another or from one career to another.

It is not a secret to anyone that Ms. SUTTON's home State of Ohio has suffered tremendous job losses in recent years. From the year 2000 to 2007, Ohio has lost more than 209,000 non-farm jobs, the biggest 7 year drop since the end of the Great Depression. These workers and families deserve our support, and they deserve creative and innovative thinking and policies from us as their representatives.

This study and pilot program require the Corporation for National and Community Service to examine how to use community service programs to provide opportunities for displaced workers. Programs such as AmeriCorps and Senior Corps have done so much to provide opportunities for our young and our seniors. It is time that we investigate ways to provide similar opportunities for Americans who have lost their jobs through no fault of their own.

Workers who have toiled for so long in manufacturing plants have much to offer their communities, and their unique skill sets and leadership capabilities should not go to waste when plants close. I look forward to seeing how new service programs would reinvigorate America's displaced workforce with a sense of purpose so they may explore new career opportunities and continue contributing to all their communities.

The Corporation for National and Community Service has proven itself to be an entrepreneurial, innovative and effective organization. This amendment will lead the Corporation in a new direction to consider how the programs they provide funding to can do better serve the needs of America's displaced workers.

Our national service laws provide funding for numerous worthy organizations such as AmeriCorps, Senior Corps, Habitat for Humanity, City Year, Boys and Girls Club, Teach for America, and Youthbuild. This amendment will spur new programs that address the needs of our displaced workers and their families.

So, again I thank my colleague from Ohio (Ms. SUTTON) for offering this amendment, and I am looking forward to working with her on other areas.

Ms. SUTTON. Mr. Chairman, I thank the gentlewoman for being compassionate and expanding on the amendment. As she indicated, I have a little health issue I am dealing with here.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–539.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

Page 16, line 11, strike "; and" and insert a period.

Page 16, strike line 12 and all that follows through page 18, line 21.

Page 148, line 24, strike "$65,000,000 for fiscal year 2008," and all that follows through "; and" on page 149, line 4, and insert "$45,000,000 for fiscal year 2008; and".

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, Ronald Reagan once said, "No matter how big or powerful government gets and the many services it provides, it can never take the place of volunteers." I believe that wholeheartedly. But listening to the debate today, you might easily conclude that volunteerism wasn't discovered until Congress discovered it, and that the only meaningful service that anyone can provide is in a program sponsored by government. We all know that that is simply not the case.

In truth, the programs that are being talked about today, the government-sponsored programs, make up probably less than one-hundredth of 1 percent of all the volunteer activity that takes place across this country. But when we have community service and volunteer positions, when we end up financing them or providing incentives from government, it becomes just another government service.

□ 1300

The new Summer of Service grant program created by this legislation gives incentives to community service work in the form of financial benefits at taxpayer expense. The amendment that I am offering today would simply strike all the language in the bill relating to the so-called Summer of Service program and reduce the authorization by $20 million. This is the amount designated to the program.

The new Summer of Service program would award $20 million annually for education awards for volunteer positions in which school-aged participants can earn up to $1,000 for completion of a 100-hour community-based service-learning project.

Now, we are all familiar with volunteer service that goes on: churches, Rotary Clubs, Boy Scout organizations. In fact, this weekend, 2 days from now, my own son will be doing his Eagle project. He will provide up to 30 hours

of service himself, and more than 100 hours will be provided by people that he has recruited to help him in his project. This kind of activity goes on every day, every minute of every day, every second of every day. And yet, we feel that we have to have new and more government programs somehow to prompt volunteer service. That, I think, sells people across this country short. People can volunteer on their own and do without benefits provided by government.

I reserve the balance of my time.

Mrs. McCARTHY of New York. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. McCARTHY of New York. I yield myself 3 minutes.

Mr. Chairman, I rise to oppose this amendment. When the National Community Service Act was enacted in 1990, we saw powerful new opportunities to inspire civic engagement and transformation in our communities. Last year, AmeriCorps' number reached 500,000, and today Learn and Serve Americans continue to support service learning for K–12 and college students making a vital connection between their academic studies and a real world application through their service.

Now, with the Summer of Service program, we can provide a new opening to reach many young people we know will benefit with the opportunities to spend a summer in service to their communities. It is a right of passage during grades 5–12.

Mr. Chairman, this program grants educational awards of up to $500 to students who complete 100 hours of service over the summer months. By employing service-learning models to teach civic participation skills, the program will help young people serve their communities and expand educational opportunities for themselves and discourage what is commonly known as the summer academic slide.

Today, 10 million students nationwide between the ages of 12 and 18 have participated in school-based service. Research shows that, among those students, teens from disadvantaged communities who serve hold more positive civic attitudes. Kids who engage in volunteering are more likely to be successful in school and avoid risky behaviors such as drugs, alcohol, and crime. Unfortunately, those disadvantaged teens who have so much to gain from the experience are less likely to volunteer than their peers from more advanced backgrounds.

When service is tied to what students are learning in school, young people make gains on achievement tests, complete their homework more often, and increase their grade point average. Students who engage in service learning improve communication skills, grow more aware of career possibilities, and develop more positive workplace attitudes, laying the foundation for America's future leaders. Yet, Learn and Serve's funding stayed the same at no more than $43 million since 1996, and decreasing over the past several years. In Learn and Serve's last grant award cycle, they had 506 applications but only the resources for 102 awards.

For generations, during times of great crisis and need throughout our Nation, students have stepped up and served their country and their communities. Today, again, our young people want to serve and are desperate to do their part, yet their call has gone unheard.

Since 2001, there have been nearly 50 proposals involving national service before Congress, and not one has been enacted. Here we have a program that demonstrates our commitment to that great promise. A modest investment in Summer of Service is an important and long overdue step in providing service-learning opportunities for young people to start.

We must do everything we can to help every child reach his or her full potential. We cannot teach our children until we honestly help them become engaged in their communities and give them the power to actively participate in their education. I urge a ''no'' vote on this amendment.

Mr. Chairman, I yield time to my colleague from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I rise as well to oppose this amendment, which really overlooks the incredible positive impact that a summer of service can have on our youth.

The Summer of Service is a program which fills a policy gap which helps communities create positive alternatives for young teens. The middle school years in particular are extremely pivotal years for young people. Most youth are making the difficult transition from middle school to high school, and many of them have no organized activities during those periods when they are out of school. Many are left unsupervised and at risk of being engaged in potentially harmful activity. We want to engage them. We want to make sure that they have something to do.

I was recently, Mr. Chairman, at a conference held in Baltimore that is focusing on what some refer to as the summer learning slide or summer learning lost. Basically, what do you do to engage students over those summer months to make sure that you are complementing the educational opportunities that they have during the regular school year? And the Summer of Service is a perfect opportunity to do that and to support them so that continuum, that trajectory is always upward. It is not a kind of roller coaster where you get two steps forward and you slip one step back.

How our youth spend their time during the summer period may determine whether they embark on a course of active citizenship and civic engagement and engaged learning or whether they go down a different path. This was a conclusion of a conference that the White House convened in 2000 to look at the issues that are facing teenagers. The Summer of Service initiative will offer youth the chance to spend a summer in service to their communities. I urge that we vote against the Flake amendment that would eliminate the Summer of Service.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. FLAKE. May I inquire as to the time remaining on my side.

The Acting CHAIRMAN. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. Mr. Chairman, this $20 million program is being authorized under the Learn and Serve program. I would be glad to yield 30 seconds to the sponsor of this program or to the committee if I can find out if they actually studied whether this program is working as it is. It doesn't seem they are near the microphone, so I will read something from the Office of Management and Budget.

The Office of Management and Budget audited this program a while ago under the Learn and Serve program. The Learn and Serve program was audited to be not performing, results not demonstrated. The AmeriCorps National Civilian Community Corps, not performing. Ineffective. This is our own government telling us what our own programs are doing, and yet here we are under the Learn and Serve program authorizing $20 million more for a new program without trying to go in and actually fix the old program or eliminate the old program.

We in Congress sometimes wonder why our authorizing committees are sometimes neglected. This is why. This is why. This program, the whole AmeriCorps program hasn't been reauthorized I think since 1996 or so; and yet, when we do come to reauthorize it, we ignore what our own government, our own agencies are telling us about these programs and we simply pile more money on.

No matter what we do on the overall bill, and I can read the writing on the wall, the bill is going to pass, let's at least give some thought to the taxpayers here who have to fund this, to say that we are not going to increase a program to create a new program under an existing program that has been rated by our own Office of Management and Budget as not performing, results not demonstrated.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. INSLEE

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–539.

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. INSLEE:

Page 144, strike lines 15 through 19 and insert the following (and conform the table of contents accordingly):

Subtitle I—Energy Conservation Corps

SEC. 1811. GENERAL AUTHORITY.

The Corporation for National and Community Service (in this subtitle referred to as the ''Corporation'') shall make grants to States for the creation or expansion of full-time or part-time Energy Conservation Corps programs. Notwithstanding provisions identified in this subtitle, the Corporation shall apply the provisions of subtitle C of this subchapter in making grants under this section as necessary.

SEC. 1812. APPLICATION.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a State shall invite applications from within the State to receive an Energy Conservation Corps grant.

(b) PROCESS.—The State shall then prepare and submit a State application to the Corporation at such time, in such manner, and containing such information as the Corporation may reasonably require. The Corporation shall consult with state and local Conservation Corps in the development of the application guidelines.

(c) DISADVANTAGED YOUTH.—To acknowledge the focused enrollment of disadvantaged youth and young adults in the Energy Conservation Corps, the Corporation shall—

(1) allow a higher cost-per-member to enable Energy Conservation Corps programs to provide the necessary supportive services to ensure the success of the participants; and

(2) allow for greater flexibility in retention rates.

(d) CONSIDERATION OF RESIDENTIAL CORPS.—The Corporation shall allow for equal consideration of residential Corps program opportunities since residential Corps thrive in rural areas that commonly lack opportunities for young adults, enable the participation for emancipated foster youth, gang involved youth, and others lacking a safe and stable home environment, allow for more structured time for work, training, education and counseling, and provide disaster response-ready crews immediately upon request.

(e) EQUITABLE TREATMENT.—In the consideration of applications, the Corporation shall ensure the equitable treatment of both urban and rural areas.

SEC. 1813. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) meet an identifiable public need with specific emphasis on projects in support of energy conservation, infrastructure and transportation improvement, and emergency operations, including—

(A) improving the energy efficiency of housing for elderly and low-income people;

(B) building energy-efficient ''green'' housing for elderly and low-income people;

(C) environmental education and energy conservation education for elementary and secondary school students and the public;

(D) reusing and recycling including deconstruction;

(E) the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals;

(F) transportation enhancements;

(G) recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(H) transformation of military bases affected by the Base Realignment and Closing process (BRAC) to green the space;

(I) tree planting and reforestation;

(J) renewable resource enhancement; and

(K) assisting in emergency operations, such as disaster prevention and relief; and

(2) provide opportunities for youth and young adults, especially disadvantaged youth, to be trained for careers related to the activities listed in paragraph (1), including those that will be part of the emerging field of ''green collar'' jobs.

(b) GOALS OF THE ENERGY CONSERVATION CORPS.—The goals of the Energy Conservation Corps are to—

(1) promote clean energy use and preserve, protect, and sustain the environment;

(2) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the nation;

(3) mobilize youth and young adults, especially disadvantaged youth, to promote energy conservation and mitigate threats to the environment; and

(4) provide a pathway to responsible adulthood and productive, unsubsidized employment in the private sector.

SEC. 1814. TRAINING AND EDUCATION SERVICES.

All applicants must describe how they intend to—

(1) assess the skills of Corpsmembers;

(2) provide life skills and work skills training;

(3) provide training and education;

(4) develop agreements for academic study with—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area charter high schools and vocational-technical schools; and

(E) community-based organizations;

(5) provide career and educational guidance; and

(6) Recruit participants without high school diplomas.

SEC. 1815. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications the Corporation shall give preference to programs that are discrete and—

(1) meet an identifiable public need;

(2) instill a work ethic and a sense of public service in the participants;

(3) involve youth operating in crews or a team-based structure; and

(4) enhance skills development and educational level and opportunities for the participants.

SEC. 1816. PARTICIPANTS.

(a) IN GENERAL.—Age enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are not less than 18 years nor more than 25 years of age, except that summer programs may include individuals not less than 14 years or more than 21 years of age at the time of the enrollment of such individuals.

(b) PARTICIPATION OF DISADVANTAGED YOUTH.—Programs that receive assistance under this subtitle shall ensure that at least 50 percent of the participants are economically disadvantaged youth.

(c) SPECIAL CORPSMEMBERS.—Notwithstanding subsection (a) of this section, program agencies may enroll a limited number of special Corpsmembers over age 25 so that the Energy Conservation Corps may draw on their special skills to fulfill the purposes of this chapter.

SEC. 1817. USE OF VOLUNTEERS.

The use of volunteer services under this section shall be subject to the condition that such use does not result in the displacement of any participant.

SEC. 1818. COOPERATION AMONG STATES FOR EMERGENCY RESPONSE.

(a) AGREEMENTS BETWEEN STATES.—States operating an Energy Conservation Corps may enter into a compact with participating states to provide for mutual cooperation to manage any emergency or disaster that is duly declared by the affected state.

(b) PARTICIPATING STATE RESPONSIBILITIES.—

(1) The authorized representative of a participating state may request assistance of another party by contracting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives.

(2) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

SEC. 1819. FEDERAL SHARE.

The federal share of the cost of carrying out an Energy Conservation Corps program for which a grant is made under this subtitle is 76 percent of the total cost of the program.

SEC. 1820. BEST PRACTICES.

(a) TRAINING AND TECHNICAL ASSISTANCE.—The Corporation shall provide technical assistance to grantees that request assistance and shall disseminate best practices that emerge from the Energy Conservation Corps.

(b) CONTRACT.—In providing training and technical assistance, the Corporation shall contract with a national organization with a proven track record of developing and sustaining Corps, working with the Conservation Corps model, and engaging young people from disadvantaged backgrounds.

SEC. 1820A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 through 2010 to achieve the purposes of this subtitle.

(b) ALLOCATION.—Of the amounts appropriated to carry out this subtitle for each fiscal year—

(1) 90 percent shall be for grants to eligible entities;

(2) 5 percent shall be technical assistance, and dissemination of best practices; and

(3) 5 percent shall be for evaluation.

SEC. 1820B. LEARN AND SERVE AMERICA.

(a) IN GENERAL.—To promote Learn and Serve programs that have the potential to reach every student in our public education network and private schools through school-based green service-learning, the Corporation shall establish a competitive grant program for the creation or expansion of such service learning programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State Education Agency, Local education Agency, or nonprofit organization shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—For this purpose, there are authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

SEC. 1820C. NATIONAL SENIOR SERVICE CORPS.

(a) IN GENERAL.—To promote National Senior Service Corps programs that have the potential to both involve seniors in providing meaningful volunteer opportunities the Corporation shall establish a competitive grant program for the creation or expansion of National Senior Service Corps programs that—

(1) make effective use of the talents and experience of seniors, particularly baby boomers, in programs and projects involving seniors in the improvement of the energy efficiency of housing for elderly and low-income people;

(2) building or helping to supervise energy-efficient ''green'' housing for elderly and low-income people; the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals; transportation enhancements; recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(3) volunteering in schools to teach or other support environmental education and energy conservation education for elementary and secondary school students and the public; and

(4) assisting in such other activities as the National Senior Service Corps may identify.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a program in the National Senior Service Corps shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION.—For this purpose, there is authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

The Acting CHAIRMAN. Pursuant to House Resolution 1015, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I rise with Mr. SARBANES to offer an amendment today that will establish an energy conservation corps program. This will provide green collar training and educational service grants to nonprofit organizations, universities, and State and local governments. This is really an exciting opportunity for us to create opportunities for young folks to be engaged in this new revolution of clean energy in this country.

The energy conservation corps we envisioned will help revitalize communities and preserve and restore the environment, while also preparing young people for the responsible and productive lives we know they are going to have.

The Energy Independence and Security Act of 2007 will create hundreds of thousands of new opportunities for Americans. It will give low-income young people training to fill these green collar jobs that we are now excited about and hope for a prosperous and successful future.

The conservation corps will fund energy conservation installations in public spaces, energy efficient green housing for elderly and low-income people, and restoration of historic structures on public lands. It would also provide funding for and repair, renovation, and rehabbing of existing infrastructure facilities, and transportation enhancements and recreational trail improvements. It is going to help a lot of places that we need energy conservation. It also establishes a competitive grant program to fund National Senior Service Corps programs that will involve seniors in providing meaningful volunteer opportunities.

Now, there are multiple organizations that can participate in this, one of which just as an example is the Student Conservation Association. Under this grant program, they will be able to deploy sustainable community projects which engage disadvantaged and other youth to help communities learn energy saving and water conservation techniques and strategies to prevent pollution.

In this program, SCA corps members will be able to provide a variety of energy-related services to homeowners, schools, and businesses, and communities. These services include outreach and education, facility audits, development of energy reduction strategies, and implementation in support of these programs. As part of this program, corps members will receive training, career development, and life skills while helping communities benefit from these sustainable programs.

I am familiar with this organization, the SCA. My parents led Student Conservation Association efforts with young people in Mt. Rainier National Park back in the late 1960s and early 1970s, and I saw how important these programs were both to help these communities, and to help the young folks themselves. Because what we have learned is, and what I saw firsthand when my folks worked with the SCA kids, once kids get involved in volunteer programs, once they get involved in their communities, once they get involved in clean energy, they are never going to turn back. This is going to be a lifetime pursuit, and there is nothing better we can do to help both kids' lives but this clean energy revolution we are going to launch in this country.

So, by establishing the energy conservation corps, we will help make our Nation's volunteer programs into a true 21st century program, and we will also help solve one of the most pressing challenges of this century, global warming, while helping our kids as well.

Mr. Chairman, I yield 1 minute to Chairwoman MCCARTHY.

Mrs. MCCARTHY of New York. Mr. Chairman, I want to say thank you to my colleague for offering this amendment, and I certainly fully support it. But I want to also address Mr. FLAKE's concern and clarify: While OMB conducted a part assessment on Learn and Serve, the Summer of Service initiative, what we are proposing is a new initiative that I believe has not been parted.

So with that being said, I think that when we look at the whole bill, and especially for the Summer of Service part, we have an opportunity to help our people, our young people during the summertime. This, to me, can certainly cut down on what we are seeing in our communities across this country right now, on more violence in our communities. We have to look at what is the underlying cause.

With that being said, we are certainly doing the most we can for the little amount of money that we have, to make the biggest impact on these children's lives. So with that being said, I certainly hope that when we come down to it that we will be against Mr. FLAKE's amendment and let this bill go forward, and let's help the young people, let's help our veterans, let us help everybody in this particular amendment. It is a good bill. It has been overwhelmingly supported on both sides of the aisle, but this particular amendment, as far as I am concerned, would hurt too many of our young people.

□ 1315

Mr. INSLEE. Mr. Chairman, I reserve the balance of my time.

Mr. PLATTS. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PLATTS. Mr. Chairman, while I certainly understand the focus and intent of this amendment, I rise in opposition and worry that this amendment will create more bureaucracy and administrative costs rather than focus on getting dollars out to the participants in the programs.

The focus of the GIVE Act is on streamlining our national service programs to make them more effective, efficient, and accountable. To do that, we have refocused a number of programs and added priorities to others to ensure that national service funds are being spent on initiatives that meet the most pressing needs.

We have accomplished that by working within the existing program structures rather than piling new programs on top of existing programs with similar purposes. I share the gentleman's concerns in the area of energy conservation. I believe a better approach to this issue would have been to work within existing structures. In fact, this bill already does that by addressing energy usage and conservation in a number of areas.

Learn and Service, a new Summer of Service program, includes a focus on energy conservation. And in the innovative program section of that program, energy conservation is specifically included as a type of program eligible for funding.

Under the National Civilian Community Corps, energy conservation was specifically added as a new purpose for that program. And under the programs of national significance authority within the Senior Corps, energy conservation and environmental stewardship were added as types of programs eligible for funding.

Obviously, infrastructure issues are found throughout the bill because we recognize that this is a priority in many locations. But establishing a new corps that will siphon away already scarce resources will only undermine the efforts of the amendment's sponsors to bring greater focus to these types of programs.

I understand this amendment authorizes $10 million for fiscal year 2009. Well, not within this specific act, but the Public Land Corps within the Department of the Interior already exists and is funded by the Federal Government at the amount of $2.5 million this year and it is authorized for $12 million. This program, the Public Land Corps, engages disadvantaged youth ages 16–24 in protecting public lands and the environment, including global warming and emissions reduction.

So my opposition is not to the focus of the effort, but I believe we are being duplicative and are going to waste hours on administrative costs in creating a new program rather than investing these dollars in existing programs that will better focus on energy conservation.

So I would encourage a ''no'' vote, and ask Members to vote ''no.''

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

Mr. INSLEE. Mr. Chairman, I yield 10 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I just want to clarify I certainly am in support of the Inslee-Sarbanes amendment. I just wanted to clarify that.

Mr. INSLEE. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I just want to say that I am in strong support of this amendment. I am glad to cosponsor it with Congressman INSLEE.

The way we are going to make improvement with our environment is when hundreds of thousands of people develop the habits that clean up the environment instead of having the habits that hurt the environment. There is no better way to do this than to establish this Energy Conservation Corps which brings a service dimension for our young people and for our seniors in the Learn and Service programs to support this green frontier that we are embarked upon.

So I think it is a critical boost to the other efforts that we are making on the energy horizon.

Mr. PLATTS. Mr. Chairman, I yield myself such time as I may consume.

I just want to again emphasize that the GIVE Act specifically includes ''energy conservation and stewardship as specified allowable uses of grant funds in programs already in place.'' So I would encourage a ''no'' vote.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PLATTS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

Mrs. MCCARTHY of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2857) to reauthorize and reform the national service laws, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 1:30 p.m. today.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess until approximately 1:30 p.m.

□ 1330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSON of Connecticut) at 1 o'clock and 30 minutes p.m.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1015 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2857.

□ 1331

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws, with Mr. HOLDEN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on amendment No. 11 printed in House Report 110–539 by the gentleman from Washington (Mr. INSLEE) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–539 on which further proceedings were postponed, in the following order:

Amendment No. 10 by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. INSLEE of Washington.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 260, not voting 20, as follows:

[Roll No. 105]

AYES—153

Aderholt	Brady (TX)	Crenshaw
Akin	Broun (GA)	Cubin
Alexander	Brown (SC)	Culberson
Bachus	Buchanan	Davis (KY)
Barrett (SC)	Burgess	Davis, David
Bartlett (MD)	Burton (IN)	Deal (GA)
Biggert	Buyer	Dent
Bilbray	Calvert	Doolittle
Bilirakis	Camp (MI)	Drake
Bishop (UT)	Campbell (CA)	Dreier
Blackburn	Cannon	Duncan
Blunt	Cantor	English (PA)
Boehner	Carter	Everett
Bonner	Chabot	Fallin
Bono Mack	Coble	Feeney
Boozman	Cole (OK)	Flake
Boustany	Conaway	Forbes

Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—260

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gallegly
Giffords
Gilchrest
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Regula
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOT VOTING—20

Baird
Brown-Waite, Ginny
Fortuño
Frelinghuysen
Gonzalez
Hulshof
Johnson, E. B.
Keller
Linder
McCrery
Meek (FL)
Poe
Pryce (OH)
Rangel
Rush
Schiff
Sestak
Solis
Tiahrt
Woolsey

□ 1359

Messrs. ROTHMAN, BRADY of Pennsylvania, WU, Mrs. CAPPS, Mr. CARDOZA, Ms. SCHAKOWSKY, Messrs. TIM MURPHY of Pennsylvania, OBERSTAR, RAMSTAD, TANNER, EHLERS and FORTENBERRY changed their vote from ''aye'' to ''no.''

Messrs. KNOLLENBERG, DAVIS of Kentucky, CAMP of Michigan and REYNOLDS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SCHIFF. Mr. Chairman, on rollcall No. 105, had I been present, I would have voted "no."

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I intended to vote '"no'' on amendment number 10 of House Report 110–539 offered by Mr. FLAKE of Arizona during debate on H.R. 2857, the Generations Invigorating Volunteerism and Education Act.

AMENDMENT NO. 11 OFFERED BY MR. INSLEE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 161, not voting 20, as follows:

[Roll No. 106]

AYES—252

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

NOES—161

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

NOT VOTING—20

Brown-Waite, Ginny
Fortuño
Gonzalez
Holt
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Keller
Lewis (CA)
Linder
McCrery
Poe
Pryce (OH)
Rangel
Rush
Serrano
Sestak
Solis
Tiahrt
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1406

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2857) to reauthorize and reform the national service laws, pursuant to House Resolution 1015, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DANIEL E. LUNGREN of California. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Daniel E. Lungren of California moves to recommit the bill, H.R. 2857, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. GEORGE MILLER of California. Mr. Speaker, I raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7, rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is unfortunate the gentleman has raised this point of order rather than allowing a straight up-or-down vote on the Senate-passed FISA legislation.

Let me speak specifically to the point of order and why, in fact, this motion to recommit is in order.

The underlying purpose of the germaneness rule is that it ''prevents the presentation to the House of propositions that might not reasonably be anticipated and for which it might not be properly prepared.'' I cite to 8 Cannon, section 2993. That is clearly not the case here in that this body has dealt extensively with the subject matter of the Foreign Intelligence Surveillance Act. And, in fact, we were informed by the majority that we were to be prepared to vote on that this week.

Mr. GEORGE MILLER of California. Mr. Speaker, the scheduling of the House is not the subject of this point of order. I raised a point of order that the motion addresses the jurisdiction of committees not represented in the underlying bill. Neither the Judiciary Committee or the Intelligence Committee is represented in the underlying bill, not the schedule of the House.

The SPEAKER pro tempore. The Chair will continue to hear the gentleman from California, Representative LUNGREN, discuss the point of order.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, despite the difference in titles of H.R. 2857 and H.R. 3773 relating to the motion, that is not controlling under Deschler-Brown, chapter 28, section 24. As a matter of fact, it refers to the fundamental purpose of the motion. The fundamental purpose of this motion does relate to H.R. 2857, as required by sections 935 and 936 of the House manual.

The report on H.R. 2857 from the gentleman's committee states clearly in its statement of purpose of the bill found on page 57 of that report that the legislation seeks to emphasize, and I quote, ''the critical role of service in meeting the national priorities of emergency and disaster preparedness; and improves program integrity.'' That is from the report on the bill from the gentleman's committee.

In other words, the critical issue of homeland security provides the required nexus between the subject matters of H.R. 2857 and the motions as required under sections 935 and 936 of the House manual.

Further, I would argue, it is clear that the subject matter requirements of section 935 and 936 of the House manual are satisfied. A specific section of the legislation brought to the floor by the gentleman's committee relating to ''Emergency and Disaster Preparedness'' provides on page 71 of the gentleman's committee report that ''H.R. 2857 supports the role of service in addressing emergency and disaster preparedness.'' These are the words from the gentleman's committee's report. ''In addition, this program may engage Federal, State, and local stakeholders to collaborate to achieve a more effective response to issue public safety, public health, emergencies and disasters.''

Mr. GEORGE MILLER of California. Mr. Speaker, I insist upon my point of order. The gentleman again is speaking to the scheduling of the floor of the House. The bill, in its entirety, speaks to national voluntary service. The gentleman, I guess, is talking about the

intelligence service. And the fact of the matter is, under the point of order there is nothing in this legislation within the jurisdiction of the committees, for the motion to recommit, of the Intelligence Committee or the Judiciary Committee, and I insist upon my point of order.

Mr. DANIEL E. LUNGREN of California. May I continue my response?

The SPEAKER pro tempore. The Chair will continue to hear the gentleman from California as long as he confines his remarks to the point of order.

Mr. DANIEL E. LUNGREN of California. I was attempting to specify the germaneness, quoting specifically from the language of the committee report justifying support for this bill. I did not bring up public safety, public health, emergencies and disasters and effective response thereto. That is the premise contained in the bill and the committee report.

□ 1415

Mr. Speaker, if we are to be able to respond to public safety, emergencies, and disasters, it does not limit it in the language of the gentleman's committee report to natural disasters. It therefore includes man-made disasters, of which we are very, very cognizant. And 9/11 is perhaps the greatest example. So the bill itself justifies its existence in that the individuals, under the ambit of the bill, to support responses for public safety, public health, emergencies, and disasters are affected in very specific ways by our capacity, our capacity, to determine beforehand what the nature of the disasters and emergencies would be and therefore allow us to array our individuals under this bill in concert, as is stated by the gentleman's report, to collaborate with Federal, State, and local stakeholders. In that way my amendment is very much germane to the main purpose of the bill and the specifics of the bill.

Finally, the language of H.R. 2857 emphasizes the ability to deploy the National Civilian Community Corps to emergencies and disasters. It does not limit it to natural emergencies or disasters, therefore including terrorist attacks.

Mr. GEORGE MILLER of California. Mr. Speaker, I insist on my point of order. Again, had we been involved with the committees of jurisdiction that the gentleman is referring to, the bill would have been referred by the Parliamentarian to those committees, and it was not. And let me just inform the gentleman. I know he's been out for a couple of days and he comes back with great vigor, and I admire his arguments. But there is nothing within the programs of Teach for America or the Boys and Girls Club of America or the Big Brothers Big Sisters program or the YouthBuild or the National Council on Aging or the Senior Citizen Nutrition Program or the American Red Cross, there is nothing in those programs that require that they eavesdrop or wiretap anybody's phones before they can deliver their services. And there is nothing within the jurisdiction of this legislation or of this committee that deals with those matters, and there is nothing in this bill that deals with the matters within the jurisdiction of those committees. And I insist upon my point of order.

The SPEAKER pro tempore. The Chair will allow the gentleman from California 2 minutes to close his argument.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the gentleman says, with some humor in his voice, that we ought not to be considering the question of wiretapping. That is not the question we bring before us today. The question we bring before of us today and why this is germane is whether or not we have the ability to listen in on those who would kill us and therefore prepare for these disasters before they occur and, more than that, prevent them.

Mr. GEORGE MILLER of California. Mr. Speaker, the gentleman from California is required to speak to the point of order.

Mr. DANIEL E. LUNGREN of California. I am speaking to the point of order.

The SPEAKER pro tempore. The chair has estimated that the gentleman would need 2 minutes to conclude his argument, and 1 minute remains.

Mr. GEORGE MILLER of California. Parliamentary inquiry, Mr. Speaker.

The gentleman must speak to the point of order which has been made with respect to the fact that there is nothing in this committee speaking to those jurisdictions.

The SPEAKER pro tempore. The Chair is willing to hear the gentleman from California for another minute to conclude his argument on the point of order.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, to suggest that intelligence gathered to prevent disaster has nothing to do with the ability of those we are asking under this bill to respond to disaster reminds one of the comment in literature years ago when one was confronted with the incongruity of the law and that person responded by saying: The law, sir, is an ass.

I would not suggest we are at that point here, but I would suggest this: for anyone to say that, to blind ourselves to the information that would allow us to prevent disasters and prepare for the disasters, to say that that is irrelevant to the debate today shows how irrelevant the debate today is to the needs of the people of the State of California, the Nation, and, frankly, our allies. It is germane, Mr. Speaker.

The SPEAKER pro tempore. The chair has heard the gentlemen's argument.

The Chair hears individual Members in turn. They may not yield to one another. They may not interrupt one another except by proper objection concerning relevance.

Mr. GEORGE MILLER of California. Mr. Speaker, I insist upon my point of order.

And I appreciate that perhaps there's some confusion on the other side of the aisle between the Big Brothers of this program and Big Brother that you're thinking about.

I insist upon my point of order.

The SPEAKER pro tempore. The Chair is prepared to rule.

As the Chair most recently ruled on March 5, 2008, the instructions in the motion to recommit address a matter unrelated to the issues addressed in the underlying bill, and within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore not germane, and the point of order is sustained. The motion is not in order.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to appeal the Speaker's ruling, with all due respect.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I move to lay the appeal on the table.

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

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 191, answered ''present'' 1, not voting 15, as follows:

[Roll No. 107]

YEAS—221

Abercrombie	Boyda (KS)	Courtney
Ackerman	Brady (PA)	Cramer
Allen	Braley (IA)	Crowley
Altmire	Brown, Corrine	Cuellar
Andrews	Butterfield	Cummings
Arcuri	Capps	Davis (AL)
Baca	Capuano	Davis (CA)
Baird	Cardoza	Davis (IL)
Baldwin	Carnahan	DeFazio
Bean	Carney	DeGette
Becerra	Castor	Delahunt
Berkley	Chandler	DeLauro
Berman	Clarke	Dicks
Berry	Clay	Dingell
Bishop (GA)	Cleaver	Doggett
Bishop (NY)	Clyburn	Donnelly
Blumenauer	Cohen	Doyle
Boren	Conyers	Edwards
Boswell	Cooper	Ellison
Boucher	Costa	Ellsworth
Boyd (FL)	Costello	Emanuel

Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—191

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—15

Brown-Waite, Ginny
Gonzalez
Hulshof
Johnson, E. B.
Keller
Linder
McCrery
Poe
Pryce (OH)
Rangel
Rush
Sestak
Solis
Woolsey
Young (FL)

□ 1440

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

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on rollcall Nos. 105–107, I was unavoidably detained. Had I been present, I would have voted "aye" on rollcall 105, "no" on rollcall 106, and "nay" on rollcall 107.

MOTION TO RECOMMIT OFFERED BY MR. KUHL OF NEW YORK

Mr. KUHL of New York. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KUHL of New York. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kuhl of New York moves to recommit the bill H.R. 2857 to the Committee on Education and Labor with instructions to report the same back to the House promptly with the following amendments:

Page 123, line 10, strike the quotation marks and period.

Page 123, after line 10, insert the following new section:

"SEC. 189D. CRIMINAL HISTORY CHECKS.

''(a) IN GENERAL.—Entities selecting individuals to serve in a position in which the individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration in a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

''(b) REQUIREMENTS.—A criminal history check shall, except in cases approved for good cause by the Corporation, include a name-based search of the Department of Justice National Sex Offender Public Registry and—

''(1) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

''(2) a Federal Bureau of Investigation fingerprint check.

''(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

''(1) refuses to consent to the criminal history check described in subsection (b);

''(2) makes a false statement in connection with such criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the national sex offender registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.''.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KUHL of New York. Thank you, Mr. Speaker.

I rise to offer this motion to recommit to strengthen the bill before us, H.R. 2857, and the national service laws to ensure that we are all doing what we can to protect those individuals being served by these programs and by the Federal investment in national service.

Sparked by a 2005 Inspector General report that found rampant, and I recognize and emphasize that word ''rampant,'' noncompliance with individual grant provisions requiring background checks, the Corporation for National Community Service recently completed a rulemaking process to institute background checks for any individuals seeking a federally funded national service position within the Senior Companion and the Foster Grandparent program and from the AmeriCorps positions in which individuals have access to a vulnerable population.

□ 1445

The regs also prohibited individuals from serving in these positions if they were registered sex offenders.

Mr. Speaker, I applaud the administration for taking these steps to protect vulnerable populations being served by the national service programs. But I believe that we should go further and provide more protection.

First, this motion to recommit would codify the corporation's regulations, ensuring that these protections are not subject to the whims of future administrations. Despite current efforts, program audits conducted by the Office of the Inspector General have detected a disturbing pattern of noncompliance with criminal background check provision requirements. In some cases, programs have failed to conduct checks.

Just as disturbing, however, other programs have failed to retain the documentation providing this background

check information that was conducted for members working with youth and other vulnerable persons.

Second, this motion to recommit would expand on the corporation's efforts by including, and I emphasize that, including all federally funded national service provision positions, not just those within the foster grandparents and senior competitive programs or just those AmeriCorps programs dealing with specific populations.

Finally, Mr. Speaker, in addition to prohibiting registered sex offenders from serving in these positions, this motion to recommit would include those individuals convicted of murder as well.

Mr. Speaker, our message is clear with this motion to recommit: if you are a program receiving assistance under these national service laws and are accepting participants to serve in federally funded programs and positions within your program, we expect you to screen those potential participants to ensure that they are not, and I emphasize again, not registered sex offenders or convicted murderers. And if you wish to serve in federally funded national service positions, some of which include as their reward an education award that exceeds that which is received by low-income students through the form of a Pell Grant, you are not welcome if you have committed these crimes.

Mr. Speaker, some people would ask, Why do we include these crimes? We believe that these crimes are so egregious that they demand Federal action. But also we hope that by requiring criminal history background checks, programs will have increased information with which they can exercise good judgment. It only seems to make sense. To repeat myself, we also hope that by requiring criminal background checks, programs will have the increased information from which they can exercise good judgment in deciding who deserves the rewards that come with federally funded national service positions.

Mr. Speaker, I urge my colleagues to support this motion to recommit, which would provide the Education and Labor Committee further time to deliberate on this important topic. This motion expresses a loud and clear message that the House of Representatives believes that those in need who are served by programs supported with assistance under these laws should be assured that they will not be placed in harm's way when approaching these programs for help.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to speak to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. As I understand the motion, Mr. Speaker, it is to codify the regulations that were finalized in November of last year that the Department has proposed for background checks and protection of the programs; is that correct?

Mr. KUHL of New York. If the gentleman will yield, that is one aspect of the motion. It goes farther than that.

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time, I think we agree with you, and I would ask if the gentleman would accept a unanimous consent request to change ''promptly'' to ''forthwith'' so we could vote on it now and report the bill out.

Mr. KUHL of New York. Mr. Speaker, I recently sat and listened to the debate on the prior attempt to bring a motion to recommit on a significant issue, that being the Foreign Intelligence Surveillance Act. If the gentleman would amend his unanimous consent request to include that so we might have a vote, I would be happy to.

Mr. GEORGE MILLER of California. Mr. Speaker, I reclaim my time.

I just want to say that this is unfortunate, because this is an amendment that we would agree to. It embodies the regulations supported by the Bush administration. It affects a program that has huge bipartisan support in all of our communities, that the President is in support of and is looking for the opportunity to sign this bill. But the gentleman insists upon making his motion in the form of ''promptly,'' so that the bill has to go back to committee, which makes everything much more complicated in terms of the passage of this bill.

Mr. KUHL of New York. Mr. Speaker, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. KUHL of New York. Mr. Speaker, it is my understanding that the appropriations for these particular programs don't expire for another several months.

Mr. GEORGE MILLER of California. I reclaim my time and would just say that this amendment was never offered in committee, it was never taken to the Rules Committee. This is sort of a ''gotcha.'' But, unfortunately, it dramatically impacts the timetable for this bill.

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

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1015, further proceedings on the bill will be postponed.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, March 5, 2008.

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

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two administrative subpoenas for documents issued by the Merit Systems Protection Board.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

DANIEL P. BEARD,
Chief Administrative Officer.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to indicate the positions I would have taken on votes missed because I was unavoidably detained in my district, and, lastly, I was unavoidably detained at a meeting with the Dialogue on Diversity.

On rollcall vote No. 90, H.R. 816, I would have voted ''aye''; rollcall vote No. 89, I would have voted ''aye''; rollcall vote No. 88, I would have voted ''aye''; rollcall vote No. 87, I would have voted ''aye''; rollcall vote No. 86, I would have voted ''aye''; rollcall vote No. 85, I would have voted ''aye''; and to the Inslee-Sarbanes amendment No. 11 to H.R. 2857, I was unavoidably detained with Dialogue on Diversity today and I would have voted ''aye.''

Mr. Speaker, I ask unanimous consent that my positions on these legislative initiatives be placed in the appropriate place in the RECORD.

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

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I wonder in view of the truncated schedule that we have had this afternoon, if anyone on the majority side knows if we might be bringing up the Foreign Intelligence Surveillance Act, the FISA Act, the bipartisan Senate bill that was passed that we certainly have time to deal with this afternoon. I wonder if anyone might be able to let us know if we are bringing that up this afternoon.

Mr. Speaker, continuing to reserve, I know it certainly is an important issue. We have had communications from 25 State attorneys general.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I withdraw the unanimous consent request.

The SPEAKER pro tempore. The request is withdrawn.

□ 1500

AIR FORCE TANKER DECISION

(Mr. MCDERMOTT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, even before the Air Force announced its decision on a new tanker, serious questions were being raised about the fairness of the process and the justification of the outcome. Barely a week later, it is becoming increasingly clear that the United States Air Force has called an air strike on U.S. jobs, U.S. companies, and a level playing field. That is grounds for a reduction in rank. You can't tell Boeing you want a 767-size tanker, then change your mind, and then deny them the ability to fairly compete with the Triple-7. As it stands, the Airbus won't even fit in our hangars. Maybe the biggest reason the Air Force has an aging tanker fleet is because it has a prehistoric process that ought to be rendered extinct like the dinosaurs.

This is about fairness, this is about selecting the right company to keep America strong, and it so happens the right company is Boeing. Boeing offers the best people, the best plane, and the best deal, but the Air Force shot them down with a botched decision that outsources our national defense to foreign companies. If they won't admit their mistake, Congress should do it for them. The U.S. tanker decision should be grounded because it is unsafe to fly.

H.R. 2857

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to congratulate the chairman of the Education Committee for capturing the spirit of America in H.R. 2857, Generations Invigorating Volunteerism Education Act. I thank my colleague Congresswoman McCARTHY for introducing the legislation, and again say that there have been so many success stories that all of us could cite by referring to AmeriCorps, Vista, Senior Corps, and Learn and Serve America.

This bill, of course, that we have just been debating works to ensure that volunteers and the organizations that support them will receive the resources that they need to continue their vital work. Many of them engage with other nongovernmental organizations or nonprofits. Some of them work with Habitat for Humanity. Many of them you will find in the Nation's urban and rural schoolhouses. You will find them as role models. You will find them as those who get on the front line when there is Hurricane Katrina or Rita. You find them in institutions such as Texas Southern University and Texas A&M.

This is an important legislative initiative. I am delighted to have had an amendment added to this bill and I am delighted to be one of the supporters of this bill.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was detained in my district on February 28 and March 4 and missed the following rollcall votes:

Rollcall vote No. 90, I would have voted ''aye'';

Rollcall vote No. 89, I would have voted ''aye'';

Rollcall vote No. 88, I would have voted ''aye'';

Rollcall vote No. 87, I would have voted ''aye'';

Rollcall vote No. 86, I would have voted ''aye'';

Rollcall vote No. 85, I would have voted ''aye.''

Today, I was detained as well with the Dialogue on Diversity, and therefore on the Inslee-Sarbanes amendment to H.R. 2857, I would have voted ''aye.''

THE SAFE COMMISSION ACT: A BIPARTISAN WAY FORWARD

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

Mr. WOLF. Mr. Speaker, in January, Moody's Investors Service released its annual report which concluded that the United States triple-A bond rating is at risk.

We should care that respectable credit rating agencies are projecting that the United States will be on par with Estonia by the year 2015, Poland and Mexico by 2020, and below investment grade, junk debt, by 2025.

Our Nation cannot continue on its current financial path. The Cooper-Wolf SAFE Commission Act would put everything on the table, tax policy, entitlements, and other Federal programs, to provide a bipartisan way forward on this issue. Over 70 Members from both sides of the aisle, Republican and Democrat, are already cosponsoring the bill.

We must work together to rein in spending. We cannot continue to avoid a responsibility to future generations, to our children and our grandchildren, by passing on a broken system in the form of unfunded Social Security and Medicare obligations and unsustainable spending.

[From the Financial Times, Jan. 11, 2008]

U.S.'s TRIPLE-A CREDIT RATING 'UNDER THREAT'

(By Francesco Guerrera, Aline van Duyn and Daniel Pimlott)

The U.S. is at risk of losing its top-notch triple-A credit rating within a decade unless it takes radical action to curb soaring healthcare and social security spending, Moody's, the credit rating agency, said yesterday.

The warning over the future of the triple-A rating—granted to U.S. Government debt since it was first assessed in 1917—reflects growing concerns over the country's ability to retain its financial and economic supremacy.

It could also put further pressure on candidates from both the Republican and Democratic parties to sharpen their focus on healthcare and pensions in the run-up to November's presidential election.

Most analysts expect future administrations to deal with the costs of healthcare and social security and there is no reflection of any long-term concern about the U.S.'s financial health in the value of its debt.

But Moody's warning comes at a time when U.S. confidence in its economic prowess has been challenged by the rising threat of a recession, a weak dollar and the credit crunch.

In its annual report on the U.S., Moody's signalled increased concern that rapid rises in Medicare and Medicaid—the government-funded healthcare programmes for the old and the poor—would ''cause major fiscal pressures'' in years to come.

Unlike Moody's previous assessment of US government debt in 2005, yesterday's report specifically links rises in healthcare and social security spending to the credit rating.

''The combination of the medical programmes and social security is the most important threat to the triple-A rating over the long term,'' it said.

Steven Hess, Moody's lead analyst for the U.S., told the Financial Times that in order to protect the country's top rating, future administrations would have to rein in healthcare and social security costs.

''If no policy changes are made, in 10 years from now we would have to look very seriously at whether the U.S. is still a triple-A credit,'' he said.

Mr. Hess said any downgrade in the U.S. rating would have serious consequences for the global economy. ''The U.S. rating is the anchor of the world's financial system. If you have a downgrade, you have a problem,'' he said.

Moody's did once threaten to cut the rating of some of the U.S. Treasury's debt when Congress refused to pass the president's budget in the mid-1990s. Other large economies, notably Japan in the 1990s, have had to suffer the symbolic blow of losing their top-notch credit rating.

Last year, David Walker, comptroller general of the U.S., caused controversy when he compared America's current situation with the dying days of the Roman empire and warned the country was on ''a burning platform'' of unsustainable policies.

Medicare and Medicaid spending, which has risen sharply over the past few decades and now accounts for about 45 per cent of total federal spending, up from about 25 per cent in 1975, has long been a source of concern.

Last month, Peter Orszag, director of the Congressional Budget Office, which advises Congress on the federal budget, said the issue was ''the central fiscal challenge'' facing the US.

Most presidential candidates have vowed to reform the healthcare system but many of them, especially on the Democratic side, have focused on extending coverage to the 40m-plus uninsured Americans rather than on cutting costs.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous

order of the House, the following Members will be recognized for 5 minutes each.

U.S.-COLOMBIA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, after thousands of kidnappings and murders inside Colombia carried out by the terrorist organization known by its initials as FARC, Colombia finally had enough. And when it learned that key heads of the terrorist group that were being given sanctuary inside Ecuador by the government of that country, when Colombia learned that the terrorists were 1,800 meters from Colombia, Colombia decided to strike. It did so from Colombian airspace. And, in fact, the FARC shot at the Colombian Air Force, which permitted the Colombian Air Force to pinpoint the exact spot where the FARC terrorists were, where they had been, and from where they were attacking Colombia.

Colombia struck, and the second-ranking FARC terrorist head, Luis Edgar Devia-Silva, alias Raul Reyes, was killed. Reyes was killed along with approximately 20 other terrorists. Unfortunately, one brave Colombian soldier fighting in defense of freedom, Carlos Hernandez Leon, was also killed during the operation.

It is as tragic as it is condemnable. It is, in fact, criminal for the Governments of Ecuador and Venezuela to provide sanctuary for terrorists who systemically commit murder and kidnappings inside Colombia, and then those terrorists return to Venezuelan and Ecuadorian soil.

President Bush and the United States of America have stood by and are firmly standing by our great democratic ally and friend Colombia and its twice overwhelmingly elected President Alvaro Uribe. Unfortunately, that is not the case with much of the rest of our hemisphere. I commend President Bush for his steadfast support of our great ally President Uribe.

Now, Mr. Speaker, it is time for this Congress to act. We need to renew and to increase our security aid to Colombia, which has been known for a decade as Plan Colombia, and the majority leadership of this Congress must immediately schedule a vote on U.S.-Colombia Free Trade Agreement, an agreement that is in the interest both of the American and the Colombian peoples.

The majority leadership of this House must stop preventing a vote on the U.S.-Colombia Free Trade Agreement. The position on that critical issue of the majority leadership of this Congress is petty and is ultimately irresponsible. The chairman of the House Ways and Means Committee was quoted recently as saying, referring to trips that Members of Congress have been taking to Colombia to find out for themselves how the Free Trade Agreement would affect our two countries: ''It is not the facts on the ground that are important; it is the politics in the air.'' How sad, Mr. Speaker. How sad.

It is time for this Congress to send a clear sign of support and solidarity to our good friend Colombia. It is time to stop blocking the FTA with Colombia and for the majority leadership of Congress to schedule a vote on the Free Trade Agreement with Colombia now.

JOHNSON C. SMITH UNIVERSITY GOLDEN BULLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes.

Mr. WATT. Mr. Speaker, today, I rise to recognize and pay tribute to the Johnson C. Smith University Golden Bulls men's basketball team which won the Central Intercollegiate Athletic Association basketball tournament held in my congressional district this past weekend. The Lady Golden Bulls, unfortunately, lost to Shaw University in the women's championship game.

The CIAA basketball tournament is, of course, the premier basketball tournament in the country among Historically Black Colleges and Universities, dating back years before African American athletes were admitted to and allowed to compete in athletics at other universities throughout the United States.

While the tournament highlights the tops in athletic competition and is a source of much needed funding for academic and athletic scholarships, anyone who has ever attended the tournament will know, of course, that it is also an unrivaled social reunion and family event.

The outstanding athletic performances by Johnson C. Smith University's teams this weekend, especially the championship performance by the men's team, was one more tribute to Dr. Dorothy Yancey, who has announced that she will be retiring at the end of this school year after 14 years as president of Johnson C. Smith University.

Dr. Yancey made history when she became the first female president of Johnson C. Smith University in 1994. Her leadership and hands-on management has led Johnson C. Smith University to many outstanding accomplishments, including two successful accreditation reviews, getting Johnson C. Smith University fully wired, and making it one of the first institutions in the Nation to provide laptop computers to every student; construction, renovation, or restoration of state-of-the-art facilities; and recognition by the U.S. News and World Report magazine as a top tier institution among comprehensive colleges that offer bachelor's degrees for each of the last 6 years.

The recent success of Johnson C. Smith University's basketball teams, especially the CIAA's men's championship, is another tribute to Dr. Yancey's leadership as she prepares to retire from Johnson C. Smith. It couldn't have come at a more fitting time. Dr. Yancey's hard work and leadership will forever remain in the hearts of all Johnson C. Smith Golden Bulls and friends. We wish Dr. Yancey and Johnson C. Smith University continuing success. I am fortunate to be the representative of this fine university in Congress.

□ 1515

SOVEREIGN WEALTH FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, I would like today to discuss an issue that is on the horizon that could very well affect the economic freedom of Americans, especially their family's prosperity and happiness. It is an issue that I would also like to thank the chairman of the Financial Services Committee, Representative FRANK, and the ranking member of the subcommittee, Representative KANJORSKI, for bringing forward.

The issue I am talking about is the issue of sovereign wealth funds. Many people will question what is a sovereign wealth fund. The answer is very simple. A sovereign wealth fund is a fund that is controlled by a foreign government that then invests into the private market of the United States.

Many people, especially those within my own party, disturbingly think sovereign wealth funds are a wonderful way to inject capital into the United States. The reality is these are very dangerous instrumentalities of foreign nations and would allow for the potential interference of these foreign nations in our domestic affairs, and not only within our economic sphere.

One of the reasons I joined the Republican Party was because I oppose socialism, communism; and I wanted to advance the cause of liberty. A sovereign wealth fund denies all of those. Again, a sovereign wealth fund is controlled by a government. Those who recall economics can understand that when a government buys an asset from the private sector, when the government owns it, the product or service has been ''nationalized.'' This is the root of socialism. Government buys something in the private sector, socialism gets bigger, free markets and free enterprise and free people get diminished. This is the root problem of a sovereign wealth fund. It will diminish the

economic liberty of individuals in the face of governments that are trying to control free enterprise.

We should not have this occurring in the United States of America, the bastion of free enterprise conducted by free people.

The second problem I have with sovereign wealth funds grows from the first: a foreign country controls this fund. This is not protectionism of anything except Americans' liberty, prosperity, sovereignty, and security.

The Communist Chinese have one of the largest sovereign wealth funds in the world. As they continue to tell us, although few people seem to understand that they are serious, they remain communists. The communist sovereign wealth fund from China comes in and buys private assets in the United States. Those government assets are now socialized; and, again, your freedom, liberty, prosperity, and security are diminished and there is a huge problem with this in the hands of the Communist Chinese.

In addition, whereas in the free market private investment funds have to raise capital voluntarily from individuals and then make rational decisions based upon the profit motive, a sovereign government's wealth fund is allowed to take and spend and invest. They spend and invest that which they take from their people. They have no accountability to these citizens, and they can invest for a political motive.

These entities of sovereign wealth funds are antithetical to private sector free market investment. And, again, when they are forced to operate on a private sector profit motive, the sovereign wealth fund can operate on a political motive, which may or may not be in the long-term interests of the people of the United States.

So for two reasons I would like to go on record immediately in my opposition to sovereign wealth funds in any nation's hands being invested in the United States and socializing our private sector assets. And I would like to also especially emphasize my abject contempt for nations that are opposed to the United States' continued existence as a bastion of liberty being able to buy up influence within the United States based upon a solely political motive, and that political motive is not in the people's best interests.

So to my fellow Republicans I would ask them to remember why they are Republicans, to remember that we have the duty to advance the economic liberty of Americans and to protect and preserve their liberty and prosperity and security, and ask them to reassess these sovereign wealth funds. Because no matter how much money they inject into our economy to socialize private sector assets, the cost we are going to pay to the long-term vitality of our free people is too high a price to tender to the very enemies of our existence.

DRED SCOTT AND ROE v. WADE

The SPEAKER pro tempore (Mr. Sarbanes). Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, today marks a tragic anniversary in American history. It was on this day in 1857 that the Supreme Court of the United States handed down the now famous Dred Scott v. Sandford ruling, saying that Dred Scott, a black man born into slavery but living in a free State, was not a United States citizen and could not sue for his freedom in Federal court.

In a 7–2 ruling handed down by Chief Justice Roger B. Taney, a former slave owner from Maryland, the court found that the black man was not a person under the Constitution; that he was property and not a person; and that as such, he was both prohibited from bringing suit against any citizen in Federal court and was made subject to the fifth amendment of the Constitution which prohibits taking property from its owner without ''due process.''

The court said that all blacks, slaves as well as free, were not and could never be citizens of the United States, and determined that blacks ''had no rights which the white man was bound to respect; and that the Negro might justly and lawfully be reduced to slavery for his,'' the white man's, ''benefit.''

By that one ruling, nearly 4 million slaves living in America were deemed by an erudite judiciary as less than human, unworthy to be protected; and it took an entire Civil War to reverse the tragedy of that decision.

Dred Scott tasted the freedom that he believed was the birthright of every human soul only a short time because tragically, after his emancipation in May of 1857, he lived in the freedom that he longed for for only 9 months before he passed away.

Today we remember the horrendous scar upon the soul of our Nation of slavery and the Dred Scott decision. And we all stand in retrospect and wonder how those people in that day could have been so blind to the unalienable truth that all men are created equal.

And yet today, Mr. Speaker, here in the land of the free and the home of the brave, we have allowed almost 50 million of our own unborn children to be killed in their mothers' wombs as a result of yet another Supreme Court decision that denied their personhood and the most basic constitutional right of all, that being the right to live.

It has now been exactly 12,827 days since the travesty called Roe v. Wade was handed down by the Supreme Court. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children.

Yet today, even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims yet today, those yet unborn.

Winston Churchill said Americans always do the right thing after they have exhausted every other possibility. Americans are coming to realize that the avenues of heartlessness and selfishness are now exhausted. Americans are beginning to understand that if we as a society do not possess the courage and the will to protect innocent unborn children, that in the final analysis we will never find the will or the courage to protect any kind of liberty or rights for anyone.

Mr. Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said: ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

Mr. Speaker, the rise and fall of slavery in America, if it teaches us anything, it is that the evil about us eventually and completely collapses upon itself. The time is long past for Roe v. Wade, the bloodiest court decision in the history of humanity, to take its place alongside the Dred Scott decision in the ash heap of history.

TOURING IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, on February 28 through March 4, just this past weekend, I participated in a bipartisan congressional delegation to Iraq and Afghanistan. I have written about this extensively on my Web blog, which my constituents should know is located at MikePence.house.gov. But I wanted to excerpt portions today by way of reporting back to the House on our findings in these two countries in which American forces face a war every day.

It was a bipartisan congressional delegation, Mr. Speaker, to both Iraq and Afghanistan. In 4 days we took off and landed 20 different times in four different aircraft. We flew to Kuwait in a military jet. We flew into Iraq on a cargo plane. We flew around Iraq and Afghanistan in helicopters and Ospreys. We convoyed in military vehicles throughout both countries. It was a rare opportunity to meet with leaders and locals in both theaters of combat. I am personally grateful to the people of Indiana and our military for making it possible.

Our visit also took place against the backdrop of several major events. The Iraq Government announced that Ali Hassan al-Majid, better known as

''Chemical Ali,'' a brutal military henchman of Saddam Hussein, was to be executed later this month. We arrived in the Kurdish region as that news was breaking and as Turkish forces were announcing their withdrawal for military operations in the north.

And on the second day, our trip to Iraq coincided with the first official visit by a President of Iran to Iraq since 1952. It was a time of great significance for the people of Iraq in several respects.

During our time in Iraq and Afghanistan, one inescapable conclusion emerged. After years of difficulty and setbacks in varying degrees, freedom is making progress in Iraq and Afghanistan. In northern Iraq, known as the Kurdish region, there is security, political process, and economic growth.

And even in central Iraq, after years of insurgent violence, following the military surge, al Qaeda and the insurgency are in steep decline and political progress is beginning to take hold.

As I saw firsthand in Baghdad and in the al Anbar province, the military surge and Sunni cooperation have resulted in extraordinary progress and security. But those gains are fragile. Violence in Iraq has declined by more than 60 percent since the beginning of the surge and has remained at relatively low levels since November of last year. The Iraqi Parliament has passed legislation that makes further political progress possible.

Our visit was, Mr. Speaker, characterized by cautious optimism by American military leaders and ordinary Iraqis on the street.

Afghanistan was also equally encouraging; and with President Hamid Karzai, we saw the determination of a leader devoted to his people and to defeating a resurgent Taliban effort to overturn their progress with terrorist violence this spring.

□ 1530

In the Kunar province particularly, we convoyed out and witnessed really the greatest threat to the Taliban terrorists who operate on that border with Pakistan, a bridge. A bridge is being built by local Afghanis with American resources. Seeing locals waving at our convoy, greeting laborers at this remote construction site showed me the depth of American generosity and the resilience of this proud people.

My summary on my Web site is simply an effort on my part to report point by point, moment by moment on my trip. We speak about each of the days, from the Kurdish region to our time in Baghdad, to our time in Fallujah and our team even on the streets of Haditha, through Afghanistan and through a stop at Ramstein military base to meet with injured soldiers at Landstuhl Medical Center.

And again, Mr. Speaker, my Web site is mikepence.house.gov. And my constituents could access that by visiting my blog and gaining that information. I would be grateful for any constituent who availed themselves of our writing.

The message that we got from Iraq is clear. The surge is working, but the battle is far from over. Violence is down significantly in the past year. The enemy's abilities have been downgraded in both degree and type of attack. U.S. forces have made measurable progress against terrorist elements in Baghdad and al Anbar province, due to both the military surge and extraordinary expanded cooperation among the civilian population.

And while the military surge is working, the good news is the Iraqi Parliament seems to have gone to work too. The adoption of a budget, the passage of a law permitting Ba'ath party members to work for the government and the plan for provincial elections that may well occur by October of this year represent exactly the kind of progress that many in our diplomatic team and many in this Chamber have hoped to see.

Well, Mr. Speaker, I thank you for the courtesy, especially at the opening of this time on the House floor.

I would be grateful if any of my constituents went to mikepence.house.gov, visited our blog and availed themselves of our firsthand account of what we saw in Iraq and Afghanistan.

The progress is real. The progress of freedom is happening. It is fragile. And it is my hope that, by bringing back the information from this bipartisan delegation, that we will be able to find that bipartisan consensus necessary to see freedom win in Afghanistan and Iraq.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate so much the opportunity to once again come before the House and address issues of concern, to bring another version of the Official Truth Squad.

The Official Truth Squad started a couple of years ago and was an attempt to, actually grew out of a frustration by many of my colleagues and I who watched what occurred on the floor of the House here and felt that there just wasn't a lot of sunshine going on, bringing light to many of the discussions. And so we launched the Official Truth Squad. The attempt was to try to hopefully bring some commonsense discussion, real-sense discussion to the conversations that go on here in the House on a number of different topics.

One of our favorite quotes is that of the late Senator Daniel Patrick Moynihan who said, ''Everyone is entitled to their own opinion, but they're not entitled to their own facts.''

And so, Mr. Speaker, what I'd like to do today for a little bit is just to talk about some facts. And one fact that I'd like to present as I begin is that, about a week ago, exactly a week ago, Thursday of last week, a little earlier in the day I took this same well, and I made the comment that at that time it was a specific hour on the clock. Today, as a matter of fact, it's 3:34 p.m. on Thursday afternoon.

Many individuals are just getting completed with a full day's work or about to complete a full day's work. A lot of folks are getting ready for the second shift, getting ready to start their shift from 3 to 11 across this Nation. Some who will be working the midnight shift, the late shift, are probably just putting their head on the pillow so that they can get some sleep before they get back up later this evening to get to work tonight.

And where's the House? Well, Mr. Speaker, if you look around you can tell that the House has gone home. The House has gone home. In fact, we went home today without even passing a bill, without even voting on a bill.

Mr. Speaker, the American people have great concern about the lack of productivity here in the House, and they have specific concern about the inability, apparent inability of this House and this leadership to address the issues that are of utmost concern to the American people.

We take an oath, Mr. Speaker, as you know, that says that we will work to protect and defend the Constitution of the United States of America. One of the ways that we do that is to make certain that the individuals who are gaining information on our behalf from folks across the world who wish to do us harm, that we get that information, that we're working with as much information as possible, that we, as a Nation, know what the bad guys are going to do before they do it. When we don't, what happens is days like 9/11.

And so, Mr. Speaker, shortly after 9/11 there were some laws that were passed that updated our intelligence capability, that made it so that our intelligence officers across the world would be able to track and listen to and discover electronic communication, verbal and otherwise, when terrorists outside of the United States were talking to other terrorists outside of the United States.

Mr. Speaker, I represent the Sixth District of Georgia, just outside of Atlanta. When I ask folks at home does anybody think that's not a good idea, should we be able to listen to terrorists outside of our country when they talk to other terrorists outside of our country, and they might be talking about plans to bring many of us great harm, should we be able to listen if we had

the technological capability to do so, I haven't met anybody yet, not one person yet who thought that was a bad idea.

This is not the Federal Government wiretapping, surveilling, listening in on conversations between you and me. This is not the issue. The issue is not whether or not the laws ought to be changed to determine whether or not our intelligence officers can listen to American citizens talking to American citizens on American soil.

No, Mr. Speaker, this issue is the ability of our intelligence officers to listen to terrorists or suspected terrorists outside the United States who are talking or communicating with others of like mind outside the United States. Should we be able to do that?

Mr. Speaker, the Senate thinks we ought to be able to do that, by a bipartisan majority, 68–29. Up until this leadership, the House thought we ought to be able to do that. The American people think we ought to be able to do that.

But the problem now, Mr. Speaker, is this leadership in the House of Representatives who has allowed this law to expire. This leadership has made it so that the American people are suffering from an American Government that has brought about a unilateral, unilateral disarmament when it comes to determining what terrorists are doing, plotting to do us great harm. That's not my opinion. That's a fact. That's a fact.

I'll give you some other facts here, Mr. Speaker. What has happened in the past week, since I last took this well and spoke about this issue is that a letter was sent out from a bipartisan group of 25 State Attorneys General talking about this FISA bill. I will submit this letter for insertion into the RECORD.

MARCH 4, 2008.

Re FISA Amendments Act of 2007 (S. 2248)

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.
Hon. STENY HOYER,
Majority Leader,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader,
Washington, DC.
Hon. ROY BLUNT,
Minority Whip,
Washington, DC.

DEAR MADAM SPEAKER PELOSI, MAJORITY LEADER HOYER, MINORITY LEADER BOEHNER AND MINORITY WHIP BLUNT: We urge the House of Representatives to schedule a vote and pass S. 2248, the FISA Amendments Act of 2007. This bipartisan legislation is critical to the national security of the United States. Once passed, S. 2248 will ensure intelligence officials have the ability to collect vitally important information about foreign terrorists operating overseas.

Senate Intelligence Committee Chairman John D. Rockefeller (D–WV) authored S. 2248 to solve a critical problem that arose when the Protect America Act was allowed to lapse on February 16, 2008. The root of the problem stems from a Foreign Intelligence Surveillance Act (''FISA'') Court order that jeopardizes America's national security efforts. Under that decision, U.S. intelligence agencies must obtain a FISA warrant before initiating surveillance involving suspected foreign terrorists located outside the United States.

The FISA Court's decision hinged on the fact that those entirely foreign communications are frequently routed through telecommunications facilities that happen to be located in the United States. Because modern global communications networks routinely route data through numerous facilities in a myriad of countries, the nation in which the call originates may be completely unrelated to the nation through which that call is ultimately routed.

A bipartisan majority of the United States Senate recently approved S. 2248. But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.

As Attorneys General, we are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe. With S. 2248 still pending in the House of Representatives, our national security is in jeopardy. We therefore urge the House of Representatives to schedule a vote and pass the FISA Amendments Act of 2007.

Sincerely,

Attorney General Greg Abbott (R–TX), Attorney General Kelly Ayotte (R–NH), Attorney General Thurbert Baker (D–GA), Attorney General Jon Bruning (R–NE), Attorney General Steve Carter (R–IN), Attorney General Talis Colberg (R–AL), Attorney General Roy Cooper (D–NC), Attorney General Tom Corbett (R–PA), Attorney General Mike Cox (R–MI), Attorney General W.A. Drew Edmondson (D–OK), Attorney General Doug Gansler (D–MD), Attorney General Troy King (R–MI), Attorney General Larry Long (R–SD), Attorney General Patrick Lynch (D–RI), Attorney General Bill McCollum (R–FL), Attorney General Dustin McDaniel (D–AR), Attorney General Bob McDonnell (R–VA), Attorney General Darrell McGraw (D–WV), Attorney General Rob McKenna (R–WA), Attorney General Henry McMaster (R–SC), Attorney General Mark Shurtleff (R–UT), Attorney General Stephen Six (D–KS), Attorney General Wayne Stenehjem (R–ND), Attorney General John Suthers (R–CO), Attorney General Lawrence Wasden (R–ID).

This letter is dated March 4, 2008, and I'm going to read the majority of it because I think it's incredibly important for you, Mr. Speaker, and the American people to appreciate the gravity of this situation. Again, this is from a group of bipartisan Attorneys General from across the United States.

And what they say is: ''We urge the House of Representatives to schedule a vote.'' Again, that's all we're asking for is a vote. ''To schedule a vote and pass Senate bill 2248, the FISA Amendments Act of 2007. This bipartisan legislation is critical to the national security of the United States. Once passed, S. 2248 will ensure intelligence officials have the ability to collect vitally important information about foreign terrorists operating overseas.''

Mr. Speaker, foreign terrorists operating overseas. State Attorneys General understand it's not talking about changing U.S. law to surveil or listen in upon conversations between American citizens.

Going on in the letter, ''Senate Intelligence Committee Chairman JOHN D. ROCKEFELLER authored S. 2248 to solve a critical problem that arose when the Protect America Act was allowed to lapse on February 16, 2008.''

That's the law, Mr. Speaker, that was allowed to expire because this current left liberal majority, left liberal leadership who runs this House refuses to allow a vote on this bill.

The letter goes on. ''The root of the problem stems from a Foreign Intelligence Surveillance Act Court order that jeopardizes America's national security efforts. Under that decision, U.S. intelligence agencies must obtain a FISA warrant before initiating surveillance in following suspected foreign terrorists located outside the United States.''

And, Mr. Speaker, some people say, What's wrong with that? What's wrong with going to court to see if it's okay to listen in to these folks?

Mr. Speaker, you know and I know that the manner of communication since 1978 when this bill, when the initial FISA bill was adopted, the manner of communication across this world has changed. We now have e-mails. We've got BlackBerries and blueberries and all sorts of things that we can provide that give people access to immediate real-time communication. We now are able to rent portable phones, cell phones. You can rent them by the minute; you can rent them by the hour. If you rent a phone, have a phone and use it for an hour, and we're able to know that, in fact, that phone is being used by a terrorist overseas, but that phone's only going to be used for 1 hour or one call, it is incomprehensible that patriotic Americans would believe that our government ought to have to go to court in order to get a court order to listen to that conversation that occurred yesterday, the day before, the day before that, or that morning, for that matter.

Mr. Speaker, current technology dictates that our law keeps up with current technology. Otherwise, the terrorists, the bad guys are a leap ahead of us, and that's what's happened in the last 19 days, 20 days when this law's been allowed to expire, and that is that the terrorists are getting a leap ahead of us. Again, that's not my opinion. That's a fact that I'll demonstrate as we talk more about this afternoon.

Continuing in the letter, ''The FISA Court's decision hinged on the fact

that those entirely foreign communications are frequently routed through telecommunications facilities that happen to be located in the United States. And because modern global communications networks routinely route data through numerous facilities in a myriad of countries, the nation in which the call originates may be completely unrelated to the nation through which the call is ultimately routed.''

What that means, Mr. Speaker, as you know, is that when a call is made in a foreign land by a terrorist or a suspected terrorist and he or she is calling another suspected terrorist in a foreign land, the electronics, the signal, the electronic signal of that call may go to a satellite, may come down to a station in the United States, and may head back to another satellite and then down to the terrorist. And that happens in real-time. That happens in split seconds. And because that electronic communication touches American soil, or a company on American soil, then, apparently, the liberal leadership in this House of Representatives believes that those individuals ought to be afforded every protection of the United States Constitution.

□ 1545

Mr. Speaker, that is an abrogation of duty. That is not what the American people believe. It is not what the Constitution says, and it is not what action we would choose in order to fulfill and live up to our responsibility and our oath.

Again, going on. In the letter it says: A bipartisan majority of the United States Senate recently approved S. 2248, but until it's passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. We have talked about how unworkable that is. Passing S. 2248 would ensure that our intelligence experts are once again able to conduct real-time surveillance.

As you know, prompt access to intelligence data is critical to the ongoing safety and security of our Nation. As attorneys general, we are our States' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe.

With S. 2248 still pending in House of Representatives, our national security is in jeopardy. Mr. Speaker, that's not Congressman TOM PRICE saying that. That is a signed letter from 25, a group of bipartisan 25 State attorneys general, saying until this is passed, our national security is in jeopardy. We therefore urge the House of Representatives to schedule a vote and pass the FISA Amendments Act of 2007. Signed by the attorneys general of the States of Texas, New Hampshire, Georgia, Nebraska, Indiana, Alabama, North Carolina, Pennsylvania, Michigan, Oklahoma, Maryland, South Dakota, Rhode Island, Florida, Arkansas, Virginia, West Virginia, Washington State, South Carolina, Utah, Kansas, North Dakota, Colorado, and Idaho.

Mr. Speaker, this letter demonstrates that those individuals, Republican and Democrat across this Nation who are charged with making certain that their citizens in their respective States are safe, recognize the gravity, the gravity of this situation and the dereliction of duty that occurs when the House of Representatives is not allowed the opportunity to vote on renewing the Protect America Act.

Mr. Speaker, we have called on the Speaker, called on the leadership on the majority side of the aisle, on the Democrat side of the aisle, to schedule a vote. Three weeks ago, the leadership said, no, we need about 3 weeks. That's what they said, Mr. Speaker. Three weeks ago they said, we need about 3 weeks and we'll be able to work with the Senate and work out any differences or disagreements or concerns that we have. Just give us 3 weeks.

Mr. Speaker, 2 weeks ago they said that there wasn't any urgency. There wasn't any urgency. Then last week on the floor of this House they said, we are working on it. It's an important matter. We are working on it. We will get it done. Over this past weekend, the chairman of the Intelligence Committee said, we ought to be able to get it done this week.

Mr. Speaker, time is ticking away. Day after day after day that we do not have this law in place makes it so that our Nation is less secure, our people are less safe all for want of a vote on the floor of the House of Representatives. Senate Republicans understand that and have acted appropriately. Senate Democrats understand that and have acted appropriately. House Republicans understand that and are trying to act appropriately. House Democrat leadership refuses to schedule a vote. They do so apparently because they believe it will pass. Astounding, astounding, Mr. Speaker.

I am pleased to be joined by my good friend from Tennessee (Mrs. BLACKBURN) and look forward to her comments on this issue, which I know you have spoken out about so vigorously and understand the gravity of not acting on the Protect America Act.

I am pleased to yield to my friend.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia not only for his leadership on this issue of our Nation's security, but for his work on the Truth Squad as he always repeats the phrase, everyone's entitled to their own opinion but not their own facts.

That is so pertinent, Mr. Speaker, to the debate that we are having on our Nation's security. There is no issue that trumps the security issue. This is something that we know to be very important.

As I travel the country and as I travel my district, what I hear from people is, Why are you not taking this up? Why are you not taking the steps to make certain that we can find out who is trying to harm us?

You know, Mr. Speaker, it makes no sense at all. As I talk with moms that are in my district so regularly, they will talk about how concerned they are with security, security in our communities, security in our places of work, security in our children's schools. They want to make certain that the security to live peacefully is there for us here in our homeland.

They want to be certain that those protections are there for our troops who are deployed; and at this very minute, I have troops from Fort Campbell, which is in my district in Tennessee, and troops who are National Guardsmen from Tennessee who are deployed making certain that American interests are safe and making certain that Americans in our great Nation are also safe to live their lives freely in pursuit of happiness every single day.

Mr. Speaker, I find it absolutely revolting and unsettling that the leadership of this House continues to stand in the way of the Protect America Act. Our colleagues in the Senate have decided this is a very important issue. We all know what happens when you set aside work. You have to kind of pick it up off the table and move it over and say, we are going to come back to that, and we are going to get those items accomplished. But first and foremost, let's deal with the Nation's security.

So they put that on the desk. They made it the priority. They took it up and they said, it is not a partisan issue. We are going to find agreement on this because the security of this Nation trumps it all. The security trumps it all.

Now, if we wanted to go play the ostrich game or if we wanted to go play Whack-a-Mole with the terrorists, we could do that. We could just rely on the 1978 FISA and pretend that we never had e-mail, that we never had cell phones, that we didn't have voice video and data just traveling on the waves through the air.

Now, Mr. Speaker, that would be nice and make us feel good and comfortable, but the point is, it is not true. It just isn't true. And as the gentleman from Georgia has so eloquently said, we know, we know that the terrorists are using these new technologies to communicate, and we know that there are terrorists in foreign countries who are communicating with other terrorists in foreign countries who are trying to do harm to our troops in the field. We have evidence of that, Mr. Speaker. To our citizens in this country, we have evidence of that and to our citizens and our allies around the globe.

Well, what is so difficult to understand about this, Mr. Speaker? It just seems like when the evidence is there, as the facts are there, as my colleague from Georgia says, why can there not be an admission that those are the facts, they are the givens, everybody, everybody in D.C. seems to agree with this except the leadership of this body. And I find it very disconcerting.

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend for her comments and for her perspective and for bringing more light and truth to this issue. And it is not just our opinion. It's the opinion of so many individuals.

As you mentioned, the bipartisan bill in the United States Senate, 68–29. These aren't the most harmonious of times in Washington, Mr. Speaker; but the gentlelady from Tennessee and I certainly understand and appreciate that one of our primary responsibilities is the protection of our Nation. And the Senate understood that, and that's why they worked together in a bipartisan way.

So many individuals have given their opinion about why this was important. Mike McConnell, who is the Director of National Intelligence, said before the House Intelligence Committee, We are significantly burdened in capturing overseas communications of foreign terrorists planning to conduct attacks inside the United States. That's what the Director of National Intelligence said.

And Senator JAY ROCKEFELLER, a Democrat from West Virginia who is the chairman of the Intelligence Committee in the Senate, said just last month, What people have to understand around here is that the quality of the intelligence we are going to be receiving is going to be degraded. He said that, if we allow the Protect America Act to expire. Well, Mr. Speaker, we didn't allow it to expire, but the leadership in the House has allowed it to expire. And that's what concerns us so greatly.

I know that my friend from Tennessee appreciates what Senator ROCKEFELLER has said as it relates to this issue, and I am pleased to yield back.

Mrs. BLACKBURN. Mr. Speaker, there was a comment, you mentioned, Mike McConnell, who is the Director of National Intelligence, and I would go to a quote that he gave before to the Senate panel, and listen to this: that half, half, not a third, not a quarter, not a tenth, that half, 50 percent, of what we know comes from electronic surveillance. That means that all of these new forms of communication that are out there, this is what the terrorist cells are using. Half of what we know comes from electronic surveillance, and get this, and the outdated Foreign Intelligence Surveillance Act had degraded those intercepts by two-thirds.

I just find it so egregious that we would hamstring and make it difficult for the intelligence community to carry out their jobs when they are seeking to serve this Nation, when they are seeking to work with the military and to make certain that we know who is seeking to do us harm.

Mr. PRICE of Georgia. Mr. Speaker, I thank my friend once again for her comments and perspective on this most important issue.

I don't know, Mr. Speaker, if there's anything that we do here that is more important than making certain that America is safe and secure. And the American people, although they know that there are partisan battles and political games that are played here, they understand and appreciate that. But what they don't understand is a leadership that abrogates the duty and responsibility that they have to make certain that this Nation is safe.

Person after person, individuals who have great knowledge and experience in this area, much greater than those of us in the House of Representatives in terms of actual hands-on experience in determining what the terrorists are trying to do to do us harm, to a person, to a person say that this is a bill that must be passed.

We are now 19 or 20 days into not having the ability to gain this intelligence, and it is harming our Nation. It is putting us at greater risk.

We've been joined by another good friend from Georgia (Mr. WESTMORELAND), and I look forward to your comments on the issue of the importance and imperative of passing the Protect America Act, and I will yield to him.

Mr. WESTMORELAND. Mr. Speaker, I was listening to Mr. PRICE and Mrs. BLACKBURN talk, and I was wondering if we had the time to do this. So I went back to the day that the FISA failed, which was February 13, and I looked at it and said this is a complicated bill and there are some issues and things to be worked out and have we had enough time to do it and how much time are we spending on discussing this FISA.

And so after listening to you all, I went back and got the schedule for February, and after February 13, on February 14, we did eight suspension bills, which are bills that have very little discussion, and two motions to adjourn. So we were in session that day about 5 hours, but nothing about FISA.

□ 1600

And then it seems, too, that we were gone for about 8 days. And then, Congresswoman, when we got back the week of the 25th, we worked 4 days for a total of 15 hours and 5 minutes with no FISA legislation. We did three suspensions on the 25th. We did the public housing on the 26th, which was withdrawn. We did the energy tax on the 27th. And then we did three suspensions on the 28th. And so, that was for February.

And if you look at what we've done in March, we did three suspensions yesterday. We did six suspensions the next day. Then we did the mental health, which was a total of about 10 hours that we spent on that. And then today, it's 4 o'clock and we're already out and didn't do anything today.

So, I guess my question, then, is, what are we doing? I mean, we, the 109th Congress, was called the ''do-nothing'' Congress. What can this Congress be called? Does anybody have a good name, Congresswoman, that we can call this Congress?

Mr. PRICE of Georgia. Reclaiming my time, I appreciate that. Mr. Speaker, it's kind of appropriate that we are interrupted by a unanimous consent request, a motion that says we ought not do anything in this House until next week, let's just go home.

My friend from Georgia points out that we haven't been doing a lot this year, haven't been doing a whole lot this 110th Congress. And the American people can tolerate a lot in their political leaders, but what they can't tolerate is inaction on important issues and matters of national concern, national security. So, it frustrates them, it frustrates us that this leadership won't bring this bill to the floor. Twenty-one Members of the majority party have signed a letter that said they would vote for this; 21 Members. This bill would pass if it were just brought to the floor.

I am pleased to yield to my good friend from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

The gentleman from Georgia is so right in what he is pointing out. What we're spending our time doing here are items that are not crucial, they're policy debates. They're policy debates about how you want to approach an issue. My goodness, the Government Reform Committee and my committee, Energy and Commerce, we have had hearings on steroids in pro sports. Now, we had plenty of time to parade people in and do these hearings, but we didn't have the time for FISA. We've had plenty of time to have committee hearings. Today, we were in Committee on Energy and Commerce on tobacco, and if we wanted the FDA, who already cannot keep the Nation's food supply safe, they can't keep the Nation's drug supply safe, but we were spending time on that instead of putting time on FISA.

Now, as a mother, you know that children are going to put off to the very end doing the hardest thing. So, what you do when you're a mom is to say, no, we're going to do the hard things first. When we're doing homework, we're going to do the hard problems first, we're going to write the hard papers first because you get it out of the way. And then you know that regardless of how much time is left,

you've attended to the things that are going to have the greatest impact.

Now, that is the way the leadership of this House needs to move forward. They need to go back and learn a Kindergarten lesson. They need to go back and think about what they learned there. You do the hard things first.

FISA is a difficult bill. We are pleased that there are some issues that take a lot of work, that we have to work to build consensus, that we have to look carefully and study these; the Nation benefits and our constituents benefit by that. But to put it off, to choose to not address it, to leave it at the back of the line for partisan political gain is dead wrong.

I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. You're absolutely right. And that's what people get frustrated by is the partisanship and the political games being played.

I yield to my friend from Georgia.

Mr. WESTMORELAND. The gentlelady brings up a good point. But the Republicans, the minority here, we've tried to bring it to the floor on over a half dozen occasions. We tried to bring it to the floor again today. We tried to bring it to the floor yesterday. And this is the same bill that passed the Senate. And the gentlelady from Tennessee was taking about, it's a hard issue and it's an issue that needs to be discussed. There is no slower body in the world than our colleagues across the hall. I mean, they've been working on a farm bill for a year now. So, I mean, it's a very deliberative body, and they passed this overwhelmingly 68–29. And as the gentleman from Georgia said, there are 21 Members that have said they would vote for this bill. So we tried to bring it to the floor to see if it would pass, but through parliamentary procedure they refused to let us vote on it.

And, you know, Mr. PRICE, if we don't vote on issues, our constituents don't know how we really feel about it. So, you can go home and say, yes, I'm for the security of this Nation, I'm for the Foreign Intelligence Surveillance Act, but if you don't have an opportunity to vote on it, it's just words, it's simple words.

And so we're ready for some action up here. I mean, we want to see some action on our intelligence to make sure our intelligence community has the very best tools that they need. And not only that, but our corporations, who have been so generous and willing to go along with some of the things that our government has asked them to do to keep our people safe, we need to make sure that they're protected.

And so, you know, we're not the party of the trial lawyers; we're the party of the people. And so, I think if we quit trying to protect some of these special interests and start trying to protect this whole country, we would be a lot better off.

And I want to applaud our leadership for staying consistent and being constant that we keep this in front of the American people and that we are trying to give the Members of this people's House an opportunity to vote on it.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate that.

We are ready for action. We are ready for action. The American people are ready for action on this issue; in fact, they're demanding it. And that's why we have begun, I think over the last week or so, to hear the language on the other side change, but their actions haven't changed.

Mr. WESTMORELAND. And what we're doing is we're giving an opportunity for the terrorists to act.

Mr. PRICE of Georgia. Exactly. Exactly.

Mr. WESTMORELAND. Because we can't surveil them. And so, rather than us taking the action, they're taking the action. And that is unconscionable that this body is letting that happen.

Mr. PRICE of Georgia. Without a doubt. And our constituents understand and appreciate that.

The folks that we're up against in this battle, the individuals who wish to do us harm, are very smart people, very smart people. And we have an open society. When we provide them an opening in that open society, they will take advantage of it. And as you say, it's unconscionable. It's unconscionable for this House to not allow a vote on it.

Some of my constituents at home say, well, why can't you just bring it up? And as you've mentioned, we have tried to bring it up, but the House is a very majoritarian body, it is run by strict rules. And if the leadership of the majority party doesn't want it to happen, it won't happen. If the majority party doesn't want it to happen, it won't happen. And the reason for that is they control absolutely everything that comes to the floor. And consequently, our constituents, our friends at home get frustrated by the fact that we, in this House of Representatives, seem to be unable to get this done. And we've called on, I've called on, everybody here has called on the Democrat leadership, on the Speaker, on the leader on the other side to bring this to a vote.

We're comfortable and confident that this House will do the right thing, will do the responsible thing, and will pass this bill.

Mr. WESTMORELAND. I want Mr. HOEKSTRA to have a chance, but I do want to say this: We had a bomb go off in Times Square this morning, fortunately, it didn't do a lot of damage, at the recruiting station right in the middle of Times Square in the middle of New York City. And we also have had a bombing in Jerusalem today. So, the terrorists are still at work. People that want to terrify this country are still at work, and we've let our guard down.

Mr. PRICE of Georgia. I thank you for those comments.

We're pleased to be joined by our good friend from Michigan (Mr. HOEKSTRA), who is the ranking member, former chairman of the Intelligence Committee, understands this issue as well as anybody, and has been a champion for not just his constituents in the State of Michigan but all Americans in bringing focus on it.

I am pleased to yield to my good friend.

Mr. HOEKSTRA. I thank my colleague. And I thank all of my colleagues for talking about this important issue.

You know, we've been talking about this now for over 7 months. Last August, we passed a 6-month extension. That 6-month extension expired at the beginning of February. We passed a 2-week extension. We got to the end of that, and then the Democratic majority said, well, let's do a 3-week extension. And we said, no, we need to do a comprehensive fix. We need to fix FISA long term. We need to do the telecommunications companies. And then they said, well, we can do that in 3 weeks. An hour ago marked the end of the third week of legislating.

They were never serious about getting this done, and they wouldn't have gotten it done when they said they would. At the beginning of this week they said, well, we're not going to get to it this week because our legislative agenda is just too packed full. Here we are at 10 after 4 and our packed legislative agenda means the House stopped business at 3 o'clock.

Mr. PRICE of Georgia. Absolutely.

Mr. HOEKSTRA. Unbelievable. But now 5 weeks ago, when we started into this process one more time, we said exactly what my colleague was highlighting, both my colleagues, the terrorists have not stopped. They continue their attacks in Pakistan. Five weeks ago is when they had some major bombings in Pakistan just before the elections. They had the major bombing in Afghanistan. But we also then started hearing from al Qaeda in Iraq saying they wanted to use Iraq to do what? Do you remember? Al Qaeda in Iraq said, we want to use it as a base to attack Jerusalem.

And then a major terrorist died in Lebanon. We're not sure exactly what the circumstances were. Some think it's Israel, some others say it might have been Hezbollah itself. But one of the key leaders of Hezbollah passed away, and the statement from Hezbollah then was, ''we're going to hold Israel accountable.'' And what happened today? Martyr Mughniyah, within the last hour, a TV station affiliated with Hezbollah, said this group may not be affiliated with Hezbollah, but the group, Martyr Mughniyah, as

far as we can tell, a new terrorist group, along with the Gaza Martyrs' Group, which may also be a new terrorist group, claim responsibility for the Jerusalem operation.

So, with the events of the last 5 weeks, some new identified terrorist groups have popped up. And most likely, if there is any intelligence that our allies, because we said, who is going to be vulnerable by our diminished capabilities? It's going to be America's homeland. It's going to be our troops in Iraq and Afghanistan. It is our embassies around the world, and potentially our allies. With what al Qaeda in Iraq and what the various organizations have now said after the death of Mughniyah, these are new terrorist groups.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. HOEKSTRA. Yes.

Mr. PRICE of Georgia. I appreciate that, because what you point out is that in a relatively short period of time, which is what we've been saying, the terrorists are flexible. They change based upon what happens here at home.

Mr. HOEKSTRA. Right.

Mr. PRICE of Georgia. What occurs on the floor of this House is consequential. Who is to say that there wouldn't have been information that would have been gained, had we had this bill in place, that would have been gained that would have allowed us to know that those activities were going to go on today?

I am pleased to yield back.

Mr. HOEKSTRA. We might have. But the key thing here is if these are new terrorist groups that we didn't know about before, guess what? And our allies, the Israelis, got meaningful intelligence about this group. The law on surveillance would be the law that was in place on 9/10/01, the very law that the President, his national security advisers, our current Speaker of the House, bipartisan leadership in the House and Senate all said would not work. Another example within the last hour. All right. Dynamic situation.

And remember, I think we all know that intelligence only works when you do it in a timely way. You know, 2-year-old intelligence is no longer intelligence; it's data. It's information for historical purposes. To keep America safe, intelligence has to be real-time, and the only law didn't do it.

Again, when we talked about what potential threats would be, 5 weeks ago we said, you know, there have been people who have been arrested because they were going to allegedly murder the Danish cartoonist. There was a plot in Denmark to do this. And I said, well, that's interesting. But there is another threat on the horizon. Dutch TV refuses to show anti-Koran film as terror alert is raised. What is this? We've known for quite some time that a Dutch parliamentarian was going to do a video on Islam, his interpretation of Islam. I'm not saying whether it's right, whether it's wrong, but as a parliamentarian you would think that he could have the opportunity to express his views on Islam in a country that, I think in Rotterdam now the most popular baby's name is Muhammad. But he was going to give his views of Islam and was preparing a video. And there were allegations that there might be some things that were inflammatory in this video, people saying he might burn the Koran. Who knows. We don't know what's in it.

But the Dutch Government now, it just came out that the Dutch, we knew this video was in development, not knowing what was in it, but the Dutch now, the TV networks have refused to show it. But he may release this film on the Internet, which has caused the Dutch, again, a very firm and strong ally in Afghanistan in the war against radical jihadists, the Dutch have gone on a high terror alert.

□ 1615

If there are groups, new groups that form as a reaction to this new video, the old law will apply. Our hands will be tied behind our back. Our intelligence community will be limited in its ability to help the Dutch protect their assets. And as we have known from the past, when radical jihadists have an opportunity like this, they don't just focus in on a particular country. They use it as an opportunity to go after modern Islamic regimes in the Middle East, countries in northern Africa, all of Europe, not just the Dutch, and the Americans. But if there are new groups that haven't been identified before, the old rules apply, which means we are more vulnerable.

It is absolutely unconscionable that here we are 3 weeks later and once again we are going home without dealing with this. And it's not because of a heavy workload. It's because they don't want to do what the Senate has done.

The Senate passed a great bill, 68 votes, bipartisan. And we all know how hard it is to get 68 votes in the U.S. Senate today. But a broad bipartisan bill that gave our intelligence community the tools that they needed, and it gave to the telecommunications companies the help that they needed to do their work.

I mean, it's absolutely unacceptable to have one of our colleagues up here today to talk about the intelligence community. Remember the last debate on the last bill, not talking about what our intelligence community is doing to protect American lives. And American intelligence officials, people working in our intelligence community, have lost their lives keeping America safe, and our friends on the other side say what? They're Big Brother. Well, you know what? They're Big Brother, but they are not big brothering America. They're focused on one thing: finding radical jihadists.

But these folks belittle the effort of our intelligence community and give the American people the impression that our intelligence community is just looking for ways to destroy Americans' civil liberties. I have met with these people. I know they're focused on a couple of things: protecting Americans' civil liberties as they keep America safe. And to belittle the work of our intelligence community is absolutely unacceptable, and it's really an embarrassment that those kinds of comments are made on the floor of this House.

Mr. PRICE of Georgia. Without a doubt. And there are so many things that have occurred during the discussion about this issue that have been sad and distressing. That was one of them today, as you saw the chuckles go across on the other side of the aisle when the companies, the patriotic companies, are trying to assist this administration, assist this government, assist our intelligence community in being able to protect all of us; and all they do is denigrate them. It's just so distressing because it's such disinformation and misinformation that it confuses our constituents. But what our constituents understand and appreciate is that it is the majority party in this House that won't allow this House to vote on a bill to protect America.

I'm pleased to yield to my friend from Georgia.

Mr. WESTMORELAND. I want to ask my colleague, the ranking member of the Select Intelligence Committee of the House, if I understand it correctly, after 9/11 the President called in his national security advisers, the CIA, the FBI, all of our intelligence agencies, along with representatives of some of the telecommunications companies, and got together to find out what their assets were for doing surveillance and gathering intelligence, I guess. After they came up with that, if I understand you correctly, you're telling me that a bipartisan group, which included the now-Speaker of the House, were informed of this and that there were some adjustments made to the Foreign Intelligence Surveillance Act to cover these new groups and new methods of gathering intelligence, but what I hear you saying now is, because this thing has expired, that we're back to September 10, 2001, on our ability to gather intelligence on these new groups.

Mr. HOEKSTRA. That's exactly right. The individuals in our government. This was never the administration's program. It was never the President Bush program. This was always the American Government's program, because the administration identified what we needed to do and how we could do it and they went to the bipartisan leadership of the House and the Senate,

a small group, because if you have these kinds of capabilities, you don't want it broadcast to al Qaeda and radical jihadists about what your capabilities are. You want to use it as an effective tool. But on a bipartisan basis, the leadership of the House and the Senate and the leadership on a bipartisan basis of the Intelligence Committees in the House and Senate signed off on these programs.

The current Speaker of the House was briefed four times in the 8, 9 months immediately after 9/11, and you know what? Number one, now she's not bringing to the floor the very changes that she supported in the aftermath of 9/11, but the companies that we went to and asked them for their help. And when these companies said we know the administration is supportive of this, have Members of Congress been informed, the administration could truthfully say, yes, they have been briefed. They've been informed. They know what we're going to ask you to do, what information we expect to get and how we expect that to keep America safe. They're now throwing them under the bus.

But the more important thing is the urgency of today. We need these companies to help us. They help us all the time. And we're having a chilling effect on these types of American businesses that in many ways are helping us in basic law enforcement activities, not only radical jihadists but basic law enforcement, because they're now being told if you help us, recognize that in many cases we're going to throw you to the wolves, which in this case are the trial lawyers.

I appreciate my colleagues having this discussion and debate. Thank you very much for allowing me to be a part of this. I need to get going. I was hoping I could say I'm going to a meeting where we are going to work out the final details on FISA, but now that's not the case. I've got to go to a different type of meeting. But thank you very much for furthering the effort on this very, very important issue.

Mr. PRICE of Georgia. Thank you for bringing greater clarity to that, Mr. HOEKSTRA.

And before you joined us, I read and inserted into the RECORD a letter from 25 State attorneys general talking about the importance of FISA, a bipartisan group of individuals across this Nation who have the responsibility of keeping their States safe. And they understand and appreciate the imperative of this.

Again, this gets so confusing to the American people because the people that apparently don't want this to pass want the American people to be confused. This is pretty simple, Mr. Speaker.

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

Mr. PRICE of Georgia. I yield.

Mr. WESTMORELAND. Do you know why those attorneys general wrote the letter? Because it's affecting the local governments' ability to do surveillance on people from Mexico who are in this country illegally, drug lords and others. It's affecting our local governments' at-home ability to do this surveillance. It's not just al Qaeda and the terrorists. This is affecting our local law enforcement too.

Mr. PRICE of Georgia. It's affecting the information that they're able to get. But it's communication from a foreign individual on foreign soil to another foreign individual on foreign soil. This is not between an American individual on American soil to another American individual on American soil.

Mr. Speaker, when it's confused and brought into kind of a perplexing dilemma for people and talking about the violation of Americans' civil rights, that's not what this is about. This is about protecting Americans from terrorists overseas. And what we have seen in the last 19 or 20 days is exactly what Senator ROCKEFELLER knew when we see, when he said on February 14 of this year: ''What people have to understand around here is that the quality of intelligence we are going to be receiving is going to be degraded.'' He said, stating before the Senate, that if this bill is not passed, the ability to gather intelligence will be degraded. Mr. Speaker, that means that we are not able to get the intelligence we need.

We are now 19, 20 days into not having this bill in place, not having this law in place. And why? I have difficulty when I get asked at home that question. My constituents, many of them, will say, why won't they pass the bill? A majority of the House wants it. Right? And that's correct. Twenty-one Members on the Democrat side have said they would vote for the bill. The vast majority, if not everybody, on the Republican side would vote for the bill. Mr. Speaker, you know, that's a majority of this House of Representatives. So let the House work its will.

Why won't they bring it up? The only rationale, the only reason that has made any sense to anybody, is purely political. Purely political, either to continue the issue for their left, liberal wing because they believe they could gain political points with it or the political nature of not making it so the communications companies have immunity from the information that they provide on foreign individuals, terrorists overseas communicating with other terrorists overseas, providing those individuals the same protections that we have under the United States Constitution.

Never before has that been done. Never before have we provided individuals in a foreign land, non-American citizens in a foreign land, the rights, privileges, and protections of the United States Constitution. Because of the trial lawyer lobby and because of the trial lawyer support for the majority party, the Democratic Party, that's apparently the only reasonable answer to the question, Why won't they allow this to come forward?

But, Mr. Speaker, the leadership has recognized, at least they say they have recognized, the importance of this issue. Just 6 days ago, the majority leader said: ''This is a very serious, important bill. It's critical to the defense of our country.'' Just last week he said this. Why, then, Mr. Speaker, are we not voting on it today? It's 4:25. There's no reason that we ought not have brought this bill up today or yesterday or the day before or tomorrow. But, Mr. Speaker, no, the House has gone home.

Individual after individual has appreciated and recognized the importance of this bill, that the terrorists, those who want to do us harm, are very nimble. They're very flexible. They're very bright. Members of the House of Representatives oftentimes have the opportunity to go to Iraq and to Afghanistan. I was talking to a colleague who was there just 11 days ago. That's just a week into when we didn't have this capability. And 11 days ago, this Member of this body, this House of Representatives, was told by a general on the ground in Iraq that the information they were receiving was not as of high quality as it had been the week before. Changes occur that rapidly in the ability to gain information.

Mr. Speaker, some say that the individuals representing them across this Nation are incapable of leading this Nation anymore. Some say that the actions of this House of Representatives border upon treasonous activity. Mr. Speaker, this isn't leadership that's going on in this House right now; it's an abrogation of duty. It's an abrogation of responsibility. It's a violation of the people's trust. It's a violation of the oath of office. Mr. Speaker, the American people are demanding that this be voted on and that it be voted on at the first opportunity, which now becomes next week.

Mr. Speaker, the Senate Republicans have voted ''yes.'' The Senate Democrats have voted ''yes.'' The House Republicans will vote ''yes'' when given the opportunity. The House Democrat leadership is the only thing standing in the way of passing the Protect America Act and securing and defending this Nation in only the way that we can now, with appropriate intelligence capability. We must do that and we must do that as soon as possible.

ADJOURNMENT TO MONDAY, MARCH 10, 2008

Mr. SERRANO (during the Special Order of Mr. PRICE of Georgia). Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday

next for morning-hour debate; and further, when the House adjourns on Wednesday, March 12, it adjourn to meet at 10:30 a.m. on Thursday, March 13.

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

There was no objection.

□ 1630

FOSSIL FUELS TO RENEWABLES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, in just a few days now will be the third anniversary of the time I came to this floor to talk about this subject. I believe this may be the 39th time that I have come to the floor, and what an auspicious time to come, because when I got up this morning and turned on the television, I could hardly believe it, oil was $105 a barrel.

There are three groups in this country that are interested in transitioning from fossil fuels to renewables. They have very different agendas, they have very different concerns, but they have common cause in wanting to transition from fossil fuels to renewables. One of these groups is the group that is concerned about the national security of our country. This first chart speaks to that.

There were 30 people about 3 years ago leading Americans: Boydan Gray, McFarland, Jim Woolsey, and 27 others, retired Four-star admirals and generals, who really understand the problems we face, who wrote a letter to the President saying, Mr. President, the fact that we have only 2 percent of the world's oil reserves and we use 25 percent of the world oil, and we import almost two-thirds of what we use is a totally unacceptable national security exposure. We really have to do something about that.

A couple of other statistics on this chart are interesting to note. With our 2 percent of the world oil reserves, we are pumping 8 percent of the world's oil. We are pumping our wells four times faster than the average of the rest of the world. What that means of course is if there is the end of oil, our wells will go dry before the others because we are pumping them faster.

The last statistic here is truly a bit less than 5 percent. We are one person out of 22 in the world, and we use one-fourth of the world's energy, and this fact is not lost on the rest of the world. They recognize this.

The next chart is a statement by our Secretary of State Condoleezza Rice. She had in mind the statistics that you just saw, and she had some other things in mind that we will come to in a few moments. When she said we do have to do something about the energy problem, I can tell you that nothing has really taken me aback more as Secretary of State than the way the politics of energy is, I will use the word, warping diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply. So our Secretary of State recognizes the national security implications of the world's oil energy supply.

One of the things she had in mind was this next chart. This is a really interesting one. This shows what the world would look like if the size of the country was relative to the amount of oil that it had in reserve. Boy, this is a warped map of the world, isn't it? There is China and India over there, so small you can hardly find them because they have very little oil.

Saudi Arabia is huge. It just dominates the landscape. Saudi Arabia has 22 percent, more than one-fifth of the world's reserves of oil. And notice little Kuwait through there, a tiny little province way down in there in the southeastern corner of Iraq, and Saddam Hussein thought that would look good as a province of Iraq, which was a problem about 12 years, 16 years ago, I guess. But look at the size of their reserves. Iraq and Iran, the United Arab Emirates, just dots on the map, and look at how much oil they have. Then across northern Africa, Nigeria, Libya, Algeria, Egypt, and so forth.

Look in our hemisphere. Venezuela of course dwarfs everything else. Venezuela has more oil than all the rest of our hemisphere put together. Russia, big, but not huge compared to these other reserves. Little Kazakhstan, you see it's fairly large there.

So some really striking things about this map. One is the size of the reserves in India and China. About almost one-fourth of the world's population lives in India, about one-third, really, live in India and China, and they have no more oil than we have. Notice that our two biggest suppliers of oil are Canada and Mexico, and they have less oil than we. Now, there aren't very many people in Canada to use the oil, so they can export it to us. Although there are a lot of people in Mexico, most of them are too poor to use the oil, so they can export it to us. But look how Venezuela is dominating this hemisphere.

Another thing that Condoleezza Rice had in mind when she made that statement about how oil is warping the world's diplomacy was the distribution of the reserves of oil. On the right over there, we have the top 10 oil and gas companies on the basis of oil reserve holdings in 2004. Notice that 98 percent of those are governments, nationally owned oil reserves. LUKOIL in Russia, big, and they have 2 percent, and they are kind of quasi-government, really.

But notice over here on the left. Now, this is the top 10 oil and gas companies on the basis of production. The graph on the right shows how much oil they have, and the graph on the left shows how much oil they are producing. The big boys up here, ExxonMobil and Royal Dutch Shell and BP and so forth, they weren't even big enough to show up over here on the right. They are not numbered among the top ten. So they don't own much oil but they are pumping a lot of oil that somebody else owns. So they are pumping 22 percent of the oil. But notice still that 78 percent of the oil is pumped by these national companies that own it there. Condoleezza Rice I'm sure had this in mind when she made that statement.

She also had this next chart in mind. This is an interesting one. This looks at holdings around the world. World energy picture of January of 2005. You will notice the symbols there for China. China is buying oil all over the world. Why would they do that? Because in today's world, it really doesn't make any difference who owns the oil. We own very little of the oil. We have 2 percent of the world's reserves, but we are using 25 percent of the world oil, and we do that because we come with our dollars. Let's hope it continues to be dollars rather than euros. We come with our dollars and we buy the oil.

So why are the Chinese buying up the oil when it doesn't make any difference in today's world economy who owns the oil? The person, the company, the country that comes with the dollars buys the oil. Well, at the same time that they are buying up all this oil, and I am sure Condoleezza Rice had this in mind, they were also very aggressively building a blue water navy. You see, you would need a blue water navy. We have the only one in the world now. You would need a blue water navy to protect the supply routes if you wanted to take the position that the oil was yours and you couldn't share it.

They have 1 billion 300 million people, and I can imagine that one day they may, with pressure from their people, tell the world, gee, I am sorry, but this oil is ours and we can't share it. They have 900 million people in what they call rural areas that, with the miracle of instant communication and television, have observed the benefits of the industrialized world, and they are clamoring for some of those benefits. I think that the Chinese recognize that they must do something to meet those demands or they might see their empire unraveling the way the Soviet empire unraveled.

So this is one group of people that have a concern about moving away from fossil fuels to alternatives, renewables. We have very few fossil fuels and so we have a big incentive to move away and develop renewables, and these are those who are concerned about national security interests.

There is a second group, and I don't have any charts for this group, but you have seen so much of this that you don't need me to have charts. This is a very large group of people who believe that our excessive use of fossil fuels, which is some releasing of carbon dioxide that has been sequestered through the ages when the sun shown on ancient subtropical seas and algae and small animals and plants and so forth grew there. Then at the end of the season they drop to the bottom and silt came in, and then more the next season. And then finally the tectonic plates opened up and they went down to a proper point where, with pressure and temperature and time, this organic material was converted into what we know today as oil and gas.

Coal is a little different. As a boy, I knew very well where coal came from because we lived in coal mining country. As a matter of fact, we had a coal mine on our farm, and the coal would come out of the mine, dust up to big chunks of coal. And we'd have to break some of those chunks to put it in our furnace. I remember taking that sledgehammer where it leaned against the wall and breaking a lump of coal and there it opened up and there was a big fern leaf. I remember as a kid the feelings I had. I wonder how long ago that fern grew. So I knew where coal came from plants. It came from plants that died. We can see the beginning of coal in the bogs of England, by the way.

But what we are doing in burning these fossil fuels is releasing the carbon dioxide that was sequestered in these plants over very long time periods. You see, what happens in photosynthesis is carbon dioxide is taken out of the air and oxygen is released into the air. If you now bury that plant, you now have sequestered the carbon dioxide. When you take it out and burn it, you are releasing the carbon dioxide.

In the last 100 years or so, we have doubled the concentration of carbon dioxide in our atmosphere. Now this is what we call a greenhouse gas. You see the effects, the greenhouse effects when you go out to your car in the parking lot in the summer and you open the door and that blast of heat hits you. What has happened is that the rays of the sun have come in over a broad spectrum of ways and they have heated up the interior of your car and that re-radiates in the infrared, and the glass of your car is relatively impervious to infrared, so it keeps that heat in there. The same thing happens in our world. The sun shines down and warms up things down here and they radiate back.

These greenhouse gases act very much in the atmosphere like the glass in your car or the glass in the greenhouse. It reflects the infrared back in, so it keeps us warmer. There are a growing number of people who believe that this increase in carbon dioxide, increasing the greenhouse gases are producing climate change in our world and producing a global warming. Of course, enough global warming could melt, it would take a very long time, couple of hundred years, probably, but could melt the polar ice caps. That would raise the level of the oceans about 200 feet. If you look around the world at the number of people who live in less than 200 feet above sea level, it's a big, big part of the world's population.

So these people who are concerned about global warming and climate change, and by the way, I would note that very small differences in temperature make huge changes in climate. During the last ice age about 10,000 years ago, our Earth was about 5 degrees Centigrade cooler than it is now. That is about 9 degrees Fahrenheit. That is not a whole lot. That is about like going from here to Minnesota. But that 9 degrees Fahrenheit difference in temperature caused the ice age.

So when you're looking at a temperature change and saying I go from one room in my house to another and there's a bigger change than that and the sky isn't falling, how come that is a big deal? Just remember that relatively small temperature changes can make huge climate changes.

Now, the solution to the problem that the climate change-global warming people see is exactly the same solution to the problem that the national security-concerned people see, and that is we have got to move away from fossil fuels. We have got to move to renewables where we are recycling the carbon dioxide. You see, if you burn something that grew this summer, if you burn it this fall, like burning wood from a tree that may have been growing for 30, 40 years, and taking CO_2 out of the air and storing it in the tree, then when you burn the tree, you put the CO_2 back in the air, but that is the same CO_2 the tree had taken out, so it's a balance and the CO_2 doesn't go up.

So what the climate change global-warming people want to do is to reduce our dependence on fossil fuels and the concomitant release of carbon dioxide and instead substitute these renewables which simply recycle the carbon dioxide.

□ 1645

Now, if you are going nuclear, by the way, it is even better. After you have paid a carbon cost for building the nuclear power plant, then there is no carbon dioxide produced for the duration of that nuclear power plant.

The third group that have common cause, and before I talk about this group, I want to note that I think that the best interests of mankind, the best interests of our country, the best interest of Republicans and Democrats, will be served if we don't criticize each others' premise. There are those who believe that the global warming thing is just silly. There are others who believe that the foreign countries that own all this oil are going to play nice and give us the oil, so why worry about the national security interests.

But rather than criticizing the premise of these others, why don't we just lock arms, because what we want to solve the problems, and in just a moment I am going to talk about the third problem, which I think is really the big one, is to reduce our dependence on fossil fuels and increase our reliance on alternatives.

The next chart, and I have got to go back 52 years to talk about the origin of this chart, because this all began 52 years ago. As a matter of fact, that anniversary will be the day after tomorrow. The 8th day of March in 1956, a speech was given in San Antonio, Texas, that I believe within a few years will be recognized as the most important speech given in all of the last century. That speech was given here in 1956, so we are right here on the chart now.

The United States is king of oil. We are producing more oil, using more oil, exporting more oil I think than any other country in the world, and an oil geologist by the name of M. King Hubbert in this very famous speech in San Antonio, Texas, told a group of oil people that in 14 years, roughly 14 years, it turned out to be 14, you will peak in oil production, and no matter what you do after that, you will not be able to produce more oil.

Now, remember, the United States then is king of oil. Oil wells everywhere, Oklahoma, Texas. A little interesting sidelight here, why were there so many? That is because, as I understand it, of the law of capture. If the oil came out of your well, you owned the oil, even though much of it might have been sucked out of the ground of the person that owned the land next to you. It was called the law of capture, I think. So if you wanted to get some of those revenues, you had to drill your own well. I understand that wells were drilled in graveyards and through the foyers of churches. If you look at some of those pictures, it looked like a forest of oil rigs out there, and I think the reason was this law of capture. But, right on schedule, in 1970 we peaked in oil production. This is a chart of that peak. We reached a peak here in 1970.

Now, M. King Hubbert had included only the Lower 48 in his prediction. He had not included Alaska, where we found a lot of oil. He had not included the Gulf of Mexico, where we found a meaningful amount of oil. But you notice that the slide down the other side of Hubbert's Peak just had a little blip from the oil that we found in Alaska and the Gulf of Mexico.

So, right on schedule M. King Hubbert and his prediction of a phenomenon which we call today peak oil,

said that we would reach that maximum in the United States in 1970. Now, this same forecaster, with the enormous credibility of having been right on target for the United States, said that the world would be peaking about now.

The next chart is an interesting one, and if you had only one graph, one chart you could look at to talk about this, it would be this one, because this has so much information on it. The little bars here show the discoveries of oil. You notice that we started discovering it way back there, some of it in the Depression really, and then after the end of the Depression just before the war, and then huge discoveries in the fifties, the sixties and seventies. But ever since then, down, down, down, down. Kind of a ragged down, because every once in awhile you hit a pretty big field, and here is the spike here. But on average every year since the seventies and eighties it has been down, down, down.

The solid black line here represents the oil that we have produced, which is also the oil we have used, because there is no big store of oil anywhere. We use it as we produce it. And a really interesting curve.

Notice the shape of this curve here. If nothing happened to change that curve, it would have gone off the top of the graph by this time. Well, something did happen to change the shape of that curve. You notice that changed in the seventies, and these were the oil price spike hikes engendered by the Arab oil embargo, and it caused a worldwide recession. Here is the worldwide recession, and, boy, we woke up, we and much of the rest of the world, and we found ways to do things more efficiently. Now we are recovering from that and the economy is great for most of the world, there is a little tremor now, but it has been a great economy. But you notice the slope of this curve after that is very much less than the slope of this curve.

There is an interesting statistic during the Carter years, up to the Carter years, as a matter of fact, that every decade we use as much oil as had been used in all of the world in all of previous history. Wow. What that means is, of course, when you have used half the oil, you have only one decade left. Well, we have really slowed down now. You can see the slope of this curve is very much less.

Now, when will the world reach its maximum oil production? See, what we have been doing since about 1980, we have found less and less oil, but we have used more and more oil, so this area here, the area above the oil that we found has been filled in by the oil that we found way back.

Now, we have got a lot these reserves left, and the makers of this chart say that this is the average of what we will find in the future. It won't be smooth, it will be up and down, but that is probably about the quantity that we will find. But we are using more. And they are suggesting that we will be peaking about now, as you can see, and that this area here will have to be filled in by reserves that we found back here, because we aren't finding any meaningful amount of oil now. So those who made this chart believe that oil in the world should be peaking about now.

The next chart shows the estimates of a number of authorities. Some of them have enormous uncertainty in when they think peak oil might occur. Here is one that says it could occur anytime between now and 2120, between 2020 and 2120. Here is one that says, gee, it could be anytime. But a great number of them believe it could be as early as about now. Here we are at about this point. A great many of them believe it could be now or shortly after this. So there is general consensus through most of the authorities in the world that peaking could be now.

The next chart kind of puts all of this in perspective, and this is an interesting chart. Let's just refer to the upper part of it. The lower part of it is a blowup of the upper part separating out gas from oil.

Hyman Rickover, who gave a great speech the 14th day of May, 1957, so this will be the 51st anniversary of his speech, noted that we were in an age of oil. I will have some quotes from his speech in a few moments. That we were in an age of oil. And he said in 8,000 years of recorded history we were, when he gave his speech, about 100 years into the age of oil.

This is a chart that looks not back through 8,000 years. But if we went back that far, the amount of energy used by mankind would be down here so near zero you could hardly see the difference. We go here about 400 years and the industrial revolution began with wood. And then we found coal, and, boy, it jumped up. And then we found gas and oil, and, wow, the quality of the energy, the extractability, how easy it was to get, how easy it was to use. And look what happened to energy use. It just spiked. Here we see that same discontinuity in the seventies, the worldwide recession, the oil price spike hikes.

Now, let's look at the next curve here, because this shows exactly the same curve. What we have done here is to expand the abscissa, that is this bottom, and compressed the ordinate, so now it is a low, smooth curve. If you pull this in and push that up, you can make the sharp curve that we saw over there. We had only gone this far over there. Now we really dip down the other side.

But I want to focus here on the yellow area of this chart. If we in fact are peaking in oil production, and if the world follows the pattern that we have been following in the United States, then the production of oil will look, it has looked up until now about like this, and in the future it will slide down the other side of Hubbert's Peak.

Today in the United States we produce half the oil that we produced in 1970, in spite of finding a lot of oil in Alaska and a fair amount of oil in the Gulf of Mexico, and in spite of drilling more oil wells than all of the rest of the world put together. So we are about at this point, I believe, and the demand is about 2 percent.

Now, 2 percent doesn't seem like much, does it? As a matter of fact, our stock market doesn't like 2 percent growth. It thinks that is anemic and it is likely not to do well. But 2 percent growth doubles in 35 years, and here we are talking about long time periods. It doubles in 35 years, it is four times bigger in 70 years, it is eight times bigger in 105 years, and it is 16 times bigger in 140 years.

This phenomenon of exponential growth caused Albert Einstein to respond to a question, gee, Dr. Einstein, what will be the next big energy force in the world? And he said the most powerful force in the world is the power of compound interest. The next, of course, after nuclear energy.

So, with this 2 percent growth, and I would submit that it is going to be hard to hold growth to 2 percent, because we have India and China coming on board. I was in Beijing about a year or so ago and they had banned bicycles in parts of Beijing because they were getting in the way of cars. With the demand of oil in India and China, I think it will be hard to hold it to 2 percent growth. But this is 2 percent growth, and it doubles in 35 years. So this period is 35 years.

Many people looking at the problem we face with peak oil say, gee, let's fill the peak. I think it is manifestly impossible to fill the peak, and I don't think we need to fill the peak. I would be happy if we were reasonably sure that we could just fill the area below this peak so we would have a plateau out here. I am not sure that the world will be able to do that. Neither am I sure that we have to do that to live well, actually.

The next quote is a quote from this really great speech given by Hyman Rickover. If M. King Hubbert's speech was the most important speech of the last century, and I think that it may have been, then I think maybe the most insightful speech of the last century was that speech given 51 years ago the 14th day of this May.

I came to this floor on the 50th anniversary of that, and Hyman Rickover's widow sat in the gallery there when I read largely from the really, really insightful prophetic speech that he gave.

These are some of the quotes. ''I suggest that this is a good time to think soberly about our responsibilities to

our descendants.'' I do a lot of that. I have 10 kids, I have 16 grandkids, and I have two great grandkids, so I think a lot about my descendants. ''Those who will ring out the fossil fuel age.''

Wow. I was thinking of this statement when I led a CODEL to China the last holiday, not this Christmas and New Year's, but the one before that, and we went there to talk about, the nine of us, went to talk to the Chinese about energy. And it was really interesting.

They began their discussion of energy by talking about post-oil. Wow. As Hyman Rickover said, there will be a post-oil, because if there is a fossil fuel age, the age of oil, then there will be some time after the age of oil. We in this country think in terms of the next quarterly report and how am I going to get myself elected the next time, and it is really interesting that people in that part of the world tend to think more in terms of generations and centuries. But the Chinese recognize that there will be an age of oil.

''Those who will ring out the fossil fuel age, we might give a break to these youngsters by cutting fuel and metal consumption so as to provide a safer margin for the necessary adjustments which eventually must be made in a world without fossil fuels. There will one day be a world without fossil fuels.''

I think that has to be obvious. If you look at the world, the whole thing is not oil, and, even if it was, it wouldn't last for oil. But it is certainly not. So there will be one day be a world without oil, and Hyman Rickover was suggesting 51 years ago was a good time to start thinking about how we make that transition.

The next chart shows a reality that I don't know how many have thought about. This is a chart which shows on the abscissa the amount of energy you use, and on the right over here it shows how happy you are with your station in life.

□ 1700

Now, we use more energy than anybody else, and so there we are, the furthest one over here to the right, but we are not the happiest Nation in the world. There are 24 countries, everybody above this line, feels better, not just as good, better, about their quality of life than we feel about our quality of life, and some of them use only about half as much oil as we use. And when I look at the future and the huge challenges that we have from the future, I note that we have a lot of opportunity to live more efficiently and to live, not just as happily, but to live more happily, because there are 24 countries that use less oil than we, some only half the oil that we use, who feel better about their quality of life than we feel about ours.

Now, this third group that has common cause with the first two, the first two being those who are concerned about our national security, we get far too much of our oil from over there and, as the President appropriately said, from people who don't even like us. The second group is concerned about global warming and releasing all of this sequestered CO_2 from these fossil fuels and dumping it into the atmosphere and producing these greenhouse gases that reflect back the infrared radiation to the Earth and warm up the Earth.

By the way, I lived in Siberia. You might have a hard time convincing me that a warmer Earth would be all that bad. And I would note that, if they played nice over there, these guys who have all the oil, that may not be a problem, so the national security thing may not be a problem.

I would submit that the Earth has been very much warmer in the past. That is the only way we could have had subtropical seas in the north slope and the North Sea and ANWR and so forth. A warmer Earth will be very different, better for some people, worse for others, and I don't think it is a risk worth taking. But many will argue that, gee, the sky may not fall if the Earth gets warmer.

But I will tell you that this third group of people, the people who are concerned about peak oil, there is no way that we are going to get through that without a very bumpy ride unless we aggressively pursue this challenge.

Now, I am excited about this. My wife tells me that I really shouldn't be talking about this because people in ancient Greece killed the messenger that brought bad news, and I need to get myself reelected and I shouldn't be talking about this. I tell her, this is a good news story. The good news is that if we start today to meet this challenge, the ride will be less bumpy than if we start tomorrow.

But the really good news part of this is that there is no exhilaration like the exhilaration of meeting and overcoming a big challenge. And, boy, this is a big challenge.

Many of the problems we have with our unemployed and our kids and so forth in this country are because time weighs heavily on their hands, and they end up doing sometimes hurtful things to themselves and society. I lived through World War II, the last war, by the way, in which everybody was involved. It was the last war in which our country was at war. Now, our military has been at war since then and our military families have been at war since then. But, boy, World War II, our country was at war. Everybody knew we were at war. Not a single automobile was made for public consumption in 1943, 1944, and 1945. You had to have a ration coupon to buy gas. If you convinced them you were a good churchgoer, they would give you enough to go to church; otherwise, you stayed home or walked to church. You had to get a coupon to get sugar to do your canning with. There was a real scarcity of automobile tires. We saved our household grease and took it to a central repository. We had daylight savings time, that comes this weekend, and we had daylight savings time because then we had an extra hour to spend in our victory gardens. And there was no law from Congress that said you had to have a victory garden, but, boy, everybody who could, talk to your grandparents, they probably dug up their backyard and they put a garden there. I saw pictures of vacant lots in New York City where they took all the rubble and piled it up in rows and planted gardens between them. Everybody was involved in that war.

And I will tell you, if we are going to get through this, this is a huge challenge, it will require the best of us. But we are the most creative, innovative society in the world. And, with leadership, which is I think fairly conspicuously absent today, I think that we can rally to this cause.

What we need to get through this is the total commitment we had in World War II. We need to have the technology focus of when we put a man on the Moon and we need to have the urgency of the Manhattan Project.

By the way, that technology focus would do other really nice things for us. I talk to a lot of businesses that cannot find enough technically trained people. Our young people today just aren't turned on to training in science, math, and engineering. Many of them are becoming lawyers and political scientists. I think we have quite enough of both of those, thank you.

I remember during the less than a decade, our President challenged us to do it in a decade and we did it in less than a decade, putting a man on the Moon. And I remember how turned on, it captured the imagination of the American people and inspired our young people to go into careers of math, science, and engineering. I remember a cartoon of a little redheaded, freckle-faced buck-toothed young fellow who said, ''Six months ago, I couldn't even spell 'engineer' and now I are one.''

Everybody wanted to be involved in this. And we need to have the technology focus that we had then, and what that will do is inspire more of our bright young people. We have really bright young people, and they need to be going into pursuits that will really be productive like science, math, and engineering. If we inspire them to go into those positions, we might once again become a manufacturing exporting Nation.

By the way, the technologies that we will need to develop to exploit these renewables, I think we could become the center for that in the world and, once again, could become a major exporting Nation.

Again, I say, we are the most creative, innovative society in the world. Somehow, somehow, the genius of our Founding Fathers and the Constitution they gave us, which really, really respects the rights of the individual, created a milieu, a climate in which creativity and entrepreneurship would flourish, and it is still flourishing. Just look at our small businesses, that they are responsible for bringing us out of recession. So I am really enthusiastic about this.

Everybody needs to be committed. We need to have the technology focus of putting a man on the Moon. And this is urgent. Just in the last few days, I have three things in front of me here where others are recognizing that this is urgent. There is a 2-day summit with our National Academy of Sciences, and they are looking at America's energy future. It is about time. They are going to be looking at America's energy future.

We have a huge challenge. We use one-fourth of the world's oil, we have 2 percent of the world's oil, and the President very correctly said that we are hooked on oil. And, like the cocaine addict who is hooked on his drug, he has just got to have another fix, and so now there is a clamor to go out and drill for that oil up in ANWR and drill for that oil offshore.

I haven't voted for those. I have 10 kids, 16 grandkids, and two great grandkids. We are leaving them a horrendous debt, not with my votes, but a horrendous debt. And I just ask, wouldn't it be nice if we could leave them a little energy?

I was asked to vote to drill in ANWR, and my question was: If you could drill and pump ANWR tomorrow, what will you do the day after tomorrow? And for my kids and grandkids and great-grandkids, there is going to be a day after tomorrow.

Now, I will vote to drill in ANWR and offshore when a commitment is made that all of the energy that we get from those fields will be invested in alternatives. You see, today we have a situation where we have run out of time and there is no surplus energy. If there was surplus energy, oil wouldn't be $105 a barrel this morning.

When I say we have run out of time, I am really very critical of what we, the world, has done in the last 28 years. I say 28 years because that takes us back to 1980. And, by 1980, it was absolutely certain that M. King Hubbard was right about the United States. We peaked in 1970. By 1980, we are sliding down the other side of what is called Hubbard's Peak. So we knew he was right about the United States. Now, I believe it was in 1979, just a year before, that he predicted the world would be peaking about now.

And I ask you, if M. King Hubbard was so right about the United States, shouldn't there have been some concern that maybe, just maybe, he might be right about the world? And wouldn't it have been appropriate to look at that possibility and put some programs in place that would address that potential eventuality?

You know, it is very difficult to look back on what we have done without using a couple of not very complimentary analogies. When we first found that incredible wealth under the ground, and, boy, that was incredible wealth. One barrel of oil, and we use about 22 million barrels a day in our country, by the way. One barrel of oil has the work output of 12 people working all year, 25,000 man hours of work.

When I first saw that number, I thought that can't be true; 12 people working all year, one barrel of oil has that much energy in it? And then I thought about that one gallon of gasoline, still cheaper than water in the grocery store if you are buying it in little bottles, how far that takes my Prius. Our Prius now is 47 miles per gallon averaging over the last maybe 20,000 miles. Now, I could pull my Prius 47 miles. That is almost all the way from here to my home in Frederick. That would take me a long while. I would have to get come-alongs and hook to the guardrail and so forth to pull the car. I could do it. And so I finally said, gee, that is probably right. Every barrel of oil has the energy equivalent of 25,000 man hours of work, 12 people working all year for you.

As a matter of fact, I saw a statistic recently that was really interesting. If there was no gas, oil, or coal, no nuclear, no sun, no hydro, if the only power available was the power of human activity to enjoy the quality of life that each of us enjoys, there would have to be 300 people out there working. That is the amount of energy from fossil fuels that each one of us consumes. We live as well as if there were 300 people out there working to support our quality of life. No wonder Hyman Rickover referred to this as a golden age.

The next chart kind of shows where we are and where we are going. All three of these groups want to move away from fossil fuels to alternatives, of course for very different reasons and, again, I stop criticizing each other's premise, because what we want to do to solve the problem as we see it is exactly the same thing: Move away from fossil fuels to renewables. How are we going to do that?

Now, there are some finite resources that are really quite unconventional, and we are exploiting some of them now. From the tar sands in Canada, we are getting about 1 million barrels of oil a day. That is with heroic efforts. They are using local gas which is stranded, which means that it is far away from any population and, therefore, it is cheap and so you can use it for something like this. They have a huge tailings pond which is full of all sorts of noxious chemicals. And the vein, if you are thinking of it as the vein, is on top and it will soon have to duck under an overlay so they have to exploit it in situ, and they don't know how to do that yet. They have a shovel, which lifts 100 tons at a time. They dump it in a truck, which hauls 400 tons. They haul it to a cooker, which cooks it until it loosens up its stiff oil and it flows, and they add some chemicals to it to keep it flowing when it cools down. They are getting about 1 million barrels a day, and that is 1 million out of 88 million that the world is producing. So a bit more than 1 percent, but it is not sustainable and they know it is not. They are going to need more oil, they are going to run out of water by and by.

But if they could continue this exploitation, there is more potential oil in the tar sands of Canada than there is in all of the huge oil reserves that we showed on that map of the world that we showed earlier. So there is a huge potential there.

□ 1715

But remember, in any one of these things, you need to look at energy-profit ratio, how much energy you need to put in to get out a unit of energy. And if you are putting in more energy than you get out, obviously you are not going to do that, and you are going to move on to some other source.

The oil shales in our western United States, they have reserves at least as large and maybe some larger, some believe, up in the trillions of barrels of oil.

By the way, and we will come to the number later, but the world had about we believe 2 trillion barrels of recoverable oil. We have recovered about 1 trillion of those barrels. Most authorities believe there is another trillion to be recovered. Some believe we can find more and get more out of the present reservoirs.

But in spite of the brightest people in the world, the most aggressive economy in the world, we have not been able to reverse our slide down the other side of Hubbert's Peak. So when you are listening to people speaking about a rosy future with abundant oil, remember that the United States with all of our superiority has not been able to reverse our slide down the other side of Hubbert's Peak.

There are a number of organizations looking at exploiting that. It is called ''the rocks that burn'' by the Indians. When you heat it up, it becomes oil. It is not exactly oil in the form that it is found. Can we develop that, how quickly, how much will we get from it, we will certainly get something from it by and by, but remember this energy-profit ratio.

Coal. We have a lot of coal. Not as much as we thought we had. The National Academy of Sciences took a new

look at that, and they said that the conventional wisdom that there was 250 years out there at current use rates, and be very careful when someone mentions current use rates when making projections for the future because, with growth, that time duration really shrinks.

The National Academy of Sciences now says we have something like 100 years of coal at current use rates. I have a chart that shows what that really means in terms of energy that is available to us.

Then we have nuclear. We have three different potential sources of nuclear energy. The one that the world is using for producing energy is fusion, light water reactor plants. France gets about 75 to 80 percent of their electricity from fusion. We get about 20 percent. We are much bigger than France and so we produce more electric power than France produces, but not so high a percentage of what we use.

Fissile uranium is a finite resource. The world will one day run out. I have no idea when that will be because I get wildly divergent estimates when I ask people how long will it last: 10 years, 30 years, 100 years. We need an honest broker. It is hard to have a discussion when there isn't agreement on the facts. I would like to commission the National Academy of Sciences to help us decide on what the reserves are and what the resources are so we can have a productive dialogue. But even when we run out of fissile uranium, we still can get nuclear power from what we call breeder reactors.

They have problems, and you are producing stuff that is potentially weapons grade and you are hauling it around for enrichment, and there are opportunities for terrorists. Then there is an end product that you need to store away for a quarter of a million years. I understand there are potential breakthroughs there where we can burn more of this fuel, and we end up with a waste product which is much less radioactive with a shorter half-life. So the storage problems are going to be reduced. There is lot of new technology in the nuclear area, and I will tell you that some who have been stout opponents of nuclear, when they are considering a likely alternative in an energy-deficient world of shivering in the dark, nuclear is looking better to them.

Nuclear fusion. That is the only energy source out there that is a silver bullet. If we find that, we are home free. By the way, we have a great fusion reactor. It is called the Sun. And the Sun is the source of almost all the energy we use. It was the shining of the Sun a long while ago that produced the plants that produced the gas, oil, and coal. It is the shining of the Sun that produces the differential temperatures and makes the winds blow. It is the sunshine that lifts the water from the ocean and the plains and drops it on the mountains and it flows down through the dams to produce hydropower. There are only a few sources of power that don't come from the Sun: nuclear, a trifling amount of chemical, and the tides don't come from the Sun.

By the way, there is a huge potential amount of energy in the oceans, but it is so disbursed that it is just hard to collar it. There is an old axiom that says that energy or power to be effective must be concentrated. Look at the tides. The Moon lifts the oceans 2 or 3 feet. I carry two 5-gallon buckets of water, and that is heavy. How much energy would it take to lift the whole ocean, 75 percent of the world's surface, 2 or 3 feet? But the problem is harnessing that energy.

But there are other potential ocean energy sources, like the ocean thermal gradients. In the tropics, it is very warm on the surface and very cold on the bottom. And there are several technologies for getting energy from that temperature difference.

Then we get to the true renewables. By the way, there are many people who don't really think it is necessary to talk about this because they are market enthusiasts, and they will tell you that the market will solve this problem. The market will solve this problem. You may not like the way that the market will solve this problem because the price of oil, unless we do something and move aggressively towards alternatives, may go really high. I hear people telling me gas may go to $20 or $25 a gallon in an energy-deficient world. So the market will solve the problem, but you may not like the way the market solves the problem.

There are two problems. One is that the resources are not infinite and they are not available in the time in which the market would like to have them. The second problem is that the market signals are not timely enough.

One of the big studies done, our government, your government, has paid for four studies. They are ignoring all of them. The first one, the Hirsch Report, said that the world has never faced a problem like this, and challenges us to plan for this a couple of decades ahead because they said if you haven't started to plan for this two decades ahead, there will be some economic consequences. If it is only a decade ahead, there will be big economic problems. And if you wait until it is upon you, and apparently it is, they said the world has never faced a problem like this. There is no precedent in history.

The next chart shows those things in an interesting form. I would like to use analogy for this chart, and that is, the young couple whose grandparents have left them a big inheritance and they have a lavish lifestyle where 85 percent of the money they spend comes from their grandparents' inheritance and 15 percent is from their income. They look at the inheritance and it is going to run out a long time before they retire at the rate they are spending it. So they have to either make more or spend less.

Here we are: 85 percent of all of our energy comes from coal, gas, and petroleum, the oil. So 15 percent is left. A bit more than half of that is nuclear electric power, and the rest is renewables. Now, some people have it 86–14, but it is roughly 85–15. Notice the breakout here of the renewables. In 2000, solar was 0.07 percent. So maybe it is 10 times bigger. That is still a tiny, tiny amount.

Wood. That is the timber industry and the paper industry wisely burning what would otherwise be a waste product, filling up landfills.

Waste energy. That is a great idea, a whole lot better than putting it in a landfill. We ought to recycle what we can productively recycle and then burn the rest of it. And there is a great facility in Montgomery County, and it is really a class facility. I wouldn't mind having it next to my church. It is a great-looking building. You don't see or smell the trash, and it is producing electricity. But that is not a solution to our energy problem because most of the trash that they are burning is the consequence of profligate use of fossil fuel energy. And in a fossil fuel-deficient world, that trash stream is going to be very much less. So for the moment that is a good idea, but it is not a solution to our problem.

Wind. Wind is the most rapidly growing alternative today. The leading country in that is Denmark. They produce electricity at a cent and a half a kilowatt hour. We can do it here for 2.5 or so cents a kilowatt hour.

Conventional hydro. We are tapped out on that, probably. Some believe we can get as much hydro from what is called microhydro. It is much less environmentally threatening, small devices in streams to produce electricity.

Alcohol fuel. I have just a moment to spend on that. The National Academy of Sciences says that if we turn all of our corn into ethanol, all of it, and discount it for fossil fuel input, that it would displace 2.4 percent of our gasoline. This is not ROSCOE BARTLETT saying that; this is the National Academy of Sciences. They noted if you tuned up your car and put air in the tires, you could save as much energy as you would get from all of our corn converted to ethanol. We haven't converted it all, but the amount that we have converted has doubled the price of corn. And our farmers diverted land from wheat and soybeans to corn, and there was an increased demand for wheat and soybeans, so now the price of all three, for these major foods, for poor people around the world is up.

In fact, a member of the United Nations said what we had innocently

done, inadvertently done, unintended consequences, was a crime against humanity because now three of the basic four foodstuffs in the world, rice, corn, wheat and soybeans, have increased in price because we had this government-subsidized corn ethanol program.

We will get something from biomass, from cellulosic ethanol, something from corn. But Hyman Rickover cautioned wisely in his speech 51 years ago, you should be careful eating your food. He also said you should be careful you don't burn up the fertility of your soil by removing the organic material which produces what we call tilth, which is what makes the difference between topsoil and subsoil. It holds nutrients and water. We will get something from these. I think now there is an irrational exuberance, as was said about the market a few years ago. We will get something, but it is not a silver bullet. It will not be a huge amount. And we use so much oil, it will barely make a dent in it.

Geothermal. That is true geothermal, tapping the molten core of the Earth. That is one source of energy that didn't come from the Sun. We need to exploit that more. That is not tying your air conditioner, your heat pump to ground temperature, which is a great idea. In the summertime to cool your house, you are trying to heat up that 100-degree air outside. It is easier to heat up the ground at 56 degrees. In the winter, you are doing the opposite.

The next chart looks at coal. This assumes 250 years. If you grow only 2 percent, and I think we will need to dip into our coal more than 2 percent, if we have less and less oil, it shrinks to 85 years. If you use some of the energy from the coal to produce a gas or a liquid, and it is not fair to make the comparison if you don't, then it shrinks to 50 years.

Now another interesting phenomenon here, which is unavoidable, we are going to have to share that with the world because if we use the oil that we produce from coal, then the oil we might have used someone else will use. So in effect you are sharing it with the world. So now 12 divided by 4, we use a fourth of the oil, is 12.5 years. It is even less if it is only 100 years, maybe 6 years or so.

The next chart is a great example of efficiency. This shows producing light from the incandescent bulb, the fluorescent, and the light-emitting diode. The green on the top is the light. It is the same in all of these. The blue is the energy. And notice that the incandescent bulb is a better heater than light source. I brood my chickens with that.

Notice the light-emitting diode. If you have an LED flashlight, you will forget when you put batteries in it, and we need to move to these kinds of technologies.

I have one final chart to end this discussion with. There are two major entities in the world that follow the production and consumption of oil, and they make assumptions about the future. I wouldn't pay much attention to their assumptions about the future because they have been consistently wrong, but they are very good at charting what we have used.

This is the EIA, the Energy Information Administration, a part of our Department of Energy; and it is the IEA, the International Energy Association, this is a part of the United Nations. This is a group that has been following what has been going on in Iran. Both of them have been tracking what we have been using in oil, and these are their lives.

□ 1730

And these are their lines. And notice, for about the last 3 years, 30 months or more, they're essentially flat. And during that time, that's just about the time that I have been coming here to the floor. It'll be 3 years the 14th day of March that I made my first speech on the floor here relative to this subject. And during that time, oil has doubled in price. Here we are at about $50 a barrel. And there we are up there at, well, off the chart now, above $100 a barrel.

In the few moments remaining to us, I'd like to look at a couple of charts. This is a very recent statement, January 22, by the CEO of Shell Oil. By the year 2100, the world's energy system will be radically different from today. Boy, will it. The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth of energy demand. And Shell estimates that after 2015, supplies of easy to access oil and gas will no longer keep up with demand. He's saying it's going to peak about then.

Mr. Speaker, I would like to close by saying again that this is an enormously invigorating challenge. America's up to this challenge. What we need is the leadership necessary to make this happen.

OIL AND GAS AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, we all spend time with search engines. We all spend time with Google. You know, if you Google the term ''gambling'' you'll get millions of matches. And of course, you can't come to a Google page without seeing the Wikipedia. And if you go to Wikipedia to see about gambling, it states that ''Gambling has a specific economic definition, referring to wagering money or something of material value on an event with an uncertain outcome.''

Mr. Speaker, this is exactly what is going on with energy policy here in the United States House of Representatives. Earlier today, the price of oil rose to a record high, nearly $106 a barrel.

We all feel pain at the pump. In fact, I drive a hybrid car back home, but it's still getting awfully expensive to fill up. And like any good Texan, I have a Ford F–150 pickup truck, and last week when I had to fill it with metal to drive to the recycler, it cost me almost $80 to fill up the truck.

In fact, since the Speaker of the House took the gavel on January 1, 2007, the average price of gasoline has increased by about $1 a gallon. The price of gas now back home for me is about where it was in the days after Hurricane Katrina. You remember Hurricane Katrina wiped out almost all the refining capacity in the United States, and the price of oil went up higher than anyone had ever seen it go before. The price of gas at the pump was higher than anyone had ever seen before, and we're there now.

And I've got to tell you, in Texas, this time of year, we generally have our cheapest gas. So what's it going to be on May 1 when we start having to have all of those fancy blended gasolines for the compliance with the Clean Air Act, and the peak of the summer driving season is about to start? We're likely to see gasoline at $4 a gallon back home.

And how does the House of Representatives handle this uncertainty and the resulting rise at the pump? By gambling. We bet our energy policy chips on future sources of energy that cannot fully support a country as large or as energy reliant as is the United States of America.

Last week, the House of Representatives voted to provide tax breaks to consumers who make green choices, and extends tax breaks to producers of renewable energy to create green jobs. Fair enough. But unfortunately, this scheme ignores the fact that green choices and renewable energy are currently more costly for consumers and are not yet ready for full market use.

In addition, the plan offsets these breaks by sending an $18 billion bill to the energy industry that will ultimately pass that cost on to the consumer.

Now, I'm not all that good at math, and I'm certainly not a gambler, but for the life of me, no matter how you add and subtract, I cannot understand how we stand to benefit by handicapping the very resources that we rely upon to get to work, to create our jobs, to go to school, to go to the grocery store or even to the doctor's office. By doing so, the democratic majority here in the House of Representatives is gambling American resources on a horse they know full well cannot possibly win the race.

Thanks to this legislation, the country has now lost $18 billion that could

have been spent by experts in the energy industry to expand renewable and alternative energy capabilities, the same energy capabilities that this scheme purports to promote.

I hope these new green jobs are close to home, because workers are going to have to pay for walking shoes in addition to work boots.

Mr. Speaker, why is the majority willing to gamble our economic and national security on the uncertainty of the energy sources of tomorrow in order to bow to the billion dollar environmental industry today?

Of course, Members of this House want to expand alternative and renewable energy resources. In fact, we must do so, as we just heard in the last hour. We must have clean, safe, reliable, affordable sources of energy to continue to compete in the 21st century. But these are not new technologies in which we are investing. Ethanol has been subsidized since the 1970s, in fact, probably earlier than that. We've had solar and wind power capabilities since the 1980s. Yet, somehow this majority believes that the reason that these technologies have not taken over is because of some sort of cabal by the energy market.

So rather than financially support the research into new technology, this body chose to strap higher costs on the backs of already cash-strapped Americans. What about the needs of the Nation's families today? What about the families struggling to pay for oil to heat their homes, gas to drive their cars?

Today we face a slowing economy, a credit crunch. We have a hard hit housing sector. So how does the majority respond to those who are struggling to pay for gasoline and heating oil? They say the energy equivalent of ''let them eat cake.'' Let them pay for something that is inherently more expensive than the current market provides.

Mr. Speaker, if California wants to cut energy demand by pricing people out of the market, as we just heard in the last hour, that's fine for them. But please don't think that the rest of the American people are going to sit back and let that happen without a fight.

Our economy is suffering. Our energy needs are great. This is not the time to double down on short-term schemes that deals long-term problems. America relies on energy to fuel our economy and our lives. That means that America needs real change to spur the development of new technology in the fields of renewable and alternative energy.

Let's spur this development in the right way and invest in all forms of energy, and let's do so without prejudice, without handicapping or picking the winners and losers based upon the cleanness or the carbon consciousness index, whatever that is.

Let me end by quoting the famous songster, Kenny Rogers, the Gambler, because it seems like an appropriate way to wrap up this discussion. ''You got to know when to hold them, you got to know when to fold them; know when to walk away and know when to run.''

Let's hope the other body walks away from this risky democratic scheme so we can keep Americans from having to pick up the marker for the House's irresponsible gambling habit.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT) to revise and extend their remarks and include extraneous material:)

Mr. YARMUTH, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. WATT, for 5 minutes, today.

(The following Members (at the request of Mr. LINCOLN DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, March 13.

Mr. JONES of North Carolina, for 5 minutes, March 13.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. KUHL of New York, for 5 minutes, March 13.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, March 10, 2008, at 12:30 p.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2007, pursuant to 42 U.S.C. 13218; to the Committee on Energy and Commerce.

5644. A letter from the Assistant Secretary for Management, Department of Veterans Affairs, transmitting the Department's Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2007, pursuant to 42 U.S.C. 13218; to the Committee on Energy and Commerce.

5645. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the March 2008 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

5646. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, September 18, 2007, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

5647. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the activities of the Community Relations Service (CRS) for Fiscal Year 2006, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

5648. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the use of exemption from antitrust laws provided by Section 405 of the Pandemic and All-Hazards Preparedness Act, Pub. L. 109-417; to the Committee on the Judiciary.

5649. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2007, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

5650. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill to amend subsection (e)(1) of Section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU, to allow a State to use funds from a grant under Section 2010 to promote the use of motorcycle helmets; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 1312. A bill to expedite adjudication of employer petitions for aliens of extraordinary artistic ability; with an amendment (Rept. 110–540). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. GRIJALVA, and Mr. DICKS):

H.R. 5541. A bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, Mr. COLE of Oklahoma, Ms. FALLIN, Mr. PICKERING, Mr. MARCHANT, Mr. THOMPSON of Mississippi, Mr. BONNER, Mr. SESSIONS, Mr. TAYLOR, and Mr. UDALL of New Mexico):

H.R. 5542. A bill to amend title XVIII of the Social Security Act to provide for a temporary moratorium on enforcement of the

cap amount on payments for hospice care under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. ENGLISH of Pennsylvania, and Ms. BERKLEY):

H.R. 5543. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase the retirement security of women and small business owners, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself and Mr. STUPAK):

H.R. 5544. A bill to amend the Public Health Service Act to authorize a demonstration project for integrated health systems to expand access to primary and preventive care for the medically underserved, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 5545. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. CANNON, Ms. ZOE LOFGREN of California, Mr. SHUSTER, Mr. WEINER, Mr. DELAHUNT, Mr. PLATTS, Mr. WELCH of Vermont, Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. HALL of Texas, Mr. BOOZMAN, and Mr. PETERSON of Pennsylvania):

H.R. 5546. A bill to amend the antitrust laws to ensure competitive market-based rates and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. MICHAUD):

H.R. 5547. A bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COHEN:

H.R. 5548. A bill to provide for the continued availability of automated stamp vending machines at facilities of the United States Postal Service serving underserved communities, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 5549. A bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. DAVIS of Virginia, Mrs. MALONEY of New York, Mr. CUMMINGS, Ms. NORTON, and Mr. SARBANES):

H.R. 5550. A bill to amend title 5, United States Code, to increase the maximum age to qualify for coverage as a ''child'' under the health benefits program for Federal employees; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Illinois (for himself and Ms. NORTON):

H.R. 5551. A bill to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. GIFFORDS (for herself, Mr. BILBRAY, Mr. ALEXANDER, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mrs. CAPITO, Mrs. CUBIN, Mr. DONNELLY, Mr. ELLSWORTH, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. HALL of New York, Mr. HILL, Mr. HUNTER, Mr. ISRAEL, Mr. KENNEDY, Mr. LAMPSON, Mr. MARCHANT, Mr. MITCHELL, Mr. MOORE of Kansas, and Mr. TANCREDO):

H.R. 5552. A bill to require a report on the efforts of the United States Government to increase border security; to the Committee on Homeland Security.

By Mr. ISSA:

H.R. 5553. A bill to suspend temporarily the duty on certain travel bags; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Mr. FILNER, Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. ALLEN, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, and Mr. COHEN):

H.R. 5554. A bill to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PLATTS:

H.R. 5555. A bill to amend the Internal Revenue Code of 1986 to allow volunteer firefighters a deduction for personal safety clothing; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 5556. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 5557. A bill to amend the Internal Revenue Code of 1986 to allow a full deduction for meals and lodging in connection with medical care; to the Committee on Ways and Means.

By Mr. PRICE of Georgia:

H.R. 5558. A bill to limit the discriminatory taxation of oil pipeline property; to the Committee on the Judiciary.

By Mr. PUTNAM:

H.R. 5559. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. WELCH of Vermont (for himself, Mr. SHERMAN, Mr. ALLEN, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CARDOZA, Ms. CLARKE, Mr. COURTNEY, Mr. CROWLEY, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DELAURO, Mr. DREIER, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. HALL of New York, Ms. HARMAN, Mr. HINCHEY, Mr. HODES, Mr. HONDA, Mr. INSLEE, Mr. KENNEDY, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Ms. ZOE LOFGREN of California, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mr. SCHIFF, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SIRES, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. FILNER):

H.R. 5560. A bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. WYNN, Ms. NORTON, and Mr. WOLF):

H. Con. Res. 311. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. WEXLER, Mr. BILIRAKIS, Mrs. MALONEY of New York, Mr. PAYNE, Mr. SMITH of New Jersey, Ms. WATSON, Mr. WILSON of South Carolina, Mr. FALEOMAVAEGA, Mr. MCCOTTER, Mr. MANZULLO, Mr. POE, Mr. GALLEGLY, Mr. MEEKS of New York, Mr. HOLT, Mr. FRANK of Massachusetts, Mr. FATTAH, Mrs. NAPOLITANO, Mr. MCNULTY, Mr. KENNEDY, Mr. SPACE, Mr. VAN HOLLEN, Mr. PALLONE, Mr. SARBANES, and Mr. CROWLEY):

H. Res. 1024. A resolution recognizing the 187th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Affairs.

By Mr. BOUSTANY:

H. Res. 1025. A resolution providing for consideration of the bill (H.R. 1843) to extend the termination date for the exemption of returning workers from numerical limitations for temporary workers; to the Committee on Rules.

By Mr. BISHOP of Georgia (for himself, Mr. TIAHRT, Ms. MATSUI, Mr. MILLER of Florida, and Mr. TANNER):

H. Res. 1026. A resolution recognizing the 100th anniversary of the founding of the Congressional Club; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. KINGSTON, Mr. GINGREY, Mr. FLAKE, Mr. PRICE of Georgia, Mrs. CUBIN, Mr. CHABOT, Mr. KUHL of New York, Mr. FRANKS of Arizona, Mr. PITTS, Ms. FOXX, Mrs. BACHMANN, and Mr. CANTOR):

H. Res. 1027. A resolution amending the Rules of the House of Representatives to strike rule XXVIII, popularly known as the ''Gephardt rule'', and to require recorded votes on measures that increase the statutory limit on the public debt; to the Committee on Rules.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. WATERS, and Mr. FILNER):

H. Res. 1028. A resolution reasserting congressional prerogatives in foreign policy and reaffirming the importance of following constitutional processes when the United States Government enters into agreements regarding the use or maintenance of the United States Armed Forces or the use of the financial resources of the United States to assist a foreign government or people and clarifying the nature and scope of status of forces agreements; to the Committee on Foreign Affairs.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. BACA, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. SALAZAR, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Mr. FATTAH, Mr. BUTTERFIELD, Ms. KILPATRICK, Mr. TOWNS, Mr. CONYERS, Ms. NORTON, Mr. HINCHEY, Mr. WATT, Mr. BRADY of Pennsylvania, Ms. CLARKE, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, and Mrs. JONES of Ohio):

H. Res. 1029. A resolution congratulating and recognizing Mr. Juan Antonio ''Chi-Chi'' Rodriguez for his continued success on and off of the golf course, for his generosity and devotion to charity, and for his exemplary dedication to the intellectual and moral growth of thousands of low-income and disadvantaged youth in our country; to the Committee on Oversight and Government Reform.

By Mr. NEUGEBAUER:

H. Res. 1030. A resolution recognizing the achievements of former Texas Tech University, Indiana University, and West Point men's basketball coach Bob Knight; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII,

240. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 267 memorializing the Congress of the United States to extend unemployment benefits as a key part of the federal economic stimulus package; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. BILBRAY, Mrs. CUBIN, and Mr. DOOLITTLE.

H.R. 471: Ms. ESHOO.

H.R. 503: Mr. ALLEN.

H.R. 552: Mr. BERMAN, Mr. DENT, and Mr. TOWNS.

H.R. 579: Mr. SAXTON and Ms. SLAUGHTER.

H.R. 706: Mr. LEWIS of California.

H.R. 768: Mr. BARRETT of South Carolina and Mr. COBLE.

H.R. 864: Ms. BALDWIN.

H.R. 1000: Mr. PASTOR and Mr. MURPHY of Connecticut.

H.R. 1032: Mr. BLUMENAUER.

H.R. 1043: Mr. LATOURETTE and Mr. BROWN of South Carolina.

H.R. 1063: Mr. BROWN of South Carolina.

H.R. 1117: Ms. WOOLSEY and Mr. KAGEN.

H.R. 1188: Mr. PAYNE.

H.R. 1228: Mr. DOOLITTLE and Mr. KIND.

H.R. 1282: Mr. KILDEE, Mr. PORTER, and Mr. ANDREWS.

H.R. 1419: Mr. CHABOT and Mr. TOWNS.

H.R. 1439: Mr. DONNELLY.

H.R. 1479: Mr. SCHIFF.

H.R. 1537: Mr. WILSON of South Carolina and Mr. PASCRELL.

H.R. 1553: Mr. BROWN of South Carolina.

H.R. 1554: Mrs. CUBIN.

H.R. 1576: Mrs. MUSGRAVE.

H.R. 1584: Mr. DAVIS of Kentucky, Mr. LAMBORN, Mrs. TAUSCHER, Mr. SKELTON, and Mr. BROUN of Georgia.

H.R. 1610: Mr. LATTA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. YOUNG of Alaska.

H.R. 1629: Ms. FOXX and Mr. ROTHMAN.

H.R. 1647: Mr. ALTMIRE.

H.R. 1691: Mr. COHEN and Ms. WOOLSEY.

H.R. 1738: Ms. LEE.

H.R. 1767: Mr. ENGLISH of Pennsylvania, Mr. DAVID DAVIS of Tennessee, and Mr. ARCURI.

H.R. 1783: Mr. KILDEE and Mr. OBERSTAR.

H.R. 1843: Mr. KLEIN of Florida.

H.R. 1975: Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mr. PASTOR, Mr. RAMSTAD, Mr. EMANUEL, and Mr. BACA.

H.R. 2016: Mr. HIGGINS.

H.R. 2020: Mr. HINOJOSA.

H.R. 2054: Mr. MORAN of Kansas and Ms. BALDWIN.

H.R. 2066: Mr. UPTON.

H.R. 2091: Mr. EMANUEL and Mr. DINGELL.

H.R. 2320: Ms. LEE.

H.R. 2370: Mr. MARIO DIAZ-BALART of Florida.

H.R. 2371: Mr. MARKEY and Mr. BURGESS.

H.R. 2533: Ms. ZOE LOFGREN of California and Mr. FILNER.

H.R. 2611: Mr. UDALL of Colorado.

H.R. 2652: Mr. KUHL of New York.

H.R. 2689: Mr. ROTHMAN and Mr. UDALL of Colorado.

H.R. 2702: Mr. SHAYS.

H.R. 2762: Mr. MANZULLO, Mr. UDALL of Colorado, Ms. FALLIN, Mr. ISSA, Mr. HUNTER, and Mr. DENT.

H.R. 2794: Mr. GORDON.

H.R. 2802: Mr. COHEN and Mr. KILDEE.

H.R. 2818: Mr. MARKEY and Mr. LARSON of Connecticut.

H.R. 2894: Mrs. BONO MACK, Ms. BALDWIN, Ms. HIRONO, Mr. FORTUÑO, Mr. SIRES, Mr. DOGGETT, Mr. TOWNS, Ms. CASTOR, Mr. HOLT, Ms. SLAUGHTER, Mr. MOORE of Kansas, Mr. MCNERNEY, Mrs. TAUSCHER, Mr. CHANDLER, Mr. LEVIN, Mr. BAIRD, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. KAGEN.

H.R. 2915: Mr. CUMMINGS.

H.R. 2922: Mr. GRIJALVA, Mr. ELLISON, and Ms. BALDWIN.

H.R. 2943: Mr. KILDEE.

H.R. 3029: Mr. COHEN.

H.R. 3098: Mr. AKIN.

H.R. 3212: Mr. SCOTT of Virginia.

H.R. 3326: Mr. PASCRELL.

H.R. 3360: Ms. LEE.

H.R. 3363: Mr. AKIN.

H.R. 3418: Mr. HASTINGS of Florida.

H.R. 3480: Mr. FARR and Mrs. TAUSCHER.

H.R. 3485: Ms. LEE.

H.R. 3494: Mr. HELLER and Mr. HULSHOF.

H.R. 3533: Mr. DONNELLY and Mr. SMITH of Texas.

H.R. 3660: Ms. ESHOO.

H.R. 3779: Mr. EHLERS.

H.R. 3817: Mr. GERLACH.

H.R. 3928: Mr. DUNCAN.

H.R. 3981: Mr. RANGEL and Mr. ACKERMAN.

H.R. 4061: Mr. BROUN of Georgia.

H.R. 4088: Mr. KELLER and Mr. COHEN.

H.R. 4125: Mr. GONZALEZ.

H.R. 4206: Mr. MARKEY, Mr. HINOJOSA, and Mr. REHBERG.

H.R. 4218: Mr. GRIJALVA, and Ms. HERSETH SANDLIN.

H.R. 4279: Mr. PENCE.

H.R. 4516: Mr. STARK.

H.R. 4651: Mr. LATHAM.

H.R. 4838: Ms. TSONGAS.

H.R. 4845: Mr. KLINE of Minnesota.

H.R. 4879: Mrs. MCCARTHY of New York.

H.R. 4900: Mr. ROSS, Mr. SESSIONS, Mr. BOUCHER, Mr. BROWN of South Carolina, Mr. KELLER, Mr. COLE of Oklahoma, Mr. MARCHANT, Mr. KUHL of New York, Mr. TANCREDO, and Mr. MCCAUL of Texas.

H.R. 5036: Mr. RANGEL.

H.R. 5057: Ms. BALDWIN.

H.R. 5109: Mr. KELLER and Mr. SHUSTER.

H.R. 5124: Mr. CAMPBELL of California.

H.R. 5161: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5172: Mr. KLEIN of Florida.

H.R. 5180: Ms. MCCOLLUM of Minnesota, Mr. MITCHELL, Mr. ELLSWORTH, Mr. WELCH of Vermont, Mr. SHULER, Mr. HODES, Mr. MORAN of Virginia, Mr. ROSS, Mr. BOREN, Mr. DAVID DAVIS of Tennessee, Mr. GALLEGLY, Mr. GORDON, Ms. BALDWIN, and Ms. CORRINE BROWN of Florida.

H.R. 5265: Mr. CARNAHAN, Mr. WILSON of Ohio, and Mr. GEORGE MILLER of California.

H.R. 5268: Mr. HALL of New York, Ms. SUTTON, Mr. ELLISON, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Mr. ENGEL, Ms. BERKLEY, Ms. CASTOR, Mr. MCDERMOTT, Mr. BOUCHER, Mr. KUHL of New York, Mr. LOEBSACK, Mr. MCNULTY, Mr. HOLT, Mr. GENE GREEN of Texas, Mr. GRIJALVA, and Ms. BALDWIN.

H.R. 5269: Mr. GENE GREEN of Texas.

H.R. 5395: Mr. SIRES, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK, Ms. LEE, Mrs. CHRISTENSEN, Mr. BLUNT, Mr. JACKSON of Illinois, Ms. CLARKE, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. NORTON, Mr. SCOTT of Georgia, Mr. TOWNS, Mr. WATT, Mr. SARBANES, Mr. KUCINICH, Mr. LYNCH, Mr. MARCHANT, Mr. ISSA, and Mr. JORDAN.

H.R. 5401: Mr. KLEIN of Florida.

H.R. 5443: Mr. TOWNS and Mr. MORAN of Virginia.

H.R. 5445: Mrs. MCMORRIS RODGERS, Mr. MCHUGH, and Mr. BONNER.

H.R. 5447: Mr. MARSHALL, Mr. PAYNE, and Mr. LEWIS of Georgia.

H.R. 5448: Mr. BISHOP of Georgia, Mrs. MALONEY of New York, and Mr. LEWIS of Georgia.

H.R. 5450: Ms. SCHWARTZ, Mr. CANNON, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. FORTENBERRY, Mr. AKIN, and Mr. CONAWAY.

H.R. 5464: Ms. ROS-LEHTINEN.

H.R. 5465: Mr. ACKERMAN, Mrs. CAPPS, and Mr. GORDON.

H.R. 5467: Mr. ENGLISH of Pennsylvania, Mr. PAUL, Mr. ARCURI, Mr. JONES of North Carolina, and Mr. HALL of New York.

H.R. 5472: Mrs. JONES of Ohio, Mr. GOODE, Mr. RUSH, Mr. JEFFERSON, Mr. MCGOVERN, Mr. HINOJOSA, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CORRINE BROWN of Florida.

H.R. 5475: Mr. PORTER.

H.R. 5511: Mrs. MUSGRAVE and Mr. SALAZAR.

H.R. 5515: Mr. CAMP of Michigan, Mr. CANTOR, Mr. ENGLISH of Pennsylvania, and Mr. HERGER.

H.R. 5519: Mr. RODRIGUEZ, Mr. ALTMIRE, and Mr. ACKERMAN.

H. Con. Res. 75: Mr. CAPUANO.

H. Con. Res. 137: Mr. BONNER.

H. Con. Res. 224: Ms. LEE.

H. Con. Res. 284: Mr. LAMBORN, Mr. PICKERING, Mr. SALI, Mr. SHULER, Mr. COBLE, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. GINGREY, Mr. JORDAN, Mr. FEENEY, Mr. PITTS, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. GOODE, Mr. CONAWAY, Mr. KING of Iowa, Mr. BILBRAY, Mr. BARRETT of South Carolina, Mr. DAVID DAVIS of Tennessee, Mr. BRADY of Texas, Mrs. BACHMANN, Mrs. CHRISTENSEN, Mr. MCCOTTER, and Mr. TANCREDO.

H. Con. Res. 301: Mr. MCDERMOTT and Mr. POE.

H. Con. Res. 302: Mr. LEVIN, Mr. CARTER, Mr. BERMAN, Mr. OBERSTAR, and Mr. MCDERMOTT.

H. Res. 49: Mr. MARIO DIAZ-BALART of Florida and Mr. KNOLLENBERG.

H. Res. 105: Mr. AKIN.

H. Res. 259: Mr. CASTLE.

H. Res. 351: Mr. LUCAS and Mr. KELLER.

H. Res. 690: Mr. MURPHY of Connecticut and Mr. POE.

H. Res. 888: Mr. LATTA and Mr. CAMPBELL of California.

H. Res. 892: Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. ROTHMAN, Mr. TIBERI, Mr. TOWNS, and Mr. GRAVES.

H. Res. 895: Ms. MCCOLLUM of Minnesota, Mr. PRICE of North Carolina, and Mr. SCOTT of Virginia.

H. Res. 959: Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. SAXTON, Mr. EVERETT, and Mr. UDALL of Colorado.

H. Res. 962: Mr. SCOTT of Virginia, Ms. BORDALLO, Mr. BECERRA, Mrs. BONO MACK, and Mr. GARY G. MILLER of California.

H. Res. 991: Mr. REYNOLDS.

H. Res. 997: Ms. BERKLEY, Mr. HINOJOSA, Mr. SHIMKUS, Mr. SHUSTER, Mr. MCCOTTER, and Mr. ENGEL.

H. Res. 1006: Mrs. CAPITO.

H. Res. 1008: Mr. GENE GREEN of Texas.

H. Res. 1016: Mr. BURTON of Indiana, Mr. KELLER, Mr. HOEKSTRA, Ms. GRANGER, Mr. CONAWAY, Mr. GALLEGLY, Mr. CANTOR, and Mr. WELDON of Florida.

H. Res. 1018: Mr. MEEKS of New York, Mr. TANNER, Mr. ABERCROMBIE, Mr. KIND, Mr. CRAMER, Mr. BERRY, Mrs. GILLIBRAND, Mr. BAIRD, and Mr. ROSS.

H. Res. 1021: Mr. MICHAUD, Mrs. LOWEY, Mr. CARDOZA, Mr. WAXMAN, Ms. RICHARDSON, Mr. SHERMAN, Ms. WATSON, Mr. MCNERNEY, Mr. HONDA, Ms. SHEA-PORTER, Mr. CUMMINGS, Mrs. BIGGERT, Mrs. BOYDA of Kansas, Ms. FALLIN, Mrs. BONO MACK, Mrs. CAPITO, Ms. SOLIS, Mr. NADLER, Ms. ESHOO, and Mr. HARE.

PETITIONS, ETC.

Under clause 3 of rule XII,

220. The SPEAKER presented a petition of the Council of the City of Binghamton, New York, relative to a Resolution urging the Congress of the United States to open an impeachment inquiry into President George W. Bush and Vice President Richard Cheney in defense of the United States Constitution; to the Committee on the Judiciary.

SENATE—*Thursday, March 6, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Warren W. Watts of Tri-County Pastoral Counseling Services, Martinsburg, WV.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Heavenly Spirit, eternal light of this world, who knows each of us and is with us always. As the Members of this Senate gather, may their hearts be open, their spirits willing, and their minds challenged by the business of this day.

We thank You, Lord, for the dedication shared by this elected body. While representing a variety of people from different professional settings, they all share a common goal of helping and guiding our people and this Nation we lovingly call the United States of America.

Heavenly Spirit, be for each Senator their strength, their armor and their shield in facing and overcoming the many challenges of operating an effective government.

Let these Senators serve with integrity and courage and bless each family and State represented. As our forefathers trusted in You, may this be the legacy of this Senate and of our great Nation. All that we have, all that we are, we owe to You, our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business for 1 hour. The time will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half, the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of S. 2663, a bill to reform the Consumer Product Safety Commission. When the Senate resumes consideration of that measure, there will be 15 minutes for debate prior to a vote in relation to the Vitter amendment, amendment No. 4097. It relates to attorney's fees.

Senators should be prepared to vote sometime early this morning before 11 o'clock.

MEASURES PLACED ON THE CALENDAR—S. 2709, S. 2710, S. 2711, S. 2712, S. 2713, S. 2714, S. 2715, S. 2716, S. 2717, S. 2718, S. 2719, S. 2720, S. 2721, AND S. 2722

Mr. REID. Madam President, it is my understanding there are 14 bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2709) to increase the criminal penalties for illegally reentering the United States and for other purposes.

A bill (S. 2710) to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a ''no match'' notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

A bill (S. 2711) to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes.

A bill (S. 2712) to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

A bill (S. 2713) to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

A bill (S. 2714) to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

A bill (S. 2715) to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

A bill (S. 2716) to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes.

A bill (S. 2717) to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

A bill (S. 2718) to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

A bill (S. 2719) to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

A bill (S. 2720) to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

A bill (S. 2721) to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

A bill (S. 2722) to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

Mr. REID. Madam President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

IMMIGRATION

Mr. REID. Madam President, we had the opportunity last year to debate, at great length, immigration. We spent weeks of Senate time on immigration. I appreciate the concern of those interested in moving those bills we reported. We knew it was coming. There was a big press fanfare that these bills were coming.

What we tried to do last year, and there was bipartisan support, we could not get 60 votes, but we had bipartisan

support. We wanted to make sure our northern and southern borders were secured. That was where we directed our first attention with our legislation.

We also recognized that all over the country there are issues relating to the need for temporary workers. There are people who would say: Well, why would someone from Nevada be concerned about temporary workers?

Well, the Presiding Officer comes from a State where agriculture is big. But agriculture in certain parts of the State of Nevada is big. We are the largest producer of white onions in America; we produce the largest amounts of garlic, and, of course, huge amounts of alfalfa.

With corn being used so much as it is for the production of alternative fuel, alfalfa is becoming a very high-quality, very important product. So we need temporary workers in the farm communities throughout Nevada, but we also need them, on occasion, with our resort industry.

So, No. 1, secure our borders, north and south. No. 2, we need to take a look at guest workers, not in Nevada but the whole country. There is a need to take a look at them.

Thirdly, our legislation said what are we going to do with the 11 or 12 million people who are here who are undocumented? Our legislation directed toward that, was it amnesty? Of course not. But what it did was set up a process that people who were in the country who were undocumented could come out of the shadows. Would they go to the front of the line? Of course not. They would go way to the back of the line.

After having paid penalties and fines, learned English, stayed out of trouble, paid taxes, it seems quite fair, after some 13 years or 14 years, they would be able to have their status readjusted. It is important we do that. It is very clear we cannot deport 12 million people. I am not sure—maybe some want to do that, but I think, realistically, that is not part of what this country is about.

Finally, what we need to do is take a look at what we did in 1986; that is, we established a new setup for immigration, and it was where we would have employer sanctions; we shifted it from the Government to employers. So we had four basic things in our immigration legislation: Border security, temporary workers, path to legalization, and do something about employer sanctions that was more meaningful.

This was a good, strong piece of legislation. There were other things in that. But those were the four main parts. So I would hope this legislation, which was supported by the President, is legislation we could move forward on at some time.

Everyone has a right to offer whatever legislation they wish to offer. I acknowledge that. But I would think that rather than trying to piecemeal this legislation with little bits and pieces here, as everyone knows, if anything to do with immigration comes to the floor, other people who are concerned about certain aspects of border security—temporary workers, pathway to legalization, employer sanctions—would offer amendments.

The difficulty we have had getting bills to the floor and having legislation proceed has been very difficult. So I wanted everyone to know this legislation which was brought to the Senate today, and as I repeat, with great fanfare, big press events, if people want to do something about legislation on immigration, I do not think this is the right way to go. I hope the American public sees this for what it is.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AMT

Mr. MCCONNELL. Madam President, for the last few days, I have come to the floor to propose a number of potential remedies Congress could employ to address the current housing downturn; remedies aimed at helping those who are struggling most and at creating new opportunities for others.

In this economy, Congress certainly has a role to play. And that role is to help those in urgent need, while at the same time taking a longer view of the economy and its future strength.

Taxes are an area where Congress can clearly play a helpful or a harmful role. So the debate over the looming AMT tax, which is set to hit millions of middle-class Americans with an average tax hike of about $2,000 this year, is extremely important.

Last year, at a time when there was less concern about the economy overall, both parties agreed that a tax which was never meant to hit the middle class should be blocked. More than 170,000 families in my State are in danger of being hit with the AMT tax this year.

Nearly 900,000 taxpayers in Florida are in danger of getting hit by it. It is about the same number in Texas and Illinois, and Massachusetts, and Pennsylvania. In Ohio, nearly 900,000 taxpayers are expected to get hit. And then there is New York and California. In New York, more than 3 million families are in danger of getting hit with the AMT this year, and in California nearly 4½ million families and individuals are in danger of being stuck with this tax.

Last year, Republicans insisted that if we were going to protect people from a tax they were never meant to pay in the first place, this meant not raising some other tax on them somewhere else. Senate Democrats came to share that view as well.

This year, Senate Democrats wisely opted in their budget resolution to take the same approach that prevailed last year: No new taxes, no new taxes to cover the AMT patch.

House Democrats, on the other hand, have opted for a different approach. They want to raise taxes by more than $60 billion to pay for the AMT. And they want to do it by circumventing the legislative process. They should know from the outset that Senate Republicans will oppose this stealth and unfair tax hike, and we fully expect it will fail.

As the Chairman of the Budget Committee, Senator CONRAD, has said: Raising taxes to pay for the AMT is ''not the will of the Senate.''

Republicans stood strong for two basic principles last year when it came to the budget: The tax burden is already too high for working families and the businesses that create jobs in this country. And spending needs need to be kept in check to the President's top line.

We not only insisted on these principles, we fought for them. And on behalf of the American taxpayer, we prevailed. I have no doubt we will have similar success this year.

Republicans fought hard for fiscal discipline last year at a time when the economy was not the central concern of the American people. At a time when it is the central concern of the American people, we cannot be talking about raising taxes by tens of billions of dollars. We need to be expanding the family budget, not the Federal budget. The House should know that in this economy, this is a principle Senate Republicans will defend aggressively.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. MCCASKILL). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBSTRUCTIONISM

Mr. SCHUMER. Madam President, today I am here to talk about the obstructionism across the aisle and how it is hurting our country, preventing progress, preventing change at a time when Americans demand change. This chart says it all: 73 Republican filibusters and counting.

The Republican Party, Leader MCCONNELL, and others have pointed out that a handful of the filibusters may have been started by Democrats. We can look at the circumstances of those. Maybe those were done because there was no choice, because somebody else was delaying in another way. But let's say there were 10 of these that are Democratic. Then we will change this number from 73 to 63. It is still overwhelming. It is still the record.

The point we are making is very simple: This Republican minority, unable to put forward its own agenda, unable because they are not in sync with America, can only obstruct. If you had a single word to describe the tenor of the Republican minority this year and last year, this session of Congress thus far, it would be ''obstruct.'' If you needed two words, it would be ''obstruct, obstruct.'' If you needed a few more words, it would be ''obstruct, obstruct, and then obstruct again; get in the way.''

Admittedly, this body was designed, in the wisdom of the Founding Fathers, to be the cooling saucer. This body is supposed to take a careful look and slow things down. But there are times when history demands change. There are times when the minority has understood that, and even though they would modify the way change occurs, they don't stand in the way and just say no. This is one of those times.

Technology has changed our world. It is not the same world it was even 10 or 15 years ago.

Technology has created terrorism. Why? Small groups of bad people have been enabled by technology to strike at New York or London or Madrid and innocent civilians.

Technology has created one global labor market in so many different areas. It means the kids in the schools of New York or Arkansas or Missouri have to compete with the kids at schools in Berlin and Beijing and Bangor. It means that jobs are competing. It used to be New York State would compete with Connecticut and New Jersey and Pennsylvania and Missouri and Arkansas. Now we compete around the globe. That is technology, nothing else.

Technology has allowed us all to live longer. Praise God. The average life expectancy goes up and up and up. I have a Dad who is 84. He plays golf. Thirty years ago, a man 84 was rare, and when someone was 84, they were old and frail. My dad, who led a hard life—so happy he now has a nice, happy life—is active. He drives all around, argues with my mother about how far he can drive, and all of that.

We live longer, but that creates new strains on us as well. What about health care for our elderly people? The costs go up, and every one of us would give our right arm to see our mother or father have another good year of health, or husband or wife or child. It means pensions and what we do with later-life changes. It also means we live longer and things get stretched out. People get married later. They are not in a rush to get married and have a family. They find careers later. They experiment. In the day when you had to just get a job quickly—a lot of people don't do that anymore. So it has changed that.

Technology has even changed little things. Our parents felt very much in control of us. I would get home at 3 o'clock from grade school, and I would go out on my street to play. It was baby boom time. There were 50, 60 kids. We played all kinds of games and ran around. These days, more likely, the children stay home. They are on the Internet. Lord knows what they are seeing. It is a different world.

Technology has changed everything, and technology demands that the U.S. Government help people adjust to that technology so they can continue to have the great American life. That is what America is demanding—change. Look at the polls. They are unprecedented. How many people think our country, under George Bush's leadership, is moving in the right direction? A smaller and smaller percentage. How many people think we need significant change? A larger and larger percentage. We can argue about what that change should be, but change we must or our children and even ourselves in later years will not have the same good life we have today.

We on the Democratic side are seeking to bring about some of that change. Some of it is quite large—change the course of the war in Iraq, change our health care system, change our energy policy. Some of it is smaller but important.

What do we face from the other side? The word ''no'' and the word ''no'' again and the word ''no'' again. Using the Senate rules, which allow them to require 60 votes on even the smallest measures, they have slowed everything down. Again, the exact number is not the point; it is that they have set the record. Republican filibusters are rampant. A few of these are ours, many are theirs. They will get to 73 soon, I assure you.

Why do they do it? I will tell you why. I try to study history a little bit. I am hardly a Ph.D. in history, but I like to read about it, think about it. There are times when there is a paradigm shift in our politics. The year 1980 was one such time. Most of my colleagues on the other side of the aisle came in in that 1980 Ronald Reagan paradigm: strong security, shrink government, family values. Those were very attractive. Now the times have changed. The old way doesn't work. But their base—20 percent of the electorate but half, maybe more, of the Republican base—is stuck in that old world. So they have one foot in one camp. They see where the public is, but they can't move. Their base and their inability to break with that base have them paralyzed. So there is only one choice—obstruct, say no. When you can't say yes about anything, say no. That is what they have done—63, 65, 67, 68, 69. Again, we are busy calculating how many, but it is a whole lot, and it is a record.

Let me talk about one example, the housing crisis. Our economy is heading south. The numbers are not good. Unemployment is going up. Job creation is meager, anemic almost. The amount of income people have is declining, and expenses are going up. Just to continue to buy energy—oil, gas, heating oil—food, with prices that have gone through the roof because of energy in part, eats up all of most average families' extra income. So our economy is hurting.

What is at the bull's-eye of that economic downturn? It is housing, all kinds of problems. Again, the old philosophy, Reagan philosophy—don't regulate these new mortgage brokers—has led to a disaster. The banks were pretty regulated. They are not to blame in this crisis by and large, the initial banks that made mortgages, the community banker, for instance, regulated by the Federal Government. But the mortgage brokers who are not affiliated with banks, unregulated, are clearly at the nub of this. They were unregulated, and that was the old philosophy on that side of the aisle—no regulation, let the buyer beware. Well, the buyer got hurt. But as we learned in economics, the person in the house next door, who is fully paid on his or her mortgage, got hurt because his or her housing values went down.

Now we even have a credit freeze because people so miscalculated—the great financial moguls so miscalculated the value of these mortgages, it has now cast into doubt the way we evaluate credit everywhere. The Port Authority of New York just paid 17 percent for a short-term bond. Everyone knows the Port Authority is going to pay it back—they have a great revenue stream—but still, people are worried.

So the only way we are going to get to turn this economy around is do some things with housing. We on the Democratic side proposed a modest package of five measures, many of

which had bipartisan support—raising the mortgage revenue caps was proposed by President Bush—and every one of them was designed to be focused, not that expensive—some money but not a huge program, designed to bring support from the other side.

Then Senator REID went to the floor and said: There are good ideas from the other side of the aisle. Senator ISAKSON has a very interesting idea about a credit for first-time home buyers for a while to encourage people to buy homes and get this housing market going. Senator REID offered Senator MCCONNELL the opportunity—you offer your amendments, modify the housing package, and let's move forward.

Again, what did we get? I don't know what number it was: another block, another filibuster, another requirement that we are not going to let this go forward. We are either going to delay and delay and delay with countless amendments, irrelevant amendments, or we will not let you move forward on any of your amendments—either one fitting into this category of ''filibuster.''

Why don't they join us? Here the economy is sinking, and yet we had one vote, I believe it was, on the other side of the aisle saying: Let's move forward and get a housing package.

We are willing to entertain your amendments—not amendments that have nothing to do with housing: the estate tax—you know, the old saws. Let's do that another time. We have done it before. I am sure we will do it again, probably on the budget that is coming up next week. But let's move forward on housing.

Senator REID was extremely generous in his offer. What was the answer? No. This chart, in other words, says: No.

Our country demands change. Housing is in crisis. The housing crisis has spread like ripples outward on a pond, hurting—hurting—our economy, hurting it as a whole. Here we have a smart, well-designed, thoughtful, and not overly broad package of housing reforms, and instead of debating, the other side obstructs. Is it because there are few on that side of the aisle who say: No Government involvement, and they are able to exert their will on the whole Republican minority and say: Just stop it? Is it because most of the other side is scared of the Republican base that says: No Government involvement, let the economy sink?

We heard that from Herbert Hoover. We heard that from William McKinley. We have learned about the economy since those days. We have learned that smart government involvement, particularly when there is an economic downturn—people are hurting, jobs are not being created—is the right thing to do.

Again, we can debate what the right way to do it is. I am sure most on the other side would more prefer tax cuts. Some of us prefer some money for CDBG or mortgage counselors—some Government spending. But let's debate it, and let's come up with a result. And instead: No. Filibuster. Again, maybe it is No. 73, maybe it is No. 69, maybe it is No. 67. I don't know what number it is. They are busy calculating that upstairs. But it is a big two-letter number.

The only thing I can say, putting on my political hat—I will tell you, the public is demanding change. The times, they are a-changing. If you do not seek to make that change, you will be called accountable in November. I do not want that to happen. I want to see a good, robust election. I want to see Democrats pick up seats. But given the choice, I would much rather have us join together in constructive legislation and each get credit for it.

But that is not going to happen unless we have a change in attitude, unless we go back to the old ways when filibusters were used on issues of major import but not used routinely to block every single piece of legislation.

Let us hope the membership on the other side of the aisle will see the light. Let us hope they will see that mere obstructionism is not what the country wants. Let us hope they understand there is a demand for change out there in the country. And let us hope they will join with us in seeking that right degree of change with open debate, with discussion of relevant amendments, and moving forward to heal some of the economic wounds the country is now facing.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

IMMIGRATION

Mr. SESSIONS. Madam President, yesterday 12 Senators announced their intention to file 15 bills that would deal with the broken immigration system we have—15 responsible pieces of legislation that would be effective, in discrete, separate ways, to close some of the loopholes that are making our immigration system not work.

This is important. It is important for the Senate to undertake this. I believe we should follow through, in the wake of last year's defeat of the massive amnesty proposal, with what so many Members have promised: real reform and real enforcement and border security first. That was what we decided last summer, I think, by most observers. We decided that amnesty before enforcement was backwards, and we needed enforcement first. That is what we talked about, and that is what the vote indicated when there was a massive defeat of that comprehensive bill.

Now, the majority leader this morning, to my dismay, called that discussion yesterday fanfare. He said he hoped the American people can see what is going on here. Let's be frank about what is going on here. The majority leader, by those words, indicates to me he has no intention of moving forward with enforcement legislation. The leader of the Democrats in the Senate has indicated he does not want to go forward with it and that he is still in last year's and the year before's philosophy that the way to handle immigration is to refuse to pass anything that impacts positively enforcement until he is able to force through a massive amnesty.

I will not go into the details of that discussion last year, but it was honest and detailed and long. When the debate was over, the American people and this Senate voted it down. We rejected it because it will not work that way. We must have the enforcement first. There are so many loopholes out there.

It is disappointing. That is, frankly, where we are. Fourteen of his colleagues on the Democratic side voted to reject that plan. There were only 46 votes for it. You needed 60 to pass it. The suggestion that we are going to go back to a comprehensive plan such as that is not sound.

These bills that have been offered by a fine group of Senators are excellent, responsible pieces of legislation. They help control some of the problems we have. I am disappointed it looks as though we are going to have to work hard to force an opportunity to even get votes on some of these critically needed pieces of legislation.

Of the 15 bills that are in the package that was announced yesterday, over half of them have had prior votes in the Senate.

Senator DEMINT's fence completion bill, S. 2712, has been the subject of four votes. The fence completion bill—and we voted on it, voted on it, and it wins every time—but you look out here, and all we have is a broken virtual fence that will not work, and very few miles of fence, very little of the double border. It is not occurring.

Senator DOMENICI's bill, to keep the National Guard there longer, has been voted on twice.

My bill requiring mandatory minimums for those who enter the country illegally has been voted on twice. It is a pretty tough bill. Somebody said we introduced a tough package. It would require 10 days detention at a minimum if you come here illegally. How extreme is that? If you come back a

second time, a longer period. My legislation would also establish new worksite enforcement measures. That has been voted on at least twice in the Senate.

Various forms of the Chambliss-Isakson bill, creating effective partnerships between law enforcement and the Federal Government in State and local agencies, has received numerous votes.

The PRESIDING OFFICER. The Senator has used 5 minutes. There are a number of other bills from Senator VITTER, Senator INHOFE, Senator LAMAR ALEXANDER, Senator ARLEN SPECTER—and I have his remarks, which I will submit for the RECORD, and all of these things we voted on, many of which passed and some of which were in last year's comprehensive bill.

I see my colleague is here, Senator ELIZABETH DOLE, who is so thoughtful on these issues and is a superb Senator and who has given a lot of time and interest in trying to do this thing right. I know she has a piece of legislation she would like to discuss.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, in the time remaining in the 110th Congress, there is still much that can be done to address critical pieces of the massively complex immigration issue. As my good friend, the Senator from Alabama, who made such kind comments, has related, we are offering solutions to demonstrated problems—measures that have bipartisan appeal and broad public support.

I have introduced legislation which would repeal President Bill Clinton's Executive order requiring the Federal Government to provide services in languages other than English. It is impractical and fiscally irresponsible to provide services in the hundreds of languages spoken in the United States at an estimated cost of up to $2 billion annually. My bill would also help ensure that Federal funds to local and State governments are not jeopardized because they provide English-only services. Moreover, proficiency in English should be encouraged, as it is required for citizenship and essential for maximizing opportunities in this country.

My other bill, the Safe Roads Enhancement Act of 2008, would amend the Immigration and Nationality Act to make a drunk driving conviction a deportable offense for illegal aliens. It also would classify a third drunk driving conviction as an aggravated felony and therefore a deportable offense for nationals of a foreign country.

In my State of North Carolina, there have been a number of fatal automobile accidents caused by an intoxicated person who was in the United States illegally. In several of these incidents, the illegal alien has a record of DWI but has been caught and released. For families, the pain of losing a loved one is compounded by the knowledge that the person responsible for these fatalities was not even in this country legally.

A tragic example occurred in Charlotte last spring when a man attempted to cross the street and was struck and killed by a drunk driver who then fled the scene. Fortunately, police were able to apprehend the driver, an illegal alien with a previous DWI conviction, before he could harm anyone else. Cases such as this are not isolated, and they are not specific to North Carolina. Across our Nation, similar senseless tragedies occur on roads and highways.

My bill would help ensure that undocumented aliens who have self-identified themselves by drunk driving are removed. Likewise, individuals who abuse their legal status in the United States by repeatedly breaking drunk driving laws would lose their privilege of living in our country. Sadly, as we have seen repeatedly, we sorely need to strengthen immigration laws with regard to drunk driving convictions.

Furthermore, our Government urgently needs to be laser-focused on removing undocumented aliens who are self-identifying themselves by committing other crimes, such as drug trafficking and gang-related activities. Most of us can agree that criminal aliens who are obviously here for the wrong reasons should be removed. If we are not safe in our own communities and in our own homes, then what else is going to matter?

I am very proud that as a result of my many months working with Federal officials and sheriffs across our 100 North Carolina counties, ours is the first State in the Nation to have a statewide partnership plan for sheriffs to coordinate with ICE, part of the U.S. Department of Homeland Security. This plan will ensure that all North Carolina sheriffs can readily access, if they choose, the tools such as 287(g) to identify and help process undocumented aliens who have self-identified themselves by committing crimes.

This plan is being implemented by the steering committee of North Carolina sheriffs and adopts a regional approach to ensure statewide access to 287(g) databases and other resources to determine the immigration status of apprehended individuals. The State is being audited as we speak. I welcome the work of my colleagues from Georgia for their bill that recognizes that local law enforcement officers are on the front lines fighting crime in their communities, and it directs additional resources for these types of Federal partnerships that can help bring criminal alien problems under control.

The No. 1 lesson learned from the Senate's failed immigration bill is that Americans simply don't have confidence their Government is serious about securing our borders and enforcing our laws. Real action, real results on this front are long overdue. People don't want promises anymore, they want proof. We now have a chance to put the horse before the cart and enact the border security and enforcement policies that will bring about the political will and support to further address our broken immigration system. I urge my colleagues' support of this commonsense approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I thank the Senator from North Carolina and the Senator from Alabama for their leadership on this immigration issue. Thanks for a few moments to speak on a bill that I will be offering related to the immigration debate that is called the Complete Fence Act.

Last year, I think we took on a noble task of trying to solve the immigration problem with one grand bill, but what we have learned in the Senate is that it is very difficult to focus on one issue and get a bill through without a lot of add-ons for special interests. We are certainly seeing it with the consumer product safety bill that we are debating now.

The House passed a bill that was bipartisan and unanimous and was supported by consumer groups as well as industry groups. It was a bill that was ready for us to take and pass and send to the President. But we in the Senate needed to add in a number of special interest provisions that have nothing to do with consumer product safety. We even discovered last night, as the bill was put into a managers' amendment, they had added some new things that apply to one State and things that have nothing to do—no germaneness—with consumer product safety that we have to deal with.

Certainly, that is what we ran into on the immigration issue. So much was added to the bill, it was like trying to swallow an apple when that apple needs to be eaten with a number of different bites.

That is what we are trying to do with this series of immigration bills which recognize that in order to have a real solution to the immigration problem in the country, we need to build a platform for reform one plank at a time. Even those who were pushing the comprehensive bill now realize we need to begin with border control and enforcement, the type of enforcement internally that the Senator from North Carolina was talking about: a worker verification program so employers know who is legal and who is not. If we build this system that way, in a way the American people can trust, we can get to the point where America will trust us to develop new immigration policies, how to deal with those who are already here, and how to accept immigrants in the future who are needed for our economy.

But the very first step, as all of us have recognized, is to have border control. This body has passed several times legislation that would build a 700-mile fence along the border that would support our Border Patrol in stopping illegal immigrants. It is not just an issue of illegal immigrants themselves; it also involves drug trafficking, it involves human trafficking, and it also involves security from terrorists who might be smuggling weapons into this country. It is essential that we control our borders.

In 2006, Congress passed the Secure Fence Act which required 700 miles of fencing, and this is metal fencing—this is not virtual fencing; this is metal pedestrian fencing along the southwest border—and a deadline for 370 miles of this to be completed by the end of this year. At this point, only 167 miles of real metal fencing has been completed, but we have been assured by the Department of Homeland Security that they will meet their goal of 370 miles of fencing before the end of this year.

The bill I am introducing would set a deadline for 2010 for all 700 miles of pedestrian metal fencing to be completed. This is essential to move ahead with the immigration reform process so the American people will know we are serious about protecting the border and having a workable immigration system.

So I urge all of my colleagues to urge the Department of Homeland Security and comfort the American people with the fact that we are serious about completing this fence and to support the Complete Fence Act of 2008.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today in support of a piece of legislation that my colleague from Georgia, Senator ISAKSON, and I have filed. I compliment my friends and colleagues from South Carolina, North Carolina, and Alabama for their leadership. I look forward to supporting their commonsense measures toward doing what we said we were going to do, which is secure the border.

The one thing we learned last year, as the Senator from North Carolina alluded to earlier, during the immigration reform debate is the American people don't have confidence in Congress that we are going to do what we say we are going to do when it comes to border security. There is good reason for that. Credibility on this issue is simply lacking, both with the administration, as well as with Congress. Now we have an opportunity to come back and take a commonsense approach from a legislative perspective on truly securing the border. The legislation Senator ISAKSON and I are introducing does this.

A lot of people have said: Senator, why don't you just enforce the laws that are on the books today? Why don't you get local law enforcement officials involved in helping secure the border and in dealing with people who are here illegally?

Well, the fact is, local law enforcement officials have very little power when it comes to dealing with folks who are in violation of a Federal immigration law, particularly when it comes to being here illegally. So what our particular piece of legislation does is, it puts the tools in the hands of those folks who are going to have the primary contact and are more likely to have the initial contact with folks who are here illegally, and that is local law enforcement officials versus someone from ICE or any other part of the Federal Government from a law enforcement standpoint.

All of us remember that three of the 9/11 hijackers were stopped on routine traffic stops by local law enforcement officials. Unfortunately, those local law enforcement officials did not have the means whereby they could check to determine whether those individuals were in this country legally or illegally. If they would have had the input—not access but the input—by the Federal Government into the NCIC, which is the national identification tracking mechanism for vehicles and drivers of vehicles that is used nationwide, then those local law enforcement officials would have known and understood those individuals were here illegally. And if they would have had the tools otherwise given in this piece of legislation, they could have dealt with and detained those individuals.

So what we seek to do with this commonsense piece of legislation is to, first of all, clarify the authority that local governments have in the normal course of carrying out their duties to help enforce our immigration laws. Secondly, it will expand the National Crime Information Centers Immigration Violators File to include those individuals who are known to be here illegally, or known to be here legally, so they can be cross-referenced in an instant and not have to worry about getting incorrect information or making assumptions.

This piece of legislation expands the 287(g) program, which is a very popular program with our law enforcement officials. Three of my counties in Georgia are already utilizing this program. What it does is, the Federal Government steps in with a county anywhere in the country to provide the law enforcement officials in that county with training and instructions as to how to deal with folks who are found to be violating our immigration laws.

Lastly, it will compensate State and local entities for immigration-enforcement-related expenses.

Madam President, common sense is what we are asking for here when it comes to enforcing the border and providing our law enforcement officials with the tools necessary to assist in making sure our borders are secure.

With that, I look forward to working with my other colleagues on their particular pieces of legislation as we move forward to make sure we restore confidence with the American people when it comes to border security, and we will be able to truly say we have secured the border, and here is how we have done it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I ask unanimous consent to be recognized to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I rise today to join several of my colleagues to continue to focus on the enormous problem facing our country of illegal immigration. I am proud to not only rise with these colleagues, some of whom have been on the floor this morning, but also to actively work with them on important enforcement and other measures that we can and must push forward this year to make significant improvements, to take significant strides in moving forward to solve the problem.

Yesterday, I announced, along with others, two things—first of all, the formation of a brand-new caucus in the Senate, which I organized. I am proud to say that now I believe the number is 12 Members have joined the caucus. It is the Border Security and Enforcement First Caucus. The purpose behind the group is exactly as the name implies: to push border security and enforcement first as the key, necessary first step in solving this enormous problem.

We have tried the other approach over and over for decades, and that is the so-called comprehensive approach. All that has yielded is gaps of time—3 to 5 years—and then there is a comprehensive approach that was tried and completely rejected by the American people. That approach has only led to failure because it doesn't jibe with what the American people know is the right approach, which is taking this in steps and starting with crucial enforcement, proving to them that Washington is going to do what it has never done before—have the political will and get real about enforcement.

Most recently, of course, the American people rejected that approach last July when they chimed in and had the Senate view its will to kill that last so-called comprehensive bill—a large amnesty bill with which they disagreed vehemently. So this is a new approach that can lead to progress, achievement, and success—enforcement first.

Also, yesterday a broad group of Senators introduced a package of bills that moves us in that direction. I have two

bills in that package, which I will briefly mention.

The first bill would say that so-called sanctuary cities—local jurisdictions that set as official policy that they are not going to cooperate in any way with immigration enforcement and with our Federal immigration enforcement officials—will not get COPS funding. Instead, that COPS funding will go to the rest of the local jurisdictions in the country who do work with us in immigration enforcement.

The second amendment simply says that matricula consular cards issued by the Mexican Government to their citizens in this country—oftentimes, their citizens who are here illegally cannot be accepted by U.S. banks, to allow them to do things like open bank accounts and have credit cards. That is clearly a vehicle that is used now by millions of illegal aliens, allowing them to operate freely and effectively in this country. It should end for many reasons, security reasons and for enforcement reasons. My bill would do that.

Again, I am proud to join with a number of Senators in this important push toward enforcement first and the formation of our new caucus, the Border Security and Enforcement First Caucus, and in introducing this important package of bills, which we can move and pass this year.

I urge all of my colleagues to reject and defy the conventional wisdom that we cannot do significant things in a big election year. We can and we must because we face significant challenges, and certainly illegal immigration is near the top of that list.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank my colleague for talking about some of the legislation that was announced yesterday in a press conference—15 pieces of legislation, offered by 12 Senators, that they believe would help create a lawful system of immigration and that they would like to discuss and debate and vote on this year.

My friend, the Democratic leader, said he didn't like it, apparently because a number of those Senators gathered and announced at a press conference their ideas. He called that ''great fanfare, a press event,'' with a little bit of a sniff, I think. And then he said these words: ''I hope the American public sees it for what it is.''

That kind of hurt my feelings. Can we not have a press conference to announce legislation that is going to improve America and talk about it? Is he suggesting that there is a nefarious plan afoot here? What is it that he is not happy about?

I just suggest that it was a revealing comment by the majority leader, with his inside-the-beltway hat on. What was revealed by that comment? He is suggesting that we should not bring it up because a lot of people in the media and the ''masters of the universe,'' I call them, who want to control all this immigration and make it do what they want it to do—and they realize the American people do not agree with them, but they want to do it anyway. So I think it was a revealing comment when the majority leader said that something is afoot here. What he is concerned about is that these bills might actually be brought up, as Senator VITTER has announced, as a good piece of legislation—may actually be brought up and, heavens, they might be asked to vote on it with an election coming up; that it is unfair to ask the U.S. Senate to vote on legislation that the American people would like to see pass, that could help create lawfulness in the immigration system, with an election coming up. He hopes the American people ''see it for what it is.''

Well, if the fact that an election is coming up helps our colleagues to be more alert to the real need for reform, the real need to end unlawfulness in immigration, then so be it; maybe that is a good thing. I don't see anything wrong with asking a Senator, who is paid by the taxpayers of America a decent wage, a good wage, to vote on important pieces of legislation that the public cares about.

I suppose the majority leader, who would oppose, apparently, the legislation—or at least some of it—that we are talking about here would prefer that we wait until early next year, after the election, and he would have a better chance then of cobbling together the votes to kill the reforms that are needed. Maybe that is what he has in his mind. But we are entitled as Senators to have votes on bills. Hopefully, we will move forward with some good legislation that will work.

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Accountability in Immigrant Repatriation Act of 2008, S. 2720.

This bill addresses the reality that aliens who have been ordered to be removed from this country are often released back onto U.S. streets due to the refusal of their home countries to repatriate them. Moreover, many of these aliens are criminals who have served time in our Federal, State, and local jails. As of February 11, 2008, eight countries—such as Vietnam, Jamaica, China, India, and Ethiopia—are refusing to repatriate a total of over 139,000 aliens. Over 18,000 of them are convicted criminals who have been released back into U.S. society. Secretary Chertoff testified this week that his counterparts in Europe are facing similar problems repatriating dangerous aliens.

We must increase the pressure on foreign countries to take back the aliens that have been ordered deported. The Supreme Court in two cases—Zadvydas v. Davis and Clark v. Martinez—adopted a presumption that it is only reasonable to continue to detain aliens ordered to be deported for up to 6 months. So at the end of that time, if the home country steadfastly refuses to repatriate, we are forced to release them.

This is of obvious concern to the citizens of this country, who are put at risk by criminal aliens who are released. In Pennsylvania, there are 700 to 1,000 undocumented criminal aliens that could end up out on our streets if their home countries refuse to take them back when we try to deport them. The recidivism rate among this population is extremely high. Studies show that the average criminal illegal alien was rearrested an estimated six to eight times—most often for drug crimes, robbery and assault, and, to a lesser degree, for murder and sexual offenses. Moreover, not only does refusal to repatriate often put convicted criminals with no right to be here out on the street, but drawn-out repatriation negotiations divert scarce Federal resources away from identifying and deporting other criminal aliens.

Therefore, this bill imposes sanctions on countries that refuse to repatriate aliens who have been ordered deported. First, the bill requires the Department of Homeland Security to report to Congress every 90 days on the countries which refuse or inhibit repatriation. The receipt of this report automatically triggers denial of foreign aid as well as suspension of visa issuances to the listed non-cooperative countries. This will send a clear signal to those countries unwilling to take responsibility for their citizens that they will no longer benefit from U.S. largess—in the form of money and visas.

It also grants standing to enforce the bill to victims of crimes committed by nonrepatriated criminal aliens. Current law, which gives the administration discretion to deny visas to uncooperative countries, has been sorely underutilized. This bill eliminates such discretion.

Section 243(d) of the Immigration and Nationality Act directs the State Department not to issue visas to nationals of countries identified by the Attorney General—now the Secretary of Homeland Security—as countries that deny or delay repatriation. Congressional intent was clear, and the remedy was potent when applied against Guyana several years ago. However, the

Congressional Research Service has not identified any other instance in which Homeland Security elected to issue the triggering notification to the State Department.

On February 15, I wrote letters to the Secretaries of State and Homeland Security as well as to the Attorney General to find out why this authority is seemingly unutilized. On March 4, I reiterated my concerns to Secretary Chertoff in person, when he testified before the Appropriations Subcommittee. He committed to working with us to find ways to extend the 6-month detention in appropriate cases rather than simply releasing all deportable aliens. This is a welcome step—one that will complement the bill I am introducing

Foreign relations are complex and there is a need to balance competing interests; however, ensuring the public safety is a Government's primary duty and must be its first priority. Also, we must ensure that prolonged repatriation negotiations do not drain scarce resources. It makes little sense to continue admitting persons if we cannot be sure that their countries will take them back in the event they are ordered removed from this country. Similarly, it makes little sense to continue rewarding such countries with U.S. taxpayer dollars in the form of foreign aid.

This bill addresses the problem by imposing sanctions on non-repatriating countries that refuse to cooperate and take responsibility. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the letters I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 15, 2008.

Hon. CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY RICE: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's Zadvydas decision.

Many of these recalcitrant nations receive substantial U.S. aid, and their citizens are regularly issued U.S. visas. The Congress has already attempted to address this problem, in section 243(d) of the Immigration and Naturalization Act, and I am curious as to why it is not utilized to greater effect. According to the statute, upon notification from the Attorney General that a country denies or unreasonably delays repatriation (such notification is now provided by the Secretary of Homeland Security), the Secretary of State ''shall'' suspend visa issuances until notified by the Attorney General that the country has accepted the alien.

This tactic is potent in theory, and was successful in practice when applied against Guyana several years ago. While I appreciate that foreign relations is a delicate affair involving balancing numerous interests, surely public safety in the United States is a priority of the highest order. Not only does refusal to repatriate often put convicted criminals with no right to be here back on the street, but drawn out repatriation negotiations divert scarce federal resources away from identifying and deporting other criminal aliens—as many as 300,000 of whom were incarcerated in 2007 and will be released rather than deported at the conclusion of their sentences.

It seems incongruous for the United States to continue admitting the citizens of an uncooperative country that refuses to take back those who are convicted criminals. Why then are we not more aggressive in our use of section 243(d) to ensure prompt repatriation, particularly of criminal undocumented aliens? I would appreciate your views on the efficacy of this provision and any obstacles to its utilization.

I look forward to your response and your thoughts on this important issue. To aid the analysis, I would appreciate it if you could include a list of the notifications you have forwarded to the State Department pursuant to section 243(d) in the last 5 years, any actions upon them (e.g., suspension of non-immigrant visas), and whether they were ultimately successful in securing repatriation.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 15, 2008,

Hon. MICHAEL CHERTOFF,
Department of Homeland Security, Washington, DC.

DEAR SECRETARY. CHERTOFF: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's Zadvydas decision.

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ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 15, 2008.

Hon. MICHAEL B. MUKASEY,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's Zadvydas decision.

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Sincerely,

ARLEN SPECTER.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRODUCT SAFETY

Mr. PRYOR. Mr. President, again today, we hope it is going to be a short day for the Senate. We hope we will be able to pass the Consumer Product Safety Commission Reform Act on which we have all worked so hard. I thank my colleagues for the fact that every single amendment that has been offered has been germane. That is great. The fact that everybody stayed focused on the subject matter has helped.

I know Senator STEVENS, who is on the floor now, will concur that it has been exemplary how Senators have conducted themselves on this bill. We thank everyone, all the Senators and the staff, for keeping the amendments germane. It is very important to getting this bill done this week.

The other good news is, our staffs burned the midnight oil last night, Democrats and Republicans. We have been putting together a managers' package, to give a quick status report on that. We think there are about 12 or so amendments in that managers' package right now that have been agreed to. It looks as if maybe we have around eight amendments that are pending. We are hoping we can work out some issues on some of those amendments. We understand there may be a small number of amendments still coming, but we have run our traps here, so to speak.

Again, the good news is we think we have a manageable number of amendments. We know we are going to have a vote in about 15 minutes. It will be on an amendment that is pending. Again, that is great. We will try to dispense with that amendment, however it comes out. Then we will move on to have further amendments throughout the day.

We are very encouraged. I thank Senator STEVENS for his leadership and his staff. They have been great. We appreciate their efforts to try to shepherd this bill through.

I do not want to make a prediction because I don't know and I don't pretend to know how this is going to turn out, but it appears to me that it is possible we could easily finish this bill today. It is possible—I don't want to jinx myself—but maybe even this afternoon. Instead of going into the late evening hours tonight, it is conceivable we might be able to finish it this afternoon if we work hard and stay on task.

I wanted to give the Senate an update. We look forward to the collegial spirit everyone has shown so far. We hope it continues today. I thank everybody for their cooperation and assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding we are scheduled for a vote at 11 o'clock; is that correct?

The PRESIDING OFFICER. There will be 15 minutes of debate once the Senate lays down the bill.

Mr. INHOFE. I ask unanimous consent that I be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do believe we have an agreement, Mr. President, to vote at a time certain. Does the Senator wish to postpone that vote?

Mr. INHOFE. I inquire of the Chair, is there a time certain for a vote?

CPSC REFORM ACT—Resumed

Mr. STEVENS. Mr. President, I ask that the bill be laid before the Senate.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

Pending:

Pryor amendment No. 4090, of a technical nature.

Feinstein amendment No. 4104, to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain specified phthalates.

Cornyn amendment No. 4108, to provide appropriate procedures for individual actions by whistleblowers, to provide for the appropriate assessment of costs and expenses in whistleblower cases.

Vitter amendment No. 4097, to allow the prevailing party in certain civil actions related to consumer product safety rules to recover attorney fees.

Casey amendment No. 4109, to require the Consumer Product Safety Commission to study the use of formaldehyde in the manufacturing of textiles and apparel articles and to prescribe consumer product safety standards with respect to such articles.

Dorgan amendment No. 4122, to strike the provision allowing the Commission to certify a proprietary laboratory for third party testing.

Dorgan amendment No. 4098, to ban the importation of toys made by companies that have a persistent pattern of violating consumer product safety standards.

Cardin amendment No. 4103, to require the Consumer Product Safety Commission to develop training standards for product safety inspectors.

DeMint amendment No. 4124, to strike section 31, relating to garage door opener standards.

AMENDMENT NO. 4097

The PRESIDING OFFICER. There is now 15 minutes equally divided on the Vitter amendment.

Mr. STEVENS. Mr. President, under the circumstances now, I control 7½ minutes?

The PRESIDING OFFICER. The time is divided between Senators VITTER and PRYOR.

Mr. STEVENS. I will be pleased to yield that time to the Senator from Oklahoma. I only control half of the time.

Mr. INHOFE. I will postpone my remarks until after the vote.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise again today in strong support of my amendment No. 4097. My amendment is very simple and very straightforward and, in fact, it conforms to present law, as well as to provisions in the House bill, with regard to the awarding of reasonable costs and attorney's fees.

My amendment simply says that a judge can award reasonable costs and attorney's fees from the loser to the winner no matter which side wins and loses. So if an attorney general brings an action and prevails on that consumer product safety action, then it is in the judge's discretion to award costs and attorney's fees from the losing private party to the attorney general. But fairly, if the opposite happens, if the private party is vindicated, if the private party goes through this litigation, which is always significant, lengthy, and costly, and wins and is vindicated, then it is also within the discretion of the judge—it is not mandatory—it is within the discretion of the judge that the private party be awarded reasonable costs and attorney's fees from the losing side; in that case, the attorney general.

That, again, is essentially present law. It can go in either direction. It is up to the court. The words are a little different, but that is essentially the policy embodied by the House bill. I think that is even and that is fair. That does not create an undue push in either direction.

Unfortunately, the underlying bill, the bill before the Senate is very different. It says that only the attorney

general in prevailing can get reasonable costs and attorney's fees. The private party, even if it goes through very lengthy, very protracted, and very expensive litigation and is completely vindicated, can never get reasonable costs and attorney's fees, even if the judge thinks that is appropriate.

I think that is wrong. I think it is imbalanced and unfair. It is very important that we act to promote consumer safety. It is very important that we pass some of the measures in this bill and many of the measures in the House bill which I supported as an alternative. In doing that, we need to not make certain problems worse, and one of the problems that has existed is a clog of activity before the Consumer Product Safety Commission and also in the courts.

I feel this underlying provision in the Senate bill, which is all in one direction, could make that clog worse, could encourage lawsuits which are not thought through, and could encourage frivolous lawsuits. That adds to the workload of the courts and potentially the Consumer Product Safety Commission. We want to encourage lawsuits which are needed—not frivolous ones, ones which are fully thought through. The Vitter amendment will establish the even playing field that will encourage that rather than encourage lawsuits which have very dubious merits and could be frivolous.

It is very reasonable, common sense to say that we are going to leave this all up to the discretion of the court, nothing is mandatory, but the court can award reasonable costs and attorney's fees to either side that prevails and not only in one direction, so that a private party who is completely vindicated after a long, expensive, and protracted litigation, can never, even if the judge thinks it is appropriate, be awarded reasonable costs and attorney's fees.

I urge all of my colleagues to accept this very reasonable approach, the policy of which is embodied in both present law and the House bill, and reject creating the imbalance which I think would only clog our system with lawsuits of very questionable merit.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, we think—we are not sure—that the chairman of the Senate Judiciary Committee may be on his way. I know he has a hearing and some other pending business. I know he feels strongly about this amendment.

I rise, in his absence, in opposition to the Vitter amendment. I understand the rationale and the reasons Senator VITTER is offering for this amendment. In fact, when I saw this amendment, I hearkened back to my days in law school. This is a classic moot court competition exercise on who should pay the attorney's fees. The classic English system is that the loser pays, but the American system has been different. It has been different since the founding of our Republic. It has been a bedrock of the American judicial system for well over 200 years that each side pays their own attorney's fees.

There are a lot of reasons for that system. I don't have to go into the history of it. Again, this is a first-year law school topic. I do think it is important in this specific instance that the Senate not break with American jurisprudence, not break with American tradition, and not change this law. It is very important for several reasons. One is, in this case, if the loser has to pay the attorney's fees, we know who the loser is, don't we? It is the State taxpayers. It is not the Federal taxpayers. It is the State taxpayers, our people. Our people will have to pay these attorney's fees.

When you have a matter as important as the public safety and welfare of the people of your State, the attorney general should be allowed to pursue getting these dangerous products off the shelves, keeping their States safe for their people without having to be concerned about this change in the American legal system that Senator VITTER is recommending.

The other point we all need to remember is that there is something in the world of civil litigation called rule 11. Rule 11 is not only under the Federal Rules of Civil Procedure, but it is in almost every single State's rules of civil procedure I am aware of—maybe every State. I hate to say that without knowing exactly. I am sure it is in the vast majority of States. Rule 11 allows judges to penalize a lawyer for bringing a frivolous lawsuit. That is a very important balanced standard and balanced process, that the legal system has to make sure that no one brings a frivolous lawsuit, but most of all the attorney general.

We also have to remember, as we said yesterday, these attorneys general are not like some lawyer off the street. These are, by and large, elected officials. Mr. President, 42 or 44 State attorneys general are elected by the very same people who elect us. There are a handful who are appointed by a Governor, I think one or two by a legislature, and one by a State supreme court. Regardless, the vast majority are elected by the very same people who elect us. So let's allow the State attorneys general to have the discretion in their States to try to keep their States safe and free of dangerous products.

In closing, there is a compelling interest that these State attorneys general have the ability to get these dangerous products off the shelves. We have seen this, we have talked with a lot of people about this, and we all know that the Consumer Product Safety Commission is overworked. They work hard to do these recalls. Sometimes they take a long time to do them, but, nonetheless, they work very hard to do these recalls. It is beneficial for the whole system to allow the State attorneys general to get these dangerous products out of the marketplace in their States. With all due respect to the CPSC, they do not have the resources to do this, they do not have the people to do this, and they are focused on other issues. They are looking at present-day concerns, not what they dealt with yesterday.

It is very important that we have a strong attorney general enforcement mechanism. I would hate to see it weakened by changing this longstanding American rule of law. I ask all my colleagues to oppose the Vitter amendment.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, Senator VITTER has submitted an amendment to the Consumer Product Safety Commission, CPSC, Reform Act that would discourage State attorneys general from bringing enforcement actions against those who violate consumer product safety regulations. This amendment goes even further than the Cornyn amendment that we voted on last night to gut the enforcement provisions in the bill. The Pryor-Stevens legislation wisely gives State attorneys general the power to protect their citizens from harmful products by pursuing such litigation. We should not gut that important enforcement power by adding a threat that could shift enforcement costs to taxpayers.

Senator VITTER's amendment would allow the prevailing party in a civil action to recover costs and attorney's fees. This means that the taxpayers would bear the costs and attorney's fees of corporations sued by a State attorney general if the suit is unsuccessful. Absent evidence that State attorneys general are pursuing frivolous litigation against corporations, this amendment is not only unnecessary, but it presents a departure from our established legal system. The measure would have a chilling effect on State attorneys general who would like to pursue possible violations of consumer product safety regulations but may fear incurring the legal costs of doing so.

The purpose of the CPSC Reform Act is to ensure that American consumers have access to the safest products. By allowing State attorneys general to bring enforcement actions against corporations that violate consumer safety laws, States are able to pursue those who threaten the safety of consumers, even when Federal regulators fail to do so. However, Senator VITTER's amendment would tie the hands of State attorneys general by making them choose between enforcing the law and

potentially burdening the taxpayers with corporations' legal fees or doing nothing when faced with products that have the potential to harm consumers.

I will oppose this amendment because it discourages enforcement of consumer product safety measures.

Mr. FEINGOLD. Mr. President, the amendment offered by the Senator from Louisiana would permit parties sued by State attorneys general under authority of this bill to recover attorneys' fees and costs if they are successful. This amendment would undermine the purpose of giving those State officers that authority. We want their help in protecting the citizens of their States. To create the specter of a large cost to the taxpayer if a case is unsuccessful will only deter aggressive enforcement action.

There are, of course, situations where litigants against the government are given the chance to collect attorneys' fees if they prevail in a lawsuit. As both a State legislator in Wisconsin and a U.S. Senator I have supported legislation like the Equal Access to Justice Act, ''EAJA'', which gives this right to small businesses and individuals of modest means. I have even introduced a bill in several previous Congresses to amend EAJA to make it easier to collect attorneys' fees.

That EAJA statute, however, applies to a limited class of individuals and small businesses. Whether or not we should extend EAJA to apply in those cases where State attorneys general are acting on behalf of the Federal Government, we certainly should not impose a broader rule on the Attorneys General than we currently apply to Federal agencies. For these reasons, I oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent, since I have yielded back my time, to have 30 additional seconds to clarify my point, and then I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is recognized.

Mr. VITTER. Mr. President, I have one very quick point of clarification. My amendment does not mandate that the loser pays in every case. That would be a significant departure from tradition in American law. My amendment does not do that. My amendment gives the judge discretion to decide if the loser pays, only in both directions, not just in favor of the direction of the attorney general, as the underlying bill does. That is a very simple clarification. It is not a mandatory ''loser pays'' rule.

Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. PRYOR. Reserving the right to object—

The PRESIDING OFFICER. At this time, there is not a sufficient second.

Mr. PRYOR. I yield back the remainder of my time. I move to table the Vitter amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are ncessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—56

Akaka	Inouye	Nelson (NE)
Baucus	Johnson	Pryor
Bayh	Kennedy	Reed
Biden	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Boxer	Kohl	Salazar
Brown	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Smith
Carper	Levin	Snowe
Casey	Lieberman	Specter
Cochran	Lincoln	Stabenow
Conrad	Martinez	Stevens
Dodd	McCaskill	Tester
Dorgan	Menendez	Warner
Durbin	Mikulski	Webb
Feingold	Murkowski	Whitehouse
Feinstein	Murray	Wyden
Harkin	Nelson (FL)	

NAYS—39

Alexander	Cornyn	Inhofe
Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lugar
Bond	Dole	McConnell
Brownback	Domenici	Roberts
Bunning	Ensign	Sessions
Burr	Enzi	Shelby
Chambliss	Graham	Sununu
Coburn	Grassley	Thune
Coleman	Gregg	Vitter
Collins	Hatch	Voinovich
Corker	Hutchison	Wicker

NOT VOTING—5

Byrd	Hagel	Obama
Clinton	McCain	

The motion was agreed to.

Mr. PRYOR. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 10 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. INHOFE. Mr. President, we have gone through a lot of activity and a lot of anguish on the floor concerning the immigration bills. There was a comprehensive immigration bill that did not work. It was something some people thought would be a good idea and, frankly, I opposed it.

But there is something that is happening right now that is a very good idea. There are 15 of us in the Senate who have taken different elements of concern having to do with illegal immigration, areas of specialty, if you will. It happens that 15 of us had a news conference yesterday, wherein we talked about approaching this differently—each one having his or her own legislation, and then you can support other legislation as you see fit.

It happens that there will be 15 bills that will be introduced. I will have one of those, and I will be supporting 14 of the other 15, or 13 of the other 14. So I think the way we are approaching this is good.

My area of specialty, that comes as no surprise, is in making English the national language. We have been talking about this for a long time. The approach we are talking about is a very simple approach. It is something that is popular.

I have had this on the floor of the Senate twice. In 2006, it was amendment No. 4064. It passed the Senate by a vote of 62 to 35. Again, in 2007, the support was even greater. That was amendment No. 1151. It passed—that was last year—by a vote of 64 to 33. So it is something that clearly is popular.

Let me explain the problem we have. One of the last things that was done in the Clinton administration was Executive Order 13166. This was an effort to make anyone who is receiving any kind of Government services to have the documentation in any language of his or her choice. It could be Swahili, it could be French, it could be any other language.

Now, the effort to make English the national language is not purely symbolic, as some of my colleagues might believe; rather, it will have a tangible impact.

After Executive Order No. 13166, there has been a high burden on Government agencies to provide translations for documents for services in virtually every language.

The cost is tremendous. It is quite a range. The U.S. Office of Management and Budget estimated the cost of providing these services to be between $1 and $2 billion each year.

The cost is not the only drawback of the entitlements of Executive Order No. 13166. It ultimately enables immigrants to avoid learning English which, regretfully, hurts their chances of effective assimilation into American culture. Historically, one of America's greatest attributes is the unity provided by having a language that is commonly used throughout the country. It is important for new legal immigrants to learn this language so they might communicate and achieve success.

As President Bush said in one of his messages, learning English ''allows newcomers to go from picking crops to opening a grocery [store] . . . from cleaning offices to running offices . . . from a life of low-paying jobs to a diploma, a career, and a home of their own.''

I can't think of any issue we have had before the Senate during the time I have been here that is more popular than this. A 2006 Zogby poll found that 84 percent of Americans, including 71 percent of Hispanics, believe English should be the national language of government operations. According to a 2002 Kaiser Foundation survey, 91 percent of foreign-born Latino immigrants agreed that learning English is essential to success. We have polling data going all the way back to 1996. In each case, 84 to 90 percent of the American people want this to take place.

I ask unanimous consent that these polls be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ENGLISH AMENDMENT POLLS

All types of pollsters of all groups, liberal and conservative, immigrant and non-immigrant, with all wordings show consistently high levels of support for making English the official language of the United States:

(1) An April 2007 McLaughlin & Associates poll showed 80% of all Americans indicated that they would support a proposal to make English the official language.

(2) A December 2006 Zogby International poll showed that 92% of Americans believe that preserving English as our language is vital to maintaining our unity.

(3) A June 2006 Rasmussen Reports poll showed that making English the nation's official language is favored by 85% of Americans; this figure includes 92% of Republicans, 79% of Democrats, and 86% of those not affiliated with either major political party.

(4) A March 2006 Zogby International Poll showed 84% of likely voters support making English the official language of government operations with common-sense exceptions.

(5) A 2004 Zogby poll showed 92% of Republicans, 76% of Democrats and 76% of Independents favor making English the official language.

(6) In 2000, Public Opinion Strategies showed 84% favored English as the official language with only 12% opposed and 4% not sure.

(7) A 1996 national survey by Luntz Research asked, ''Do you think English should be made the Official Language of the United States?'' 86% of Americans supported making English the official language with only 12% opposed and 2% not sure.

Latino immigrants support the concept of Official English:

(1) An April 2007 McLaughlin & Associates poll showed that 80% of all Americans, including 62% of Latinos, would support a proposal to make English the official language.

(2) A March 2006 Zogby poll found that 84% of Americans, including 71% of Hispanics, believe English should be the official language of government operations.

(3) My favorite poll is this one: In 2004 the National Council of LaRaza found that 97% strongly (86.4%) or somewhat (10.9%) agreed that ''The ability to speak English is important to succeed in this country.''

Mr. INHOFE. People need to understand the significance. When I brought this up before, there were three objections. They were really absurd. It is almost laughable. One was, we will have to change all the State flags because some of them have other languages.

This has nothing to do with that. This merely says it is not an entitlement. It has nothing to do with State flags.

Another Member said: Inhofe, you will not be able to speak Spanish on the Senate floor. I have given several speeches in Spanish on the Senate floor. I will not go into why that is good. It has been very helpful. This has nothing to do with that.

Another said: You will have the blood of Hispanics on your hands.

I said: How is that going to happen?

They said: There are some strong currents down there in the Potomac, and we would not have ''no swimming'' signs in Spanish, so they wouldn't be able to read those. So they will go in there and drown.

If we look back historically, we see that many Presidents had things to say about this matter, dating all the way back to Theodore Roosevelt, and as recently as a statement by Hillary Clinton in her campaign in Iowa in 2007, less than a year ago, where she said: ''You're going to have to learn English.''

This one goes back to 1916:

Let us say to the immigrant not that we hope [they] will learn English, but that [they have] to learn English.

Theodore Roosevelt was clear on this.

Bill Clinton said in 1999 in his State of the Union message:

We have a responsibility to make [our new immigrants] welcome here, and they have the responsibility to enter the mainstream of American life. That means learning English and learning about our democratic system of government.

So everyone is in agreement. I don't know of anyone, nor any past President, who doesn't believe we are doing a great disservice by not helping our immigrants learn the English language.

We will continue to promote this bill until it passes into law. It should be one of the easiest of the 15 bills that are going to approach the problem of illegal immigrants. It is my intention to continue.

One of the interesting things about this is, there are 52 countries throughout the world who have English as their national language, including Ghana in West Africa. All of these countries have it except us.

The bill is very simple. I can tell in one sentence what it does:

Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.

This is the law of some 52 countries around the world, almost everywhere except in the United States. It would save ultimately somewhere between $1 and $2 billion. And there are the other logical reasons for doing this. We will be pursuing this as 1 of the 15 efforts to have not a comprehensive bill, but to address the problem of illegal immigration. I look around and I see others who have good programs too.

The Senator from Arizona, Mr. KYL, has one that would utilize electronic evidence for employers so employers don't find themselves breaking the law as would have been the case on the previous bill. There are others wanting to finish the bridge. We will have 15 bills that we will be introducing or we have already introduced. If we can get all 15, that would pretty much resolve the problem. But it does afford the opportunity for any Member of this body to object to any area of interest in terms of these 15 bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. SPECTER. Mr. President, I have sought recognition to follow the comments made by the distinguished Senator from Oklahoma concerning a group of Senators who met yesterday with a variety of proposals on immigration reform. One of those proposals was mine, S. 2720. This bill seeks to deal with a very serious public safety problem where illegal aliens who have been convicted of crimes of violence are permitted to walk free on the streets of America where their native country will not accept them for deportation.

This is the factual situation where the matter arises. A person is charged, for example, with aggravated robbery, serves 10 years in jail, is released from jail on the service of a maximum sentence, then is turned over to authorities from the immigration service for deportation. Then the efforts to deport the individual are not successful because his native country will not take him or her back. Under court rulings,

the maximum that person can be held in detention is 180 days. That means after the service of the sentence, after being detained for 180 days, that person is then back on the streets of America where the statistics show a very high degree of recidivism or repeat offenses.

The legislation I am introducing would put pressure on native countries to take back for deportation their citizens under circumstances where they now refuse to do so by denying to those countries visas for their people who want to come to visit the United States.

There are currently some discretionary provisions on the books which, simply stated, have not worked. This would mandate that procedure. That kind of pressure is calculated to at least ameliorate the situation.

The second provision of the bill provides that foreign aid would be conditioned on countries accepting back their native citizens under the circumstances which I have just described. The United States has a tremendous foreign aid program where allocations are made for a variety of what we consider to be in our national interest or in humanitarian interest. Here again we have a potentially effective tool for dealing with countries who refuse to accept back their own citizens where they have been ordered deported by the United States.

In analyzing the problem further, no matter what we do under these circumstances, it is not possible to compel all foreign countries to accept their nationals back when they are subject to deportation. We are currently examining the possibilities of having some additional detention. Candidly, it is difficult to structure consistent with constitutional rights, which apply to these individuals, and consistent with due process of law. There are some provisions, for example, when someone is arrested on a charge to be held in preventative detention, where there is reason to believe that individual will flee. So the presumption of innocence still applies, and detention can be held for a relatively brief period of time.

We are also looking at some possible alternatives under sexual predators, where some legislation has been passed, where even after the completion of a full sentence there is a form of civil commitment. We are examining the ramifications of that kind of legislation to be sure it comports with due process and with constitutional protections.

AMENDMENTS NOS. 4094 AND 4097

While I have the floor, I will comment about the vote we just had on the Vitter amendment and the vote we had yesterday on the Cornyn amendment. Both amendments raise similar issues.

The amendment offered by the Senator from Texas, Mr. CORNYN, would bar attorneys general from retaining outside counsel on a contingency fee basis. The amendment offered by the Senator from Louisiana, Mr. VITTER, would impose costs on State attorneys general who lose cases brought under the pending legislation. Both amendments have similar elements. I believe the underlying reason Senator CORNYN has advocated for his amendment is not sufficient for such a broad legislative change. Senator CORNYN's amendment arises from a case in Texas where the attorney general went to Federal prison for corruption when hiring a friend on a contingency fee basis. It may be that the Senator from Texas has a valid point. He served as the attorney general for the State of Texas and has considerable experience in the field.

I have had some experience as a prosecuting attorney myself with similar kinds of discretion. It is my view that before we undertake such a fundamental change in procedure, there ought to be some extensive consideration and deliberation.

The Senate is, by reputation, the world's greatest deliberative body. For those who may inadvertently be watching on C–SPAN, a short statement of the legislative process is in order. The way we function on legislation is that a Member has an idea and puts it in a bill and files it. The bill is then referred to a committee. In this case, legislation involving courts and attorneys would be referred to the Judiciary Committee. The Judiciary Committee holds hearings and hears from witnesses who are experienced in the field: attorneys general, defense lawyers, lawyers who have been retained by attorneys general, judges, and scholars. We listen at length, and we ask the witnesses questions.

Unfortunately, you can't see all of those hearings live because they are preempted. However, maybe you can see it on rerun on C–SPAN 3. But those are hearings which provide some basis for a judgment as to what should be done in the Senate.

The amendment offered by the Senator from Texas was not referred to committee. I think it is a matter which ought to be considered and analyzed. Under Senate procedure, any Senator may offer an amendment to the bill which he or she chooses. There is a brief time for argument—it could not have been more than several hours yesterday. I was involved in other matters and could not come to the floor. Following debate, a vote is called. The first time many of us in this body consider the issue is when we are en route from our offices to the Chamber to vote.

For those of you who watch C–SPAN2, you will notice that in the course of a 15-minute vote—which is extended by custom to 20 minutes, and sometimes beyond—most of the Senators do not arrive here until late in the process. Those watching will notice a big huddle by each desk. You may wonder, what is going on? Well, what is going on is that the Senator walks in the Chamber and takes a look at a yellow or white pad with a one-paragraph description of the bill or amendment.

There is some hasty discussion, sometimes by the proponent of the bill and sometimes by the opponent of the bill. There is hardly what you call deliberation and not what you have when the legislative process is followed. When the legislative process is followed the bill is introduced. Following introduction, there are hearings on the bill and there is what we call a markup. For example, at the Judiciary Committee markup, there have to be at least 10 of 19 members present in order to vote the bill out of committee. At the markup there is an opportunity for discussion, analysis, and even modification of the bill.

After consideration by the committee, the bill comes to the Senate floor with a committee report. The committee report describes the bill. Senators have a chance to read the committee report or, to be more candid, staff has a chance to read the committee report. It is not physically possible to read all the committee reports and all the materials that come across a Senator's desk—it just cannot be done. But at least you have a staffer who writes you a memorandum highlighting the essential points and have a chance to question the staffer. You then come to the floor on the debate with some notice about what the debate is about.

It seems to me on matters of importance that we ought to go through full Senate procedure. It is my view that Congress has to be very careful in what we do by way of mandates to the States. We also need to be careful when telling the States how to run their business and by telling attorneys general what is best for their State. There are some offices of attorneys general in the United States which are not elaborately staffed.

When I was DA of Philadelphia, I had 170 attorneys. I don't know how many attorneys general have limited staffs, nor do I understand their workload or their backlog. There is no reason for me to get involved in the business of state attorneys general. State attorneys general are elected by the people of their State or appointed under State constitutional provisions. It is up to them to make a decision as to how they run their offices. As a basic matter of federalism, we should leave it up to the state attorneys general. We ought to consider the most serious problems of national import. We cannot get into the details of all the State attorneys general offices.

The Senator from Texas talks about creative ways for lawyers to structure contingency fee agreements. Perhaps the amendment of the Senator from

Texas would be improved if the attorney general had to go to court to get judicial approval to hire outside counsel on a contingency fee basis. At this time, the attorney general would inform the court of his office's resources and his reasons for needing to enter into a contingency fee contract. This would allow the matter to be decided on a case-by-case basis.

Now, moving to the amendment by the Senator from Louisiana, Mr. VITTER. There is an effort to have the losing party pay for the costs of litigation and costs of reasonable attorneys' fees. It is designed—as the brief one paragraph said—to avoid frivolous lawsuits. I think it is a very good idea to avoid frivolous lawsuits.

The existing rules in Federal court provide for the handling of frivolous lawsuits by imposing costs on the losing party. Following a motion by the party who is being sued, the judge determines whether to dismiss the case under Rule 11 of the Federal Rules of Civil Procedure.

Senator VITTER wants to impose a blanket rule, where in every case, the loser pays. It may be that the United States ought to go to the British system, which is a ''loser pays'' system. However, that would be a very drastic change in our court procedure. It is even possible that we ought to go to a ''loser pays'' system in the conditions contemplated under the pending legislation. But that would be a very material change if we were to make that sort of a shift at this time.

Again, we ought to be following the regular Senate procedures. Let Senator VITTER introduce the bill. Let it be referred to the Judiciary Committee. There will be hearings and thorough analysis. Following hearings, there will be a markup and the bill will come to the floor with a committee report. The appropriate deliberation would take place.

If Senator VITTER's amendment were to be adopted, perhaps it ought to be modified on a discretionary basis. The court could impose costs on the losing party if the judge determines that the case is frivolous.

You might have a meritorious case with a very close question. That is what we do in America with our differences of views between parties. Different sides are presented in court and a determination is made. There is a necessity for a lot of room.

The Senate wisely defeated both of these amendments. On their surface, there is a great deal to commend Senator CORNYN's amendment to eliminate contingency fee arrangements. There is the situation where the Texas State Attorney General went to jail for corruption. Of course, it is more than contingency fees in that case. People who read an abbreviated statement in the newspapers might think the Senate made a mistake in rejecting the Cornyn amendment. We need to examine the issue closer.

Here again, on the surface, you might think the amendment by Senator VITTER has merit to impose costs on the losing party. After all, if they lost, why shouldn't they pay for it? But you have to go beyond that and examine the issue further.

I am prepared to consider both amendments. I am prepared to consider the ideas of my colleagues in the Senate. But I want to do that in the course of the legislative process, where we follow regular order: a bill is introduced, goes to committee, the committee has hearings, the committee hears witnesses, the committee sits down with a majority of its members, and the bill comes to the floor with a committee report.

I know the votes have already been cast on the amendments I have spoken about, but I thought it might be useful to take the floor and give the public a fuller understanding of what we do in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the bill that is pending on the floor. I am very pleased this bill is advancing, the Consumer Product Safety Commission bill, that involves so many important provisions.

But in my State, I will tell you this: We are very focused on the provision dealing with the toxic toys. I can tell you, after being in the Senate for only a year, it is truly an inspiration to see we were able to get a bill through our committee—thanks to the leadership of Senator PRYOR and Senator INOUYE and Senator STEVENS—and get it to the floor.

The reason it is so important in our State is we had a little boy who died, a 4-year-old boy who swallowed a charm that was given to him with a pair of tennis shoes. He did not die from choking on the charm. He did not die from his airway being blocked. He died when the lead went into his bloodstream day after day after day. When that charm was tested, it was 99 percent lead. It was from China. His own blood, when he died, had three times the normal amount of lead.

It is a very sad story. But it is some solace to the people in our State that after only being here a year, and as a member of the Commerce Committee, I was able to work to make sure we have a Federal lead standard in this bill. It is rewarding, indeed, that it looks like today we may be completing our work.

I say to the Presiding Officer, I know you have seen this in Ohio. We have seen toy after toy recalled in this country. In fact, 29 million toys—look at this chart—were recalled in 2007 alone. Look at this: This is a calendar of the various dates with the various toys that were recalled in the year 2007 and into January and February of 2008.

We saw the Thomas the Trains that were recalled. We saw Dora the Explorer, we saw SpongeBob SquarePants being recalled—these toys that are so near and dear to people's hearts. You get a sense of it with the calendar, but this list is an actual documentation of all the toys that have been recalled in the last year and 3 months.

You have things such as necklaces, Rachael Rose Kidz rings. You have the trains, the Cub Scout badges, ugly teeth that you put in your mouth for Halloween, of course, the Aqua Dots that morphed into the date rape drug. You can go on and on and on.

I think it is stunning at this time in our history we would still have something such as this happening. I think many people thought in the 1970s—when we got our act together in this country about consumer protection and we strengthened the laws and we realized kids were dying from problems, with everything from cribs to dangerous toys, to flammable pajamas—this country got its act together.

Well, look what happened instead. We have seen a record number of imports coming in from other countries that do not have the safety standards we do.

This was brought home to us—and it was more than toy recalls and numbers—when a few days ago Senator PRYOR and I met with the families of two children who almost died from toxic toys.

The first is Jacob—or Jack, as his family knows him. His mother Shelby came from Arkansas to the Capitol. She told her story in a way I will never do justice to—a very touching story—where she talked about the fear she had on this day. It was a normal day. Any parent can imagine this. You start out. You are in the kitchen. It was October 30, 2007. Jack was 20 months old at the time.

What happened was, his older sister had these Aqua Dots that you put in water and they transform into an animal or something like that. He swallowed some of them. All of a sudden, this little boy was standing there, throwing up and stumbling around. She immediately took him to Arkansas Children's Hospital, where he was treated by a doctor, Dr. Jaeger.

Suddenly, this little boy, Jacob—Jack—went into a coma. They had no idea what caused it. Kids swallow things, as we know, all the time. They will swallow a penny. They will swallow something. It is not a good thing, but they do not immediately go into a coma. He was in a coma for about 6 hours. They thought they were going to lose him because no one could figure out what happened.

Well, she said, just like this, he came out of the coma and he was fine. The doctor was in shock. The doctor said if he had not been there, he would not have even believed it had happened.

So they got him home. No one figured out what happened. She got on the Web site herself—the mom did—trying to figure out what was in Aqua Dots. She called the company. Everyone was trying to figure it out.

Finally, they did some testing in the next few days, and they found out the coating that was put on these particular Aqua Dots metabolized into a chemical compound known as the date rape drug. As a former prosecutor, I can tell you we have handled cases involving date rape drugs. This is not a little thing. These are used to knock people out for hours so crimes can occur, and they take vulnerable victims and try to put them to sleep. That is what happened with these Aqua Dots.

These simple little toys—that are supposed to be pet pals—morphed into a date rape drug right in this little boy's stomach. So she came and told us this story.

On November 7, Spin Master—the company that makes Aqua Dots—recalled the product. The chemical that is in these little beads could cause children—they figured out—to become comatose, develop respiratory depression or have seizures. Luckily, this little boy survived. This is what we were dealing with.

Then, another family came and talked to Senator PRYOR and me. This is Colton, also a little boy. He is a little older than Jacob. Their family lives in Oregon. The mom told us this story:

In 2003, when Colton was only 4 years old, he swallowed a little trinket they had gotten out of a gumball machine. It was later determined—they couldn't figure out why he was so sick. He was having trouble. He was not himself. They took him to the doctor. They figured out he swallowed this lead. They got the toy out of him, but they figured out later that this toy was 39 percent lead. His lead levels—this little boy, Colton—at the time were considered fatal, but he survived. This led, actually, to the recall of 150 million pieces of gumball machine jewelry.

Now, this is not that different from the story I told you about Jarnell. This mom told me when we met earlier in the week that when she heard about Jarnell, it all came back to her. She spent the last 2 years trying to be an advocate, all by herself—Colton's mom—to get something done on this, and then imagine how she felt when she read that this little boy, Jarnell, in Indianapolis had died from exactly the same kind of charm, these lead charms; something like that went into his system. The one Jarnell had was 99 percent lead. Luckily for little Colton, the piece he had was only 39 percent lead. But now, even today, Colton's lead levels, even when he is much older, are at 17. They are not where they should be, and they are constantly on alert for what might go wrong. If he has a growth spurt or if he breaks his bones, his lead levels will increase, and they don't know the effect that will have. We all know it is very dangerous, the brain damage in children and other things it does.

The other thing about these charms—and we are very focused on little kids swallowing them, but the other thing about them is that necklaces can also affect teenage girls because they put these necklaces on, and then they are sitting in class or they are with their friends, and they chew on them. I have seen little girls actually do this—teenage girls. They are cheaper jewelry charms, and they start to chew on them. Well, in January 2007, 114,000 necklaces were recalled because the pendants contained high levels of lead, these kinds of pendants that continue to be recalled throughout this year.

Another example: In February of 2007, almost 300,000 Rachael Rose rings, which were worn by very young kids who wanted to try on a ring and have a ring on, were recalled.

In June of 2007, we had the Thomas & Friends, which was the first batch of 1.5 million recalls. This story is one that is worth noting. The Presiding Officer will be interested in this one.

These were toys that were manufactured and painted in China. The RC2 Company, when they found out about it, called for a recall. They were very embarrassed about the safety record. They appropriately apologized to their customers, saying they would make every effort to ensure this wouldn't happen again, and to help encourage customer loyalty and to prompt customers to return the trains, they actually said: You know what, we will give you a bonus gift. We are going to replace the toys, and we will send you a bonus gift if you send in your toys that have been recalled. So all of these parents sent in their recalled toys. As you can imagine, they are trying to figure out which toy is recalled and which isn't. Is it the caboose or the boxcar? They end up sending it back to get this bonus gift. Guess what. This bonus gift backfired in a big way. It was discovered that 2,000 of these bonus gift items contained lead paint levels 4 times higher than legally allowed, leaving the parents of these toddlers to deal with what we call the double recall.

Then, in August 2007, almost 1 million Sesame Street and Dora the Explorer toys were recalled by Fisher-Price. In October 2007, 1,600,000 Cub Scout badges were recalled for extremely high lead levels. Just this last Halloween, just a few days before Halloween, 43,000 Ugly Teeth toys were recalled that kids put in their mouths for Halloween.

This is just what I call the ''greatest hit list.'' There were over 9 million toys recalled by hundreds of different companies in 2007, with a total of 27 million toys recalled.

Yet we have known about this danger for 30 years. That is what is so shocking about this. As we advance in this country with technology, with BlackBerrys and cell phones, it is unbelievable that we would be stepping back. The science is clear. It is an undisputed fact that lead poisons children. It should not have taken us this long to take lead out of the hands of our children, out of their mouths.

It is the Consumer Product Safety Commission's job to do this. When they started seeing all of these imports coming in, they should have done something. They should have come to Congress and said: We think we see a problem here. We are going to need more people. We are going to need more toy inspectors. It was Congress that had to take the lead to get this moving. The burden should not fall on parents or kids to tell if a toy train is coated with lead paint. Who is going to be able to figure that out? You figure that if you buy a toy from a reputable store, it is going to be OK. I think it is shocking for most parents when they realize there has never been a mandatory ban on lead in kids' toys in this country—never. Until this legislation, there has never been a mandatory ban.

In response to a series of letters I wrote to Chairwoman Nord in August about the dangers of lead in children's products, the Chairwoman responded on September 11. In this letter, Chairwoman Nord acknowledged that:

> The CPSC does not have the authority to ban lead in all children's products without considering exposures and risks on a product-by-product basis.

Chairwoman Nord went on to say that were the CPSC—the Consumer Product Safety Commission—to attempt banning lead in all children's products:

> It would likely take several years and millions of dollars in staff and other resources.

This response makes it clear that Congress cannot wait for the Consumer Product Safety Commission to act. They have had years. They have known this was increasing, these imports and what was going on for years, and they didn't act. That is why we need this bill. According to them, to give them the benefit of the doubt, they didn't have the tools or the resources to do their job. Now, it would have been nice if they had come earlier than this year to act, but they didn't have the tools on the books. So that is what this bill is about.

To talk a little bit more about the specifics, this legislation effectively bans lead in all children's products by classifying lead as a banned hazardous substance under the Federal Hazardous Substance Act. This was a part of the bill that incorporates the bill we wrote out of our office. The reason I, of course, was so focused on this was because of the fact that this little boy died in our State.

The bill sets a ceiling for a trace level of allowable lead at .03 percent of the total weight of a part of children's products, or 300 parts per million. Some States across the country have put these in because of inaction by the Federal Government. Some are set at .04. California has .04 for toys and .02 for jewelry. We decided the best way to do this is to set it at .03 for the first year, a year after the bill takes effect, and then, actually within a few years, go down to .01 because the science supports that we should be able to get it down to .01 percent of the total weight of kids' toys for lead. The idea is that, in fact, as some of the pediatrician groups believe, we can do this and we can maybe go lower than that, to trace levels of lead, and we allow the Consumer Product Safety Commission to do a rulemaking so that if they would like, and the science supports it, they can actually go down to zero or go lower if they would like. But these are trace levels of lead that are actually more aggressive than you see in some of the States.

The legislation also sets an even lower threshold for paint. Under this bill, the allowable level of lead paint would drop immediately to 90 parts per million. This lower threshold is critical because science has shown that as children put products in their mouths, it is the painted coatings which are the most easily accessible to kids. Every parent of a toddler knows this to be true. On these lead-tainted Thomas trains, you can always see, on the ones I have seen that have been brought into my office by parents who are worried, those little teeth marks of kids who are chewing on these toys.

I will tell my colleagues that people say: Well, what is the Consumer Product Safety Commission doing now? They have a voluntary standard at .06. So the standard is higher. The key is that it is voluntary, so they have to call and negotiate with the companies if they want to do a recall. A lot of our retailers in Minnesota, including Target and Toys ''R'' Us, have been very frustrated by this because they are negotiating with the manufacturer, so it is not clear. They want to get the products off their shelves, but they haven't been recalled yet. So this makes it much simpler because it is a mandatory Federal lead standard.

The other part of the bill that came out of a bill we drafted and which is very important to me—and I think it comes from being a mom, and it is practical—is making it easier when there is a recall to be able to identify the toys.

Now, when I talk to my friends, they say: What am I supposed to do? I hear about this recall. I go to the Consumer Product Safety Commission Web site. I can't tell which caboose, which train. Is it the boxcars? Is it the caboose? Which brunette Barbie? Which blond Barbie?

Big surprise: They don't keep the packaging. I don't think anyone but my mother-in-law keeps packaging for toys, because she saves everything.

What our bill does is basically says the batch numbers, when practical, should be on the toys. They won't be on Pick-Up Sticks, obviously, but they can be on the foot of a Barbie or on the bottom of these little toys which actually say on the bottom ''caboose'' or ''boxcar,'' and there can be a batch number. So it will be easier for parents to identify which toy they can get out of their kid's box.

We also have put in this bill a requirement that the numbers be on the actual packaging. Even though parents will throw the packaging away, we think that is important because the mom-and-pop retail stores, the little retail stores, and also the Internet—people will still have the packaging. So Target, Toys ''R'' Us, and Wal-Mart are going to be able to put into their computer system when a toy is recalled immediately so you can't sell it through the line. That is not as easy for smaller stores. It may not be as easy for a little drugstore or grocery store and also certainly not easy for people buying on eBay or selling on eBay. So we also require that the batch numbers be on the packaging.

As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. That is why what Senator PRYOR has done as the chair of the consumer subcommittee—and I am proud to be a member of that subcommittee and to have worked with him on this bill—is so significant.

You think about how the marketplace has changed in these 16 years and what we have seen in the growth for imports from countries that don't have our same standards. Yet, at the same time, the Commission is a shadow of its former self. Although the number of imports has tripled—tripled—in recent years and the number of recalls, as I noted earlier, has been increasing by the millions, the number of Commission staff and inspectors at the Consumer Product Safety Commission has dropped by more than half, falling from a high in 1980—as my colleagues can see right here—falling from a high of 978 to 393 today. Look at that change. Maybe that wouldn't have mattered if we suddenly had fewer toys in this country, maybe if we had a third of the imports coming in. In fact, we have seen a tripling of imports from countries that do not have the same safety standards as we do. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

What this legislation does—and we already started, actually, back in December, where we gave the Consumer Product Safety Commission, through our omnibus budget bill, some funds to hire more inspectors—this legislation more than doubles the Consumer Product Safety Commission's budget so that they can get those toy inspectors on board.

This bill provides some needed help to increase the inspection, the research, and regulation staff. It puts 50 more staff at U.S. ports of entry in the next 2 years. Some were announced just yesterday as a result of the work of this Congress.

Not only does this bill give the necessary funding and staff to the Consumer Product Safety Commission, but it gives the Commission the ability to enforce violations of consumer product safety laws. This bill finally makes it criminal—criminal—to sell recalled products.

We have seen too many headlines this year to sit around and think this problem is going to solve itself. As a Senator, I feel strongly that it is important to take this step to protect the safety of our children. When I think about that little 4-year-old boy's parents back in Minnesota and I think about the children all over this country who have been hurt and the parents who have lost sleep just trying to figure out if what they are doing is right or what are they going to buy their kids for Christmas or what are they going to do about this problem—they shouldn't be thinking about those things in this day and age. We can beef up this agency that has been languishing for years. We can put the rules in place and make it easier for them to do their jobs.

So this isn't just a matter of banning lead in children's toys. This bill is a matter of implementing consumer safety laws and regulations. It is a matter of protecting kids from more harmful products. It is a matter of helping parents to understand what to do when something has been recalled. It is a matter of keeping customers informed and safe when purchasing products in the United States. And it is a matter of bringing the CPSC back into the 21st century. As I said, all of the toys were overseen by a guy named Bob, with a back office full of toys. He would be dropping them to see what happened and what didn't. He is retired now.

We are moving into the next century. This is a matter of getting serious about consumer safety. We have to say Congress cares about the families in this country. People get mad about the Congress because it takes so long to get things done. This is a bread-and-butter bill, about helping families.

With the bipartisan help of our Senate colleagues, we can pass this meaningful bill that gives the CPSC the tools they need to do their job, and it also sets clear and unequivocal standards of what is safe and what is not in this country.

The current system has been broken by years of neglect, by an agency that

hasn't told the truth about its problems, and by an administration that has closed its eyes to what has been going on. This Congress can fix this. The Consumer Product Safety Commission Reform Act represents some of the most sweeping reforms we have seen in 16 years for consumer safety.

The Wall Street Journal said:

The Consumer Product Safety Act is the most significant consumer safety legislation in a generation.

We can pass this legislation today, Madam President.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized for up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATH ACT

Mr. INHOFE. Madam President, about an hour ago, I was presenting a bill that we had introduced as part of 15 bills to resolve the illegal immigration problem. It is one that I have done many times before, which is making English the official language, or national language, for the United States. I think it is one that has enjoyed a great deal of popularity. It has passed this body before by almost a 2-to-1 margin, in 2006 and in 2007.

At the conclusion of my presentation on this legislation, I neglected to ask that a copy of the bill, S. 2715, be printed in the RECORD following my remarks. I will soon ask that it be printed in the RECORD.

Madam President, I am joined by several colleagues, including Senators COCHRAN, WICKER, DOMENICI, SHELBY, and others, in introducing the Preserving Access to Hospice Act, a bill to ensure that America's terminally ill seniors have access to hospice care by providing immediate relief for hospices that are impacted by the Medicare hospice cap, through the establishment of a moratorium on the calculation and collection of the hospice cap for fiscal 2006, 2007, and 2008, and the authorization of a MedPAC study on the cap issue.

My fellow Oklahoman in the House of Representatives, JOHN SULLIVAN, today introduced the same companion bill on the House side.

Because of a flawed law, the Federal Government is requiring hospices to repay the Centers for Medicare and Medicaid Services, CMS, for serving eligible patients in prior years. Many small family and community-owned hospices will be forced to close, patients will lose access to hospice care, and local jobs will be lost. In Oklahoma especially, hospice care companies of all sizes service a large number of Oklahomans.

In 1982, Congress initiated hospice as a Medicare benefit for terminally ill patients. In the 1980s and 1990s, Congress worked to broaden hospice coverage to ensure each eligible beneficiary has access to unlimited days of hospice care, regardless of their diagnosis.

Medicare pays hospice a flat fee per patient per day regardless of the actual cost. The hospice is then responsible for all costs related to the care of its patient until their death, regardless of how long they remain under their care. However, under the hospice Medicare benefit, Medicare caps the number of days they will pay per patient. Hospices cannot manage this cap without rationing access of care to these terminally ill patients who elect the hospice benefit for however long they remain eligible.

I have to say at this time that some of the best spent money in this type of care is the hospices.

At the end of the care, CMS has been recalculating how much they have paid the hospice per patient and what the eligible cap days were for each patient. This is something done after the patient has already received care. If they paid the hospice more than was allowed under the cap, the hospice is required to repay Medicare. Therefore, hospices are being contacted by CMS and asked to repay millions of dollars used to care for these dying patients. In 1999, very few hospices were hitting the cap because Medicare had strict restrictions on who was eligible for the benefits. As the eligibility and longevity has increased, hospices started to go over the cap.

In 2005, 41 percent of the hospices providing care in my State of Oklahoma received letters from CMS demanding repayment. Obviously, the recalculation is unfair and will result in patients being denied hospice care, and many Oklahoma hospices are going bankrupt. As Congress and CMS examine this issue, temporary relief is needed so that the patients can continue to have access to hospice care and hospice providers do not face bankruptcy. My legislation provides immediate relief for impacted hospices by establishing a moratorium on the calculation and collection of the hospice cap for fiscal years 2006, 2007, and 2008, and authorizing a MedPAC study to determine the best way to address this hospice cap issue.

I have been working since early 2007 to help small community hospices in Oklahoma as they face repayment letters from CMS for millions of dollars. Without a moratorium, these Oklahoma hospices, as well as hospices in numerous other States, will be unable to meet demands for repayment. As a result, hospices will be forced to close and discharge significant numbers of terminally ill patients, possibly into more expensive care.

So I ask you to join me in supporting this legislation that will protect our terminally ill seniors' access to hospice care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2715

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Language Act of 2008''.

SEC. 2. AMENDMENT TO TITLE 4.

Title 4, United States Code, is amended by adding at the end the following:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec.
''161. Declaration of national language.
''162. Preserving and enhancing the role of the national language.
''163. Use of language other than English.

"§ 161. Declaration of national language

''English shall be the national language of the Government of the United States.

"§ 162. Preserving and enhancing the role of the national language

''(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

''(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

''(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

"§ 163. Use of language other than English

''Nothing in this chapter shall prohibit the use of a language other than English.''.

SEC. 3. CONFORMING AMENDMENT.

The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

''6. Language of the Government ..... 161''.

Mr. INHOFE. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORAL HEALTH

Mr. BROWN. Madam President, around this time last year, we heard

the news story of Deamonte Driver. He was a 12-year-old living in Prince George's County, MD, a short driving distance from this building.

Deamonte had a toothache. His family was poor and they didn't have health insurance. They could not afford to pay out of pocket for dental care. Although in the past they had Medicaid coverage, it was nearly impossible, as it is in most places—Missouri, Ohio, Arkansas, and most places—to find a dentist who took Medicaid patients. The infection from Deamonte's tooth spread to his brain. His family took him to the hospital, only to find out that his Medicaid coverage had lapsed because the paperwork to confirm eligibility was mailed to a homeless shelter where the family had spent some time. Deamonte died after surgery, after 2 weeks in the hospital and $200,000 in medical bills.

Deamonte's death was tragic and needless and that is unconscionable. Families across the country were shocked by this story.

This story illustrates what is wrong with our health care system. Several years ago in Cleveland, an 11-year-old girl was missing. She had disappeared for some time. When they discovered her body, they could not check her dental records because she had never been to a dentist. It took some time to identify who she was.

The story of the girl in Cleveland and the story of Deamonte in Prince George's County, MD, illustrates what is wrong with our health care system. It also provides a map for how we can make it better.

This week, with a Congressman from Maryland, I am introducing the Deamonte Driver Dental Care Access Improvement Act. The goal of the bill is simple: to increase access to dental care for the underserved in our country and to tackle access problems for dental care from multiple angles.

This bill strengthens our system of care by providing grants to community health centers—they give terrific care in communities that are underserved all over the country—so they can expand the dental services they provide—not all of them do at this point—including mobile dentistry and teledentistry services.

The bill also provides grants to create dental health professionals whose mission is to work with communities to provide care for the underserved. People who are not dentists get some training, significant training, so they can help dentists and dental hygienists do their job.

To create incentives for dentists, the bill provides tax credits to dentists who serve Medicaid, the Children's Health Insurance Program, and uninsured populations.

The bill invests also in prevention. Half of the battle will be to increase dental health promotion activities among families.

Other provisions address maternal health and Medicaid reimbursement.

In Ohio, dental care is the No. 1 unmet health care need among children, unequivocally. In the last year, as I have traveled around the State, I held 85 roundtables where I sat down with 20 or 25 people from the community and asked them questions about their community and what we can do together in this community with the Senate office. I have done it in about 55 counties. I hear stories about how families are struggling with dental problems. A lot of these stories are similar to that of Deamonte Driver.

Recently, I learned about the story of Tyler Panko, a 5-year-old with autism who lives in rural Ohio. His father is self-employed. He took Tyler to four dentists to try to get care for his son who suffered from debilitating tooth decay and poor weight gain. No dentist within a 100-mile radius would accept Tyler as a patient due to his medical condition and Medicaid coverage.

Tyler was ultimately referred to the Ohio State College of Dentistry where he was treated under general anesthesia due to the severity of his disease.

Tyler's parents were so distraught about their son's well-being that they wanted to stay in Columbus the night before the surgery so as to not miss the appointment. They live in a trailer in rural Ohio. They could not afford both transportation and lodging, so the pediatric dentistry faculty at OSU College of Dentistry covered the family's lodging costs.

Since then, Tyler has been eating, gaining weight, and no longer wakes up crying, holding his mouth. Imagine that. The parents of a child cannot do anything for their child, and the child wakes up crying at night holding his mouth.

Tyler's story ended well. But how many other children and adults in my State and around the country are suffering from lack of dental care.

Yet it is typically overlooked when policymakers turn to the issue of health care access. People often think of health care in terms of the physical body from the neck down, and they overlook the importance of dental health.

It is almost as if including dental health in the health care debate is a luxury or an afterthought, a minor concern that doesn't merit our time. It is a foolish, and sometimes even deadly, misperception.

Addressing dental care also helps our workforce.

It is not obvious to most of us in most of our lives most of the time, but dental health is an indicator of socioeconomic status in our society. Those with beautiful teeth, those who have had the luxury of braces, those who have gone to regular dental appointments because their families can afford it or their families have dental insurance can have the confidence of smiling at a potential employer at a job interview.

For people with missing teeth, many of them at amazingly young ages, or crooked teeth or other problems related to the lack of access to dental care, their economic struggle shows, and it causes them to be treated differently from those who can go to the dentist regularly.

Again, think about a job interview: You are 24 years old; you are looking for a job; you have bad teeth; you know how that makes everything much harder.

People with painful dental problems are also more likely to miss school and later on miss work. We need to remove barriers to care for every American. We need to address the entrenched racial and economic disparities that exist in dental health. I want to keep families from relying on emergency rooms for dental care. There is simply no reason for that to happen. I want people to know how to prevent cavities and gum disease. I want to find ways to encourage dentists to accept Medicaid and CHIP and uninsured people. I don't want anyone to be held back from their ambitions because of their dental problems.

I hope my colleagues will help me in reaching these goals by supporting this bill. I thank the senior Senator from Mississippi, Mr. COCHRAN, for his cosponsorship of this bill. It is bipartisan. It is legislation whose time has come. It is legislation for those whom we pretty often ignore in this Chamber.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I wish to give my colleagues a sense of where we are on the bill. Generally, we have good news. I mentioned an hour or so ago, maybe 2 hours ago, the fact that Senator STEVENS and his staff and my staff have worked through a series of amendments. There are 12 or more amendments in a managers' package. There is language that is being worked on now to maybe add more to the managers' package. Various Senators on both sides of the aisle have had constructive amendments, and all amendments have been germane. That is great news. We thank all Senators and their staffs for keeping every single amendment germane. That is very constructive and very positive.

At the moment, we are waiting on some language on some amendments that maybe can be agreed to further without rollcall votes. We would love

to set up some rollcall votes at some point in the next few hours.

As I said earlier, I do not want to say this and regret it, but the way things are going, certainly this has the feel that we could possibly finish this bill this afternoon rather than this evening. If we have to work into the night or even into tomorrow, we will do that. Given the cooperative spirit and the nature of the amendments and the collegiality of Senators on this legislation, I think we can definitely finish today. As I said, I know a lot of Senators who would love to be able to wrap this up and get out of here earlier than they expected. That would be great news if we could pull that off. We are working very hard for that result.

Again, I thank the staff of all the Senators who have been working on these amendments with us. I thank the Senators because it has been a very productive week and a very constructive process.

I wish to talk about one of the issues that is outstanding. We may have a vote on it later today. We don't know yet. It is a whistleblower provision. I wish to inform my colleagues of the goal we had of writing into the bill whistleblower protection. We want to make sure that when people come across a safety violation and they tell the Consumer Product Safety Commission about it, they not be punished for doing the right thing.

We tried to find a balance in this issue. This provision has changed quite a bit throughout the course of the life of this bill. We have to remember there is a compelling Government interest in the public's safety and welfare. So we are trying to find that balance. We are certainly trying to protect the public's safety and welfare. We want to keep these dangerous products out of the stream of commerce, but at the same time, we have heard the concerns and the objections mostly by the business community.

Let me say this about whistleblower protection: I know this has been a source of much debate and many votes in the Senate over the last several Congresses. I remind my colleagues that whistleblower protection is not a novel idea. This is not a new concept. We actually see whistleblower protection in many Federal laws this Congress has passed.

Since the year 2000, Congress has passed several whistleblower laws that have been very similar to what we have drafted in S. 2663, including Air 21, for airline workers; Sarbanes-Oxley, for employees of publicly traded corporations; the Pipeline Safety Act, for oil pipeline employees; the Energy Policy Act, for nuclear workers; the Implementing Recommendations of the 9/11 Commission Act, for railroad and public transportation workers; and even as recently as this year in the Defense Authorization Act.

We have drafted our provision based on existing law. The Surface Transportation Assistance Act is the model we use to try to extend whistleblower protection under narrow circumstances in this act.

I will give a few examples. I will limit it to two real-life examples. In 2002, a product designer for a lighting manufacturer was fired after he informed management about the dangerous conditions of certain lighting products, and he refused to violate the law by passing the products on to the customers before they were thoroughly tested. That person did not have any recourse when he was terminated by his company.

We understand, we are very sensitive to a company's desire to have employees who can follow instructions and can be productive, but at the same time, there is a compelling public interest in the fact that we are talking about the safety of our citizens in this country.

Another example from 1995: An employee of a wire and cable company reported there was a shipment of defective wire. He reported that to a customer because he was concerned the wire would be used in fire alarms in hotels, residences, and high-rise buildings. The employee refused the company's directive to ignore the problems with that wire, and he was fired.

Not to get into the details of that case, but we see that whistleblower protection, if we build in the right parameters, might make sense. What we did through this process is we tried to listen to the business community's concern. There has been a myth floating out there that if this law passes, then a business will never be able to fire a disruptive employee. That is not true. Certainly, we are trying to find that balance. Whistleblower protections would not protect an employee who is going to be fired anyway. It would not protect a disruptive employee who is not a good employee. The employee has the burden of proof of establishing a prima facie showing. They have to make a prima facie case that they were terminated because they had told the CPSC about a problem. The employer has an affirmative defense of showing they would have done the same thing with this employee regardless of the fact that he or she informed the CPSC of a violation.

Also, there is a provision in the bill that if the employee files a frivolous claim and tries to hide behind this whistleblower protection, that employee may have to pay up to a $1,000 penalty throughout the course of the whistleblower process.

We have tried to listen to the concerns of the business community. We are trying to get the proper information to the CPSC to make sure that if there is a problem out there, it is brought to their attention as early as possible. And if an employee wants to do the right thing, with these safeguards built in place, he or she will not be terminated because they are trying to make sure these products are safe in the U.S. marketplace.

Senator STEVENS has walked into the Chamber. So far the news today has been good. We are disposing of matters. We encourage any Senator who wants to come down and speak on their amendment or any Senator who wants a vote to please let us know. So far it has been a very constructive process. I thank all my colleagues for their spirit of cooperation today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4132

Mr. BROWN. Madam President, I ask unanimous consent to call up amendment No. 4132 and to set it aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Hearing no objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. CASEY, proposes an amendment numbered 4132.

The amendment is as follows:

(Purpose: To authorize the temporary refusal of admission into the customs territory of the United States of consumer products manufactured by companies that have violated consumer product safety rules)

On page 103, after line 12, add the following:

SEC. 40. TEMPORARY REFUSAL OF ADMISSION INTO CUSTOMS TERRITORY OF THE UNITED STATES OF CONSUMER PRODUCTS MANUFACTURED BY COMPANIES THAT HAVE VIOLATED CONSUMER PRODUCT SAFETY RULES.

(a) IN GENERAL.—Section 17 (15 U.S.C. 2066), as amended by section 38(e) of this Act, is amended by adding at the end the following:

''(j) TEMPORARY REFUSAL OF ADMISSION.—

''(1) IN GENERAL.—A consumer product offered for importation into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States) may be refused admission into such customs territory until the Commission makes a determination of admissibility under paragraph (2)(A) with respect to such product if—

''(A) such product is manufactured by a manufacturer that has, in the previous 18 months—

''(i) violated a consumer product safety rule; or

''(ii) manufactured a product that has been the subject of an order under section 15(d); or

''(B) is offered for importation into such customs territory by a manufacturer, distributor, shipper, or retailer that has, in the previous 18 months—

''(i) offered for importation into such customs territory a product that was refused under subsection (a) with respect to any of paragraphs (1) through (4); or

''(ii) imported into such customs territory a product that has been the subject of an order under section 15(d).

''(2) DETERMINATION OF ADMISSIBILITY.—

''(A) IN GENERAL.—The Commission makes a determination of admissibility under this subparagraph with respect to a consumer product that has been refused under paragraph (1) if the Commission finds that the consumer product is in compliance with all applicable consumer product safety rules.

''(B) REQUEST FOR DETERMINATION OF ADMISSIBILITY.—

''(i) IN GENERAL.—An interested party may submit a request to the Commission for a determination of admissibility under subparagraph (A) with respect to a consumer product that has been refused under paragraph (1).

''(ii) SUPPORTING EVIDENCE.—A request submitted under clause (i) shall be accompanied by evidence that the consumer product is in compliance with all applicable consumer product safety rules.

''(iii) ACTIONS.—Not later than 90 days after submission of a request under clause (i) with respect to a consumer product, the Commission shall take action on such request. Such action may include—

''(I) making a determination of admissibility under subparagraph (A) with respect to such consumer product; or

''(II) requesting information from the manufacturer, distributor, shipper, or retailer of such consumer product.

''(iv) FAILURE TO ACT.—If the Commission does not take action on a request under clause (iii) with respect to a consumer product on or before the date that is 90 days after the date of the submission of such request under clause (i), a determination of admissibility under subparagraph (A) with respect to such consumer product shall be deemed to have been made by the Commission on the 91st day after the date of such submission.

''(3) COMPLIANCE WITH TRADE AGREEMENTS.—The Commission shall ensure that a refusal to admit into the customs territory of the United States a consumer product under this subsection is done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States.''.

(b) RULEMAKING.—

(1) NOTICE.—Not later than 90 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall issue a notice of proposed rulemaking with respect to the regulations required by paragraph (2).

(2) REGULATIONS.—Not later than 120 days after the date of the publication of notice under paragraph (1), the Consumer Product Safety Commission shall prescribe regulations to carry out the provisions of the amendment made by subsection (a).

(c) CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—The Consumer Product Safety Commission shall consult with the Secretary of Homeland Security in carrying out the provisions of this section and the amendment made by subsection (a).

Mr. BROWN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I ask unanimous consent that Senator WICKER be recognized at 2 p.m. today to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Mississippi is recognized for up to 20 minutes for his maiden Senate speech.

REBUILDING THE MISSISSIPPI GULF COAST

Mr. WICKER. Mr. President, as I address the Senate for the first time today, I could not be prouder of the people I represent. From the northeast Mississippi hills and De Soto County suburbs, down through the Delta, and from metro Jackson, across to east central Mississippi, and down through the Piney Woods, from southwest Mississippi to the Gulf of Mexico, my native State of Mississippi is on the move, having added over 50,000 jobs in the past 4 years. But we are also in the process of recovering from the most devastating natural disaster ever to hit North America—Hurricane Katrina. With its nearly 30-foot storm surge, its winds of over 125 miles per hour, and an eye that stretched the entire coastline of Mississippi, Hurricane Katrina reshaped not just the landscape of our Gulf Coast; Katrina reshaped how our public officials must approach every quality of life issue in our State, be it housing, insurance, economic development, education, health care, or public safety.

While there are a number of issues, accomplishments and challenges facing my constituents, today I will speak about the most pressing issue facing my State, the rebuilding and renewal of the Mississippi Gulf Coast and the ongoing need for this Congress to follow through until recovery is indeed a reality.

Steady progress has been made, but great challenges remain that cannot be overcome without a partnership from the Federal Government. Continued Federal resources are needed before our State can truly recover.

For most citizens on the Mississippi Gulf Coast, Katrina is not just one issue; it is virtually every issue.

Every Mississippian remembers what they were doing on August 29, 2005. My wife, Gayle, and I were at home in Tupelo, in the path of a storm that would cause damage 300 miles inland and in the path of thousands of Mississippians and Louisianans fleeing Katrina. Like citizens across the country, we joined our community in opening arenas and churches, preparing Red Cross shelters and organizing gifts of clothing and supplies. Our family and friends were among the foot soldiers in the army of compassion that responded to the devastation in south Mississippi.

Days after Katrina's landfall, Gayle and I had the opportunity to deliver an 18-wheeler full of supplies to Jackson County. What we saw was indescribable to those who had seen the coverage only on television. Tens of thousands of homes obliterated. Businesses and schools destroyed with no trace of previous existence. Bridges wiped away, cutting cities off from one another. And an eerie silence because of the lack of electricity for hundreds of miles.

The Federal Government's response to this disaster has come under an immense amount of criticism, much of which is justified. But it would be irresponsible for us to ignore what went right.

The night of the storm, Coast Guard helicopter crews saved hundreds of my fellow Mississippians.

Katrina generated twice as much debris as any hurricane in history, but it was picked up in half the time.

Our school superintendents, principals, teachers, and parents led the effort to get every one of Mississippi's public schools open as quickly as possible.

Our business community responded, reopening shops, restaurants, and manufacturing plants so our people could get back to work.

And our citizen volunteers and the faith community shined. Mr. President, 500,000 volunteers have offered help to Mississippi since Katrina, and that number continues to climb.

Over the last 2½ years, a lot of progress has been made. South Mississippi is not just recovering; south Mississippi is on its way to building back from the worst natural disaster in American history bigger and better than ever before.

As a Member of the other body, I was glad to be a part of the team that worked to produce much needed appropriations and economic development incentives for our State and others impacted by Hurricane Katrina. Our governor, Haley Barbour, our senior Senator, THAD COCHRAN, my predecessor in this body, Senator Trent Lott, and our

entire congressional delegation—Republican and Democrat—were a part of this effort. Katrina was not a partisan storm and in Mississippi, we are working in a bipartisan way to rebuild our communities.

On behalf of a grateful State, I thank the Senate for its support of our rebuilding efforts. In return, Senators—and the taxpayers—deserve a report on our progress.

Housing is still being rebuilt, as evidenced by the shrinking number of families in FEMA-provided temporary housing.

The CDC recently announced that those still living in FEMA trailers could be exposed to formaldehyde levels 40 times the normal level. This news only serves to underscore the fact that while FEMA trailers were necessary immediately following the storm, we must redouble our efforts to move the remaining citizens from them.

The State of Mississippi is deploying ''Mississippi cottages,'' which are real homes built to HUD standards that are free of formaldehyde contamination.

It is imperative that FEMA work with the State of Mississippi to purchase and deploy Mississippi cottages for all individuals along the gulf coast who live in FEMA trailers.

We are also rebuilding our infrastructure. The bridges connecting Bay St. Louis to Pass Christian, and Biloxi to Ocean Springs have been rebuilt, literally and spiritually reconnecting communities to one another.

The GO Zone economic development incentives have been an essential boost to our job creation initiatives. Our State's largest employer, Northrop Grumman, has made great progress and is working to get back to pre-Katrina employment levels; Chevron has announced an expansion of its refinery in Pascagoula; PSL has announced its first plant in North America in Hancock County where they will manufacture steel pipe; and Trinity Yachts has a new facility in Gulfport.

Much has been done, but there is much left to do.

Chairman Donald Powell, the Federal coordinator for the Office of Gulf Coast Rebuilding, acknowledged these challenges last week when he announced he was stepping down. He said it would be ''some time before the area recovered.''

I say this to my colleagues in the Senate: Katrina is not over. There are tall hurdles still to overcome. And there is more the U.S. Congress must do.

The most urgent issue facing the Mississippi Gulf Coast is insurance. If you can't insure it, you can't build it or finance it. The rising cost of insurance cripples the efforts of small businesses, increases the cost of home ownership, and drives rental rates beyond affordability.

This is not just an issue for Mississippi. From Bar Harbor, ME, to Brownsville, TX, millions of Americans live near the coastline, in the path of a future hurricane. For many years, insurance companies have refused to offer insurance protection for water damage caused by hurricanes; this led to the creation of the National Flood Insurance Program, which is up for reauthorization soon. After Katrina, the most important question for a homeowner or a small business person was ''wind or water?''

Wind versus water. That is the debate which still occurs today in courtrooms on the Mississippi Gulf Coast between insurance companies and storm victims.

This debate is what necessitated the multibillion-dollar supplemental appropriations package this body approved after Katrina, and unless Congress changes the law, the wind versus water debate will result in a multibillion-dollar supplemental appropriations package after the next big hurricane—wherever it may land.

Even worse, since Katrina, it is also common practice for insurance companies to not offer wind insurance at a rate that is even close to affordable. This is driving more and more homeowners and business owners into a State-sponsored wind pool, which acts as an insurer of last resort. But this is not a reasonable long-term solution, because too much risk is being placed in a too small of a pool.

The best solution available is to allow homeowners to purchase wind and flood insurance coverage in the same policy.

This will not only help the storm victims so they can know their hurricane damage will be covered; it also will protect the U.S. taxpayer. The American people are the most generous in the world, and their elected representatives will continue to respond to natural disasters, whether it is a hurricane on the east coast or an earthquake in California, with supplemental disaster appropriations packages. But the size of these packages will be smaller if more people have insurance.

As a Member of the House, I voted for Congressman GENE TAYLOR's multiperil insurance legislation when it passed last September. I am committed to achieving the same success here in the Senate.

Another key initiative we must focus on in order for the gulf coast to continue rebuilding is the extension of tax provisions included in the GO Zone legislation. I mentioned earlier the boost this legislation has given the gulf coast, and I want to ensure this body that it has provided much-needed help.

However, in order for the legislation to be fully utilized by families and small businesses who have not yet been able to begin rebuilding, these important tax provisions should be extended.

Other issues remain, especially at Katrina's ''Ground Zero.'' Hancock County, and the cities of Pass Christian and Long Beach in Harrison County, bore a direct hit from Katrina, and their issues are not the same as the rest of the gulf coast.

With their property tax base decimated, basic government operations are still run out of trailers. Hancock County has no jail, an essential part of maintaining public safety. Mayors, supervisors, and other community leaders now are forced to completely rethink their economic development and planning strategies because the new FEMA flood plain maps will make rebuilding next-to-impossible in many areas.

Ground Zero needs extra help. In many cases, Congress has provided the necessary resources, but the Federal Government's current rules and regulations do not recognize the reality on the ground. The Federal Government needs to be flexible, and if it can't or won't, Congress needs to step in. At some point, as Chairman Powell stated, ''commonsense has to come to the fore.''

My Senate office has been in existence for only a few weeks, but we are already at work trying to help constituents wade through the bureaucratic process to receive the permits from Federal agencies, such as the U.S. Army Corps of Engineers, that are necessary to rebuild.

This is, obviously, not the first time the Federal Government redtape has needlessly caused real problems, and it will not be the last. But that does not make the problems any easier, particularly when people are hurting. For example, affordable housing initiatives developed by the State are being delayed needlessly because Congress has refused to give the U.S. Department of Housing and Urban Development the authority to waive environmental regulations which require an archaeological dig for remnants on each piece of property, property that already had a home on it before Katrina. Such redtape does not make sense.

In this case and in others like it, Congress and the Federal Government's bureaucracy needs to get out of the way so the States, cities, and counties can use the resources already provided to them. But there are other cases where this Congress needs to provide more resources.

Off the coast of Mississippi lies a chain of barrier islands and coastal wetlands which provide a first line of defense against the storm surge of a hurricane. According to the Corps of Engineers, a storm surge is reduced by 1 foot for every 1 acre of wetland. Without the barrier islands, the storm surges would be 8 to 12 feet high.

Hurricanes such as Katrina and Camille before it, two of the most powerful storms ever recorded, have caused

significant damage to Mississippi's natural defense systems. If they are not restored, this problem will only get worse, putting more people and property at risk during future storms.

Gulf coast ecosystems are also threatened. The barrier islands and wetlands provide a natural regulator of salinity levels, which is vital for shellfish and other marine life to have a vibrant habitat.

I do not hail from Louisiana, but I strongly support the restoration of levees in New Orleans. These levees are necessary for the restoration and protection of a great American city. Our barrier islands provide the same purpose to the Mississippi gulf coast as the levees do to New Orleans.

In the coming months, I look forward to working with my colleagues in the gulf region to provide the funding necessary to restore the natural habitats that protect not just the environment and its ecosystems but also protect our citizens who are in harm's way.

Through the leadership of many in this body today, the Congress has stepped up to the plate and time and again provided assistance to the people of the Gulf States after Katrina. It is appreciated, but I must simply remind my fellow Senators that we are not finished. We should celebrate our progress but keep our eyes on the work that needs to be done. When there is a clear and compelling case for additional Federal involvement, I will be persistent in making that case. The people of the Mississippi gulf coast, who have demonstrated such untiring resilience and strength over the last 2½ years, deserve no less.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I wish to take a moment to commend our new Senator from Mississippi for what we typically refer to around here as his maiden speech. He obviously has chosen a topic that is at the top of the list of concerns for the people of Mississippi and addressed them very effectively.

I also wish to say not only to the Senator from Mississippi but to his constituents, what a spectacular start he has gotten off to in the Senate. He is an active and an aggressive member of both the Armed Services Committee, which is important to his State, and the Commerce Committee as well.

I commend him for that outstanding speech today and thank him for all he is doing for the people of Mississippi.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I join the leader in commending my colleague for an excellent statement about the challenges faced by our State of Mississippi in the aftermath of Hurricane Katrina. There could be no greater need of any State than to confront the realities of the challenge we face to rebuild and recover fully from Hurricane Katrina.

We have had a tremendous amount of support from the Federal level. We have the approval of appropriations bills, seeing the leaders of both Houses—the House and the Senate—coming together, joining with the administration in crafting a recovery package of changes in laws, as well as the appropriation of funds that will help speed the recovery. But it has been very frustrating to see how long it has taken to truly get back on the road to foreseeable recovery. Many of the communities are still without Federal, State, and county services that existed before the hurricane.

Although every effort is being made to overcome these challenges, the path ahead is filled with many new challenges. I am very confident that the presence in the Senate of my friend ROGER WICKER will help us identify and succeed in meeting this enormous challenge. I congratulate him on his remarks and thank him for his strong effort in meeting this very important challenge our State faces.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I join my colleagues in welcoming officially the new Senator from Mississippi and thank him for his service in the House and his service in the Senate. Certainly, it was great to hear his maiden speech today.

One of the aspects that is so true about the Senate is every Senator can make a difference. That is one of the challenges I think all 100 of us carry with us every day—to go out there and make a positive difference for this country and for the world.

I welcome Senator WICKER to the Senate.

Mr. President, I will give a very brief status report on the consumer product safety bill. Right now, we have been working through amendments all day. There have been several agreements. The managers' package is growing, which is good news. We are hopeful that we can have just a few amendments to be voted on and then have final passage. We do not have an agreement on that, but we are trying to reach an agreement right now. I wanted to alert Senators and their staffs that we would love to wrap this up, again, this afternoon. If we have to go into this evening, we can. But the sense right now on the floor, in talking with everyone who has been on the floor, Senators and staff who have been working through amendments, working through issues, we are still hopeful we can finish this bill this afternoon. We hope that is good news for Senators.

We, once again, encourage any Senator who wants to come to the Chamber and speak on this bill to try to come down as soon as they can because hopefully we will get to final passage this afternoon at some point.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I want to again inform Senate colleagues and staff on the Hill that we are making great progress. I know we have been in a quorum call for some time, but the truth is, we have been making very steady and solid progress.

We are hoping to get this bill to final passage this afternoon. There are a couple of amendments that we are still working through. We would love to reach an agreement with both sides to have a specific time to start a series of votes to get us out of here this afternoon. Again, for all of the staff and the Senators who are watching, now is the time, if you want to make one last pitch for either an amendment or a change in something, because everybody has been working very hard today and this week to get this done.

So we do not have anything locked in, but certainly we would love to start this last series of votes sooner rather than later. I have talked with several Senators and they have worked very hard. They would love to see us wrap this up as quickly as possible. I think we are very close to doing that.

Again, we are talking cloakroom to cloakroom, manager to manager, staff to staff, trying to get the last details worked out. So we are very hopeful we will have good news very shortly. We are very proud of the work that all of the Senators and staff have done to get us to this point on this important piece of legislation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4130

Ms. KLOBUCHAR. Mr. Chairman, I rise today in support of the Nelson-

Snowe-Klobuchar amendment to S. 2636. I commend the good work of my colleague, Senator NELSON, that we have done on the bill as a whole, with Senator PRYOR's leadership. The three of us as members of the Consumer Subcommittee have worked together to make this as strong a bill as possible. I especially applaud Senator NELSON's efforts to make sure the strong third party testing requirements were included in this bill.

As we have seen over and over again in the past year with the issuance of each new recall, independent testing plays a critical role in ensuring that the products on our shores and in our stores are safe. So I commend Senator NELSON for his good work in making sure independent third party testing will now be done using a more systematic approach under the bill.

The amendment we are sponsoring that will be brought to the Senate floor today would further strengthen the Consumer Product Safety Commission Reform Act by addressing very real dangers that infants and toddlers face with durable goods. To clarify, when you hear the words ''durable goods,'' what does than mean in a mom's or parent's or kid's life?

Well, durable goods are nursery products that are those products that no new parent can go without: cribs, car seats and strollers and high chairs, the most basic of all children's products.

Unfortunately, what we have seen in recent years, in this past year in particular, is that these nursery products are leading to the most severe and the greatest number of product-related injuries for children.

In 2007, 48 percent, almost half, of nursery product recalls were initiated because the use of the product has led to some type of child injury or even death.

According to the Consumer Product Safety Commission, an estimated 64,000 children, 64,000 children under the age of 5 were treated in emergency rooms across the country for injuries associated with nursery products in 2003, at a cost of $2.5 billion. That is $2.5 billion.

This figure has certainly risen over the last 5 years. And even more tragically, more than 50 children under the age of 5 have died since that time in incidents associated with nursery products.

I would like to take a moment and talk about one of the too many children who died tragically as a result of a defective crib, and that is 16-month-old Daniel Keysar. In May of 1998, little Danny was strangled to death in his licensed childcare facility when a Playskool Travel-Lite portable crib collapsed trapping his neck in the V of the rail.

Danny was the fifth child to die while sleeping in the Playskool Travel-Lite crib from 1990 to 1997. More than 1.5 million portable cribs with similar dangerous designs were manufactured. A total of 16 children have been killed by this type of crib. This is just a crib, a crib that you would put up in your house, and that many children have died in. And while these cribs were all eventually recalled, in 2007, we saw the largest recall of cribs in our Nation's history. You can see right here this is one of the more than 1 million cribs that were recalled last year; 1 million cribs recalled in 2007.

But these cribs never should have been brought to the market in the first place. It is not just cribs. Last year, when recalling the Evenflo Embrace infant car seat, the Consumer Product Safety Commission revealed that 160 infants were injured as a result of using this product. Many of these injuries were quite severe, ranging from skull fractures to concussions to lacerations.

Let me be clear: 160 babies were seriously hurt by a product that their parents bought for the sole intention of keeping them safe. That is why you get a car seat. I still remember. My daughter is 12, and I would never admit she had ever been in a car seat, but we all buy car seats to keep our kids safe. Just to think, for 160 households, it was the car seat that injured their baby. It is clear we must strengthen our safety standards and make them stronger for nursery products. Right now the safety of the Nation's nursery products depends on a system of voluntary standards. And while voluntary standards are a good first step, we have seen over and over again that they are not enough. The amendment Senators NELSON, SNOWE, and I are offering would direct the CPSC to evaluate and revamp these safety standards and give them the force of law. It is telling the CPSC, you have to do your job. Revamp these standards and make them better.

This amendment directs the CPSC to work with consumer groups, child product manufacturers and engineers and safety experts to examine and assess the effectiveness of our current system of voluntary safety standards for nursery products. We had voluntary guidelines for lead and look where that got us. The amendment then directs the CPSC to issue regulations aimed at reducing injuries and deaths from these kinds of nursery products.

This amendment is not controversial. Strengthening safety standards for nursery products is a winning proposition for everyone. This language was included in the House-passed bill by an overwhelming majority. It is my understanding that this amendment will be adopted in the manager's package. I thank Senators PRYOR and STEVENS for accepting this amendment.

I thank the Senate for their support for the amendment I offered with Senator MENENDEZ to ban industry trade travel. Industries the Consumer Product Safety Commission is supposed to be regulating should not be paying for Consumer Product Safety Commission personnel to fly all around the world. I was glad we had bipartisan support for our amendment. We look forward to working on this bill through the day and getting this bill passed. It is incredibly important, the most sweeping consumer product safety reform in 16 years.

Mrs. BOXER. Mr. President, I rise to speak about an amendment to this bill that would ban certain uses of a chemical that poses serious health risks to the lungs of consumers and workers.

In recent years, scientific evidence has mounted that this chemical, called diacetyl, seriously harms the lungs of workers in the factories making microwave popcorn. It causes an awful disease called ''popcorn lung'' in which the tissue inside of the lungs gets clogged with scar tissue and inflammation, leaving the victims struggling to breathe. There is now evidence that it also may pose risks to consumers.

According to the Centers for Disease Control and Prevention, or CDC, the effects of popcorn lung include:

POPCORN LUNG

(Bronchiolitis Obliterans)

The main respiratory symptoms experienced by workers affected by bronchiolitis obliterans include cough (usually without phlegm), wheezing, and worsening shortness of breath on exertion.

The severity of the lung symptoms can range from only a mild cough to severe cough and shortness of breath on exertion.

These symptoms typically do not improve when the worker goes home at the end of the workday or on weekends or vacations.

Usually these symptoms are gradual in onset and progressive, but severe symptoms can occur suddenly.

Some workers may experience fever, night sweats, and weight loss.

Before arriving at a final diagnosis, doctors of affected workers initially thought that the symptoms might be due to asthma, chronic bronchitis, emphysema, pneumonia, or smoking.

Last year, Dr. Cecile Rose, the head of environmental and occupational health sciences at National Jewish Medical and Research Center, one of the most respected lung disease hospitals in the country, wrote to the Consumer Product Safety Commission, the Food and Drug Administration, EPA, and the Occupational Safety and Health Administration regarding the possible risk of popcorn lung for heavy consumers of microwave popcorn as well as for workers.

Dr. Rose informed the agencies that she had a patient ''with significant lung disease whose clinical findings are similar to those described in affected [popcorn lung] workers, but whose only inhalational exposure is as a heavy, daily consumer of butter flavored microwave popcorn.''

Dr. Rose concluded that while we ''cannot be sure'' that heavy inhalation exposure to butter-flavored microwave

popcorn caused the patient's popcorn lung, ''we have no other plausible explanation.''

This report by Dr. Rose, a leading lung disease expert, caused a stir in the health community and the public because previously the concern had been focused primarily on the workers, not consumers.

Many of the major manufacturers of microwave popcorn have responded. According to published accounts, four of the leading makers and sellers of microwave popcorn—Con Agra, General Mills, American Pop Corn Company, and Pop Weaver—have said they will stop using diacetyl in their microwave popcorn. Their brands include Jolly Time, Orville Redenbacher, Pop Secret, Act II, and Pop Weaver.

However, there is no enforceable requirement that these or other popcorn makers stop using this chemical in their butter flavoring.

My amendment would simply level the playing field for all microwave popcorn makers, including importers and small manufacturers, by banning the intentional addition of diacetyl to microwave popcorn.

I urge my colleagues to support my amendment, in order to protect Americans from this unnecessary risk. We should be able to regularly enjoy the simple pleasure of watching movies at home and eating a bag of popcorn without having to worry about whether we are harming our lungs.

I ask unanimous consent to have a letter in support of this amendment printed in the RECORD.

MARCH 5, 2008.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: The undersigned consumer organizations write in support of your amendment to the Consumer Product Safety Commission Reform Act bill, S. 2663, to ban the use of the butter-flavoring chemical diacetyl in the production of microwave popcorn.

Our groups believe that both workers and consumers should be protected from harmful and even deadly exposure to diacetyl, a chemical found in thousands of food products containing added flavorings, including microwave butter-flavored popcorn.

Exposure to airborne diacetyl has been linked to the disease bronchiolitis obliterans, also known as ''popcorn lung.'' Problems with diacetyl first surfaced in 2000. Eight years later workers have become ill and died from exposure to this chemical. Last fall, the first case of a consumer contracting ''popcorn lung'' surfaced. This man developed lung disease after making microwave popcorn multiple times every day for a number of years. Further testing indicated that levels of airborne diacetyl in his home were comparable to levels found in microwave popcorn facilities where workers were diagnosed with ''popcorn lung.'' Diacetyl clearly poses a serious health hazard and must be banned.

We understand that several leading manufacturers of microwave popcorn have voluntarily pledged to discontinue the use of diacetyl in their popcorn production. While we are supportive of these actions, it is essential that Congress act more formally to ensure that the comprehensive elimination of the use of this chemical happens immediately. Your amendment would accomplish this by making the ban on diacetyl in all microwave popcorn mandatory for all manufacturers.

Thank you for your support for this important amendment.

Sincerely,

SALLY GREENBERG,
Executive Director, National Consumers League.

EDMUND MIERZWINSKI,
Consumer Program Director, U.S. Public Interest Research Group.

RACHEL WEINTRAUB,
Director of Product Safety and Senior Counsel, Consumer Federation of America.

ELLEN BLOOM,
Director, Federal Policy, Consumers Union.

AMI GADHIA,
Policy Counsel, Consumers Union.

Mr. INOUYE. Mr. President, I wish today to support S. 2663, the Consumer Product Safety Commission Reform Act. The leadership of Senators PRYOR and STEVENS in negotiating this bipartisan compromise bill allows the legislation before the Senate today to move an important but beleaguered agency in the right direction. S. 2663 authorizes the appropriate level of resources and provides the new authorities necessary for the agency to do the job it was created to do: protect consumers.

Mr. President, today the CPSC is broken. It is broken from years of neglect coupled with growth in volume and complexity of products and from a dysfunctional commission. Year after year, this agency is subjected to budget cuts and forced attrition of personnel. Today, it has less than half the budget and half the staff it had in its inaugural year of 1973. As a result, the CPSC is no longer properly equipped to carry out its essential mission of monitoring the marketplace and enforcing product safety standards. Making matters even more difficult, the number of products under its jurisdiction has grown exponentially in size and complexity.

The commission is responsible for the safety of more than 15,000 products, including everything from infant cribs to computer components. Most of these products are safe. However, those that are not safe can be deadly. Each year, more than 28,000 Americans die and an additional 33 million are injured by consumer products. To say these numbers are much too high is an understatement. We must have an effective CPSC, one with increased funding, staff, and authority, to reduce these losses.

This bill addresses the weaknesses of our Nation's product safety system in several ways, but I would like to highlight some of the essential changes. S. 2663 puts the responsibilities of product safety squarely on the Government's shoulders. First, the act authorizes needed resources over a 7-year period to provide the agency the manpower and the technology it needs to police a complex global marketplace. The act would restore the CPSC to a full complement of five commissioners to maintain continuity and to avoid the losses of quorum that have plagued the agency in recent years.

To help buttress the resources needed to monitor the market and keep consumers safe, the act would authorize State attorneys general to bring civil actions to seek injunctive relief for clear violations of statutes enforced by the CPSC. Creating a joint enforcement relationship with the States has proven to be successful in the area of consumer protection, and this collaboration would provide the CPSC a partner to protect American families in a meaningful way.

S. 2663 also would require manufacturers to use independent labs to test children's products and to certify their compliance with mandatory safety standards, including the mandatory toy safety standard established in the act. This new toy standard would provide the CPSC and industry with a fast, flexible way to address emerging hazards. It will serve to protect children from dangers such as strangulation, intestinal perforation, or blockage hazards.

While new authority and regulatory structure is needed for this agency, providing accurate and up-to-date information about product hazards to Americans would allow consumers to help themselves and make better decisions about the products they buy. In order to help consumers, S. 2663 would create a database of information from nonindustry sources, such as hospitals, childcare providers, public safety agencies, as well as consumer reports about product hazards collected by the CPSC itself. This database would provide consumers with potentially lifesaving information, in an organized fashion, which would better equip them to assess product safety risks and hazards.

Finally, this legislation would allow the CPSC to share product information with governments around the world. Since our economy is global, faulty products do not just end up in our homes but in homes around the world. By reaching out to and coordinating with other countries, the ability of the CPSC to interdict and keep unsafe products off of store shelves would be improved.

Mr. President, unfortunately, some Members in this Chamber believe that regardless of the dire picture supporters of this bill have painted as it

relates to the lack of resources and existing authorities, last year's ''summer of recalls'' proves that the commission is working just fine.

These members may cite statistics showing that in 2007, the agency announced 231 children's product recalls, of which 58 were toys. They will point out that last year set a record for the most toy recalls in a single year. However, anyone who understands the agency and the work that it does will know that in fact, this statistic is further evidence of the need to reform the CPSC.

Specifically, the slow nature of the current recall process left more than 46 million recalled items in the stream of commerce, including millions of toys sitting on store shelves, waiting to be sold to unsuspecting parents. I think it is safe to say that in the opinion of parents, this is a system failure. Unfortunately, the prospects for 2008 look much the same.

The agency has already announced 40 voluntary toy recalls. At this pace, the number of recalls announced this year will surpass all records. However, these recalls are voluntary, not mandatory.

Further, many of the recalls were not the result of a proactive agency; rather, they were the response of a reactive agency to an investigation conducted by members of the press. That is not how Government should work.

S. 2663 reflects a good bipartisan compromise led by Senators PRYOR and STEVENS. Children are dying and suffering grievous injuries because of unsafe products. This bipartisan bill is a good step forward in our effort to keep harmful products off of store shelves.

For America's families, and especially for America's children, I urge my colleagues to support this meaningful consumer safety legislation.

Mr. LEVIN. Mr. President, I am pleased to support S. 2662, the Consumer Product Safety Commission Reform Act. The reforms that this bill makes to the Consumer Product Safety Commission are long overdue.

S. 2663 takes important steps to shore up a weak and ineffective Consumer Products Safety Commission, CPSC. As a grandfather and consumer, I am appalled at the lack of resources and enforcement authority of the CPSC and its inability to adequately protect our children, our food supply, and the general public from harmful or contaminated products.

We can and should be doing much more to protect the American consumer. As was recently underscored by the alarming number of children's products with high lead content, contaminated pet food, and defective imported tires, there are a lot of cracks in the systems that were supposed to be watching out for consumers.

We need to know our children's and grandchildren's toys are safe. We need to know that the food we import is not tainted with harmful chemicals. We need to know the products we buy will not harm us or our children. I believe it is the Government's basic responsibility to protect the public.

Those who work for the companies that make these products may often be in a position to detect and prevent serious problems or injuries before they occur. I am pleased that this bill includes important protections for corporate whistleblowers that will encourage employees to come forward about violations and defective products without the fear of retaliation by their employer.

Many of the defective and contaminated products are imported. Even with its current limited resources and reach, CPSC recalled approximately 150 tainted products from China in 2007, including tires, toys, baby cribs, candles, bicycles, remote controls, hair dryers, and lamps. Imagine how many more contaminated or defective products are slipping through the cracks and reaching American consumers without being detected.

We are being deluged by cheap imports from China and elsewhere. We should at least be making sure the products we import are not contaminated or dangerous. In this vein, last summer I wrote to President Bush requesting that his administration investigate dangerous products that have been imported from China. We need to strengthen our agencies and laws so that products that do not meet our health and safety standards are stopped at our borders. To do this we need to give the CPSC the necessary tools and resources, including more manpower to adequately inspect imports.

Like most of my colleagues, I was shocked by CPSC Acting Chair Nancy Nord's claims that no additional funding was needed for her agency. To me this claim implied there was no desire by this administration to do more to protect American consumers. That is absurd given the recent and alarming incidents of contaminated products reaching consumers. The Senate's consideration of S. 2663 and the House passage of a similar bill is proof that Congress strongly disagrees with this point of view and will make the legislative changes needed to give the CPSC the necessary tools to improve on its past poor performance and reassure consumers that there will be more oversight of the marketplace in the future.

This bill will increase overall funding for the CPSC by 50 percent over 7 years, increase CPSC staffing to at least 500 employees over the next 5 years, streamline product safety rulemaking procedures, ban lead in children's products and require certification and labeling, increase inspection of imported products so we are not allowing recalled or banned products to cross our borders, increase penalties for violating our product safety laws, strengthen and improve recall procedures, and ban the sale of recalled products.

The legislation has the support of the following, among others: Thomas H. Moore, Consumer Product Safety Commissioner; Alliance for Patient Safety; American Academy of Pediatrics; American Association of Law Libraries; American Association of University Professors, AZ Conference; American Library Association; Circumpolar Conservation Union; Coalition for Civil Rights and Democratic Liberties; Consumers Union; Consumer Federation of America; Doctors for Open Government; DoorTech Industries, Inc;. Ethics in Government Group, EGG; Federation of American Scientists; Federal Employees Against Discrimination; Focus On Indiana; Fund for Constitutional Government; Georgians for Open Government; Government Accountability Project; HALT, Inc.—An Organization of Americans for Legal Reform; Health Integrity Project; Information Trust; Integrity International; Kids in Danger; Liberty Coalition; National Consumers League; National Association of State Fire Marshals; National Employment Lawyers Association; National Judicial Conduct and Disability Law Project, Inc.; National Research Center for Women & Families; National Whistleblower Center; No Fear Coalition; OMB Watch; OpenTheGovernment.org; Parentadvocates.org; Patrick Henry Center; Project on Government Oversight; Public Citizen; Public Employees for Environmental Responsibility; Sustainable Energy and Economy Network; Taxpayers Against Fraud; the 3.5.7 Commission; the New Grady Coalition; the Semmelweis Society International, SSI; the Student Health Integrity Project, SHIP; Truckers Justice Center; Union of Concerned Scientists; U.S. Bill of Rights Foundation; U.S. Public Interest Research Group; and Whistleblowers USA.

I support this bipartisan legislation and I hope that it will quickly become law.

Mr. KOHL. Mr. President, I rise today to talk about the bill to reform the Consumer Product Safety Commission, CPSC. Over the last 7 years, the Bush administration has weakened the CPSC by cutting its budget and staff. In fact, the CPSC has hired just one full-time product tester since 2001. This led to fewer inspectors and more toxic toys and products on store shelves. This is unacceptable.

The CPSC legislation that passed the Senate today provides much needed resources and enforcement powers to the CPSC so that more staff can be hired and oversight can be more vigorous. The CPSC legislation creates a consumer database for recalled products so that consumers can learn about potentially unsafe products without waiting

for a public recall that can take months. Further, this bill would create new safeguards on lead in toys and other products and require mandatory independent testing of goods before they go to market.

This bill also prohibits CPSC Commissioners and staff members from accepting trips paid for by industries and lobbyists with business before the Commission. Taken together, CPSC legislation will improve our product safety system and ensure that children's toys, household appliances, and other consumer products that contain lead will never reach consumers.

Ms. SNOWE. Mr. President, I rise today to speak on my amendment to the Consumer Products Safety Commission, CPSC, bill that the full Senate is now debating. I applaud the steadfast efforts and leadership of Chairman INOUYE, Ranking Member STEVENS, and Senator PRYOR in moving this critically vital bill to the Senate floor and to passage—and for including my amendment by unanimous consent as part of this bill.

My amendment would perfect this bipartisan measure by ensuring that the CPSC fully considers potential small business impacts when it establishes through a rulemaking, as it is required to do under the bill, criteria for imposition of penalties. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long worked to ensure that the Federal Government takes measures and precautions to protect the interests and viability of small businesses, while at the same time rigorously enforcing our Nation's consumer protection laws.

Under the bill that we are now considering, the maximum civil penalties for violations would be increased from $8,000 to $250,000 for individual violations; and up to $20 million for aggregate violations. Within 1 year after enactment, the Commission would establish, through a Federal rulemaking, the criteria for imposition of civil penalties.

Mr. President, my amendment would make clear that the Commission consider the size of a small business when establishing a penalty criteria through a rulemaking. My staff has discussed this issue with the Commission, which has raised an issue with Section 16(c)—''Civil Penalty Criteria''—of the bill. This section does not specifically reference the size of a small business as a criteria.

The Commission's attorneys suggested that a minor change—adding the word ''additional''—would resolve ambiguity to ensure that the Commission considers the size of a small business—as it is required to do under section 20 of the Consumer Product Safety Act. This would help to ensure that this new penalty provision remains consistent in how the Commission factors in small business size in proportion to penalties.

My amendment would also ensure that the Commission appropriately considers, during its rulemaking, ''how to mitigate undue adverse economic impacts on small businesses.'' I firmly believe that requiring the Commission to consider undue adverse economic impacts when establishing the new penalty criteria, would help to ensure that small businesses can remain viable while at the same time increasing penalties for violations under the act—a win-win.

In closing, my amendment would help to ensure the continued viability and competitiveness of our Nation's small businesses—while protecting the strong regulatory enforcement included in this bill.

Mr. President, I request unanimous consent that the text of my remarks be included in the CONGRESSIONAL RECORD.

Thank you, Mr. President. I yield the floor.

Mr. SCHUMER. Mr. President, I am proud to be a cosponsor of S. 2663, the CPSC Reform Act, and I would like to thank Chairman INOUYE and Vice Chairman STEVENS for their leadership on this important and groundbreaking bill. I also want to thank Senator PRYOR for his extraordinary work in crafting this outstanding bill which has strong bipartisan support.

The CPSC Reform Act will provide the Consumer Product Safety Commission with the authority and resources it needs to be more effective in its critical mission to protect consumers. Quite frankly, the current product safety system is broken, and the CPSC is in desperate need of reform. Too many unsafe goods are reaching the shores of the United States. Too many dangerous products are finding their way into the hands of American consumers, and all too often, young children.

It seems that over the past year, nearly every week we have had to frantically pull Chinese and other imported goods off store shelves as we learn of each new tainted product. The bottom line is that our safeguards are failing and we need to act fast to fix them. We worry about our kids when they are in class, when they are walking or driving home alone, even when they surfing the Internet. We should not have to worry that the toys they play with might be hazardous to their health or even fatal. From children's costume jewelry to toy trains, these recalls call in to question our ability to keep dangerous toys out of the hands of our kids.

For years, CPSC has been starved of funding and plagued by budget and personnel cuts. As a result, the effectiveness of the CPSC has been severely undermined and the agency, despite its efforts, has been unable to keep up with globalization of the marketplace. This bill will reverse those trends and give the CPSC the budget and the tools it desperately needs to again become an effective force for consumer protection. These important tools include $40 million to upgrade CPSC's laboratories and 50 additional personnel to inspect goods at U.S. ports and overseas product facilities. The bill will also give consumers better access to vital safety information by creating a searchable database that has information including reports of injuries, illness, and death related to the use of consumer products.

It is essential that we take strong steps to protect all consumers, but especially our children. This bipartisan bill takes a tough approach to cracking down tainted products and seeks to restore America's faith in the mechanisms we have in place to safeguard our kids against these dangerous products. First, the bill prohibits importing untested children's products. Second, it also requires tracking labels for children's products that will help parents tie safety recalls and alerts to their prior purchases. Third, the bill prohibits the sale of recalled products so that as parents and consumers, we don't continue to see these hazardous products on the shelves. Finally, this legislation bans all children's products containing lead.

The CPSC must do a better job of getting hazardous products off the shelves and out of consumers' reach, and these provisions will give the CPSC the tools to do just that. It is essential that manufacturers, importers, and retailers do their part to ensure product safety and keep tainted products out the market. This bill seeks to hold companies accountable by increasing criminal and civil penalties for those who knowingly and willingly violate product safety laws. It also gives State attorneys general the power to crack down on companies by enforcing Federal safety standards and provides them with the authority to get dangerous products off the shelf. Furthermore, the bill gives protection to whistleblowers so that employees who identify dangerous products along the supply chain can come forward with vital health and safety information without fear of reprisal.

As you can see, these are important commonsense solutions that will keep consumers informed and safe from dangerous products. Passage of this bill is vital if we hope to rebuild, reform, and revitalize the CPSC and restore America's faith in the agency's ability to protect consumers and their children from unsafe products. I urge my colleagues to support this critical legislation that restores the CPSC and gives it the much needed authority to put an end to the alarming trend in tainted products faced by this country in recent months.

PROPOSITION 65

Mrs. BOXER. Mr. President, over 20 years ago, the people of California enacted a landmark ballot measure known as proposition 65. Proposition 65 prohibits exposures to chemicals like lead that are known to cause cancer or reproductive harm without a clear and reasonable warning. Proposition 65 enforcement actions by the State and by private attorney generals have played a crucial role in reducing childhood exposure to harmful chemicals, such as lead. For example, the California attorney general recently brought a proposition 65 case arising from unsafe levels of lead in children's toys. It is my understanding that nothing in this bill is intended to preempt or otherwise diminish the protections of proposition 65. I would like to ask the distinguished Senator from Arkansas and lead author of this legislation: is my understanding correct?

Mr. PRYOR. Yes, it is. Compliance with proposition 65's warning requirements would only complement the CPSC Reform Act.

Mrs. BOXER. Is it the intent of this bill or the rules promulgated there under by the Consumer Product Safety Commission to preempt proposition 65?

Mr. PRYOR. No. First, the CPSC Reform Act bans lead in children's products beyond trace amounts. Under section 22, any children's product that contains lead ''shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act.'' While the Commission is directed to examine whether it is possible to lower the trace levels permitted under the bill, no action is required with respect to labeling requirements that might inadvertently trigger a preemption of proposition 65. It is the intent of the CPSC Reform Act to get rid of lead from children's products, not to inadvertently preempt a consumer-friendly and valuable law such as proposition 65.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I ask unanimous consent that Senator KERRY be added as a cosponsor to the Feinstein amendment No. 4104.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I rise to support the legislation we are debating. I congratulate the distinguished Senator from Arkansas who has led this effort and has done so with such aplomb on a bill that will, I hope, pass on a strong bipartisan vote later today because it is a bill America needs. Americans don't need to be convinced that we need stronger protections to keep dangerous products from entering our homes.

Abigail Hartung, a 13-month old girl from New Jersey whose crib collapsed on her one night, doesn't need to be convinced. Her parents who awoke to the terrifying sound of a child in screaming pain do not need to be convinced either.

I know even many of my colleagues who do not like Government intervention on the other side of the aisle do not need to be convinced the meager measures we have in place to protect consumers from hazardous products are not enough.

That is why I rise today in strong support of the Consumer Product Safety Commission Reform Act. It is long past time for us to act.

Madam President, 2007 was a disastrous year for product safety. There was a record number of safety recalls. Over 400 different products had to be pulled, and more than half—more than half—of those 400 products were for children. That adds up to an astonishing number of dangerous items—almost 46 million items.

Now, we saw toxic toys shipped in from China laced with lead paint that could cause permanent neurological damage or death. We saw car seats dump out the kids who sat in them. We saw beads that contained a chemical that could put children into a coma if swallowed.

Too often, the recalls were too late. Last year, recalled products killed 6 children, they injured 657 more, and they destroyed the confidence of the entire Nation.

So the question is, can they trust the Consumer Product Safety Commission as it exists today? I think the answer to that is no.

Issues of product safety are not going away by themselves. In January, there was a recall of toys with magnets that could cause fatal intestinal blockages if swallowed. Last month, we had a scare about children's sketchbooks coated with potentially fatal—fatal—levels of lead paint.

When dangerous products keep getting introduced, when 46 million items so unsafe that they have to be recalled are allowed to reach consumers' hands in 1 year, we have to believe those are not 46 million coincidences. We have to think there is at least one Government watchdog agency that is falling far short of what it needs to be. That agency is the Consumer Product Safety Commission.

Now, sadly, the Consumer Product Safety Commission is nothing more than a hollow shell at this point. We talked about those 46 million unsafe products recalled last year. If you had a robust commission, as the bill will provide for, with all of the pertinent powers and resources, then we should not see that reality.

Years of budget and personnel cuts have left it badly equipped for the job we are counting on it to do. Poor leadership and unethical behavior have undermined what little power and authority the Commission has.

No watchdog can effectively regulate if they cozy up to the industry they are supposed to be regulating. That is why I am proud the Senate agreed to the amendment the Presiding Officer, Senator KLOBUCHAR, and I offered to prohibit members of the Consumer Product Safety Commission from accepting travel paid for the industries they regulate.

It seemed to us—and I am so glad an overwhelming vote of the Senate said the same—how is it that you can accept such travel paid for by the very entities you seek to regulate, who, in that travel, ultimately are trying to influence you so that those regulations are not as prescriptive and as onerous as they need to be in pursuit of the interests of consumers?

It was a great first step. Now we have to finish the job.

It is time to reform the Consumer Product Safety Commission so it can strongly enforce safety standards, prevent deadly imports from entering our Nation's borders, and restore confidence to parents that it is OK to do something as simple as give a toy to their child.

Again, let me thank my distinguished colleague, Senator PRYOR, for his tremendous leadership on this issue. And right by his side has been Chairman INOUYE and Ranking Member STEVENS, along with Senator COLLINS, and many Senators from both sides of the aisle.

The effort to keep consumers safe should be a truly bipartisan effort. I am confident the bill we have before us is going to win some very broad-based support.

Here is what the bill finally does.

First, it gives the Consumer Product Safety Commission the resources it needs to do its job, boosting its budget, and expanding its staff.

Second, when it has the staff and resources it needs, the Commission is going to have a greater presence at our Nation's ports. For the Senator from New Jersey, which has the Port of Elizabeth in Newark, the megaport of the east coast that sees the incredible amount, the billions of tons that come through from all over the world, I understand very clearly how this element is so critically important—to stop deadly imports from coming in and enforce a comprehensive ban of lead in children's products.

Children's products will have to be independently tested and verified to be

safe. Toys will have tracking labels, so if there is a problem, we will know who is responsible.

The bill gets tough on violators. Not only does it ban the sale of recalled products, it makes sure companies face the possibility of real financial consequences if they break the law, so they don't simply see the fines for hawking dangerous products to our families as another cost of doing business.

Right now, I am sure there are those companies that say: Well, that is fine. I will just bring this in because I am going to make more than the consequence of a fine. That is fundamentally wrong.

The bill protects employees who report violations of safety standards so people will not be afraid to come forward with information that could save lives.

Not only will employees be better able to speak out, consumers will be better able to speak out and listen to each other. For the first time, the bill would create an online product safety database, so we do not have to wait until tragedy strikes close to home to hear about safety concerns other consumers have already discovered.

So if I know about that crib, and I go on line, and I put it on, and now another family looks and says: Let me figure this out, let me find out if this is the type of product that has any problems, and they see that information, it is a warning and preventive measure that is powerful because information is powerful. This bill will give that information to consumers in our country.

Those are just a few of the specifics. But the bottom line is, this bill is about keeping our children safe and bringing us all a little peace of mind.

When a parent puts a toy in the hands of a child, it is a beautiful moment—a moment we should never allow to be undermined by fear. If we take action today, if we sign this pledge, to look out for American families as conscientiously as we should, then we will be helping to see to it that nothing takes the joy of that moment away.

So I urge strong support of the measure.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I come to the floor this afternoon to first speak to my support for the Consumer Product Safety Commission bill which is before us. I want to also honor my colleague from Arkansas, who has led these efforts on behalf of the Commerce Committee in the Senate. He understands from his background as the attorney general for the State of Arkansas that it is important to protect consumers.

Attorneys general are known across the country for their role in serving as protectors of the people. This legislation is in fact a ''protector of the people'' because what it will do is it will allow us to deal with those unsafe products that are finding their way into the homes of Americans, into the hands of children, and into the hands of all Americans in a way sometimes today which is unsafe.

There are many stories that have been untold about young people who have been victimized by a lack of oversight with respect to all these imports that are coming in at levels we have never seen before, from places such as China and other places around the world, which are causing significant damage to young people.

Last year alone, 27,000 Americans died because of some illness that was related to an unsafe product. That is 27,000 Americans who lost their lives. Yet when we look at CPSC today, the Commission which is in charge of enforcing consumer protection standards and measures to protect Americans, there is one inspector on the job to get this all done on behalf of 300 million Americans.

I think that is woefully inadequate. It is an inadequacy which this Senate and this Congress has a responsibility to address.

In my own home State of Colorado, there was a young man by the name of Tegan Leisy. Tegan is only 4 years old. But because of a defective toy that was brought into his household, he ended up going to the doctor with a pain in his stomach. Three days later, it was discovered there were six magnets that had come off this toy which had got into his intestines and had created a problem, which required his intestines to be torn apart in order for the young man to undergo the operation.

So we need to make sure we have the right consumer protection standards. We need to make sure we have the ability to enforce those standards. The CPSC legislation which is before us will allow us to do that. So I strongly urge my colleagues to vote in support of this legislation when, hopefully, we get to it in the next several minutes. It is important for us as Americans. It is imperative for us to make sure we are protecting the consumers of our country.

Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSING CRISIS

Mr. SALAZAR. Madam President, I come to the floor today to address the issue of our economy and the need for us in Washington, DC, to understand the pain that Americans are feeling across the board, especially when it comes to the issue of housing.

Last week, Majority Leader REID brought to the Senate floor the 2008 Foreclosure Prevention Act, which was filibustered on this floor. It should not have been because the pain that people are feeling across America with respect to this housing crisis is a pain that goes across all of America. It is not a Democrat or a Republican or an Independent issue. The housing crisis is a problem which is creating pain for a lot of people in our country.

I want to demonstrate how, in my view, this is an issue that ought to continue to be at the top of the totem poll for us to consider in the Senate and for the Congress to act upon and for the President and the executive branch to show leadership in addressing this problem.

This is a chart I have in the Chamber which we have brought to the Senate floor on other occasions, which indicates what Moody's sees as the possible future outcome with respect to what is happening with this unprecedented housing downturn. This unprecedented housing downturn is the worst the United States of America has seen since the Great Depression.

We look at the first graph on this chart, which shows that housing prices are expected to decline by almost 16 percent. That amount of decline is not just related to those homes that are going into foreclosure. They are related to homes in neighborhoods where we are seeing this foreclosure crisis spread across the country. It is kind of like a disease; it hits one home, and all of a sudden it creates a major downturn in terms of the value of homes throughout that neighborhood, throughout that block, and throughout those communities.

Now, when we talk about this as being a foreclosure issue, it is an issue that creates pain for those families who are being forced out of their homes because they cannot afford to make mortgage payments, but it is a pain that spreads to all of American households, as we see this huge decline in American values.

Another figure, another metric that demonstrates the extent of this problem: When you look at housing starts, housing starts are projected to go down, with a 60-percent decline in housing starts, with no end in sight. The economists cannot even predict how far down we will go in housing starts before we hit the trough of this problem.

When you compare that to other housing crises which we have had in the past—in the 1980s and the 1990s and last year—we are looking at a problem which is much more extensive, much more prolonged, much deeper than we ever had. So that, from my point of view, at the national level, shows we ought to be doing a lot more to address this issue.

Today, in some of the television and newspaper reports we are seeing around the country—we have one out of CNN where they are reporting that foreclosures have hit an all-time high. The

report says over 900,000 households are now in foreclosure, which is up 71 percent from a year ago, according to this news article. There are 900,000 households in foreclosure, up 71 percent from a year ago.

According to this, it also says that it represents over 2 percent of all mortgages. That is a higher rate of mortgages in foreclosure than at any time in the 36-year history of the reports provided by the Mortgage Bankers Association. There is no end in sight to the problem we are seeing. These problems we are seeing with respect to foreclosures hitting an all-time high are especially acute in States such as the States of Florida and California, Nevada, Arizona, Ohio, and Michigan.

In addition to what is happening with these high levels of foreclosures is that we also know we have these declining home values, and we end up seeing a tremendous slip in the amount of home equity people have in their homes. According to the Federal Reserve, homeowners' debt on their houses exceeds their equity for the first time since 1945. For the first time since 1945, homeowners' debt on their houses exceeds their equity.

Now, in my State of Colorado, when I try to bring this back home to the 5 million people whom I represent in the Senate every day, I see the same problem we are seeing all across the country. Between this time in 2008 and next year, 2009, there is a projection from the Center for Responsible Lending that we will see almost 50,000 homes in foreclosure. That is 49,923 homes in foreclosure in the State of Colorado.

As I have said before, it is not just the pain that is felt by people who are losing their homes through foreclosure; it also is the spillover effect that occurs when you have massive foreclosures taking place in my State. The spillover effect means that surrounding home values will decline in 748,000 homes. Almost half the homes in the State of Colorado are going to see a significant decline in their value, because we are going to have about 50,000 homes that are going to go into foreclosure in the years 2007 and 2008. As my colleagues see, when you have that kind of decline in individual home values and you aggregate those home values, there is a huge decline in the aggregate equity people will have in their homes throughout my State of Colorado—some $3.2 billion.

Those are the facts. Those are the facts. There ought to be a wake-up call, it seems to me, not only to the White House but also to the Congress, that we need to move forward with legislation that addresses this issue.

Senator REID came to the floor of the Senate a week, 10 days, ago and set forth the components of the Mortgage Foreclosure Prevention Act, and it was based on the input he had from the chairs of many committees, including Senator LEAHY and Senator BAUCUS and others who have jurisdiction over these issues. I think he put his finger on the right button. He put his finger on the button that is of great concern to the people of America, and that is what is happening with the housing crisis today.

I am hopeful as we move forward to do our work in the Senate, as we are doing it so well today on consumer protection, we are then able soon to pivot back to addressing the housing crisis we face here in America today.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2730 are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

Mr. DOMENICI. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, it has come to my attention that the Senator from Minnesota who sits in the chair right now was very kind in her comments a few minutes ago about one of the additions to this overall consumer products bill that this Senator had a little hand in. We are going to add another, because it is my understanding that we now have it accepted on both sides—it is in the managers' package—another major component of the bill to address the fact—and this is surprising. Last year, we had the largest crib recall in history—almost 1 million baby cribs—because three infant deaths were noted in the recall announcement. After the announcement, even more came to light.

Most of us would be shocked to learn that most of the safety guidelines for durable infant and toddler products are not set by the Consumer Product Safety Commission, but they are only voluntary standards that are set by manufacturers making the products. So, for example, full-sized cribs, half-sized cribs, rattles, and bottles are the only infant and toddler products that have required safety standards.

Well, it is time to change that. Happily, we are going to change that right here with this bill. Through the kind of comments made by the Presiding Officer, and thanks to the chairman of our subcommittee, the Senator from Arkansas, it has been included in the managers' package. What it requires is that all infant and toddler durable products be tested and certified according to mandatory safety standards before they are put out on the market.

I thank Senator OLYMPIA SNOWE of Maine. She has come on as a cosponsor of this amendment. The minute she saw this, she said: I want to be a part of that. Because infant and durable products subject to this requirement include such a wide array of products such as cribs, toddler beds, high chairs, booster chairs, hook-on chairs, bath seats, gates, play yards, stationary activity centers, child carriers, strollers, walkers, swings, bassinets, cradles—all things that when we buy them, we assume they have been checked for safety. Yet it has been up to the manufacturers to check for the safety.

What we are going to do in this bill when it becomes law, it is going to be as a result of safety guidelines that they are going to have to conform to independent testing. Standards would be established through a consensus process involving the Consumer Product Safety Commission, consumer groups, juvenile product manufacturers, and experts in the field. The standards will be promulgated on a rolling basis, with no less than two sets of durable product rules per year. This timeframe would allow for input by all of the interested parties.

It is time to put a stop to these senseless deaths from unsafe products such as unsafe cribs. I am very grateful that the managers of this legislation have now included this as a part of the bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I know we are in the midst of considering the Consumer Product Safety Commission Reauthorization Act. I thank Senator PRYOR, Senator COLLINS, Senator STEVENS, Senator INOUYE, and so many others for their efforts to bring us to this point. We hope to pass it very soon this afternoon. We are waiting for a little paperwork to be finished.

I am going to use this opportunity to speak as in morning business, and I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACE IN SUDAN

Mr. DURBIN. Madam President, I rise at this moment to discuss a resolution that the Senate enacted last night

by unanimous consent relating to the situation in Darfur. Darfur is a region of Sudan that has been in the newspaper for years because of the genocide that has been sadly unfolding in that part of the world.

I introduced this resolution because I think we have reached a critical point where we must act to stop this genocide in Sudan. I am proud that 40 Senators from both sides agree it is time to say ''no more.''

For more than 4 years, the world has watched this humanitarian crisis unfold—thousands have been murdered, tortured, raped, and displaced. Thousands more are languishing in refugee camps.

Leaders from around the world—including President Bush, Prime Minister Gordon Brown, U.N. Secretary General Ban Ki-moon, former U.N. Secretary General Kofi Annan, former President Jimmy Carter, Bangladesh microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu—have all called for an end to this violence.

Here at home—and it has been gratifying as I traveled around my State to find this—thousands of people, including many high school and college students, are well aware of this genocide. Church leaders and other activists have helped raise awareness of the horrible human suffering that has occurred in Darfur. Senators on both sides of the aisle have spoken out passionately about this crisis.

Last year, the U.N. Security Council voted to deploy a historic peacekeeping mission to Darfur, but that was last year. Under significant international pressure, the Sudanese Government agreed at that time to the deployment. The 26,000-member U.N. African Union peacekeeping force is to be deployed to Darfur to halt the violence and create conditions for peace and a long-term political settlement.

There was speculation about whether we can get the peacekeeping force in place before the end of last year. Sadly, despite all of the promises of last year, the Sudanese Government has done everything they can to stop the deployment of the peacekeeping force. It has brazenly obstructed this full deployment. I will give you an example: Sudan's leaders balked at the deployment of non-African forces. Last month, government forces in Sudan actually fired upon a peacekeeping convoy.

In recent months, the regime has even appointed notorious figures who were knowingly complicit in this genocide in Darfur—including two accused of war crimes—to senior government positions. It is almost a brazen defiance to the rest of the world that Sudan, on one hand, would agree to a peacekeeping force, and on the other hand, shoot at those who come and try to bring peace to their country, and then exalt to the highest levels some of the worst characters in their country.

Many of you have seen the article on the front page of last Sunday's New York Times about the latest devastating violence in Sudan. This isn't yesterday's genocide or yesterday's moral challenge; this challenge goes on today. The article in the New York Times highlighted how the Sudanese Government continues to defy the international community and murder its own people.

I am going to show you an aerial photograph that appeared in the New York Times, which shows the torched Sudanese village of Suleia. Government forces and allied militias burned the village only a few weeks ago. As you can see, there is nothing left. I don't know if a long view of this, for those observing it, will do it justice. But those who have flown over the area say it looks like cigarette burns across the landscape. Each of these so-called cigarette burns reflects a fire that was lit to a small thatch hut where people were living, people who were forced out, some who were captured, tortured, mutilated, and raped, and some who were taken away. Many had to run away, leaving behind this blighted landscape as a stark reminder that despite all of the speeches and resolutions and all of the determination, genocide in Darfur continues, sadly, to this day.

Witnesses said militiamen in that town laid waste to the town, burning huts, pillaging shops, carrying off any loot they could find, and shooting anyone who stood in their way—men, women, or children.

The attack included aerial bombing and Sudanese Government army ground forces. That the Sudanese Government has returned to these brutal coordinated attacks shows its utter contempt for the international community and its own people.

Rich Williamson is an attorney in Chicago who has served in a capacity with the Department of State in previous years and now has taken the place of Andrew Natzios as a special envoy to deal with this situation in Darfur. We certainly have different political views, but when he came to visit my office, we found that we are of the same mind about this particular crisis and the need for an urgent response to the Sudanese Government. We cannot allow Darfur to slide back into the horrible situation that we know took place over the last several years.

While much of the world's attention has been on Darfur, the comprehensive peace agreement between north and south Sudan has also become increasingly at risk. This agreement, signed in 2005 with the strong support of the United States, brought an end to two decades of civil war between north and south Sudan that had left 2 million dead. Yet the government in Khartoum appears to be backing away from its commitment to this agreement and instead preparing once again for war.

Remember what fuels this war: Oil fuels this war—oil sold by the Sudanese to the Chinese, to the Indians, and to a handful of other nationalized oil companies. It is the profit of those sales that is fueling this war that is killing so many innocent people.

We cannot allow the agreement to bring peace in Sudan to be undermined, and we cannot ignore what is happening again in Darfur. It is time to bring an end to this violence and time to set conditions for a long-term peace. I salute Senator BIDEN for leading a resolution last month calling on the President to immediately address any equipment shortcomings with the peacekeeping force. I completely agree with Senator BIDEN. The White House must not allow a modest shortage of equipment to prolong the suffering in Darfur.

Last night, the Senate passed my resolution, with the support of 40 Senators from both sides of the aisle, to call for an immediate halt to this violence and a commitment from both sides to participate in a new round of peace talks.

The resolution also calls upon the Government of Sudan to facilitate the immediate and unfettered deployment of the U.N.-African Union peacekeeping force, including any and all non-African peacekeepers. Sudan and Khartoum gave their agreement last year. They must be held to their promise. It calls upon the diverse rebel movements to set aside their difference and start to work together in order to better represent the people of Darfur. It condemns any action by any party—government or rebel—that undermines or delays the peace process. It calls upon the Government of Sudan to enable humanitarian organizations to have full unfettered access to populations in need, and it calls upon all parties to the comprehensive peace agreement between north and south Sudan to support and respect all terms of the agreement.

We have allowed the genocide in Darfur to continue for too long. We have allowed a brutal regime to repeatedly obstruct and ignore the international community. It is time, once and for all, to bring an end to this violence in Sudan.

It was my high honor to serve as the successor to Paul Simon, from Illinois, who served in this body for 12 years. He was my closest friend in politics and my mentor, and he helped me along to win this Senate seat and to represent this great State. Paul Simon was at a critical place at that moment in history. He was chairman of the African Subcommittee of the Foreign Relations Committee when the genocide in Rwanda broke out. His ranking Republican member was Jim Jeffords of Vermont. The two of them, when they noted what was happening in Rwanda, decided to step up and try to persuade the Clinton administration to send

even a small peacekeeping force in to stop the killing in Rwanda. They reached out directly to the President, as well as the Secretary of State and other officials in the Clinton administration, with no results. The net impact, of course, was we did nothing and 800,000 people died.

I was in Rwanda a year or two ago with Senator BROWNBACK. We stayed at the hotel made famous by the movie ''Hotel Rwanda.'' Don Cheadle played the actor's role of the hero, the manager who stepped up and saved so many innocent lives by making his hotel a refuge. We stayed in that same hotel. I was haunted walking through the hallways and corridors of that almost-empty hotel. I think of the thousands of people who wondered if they were going to be attacked or killed as they waited there, hoping the genocide would end.

At the end of the day, after weeks of bloodshed, over 800,000 people were murdered in the streets of Rwanda—innocent people murdered simply because of their tribal affiliation.

President Clinton did many good things, and he now reflects on his service and said this is one thing he did not do well; he could have done better. He has returned to Africa and visited Rwanda and has said as much. I think it is courageous of him to make that admission and to realize a little effort could have made a difference.

How many speeches have we heard in this Chamber and in this town about Darfur, over and over again. Yet the simple reality is, despite all the speeches by the President, by Senators, by Members of Congress, little or nothing has been done. This genocide has unfolded on our watch. When we are critical of previous generations for not doing enough during the Nazi Holocaust or during some of the other horrendous events that occurred around the world—certainly the Rwanda genocide—we say: How could they have been blind to the reality of what is happening here?

We still cannot be blinded to the reality of what is happening in Darfur, and each of us, either by our church groups or schools or Members of Congress making a statement on the floor or calling in the appropriate ambassadors or calling in the U.N. General Secretary, have to urge them to take action now to bring an end to this genocide.

I wish to make certain this Senate is on record, and I thank all those who helped last night to pass this resolution, but it is not enough, and it will not be enough until we make significant strides to end this bloodshed in Darfur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, in response to the widely publicized product recalls of last year, the Congress appropriated $80 million for fiscal year 2008 to the Consumer Product Safety Commission, which was an increase of 28 percent. The CPSC was instructed to use the additional money to increase staff, workspace, and information technology resources. In December, the House of Representatives passed the Consumer Product Safety Modernization Act, H.R. 4040, by an overwhelming vote of 407 to 0. It seems like that would have been a reasonable place to start. In fact, during this debate, a number of us voted in favor of Senator DEMINT's amendment to completely substitute the bill we are now considering with the House-passed bill. H.R. 4040 incrementally increases CPSC's budget to $100 million for fiscal year 2011, requires third-party and premarket testing of many children's product for lead and other hazards, and creates new lead standards for products.

However, instead of focusing on product safety, we are now focusing on legislation seeming to simply benefit lawyers. Lawyers who, under this legislation, would have higher civil penalties and new punitive damages to pursue in whistleblower claims.

The bill also allows State attorneys general to file lawsuits and enforce rules against manufacturers, conceivably creating 50 different standards of product safety laws; in other words, lawsuits as far as the eye can see. In fact, this week, a Wall Street Journal editorial referred to the Senate bill as ''Lawyers 'R' Us.''

We have tried to amend this bill and improve the problematic aspects of it, and have achieved very few positive changes. I will miss the vote on final passage. However, since I would be opposing it anyway, it would make no difference in the outcome.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, once again, I hope I have good news. I am hoping the next time I address the Senate on this microphone that we will be asking unanimous consent for votes or a vote, maybe in this case, on final passage.

I again alert Hill staff and Senators that we are very close. I thank all my colleagues. I could go through a long list. While I have just a moment while they are literally wrapping up the final i's and t's on this document, I thank Senator STEVENS for his great leadership in helping shepherd this bill through; Senator INOUYE, of course, for his leadership and what he brings to the table and how he runs his committee is fantastic; Senator COLLINS—I mentioned her yesterday—came in at a critical time and made the bill better; Senator BILL NELSON of Florida who spoke a few moments ago—Senator BILL NELSON in some ways started this whole process. He filed a bill over the summer—June, July, September, I am not quite sure. He filed a bill about third-party testing for toys. We had already been working on a bill. He went ahead and put his bill out there publicly and spurred a lot of interest. And Senator KLOBUCHAR, who is presiding right now, has been working on this bill every step of the way. Senator DURBIN, of course, has made a lot of improvements. Senator SCHUMER has played a vital role in trying to get this bill shaped and ready to go.

I again thank all my colleagues for their hard work. There are too many to go through right now because almost all 100 Senators had some role in this bill and have helped in some way or another. I wished to acknowledge them and hopefully the next time I stand up here, we will be propounding a unanimous consent request on votes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I understand we are working toward final passage on the bill. I congratulate the Senator from Arkansas for the tremendous job he has done on this legislation. While everybody is putting together the last of this bill, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUTSOURCING AEROSPACE TECHNOLOGY

Mrs. MURRAY. Madam President, I have come to the floor this afternoon because we have to wake up the country. We are at risk of losing a major part of our aerospace industry to the Europeans forever.

I am outraged the Pentagon is not only going to stand by and let it happen, but it is the Pentagon itself that made the decision in the first place. I am referring, of course, to the Air Force's decision last Friday to award one of the largest military contracts in history to the French company Airbus over the American company Boeing. With this $40 billion contract, our Air Force is beginning the process of rebuilding our aerial refueling tanker fleet, and the planes we are purchasing are going to be used for the next 30 years or more.

As we learn more about this decision, I have to say I grow more and more astounded at the shortsightedness. As I speak today, Airbus does not actually supply this military capacity to any government. The tanker that the administration wants Airbus to build is unproven. In fact, in my home State of Washington, the machinists call it a paper airplane because it only exists on paper. Right now, the company that supplies those real planes is Boeing, and it has built them for almost 50 years. Up until now, we have in this country controlled our own military

refueling capabilities, but with this decision we are now handing Airbus that control.

What makes this so disturbing is we are now outsourcing those jobs to a company that has spent years blatantly working to dismantle our American aerospace companies. Airbus is controlled by foreign governments which follow the social welfare model. Those countries subsidize Airbus, allowing it to sell planes at discounted rates, as long as it creates jobs for European workers.

Our Government is concerned enough about that practice that we have a WTO case pending at the EU, but apparently that does not matter to the administration, because by giving Airbus this contract, we are laying out the welcome mat to walk all over our military production capability. What is the incentive to buy an American tanker if they can get an import at fire-sale prices? With this contract, we are allowing Airbus to take over our military technology, and we are actually paying them to do it.

Airbus has now launched a very slick marketing campaign to try to convince us in Congress and the public that this decision will actually be good for the United States. I spoke on the floor at length yesterday about Airbus's long history of exaggerating the number of jobs it has produced, and it is very interesting that while Airbus has put its supporters on radio and TV over here—and you have heard them—to talk about how excited they are about the number of U.S. jobs this deal is going to create, the news in Europe is about 180 degrees different. Reuters ran an article, the dateline out of Paris yesterday, reporting that Airbus's parent company, EADS, was scrambling over there to clarify that no jobs would be relocated from Europe to the United States. And a British publication earlier this week reported that almost all of the construction work will be done in Europe and then Airbus will fly that plane to the United States for ''finishing.''

If Boeing had won the contract, it would have created 44,000 real United States jobs. By awarding this contract to Airbus, the U.S. Government is leading those jobs to the guillotine.

The most frustrating part about all of this is the Air Force has insisted on defending their decision. Yesterday, according to the Associated Press and other news outlets, one official testified in the House that the Pentagon did not have to consider the location of assembly and manufacturing facilities for those planes; all it needed was a promise by Airbus that it would team with Northrop Grumman and U.S. suppliers. In other words, the Air Force did not consider at all Airbus's record of playing unfair on trade. It did not consider at all the number of jobs we will certainly lose because of this contract. And it did not consider at all what this would mean for our ability to produce our own military technology.

When we are at war across the globe, we should at least consider what it means to give a company owned by a foreign government control over our military technology, and I think we should do it before we finalize this deal.

Airbus and EADS have already given us plenty of reason to worry about how hard they will work to protect our security interests. Let me give a couple of examples. Back in 2005, EADS, the parent company of Airbus, was caught trying to sell military helicopters to Iran. And in 2006, EADS tried to sell transport and patrol planes to Venezuela. That is a circumvention of U.S. law.

Suppose in the future that Europe and the United States have a major disagreement over foreign policy. Do we want France or any other country to have the ability to slow down our military capacity because it does not like our policies?

That is a serious question we should consider. With one contract, we could wipe out 50 years of experience of aerospace in the United States, and once it is gone we are not going to get it back. It is not going to come back. Shouldn't we in Congress at least have a serious debate about this before we give it all away?

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBSTRUCTION AND FILIBUSTERS

Mr. CORNYN. Madam President, this morning, our colleague, the distinguished Senator from New York, Mr. SCHUMER, came to talk about the Republican obstruction and filibusters, and I guess I have been around here just a few years now, but I have learned that a charge that is unrebutted is a charge that is believed. In the interest of making sure people understand what the facts are, I would like to address his allegations.

This morning, Senator SCHUMER repeated a myth, which is the allegation that there have been 73 Republican filibusters in the 110th Congress. He said, ''This Republican minority can only obstruct.'' Based on what I believe is a complete distortion of the facts, he said the Republicans ''will be held accountable in November.''

Well, I might note that Senator SCHUMER, in addition to being the distinguished Senator from New York, is also the chairman of the Democratic Senatorial Campaign Committee. And I would hope we would have better things to do than to use the floor of the Senate for partisan attacks when we have so much important work that needs to be done.

He said he wished we could ''go back to the good old days when filibusters were used for issues of major import but not used routinely to block every single piece of legislation.'' Well, it is evidence enough that is an overstatement and I think just a downright exaggeration, in that we are working right now on a bipartisan piece of legislation on the consumer protection issue to make sure American consumers are protected from dangerous products, particularly those that may be imported from abroad. But let me just say what the facts are.

Under the definition that Senator SCHUMER—and the majority leader before him—calls a filibuster, Republicans would be obstructing multiple times in 1 day on many occasions. What they are actually referring to is a record number of times that the majority leader has attempted to prevent debate and block Senators from offering amendments. What happens is he will come to the floor and he will call up a bill and then he will fill the amendment tree, which is a procedural device designed to block the offering of amendments. It basically imposes a ''my way or the highway'' approach to legislating in the Senate. You don't have to be around here very long to know that nothing happens around here unless there is some bipartisan agreement and work, and this bill we are on today is a perfect example of how it can work and how it should work.

Now, I would say that the majority leader is setting a record of his own, moving to cut off debate the first day a bill or resolution reaches the floor more than any other majority leader, whether they be Republican or Democrat. During the first session of the 110th Congress, Senator REID filed cloture—that is, he filed to cut off debate—on the same day a bill or resolution was introduced on nine separate occasions. Before we have had a chance to even talk about it, before anybody has even had a chance to offer amendments, he filed to cut off debate, cut off amendments, nine times. That is three times more than Majority Leaders Frist, Daschle, Lott, Mitchell, or BYRD ever did in the first session of Congress and nine times more than in the first session of the 109th Congress.

Among these 73 Republican filibusters, so-called, Democrats include times when members of their own party actually filibustered issues of great importance to the American people. Here are a couple of examples.

Senator DODD, from Connecticut, filibustered the Foreign Intelligence Surveillance Act, which allows us the authority to listen to terrorists who are

conspiring to harm the American people; the so-called filibuster by our Democratic friends of the McConnell-Stevens troop funding bill last November, which was designed to provide funds to our troops in harm's way, which had been delayed for far too long; and then, of course, the filibuster of Judge Leslie Southwick, a circuit court nominee.

Cloture motions that were filed by Republicans in an effort to avoid obstruction were also included.

Of the more than 73 so-called filibusters, Senate Democrats either voted to ''filibuster'' or voted with Republicans, and the vote was unanimous on five occasions.

Well, let me just say that I know sometimes the nomenclature and the procedures get awfully confusing here on the Senate floor, but the American people clearly would like to see us work together more to solve problems. We are not talking about people giving or taking leave of their principles or their firmly held convictions, but everybody who works here on the Senate floor knows that the only way things happen is by bipartisan cooperation because neither side has the 60 votes to cut off debate and get what they want, as you could if you had a majority in the House of Representatives.

I even read today that the distinguished majority leader compared so-called filibusters to aggravated assaults. He said: It doesn't make any difference whether it is 72 or 65 stabbings, it is still the fact you have been assaulted. Well, I just think that kind of rhetoric is over the top.

What we need to do is, rather than make false charges about obstruction, we need to come together and try to solve problems. I believe that is what the American people want us to do.

So rather than have this unrebutted allegation out there, lest people believe it, because it is being repeated over and over, I think it is important to set the record straight.

I think everybody in this body knows what the deal is; that is, if we are going to solve problems, we are going to have to work together. This CPSC bill is the perfect example. The majority leader did not have to file cloture in order to bring us to conclusion. We sat down and we have negotiated amendments, we have offered amendments, and we have had votes. That is the way this place works.

But I think what is fair is fair, and we need to make sure the story is accurately told. As Senator MCCONNELL said earlier—quoting Daniel Patrick Moynihan—everyone is entitled to their own opinions, but nobody is entitled to their own set of facts.

Facts being what they are, people can then decide what their opinion is. But it is clear this is not a case of obstruction—unless, of course, you are talking about blocking tax increases on the American people, and I will be honest, we did block those tax increases because they are bad for the economy, bad for the American people. But by and large, when we have been met halfway, we have worked together to try to solve problems.

I thank the chair very much for the time that I have had to respond. I think it is important that the full context of the record be clear.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I happened to pass by, and I am glad I did because my friend, the Senator from Texas, the junior Senator from Texas, is talking about facts that do not exist.

The comment about the 72 stabbings came from me. The fact is, in looking very closely at this, it appears that there were not 72 Republican-led filibusters but only 65. I used an illustration that someone who is charged with a crime—I know the distinguished Presiding Officer was a prosecuting attorney—comes in after having stabbed someone 72 times and says: No, I only did it 65 times.

The American people know what is going on. The American people know what is going on. Every step of the way, we have had to work around procedural obstructions put up by the Republicans—every step of the way. The result of that has taken a lot of time. We have spent 76 days of Senate time on filibusters led by Senate Republicans.

Now, the American people have seen what is going on. They have had more than a year to look and see what is going on. They are going to continue to see. But what I said last Friday, I say today: The Republicans in the Senate should enjoy their time because they are not going to be able to do this after November 4. The American people have seen what they have tried to do and been able to accomplish on many occasions. And we are going to continue to do the best we can in spite of the obstacles put up by the Republicans.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I could not disagree more with the distinguished majority leader. But I will tell you that when it comes to increasing taxes, bigger Government, and higher spending, sure, we are going to stand our ground. We are going to try to block the increased rates on the taxpayers' check and growing the size of Government beyond our capacity to sustain it and failing to meet the obligations we have to pay for things such as Medicare and Social Security and passing those down to our children and grandchildren.

We are on the verge of the debate on the 2009 Federal budget. One of the problems we need to work on together rather than merely accuse each other of malfeasance or misfeasance is $66 trillion in unfunded obligations we are passing on to our children and grandchildren.

I am on the Budget Committee. We had a vote on the budget that will come to the floor next week. There is nothing in the budget—nothing in this budget—that addresses the concerns I know we have on a bipartisan basis about this unsustainable growth of entitlement spending.

So that is the kind of thing we ought to be working on on a bipartisan basis—how can we protect the family's budget rather than wreck the Federal budget. But instead of that, we find there is this back-and-forth for partisan gain.

The majority leader said: Wait until the election day in November. Well, people know what this is about. This is about partisan politics. This is not about trying to solve problems. I hope we can do so.

Again, I compliment the Senator from Arkansas and the Senator from Alaska for addressing on a bipartisan basis consumer safety in this bill. This is a good example of what we ought to be doing, not engaging in partisan sniping that I think does nothing but continue to bring public opinion of Congress to the lowest levels in recent history.

That is why the approval rating of this Congress is at the 18-percentage rate.

So we ought to try to find ways to work together, not engage in this sort of partisan sniping in an effort to gain advantage, electoral advantage, in November. It does not work, for one thing. I think the American people listening to this say: A pox on both your houses. What they want to do is see us work together to solve the problems.

We are going to have a chance on the budget to try to keep spending down, to try to make sure we do not raise taxes and we deal with the obligation we have to meet on unfunded liabilities that will be passed on to our children and grandchildren. That is what I hope we spend our time doing rather than partisan politics.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The majority leader.

Mr. REID. Mr. President, any time we have a President as unpopular as our President, the numbers of all people who serve in Government are down, and Congress is part of that.

I would say that the facts are what they are. We have been obstructed on virtually everything we have tried to do.

These are just a few of the motions to proceed that we have had to waste up to 48 hours on, 2 days for cloture to ripen, 30 hours after that. Those are just a few of them. Now, look how they passed: 90 to 0; 94 to 3; 93 to 3; 89 to 7; 91 to 0; 80 to 0; 80 to 4; 86 to 1. It was

only an effort to stall what we do here. Recommendations of the 9/11 Commission, we had to file a motion to invoke cloture on the motion to go to that. The Intelligence authorization bill, intelligence authorization, to give our intelligence agencies the tools they need to go after all the bad guys around the world, we had to file cloture on the motion to proceed to that. The court security bill, that was important to me because we had some vicious man, at 200 yards, shoot through the judge's window and kill him after he had slit his wife's throat. We need court security. In Georgia, we had a situation there where a number of people were killed. We had to invoke a motion to proceed to that issue. The water resources bill, the chairman of the Environmental and Public Works Committee is here. She worked on a bipartisan basis. That bill had overwhelming support, Democrats and Republicans. We had to file cloture on a motion to proceed to it; Clean Energy Act, 91 to 0; Children's Health Initiative, to reauthorize that, 80 to 0. Just a stall. That is all it was about.

Economic stimulus package, and then housing, a stimulus package on housing, having five simple issues in it. One is transparency on documents that you have to fill out when you buy a home. No. 2, we wanted to make sure the homebuilders all across the country get what they want—tax provisions for loss carryback. That is in our bill; something the President called for in his State of the Union Message calling for issuance of bonds to buy homes that are in foreclosure, used homes—now it is you can only buy new homes. We have a CDBG provision in that bill to allow people from all over the country to work through their Government to renovate some of the neighborhoods that are devastated by these foreclosures. And then we had a provision in the bill dealing with bankruptcy.

Now, the Republicans have cried volumes that they want to do something about the housing crisis. They would not let us legislate on that. We cannot do that. We cannot get 60 votes. But they say they want to legislate on it.

I told Senator MCCONNELL long before we got on the bill: Let's do amendments. If you want to look at our amendments, fine, look at them; we will look at yours. They said they did not like the bankruptcy provision. Offer an amendment to strike it. I know there are some Democrats who do not like it. Maybe they could get enough votes to get rid of that. They are not willing to legislate. They are stalling. This has been going on all year.

So I have great respect for my friend from Texas, but I do not need to be lectured on what is procedurally obstructionism. We can bring out chart after chart to show what they have done. And do not suggest to me that there has not been obstructionism. They have broken all records of this Congress. They have broken all records of any Congress. They broke in 1 year how many filibusters were filed in a normal 2-year period.

So I extend my appreciation to the Senator from Arkansas, Mr. PRYOR. He is a great Senator. He takes right after his dad. I had the good fortune of serving with his father. I said in an interview I had recently: Who is the Senator you admire most for his legislative capabilities? ''David Pryor of Arkansas,'' I said, ''because he was a wonderful man and a great Senator.'' His son is doing just the same thing his dad did. This bill is a result of tremendous participation.

The Senator from Texas is right, the Senator from Alaska, the Senator from Hawaii have worked on this. This is a bipartisan piece of legislation led by Senator PRYOR. Senator PRYOR is a great public servant. He has had significant experience as attorney general in the State of Arkansas. He was one of the instrumental members of the Gang of 14 who stopped the use of the filibusters in the Senate, as is the Presiding Officer.

So I want the Senator from Arkansas to know how much I appreciate the example he has set in working through the process here. Everyone here should understand that legislating is a compromise. ''Compromise'' is not a bad word, it is consensus building, and MARK PRYOR has done a wonderful job working on this piece of legislation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, just briefly, roughly half the votes on this chart that the distinguished majority leader has described as filibusters were actually successful votes where cloture was invoked once the majority worked with us, allowed full consideration of the bills, and those bills actually moved forward and became law.

On roughly half of the instances—I have not looked at the entire chart; this is the first time I have seen it here. But that is a perfect example of how we ought to be working together and not an example of obstruction, but it is actually a means that the Senate has been allowed to do what the Senate does, and that is to have full debate, a fair opportunity to offer amendments and then up-or-down votes on amendments and then pass legislation that goes to the President and is signed for the benefit of the American people.

So I disagree with his characterization on at least half of those votes. They resulted in successfully passed legislation, not an example of obstructionism but of this Senate actually working the way the Senate should.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is another example of the Orwellian language we get from the White House and this administration, and now obviously some of my friends have picked it up on the Republican side.

These were efforts to stall what we were trying to do. You can say whatever you want. Sure, these passed. That is the whole point. We have chart after chart that shows this whole thing. Of course they passed. How could you, in good conscience, not vote for the 9/11 Commission recommendations? They stalled us going to it because as long as they are here on a 30-hour postcloture do-nothing, it means we cannot go to other things, we cannot go to patent reform, to energy reform—all these things that need to be done.

This Republican President and his Republican Senators want the status quo. They are fighting for the status quo. It is very clear they are fighting for the status quo. They want us to stay the way we are.

We want change to take place. The country needs change. The American people demand change. That is what is going on with the Presidential election out there. That is why you get crowds on the Democratic side, our candidates, tens of thousands of people, 15,000 in Boise, ID. People are looking for change. That is what we are going to bring, and we are going to see that in November. The American people know what the Republicans have done to us, but we are going to continue to work hard. We are going to continue to work hard in spite of that to get things done for this country.

It is my understanding we have a vote set up, and we are getting close. We know a number of people have things to do. We thought we would be able to have it at 4:30. We have been unable to do so. We are getting close, I have been told. Whether we finish this in 10 minutes or tomorrow sometime, congratulations are in order for my friend from Arkansas. He has done a great job.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4104

Mr. PRYOR. Mr. President, I do have good news. This is similar to the old Bob Dylan song, ''Slow Train Coming.'' It has been a slow afternoon, seemingly, but there has been a lot of activity.

I ask unanimous consent to agree to the Feinstein amendment by voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 4104.

The amendment (No. 4104) was agreed to.

AMENDMENTS NOS. 4088; 4092, AS MODIFIED; 4101; 4112; 4120; 4123; 4128; 4130, AS MODIFIED; 4113; 4114; 4141; 4136; 4137; 4138; 4143; 4116, AS MODIFIED; 4118, AS MODIFIED; 4090; 4103; 4098; 4109, AS MODIFIED; AND 4108, AS MODIFIED EN BLOC

Mr. PRYOR. I ask unanimous consent to set aside the pending amendment so I may call up the following amendments en bloc: Klobuchar No. 4088; Dodd No. 4092, with modifications at the desk; McCaskill No. 4101; Boxer No. 4112; Landrieu No. 4120; Collins No. 4123; Klobuchar No. 4128; Nelson No. 4130, with modifications at the desk; Obama No. 4113; Obama No. 4114; Durbin-Hatch No. 4141; Inouye No. 4136; Inouye No. 4137; Inouye No. 4138; Snowe No. 4143; Kyl No. 4116, with modifications at the desk; and Kyl No. 4118, with modifications at the desk; the following pending amendments also be considered en bloc: Pryor No. 4090; Cardin No. 4103; Dorgan No. 4098; Casey No. 4109, with modifications at the desk; and Cornyn No. 4108, with modifications at the desk; the amendments be agreed to en bloc and the motion to reconsider be laid upon the table with no intervening action or debate; that cloture be withdrawn; any remaining pending amendments be withdrawn; the Senate proceed to third reading of the bill; the Senate then proceed to the consideration of Calendar No. 562, H.R. 4040, strike all after the enacting clause and insert the text of S. 2663, as amended; the Senate proceed to a vote on passage of H.R. 4040, as amended, and S. 2663 be returned to the calendar.

Mr. STEVENS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4088

(Purpose: To authorize the Commission by rule to exempt lead crystal from the ban on lead in children's products if the Commission determines that the lead content is not absorbable and does not have an adverse impact on public safety)

On page 69, between lines 4 and 5, insert the following:

(3) LEAD CRYSTAL.—The Commission may by rule provide that subsection (a) does not apply to lead crystal if the Commission determines, after notice and a hearing, that the lead content in lead crystal will neither—

(A) result in the absorption of lead into the human body; nor

(B) have an adverse impact on public health and safety.

AMENDMENT NO. 4092, AS MODIFIED

On page 103, after line 12, add the following:

SEC. 40. EQUESTRIAN HELMETS.

(a) STANDARDS.—

(1) IN GENERAL.—Every equestrian helmet manufactured on or after the date that is 9 months after the date of the enactment of this Act shall meet—

(A) the interim standard specified in paragraph (2), pending the establishment of a final standard pursuant to paragraph (3); and

(B) the final standard, once that standard has been established under paragraph (3).

(2) INTERIM STANDARD.—The interim standard for equestrian helmets is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(3) FINAL STANDARD.—

(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code—

(i) to establish a final standard for equestrian helmets that incorporates all the requirements of the interim standard specified in paragraph (2);

(ii) to provide in the final standard a mandate that all approved equestrian helmets be certified to the requirements promulgated under the final standard by an organization that is accredited to certify personal protection equipment in accordance with ISO Guide 65; and

(iii) to include in the final standard any additional provisions that the Commission considers appropriate.

(B) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, and 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(C) EFFECTIVE DATE.—The final standard shall take effect not later than 1 year after the date it is issued.

(4) FAILURE TO MEET STANDARDS.—

(A) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not meet the interim standard, required under paragraph (1)(A), shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(B) STATUS OF FINAL STANDARD.—The final standard developed under paragraph (3) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(b) DEFINITIONS.—In this section:

(1) APPROVED EQUESTRIAN HELMET.—The term ''approved equestrian helmet'' means an equestrian helmet that meets—

(A) the interim standard specified in subsection (a)(2), pending establishment of a final standard under subsection (a)(3); and

(B) the final standard, once it is effective under subsection (a)(3).

(2) EQUESTRIAN HELMET.—The term ''equestrian helmet'' means a hard shell head covering intended to be worn while participating in an equestrian event or activity.

AMENDMENT NO. 4101

(Purpose: To revise the section on Inspector General reports)

On page 72, beginning with line 6, strike through line 8 on page 75 and insert the following:

SEC. 26. INSPECTOR GENERAL REPORTS.

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C.2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about failures of other employees to properly enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission, including the negotiation of corrective action plans in the recall process; and

(B) the process by which corrective action plans are negotiated by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons regulated by the Commission that are not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

AMENDMENT NO. 4112

(Purpose: To clarify the requirement to include cautionary statements on advertisements)

On page 32, line 2, insert ''that provides a direct means of purchase'' before ''posted by a manufacturer''.

AMENDMENT NO. 4120

(Purpose: To authorize the Consumer Product Safety Commission to identify and validate alternative technologies for the facilitation of recalls of durable infant or toddler products)

On page 92, between lines 9 and 10, insert the following:

(c) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) IN GENERAL.—If the Commission determines that a recall notification technology can be used by a manufacturer of durable infant or toddler products and such technology is as effective or more effective in facilitating recalls of durable infant or toddler products as the registration forms required by subsection (a)—

(A) the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such determination; and

(B) a manufacturer of durable infant or toddler products that uses such technology in lieu of such registration forms to facilitate recalls of durable infant or toddler products shall be considered in compliance with the regulations promulgated under such subsection with respect to subparagraphs (A) and (B) of paragraph (1) of such subsection.

(2) STUDY AND REPORT.—Not later than 1 year after the date of the enactment of this Act and periodically thereafter as the Commission considers appropriate, the Commission shall—

(A) for a period of not less than 6 months and not more than 1 year—

(i) conduct a review of recall notification technology; and

(ii) assess, through testing and empirical study, the effectiveness of such technology in facilitating recalls of durable infant or toddler products; and

(B) submit to the committees described in paragraph (1)(A) a report on the review and assessment required by subparagraph (A).

(3) REGULATIONS.—The Commission shall prescribe regulations to carry out this subsection.

AMENDMENT NO. 4123

(Purpose: To provide that Federal employees shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of the whistleblower provisions)

On page 65, between lines 17 and 18, insert the following:

''(8) Notwithstanding paragraphs (1) through (7), a Federal employee shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of this section.

AMENDMENT NO. 4128

(Purpose: To revise the inaccessible component rule for children's products)

On page 68, strike lines 4 through 16, and insert the following:

(1) INACCESSIBLE COMPONENTS.—

(A) IN GENERAL.—Subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product.

(B) INACCESSIBILITY PROCEEDING.—Within 2 years after the date of enactment of this Act, the Commission shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible for purposes of subparagraph (A).

(C) APPLICATION PENDING CPSC GUIDANCE.—Until the Commission promulgates a rule pursuant to subparagraph (B), the determination of whether a product component is inaccessible to a child shall be made in accordance with the requirements of subparagraph (A) for considering a component to be inaccessible to a child.

(D) CERTAIN BARRIERS DISQUALIFIED.—For purposes of this paragraph, paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

AMENDMENT NO. 4130, AS MODIFIED

On page 87, strike line 15 and insert the following:

SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS AND STANDARDS FOR DURABLE INFANT OR TODDLER PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(C) REQUIREMENTS FOR CRIBS.—

(1) MANUFACTURE, SALE, RESALE AND LEASE OF CRIBS.—It shall be unlawful for any commercial user to manufacture, sell, contract to sell or resell, lease, sublet, offer or provide for use or otherwise place in the stream of commerce any new or used full-size or non-full-size crib, including a portable crib and a crib-pen, that is not in compliance with the mandatory rule promulgated in section (b)(1) and (b)(2).

(2) Commercial users include but are not limited to hotel, motel or similar transient lodging facilities and day care centers.

(iii) DEFINITION OF COMMERCIAL USER.—

(A) IN GENERAL.—In this subsection, the term ''commercial user'' means—

(i) any person that manufactures, sells, or contracts to sell full-size cribs or non-full-size cribs; or

(ii) any person that deals in full-size or non-full-size cribs that are not new or that otherwise, based on the person's occupation, holds oneself out as having knowledge or skill peculiar to full-size cribs or non-full-size cribs, including child care facilities and family child care homes; or

(iii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or non-full-size cribs that are not new.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

AMENDMENT NO. 4113

(Purpose: To clarify and expand requirements with respect to information in recall notices)

On page 103, after line 12, insert the following:

SEC. 40. REQUIREMENTS FOR RECALL NOTICES.

(a) IN GENERAL.—Section 15 (15 U.S.C. 2064) is amended by adding at the end the following:

''(i) REQUIREMENTS FOR RECALL NOTICES.—

''(1) IN GENERAL.—If the Commission determines that a product distributed in commerce presents a substantial product hazard and that action under subsection (d) is in the public interest, the Commission may order the manufacturer or any distributor or retailer of the product to distribute notice of the action to the public. The notice shall include the following:

''(A) A description of the product, including—

''(i) the model number or stock keeping unit (SKU) number of the product;

''(ii) the names by which the product is commonly known; and

''(iii) a photograph of the product.

''(B) A description of the action being taken with respect to the product.

''(C) The number of units of the product with respect to which the action is being taken.

''(D) A description of the substantial product hazard and the reasons for the action.

''(E) An identification of the manufacturers, importers, distributers, and retailers of the product.

''(F) The locations where, and Internet websites from which, the product was sold.

''(G) The name and location of the factory at which the product was produced.

''(H) The dates between which the product was manufactured and sold.

''(I) The number and a description of any injuries or deaths associated with the product, the ages of any individuals injured or killed, and the dates on which the Commission received information about such injuries or deaths.

''(J) A description of—

''(i) any remedy available to a consumer;

''(ii) any action a consumer must take to obtain a remedy; and

''(iii) any information a consumer needs to take to obtain a remedy or information about a remedy, such as mailing addresses, telephone numbers, fax numbers, and email addresses.

''(K) Any other information the Commission determines necessary.

''(2) NOTICES IN LANGUAGES OTHER THAN ENGLISH.—The Commission may require a notice described in paragraph (1) to be distributed in a language other than English if the Commission determines that doing so is necessary to adequately protect the public.''.

(b) PUBLICATION OF INFORMATION ON RECALLED PRODUCTS.—Beginning not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall make the following information available to the public as the information becomes available to the Commission:

(1) Progress reports and incident updates with respect to action plans implemented under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

(2) Statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c) of the Consumer Product Safety Act (15 U.S.C. 2064(c)).

(3) The number and type of communication from consumers to the Commission with respect to each product with respect to which the Commission takes action under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

AMENDMENT NO. 4114

(Purpose: To require the Comptroller General of the United States conduct a study and report on the effectiveness of authorities relating to the safety of imported consumer products)

On page 103, after line 12, add the following:

SEC. 40. STUDY AND REPORT ON EFFECTIVENESS OF AUTHORITIES RELATING TO SAFETY OF IMPORTED CONSUMER PRODUCTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the authorities and provisions of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to assess the effectiveness of such authorities and provisions in preventing unsafe consumer products from entering the customs territory of the United States;

(2) develop a plan to improve the effectiveness of the Consumer Product Safety Commission in preventing unsafe consumer products from entering such customs territory; and

(3) submit to Congress a report on the findings of the Comptroller General with respect to paragraphs (1) through (3), including legislative recommendations related to—

(A) inspection of foreign manufacturing plants by the Consumer Product Safety Commission; and

(B) requiring foreign manufacturers to consent to the jurisdiction of United States courts with respect to enforcement actions by the Consumer Product Safety Commission.

AMENDMENT NO. 4141

(Purpose: To modify the automatic residential garage door operators standards requirements)

On page 85, beginning with line 22, strike through line 8 on page 86 and insert the following:

SEC. 31. GARAGE DOOR OPENER STANDARD.

(a) IN GENERAL.—Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety–UL 325, all automatic residential garage door operators that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

(b) EXCEPTION.—Except as provided in subsection (c), subsection (a) does not apply to the manufacture of an automatic residential garage door operator without a secondary external entrapment protection device that does not require contact by a company that manufactured such an operator before the date of enactment of this Act if Underwriters Laboratory, Inc., certified that automatic residential garage door operator as meeting its Standards for Safety–UL 325 before the date of enactment of this Act.

(c) REVIEW AND REVISION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall review, and if necessary revise, its automatic residential garage door operator safety standard, including the requirement established by subsection (a), to ensure that the standard provides maximum protection for public health and safety.

(2) REVISED STANDARD.—The exception provided by subsection (b) shall not apply to automatic residential garage door operators manufactured after the effective date of any such revised standard if that standard adopts the requirement established by subsection (a).

AMENDMENT NO. 4136

On page 24, beginning in line 17, strike ''product (other than a medication, drug, or food)'' and insert ''consumer product''.

AMENDMENT NO. 4137

(Purpose: To modify the scope of products to which section 15(b) applies)

On page 36, line 1, strike ''Act)'' and insert ''Act, except for motor vehicle equipment as defined in section 30102(a)(7) of title 49, United States Code)''.

AMENDMENT NO. 4138

(Purpose: To revise the section requiring a study of preventable injuries and deaths of minority children related to certain consumer products)

On page 70, beginning with line 13, strike through line 20 on page 71, and insert the following:

SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, Native Hawaiian, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report the findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Government Accountability Office's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

AMENDMENT NO. 4143

(Purpose: To ensure that the Commission appropriately addresses impacts on small businesses of the revised civil penalties provisions)

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances.

Insert at end of 15 U.S.C. Section 2069(b), '', including how to mitigate undue adverse economic impacts on small businesses.''

Insert in 15 U.S.C. Section 2069(c), after ''size of the business of the person charged,'' ''including how to mitigate undue adverse economic impacts on small businesses,''

AMENDMENT NO. 4116, AS MODIFIED

At page 58, insert betwen lines 7 and 8 the following:

''(h) If private counsel is retained to assist in any civil action under subsection (a), the private counsel retained to assist the State may not share with participants in other private civil actions that arise out of the same operative facts any information that is (1) subject to a litigation privilege; and (2) was obtained during discovery in the action under subsection (a). The private counsel retained to assist the state may not use any information that is subject to a litigation privilege and that was obtained while assisting the State in the action under subsection (a) in any other private civil acitons that arise out of the same operative facts.''

AMENDMENT NO. 4118, AS MODIFIED

At page 58, line 7, insert before the quotation mark the following:

''Any attorney's fees recovered pursuant to this subsection shall be reviewed by the court to ensure that those fees are consistent with section 2060(f) of this title.''

AMENDMENT NO. 4109, AS MODIFIED.

On page 103, after line 12, add the following:

SEC. 40. CONSUMER PRODUCT SAFETY STANDARDS USE OF FORMALDEHYDE IN TEXTILE AND APPAREL ARTICLES.

(a) STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

AMENDMENT NO. 4108, AS MODIFIED

On page 64, beginning in line 1, strike: ''The court shall have jurisdiction to grant all appropriate relief to the employee available by law or equity, including injunctive relief, compensatory and consequential damages, reasonable attorneys and expert witness fees, court costs, and punitive damages up to $250,000.''

''The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(A) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.''

The amendments (Nos. 4090, 4103, 4098, and 4108, as modified) were agreed to.

Mr. PRYOR. Having reached this agreement, I now ask unanimous consent the Senate vote on passage of the bill, as amended, at 4:55 p.m., and the time until 4:55 be equally divided between Senators PRYOR and STEVENS or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. REID. For the information of all Members, this will be the last vote today. It will be the last vote this week. We will be in session tomorrow for Senators to make statements while we are in a period of morning business. On Monday, there will be no votes. On Monday, we will have Senators GREGG and CONRAD here for debate only on the bill relating to our budget. I wanted to try to work something out to do something more tomorrow and Monday, but we have some parliamentary problems that we experience on occasion, and I was afraid to do that for fear it would not allow us to go to the budget. So we have the opportunity tomorrow to come and talk about whatever is important to individual Senators, and then Monday we will move at a reasonable time to the budget.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I know there are Senators waiting to vote. Does Senator STEVENS have anything he wishes to say?

Mr. STEVENS. Mr. President, I wish to thank my colleague, Senator PRYOR, and our chairman Senator INOUYE, and my colleague, Senator COLLINS, for working so diligently on this legislation. It has been a privilege to work with them to craft this legislation which I feel will help protect the public from dangerous products and return consumer confidence to the marketplace.

I recognize the staff on both sides of the aisle who have worked tirelessly on this bipartisan compromise and helped this bill to reach final conclusion.

I ask unanimous consent to print in the RECORD lists of both majority and minority staff.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF

David Strickland, Alex Hoen Saric, Jana Fong-Swamidoss, Andy York, Price Feland, Mia Petrini, Jared Bomberg, Margaret Cummisky, Lila Helms, Jean Toal Eisen, and Anna Crane.

MINORITY STAFF

Paul Nagle, Megan Beechener, Rebecca Hooks, Peter Phipps, Mark Delich, and Theresa Eugene.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have a list of people to thank, but because we have Senators who would like to vote and some would like to catch airplanes or get on to further meetings this evening, I will wait on that until after we vote.

I am glad to yield back all time on our side.

Mr. STEVENS. We yield back all time.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Mr. PRYOR. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. Without objection, the bill is read for the third time.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 13, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—79

Akaka	Craig	Kohl
Alexander	Crapo	Landrieu
Baucus	Dodd	Lautenberg
Bayh	Dole	Leahy
Bennett	Domenici	Levin
Biden	Durbin	Lieberman
Bingaman	Feingold	Lincoln
Bond	Feinstein	Lugar
Boxer	Graham	Martinez
Brown	Grassley	McCaskill
Brownback	Gregg	McConnell
Cantwell	Harkin	Menendez
Cardin	Hatch	Mikulski
Carper	Hutchison	Murkowski
Casey	Inouye	Murray
Chambliss	Isakson	Nelson (FL)
Coleman	Johnson	Nelson (NE)
Collins	Kennedy	Pryor
Conrad	Kerry	Reed
Cornyn	Klobuchar	Reid
Roberts	Snowe	Voinovich
Salazar	Specter	Warner
Sanders	Stabenow	Webb
Schumer	Stevens	Whitehouse
Sessions	Sununu	Wyden
Shelby	Tester	
Smith	Thune	

NAYS—13

Allard	Cochran	Kyl
Barrasso	Corker	Vitter
Bunning	DeMint	Wicker
Burr	Ensign	
Coburn	Enzi	

NOT VOTING—8

Byrd	Hagel	Obama
Clinton	Inhofe	Rockefeller
Dorgan	McCain	

The bill (H.R. 4040), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. PRYOR. Mr. President, I move to reconsider the vote.

Mr. DURBIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 466, the nomination of Hector E. Morales to be Permanent Representative of the United States to the Organization of American States; that the nomination be confirmed and the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Hector E. Morales, of Texas, to be Permanent Representative of the United States of America to the Organization of American States.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

THANKING SENATORS AND STAFF

Mr. PRYOR. Mr. President, we are in a period of morning business. I want to

pause for 1 minute and thank all of the cosponsors on this legislation. There was a committee bill and the bill that passed the floor a few moments ago. I thank everybody who helped work on this, even those who voted against it. Many of them offered very constructive suggestions and amendments.

Let me start by thanking Senator COLLINS. She has been fantastic throughout this whole process. Senator HARKIN, Senator KLOBUCHAR, Senator BILL NELSON, Senator SCHUMER, Senator DURBIN, Senator LINCOLN, of course Senator SALAZAR, Senator BROWN, Senator MENENDEZ, Senator CASEY, Senator WYDEN, and even though I don't think Senator MCCASKILL was ever a cosponsor, she helped in the last few days on some drafting.

There are two whom I need to single out, and one is Senator TED STEVENS of Alaska, who went to bat and worked through a lot of issues that made this vote today possible, as well as our chairman Senator INOUYE, first because I appreciate very much him giving me the opportunity to manage the bill. He designated me a year ago to try to work on this legislation, and I will always be grateful to him for his leadership and giving me this opportunity.

I also thank members of the staff. We all know we get the credit, we get the publicity, and we are sort of the face, but we could not do this job we do without great staff. So I have a little bit of a long list, but they all deserve some recognition: Alex Hoehn-Saric, David Strickland, Mia Petrini, Jared Bomberg, Mellissa Zolkeply, Margaret Cummisky, Lila Helms, and Jean Toal-Eisen.

These are all members of the Commerce staff on the Democratic side. I cannot tell my colleagues—I cannot exaggerate how many hours they put into this legislation.

Then on my staff: Price Feland, Andy York, and many others helped, but those two went the extra mile, especially Price, who was fantastic.

On Senator DURBIN's staff: David Lazarus, Tom Faletti, Dena Morris, and Chris Kang, all of whom helped in many ways.

On Senator REID's staff: Mike Castellano and Mark Weitjen.

On Senator KLOBUCHAR's staff: Tamara Fucile and Katie Nilan.

On Senator NELSON's staff: Chris Day.

Then on the Republican side of the Commerce Committee, I will tell my colleagues they were fantastic and they spent hours and hours and hours working through issues and through this process. They played an important role.

So my thanks to Paul Nagle, Megan Beechener, Mark Delich, Peter Phipps, Rebecca Hooks, and Christine Kurth.

Again, oftentimes the Senators get the credit for things, but we do not give the staff enough credit.

On Senator COLLINS' staff: Asha Mathews was critical, and she was great in helping in many different ways with Senator COLLINS who played a very important part in this legislation.

I thank my colleagues for this week. I know we worked very hard and we were very persistent. But one of the great things about this week is we saw what the Senate can do. We saw if we make up our minds that we are going to do something good for this country, the Senate can do it. We worked together. We kept all the nongermane amendments off the bill. We had several on our side, and there were a few over here. We had more on our side, but we kept all of those nongermane amendments off the bill. We had a spirit of cooperation and collegiality and it was great. It was fun to be a part of it. It reminds me, once again, how great an institution the Senate is.

I again one last time thank all of my colleagues for their support and all the floor staff here for doing all the great things they did to get us where we are today. This is a great day for the Senate and a great day for the American people. Now this bill will have to go to conference and the hard work starts. But I feel confident that we will be able to work with our House colleagues, who worked so hard on their legislation to get something done, and hopefully in the next several weeks, whenever that may be, it will come back to the Senate for the final vote and we can get it to the White House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

THE BUDGET

Mr. SANDERS. Mr. President, if one watches the Presidential campaign, one finds that virtually all of those who have run for President and those who remain in the campaign are talking about change, change, and change. While I think each of them may differ with the other as to exactly what they mean by change, what they are picking up is the very serious unhappiness of the American people in terms of the direction this country is going.

What people perceive and what the candidates are picking up on is that the middle class is shrinking. We have tens of millions of people who wake up in the morning, they go to the gas station, they are paying $3.20 for a gallon of gas. Home heating oil is soaring. In many cases, the wages of workers are going down. People are losing their health insurance. They are losing their pensions. They are seeing their jobs go to China and other low-wage countries. The people in our country do not feel good about the state of our economy. They want changes. They want to move this country in a different direction. Fundamentally, I believe, what they want is a new set of national priorities.

As my colleagues may know, this afternoon the Senate Budget Committee voted on and passed a new budget. This budget, appropriately enough, rejects President Bush's incredibly bad budget, which continues the process of providing huge tax breaks to people who don't need it and then cutting back on the needs of the middle class and working families in terms of massive cuts in Medicare, in Medicaid, eliminating completely the weatherization program, and cutting back significantly on LIHEAP at a time when the need for heating assistance is greater now than ever before. Altogether, it is a budget which puts money where we should not be putting money and cuts back on those programs which people desperately need.

Next week, as I understand it, the budget will be coming to the Senate floor. We will be debating the budget that was passed by the Budget Committee this afternoon. While I happen to believe the budget we passed was a good budget—certainly a major, major, major improvement over what President Bush gave us we can make significant improvements upon what we passed this afternoon. So I will be offering several amendments. The major one will essentially be asking the Senate to change the national priorities of this country and to begin responding to the millions of working families who know that something is wrong in America. They know that while poverty increases, while the middle class shrinks, the people on top have never had it so good. They know that ordinary people understand there is something strange when the wealthiest Nation in the history of the world cannot provide quality health care to all of its people; that our infrastructure is deteriorating before our very eyes; that we have the highest rate of childhood poverty in the industrialized world; that all over our country food shelves are being descended upon—not by unemployed people alone, not by disabled people, not by poor people but by people who are working 40 or 50 hours a week and can't afford with their wages to provide the nutrition their families need. People understand there is something deeply, deeply wrong in this country, and that we have to move in a new direction.

My amendment is very simple. It is going to give the Members of the Senate a very stark choice about whether we want change, about whether we want to move this country in a new direction. This is what it does. It couldn't be simpler. It says that at a time when the wealthiest people in this country have never had it so good since the 1920s in terms of a huge increase in their income, in terms of the fact that we now have by far the most unequal distribution of income and wealth of any major country, where the top 1 percent now earn more income than

the bottom 50 percent, what we are saying is that it is time we rescind President Bush's tax breaks that go to people who make at least $1 million. That is the top three-tenths of 1 percent; 99.7 percent of the people would not be impacted by this amendment. It says: Let us rescind those tax breaks for millionaires and billionaires, and when we do that, we will raise about $51 billion.

Now, what can we do with that $51 billion, and what does this amendment include? First, it says that since President Bush has been in office, we have had record-breaking deficits. We now have a $9 trillion national debt. We are fighting a war we are not paying for, but that our kids and our grandchildren will be paying for. So in this amendment, of the $51 billion we raise by rescinding tax breaks for millionaires, we are going to put $10 billion into deficit reduction. That leaves $41 billion.

This is what this amendment would do. It would provide $15 billion for special education. The Presiding Officer may remember that some years ago the Congress—the Government of the United States—made a commitment to school districts all over America and said: If you mainstream kids with disabilities, if you put them into public schools, if you treat them as every other kid, we will provide 40 percent of the cost of that special education. That is what the Government said. Unfortunately, the Government did not keep its word.

So what we see in Vermont—and I suspect in Colorado and all over the country—is the school districts are paying enormous sums of money out of local taxes, often regressive property taxes, to fund special education. All over America, what we are seeing is more and more kids, for whatever reason—and that is a long discussion we need to have—are having problems, are being seen as having special ed needs. It is an expensive proposition. We are saying, let's begin to keep our word to school districts all over America. Let's relieve the pressure of local property taxes. Let's put $15 billion into special education.

In addition, what this amendment would do is provide a $7 billion increase for Head Start. One of the great scandals in our Nation today is that we have the highest rate of childhood poverty—far higher than any other industrialized country; that working parents are finding it almost impossible to acquire quality, affordable child care; that Head Start openings are much greater than can be accommodated all over the country. We are saying Head Start is a program that works. It provides an opportunity for early childhood education for low-income kids.

Let's expand that program to make sure working families can take advantage of that program and let's put $7 billion into expanding Head Start.

We also, for the same reasons, put $2.2 billion into the child care and the development block grant program that will ensure every eligible family receives access to child care.

I know in my State—and, again, I suspect in most States in this country—people are being weighed down by very high local taxes, including regressive property taxes.

What this amendment does is provide $5 billion for school construction, modernization and repairs, to fix our crumbling schools. What this does is not only help local property taxes and not only help our school kids get modern buildings in which to learn, it also creates a lot of jobs as we rebuild one of the long neglected areas of our infrastructure, and that is our crumbling schools.

This amendment would also provide an additional $3 billion for LIHEAP, the Low-Income Heating Assistance Program. I just, this afternoon, spoke to the directors of various community action programs in the State of Vermont. In my State—and my State may be a little bit different than some because it gets pretty cold there. We have had 20 below zero weather in the last couple weeks. There is a real level of stress regarding the availability of LIHEAP because the cost of home heating fuels is soaring. There is just not that availability. There is not enough money in the LIHEAP fund. We would put $3 billion more into LIHEAP, which helps, by the way, not only low-income families and senior citizens in the wintertime in cold-weather States, but it helps other families in States where the weather gets to be 110 degrees.

As I mentioned earlier, in this great country, the wealthiest country in the history of the world, we must be embarrassed that we have large numbers of people who literally go hungry, who don't have enough food. That number is growing. I know Senator HARKIN, among others, has called for a significant increase in the Food Stamp Program. That is exactly what we should be doing. This amendment would provide $5 billion for food stamps to make sure millions of families with kids have enough food to sustain them.

Lastly, this amendment would provide $3.8 billion to allow the special supplemental nutrition program for Women, Infants, and Children, the WIC Program, to provide nutritious food to over 4 million families. Kids whose mothers have good nutrition and good prenatal experience, obviously, will do better in life. We want to make sure the WIC Program has the resources they need.

So, ultimately, what this amendment is about is pretty simple: We say that in a time when millions of Americans, low- and moderate-income people, are in need, it is the obligation and the right of the U.S. Government to reach out and address those serious problems facing the middle-class and working families of our Nation. And at a time when the wealthiest people in this country have never had it so good and at the same time have been given huge tax breaks by the Bush administration, we say it is appropriate to rescind those tax breaks in order to help millions of people in need. That is what this amendment is about. It calls for a fundamental change in national priorities, and it moves this country in a very different and, I think, more moral direction. I look forward to the support of my colleagues for this amendment that we will offer as part of the budget debate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATORS AND STAFF

Ms. KLOBUCHAR. Mr. President, I am here today to thank the many Senators and staff who worked on this sweeping consumer protection reform. This is going to mean so much for so many children across this country. It is going to make a difference, and we are really never going to know it.

I can tell you from the parents I have met who have had to deal with their kids ingesting Aqua Dot that morphed into a date-rape drug, or another whose child swallowed a charm that was 39-percent lead, those mothers came to the Capitol because they did not want it to happen to anyone else. Today, we told them we are listening to them, and we are making a difference in the lives of families throughout the country.

The difference started with the Commerce Committee and the very good staff we have on that committee. Before I acknowledge them, I wish to acknowledge my own staff.

I am so proud of the work they did. Tamara Fucile took this issue on as a personal matter. Her children actually had some of the Thomas the Train sets. I cannot tell you to how many hearings she carried those trains, chewed on by her own children, and I would hold them up to show Senators this was a real thing. I thank Tamara, and I also thank her children for parting with their toys, although they are recalled toys.

Kate Nilan has been doing a wonderful job with our office working on these consumer issues. In the last week, Kate was very involved in making sure that our amendment, which banned industries paying for travel, industries that

the consumer protection agency is supposed to be regulating, the amendment that Senator MENENDEZ and I did got voted on in this body 94 to 0. It is because of the good work of Kate Nilan in putting that amendment together and working out the procedural issues.

I thank both of my staff members for their fine work on this bill. Tamara was also very involved in the lead standard. She originally worked with me when we said: Why would we not have a Federal lead standard for toys? Why would we have State-by-State standards and some States do not have them and they are different all over the place? We finally have an aggressive lead standard that basically bans lead in children's toys, the first year allowing some trace levels and going down after that. That was Tamara's good work.

I wish to acknowledge the Commerce staff who worked hard on this bill from the beginning: David Strickland was there every step of the way, as well as Alex Hoehn-Saric for his work, and Price Feland, a member of Senator PRYOR's staff, as well as staff of Senator DURBIN who got involved in this issue early on when Senator DURBIN and I met in Chicago with a number of the toy retailers and manufacturers that were concerned about this and knew something had to change in Washington in terms of the funding for this agency, as well as the tools they have to do their jobs.

Senator NELSON has played such an instrumental role when it came to making sure we had third-party verification, as well as the durable goods standard in the bill; then, of course, Senator STEVENS and Senator COLLINS, who assisted in getting bipartisan support for the bill, and Senator PRYOR, who managed it during this week flawlessly.

We are very excited about the change today, that I can go home tonight and tell my 12-year-old daughter—who, I have to tell you, was rather embarrassed about this whole thing when her mom was involved when it was about SpongeBob SquarePants, but when the Barbies started getting recalled, she came into the kitchen and said: Mom, this is really getting serious. So I am going to be able to go home today and tell her we did something good in the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FRANCES GADDIE CLINKSCALES

Mr. MCCONNELL. Mr. President, I wish to celebrate the life of a woman who has greatly affected the lives of so many throughout the Commonwealth of Kentucky, Mrs. Frances Gaddie Clinkscales. For 78 years, Mrs. Clinkscales loved and invested wholeheartedly in everyone she met.

Known to those around her as ''Miss Frances,'' Mrs. Clinkscales was an inspiration. Her time was devoted to caring for individuals, predominantly through her role as a nurse. She graduated from Durham High School in Campbellsville, KY, in 1949 and continued her education at Howard University in Washington, DC, receiving her degree in nursing. Thus began her dedication to caring for others.

Mrs. Clinkscales served at North Point Hospital in Long Island, NY, before returning to Ft. Knox, KY, to work at the Ireland Army Hospital, where she served the military community for 31 years. Mrs. Clinkscales spent her time loving those around her, not only through her nursing career but for decades after. Her devotion to her faith was expressed throughout every aspect of her life. As a community and civic leader, she worked to assure Taylor County and central Kentucky was a quality place for everyone to live.

Her participation in a plethora of organizations only contributed to the love she spread. She was a member of the Campbellsville City Council, Greater Campbellsville United, and held long terms of service on the Lake Cumberland Development Board, Habitat for Humanity, and the Campbellsville Family Resource and Youth Services Council.

Along with service to organizations such as these, Mrs. Clinkscales spent many of her later years fighting for patients receiving dialysis. In June 2007, Mrs. Clinkscales suffered from complete kidney failure and underwent dialysis. Her treatment was conducted at the Taylor County Dialysis Center; a facility that she was instrumental in opening. Mrs. Clinkscales's commitment to organizations like these and the people she worked with and loved exemplified her genuine care for the community.

Regretfully, on February 27, 2008, the Commonwealth of Kentucky lost this most respected member of our State; yet her legacy will not go untold. Mrs. Clinkscales's constant love for those around her will continue to resonate. Her infamous words to anyone she met—''pretty, pretty'' and ''I love you''—will be remembered. Mrs. Clinkscales genuinely dedicated her life and service to her faith and her town. She leaves behind her granddaughter and her grandson-in-law, LaQuita and Christopher Goodin; two grandsons; and seven nieces.

Mrs. Clinkscales served as an important citizen of Kentucky for decades. This service is assuredly not to be forgotten and will carry on as an example to all. I ask my colleagues to join me in honoring Frances Gaddie Clinkscales for her dedicated service, her example to the community, and in honoring the legacy she has left us.

ENFORCEMENT-ONLY IMMIGRATION BILLS

Mr. KENNEDY. Mr. President, I regret to see that the Republicans are at it again—offering unworkable solutions to complex immigration issues that only make the problem worse and cater to the basest instincts of the far right fringe.

For 7 years, Republicans have failed to fix the broken immigration system, offering only empty rhetoric and unrealistic proposals. Democrats recognize that our country deserves better—we need to overhaul our broken system, uphold our values as a nation of immigrants, ensure our national security and protect American jobs.

It is unacceptable to have 12 million people in our country who are outside the system. Our illegal immigration problem has skyrocketed because employers know they can get away with breaking the law and abusing illegal workers. And the past 7 years have shown us that deportation alone is not the solution.

It is time to stop coddling employers who break our laws and undercut American workers. It is time to make sure employers follow our immigration and labor laws so that the law is respected, wages are fair, working conditions are decent, workers' rights are valued, and unscrupulous employers are punished. And it is time to treat immigrants with the dignity and respect that they deserve.

I have to ask why the Republicans have failed to address these very real problems. They controlled Congress for 6 years. They have occupied the White House for almost 8 years. Where have they been this whole time?

I can tell you where they have been. They have been cynically using the immigration problem to stir up local resentment and fear to divert attention away from their inaction. They have vilified immigrants, especially Latinos, making them the new unwanted class, the new untouchables. They have tried to convince Americans that declaring English the official language will solve our problems, when in fact English is already our national language, but the Government sometimes needs to use other languages to respond to health care and law enforcement emergencies. They have engaged in targeted attacks on people who are contributing to our communities.

I urge them to drop their rhetorical attacks that cater to the extreme right

wing of their party. I urge them to listen to the American people, who want real solutions. Americans understand that immigration is a complex challenge that requires a comprehensive solution. They know that we need to address the situation of the 12 million illegal immigrants in the country, requiring them to register with the Government or face deportation; that we need to deport those who have committed serious crimes or represent a threat to our national security; that we need to meaningfully go after employers who flaunt the law by hiring those who are not authorized to work; and that we need to ensure that American workers are not harmed by U.S. immigration policy.

We can do this. We can uphold the rule of law. And we can do it without sacrificing our proud tradition of immigration.

The American people understand the issues. Why can't the Republicans?

Instead, they are proposing to deny local communities funding for community policing because such communities recognize that working with immigrant communities helps combat crime and lawlessness. They would force all American workers to prove eligibility to work based on a database that is so flawed it will result in denial of employment to millions of authorized workers, including American citizens. They would impose jail sentences on illegal immigrants who have not committed crimes, further overloading U.S. prisons. Those are just a few of the unworkable proposals they have introduced today, blithely ignoring the untold harm such ideas will cause to the American public.

This Senate passed comprehensive immigration reform in 2006. That bill faced head on the many aspects of the immigration system that are broken. It recognized that it is impractical to deport 12 million illegal immigrants. And it is undesirable—the majority of these people are playing a key role in the U.S. economy, taking care of our children, mowing our lawns, and harvesting our crops.

But that legislation also recognized that the Government must seize control of our immigration system. Border enforcement that is both effective and humane must be implemented. Employers who knowingly break the law and hire illegal immigrants must be punished. By hiring people who are not authorized to work, these bad actors are also violating labor protections in place to protect American workers.

The 2006 bill failed in the House, where the Republican majority instead chose to grandstand the issue and push an enforcement-only bill. Now we are seeing our Republican colleagues in the Senate do the same.

Let's stop the sham. Let's negotiate a real solution. Let's go back to the table, roll up our sleeves, and give the American public what it deserves: an immigration system that works, that is orderly, and that ensures that the system works for Americans. Anything less is unworthy of the people we represent, and that is why I oppose this effort launched today by my Republican colleagues.

THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On the afternoon of December 4, 2007, 30-year-old Gilbert Aguilar was walking to a friend's house in Yucaipa, CA, when he was accosted by four Caucasian men. According to a witness, one of the men called Aguilar a racial slur, and after a brief exchange of words Aguilar continued on his way. Later that night, Aguilar and two friends, Joshua Morales and Ryan Couture, passed by the area where the confrontation had taken place. The four were still there waiting for Aguilar. According to a witness, one of the men in Aguilar's group threw a punch at one of the Caucasian men, provoking Christopher Fulmer to pull out a gun. A witness says Fulmer fired two or three rounds, hitting Couture in the arm and fatally wounding Morales. Fulmer, who has a swastika tattooed on his chest, will stand trial on counts of murder, attempted murder, and a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

SCHOOL SOCIAL WORK WEEK

Mr. JOHNSON. Mr. President, it is with great pleasure that I rise today to publicly recognize School Social Work Week, which is taking place March 2–8, 2008. This important week honors school social workers, who play a vital role in the development of our young students.

My wife Barbara was a school social worker for more than 18 years, so I understand the critical importance of the services they provide to children, families, and schools. Not only do school social workers provide family and student counseling, crisis intervention, family advocacy, truancy prevention, assistance with basic needs, and community referrals for long-term needs, but they also assist already overwhelmed and underfunded schools in finding ways to assist their ''at risk'' students. The presence of school social workers has helped increase attendance rates, academic performance, appropriate behavior, and parental involvement.

I believe the best way we can honor school social workers is by providing them with the resources they need to accomplish their jobs and serve our students. Children often must seek help at school for problems they are experiencing personally, as well as at home. Experts note that early identification and intervention can be beneficial in helping distressed young people cope with and handle the problems in their lives. Without school social workers and the wonderful services they provide, far too many children's needs would remain unaddressed.

For these reasons and countless others, proudly I stand today and applaud the wonderful work of these dedicated individuals. I am pleased that their tireless efforts are being publicly celebrated. It is with great honor that I share their impressive commitment to helping and educating our youth with my colleagues.

RECORD CORRECTION

Mr. GRASSLEY. Mr. President, in yesterday's speech on the executive branch stonewalling of congressional oversight, I erroneously referred to two Egyptian nationals charged with terrorism as former students at Florida State University. In fact, they are former students at the University of South Florida.

ADDITIONAL STATEMENTS

CELEBRATING 10 YEARS OF ALT.CONSULTING

• Mrs. LINCOLN. Mr. President, I wish to recognize a nonprofit organization that has been making a difference in the lives of Mid-South and Delta small business men and women for the last 10 years, alt.Consulting. Founded in 1998, alt.Consulting has been providing small business owners and entrepreneurs with the tools and advice needed to build their businesses and provide jobs in a region of the country in need of a boost.

When one reads their mission statement, you quickly gets a sense of what makes alt.Consulting different. It reads as follows:

alt.Consulting works with local business owners and entrepreneurs in rural Delta and minority communities to examine, diagnose, start and rebuild businesses. We provide tailored support, skill building, and access to capital to enhance business performance leading to growth and self-defined success.

We act on our ethical and social principles, empowering entrepreneurs to overcome racial, gender, socioeconomic and geographic barriers. We believe this leads to vibrant, entrepreneur friendly and just communities.

Through its comprehensive, affordable assistance to small businesses, alt.Consulting raises the standard of living by enabling profitability for new and growing businesses and preventing business failures. We demonstrate the contributions of healthy small businesses to growing communities with more jobs, wealth building opportunities and a stronger tax base.

With offices in Pine Bluff, AR, and Memphis, TN, alt.Consulting has gone into some of the most impoverished communities in Arkansas, Mississippi, and Tennessee and provided the support and assistance needed to get businesses off the ground. The average poverty rate in their target market is a staggering 24 percent. Average unemployment is 8 percent. Even more daunting is that less than 13 percent of the population has a bachelor's degree in the areas they work.

Due to their methodology, though, alt.Consulting has been making a big difference in the Mid-South and the Delta since its inception. In 2006, 195 businesses received one-on-one assistance. As a result, alt.Consulting was responsible for 75 new jobs in a region of the country that had been experiencing negative growth. Moreover, 10 businesses on the verge of failure were saved which protected 700 existing jobs. The sales growth of companies they assisted resulted in $12.7 million in new economic activity. And their technical assistance resulted in $430,000 in SBA community express loans to 39 businesses. This gave those existing businesses the working capital to grow and reach new customers.

alt.Consulting is also working with selected communities to train business specialists to replicate their services at the local level. Thanks to support from U.S. Department of Agriculture, the rural community development initiative program, and the Enterprise Corporation of the Delta, they have launched new, nonprofit microenterprise programs to provide continuous resources to rural communities throughout the Mid-South.

One such effort, the Pine Bluff Entrepreneurship Collaborative, was started in June 2006 and was comprised of 47 community leaders. Their goals were to create an equity pool to start and expand businesses, identify local resources for small businesses, make health insurance affordable for small businesses, and develop marketing and training workshops.

Youth is also a major focus for alt.Consulting. Recognizing that youth entrepreneurship builds a lifetime of opportunities, alt.Consulting works with partners to help ''at-risk'' youth start and build their own small businesses. Through one-on-one mentoring and assistance, alt.Consulting has worked to turn their young ideas into a reality.

As a native of Helena, AR, who grew up in the heart of the Delta, I am proud of the impact that alt.Consulting is making in communities throughout my State. They serve as an example of what we can do when we focus on what we can be, not what we don't have. This program, and others like it, allows us to build on our strengths, to enable our citizens to make a decent living, to encourage our young people to stay at home, and to ultimately build the tax base and enhance the quality of life for us all.

I commend alt.Consulting on their vision and hard work. I am honored to recognize them on 10 great years, and I look forward to seeing the fruits of their labor for years to come.●

RECOGNIZING KELLY'S CLOSET

● Ms. SNOWE. Mr. President, I wish to recognize Kelly's Closet of Waterford, ME, a woman-owned small business that has helped reinvent a traditional product in a new and environmentally friendly way.

When Kelly Wells founded Kelly's Closet in 2001, there were few options for parents looking for cost-effective, sanitary, and environmentally friendly diapers for their children. Like any good enterprising businesswoman, Ms. Wells identified this underserved market and then moved to supply the demand. At first, Ms. Wells's venture failed to attract the customers for which she had hoped and no orders arrived for 4 months. Despite these early difficulties, Ms. Wells persevered, and eventually her tenacity paid off. The orders that had started off slow rose exponentially, and her business had grown to such an extent that the most significant problem she and her two employees now face is keeping the ''shelves'' of their virtual store stocked with the company's products. Today, Kelly's Closet combines the Internet's tremendous marketing platform with good old-fashioned Maine friendliness to create a customer experience second to none.

Kelly's Closet offers many different diaper and diaper liner options in a wide variety of fibers, from flannel, fleece, and organic cotton, to more unique choices like rice paper and bamboo. Ms. Wells's notably wide variety of merchandise is easy to identify with catchy names like ''Rumpsters,'' ''Knickernappies,'' and ''Tiny Tush.'' Kelly's Closet also sells additional products from other trusted and well-known companies, including accessories for strollers, diaper bags, and other children's apparel, such as swim diapers for the summer and baby boots and shoes for any time of year.

In addition to a varied selection, Kelly's Closet also helps to educate parents about cloth diapers. For parents, making the right diaper choice can sometimes be a confusing process. To help these parents, Ms. Wells publishes a newsletter and has a special easy-to-use section on her Web site that is dedicated to answering parents' frequently asked questions about diaper fabrics, size, and care, as well as the history of the cloth diaper movement. These additions to her Web site ensure that consumers are well informed before they make their first purchase.

Maine is a State known for its innovators and entrepreneurs, and Kelly Wells is a member of that proud group. Her perseverance, tenacity, and business acumen are a testament to what a small business can accomplish. In 8 years, Ms. Wells has helped transform the way parents purchase diapers and has expanded their possibilities to a great degree. I wish Kelly Wells and all the employees of Kelly's Closet continued success as they grow, innovate, and expand their business.●

MESSAGE FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1084. An act to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

H.R. 1424. An act to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

H.R. 4191. An act to redesignate the Dayton Aviation Heritage National Historical Park in the State of Ohio as the ''Wright Brothers-Dunbar National Historical Park'', and for other purposes.

H.R. 4774. An act to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the ''Cyndi Taylor Krier Post Office Building''.

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 278. Concurrent resolution supporting Taiwan's fourth direct and democratic presidential elections in March 2008.

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago.

H. Con. Res. 292. Concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments.

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4191. To redesignate the Dayton Aviation Heritage National Historical Park in the State of Ohio as the ''Wright Brothers-Dunbar National Historical Park'', and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4774. An act to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the ''Cyndi Taylor Krier Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 278. Concurrent resolution supporting Taiwan's fourth direct and democratic presidential elections in March 2008; to the Committee on Foreign Relations.

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African American to play in the National Basketball Association League 58 years ago; to the Committee on the Judiciary.

H. Con. Res. 292. Concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments; to the Committee on the Judiciary.

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2709. A bill to increase the criminal penalties for illegally reentering the United States and for other purposes.

S. 2710. A bill to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a ''no match'' notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

S. 2711. A bill to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes.

S. 2712. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S. 2713. A bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 2714. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorists activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 2715. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2716. A bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Departments of Homeland Security, and for other purposes.

S. 2717. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2718. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2719. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2720. A bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

S. 2721. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 2722. A bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1424. An act to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans.

H.R. 1084. An act to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue for the term prescribed by law.

By Mr. LEAHY for the Committee on the Judiciary.

Kevin J. O'Connor, of Connecticut, to be Associate Attorney General.

Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General.

William Joseph Hawe, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Brian Stacy Miller, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

James Randal Hall, of Georgia, to be United States District Judge for the Southern District of Georgia.

John A. Mendez, of California, to be United States District Judge for the Eastern District of California.

Stanley Thomas Anderson, of Tennessee, to be United States District Judge for the Western District of Tennessee.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN (for himself and Mr. COCHRAN):

S. 2723. A bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes; to the Committee on Finance.

By Mr. BAYH (for himself, Ms. LANDRIEU, and Mr. LUGAR):

S. 2724. A bill to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2725. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Ms. SNOWE):

S. 2726. A bill to amend the Emergency Food Asssitance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE (for himself, Mr. COCHRAN, Mr. WICKER, Mr. SHELBY, and Mr. DOMENICI):

S. 2727. A bill to amend title XVIII of the Social Security Act to provide for a temporary moratorium on enforcement of the cap amount on payments for hospice care under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON:

S. 2728. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Environment and Public Works.

By Mr. CORNYN:

S. 2729. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Ms. LANDRIEU, Ms. MURKOWSKI, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAIG, Mr. ALEXANDER, and Mrs. DOLE):

S. 2730. A bill to facilitate the participation of private capital and skills in the strategic, economic, and environmental development of a diverse portfolio of clean energy and energy efficiency technologies within the United States, to facilitate the commercialization and market penetration of the technologies, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Res. 475. A resolution congratulating Iowa State University of Science and Technology on its 150 years of leadership and service to the United States and the world as Iowa's land-grant university; considered and agreed to.

By Mr. CARDIN (for himself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. CARPER, Mr. BIDEN, and Mr. LEVIN):

S. Con. Res. 69. A concurrent resolution supporting the goals and ideals of a national day of remembrance for Harriet Tubman; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 582

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 613

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1097

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1097, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1343

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1343, a bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 2033

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2033, a bill to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service.

S. 2069

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2304

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2304, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2580

At the request of Mr. BROWN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2606

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2712

At the request of Mr. DEMINT, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2712, a bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S.J. RES. 28

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 473

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 473, a resolution designating March 26, 2008, as ''National Support the Troops and Their Families Day'' and encouraging the people of the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad, as well as the sacrifices of their families.

AMENDMENT NO. 4104

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 4104 proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

AMENDMENT NO. 4109

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4109 proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

AMENDMENT NO. 4130

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4130 proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. WEBB):

S. 2725. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''; to the Committee on Homeland Security and Governmental Affairs.

Mr. WARNER. Mr. President, on October 6, 2007, the people of Virginia's First Congressional District lost one of its most respected and admired leaders, a dedicated Member of Congress and loyal friend, Representative Jo Ann Davis.

Today, I am proud to have Senator JIM WEBB join me in introducing a bill to honor our dear colleague. This legislation would designate the United States Post Office at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office.'' Representative ROBERT WITTMAN has introduced companion legislation in the House of Representatives.

Born in North Carolina, Jo Ann Davis attended Hampton Roads Business College in Virginia and later obtained her real estate license and real estate broker's license over the next several years. In 1990, she started her own company, Jo Ann Davis Realty, and followed this successful endeavor with a run for public office in 1997. Serving as a Delegate in the Virginia General Assembly for 4 years, Jo Ann Davis became the first Republican woman to serve Virginia in the U.S. Congress after winning her election in 2000.

Representative Davis was a relentless champion for the needs of the First District. It was my privilege to work with her on many matters, ranging from national defense to the environment, and in that regard, she worked hard to improve the health of the Chesapeake Bay. Also, I commend her diligent leadership in the removal of the James River Reserve Fleet from Newport News. From her support for the Rappahannock River Valley National Wildlife Refuge to her concern with the preservation of Dragon Run or providing funding for oyster restoration, she always put the quality of Virginia's environment above politics.

With sincere passion and concern, Representative Davis worked to improve our Nation's armed services and the lives of the men and women who bravely answer the call to duty. She provided strong representation for the communities in and surrounding the Naval Surface Warfare Center at Dahlgren and the Marine Corps base at Quantico, ensuring that these facilities continue to make important contributions to protecting the nation and to the economic foundations of their respective areas. Her initiative to increase the life insurance benefit paid to survivors of military members and her

advocacy on behalf of the rights and benefits of Federal employees will continue to be appreciated in the years ahead.

I have always admired Representative Davis for her strong convictions and the tenacity that she brought to bear in acting on them. She fought a courageous struggle against cancer, and I will miss her insights and her friendship in our Virginia Congressional Delegation.

I am pleased to offer this small token of recognition and gratitude for someone who has given so much to the Commonwealth and her country.

I close with a personal note that we both shared interests in equestrian activities. There is an old English saying that ''the outside of the horse is good for the inside of the man.'' As an avid, accomplished rider, she often quipped with me that the saying applies equally to a woman. She loved the noble horse.

I join with my colleagues from the Commonwealth and from the entire U.S. Congress in expressing my deepest sympathies to her husband, her two sons, and her extended family. They remain in our thoughts and prayers.

By Mr. CASEY (for himself and Ms. SNOWE):

S. 2726. A bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to talk about a crisis that is facing a growing number of Americans every day. That crisis is hunger. In this country, as food prices continue to rise, more and more American families find themselves desperately in need of help just to put food on the table for themselves and their families.

In 2006 alone, the U.S. Department of Agriculture, USDA, reported that 35.5 million Americans did not have enough money or resources to get food for at least some period during the year. This figure was an increase of 400,000 over 2005 and an increase of 2.3 million since 2000. And, with the fragile state of our economy, we can only assume that these figures for 2007 and 2008 will be even more disturbing. The only recourse for these millions of people is to turn to Federal food assistance programs and emergency food banks for their basic food needs.

Unfortunately, as recent articles in national publications like the USA Today and the New York Times have highlighted, there is a critical lack of food inventories available in local food pantries across the country. Rising demand, sharp drops in Federal supplies of excess commodities, and declining donations have forced food banks to cut back on rations, and in some cases, close their doors. In short, America's food banks are facing critical shortages now.

As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, I had a hand in helping to create a new farm bill. This bill, as passed by the Senate, will help food banks by providing additional annual funding to shore up food bank supplies. But, as we continue to conference this bill with the House, there are further steps we can take to help ensure that food banks can continue to fulfill their mission.

That is why today I am pleased to join with Senator SNOWE to introduce the Bonus TEFAP Assistance Act of 2008. This act will provide critical support needed to ensure food assistance agencies, already in desperate need of supplies, can take full advantage of the distributions of bonus food commodities supplied by USDA through the Emergency Food Assistance Program, TEFAP. By helping to offset the intrastate storage, transportation, and distribution costs the food assistance agencies incur to distribute these bonus food surpluses, the act will ensure the commodities will be able to reach the greatest number of needy individuals.

The Emergency Food Assistance Program began in 1981 as a temporary program with dual purposes; it was intended to help reduce the Federal food inventories and storage costs while also assisting the needy. Because of the program's success in helping distribute food to those in need, in 1988, after much of the Federal inventory was depleted, the Hunger Prevention Act authorized funds to be appropriated to purchase food for TEFAP.

Under current-day TEFAP, the USDA provides States and food assistance agencies with food commodities bought specifically for the program and with funding to help cover distributing agencies' intrastate storage, handling, and distribution costs. In addition, when available, USDA provides any excess food not needed to fulfill other program requirements to States for allocation to local food assistance agencies. This excess food is otherwise known as ''bonus TEFAP.'' Unfortunately, while the USDA generously distributes these bonus TEFAP commodities to the States, many of the State and food assistance agencies are unable to accept the bonus TEFAP commodities because they do not have the resources to store, transport, or distribute them.

The Bonus TEFAP Assistance Act of 2008 that I am introducing today with Senator SNOWE alleviates this problem by providing offsetting funds to recipient agencies to assist with the costs of storing, transporting, and distributing bonus TEFAP commodities. The funds provided through this legislation will help to provide more food to those in need through food banks, food pantries, emergency shelters, soup kitchens, and other organizations that directly provide these resources to the public.

To solve the problem the inadequacy of local resources causes, the bill authorizes the Secretary of Agriculture to use existing funds granted under section 32 of the Agricultural Adjustment Act of 1935. Currently, section 32 funds are used to fund child nutrition programs and other programs to support the farm sector at the discretion of the Secretary. Through this legislation, a small portion of section 32 funds would be allocated to each eligible recipient agency in the lesser amount of $0.05 per pound or $0.05 per dollar value of bonus TEFAP commodities. With this modest increase in funding, the States and their food assistance agencies will be able to accept more food distributions from the USDA through TEFAP, benefitting the many low-income recipients who rely on the program for emergency food and nutrition assistance.

I urge all of my colleagues to join Senator SNOWE and me in ensuring that the States and food assistance agencies can accept the available excess commodity foods the USDA provides under the Emergency Assistance Food Program. Food assistance agencies are in dire need of funds, food, and supplies and we owe it to them to ensure that they can take full advantage of every opportunity to serve those in our nation who are in desperate need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2726

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bonus TEFAP Assistance Act of 2008''.

SEC. 2. ASSISTANCE FOR COSTS OF DISTRIBUTING BONUS COMMODITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage States and food assistance agencies to accept commodities acquired by the Secretary of Agriculture for farm support and surplus removal activities; and

(2) to offset the costs of the States and food assistance agencies for the intrastate transportation, storage, and distribution of the commodities.

(b) COSTS OF DISTRIBUTING BONUS COMMODITIES.—Section 202 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502) is amended by inserting after subsection (a) the following:

''(b) COSTS OF DISTRIBUTING BONUS COMMODITIES.—

''(1) IN GENERAL.—The Secretary shall use funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to provide funding described in paragraph (2) to eligible recipient agencies to offset the costs

of the agencies for intrastate transportation, storage, and distribution of commodities described in subsection (a).

''(2) FUNDING.—The Secretary shall provide funding described in paragraph (1) to an eligible recipient agency at a rate equal to the lower of $0.05 per pound or $0.05 per dollar value of commodities described in subsection (a) that are made available under this Act to, and accepted by, the eligible recipient agency.''.

By Mr. CORNYN:

S. 2729. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Finance.

Mr. CORNYN. Mr. President, you don't have to be an expert in health care policy to know our health care system is in need of reform. Today, we spend over $2 trillion on health care, almost $7,500 per person. In 10 years, national health care expenditures are expected to reach $4.3 trillion, or $13,000 per person, which would comprise 19.5 percent of our gross domestic product. Clearly, this rate of increase is unsustainable. We must work together to develop creative solutions that will change the way we deliver health care. The goal should be to allow health care providers to develop treatment plans based on what is in the best interest of the patient. But the current system under which we pay physicians neither puts patients first nor reduces costs.

A decade ago, instead of creating a mechanism that changed the way physicians deliver care, Congress attempted to curb rising health care costs through an arbitrary annual expenditure cap on physician payments. And what has the result been? Physicians have seen their reimbursements lag far behind their costs, in Texas and nationally—a 15-percent gap. In order to recoup lost revenue, physicians often increased the number of patients they were seeing per day, meaning they were spending less and less time with their patients, lowering the quality of care delivered. Moreover, we are starting to see problems with beneficiary access. At an increasing rate, beneficiaries across the country are reporting difficulties in scheduling appointments with their physicians.

But declining reimbursements are also influencing the development of future generations of physicians—especially in primary care—as there is a disincentive to enter the profession or an incentive to forgo primary care for more lucrative specialties. This is especially alarming, as the Medicare population grows and many physicians will be retiring. For example, my State of Texas already has a below-average physician-to-population ratio, while 39 percent of practicing physicians are already over 50.

There are over 30 health care reform plans floating around inside and outside of Congress. Few of these plans address the fundamental question: What good is coverage without access to that coverage?

If we are serious about changing our health care system, we need to start with changing the way we pay physicians—that would send a strong message not only about the need for better quality care but also the need to ensure a future generation of American physicians.

I am pleased to introduce the Ensuring the Future Physician Workforce Act of 2008. This bill will provide positive reimbursement updates for providers; eliminate the ineffectual expenditure cap; increase incentives for physician data reporting; facilitate adoption of Health Information Technology, HIT, by addressing cost and legislative barriers; educate and empower physicians and beneficiaries in relation to Medicare spending and benefits usage; and study ways to realign the way Medicare pays for health care.

Every few years, Congress goes through the same rituals of trying to fix the physician reimbursement mechanism. First, CMS tells us the expenditure cap requires Medicare physician reimbursements to be cut by a certain percent. Next, Congress struggles to find a way to prevent this cut, knowing how harmful it would be. Yet delaying this cut is extremely expensive. Congress then swears that this is the last time they will go through this process and that it must come up with a comprehensive fix. Ultimately, Congress never seems able to fix the problem. This bill stops the charade, resets the baseline for the next year and a half, and then eliminates the expenditure cap thereafter. Rather than pretending like we are going to adhere to an arbitrary cap of $80, for example, only to spend more later, this bill puts up front the true cost that we are really going to spend $100 or $101. The effect on spending is the same, but physicians and beneficiaries have certainty.

If Congress fails to act, Texas physicians will lose $860 million between July 2008 and December 2009, which is a cut of $18,000 to each Texas physician. That figure balloons to $16.5 billion by 2016 due to nearly a decade of scheduled cuts.

Two widely identified ways of moving toward lower costs and better quality stem from the collection of health care data and the implementation of health information technology.

First, increasing incentives for the reporting of data will improve our ability to assess how we deliver care and the level of that care. In this bill we go beyond general reporting and focus on the most expensive diseases. The director of the Congressional Budget Office, Peter Orszag, likes to ask the paradoxical question: ''How can the best medical care in the world cost twice as much as the best medical care in the world?'' It does because we deliver care in vastly different ways and at vastly different costs. By focusing our data collection efforts, we will better understand how these differences occur.

Second, there are few who would argue with the notion that implementation of HIT is beneficial from a cost and quality perspective; HIT provides transparency, efficiency, portability, safety, and reductions in duplicative and wasteful procedures. However, various cost and legislative barriers have inhibited widespread adoption. There is a large cost associated with implementing HIT because of the cost of hardware, software, and time needed to train staff. Additionally, there is a disincentive to invest in HIT because the Department of Health and Human Services has yet to finalize its standards. Providers are stuck in neutral.

Under the current regulatory environment, doctors have limited ability to accept hardware, software, or help in training from hospitals. Not only does this unfairly harm patients in these practices, it negatively impacts community health. This bill provides a safe harbor to that regulation but maintains the spirit of the law by allowing hospitals to help physicians in their implementation of HIT—either in the purchasing of hardware or software or in training—as long as these hospitals do not restrict the physician's interoperability, clinical practice, or referral system for their own financial benefit. This bill provides the incentive to voluntarily implement HIT and commonsense regulations that move communities into the 21st century. Once beneficiaries begin to see the benefits HIT will have on the quality of their care and in their wallets, providers will not be able to ignore the demand.

Finally, this bill would provide comparative reports to physicians on their billings and to beneficiaries on their usage of services. Physicians want to do the right thing for their patients, but we need to ensure that they have the tools necessary to appropriately deliver that care. When physicians look at these reports and see how they compare to other providers in their area or across the Nation, they will take that report seriously and evaluate why their practices differ. Similarly, beneficiaries will have a tool to evaluate their level of care and a tool to engage the physician-patient relationship.

Mr. President, it is no secret that the path Medicare is on is unsustainable. So far, our only recourse has been to prolong the inevitable collapse, rather than reforming the doomed system. This bill is a small step toward righting the Medicare ship, and with it, America's health care system as a whole. It is time we move forward in health care and help create a system that provides the best care at the best prices. I hope my colleagues will join

me in supporting this bill and ensuring a better future for American health care.

By Mr. DOMENICI (for himself, Ms. LANDRIEU, Ms. MURKOWSKI, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAIG, Mr. ALEXANDER, and Mrs. DOLE):

S. 2730. A bill to facilitate the participation of private capital and skills in the strategic, economic, and environmental development of a diverse portfolio of clean energy and energy efficiency technologies within the United States, to facilitate the commercialization and market penetration of the technologies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, a report by the Energy Information Administration released this week confirms that we have made real, measurable progress in our efforts to reduce our dependence upon foreign oil. The best estimating group in the world, the Energy Information Administration of America, made this determination. I know the occupant of the chair will be interested, because what we have done in the past 3 years with the passage of three major pieces of energy legislation is, for the first time in modern history, we have reduced the amount of consumption of crude oil from overseas to America by Americans here at home. In other words, during the next 30 years, we will finally get to the point where, instead of that importation going up, it will begin to reverse itself and start coming down.

Now, the bad news for Americans is you can't do that overnight, but we have done it with the passage of the CAFE standards, meaning smaller cars in the future for everyone, and with the passage of two or three other big bills, we have made a lasting impact on how much we use of this dread imported product that we call crude oil.

Over the last several years, as I indicated, Congress has passed three major pieces of legislation: the Energy Policy Act of 2005, the Gulf of Mexico Energy Security Act, and the Energy Independence and Security Act. We put these together, and the estimates are that as a result of this action I just spoke about, more than 2 million barrels of oil per day will be saved by America by 2030. In addition, our action will lead to—and get this—5.3 billion fewer metric tons of energy-related carbon dioxide emissions by that time—the equivalent of 71,500 megawatt coal-burning electric plants. Imagine that. By reducing that amount of oil consumed, we will reduce the amount of carbon dioxide by 5.3 billion fewer metric tons used.

Nevertheless, our work is not nearly done. I have been encouraged by the growth of clean energy technologies, but I have come to believe that in the long run, we will fall far short of the amount of financial resources necessary to move these projects along at a fast enough pace. Consider that nearly half of our current electric generation fleet is over 30 years old. Nearly a third of our overall generation comes from coal-fired plants, the majority of which are not equipped with emission control technology. Yet investor-owner utilities are not large enough to carry several multibillion dollar projects, and competitive electricity markets don't have an effective mechanism to encourage investment in larger, expensive new capacity. I come to the floor to propose at least a partial solution to this challenge.

Today I am introducing legislation to establish a clean energy investment bank. This bank will be a government corporation, modeled after the Export-Import Bank, designed to promote investment in domestic energy projects. I am pleased to have a number of cosponsors, including Senators LANDRIEU, MURKOWSKI, MARTINEZ, BUNNING, CRAIG, ALEXANDER, and DOLE. I haven't worked very hard because I haven't had time, but I think I can get many more Senators to be cosponsors as well.

According to some analysis, over $350 billion will be needed over the next 15 years to meet our increased demands for energy. Not only do we face the challenge of needing to get more power on line, we also are trying to do it in a way that results in less pollution. By investing in clean energy technology, we will reap enormous benefits when it comes to energy, economic, environmental, and national security.

Investors have shown a willingness to support clean energy technology. A United Nations report recently revealed that investment in sustainable energy has nearly doubled since 2005. Additionally, private sector research and development has risen to over $16 billion. Yet the growth we have seen primarily comes from equity investment and venture capital, not long-term debt financing.

The clean energy industry faces unique challenges. Unlike traditional fossil fuel energy projects, which are able to more easily secure long-term debt financing, clean energy markets have a greater level of risk both economically and technically. That is why the certainty provided by Federal Government support would be beneficial. Our goal moving forward should be greater increases for all types of clean energy generation projects through secure financing.

Right now, we are lacking an institution able to undertake this kind of activity and fill this gap. The clean energy investment bank that will be created by the legislation which I introduce today has a real chance of filling that gap.

The bank will engage in investment activities to encourage long term debt financing of clean energy projects. It will take responsibility for management of the Department of Energy's title 17 loan guarantee program, and have the authority to offer loans, insurance products, and take positions in commercially viable projects.

The clean energy investment bank will be a governmental corporation, with a bipartisan board of directors that will have significant autonomy in choosing the projects they believe are most worthy.

In this legislation, we do not seek to tell the bank exactly which specific types of projects to support. Our requirement is that the projects provide clean energy and that the bank considers a reasonable diversity of projects, technologies, and energy sectors. We give flexibility to the bank's board of directors and management so that they can provide support for the latest technologies, some of which may not even be under consideration right now.

The sole mission of the clean energy investment bank will be to advance the deployment of clean energy technologies. The bank will be staffed with investment professionals who will make informed decisions on loans, loan guarantees, and other investments.

Initially, we anticipate that the clean energy investment bank will be given a similar level of financial support as the Export-Import Bank. The Export-Import Bank assists financing the export of U.S. goods and services to international markets. By enabling companies in our country to turn exports into sales overseas, the bank helps create jobs and ensures a level playing field.

Export-Import provides a worthy and useful service to our economy and to growing economies overseas. Last year, Congress provided $68 million to the bank to subsidize its costs, and another $78 million for administrative expenses. But we must ask ourselves: shouldn't domestic energy diversification receive at least as much support as U.S. companies investing overseas?

The bank will be financed in part through the appropriations process, but in greater measure through a revolving fund. The goal would be for the bank to be self-funding through its investment of activity as soon as possible.

Congress will soon be embarking on a debate about climate change. It is simply a reality that much of that discussion will largely fall on partisan lines. Senators have diverse views about global climate change and the proposed solutions to handle it.

The clean energy investment bank, however, is something that we all can support. It gives us a chance to make real progress in a bipartisan way on our shared goals of increasing energy production and reducing greenhouse gas emissions. Despite the odds, we

have demonstrated that when we work together to find common ground on energy, we can succeed and pass legislation that will help make America stronger. In times of economic uncertainty, we need pro-growth strategies that incentivize large private investment, not complex regulatory structures that increase the cost of energy. The clean energy investment bank is such a pro-growth proposal that stands tall on its own.

I look forward to working with my colleagues on both sides of the aisle on this bill, and I hope the Senate will adopt it. We have made great strides in recent years to diversify our energy supply, but we should not rest on our laurels. This bill will help us keep up the momentum and shift America away from foreign oil and toward cleaner, home-grown technologies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2730

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Energy Investment Bank Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BANK.—The term ''Bank'' means the Clean Energy Investment Bank of the United States established by section 3(a).

(2) BOARD.—The term ''Board'' means the Board of Directors of the Bank established under section 4(b).

(3) CLEAN ENERGY INVESTMENT BANK FUND.—The term ''Clean Energy Investment Bank Fund'' means the revolving fund account established under section 6(b).

(4) COMMERCIAL TECHNOLOGY.—The term ''commercial technology'' means a technology in general use in the commercial marketplace.

(5) ELIGIBLE PROJECT.—The term ''eligible project'' means a project in a State related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(6) INVESTMENT.—The term ''investment'' includes any contribution or commitment to an eligible project in the form of—

(A) loans or loan guarantees;

(B) the purchase of equity shares in the project;

(C) participation in royalties, earnings, or profits; or

(D) furnishing commodities, services or other rights under a lease or other contract.

(7) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 3. ESTABLISHMENT OF BANK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch a bank to be known as the ''Clean Energy Investment Bank of the United States,'' which shall be an agency of the United States.

(2) GOVERNMENT CORPORATION.—The Bank shall be—

(A) a Government corporation (as defined in section 103 of title 5, United States Code); and

(B) subject to chapter 91 of title 31, United States Code, except as expressly provided in this Act.

(b) AUTHORITY.—

(1) IN GENERAL.—The Bank shall assist in the financing, and facilitate the commercial use, of clean energy and energy efficient technologies within the United States.

(2) ASSISTANCE FOR ELIGIBLE PROJECTS.—The Bank may make investments—

(A) in eligible projects on such terms and conditions as the Bank considers appropriate in accordance with this Act; or

(B) under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), and any of the regulations promulgated under that Act, as the Bank considers appropriate.

(3) REPAYMENT.—No loan or loan guarantee shall be made under this subsection unless the Bank determines that there is a reasonable prospect of repayment of the principal and interest by the borrower.

(4) PROJECT DIVERSITY.—The Bank shall ensure that a reasonable diversity of projects, technologies, and energy sectors receive assistance under this subsection.

(c) POWERS.—In carrying out this Act, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without endorsement or guaranty, and guaranteeing, notes, drafts, checks, bills of exchange, acceptances (including bankers' acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing operations of the Bank and the economic and financial soundness of projects;

(3) use private credit, investment institutions, and the guarantee authority of the Bank as the principal means of mobilizing capital investment funds;

(4) broaden private participation and revolve the funds of the Bank through selling the direct investments of the Bank to private investors whenever the Bank can appropriately do so on satisfactory terms;

(5) conduct the insurance operations of the Bank with due regard to principles of risk management, including efforts to share the insurance risks of the Bank;

(6) foster private initiative and competition and discourage monopolistic practices; and

(7) advise and assist interested agencies of the United States and other organizations, public and private and national and international, with respect to projects and programs relating to the development of private enterprise in the market sector in accordance with this Act.

SEC. 4. ORGANIZATION AND MANAGEMENT.

(a) STRUCTURE OF BANK.—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board may determine.

(b) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There is established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) COMPOSITION.—

(A) IN GENERAL.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate (referred to in this subsection as ''independent directors''; and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) FEDERAL EMPLOYMENT.—An independent director shall not be an officer or employee of the Federal Government at the time of appointment.

(C) POLITICAL PARTY.—Not more than 3 of the independent directors shall be members of the same political party.

(3) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) STAGGERED TERMS.—The terms of not more than 2 independent directors shall expire in any year.

(B) VACANCIES.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) MEETINGS.—The Board shall meet at the call of the Chairman of the Board.

(C) QUORUM.—Four members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRMAN AND VICE CHAIRMAN.—

(A) IN GENERAL.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) ELIGIBILITY.—The Chairman of the Board shall not be an Executive Director of the Board.

(6) COMPENSATION OF MEMBERS.—An independent director shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(7) TRAVEL EXPENSES.—An independent director shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(c) PRESIDENT OF THE BANK.—

(1) APPOINTMENT.—The President of the Bank shall be appointed by the Board.

(2) DUTIES.—The President of the Bank shall—

(A) be the Chief Executive Officer of the Bank;

(B) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(d) EXECUTIVE VICE PRESIDENT.—

(1) APPOINTMENT.—The Executive Vice President of the Bank shall be appointed by the Board.

(2) DUTIES.—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(e) STAFF.—

(1) IN GENERAL.—The Board may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this Act; and

(B) vest the personnel with such powers and duties as the Board may determine.

(2) CIVIL SERVICE LAWS.—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(3) REAPPOINTMENT.—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled, on removal from the position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(4) ADDITIONAL POSITIONS.—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by law, including positions authorized by section 5108 of title 5, United States Code.

SEC. 5. FINANCING, GUARANTIES, INSURANCE, CREDIT SUPPORT, AND OTHER PROGRAMS.

(a) INTERGOVERNMENTAL AGREEMENTS.—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments (including agencies, instrumentalities, or political subdivisions of State and local governments) for sharing liabilities assumed by providing financial assistance for eligible projects under this Act.

(b) INSURANCE.—

(1) IN GENERAL.—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to ensure protection in whole or in part against any or all of the risks with respect to eligible projects that the Bank has approved.

(2) DUPLICATION OF ASSISTANCE.—The Bank shall not offer any insurance products under this subsection that duplicate or augment any other similar Federal assistance.

(c) GUARANTEES.—

(1) IN GENERAL.—The Bank may issue guarantees of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any guarantee issued under this subsection shall, for budgetary purposes, be considered a loan guarantee (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(d) LOANS AND CREDIT ASSISTANCE.—

(1) IN GENERAL.—The Bank may make loans, provide letters of credit, issue other credit enhancements, or provide other financing for eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) ELIGIBLE PROJECT DEVELOPMENT INVESTMENT ENCOURAGEMENT.—The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, if the Board determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) OTHER INSURANCE FUNCTIONS.—The Bank may—

(1) using agreements and contracts that are consistent with this Act—

(A) make and carry out contracts of insurance or agreements to associate or share risks with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights;

(iv) the ceding and acceptance of reinsurance; and

(v) any other matter incident to an insurance business; and

(2) enter into pooling or other risk-sharing agreements with other governmental insurance or financing agencies or groups of those agencies.

(g) EQUITY FINANCE PROGRAM.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under which the Bank may, in accordance with this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, on such terms and conditions as the Bank may determine, for the purpose of providing capital for any project that is consistent with this Act.

(2) TOTAL AMOUNT OF EQUITY INVESTMENTS.—

(A) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER EQUITY FINANCE PROGRAM.—

(i) IN GENERAL.—Except as provided in clause (ii), the total amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to the project at the time at which the equity investment of the Bank is made.

(ii) DEFAULTS.—Clause (i) shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the investment of the Bank.

(B) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER MULTIPLE PROGRAMS.—

(i) IN GENERAL.—The equity investment of the Bank under this subsection with respect to any project, when added to any other investments made or guaranteed by the Bank under subsection (c) or (d) with respect to the project, shall not cause the aggregate amount of all the investments to exceed, at the time any such investment is made or guaranteed by the Bank, 75 percent of the total investment committed to the project, as determined by the Bank.

(ii) CONCLUSIVE DETERMINATION.—The determination of the Bank under this subparagraph shall be conclusive for purposes of the authority of the Bank to make or guarantee any investment described in clause (i).

(3) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Bank shall consider the extent to which the equity investment of the Bank will assist in obtaining the financing required for the project.

(4) IMPLEMENTATION.—

(A) IN GENERAL.—The Bank may create such legal vehicles as are necessary for implementation of this subsection.

(B) NON-FEDERAL BORROWERS.—A borrower participating in a legal vehicle created under this paragraph shall be considered a non-Federal borrower for purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(C) SECURITIES.—Income and proceeds of investments made under this subsection may be used to purchase equity or quasi-equity securities in accordance with this section.

(h) RELATIONSHIP TO FEDERAL CREDIT REFORM ACT OF 1990.—

(1) IN GENERAL.—Any liability assumed by the Bank under subsections (c) and (d) shall be discharged pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

(A) IN GENERAL.—No loan guaranteed under subsection (c) or direct loan under subsection (d) shall be made unless—

(i) an appropriation for the cost has been made; or

(ii) the Bank has received from the borrower a payment in full for the cost of the obligation.

(B) BUDGETARY TREATMENT.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with subparagraph (A)(ii).

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

SEC. 6. ISSUING AUTHORITY; DIRECT INVESTMENT AUTHORITY AND RESERVES.

(a) MAXIMUM CONTINGENT LIABILITY.—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 5 shall not exceed a total amount of $100,000,000,000.

(b) CLEAN ENERGY INVESTMENT BANK FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Clean Energy Investment Bank Fund'' (referred to in this section as the ''Fund'').

(2) USE.—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 5 (other than subsections (c) and (d) of section 5) until the earlier of—

(A) the date on which all liabilities of the Bank have been discharged or expire; or

(B) the date on which all amounts in the Fund have been expended in accordance with this section.

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

(c) PAYMENTS OF LIABILITIES.—Any payment made to discharge liabilities arising

from agreements under section 5 (other than subsections (c) and (d) of section 5) shall be paid out of the Clean Energy Investment Bank Fund.

(d) SUPPLEMENTAL BORROWING AUTHORITY.—

(1) IN GENERAL.—In order to maintain sufficient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obligations.

(2) MAXIMUM TOTAL AMOUNT.—The total amount of obligations issued under paragraph (1) that is outstanding at any time shall not exceed $2,000,000,000.

(3) REPAYMENT.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.

(4) INTEREST RATE.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection.

(5) PURCHASE OF OBLIGATIONS.—

(A) IN GENERAL.—The Secretary of the Treasury—

(i) shall purchase any obligation of the Bank issued under this subsection; and

(ii) for the purchase, may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.

(B) PURPOSES.—The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any purchase under this paragraph.

SEC. 7. ADMINISTRATION.

(a) PROTECTION OF INTEREST OF BANK.—The Bank shall ensure that suitable arrangements exist for protecting the interest of the Bank in connection with any agreement issued under this Act.

(b) FULL FAITH AND CREDIT.—

(1) OBLIGATION.—A loan guarantee issued by the Bank under section 5(c) shall constitute an obligation, in accordance with the terms of the guarantee, of the United States.

(2) PAYMENT.—The full faith and credit of the United States is pledged for the full payment and performance of the obligation.

(c) FEES.—

(1) IN GENERAL.—The Bank shall establish and collect fees for services under this Act in amounts to be determined by the Bank.

(2) AVAILABILITY OF FEES.—Except as provided in paragraph (3), fees collected by the Bank under paragraph (1) (including fees collected for administrative expenses in carrying out subsections (c) and (d) of section 5) may be retained by the Bank and may remain available to the Bank, without further appropriation or fiscal year limitation, for payment of administrative expenses incurred in carrying out this Act.

(3) FEE TRANSFER AUTHORITY.—Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of a loan or loan guarantee made under subsection (c) or (d) of section 5 shall be transferred by the Bank to the respective credit program accounts.

SEC. 8. GENERAL PROVISIONS AND POWERS.

(a) PRINCIPAL OFFICE.—The Bank shall—

(1) maintain its principal office in the District of Columbia; and

(2) be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—On appointment of a majority of the Board by the President, all of the functions and authority of the Secretary of Energy under predecessor programs and authorities similar to those provided under subsections (c) and (d) of section 5, including those under title XVII of the Energy Policy Act of 2005 (42 U. S.C. 16511 et seq.), shall be transferred to the Board

(2) CONTINUATION PRIOR TO TRANSFER.—Until the transfer, the Secretary of Energy shall continue to administer such programs and activities, including programs and authorities under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(c) AUDITS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.

(2) PERIODIC AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(A) IN GENERAL.—Except as provided in paragraph (3), an independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General of the United States.

(B) REPORT TO BOARD.—The independent certified public accountant shall report the results of the audit to the Board.

(C) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The financial statements of the Bank shall be presented in accordance with generally accepted accounting principles.

(D) REPORTS.—

(i) IN GENERAL.—The financial statements and the report of the accountant shall be included in a report that—

(I) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code; and

(II) the Bank shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.

(ii) REVIEW.—The Comptroller General of the United States may review the audit conducted by the accountant and the report to Congress in such manner and at such times as the Comptroller General considers necessary.

(3) ALTERNATIVE AUDITS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General of the United States shall, if the Comptroller General considers it necessary, audit the financial statements of the Bank in the manner provided under paragraph (2).

(B) REIMBURSEMENT.—The Bank shall reimburse the Comptroller General of the United States for the full cost of any audit conducted under this paragraph.

(4) AVAILABILITY OF RECORDS.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

SEC. 9. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Congress a complete and detailed report describing the operations of the Bank during the fiscal year.

SEC. 10. MODIFICATION TO LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration plant; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost has been made; or

''(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).''.

(c) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

''(c) AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

''(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.''.

(d) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into a special fund in the Treasury to be known as the 'Incentives For Innovative Technologies Fund'; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.''.

SEC. 11. INTEGRATION OF LOAN GUARANTEE PROGRAMS.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) BANK.—The term 'Bank' means the Clean Energy Investment Bank of the United States established by section 3(a) of the Clean Energy Investment Bank Act of 2008.''.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking ''Secretary'' each place it appears (other than the last place it appears in section 1702(a)) and inserting ''Board''.

(2) CONFORMING AMENDMENTS.—Section 1702(g) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)) is amended—

(A) in the heading for paragraph (1), by striking ''SECRETARY'' and inserting ''BANK''; and

(B) in the heading for paragraph (3), by striking ''SECRETARY'' and inserting ''BANK''.

(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 9(b)(1) the authority to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Bank, to remain available until expended, such sums as are necessary to—

(1) replenish or increase the Clean Energy Investment Bank Fund; or

(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this Act.

(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than $50,000,000 during the fiscal year for which an appropriation is made.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 475—CONGRATULATING IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY ON ITS 150 YEARS OF LEADERSHIP AND SERVICE TO THE UNITED STATES AND THE WORLD AS IOWA'S LAND-GRANT UNIVERSITY

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 475

Whereas Iowa State University of Science and Technology was established by the Iowa General Assembly on March 22, 1858, as the Iowa Agricultural College and Model Farm in response to the State of Iowa's desire to provide higher education opportunities to farm families and working classes in Iowa, predating the passage of the Federal Morrill Act by 4 years;

Whereas on September 3, 1862, Iowa became the first State in the Nation to accept the terms and conditions of the Morrill Act creating the land-grant system of colleges and universities;

Whereas the Iowa Agricultural College and Model Farm, known today as Iowa State University of Science and Technology (Iowa State), received Iowa's land-grant charter on March 29, 1864, making it one of the first land-grant institutions in the Nation;

Whereas Iowa State was a pioneer in all 3 parts of the land-grant mission, including—(1) access to all, regardless of race, gender or social class, being the first land-grant institution to be coeducational from its opening, with 16 women in its first class and later students including future suffragist Carrie Chapman Catt, an 1880 graduate, and George Washington Carver, the first African American student, who earned a bachelor's degree in 1894 and a master's degree in 1896, and was also the institution's first African American faculty member; (2) practical research, establishing the Nation's first Engineering Experiment Station and domestic economy experimental kitchen, and one of the first agriculture experiment stations; and (3) outreach, including some of the earliest land-grant institution outreach activities such as the establishment of the Farmers Institutes in the winter of 1869–70 by Iowa State President Adonijah Welch, and the organization of the Nation's first county Extension Service in 1903 in Sioux County in northwest Iowa by Professor Perry Holden;

Whereas some of the most important technological advancements of the modern world were the result of research at Iowa State, including—(1) the development of hybrid seed corn in the 1920s; (2) pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials by Professor Orland Sweeney in the 1930s; (3) the invention of the electronic digital computer in the late 1930s by Professor John Atanasoff and graduate student Clifford Berry, whose Atanasoff-Berry Computer was the first to incorporate the 7 basic principles of modern computing; (4) the foundation for the modern plastics industry laid by polyethylene research by Professor Henry Gilman; (5) development of the process still used today to refine pure rare-earth materials, including reactor-grade uranium, by Professor Frank Spedding and Harley Wilhelm, as a result of Iowa State's key role in the Manhattan Project during World War II; (6) development of modern livestock animal genetics by Professor Jay Lush; and (7) the first field-testing of a genetically altered plant (tobacco) in 1987 and genetically altered tree (poplar) in 1989 by Professor Robert Thornburg;

Whereas Iowa State hired one of the first permanent campus artists-in-residence, with sculptor Christian Petersen holding that position from 1934 to 1955 and providing hundreds of sculptures and other art objects to the university, whose Art on Campus collection today includes more than 600 major public works of art;

Whereas Iowa State has had a technology transfer office since 1935, longer than all but one other university in the Nation, and is acknowledged today as a national leader in putting technology to work, being cited as a ''model of economic development'' and ''licensing powerhouse'' in a 2007 study commissioned by the National Science Foundation;

Whereas Iowa State University is today spearheading new advances in science and technology, including new materials, information sciences, green architecture, biological research, and the development of biorenewable fuels and other resources to support the bioeconomy and the Nation's independence from nonrenewable petroleum resources; and

Whereas more than 257,000 degrees have been awarded by Iowa State, and its graduates include heads of State, leaders of industry, great humanitarians, and gifted scientists, whose work has improved the quality of life for people worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Iowa State University of Science and Technology on its 150 years of outstanding service to the State of Iowa, the United States, and the world in fulfilling its mission as a land-grant university; and

(2) thanks the State of Iowa for its visionary leadership in the beginning of the land-grant movement in the United States of America.

SENATE CONCURRENT RESOLUTION 69—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL DAY OF REMEMBRANCE FOR HARRIET TUBMAN

Mr. CARDIN (for himself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. CARPER, Mr. BIDEN, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 69

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around 1820;

Whereas in 1849 Harriet Tubman escaped to Philadelphia and became a ''conductor'' on the Underground Railroad;

Whereas Harriet Tubman was commonly referred to as ''Moses'' due to her courage and sacrifice in leading many enslaved persons out of bondage and into freedom, endeavoring despite great hardship and danger of being re-enslaved;

Whereas Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas, during the Civil War, Harriet Tubman assisted the Union Army as a cook, nurse, scout, and spy, and became the first woman to lead an armed expedition in the war, leading to the liberation of more than 700 slaves;

Whereas, after the War, Harriet Tubman became active in the women's suffrage movement and continued to fight for human dignity, human rights, opportunity, and justice;

Whereas, in 1896, Harriet Tubman purchased 25 acres of land in Auburn, New York, to create a home and hospital for indigent, aged, and sick African-Americans, which opened on June 23, 1908, as the Harriet Tubman Home for the Sick and Aged, becoming the only charity outside of New York City dedicated to the shelter and care of African-Americans in New York;

Whereas, in 1944, the Maritime Commission launched the SS Harriet Tubman (Hull Number 3032), the first Liberty ship ever named for an African-American woman;

Whereas, in 1978, Harriet Tubman was the first honoree of the Postal Service Black Heritage Stamp Series;

Whereas the Episcopal Church has designated Harriet Tubman as a saint in its Book of Common Prayer;

Whereas Harriet Tubman, whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom, died at her home in Auburn, New York, on March 10, 1913;

Whereas Public Law 101–252 designated March 10, 1990 as Harriet Tubman Day, and States such as Delaware, Georgia, Maryland,

New York, and Texas host annual celebrations that honor the life of Harriet Tubman on March 10 of each year; and

Whereas it would be appropriate to honor the contributions of Harriet Tubman on March 10 of each year: Now, therefore, be it

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

(1) supports the designation of a national day of remembrance for Harriet Tubman; and

(2) encourages the people of the United States to support and participate in such national day of remembrance for Harriet Tubman with appropriate ceremonies, programs, and other activities.

Mr. CARDIN. Mr. President, today I rise to introduce a resolution honoring the legacy of Harriet Ross Tubman, the abolitionist, humanitarian, Union spy, and daughter of Maryland whose selfless efforts throughout her lifetime helped hundreds of slaves realize freedom. My resolution supports the goals and ideals of a national day of remembrance for this American hero.

Araminta Ross was born into slavery in Dorchester County, Maryland, around 1820 and worked as a slave for several families throughout her childhood. Abused and beaten, she suffered a serious head injury that would affect her for the rest of her life. In 1844, she married John Tubman and took the first name of her mother, Harriet.

In 1849, Harriet Tubman escaped to Philadelphia. She launched her work as a ''conductor'' on the Underground Railroad soon after, making several trips back for family members and friends. Tubman continued to risk capture for more than a decade, delivering enslaved people from bondage to freedom in New England and Canada. Referred to as ''Moses'' because of her courage and sacrifice, she personally led more than a dozen expeditions, helping approximately 70 slaves escape. Her efforts and extensive network of contacts along the Underground Railroad provided instruction for dozens more slaves to make the journey to freedom. She once stated, ''I never ran my train off track, and I never lost a passenger.''

In 1859, Harriet Tubman purchased a home for her family in Auburn, New York. While there, she continued her role as an abolitionist, making several trips to Boston to speak alongside Frederick Douglass and others.

When the Civil War erupted in 1861, Tubman volunteered. She worked for the Union Army as a nurse, scout, spy, and recruiter, and became the first woman to lead an armed expedition in the war, resulting in the liberation of hundreds of slaves. Traveling through Maryland, South Carolina, and Virginia, Harriet Tubman risked disease, capture, and physical injury to support the Union Army.

After the war, Harriet Tubman returned to Auburn. She became active in the women's suffrage movement and worked alongside Susan B. Anthony and Emily Howland. She continued to fight for human dignity, human rights, and equal justice throughout her lifetime.

In 1896, Harriet Tubman purchased 25 acres of land in Auburn to create a home and hospital for indigent, aged, and sick African-Americans. Opened on June 23, 1908, the Harriet Tubman Home for the Sick and Aged was the State's only charity outside of New York City dedicated to the shelter and care of African-Americans. Harriet Tubman died from pneumonia in the home that bore her name on March 10, 1913, surrounded by family and friends. In recognition of her service to this country, she was buried with military honors at the Fort Hill Cemetery in Auburn.

Harriet Tubman's legacy is one of selflessness and dedication to human rights. She inspired generations of African-Americans struggling for equality and civil rights and she has been praised worldwide.

Harriet Tubman has received innumerable commendations for her role in American history. In 1944, the Maritime Commission launched the *SS Harriet Tubman*, the first Liberty ship ever named for an African-American woman. In 1978, Harriet Tubman was the first honoree of the Postal Service Black Heritage Stamp Series. She is also designated as a saint in the Episcopal Church's Book of Common Prayer.

Public Law 101–252 designated March 10, 1990, as Harriet Tubman Day. My home State of Maryland, as well as Delaware, Georgia, New York, and Texas host annual celebrations on March 10 to honor the life of Harriet Tubman.

Harriet Tubman's dedicated pursuit of the American ideals of equality and liberty continues to inspire all who cherish freedom. It is appropriate to honor the life of Harriet Tubman on March 10 each year in recognition of this remarkable woman's contributions to the U.S.

Senate support for this resolution would encourage the people of the United States to participate and support ceremonies, programs, and other activities in remembrance of Harriet Tubman and to acknowledge her importance in American history. Mr. President, as we close Black History Month and enter Women's History Month, I am proud to introduce this resolution honoring Harriet Ross Tubman, and I urge my colleagues to support it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4134. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.; which was ordered to lie on the table.

SA 4135. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4136. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4137. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4138. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4139. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 2008, to reform the single family housing loan guarantee program under the Housing Act of 1949; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 4140. Mr. INOUYE (for himself, Mr. STEVENS, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products , to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.; which was ordered to lie on the table.

SA 4141. Mr. DURBIN (for himself, Mr. HATCH, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4142. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4143. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2663, supra.

SA 4144. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4145. Mr. CARPER (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4134. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. INSPECTION OF FOREIGN MANUFACTURING FACILITIES AND WAREHOUSES.

Section 16 of the Consumer Product Safety Act (15 U.S.C. 2065), as amended by section 14 of this Act, is amended by adding at the end the following:

''(d) FOREIGN MANUFACTURERS, PRIVATE LABELERS, AND DISTRIBUTORS.—

''(1) IN GENERAL.—Each manufacturer, private labeler, or distributor described in paragraph (2) that offers a consumer product for

importation into the customs territory of the United States shall provide consent to the Commission, as a condition on such importation and in a form specified by the Commission, authorizing officers or employees duly designated by the Commission to carry out—

''(A) entrances and inspections as described in subsection (a); and

''(B) inspections as described in subsection (b).

''(2) MANUFACTURER, PRIVATE LABELER, OR DISTRIBUTOR DESCRIBED.—A manufacturer, private labeler, or distributor described in this paragraph is a manufacturer, private labeler, or distributor that, during the 36-month period ending on the date of such offer—

''(A) violated a consumer product safety rule; or

''(B) manufactured, distributed, imported, or sold a consumer product that was the subject of an order under section 15(d).''.

SA 4135. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 25, insert ''and verified for accuracy'' after ''products received''.

SA 4136. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, beginning in line 17, strike ''product (other than a medication, drug, or food)'' and insert ''consumer product''.

SA 4137. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 1, strike ''Act)'' and insert ''Act, except for motor vehicle equipment as defined in section 30102(a)(7) of title 49, United States Code)''.

SA 4138. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, beginning with line 13, strike through line 20 on page 71, and insert the following:

SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, Native Hawaiian, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report the findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Government Accountability Office's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

SA 4139. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2008, to reform the single family housing loan guarantee program under the Housing Act of 1949; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

On page 103, after line 12, add the following:

SEC. 40. TRAILER AND MOBILE HOME SAFETY.

(a) REVIEW OF TRAILERS AND MOBILE HOMES PURCHASED BY FEDERAL GOVERNMENT FOR COMPLIANCE WITH SAFETY STANDARDS.—Notwithstanding section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) or any other provision of law, the Consumer Product Safety Commission shall, in coordination with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency, review and certify each trailer and mobile home purchased by the Federal Government for compliance with safety standards established by the Secretary of Housing and Urban Development under section 50.3(i) of title 24, Code of Federal Regulations (relating to limitations on hazardous materials in housing to be used in a program of the Department of Housing and Urban Development), or any successor to that section, including any such standards for—

(1) formaldehyde;

(2) lead; or

(3) any other hazardous material, contamination, toxic chemical or gas, or radioactive substance that could affect the health or safety of an occupant.

(b) STUDY AND REPORT ON USE OF NON-TOXIC ALTERNATIVES TO FORMALDEHYDE IN THE MANUFACTURE OF TRAILERS AND MOBILE HOMES.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall, in consultation with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency—

(1) conduct a study on the use of non-toxic alternatives to formaldehyde in the manufacture of trailers and mobile homes;

(2) submit to Congress a report on the findings of the Commission with respect to such study, including recommendations, if any, with respect to the use of such non-toxic alternatives; and

(3) publish such report on the Internet website of the Commission.

SA 4140. Mr. INOUYE (for himself, Mr. STEVENS, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —COMMERCIAL SEAFOOD CONSUMER PROTECTION

SEC. —01. SHORT TITLE.

This title may be cited as the ''Commercial Seafood Consumer Protection Act''.

SEC. —02. SEAFOOD SAFETY.

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program, consistent with the international obligations of the United States, to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric

Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

SEC. —03. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of Commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

SEC. —04. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

SEC. —05. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services may issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines that shipments of such seafood or seafood products do not meet the requirements established under the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 301 et seq.).

(b) INCREASED TESTING.—If the Secretary determines that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section —03, then the Secretary may order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

SEC. —06. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess practices and processes being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and provide technical assistance related to the requirements established under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). The inspection team shall prepare a report for the Secretary of Commerce with its findings. The Secretary of Commerce shall make a copy of the report available to the country or exporter that is the subject of the report and provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings to the Secretary. The Secretary of Commerce shall cause the report, together with any comments submitted to the Secretary by the country or exporter, to be published in the Federal Register no later than 60 days after the inspection team makes its final report.

SEC. —07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this title, $15,000,000.

SA 4141. Mr. DURBIN (for himself, Mr. HATCH, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 85, beginning with line 22, strike through line 8 on page 86 and insert the following:

SEC. 31. GARAGE DOOR OPENER STANDARD.

(a) IN GENERAL.—Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety–UL 325, all automatic residential garage door operators that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

(b) EXCEPTION.—Except as provided in subsection (c), subsection (a) does not apply to the manufacture of an automatic residential garage door operator without a secondary external entrapment protection device that does not require contact by a company that manufactured such an operator before the date of enactment of this Act if Underwriters Laboratory, Inc., certified that automatic residential garage door operator as meeting its Standards for Safety–UL 325 before the date of enactment of this Act.

(c) REVIEW AND REVISION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall review, and if necessary revise, its automatic residential garage door operator safety standard, including the requirement established by subsection (a), to ensure that the standard provides maximum protection for public health and safety.

(2) REVISED STANDARD.—The exception provided by subsection (b) shall not apply to automatic residential garage door operators manufactured after the effective date of any such revised standard if that standard adopts the requirement established by subsection (a).

SA 4142. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

SEC. 40. TRAILER AND MOBILE HOME SAFETY.

(a) REVIEW OF TRAILERS AND MOBILE HOMES PURCHASED BY FEDERAL GOVERNMENT FOR COMPLIANCE WITH SAFETY STANDARDS.—Notwithstanding section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) or any other provision of law, the Consumer Product Safety Commission shall, in coordination with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency, review and certify each trailer and mobile home purchased by the Federal Government for compliance with safety standards established by the Secretary of Housing and Urban Development under section 50.3(i) of title 24, Code of Federal Regulations (relating to limitations on hazardous materials in housing to be used in a program of the Department of Housing and Urban Development), or any successor to that section, including any such standards for—

(1) formaldehyde;

(2) lead; or

(3) any other hazardous material, contamination, toxic chemical or gas, or radioactive substance that could affect the health or safety of an occupant.

(b) STUDY AND REPORT ON USE OF NON-TOXIC ALTERNATIVES TO FORMALDEHYDE IN THE MANUFACTURE OF TRAILERS AND MOBILE HOMES.—Not later than 1 year after the date of the enactment of this Act, the Consumer

Product Safety Commission shall, in consultation with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency—

(1) conduct a study on the use of non-toxic alternatives to formaldehyde in the manufacture of trailers and mobile homes;

(2) submit to Congress a report on the findings of the Commission with respect to such study, including recommendations, if any, with respect to the use of such non-toxic alternatives; and

(3) publish such report on the Internet website of the Commission.

SA 4143. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances.

Insert at end of 15 U.S.C. Section 2069(b), '', including how to mitigate undue adverse economic impacts on small businesses.''

Insert in 15 U.S.C. Section 2069(c), after ''size of the business of the person charged,'' ''including how to mitigate undue adverse economic impacts on small businesses,''

SA 4144. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, insert the following:

SEC. 40. INFANT CRIB SAFETY.

(a) DEFINITIONS.—In this section:

(1) CRIB.—The term ''crib'' means a full-size crib or non-full-size crib.

(2) FULL-SIZE CRIB.—The term ''full-size crib'' means a full-size baby crib as defined in section 1508.1 of title 16, Code of Federal Regulations.

(3) NON-FULL-SIZE CRIB.—The term ''non-full-size crib'' means a non-full-size baby crib as defined in section 1509.2(b) of title 16, Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

(4) SLEEP POSITIONER.—The term ''sleep positioner'' means a wedge, roll, prop, or head pillow designed to encourage one position during sleep.

(5) SOFT BEDDING.—The term ''soft bedding'' means any padded bumper pad, sleeping bag, comforter, quilt, blanket, or pillow.

(b) DURABILITY TEST REQUIREMENTS FOR CRIBS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations requiring fatigue strength testing for full-size and non-full-size cribs.

(2) CONSIDERATION OF SPECIFIC FATIGUE STANDARDS.—In promulgating the regulations required by paragraph (1), the Commission shall consider Underwriters Laboratories Standard UL–2275 for Full-Size Baby Cribs and any other applicable safety standard currently in use relating to fatigue strength test requirements.

(c) SOFT BEDDING WARNING LABELS.—As soon as practicable after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations to update parts 1508 and 1509 of title 16, Code of Federal Regulations, to require labels on cribs warning consumers about the risk of suffocation from using soft bedding in cribs. Such labels shall include warnings against the use of bumper pads and sleeping positioners and any other warnings the Commission determines appropriate.

SA 4145. Mr. CARPER (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 5 and 6, insert the following:

(c) STATE GRANT PROGRAM FOR CARBON MONOXIDE ALARMS.—

(1) FINDINGS.—The Congress finds the following:

(A) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(B) Carbon monoxide poisoning from the use of fuel-burning appliances in residential homes and other dwelling units kills at least 2,000 people each year and sends more than 15,000 to hospital emergency rooms for treatment.

(C) Research shows that purchasing and installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(D) Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the nation.

(2) STATE APPROVED CARBON MONOXIDE ALARM GRANT PROGRAM.—

(A) IN GENERAL.—Subject to the availability of appropriations authorized by paragraph (4), the Commission shall establish a grant program to provide assistance to eligible States to carry out a carbon monoxide alarm program.

(B) ELIGIBILITY.—To be eligible for a grant under this program, a State shall—

(i) demonstrate to the satisfaction of the Commission that the State has adopted a statute, or a State agency has adopted a state-wide rule, regulation, or similar measure with the force and effect of law, requiring the inclusion of approved carbon monoxide alarms installed in accordance with NFPA 720 in all commercial residential dwelling units and all new dwelling unit construction and providing penalties for failure to include such alarms; and

(ii) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require. Such application may be filed on behalf of any qualified State by the fire code enforcement officials for such State.

(C) GRANT AMOUNT; PRIORITY.—The Commission shall determine the amount of the grants awarded under this section, and shall give priority to—

(i) multi-state applications (including those made by a nonprofit organization representing fire code enforcement officials on behalf of more than 1 State) if all participating States meet the requirements of this paragraph; and

(ii) States demonstrating greater than average losses of life from carbon monoxide poisoning in the home.

(D) USE OF FUNDS.—A State receiving a grant under this section may use grant funds—

(i) to train that State's fire code enforcement officials in the proper enforcement of State laws concerning approved carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

(ii) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this paragraph; and

(iii) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use. No more than 25 percent of any grant may be used in this manner.

(E) ADMINISTRATIVE COST LIMIT.—No more than 10 percent of any grant funds may be used to cover administrative costs not directly related to training described in subparagraph (D)(i).

(3) DEFINITIONS.—In this subsection:

(A) APPROVED CARBON MONOXIDE ALARM.—The term ''approved carbon monoxide alarm'' means a carbon monoxide alarm that complies with the standards, whether voluntary or mandatory, issued, approved, or otherwise supported by the Commission with respect to such alarms, whether those standards have been developed unilaterally by the Commission or in conjunction with other parties.

(B) CARBON MONOXIDE ALARM.—The term ''carbon monoxide alarm'' means a device that detects the presence of carbon monoxide and sounds an alarm if the level of carbon monoxide detected by the device poses a health risk to persons within the vicinity of the device.

(C) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(D) DWELLING UNIT.—The term ''dwelling unit'' means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(E) FIRE CODE ENFORCEMENT OFFICIALS.—The term ''fire code enforcement officials'' means officials of the Fire Safety Code Enforcement Agency of a State.

(F) NFPA 720.—The term ''NFPA 720'' means the tandard for the Installation of

Carbon Monoxide (CO) Warning Equipment in Dwelling Units issued by the National Fire Protection Association in 2005 and any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 through 2013 $5,000,000 to carry out this subsection, such sums to remain available until expended. Any amounts appropriated pursuant to this paragraph that remain unexpended and unobligated at the end of fiscal year 2013 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Products Safety Act.

(5) COMMISSION REPORT.—Not later than 1 year after the last day of each fiscal year for which grants are made under this section, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 6, 2008, at 9:30 a.m., in open session in order to receive testimony on U.S. Southern Command and U.S. Northern Command in review of the Defense authorization request for fiscal year 2009 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 6, 2008, at 10 a.m., in order to conduct a hearing entitled ''Reforming the Regulation of Government Sponsored Enterprises.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 6, 2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The Committee will review the President's proposed U.S. Coast Guard budget for the 2009 fiscal year. It will also examine programs in the pending Coast Guard Reauthorization Act for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 6, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on the administration's 2008 trade agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Unemployment in a Volatile Economy: How to Secure Families and Build Opportunity'' on Thursday, March 6, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 6, at 10 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the State of Facilities in Indian Country—jails, schools, and health facilities.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, March 6, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Agenda

I. Bills

S.2304, Mentally III Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, (Domenici, Kennedy, Specter, Leahy); S.2449, Sunshine in Litigation Act of 2007, (Kohl, Leahy, Graham); S.352, Sunshine in the Courtroom Act of 2007, (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S.2136, Helping Families Save Their Homes in Bankruptcy Act of 2007, (Durbin, Schumer, Whitehouse, Biden, Feinstein); S.2133, Home Owners ''Mortgage and Equity Savings Act,'' (Specter, Coleman); S.2041, False Claims Act Correction Act of 2007, (Grassley, Durbin, Leahy, Specter, Whitehouse); and S.2533, State Secrets Protection Act, (Kennedy, Specter, Leahy, Feingold).

II. Nominations

Kevin J. O'Connor to be Associate Attorney General, Department of Justice; Gregory G. Katsas to be Assistant Attorney General, Civil Division, Department of Justice; William Joseph Hawe to be United States Marshal for the Western District of Washington; Brian Stacy Miller to be United States District Judge for the Eastern District of Arkansas; James Randal Hall to be United States District Judge for the Southern District of Georgia; John A. Mendez to be United States District Judge for the Eastern District of California; and Stanley Thomas Anderson to be United States District Judge for the Western District of Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 475.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 475) congratulating Iowa State University of Science and Technology on its 150 years of leadership and service to the United States and the world as Iowa's land-grant university.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I rise today to speak on behalf of my alma mater, Iowa Sate University, and recognize it upon its 150 years of leadership and service to the United States and the world as Iowa's land-grant university.

Iowa State has a colorful and progressive history. The university was founded under the Morrill Land Grant College Act of 1862. Representative Justin Smith Morrill, who wrote the bill, and Abraham Lincoln, who signed the act into law in the midst of the Civil War, had the vision to establish a public institution that provided and still provides a top flight, affordable education for people of all walks of life.

Iowa was the first State to accept the terms of the Morrill land grant and pioneered all three parts of its mission. The act calls for schools that provide ''access to all, regardless of race, gender, or class.'' The act also limits funding to only schools that conduct ''Practical Research.'' Finally, the Morrill Land Grant Act calls for the schools provided for to serve significant ''outreach'' in the surrounding community.

Iowa State has certainly lived up to those lofty words of the Morrill Act. Iowa State University has been home to some of the most important technological and agricultural advances in

history. Professor John Atanasoff and graduate student Clifford Berry of ISU have been credited with the invention of the electronic digital computer in the late 1930s. When they constructed the Atanasoff-Berry computer, they were the first to incorporate the seven basic principles of modern computing.

Professor Henry Gilman laid the foundation for the modern plastics industry with his research in polyethylene materials. In the 1920s, ISU was home to the development of hybrid seed corn. Professor Orland Sweeney conducted pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials in the 1930s.

Iowa State has produced such esteemed graduates as George Washington Carver, a man who shattered the glass ceiling for minority inventors, women's rights activist Carrie Chapman Catt, and astronaut Clayton Anderson, just to name a few.

John Garang, who earned a Ph.D. in economics from Iowa State, not only went on to serve as vice president of Sudan, but in his role as leader of the Sudanese Peoples Liberation Army worked to end his country's violent civil war.

One cannot forget to mention that Mildred Day, the inventor of Rice Krispies treats, also graduated from Iowa State. In addition to Mildred, former CEOs of Boeing, Dow Corning, 3–M, and Lockheed Martin have all claimed Iowa State University as their alma mater, as do I.

I attended ISU on a Naval ROTC scholarship. The program covered my books and tuition, as well as $50 a month to cover extra expenses. I was well taken care of at ISU. With NROTC and a loan from the National Defense Scholarship Program, started under President Eisenhower, I was able to make it through college and flourish.

It is my honor today to stand in support of my resolution honoring Iowa State for its long and storied history of graduating men and women who are creative, productive, and innovative. As the ISU fight song goes, ''Loyal sons forever true, and we will fight the battle through. And when we hit that line we'll hit it hard ev'ry yard for I.S.U.''

Mr. GRASSLEY. Mr. President, today I support this resolution to honor the service and leadership of Iowa State University. I am cosponsoring this resolution because I know firsthand the substantial contributions that Iowa State has made to both Iowa and the Nation as a whole. In fact, as one of the first land-grant universities, it has led the way in technology advancement and outreach.

Iowa State University will celebrate 150 years of service to the United States this month. The university is a leader in agricultural, engineering, and computer science technologies. They have been pioneers in the education of minorities and women. Because of these advancements, Iowa State University is recognized throughout the world as a standard for excellence in education, practical research, and outreach through extension.

Iowa State is a great representative for the people of our State and will continue to leave an important legacy for our Nation. It is with great respect that I introduce this resolution in honor of Iowa State University's 150th year anniversary.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 475) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 475

Whereas Iowa State University of Science and Technology was established by the Iowa General Assembly on March 22, 1858, as the Iowa Agricultural College and Model Farm in response to the State of Iowa's desire to provide higher education opportunities to farm families and working classes in Iowa, predating the passage of the Federal Morrill Act by 4 years;

Whereas on September 3, 1862, Iowa became the first State in the Nation to accept the terms and conditions of the Morrill Act creating the land-grant system of colleges and universities;

Whereas the Iowa Agricultural College and Model Farm, known today as Iowa State University of Science and Technology (Iowa State), received Iowa's land-grant charter on March 29, 1864, making it one of the first land-grant institutions in the Nation;

Whereas Iowa State was a pioneer in all 3 parts of the land-grant mission, including—(1) access to all, regardless of race, gender or social class, being the first land-grant institution to be coeducational from its opening, with 16 women in its first class and later students including future suffragist Carrie Chapman Catt, an 1880 graduate, and George Washington Carver, the first African American student, who earned a bachelor's degree in 1894 and a master's degree in 1896, and was also the institution's first African American faculty member; (2) practical research, establishing the Nation's first Engineering Experiment Station and domestic economy experimental kitchen, and one of the first agriculture experiment stations; and (3) outreach, including some of the earliest land-grant institution outreach activities such as the establishment of the Farmers Institutes in the winter of 1869-70 by Iowa State President Adonijah Welch, and the organization of the Nation's first county Extension Service in 1903 in Sioux County in northwest Iowa by Professor Perry Holden;

Whereas some of the most important technological advancements of the modern world were the result of research at Iowa State, including—(1) the development of hybrid seed corn in the 1920s; (2) pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials by Professor Orland Sweeney in the 1930s; (3) the invention of the electronic digital computer in the late 1930s by Professor John Atanasoff and graduate student Clifford Berry, whose Atanasoff-Berry Computer was the first to incorporate the 7 basic principles of modern computing; (4) the foundation for the modern plastics industry laid by polyethylene research by Professor Henry Gilman; (5) development of the process still used today to refine pure rare-earth materials, including reactor-grade uranium, by Professor Frank Spedding and Harley Wilhelm, as a result of Iowa State's key role in the Manhattan Project during World War II; (6) development of modern livestock animal genetics by Professor Jay Lush; and (7) the first field-testing of a genetically altered plant (tobacco) in 1987 and genetically altered tree (poplar) in 1989 by Professor Robert Thornburg;

Whereas Iowa State hired one of the first permanent campus artists-in-residence, with sculptor Christian Petersen holding that position from 1934 to 1955 and providing hundreds of sculptures and other art objects to the university, whose Art on Campus collection today includes more than 600 major public works of art;

Whereas Iowa State has had a technology transfer office since 1935, longer than all but one other university in the Nation, and is acknowledged today as a national leader in putting technology to work, being cited as a ''model of economic development'' and ''licensing powerhouse'' in a 2007 study commissioned by the National Science Foundation;

Whereas Iowa State University is today spearheading new advances in science and technology, including new materials, information sciences, green architecture, biological research, and the development of biorenewable fuels and other resources to support the bioeconomy and the Nation's independence from nonrenewable petroleum resources; and

Whereas more than 257,000 degrees have been awarded by Iowa State, and its graduates include heads of State, leaders of industry, great humanitarians, and gifted scientists, whose work has improved the quality of life for people worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Iowa State University of Science and Technology on its 150 years of outstanding service to the State of Iowa, the United States, and the world in fulfilling its mission as a land-grant university; and

(2) thanks the State of Iowa for its visionary leadership in the beginning of the land-grant movement in the United States of America.

MEASURES READ THE FIRST TIME—H.R. 1084, H.R. 1424, AND H.R. 5159

Mr. REID. Mr. President, I believe there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The legislative clerk read as follows:

A bill (H.R. 1084) to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

A bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security

Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

A bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

Mr. REID. Mr. President, I ask for a second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

ORDERS FOR FRIDAY, MARCH 7, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Friday, March 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later in the day, and that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I announced earlier, there will be no rollcall votes tomorrow or Monday. Senators should be prepared for a busy week next week as the Senate considers the budget resolution.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until Friday, March 7, 2008, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, March 6, 2008:

DEPARTMENT OF STATE

HECTOR E. MORALES, OF TEXAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO GARY SPINKELINK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. PORTER. Madam Speaker, I rise today to honor the life of my good friend Gary Spinkelink, who passed away February 24, 2008.

Mr. Spinkelink was born May 1, 1939, in Orange City, Iowa, and had been a resident of the Boulder City community for over 43 years. He graduated from Iowa State University in Ames, Iowa, and moved to Nevada with his wife Judy of over 47 years, to pursue a career in civil engineering. He retired in 2003 from Pentacore Engineering after being a partner in the firm for 11 years where he was the director of all administrative processes. Gary also had administrative control of all personnel within the corporation. He served for many years as a panel member on the Congressional Academy Selection Committee. Some of Gary's hobbies included off-road quad driving, snowmobiling, and fishing at his Utah cabin. He also spent a majority of his time with his six grandchildren attending their many various functions and sporting events.

Madam Speaker, I am proud to honor the life and legacy of my friend Gary Spinkelink. His work and dedication to the Boulder City community was commendable and enriched countless lives. Mr. Spinkelink was a great force throughout the community and will be profoundly missed.

HONORING RYAN NEWMAN OF SOUTH BEND, INDIANA, FOR WINNING THE DAYTONA 500

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. DONNELLY. Madam Speaker, I rise today to celebrate the success and triumph of Ryan Newman, winner of the 2008 Daytona 500. Born and raised in South Bend, Indiana, Ryan serves as a shining example to young men and women who aspire to achieving great successes after long hours of work and sacrifice. His younger years were spent learning about cars at the elbow of his father and developing the team spirit he treasures to this day.

Supported by his family, his community, and a great team, Ryan won the 50th running of the Daytona race in an exciting last-lap finish. In a race with 16 different leaders and 42 lead changes, Ryan started in 7th position and fell as far back as 23rd in the field of 43 drivers. However, he managed to lead eight laps in his first victory since 2005, earning 190 points and collecting over $1.5 million for Penske Racing.

An honor student at LaSalle High School, Newman graduated from Purdue University in 2001 with a B.S. in vehicle structure engineering. By excelling academically and in racing, Newman exemplifies how youths should always pursue education along with other passions.

Ryan serves as the consummate example of what competitors should be. This is evident from his work, along with his wife, Krissie, with the Newman Foundation. This charity primarily focuses on assuring that adequate care is provided for unwanted dogs and cats in shelters and pounds. He also helped needy animals by supporting construction of the Catawba County, North Carolina Humane Society shelter in the county where he lives. The treatment of animals is just one of Ryan's concerns along with the safety of his fellow racers.

In 2003, Ryan overcame adversity by bouncing back from an accident in which he flipped end over end in Daytona. He suffered only bruises but gained a strengthened resolve. In August of that same year after a practice crash in Watkins Glen, NY, Newman chastised NASCAR for what he perceived as lax safety efforts in fire prevention, soft walls, and race procedure. His professional manner and eloquent words lent credibility to his cause.

Even the victory itself at Daytona is an example of teamwork and sportsmanship. Newman was given extra momentum by a friendly "push" from teammate Kurt Busch who selflessly gave his partner an extra boost rather than seek the prize himself.

It is my pleasure to pay tribute to the many years of hard work and dedication that have paid off for this model citizen. The South Bend and Mishawaka Communities are proud of the success of one of their hardest working sons, a man who serves as a role model for our youth.

HONORING DR. JUDAH SCHORR

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. ENGEL. Madam Speaker, Dr. Judah Schorr is not only a distinguished anesthesiologist whose personal charm and sense of humor has helped many of his patients through difficult times but he is also someone who truly knows how important it is to give of yourself. Dr. Schorr took an extra step to help a patient recently when he donated his bone marrow through the Gift of Life Bone Marrow Foundation.

Dr. Schorr is also a philanthropist who gives generously to society as a whole financially as well as to individuals through himself. He is also involved in many other worthy causes.

He and his wife Gail Levey are parents of Nathaniel and Ethan.

For his contributions to his community and society as a whole he is presented with the Andrew Zucker Community Service Award.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, on February 27, 2008, I was avoidably detained and missed three votes related to the consideration of the Renewable Energy and Energy Conservation Tax Act.

Had I been present I would have voted "no" on approving the journal, ordering the previous question, and agreeing to the resolution for the Renewable Energy and Energy Conservation Tax Act (vote Nos. 79, 80, 81).

RECOGNIZING THE CONTRIBUTIONS OF MR. LARRY JUANARENA

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. HERGER. Madam Speaker, I rise today to acknowledge the work and accomplishments of a true American hero and patriot, Larry Juanarena, a constituent of mine from Chico, California. For over five decades, Mr. Juanarena, has helped and inspired the residents of Chico.

Mr. Juanarena's work has touched citizens in many sectors of the community. From the Salvation Army, 4–H, to law enforcement and emergency response, Mr. Juanarena is known for providing assistance to those in need. Mr. Juanarena has touched many lives in his community, and has been highly decorated for his dedication and service to his fellow citizens.

Mr. Juanarena is probably best known for his efforts in supporting our Nation's troops and veterans from all wars and conflicts. Having served in the United States Air Force as a crew chief on a B–36 bomber, Mr. Juanarena continues his fight for freedom by supporting the families of our deployed soldiers and warriors through his work with the National Guard Family Assistance Program. Mr. Juanarena's Annual Red, White and Blue dinner has improved the lives of our guard families by providing financial assistance to those in need as they struggle to meet household obligations while their loved ones fight for our great Nation.

Mr. Juanarena continues to be an extraordinary individual who makes significant and

lasting contributions to our community through his civic minded leadership and can-do spirit.

Mr. Juanarena exemplifies the notion of responsible citizenship and through his charitable work has touched the lives of many in our community. Mr. Juanarena's selfless actions have inspired a community and demonstrated that one person can make a difference when acting from the heart.

I am privileged to have a friend in Larry Juanarena, and I am extremely grateful for his service to our troops, veterans, and our community-at-large. It is a great privilege to celebrate and honor the accomplishments of a true American hero and patriot.

IN REMEMBRANCE OF DAVID JOHN DONAFEE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of David Donafee for a life that was dedicated to his family, friends, and public service.

David was a letter carrier for the U.S. Postal Service for 14 years. He was tragically killed while delivering mail on his route in Parma Heights, Ohio. David was a devoted father who actively supported his children's interest in hockey, as well as a devoted husband and son. David is survived by his wife, Sandi; his two children, Derek and Liam; and his mother, Rose.

Madam Speaker and colleagues, please join me in remembering David Donafee. May his life be an example of how we should lead our own.

GUEST BOOK FOR JOHN DAVID DONAFEE: HTTP://WWW.LEGACY.COM/CLEVELAND/GB/GUESTBOOKVIEW.ASPX?PERSONID=103615431

Shellie Rockwell (Broadview Hts., OH)

Sandi, Liam and Derek,

You are in our thoughts and prayers. Just remember that Dave's presence will forever be with everyone that knew him. His love for all three of you, his contagious smile and his easy-going style will be remembered for years to come.

The Rockwell Family

RECOGNIZING APRIL BRANSCOME AS OKALOOSA COUNTY TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of April Branscome, Okaloosa County's Teacher of the Year.

For over two decades, April Branscome has worked at Niceville High School. Employed initially as a secretary, Ms. Branscome now serves as an information technology instructor and is a savant on educational technology. Her teaching skills range from the conventional to the more cutting-edge. She is excellent in the classroom, possessing an incredible ability to inspire her pupils. Not content to rest upon her laurels, Ms. Branscome has expanded upon her talents and has taken her advanced comprehension of technology to the next level of teaching.

Constructed for Okaloosa's CHOICE IT institute, Ms. Branscome fashioned her own web design curriculum, which resulted in a 100 percent passage rate for students seeking their Internet Webmaster certificate. She is currently being courted by schools throughout the State to train their IT teachers.

Ms. Branscome's ascension to Teacher of the Year did not happen quickly. Shortly after her high school graduation, Ms. Branscome took on a secretarial position at Niceville High School. While working, she became enthralled with education, yet lacked the credentials to teach. For 12 years, taking one or two night and weekend classes at a time, Ms. Branscome finally attained a teaching degree.

The title of Teacher of the Year is an immense honor and is evidence of the greatness Ms. Branscome has attained. Beyond the title lies Ms. Branscome's dedication and devotion to not only her students, but to the entire community. Her teaching skills and affable personality have influenced many and have pushed countless students to a higher level of academic achievement. Ms. Branscome's outstanding accomplishments have distinguished her as one of the great teachers in northwest Florida, and the Okaloosa County School District is honored to have her as one of their own. Madam Speaker, on behalf of the United States Congress, I am proud to recognize April Branscome on this outstanding achievement and her exemplary service in Okaloosa County.

IN HONOR OF THE BRAVE MINNESOTA MEN AND WOMEN IN BLUE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mrs. BACHMANN. Madam Speaker, Minnesota has been blessed with 23,000 brave men and women who selflessly police our streets, protect our neighborhoods, and keep our families safe.

These men and women are represented by a truly phenomenal organization. The Minnesota Fraternal Order of Police defends and supports every hero who wears a badge and carries that great and high honor of being called an officer of the law.

No people, no nation, can enjoy the blessings of liberty without the rule of law. Thanks to their tireless dedication and noble sacrifices, the people of our State can live free of fear and safe from harm as they raise their families, live their lives and build their communities.

Our debt to these brave souls can never be paid. But we can start by erecting a wall to honor the inspiring heroes of our State who gave their very lives in their daily battle against every hazard and evil that threatens the peace.

We must never take for granted the sacrifice each and every officer makes, day in and day out, for the people of Minnesota. They have my deepest gratitude and unwavering support.

CONGRATULATING KAREN SKORDINSKI, A RECIPIENT OF THE STATE OF TEXAS EXCELLENCE IN EMERGENCY MANAGEMENT AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Karen Skordinski of Flower Mound, Texas for her many contributions to the State of Texas and the north Texas region. Ms. Skordinski was recently named one of four recipients of the Emergency Management Award for the State of Texas.

The Excellence in Emergency Management Award is presented annually to State and local emergency management projects, activities and campaigns that advance the goals of saving lives and protecting property by mitigating, preparing for, responding to, or recovering from disasters and emergencies in Texas. Recipients of this award must exemplify model emergency management by developing and implementing an exceptional emergency management project, activity or campaign in Texas during the past year.

Ms. Skordinski is acknowledged for her work developing Flower Mound's Emergency Management Plan and for the Community Emergency Response Team, CERT, Program. She is the Emergency Management Specialist for Flower Mound and has worked in emergency management for 5 years. Before then, she worked in the town's geographical information systems department, which designs the town's maps.

Prior to her work in north Texas, Ms. Skordinski worked with geographical information systems at Cape Canaveral, Florida, and was a geographical information systems contractor for the National Aeronautics and Space Administration, NASA.

Ms. Skordinski started Flower Mound's CERT program after learning about it from a Flower Mound firefighter. She felt that it was important to start this program in order to get the citizens of Flower Mound more involved in the Fire Department. In the years since Ms. Skordinski began the CERT program, numerous residents have received the training required to respond to emergency situations, making the community safer for all.

Madam Speaker, it is an honor today to rise in recognition of Ms. Skordinski's dedication to the safety and well-being of her fellow Flower Mound citizens. She is truly deserving of such an enormous honor. Flower Mound is now a safer city, and all those who recognize the contributions of Ms. Skordinski are truly grateful. She is an inspiration to all Americans devoted to community service.

RECOGNIZING THE ACCOMPLISHMENTS OF JUAN ANTONIO ''CHI-CHI'' RODRIGUEZ IN PROFESSIONAL GOLF AND HIS WORK ON BEHALF OF CHILDREN

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. GUTIERREZ. Madam Speaker, I rise today to announce the introduction of my bill, a Resolution Recognizing the Accomplishments of Juan Antonio ''Chi-Chi'' Rodriguez in Professional Golf and His Work on Behalf of Children.

The bipartisan resolution I introduce today, congratulates and recognizes Juan Antonio ''Chi-Chi'' Rodriguez for his continued success on and off of the golf course, for his generosity and devotion to charity, and for his exemplary dedication to the intellectual and moral growth of thousands of low income and disadvantaged youth in our country.

Madam Speaker, sports figures, through their perseverance, discipline, and good behavior, can serve as examples of excellence, dedication and devotion to our youth.

Chi-Chi Rodriguez was born in Rio Piedras, PR, on October 23, 1935, and rose from the most humble of circumstances as the fifth of six children of an agricultural laborer and a housekeeper. These hardships did not harden him, but motivated him to become a great sportsman, humanitarian and role model.

Chi-Chi joined the ranks of golf professionals at the age of 24, reportedly standing at 5'7'' and weighing 117 pounds and has had a stellar career in the sport of golf, earning an impressive record of 38 professional wins, including 8 PGA Tour wins and 22 Senior PGA Tour wins. His Senior PGA Tour records for most consecutive victories, at four, and most consecutive birdies, at eight, still stand.

In 1979, Chi-Chi Rodriguez helped create the Chi-Chi Rodriguez Youth Foundation, and the Chi-Chi Rodriguez Academy in Clearwater, FL, which have collectively raised more than $4 million to help thousands of low-income and disadvantaged youth reach their life potential through educational opportunities and support programs, including a public partnership school, a community service program, a nine-hole golf course and others, which has been recognized by receiving the 1986 National Golf Foundation Award for best Youth Program in the United States, becoming the 758th President Bush's Point of Light, and receiving the Robie Award for Humanitarianism presented by the Jackie Robinson Foundation, among others.

His devotion to others knows no bounds. In addition to all he already does, he also joined with the FBI Agents Association to lead the Chi-Chi Rodriguez G-Man Desert Shootout Tournament devoted to raising funds for College scholarships for the children of FBI agents killed in the line of duty.

In 1989, the United States Golf Association, founded in 1894, granted Chi-Chi Rodriguez its highest honor, the Bob Jones Award, in recognition for his distinguished sportsmanship in golf and in 1994, Chi-Chi was inducted to the first class of the World Sports Humanitarian Hall of Fame for ''world class athletic ability,'' for being ''a role model in his community'' and for having ''a strong record of humanitarian efforts.''

In 1992, Chi-Chi Rodriguez was inducted to the World Golf Hall of Fame, ''Golf highest honor'' and in 1973, he was a member of the U.S. Team that won the Ryder Cup in Muirfield, Scotland.

Chi-Chi Rodriguez has received countless other distinguished awards and recognitions such as the 1974 Charlie Bartlett Award of the Golf Writers Association, the 1981 Richardson Award of the Golf Writers Association of America, the 1982 Father of the Year Award, the 1986 Card Walker Award (Outstanding Contribution to Junior Golf), the 1986 Salvation Army Gold Crest Award, the 12th Roberto Clemente Cup (1986), the 1986 Byron Nelson Award, the 1986 Hispanic Achievement Recognition Award, the 1987 Byron Nelson Award, the 1987 Senior Tour Arnold Palmer Award, the 1988 Fred Raphael Golf Achievement Award, the 1989 Old Tom Morris Award, the 1990 ''Caring for Kids'' Award, the 1991 Jackie Robinson Humanitarian Award, the 1993 Civilian Meritorious Service Medal presented by the Department of Defense, the 1997 International Network of Golf Award, the 1998 Ford Achievement Award, and the 2003 Paul Runyan Memorial Recognition Award, among others.

He is also a published author who has authored and co-authored several books and articles about golf, such as Chi Chi's Secrets of Power Golf in 1967, Everybody's Golf Book in 1975, Chi Chi's Power Pack, in 1982, Every Golfer's Guide to Lower Scores by Chi-Chi Rodriguez, in 1990, and Chi Chi's Golf Games You Gotta Play, in 2003, among others.

He is very proud of his philosophy on life, which can be summarized by his personal expressions ''For me, satisfaction comes from knowing that I was put on this planet to leave it better . . . .'' and ''A man never stands taller than when he stoops to help a child.''

Please join me in recognizing that Chi-Chi Rodriguez embodies the spirit of generosity and humanism of his fellow Puerto Rican, Roberto Clemente and that as a native of Puerto Rico, Chi-Chi has proven to be an important role model and source of pride for all Puerto Ricans, as well as all Latin Americans and all immigrants to the U.S. from across the globe.

My resolution congratulates and commends Chi-Chi Rodriguez: (1) for his successes in golf in the United States and throughout the world; (2) for his exemplary conduct as a private citizen; (3) for a life devoted to service to others, in particular, for his help to low income and underprivileged youth, and to the children of FBI agents killed in the line of duty; and (4) in gratitude for his service as a role model and an inspiration for our youth, the people of Puerto Rico, and the United States.

Madam Speaker, let me conclude with this. One of the great honors of the Members of this House is to recognize our fellow citizens who stand out as exceptional individuals.

It is my great honor to present this legislation for consideration in the House of Representatives with the hope that the example of Chi-Chi Rodriguez can be known across our Nation and that he may serve as a role model for us all.

RECOGNIZING 100TH ANNIVERSARY OF THE VALERO TEXAS CITY REFINERY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. LAMPSON. Madam Speaker, today we honor the 100th anniversary of the Valero Texas City Refinery. Over the past 100 years, Texas City, Texas, has established itself as a major center for our Nation's energy production. Texas City's history is a testament to hard work and the American Dream, in that such success has grown from the small refinery established by the Texas City Refining Company so long ago.

In 1908, J.C. Black, joined by more than 100 craftsmen, constructed a refinery consisting of just 11 stills, storage tanks, and a boiler house. In the beginning, the refinery had the capacity to process only 1,500 barrels of oil per day. Enduring a depression, technological revolutions, and the hardships all businesses experience, the Valero Texas City refinery now produces 243,000 barrels per day of ultra low sulfur gasoline and diesel.

Texas City matured with this refinery. When America entered World War I and then World War II, the refinery increased production to meet the Nation's petroleum demands, fueling America's victory. During this period the population of Texas City tripled as men and women answered the patriotic call to serve in the Nation's war efforts.

Today, the proud, hard working spirit is alive and well as the Valero Texas City refinery continues to play an integral role in the economic well-being of southeast Texas and the United States. I am proud to honor the thousands of men and women who have been working on our behalf throughout the past 100 years. Texas City's first refinery is indeed deserving of recognition from the United States House of Representatives upon its 100th anniversary.

INTRODUCTION OF THE ''CREDIT CARD FAIR FEE ACT OF 2008''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. CONYERS. Madam Speaker, today I am introducing the ''Credit Card Fair Fee Act of 2008,'' legislation that would help level the playing field for merchants and retailers negotiating with banks for the cost of certain fees, and ultimately reduce the costs of everyday goods for consumers. I am joined by Representatives CANNON, LOFGREN, SHUSTER, WEINER, DELAHUNT, PLATTS, WELCH, SULLIVAN, WILSON of South Carolina, GOHMERT, HALL of Texas, BOOZMAN, and PETERSON of Pennsylvania.

Every time a consumer uses a payment card—at the mall, at the grocery store, at a gas station, or on the Internet—the merchant is charged a fee. This fee gets divided up three ways—between the merchant's bank,

the consumer's bank, and the credit card company. It covers processing fees, fraud protection, billing statements, and other expenses such as system innovations.

Almost 90 percent of this fee comprises a so-called ''interchange fee,'' which is the payment made by the merchant's bank to the consumer's bank. The percentage is set by the credit card companies, generally Visa or MasterCard, and averages 1.75 percent of the total purchase. In 2006, interchange fees totaled approximately $36 billion, an increase of 117 percent since 2001. In 2007, the fees amounted to $42 billion, about 17 percent since 2006. These fees are ultimately passed on to all consumers in the form of higher prices for goods and services, whether the consumers purchase these items by credit card, check or cash.

These interchange fees are set by the credit card companies. The two largest, Visa and Mastercard, are associations composed of financial institutions and are owned and controlled by their bank member-owners. Together, Visa and MasterCard control over 73 percent of the volume of transactions on general purpose cards in the United States and approximately 85 percent of the cards issued. Banks that are members of the Visa association are often also members of the MasterCard association.

Merchants are forced to deal within this system because it is simply not an option to refuse to accept Visa or MasterCard from their customers. They are presented with take-it-or-leave-it options and are not part of the process by which the fees are set. Moreover, the card systems operate pursuant to comprehensive operating rules approved by the associations' member-controlled boards, but these operating rules are not accessible by the merchants.

This legislation is intended to give merchants a seat at the table in the determination of these fees. It is not an attempt at regulating the industry and does not mandate any particular outcome. This legislation simply enhances competition by allowing merchants to negotiate with the dominant banks for the terms and rates of the fees.

The bill creates a limited antitrust immunity for negotiating voluntary agreements and, if necessary, participating in the market-based proceedings. These market-based proceedings will determine the exclusive rates and terms merchants must pay for a 3-year term. No other fees, terms or conditions may be imposed on the merchants.

The rates and terms will be determined by Electronic Payment System Judges, who will be appointed by the Department of Justice Antitrust Division and the Federal Trade Commission. The judges will apply a market standard in their determinations designed to replicate the rates and terms of payment that would have been negotiated in a competitive marketplace between a willing buyer and willing seller, both of which have no market power. The judges will have full independence in making all determinations but may consult with the DOJ and FTC on certain matters.

It is time to level the playing field for merchants and consumers. I am hopeful that Congress can move to enact this worthwhile and timely legislation.

IN HONOR OF THE 25TH ANNIVERSARY OF PHEASANTS FOREVER

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to celebrate more than a quarter century of work by Pheasants Forever volunteers to preserve habitat for pheasants and other wildlife.

Founded in St. Paul, Pheasants Forever has grown to 700 chapters and 110,000 members nationwide. More than 22,500 of those dedicated volunteers are Minnesotans. Pheasants Forever members have completed over 370,000 habitat projects, improving more than 5 million acres since 1982. In Minnesota, that translates into nearly 200,000 acres of preserved habitat.

The volunteers of Pheasants Forever are its lifeblood. It is a truly grassroots organization from its fundraising to its project development. Virtually all of the money raised by a chapter stays with that chapter, making Pheasants Forever one of the most efficient conservation organizations in the Nation.

These outdoor and conservation enthusiasts also spend much of their time and energy preparing the next generation of Pheasants Forever volunteers through its education programs. And, the results are outstanding, with youth membership growing nearly four- fold from 4,000 to 15,000 in just 7 years.

This weekend, hundreds to thousands of Pheasants Forever volunteers and supporters will gather for banquets in various locations in my Minnesota district. I commend these fine individuals—and their tireless leader, Howard Vincent of White Bear Lake, who has been an active part of Pheasants Forever for 20 years and president and CEO for the past 8 years—for their commitment to Minnesota's wildlife and natural beauty.

TRIBUTE TO NELDA C. AND H.J. LUTCHER STARK FOUNDATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to honor and congratulate the Nelda C. and H.J. Lutcher Stark Foundation on the reopening of Shangri La in Orange, TX.

In the 1930s, Lutcher Stark named his private gardens along Adams Bayou after the mythical mountain utopia in James Hilton's bestselling book, Lost Horizon. Hundreds of azalea bushes were planted along with other flowers and the gardens were sometimes open to the public and to birdwatchers. Shangri La drew thousands of visitors during those times.

Shangri La was closed in 1958 because of a devastating snowstorm that destroyed thousands of azaleas and the gardens remained closed for 40 years. In the book and later in a movie, a bell rings when a visitor enters Shangri La. The bell will once again ring on March 12, 2008 to announce that the 252 acre botanical garden and nature center is again open to the public.

Shangri La is a remarkable achievement and I predict that it will be a magnificent eco-tourism attraction. It is divided into two sections—the designed botanical gardens that will have changing flowers with the seasons, and the nature center left in a natural state. Education is one of the main goals with various areas for learning for ages from pre-kindergarten to graduate university degrees.

Shangri La is the first complex in Texas, and only the 50th in the world, to be awarded the rare ''platinum'' rating by the U.S. Green Building Council. The rating recognizes the most ecologically ''green'' complexes in the world and is known as ''LEED,'' for Leadership in Energy and Environmental Design. The president of the Council has said ''Shangri La will be a showcase for high-performance, energy-efficient, healthy design, and an inspiration for others.''

Buildings have been constructed using recycled materials, when available, and have been designed to be energy efficient. Thirty-six solar photovoltaic panels create electricity for the complex and its boats and carts. Boardwalks in the swamp are made of ''boards'' of recycled plastic and wood. A closed loop, geothermal heating and cooling system pumps water from an 800-foot-deep-well, allowing Shangri La to take advantage of the consistent temperatures deep within the earth. The roofing is designed to reflect heat and collect rainwater in large cisterns.

In 2005, Hurricane Rita devastated Shangri La at the beginning of its construction phase. Viewing the situation as an opportunity, the many fallen trees were incorporated into the construction of Shangri La facilities.

Madam Speaker, it is an honor to represent Orange, TX in the U.S. House of Representatives and I urge you to join me in congratulating Shangri La on its grand opening and their commitment to the environment and the community.

HONORING CHESTER ANDREW

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Chester Andrew, and the entire Andrew family, upon being honored with the ''Friend of the Farm Bureau'' award at the Third Annual Recognition Dinner to be held on March 6, 2008, at the Madera Municipal Golf Course.

Pete Andrew came to Madera, California, in the early 1900's from Greece. Mr. Andrew worked on a boat that frequently traveled into the San Francisco Bay ports. He decided not to get back on the boat and made his way to the central California town of Madera to begin his farming career. He met Agnes Oyler, they married and began farming beans and custom harvesting. They had two children, George and Lorraine, who helped with the farm and took over running the farm when the elder Mr. Andrew passed away.

George Andrew and his wife, Gladys, carried on the family's farming tradition. They had four children; Karen, Chester, Diane and Janice. Chester followed the path that was laid out for him, farming. Today, Chester and two of his three children still work on the family farm, with his oldest daughter farming in Washington. Andrew Farms currently focuses on almonds, grapes, pistachios and wheat.

For four generations, the Andrew family has been an important part of the Madera community. Three generations have attended the same elementary and high schools. Chester has been an active member of the Madera Farm Bureau Board for over twenty years. He served as president from 1992 to 1994 and continues to be a key member on many committees, including the scholarship committee and the water committee. He understands the importance of higher education for our future, and has even contributed to the scholarship funds with money out of his own pocket. On the water committee, Chester ensures that he is aware of the many different water issues that growers face. The Andrew family has been, and will continue to be, an important part in the Madera farming community and can truly be called a "Friend of the Farm Bureau".

Madam Speaker, I rise today to honor Chester Andrew, and the Andrew family, for the positive impact they have had in Madera County and the surrounding areas. I invite my colleagues to join me in congratulating the Andrew family and wish them continued success.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, in order to attend a funeral in my congressional district, I missed 17 votes on March 5 and March 6.

Had I been present I would have voted:

"Yea" on rollcall 91, On Motion to Suspend the Rules and Pass, to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historical Park", and for other purposes;

"Yea" on rollcall 92, On Motion to Suspend the Rules and Pass, Supporting Taiwan's fourth direct and democratic presidential elections in March 2008;

"Yea" on rollcall 93, On Motion to Suspend the Rules and Pass, Condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes;

"Yea" on rollcall 94, Will the House Now Consider the Resolution, Providing for the consideration of H.R. 1014, Paul Wellstone Mental Health and Addiction Equity Act;

"Yea" on rollcall 95, On Ordering the Previous Question, Providing for the consideration of H.R. 1014, Paul Wellstone Mental Health and Addiction Equity Act,

"Yea" on rollcall 96, On Agreeing to the Resolution, Providing for the consideration of H.R. 1014, Paul Wellstone Mental Health and Addiction Equity Act;

"Yea" on rollcall 97, On Motion to Suspend the Rules and Pass, as Amended, Cyndi Taylor Krier Post Office Building;

"Yea" on rollcall 98, On Motion to Suspend the Rules and Agree, Expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago;

"Yea" on rollcall 99, On motion to table the motion to appeal the ruling of the chair;

"Nay" on rollcall 100, Motion to Recommit H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act,

"Yea" on rollcall 101, Final Passage of H.R. 1424—Paul Wellstone Mental Health and Addiction Equity Act of 2007;

"Yea" on rollcall 102, H.R. 5400—To designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the Sgt. Michael M. Kashkoush Post Office Building;

"Yea" on rollcall 103, H. Res 1015—Democratic Motion on Ordering the Previous Question on H.R. 2857—Generations Invigorating Volunteerism and Education (GIVE) Act;

"Yea" on rollcall 104, H. Res 1015—On Agreeing to the Resolution—Generations Invigorating Volunteerism and Education (GIVE) Act;

"Nay" on rollcall 105, on agreeing to the Flake amendment, H.R. 2857, Generations Invigorating Volunteerism and Education (GIVE) Act;

"Yea" on rollcall 106, on agreeing to the Inslee amendment, H.R. 2857, Generations Invigorating Volunteerism and Education (GIVE) Act; and

"Yea" on rollcall 107, Motion to Table the Appeal of the Ruling of the Chair.

IN HONOR OF THE 47TH ANNIVERSARY OF THE PEACE CORPS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today to celebrate the 47th anniversary of the Peace Corps and to commemorate the National Peace Corps Week from February 25–March 3, 2008. During the National Peace Corps week, many celebratory and educational events which acknowledge and honor the Peace Corps will take place across the country.

The Peace Corps is an independent Federal agency that was established by Executive order on March 1, 1961, by President John F. Kennedy. The Peace Corps currently actively deploys 8,079 volunteers at 68 posts serving 74 countries abroad to work with governments, businesses, nonprofit organizations, NGOs, and schools to address issue areas of concern such as education, health, HIV/AIDS, agriculture, and the environment. Since 1961, more than 190,000 Americans have served as Peace Corps volunteers in 139 countries.

The Peace Corps mission seeks to, "Help the people of interested countries in meeting their need for trained men and women." The Peace Corps also, "Helps to promote a better understanding of Americans on the part of the peoples served," and "to promote a better understanding of other peoples on the part of Americans." The mission of the Peace Corps reminds us all as President John F. Kennedy said in his 1961 inaugural address, "Ask not what your country can do for you—ask what you can do for your country."

I would like to personally recognize Kyan Chuong, Austine L. Clark, David E. Horton, III, Alexander M. Kelly, Laszio L. Liezkovsky, Nora C. Maresh, Sarah J. Mulligan, Allison N. O'Donnell, Randall M. Quinn, and Hana S. Schein all of whom are sworn-in volunteers serving in various countries abroad with the Peace Corps from the 11th Congressional District of Ohio. On behalf of the 11th Congressional District of Ohio, I would like to express gratitude to the 8,079 current Peace Corps volunteers and trainees serving our country and congratulate the Peace Corps on its 47th anniversary.

INTRODUCTION OF A BILL "TO AMEND TITLE 11, DISTRICT OF COLUMBIA OFFICIAL CODE, TO IMPLEMENT THE INCREASE PROVIDED UNDER THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2008, IN THE AMOUNT OF FUNDS MADE AVAILABLE FOR THE COMPENSATION OF ATTORNEYS REPRESENTING INDIGENT DEFENDANTS IN THE DISTRICT OF COLUMBIA COURTS, AND FOR OTHER PURPOSES"

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. DAVIS of Illinois. Madam Speaker, a core element of our unique democracy is the right and requirement that all citizens, regardless of income or socio-economic class be afforded adequate counsel or representation when confronting judicial proceedings. In fact, one of the most important decisions in this area of law was handed down by the U.S. Supreme Court in 1942 when it held that the sixth amendment required that governments afford indigent defendants with competent counsel.

Throughout America, legal representation for indigent defendants who have been charged in criminal cases and who are unable to pay for an attorney is most commonly provided by public defender attorneys. The State and Federal Government, respectively, pay for the public defender agencies to provide indigent defense. Appointed attorneys are required for anyone accused in a criminal case that may result in the likelihood of imprisonment.

An examination of the public defender services in the DC courts reveals that attorneys who participate in the District's Criminal Justice Act, CJA, and Counsel for Child Abuse and Neglect, CCAN, programs are compensated at an hourly rate of $65 for representing an indigent client. This rate was established in fiscal year 2002 and financed through an unobligated balance in the Defender Services account. However, attorneys representing indigent defendants in similar

matters at the U.S. District Court are paid $90 an hour. This increasing disparity in compensation makes it increasingly difficult for the DC courts to secure competent representation for the most vulnerable residents. Recent reforms to the CJA and CCAN programs, including revision of the CJA plan and the creation of attorney panels based on a comprehensive review of qualifications and experience, has prompted the DC courts to pursue an increase in compensation for CJA and CCAN attorneys in order to ensure they are attracting the best and the brightest lawyers.

Since the National Capital Revitalization and Self-Government Improvement Act of 1997 grants Congress the authority and oversight over the DC court system and matters pertaining to public defender services, I contend that it is essential that we take the necessary legislative action to ensure that DC CJA attorneys are compensated at a rate equal or close to that of their Federal counterparts. This bill would do just that by amending title 11 of DC Code to increase the hourly rate of pay from $65 to $80 for DC CJA attorneys charged with the important democratic duty of representing the indigent.

RECOGNIZING NANCY KANJORSKI AS THE LACKAWANNA COUNTY FEDERATION OF DEMOCRATIC WOMEN WOMAN OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to recognize my wife, Nancy Kanjorski, for her dedication and outstanding work with the Lackawanna County Federation of Democratic Women. As her husband, I could not be more proud to note that her peers recognized her efforts in support of Democratic candidates and policies by naming her the organization's Woman of the Year for 2008.

Nancy was born in Apopka, Florida, to Norman and Margaret Hickerson. She graduated from the University of Florida. We met while I was visiting Florida and we then married in 1962.

Nancy and I moved to Pennsylvania, where she taught school in Carlisle and Wyoming Valley.

Over the course of our time living in Pennsylvania, Nancy has always played an active role in my campaigns and many other Democratic campaigns. She constantly participated behind the scenes in grassroots efforts, from setting up phone banks to organizing literature drops. She has always been willing to help with any aspect of the campaign to make it run more smoothly. It is for her dedication, care, attention to detail, and many other reasons that Nancy will receive the award of Woman of the Year from the Lackawanna County Federation of Democratic Women.

Nancy has also been a member of various community organizations and boards. Among these, she was a particularly active member of the Lawyers' Wives Association, where she chaired multiple committees. Nancy has also been an avid tennis player.

Nancy is an essential part of our family, always willing to assist family members, from aiding those during times of illness to gladly babysitting our nephews and nieces.

We have one daughter, Nancy Kanjorski Bradley, Ph.D., who is married to Chris Bradley, Ph.D. They live in New Mexico.

On March 8, 2008, Nancy will receive the award of Woman of the Year at a brunch hosted by the Lackawanna County Federation of Democratic Women. The members of the organization elect the person to receive this award who they feel has done an outstanding job as a Democratic leader in the community.

On a personal note, I would like to acknowledge that Nancy has continuously given all that she can to help the Democratic Party. She has always been an active, devoted, and vital part of my campaigns, not just an essential component of the team for my staff, but of course for me as well. I am incredibly proud that she will receive this award, as it is very much deserved.

Madam Speaker, please join me in recognizing Nancy Kanjorski for her award of Democratic Woman of the Year from the Lackawanna County Federation of Democratic Women.

TRIBUTE TO HANNELORE BROWN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to honor Hannelore Brown, my constituent in the Third Congressional District of Kansas. Hannelore is an active school volunteer whose children attend Leawood Elementary School, Leawood Middle School, and Blue Valley North, in the Blue Valley School District.

About 5 years ago, Hannelore organized a campaign to urge Leawood's elementary schoolchildren to write Kansas servicemen and women stationed overseas in Iraq and Afghanistan. That campaign has since expanded into the middle school and the high school, and teachers have incorporated the letter writing into their lesson plans. Thousands and thousands of letters have been sent, thanks to her efforts. Artwork, posters, and Girl Scout cookies have also been mailed. Many, many soldiers have written back to the schoolchildren, and have emailed photos of themselves with the items sent by the schools. Other soldiers have visited the school when they returned home, to thank their new pen pals for the mail and caring sent to lonely troops on foreign soil.

Hannelore has also organized an annual patriotic school assembly to honor servicemen and women and veterans. Every year, she gathers uniforms, memorabilia, and other artifacts, to create museum-style exhibits. On Friday, March 28, 2008, the fourth such assembly is set for Leawood Elementary School, to be preceded by a breakfast honoring servicemen, -women, and their families, again organized by Hannelore Brown.

With Hannelore's help, Leawood Middle School has published a book of letters sent to and from the soldiers. It comes as no surprise to learn that Hannelore Brown has also assisted the school in its annual Veterans Day observance every fall.

On behalf of the thousands of lonely troops stationed overseas, I want to thank Hannelore for all she has done to help them. In turn, these personal connections have instilled a true sense of patriotism in all those involved, and have given students, parents, and staff a new appreciation for the service and dedication of these soldiers. One person can make a difference in the lives of many others, and Hannelore Brown is the perfect example.

TRIBUTE TO VETERAN AND LAWMAKER BOBBY G. WOOD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. BERRY. Madam Speaker, I rise here today to recognize retired Brigadier General and former State Representative Bobby G. Wood. Wood's service to his country may have begun as a Korean war veteran, but his civic contributions continued for decades. His recent death was a great loss to his community, his State and this Nation.

Bobby G. Wood was born March 19, 1931, in Lake City to Gaines E. and Hallie Bob Wood. He was a 1949 graduate of Lake City High School and graduated from Arkansas State University in 1953 with a degree in business administration.

Upon graduation from ASU, Wood was awarded an Army ROTC commission as a 2nd lieutenant in the corps of artillery. During his 33-year tenure in the Army National Guard, he served on active duty in the Korean war, attained the rank of brigadier general, served as the commander of the 875th Engineer Battalion, and was the Arkansas Assistant State Adjutant General.

In addition to his outstanding military career, Wood represented Craighead County for 20 years in the Arkansas State House of Representatives. Wood was a charter member of the Northeast Chapter of the Military Officers Association of America, serving as president for 2 years. He was inducted into the ASU ROTC Hall of Heroes and was honored as a Distinguished Alumnus by the ASU Alumnus Association in 2007. He was an active member of the First Baptist Church of Jonesboro and served as a church deacon.

Woods was business manager and part owner of Delta Gas & Oil and Delta Farms, Inc. of Lake City.

On behalf of Congress, I extend my deepest sympathies to Mr. Wood's family and gratitude for the countless hours he spent serving others. He leaves behind a legacy of accomplishment, but it was his dedication to give back to the community that deserves recognition. Wood was a devout family man and a distinguished Arkansan, and I am honored to recognize him today in the United States Congress. His friendship will be greatly missed by all who knew him.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. SIRES. Madam Speaker, on March 5, 2008, I missed rollcall vote No. 98. Had I been present, I would have voted ''yes'' on rollcall 98.

THIRD ANNUAL ''ARNIE DWORKIS MEMORIAL'' DIALYSIS AWARENESS WALK

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the Annual Arnie Dworkis Memorial Dialysis Awareness Walk, taking place this Sunday, March 9, 2008. The Sunset Kiwanis Club of Fountain Hills has organized this wonderful and exciting event for the third year running.

I would particularly like to honor Edward Stizza and Susan Obst-Dworkis for coordinating this annual event, and for their efforts and activities to educate the community about chronic kidney disease and end stage renal disease. The proceeds from the Arnie Dworkis Memorial Dialysis Awareness Walk will benefit the Dialysis Patient Citizens Group, which was founded by Mr. Stizza and his friend and fellow dialysis patient, Arnie Dworkis. After Arnie passed away in 2005, Mr. Stizza established the walk to honor the life of his friend. I am glad to say that by making this tribute, Mr. Stizza and Ms. Susan Obst Dworkis have educated thousands of people about this disease.

Currently, one in nine American adults will be affected by chronic kidney disease. More the 20 million Americans are personally suffering from the disease, which, if left untreated, can lead to end stage renal disease. With the assistance of Mr. Stizza and Ms. Obst-Dworkis, we can raise the public awareness of this debilitating disease, and the plight of the more than 400,000 Americans who are on kidney dialysis today.

I am hopeful that this event will educate the public on what can be done to prevent and treat kidney disease. It will undoubtedly contribute to support and funding to those whose lives are intimately touched by the chronic kidney disease.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is March 6, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11; only it happens every day.

It has now been exactly 12,827 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet, Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been giving them.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,827 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 6, 2008—12,827 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children—this, in the land of the free and the home of the brave.

PAYING TRIBUTE TO D.L. ''DUSTY'' DICKENS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. PORTER. Madam Speaker, I rise to honor my friend, D.L. ''Dusty'' Dickens, for her years of dedicated service to the Clark County School District.

Dusty, who is originally from Santa Monica, California, attended Stevens-Henager College in Salt Lake City, Utah and later received an AMA certificate in Management from the University of Nevada, Las Vegas. Dusty was also licensed as a realtor in the State of Nevada in 1978 after attending the Education Dynamics Institute of Real Estate.

Over the past three decades, Dusty has served the Southern Nevada community, spending much of her time in the Facilities Division as the Director of the Demographics, Zoning and Realty Department. During her tenure in the Facilities Division, Dusty was responsible for a number of sizable land acquisition programs and was instrumental in recommending site locations for 200 schools. Dusty was also the co-author of the ''Open Schools/Open Doors and Educational Access Agreements'' which allows governmental entities and the state university system reciprocal use of public/school facilities. She also had a prominent role in the development of the school siting methodology for data driven decisions to site new schools.

Given the exponential growth in Clark County in recent years, Dusty has been instrumental in ensuring that our educational services have kept pace with demand. In addition to her distinguished performance in the Demographics, Zoning and Realty Department, Dusty has served as facilitator for the school district's Investment in Excellence Program and as liaison for the School Name Committee. She has also had the opportunity to represent the school district on committees for the City of Las Vegas, City of North Las Vegas, City of Henderson, and Clark County for land use and master plan developments.

Madam Speaker, I am proud to pay tribute to D.L. ''Dusty'' Dickens. Her service to Clark County has been instrumental and is to be commended. I would like to congratulate

Dusty and her family including her husband, Lester and their four children on this honor by the school district. I applaud Dusty for her leadership and congratulate her on this much deserved recognition of having a school named in her honor.

CONGRATULATING THE INDIANA GIRLS BASKETBALL STATE CHAMPIONS AT PLYMOUTH HIGH SCHOOL

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. DONNELLY. Madam Speaker, today I rise before you to extend congratulations to the Plymouth High School Lady Pilgrims girls basketball team. The Lady Pilgrims succeeded in clinching the 3A state championship on March 1, 2008 at Conseco Fieldhouse in Indianapolis with a thrilling 47–46 victory over Indianapolis Chatard.

The Lady Pilgrims worked tirelessly this season to win their second Semi-State title in Plymouth High School history. This significant victory led to their first State title ever for the girls' basketball team.

The Plymouth team consisted of thirteen outstanding young women, including: Seniors Leslie Swihart, Laura Garrity, Jessica McMillen, Jessica Centa and Brittany Payne; Juniors Alex Starr, Brittany Davis, Danielle Hayden, Lyzz Smith and Erin McNeil; Sophomore Chelsea Benge; and Freshmen Marisa Green and Meagan Barron.

Also, we should not fail to acknowledge the support structure around the team. Head Coach Dave Cox with assistants Lindsay Houin, Dave Duncan and Russ Teall guided the Pilgrims to victory. The team received tremendous community support as evidenced by the busloads of fans that traveled to Indianapolis for the game and the thunderous applause of supporters who gathered to welcome the team home after their victory.

I offer my congratulations to the members of the girls' basketball team of Plymouth High School, the coaching staff, the school administration and community, and the surrounding Plymouth community for their accomplishments this season on the road to the 3A State Championship.

HONORING JAMES LAPIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. ENGEL. Madam Speaker, James Lapin, an active member of the Hebrew Institute of Riverdale, is truly a giving person. Mr. Lapin really understands the importance of doing and not just talking about giving. This is something he demonstrated by donating a kidney to a woman through a match made by the Halachic Organ Donor Society.

At the Hebrew Institute of Riverdale he is a frequent participant in many of the Bayrit's programs and has been instrumental in continuing Abraham and Sarah's Tent, the innovative program at HIR that provides free Shabbat dinner every Friday. He also shows his concern for our youth by being a big brother in the Big Sibling program of the Jewish Youth Encounter Program.

James and his wife Ann are parents of Gavriella and Sarit and have lived in Riverdale since their marriage in 2001. He is a graduate of the BA/MBA program of the University of Judaism and now works for Columbia University.

For his true selflessness and good works, he is presented with the Andrew Zucker Community Service Award.

ST. MARY MEDICAL CENTER PROVIDES EXCEPTIONAL HEALTH CARE

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate St. Mary Medical Center for recently being named among the top 1 percent of hospitals in the Nation. St. Mary is one of only 49 hospitals in the Nation to be recognized with the Premier-Care Science Select Practice National Quality Award. The award is given to those facilities with the best patient outcomes and operating efficiency.

St. Mary Medical Center, located in Walla Walla, WA, was founded in 1880 by the Sisters of Providence. At the time, it was the first non-military hospital in Washington State east of the Cascades. Today, the hospital continues its 120 year commitment to providing excellent acute care, attracting patients from throughout the region.

This is not the first time St. Mary Medical Center has been recognized as a top performer. In 2007, the hospital was named among the top 100 hospitals in the Nation by 2 independent research companies. The national attention St. Mary Medical Center has received is a testament to the exceptional attention and care they give to each patient.

Madam Speaker, I rise today to commend St. Mary Medical Center for setting the standard for clinical excellence, and for providing excellent health care to the Walla Walla community. I invite my colleagues to join me in congratulating the doctors and employees of St. Mary Medical Center on this great achievement.

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. HERGER. Mr. Speaker, I would like to correct the record with respect to Mr. STARK's comments about Shasta Regional Medical Center. First, the hospital did not close. Second, the malpractice to which he refers occurred under the previous ownership of the hospital, then known as Redding Medical Center. The hospital did not have physician investment at that time. The individuals who were found guilty of fraud and malpractice were punished appropriately and are no longer affiliated with Shasta Regional Medical Center. The new ownership of that facility has performed an invaluable service to the local community by taking over a failing hospital and working to rebuild its reputation, and they deserve the thanks of every member of Congress for that service.

IN REMEMBRANCE OF DEREK OWENS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Derek Owens, a veteran Cleveland Police Officer who will be remembered for his unshakable commitment to the Cleveland community.

Derek Owens was born in Cleveland and remained in the area for most of his life. He graduated from the University of Toledo and later returned to Cleveland to earn his social Work degree from Cleveland State University in 1995. Owens was well known and will be fondly remembered in the neighborhoods in which he served for 10 years as a police officer. He often volunteered for neighborhood block watches and was recognized for his approachability, sense of humor and dedication to helping the community, even during his time off-duty.

Owens is survived by his wife, Erika, daughter Sydni and son, Chandler.

Madam Speaker and colleagues please join me in honoring Derek Owens, a vital member of the Cleveland community and dedicated Police Officer. May his commitment to the community serve as an example to all of us.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. MILLER of Florida. Madam Speaker, I would like to offer a personal explanation of the reason I missed rollcall vote Nos. 88 through 90 on March 4, 2008. My plane was delayed due to bad weather in Atlanta.

I would have voted:

Rollcall vote No. 88, H.R. 1143—To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park and for other purposes ''aye'';

Rollcall vote No. 89, H.R. 1311—To direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility, ''aye''; and

Rollcall vote No. 90, H.R. 816—To provide for the release of certain land from the Sunrise

Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, ''aye''.

IN HONOR OF SIXTY-THREE YEARS OF EDUCATIONAL EXCELLENCE AT TORAH ACADEMY OF MINNEAPOLIS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to honor the teachers, parents, and community of the Torah Academy in St. Louis Park, Minnesota. This weekend, at its annual banquet celebration, the Torah Academy will celebrate 63 years of educational excellence and service to children from pre-school through the eighth grade.

Founded in 1945, the Torah Academy provides a well-rounded and highly regarded education in the basics of reading, writing, and arithmetic, as well as Judaic studies. The teachers and staff there are committed to providing a nurturing environment and to instilling in students a lifelong love of learning.

Torah Academy depends upon the dedicated service of so many fine individual volunteers and corporate citizens to ensure that it meets its mission of educational excellence. At their banquet this weekend, the community will honor two in particular: Rabbi Joshua Borenstein, the Academy's outstanding Executive Director, and King Solutions, Inc.

King, founded by Meyer Bolnick and Mike Patterson, will be honored as the Business of Distinction as ''a business built on strong values, and a role model of responsibility and commitment to the community.'' Community service is an integral part of the work that King does in the Twin Cities area.

In addition to Rabbi Borenstein, who has served the Torah Academy community for a full decade, the Academy depends on many fine staff, including Rabbi Binyomin Ginsberg, Dean, and Mrs. Ginger Vance, Principal. I join the Minneapolis-area community this weekend in commending these outstanding educators and active citizens for their commitment to the core values and mission of Torah Academy.

HONORING THE LIFE AND WORK OF ADRIENNE SWENSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of a good friend, who was one of Sonoma County's notable environmental activists and a conscience for social justice, Adrienne Swenson. Adrienne was 81 when she died in January of pulmonary disease. Adrienne touched the lives of thousands through her successful environmental conservation efforts, her commitment to social justice, and her work for the Democratic Party.

I knew Adrienne through all of these arenas and agree with her friends and colleagues, who are universal in their praise.

''She was a remarkable woman. She was a person committed to the idea that society could be improved,'' said David Thatcher, who along with others, helped Adrienne found the Peace and Justice Center of Sonoma County. ''She was a tower of strength in so many ways.''

But what was so remarkable about Adrienne was that in all her interests she always had a wider context in mind. Her work with the local United Nations community, her commitment to the peace process, her participation on the county planning commission—she integrated them all in the interest of trying to make a better society.

Born in San Francisco, Adrienne spent her life in California, except for 2 years in Spain when she and her husband, Len, and their three children lived what she once called ''the good life,'' traveling about Europe, studying art and learning Spanish.

A trip to Yosemite later introduced her to what became her favorite activities—family camping, backpacking, and birding. This led to her lifelong devotion to environmental issues, which interest she shared with her husband, a longtime Sierra Club leader.

Later, Adrienne served on the Manhattan Beach City Council while living in southern California, and on the Sonoma County Planning Commission after moving back to northern California. ''She really set a standard,'' said Bill Kortum, a member of the board of supervisors, which appointed her. ''She was always very well informed.''

Politically, Adrienne was active in the Santa Rosa Democratic Club and served on the Democratic Central Committee for nearly 20 years.

But where Adrienne really left her legacy was the Peace and Justice Center of Sonoma County.

''She had an incredible sense of justice in the face of overwhelming injustice,'' says Elizabeth Stinson, the center's director. ''She worked tirelessly for more than 30 years in every capacity you can think of.''

She was vehemently anti-war and opposed the occupation of Iraq. Standing on the corner at Mendocino and College avenues almost every week with a group of women, all dressed in black, she protested until she could no longer stand.

Madam Speaker, Adrienne Swenson would want us to carry on her work here in Congress, to be inspired by her tenacity and willingness to confront difficult subjects, knowing the world is better for her contributions to it.

IN SUPPORT OF THE GOALS OF A NATIONAL SIBLINGS DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise today to show my support for the goals of a National Siblings Day for all Americans, a day to honor our sisters and brothers for the many ways in which they enrich our lives. This occasion would give us the opportunity to show appreciation for our siblings, much the same way that Mother's Day and Father's Day are celebrated, and completes the celebration of the whole family. One of my Manhattan constituents, Claudia Evart, has worked tirelessly to encourage everyone to honor their siblings on April 10th each year.

April 10th marks the birthday of Claudia's sister Lisette, who died tragically in 1972 at age 19 in a car accident that also killed their father. An additional tragedy struck in 1987, when Ms. Evart's older brother, Alan, died in an accident in his home. He was 36 years old.

Siblings make an important contribution to who we are. Often, when our parents are gone, our siblings are our only remaining family. And, sometimes, as in the case of my constituent Claudia Evart, Siblings Day will help us remember siblings whom we have lost at an early age.

I applaud these past 12 years of hard work by Claudia Evart who has created a loving tribute to her deceased siblings with her work to establish a National Siblings Day. Her inspired work should serve as a lesson to us all. Since 1998, 31 governors have issued gubernatorial proclamations in their states for Siblings Day: AL, AR, AZ, CO, CT, FL, IL, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NE, NH, NJ, NM, NY, PA, RI, SC, VT, VA, WV, WA, WI and WY. Therefore, I now call on the Congress to recognize the importance of contributions of all family members, including our siblings, by supporting the goals of a National Siblings Day for all Americans.

HONORING DETECTIVE LUIS RODRIGUEZ

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. ENGEL. Madam Speaker, the contribution of law enforcement to the community goes well beyond arrests and convictions, and if you are lucky, on occasion you come across someone with that extra sense of commitment to the motto ''protect and serve''. Detective Luis Rodriguez, a 20-year veteran of the New York City Police Department, is the Community Affairs Officer for the 50th Precinct, the liaison to schools, civic groups, tenant associations and houses of worship and Detective Rodriguez is one such officer who is always ready to go above and beyond and to offer a helping hand those in need.

Detective Rodriguez defines his job in terms of what he can do for the community by bringing human warmth to people who are facing stressful situations. Whenever anything occurs in the community whether a serious issue or a simple question, everyone knows that they can call Luis. We don't even need to use a title or last name, he is known simply as Luis. We know that we can count on him for guidance or to be there when needed.

He has had many awards for his work and credits his parents for raising him with a lot of trust. He is passing on this trust to two of his favorite people in the world, his children, Caitlin and Steven.

For his good work with the community, the Riverdale Jewish Community Council is awarding him the Martin Rollins Interfaith Brotherhood Award. I understand that Detective Rodriguez is retiring this summer and I want him to know that the community will miss him and that he can always count on us for a helping hand if ever he needs one.

THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. OBERSTAR. Madam Speaker, I am extremely pleased that the fiscal year (FY) 2009 Budget Resolution, approved by the Committee on the Budget, recognizes the critical importance of meeting our Nation's infrastructure investment needs, even while achieving a balanced budget by 2012. The Budget Resolution vigorously rejects the short-sighted policies of the President's budget, which cuts virtually every infrastructure investment program within the jurisdiction of the Committee on Transportation and Infrastructure, including highways, public transit, airports, Amtrak, wastewater treatment, and water resources development.

In contrast to the harmful cuts proposed by the administration, the resolution fully funds highway, transit, and highway safety programs at the levels originally authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The resolution rejects both the negative $1 billion adjustment for Revenue Aligned Budget Authority, and the administration's proposal to cut highway and transit funding by an additional $1 billion below the authorized levels, which would be detrimental to short-term economic stimulus efforts, as well as long-term economic growth.

For the Airport Improvement Program, AIP, the resolution rejects the $765 million cut proposed by the administration, and instead provides the full amounts authorized in the FAA Reauthorization Act of 2007 (H.R. 2881), as approved by the House last year. Specifically, the proposed budget provides $3.9 billion for AIP in FY 2009, increasing to $4.1 billion by FY 2011. This funding will allow the AIP program to keep pace with inflationary cost increases, and begin to address the investment gap in airport safety and capacity needs.

For Amtrak, the resolution rejects the $525 million cut proposed by the administration, which would essentially shut down our national passenger rail system, and instead increases funding to meet the costs of Amtrak's new labor agreement, pursuant to Presidential Emergency Board 242.

For environmental infrastructure, the resolution rejects the administration's proposed cut to the Clean Water State Revolving Fund, CWSRF, program, the primary Federal program for funding wastewater infrastructure projects throughout the Nation. A year ago, the President requested $687.5 million in capitalization grants for CWSRFs for FY 2008. At that time, it was the lowest level requested by any administration since the creation of the program. For FY 2009, the administration requests a pitiful $555 million, a 20 percent cut from last year's appropriation of $689 million. The administration's proposal puts at risk the water quality gains achieved in recent decades, and the resolution correctly rejects this cut.

Finally, the resolution rejects the administration's proposal to cut funding for the Army Corps of Engineers by $845 million in FY 2009, and instead provides increased funding to begin to address the growing backlog of water resources development projects, including those authorized by the Water Resources Development Act of 2007.

The Committee on Transportation and Infrastructure firmly believes that infrastructure investment is fundamental to stimulating and sustaining long-term economic growth. Therefore, I am pleased that the budget resolution includes an Infrastructure Investment Reserve Fund, which will accommodate legislation to "Rebuild America" in FY 2009.

I look forward to working with Chairman SPRATT on continued improvements to our Nation's infrastructure, and I urge my colleagues to support the resolution.

HONORING CENTRALIA ORPHANS BASKETBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. SHIMKUS. Madam Speaker, today I rise to honor the Centralia Orphans basketball team, which on Friday, February 15, 2008, became the first high school boys' basketball program in the State of Illinois—and just the second in the nation—to record its 2,000th victory.

The visiting Orphans defeated the arch-rival Mt. Vernon High School Rams 45–43 to reach the milestone.

Current members of the Orphans include Evan Burmester, Adrian Dabney, Ben Kracht, Stile Smith, Carlton Westbrook, Keith Johnson, Justin Keef, Devan Wells, Brandon Buchanan, Myron Cunningham, R.J. Kwiatkowski, and Mark McConnaughy. Their head coach is Lee Bennett, who is assisted by Brad Goewey, Ryan Blaha, and Doug Jack.

Since its beginning in 1906, the Centralia boys' basketball team has featured such standout players as future Olympic track star Dwight "Dike" Eddleman, future Harlem Globetrotter Bobby Joe Mason, and future Los Angeles Laker Dickie Garrett. The Orphans have won three Illinois State championships, all under legendary High School Hall of Fame Coach Arthur L. Trout.

I send congratulations to the players, coaches, students, alumni, and fans of Centralia High School on a remarkable achievement.

PERSONAL EXPLANATION

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. KELLER of Florida. Madam Speaker, I have remained in Orlando, Florida with my wife and our new daughter who was born on Monday, March 3rd. If I had been present yesterday, I would have voted in the following manner: Rollcall 91: "yea"; Rollcall 92: "yea"; Rollcall 93: "yea"; Rollcall 94: "nay"; Rollcall 95: "nay"; Rollcall 96: "nay"; Rollcall 97: "yea"; Rollcall 98: "yea"; Rollcall 99: "nay"; Rollcall 100: "yea"; Rollcall 101: "yea"; Rollcall 102: "yea".

HONORING NELLIE RUTH RILEY LEWIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise with a great sense of loss as I pay tribute to Nellie Ruth Riley Lewis, an educator, prominent Dallas community leader, and my friend who left us on March 1, 2008, at the age of 70. Throughout her life, Nellie Lewis was a well-known, respected figure in Dallas who leaves behind a legacy of accomplishments that will be remembered for years to come.

A native of North Carolina, Mrs. Lewis received her bachelor's degree from Howard University and her master's degree in education from George Washington University. For the first 17 years of her career, she taught in the public schools of Washington, DC, where she became the supervising director of reading for the District.

Mrs. Lewis moved to Dallas in 1977 with her late husband Dr. Lewis, where they were both employed with the Dallas Independent School District. During her 20 years with DISD, Mrs. Lewis' duties included serving as an instructional specialist, a curriculum coordinator, and an area director. She also served as director of learning services, the administrative assistant to four superintendents, and supervisor to a group of 10 elementary school principals.

She continued her lifelong devotion to education, even after her retirement from DISD, serving on several committees and as the president of the Dallas region of the National Alliance of Black School Educators.

In 1997, Mrs. Lewis received the Charles D. Moody Founder's Award, presented by the National Alliance of Black School Educators.

As our Nation experiences great technological innovation and success in the global market, the value of an education takes on even greater importance. Mrs. Lewis has exhibited the characteristics we seek in our educators, school administrators, and community activists.

Mrs. Lewis was married to Napoleon B. Lewis, who preceded her in death. In addition to her son, Mrs. Lewis is survived by three sisters: Inez Riley McClain of Fayetteville, NC;

Carolyn Riley Payne and Deborah Riley, both of Seattle, WA; and three grandchildren.

On this day, Madam Speaker, I join her family, her friends, and all of Dallas and the Nation, in mourning the loss of a dear and special friend. She will be greatly missed.

CONGRESSIONAL CLUB CENTENNIAL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today, along with Representatives TODD TIAHRT, JEFF MILLER, DORIS MATSUI, JO-ANN EMERSON, and JOHN TANNER, to introduce a resolution to commemorate the Congressional Club on its 100th anniversary.

The Congressional Club was established in 1908 "to promote sociability among its members, create a common meeting place, and further a personal acquaintance among the women of the Congressional circle." In the early 20th century, Members of Congress actually had little time for making friends outside of Congress or Government. It largely fell upon the wives to forge acquaintances in the Nation's Capital, since many of them led solitary lives while away from their home States.

In 1914, the club moved into a Beaux Arts-style mansion on the corner of New Hampshire Avenue and U Street, Northwest, in Washington, DC, where it continues to be the meeting place to this day. It has maintained its mission of serving as a place for spouses of Members of both the House and Senate to develop non-partisan friendships. In addition, its membership has been broadened to include both female and male spouses as more women have been elected to Congress over the last century.

The club also counts among its members spouses of Supreme Court Justices and the President's Cabinet, as well as former First Ladies. It has been a center for service since its founding—providing aid to our Nation's soldiers; supporting local police and fire departments; and hosting receptions for senior citizens, the disadvantaged, and spouses of Ambassadors. It is entirely self-supporting from membership dues and the sale of the Congressional club cookbook, which includes recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the club.

It is interesting to note that 100 years ago this May, it took the charm of a determined wife of a Member of Congress to get the Federal legislation incorporating the club approved by the House of Representatives. The House Minority Leader, John Sharp Williams of Mississippi, had opposed the bill and was using parliamentary procedures to defeat the bill.

History has it that when Mrs. Williams, who favored the club, heard about her husband's opposition, she invited him to lunch the day the measure was on the House floor. After lunch, he withdrew his opposition and his request for a recorded vote, saying that "it is the opinion of the gentleman from Mississippi that . . . there will not be a roll call because it would cause a great deal of unhappiness in Washington."

As the proud spouse of the current president of the Congressional Club, Vivian Creighton Bishop, it likely would cause a great deal of happiness in my household and the households of many other Members if this resolution is voted upon in the near future. I am pleased to be the sponsor of this resolution commemorating the club on reaching this important milestone and I urge its quick adoption.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Ms. WOOLSEY. Madam Speaker, on March 5, 2008, I was unavoidably detained and was not able to record my votes for Rollcall No. 91–102.

Had I been present I would have voted:

Rollcall No. 91—"Yes"—To redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as "Wright Brothers-Dunbar National Historical Park", and for other purposes.

Rollcall No. 92—"Yes"—Supporting Taiwan's fourth direct and democratic presidential elections in March 2008.

Rollcall No. 93—"Yes"—Condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes.

Rollcall No. 94—"Yes"—Providing for the consideration of H.R. 1014, Paul Wellstone Mental Health and Addiction Equity Act.

Rollcall No. 95—"Yes"—Providing for the consideration of H.R. 1014, Paul Wellstone Mental Health and Addiction Equity Act.

Rollcall No. 96—"Yes"—Providing for the consideration of H.R. 1014, Paul Wellstone Mental Health and Addiction Equity Act.

Rollcall No. 97—"Yes"—Cyndi Taylor Krier Post Office Building.

Rollcall No. 98—"Yes"—Expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago.

Rollcall No. 99—"Yes"—Paul Wellstone Mental Health and Addiction Equity Act.

Rollcall No. 100—"No"—Paul Wellstone Mental Health and Addiction Equity Act.

Rollcall No. 101—"Yes"—Paul Wellstone Mental Health and Addiction Equity Act.

Rollcall No. 102—"Yes"—Sgt. Michael M. Kashkoush Post Office Building.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. GERLACH. Madam Speaker, on March 5, I was delayed in making my way to the floor of the House for rollcall 99. I missed the vote, but had I been present I would have voted nay.

A BILL TO INCREASE THE MAXIMUM AGE TO QUALIFY FOR COVERAGE AS A CHILD UNDER THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. DAVIS of Illinois. Madam Speaker, young adults are the fastest-growing age group among the uninsured. Almost 400,000 young adults (younger than 24) who graduate from college will be cut off from health insurance under their parents' plan or from their universities. A report by the Commonwealth Fund, a private foundation that aims to promote a high performing health care system in the United States, showed that 2 out of 5 college graduates are uninsured after they leave school.

Nationwide, 30.6 percent of 18- to 24-year olds are uninsured, making them the largest population without coverage in 2005. The numbers reflect an increase from 2004, when an estimated 13.7 million people age 19 to 29 had no coverage. As recently as 2000, just 2.5 million were without health insurance, according to a 2005 survey by the Commonwealth Fund.

Young adults enrolled as dependents in Federal Employee Health Benefits Plan (FEHBP) and their parents, will not have to worry about being uninsured if this legislation is enacted. This bill would raise the age young adults would qualify for health insurance under FEHBP from 22 to 25 years of age.

The federal government should not be contributing to the number of Americans that are uninsured. This bill would ensure that at least the dependents of federal employees between the age of 22 and 25 get the health care and coverage they need.

HONORING DR. GARLAND FORBES

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Dr. Garland Forbes. A graduate of the University of Medicine and Dentistry of New Jersey, with an Endodontic Certificate from the Graduate Dental School of Ohio State University, Dr. Forbes has been providing quality care and comfort to patients in Pasco, Pinellas, and Hernando Counties with exemplary endodontic services.

However, his devotion to his community does not rest solely within his trained profession. He also organizes and executes his annual Plant 1,000 Trees Before You Die observance. In December of 2005, Dr. Forbes, with the help of Big Brothers and Big Sisters of America, distributed 1,000 trees to area dental office personnel and their staff.

In 2006, the event doubled with the distribution of 2,000 as Dr. Forbes partnered with the United Way and a local bank. The event

reached further into the community as the public was invited to pick up trees to plant.

In 2007, Dr. Forbes again decided to increase the number of trees by one hundred percent, distributing 4,000 trees. Because of Dr. Forbes's efforts, more than 7,000 trees have now been planted in the Florida counties of Pasco, Pinellas, Hillsborough, Hernando, and Polk.

Madam Speaker, Dr. Forbes is a terrific example of how just one person can make a difference both locally and environmentally. His service to the community, through his endodontic services as well as his Plant 1,000 Trees Before You Die initiative truly serve as an inspiration to others. I am delighted today to acknowledge such an influential member of my community, and I hope that the example by which Dr. Forbes leads will serve as an incentive for others to contemplate how they too can serve their communities.

FIRST BAPTIST CHURCH OF INDIAN ROCKS HONORS ITS PASTOR CHARLIE MARTIN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. YOUNG of Florida. Madam Speaker, I rise in celebration of one of the most dynamic and inspirational pastors my community in Pinellas County has known. Reverend Charles William Martin retires Sunday after 37 years as Pastor of the First Baptist Church of Indian Rocks in Largo, Florida.

This is my hometown church and Charlie has been my pastor, but more importantly he has been my friend. Charlie was born and raised in Arkansas and first felt the call to preach as a young man in 1960. He pursued this calling by completing work on his Bachelors of Arts in Religious Education at Trinity College in 1967 and his Doctor of Divinity at Trinity in 1986.

He found his true calling in 1971 when he accepted the charge to serve as pastor of the First Baptist Church of Indian Rocks, where he and his wife Stephanie have invested their heart and soul ever since. This is an amazing church of 5,300 members and a full-time staff of 18 pastors and associate staff. Under Charlie's leadership, First Baptist spreads the word of God in all forms, from its stirring music, emphasis on the scriptures, and his from the heart sermons. They have a wide variety of ministries, in all parts of our State, our Nation, and the world.

One of those ministries was the establishment of the Indian Rocks Christian School in 1984 with an enrollment of 42 students. Today more than 1,000 students attend the school which has earned a reputation of one of our county's best.

Perhaps the greatest testimony to Charlie's service to his congregation is the pride his church members have in being a part of his church community. There isn't a day that goes by that I don't see someone back home, here in our Nation's Capital, or even around the world that comes up to me and says, ''I'm a member of Charlie's church.''

First Baptist will hold an honor and praise weekend this Friday through Sunday to celebrate the service of Pastor Martin and Stephanie. All of us who know Charlie are confident that this will not be the beginning of his retirement as he will always remain active in the church and his ministries. In fact, he and Stephanie are moving up to North Carolina where they are starting a church there.

Madam Speaker, Pastor Charlie Martin is a friend to many and has shared God's word and God's grace with countless thousands of people throughout his life. He is a friend of Members of this House as he was our guest chaplain in April 1999. And he is a special friend of this Congressman and of my wife Beverly and our family. He has been there for us many, many times—in times of celebration and in times of grief. Please join me in saying thank you to Charlie and Stephanie and in offering our best wishes as they open a new chapter in their lives. It is my hope that God gives them many joyous years together with each other and with their five children and nine grandchildren.

God bless you and keep you, Charlie Martin.

TRIBUTE TO THE SAN ANTONIO CHAPTER OF THE AMERICAN RED CROSS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. RODRIGUEZ. Madam Speaker, today I am greatly honored to recognize the San Antonio Area Chapter of the American Red Cross. As you launch your 2008 Heroes for the American Red Cross Campaign, I wish to commend the many important contributions made to our communities by this admirable organization over the years.

Every day, they serve over 2.4 million people living in the 23 counties across South Central Texas with invaluable support for natural disaster and preventative services. Since the chapter's founding in 1916, your volunteers have been at the forefront when emergencies and disasters have impacted our communities. Across the nation, the American Red Cross's noble work has come to represent hope and relief for people when unpredictable and difficult problems arise.

The San Antonio Area Chapter of the Red Cross has provided disaster relief services to 491 families, or more than 1,600 people. As many in my community can recall, the Red Cross helped over 1,100 people, supplied shelter for over 800 persons, and provided much needed financial help to many families in Eagle Pass who were devastated by the 2007 tornado. 465 of their volunteers worked selflessly in response to this disaster, and I am truly grateful for their service.

In addition to responding to emergencies such as these, they help members of the community prepare themselves for these types of disasters. In teaching 21,405 people in our region how to save lives with first aid and offering CPR courses, they empower the entire area. Moreover, they help our members of the armed services and their families by operating a 24- hour emergency call center. They also serve as a valuable connection to other social service agencies as is evident by the 5,300 referrals made last year which enabled people to get more help when they needed it most.

As one of the largest chapters in the country with roughly 1,500 volunteers and 55 paid staff members, their dedication and devotion to the Red Cross' humanitarian mission has left an indelible mark in South Central Texas. I am very proud and deeply honored to represent this district knowing such people are working unselfishly to make our cities and towns stronger and safer. I would like to thank them for all they have given to the region, and I wish them continued success in their mission.

HONORING THE 150TH ANNIVERSARY OF GUNDLACH BUNDSCHU WINERY OF SONOMA COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Gundlach Bundschu Winery in Sonoma County, California on the 150th anniversary of its founding.

In the 150 years since the winery was established on March 12, 1858, California's wine industry has become the fourth largest wine producing region in the world and Gundlach Bundschu has played an integral part in that growth. It is the oldest family owned winery in the state and the sixth generation of the founding family continues to live, farm and pioneer the production of fine wines on the same vineyard land that was originally purchased by their great-grandfather's grandfather.

Each generation has weathered unique challenges that defined them and the California wine industry and has met those challenges with ingenuity and resolve. Company offices and wine vaults were destroyed in the 1906 San Francisco earthquake, severely curtailing what had been a thriving business. The family was able to continue with limited production until the passage of prohibition in 1919, which forced the winery to close. After the repeal of prohibition, Gundlach Bundschu wine grapes were once again in demand, but the family winery wasn't restored until 1973. Today, the modern winery is dedicated to sustainable farming at its best.

The family has always been an integral part of the community and a leader in civic affairs. They were instrumental in initiating the first Vintage Festival in Sonoma, a celebration of the annual grape harvest that has been held continuously for 110 years. Now, in celebration of its Sesquicentennial, Gundlach Bundschu has commissioned a theatrical presentation that will tour nine cities throughout the United States in the spring and fall of 2008.

Madam Speaker, it is appropriate at this time that we acknowledge Gundlach Bundschu on the 150th anniversary of its founding. As California's oldest family owned winery, Gundlach Bundschu is truly a testament to the enduring quality and character of

California wine, and to its place among the nation's finest wineries.

HONORING DAVID L. HYMAN OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. FATTAH. Madam Speaker, it is my honor to salute today a great and valued citizen of Philadelphia who is receiving one of our city's truly prestigious awards for members of the legal community.

David L. Hyman, Esquire earns his living as Managing Partner and partner for Business Development at Kleinbard, Bell & Brecker LLP, one of Philadelphia's outstanding law firms, where he leads the government relations practice. But that barely begins to describe the depth and breadth of his commitment to the city he loves.

David is a soft-spoken man with a ready and infectious smile who travels the fast lane of Philadelphia governance, religious, philanthropic and civic life, skilled at winning confidence and making things happen.

I have known David for more than two decades, since our days of pickup basketball at the Bright Hope Baptist Church in North Philadelphia. We have spent our declining jump-shot years on many of the same critical issues and causes, improving the lives and life chances for our young and underserved citizens.

David settled in Philadelphia to launch a legal career after graduating cum laude from the University of Pennsylvania in 1975 and from the University of California, Davis, School of Law in 1980. He served as Law Clerk for United States District Court Judge Peter B. Scuderi.

David is former Co-President and current advisory board member of Operation Understanding, a unique Philadelphia program that brings together African American and Jewish teenagers and trains them for cooperative leadership roles. He has been a bridge builder and passionate advocate for these two communities. –

More recently, David L. Hyman served for eight years as Chairman of the Philadelphia Facilities Management Corporation, which oversees the Philadelphia Gas Works. He continues as Vice Chairman of the Greater Philadelphia Tourism Marketing Corporation, which spreads the good word about our city, and serves on the board of the Building Industry Association of Philadelphia among numerous other private, public and nonprofit appointments. He has also been a champion for development, community improvement and empowerment in Mount Airy and across Northwest Philadelphia, along with his wife Farah Jimenez, the executive director of Mount Airy USA.

David L. Hyman has served the American Jewish Committee and its Philadelphia/Southern New Jersey chapter as President and Board Chairman. Now the organization he has led so ably and selflessly is returning the favor.

On Wednesday March 12, 2008, at the Rittenhouse Hotel, David L. Hyman, Esquire will receive the 2008 Judge Learned Hand Award of the AJC.

The significance of this award can be judged by the man for whom it is named. Judge Learned Hand, according to the AJC citation, served as senior judge of the United States Circuit Court of Appeals for the Second Circuit from 1924 to 1951. Widely admired as a dean of American jurists, Judge Hand was renowned for his extensive range of decisions which he rendered in more than two thousand cases.

David L. Hyman fittingly receives an award presented each year to a member of the Philadelphia legal community whose social conscience and devotion to philanthropy mirrors the century-old values of the American Jewish Committee. He is the 28th recipient of Philadelphia's Learned Hand Award. –The American Jewish Committee proudly proclaimed that, for more than 100 years, it has "worked to safeguard minorities, fight terrorism, anti-Semitism, hatred and bigotry, pursue social justice, advance human dignity, support Israel's right to exist in peace and security, defend religious freedom and provide humanitarian relief to those in need."

By choosing David L. Hyman for this recognition, the American Jewish Committee brings honor to the award itself and to the legal profession of Philadelphia. I extend my own best wishes to this richly deserving super citizen in our midst, and I say: Mazel Tov, Counselor.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. FORTENBERRY. Madam Speaker, on Tuesday, March 4, 2008, I was inadvertently detained and thus I missed rollcall votes Nos. 88, 89, and 90. Had I been present, I would have voted "yea" on all three votes.

IN HONOR OF ANDY WILLNER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Andy Willner's lasting contributions and dedication while serving as NY/NJ Baykeeper Executive Director. Mr. Willner's commitment to safeguarding the Hudson-Raritan Estuary helped eliminate pollution and restored efficiency in the estuary's streams and shores for almost twenty years.

In March Mr. Willner will retire after eighteen years of service as Baykeeper. On March 7, 2008, at the Liberty House Restaurant in Liberty State Park, the Baykeeper's Founders Fete will honor Mr. Willner for all he has done in keeping New Jersey and New York waterways safe.

Mr. Willner began his distinguished career as a sailing vessel captain, city planner and boat builder. He has always concerned himself with environmental issues and has thus participated in numerous conferences concerning shore protection and keeping our harbors safe.

Later, he served as member on the Dredge Materials Management Work Group and the Hackensack Meadowlands Special Area Management Plan among the various environmental organizations he was a part of. Mr. Willner has received many renowned awards for his work including the "Hero of the Harbor" Award as well as the Stewardship Recognition Award from the New York State Department of Environmental Conservation.

Mr. Willner began his work with the NY/NJ Baykeeper in 1989 and has served as Executive Director for eighteen years. His work with the Baykeeper included bringing attention to coastal issues, protecting our shores, and eliminating pollution in our waters. With the momentous efforts of Andy Willner, the Hudson-Raritan Estuary has been kept safe and protected for nearly twenty years.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the work of Andy Willner. His continual efforts to keep our waters protected will continue to benefit and inspire the people of New Jersey.

PASS FREE TRADE AGREEMENTS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. REICHERT. Madam Speaker, while I am pleased that the House has once again renewed Andean trade preferences, I think this bill highlights more than ever the need to pass pending free trade agreements that have languished for far too long without consideration. We must continue to open markets to encourage American companies to innovate and compete with their global counterparts. This grows our economy and creates jobs.

I am proud to represent a district in Washington State that integrates our nation's leading technology innovators with a vibrant and highly productive small business community. Opening new global markets gives them incentives to improve their products, produce more goods, and employ more American workers. I have seen these job-creating effects first-hand, with trade accounting for 1 out of every 3 jobs in my state.

In this time of economic uncertainty, Congress must act now to advance America's broader trade agenda. We cannot allow important agreements with Panama and Korea to remain on hold while Europe and China continue to knock down trade barriers and improve their competitiveness in the global economy. And surely recent provocative comments by the leader of Venezuela helps put into perspective the urgent need to use the power of trade in Colombia. I urge my colleagues in the Majority to stop the delays and pass these free trade agreements. Let's advance the trade measures needed to grow our economy, create jobs, and not only improve our relations with global partners, but also to foster global peace and freedom.

CONGRATULATING THE INDIANA GIRLS BASKETBALL STATE RUNNERS-UP OF WASHINGTON HIGH SCHOOL IN SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. DONNELLY. Madam Speaker, today I congratulate the South Bend Washington High School Lady Panthers, the 2008 State Runners-Up in the 4A girls basketball division.

In their quest towards this title, the Lady Panthers compiled a 23-2 record on the road to their third consecutive trip to Conseco Fieldhouse in Indianapolis. Unfortunately the team faced a disappointing loss there, but they can still be proud of their reign as South Bend's premier girls basketball team.

The South Bend Washington team consisted of 12 outstanding young women: Seniors Emily Phillips, Vanessa Wiley, Meagan Phillips and Shalana Murray; Juniors Skylar Diggins, Karis Phillips, Alandrea Pfeifer-Nailon, Takoia Larry and Rakeesha Lane; Sophomore Avante Newsome-Gunn; Freshmen Terran Scott and Alexis Macon.

Head Coach Marilyn Coddens was assisted by Don Coddens. Officials such as Mayor Steve Luecke, School Superintendent Robert Zimmerman, Washington Principal George McCullough Jr., and Athletic Director Patrick Mackowiak lent support and encouragement throughout the season.

The city of South Bend and the surrounding area rallied behind the Lady Panthers. In what has become a winter tradition on the West Side of South Bend, thousands of fans gathered to send off the team and to travel south for the big game where they made the event at the Fieldhouse feel like a home game.

Again, I offer my congratulations to the members of the girls basketball team of South Bend Washington High School on their Semi-State title and their fearless, spirited play at the Championship game.

HONORING MAXINE HALPERN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. ENGEL. Madam Speaker, Maxine Halpern has involved herself deeply in Jewish affairs internationally, nationally, and locally. She is a born and bred Bronxite who graduated from City University of New York.

Maxine is the daughter of two World War II veterans, the U.S. Army and the Royal Air Force. Traveling to England to visit family began at an early age and touring foreign lands became a lifelong interest, having traveled to over 40 countries on 5 continents as well as throughout much of the United States.

She is a supporter of over 50 philanthropies both secular and religious. Maxine has been awarded the Nahum Goldman Leadership Award, and is a member of the Simon Wiesenthal Center's international Leadership Council, among other equally prestigious organizations.

She is also active in local Jewish communal life as a member of the board of trustees, as vice president, and as president of the Riverdale Temple. She was appointed founding president of the Congregation Shaarei Shalom. For all of her outstanding contributions to community life, the Riverdale Jewish Community Council presents her with the Michael Schreck Community Builder Award.

RECOGNIZING MICHAEL K. (MICKEY) ENGLETT FOR EXCELLENCE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today in recognition of Michael K. Englett and his induction into the Florida Community College Activities Association Women's Basketball Hall of Fame.

For the past 18 years, Okaloosa County and the surrounding community have benefited significantly from the service of Mr. Michael Englett, dean of student services and director of athletics for Okaloosa-Walton College. Mr. Englett's vision of a comprehensive athletic program transformed Okaloosa-Walton College and propelled the school beyond the standard of excellence. Under Mr. Englett's direction, sports complexes were constructed, a strength center was erected, the gymnasium was renovated, and intercollegiate athletics were reinstated, after nearly 12 years of their absence.

In addition to his outstanding modifications to student life, Mr. Englett developed the Raider Club to supplement institutional scholarship assistance. In just 13 years, the Raider Club has raised over $1 million in fundraising and has substantially increased scholarship aid.

During his tenure at Okaloosa-Walton, Mr. Englett expanded college athletics to encompass much more than sports. He devised a plan for gender equity, increased graduation rates, and because of his efforts, saw his team win 14 Panhandle Conference Championships. His fusion of athletics into college life elevated the school from academic excellence to overall distinction.

Northwest Florida is greatly indebted to Mr. Englett's foresight and ingenuity. His immense dedication to the community has led to an increased enrollment at Okaloosa-Walton College and a greater academic environment.

Madam Speaker, on behalf of the U.S. Congress, I am proud to recognize Michael K. Englett on his outstanding achievements and exemplary service in Okaloosa County and northwest Florida.

TRIBUTE TO LANCE CORPORAL GENTIAN MARKU

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to pay tribute to a hero, LCpl Gentian Marku of Warren, Michigan. Today, I ask that the House of Representatives honor and remember this exceptional young man who died serving his country.

Gentian Marko immigrated with his family to the United States in 1997, at the height of civil unrest in Albania. Once arriving in the United States, Gentian left behind his troubled childhood, and became the intelligent, diligent, and responsible young man that we know. After graduating from Warren Woods Tower High School in 2001, Gentian had hoped to become a police officer. At the recommendation of his father, a former first captain in the Albanian military police, Gentian joined the Marine Corps to help his chances at acceptance to the police academy.

After enlisting in the Marines in August 2002, Gentian was assigned to the First Battalion, Marine Expeditionary Force. In 2003, Gentian returned to Albania during a 2-week exercise with the Marines and served as a translator during meetings with the Albanian military and civilian leaders. Gentian had said it was one of his proudest moments being able to do something for both of his countries.

On November 25, 2004, Lance Corporal Marku was killed in action in Fallujah, Iraq, in the Anbar province. At the time, the Marines had awarded him medals for good conduct, humanitarian service, combat action and other activities.

My thoughts, prayers, and deepest gratitude for their sacrifice go to Gentian's family. There are no words that can relieve their pain and I can only offer to convey my deep respect and highest appreciation.

Madam Speaker, Lance Corporal Marku gave the ultimate sacrifice not only for the freedom and security of his family and our country, but for the people of Iraq. I wish to remember his bravery, conviction, and selflessness as he is honored today.

CONGRATULATING WILLIAM P. BURKE, THE RECIPIENT OF THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK 2008 ACHIEVEMENT AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to William P. Burke, of West Pittston, Pennsylvania, who is the 2008 recipient of the Greater Pittston Friendly Sons of St. Patrick Achievement Award.

He graduated in 1956 from St. John's High School in Pittston and later from the Wilkes-

Barre Business College where he majored in finance and accounting.

Mr. Burke served in the U.S. Army, First Armored Division, Fort Hood, Texas, from 1961 to 1963. Mr. Burke has been an active member of the Friendly Sons of St. Patrick for 52 years.

President Harry S. Truman was guest speaker at the first Friendly Sons banquet Mr. Burke attended. Mr. Burke is a sustaining member and past president of the organization. He was the recipient of the Man of the Year Award in 1991.

Mr. Burke is a charter member of the Wolfe Tone Luzerne County Division I Ancient Order of Hibernians and is presently chairman of the standing committee. He is a member of the President John F. Kennedy Council 372 Knights of Columbus and its Fourth Degree, serving as comptroller for the past 40 years. He is also a member of the Knights of Columbus Choir.

Mr. Burke is a member of St. Casimir, St. John the Baptist, St. John the Evangelist, and St. Joseph Parish, Pittston, where he serves as an usher and a senior altar server. He is also a member of the parish finance council.

Mr. Burke has been a baseball coach in the West Pittston Little League and a basketball coach for the Wyoming Area Catholic High School.

He has served as chairman of the West Pittston Democrat Organization and he is a former member of the Luzerne County Democrat Executive Committee. He also served as parade chairman for the Pittston Tomato Festival.

Mr. Burke is a member of Fox Hill Country Club and the West Side Social Club, Avoca. After 37 years of employment with Pope and Talbot Company, he served for several years as director of purchasing for Luzerne County, a post from which he retired in 2006.

Mr. Burke and his wife, Nora, are the parents of three children. They also have nine grandchildren.

Madam Speaker, please join me in congratulating Mr. Burke on the occasion of this special honor. Mr. Burke's dedication to family and community has improved the quality of life and highlighted the value of service above self.

HONOR THE LIFE OF LIEUTENANT RAFAEL VAZQUEZ

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor the life of Lieutenant Rafael Vazquez of the Palm Beach Fire Rescue. Known as "Ray," this brave firefighter died tragically on Monday, March 3, as a result of a random shooting in West Palm Beach, Florida.

The details of Lt. Vazquez's death are heartbreaking. The 42-year-old lieutenant had just finished eating lunch with his wife, Michele, and their 4-year-old son when, ever the caring parent, Ray decided to go back inside the restaurant to exchange a toy that had come with his child's meal.

It was a fateful decision. Once inside, Ray was met by a deranged gunman, Alburn Edward Blake, who opened fire. When it was over, Lt. Vazquez lay dead and four others were injured. Then Alburn Edward Blake turned the gun on himself.

Ray's life was one of tireless dedication toward protecting his fellow citizens. Formerly a firefighter with the town of Lake Park, he was hired by the Palm Beach Fire Rescue in February 2001 and was promoted to Rescue Lieutenant in January 2007. He had been assigned to Rescue 28 in Royal Palm Beach, Florida. Lt. Vazquez is survived by his wife Michele, an officer with Palm Springs Public Safety, and their 5 children, ages 4–21.

In closing, I think the best way to honor Ray's life in Congress is to let his wife Michele speak for him in her own words. She says, "I don't understand why these horrible things happen. But no horrible thing can take away our memories. My husband was an outstanding father and the most giving husband. He was my best friend; I'm going to miss him so much."

A dedicated firefighter, father, and human being, Lt. Ray Vazquez deserves all the honor and praise this distinguished body can bestow upon him.

INTRODUCTION OF THE FEDERAL LAND ASSISTANCE, MANAGEMENT, AND ENHANCEMENT ACT (FLAME ACT)

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. RAHALL. Madam Speaker, today I am introducing the Federal Land Assistance, Management and Enhancement Act, or the FLAME Act.

Last year, our country saw the devastating effects of catastrophic, emergency wildland fires in southern California. For the past several years, we have witnessed tragic fire seasons that have put American lives and our treasured public lands in harm's way. Fire seasons are getting longer and more intense due to climate change, drought, and other factors.

As a result, Federal fire suppression spending has increased substantially over the past 10 years and projections appear to indicate that this trend will continue into the foreseeable future.

The dramatic rise in these costs is eroding other nonfire programs and impacting the core mission of the Federal land management agencies. In the case of the Forest Service, for example, wildland fire suppression activities now account for approximately 48 percent of its budget. This year's alarming and irresponsible budget request from the Forest Service, which cuts over half of the funding for State and private forestry, continues the sad trend: our Forest Service is turning into the fire service.

Furthermore, both the Forest Service and the Department of the Interior have had to "Rob Peter to Pay Paul" by borrowing funds from other agency accounts to cover the escalating costs of wildland fire suppression. Last year, for example, the Forest Service spent $741 million more than was budgeted for wildland fire suppression, and the Department of the Interior spent $249 million more than was budgeted for wildland fire suppression. And in the case of the Forest Service, the costs of catastrophic, emergency wildland fire suppression activities account for the vast majority of suppression expenditures, as 2 percent of fires account for 80 percent of costs.

Madam Speaker, it is clear that something needs to be done to resolve this problem. That is why today I am introducing the FLAME Act.

The FLAME Act establishes a Federal FLAME fund for catastrophic, emergency wildland fire suppression activities. The FLAME fund would be separate from the budgeted and appropriated agency wildland fire suppression funding and is to be used only for catastrophic, emergency wildland fires. The Federal land management agencies will continue to fund anticipated and predicted wildland fire suppression activities within their annual budgets.

The Secretary of Agriculture and the Secretary of the Interior may declare catastrophic, emergency wildland fire suppression activities eligible for the FLAME fund by issuing a Suppression Emergency Declaration. The declaration will evaluate the size, severity, and threat of the individual wildland fire incident.

The FLAME Act continues our stewardship of all lands by making funds available for catastrophic, emergency wildland fire suppression activities on State and private land consistent with existing agreements. Funds will also be available for catastrophic, emergency wildland fire suppression on Indian lands.

The FLAME Act also requires that the Secretary of Agriculture and the Secretary of the Interior submit a long-overdue report to Congress containing a cohesive wildland fire management strategy. This report will improve efforts to prevent fires on our public lands. This report will address critical fire prevention issues such as identifying a system for assessing the level of fire risk to communities, and indentifying a system to ensure that the highest priority fuels reduction projects are being funded first.

Madam Speaker, catastrophic, emergency wildland fires can cause tragic loss of life. and property. I am proud to be joined in introducing the FLAME Act today by my colleagues Mr. NORM DICKS and Mr. RAÚL GRIJALVA. I look forward to working together to ensure that our country has the necessary tools to combat catastrophic, emergency wildland fires.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Ms. WOOLSEY. Madam Speaker, on March 4, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 88–90.

Had I been present I would have voted:

Rollcall No. 88—"yes"—To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

Rollcall No. 89—"yes"—To direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility.

Rollcall No. 90—"yes"—To provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project.

IN RECOGNITION OF MRS. CORA SAXON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to a special day in the life of a constituent of mine, Mrs. Cora Saxon.

On March 17th, Mrs. Saxon will celebrate her 100th birthday. To help commemorate this special occasion, her friends and family are surprising her with a luncheon in Anniston, Alabama on March 8th.

Mrs. Saxon was born in Clay County, Alabama and was the first daughter born into the family. She was named after each of her aunts, taking her full birth name as Susie Cora Cordia Betty Jo Marie. She later married Henry Elbert Saxon with whom she had one daughter, two grandchildren, and four great grandchildren. She is expecting great great grandchildren to be born in April.

In 1941, Mrs. Saxon and her husband bought a farm on which she later began making candies for a living. Over the years, her small enterprise grew and thrived and was later named Saxon Distributors and Candy Kitchen, Inc. From their humble beginnings, her company grew to 14 stores across Alabama, Georgia and Tennessee.

I would like to congratulate Mrs. Saxon on reaching this important milestone in her life. I wish her a happy birthday and the best in the future, and of course, thank her for so many sweet memories.

ON THE LOSS OF EVE CARSON

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 6, 2008

Mr. PRICE of North Carolina. Madam Speaker, I received news today of a horrific event that has shocked and deeply saddened the University of North Carolina at Chapel Hill community, which I represent.

The Chapel Hill police informed us today that UNC's student body president, Eve Carson, had been shot to death a short distance from campus yesterday morning. This senseless act of violence ended the life of a promising young leader and left a community of family, friends and admirers mourning in disbelief. The police department is sparing no effort to find the people who committed this heinous act and to bring them to justice.

Eve was originally from Athens, Georgia. Since the time she arrived in Chapel Hill in 2004, she excelled in her college career. In addition to being elected student body president, she was a Morehead Scholar, a North Carolina Fellow, a member of the Phi Beta Kappa honor society, and was double majoring in political science and biology.

Eve put a high priority on service to her community. During her college career. she mentored middle school students, taught science to elementary school students, and served as a running coach for young girls.

To Eve, service knew no borders. She spent her summers volunteering in Ecuador, Egypt and Ghana, and she co-chaired a student organization devoted to alleviating hunger around the world.

I recently met Eve at a reception hosted by UNC's Chancellor James Moeser. My wife and I were impressed with this lovely young woman who—it was clear to see—had so much potential to make a difference in the world. She expressed to me her interest in working abroad after graduating in May, perhaps in Africa. At the time of her death, my office was working to help her find a way to realize her goal.

Unfortunately, Eve will not be able to realize that goal.

Our community is deeply sad at the loss of this special person. We also regret the loss for all those who would have been touched by Eves big heart in the future. This is truly a loss for us all.

Our thoughts and prayers are with Eve's family and friends and with the UNC community as they gather on Polk Place this afternoon to remember Eve and to grieve together.

Madam Speaker, I ask permission to include a brief biography of Eve Marie Carson at this point in the RECORD.

BIOGRAPHY OF EVE MARIE CARSON

Eve Marie Carson, 22, was elected student body president at the University of North Carolina at Chapel Hill in February 2007. Her term would have ended in April.

A native of Athens, GA, Eve was born Nov. 19, 1985. She came to Carolina in the fall of 2004 as the recipient of a prestigious Morehead Scholarship. A member of the Phi Beta Kappa honor society, she was a pre-medicine student majoring in both political science and biology. As a North Carolina Fellow, she was part of a four-year leadership development program for undergraduates.

While at UNC-Chapel Hill, she was extremely active in both leadership and service roles. As student body president, she was also a member of the UNC-Chapel Hill Board of Trustees. She served as co-president of the Honors Program Student Executive Board and as a member of the Committee on Scholarships, Awards and Student Aid; the Academic Advising Program, and the Chancellor's committee for University Teaching Awards.

Teaching and working with children were key service interests for Eve. In 2006, she taught science at Frank Porter Graham Elementary School in Chapel Hill as part of UNC's INSPIRE program, whose mission is to encourage young students to pursue science as an interest. In her junior year, Carson was a tutor at Githens Middle School in Durham. She was also an assistant coach in the Girls on the Run of the Triangle, a character development program for girls ages 8–12 that uses running to teach values and a sense of self.

Eve's service extended well beyond the Triangle, however. In the spring of her sophomore year, she participated in a study abroad in Havana, Cuba, and she spent her summers working and volunteering in Ecuador, Egypt and Ghana as part of the Morehead Summer Enrichment program. "I credit my prior experiences, especially my past two Morehead summers, for preparing me to get along with pretty much whatever comes my way," she wrote in an e-mail posted on the Morehead Web site. On campus, she became involved in Nourish International, an organization started by UNC students in 2002 for hunger relief. Eve served as freshman volunteer coordinator (2004) and co-chair (2005) for the group.

The daughter of Bob Carson and Teresa Bethke, Eve was also the student body president of her high school, Clarke Central, in Athens, GA. When she ran for the same office at Carolina, she was elected with 55 percent of the vote in a runoff with a bigger turnout than the previous year's general election.

SENATE—*Friday, March 7, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who unites us with Your love, help the Members of this body to fulfill their duties to You and to each other. Give them the spirit to feel the sorrows and trials of others as they become Your instruments in bringing deliverance to those on life's margins.

Preserve them from selfishness and empower them to walk in Your love. May they receive strength from Your promises, wisdom from Your precepts, and courage from Your Providence. Be their abiding reality as you lead them into paths of loving service. We pray in the Name of Him who is the truth and life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA

Mr. MCCONNELL. Mr. President, nearly an entire year has passed since the nonpartisan Director of National Intelligence, ADM Mike McConnell, warned Congress that America's electronic surveillance law was dangerously out of date and in critical need of repair. The old law was causing us to miss substantial amounts of intelligence on terrorist suspects overseas, and it needed to be fixed.

Yet nearly a year later the problem has still not been resolved. For no good reason, the dangers posed by the old law remain. The Senate has done its part to correct the problem. Last month, we passed a broadly bipartisan bill that fixed the outdated FISA law as well as the temporary bill that replaced it in August.

The only thing now standing in the way of intelligence officials having all the tools they need to monitor terrorists is the House Democratic leadership which is blocking the will of its own majority by refusing to vote on the Senate-passed version of the bill.

The House leadership's actions are quite irresponsible. Worse, they are dangerous. When a temporary 6-month revision of the FISA bill expired last month, House leaders said they needed 15 days to deliberate over a new revision that included legal protections for phone companies that stepped forward after 9/11 to help in the hunt for terrorists.

When those 15 days were up, House Democrats said they needed 3 more weeks. Then they left town for a vacation without acting, despite the urgent pleas of the Director of National Intelligence not to leave the bill undone.

Now, 3 weeks after House Democratic leaders said they needed 3 weeks to work out their concerns, they are ready to go on vacation without acting again, this time on a 2-week spring break. The patience of the American people is wearing thin. It is long past time for the Democratic leadership in the House to do its part.

They face a simple choice: Either take up the Senate-passed bipartisan bill that is guaranteed to pass their Chamber and be signed into law or go on another vacation, leaving the intelligence agents without the tools they need and America more vulnerable to terrorist attack.

Some cynics in the House think there is a third option: They want to pass a new bill that sounds acceptable but which they know would not be signed into law. This is a distinction without a difference. Passing a bill that will not become law is no better than passing no bill at all.

Some news reports, quoting senior Democratic aides, have suggested that a stalemate on the surveillance issue is helpful to both sides politically. This should offend anyone who takes America's security seriously. And it is refuted by the 68 Members of the Senate, Democratic and Republican, who voted last month to put the recommendation of the Director of National Intelligence into law.

The Senate's solid bipartisan action followed months of hard work between the two parties on the bill that met three basic criteria: It allowed intelligence professionals to gather information from terrorists overseas, it protected companies that stepped forward in a time of urgent national need to cooperate in the hunt for terrorists, and it was guaranteed to be signed into law by the President.

If the House Democratic leadership acts responsibly, it will follow the same three criteria by sending a good bill to the White House before the end of next week. The most efficient path to success is to take up the Senate-passed bill which a majority of House Members, we already know, support.

The time for action has long since passed. Democrats have had nearly a year to address this problem. Again and again they have asked for extensions, then failed to act once the deadline ran out. They are akin to students who continually put off their homework then ask the teacher for more time, hoping the final deadline will never come.

The acts of the House Democratic leadership make their purpose abundantly clear. If they had their way, an improved surveillance law would never pass in the only manner that is acceptable to the Director of National Intelligence.

It is not too late for the House to do the right thing. They have a full legislative week ahead to allow a simple up-or-down vote on the Senate bill. Our forces fighting in Iraq and Afghanistan will not be leaving their units for spring break. The House should not recess for theirs until they have voted on the Senate's bipartisan FISA reform legislation; to do anything less would be grossly irresponsible.

HONORING OUR ARMED FORCES

STAFF SERGEANT GEORGE S. RENTSCHLER

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a soldier from Kentucky who was taken from his family, his friends, and his country much too soon. On April 7, 2004, SSG George S. Rentschler of Louisville, in my home State of Kentucky, was on a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

combat patrol in Baghdad when his vehicle was struck by a rocket-propelled grenade. He was 31 years old.

For the bravery Staff Sergeant Rentschler showed in uniform, he received numerous medals, awards and decorations, including the Army Achievement Medal, the Army Commendation Medal, the Purple Heart, and the Bronze Star Medal.

Staff Sergeant Rentschler's loved ones will remember him as the finest coach, the fastest friend, and the most caring husband and son they ever knew. He loved to make people laugh. And he was, as his young son, Scott, succinctly puts it, the greatest dad you could have ever asked for.

An Army veteran of 10 years, Staff Sergeant Rentschler was raised in Louisville. As a kid he loved to play many sports, especially baseball and football. He enjoyed watching sports as well, particularly the University of Louisville, and he enjoyed the Kentucky Derby as well.

Following in his father Gilbert's footsteps, George was also an avid Detroit Lions fan. George's love of sports went beyond watching or playing, he was invested and actively encouraging others as a coach. ''He coached his kids like crazy,'' says George's mother, Lillian.

George got involved with many youth leagues, coaching baseball and football. He even coached a baseball team while stationed at Fort Knox. Many of those boys came to pay their respects at George's funeral, wearing their baseball caps in honor of their coach who taught lessons both on and off the field.

George went to Southern Middle School and Central High School and graduated from Louisville Male High School. After high school George joined the Army. He served as a training officer at Fort Knox where he attended a noncommissioned officer's academy. He also saw duty at Ft. Hood, Texas; Bosnia; and was stationed in Germany.

George's mother, Lillian, says he especially enjoyed his involvement with U.N. missions because he liked going to other countries. ''There wasn't any talking him out of it because he loved doing what he was doing,'' said Lillian. ''He loved his country.''

By the time he was deployed to Iraq, George was assigned to the Army's 1st Battalion, 35th Armor Regiment, 2nd Brigade, 1st Armored Division, based out of Baumholder, Germany.

Before shipping overseas, George was lucky enough to meet Rachel, who would become his wife. They met in a club in Louisville. Rachel noticed George because she thought he had the best manners of anyone there. She was so impressed, she got up and introduced herself.

George and Rachel married on September 11, 1998. Over their entire marriage, she cannot remember him ever being in a bad mood. George and Rachel raised two handsome sons, Scott and Brock. While George was deployed to Iraq, Rachel and the boys lived in Germany.

Family time was important to George, and whether it was an elaborate family vacation or a casual trip to a University of Louisville ball game, he always made time for Rachel, Scott, and Brock.

In George's many coaching endeavors, Rachel often wound up playing the ''team mom.'' George told his family often how proud he was to serve in the military and that he loved the camaraderie of his fellow soldiers. He earned their respect by volunteering for the tough jobs.

George's love of coaching, of bringing out the best in others, carried over to his soldiering career. He talked about one day working in the Pentagon, to train and educate younger soldiers. And he was looking forward to making coaching his profession after leaving active service.

My prayers are with the Rentschler family today after their tragic loss. We are thinking of George's wife Rachel; his sons, Scott and Brock; his mother Lillian; and many other beloved family members and friends.

George was predeceased by his father Gilbert. Staff Sergeant Rentschler's funeral service was held at the Carlisle Avenue Baptist Church in Louisville, and he was buried in Sturgis, KY. At the funeral service for her husband, Rachel said of George: ''He died doing what he loved.''

I want her and the Rentschler family to know George also died a hero, and this Senate honors SSG George S. Rentschler for his life of service. And we honor the immense sacrifice he made on behalf of a grateful nation.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OUTSOURCING THE U.S. AEROSPACE INDUSTRY

Mrs. MURRAY. Mr. President, over the course of this past week, I have come to the Senate floor every single day to sound an alarm about the misguided and potentially dangerous decision to outsource a major piece of our aerospace industry to Europe.

I have talked about the dismay Boeing workers felt in my home State of Washington when they learned the Pentagon had decided to award a contract to build the next generation of aerial refueling tankers not to Boeing but to a French company, Airbus.

I have talked about my shock that we would award Airbus this contract, given the EU's lengthy history of subsidizing these planes in order to create European, not American, jobs.

I have talked about the fact that Airbus is being less than open about how many U.S. jobs it will really create in this country.

All of these are reasons to be deeply troubled about this decision. But today I want to address yet another concern; that is, the ability to control our national security once we have effectively turned over control of our military capability and technology to a foreign government. This is an issue we all need to take a good hard look at.

America's global military strength is built on our ability to use military might anywhere in the world, at a moment's notice. Our aerial refueling tankers are the critical link that allows the U.S. Air Force to stretch across the globe. From Fairchild Air Force Base in my home State of Washington to the Far East, from Andrews to Baghdad, our bombers and our fighters can fly farther and faster because our tankers, which supply fuel in midair, are always there to support them.

Tankers, in fact, are so important to our military that Army GEN Hugh Shelton, who is the former Chairman of the Joint Chiefs, once said the motto of the tanker and airlift forces should be: ''Try fighting without us.''

Until now, the technology that powered these critical planes rested in the hands of Boeing and its American workforce, who have been building them for more than 50 years now.

Until now, our tankers have been built by manufacturers, by designers, and by engineers who have been able to pass on those skills and technology that 50 years of experience brings, and who are bound by law from selling that technology to countries that sponsor terrorism. Well, last Friday, that ended. Last Friday, the Air Force made a decision that will enable a company that is controlled by a foreign government to develop and share that technology. Are we going to look back on this decision and say this is the moment when we threw open the doors to our military technology? Are we going to allow our tankers, a linchpin of our

national defense, to be the first domino to fall?

I have said this before. With one contract, we could wipe out what it has taken our Nation 50 years to build up: an experienced and exceptional aerospace industry. Once it is gone, we are not going to get it back. We will not get it back. Once we lose the ability to produce military technology right here at home, we begin to lose control over our Nation's defense.

This decision effectively gives foreign governments control over aspects of our own national security. In this case, we are giving up control and $40 billion to the European Aeronautical Defense and Space Company called EADS. That is the company that has made no secret of their desire to dismantle our American aerospace industry. In fact, this decision can be seen as a $40 billion investment in the military research budget of EADS and Airbus.

So we are allowing Airbus to take over a cornerstone of our military technology, and we are actually paying them to do it. While that certainly doesn't make sense, the fact that this deal could allow Airbus to share American technology with whomever they please is just plain dangerous.

The Air Force's decision means that American tanker technology, which has been developed over the last 50 years, is now out on the free market, available to the highest bidder. Under American law, the law that Boeing has to abide by, they are prohibited from selling technology to countries that sponsor terrorism. In other words, we have control. We have control over where that technology goes right now. But EADS and Airbus don't have to follow those same restrictions. They have said so in the past, and they have demonstrated that they don't care about giving technology to terrorists. They only care about their bottom line.

In fact, back in 2005, EADS was caught trying to sell military helicopters to Iran. But if the company is so pro-American, as they are saying right now, why was it ignoring U.S. policy to isolate Iran? Well, the answer to that question was simple to EADS Representative Michel Tripier. When he was asked about this back in 2005, his response was:

> As a European company, we are not supposed to take into account embargoes from the U.S.

Let me repeat that. Here is what he said:

> As a European company, we are not supposed to take into account embargoes from the U.S.

In 2006, EADS, the parent company of Airbus, proved they meant it when they tried to sell transport and patrol planes to Venezuela. That is a circumvention of U.S. law.

What if in the years to come Airbus wants to sell their tanker technology to Pakistan, to China, or to Iran? I wish to remind my colleagues that Russia now owns 5 percent of EADS, and it is pushing for 10 percent more. The United Arab Emirates now controls 7.5 percent of EADS.

What the Air Force has done is extremely shortsighted. They have said it wasn't their responsibility to take our security or our industry into account. Well, I say to my colleagues: Then Congress has to. Congress has to. We need to be more forward-looking than the Air Force was last Friday.

What happens in 20 years if EADS is controlled by countries that disagree with our policy on, say, Israel or elsewhere in the Middle East or around the globe? What if they decide to slow down production of tankers, to put us at a strategic disadvantage? Right now, we have no way to prevent that.

Where do we go from here? What other aspect of our military technology are we Americans willing to part with? Our aerial tankers are the backbone of our military strength. But what about our other critical military supplies? Are we going to outsource our tanks? Are we going to outsource our military satellites? What about the missiles that are currently made in Alabama? Are we going to outsource those? What about the equipment that has to be delivered constantly to our troops in the field? Are we going to outsource our meals ready to eat, our ammunition? I would not support that, and I know many of my colleagues wouldn't either.

So I am here to ask all of us: Where do we draw the line? The Air Force said it wasn't their job to consider the future of our national security and defense, but we as Senators have taken an oath to do that.

I urge all my colleagues to take pause and truly think about the consequences of this shortsighted contract. The American people and our national security are depending on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Missouri is recognized.

(The remarks of Mr. BOND pertaining to the introduction of S. 2734 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BOND. I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Massachusetts is recognized.

IMMIGRATION

Mr. KENNEDY. Mr. President, our Republican friends are at it again—offering simplistic and unworkable proposals in response to complex immigration issues. Our immigration policies should not only be about security and our economy, but they should reflect our humanity, decency, and morality. We are a Nation of immigrants. Immigrants are devoted to hard work, their families, their faith, and to America.

Mr. President, 70,000 immigrants served honorably in our Armed Forces, and many have given their lives in Iraq and Afghanistan. Those are the values that have built America and we should welcome them.

But you would never know it from the misplaced immigration priorities of my Republican colleagues. Rather than tackle the Nation's priorities, they continue to cater to the basest instincts of the far right fringe. For 7 years, Republicans have failed to fix the broken immigration system, offering only divisive measures and empty rhetoric that subvert our values as a Nation of immigrants, undermine our national security, and leave American jobs unprotected.

It is time to get real. Approximately 12 million people are living in our country outside the system. That is more than the population of New York City. Illegal immigrants are here because there are jobs, and there are jobs because employers know they can get away with breaking the law and abusing illegal workers. The past 7 years should have taught the Republicans that deportation alone doesn't work.

Don't the Republicans get it? Deportation-only policies have failed spectacularly. Existing control efforts are unacceptably costly. We now spend over $10 billion on border and interior enforcement, and the system is more dysfunctional and lawless than ever.

These expenditures barely scratch the surface of the true costs enacted by our current policies. Heavy-handed enforcement hurts U.S. citizens living in the border region. These communities bear the brunt of environmental degradation, noise and light pollution and surging border-area violence. In spite of these escalating costs, illegal immigration continues unchecked.

Even when Republicans are given the tools, they don't use them. Last year, the Bush administration prosecuted only four employers for hiring illegal immigrants. It is time to stop coddling employers who break our laws and undercut American workers. It is time to force bad actor employers to respect our immigration and labor laws, to provide fair wages, to offer decent working conditions, to value the rights and contributions of the workers they employ, including American workers. And it is time to punish those employers who don't.

Let it be known the Republican agenda isn't based on real solutions. Instead, they have been cynically using the immigration problem to stir up local resentment and fear. They have vilified and attacked immigrants, especially Latinos. First, they proposed to criminalize priests and those who help immigrants. Remember the bill that passed the House of Representatives under the Republican leadership that said you have situations where we have several million children who are American citizens; they have mothers who

may be undocumented. Under their law, the mothers had to be deported. If a mother went and talked to a priest and asked: Where is my responsibility, to comply with the law or look after my child, if that priest were to suggest that her first responsibility was to look after that child, under the Republican law, that priest could have been indicted as an accessory after the fact. That was Cardinal Mahoney, the great cardinal from Los Angeles, who spoke out on this issue with such credibility and outrage. Then they opposed comprehensive immigration reform that we had on the floor of the Senate. Two-thirds of the Democrats said yes; two-thirds of the Republicans said no. Now we have their proposal as introduced this week.

What do the Republicans have against immigrants?

When immigrants are abused, all Americans suffer. Employers can get away with depressing our wages, neglecting working conditions for all workers, immigrants, and citizens.

This isn't leadership and, sadly, it is not new. It is a continuation of a decades-old Republican strategy to scapegoat and marginalize vulnerable minority communities, to fan the flames of fear and divert attention away from their own inaction and failures.

The Republican leadership may not get it, but the American public does. Americans understand that reforming our immigration system is a complex challenge and requires a tough, fair and, above all, realistic solution. They know it is time for change and time to find a way forward.

We need to require the 12 million undocumented immigrants in this country to register with the Government and get legal. This includes payment of appropriate fees and fines, submitting to extensive security and background checks, learning English, and paying any U.S. taxes they owe. We need to deport those who have committed serious crimes or represent a threat to our national security; to implement border control that is well resourced, utilizes modern technology and is effective and humane at the same time; target and punish employers who flaunt the law by hiring those who are not authorized to work; assist States and local communities that are affected by high rates of immigration by helping to defray health, education, and criminal costs; and ensure that American workers are helped, not harmed, by U.S. immigration policy.

Instead of embracing these goals, the Republicans want to deny local communities funding for community policing because such communities recognize that earning the trust of immigrant communities helps to combat crime. They would condemn victims of domestic and sexual violence to a life of abuse, unable to come forward to report such crimes.

They want to force all American workers to prove their eligibility to work based on a database that is so flawed it will result in the denial of employment to millions of authorized workers, including American workers and American citizens. This in a time when workers are struggling to put food on the table, pay their bills, and hold onto their homes.

They want to subsidize sweetheart Government contracts with taxpayers' money to build exorbitantly expensive fences that have shown little promise in stopping illegal immigration, and they want to take property away from American landowners to build these fences. These ideas don't just hurt immigrants, they hurt Americans.

Senate Democrats have led an effort to fix our broken immigration system not once but twice. That legislation was pragmatic, recognizing it is impractical to deport 12 million illegal immigrants. That legislation recognized the Government must seize control of our immigration system and implement border enforcement that is both effective and humane, while aggressively going after and penalizing employers that knowingly break the law and profit off illegal immigrants. It also included a roadmap for future orderly immigration that would uphold American values, support the American economy, and ensure that immigration, first and foremost, serves the interests of Americans.

The majority of Republicans turned their backs on workable solutions. They chose instead to grandstand the issue and push a delusional ''round 'em up and kick 'em out'' agenda. And here they are again in this new political season playing the same old tired tune. This country deserves better.

I challenge my Republican colleagues to demonstrate the courage and fortitude it will take to pass legislation that is tough, effective, workable, and gives the American public what it deserves: an immigration system that serves the economic, social, and security needs of 21st century America. Anything less is a disgraceful insult to the American people.

CREDIT MARKET AND STUDENT LOANS

Mr. KENNEDY. Mr. President, I wish to take a few moments to discuss a growing problem for students and families struggling to pay for college.

Americans are anxious about their economic futures. They are seeing volatile markets, disappearing jobs, home foreclosures, rising debt, and declining benefits. Now the crisis in the credit market, stemming from irresponsible lending practices in the mortgage industry, may impact their ability to secure student loans at fair rates so their children can go to the college of their choice.

We all know that student loans are critical for millions of students and parents trying to pay for college. In the last 20 years, as the cost of college has tripled, more and more students are relying on students loans to afford a college education.

In 1993, less than half of all graduates had to take out loans, but in 2004, nearly two-thirds had to take out loans to finance their education.

This chart shows how more students must take out loans to finance their education. In 1993, if you look at the students taking out loans, and then here in 2004, you can see that as the cost of college has risen and grant aid has not kept pace, more and more students have to turn to loans. This difference has made students borrowing in the private sector—in many instances at exorbitant rates. It is this area, in the private sector, that is at risk. The federal student loan system is not affected in the same way. I will say more about that in my remarks.

Last year, we passed legislation that increased grant aid and ensured that Federal loans were cheaper for students by cutting interest rates. We also ensured that no graduate would have to pay more than 15 percent of their income in monthly loan payments and that those who enter public service will have their loans forgiven. But these benefits will be meaningless if these students cannot access the loans they need to be able to afford the college of their choice.

In recent weeks, the credit market crisis has made it more difficult for student lenders to secure capital. This has increased the cost of lending, causing some lenders to pull out of the student loan market and causing those operating outside the Federal loan program to cut back on lending to high-risk borrowers.

Due to the attractiveness of the Federal guarantee in the federally subsidized program—so far—other lenders are stepping up to fill in the gaps in that program. And the interest rates in that program are capped so students are protected from inflated interest payments.

But students who need to go beyond the Federal loan program will have a tougher time finding lenders, and their rates will go up in the fall. Schools are beginning to sound alarm bells and telling students to get their loans now because they may be less available in the fall.

We must take action to ensure that students have the resources they need to attend college. We must ensure that the backstops built into the Federal loan program, designed to protect students and parents from the kind of credit market disruptions we are seeing today, are ready to be implemented.

One of those backstops is the Direct Loan Program. It allows students and

parents to borrow directly from the Federal Government without going through a bank. The Secretary of Education uses funds from the U.S. Treasury to make the loans. This program does not rely on capital from the private financial markets, so it is completely insulated from the disruptions the market is experiencing today.

Current law allows the Secretary to advance capital to designated Lenders-of-Last-Resort so they can step in if students are having trouble finding loans through other banks.

These programs are already in the law. And nearly 2,000 colleges are already either using or signed up to use the Direct Loan Program. Last week, I wrote to Secretary Spellings urging her to take any necessary action to ensure that schools that rely solely on private banks can easily access the Direct Loan Program and to ensure that procedures are in place to set up lenders of last resort.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to Secretary Spellings at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, we must also ensure that students who are borrowing outside the Federal loan program are protected. A good first step is to make sure parents and students are aware of their options. According to the Department of Education, many students who turn to private loans—high-cost loans that are not subsidized by the Federal Government—are not taking advantage of the grant aid and low-interest loans that they are eligible for under Federal programs. This is unacceptable. We need to make sure college financial aid advisers are giving students the information they need to maximize student aid and get the best deals on their loans.

We are currently in conference with the House on the Higher Education Act. That bill will ensure that we do just that. It will help students make the most of the college aid they are eligible for by requiring lenders to disclose—on private loan applications and the documents they sign before a loan is made—that students may be eligible for grants from the Federal Government, their State, and their college, as well as lower-cost loans from the federally subsidized program. We also require additional counseling by the financial aid experts for students regarding their student aid options.

For families who need additional loans beyond the Federal loans while they are in school, we must ensure they can access loans at affordable rates in the private markets. We are working with our colleagues in the Banking Committee, led by the committee's chair, Senator DODD, on this issue. I also plan to offer legislation that will expand the eligibility for low-cost Government loans for these students.

In the coming weeks, the Committee I chair, which deals with education issues, will convene hearings so we can hear directly from those affected. We will also continue to monitor the Department of Education's efforts to implement the existing safeguards in the Federal programs.

In today's uncertain economy, Congress has an obligation to provide a steady hand and to shore up programs on which Americans depend. Nothing can be more important than ensuring that families can afford a college degree.

EXHIBIT 1

Washington, DC, February 28, 2008.

Hon. MARGARET SPELLINGS,
Secretary of Education, U.S. Department of Education, Washington, DC.

DEAR SECRETARY SPELLINGS: As you know, the U.S. capital market has been experiencing stress as a result of the sub-prime mortgage crisis and investor uncertainty about the condition of the economy. Recently, certain student loan lenders have encountered difficulties in accessing the capital market to finance their lending activity. While these disruptions have had an impact on some lenders, they so far have not negatively affected students' ability to access federal loans. Some lenders have expressed concern about their ability to continue to make loans through the Federal Family Education Loan Program (FFELP), but others are anticipating increasing their student loan business in response to changes in the FFEL marketplace. As you know, there are several tools already in statute that protect against any unforeseen disruptions in the private capital markets. We urge you to take any steps necessary to ensure that these options are readily available so that recent activity in the credit markets does not adversely affect students' ability to secure federal student loans in a timely manner

Since the capital market disruptions began, we have been closely monitoring the situation and its potential impact on the Federal student loan programs. We and our staffs have held in-depth discussions, and will continue meeting with, the many stakeholders involved in delivering Federal college loans to students and families, including schools, lenders, guaranty agencies, secondary markets, investment bankers, and officials of various Federal agencies, including the Departments of Education and Treasury. Through these discussions we have gained a detailed understanding of how the current difficulties in the credit markets might affect some segments of the FFELP industry, especially those lenders that have relied on the auction rate securities market.

While we are hopeful that overall credit market conditions will soon improve, subsequently easing the constraints some in the FFELP industry currently face, it is only prudent to prepare now to ensure that these conditions do not negatively impact students' ability to access Federal student loans. As we have seen far too often, shocks in the credit and financial markets come as a surprise, leaving those affected little time to react.

Having plans in place and operational now will help ensure that all stakeholders, including institutions and the federal government, can respond to any potential loan access problems with the least possible delay for students, families, and schools. More importantly, such plans will provide students and families with the assurance that they will continue to be able to obtain Federal student loans to finance their education.

The Department of Education needs to be prepared to use the tools the Congress has provided to ensure that all eligible students continue to have uninterrupted and timely access to Federal student loans, in the unlikely event that stress in the credit market leads a significant number of lenders to substantially reduce their activity in FFELP.

First, the Department of Education should update plans to implement a lender-of-last resort program in the instance that there are widespread student loan access problems and take all available steps to ensure these plans can become operational quickly, if necessary. As you know, under existing law FFELP guaranty agencies are obligated to serve as lenders-of-last resort to avert any possible problem in access to student loans, thereby providing a nationwide network of backstop lenders. Further, you have the authority to advance federal funds to guaranty agencies to provide them with loan capital if needed. While such a program has not been previously implemented for the FFELP, the Department had established such a plan in 1998, when some FFELP lenders were then indicating that they might withdraw from the guaranteed loan program. Updating these plans now will help ensure that deploying such a contingency can he done at the first sign of any problems experienced by schools or borrowers in obtaining Federal student loans from a FFELP lender.

Second, the Department of Education should take action to ensure that the Direct Loan program is fully prepared to respond to any unanticipated increase in demand for the program. As you know, the Direct Loan program does not rely on private lenders and therefore will not be affected by the changes in the credit market. Based on our discussions with Department officials, financial aid officials from schools currently participating in the Direct Loan program, and others, we are confident that the program could help alleviate any potential problem that borrowers or schools may face should FFELP lenders continue to face difficulties and withdraw from the program. The Department needs to take steps to ensure its plans to facilitate and expedite a school's transition from the FFELP to the Direct Loan program on either a temporary or permanent basis can be immediately executed, should a school so desire. In addition, it is important for the Department to ensure that adequate capacity exists to absorb any increases in additional loan volume.

Finally, we understand that you will soon be corresponding with colleges about the state of the Federal student loan programs. We request that in such correspondence you make readily available information on the option of participating in the Direct Loan program and on lender of last resort procedures.

We are encouraged that the Department has begun to examine these options, but we look forward to hearing about further contingency plans that would allow the Department to act immediately to ensure all students and families continue to have access to federal student loans in a timely manner.

We stand ready to provide you with any needed assistance that you believe will be necessary in undertaking the two important steps outlined above.

Sincerely,

EDWARD M. KENNEDY,

Chairman, Senate Committee on Health, Education, Labor, and Pensions.

GEORGE MILLER,
Chairman, House Committee on Education and Labor.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSING CRISIS

Mr. SALAZAR. Mr. President, I come to the floor of the Senate today to call again upon our colleagues in this chamber to move forward with a package that addresses housing challenges we face here in America today.

The dream of American home ownership is very much at risk today. We are seeing a housing crisis and a financial crisis here in America that is unparalleled in recent times. In fact, when you speak to the home mortgage industry as well as the homebuilders, as well as the homeowners, they will all tell you we have not seen anything like this in America since the Great Depression. The statistics and the facts are there to demonstrate this, as well as the reality of people who are losing their homes, and more than even those who are losing their homes, who have to go through the pain and heartache of losing their homes because they cannot afford to pay the adjusted rate mortgages which are putting them in a position where they cannot afford to stay in their homes. It is also a pain that spreads across to all homeowners of America because when you have the kind of foreclosure situation in which we find ourselves in America today, that pain is one that is felt by all of those who are homeowners.

This chart is a chart that was prepared by Moody's, a group of economists that came up essentially to give us the facts and the statistics that demonstrate, without equivocation, that this is an unprecedented housing downturn we are seeing. This is a worse downturn than anything we saw in the 1990s and the 1980s, and, in fact, their conclusion is that we have never seen such a downturn since the Great Depression.

I wish to point out two things on this chart. The first is that the housing prices are projected to decline overall across the Nation by nearly 16 percent. We know that most Americans, most middle-class Americans in this country who are in a home have most of their equity, their value in life, tied up in their home. So when you have a decline in their home values by 16 percent, you are impacting the American homeowners in a very significant way. That is why, when we talk about the foreclosure crisis which is facing America, it is not about those who are on the verge of losing their homes; it is about all American homeowners because of the kind of price decline we are seeing in values in homes all across America.

A 16-percent decline in home values, I would suspect, is something that is of grave concern to most Americans. I would think this Chamber, as well as our colleagues in the House of Representatives, as well as the White House, should be saying that as part of an economic stimulus package, we ought to pivot over to the housing issues that face America and do something to restore confidence in the housing markets of America.

Another indicator from Moody's, as you see in this chart, is with respect to housing starts. You look at the trough in housing starts in the 1980s, where housing starts declined to about 58 percent. Well, the economists are telling us now that given the high rates of foreclosure, what is happening is there is no end in sight. This red line has no end in sight, where you have a 60-percent decline in housing starts. We do not know how far that is going to go. When you have that kind of decline in housing starts, you are going to be affecting several hundred thousand Americans who are in the job market as part of the housing industry.

So these statistics, which are national statistics out of Moody's, should be telling us all that we should be doing something about the housing crisis here in America.

I am certain the Presiding Officer from Ohio can paint a similar picture about the housing problems in Ohio because there is a problem in the Presiding Officer's State as well as Florida and Nevada and California and many other States around the country.

When I look at what the housing crisis means for the 5 million people in Colorado, it tells me we have a severe problem in my State as well. Today in Colorado, 1 out of every 376 homes is in foreclosure. That is the highest rate of foreclosure we have seen in the history of the State. It is unprecedented. We are not yet at the point where we have hit bottom.

If you look at foreclosures that are expected to occur between 2008 and 2009 in Colorado, projections are that nearly 50,000 homes—49,923—will go into foreclosure. For a State with 5 million people, that is a significant number. What will that mean in terms of the impact on other homeowners around the State? About 748,000 homes are going to suffer a significant decline in value. That is about half of all the homes in the State of Colorado.

When Majority Leader REID, now more than a week ago, came to the Chamber and said what we ought to do is pivot off of the economic stimulus package, which we worked out with the President, and move forward to address some other ailments in the economy—and he said the first of those ailments is the housing crisis—he was right. This Chamber should have moved forward and started to address the housing crisis. Instead, we ended up in 1 of the now 73 filibusters we have had to address.

I hope my colleagues, Republican and Democratic, come back and say: No, this is too serious an issue. It is something we have to address with the 2008 Foreclosure Prevention Act which Majority Leader REID had filed at the desk and, with amendments, we can try to make sure we have an effective remedy for this ailment we are facing in America today.

When you pick up the newspapers of today, they show this is a problem that continues to be at the highest level of attention for our people. USA Today, in its headline, talks about how home equity is below the 50-percent level. That is a figure that came out of the Federal Reserve Board yesterday. It is the lowest home equity level since 1945. To me that is another clarion call for this Congress to do something about the housing issue.

Pick up the Wall Street Journal from today. It reads: ''Housing and Bank Troubles Deepen.'' The statistics are all there. We know we have a huge problem on our hands in terms of this pillar of the economy ailing. We also know this is causing pain to American homeowners, and the dream of American home ownership is in jeopardy today.

I call on my colleagues in the Senate to move forward and address this issue in a robust way. I am hopeful in succeeding weeks we are able to put together a coalition of Democrats and Republicans who say that this housing crisis must be addressed now for the sake of the American people.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN INTELLIGENCE SURVEILLANCE

Mr. KYL. Mr. President, it has now been 20 days since the law that allows us to collect foreign intelligence abroad has lapsed. We are without the authority we need to collect intelligence against our terrorist enemy.

The law expired February 16. The Senate passed a bill, a bipartisan bill, with 68 Senators voting yes, Democrats and Republicans. It was fashioned by the Intelligence Committee which passed it 13 to 2, a wide bipartisan margin, clearly a consensus that the United States must have authority for intelligence collection against our terrorist enemies. We passed that bill, sent it to the House of Representatives hoping that the House would act quickly, send it to the President for signature so we could get on with this important aspect of the war against terror. So far the House of Representatives leadership has not brought the bill to the floor of the House; this notwithstanding the fact that it clearly would pass. We know, because of letters Members of the House of Representatives have written to their leadership, that Democrats and Republicans together have more than enough votes to pass this legislation we in the Senate passed. Yet the House leadership sits on its hands.

Three weeks ago the House leadership said it needed 3 weeks to get the job done. That 3 weeks expires Sunday. But the House is not even in session now. So today I rise to urge our House colleagues and especially the House leadership to step to the plate and pass this foreign intelligence surveillance act reauthorization to enable us to collect intelligence.

I am going to, at the conclusion of my remarks, ask unanimous consent to put a variety of things in the RECORD. But I am going to refer to them now and talk a little bit about why this is so important.

Let's start by stating the premise on which I think we all agree. This is something that does not divide Democrats and Republicans. We have some divisions about the war against terror. We have some divisions about the war in Iraq. But all of us understand, first and foremost, you defeat terrorists with good intelligence. You find out what they are up to, and you are, therefore, better able to stop their plans before they are able to execute them.

Without this intelligence, bad things happen. We did not have the intelligence we needed before 9/11, and we all know what happened. Since then, a lot of changes have been made. Among other things, we have made changes to the law that enables us to collect intelligence abroad. As a result of all of those changes, we have not had an attack on the homeland.

God forbid we should have such an attack, but if we did, the new 9/11 Commission—whatever that would be called—would point the finger directly at the leadership of the House of Representatives for not reauthorizing this intelligence collection because every day that goes by we are losing important intelligence.

As we found out through the 9/11 Commission after that fateful day, we failed to see things we could have known about that might have prevented us from suffering that attack on 9/11. But because of the law that existed at the time, because of the wall that existed between the CIA and the FBI, for example, they were not able to share this information. As a result, we were not able to intercept two of the hijackers.

Well, now, today we have a situation where the law that enables us to collect this foreign intelligence has expired. There are two problems with that expiration. The first is that every day that goes by new intelligence is not being collected. You could have a terrorist in Afghanistan calling a terrorist in Germany, plotting some action against the United States, and because the call happened to be routed through a U.S. connection of some kind the law would not enable us to collect that intelligence. So every day we are losing intelligence.

Secondly, because the telecommunications companies that help us in this effort have been sued by trial lawyers, we need to provide protection against these lawsuits. If we do not, there will come a time, in my opinion, that it will be very difficult for these telecommunications companies to continue to cooperate with the U.S. Government. Then, no matter what kind of law we passed, we would not have the support of the only folks who can help us collect this intelligence. So we need this legislation, and the House of Representatives needs to act soon.

There was recently an op-ed that was written by Senator KIT BOND and Representatives PETE HOEKSTRA and LAMAR SMITH. It occurred in the Wall Street Journal on February 26. They point out, in this op-ed, that the intercept of these terrorist communications ''requires the cooperation of our telecommunications companies. They're already being sued for having cooperated with the government after 9/11.'' They go on to say:

> So without explicit protection for future actions (and civil liability protection for the help they provided in the past), those companies critical to collecting actionable intelligence could be sidelined in the fight.

They go on to say:

> It has already happened, briefly.

They quote Director of Intelligence Mike McConnell and Attorney General Michael Mukasey saying:

> [W]e have lost intelligence information . . . as a direct result of [this] uncertainty.

So, Mr. President, I ask unanimous consent this article, dated February 26, 2008, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 26, 2008]

IN CASE YOU MISSED IT: HARD OF HEARING

(By Reps. Kit Bond, Pete Hoekstra and Lamar Smith)

Are Americans as safe today as they were before Congress allowed the Protect America Act to expire on Feb. 16?

House Speaker Nancy Pelosi and other Democrats say we are. They go so far as to say that the Protect America Act—put in place last year to overcome obstacles in the Foreign Intelligence Surveillance Act (FISA) that make it harder to intercept terrorist communications—was not even necessary. In the Washington Post yesterday, Sens. Jay Rockefeller and Patrick Leahy, and Reps. Silvestre Reyes and John Conyers, wrote that our intelligence agencies can collect all the intelligence they need under FISA.

That is simply false. We are less safe today and will remain so until Congress clears up the legal uncertainty for companies that assist in collecting intelligence for the government—and until it gives explicit permission to our intelligence agencies to intercept, without a warrant, foreign communications that pass through the U.S. Here's why:

Intercepting terrorist communications requires the cooperation of our telecommunications companies. They're already being sued for having cooperated with the government after 9/11. So without explicit protection for future actions (and civil liability protection for the help they provided in the past), those companies critical to collecting actionable intelligence could be sidelined in the fight.

It has already happened, briefly. ''[W]e have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act,'' Director of National Intelligence Mike McConnell and Attorney General Michael Mukasey wrote in a letter dated Feb. 22 to Mr. Reyes, the chairman of the House Intelligence Committee.

The old FISA law does not adequately protect the U.S., which is why it was revised by the Protect America Act last summer. The problem is that, although it has a few workaround-provisions, such as allowing intelligence agencies to conduct surveillance for up to 72 hours without a warrant, FISA ultimately requires those agencies to jump through too many legal hurdles. Those include the Fourth Amendment's ''probable cause'' requirements, protections never intended for suspected terrorists' communications that are routed through the U.S.

It is true that the FISA Court approves the vast majority of warrants sought by intelligence agencies. This demonstrates that our intelligence agencies are professional and painstakingly provide all of the necessary evidence to establish probable cause to the Court. But in the fast-paced intelligence world, and when dealing with foreign communications, we need our agencies to be able to intercept a far greater number of comunications—notably those of foreign terrorists—than can be justified under the Fourth Amendment.

Telecommunications companies are for now, after intense negotiations, cooperating with the government under the assumption that protections granted to them under the Protect America Act will be upheld in court, even though the law is now defunct. But there is no guarantee that the courts will do any such thing. There is also no guarantee that corporate executives, under pressure from their legal counsels and shareholders to limit liabilities, will continue to cooperate.

The cooperation of the telecommunications companies is limited to intercepting

communications of terrorists identified before the Protect America Act lapsed. Until intelligence agencies can chase leads involving foreign communications, the U.S. will not be as safe as it was just a few weeks ago.

Further extending the Protect America Act is no way to fight a war against a determined enemy that uses our infrastructure against us. We need a long-term fix for FISA; and that is what a bipartisan majority in the Senate tried to accomplish earlier this month when it passed its FISA modernization bill by a 68–29 margin.

The problem is in the House, where Democratic leaders prefer to play an obstructionist role instead of constructing the architecture we need to fight an intelligence-driven war. Instead of voting on the Senate bill, even though a majority of House members stand ready to pass it, Mrs. Pelosi is still sitting on it. She is now pushing for a ''compromise'' that would gut many of the provisions that secure the cooperation of telecommunications companies.

Our troops collect intelligence in Iraq and Afghanistan on a daily basis. We must exploit quickly the leads they turn up. Court orders should not be necessary to engage foreign targets in foreign countries. The Senate bill must be allowed to come to a vote in the House of Representatives without further delay.

Mr. KYL. Secondly, a letter was written to Congressman HOEKSTRA, the ranking member of the House Intelligence Committee, and LAMAR SMITH, ranking member of the House Committee on the Judiciary, dated March 6 of this year, signed by Attorney General Mukasey and Admiral McConnell, Director of National Intelligence. I am going to quote a couple of lines from it:

We write in response to your letter of March 5 concerning the core surveillance authorities needed in any modernization of the Foreign Intelligence Surveillance Act of 1978.

. . . As we have explained in prior correspondence, the RESTORE Act—

Which is the bill that had been passed by the House of Representatives earlier—

. . . would seriously undermine these authorities and may well reopen the gaps temporarily closed by the Protect America Act. The RESTORE Act, or legislation similar to it, is, in short, no substitute for the bipartisan Senate bill.

Mr. President, I ask unanimous consent that this letter of March 6, to which I just referred, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 6, 2008.

Hon. PETE HOEKSTRA,
Ranking Member, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

Hon. LAMAR SMITH,
Ranking Member, House Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN HOEKSTRA AND CONGRESSMAN SMITH: We write in response to your letter of March 5 concerning the core surveillance authorities needed in any modernization of the Foreign Intelligence Surveillance Act of 1978 (FISA). We appreciate the seriousness of Congress's engagement in this critical issue. As you note, much of the recent discussion concerning FISA reform has centered on liability protection for electronic communication service providers who assisted the Government in preventing another terrorist attack after September 11, 2001. The liability protection provisions of the Rockefeller-Bond FISA modernization bill, passed by a strong bipartisan majority in the Senate and now pending in the House of Representatives, provide precisely the protection from civil suits that our national security requires. Although liability protection is critical to any FISA modernization proposal, equally if not more important to our efforts to protect our nation from terrorist attack and other foreign intelligence threats are the carefully drafted authorities that modernize FISA for the technologies of the 21st century. These authorities address the operational aspects of conducting surveillance of foreign terrorists and other threats overseas, and we urge that they not be altered.

Over the past year, the Intelligence Community and the Department of Justice have worked closely with Congress, first to pass the Protect America Act last summer by a bipartisan majority in both the House and Senate as a short-term measure to enable us to close dangerous intelligence gaps and then to create a long-term framework for foreign intelligence surveillance of individuals outside the United States. Those months of bipartisan effort and of careful compromise are reflected in the bill passed by the Senate, a bill that we believe would also enjoy the support of a majority of the members of the House of Representatives. Title I of the Senate bill would preserve the core authorities of the Protect America Act—authorities that have helped us to obtain exactly the type of information we need to keep America safe. For example, the Senate bill would allow the Government to continue collecting foreign intelligence information against foreign terrorists and other foreign intelligence targets located outside the United States without obtaining prior court approval. Initiating surveillance of individuals abroad without awaiting a court order will ensure that we will keep closed the intelligence gaps that existed before the passage of the Protect America Act.

It is essential to our national security that any legislation passed by the House of Representatives not weaken the intelligence collection authorities provided in the Protect America Act, which are preserved in Title I of the Senate bill. As we have explained in prior correspondence, the RESTORE Act, passed by the House last November, would seriously undermine these authorities and may well reopen the gaps temporarily closed by the Protect America Act. The RESTORE Act, or legislation similar to it, is, in short, no substitute for the bipartisan Senate bill. Even seemingly small changes to the Senate bill may have serious operational consequences. It is our firm belief that the Senate bill provides our intelligence professionals the tools they need to protect the country.

Title I of the Senate bill also protects the civil liberties of Americans. In fact, the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the RESTORE Act. For example, the bill would require for the first time that a court order be obtained to conduct foreign intelligence surveillance of an American abroad. Historically, such surveillance has been conducted pursuant to Executive Branch procedures when, for example, a U.S. person was acting as an agent of a foreign power, e.g., spying on behalf of a foreign government. This change contained in the Senate bill is a significant increase in the involvement of the FISA Court in these surveillance activities. Other provisions of the bill address concerns that some have voiced about the Protect America Act, such as clarifying that the Government cannot ''reverse target'' without a court order.

The bill substantially increases the role of the FISA Court and of Congress in overseeing acquisitions of foreign intelligence information from foreign terrorists and other national security threats located outside the United States. Under the Senate bill, the Court would review certifications by the Attorney General and the Director of National Intelligence relating to such acquisitions, the targeting procedures used by the Government to conduct acquisitions under the Act, and the minimization procedures used by the Government to ensure that such acquisitions do not invade the privacy of Americans. The bill would require the Attorney General and the Director of National Intelligence to conduct semiannual assessments of compliance with targeting procedures and minimization procedures and to submit those assessments to the FISA Court and to Congress. The FISA Court and Congress would also receive annual reviews relating to those acquisitions prepared by the heads of agencies that use the authorities of the bill. In addition, the bill requires the Attorney General to submit to Congress a report at least semiannually concerning the implementation of the authorities provided by the bill and would expand the categories of FISA-related court documents that the Government must provide to the congressional intelligence and judiciary committees.

We remain prepared to work with Congress towards the passage of a long-term FISA modernization bill that would strengthen the Nation's intelligence capabilities while protecting the civil liberties of Americans, so that the President can sign such a bill into law. Congress has such legislation before it—the bipartisan Senate bill—and the authorities provided in Title I of that bill strike a careful balance and should not be altered.

Sincerely,

MICHAEL B. MUKASEY,
Attorney General.

J.M. MCCONNELL,
Director of National Intelligence.

Mr. KYL. The point of this letter, of course, is to urge the House to adopt the bill passed by the Senate.

The next item I would like to have printed in the RECORD is a note from the American Legion Commander, in which he urges, on February 25 of this year, that Congress pass the bill passed by the Senate. He pointed out that ''the National Intelligence Estimate noted that the United States will face a persistent and evolving threat over the next three years, with the main threat coming from Islamic terrorist groups and cells.'' And he says:

It defies all common sense to give lawsuits a higher priority than national security. The American people expect Congress to protect America, not the lawsuit lobby. This surveillance is aimed at terrorists who want to kill innocent Americans. The government is not interested in phone calls that you make to Aunt Sally.

Mr. President, I ask unanimous consent that that item be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN LEGION COMMANDER TO CONGRESS: PASS SURVEILLANCE LAW NOW

INDIANAPOLIS (February 25, 2008).—Congress should put America's national security ahead of frivolous lawsuits, American Legion National Commander Marty Conatser said today. The head of the nation's largest veterans organization sent a letter to members of the House of Representatives, urging them to pass an important intelligence-gathering law immediately.

''Since this war began, the Congress has done an exemplary job of ensuring that the nation's fighting men and women are the best-trained and best-equipped military ever in American history,'' National Commander Marty Conatser wrote. ''Today, The American Legion asks you to continue this precedent by equipping the intelligence assets with the necessary tools needed to provide these dedicated troops the very best information available by timely enactment of S. 2248, The Foreign Intelligence and Surveillance Act (FISA).''

The bill had bipartisan support in the Senate but is stuck in the House because leaders there do not believe telecommunications companies should be protected from lawsuits that arise from cooperating with surveillance requests.

Sen. Jay Rockefeller, D-West Va., the Chairman of the Select Committee on Intelligence, also supports the bill. ''Unfortunately, much of the debate over this bill has focused on liability protection for telecommunication carriers, instead of the new civil liberties protections and oversight mechanisms that have been included,'' Rockefeller said in statement posted on his Senate web site. ''We should not hold the carriers hostage to years of litigation for stepping forward when the country asked for help and providing assistance they believed to be legal and necessary. The fact is, if we lose cooperation from these or other private companies, our national security will suffer.''

Conatser pointed out to Representatives that the National Intelligence Estimate noted that the United States will face a persistent and evolving threat over the next three years, with the main threat coming from Islamic terrorist groups and cells.

''It defies all common sense to give lawsuits a higher priority than national security,'' Conatser said. ''The American people expect Congress to protect America, not the lawsuit lobby. This surveillance is aimed at terrorists who want to kill innocent Americans. The government is not interested in phone calls that you make to Aunt Sally.''

With a current membership of 2.7 million wartime veterans, The American Legion, www.legion.org, was founded in 1919 on the four pillars of a strong national security, veterans affairs, Americanism, and patriotic youth programs. Legionnaires work for the betterment of their communities through more than 14,000 posts across the nation.

Mr. KYL. Finally, a letter was written by a bipartisan group of 25 State attorneys general dated March 4, 2008. It is a letter directed to the four leaders of the House of Representatives. Among other things, these 25 Democratic and Republican attorneys general note the fact that:

Passing [this legislation] S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.

As Attorneys General, we are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe. With S. 2248 still pending in the House of Representatives, our national security is in jeopardy.

They close by saying:

We therefore urge the House of Representatives to schedule a vote and pass the FISA Amendments Act of 2007.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 4, 2008.

Re FISA Amendments Act of 2007 (S. 2248).

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.
Hon. STENY HOYER,
Majority Leader,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader,
Washington, DC.
Hon. ROY BLUNT,
Minority Whip,
Washington, DC.

DEAR MADAM SPEAKER PELOSI, MAJORITY LEADER HOYER, MINORITY LEADER BOEHNER AND MINORITY WHIP BLUNT: We urge the House of Representatives to schedule a vote and pass S. 2248, the FISA Amendments Act of 2007. This bipartisan legislation is critical to the national security of the United States. Once passed, S. 2248 will ensure intelligence officials have the ability to collect vitally important information about foreign terrorists operating overseas.

Senate Intelligence Committee Chairman John D. Rockefeller (D–WV) authored S. 2248 to solve a critical problem that arose when the Protect America Act was allowed to lapse on February 16, 12008. The root of the problem stems from a Foreign Intelligence Surveillance Act (''FISA'') Court order that jeopardizes America's national security efforts. Under that decision, U.S. intelligence agencies must obtain a FISA warrant before initiating surveillance involving suspected foreign terrorists located outside the United States.

The FISA Court's decision hinged on the fact that those entirely foreign communications are frequently routed through telecommunications facilities that happen to be located in the United States. Because modem global communications networks routinely route data through numerous facilities in a myriad of countries, the nation in which the call originates may be completely unrelated to the nation through which that call is ultimately routed.

A bipartisan majority of the United States Senate recently approved S. 2248. But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.

As Attorneys General, we are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe. With S. 2248 still pending in the House of Representatives, our national security is in jeopardy. We therefore urge the House of Representatives to schedule a vote and pass the FISA Amendments Act of 2007.

Sincerely,

Hon. Greg Abbott, Attorney General of Texas; Hon. Roy Cooper, Attorney General of North Carolina; Hon. W.A. Drew Edmondson, Attorney General of Oklahoma; Hon. Bill McCollum, Attorney General of Florida; Hon. Troy King, Attorney General of Alabama; Hon. Talis Colberg, Attorney General of Alaska; Hon. Dustin McDaniel, Attorney General of Arkansas; Hon. John Suthers, Attorney General of Colorado; Hon. Thurbert Baker, Attorney General of Georgia; Hon. Lawrence Wasden, Attorney General of Idaho; Hon. Steve Carter, Attorney General of Indiana; Hon. Stephen Six, Attorney General of Kansas; Hon. Doug Gansler, Attorney General of Maryland.

Hon. Mike Cox, Attorney General of Michigan; Hon. Jon Bruning, Attorney General of Nebraska; Hon. Kelly Ayotte, Attorney General of New Hampshire; Hon. Wayne Stenehjem, Attorney General of North Dakota; Hon. Tom Corbett, Attorney General of Pennsylvania; Hon. Patrick Lynch, Attorney General of Rhode Island; Hon. Henry McMaster, Attorney General of South Carolina; Hon. Larry Long, Attorney General of South Dakota; Hon. Mark Shurtleff, Attorney General of Utah; Hon. Robert McDonnell, Attorney General of Virginia; Hon. Rob McKenna, Attorney General of Washington; Hon. Darrell McGraw, Attorney General of West Virginia.

Mr. KYL. So in conclusion, the bottom line is, we have a bill passed by the Senate Intelligence Committee 13 to 2, passed by the Senate with 68 affirmative votes. I believe it was 28 or 29 negative votes—clearly, a bipartisan effort. The President has indicated he would sign this legislation. It has now been 19 days since it has been sent to the House of Representatives which said it needed 3 weeks to get the job done.

During that period of time, we have lost intelligence—we do not know how critical. We will never know because we will never gather it. The phone call was made yesterday or the day before or the day before that. It is gone now, and we cannot go back and get it. But what we can do is ensure that from now on we are going to collect that critical intelligence. Unless this legislation is passed, the telecommunications companies that are critical to the collection of this intelligence are less and less likely to support our efforts. That is why it is critical this legislation, rather than some other version of it, be passed.

Mr. President, I urge the House leadership to call up this legislation. Next week is the last week it can be acted on before yet another 2-week recess. The House recessed before without

adopting it. It would be absolutely a dereliction of responsibility, in my view, for the Congress not to conclude its work on this matter and ensure that the President can sign this important legislation into law before the Easter recess; that is to say, by the end of next week, 1 week from right now.

I urge our House colleagues to please—in fact, I implore them to understand the danger in which they have placed the American people by not acting on this legislation—the fact that we are not collecting intelligence today because the authority has lapsed—and that according to the people who know best, the Attorney General and the Director of National Intelligence, it is no answer to say that warrants that have previously been issued will continue in force. All that means is the actions that have been taken in the past can continue. It does not do anything about intelligence gathering today and tomorrow and the next day. And it does not do anything to assuage the concerns of the very companies that are critical to the operation of this program.

So I urge our House colleagues to act on this legislation as soon as possible for the safety and security of the American people.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Ohio.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, if the Senator will yield for a unanimous consent request?

Mr. President, I ask unanimous consent that upon the completion of the statement by the Senator from Ohio, I be recognized, and that upon the completion of my statement, I believe the Senator from Texas, Mr. CORNYN, wishes to be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the senior Senator from Vermont for his courtesy.

HOUSING CRISIS

Mr. BROWN. Mr. President, I say to the Presiding Officer, it seems as though every day in your State of Pennsylvania and my State of Ohio and across the country the news brings us more evidence of the length and the breadth of the housing crisis in this country.

Yesterday, the Mortgage Bankers Association released statistics on the fourth quarter of 2007, and the news is grim. The rate of foreclosure starts and the percentage of loans in the foreclosure pipeline are the highest ever.

My State set a record for foreclosures last year of more than 83,000 foreclosures, according to the Ohio Supreme Court. That is more than 200 every day—Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday—more than 200 every day, and more than 300 a day for every day the courts are in session.

Every week, 1,500 families in Ohio—just in Ohio—lose their homes—week in, week out. Four percent of home loans in Ohio are in foreclosure, the highest rate in the Nation. And the end is nowhere in sight. In Ohio, there are another 120,000 home loans that are delinquent. Nationally, one of the ratings agencies is now predicting a 50-percent—nationally, a 50-percent—default rate for subprime loans made in the fourth quarter of 2006. That means the rates for those loans will reset in the fourth quarter of this year.

Think about that: One of every two subprime loans made in the fall of 2006 will go bad. That is not lending; that is gambling with somebody else's home.

The losses on these loans to lenders are substantial—on the order of 40 percent nationwide and about 65 percent in my State. That means only 35 cents on the dollar is preserved, if you will.

We have sheriffs' sales in Ohio that are attracting no bidders whatsoever. And the trend lines have been straight down.

Congress must act in the face of this crisis. Majority Leader REID, to his credit, brought legislation—of which the Presiding Officer is a cosponsor, and many others of us—before the Senate that would take several steps to help homeowners faced with foreclosure and the communities in which they live.

The needs of communities are critical because this crisis has an impact far beyond just the people—as large a number as that is, as tragic as it is for them—an impact far beyond just the people who lose their homes. Whenever a home goes into foreclosure, the value of neighboring properties is reduced. It is not confined to our large cities or to our small towns. It is rural areas. It is inner ring suburbs. It is outer ring suburbs.

In many areas, criminals move in quickly in these abandoned homes to strip the copper pipe and aluminum siding from a home. A copper processor in northwest Ohio told me the other day that copper prices are now exceeding $3 a pound, which just encourages more and more vandalism of these homes.

Crime goes up just when property tax revenues are plunging and the resources of a city or town are stretched to the limit.

So Senator REID's bill would include $4 billion in funding for the Community Development Block Grant Program so communities that have been hit hard could renovate or rebuild or, in some cases, raze those properties. This legislation would also provide another $200 million for supporting the efforts of nonprofit agencies across the country to counsel homeowners on how to work with a lender to stave off foreclosure. That part is so very important.

Senator CASEY, the Presiding Officer, Senator SCHUMER, and I, a year ago, on the Banking Committee, began to try to get money appropriated, which the President initially vetoed, to these counseling agencies, these not-for-profit groups in our communities that help people stave off foreclosure—no bailout, no Federal dollars to pay the mortgages, but simply to help them find a lender and trace their mortgage and help to restructure their payments so they can pay it off. This is no easy task.

Once upon a time, you took out a loan with your local bank to buy a home. You knew the people at the bank. They knew you. They had just as much interest in you paying off your loan as you did in paying off your loan and staying in your house. Today, especially for subprime loans, that doesn't happen. So help in navigating this mortgage maze is essential.

Senator REID's bill also provided bankruptcy judges the ability to modify mortgage terms on a primary residence in the same way—get this—that the judge today can modify a mortgage on an investment home or vacation property or a boat. I heard one of my Republican colleagues today talk about this whole issue of bankruptcy and how that is going to be a problem, and that is why they seem to oppose this bill—because of the bankruptcy provisions. But they never really answer the question: Why can't a judge modify a mortgage in bankruptcy for a home, for a personal home, when under the law they can on a vacation home in Florida or Arizona? They can on a boat, they can on an investment property.

Lenders and their servicers cannot keep up with the flood of foreclosures they are facing. Much has been made of the number of loans that have been changed as a result of voluntary efforts. That is a good thing; I don't discount those efforts at all. But tacking late fees and penalties on the back end of a loan doesn't do much to help a family make their monthly payment.

One woman who called my office recently reported a loan modification she had gotten to reduce the interest rate on her loan from 11 percent to 10 percent. With the late fees and the penalties folded in, her monthly payment barely changed.

Modifications such as these simply aren't going to help. It is essential that we permit bankruptcy courts to serve as a backstop.

So with the housing crisis spreading across the country and Senator REID's proposal before us, what did the Senate do? My colleagues in the minority again chose to filibuster—filibuster again and again. Fifteen hundred families in Ohio every week are losing their

homes, and over 100,000 are facing foreclosure. Multiply this all over the country, and almost half the Senate chose to filibuster.

What could possibly be the reasoning for this decision? The administration threatened a veto of the bill because it believed it was too costly and that the bankruptcy provisions were unwise. I don't agree, but can't we have a debate on that to make those decisions? I would love to discuss why we can afford to spend $3 billion a week on the war in Iraq—$3 billion on the war in Iraq—but we can't find $4 billion in 1 year, $4 billion in 1 year to help the towns and the cities, including Burlington and Philadelphia and Pittsburgh and Cleveland and Steubenville and Erie—why we can't find $4 billion in 1 year to help communities in this country that are being carpet-bombed by foreclosure. We can spend billions of dollars on Halliburton to rebuild Iraq, and we can't spend a few billion dollars on local businesses in my communities in Ohio to rebuild our communities.

My Republican colleagues apparently think it is OK for a bankruptcy judge to modify the mortgage on a multimillion-dollar vacation home, but it is not OK to provide the same relief to a family facing bankruptcy in a $100,000 home. When lenders are recovering only 35 cents on the dollar in my State—the national average is higher but not a lot higher—35 cents on the dollar on a foreclosed property, I don't think they have anything to fear from an alternative process supervised by bankruptcy courts that may result in avoiding foreclosure. The bankruptcy provisions are a significant change in our law, to be sure, but they are a responsible reaction to some extraordinarily irresponsible underwriting.

I understand the importance of protecting contract rights, but think for a minute about the contracts that are in question. The vast majority of subprime loans went to refinance homes, and they were designed to do three things: generate fees, strip out equity, and quickly become unaffordable. That is what they were designed to do. That is why so many people were able to take the money and run—the mortgage brokers—and, unfortunately, that is what happened. Do we really want to take the position that those contracts should be beyond the reach of a bankruptcy judge?

I may have answered my earlier question. I guess maybe a filibuster would be easier for my friends on the other side of the aisle than an actual debate on these issues. I know lenders want to avoid becoming real estate owners, but they don't have the capacity to deal with the problems that their lax underwriting standards have created. They are obviously not in the business of rebuilding the communities this crisis has devastated. That is why Senator REID's legislation is so important.

I hope my colleagues on the other side of the aisle will reconsider their tactics and will allow us to proceed on the legislation the majority leader has introduced and which I am proud to cosponsor. Maybe we will not have the votes in this body. In a fair and full debate, maybe we will not have the votes to maintain all of the provisions. Maybe there are alternative approaches. I am open to that. I want to see this solved. But let's at least vote, and let's do it quickly. Every day we delay, 200 people in my State—200 people—twice the membership of this body—every single day 200 people in my State lose their homes. They deserve more from us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I was impressed with what the Senator from Ohio said, and I commend him for what he said. We talk about the cost of the President's war in Iraq and we have been in Iraq longer than we were in World War II and the cost just in interest of the huge deficits and the tripling of the national debt under the Bush-Cheney administration; if we take the money we pay on interest on the national debt and the money we pay in Iraq, it comes to somewhere around $1 billion a day, every single day of the year.

Think what we could do with that $365 billion a year: health care for everybody, dramatically improve our schools, research on Alzheimer's, diabetes, AIDS, cancer, so many things. Instead, we are sending interest payments overseas and money to Iraq.

So I commend the Senator from Ohio for speaking out as he did.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, earlier this week the Senate confirmed Mark Filip to be the Deputy Attorney General at the Department of Justice. That is the person second in command at the Department. Yesterday, the Judiciary Committee reported four judicial nominations for lifetime judicial positions, and we reported three more executive nominations, including the nomination of Kevin O'Connor to be the Associate Attorney General. That is the third highest ranking official at the Department of Justice.

These executive branch nominations would have been on the Senate's Executive Calendar sometime ago, but for some reason the Senate Republicans did not cooperate to get them out of Committee. We were going to put them on the Senate Judiciary Committee's calendar—and did—in mid-February. What happened? The Republicans effectively boycotted the meeting.

Now, some of them were out giving speeches saying: Why don't we have some of these nominations go through? But they were effectively blocking the meeting. So we tried it a second time in February. Again, a lack of a quorum. In fact, at the first, only one or two Republicans remained present. At the latter hearing, the ranking member, the senior Republican on the committee, left before a quorum gathered.

We concluded the last session of this Congress by confirming each and every judicial nomination that was reported by the Judiciary Committee, all 40. None were carried over into this new year. In February, the Judiciary Committee held two hearings for seven judicial nominees, including a circuit nominee. Despite my efforts, Republican members of the Judiciary Committee effectively boycotted our business meetings last month and obstructed our ability to report judicial nominations and high-ranking Justice Department nominations.

It is more than ironic—in fact, it is somewhat cynical—that the President and Senate Republicans simultaneously staged partisan media events and complained that the Senate Democrats are not moving their nominations forward when the Republicans themselves prevented the Judiciary Committee from moving them forward. These complaints ring as hollow as the complaints that we heard again this morning about the expiration of the so-called Protect America Act, which expired because the White House and congressional Republicans refused to extend it. We found out why they refused to extend it, which is because they wanted to blame their actions on Democrats. I know it is an election year, but this kind of cynicism does not help the United States, and it is one of the reasons so many Americans are upset with the whole political process and why I believe the President is at such a low rating in the political polls.

Their actions in blocking us from doing something and then asking why didn't we do it remind me of the old saw that we former prosecutors used to talk about all the time, about the youngster who murdered his parents but then said to the court: Have mercy on me, I am an orphan. You can't have it both ways.

Despite the partisan posturing by the President and Senate Republicans, I have continued to move forward and sought to make progress but, I must admit, my patience is wearing thin. Two weeks ago, during the congressional recess, I chaired our third nominations hearing of the year. At that time, the committee considered three judicial nominations, including that of Catharina Haynes of Texas to be a Circuit Judge on the Fifth Circuit. I knew that this nomination was important to Senator CORNYN. So in spite of her participation at the recent partisan political rally and photo op at the White

House, I moved forward with that previously scheduled hearing. Instead of receiving thanks for making the effort to hold a confirmation hearing during the recess, I have actually been criticized by Republicans for doing so.

I commend the ranking member of the Judiciary Committee for acknowledging the years of Republican pocket filibusters, when they pocket-filibustered more than 60 of President Clinton's judicial nominations, as excess. Yes, I would agree it is excess. It had never been done by any party, Republican or Democratic, before. I have long said that what would help the process is a sincere, full acknowledgment by those Republican Senators who worked so hard to obstruct and pocket-filibuster President Clinton's moderate and well-qualified judicial nominees of their excesses and mistakes. Hope springs eternal, and it will probably be an eternity before that acknowledgment will be made by the same people who created the problem and now complain about it.

I do not hold the senior Senator from Pennsylvania responsible for those activities. He wasn't chairing the committee. He was not a member of the Republican leadership or even one of the more active participants in that effort. In fact, except for his vote to defeat the nomination of Justice Ronnie White of Missouri, a highly qualified African American for the Federal judiciary, an action for which he subsequently apologized, I cannot think of another judicial nominee he opposed.

As chairman of the Judiciary Committee, I have worked hard to turn the other cheek. When I became chairman, I wanted to greatly improve on the sorry treatment of reported nominees when the Republicans were in control and considering President Clinton's nominees. During the 17 months I was chairman during President Bush's first term I tried to reverse that trend. I said we are not going to pocket-filibuster 60 judges in the way that the Republicans did to President Clinton. Let's move these judges, even though a lot of the vacancies were created by their filibustering.

So we Democrats acted faster and more favorably on more of this President's judicial nominees than under either of the Republican chairmen who succeeded me as chairman. During those brief 17 months I was chairman before, the Senate confirmed 100 judicial nominations. During the 2 years my friend from Pennsylvania was Chairman, the Republicans confirmed just 54 judicial nominations. Granted, two were Supreme Court justices, but 54 in 2 years, and with strong help from the Democrats, as compared to 100 during the 17 months I was chairman.

I was surprised earlier this week to hear the ranking member say that nominations were ''stymied'' when I became chairman. Complaints ring hollow under those circumstances, given the improvements I made in making the formerly secret process of checking the home State Senators as a matter of public record. Keep in mind that under the Republicans they allowed secret holds. That is how they were able to block more than 60 of President Clinton's nominations. Instead of the holds or blue slips, I made them public.

When I assumed the chairmanship last year, the committee and the Senate continued to make progress with the confirmation of 40 more lifetime appointments to our Federal courts. That is more than were confirmed during any of the 3 preceding years under Republican leadership and more than were confirmed in 1996, 1997, 1999, and 2000, when a Republican-led Senate was considering President Clinton's nominations. Thus, as chairman, I have worked to help the Senate act to confirm 140 lifetime appointments in only 3 years, as compared to 158 under 4 years of Republican control. Stymied?

Equally misleading is a Republican talking point that the Judiciary Committee didn't hold a hearing for circuit nominations for 5 months. What they do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, including the resignation of the Attorney General himself following those scandals, the committee was holding seven hearings on high-ranking replacements to restock and restore the leadership of the Department of Justice between September of last year and last month, including confirmation hearings for a new Attorney General to replace the disgraced Attorney General who was forced out, a new deputy Attorney General, a new associate Attorney General, and many others.

Because of the scandal of the Bush-Cheney administration and the Justice Department, there are all these vacancies. Of course, when they finally got around to replacing these people, we felt the first priority was to hold hearings so there would be an Attorney General and senior leadership at the Department of Justice. Of course those 5 months also include the December and holiday recesses and the break between sessions, so for many weeks we were not here. That is in comparison to the first 6 months of 1999, when the Republican chairman refused to schedule any judicial nomination hearings, in order to force the White House to consider his pick for a judgeship in Utah.

The Republican whip urged committee attention to the President's nominations to fill the many vacancies resulting from the resignations of the Gonzales leadership group at the Justice Department. And when we do, in fact, have those hearings and do that work and we make them a priority, we are criticized. It appears we are damned if we do and damned if we don't.

We held a prompt 2-day hearing on the nomination of Michael Mukasey to be Attorney General, a hearing on the nomination of Judge Filip to be Deputy Attorney General, a hearing on the nomination of Kevin O'Connor to be Associate Attorney General, and hearings on a number of key assistant attorneys general and heads of Justice Department offices. But you would never know it from the self-serving Republican complaints. We get no credit for any of the good things we have done, for any of our diligence or hard work.

When the Republican leader and others come to the floor and make these accusations, I think it is because they don't want to have to explain their roles in the 60 pocket filibusters of President Clinton's nominees. One of those people who was blocked and who they say was not qualified was picked as the dean of the Harvard Law School, a most prestigious position, where they produce hundreds of the brightest lawyers in the country. They picked her, a highly qualified woman, and African-Americans, and Hispanics, who were all pocket filibustered by the Republicans. Maybe they hope that in an election year people will not remind them of that. During the 1996 session, the last of President Clinton's first term, the Republican-led Senate did not confirm a single circuit court nomination. At the end of his Presidency, they took 17 circuit court nominations that they pocket filibustered and refused to act on them and sent them back to President Clinton, hoping to keep those seats vacant for a Republican President. Why was it that Republicans chose to reverse course on the treatment accorded by Democrats to nominations of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992? Why were so many nominations pocket filibustered? Who is responsible? Why have they always refused to make the blue slips of that era public? Why have they always hidden who it was holding up these judges? Why did they want to keep that secret? Why was Bonnie Campbell, the former attorney general of Iowa, who was supported by both Democratic Senator TOM HARKIN and Republican Senator CHUCK GRASSLEY, never allowed to be considered by the Judiciary Committee or the Senate after a hearing? Why was she pocket filibustered? They ought to answer some of these questions before they level any accusations. They have far too many skeletons in their closet to try to pick a bone with the Democratic side.

To any objective observer, the answer is clear: The Republicans chose to stall consideration of circuit nominees and maintain vacancies during the Clinton administration in anticipation of a Republican Presidency. They took the Thurmond rule to a whole new stage by utilizing it over a 5-year period, instead of the seven or eight

months that normally takes place during a Presidential election year. Because of their irresponsible actions, vacancies in the courts rose to over a hundred. Circuit court vacancies doubled during the Clinton years because Republicans would not allow him to fill those vacancies.

In those years, Senator HATCH justified the slow progress by pointing to the judicial vacancy rate. When the vacancy rate stood at 7.2 percent, Senator HATCH declared that ''there is and has been no judicial vacancy crisis'' and that this was a ''rather low percentage of vacancies that shows the judiciary is not suffering from an overwhelming number of vacancies.'' Because of Republican inaction, the vacancy rate continued to rise, reaching nearly 10 percent at the end of President Clinton's term. The number of circuit court vacancies rose to 32 with retirements of Republican appointed circuit judges immediately after President Bush took office.

But as soon as a Republican President was elected, they said: Why don't we have judges in these vacancies? The sky is falling, the sky is falling. Suddenly they said that things are coming to a halt in this country because we do not have enough judges. Of course they do not mention that these vacancies occurred because they pocket filibustered those judges. They have been extraordinarily successful over the past dozen years. Currently, more than 60 percent of active judges on the Federal circuit courts were appointed by Republican Presidents. More than 35 percent have been appointed by this President. We have cut the vacancy rate in half. Had we Democrats done to them what they did to us, we would still have a huge vacancy rate. But we try to be more responsible, and we cut it in half. Another way to look at their success is to observe that the Senate has already confirmed three-quarters of this President's circuit court nominees over the last 7 years. Republicans only confirmed about half of President Clinton's.

Despite these efforts to pack the Federal courts and tilt them sharply to the right, one of my first acts when I took over as chairman in 2001 was to restore openness and accountability to the nominations process that had been abused when the Republican-controlled Senate pocket-filibustered President Clinton's nominees with anonymous holds and without public opposition or explanation. In 2001, with a Democratic-led Senate considering President Bush's nominees, we drew open the curtains on the nominations process, making blue slips public for the first time. Republicans, during the Clinton administration, cloaked their actions in secrecy and, to this day, will not explain their actions. I have not treated this President's nominees in that way. We have considered nominations openly and on the record. We have considered nominations I do not support, something that was never done by a Republican chairman.

I am puzzled that in his recent proposals, the ranking member has suggested that the Senate bypass the committee's process for vetting nomination, and is also apparently calling for an end to the role of home State Senators. He is now proposing rules for nominations that he did not follow in the 2 years he served as chairman of the committee, from 2005 to 2006, and that he did not propose from 1995 to 2000 when Republicans were in control of the consideration of President Clinton's nominees.

When he was chairman of the Judiciary Committee, Senator SPECTER respected the blue slip, which is the means by which home State Senators approve or disapprove of a nomination before consideration of the nomination proceeds. Requiring the support of home State Senators is a traditional mechanism to encourage the White House to engage in meaningful consultation with the Senate.

Many of the President's current nominees do not have the support of their home State Senators. That is why the nomination of Duncan Getchell, opposed by two of the most distinguished Senators in this Chamber, Republican Senator JOHN WARNER and the distinguished Democratic Senator JIM WEBB, was finally withdrawn. That is why the nomination of Gene Pratter to the third circuit has not been considered, as well as six other circuit nominees including nominees to the third circuit, the two current nominees to the sixth circuit, a nominee to the fourth circuit, and the nominee to the first circuit. Of the 11 circuit court nominations that have been pending before the Senate this year, 8 have not had the support of their home State Senators. Indeed, nearly half of the 28 nominations listed by Senator SPECTER in his recent letter to me do not currently have blue slips signaling support from home State Senators. The reason we know this is that unlike the Republican policy of keeping secret the so-called blue slips, I make them public knowledge.

You might ask why do we pay attention to home State Senators? It is because we are elected to represent our States. There is only one place in the United States where every State is equal, and that is here in the Senate. Out of 300 million Americans, only 100 of us have the privilege to serve here at any given time, two from every State. The distinguished Presiding Officer represents a great State, a wonderful State, a State that helped form this country. It is much larger than mine. My State was the 14th State in the Union. We have two Senators so that we can keep the identity of our State. I think of one of President Bush's circuit nominees for a circuit court judgeship representing one of our States, where the two Senators objected and so the nomination did not go through. To this day, I get criticized by the Republicans because that nomination did not go through, even after the nominee was charged with criminal fraud and convicted. They still criticized us for not giving him a lifetime position on the circuit court. They ought to say thank you to the two Senators who said do not put that nomination through.

Republican complaints about nominations ring hollow in light of the actual progress we have made and, quite frankly, their success. The Judiciary Committee and the Senate have worked to approve an overwhelming majority of President Bush's nominations for lifetime appointments to the Federal bench. The Senate has confirmed over 86 percent of President Bush's judicial nominations, compared to less than 75 percent for President Clinton's nominations. As I have noted, the Senate has confirmed nearly three quarters of President Bush's nominations to influential circuit courts, compared to just over half of President Clinton's.

Earlier this week on the Senate floor, in a standard ploy in these partisan attacks, my words from 8 years ago were taken out of context. At that time, I urged the Republican majority to abandon its use of pocket filibusters. I urged them to make public their process and not keep it secret, and do what we have done since I was first Chairman. I even urged then-Governor Bush, who was the Republican nominee for President, to intervene in a positive way. They rejected my efforts. They continued to pocket filibuster nominees and maintain vacancies on the court. They continued to do what they had done during the 1980 Presidential campaign, when President Reagan was running for President and Senator Thurmond, then in the Republican minority as ranking member of the Judiciary Committee, instituted a policy to stall President Carter's nominations. That policy, known as the ''Thurmond Rule'', was put in when the Republicans were in the minority. It is a rule that we still follow, and it will take effect very soon here.

For a number of years I have urged now President Bush to join with Democrats and Republicans. Regrettably he continues to insist on nominating controversial nominees in the mold of Duncan Getchell and Claude Allen. I extended another olive branch to him by my letter last November. I have received no response. Despite urging the President to work with us, 20 current judicial vacancies almost half have no nominee. In addition, many of the judicial nominations we have received do not have the support of their home State Senators.

If the White House and Senate Republicans were serious about filling vacancies and not seeking to score partisan political points, the President would not make nominations that are opposed by home State Senators. If they were serious about filling vacancies, they would not spend the rest of the Bush Presidency fighting over a handful of controversial nominations, rather than working with us to make progress. They would not keep criticizing us for not putting through a person who was convicted of criminal fraud. If they were serious about filling vacancies, the Republicans on the committee would attend committee meetings and help make a quorum to report nominations to the Senate.

I have consulted with the senior Senator from Pennsylvania and we had earlier exchanged letters. The former chairman knows from my January 22 letter what the situation is. He knows the history of the Thurmond rule, by which Republicans, then in the minority, insisted that judicial vacancies in the last year of a President's term remain vacant in order to be filled with the nominations of the next President. He understands the dynamics in the last year of a President's term. And no modern President has been as divisive as this President on these issues.

This is the Senate. This is not Alice in Wonderland. I would rather see us work with the President on his selection of nominees that the Senate can proceed to confirm than waste precious time fighting about controversial nominees. That is why I have urged the White House to work with Senators WARNER and WEBB to send to the Senate without delay nominees to the Virginia vacancies on the fourth circuit.

Mr. President, you have had enormous experience in your own State. I ask this of all Senators: If you have a highly respected Republican Senator and a highly respected Democratic Senator both saying we want this person to be on a Federal circuit court, and they both vouch for him or her, you know that person is going to go sailing through this place.

I thank the Republican members of the Judiciary Committee this week for not boycotting our meeting. As a result, we have seven nominations on the Executive Calendar who would not be there if they continued the boycott.

I have urged the White House to work with all Senators from States with vacancies on the Federal bench. We may still be able to make progress before the Thurmond rule comes into effect but only with the full cooperation of this President and of the Republican Members of this Senate.

OIL PRICES

Mr. LEAHY. Mr. President, the Organization of Petroleum Exporting Countries, OPEC, is an international cartel. It limits the supply of oil, which helps keep fuel prices high, and it is one of the major causes of the relentless increase in oil prices.

This week, OPEC members met again. They refused to increase the supply of oil. If such a meeting took place in almost any other context, the participants would likely be arrested for an illegal conspiracy in restraint of trade. Can you imagine somebody selling some other supplies such as medical equipment or items we need in this Nation, electricity. Let's say the utilities all met like that and they said: We will hold back electricity so we can raise the prices. There would be an antitrust suit, there would be an illegal-restraint-of-trade suit brought immediately.

I wish the administration would join me and Senator KOHL and 68 other Senators—Republicans and Democrats alike—and 345 Members of the House of Representatives of both parties who have voted for NOPEC legislation. This would hold accountable certain oil-producing nations for their collusive behavior which has artificially reduced the supply and inflated the price of fuel.

In April 2004, when American consumers were paying $1.78 per gallon at the pump, I warned energy experts were predicting the price of gas might rise to $2.50, to $3 a gallon. The administration did nothing. Last October, when American consumers were paying $2.87 per gallon at the pump, I warned that oil might be on its way to over $100 a barrel, and the administration did nothing. This week, oil reached a record $104 a barrel and gas prices averaged $3.16 a gallon. So how much will families in Vermont and across America have to pay to heat their homes in this long winter or to drive to work before the President takes action?

Further, at a news conference last week, the President was not even aware—was not even aware as President of the United States—that many are predicting that gas prices will hit $3.50 or even $4 a gallon by spring. He simply was not aware of how crippling high prices really are for Americans.

Two facts are painfully clear: Gas prices have more than doubled since the President took office, and the President has no plan to protect consumers and our economy. He promised the American people that with his family's oil ties, he would effectively be able to jawbone OPEC into being nice to him and that they would raise production to lower prices if he asked them. It is now evident for all to see that it is just another unfulfilled commitment from the administration.

I said this before and I say it again today: The principal cause of the relentless increase in oil prices is not just a natural supply issue but market manipulation by OPEC.

In January, the President's best attempt to increase the supply of oil was to tell Saudi King Abdallah that paying more for gasoline hurt some American families. Well, yes. It is a lot more than some families, it is most. I am pleased the administration acknowledges the effects of rising gas prices on Americans, but Saudi Arabia is a founding member of OPEC, and they have every incentive to limit output and keep prices artificially high. The futility of going to an OPEC member and pleading for it to raise output is now obvious to all. Instead of President Bush holding hands with the oil cartel—literally and figuratively—the administration should join us in trying to protect the interests of the American people.

It is important to emphasize again that if a meeting such as the OPEC meeting that took place this week happened in almost any other context, the participants would likely be arrested for an illegal conspiracy in restraint of trade. Yet this President stood in front of the King of the largest participant in the oil cartel and asked for relief instead of saying: It is an illegal activity, stop it.

If the administration truly acknowledges the impact artificially high oil prices have on our Nation, he should join with this Congress and support NOPEC legislation. Instead of pleading for help, the next time the President of the United States meets with members of the cartel, the President should be able to explain that entities engaging in anticompetitive conduct that harms American consumers can expect an investigation and they can expect prosecution. When I was a prosecutor, it was not enough just to ask people: Don't break the law. You had to outright say: If you break the law, we will arrest you.

We cannot claim to be energy independent while we permit foreign governments to manipulate oil prices in an anticompetitive manner. It is wrong to let these members of OPEC off the hook just because their anticompetitive practices come with the seal of approval of national governments.

Mr. President, I see the distinguished Senator from Texas on the floor. I already asked that he be recognized after me.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTELLIGENCE GAP

Mr. CORNYN. Mr. President, I thank the distinguished Senator from Vermont, the chairman of the Judiciary Committee, for his courtesy.

When the Senate debates the budget next week, we will hear a lot about the tax gap. This is the name given to uncollected taxes which some have said,

if collected, could pay up to $300 billion in additional revenue to the Federal Treasury. I wish to talk about this in a minute, first of all to ask the question why it is, notwithstanding this so-called tax gap, we have not seen any money at all collected over the last year to fill that gap. But first I want to talk about the intelligence gap. This has to do with the critical information the United States should be collecting in pursuit of radical Islamists but is not because of burdensome and unnecessary legal restrictions—restrictions Congress has within its power to remove.

To the Senate's credit, in a bipartisan fashion, the Senate Intelligence Committee passed out a bill that I hope the House of Representatives will vote on soon. That same bill passed by a bipartisan majority of 68 Senators. That is not easy, but it does demonstrate a bipartisan consensus in this body to make sure we have our eyes open and our ears open when it comes to foreign intelligence that could detect, deter, and even defeat future terrorist attacks against the United States and our allies.

The intelligence gap is also closed not only by passing that important legislation which the House of Representatives has inexplicably sat on for the last couple of weeks but also by providing protection against frivolous litigation against communications providers that have assisted the Nation in the wake of the 9/11 attacks on a voluntary basis.

It is no secret that the Director of National Intelligence has noted that given this world of wireless communications, we need to adopt new means to intercept communications from foreign nationals to other foreign nationals which could well be directed through the infrastructure in the United States and which, unless we pass this legislation, we would not be able to intercept. The biggest problem we have, of course, is that their cooperation is entirely voluntary, and unless we protect them under this bipartisan Senate legislation from frivolous litigation, in the future not only will citizens—whether they be individuals or corporate—not cooperate, but we will be left with a fraction of the actionable intelligence necessary to detect, deter, and defeat those whose sole wish is the murder of innocent Americans.

I quote the Democratic chairman of the Senate Intelligence Committee, who said:

> What people have to understand here is the quality of intelligence we are going to receive is going to be degraded.

Those, of course, are not my remarks, and they are not the words of a member of the Bush administration; those are the words of JAY ROCKEFELLER, the distinguished chairman of the Senate Intelligence Committee. That is why this legislation passed out of the Senate with a strong bipartisan vote.

I don't know about the political implications of the Democratic House leadership's failure to act responsibly, and I am not here to talk about politics, but I do know there are serious national security interests that we face, and threats, and the majority of Democrats in the House are not taking those threats seriously enough. So rather than taking a vacation from their duties, it is past time for the House to act and to do the responsible thing. I hope Speaker PELOSI and Majority Leader HOYER will call up this important bipartisan legislation and allow an up-or-down vote on the bipartisan Senate legislation that will make this Nation safer from the terrorist threats we face.

Mr. President, I have other remarks I wish to make, but I see the distinguished majority leader on the floor. I want to make sure—if he has any housekeeping business he wants to take care of, I will be glad to defer to him for that purpose and then to reclaim the floor later on. I do not want to have him necessarily have to wait.

I understand he is motioning for me to continue, and I will do that. I thank the Senator.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much my friend from Texas allowing me to do that, but he should finish his statement, and I will do some wrap-up when he finishes.

THE FEDERAL BUDGET

Mr. CORNYN. I thank the majority leader.

Mr. President, I wish to now transition to talk about the issue that will be in front of the Senate next week, and this has to do with the Federal budget.

This is so important across so many areas because not only does this budget talk about what the tax burden of hard-working Americans will be in the coming year, it also has an impact on energy costs, on health insurance costs, on the ability of Americans to buy homes. How do we create better schools for better jobs? How do we deal with the issue of runaway lawsuits that threaten the business environment and have a dampening effect on job creation? How do we revive capital markets, rebuild our roads, bridges, railroads and airports? How do we provide a simpler, fairer tax system than we have now? And How do we make sure Americans retain the right to work in the job of their choosing without having to become part of a union when they don't want to?

The part of this budget that concerns me the most is not the proposed $1.2 trillion tax hike that is contemplated under this budget that passed strictly along party lines in the Budget Committee yesterday afternoon, although that is bad enough. It will hit family budgets hard. Mr. President, 43 million families will owe an average of $2,300 more in 2009 in taxes as a result of this budget if it is adopted on the Senate floor. I am also concerned about the spending increase under this budget, some $211 billion in additional spending that is part of this budget proposed from the Budget Committee that will be before the Senate this next week. That means, in fiscal year 2009, if adopted, a 9-percent increase over what the Federal Government spent in fiscal year 2008. Now, as bad as the higher taxes and higher spending is, I wish I could say that was the end of the story, but it goes on from there and it doesn't get any better.

As a result of the increased spending and the increased taxes contemplated under this budget, America will find itself $2 trillion deeper in debt by the year 2013 if this budget is adopted. That is more than $6,000 in extra debt for every American.

And I would say this budget also fails in another important respect. It fails to deal with the impending crisis in entitlement spending and the future insolvency of both Medicare and Social Security, two important safety net programs, and ones we have made a promise to fund and to make sure is there for not only present beneficiaries of these programs but for our children and grandchildren as well. We know that unless something dramatic happens, we will not be able to keep that commitment.

As a matter of fact, unless this Congress acts, there is $66 trillion in unfunded responsibilities under the current entitlement programs we need to fix; that we need to take into account.

Now, there is an important piece of legislation I think we ought to take up and that is the Conrad-Gregg task force to deal with this gathering storm of an entitlement crisis. It is a bipartisan bill by the chairman and the ranking member of the Budget Committee. But we are not taking that up, as we should, as part of dealing with the Federal budget. Because we know that if we don't do anything, there is going to be a terrible financial catastrophe, and the people who will ultimately suffer as a result of our failure to act will be future beneficiaries under Social Security and Medicare—our children, our grandchildren, and future generations.

The last thing I wish to mention with regard to the budget is what the Wall Street Journal has called the pay-go farce. You will recall that pay-go was the name given to pay-as-you-go requirements under the budget. Sounds good. That is what the family budget has to do. If there is no money coming in the front door, then you are not

going to be able to spend yourself into debt. You pay as you go. That is the way most businesses operate but not the Federal Government. The Federal Government can continue to print money and spend money it doesn't have and pass the debt down to our children and grandchildren.

If you take into account this unfunded liability of $66 trillion because of the entitlement crisis—the gathering storm I mentioned a moment ago—that boils down to about $175,000 per person—every man, woman, and child—that we owe now for those unfunded liabilities unless we take action now. But the pay-go farce the Wall Street Journal article mentions—and the date of this article is December 10, 2007—quotes Speaker NANCY PELOSI in remarks she made on December 12, 2006. She said:

> Democrats are committed to ending years of irresponsible budget policies that have produced historic deficits. Instead of compiling trillions of dollars of debt onto our children and grandchildren, we will restore pay-as-you-go budget discipline.

Now, I have to tell you, just taken at face value, that sounds pretty good. We do need to take responsibility. We do need to do that on a bipartisan basis. But the pay-go promise made by this Congress looks like Swiss cheese. There are so many holes in it that you could drive—not to mix my metaphors—but you could drive a truck through it. And let me explain why.

First of all, these pay-go rules that promise financial discipline do not apply to discretionary spending. That is about $1 trillion a year. And it doesn't restrain spending increases under current law in entitlements, such as Medicare or Medicaid, the programs I mentioned a moment ago. The main goal, and this is a problem, is that it is designed to make tax relief for working families and small businesses almost impossible.

Now, we ran into this pay-go requirement when it came to relieving middle-class taxpayers from the alternative minimum tax this last December. And I agree in that instance it was important to waive the pay-go requirement. Because, frankly, if you will recall, the alternative minimum tax was never designed to hit the middle class. But because it was not indexed for inflation this last year, it covered 6 million taxpayers. If we hadn't acted, it would have hit 23 million middle-class taxpayers. So I agree it was appropriate not to require pay-as-you-go principles for that alternative minimum tax that Congress never intended the middle class to have to pay.

As a matter of fact, back in the 1960s, the alternative minimum tax was adopted, as a result of a report issued by the Department of Treasury that said that 155 high-income taxpayers did not pay Federal income tax because of other deductions. But as is typical in schemes designed to ''tax the rich,''—we have heard that before—eventually it grows and grows and grows to cover the middle class. So be wary when Congress says: We are only going to tax the rich. That means we all need to put our hand on our wallet because it eventually grows into a middle-class tax.

Another time Congress used the pay-go gimmick, which gives rise to the title of this article called ''The Pay-go Farce,'' was on SCHIP. Now, you will recall that is the State Children's Health Insurance Plan, something we all support on a bipartisan basis. But the way it was proposed by the leadership last year, to fund the 140-percent increase in this program, was a joke. The SCHIP bill included a spending cliff that disguised its actual cost. It assumed spending would rise to $14 billion by 2012, but then pretended the costs would fall to less than half in 2013, which just so happens to fall outside the 5-year budget scoring window. Some $60 billion in spending over the next 10 years were hidden through this ploy of creating a cliff in spending, suggesting that somehow Congress would cut this program in half and deny children access to health insurance, something we all know would not happen.

So that is why the pay-go requirement has been called a farce and why I likened it to Swiss cheese. It has so many holes in it, it doesn't do what it has promised to do, which is to restore budget discipline; and it unfairly impacts the ability to provide tax relief to working families in a way that can grow the economy and allow people to keep more of what they earn—money they can use to pay for things like education, health care, and transportation.

As a matter of fact, as a result of the 2001–2003 tax relief that this Congress voted on and passed in the wake of 9/11, in the wake of the stock market scandals, and with the recession at the beginning of that decade, we saw more than 50 months of uninterrupted job growth in the country, with 9 million new jobs being created. It should not be surprising that tax relief ends up being one of the best stimulae we could possibly give the economy. We saw Federal revenues at historic highs and that is because more people working means more people paying taxes and more revenue to the Federal Government; and thus the budget deficit reduced from roughly 1.9 percent of the gross domestic product to about 1.2 last year.

So, in closing, I would say this debate we are going to have next week is vitally important, and the question is: Are we going to wreck the Federal budget or will we find ways to help families balance their budget, especially with the economic challenges that they face? It is all about taxing, it is all about spending, it is all about whether we are going to increase the Federal debt, it is all about whether we are going to meet our responsibilities as elected officials to deal with the impending entitlement crisis which threatens to act similar to a tsunami and engulf us in a huge wave of red ink.

Mr. President, I appreciate the courtesy of the majority leader, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 2664

Mr. REID. Before my friend leaves the floor, I have a unanimous consent request to make.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 583, S. 2664, which is the 30-day extension of the Protect America Act; further, the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, I don't believe this extension includes the immunity provision for the telecoms; thus, I will object.

The PRESIDING OFFICER. Objection is heard.

FISA EXTENSION

Mr. REID. Mr. President, let me say a few words about a number of issues today. I think we have had a productive week. I did wish to say a few words about the FISA bill—the Foreign Intelligence Surveillance Act.

Both the House and the Senate have passed bills to strengthen the 1978 FISA law. The House passed its bill in November, and we passed our bill several weeks ago. Since Senate passage, the chairmen of the Senate and House Judiciary and Intelligence Committees have been working to resolve their differences between the two pieces of legislation.

Democratic staffers have been meeting to work out a strong and broadly supported final bill, but with the exception of Senator SPECTER, Republicans have instructed their staffs not to participate in these negotiations.

Today, the Republican leader asserted on the Senate floor once again that the Senate bill should be jammed through the House. As my friend, the Republican leader, knows, that is not how Congress works and never has worked that way. The law-making process dictates the House pass a bill, the Senate then passes a bill, or vice versa, and then Members in both Chambers work through their differences in a conference to see if they can work out a compromise.

On numerous occasions, the Republican leader himself has insisted upon

following that time-honored method of legislating. On issues such as the Children's Health Insurance, raising the minimum wage, and Iraq war funding, Senator MCCONNELL has refused to jam a House bill through the Senate. But now, he insists we must jam a Senate bill through the House. Demanding the House of Representatives pass the Senate's FISA bill—as is—and refusing to sit down and talk to negotiate differences accomplishes nothing but needlessly delaying final passage of that bill.

I know my Republican colleagues are as serious about protecting the safety and security of all American people as are Democrats. If the Republican leader is interested, and I am sure he is, in getting this done, I invite him to sit down anytime with House leadership and committee chairmen—and I will be happy to be there—to work out a final bill.

Will it be a painful discussion? No, it would not be. Would it take a long time? No, it would not. It would not be a political exercise. It would be an exercise in responsible lawmaking. That is how we have done it for 233 years.

We should be negotiating on a bipartisan basis. A new FISA law that passes with broad bipartisan support in both Houses will provide greater certainty to the intelligence community to make our Nation stronger. That can only happen if Republicans take a seat at the table, and it can only happen if President Bush lays aside the overheated rhetoric and embraces bipartisan negotiations.

In order to facilitate these discussions, we have suggested a temporary extension of the Protect America Act—that is what I just did—that would ensure there are no gaps in our intelligence gathering while we work for a long-term solution. That is common sense. Even Admiral McConnell, Director of National Intelligence, has testified an extension would be valuable. But President Bush has threatened to veto an extension, and our Republican colleagues continue to follow his lead in lockstep.

The President can't have it both ways. He has said many times: Why don't they extend the legislation? We tried to. He would not let us. So it simply is illogical as to what he is talking about.

Never in our Nation's history has national security succumbed to this kind of political posturing. It is time for my Republican colleagues to withdraw their opposition.

MORNING NEWS

Mr. REID. Mr. President, every morning when I get up, I go out and do my exercise. It takes about an hour. I usually listen to public radio. I am anxious to hear the news in the morning to see what has happened.

This morning, hearing the morning news was very distressing. It was a terrible day both at home and abroad in Iraq. A coordinated suicide bombing killed—we don't know how many at this stage—at last count, about 70 and injured at least 120. We don't know how many, but 120 will die. It happened in a crowded Baghdad shopping district.

A couple days ago, another attack killed 26. A few weeks ago, a horrifying suicide attack on Shiite pilgrims killed about 100. This doesn't take into consideration the kidnappings, the small bombings, and other acts of terror that take place in Iraq every day.

Although it may have receded from the front pages of our newspapers, there is no doubt the Iraqi civil war wages on, with no end in sight.

There are 150,000 brave young Americans in that far-off land policing another country's civil war. Our troops are shouldering an enormous burden of the war, but all Americans are suffering the consequences. We are now spending $12 billion a month on that war. That is more than $400 million every day, $17 million every hour. In my short remarks here, we will wind up spending about $5 million in Iraq. Mr. President, $12 billion a month from a country, our country, that is staggering economically; $12 billion a month to build roads in Iraq while our own roads crumble.

From where does this money come? It is all borrowed. President Bush already burned through trillions of dollars prudently saved by the Clinton administration and has spent trillions of dollars on tax giveaways for big business and the superwealthy.

We are putting the cost of the war on credit cards. Who will pay the bill? My children, my children's children and my children's children's children will be paying this bill. Future generations will be burdened with paying this bill, plus interest; meanwhile, the burden of an economy that is spiraling downward every day.

This morning's news on the economy announced the U.S. economy lost 63,000 jobs last month. When I first started listening to the news this morning, they expected this report to come out that they expected 5,000 jobs lost. They were 58,000 wrong; there were 63,000 jobs lost—the largest monthly job loss in nearly 5 years. For the second month in a row, our country has lost jobs. We also learned that the number of jobs lost in January was larger than previously reported. The number has been revised up to more than 20,000.

It comes as no surprise that the manufacturing and construction sectors were among the hardest hit. Manufacturing had 52,000 jobs lost; construction, 39,000 job losses. Homebuilders are laying off construction workers as new homes remain unsold. Today, we learned the fourth quarter of 2007 saw the highest level of homes having foreclosure in our history. And now the amount of equity Americans have in their homes has dropped to the lowest level since World War II.

Yesterday, oil went to more than $106 a barrel. We all remember when we were concerned when it hit $50 a barrel. It was good news last night because it dropped to $105.47 a barrel.

The American people are already struggling under the enormous burden of skyrocketing prices for groceries, heat for their homes, gasoline.

I heard my friend, the distinguished junior Senator from Texas, say that during the Bush administration 9 million jobs have been created. That is nothing to brag about. During the Clinton 8 years—this President has been on the job 7 years and going on 3 months—President Clinton created 23 million jobs.

By every indication, things are getting worse. President Bush said this week that he does not believe our country is heading for a recession. This morning, all signs say he is wrong. But regardless of what label we use, there is no doubt whatever that people in America are suffering. There is likewise no doubt that if we do not take action, things will get worse.

The economic stimulus bill we passed last month will help. I am pleased Democrats were able to secure rebates for 21.5 million senior citizens and 250,000 disabled American veterans in the bill that was passed. There is no doubt that an extra $600 will help Americans pay for groceries, health, and gas. But no one thinks this economic stimulus is enough to turn our economy around. We must legislate the growing housing crisis—the eye of the economic storm.

President Bush, who does not think America is headed for a recession, responded to the housing crisis by directing Secretary Paulson to create a voluntary program to encourage banks to work with homeowners facing foreclosure. Do we need a directive from the President to tell banks to work with homeowners who are facing foreclosure? I hope not.

This week, Secretary Paulson released data on the President's proposal. How did the voluntary approach work? Not very well. Just a drop in the bucket. It helps hardly any; some say about 2 percent. For hundreds of thousands, the only thing this offer did was to add on the amount of the missed payment to the amount due. That is not a modification. That will do nothing to help struggling families keep their homes.

The voluntary efforts Secretary Paulson led have had a positive impact but not much. Even one family saved from foreclosure is a good step. But with millions at risk to lose their homes and the news growing worse every day, the Bush administration's voluntary program is not the way to approach this.

Last week, we introduced a comprehensive housing stimulus bill that would help hundreds of thousands of homeowners that the President's voluntary program leaves behind. It has five points to help families avoid foreclosure: First, by improving loan disclosures. Second, we help families avoid foreclosure by increasing preforeclosure counseling funds. Third, we expand refinancing opportunities for homeowners stuck in bad loans. Fourth, we provide funds to help the highest need communities purchase and rehabilitate foreclosed properties. Fifth, we amend the Bankruptcy Code to allow home loans on primary residences to be modified.

How have our Republican colleagues responded to our responsible plan? They blocked us from going forward, stopped us. The Republicans proposed an alternative plan consisting of four concepts. One of these was to change the tort law. This is not the way to go. One of their other proposals was to lower taxes. This is not the way to go.

Just this week, Chairman Bernanke said the crisis demands a vigorous response. He said:

> Reducing the rate of preventable foreclosures would promote economic stability for households, neighborhood, and the Nation as a whole. Although lenders and servicers have scaled up their efforts and adopted a wider variety of loss-mitigation techniques, more can, and should, be done.

Those are the words of Chairman Bernanke, a call for our legislation to pass. That is what we need to do. Voluntary programs will not work. We have to move forward. We ask the Republicans to join with us in this most important legislation and stop blocking our ability to stimulate the economy as it relates to housing. They have to stop being beholden to the big banks and Wall Street and be beholden to the people who are in trouble—middle-class America.

We have a few things left here.

My friend from Montana, who has, at this stage of the year, probably the most important job in the Senate, being chairman of the Finance Committee—every problem we have, we go to the Finance Committee to see what we can do to work it out. So I appreciate the good work of my friend from Montana. The people of Montana are fortunate to have this good man as their Senator because we all know that with Senator BAUCUS, Montana comes first, but we all know, all of us serving in the Senate, that he is a reservoir of good will, intelligence, and understanding, and he helps us all with our problems.

The PRESIDING OFFICER. The Senator from Montana.

TRIBUTE TO LAURIE SULLIVAN

Mr. BAUCUS. Mr. President, I speak today in tribute to a friend, Laurie Sullivan, who passed away late last month.

Laurie was a lawyer, a legislative advocate, and a business leader. I admired Laurie professionally and personally. But I was not alone, because everyone admired Laurie.

Laurie was a cut above the rest. Washington is a place where people can lose their way. Not Laurie. She was grounded. And she was centered.

Laurie stood out because she was in it for the right reasons. She built a well-respected consulting firm, because she cared about good policy. She cared about making Government work.

People admired Laurie for her intelligence, her wit, and her graciousness. She was a breath of fresh air. A veteran of Capitol Hill, Laurie was confident enough to take her work seriously, but not so much that she couldn't laugh or share a joke.

People were drawn to Laurie because she was the kind of person who gave energy. She didn't take it.

Nothing made Laurie happier than being with her family. She talked about her nieces and nephews frequently. Her face lit up each time she mentioned their latest activities or accomplishments. She was proud of them. And she treasured the time that she spent with them. She described trips with her family as priceless memories.

Laurie was also a very generous person. And her generosity was not limited to her family. She gave generously of her time and resources to her community and her friends.

She worked with a local mentoring program focusing on teenagers who had experienced a death in the family. She hired a student from the University of Virginia at Wise. The student worked at her firm for the summer. Laurie gave him a laptop computer. She helped him pay his college bills.

Laurie also gave advice. She counseled her nieces and nephews. She counseled the students whom she mentored. She recommended strategies for her clients. And she counseled women who were starting a business.

She gave her views on healthcare and politics to me and other Senators who were lucky enough to be part of her circle of friends. Her advice was always solid.

When her nieces and nephews followed her advice, they prospered. Laurie's business grew, because her clients learned that she was right. The students she mentored succeeded in college.

Laurie was truly a wonderful person. She knew what was most important in this world. And she made the most of it while she was with us. We should all be so lucky as to live that way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AFTERSCHOOL ASSOCIATION 20TH ANNIVERSARY CONFERENCE

Mr. DODD. Mr. President, next week, members of the afterschool community will be gathering for the 20th anniversary of the National AfterSchool Association Conference. The initial conference held two decades ago marked the first formal meeting of afterschool professionals under their own organization to discuss and develop solutions to address the needs of school-age children during their hours out of school.

Of course, back then we didn't call it afterschool. Instead, we talked about ''latchkey'' programs for ''latchkey kids.'' At the outset, these programs replaced the need for latchkeys around the neck with welcoming, safe, and nurturing environments; they were a prime factor in the creation of the Act for Better Child Care.

As pioneers in the school-age movement, this passionate, dedicated group of leaders recognized that the needs of these students were distinct from those of early childhood. Their movement helped school-age providers network and share resources, culminating in the creation of the National School-Age Care Alliance, which later became the National Afterschool Association, NAA. Over time, 36 State affiliates were established.

In the past two decades, the field has evolved and NAA with it. Parents wanted more opportunities for their children, and the need for assuring quality programming became evident. In collaboration with the School Age Child Project at Wellesley College, NAA developed national quality standards and a national accreditation process for afterschool programs. These standards became the foundation for other groups' guidelines for programs for school-age children.

The NAA continues to be a leading voice in the afterschool community with almost 10,000 members nationally and internationally. The professionals who make up NAA's membership supply a critical component of quality programs, providing children with high-quality programming and positive relationships with adult mentors. The NAA has worked on behalf of the afterschool workforce to improve its quality and ensure that the profession's voice is heard. Today, their annual conference remains a key way for the afterschool community to share and network.

Afterschool has grown by leaps and bounds and now includes a diversity of programs providing a wide array of opportunities for young people. These

programs tackle a variety of issues including bolstering academic performance, preventing childhood obesity, and exposing children to the arts and music. Through time, the NAA has always maintained its commitment to supporting quality programs with well-trained staff dedicated to helping children grow to the best of their abilities. Because of the NAA, parents can more successfully balance their work and home life and millions of American children have safe places to grow and develop when the school day ends.

I am proud to join with those in attendance at this milestone NAA conference celebrating the journey of the past 20 years. I congratulate the members of the afterschool community on this special anniversary and thank them for their hard work creating safe and engaging environments for our children.

COSPONSORS OF S. 2716

Mr. DOMENICI. Mr. President, I ask unanimous consent the Senator from Alabama, Mr. SESSIONS, the Senator from Texas, Mr. CORNYN, the Senator from Louisiana, Mr. VITTER, and the Senator from South Carolina, Mr. DEMINT, be added as cosponsors to my bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes, S. 2716.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SLEEP AWARENESS WEEK

Mr. JOHNSON. Mr. President, today I wish to recognize March 8, 2008, as Suddenly Sleepy Saturday—A Day of Narcolepsy Awareness, part of National Sleep Awareness Week. Sleep is an integral part of health and overall well-being, and its importance cannot be stressed enough. Sleep disorders present a chronic health threat that can compromise normal physical, mental, and emotional functioning. There are an estimated 135,000 Americans suffering from narcolepsy, and half of that total remains undiagnosed.

Narcolepsy is a chronic disorder, which causes excessive daytime sleepiness, irresistible sleep attacks, and cataplexy—a loss of muscle tone, hypnagogic hallucinations, sleep paralysis, and disrupted nighttime sleep in women, men, and children of all ethnic backgrounds. Symptoms often begin in the teen years and increase over time. Undiagnosed narcolepsy can impair educational goals, relationships, career success, and even one's independence.

Suddenly Sleepy Saturday is an effort to lead the estimated 65,000 Americans who are living with undiagnosed narcolepsy to a proper diagnosis and treatment. This day of awareness will allow for expanding knowledge of life with narcolepsy and will allow participating communities to better support people who struggle with the challenges of this chronic neurological disorder. I am pleased that many South Dakotans, including those in Aberdeen, SD, will be commemorating Suddenly Sleepy Saturday and raising awareness of narcolepsy.

I urge all citizens to support the search for the cause, cure, and prevention of narcolepsy and assist those individuals and families who deal with this devastating disorder on a daily basis.

INTERNATIONAL WOMEN'S DAY

Mr. BIDEN. Mr. President, on March 8 we will commemorate International Women's Day, which, since 1911, has given us an opportunity to pause and assess the status of women worldwide. Since that time, we have seen great achievements by women in many parts of the world. The last century began with women in the United States fighting for the right to vote, while today we see the first real chance that a woman will be elected President.

While substantial progress has been made here and in other countries, millions of women around the world continue to live in poverty and fear. Women are denied decent health care, denied economic opportunities, denied education, and denied security for themselves and their children. Women face epidemic levels of violence. One in three women worldwide will experience gender-based violence in her lifetime. In some countries, that is true for 70 percent of women. No country is immune. From the trafficking of women in Eastern Europe, to ''honor'' killings in the Middle East, to the use of rape as a weapon of war in Darfur and the Democratic Republic of the Congo, violence against women and girls crosses all borders and affects women in all social groups, religions and socioeconomic classes.

A recently released survey of 1,500 women in Iraq by Women for Women International indicates that women there are suffering high levels of violence. The survey found that 63.9 percent of those surveyed believe that violence against women is increasing for reasons including lack of respect for women's rights and a worsening economy. The report quotes a police chief in the southern city of Basra who says that ''[r]eligious vigilantes have killed at least 40 women this year . . . because of how they dressed, their mutilated bodies found with notes warning against 'violating Islamic teachings.' ''

Violence has a profound impact on the health and development of countries worldwide. Violence against women and girls violates their basic human rights. It impedes women's full and active participation in their communities and societies. And it limits our effort to foster development around the world. Violence prevents girls from going to school, stops women from holding jobs, and limits access to critical health care for women and their children. We can't eradicate poverty and disease unless we prevent and respond to the violence women face in their own homes and communities. And we can't empower women to become active in civic life and promote peace, prosperity and democracy unless they personally are free from fear of violence. It is no surprise, then, that at this year's World Economic Forum, Secretary Rice stated that if she could focus on one thing in developing countries, it would be the empowerment of women.

Violence against women is a global health crisis, not just because so many women and girls are injured and die but also because the violence interferes with efforts to save the lives of pregnant women and babies. Rape increases vulnerability to HIV–AIDS transmission. In sub-Saharan Africa alone, women account for close to three-quarters of those living with HIV–AIDS between the ages 18 and 24.

The picture is grim and can be discouraging. But the good news is that local organizations are working in communities around the world with courage, sensitivity, and success to help women overcome violence at home, in school, and at work. Governments are bringing together all sectors of their country to try to prevent and end abuse. But they need our help.

We have made tremendous progress in reducing violence against women here in the United States since we passed the Violence Against Women Act, VAWA, in 1994. It is time to throw our weight and leadership behind efforts to help women and their families worldwide lead safer, healthier lives. Stopping gender-based violence isn't just the moral thing to do; it is also smart diplomacy since violence contributes to the poverty, inequality, and instability that threaten our security.

Last fall, Senator LUGAR and I introduced S. 2279, the International Violence Against Women Act. This groundbreaking, bipartisan legislation would ensure that our foreign assistance programs include efforts to end gender-based violence.

We would accomplish this goal in three ways:

First, we propose to reorganize and rejuvenate the gender-related efforts of the State Department by creating one central office—the Office for Women's Global Initiatives, directed by a Senate-confirmed Ambassador who reports directly to the Secretary of State. The coordinator will monitor and coordinate all U.S. resources, programs, and aid abroad that deal with women's issues, including gender-based violence.

This centralization will ensure the most efficient use of taxpayer funds.

Second, we mandate a 5-year, comprehensive strategy to combat violence against women in 10 to 20 targeted countries. We would allocate $175 million a year to support programs dealing with violence against women in five areas: the criminal and civil justice system, health care, access to education and school safety, women's economic empowerment, and public awareness campaigns that change social norms.

Third, we know through terrible experience that women and girls are especially vulnerable to violence in humanitarian crises and in conflict and postconflict situations. Reports of refugee women being raped while collecting firewood, soldiers sexually abusing girls through bribery with token food items, or women subjected to torture as a tool of war are horrific. The act requires training for workers and peacekeeping forces and establishes reporting mechanisms and other emergency measures.

The issue of violence against women and girls is complex, and our legislation is ambitious. We are mindful that no country has a perfect record or all the answers. Yet Congress has a long and proud history of tackling complex international problems, most recently the epidemic of HIV–AIDS and the crime of human trafficking.

Former United Nations Secretary-General Kofi Annan said ''Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equity, development and peace.'' We could not agree more. Our International Violence Against Women Act brings together, for the first time, coordinated American resources and leadership to this global issue.

We believe the time is now for the United States to get actively engaged in the fight for women's lives and girls' futures. There is no better way to commemorate International Women's Day.

CONSUMER PRODUCT SAFETY COMMISSION REFORM ACT

Mr. ROCKEFELLER. Mr. President, I want to take this opportunity to express my complete support for H.R. 4040, the Consumer Product Safety Commission Reform Act, which passed the Senate yesterday with an overwhelming bipartisan majority. Regrettably, I was unable to vote on final passage of H.R. 4040, as I had a previous commitment that prevented me from being there. However, I believe so strongly in the Government's responsibility to maintain the highest level of product safety that I wanted the CONGRESSIONAL RECORD to reflect how pleased I am that the Senate passed H.R. 4040, after substituting the text of S. 2663 as amended, and to extend my congratulations to the bill's principal sponsors, Senator MARK PRYOR and Senator TED STEVENS.

Throughout the past few years, our Nation has experienced an unfortunately large number of recalls on products that have been imported into our country. Of particular concern to me, and to many of my colleagues, as well as to parents and all citizens across the country are the millions of children's toys that were recalled due to dangerous levels of lead and other toxins or dangerously defective product design or manufacture. These recalls left many parents wondering whether any of the toys they purchased for their children were safe. It was time for the Senate to work together to protect America's consumers and children, and with the passage of H.R. 4040, we have done that and, I believe, done it well.

Much blame has been placed on the U.S. Consumer Product Safety Commission, CPSC, for failing to adequately protect consumers from dangerous products entering the United States. Whether this was being too lax with regard to negligible product safety standards for toys and other items produced abroad, or ineffective and often toothless oversight of the manufacturing and design process wherever the toys were made, there is more than enough blame to spread around. While I certainly recognize the important contributions of the dedicated career employees at the CPSC, it is clear that the CPSC lacks the adequate resources, and political will, to combat this growing problem.

With the passage of H.R. 4040, the Senate has taken a very good step toward addressing many of the problems we have seen in recent years by increasing funding for the CPSC, increasing penalties for manufacturers that violate consumer protection laws, reducing the levels of lead in children's products, requiring labeling so that parents can know when their children's toys have been recalled, and allowing State attorneys general to help enforce Federal consumer protection laws for the benefit of citizens throughout West Virginia and across the Nation.

Mr. President, again I would like to express my support for H.R. 4040, as amended by the remark on March 6, 2008, and thank my colleagues for all of their hard work to pass legislation that will better protect consumers and children from dangerous products.

Mr. CARDIN. Mr. President, yesterday, the Senate passed S. 2663, the Consumer Product Safety Commission Reform Act, by an overwhelming margin of 79 to 13. This significant legislation has the potential to benefit every consumer and, most notably, protect America's children.

Imagine the heartbroken look on a child's face when a favorite toy is confiscated because it's unsafe.

Then try to imagine the much greater pain felt by a parent whose child has been poisoned or injured or even killed by an unsafe toy.

So far this year, the Consumer Product Safety Commission, CPSC, has issued no fewer than six toy recalls just due to lead paint safety violations. These recalls affect over 75,000 toys. There were 473 recalls last year. In fact, as a few of my distinguished colleagues have noted, one of the ''must-have'' toys last year, AquaDots, was recalled just prior to the holidays—and for good reason. The Dots contained a potentially coma-inducing toxic coating.

American consumers have the right to expect that the products they buy are safe. The CPSC should be able to provide that assurance. Unfortunately, in recent years, we have seen numerous examples when the CPSC has not been up to the job.

The CPSC has suffered from the antiregulatory zeal that has been popular in recent years. Products under the Commission's jurisdiction cause more than 28,000 deaths and 33.6 million injuries each year, but funding for CPSC has been slashed and the staff is half the size it was 30 years ago.

The bill the Senate has passed will strengthen the CPSC by giving it the staff, enforcement powers, and other resources it needs to monitor a rapidly changing and ever-expanding global marketplace. S. 2663 will give American consumers—89 percent of whom are aware of the recent recalls—greater peace of mind.

S. 2663 provides critical budget and staffing resources necessary to provide for increased safety monitoring. The bill bans lead from children's products and subjects all toys to comprehensive hazard testing. And it mandates independent testing of many children's products. But all the increased testing and regulations in the world are only as good as the ability to back them up with meaningful penalties for violators. So S. 2663 increases the per-violation civil penalties cap to help deter violations.

I am grateful to the bill managers for including my amendment—No. 4103—to address the issue of training standards for safety inspectors. S. 2663 nearly doubles current funding levels over the next 7 years—which I think is a good idea. And it increases the CPSC staff to at least 500 by 2013—which I also think is a good idea. But if there is going to be a rapid expansion of the staff, I think it would be useful for the CPSC to develop training standards for product safety inspectors and technical staff and to consult with a broad range of consumer product safety organizations in developing those standards. My amendment merely directs the

CPSC to develop such standards—again, in consultation with groups that have expertise in such matters—within 180 days of enactment and to submit a report to Congress on the standards.

I am also grateful the bill managers included an amendment, No. 4113, Senator OBAMA and I introduced to clarify, expand, and standardize the information contained in recall notices.

We have passed a bill that will help keep dangerous products off store shelves, out of our homes, and out of the hands of our children and grandchildren. We have passed a bill that will help restore consumer confidence in product safety. I am proud the Senate has passed this legislation, and I congratulate the bill managers—Senators PRYOR, STEVENS, INOUYE and COLLINS—for crafting it and bringing it to the floor with such broad, bipartisan support.

Mr. DODD. Mr. President, I wish to speak on the Consumer Product Safety Commission Reform Bill, which the Senate passed earlier today. I was pleased to cast my vote in support of this important bipartisan bill, and I thank Senators PRYOR and STEVENS for their hard work in bringing this measure to the floor.

The Consumer Product Safety Commission, or CPSC, is one of our Nation's most important Federal agencies. The Commission's principal responsibility entails protecting Americans from risks associated with products sold in the United States. Each year, it develops and enforces safety standards for thousands of goods. These goods range from toys to housewares.

We live in an age of increasing global trade. Consequently, the activities of the CPSC here become more important, as Americans purchase and consume a greater number of products manufactured in foreign nations. In order to meet these expanded responsibilities, the CPSC requires enhanced resources and authorities. I am pleased that the bill passed today provides these enhanced resources and authorities.

The Consumer Product Safety Commission reform bill includes new safety standards for a variety of products, including cigarette lighters, furniture, swimming pools, equestrian helmets, portable gasoline containers, strollers, and cribs. It strengthens the certification of safety-standard compliance, establishes more stringent standards on lead in paint, reforms third-party testing for product safety and compliance, and increases civil and/or criminal penalties for noncompliance. The bill also increases CPSC personnel in major ports-of-entry, prohibits CPSC personnel from taking industry-sponsored travel, prohibits the sale of products that are the subject of a recall, expands jurisdiction of the CPSC to cover amusement park rides at a fixed site, and fosters greater coordination among the various agencies involved in consumer safety issues.

Further, the legislation doubles the current CPSC authorization level for fiscal year 2009 to $88,500,000, and increases the level to $155,900,000 by fiscal year 2015. This bill also authorizes $40 million for fiscal year 2009 for the improvement of the Commission's research, development, and testing facilities, and also provides $1 million for fiscal year 2009 for research into safety issues related to the use of nanotechnology in consumer products.

I am particularly pleased that the bill contains two provisions that I worked to advance regarding new CPSC safety standards for swimming pool drains and equestrian helmets. These standards are vital towards protecting children against accidental drowning and horse-related injuries respectively. I was pleased to work with my colleagues on the Commerce Committee in drafting these standards and incorporating them into the bill.

In closing, I believe the Consumer Product Safety Commission reform bill will allow the CPSC to fulfill its responsibility of protecting Americans more effectively, and I look forward to working with my colleagues on future such legislation.

REMEMBERING EVE CARSON

Mr. BURR. Mr. President, I wish to honor the life of Miss Eve Carson, student body president at the University of North Carolina at Chapel Hill. Miss Carson's life was tragically cut short on Wednesday morning.

I send my deepest condolences to Eve's family, the Chapel Hill community, and all those who came to know of her service and compassion for others.

Eve Marie Carson was born to Bob Carson and Teresa Bethke in Athens, Georgia, on November 19, 1985. She attended Clarke Central High School, where she served as student body president.

Eve enrolled at UNC in the fall of 2004 as a recipient of the prestigious Morehead Scholarship. Miss Carson left an indelible mark on the university and its community during her 3½ years in college.

Eve excelled as a student at the University of North Carolina. She was a political science and biology major and hoped to attend medical school next year. Miss Carson was a member of the Phi Beta Kappa honor society and served as a North Carolina Fellow.

Eve was dedicated to helping those around her. She taught science at Frank Porter Graham Elementary School in Chapel Hill and tutored kids at Githens Middle School in Durham.

She served as cochair of Nourish International, a hunger-relief group, and an assistant coach in the Girls on the Run of the Triangle, a character-building program.

She studied abroad in Cuba and spent her summers helping others in Ecuador, Egypt, and Ghana. Her compassion and hard work seemed to know no bounds.

Mr. President, Eve Carson was a special woman who will be missed. Her passing leaves a void in a community who knew her as an intelligent, hard-working, compassionate leader who loved helping others.

Again, I extend my heartfelt sympathy to Eve's family, friends, and all those who benefitted from her compassion and service.

ADDITIONAL STATEMENTS

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

• Mr. LUGAR. Mr. President, today I share with my colleagues the winners of the 2007–2008 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for 8th grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. I, along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, am pleased with the annual response to this contest and the quality of the essays received over the years.

I congratulate Jansen Hight, of Owen County, and Leah Lahue, of Crawford County, as winners of this year's contest, and I ask that the complete text of their respective essays be printed in the RECORD. Likewise, I would like to have printed in the RECORD the names of all of the district and county winners of the 2007–2008 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

The material follows.

ENERGY AWARE—ENERGY INDEPENDENT

(By Jansen Hight)

Today our world runs mainly on fossil fuels. Therefore, what are we going to do when all the fossil fuels are gone? This limit of non-renewable fuel resources is why we should start considering the use of alternative energy sources. Some of the best-known alternative fuels include biodiesel, butanol, ethanol, chemically-stored electricity, methane, biomass, hydrogen, natural gas, vegetable oil, and peanut oil (just to name a few).

A wide variety of alternative energy sources are being developed to aid our rural economies and our nation's security. With nearly 60 percent of our oil resources coming from other countries, it is important that we develop our own dependable sources of energy. Due to the lack of resources to produce substantial amounts of energy from other sources such as solar and wind power,

biofuels are the best resource for Indiana to pursue energy independence.

With Indiana being a strong agricultural state, Indiana has the ability to be a leader in the production and use of domestic renewable fuels including biodiesel, ethanol, and fuels made from cellulosic biomass. Regardless of the type of alternative fuels being produced by Indiana farmers, one common advantage these fuels have is they improve our energy resources since they all can be made from sources other than imported petroleum. By using home-grown sources for fuel, this would also increase the local demand for Indiana soybeans and corn, leading to a better profit for the farmer. This profit can then be circulated back into the local community.

Indiana does have the agricultural resources to be a leader in developing a strong biofuels industry. With the cooperative efforts of biofuel users, petroleum companies, and the government, our Indiana farmers can lead the way for a sustainable energy future that supports rural economies and aids our nation's security.

UNTITLED

(By Leah Lahue)

Alternative energy sources include: solar, water, wind, geo-thermal, and bio-fuels. Alternative energy use reduces the dependence on foreign oil, reduces harmful emissions, and uses renewable resources. Protecting our environment and slowing the use of non-renewable petroleum reserves are good choices for everyone.

Bio-fuels are produced directly from plants or indirectly from organic industrial, commercial, domestic, or agricultural wastes. Three ways to make bio-fuels are burning dry organic waste, using fast growing trees, and fermenting wet materials. Partly digested cellulose and carbohydrates—animal manure can be burnt in dry form or processed into biogas. Bio-fuel comes from corn, sugarcane, wheat, rice, sorghum, sunflowers, potatoes, and sugar beets. One bushel of corn produces 2.8 gallons of ethanol. Bio-fuel, a renewable resource, reduces dependence on foreign oil and carbon dioxide emissions. With 20 parts bio-diesel and 80 parts petroleum, bio-diesel is environmentally safer. Critics are concerned that the major use of grain as bio-fuels may increase food prices. Unused croplands and continually improving farm methods can meet increased demands without food price increases. Food prices are driven up more by increased gas prices than prices paid to farmers.

Solar energy, waterpower and wind energy are clean, nature-provided alternative energy sources, especially for electricity. Solar energy, collected by solar panels, which may be placed on cars and buildings and in open spaces, can be used for heat and to power batteries and other equipment. Falling water and wind turn turbines and electrical equipment. The energy from the turbines can be stored and used as electricity and as a heat source. Alternative energy sources, especially bio-fuels, are good choices. Farmers can raise the crops used to produce bio-fuels in mass quantities. Renewable alternative energy sources are generally cleaner, reduce emissions, and reduce our dependence on foreign oil, keeping our financial resources in America.

2007–2008 DISTRICT ESSAY WINNERS

DISTRICT 1

Schuyler Awald, Walkerton; Stefanie McGovern, Winamac.

DISTRICT 2

Joshua Garcia, Auburn; Jordan Hartleroad, Butler.

DISTRICT 3

Ayren Cobb, Otterbein; Chad Griffin, Cutler.

DISTRICT 4

Tyler Barnes, Kokomo; Mariah Hornaday, Portland.

DISTRICT 5

Ross Smith, Pittsboro; Abby Garner, Covington.

DISTRICT 6

Cody Short, Centerville; Rebekah Bales, Lewisville.

DISTRICT 7

Sarah Anne Foley, Unionville; Jansen Hight, Spencer.

DISTRICT 8

Karina Collins, Columbus; Bret Rosenberger, Brookville.

DISTRICT 9

Leah Lahue, Leavenworth; Jacob Newmaster, Elberfeld.

DISTRICT 10

Denise Maxie, Austin; Luke Aaron Woolbright, Scottsburg.

2006–2007 COUNTY ESSAY WINNERS

BARTHOLOMEW

Karina Collins, Central Middle School.

BENTON

Kybren Foster and Ayren Cobb, Benton Central Junior High School.

CARROLL

Chad Griffin, Carroll Jr./Sr. High School.

CASS

Dalton Christensen and Brittany Wagoner, Columbia Middle School.

CLARK

Sarah Trotter, Charlestown Middle School.

CLAY

Kole Smith, Clay City Junior High School.

CRAWFORD

Leah Lahue, Crawford County Jr. Sr. High School.

DEARBORN

Shane Bedford and Jessica Tillman, St. John Lutheran School.

DECATUR

Jasmine Duvall, North Decatur Jr. High School.

DEKALB

Joshua Garcia, DeKalb Middle School; and Jordon Hartleroad, Eastside Jr. High School.

ELKHART

Kirstin Guerrero, Heritage Middle School.

FLOYD

William Happel, Our Lady of Perpetual Help School.

FRANKLIN

Bret Rosenberger and Emily Ash, St. Michael School.

GREENE

Jesse Houchin and Jannae Jackson, Linton-Stockton Jr. High School.

HAMILTON

Joshua Foster and Katie Cheesman, Carmel Middle School.

HENDRICKS

Ross Smith, Smith Academy.

HENRY

Cole Williams and Rebekah Bales, Tri Jr. High School.

HOWARD

Tyler Barnes and Leah Naegeli, Northwestern Middle School.

JACKSON

Kyle Wischmeier, Lutheran Central Middle School; and Denise Maxie, Crothersville Jr. High School.

JASPER

Garrett Smith and Leslie Smith, Rensselaer Middle School.

JAY

Aaron Loy and Mariah Hornaday, East Jay Middle School.

LAKE

Hunter Balczo, Our Lady of Grace; and Taylor Hillegonds, Crown Point Christian School.

MARION

Andrew Klein and Lindsay Rader, Immaculate Heart of Mary School.

MIAMI

Cole Shafer and Jylian Vigar, Maconaquah Middle School.

MONROE

Matthew Teach, Tri-North Middle School; and Sarah Anne Foley, home school.

OWEN

Jansen Hight and Sarah Law, Owen Valley Middle School.

PORTER

Maggie Mantel, Crown Point Christian School.

POSEY

Austin Bender and Jordan Wassmer, North Posey Jr. High School.

PULASKI

Stefanie McGovern, Eastern Pulaski Middle School.

RANDOLPH

Carlas Bogue and Kailey Gough, Driver Middle School.

ST. JOSEPH

Dylan Gainey and Emily Dillon, St. Matthew Cathedral School.

SCOTT

Luke Woolbright, Scottsburg Middle School.

STARKE

Schuyler Awald and Emily Pucel, Oregon-Davis Jr. High School.

VANDERBURGH

Jacob Newmaster, Trinity Lutheran; and Jessica Kelley, St. Joseph School.

VERMILLION

Brandon Downs and Abby Garner, North Vermillion Jr. High School.

WABASH

Hunter Wells and Madison Kroh, Northfield Jr. High School.

WARRICK

Andrew Gill and Emma Donaldson, Evansville Christian School.

WAYNE

Cody Short, Centerville Jr. High School; and Elise Armstrong, Seton Catholic Jr. High School.

WELLS

Kent Blazier and Chelsea Sorg, Norwell Middle School.

WHITE

Jacob Brummett and Kaity Faucett, Frontier Jr. High School.●

REMEMBERING RAFAEL VAZQUEZ

● Mr. MARTINEZ. Mr. President, I wish to speak in honor and pay tribute

to a fallen paramedic from my State, Palm Beach County Fire-Rescue Lieutenant Rafael Vazquez.

Rafael's life ended prematurely this week; he died at the very young age of 42. But the memory of his dedication, hard work, and commitment to public service will live on for many lifetimes.

Rafael Vazquez led a life committed to public service. For the past 7 years, he worked at Station 28 in Royal Palm Beach, and this January he was promoted to the rank of rescue lieutenant. The men and women he supervised speak about him with great pride—describing him as a hard worker, a man with a sense of humor, and a loving father. This was a man whom they respected and considered a friend; they simply called him ''Ray.''

Rafael's coworkers knew him as someone who loved his Puerto Rican heritage. He often cooked Latin food for his colleagues. And even though he was born in Brooklyn, NY, after Rafael moved to Florida, as is our tradition in the Sunshine State, he immediately became a Floridian.

Rafael was also a family man—a devoted father and husband. He met his wife Michele while working at American Medical Response and cared for her deeply. In a recent news account, Rafael's wife Michele remembered her husband as, ''. . . a jokester with a quick wit and an infectious smile who would help anyone in need.'' Michele added, ''I thank God every day for giving me the 13 years that I had with him.'' The couple had a young son together and four children from previous relationships.

Floridians receive rapid medical care in times of emergency because of people like Rafael Vazquez. He loved his work and his contribution will be missed.

On behalf of Florida and the people of the United States, I thank and honor rescue lieutenant Rafael Vazquez for his service to his community and the safety he helped to promote.●

HONORING THE LIFE OF ELLEN PANEOK

● Ms. MURKOWSKI. Mr. President, I wish today to honor the life of Ellen Paneok, who left us last Sunday, March 2, at the age of 48. So little time on this Earth, but Ellen made so much of it. The State of Alaska is much the better for all that she has accomplished.

How to characterize Ellen? I could speak of her work for Big Brothers and Big Sisters of Southcentral Alaska. Or her work to promote aviation safety at the FAA and as a volunteer in the general aviation community.

I could speak of the inspiring articles she has published. I could tell you that Ellen was a highly respected Inupiat artist working in ivory and scrimshaw.

I could speak of that fact that Ellen offered herself freely as a role model for Native young people.

I could speak to the kindness and loyalty she gave to her friends, including Pat Heller, a very special friend of Ellen's and mine. Ellen's friends returned that kindness and loyalty as they took responsibility for Ellen's care in her final days.

And I could speak of the fact that Ellen was one of the first women—not to mention one of the first Alaska Native women—to pursue the career of Alaska bush pilot. Careers just don't get more adventurous than that. And it was her achievements in the field of aviation that earned Ellen a place in our Nation's history.

Ellen started flying in 1976. She flew primarily out of Barrow carrying mail and supplies to the Native villages of northern Alaska.

Her life story was chronicled in the ''Women in Flight'' exhibit at the National Air and Space Museum in the nineties. Ellen was one of 37 women in aviation who were part of that exhibit.

On September 11, 1997, she delighted museum goers with stories about chasing polar bears off the runway before she could land, flying in Alaska's extreme weather conditions and restoring airplanes.

Some of her experiences were delightful, others were not. Like July 10, 1980, the day that the engine in Ellen's Piper Twin Pacer quit somewhere between Farewell and McGrath. The plane fell like a brick and crashed into a stand of trees. A day and a half later, after making a smoke fire from brush and engine oil to call attention to the downed aircraft, she was rescued.

That incident gave Ellen a new nickname, ''the survivor.'' The chapter devoted to Ellen in Sandi Sumner's book ''Women Pilots of Alaska'' is entitled ''The Survivor.'' But it goes on to note that surviving the July 1980 crash in the Alaska bush was one of many crises in Ellen's life from which she grew and thrived.

Ellen was born in Kotzebue, AK, a relatively large community, in Alaska's bush. Ellen's parents divorced when she was age 5. Her father left the picture following the divorce. Her mother was never around. The family moved from Kotzebue to the big city of Anchorage.

Ellen took on the role of mother to her two sisters at the age of 9 and carried on until the age of 12 when the State moved the children into foster homes, splitting the family up to Ellen's protestations. By 14 Ellen was living in a detention facility. She looked at a magazine with airplanes on the cover and said, ''This is going to change my life.''

Indeed, it did. At age 16, holding a dividend check from Cook Inlet Region, one of the Alaska Native Claims Settlement Act regional corporations created by Congress, Ellen went to Merrill Field, the general aviation aircraft in Anchorage, to take flying lessons. The rest is history.

When Ellen spoke to groups of at-risk kids, she could relate from her personal experience. She told them:

> I was just like you. I got no encouragement. When you decide to do something don't let anyone or anything discourage you. It's up to you.

In aviation as in life, attitude influences altitude. With an attitude like this it is no wonder that Ellen will be remembered as a ''heroine in aviation.'' That was the name of an exhibit sponsored by the Chicago Airport System which also chronicled Ellen's extraordinary life adventure.

On March 15, a celebration of Ellen's life will take place at the Alaska Aviation Heritage Museum in Anchorage. I regret that I will not be able to attend this event to commemorate the achievements of this truly Renaissance woman. So I am taking a few minutes of the Senate's time today to pay tribute to this individual who I so deeply respect.

I thank the Senate for allowing me to take a few moments today to speak of Ellen Paneok, one of many Alaskans whose contributions to the making of my home State will be repeated again and again in the run-up to the 50th anniversary of Alaska's statehood next January.

Sadly, Ellen will not be with us in person to celebrate that 50th anniversary, yet her inspiring life will not be forgotten. It is forever a part of Alaska's history.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 1084. An act to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

H.R. 1424. To amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2734. A bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 1195. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Con. Res. 70. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. KENNEDY, and Mr. SUNUNU):

S. 2731. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MCCASKILL:

S. 2732. A bill to expand the definition of independent student under the Higher Education Act of 1965 to include active members of the National Guard or Reserve forces of the United States and to prevent payments of educational assistance for veterans and members of the Selected Reserve from being offset in the calculation of financial aid under such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY:

S. 2733. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mr. BOND (for himself, Mr. ISAKSON, Mr. ALEXANDER, Mrs. DOLE, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. HATCH, Mr. INHOFE, Mr. STEVENS, Ms. MURKOWSKI, and Mr. COLEMAN):

S. 2734. A bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis; read the first time.

By Mr. REED (for himself and Mr. HAGEL):

S. 2735. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL (for himself and Mr. SCHUMER):

S. 2736. A bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. REED, Mr. REID, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. BIDEN, Mr. LEAHY, Mr. ALLARD, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. CHAMBLISS, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. ROCKEFELLER, Mr. WARNER, Mr. OBAMA, Mr. VOINOVICH, Mr. COLEMAN, Mr. DODD, Mr. LUGAR, Mr. LAUTENBERG, Mr. BROWN, Mrs. MURRAY, Mr. BAYH, Mr. MARTINEZ, Mr. INOUYE, and Mr. SALAZAR):

S. Res. 476. A resolution designating March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; considered and agreed to.

By Mr. CONRAD:

S. Con. Res. 70. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; from the Committee on the Budget; placed on the calendar.

ADDITIONAL COSPONSORS

S. 507

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1795

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1795, a bill to improve access to workers' compensation programs for injured Federal employees.

S. 2142

At the request of Mr. BROWN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2142, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2606

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2712

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2712, a bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S. 2716

At the request of Mr. DOMENICI, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 2716, a bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes.

S. 2718

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2718, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2720

At the request of Mr. SPECTER, the names of the Senator from Texas (Mr. CORNYN), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2720, a bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. KENNEDY, and Mr. SUNUNU):

S. 2731. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I am pleased to join Senators LUGAR, KENNEDY, and SUNUNU in introducing legislation to reauthorize our Government's effort to combat HIV/AIDS, tuberculosis, and malaria overseas. Entitled the Tom Lantos and Henry J. Hyde

United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008—in recognition of the great service to this issue by our recently departed friends from the House of Representatives—the bill would continue and expand the revolutionary public health program begun 5 years ago at the initiative of President Bush.

In his State of the Union address in 2003, the President announced a dramatic proposal—to spend $15 billion over 5 years to combat HIV/AIDS globally, particularly in sub-Saharan Africa, which has been hardest hit by the pandemic. Congress responded promptly, authorizing the full amount requested by the President just a few months later.

In the last 5 years, the work of the U.S. Government and its implementing partners around the world has been nothing short of miraculous. Well over a million people have been saved from almost certain death by the provision of anti-retroviral drugs. Mr. President, 150,000 babies have been born without HIV because of efforts to prevent the transmission of the disease from mothers who were so infected. Millions of people suffering from AIDS have received treatment and care. Over two million orphans and vulnerable children have received care, education and support. Across Africa, in communities large and small, we have given millions of people hope for a better and longer life.

Even the most optimistic among us would not have predicted these dramatic results. History will record that this was President Bush's finest hour—he challenged our Government, and the governments in Africa, to respond to one of the most profound crises of our time. They have met and exceeded that challenge. While implementation of the program has not been problem-free, it has proceeded at a pace and scale that was unimaginable to most of us. The credit for this success goes to thousands of dedicated people serving here and abroad, and to the American people, for their generosity in supporting this program.

We cannot, however, rest on this success. We have made progress, but the disease is still winning. Thousands of new infections occur every day. For every person enrolled in a treatment program last year, six more became infected.

Last spring, the President challenged us again—to reauthorize the program at a level of $30 billion over the next 5 years. In the course of last summer and fall, the Committee on Foreign Relations has closely reviewed the President's request and the operation of our current programs. To review the programs in the field, teams of committee staff traveled to most of the 15 ''focus'' countries that have received the bulk of the funding. They visited dozens of clinics, hospitals, and care centers. They talked to hundreds of government officials, community members and health staff working against the disease, people living with HIV/AIDS, and children orphaned by the disease. We have learned what is working—and more important, what is not working. Last fall, the committee held formal hearings to take testimony from experts from within and without the Government. The committee has also closely reviewed numerous studies performed by government agencies and nongovernmental organizations working in this field.

The Congress is now ready to act, and we are ready to respond to the President's call. The bill that we introduce today will reauthorize the Global HIV/AIDS programs for the next 5 fiscal years. It will provide authorization of appropriations of $50 billion over this period, of which $9 billion is devoted to fighting malaria and tuberculosis, two diseases that are also major causes of death in the developing world. This higher figure is justified because the President's figure of $30 billion is too low—it will barely keep pace with inflation, as we are already funding current programs at a rate above $6 billion a year. Additionally, the President's request dealt only with HIV/AIDS, although the initial legislation in 2003 covered all three deadly diseases.

The bill that we introduce will keep the basic framework of the program intact, but makes important adjustments based on lessons learned over the past 5 years. First, the bill removes most earmarks in the original law that delineated the percentages that should be devoted to treatment, to care, and to prevention. A major, congressionally mandated study by the Institute of Medicine, as well as one by the Government Accountability Office, concluded that these earmarks unduly limit flexibility for the people implementing the programs. We need to lift these restrictions in order to let our Government and local officials tailor their responses to local conditions. The only earmark that is retained is a 10 percent allocation for orphans and vulnerable children, for which there appears to be universal support.

The bill also seeks to coordinate our HIV/AIDS programs with other health and development programs. The disease does not exist in a vacuum. Across the developing world, people afflicted with HIV/AIDS face many other health and economic challenges. We need to better coordinate all of our health programs to promote efficiencies and expand the number of people we reach. Nutrition is the best example of how we could positively affect people's lives by improving our coordination. The bill promotes local health capacity—an enormous challenge in Africa in combating this disease. Further, the bill pushes the U.S. Government to plan for the long-term. We need to move from responding to an emergency toward building sustainability—so our local partners that have the resources can take over this effort, with our technical assistance.

Perhaps most important, this legislation attempts to put major emphasis on prevention. Simply put, we cannot win the fight against HIV/AIDS unless we expand and improve efforts to prevent its spread. Such efforts must include the so-called ''ABC'' approach—abstinence, being faithful, and proper use of condoms. But they must involve much more; in some places successful prevention will require major societal and cultural change that must be initiated and led by local governments and leaders.

Last week, the House Committee on Foreign Affairs approved a reauthorization bill on a bipartisan basis. The legislation was sponsored by the acting chairman, Mr. BERMAN, and the ranking member, Ms. ROS-LEHTINEN. It is endorsed by the President, who, having just returned from visiting Africa, personally urged several of us to act quickly on the reauthorization bill. The bill that we introduce today mirrors the compromise in the House in several major respects, which will facilitate a prompt conference with the other body.

In partnership with Senator LUGAR, who chaired our committee when the original legislation was approved in 2003, I have scheduled a markup in the Committee on Foreign Relations next week. I am hopeful of strong support to report the bill, and that the full Senate will act on the bill soon after the Easter recess.

By Mr. BOND (for himself, Mr. ISAKSON, Mr. ALEXANDER, Mrs. DOLE, Mr. MCCONNELL, Mr. ALLARD, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. HATCH, Mr. INHOFE, Mr. STEVENS, Ms. MURKOWSKI, and Mr. COLEMAN):

S. 2734. A bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis; read the first time.

Mr. BOND. Mr. President, as I described last Friday, too many families in Missouri and across the Nation are feeling the pain of this Housing crisis, and they need our help now. We have 57,000 people in Missouri delinquent on their mortgages, with 20 percent of Missouri subprime borrowers behind on their payments. These families, unfortunately, similar to many across America in I imagine almost every State, can least afford higher housing costs as they are being hit with higher heating bills, higher health care costs, and more pain at the gas pump.

That is why today I, in partnership with Senator ISAKSON, Senator COLEMAN, and several other Republican colleagues, will proudly introduce the Security Against Foreclosure and Education, or SAFE, Act of 2008. This bill focuses solely on the housing needs of our families and neighborhoods.

A growing economy free of excess litigation and cumbersome regulation will help the most people find the most good-paying jobs and the relief they need. The HOME Act we introduced last week on our side included both housing relief provisions as well as tax relief for American families, litigation reform, and capital markets reform.

However, we do not want Congress to lose sight of the housing crisis that too many American people are facing and the help they need right now. Therefore, we are introducing this measure today to focus solely on the housing help our families and neighborhoods need.

Last week, I spoke about one person in need, suffering in the current subprime mortgage meltdown. That was Willie Clay of Kansas City, MO, a Vietnam vet unable to meet rising variable mortgage payments. Unfortunately, there are many more like him.

Today I share with my colleagues the story of Katherine Gwinn of St. Louis, MO. Her story appeared in the St. Louis Dispatch last year. She is a disabled 53 year old living on Social Security and disability payments. Mrs. Gwinn refinanced her home three times to get lower payments and help pay off debt. Her subprime loan's initial fixed rate expired after 1 year. Since then, her payments have gone up 40 percent, now taking a large chunk of her $916 monthly income.

Ms. Gwinn said the last time she refinanced, her mortgage broker fast-talked her into a subprime loan with provisions she did not understand. The result is her variable rate payments are now at $566 per month. As I said earlier, Ms. Gwinn's monthly income of Social Security and disability payments is only $916 per month. How many of us could pay for food, gas, medicine, and heating bills on the remaining $350 per month? That is why I believe so strongly that we need to help folks such as Katherine Gwinn across the Nation.

First, the Republican SAFE Act will help folks such as Katherine Gwinn and Willie Clay with $10 billion to State housing finance authorities to refinance distressed subprime mortgages. Our proposal would authorize the State housing finance agencies to issue $10 billion in tax-exempt bonds and use the proceeds to help refinance subprime mortgages, refinancing them at or near the original level which they could afford.

Secondly, in order to help families avoid foreclosure and keep them in their homes, we propose to expedite the delivery of $180 million approved by Congress in December to assure counseling help to families in distress. As I announced last week, the first block of these funds has gone out, and we will ensure that remaining funds are delivered as quickly as possible after we can confirm that counseling is having the desired effect. This counseling is important because borrowers need to know and lenders need to know the best way to get out of this crisis is not to have foreclosures that throw families out of their homes. That not only hurts the family, it hurts the lender because they have to spend money on foreclosures, and it drives down the price of housing that is in their stock. In addition, it hurts communities, because when you have a community with significant numbers of foreclosures, you put a blanket of debt and hopelessness on communities which cannot remain viable.

Thirdly, we support helping struggling neighborhoods by providing $15,000 in tax credits available over 3 years for purchasing a home in or approaching foreclosure. This provision, initially proposed by Senator ISAKSON, will help neighbors take down foreclosure signs and stop the slide in property values. We also support the so-called net operating loss carryback tax provisions to help firms that suffered operating losses lower their tax burden, so we enable homebuilders to get through this crisis.

Our proposal includes no new loan disclosure requirements for prominent and plain English explanation of key loan conditions. Anybody who has purchased a house recently knows you are confronted with a stack of papers a half a foot high, with all kinds of legal gobbledygook and with provisions, if you looked hard enough, that may tell you what is going to happen to you if you borrow the money. Most of it is legalese that we as lawyers—and I admit to having been one—like to put in to cover every possible contingency. What borrowers need to see is in big type: ''Teaser, introductory rates,'' their payments, and when it expires. They need to know that if they are agreeing to an adjustable rate, what that rate could be and how much the new payment penalty will be or if there is going to be a repayment penalty. That information needs to be portrayed on the first page so you can see on the first page what you are getting into and how much it would cost you to get out. They will be reminded that there is no guarantee they will be able to refinance their loan before the introductory rate expires.

These are the very things Katherine Gwinn and Willie Clay and thousands of borrowers did not understand when they agreed to their loans. We hope this will protect future families who want their share of the American dream.

I also believe that providing the tax credit will help many first-time homeowners get into a house and give them the extra cash they need to be able to meet their mortgage payments.

Now, there are two new provisions added to our measure that we did not introduce last week. Senator COLEMAN provided language to give returning war veterans more time to avoid home foreclosure. Currently, they have a 3-month window from their return to the private sector to work out any mortgage difficulties they may have. That may not be enough time for a vet newly returned from the war zone and dealing with a host of family and financial problems. Our proposal would extend the returned war veteran protection against foreclosure to 6 months after they return.

We have also introduced provisions of the Federal Housing Act reform bill that passed the Senate 93 to 1 last year. That bipartisan, near unanimous reform bill deserves to become law, and it will assist the FHA in stepping up to the plate in many areas where that agency can provide the kind of help and assistance we initially intended it to provide.

Now, in contrast to the housing proposal introduced on the other side, Republicans will avoid making home ownership more expensive, especially for low-income families, through harmful bankruptcy changes that increase the cost of borrowing or encourage costly litigation.

If we put in law the fact that bankruptcy judges will be able to cram down on lenders' onerous terms that were not included in the initial mortgage, they will find that mortgage companies may increase their rates by 1.5 to 2 percent. That could mean at least 6 million Americans would no longer be able to afford a mortgage to buy the home they need.

Also, we will oppose plowing billions of dollars into big Government programs that will not help our neediest families now. We will also oppose adding more dollars to programs that are still flush with funds that were given them in December.

Together, these housing proposals will help families such as those of Katherine Gwinn and Willie Clay and neighborhoods across the country get through this crisis. I urge my colleagues to support it, and I invite all colleagues on both sides of the aisle to join with us to see if we cannot pass something that will provide relief now for the many families across this Nation who are suffering because of the subprime mortgage meltdown and the resulting financial pressures it puts on the lending industry and, through them, to the families themselves.

This is the time. Now is the time for congressional action. I hope that with a broad coalition of my colleagues, we will be able to make these additions

and provide assistance to suffering American families.

By Mr. REED (for himself and Mr. HAGEL):

S. 2735. A bill to establish the Council on Healthy Housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce, along with Senator HAGEL, the Healthy Housing Council Act of 2008. This legislation would establish an independent interagency Council on Healthy Housing in the executive branch. The bill would improve the coordination of existing but fragmented programs, so that families can access Government programs and services in a more efficient and effective manner.

According to the Department of Housing and Urban Development, more than 6 million households live in housing with moderate or severe heating, plumbing, or electric hazards. This count of moderate or severe physical problems does not even include significant lead-based paint hazards, which persist in 24 million, or approximately four times as many, households.

Low-income and minority individuals and families are disproportionately affected by housing-related health hazards. We know that residents of poorly designed, constructed, or maintained housing are at greater risk for serious illnesses and injuries, including cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, and asthma. According to the Centers for Disease Control and Prevention, non-Hispanic Blacks and Mexican-Americans are three times as likely to have elevated blood-lead levels, compared to non-Hispanic whites. About 1.2 million housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

If the disease and injury toll taken on our Nation's individuals and families, particularly our children, is not enough to demonstrate the need for coordinated Federal Government action on housing-related health hazards, consider some of the annual costs.

According to research at the Mount Sinai Children's Environmental Health Center, annual costs for environmentally attributable childhood diseases in the U.S. total an estimated $54.9 billion. That number is approximately 3 percent of total health care costs.

The good news is that low-cost preventative measures can have dramatic effects. For example, properly installing and maintaining a smoke alarm can cut the risk of fire death in half. The Centers for Disease Control and Prevention estimates that providing healthy housing to American families will help prevent 20 million asthma cases, 240,000 incidents of elevated blood-lead levels in young children, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths.

While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families to access assistance or to receive the comprehensive information they need. It is time for better coordination.

This bill authorizes $750,000 for each of fiscal years 2009 to 2013 for an independent Council on Healthy Housing, which would bring Federal, State, and local government representatives, as well as industry and nonprofit representatives, to the table at least once a year.

The council would review, monitor, and evaluate existing housing, health, energy, and environmental programs. The council would then make recommendations to reduce duplication, ensure collaboration, identify best practices, and develop a comprehensive healthy housing research agenda.

In order to ensure that members of the public are informed of and benefit from the council's activities, the council would hold biannual stakeholder meetings, keep an updated Web site, and work towards unified healthy housing data collection and maintenance.

While there is a growing consensus on ways to help communities make housing healthier, there is also a lack of coordinated programs and information, which has made it difficult for the public to access research and data. By creating this council, we can provide a sorely needed forum for otherwise disparate health and housing experts, whether in the Government, private, or nonprofit sector, to share their experiences, successes, and agendas for the future.

The Healthy Housing Council Act will help us start working towards a time when an affordable, decent, and healthy home will be not just the American dream, but the American promise. I hope my colleagues will join me and Senator HAGEL in supporting this bipartisan bill and other healthy housing efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2735

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healthy Housing Council Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In the United States—

(A) 6,000,000 households live in homes with moderate or severe physical hazards;

(B) 24,000,000 homes have significant lead-based paint hazards;

(C) 11,000,000 homes have had leaks in the last 12 months;

(D) 6,000,000 homes have had signs of mice in the last 3 months; and

(E) 1 in 15 homes have dangerous levels of radon.

(2) Residents of housing that is poorly designed, constructed, or maintained are at risk for cancer, carbon monoxide poisoning, burns, falls, rodent bites, childhood lead poisoning, asthma, and other illnesses and injuries. Vulnerable subpopulations, such as children and the elderly, are at elevated risk for housing-related illnesses and injuries.

(3) Because substandard housing typically poses the greatest risks, the disparities in the distribution of housing-related health hazards are striking. 1,200,000 housing units with significant lead-based paint hazards house low-income families with children under 6 years of age.

(4) Minority populations also tend to be disproportionately affected by housing-related illnesses, including lead poisoning and asthma. According to the Centers for Disease Control and Prevention, non-Hispanic blacks and Mexican Americans are approximately 3 times as likely to have elevated blood-lead levels, compared to non-Hispanic whites. The non-Hispanic black population has an asthma mortality rate 3 times greater than the rate for the non-Hispanic white population.

(5) The annual costs for environmentally attributable childhood diseases in the United States, including lead poisoning, asthma, and cancer, total $54,900,000,000. This amount is approximately 3 percent of total health care costs.

(6) Appropriate housing design, construction, and maintenance, timely correction of deficiencies, planning efforts, and low-cost preventative measures can reduce the incidence of serious injury or death, improve the ability of residents to survive in the event of a major catastrophe, and contribute to overall well-being and mental health. Housing units that are kept lead-safe are approximately 25 percent less likely to have another child with elevated blood lead levels. Properly installed and maintained smoke alarms reduce the risk of fire deaths by 50 percent.

(7) Providing healthy housing to families and individuals in the United States will help prevent an estimated 240,000 elevated blood lead levels in young children, 11,000 unintentional injury deaths, 12,000,000 nonfatal injuries, 3,000 deaths in house fires, 14,000 burn injuries, and 21,000 radon-associated lung cancer deaths that occur in United States housing each year, as well as 20,000,000 asthma cases and 14,000,000 missed school days.

(8) While there are many programs in place to address housing-related health hazards, these programs are fragmented and spread across many agencies, making it difficult for at-risk families and individuals to access assistance or to receive comprehensive information.

(9) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that families and individuals can access government programs and services in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COUNCIL.—The term ''Council'' means the Interagency Council on Healthy Housing established under section 4.

(2) HOUSING.—The term ''housing'' means any form of residence, including rental housing, homeownership, group home, or supportive housing arrangement.

(3) HEALTHY HOUSING.—The term ''healthy housing'' means housing that is designed, constructed, rehabilitated, and maintained in a manner that supports the health of the occupants of such housing.

(4) HOUSING-RELATED HEALTH HAZARD.—The term ''housing-related health hazard'' means any biological, physical, or chemical source of exposure or condition either in, or immediately adjacent to, housing, that can adversely affect human health.

(5) LOW-INCOME FAMILIES AND INDIVIDUALS.—The term ''low-income families and individuals'' means any household or individual with an income at or below 200 percent of the Federal poverty line.

(6) POVERTY LINE.—The term ''poverty line'' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census.

(7) PROGRAM.—The term ''program'' includes any Federal, State, or local program providing housing or financial assistance, health care, mortgages, bond and tax financing, homebuyer support courses, financial education, mortgage insurance or loan guarantees, housing counseling, supportive services, energy assistance, or other assistance related to healthy housing.

(8) SERVICE.—The term ''service'' includes public and environmental health services, housing services, energy efficiency services, human services, and any other services needed to ensure that families and individuals in the United States have access to healthy housing.

SEC. 4. INTERAGENCY COUNCIL ON HEALTHY HOUSING.

(a) ESTABLISHMENT.—There is established in the executive branch an independent council to be known as the Interagency Council on Healthy Housing.

(b) OBJECTIVES.—The objectives of the Council are as follows:

(1) To promote the supply of and demand for healthy housing in the United States through capacity building, technical assistance, education, and public policy.

(2) To promote coordination and collaboration among the Federal departments and agencies involved with housing, public health, energy efficiency, emergency preparedness and response, and the environment to improve services for families and individuals residing in inadequate or unsafe housing and to make recommendations about needed changes in programs and services with an emphasis on—

(A) maximizing the impact of existing programs and services by transitioning the focus of such programs and services from categorical approaches to comprehensive approaches that consider and address multiple housing-related health hazards;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services;

(C) ensuring that resources, including assistance with capacity building, are targeted to and sufficient to meet the needs of high-risk communities, families, and individuals; and

(D) facilitating access by families and individuals to programs and services that help reduce health hazards in housing.

(3) To identify knowledge gaps, research needs, and policy and program deficiencies associated with inadequate housing conditions and housing-related illnesses and injuries.

(4) To help identify best practices for achieving and sustaining healthy housing.

(5) To help improve the quality of existing and newly constructed housing and related programs and services, including those programs and services which serve low-income families and individuals.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the healthy housing needs of families and individuals are met in a more effective and efficient manner.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary of Health and Human Services.

(2) The Secretary of Housing and Urban Development.

(3) The Administrator of the Environmental Protection Agency.

(4) The Secretary of Energy.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Secretary of the Treasury.

(8) The Secretary of Agriculture.

(9) The Secretary of Education.

(10) The head of any other Federal agency as the Council considers appropriate.

(11) 6 additional non-Federal employee members, as appointed by the President to serve terms not to exceed 2 years, of whom—

(A) 1 shall be a State or local Government Director of Health or the Environment;

(B) 1 shall be a State or local Government Director of Housing or Community Development;

(C) 2 shall represent nonprofit organizations involved in housing or health issues; and

(D) 2 shall represent for-profit entities involved in the housing, banking, or health insurance industries.

(d) CO-CHAIRPERSONS.—The co-Chairpersons of the Council shall be the Secretary of Housing and Urban Development and the Secretary of Health and Human Services.

(e) VICE CHAIR.—Every 2 years, the Council shall elect a Vice Chair from among its members.

(f) MEETINGS.—The Council shall meet at the call of either co-Chairperson or a majority of its members at any time, and no less often than annually.

SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) RELEVANT ACTIVITIES.—In carrying out the objectives described in section 4(b), the Council shall—

(1) review Federal programs and services that provide housing, health, energy, or environmental services to families and individuals;

(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist families and individuals in accessing healthy housing and make recommendations about how such agencies can better work to meet the healthy housing and related needs of low-income families and individuals; and

(3) recommend ways to—

(A) reduce duplication among programs and services by Federal agencies that assist families and individuals in meeting their healthy housing and related service needs;

(B) ensure collaboration among and within agencies in the provision and availability of programs and services so that families and individuals are able to easily access needed programs and services;

(C) work with States and local governments to better meet the needs of families and individuals for healthy housing by—

(i) holding meetings with State and local representatives; and

(ii) providing ongoing technical assistance and training to States and localities in better meeting the housing-related needs of such families and individuals;

(D) identify best practices for programs and services that assist families and individuals in accessing healthy housing, including model—

(i) programs linking housing, health, environmental, human, and energy services;

(ii) housing and remodeling financing products offered by government, quasi-government, and private sector entities;

(iii) housing and building codes and regulatory practices;

(iv) existing and new consensus specifications and work practices documents;

(v) capacity building and training programs that help increase and diversify the supply of practitioners who perform assessments of housing-related health hazards and interventions to address housing-related health hazards; and

(vi) programs that increase community awareness of, and education on, housing-related health hazards and available assessments and interventions;

(E) develop a comprehensive healthy housing research agenda that considers health, safety, environmental, and energy factors, to—

(i) identify cost-effective assessments and treatment protocols for housing-related health hazards in existing housing;

(ii) establish links between housing hazards and health outcomes;

(iii) track housing-related health problems including injuries, illnesses, and death;

(iv) track housing conditions that may be associated with health problems;

(v) identify cost-effective protocols for construction of new healthy housing; and

(vi) identify replicable and effective programs or strategies for addressing housing-related health hazards;

(4) hold biannual meetings with stakeholders and other interested parties in a location convenient for such stakeholders (or hold open Council meetings) to receive input and ideas about how to best meet the healthy housing needs of families and individuals;

(5) maintain an updated website of policies, meetings, best practices, programs and services, making use of existing websites as appropriate, to keep people informed of the Council's activities; and

(6) work with member agencies to collect and maintain data on housing-related health hazards, illnesses, and injuries so that all data can be accessed in 1 place and to identify and address unmet data needs.

(b) REPORTS.—

(1) BY MEMBERS.—Each year the head of each agency who is a member of the Council shall prepare and transmit to the Council a report that briefly summarizes—

(A) each healthy housing-related program and service administered by the agency and the number of families and individuals served by each program or service, the resources available in each program or service, as well as a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by families and individuals, with particular attention to the barriers and impediments experienced by low-income families and individuals;

(C) the efforts made by each agency to increase opportunities for families and individuals, including low-income families and individuals, to reside in healthy housing, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by each agency relating to the healthy housing needs of families and individuals.

(2) BY THE COUNCIL.—Each year the Council shall prepare and transmit to the President and the Congress, a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of housing-related health hazards, and associated illnesses and injuries, in the United States;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, nonprofit organizations and for-profit entities in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM AGENCIES.—Agencies which are represented on the Council shall provide all requested information and data to the Council as requested.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) The Council may accept, use, and dispose of gifts or donations of services or property.

(2) The Council shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

(e) CONTRACTS AND INTERAGENCY AGREEMENTS.—The Council may enter into contracts with State, Tribal, and local governments, public agencies and private-sector entities, and into interagency agreements with Federal agencies. Such contracts and interagency agreements may be single-year or multi-year in duration.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall be reasonably compensated for that member's participation in the Council, including reimbursement for travel expenses as described in subsection (b).

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing and Urban Development shall provide the Council with such administrative (including office space) and supportive services as are necessary to ensure that the Council can carry out its functions.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, $750,000 for each of fiscal years 2009 through 2013.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available for the 2 fiscal years following such appropriation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 476—DESIGNATING MARCH 25, 2008, AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. SPECTER (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. REED, Mr. REID, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. BIDEN, Mr. LEAHY, Mr. ALLARD, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. CHAMBLISS, Mr. SUNUNU, Mr. WHITEHOUSE, Mr. ROCKEFELLER, Mr. WARNER, Mr. OBAMA, Mr. VOINOVICH, Mr. COLEMAN, Mr. DODD, Mr. LUGAR, Mr. LAUTENBERG, Mr. BROWN, Mrs. MURRAY, Mr. BAYH, Mr. MARTINEZ, Mr. INOUYE, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 476

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

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

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

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war, and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, ''Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for 3 decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, investing over $20,000,000,000, creating over 200,000 new jobs, and contributing over $750,000,000 in development aid to the region;

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

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

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

Whereas Greece is a key energy security hub that delivers gas to Europe via the Turkey-Greece-Italy Interconnector;

Whereas Greece is a world leader in the assimilation of immigrants, with immigrants having grown to more than 10 percent of people employed in Greece;

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

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

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

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 70—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2008 AND 2010 THROUGH 2013

Mr. CONRAD from the Committee on the Budget; submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

Sec. 201. Senate point of order against legislation increasing long-term deficits.

Subtitle B—Discretionary Spending

Sec. 211. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 212. Point of order against advance appropriations.
Sec. 213. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 214. Discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Adjustments to reflect changes in concepts and definitions.
Sec. 223. Debt disclosure requirement.
Sec. 224. Debt disclosures.
Sec. 225. Exercise of rulemaking powers.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.
Sec. 302. Deficit-neutral reserve fund for improving education.
Sec. 303. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 304. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
Sec. 305. Deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a post 9/11 G.I. bill.
Sec. 306. Deficit-neutral reserve fund to improve America's health.
Sec. 307. Deficit-neutral reserve fund for judicial pay and judgeships.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,871,888,000,000.
Fiscal year 2009: $2,013,878,000,000.
Fiscal year 2010: $2,199,989,000,000.
Fiscal year 2011: $2,432,588,000,000.
Fiscal year 2012: $2,656,131,000,000.
Fiscal year 2013: $2,755,116,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: −$7,652,000,000.
Fiscal year 2009: −$83,246,000,000.
Fiscal year 2010: $17,125,000,000.
Fiscal year 2011: $4,563,000,000.
Fiscal year 2012: $2,816,000,000.
Fiscal year 2013: $376,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,579,255,000,000.
Fiscal year 2009: $2,533,732,000,000.
Fiscal year 2010: $2,555,303,000,000.
Fiscal year 2011: $2,687,125,000,000.
Fiscal year 2012: $2,726,134,000,000.
Fiscal year 2013: $2,846,988,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,476,755,000,000.
Fiscal year 2009: $2,575,712,000,000.
Fiscal year 2010: $2,616,270,000,000.
Fiscal year 2011: $2,708,326,000,000.
Fiscal year 2012: $2,717,061,000,000.
Fiscal year 2013: $2,838,995,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2008: $604,867,000,000.
Fiscal year 2009: $561,834,000,000.
Fiscal year 2010: $416,281,000,000.
Fiscal year 2011: $275,738,000,000.
Fiscal year 2012: $60,930,000,000.
Fiscal year 2013: $83,879,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,618,792,000,000.
Fiscal year 2009: $10,276,776,000,000.
Fiscal year 2010: $10,801,592,000,000.
Fiscal year 2011: $11,182,340,000,000.
Fiscal year 2012: $11,375,053,000,000.
Fiscal year 2013: $11,573,680,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,418,643,000,000.
Fiscal year 2009: $5,801,633,000,000.
Fiscal year 2010: $6,029,151,000,000.
Fiscal year 2011: $6,096,509,000,000.
Fiscal year 2012: $5,936,083,000,000.
Fiscal year 2013: $5,793,011,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust

Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,705,000,000.
Fiscal year 2009: $695,876,000,000.
Fiscal year 2010: $733,571,000,000.
Fiscal year 2011: $772,468,000,000.
Fiscal year 2012: $809,798,000,000.
Fiscal year 2013: $845,044,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,607,000,000.
Fiscal year 2010: $520,158,000,000.
Fiscal year 2011: $540,487,000,000.
Fiscal year 2012: $566,249,000,000.
Fiscal year 2013: $595,544,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $5,160,000,000.
(B) Outlays, $4,989,000,000.
Fiscal year 2009:
(A) New budget authority, $5,473,000,000.
(B) Outlays, $5,476,000,000.
Fiscal year 2010:
(A) New budget authority, $5,623,000,000.
(B) Outlays, $5,581,000,000.
Fiscal year 2011:
(A) New budget authority, $5,788,000,000.
(B) Outlays, $5,759,000,000.
Fiscal year 2012:
(A) New budget authority, $5,962,000,000.
(B) Outlays, $5,932,000,000.
Fiscal year 2013:
(A) New budget authority, $6,147,000,000.
(B) Outlays, $6,115,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $250,000,000.
(B) Outlays, $237,000,000.
Fiscal year 2009:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2010:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2011:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2012:
(A) New budget authority, $284,000,000.
(B) Outlays, $284,000,000.
Fiscal year 2013:
(A) New budget authority, $293,000,000.
(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $693,273,000,000.
(B) Outlays, $604,289,000,000.
Fiscal year 2009:
(A) New budget authority, $612,497,000,000.
(B) Outlays, $645,433,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $607,032,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $577,925,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $561,666,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $570,503,000,000.

(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $38,608,000,000.
(B) Outlays, $33,771,000,000.
Fiscal year 2009:
(A) New budget authority, $34,472,000,000.
(B) Outlays, $37,324,000,000.
Fiscal year 2010:
(A) New budget authority, $35,663,000,000.
(B) Outlays, $35,898,000,000.
Fiscal year 2011:
(A) New budget authority, $36,322,000,000.
(B) Outlays, $35,514,000,000.
Fiscal year 2012:
(A) New budget authority, $36,866,000,000.
(B) Outlays, $35,415,000,000.
Fiscal year 2013:
(A) New budget authority, $37,024,000,000.
(B) Outlays, $35,082,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $29,936,000,000.
(B) Outlays, $28,681,000,000.
Fiscal year 2010:
(A) New budget authority, $30,369,000,000.
(B) Outlays, $30,280,000,000.
Fiscal year 2011:
(A) New budget authority, $30,848,000,000.
(B) Outlays, $31,107,000,000.
Fiscal year 2012:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $31,638,000,000.
Fiscal year 2013:
(A) New budget authority, $31,816,000,000.
(B) Outlays, $31,623,000,000.

(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $7,026,000,000.
(B) Outlays, $2,843,000,000.
Fiscal year 2010:
(A) New budget authority, $6,935,000,000.
(B) Outlays, $4,533,000,000.
Fiscal year 2011:
(A) New budget authority, $6,916,000,000.
(B) Outlays, $5,481,000,000.
Fiscal year 2012:
(A) New budget authority, $6,895,000,000.
(B) Outlays, $5,981,000,000.
Fiscal year 2013:
(A) New budget authority, $6,858,000,000.
(B) Outlays, $6,159,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $39,748,000,000.
(B) Outlays, $36,230,000,000.
Fiscal year 2010:
(A) New budget authority, $34,705,000,000.
(B) Outlays, $37,014,000,000.
Fiscal year 2011:
(A) New budget authority, $35,399,000,000.
(B) Outlays, $37,193,000,000.
Fiscal year 2012:
(A) New budget authority, $36,086,000,000.
(B) Outlays, $37,370,000,000.
Fiscal year 2013:
(A) New budget authority, $36,787,000,000.
(B) Outlays, $37,732,000,000.

(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,423,000,000.
(B) Outlays, $21,495,000,000.
Fiscal year 2009:
(A) New budget authority, $21,377,000,000.
(B) Outlays, $21,127,000,000.
Fiscal year 2010:
(A) New budget authority, $21,532,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2011:
(A) New budget authority, $21,665,000,000.
(B) Outlays, $20,659,000,000.
Fiscal year 2012:
(A) New budget authority, $21,994,000,000.
(B) Outlays, $21,176,000,000.
Fiscal year 2013:
(A) New budget authority, $22,307,000,000.
(B) Outlays, $21,513,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,516,000,000.
(B) Outlays, $5,441,000,000.
Fiscal year 2009:
(A) New budget authority, $9,350,000,000.
(B) Outlays, $3,764,000,000.
Fiscal year 2010:
(A) New budget authority, $11,133,000,000.
(B) Outlays, $3,562,000,000.
Fiscal year 2011:
(A) New budget authority, $7,713,000,000.
(B) Outlays, $824,000,000.
Fiscal year 2012:
(A) New budget authority, $8,028,000,000.
(B) Outlays, $492,000,000.
Fiscal year 2013:
(A) New budget authority, $8,254,000,000.
(B) Outlays, $195,000,000.

(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $83,789,000,000.
(B) Outlays, $77,870,000,000.
Fiscal year 2009:
(A) New budget authority, $75,131,000,000.
(B) Outlays, $83,311,000,000.
Fiscal year 2010:
(A) New budget authority, $78,075,000,000.
(B) Outlays, $85,504,000,000.
Fiscal year 2011:
(A) New budget authority, $78,913,000,000.
(B) Outlays, $86,779,000,000.
Fiscal year 2012:
(A) New budget authority, $79,763,000,000.
(B) Outlays, $88,515,000,000.
Fiscal year 2013:
(A) New budget authority, $80,640,000,000.
(B) Outlays, $90,534,000,000.

(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $15,024,000,000.
(B) Outlays, $24,392,000,000.
Fiscal year 2010:
(A) New budget authority, $15,235,000,000.
(B) Outlays, $22,080,000,000.
Fiscal year 2011:
(A) New budget authority, $15,473,000,000.
(B) Outlays, $18,202,000,000.
Fiscal year 2012:
(A) New budget authority, $15,716,000,000.
(B) Outlays, $16,159,000,000.
Fiscal year 2013:
(A) New budget authority, $15,949,000,000.
(B) Outlays, $15,847,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:

(A) New budget authority, $91,381,000,000.
(B) Outlays, $90,912,000,000.
Fiscal year 2009:
(A) New budget authority, $94,141,000,000.
(B) Outlays, $91,112,000,000.
Fiscal year 2010:
(A) New budget authority, $103,891,000,000.
(B) Outlays, $98,377,000,000.
Fiscal year 2011:
(A) New budget authority, $106,486,000,000.
(B) Outlays, $103,694,000,000.
Fiscal year 2012:
(A) New budget authority, $108,255,000,000.
(B) Outlays, $104,858,000,000.
Fiscal year 2013:
(A) New budget authority, $101,660,000,000.
(B) Outlays, $103,626,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $286,108,000,000.
(B) Outlays, $287,211,000,000.
Fiscal year 2009:
(A) New budget authority, $309,404,000,000.
(B) Outlays, $307,274,000,000.
Fiscal year 2010:
(A) New budget authority, $324,863,000,000.
(B) Outlays, $325,285,000,000.
Fiscal year 2011:
(A) New budget authority, $345,558,000,000.
(B) Outlays, $344,735,000,000.
Fiscal year 2012:
(A) New budget authority, $368,273,000,000.
(B) Outlays, $367,091,000,000.
Fiscal year 2013:
(A) New budget authority, $393,283,000,000.
(B) Outlays, $391,805,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,389,000,000.
(B) Outlays, $420,150,000,000.
Fiscal year 2010:
(A) New budget authority, $445,380,000,000.
(B) Outlays, $445,513,000,000.
Fiscal year 2011:
(A) New budget authority, $494,477,000,000.
(B) Outlays, $494,305,000,000.
Fiscal year 2012:
(A) New budget authority, $491,399,000,000.
(B) Outlays, $491,163,000,000.
Fiscal year 2013:
(A) New budget authority, $551,039,000,000.
(B) Outlays, $551,161,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $393,591,000,000.
(B) Outlays, $394,613,000,000.
Fiscal year 2009:
(A) New budget authority, $411,748,000,000.
(B) Outlays, $417,187,000,000.
Fiscal year 2010:
(A) New budget authority, $416,312,000,000.
(B) Outlays, $418,131,000,000.
Fiscal year 2011:
(A) New budget authority, $425,425,000,000.
(B) Outlays, $426,180,000,000.
Fiscal year 2012:
(A) New budget authority, $411,458,000,000.
(B) Outlays, $411,587,000,000.
Fiscal year 2013:
(A) New budget authority, $426,718,000,000.
(B) Outlays, $426,609,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,268,000,000.
(B) Outlays, $92,352,000,000.
Fiscal year 2010:
(A) New budget authority, $95,615,000,000.
(B) Outlays, $95,394,000,000.
Fiscal year 2011:
(A) New budget authority, $100,959,000,000.
(B) Outlays, $100,748,000,000.
Fiscal year 2012:
(A) New budget authority, $97,782,000,000.
(B) Outlays, $97,064,000,000.
Fiscal year 2013:
(A) New budget authority, $103,241,000,000.
(B) Outlays, $102,521,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,282,000,000.
(B) Outlays, $44,322,000,000.
Fiscal year 2009:
(A) New budget authority, $47,498,000,000.
(B) Outlays, $46,411,000,000.
Fiscal year 2010:
(A) New budget authority, $47,977,000,000.
(B) Outlays, $49,155,000,000.
Fiscal year 2011:
(A) New budget authority, $48,866,000,000.
(B) Outlays, $49,680,000,000.
Fiscal year 2012:
(A) New budget authority, $49,778,000,000.
(B) Outlays, $49,751,000,000.
Fiscal year 2013:
(A) New budget authority, $50,727,000,000.
(B) Outlays, $50,425,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $24,474,000,000.
(B) Outlays, $24,432,000,000.
Fiscal year 2010:
(A) New budget authority, $19,966,000,000.
(B) Outlays, $20,166,000,000.
Fiscal year 2011:
(A) New budget authority, $20,387,000,000.
(B) Outlays, $20,399,000,000.
Fiscal year 2012:
(A) New budget authority, $20,788,000,000.
(B) Outlays, $20,932,000,000.
Fiscal year 2013:
(A) New budget authority, $21,103,000,000.
(B) Outlays, $20,987,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,462,000,000.
(B) Outlays, $349,462,000,000.
Fiscal year 2009:
(A) New budget authority, $335,088,000,000.
(B) Outlays, $335,088,000,000.
Fiscal year 2010:
(A) New budget authority, $372,156,000,000.
(B) Outlays, $372,156,000,000.
Fiscal year 2011:
(A) New budget authority, $408,964,000,000.
(B) Outlays, $408,964,000,000.
Fiscal year 2012:
(A) New budget authority, $430,098,000,000.
(B) Outlays, $430,098,000,000.
Fiscal year 2013:
(A) New budget authority, $438,484,000,000.
(B) Outlays, $438,484,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $13,000,000,000.
Fiscal year 2009:
(A) New budget authority, −$1,087,000,000.
(B) Outlays, $4,351,000,000.
Fiscal year 2010:
(A) New budget authority, −$8,067,000,000.
(B) Outlays, −$7,460,000,000.
Fiscal year 2011:
(A) New budget authority, −$8,239,000,000.
(B) Outlays, −$8,030,000,000.
Fiscal year 2012:
(A) New budget authority, −$8,416,000,000.
(B) Outlays, −$8,134,000,000.
Fiscal year 2013:
(A) New budget authority, −$8,596,000,000.
(B) Outlays, −$9,281,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, −$86,330,000,000.
(B) Outlays, −$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

SEC. 201. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

Subtitle B—Discretionary Spending

SEC. 211. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2008, $1,055,478,000,000 in new budget authority and $1,093,343,000,000 in outlays; and

(2) for fiscal year 2009, $1,008,482,000,000 in new budget authority and $1,108,449,000,000 in outlays.

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(E) COMPARATIVE EFFECTIVENESS RESEARCH AT THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $30,000,000 for comparative effectiveness research as authorized under section 1013 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, and provides an additional appropriation of up to $70,000,000 for that purpose, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $70,000,000 in budget authority for fiscal year 2009 and the outlays flowing therefrom.

(F) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement to submit auditable financial statements; or reduce waste by improving accounting for and ordering of spare parts, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR COSTS OF THE WARS IN IRAQ AND AFGHANISTAN.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for the wars in Iraq and Afghanistan, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to $108,056,000,000 in budget authority for fiscal year 2008 and the new outlays flowing therefrom, and up to $70,000,000,000 in budget authority for fiscal year 2009 and the new outlays flowing therefrom.

(d) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(e) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(f) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 212. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $29,352,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 213. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 214. DISCRETIONARY ADMINISTRATIVE EXPENSES OF THE POSTAL SERVICE.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 222. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 223. DEBT DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

''SEC. ___. DEBT DISCLOSURES.

''(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ from the current year, fiscal year 20___, to the fifth year of the budget window, fiscal year 20___.

''(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ on every United States citizen from the current year, fiscal year 20___ to the fifth year of the budget window, fiscal year 20___.

''(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that $_____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20___–20___, on things other than Social Security which represents ___ percent of the projected Social Security surplus over this period.''.

(b) SOCIAL SECURITY.—If any portion of the Social Security surplus is projected to be spent and/or the gross Federal debt in the fifth year of the budget window is greater than the debt projected in the current year, as described in the debt disclosure section described in subsection (a) of this section, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) DEFINITIONS.—The term ''gross Federal debt'' described above represents nominal increases in gross Federal debt measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 224. DEBT DISCLOSURES.

(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $2,000,000,000,000 from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $6,440 on every United States citizen from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project $800,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2009–2013, on things other than Social Security, which represents 70 percent of the projected Social Security surplus over this period.

SEC. 225. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade agreements, preferences, sanctions, enforcement, or customs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(3) improves the unemployment compensation program; or

(4) reauthorizes the trade adjustment assistance programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would make higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax benefits and other revenue provisions.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust federal investment in America's infrastructure, which may include projects for transit, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend energy tax incentives like the production tax credit for electricity produced from renewable resources, the Clean Renewable Energy Bond program, or provisions to encourage energy efficient buildings, products, and power plants.

(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS AND FOR A POST 9/11 G.I. BILL.

(a) VETERANS AND WOUNDED SERVICEMEMBERS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents; or

(3) allow for the transfer of education benefits from servicemembers to family members;

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) POST 9/11 G.I. BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would enhance educational benefits of service members and veterans with service on active duty in the Armed Forces on or after September 11, 2001, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, and reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B, or measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers, by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost

of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) MEDICAID.—

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between heath insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4146. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4146. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''SAFETEA–LU Technical Corrections Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. Surface transportation technical corrections.
Sec. 102. MAGLEV.
Sec. 103. Projects of national and regional significance and national corridor infrastructure improvement projects.
Sec. 104. Idling reduction facilities.
Sec. 105. Project authorizations.
Sec. 106. Nonmotorized transportation pilot program.
Sec. 107. Correction of Interstate and National Highway System designations.
Sec. 108. Budget justification; buy America.
Sec. 109. Transportation improvements.
Sec. 110. I–95/Contee Road interchange design.
Sec. 111. Highway research funding.
Sec. 112. Rescission.
Sec. 113. TEA–21 technical corrections.
Sec. 114. High priority corridor and innovative project technical corrections.
Sec. 115. Definition of repeat intoxicated driver law.
Sec. 116. Research technical correction.
Sec. 117. Buy America waiver notification and annual reports.
Sec. 118. Efficient use of existing highway capacity.
Sec. 119. Future interstate designation.
Sec. 120. Project flexibility.
Sec. 121. Effective date.

TITLE II—TRANSIT PROVISIONS

Sec. 201. Transit technical corrections.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

Sec. 301. Technical amendments relating to motor carrier safety.
Sec. 302. Technical amendments relating to hazardous materials transportation.
Sec. 303. Highway safety.
Sec. 304. Correction of study requirement regarding on-scene motor vehicle collision causation.
Sec. 305. Motor carrier transportation registration.
Sec. 306. Applicability of Fair Labor Standards Act requirements and limitation on liability.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Conveyance of GSA Fleet Management Center to Alaska Railroad Corporation.
Sec. 402. Conveyance of retained interest in St. Joseph Memorial Hall.

TITLE V—OTHER PROVISIONS

Sec. 501. De Soto County, Mississippi.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''.

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking ''among the States''.

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190)

is amended by striking subsection (m) and inserting the following:

''(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

''(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

''(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

''(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.''.

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting ''LA,'' after ''TX,''.

(e) CORRECTION OF HIGH PRIORITY DESIGNATIONS.—

(1) KENTUCKY HIGH PRIORITY CORRIDOR DESIGNATION.—Section 1105(c)(18)(E) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 189; 115 Stat. 872) is amended by inserting before the period at the end the following: '', follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrile) Parkway to Henderson''.

(2) INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(A) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking ''and on United States Route 422''.

(B) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking ''and United States Route 422''.

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking ''through 189 as sections 601 through 609, respectively'' and inserting ''through 190 as sections 601 through 610, respectively''.

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking ''only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,''; and

(2) by striking ''section 120(b)'' and inserting ''section 120''.

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

''(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

''(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

''(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

''(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

''(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.''.

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2007, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways''.

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting ''(112 Stat. 257)'' after ''21st Century''; and

(4) in subsection (a)(2)(B)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''SAFETEA–LU'' and inserting ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)''.

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking ''purposes under this subsection'' and inserting ''highway safety improvement program purposes''.

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking ''**REPLACEMENT AND REHABILITATION**'';

(B) in subsections (b), (c)(1), and (e) by striking ''Federal-aid system'' each place it appears and inserting ''Federal-aid highway'';

(C) in subsections (c)(2) and (o) by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways'';

(D) in the heading to paragraph (4) of subsection (d) by inserting ''SYSTEMATIC'' before ''PREVENTIVE'';

(E) in subsection (e) by striking ''off-system bridges'' each place it appears and inserting ''bridges not on Federal-aid highways'';

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting ''and the removal of the Missisquoi Bay causeway'' after ''Bridge'';

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting ''BRIDGES NOT ON FEDERAL-AID HIGHWAYS'';

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting ''PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS''; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking ''State highway agency'' and inserting ''State transportation department''.

(2) SPECIAL CONDITIONS.—Section 1114 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1172) is amended by adding at the end the following:

''(h) SPECIAL CONDITIONS.—Any unobligated or unexpended funds remaining on completion of the project carried out under section 144(f)(1)(A)(vi) of title 23, United States Code, shall be made available to carry out the project described in section 144(f)(1)(A)(vii) of that title after the date on which the Vermont Agency of Transportation certifies to the Federal Highway Administration the final determination of the agency regarding the removal of the Missisquoi Bay causeway.''.

(3) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking ''replacement and rehabilitation''.

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking ''replacement and rehabilitation'' each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking ''replacement and rehabilitation''.

(n) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.'';

(2) in subsection (j)(3)(D) by inserting ''or the identified phase'' after ''the project'' each place it appears; and

(3) in subsection (k)(2) by striking ''a metropolitan planning area serving''.

(o) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking ''a National Scenic Byway under subparagraph (A)'' and inserting ''a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)''; and

(2) in subsection (c)(3) by striking ''or All-American Road'' each place it appears and inserting ''All-American Road, or one of America's Byways''.

(p) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(q) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking ''(B), (C), and (D)'' and inserting ''(B) and (C)''.

(r) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting ''bbb minus, BBB (low),'' after ''Baa3,''.

(s) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting ''tribal,'' after ''local,''.

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking ''plan administer'' and inserting ''plan and administer''.

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting ''equity bonus,'' after ''minimum guarantee,'';

(B) by striking ''freight intermodal connectors'' and inserting ''railway-highway crossings'';

(C) by striking ''high risk rural road,''; and

(D) by inserting after ''highway safety improvement programs'' the following: ''(and separately the set aside for the high risk rural road program)''.

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking ''Act—'' and all that follows through the end of the paragraph and inserting ''Act, $45,000,000 for each of fiscal years 2008 and 2009.''.

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

''(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.''.

(c) ALLOCATION.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

''(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

''(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

''(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) PROJECT OF NATIONAL AND REGIONAL SIGNIFICANCE.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting ''$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic'';

(2) in item number 19 by striking the project description and inserting ''For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa''; and

(3) in item number 22 by striking the project description and inserting ''Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County''.

(b) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting ''Improvements to State Road 312, Hammond''.

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) PROJECT MODIFICATIONS.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting ''Removal and Reconfiguration of Interstate ramps, I–40, Memphis'';

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting ''M–291 highway outer road improvement project'';

(4) in item number 128 by striking ''$2,400,000'' and inserting ''$4,800,000'';

(5) in item number 154 by striking ''Virginia'' and inserting ''Eveleth'';

(6) in item number 193 by striking the project description and inserting ''Improvements to or access to Route 108 to enhance access to the business park near Rumford'';

(7) in item number 240 by striking ''$800,000'' and inserting ''$2,400,000'';

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting ''Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan'';

(10) in item number 277 by striking the project description and inserting ''Construct connector road from Rushing Drive North to Grand Ave., Williamson County'';

(11) in item number 395 by striking the project description and inserting ''Plan and construct interchange at I–65, from existing SR–109 to I–65'';

(12) in item number 463 by striking ''Cookeville'' and inserting ''Putnam County'';

(13) in item number 576 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129'';

(14) in item number 595 by striking ''Street Closure at'' and inserting ''Transportation improvement project near'';

(15) in item number 649 by striking the project description and inserting ''Construction and enhancement of the Fillmore Avenue Corridor, Buffalo'';

(16) in item number 655 by inserting '', safety improvement construction,'' after ''Environmental studies'';

(17) in item number 676 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(18) in item number 770 by striking the project description and inserting ''Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road'';

(19) in item number 777 by striking the project description and inserting ''Akutan Airport access'';

(20) in item number 829 by striking the project description and inserting ''$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road'';

(21) in item number 881 by striking the project description and inserting ''Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park'';

(22) in item number 923 by striking the project description and inserting ''Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County'';

(23) in item number 947 by striking the project description and inserting ''Third East/West River Crossing, St. Lucie River'';

(24) in item numbers 959 and 3327 by striking ''Northern Section,'' each place it appears;

(25) in item number 963 by striking the project description and inserting ''For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53'';

(26) in item number 983 by striking the project description and inserting ''Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties'';

(27) in item number 1039 by striking the project description and inserting ''Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111'';

(28) in item number 1047 by striking the project description and inserting ''Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough'';

(29) in item number 1124 by striking ''bridge over Stillwater River, Orono'' and inserting ''routes'';

(30) in item number 1206 by striking ''Pleasantville'' and inserting ''Briarcliff Manor'';

(31) in item number 1281 by striking the project description and inserting ''Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County'';

(32) in item number 1487 by striking ''$800,000'' and inserting ''$1,600,000'';

(33) in item number 1575 by striking the project description and inserting ''Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities'';

(34) in item number 1661 by striking the project description and inserting ''Sheldon West Extension in Matanuska-Susitna Borough'';

(35) in item number 1810 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(36) in item number 1852 by striking ''Milepost 9.3'' and inserting ''Milepost 24.3'';

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting ''Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio'';

(38) in item number 1933 by striking the project description and inserting ''Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving'';

(39) in item number 1975 by striking the project description and inserting ''Point MacKenzie Access Road improvements in Matanuska-Susitna Borough'';

(40) in item number 2015 by striking the project description and amount and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'' and ''$2,000,000'', respectively;

(41) in item number 2087 by striking the project description and inserting ''Railroad crossing improvement on Illinois Route 82 in Geneseo'';

(42) in item number 2211 by striking the project description and inserting ''Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio'';

(43) in item number 2234 by striking the project description and amount and inserting ''North Atherton Signal Coordination Project in Centre County'' and ''$400,000'', respectively;

(44) in item number 2316 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(45) in item number 2420 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(46) in item number 2482 by striking ''Country'' and inserting ''County'';

(47) in item number 2663 by striking the project description and inserting ''Rosemead Boulevard safety enhancement and beautification, Temple City'';

(48) in item number 2671 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(49) in item number 2743 by striking the project description and inserting ''Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County'';

(50) by striking item number 2800;

(51) in item number 2826 by striking ''State Street and Cajon Boulevard'' and inserting ''Palm Avenue'';

(52) in item number 2931 by striking ''Frazho Road'' and inserting ''Martin Road'';

(53) in item number 3047 by inserting ''and roadway improvements'' after ''safety project'';

(54) in item number 3078 by striking the project description and inserting ''U.S. 2/Sultan Basin Road improvements in Sultan'';

(55) in item number 3174 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(56) in item number 3219 by striking ''Forest'' and inserting ''Warren'';

(57) in item number 3254 by striking the project description and inserting ''Reconstruct PA Route 274/34 Corridor, Perry County'';

(58) in item number 3260 by striking ''Lake Shore Drive'' and inserting ''Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry'';

(59) in item number 3368 by striking the project description and inserting ''Plan, design, and engineering, Ludlam Trail, Miami'';

(60) in item number 3410 by striking the project description and inserting ''Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road'';

(61) in item number 3537 by inserting ''and the study of alternatives along the North South Corridor,'' after ''Valley'';

(62) in item number 3582 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(63) in item number 3604 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(64) in item number 3632 by striking the State, project description, and amount and inserting ''FL'', ''Pine Island Road pedestrian overpass, city of Tamarac'', and ''$610,000'', respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting ''FL'', ''West Avenue Bridge, city of Miami Beach'', and ''$620,000'', respectively;

(66) in item number 3673 by striking the project description and inserting ''Improve marine dry-dock and facilities in Ketchikan'';

(67) in item number 2942 by striking the project description and inserting ''Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania'';

(68) in item number 2781 by striking the project description and inserting ''Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas'';

(69) in item number 2430 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(70) by striking item number 20;

(71) in item number 424 by striking ''$264,000'' and inserting ''$644,000'';

(72) in item number 1210 by striking the project description and inserting ''Town of New Windsor—Riley Road, Shore Drive, and area road improvements'';

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking ''$240,000'' and inserting ''$420,000'';

(75) in item number 2974 by striking ''$120,000'' and inserting ''$220,000'';

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking ''$740,000'' and inserting ''$989,600'';

(78) in item number 207 by striking ''$13,600,000'' and inserting ''$13,200,000'';

(79) in item number 2656 by striking ''$12,228,000'' and inserting ''$8,970,000'';

(80) in item number 1983 by striking ''$1,600,000'' and inserting ''$1,000,000'';

(81) in item number 753 by striking ''$2,700,000'' and inserting ''$3,200,000'';

(82) in item number 64 by striking ''$6,560,000'' and inserting ''$8,480,000'';

(83) in item number 2338 by striking ''$1,600,000'' and inserting ''$1,800,000'';

(84) in item number 1533 by striking ''$392,000'' and inserting ''$490,000'';

(85) in item number 1354 by striking ''$40,000'' and inserting ''$50,000'';

(86) in item number 3106 by striking ''$400,000'' and inserting ''$500,000'';

(87) in item number 799 by striking ''$1,600,000'' and inserting ''$2,000,000'';

(88) in item number 159—

(A) by striking ''Construct interchange for 146th St. and I–69'' and inserting ''Upgrade 146th St. to I–69 Access''; and

(B) by striking ''$2,400,000'' and inserting ''$3,200,000'';

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion'';

(91) in item number 2274 by striking ''between Farmington and Merriman'' and inserting ''between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road'';

(92) in item number 52 by striking the project description and inserting ''Pontiac Trail between E. Liberty and McHattie Street'';

(93) in item number 1544 by striking ''connector'';

(94) in item number 2573 by striking the project description and inserting ''Rehabilitation of Sugar Hill Road in North Salem, NY'';

(95) in item number 1450 by striking ''III–VI'' and inserting ''III–VII'';

(96) in item number 2637 by striking the project description and inserting ''Construction, road and safety improvements in Geauga County, OH'';

(97) in item number 2342 by striking the project description and inserting ''Streetscaping, bicycle trails, and related improvements to the I–90/SR–615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I–90/SR–615, widening the Garfield Road Bridge over I–90 to provide connectivity to the existing bicycle trail system between the I–90/SR–615

interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I–90/SR–615 interchange''; (98) in item number 161 by striking the project description and inserting ''Construct False Pass causeway and road to the terminus of the south arm breakwater project''; (99) in item number 2002 by striking the project description and inserting ''Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage''; (100) in item number 2023 by striking the project description and inserting ''Biking and pedestrian trail construction, Kentland''; (101) in item number 2035 by striking ''Replace'' and inserting ''Repair''; (102) in item number 2511 by striking ''Replace'' and inserting ''Rehabilitate''; (103) in item number 2981 by striking the project description and inserting ''Roadway improvements on Highway 262 on the Navajo Nation in Aneth''; (104) in item number 2068 by inserting ''and approaches'' after ''capacity''; (105) in item number 98 by striking the project description and inserting ''Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield''; (106) in item number 1783 by striking the project description and inserting ''Clark Road access improvements, Jacksonville''; (107) in item number 2711 by striking the project description and inserting ''Main Street Road Improvements through Springfield, Jacksonville''; (108) in item number 3485 by striking the project description and inserting ''Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville''; (109) in item number 3486 by striking the project description and inserting ''Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville''; (110) in item number 3487 by striking the project description and inserting ''Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville''; (111) in item number 803 by striking ''St. Clair County'' and inserting ''city of Madison''; (112) in item number 615 by striking the project description and inserting ''Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue''; (113) by striking item number 889; (114) in item number 324 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River''; (115) in item number 301 by striking the project description and inserting ''Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast''; (116) in item number 1519 by inserting ''at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex'' after ''roadway redesign''; (117) in item number 2604 by inserting ''on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane'' after ''roadway redesign''; (118) in item number 1157 by inserting ''on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end'' after ''roadway redesign''; (119) in item number 805 by inserting ''on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard'' after ''roadway redesign''; (120) in item number 2704 by inserting ''on West Cemetery Street and Frederick Courts'' after ''roadway redesign''; (121) in item number 4599 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South''; (122) in item number 1363 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County''; (123) in item number 883 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County''; (124) in item number 625 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County''; (125) in item number 372 by inserting '', replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)'' after ''roadway redesign''; (126) in item number 2308 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County''; (127) in item number 967 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County''; (128) in item number 989 by inserting ''on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street'' after ''roadway redesign''; (129) in item number 342 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County''; (130) in item number 2332 by striking ''Monroe County'' and inserting ''Carbon, Monroe, Pike, and Wayne Counties''; (131) in item number 4914 by striking the project description and inserting ''Roadway improvements on I–90 loop in Mitchell along Haven Street from near Burr Street to near Ohlman Street''; (132) by striking item number 2723; (133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL'', and ''$250,000'', respectively; (134) in item number 314 by striking the project description and amount and inserting ''Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority'' and ''$610,000'', respectively; (135) in item number 1639 by striking the project description and inserting ''Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate''; (136) in item number 2860 by striking the project description and inserting ''Roadway improvements from Halchita to Mexican Hat on the Navajo Nation''; (137) in item number 2549 by striking ''on Navy Pier''; (138) in item number 2804 by striking ''on Navy Pier''; (139) in item number 1328 by striking the project description and inserting ''Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton''; (140) in item number 2559 by striking the project description and inserting ''Construct sound walls on Route 164 at and near the Maersk interchange''; (141) in item number 1849 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh''; (142) in item number 697 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh''; (143) in item number 3597 by striking the project description and inserting ''Road Alignment from IL Route 159 to Sullivan Drive, Swansea''; (144) in item number 2352 by striking the project description and inserting

''Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley'';

(145) in item number 3482 by striking the project description and inserting ''Conduct a study to examine multi-modal improvements to the I–5 corridor between the Main Street Interchange and State Route 54'';

(146) in item number 1275 by striking the project description and inserting ''Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny'';

(147) in item number 726 by striking the project description and inserting ''Grade Separation at Vanowen and Clybourn, Burbank'';

(148) in item number 1579 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(149) in item number 2690 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(150) in item number 2811 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(151) in item number 259 by striking the project description and inserting ''Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County'';

(152) in item number 3456 by striking the project description and inserting ''Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County'';

(153) in item number 2329 by striking the project description and inserting ''Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn'';

(154) in item number 766 by striking the project description and inserting ''Design and construction of the walking path at Ellis Pond, Norwood'';

(155) in item number 3474 by striking the project description and inserting ''Yellow River Trail, Newton County'';

(156) in item number 3291 by striking the amount and inserting ''$200,000'';

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting ''GA'', ''Access Road in Montezuma'', and ''$200,000'', respectively;

(158) in item number 716 by striking the project description and inserting ''Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region'';

(159) in item number 1386 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities, and street lighting in Haddon Heights'' and ''$300,000'', respectively;

(160) in item number 2720 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington'' and ''$700,000'', respectively;

(161) in item number 2523 by striking the project description and inserting ''Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer'';

(162) in item number 545 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns'';

(163) by striking item number 2168;

(164) by striking item number 170;

(165) in item number 2366 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township'';

(166) in item number 826 by striking ''and Interstate 81'' and inserting ''and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.'';

(167) in item number 2144 by striking the project description and inserting ''Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County'';

(168) in item number 1765 by striking the project description and amount and inserting ''Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of and including Main, William, and Parsonage Streets in Pittston'' and ''$1,600,000'', respectively;

(169) in item number 2957 by striking the project description and amount and inserting ''Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre'' and ''$2,800,000'', respectively;

(170) in item number 3283 by striking the project description and amount and inserting ''Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York'' and ''$1,300,000'', respectively;

(171) in item number 3556 by striking the project description and amount and inserting ''Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County'' and ''$1,100,000'', respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting ''Design and Construct school safety projects in New York City'' and ''$2,500,000'', respectively;

(182) in item number 2375 by striking the project description and amount and inserting ''Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill'' and ''$100,000'';

(183) in item number 221 by striking the project description and inserting ''Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York'';

(184) in item number 2732 striking the project description and inserting ''Pedestrian safety improvements in the vicinity of LIRR stations'';

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting ''Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive'';

(187) in item number 446 by striking the project description and inserting ''Transportation improvements for development of the Williamsport-Pile Bay Road corridor'';

(188) in item number 671 by striking ''and Pedestrian Trail Expansion'' and inserting '', including parking facilities and Pedestrian Trail Expansion'';

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR–21) in Troy, AL'', and ''$300,000'', respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR–6, CR–20, SH–7, James Street, and College Drive)'', and ''$300,000'', respectively;

(191) in item number 746 by striking ''Planning and construction of a bicycle trail adjacent to the I–90 and SR 615 Interchange in'' and inserting ''Planning, construction, and extension of bicycle trails adjacent to the I–90 and SR 615 Interchange, along the Greenway Corridor and throughout'';

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''UPMC Heliport in Bedford'', and ''$750,000'', respectively;

(193) in item number 813 by striking the project description and inserting ''Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project'';

(194) in item number 816 by striking ''$800,000'' and inserting ''$880,000'';

(195) in item number 852 by striking ''Acquire Right-of-Way for Ludlam Trail, Miami, Florida'' and inserting ''Planning, design, and engineering, Ludlam Trail, Miami'';

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne'', and ''$500,000'', respectively;

(197) in item number 1015 by striking the project description and inserting ''Mississippi River Crossing connecting I–94 and US 10 between US 160 and TH 101, MN'';

(198) in item number 1101 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(199) in item number 1211 by striking the matters in the State, project description,

and amount columns and inserting ''PA'', ''Road improvements and upgrades related to the Pennsylvania State Baseball Stadium'', and ''$500,000'', respectively;

(200) in item number 1345 by striking ''to Stony Creek Park, 25 Mile Road in Shelby Township'' and inserting ''south to the city of Utica'';

(201) in item number 1501 by striking the project description and inserting ''Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(202) in item number 1525 by striking ''north of CSX RR Bridge'' and inserting ''US Highway 90'';

(203) in item number 1847 by striking the project description and inserting ''Improve roads, sidewalks, and road drainage, City of Seward'';

(204) in item number 2031 by striking the project description and inserting ''Construct and improve Westside Parkway in Fulton County'';

(205) in item number 2103 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(206) in item number 2219 by striking ''SR 91 in City of Twinsburg, OH'' and inserting ''Center Valley Parkway in Twinsburg, OH'';

(207) in item number 2302 by inserting ''and other road improvements to Safford Street'' after ''crossings'';

(208) in item number 2560 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(209) in item number 2563 by striking the project description and amount and inserting ''Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County'' and ''$486,400'', respectively;

(210) in item number 2698 by striking the project description and inserting ''Interchanges at I–95/Ellis Road and between Grant Road and Micco Road, Brevard County'';

(211) in item number 3141 by striking ''$2,800,000'' and inserting ''$1,800,000'';

(212) by striking item number 3160;

(213) in item number 3353 by inserting ''and construction'' after ''mitigation'';

(214) in item number 996 by striking ''$2,000,000'' and inserting ''$687,000'';

(215) in item number 2166 by striking the project description and inserting ''Design, right-of-way acquisition, and construction for I–35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake'';

(216) in item number 3251 by striking the project description and inserting ''I–94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury'';

(217) in item number 1488 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(218) in item number 3240 by striking the project description and inserting ''Railroad-highway crossings in Pierre'';

(219) in item number 1738 by striking ''Paving'' and inserting ''Planning, design, and construction'';

(220) in item number 3672 by striking the project description and inserting ''Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border'';

(221) in item number 2424 by striking ''Construction'' and inserting ''preconstruction (including survey and archeological clearances) and construction'';

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''For roadway construction improvements to Route 222 relocation, Lehigh County'', and ''$1,313,000'', respectively;

(223) in item number 2956 by striking ''$1,360,000'' and inserting ''$2,080,000'';

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough'', and ''$700,000'', respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Enhance parking facilities in Chester Springs, Historic Yellow Springs'', and ''$20,000'', respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County'', and ''$250,000'', respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County'', and ''$250,000'', respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 29, Lehigh County'', and ''$220,000'', respectively;

(229) in item number 80 by striking ''$4,544,000'' and inserting ''$4,731,200'';

(230) in item number 2096 by striking ''$4,800,000'' and inserting ''$5,217,600'';

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Study future needs of East-West road infrastructure in Adams County'', and ''$115,200'', respectively;

(232) in item number 2193 by striking the project description and inserting ''710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility'';

(233) in item number 2445 by striking the project description and inserting ''$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County'';

(234) in item number 346 by striking the project description and inserting ''Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue'';

(235) by striking item number 449;

(236) in item number 3688 by striking ''road'' and inserting ''trail'';

(237) in item number 3695 by striking ''in Soldotna'' and inserting ''in the Kenai River corridor'';

(238) in item number 3699 by striking ''to improve fish habitat'';

(239) in item number 3700 by inserting ''and ferry facilities'' after ''a ferry'';

(240) in item number 3703 by inserting ''or other roads'' after ''Cape Blossom Road'';

(241) in item number 3704 by striking ''Fairbanks'' and inserting ''Alaska Highway'';

(242) in item number 3705 by striking ''in Cook Inlet for the Westside development/Williamsport-Pile Bay Road'' and inserting ''for development of the Williamsport-Pile Bay Road corridor'';

(243) in item number 3829 by striking the amount and inserting ''$3,050,000'';

(244) by inserting after item number 3829 the following:

''3829A	CO	U.S. 550, New Mexico State line to Durango	$950,000'';

(245) in item number 4788 by striking the project description and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'';

(246) in item number 3861 by striking the project description and inserting ''Creation of a greenway path along the Naugatuck River in Waterbury'';

(247) in item number 3883 by striking the project description and inserting ''Wilmington Riverfront Access and Street Grid Redesign'';

(248) in item number 3892 by striking ''$5,000,000'' and inserting ''$8,800,000'';

(249) in item number 3894 by striking ''$5,000,000'' and inserting ''$1,200,000'';

(250) in item number 3909 by striking the project description and inserting ''S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91'';

(251) in item number 3911 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(252) in item number 3916 by striking the project description and inserting ''City of Hollywood for U.S. 1/Federal Highway, north of Young Circle'';

(253) in item number 3937 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(254) in item number 3945 by striking ''CR 293 to CS 5231'' and inserting ''SR 371 to SR 400'';

(255) in item number 3965 by striking ''transportation projects'' and inserting ''and air quality projects'';

(256) in item number 3986 by striking the project description and inserting ''Extension of Sugarloaf Parkway, Gwinnett County'';

(257) in item number 3999 by striking ''Bridges'' and inserting ''Bridge and Corridor'';

(258) in item number 4003 by striking the project description and inserting ''City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project'';

(259) in item number 4043 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(260) in item number 4050 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(261) in item number 4058 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting ''Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park'';

(263) in item number 4089 by inserting ''and parking facility/entrance improvements serving the Museum of Science and Industry'' after ''Lakeshore Drive'';

(264) in item number 4103 by inserting ''and adjacent to the'' before ''Shawnee'';

(265) in item number 4110 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting ''Upgrade 146th Street to Improve I–69 Access'' and ''$800,000'', respectively;

(267) in item number 4125 by striking ''$250,000'' and inserting ''$1,650,000'';

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting ''Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne'';

(271) in item number 4299 by striking the project description and inserting ''Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(272) in item number 4313 by striking ''Maryland Avenue'' and all that follows through ''Rd. corridor'' and inserting ''intermodal access, streetscape, and pedestrian safety improvements'';

(273) in item number 4315 by striking ''stormwater mitigation project'' and inserting ''environmental preservation project'';

(274) in item number 4318 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns'';

(275) in item number 4323 by striking the project description and inserting ''MaineDOT Acadia intermodal passenger and maintenance facility'';

(276) in item number 4338 by striking the project description and inserting ''Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(277) in item number 4355 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(278) in item number 4357 by striking the project description and inserting ''Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael'';

(279) in item number 4360 by striking the project description and inserting ''Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul'';

(280) in item number 4362 by striking the project description and inserting ''I–494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area'';

(281) in item number 4365 by striking the project description and inserting ''34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I–94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program'';

(282) in item number 4369 by striking the project description and inserting ''Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud'';

(283) in item number 4371 by striking the project description and inserting ''Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(284) in item number 4411 by striking ''Southaven'' and inserting ''DeSoto County'';

(285) in item number 4424 by striking the project description and inserting ''U.S. 93 Evaro to Polson transportation improvement projects'';

(286) in item number 4428 by striking the project description and inserting ''US 76 improvements'';

(287) in item number 4457 by striking the project description and inserting ''Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County'';

(288) in item number 4461 by striking the project description and inserting ''Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte'';

(289) in item number 4507 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I–129'';

(290) in item number 4555 by inserting ''Canal Street and'' after ''Reconstruction of'';

(291) in item number 4565 by striking the project description and inserting ''Railroad Construction and Acquisition, Ely and White Pine County'';

(292) in item number 4588 by inserting ''Private Parking and'' before ''Transportation'';

(293) in item number 4596 by striking the project description and inserting ''Centerway Bridge and Bike Trail Project, Corning'';

(294) in item number 4610 by striking the project description and inserting ''Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport'';

(295) in item number 4649 by striking the project description and inserting ''Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas'';

(296) in item number 4651 by striking ''for the transfer of rail to truck for the intermodal'' and inserting '', and construction of an intermodal freight'';

(297) in item number 4691 by striking the project description and inserting ''Transportation improvements to Idabel Industrial Park Rail Spur, Idabel'';

(298) in item number 4722 by striking the project description and inserting ''Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh'';

(299) in item number 4749 by striking ''study'' and inserting ''improvements'';

(300) in item number 4821 by striking ''highway grade crossing project, Clearfield and Clinton Counties'' and inserting ''Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties'';

(301) in item number 4838 by striking ''study'' and inserting ''improvements'';

(302) in item number 4839 by striking ''fuel-celled'' and inserting ''fueled'';

(303) in item number 4866 by striking ''$11,000,000'' and inserting ''$9,400,000'';

(304) by inserting after item number 4866 the following:

''4866A	RI	Repair and restore railroad bridge in Westerly	$1,600,000'';

(305) in item number 4892 by striking the project description and inserting ''Construct a 4-lane highway between maverick Junction and the Nebraska border'';

(306) in item number 4916 by striking ''$1,000,000'' and inserting ''$328,000'';

(307) in item number 4924 by striking ''$3,450,000'' and inserting ''$4,122,000'';

(308) in item number 4960 by inserting ''of which $50,000 shall be used for a street paving project, Calhoun'' after ''County'';

(309) in item number 4974 by striking '', Sevier County'';

(310) in item number 5008 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(311) in each of item numbers 5011 and 5033 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(312) in item number 5021 by striking ''Pine View Dam,'';

(313) in item number 5026 by striking the project description and inserting ''Roadway improvements on Washington Fields Road/300 East, Washington'';

(314) in item number 5027 by inserting ''and roadway improvements'' after ''safety project'';

(315) in item number 5028 by inserting ''and roadway improvements'' after ''lighting'';

(316) in item number 5029 by inserting ''and roadway improvements'' after ''lights'';

(317) in number 5032 by striking the project description and inserting ''Expand Redhills Parkway, St. George'';

(318) in item number 5132 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(319) in item number 5161 by striking the project description and inserting ''Raleigh Street Extension Project in Martinsburg'';

(320) in item number 1824 by striking the project description and inserting ''U.S. Route 10 expansion in Wadena and Ottertail Counties'';

(321) in item number 1194 by striking the project description and inserting ''Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn'';

(322) in item number 2286 by striking the project description and inserting ''Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park'';

(323) in item number 1724 by striking the project description and amount and inserting ''For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown'' and ''$1,500,000'', respectively;

(324) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Road repair and maintenance in the Town of Southampton'', and ''$500,000'', respectively;

(325) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Improve NY State Route 112 from Old Town Road to NY State Route 347'', and ''$6,000,000'', respectively;

(326) in item number 3479 by striking the project description and inserting ''Road improvements and utility relocations within the city of Jackson'';

(327) in item number 141 by striking ''construction of pedestrian and bicycle improvements'' and inserting ''transportation enhancement activities'';

(328) in item number 1204 by striking ''at SR 283'';

(329) in item number 2896 by striking the project description and inserting ''Improve streetscape and signage and pave roads in McMinn County, including $50,000 that may be used for paving local roads in the city of Calhoun'';

(330) in item number 3017 by striking '', Pine View Dam'';

(331) in item number 3188 insert after ''Reconstruction'' the following: ''including U.S. 169/Valley View Road Interchange,'';

(332) in item number 1772 by striking the project description and inserting ''Reconstruction of Historic Eastern Parkway'';

(333) in item number 2610 by striking the project description and inserting ''Reconstruction of Times and Duffy Squares in New York City'';

(334) in item number 2462—

(A) by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike''; and

(B) by striking ''$1,200,000'' and inserting ''$450,000'';

(335) in item number 2871 by striking the amount and inserting ''$2,430,000'';

(336) in item number 3381 by striking the project description and inserting ''Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey'';

(337) in item number 2703 by striking the project description and inserting ''Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation'';

(338) in item number 1004 by inserting ''SR 71 near'' after ''turn lane on'';

(339) in item number 2824 by striking the project description and inserting the following: ''Sevier County, TN, SR 35 near SR 449 intersection'';

(340) in item number 373 by striking the project description and inserting ''Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49'';

(341) in item number 1486, by striking the project description and inserting ''Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project'';

(342) in item number 4541 by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike'';

(343) in item number 4006 by striking the project description and inserting ''Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements'';

(344) in item number 2901 by striking the project description and inserting ''Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio'';

(345) in item number 2619 by striking the project description and inserting ''Improve access to I–55 between Bayless Avenue and Loughborough Avenue, including bridge 230.06'';

(346) in item number 1687 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(347) by striking item number 206;

(348) by striking item number 821;

(349) by striking item number 906;

(350) by striking item number 1144;

(351) in item number 1693 by striking the project description and amount and inserting ''Plan and implement truck route improvements in the Maspeth neighborhood of Queens County'' and ''$500,000'', respectively;

(352) in item number 3039 by striking the project description and inserting ''Pittsfield greenways construction to connect Pittsfield to the Ann Arbor greenway system, Pittsfield Township'';

(353) in item number 2922 by striking the project description and amount and inserting ''Detroit River International Wildlife Refuge for land acquisition adjacent to I–75 in Monroe County for wetland mitigation and habitat restoration, Fish and Wildlife Service'' and ''$1,800,000'', respectively;

(354) in item number 3641 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''River Raisin Battlefield for acquisition of historic battlefield land in Monroe County, Port of Monroe'', and ''$1,200,000''; respectively;

(355) in item number 3643 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Phase 1 of Monroe County greenway system construction, Monroe County'', and ''$940,000'', respectively;

(356) in item number 3645 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''East County fueling operations consolidation at the Monroe County Road Commission and enhancement of facilities to accommodate biodiesel fuel pumps, Monroe County'', and ''$1,000,000'', respectively;

(357) in item number 3646 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Greenway trail construction from City of Monroe to Sterling State Park, City of Monroe'', and ''$100,000''; respectively;

(358) in item number 1883 by striking the project description and inserting ''Planning for the Orangeline High Speed MAGLEV from Los Angeles County to Orange County'';

(359) in item number 3757 by inserting '', including Van Asche Drive'' after ''Corridor'';

(360) in item number 4347 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(361) in item number 4335 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(362) in item number 4891 by striking the project description and inserting ''Widening U.S. 17 in Charleston County from the Isle of Palms Connector to a point at or near Darrell Creek Trail'';

(363) in item number 3647 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Drainage and infrastructure improvements on U.S. 11 in front of Springville Middle School in Springville'', and ''$1,000,000'', respectively;

(364) in item number 3648 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Transportation enhancement projects for sidewalks and streetscaping along Cahaba Road between the Botanical Gardens and the Birmingham Zoo in the City of Birmingham'', and ''$1,075,000'', respectively;

(365) in item number 3651 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Engineering and right-of-way acquisition for the McWrights Ferry Road extension between Rice Mine Road and New Watermelon Road in Tuscaloosa County'', and ''$1,075,000'', respectively;

(366) in item number 562 by striking ''a designated truck route through'' and inserting ''roadway and sidewalk improvements in'';

(367) in item number 2836 by striking the project description and inserting ''Traffic calming and safety improvements to Lido Boulevard, Town of Hampstead, Nassau County'';

(368) in item number 1353 by striking the project description and inserting ''Improve the flow of truck traffic in Orrville'';

(369) in item number 1975 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(370) in item number 1661 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(371) in item number 1574 by striking the project description and inserting ''Construct commuter parking structure in the central business district in the vicinity of La Grange Road, and for projects identified by the Village of La Grange as its highest priorities'';

(372) in item number 3461 by striking the project description and inserting ''Construct Leon Pass overpass, and for projects identified by the Village of Hodgkins as its highest priorities'';

(373) in item numbers 1310 and 2265 by striking the project descriptions and inserting ''To construct up to 2 interchanges on U.S. Alternate Highway 72/Alabama Highway 20 from Interstate 65 to U.S. Highway 31 in Decatur, Alabama, with additional lanes as necessary'';

(374) in item number 4934 by striking ''connection with Hermitage Avenue'' and inserting ''Hermitage Avenue and pedestrian connection'';

(375) in item number 1227 by striking the project description and inserting ''Construct road improvements near industrial park near SR 209 and CR 345 that improve access to the industrial park'';

(376) in item number 2507 by striking the project description and inserting ''Texas Department of Transportation: for those projects the Department has identified as its highest priorities'';

(377) in item number 3903 by striking the project description and inserting ''Planning, design, and engineering study to widen (4 lanes) SR 87 from the intersection of US 90 and SR 87 South to the Alabama State line'';

(378) in item number 56 by striking the project description and inserting ''Bicycle and pedestrian improvements, Oregon'';

(379) in item number 604 by striking the amount and inserting ''$11,800,000'';

(380) in item number 1299 by striking the amount and inserting ''$9,800,000'';

(381) in item number 1506 by striking the amount and inserting ''$5,100,000'';

(382) in item number 1904 by striking the project description and inserting ''Study and construct access to intermodal facility in Azusa'';

(383) in item number 3653 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Bicycle and pedestrian trails in Harrison Township'', and ''$2,900,000'', respectively;

(384) in item number 3447 by striking the project description and inserting ''Carlton, 4th Street Railroad Crossing Improvement Project: Construct a safe, at grade crossing of the railroad and necessary bridge, connecting the community's educational and athletic facilities'';

(385) in item number 2321 by striking the project description and inserting ''Design and construct roadway and traffic signal improvements on Stella Street and Front Street, Wormleysburg, PA''; and

(386) in item number 370 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South''.

(b) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the ''Truman-Hobbs Act'', (33 U.S.C. 511 et seq.).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2008 and 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) PROJECT FEDERAL SHARE.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

''(c) SPECIAL RULE.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.''.

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking ''Minneapolis-St. Paul, Minnesota'' and inserting ''Minneapolis, Minnesota''.

SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking ''from the Arkansas State line'' and inserting ''from Interstate Route 540''.

SEC. 108. BUDGET JUSTIFICATION; BUY AMERICA.

(a) BUDGET JUSTIFICATION.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking ''The Department'' and inserting ''Notwithstanding any other provision of law, the Department''.

(b) BUY AMERICA.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and not the entire bridge project, is inconsistent with this sense of Congress;''.

SEC. 109. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting '', Saole,'' after ''Sua'';

(2) in item number 448 by inserting ''by removing asphalt and concrete and reinstalling blue cobblestones'' after ''streets'';

(3) by striking item number 451;

(4) in item number 452 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(5) in item number 12 by striking ''Yukon River'' and inserting ''Kuskokwim River'';

(6) in item number 18 by striking ''Engineering and Construction in Merced County'' and inserting ''and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties'';

(7) in item number 38 by striking the project description and inserting ''Relocation of the Newark Train Station'';

(8) in item number 57 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(9) in item number 114 by striking ''IA-32'' and inserting ''SW'' after ''Construct'';

(10) in item number 122 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County'';

(11) in item number 130 by striking the project description and inserting ''Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad'';

(12) in item number 133 by striking ''IA-32'';

(13) in item number 138 by striking the project description and inserting ''West Spencer Beltway Project'';

(14) in item number 142 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(15) in item number 161 by striking ''Bridge replacement on Johnson Drive and Nall Ave.'' and inserting ''Construction improvements'';

(16) in item number 182 by striking the project description and inserting ''Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(17) in item number 198 by striking the project description and inserting ''Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(18) in item number 201 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(19) in item number 238 by striking the project description and inserting ''Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage'';

(20) in item number 329 by inserting '', Tulsa'' after ''technology'';

(21) in item number 358 by striking ''fuel-celled'' and inserting ''fueled'';

(22) in item number 374 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(23) in item number 402 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(24) in item number 309 by striking the project description and inserting ''Streetscape, roadway, pedestrian, and parking improvements at the intersection of Meadow Lane, Chestnut Lane, Willow Drive,

and Liberty Avenue for the College of New Rochelle campus in New Rochelle''; and

(25) in item number 462 by striking the project description and inserting ''I–75 widening and improvements in Collier and Lee Counties, Florida''.

SEC. 110. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

(1) in the section heading by striking ''**STUDY**'' and inserting ''**DESIGN**'';

(2) by striking subsections (a), (b), and (c) and inserting the following:

''(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland.''; and

(3) by redesignating subsection (d) as subsection (b).

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F–SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2008 and 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking ''509, and 510'' and inserting ''and 509'';

(B) in subsection (a)(4) by striking ''$69,700,000'' and all that follows through ''2009'' and inserting ''$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009''; and

(C) in subsection (b) by inserting after ''50 percent'' the following ''or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent''.

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2008 and 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking ''PROGRAM APPRECIATION.—'' and inserting ''PROGRAM APPLICATION.—''.

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking ''tier'' and inserting ''Tier'';

(B) in subsection (i)—

(i) by striking ''In order to'' and inserting the following:

''(1) IN GENERAL.—In order to''; and

(ii) by adding at the end the following:

''(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.''; and

(C) in subsection (k)(3) by striking ''The Secretary'' and all that follows through ''to carry out this section'' and inserting ''For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section''.

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking ''$8,593,000,000'' each place it appears and inserting ''$8,708,000,000''.

SEC. 113. TEA–21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking ''2003'' and inserting ''2009''.

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting '', and planning and construction to Heisley Road,'' before ''in Mentor, Ohio'';

(2) in item number 1646 by striking ''and construction'' and inserting ''construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving''; and

(3) in item number 614 by inserting ''and for NJ Carteret, NJ Ferry Service Terminal'' after ''east''.

SEC. 114. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking ''and United States Routes 1, 3, 9, 17, and 46,'' and inserting ''United States Routes 1, 9, and 46, and State Routes 3 and 17,''; and

(2) in paragraph (64)—

(A) by striking ''United States Route 42'' and inserting ''State Route 42''; and

(B) by striking ''Interstate Route 676'' and inserting ''Interstate Routes 76 and 676''.

(b) INNOVATIVE PROJECTS.—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading ''INNOVATIVE PROJECTS'' by inserting ''and contiguous counties'' after ''Michigan''.

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) receive—

''(i) a driver's license suspension for not less than 1 year; or

''(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

''(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;''.

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking ''$2,225,000''and inserting ''$2,250,000''.

SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

SEC. 118. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 119. FUTURE INTERSTATE DESIGNATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) SIGNS.—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) REMOVAL OF DESIGNATION.—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

SEC. 120. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting ''the project numbered 1322 and'' before ''the projects''.

SEC. 121. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.

(c) CONFORMING AMENDMENT TO HIGHWAY TRUST FUND.—Subsections (c)(1) and (e)(3) of section 9503 of the Internal Revenue Code of 1986 are each amended by striking ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users'' and inserting ''SAFETEA–LU Technical Corrections Act of 2008''.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking ''charter,'' and inserting ''charter, sightseeing,''.

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of title 23, and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 of title 23, and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.''.

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting ''or the identified phase'' before ''within the time''; and

(B) by inserting ''or the identified phase'' before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking ''a metropolitan planning area serving''.

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking ''2007'' and inserting ''2009'';

(2) in paragraph (2)(A)—

(A) by striking ''2007'' and inserting ''2009''; and

(B) by striking ''mass'' and inserting ''public'';

(3) by adding at the end of paragraph (2) the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''; and

(4) in paragraph (3) by striking ''section 5305(a)'' and inserting ''section 5303(k)''.

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking ''regulation.'' and inserting ''this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(2) in subsection (e)(6)(B) by striking ''subsection.'' and inserting ''subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(3) in the heading for paragraph (2)(A) of subsection (m) by striking ''MAJOR CAPITAL'' and inserting ''CAPITAL''; and

(4) in subsection (m)(7)(B) by striking ''section 3039'' and inserting ''section 3045''.

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking ''for any purpose other than operating assistance'' and inserting ''for a capital project or project administrative expenses'';

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking ''capital'' after ''net''; and

(3) in subsection (i)(1) by striking ''Sections 5323(a)(1)(D) and 5333(b) of this title apply'' and inserting ''Section 5333(b) applies''.

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking ''MASS TRANSPORTATION'' and inserting ''PUBLIC TRANSPORTATION''.

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking ''section 5323(a)(1)(D)'' and inserting ''section 5333(b)''.

(h) SECTION 5319.—Section 5319 of such title is amended by striking ''section 5307(k)'' and inserting ''section 5307(d)(1)(K)''.

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking ''intra—agency'' and inserting ''intraagency'';

(2) in subsection (b)(5)(A) by striking ''5302(a)(1)(A)'' and inserting ''5302(a)(1)'';

(3) in subsection (d)(1) by inserting ''to administer this section and'' after ''5338(b)(2)(J)'';

(4) by adding at the end of subsection (d) the following:

''(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.'';

(5) in subsection (k)(3) by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)'';

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

''(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.''.

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking ''section 5336(e)(2)'' and inserting ''section 5336(d)(2)''.

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end ''adopted before August 10, 2005'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking ''Of the amount'' and all that follows before paragraph (1) and inserting ''Of the amount apportioned under subsection (i)(2) to carry out section 5307—'';

(B) in subsection (d)(1) by striking ''subsections (a) and (h)(2) of section 5338'' and inserting ''subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338''; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking ''paragraph (2)'' and inserting ''subsection (a)(2)''.

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking ''for each of fiscal years 1998 through 2003'' and inserting ''for each of fiscal years 2005 through 2009''.

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking ''section 5315(a)(16)'' and inserting ''section 5315(b)(2)(P)''.

(o) SAFETEA–LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following:

''(5) Central Florida Commuter Rail Transit Project.''.

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking ''Phase II''; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking ''$7,871,895,000'' and inserting ''$7,872,893,000''.

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting ''/Milwaukie'' after ''Mall''.

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

''(13) Los Angeles—Exposition LRT (Phase 1).''.

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

''(104A) Los Angeles—Exposition LRT (Phase 2).''.

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking ''LOSSAN Del Mar-San Diego—Rail Corridor Improvements'' and inserting ''LOSSAN Rail Corridor Improvements''.

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking ''San Diego'' and inserting ''San Diego Transit''.

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking ''Downtown''.

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

''(6) Boston-Silver Line Phase III, $20,000,000.''.

(G) PROJECT CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

''(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).''.

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

''(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

''(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.''.

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking ''$217,360'' and inserting ''$167,360''; and

(II) by striking ''$225,720'' and inserting ''$175,720'';

(ii) in item number 36 by striking the project description and inserting ''Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area'';

(iii) in item number 71 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(iv) in item number 84 by striking the project description and inserting ''Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)'';

(v) in item number 94 by striking the project description and inserting ''Pacific Transit, WA Vehicle Replacement'';

(vi) in item number 120 by striking ''Dayton Airport Intermodal Rail Feasibility Study'' and inserting ''Greater Dayton Regional Transit Authority buses and bus facilities'';

(vii) in item number 152 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(viii) in item number 416 by striking ''Improve marine intermodal'' and inserting ''Improve marine dry-dock and'';

(ix) in item number 457—

(I) by striking ''$65,000'' and inserting ''$0''; and

(II) by striking ''$67,500'' and inserting ''$0''; and

(x) in item number 458—

(I) by striking ''$65,000'' and inserting ''$130,000'';

(II) by striking ''$67,500'' and inserting ''$135,000''; and

(xi) in item number 57 by striking the project description and inserting ''Wilmington, NC, maintenance and operations facilities and administration and transfer facilities'';

(xii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting ''460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe'', ''$500,000'', and ''$500,000'', respectively.

(xiii) in item number 138 by striking ''Design'' and inserting ''Determine scope, engineering, design,'';

(xiv) in item number 23 by striking ''Construct'' and inserting ''Design, engineering, right-of-way acquisition, and construction'';

(xv) in item number 439 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvi) in item number 453 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvii) in item number 371 by striking the project description and inserting ''Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility'';

(xviii) in item number 487 by striking ''Central Arkansas Transit Authority Facility Upgrades'' and inserting ''Central Arkansas Transit Authority Bus Acquisition'';

(xix) in item number 491 by striking the project description and inserting ''Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis'';

(xx) in item number 512 by striking ''Corning, NY, Phase II Corning Preserve Transportation Enhancement Project'' and inserting ''Transportation Center Enhancements, Corning, NY'';

(xxi) in item number 534 by striking ''Community Buses'' and inserting ''Bus and Bus Facilities'';

(xxii) in item number 570 by striking ''Maine Department of Transportation-Acadia Intermodal Facility'' and inserting ''MaineDOT Acadia Intermodal Passenger and Maintenance Facility'';

(xxiii) in item number 80 by striking the project description and amounts and inserting ''Flagler County, Florida–buses and bus facility'', ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'' respectively;

(xxiv) in item number 135 by striking the project description and inserting ''Pace Suburban Bus, IL–Purchase Vehicles'';

(xxv) in item number 276 by striking the project description and amounts and inserting ''Long Beach Transit, Long Beach, California, for the purchase of transit vehicles and enhancement of para-transit and senior transportation services'', ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(xxvi) by adding at the end—

(I)(aa) in the project description column ''666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes''; and

(bb) in the FY08 column and the FY09 column ''$50,000'';

(II)(aa) in the project description column ''667. St. Johns County Council on Aging buses and bus facilities, Florida''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'', respectively;

(III)(aa) in the project description column ''668. The City of Compton, California, for the replacement of buses and paratransit vehicles''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(IV)(aa) in the project description column ''669. City of Los Angeles, California, for the purchase of transit vehicles in Watts and enhancement of paratransit and senior transportation services''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,200'', ''$133,760'', ''$144,908'', and ''$150,480'', respectively.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting '', or other entity,'' after ''State or local governmental authority''; and

(ii) by striking ''projects numbered 258 and 347'' and inserting ''projects numbered 258, 347, and 411''; and

(iii) by striking the period at the end and inserting: '', and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009.''.

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking ''hydrogen fuel cell vehicles'' and inserting ''hydrogen fueled vehicles'';

(B) by striking ''hydrogen fuel cell employee shuttle vans'' and inserting ''hydrogen fueled employee shuttle vans''; and

(C) by striking ''in Allentown, Pennsylvania'' and inserting ''to the DaVinci Center in Allentown, Pennsylvania''.

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting ''by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island'' before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code, the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel; and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such acquisition to be credited toward the non-Federal share for the project.

(r) CALIFORNIA TRANSIT SERVICES.—The Secretary of Transportation shall use not more than $3,000,000 of the funds made available for use at the discretion of the Secretary for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services that were provided by the department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking ''Section 31104'' and inserting ''Section 31144''; and

(B) in paragraph (1) by inserting ''(c)'' after ''the second subsection''.

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking ''the second subsection (c)'' and inserting ''(f)''.

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking ''amendment made by subsection (a)'' and inserting ''amendments made by subsections (a) and (b)''.

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''section''.

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking ''31139(f)(5)'' and inserting ''31139(g)(5)''.

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking ''license'' and inserting ''licenses''.

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking ''31318'' and inserting ''31313''.

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting ''of title 49, United States Code,'' after ''31502''.

(j) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(k) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking ''Surface Transportation Safety Improvement Act of 2005'', and inserting ''Motor Carrier Safety Reauthorization Act of 2005''; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(l) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

''(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.''.

(m) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking ''a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier'' and inserting ''determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier''.

(n) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking ''interstate'' the last place it appears and inserting ''intrastate''.

(o) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking ''or'' the last place it appears.

(p) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking ''the a'' and inserting ''a'';

(2) in subsection (f)(1)(A)(i) by striking ''in connection with the filing of proof of financial responsibility''; and

(3) in subsection (f)(1)(A)(ii) by striking ''in connection with such a filing'' and inserting ''under the UCR agreement''.

(q) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: ''or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement''.

(r) DRIVEAWAY SADDLEMOUNT VEHICLE.—

(1) DEFINITION.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking ''DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT'' and inserting ''DRIVEAWAY SADDLEMOUNT'';

(B) by striking ''drive-away saddlemount with fullmount'' and inserting ''driveaway saddlemount''; and

(C) by inserting ''Such combination may include one fullmount.'' after the period at the end.

(2) IN GENERAL.—Section 31111(b)(1)(D) of such title is amended by striking ''a driveaway saddlemount with fullmount'' and inserting ''all driveaway saddlemount''.

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

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

(2) in subparagraph (A) by striking ''clause (i)'' and inserting ''clause (i) of subparagraph (A)''; and

(3) in subparagraph (B) by striking ''clause (ii)'' and inserting ''subparagraph (A)(ii)''.

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States

Code, is amended by striking ''Act'' and inserting ''subsection''.

(c) PREEMPTION CORRECTION.—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking ''5119(e)'' and inserting ''5119(f)'';

(2) in each of subsections (e) and (g) by striking ''5119(b)'' and inserting ''5119(f)''; and

(3) in subsection (g) by striking ''(b), (c)(1), or (d)'' and inserting ''(a), (b)(1), or (c)''.

(d) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting ''the first place it appears'' before ''and inserting''.

(e) REPORT.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking ''exemptions'' and inserting ''special permits''; and

(2) in paragraph (3) by striking ''exemption'' and inserting ''special permit''.

(f) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

''§ 5128. Authorization of appropriations''.

(g) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking ''Transportation'' and inserting ''transportation''.

(h) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting ''(including delegations by the Secretary of Transportation)'' after ''All orders''.

(i) SHIPPING PAPERS.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ''SHIPPERS'' and inserting ''OFFERORS''; and

(2) by striking ''shipper's'' and inserting ''offeror's''.

(j) NTSB RECOMMENDATIONS.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking ''165'' and inserting ''1165''.

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking ''The annual apportionment to each State shall not be less than one-half of 1 per centum'' and inserting ''The annual apportionment to each State shall not be less than three-quarters of 1 percent''.

(b) CONSOLIDATION OF GRANT APPLICATIONS.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking ''through'' and inserting ''for which''; and

(2) by inserting ''is appropriate'' before the period at the end.

(c) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A);

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

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 304. CORRECTION OF STUDY REQUIREMENT REGARDING ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.

Section 2003(c)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1522) is amended in the second sentence by striking ''shall'' and inserting ''may''.

SEC. 305. MOTOR CARRIER TRANSPORTATION REGISTRATION.

(a) GENERAL REQUIREMENTS.—Section 31138 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL REQUIREMENT.—

''(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.

''(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.''; and

(2) by striking ''commercial'' each place it appears in subsection (c)(4).

(b) TRANSPORTATION OF PROPERTY.—Section 31139 of such title is amended—

(1) by striking ''commercial motor vehicle'' in subsection (b)(1) and inserting ''motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)''; and

(2) by striking ''commercial'' in subsection (c).

(c) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6)(B), (7)(B), (14), and (15) of section 13102 of such title are each amended by striking ''commercial motor vehicle (as defined in section 31132)'' and inserting ''motor vehicle''.

(d) FREIGHT FORWARDERS.—Section 13903(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.''.

(e) BROKERS.—Section 13904(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.''.

SEC. 306. APPLICABILITY OF FAIR LABOR STANDARDS ACT REQUIREMENTS AND LIMITATION ON LIABILITY.

(a) APPLICABILITY FOLLOWING THIS ACT.—Beginning on the date of enactment of this Act, section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply to a covered employee notwithstanding section 13(b)(1) of that Act (29 U.S.C. 213(b)(1)).

(b) LIABILITY LIMITATION FOLLOWING SAFETEA–LU.—

(1) LIMITATION ON LIABILITY.—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if—

(A) the violation occurred in the 1-year period beginning on August 10, 2005; and

(B) as of the date of the violation, the employer did not have actual knowledge that the employer was subject to the requirements of such section with respect to the covered employee.

(2) ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the 1-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) COVERED EMPLOYEE DEFINED.—In this section, the term ''covered employee'' means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than

2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SEC. 402. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term ''St. Joseph Memorial Hall'' means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

TITLE V—OTHER PROVISIONS

SEC. 501. DE SOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257) is amended by striking ''$55,000,000'' and inserting ''$75,000,000''.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing that was scheduled before the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources regarding old-growth forest science, policy and management in the Pacific Northwest region has been rescheduled.

The rescheduled hearing will be held on Thursday, March 13, 2008, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Rachel Pasternack at (202) 224–0883 or Kira Finkler at 202–224–5523.

CPSC REFORM ACT

On Thursday, March 6, 2008, the Senate passed H.R. 4040, as amended, as follows:

H.R. 4040

Resolved, That the bill from the House of Representatives (H.R. 4040) entitled ''An Act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''CPSC Reform Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Consumer Product Safety Act.
Sec. 3. Reauthorization.
Sec. 4. Personnel.
Sec. 5. Full Commission requirement; interim quorum.
Sec. 6. Submission of copy of certain documents to Congress.
Sec. 7. Public disclosure of information.
Sec. 8. Rulemaking.
Sec. 9. Prohibition on stockpiling under other Commission-enforced statutes.
Sec. 10. Third party certification of children's products.
Sec. 11. Tracking labels for products for children.
Sec. 12. Substantial product hazard reporting requirement.
Sec. 13. Corrective action plans.
Sec. 14. Identification of manufacturer by importers, retailers, and distributors.
Sec. 15. Prohibited acts.
Sec. 16. Penalties.
Sec. 17. Preemption.
Sec. 18. Sharing of information with Federal, State, local, and foreign government agencies.
Sec. 19. Financial responsibility.
Sec. 20. Enforcement by State attorneys general.
Sec. 21. Whistleblower protections.
Sec. 22. Ban on children's products containing lead; lead paint rule.
Sec. 23. Alternative measures of lead content.
Sec. 24. Study of preventable injuries and deaths of minority children related to certain consumer products.
Sec. 25. Cost-benefit analysis under the Poison Prevention Packaging Act of 1970.
Sec. 26. Inspector general reports.
Sec. 27. Public internet website links.
Sec. 28. Child-resistant portable gasoline containers.
Sec. 29. Toy safety standard.
Sec. 30. All-terrain vehicle safety standard.
Sec. 31. Garage door opener standard.
Sec. 32. Reducing deaths and injuries from carbon monoxide poisoning.
Sec. 33. Completion of cigarette lighter rulemaking.
Sec. 34. Consumer product registration forms and standards for durable infant or toddler products.
Sec. 35. Repeal.
Sec. 36. Consumer Product Safety Commission presence at National Targeting Center of U.S. Customs and Border Protection.
Sec. 37. Development of risk assessment methodology to identify shipments of consumer products that are likely to contain consumer products in violation of safety standards.
Sec. 38. Seizure and destruction of imported products in violation of consumer product safety standards.

Sec. 39. Database of manufacturing facilities and suppliers involved in violations of consumer product safety standards.
Sec. 40. Ban on certain products containing specified phthalates.
Sec. 41. Equestrian helmets.
Sec. 42. Requirements for recall notices.
Sec. 43. Study and report on effectiveness of authorities relating to safety of imported consumer products.
Sec. 44. Ban on importation of toys made by certain manufacturers.
Sec. 45. Consumer product safety standards use of formaldehyde in textile and apparel articles.

SEC. 2. AMENDMENT OF CONSUMER PRODUCT SAFETY ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

SEC. 3. REAUTHORIZATION.

(a) IN GENERAL.—Section 32 (15 U.S.C. 2081) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking subsections (a) and (b) and inserting the following:

''(a)(1) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(A) $88,500,000 for fiscal year 2009;

''(B) $96,800,000 for fiscal year 2010;

''(C) $106,480,000 for fiscal year 2011;

''(D) $117,128,000 for fiscal year 2012;

''(E) $128,841,000 for fiscal year 2013;

''(F) $141,725,000 for fiscal year 2014; and

''(G) $155,900,000 for fiscal year 2015.

''(2) From amounts appropriated pursuant to paragraph (1), there shall shall be made available, for each of fiscal years 2009 through 2015, up to $1,200,000 for travel, subsistence, and related expenses incurred in furtherance of the official duties of Commissioners and employees with respect to attendance at meetings or similar functions, which shall be used by the Commission for such purposes in lieu of acceptance of payment or reimbursement for such expenses from any person—

''(A) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(B) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

''(b) There are authorized to be appropriated to the Commission for the Office of Inspector General—

''(1) $1,600,000 for fiscal year 2009;

''(2) $1,770,000 for fiscal year 2010;

''(3) $1,936,000 for fiscal year 2011;

''(4) $2,129,600 for fiscal year 2012;

''(5) $2,342,560 for fiscal year 2013;

''(6) $2,576,820 for fiscal year 2014; and

''(7) $2,834,500 for fiscal year 2015.

''(c) There are authorized to be appropriated to the Commission for the purpose of renovation, repair, construction, equipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards), $40,000,000 for fiscal years 2009 and 2010.

''(d) There are authorized to be appropriated to the Commission for research, in cooperation with the National Institute of Science and Technology, the Food and Drug Administration, and other relevant Federal agencies into safety issues related to the use of nanotechnology in consumer products, $1,000,000 for fiscal years 2009 and 2010.''.

SEC. 4. PERSONNEL.

(a) PROFESSIONAL STAFF.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall increase the number of fulltime personnel employed by the Commission to at least 500 by October 1, 2013, subject to the availability of appropriations.

(2) PORTS OF ENTRY; OVERSEAS INSPECTORS.—The Consumer Product Safety Commission shall hire at least 50 additional personnel to be assigned to duty stations at United States ports of entry, or to inspect overseas production facilities, by October 1, 2010, subject to the availability of appropriations.

(b) PROFESSIONAL CAREER PATH.—The Commission shall develop and implement a professional career development program for professional staff to encourage retention of career personnel and provide professional development opportunities for Commission employees.

(c) TRAINING STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) develop standards for training product safety inspectors and technical staff employed by the Commission; and

(B) submit to Congress a report on such standards.

(2) CONSULTATIONS.—The Commission shall develop the training standards required under paragraph (1) in consultation with a broad range of organizations with expertise in consumer product safety issues.

SEC. 5. FULL COMMISSION REQUIREMENT; INTERIM QUORUM.

(a) NUMBER OF COMMISSIONERS.—

(1) IN GENERAL.—The Congress finds that it is necessary, in order for the Consumer Product Safety Commission to function effectively and carry out the purposes for which the Consumer Product Safety Act was enacted, for the full complement of 5 members of the Commission to serve and participate in the business of the Commission and urges the President to nominate members to fill any vacancy in the membership of the Commission as expeditiously as practicable.

(2) REPEAL OF LIMITATION.—Title III of Public Law 102–389 is amended by striking the first proviso in the item captioned ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' (15 U.S.C. 2053 note).

(b) TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the 9-month period beginning on the date of enactment of this Act.

SEC. 6. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 7. PUBLIC DISCLOSURE OF INFORMATION.

Section 6 (15 U.S.C. 2055) is amended—

(1) by inserting ''A manufacturer or private labeler shall submit any such mark within 15 calendar days after the date on which it receives the Commission's offer.'' after ''paragraph (2).'' in subsection (a)(3);

(2) by striking ''30 days'' in subsection (b)(1) and inserting ''15 days'';

(3) by striking ''finds that the public'' in subsection (b)(1) and inserting ''publishes a finding that the public'';

(4) by striking ''notice and publishes such a finding in the Federal Register),'' in subsection (b)(1) and inserting ''notice),'';

(5) by striking ''10 days'' in subsection (b)(2) and inserting ''5 days'';

(6) by striking ''finds that the public'' in subsection (b)(2) and inserting ''publishes a finding that the public'';

(7) by striking ''notice and publishes such a finding in the Federal Register.'' in subsection (b)(2) and inserting ''notice.'';

(8) in subsection (b)—

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

(B) by adding at the end thereof the following:

''(B) If the Commission determines that the public health and safety requires expedited consideration of an action brought under subparagraph (A), the Commission may file a request with the District Court for such expedited consideration. If the Commission files such a request, the District Court shall—

''(i) assign the matter for hearing at the earliest possible date;

''(ii) give precedence to the matter, to the greatest extent practicable, over all other matters pending on the docket of the court at the time;

''(iii) expedite consideration of the matter to the greatest extent practicable; and

''(iv) grant or deny the requested injunction within 30 days after the date on which the Commission's request was filed with the court.'';

(9) by striking ''section 19 (related to prohibited acts);'' in subsection (b)(4) and inserting ''any consumer product safety rule or provision of this Act or similar rule or provision of any other Act enforced by the Commission;'';

(10) by striking ''or'' after the semicolon in subsection (b)(5)(B);

(11) by striking ''disclosure.'' in subsection (b)(5)(C) and inserting ''disclosure; or'';

(12) by inserting in subsection (b)(5) after subparagraph (C) the following:

''(D) the Commission publishes a finding that the public health and safety requires public disclosure with a lesser period of notice than is required under paragraph (1).'';

(13) in the matter following subparagraph (D) of subsection (b)(5) (as added by paragraph (12) of this section), by striking ''section 19(a),'' and inserting ''any consumer product safety rule or provision under this Act or similar rule or provision of any other Act enforced by the Commission,''; and

(14) by adding at the end of subsection (b) the following:

''(9) PUBLICLY AVAILABLE DATABASE OF REPORTED DEATHS, INJURIES, ILLNESS, AND RISK OF SUCH INCIDENTS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the CPSC Reform Act, the Commission shall establish and maintain a publicly available searchable database accessible on the Commission's web site. The database shall include any reports of injuries, illness, death, or risk of such injury, illness, or death

related to the use of consumer products received by the Commission from—

''(i) consumers;

''(ii) local, State, or Federal government agencies;

''(iii) health care professionals, including physicians, hospitals, and coroners;

''(iv) child service providers;

''(v) public safety entities, including police and fire fighters; and

''(vi) other non-governmental sources, other than information provided to the Commission by retailers, manufacturers, or private labelers pursuant to a voluntary or required submission under section 15 or other mandatory or voluntary program.

''(B) ADDITIONAL CONTENTS.—In addition to the reports described in subparagraph (A), the Commission may include in the database any additional information it determines to be in the public interest.

''(C) ORGANIZATION OF DATABASE.—The Commission shall categorize the information available on the database by date, product, manufacturer, the model of the product, and any other category the Commission determines to be in the public interest.

''(D) TIMING.—The Commission shall make such reports available on the Commission website no later than 15 days after the date on which they are received.

''(E) REMOVAL OF INACCURATE OR INCORRECT INFORMATION.—If the Commission determines, after investigation, that information made available on the database is incorrect the Commission shall promptly remove it from the database.

''(F) MANUFACTURER COMMENTS.—A manufacturer, private labeler, or retailer shall be given an opportunity to comment on any information involving a product manufactured by that manufacturer, or distributed by that private labeler or retailer, as the case may be. Any such comments may be included in the database alongside the information involving such product if requested by the manufacturer, private labeler, or retailer.

''(G) DISCLOSURE.—The Commission may not disclose the names or addresses of consumers pursuant to its authority under this subsection.

''(H) APPLICATION WITH OTHER PROVISIONS.—Subsection (a) and the preceding paragraphs of this subsection do not apply to the public disclosure of information received by the Commission under subparagraph (A) of this paragraph.''.

SEC. 8. RULEMAKING.

(a) ANPR REQUIREMENT.—

(1) IN GENERAL.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice,''; and

(E) by striking ''Register.'' in the matter following paragraph (4) of subsection (c) and inserting ''Register. Nothing in this subsection shall preclude any person from submitting an existing standard or portion of a standard as a proposed consumer product safety standard.''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)) is amended to read as follows:

''(a) RULEMAKING.—

''(1) IN GENERAL.—Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which it finds meets the requirements of section 2(f)(1)(A).

''(2) PROCEDURE.—Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(2) PROCEDURE.—Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(3) ANPR REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) OTHER CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking paragraphs (c) and (d) of section 2 and inserting the following:

''(c) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in sections 5(c)(6)(D)(i) and 14(b) (15 U.S.C. 1264(c)(6)(D)(i) and 1273(b)), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission'';

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 14(d) (15 U.S.C. 1273(d)) and section 20(a)(1) (15 U.S.C. 1275(a)(1)); and

(J) by striking paragraph (5) of section 18(b) (15 U.S.C. 1261 note).

(c) RULEMAKING UNDER FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' in subsection (g) and inserting ''may be commenced by a notice of proposed rulemaking or''; and

(B) by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' in subsection (i) and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking paragraph (i) of section 2 (15 U.S.C. 1191(i)) and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''Commission'';

(C) by striking ''Secretary'' each place it appears and inserting ''Commission'', except in sections 9 and 14 (15 U.S.C. 1198 and 1201);

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking paragraph (5) of section 4(e) (15 U.S.C. 1193(e)) and redesignating paragraph (6) as paragraph (5);

(F) by striking ''Consumer Product Safety Commission (hereinafter in this section referred to as the 'Commission')'' in section 15 (15 U.S.C. 1202) and inserting ''Commission'';

(G) by striking section 16(d) (15 U.S.C. 1203(d)) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related material, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) by striking ''Consumer Product Safety Commission'' in section 17 (15 U.S.C. 1204) and inserting ''Commission''.

SEC. 9. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 10. THIRD PARTY CERTIFICATION OF CHILDREN'S PRODUCTS.

(a) IN GENERAL.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (5);

(2) by striking ''Every manufacturer'' in paragraph (1) and inserting ''Except as provided in paragraph (2), every manufacturer'';

(3) by designating the second and third sentences of subsection (a) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

''(2) Beginning 60 days after the date on which the Commission publishes notice of an interim procedure designated under subsection (d)(2) of this section, every manufacturer, or its designee, of a children's product (and the private labeler, or its designee, of such product if it bears a private label) manufactured or imported after such 60th day that is subject to a children's product safety standard shall—

''(A) have the product tested by a third party laboratory qualified to perform such tests or testing programs; and

''(B) issue a certification which shall—

''(i) certify that such product meets that standard; and

''(ii) specify the applicable children's product safety standard.'';

(5) by striking ''Such certificate shall'' in paragraph (3) as redesignated by paragraph (1) and inserting ''A certificate required under this subsection shall''; and

(6) in paragraph (5), as redesignated by paragraph (1)—

(A) by striking ''required by paragraph (1) of this subsection,'' and inserting ''required by paragraph (1) or (2) (as the case may be),''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) TESTING PROGRAMS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by inserting ''(1)'' before the first sentence;

(2) by designating the second sentence as paragraph (2); and

(3) in paragraph (2), as so designated, by striking ''Any test or'' and inserting ''Except as provided in subsection (a)(2), any test or''.

(c) CHILDREN'S PRODUCTS; TESTING BY INDEPENDENT THIRD LABORATORIES; CERTIFICATION.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) APPLICATION TO OTHER CONSUMER PRODUCTS; CERTIFIER STANDARDS; AUDIT.—

''(1) IN GENERAL.—The Commission—

''(A) within 1 year after the date of enactment of the CPSC Reform Act shall by rule—

''(i) establish protocols and standards—

''(I) for acceptance of certification or continuing guarantees of compliance by manufacturers under this section; and

''(II) for verifying that products tested by third party laboratories comply with applicable standards under this Act and other Acts enforced by the Commission;

''(ii) prescribe standards for accreditation of third party laboratories, either by the Commission or by 1 or more independent standard-setting organizations to which the Commission delegates authority, to engage in certifying compliance under subsection (a)(2) for children's products or products to which the Commission extends the certification requirements of that subsection;

''(iii) establish requirements, or delegate authority to 1 or more independent standard-setting organizations, for third party laboratory testing, as the Commission determines to be necessary to ensure compliance with any applicable rule or order, of random samples of products certified under this section to determine whether they meet the requirements for certification;

''(iv) establish requirements for periodic audits of third party laboratories by an independent standard-setting organization as a condition for accreditation of such laboratories under this section; and

''(v) establish a program by which manufacturers may label products as compliant with the certification requirements of subsection (a)(2); and

''(B) may by rule extend the certification requirements of subsection (a)(2) to other consumer products or to classes or categories of consumer products.

''(2) INTERIM PROCEDURE.—Within 30 days after the date of enactment of the CPSC Reform Act, the Commission shall—

''(A) consider existing laboratory testing certification procedures established by independent standard-setting organizations; and

''(B) designate an existing procedure, or existing procedures, for manufacturers of children's products to follow until the Commission issues a final rule under paragraph (1)(A).

''(e) DEFINITIONS.—In this section:

''(1) CHILDREN'S PRODUCT.—The term 'children's product' means a consumer product designed or intended for use by, or care of, a child 7 years of age or younger that is introduced into the interstate stream of commerce. In determining whether a product is intended for use by a child 7 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product, if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children 7 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by a child 7 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission in September 2002 and any subsequent version of such Guideline.

''(2) CHILDREN'S PRODUCT SAFETY STANDARD.—The term 'children's product safety standard' means a consumer product safety rule or standard under this Act or any other Act enforced by the Commission, or a rule or classification under this Act or any other Act enforced by the Commission declaring a consumer product to be a banned hazardous product or substance.

''(3) THIRD PARTY LABORATORY.—

''(A) IN GENERAL.—The term 'third party laboratory' means a testing entity that—

''(i) is designated by the Commission, or by an independent standard-setting organization to which the Commission qualifies as capable of making such a designation, as a testing laboratory that is competent to test products for compliance with applicable safety standards under this Act and other Acts enforced by the Commission; and

''(ii) except as provided in subparagraph (C), is a non-governmental entity that is not owned, managed, or controlled by the manufacturer or private labeler.

''(B) TESTING AND CERTIFICATION OF ART MATERIALS AND PRODUCTS.—A certifying organization (as defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations) meets the requirements of subparagraph (A)(ii) with respect to the certification of art material and art products required under this section or by regulations issued under the Federal Hazardous Substances Act.

''(C) FIREWALLED PROPRIETARY LABORATORIES.—Upon request, the Commission may certify a laboratory that is owned, managed, or controlled by the manufacturer or private labeler as a third party laboratory if the Commission—

''(i) finds that certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(ii) establishes procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(iii) establishes procedures for confidential reporting of allegations of undue influence to the Commission.

''(D) PROVISIONAL CERTIFICATION.—

''(i) IN GENERAL.—Upon application made to the Commission less than 1 year after the date of enactment of the CPSC Reform Act, the Commission may provide provisional certification of a laboratory described in subparagraph (C) of this paragraph, or a laboratory described in subparagraph (A) of this paragraph, upon a showing that the laboratory—

''(I) is certified under laboratory testing certification procedures established by an independent standard-setting organization; or

''(II) provides consumer safety protection that is equal to or greater than that which would be provided by use of an independent third party laboratory.

''(ii) DEADLINE.—The Commission shall grant or deny any such application within 45 days after receiving the completed application.

''(iii) EXPIRATION.—Any such certification shall expire 90 days after the date on which the Commission publishes final rules under subsections (a)(2) and (d).

''(iv) ANTI-GAP PROVISION.—Within 45 days after receiving a complete application for certification under the final rule prescribed under subsections (a)(2) and (d) of this section from a laboratory provisionally certified under this subparagraph, the Commission shall grant or deny the application if the application is received by the Commission no later than 45 days after the date on which the Commission publishes such final rule.

''(E) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify a third party laboratory (including a laboratory certified as a third party laboratory under subparagraph (B) of this paragraph) if it finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''consumer products which are subject to consumer product safety standards'' and inserting ''a consumer product that is subject to a consumer product safety standard, a children's product that is subject to a children's product safety standard, or either such product that is subject to any other rule under this Act (or a similar rule under any other Act enforced by the Commission)''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

(e) LABEL AND CERTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall prescribe a rule in accordance with section 14(a)(5) and (d) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(5) and (d)) for children's products (as defined in subsection (e) of such section).

(f) PROHIBITION ON IMPORTS OF CHILDREN'S PRODUCTS WITHOUT THIRD PARTY TESTING CERTIFICATION.—Section 17(a) (15 U.S.C. 2066(a)) is amended—

(1) by striking ''or'' at the end of paragraph (4);

(2) by striking ''(g).'' in paragraph (5) and inserting a ''(g); or''; and

(3) by adding at the end the following:

''(6) is a children's product, as that term is defined in section 14(e), or a product for which the Commission, under section 14(d)(1), has required certification under section 14(a)(2), that is not accompanied by a certificate from a third party as required by section 14(a)(2).''.

(g) CPSC CONSIDERATION OF EXISTING REQUIREMENTS.—In establishing standards for laboratories certified to perform testing under section 14 of the Consumer Product Safety Act, as amended by this section, the Consumer Product Safety Commission may consider standards and protocols for certification of such laboratories by independent standard-setting organizations that are in effect on the date of enactment of this Act, but shall ensure that the final rule prescribed under subsections (a)(2) and (d) of that section incorporates, as the standard for certification, the most current scientific and technological standards and techniques available.

SEC. 11. TRACKING LABELS FOR PRODUCTS FOR CHILDREN.

(a) LABELING REQUIREMENT FOR INTERNET AND CATALOGUE ADVERTISING OF CERTAIN TOYS AND GAMES.—Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

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

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

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—

''(A) CAUTIONARY STATEMENT.—Any advertisement that provides a direct means of purchase posted by a manufacturer, retailer, distributor, private labeler, or licensor for any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including any advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. A manufacturer, distributor, private labeler, or licensor that uses a retailer to advertise a product shall inform the retailer of any cautionary statement that may apply to such products in any communication to the retailer that contains information about the products to be advertised. The requirement imposed by the preceding sentence shall only apply to advertisements by the retailer if the manufacturer, importer, distributor, private labeler, or licensor affirmatively informs the retailer that such cautionary statement is required for the product.

''(B) DISPLAY.—The cautionary statement described in subparagraph (A) shall be prominently displayed—

''(i) in the primary language used in the advertisement, catalogue, or Internet website;

''(ii) in conspicuous and legible type in contrast by typography, layout, or color with other material printed or displayed in such advertisement; and

''(iii) in a manner consistent with part 1500 of title 16, Code of Federal Regulations.

''(C) DEFINITIONS.—In this paragraph, the terms 'manufacturer, retailer, distributor, private labeler, and licensor'—

''(i) mean any individual who, by such individual's occupation holds himself or herself out as having knowledge or skill peculiar to consumer products, including any person who is in the business of manufacturing, selling, distributing, labeling, licensing, or otherwise placing in the stream of commerce consumer products; but

''(ii) do not include an individual whose selling activity is intermittent and does not constitute a trade or business.

''(2) ENFORCEMENT.—The requirement under paragraph (1) shall be treated as a consumer product safety standard promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). The publication or distribution of any advertisement that is not in compliance with paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).''.

(b) TRACKING LABELS FOR PRODUCTS FOR CHILDREN.—Section 14(a) of the Consumer Product Safety Act (15 U.S.C. 2063(a)), as amended by section 10(a) of this Act, is further amended by adding at the end thereof the following:

''(6) Effective 1 year after the date of enactment of the CPSC Reform Act, the manufacturer of a children's product or other consumer product (as may be required by the Commission in its discretion after a rulemaking proceeding) shall place distinguishing marks on the product and its packaging, to the extent practicable, that will enable the ultimate purchaser to ascertain the manufacturer, production time period, and cohort (including the batch, run number, or other identifying characteristic) of production of the product by reference to those marks.''.

(c) ADVERTISING, LABELING, AND PACKAGING REPRESENTATION.—Section 14(c) (15 U.S.C. 2063(c)) is amended—

(1) by striking ''(c) The'' and inserting ''(c)(1) The'';

(2) by striking ''rule)—'' and inserting ''rule):'';

(3) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(4) by indenting the sentence beginning ''Such labels'' and inserting ''(2)'' before ''Such labels''; and

(5) by adding at the end thereof the following:

''(4) If an advertisement, label, or package contains a reference to a consumer product safety standard, a statement with respect to whether the product meets all applicable requirements of that standard.''.

SEC. 12. SUBSTANTIAL PRODUCT HAZARD REPORTING REQUIREMENT.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by striking ''consumer product distributed in commerce,'' and inserting ''consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act, except for motor vehicle equipment as defined in section 30102(a)(7) of title 49, United States Code) distributed in commerce,'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

''(2) fails to comply with any rule or standard promulgated by the Commission under this or any other Act;''.

SEC. 13. CORRECTIVE ACTION PLANS.

Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''whichever of the following actions the person to whom the order is directed elects:'' and inserting ''any one or more of the following actions it determines to be in the public interest:'';

(6) by indenting the sentence beginning ''An order'' and inserting ''(2)'' before ''An order'';

(7) by striking ''satisfactory to the Commission,'' and inserting ''for approval by the Commission,'';

(8) by striking ''described in paragraph (3).'' and inserting ''described in paragraph (1)(C).''; and

(9) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may by order amend, or require amendment of, the action plan.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan. The manufacturer, retailer, or distributor to which the action plan applies may not distribute the product to which the action plan relates in commerce after receipt of notice of a revocation of the action plan.''.

SEC. 14. IDENTIFICATION OF MANUFACTURER BY IMPORTERS, RETAILERS, AND DISTRIBUTORS.

Section 16 (15 U.S.C. 2065) is amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request to the extent that the information is known, or can be determined, by the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which it directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication of such product or substance; and

''(C) each subcontractor from which it obtained a component thereof.''.

SEC. 15. PROHIBITED ACTS.

(a) SALE OF RECALLED PRODUCTS.—Section 19(a) (15 U.S.C. 2068(a)) is amended—

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

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under this Act or any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public, but only if the seller, distributor, or manufacturer knew or should have known of such voluntary corrective action; or

''(C) subject to an order issued under section 12 or 15 of this Act, designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8);

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''; and

(5) by striking ''18(b).'' in paragraph (10) and inserting ''18(b); or''.

(b) EXPORT OF RECALLED PRODUCTS.—

(1) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end thereof the following:

''(c) Notwithstanding any other provision of law, the Commission may prohibit a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under this Act of any other Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety standard under this Act or with a similar rule under any such other Act and does not violate applicable safety standards established by the importing country;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this Act or any other Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer, except that the Commission may permit such a product to be exported if it meets applicable safety standards established by the importing country.''.

(2) PENALTY.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (a) of this section, is further amended—

(A) by striking ''or'' after the semicolon in paragraph (10);

(B) by striking ''37.'' in paragraph (11) and inserting ''37; or''; and

(C) by adding at the end thereof the following:

''(12) violate an order of the Commission under section 18(c).''.

(3) CONFORMING AMENDMENTS TO OTHER ACTS.—

(A) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States,'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(B) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end thereof the following:

''(d)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), the Consumer Product Safety Commission may prohibit a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(A) is not in conformity with an applicable consumer product safety standard under the Consumer Product Safety Act or with a rule under this Act;

''(B) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(C) is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to mandatory corrective action under this or another Act enforced by the Commission if voluntary corrective action had not been taken by the manufacturer.

''(2) The Commmission may permit the exportation of a fabric, related material, or product described in paragraph (1) if it meets applicable safety standards of the country to which it is being exported.''.

(c) FALSE CERTIFICATION OF COMPLIANCE WITH TESTING LABORATORY STANDARD.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (b)(2) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (11);

(2) by striking ''18(c).'' in paragraph (12) and inserting ''18(c); or''; and

(3) by adding at the end thereof the following:

''(13) sell, offer for sale, distribute in commerce, or import into the United States any consumer product bearing a registered safety certification mark owned by an accredited conformity assessment body, which mark is known, or should have been known, by such person to be used in a manner unauthorized by the owner of that certification mark.''.

(d) MISREPRESENTATION OF INFORMATION IN INVESTIGATION.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (c) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (12);

(2) by striking ''false.'' in paragraph (13) and inserting ''false; or''; and

(3) by adding at the end thereof the following:

''(14) misrepresent to any officer or employee of the Commission the scope of consumer products subject to an action required under section 12 or 15, or to make a material misrepresentation to such an officer or employee in the course of an investigation under this Act or any other Act enforced by the Commission.''.

(e) CERTIFICATES OF COMPLIANCE WITH MANDATORY STANDARDS.—Section 19(a)(6) (15 U.S.C. 2068(a)(6)) is amended to read as follows:

''(6) fail to furnish a certificate required by this Act or any other Act enforced by the Commission, or to issue a false certificate if such person in the exercise of due care has reason to know that the certificate is false or misleading in any material respect; or to fail to comply with any rule under section 14(c);''.

(f) UNDUE INFLUENCE ON THIRD PARTY LABORATORIES.—Section 19(a) (15 U.S.C. 2068(a)), as amended by subsection (d) of this section, is further amended—

(1) by striking ''or'' after the semicolon in paragraph (13);

(2) by striking ''Commission.'' in paragraph (14) and inserting ''Commission; or''; and

(3) by adding at the end thereof the following:

''(15) exercise, or attempt to exercise, undue influence on a third party laboratory (as defined in section 14(e)(2)) with respect to the testing, or reporting of the results of testing, of any product for compliance with a standard under this Act or any other Act enforced by the Commission.''.

SEC. 16. PENALTIES.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Section 20(a) (15 U.S.C. 2069(a)) is amended—

(A) by striking ''$5,000'' and inserting ''$250,000'';

(B) by striking ''$1,250,000'' each place it appears and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (3)(B) and inserting ''December 1, 2011,''.

(2) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$250,000'';

(B) by striking ''$1,250,000'' each place it appears in paragraph (1) and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (6)(B) and inserting ''December 1, 2011,''.

(3) FLAMMABLE FABRICS ACT.—Section 5(e) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) is amended—

(A) by striking ''$5,000'' in paragraph (1) and inserting ''$250,000'';

(B) by striking ''$1,250,000'' in paragraph (1) and inserting ''$20,000,000''; and

(C) by striking ''December 1, 1994,'' in paragraph (5)(B) and inserting ''December 1, 2011,''.

(4) MAXIMUM PENALTY FOR CERTAIN VIOLATIONS.—Section 20(a)(1) (15 U.S.C. 2069(a)), section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)), and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)) are each amended by inserting ''The Commission shall impose civil penalties exceeding $10,000,000 under this paragraph only when issuing a finding of aggravated circumstances.'' after ''violations.''.

(b) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Section 21(a) (15 U.S.C. 2070(a)) is amended to read as follows:

''(a) Violation of section 19 of this Act is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(2) DIRECTORS, OFFICERS, AND AGENTS.—Section 21(b) (15 U.S.C. 2070(b)) is amended by striking ''19, and who has knowledge of notice of noncompliance received by the corporation from the Commission,'' and inserting ''19''.

(3) UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(a) of the Federal Hazardous Substances Act (15 U.S.C. 1264(a)) is amended by striking ''one year, or a fine of not more than $3,000, or both such imprisonment and fine.'' and inserting ''5 years, a fine determined under section 3571 of title 18, United States Code, or both.''.

(4) UNDER THE FLAMMABLE FABRICS ACT.—Section 7 of the Flammable Fabrics Act (15 U.S.C. 1196) is amended to read as follows:

''PENALTIES

''SEC. 7. Violation of section 3 or 8(b) of this Act, or failure to comply with section 15(c) of this Act, is punishable by—

''(1) imprisonment for not more than 5 years for a knowing and willful violation of that section;

''(2) a fine determined under section 3571 of title 18, United States Code; or

''(3) both.''.

(c) CIVIL PENALTY CRITERIA.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall initiate a rulemaking in accordance with section 553 of title 5, United States Code, to establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances. Section 20 (15 U.S.C. 2069) is amended—

(1) by striking ''charged.'' in subsection (b) and inserting ''charged, including how to mitigate undue adverse economic impacts on small businesses.''; and

(2) by striking ''charged,'' in subsection (c) and inserting ''charged (including how to mitigate undue adverse economic impacts on small businesses),''.

(d) CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.—Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalties provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act or any other Act enforced by the Commission for which the violator is sentenced to pay a fine, be imprisoned, or both.''.

SEC. 17. PREEMPTION.

The provisions of sections 25 and 26 of the Consumer Product Safety Act (15 U.S.C. 2074 and 2075, respectively)), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261 note), section 16 of the Flammable Fabrics Act (15 U.S.C. 1203), and section 7 of the Poison Packaging Prevention Act of 1970 (15 U.S.C. 1476) establishing the extent to which those Acts preempt, limit, or otherwise affect any other Federal, State, or local law, any rule, procedure, or regulation, or any cause of action under State or local law may not be expanded or contracted in scope, or limited, modified or extended in application, by any rule or regulation thereunder, or by reference in any preamble, statement of policy, executive branch statements, or other matter associated with the publication of any such rule or regulation.

SEC. 18. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end thereof the following:

''(f)(1) The Commission may make information obtained by the Commission under section 6 available to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other

written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) the foreign government agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) Except as provided in paragraph (3) of this subsection, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(A) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(B) any material reflecting a consumer complaint obtained from any other foreign source, if the foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(C) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(3) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) The Commission may terminate a memorandum of understanding or other agreement with another agency if it determines that the other agency has not handled information made available by the Commission under paragraph (1) or has failed to maintain confidentiality with respect to the information.

''(5) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).''.

SEC. 19. FINANCIAL RESPONSIBILITY.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by adding at the end thereof the following:

''FINANCIAL RESPONSIBILITY

''SEC. 39. (a) The Commission, in a rulemaking proceeding, may establish procedures to require the posting of an escrow, proof of insurance, or security acceptable to the Commission by—

''(1) a person that has committed multiple significant violations of this Act or any rule or Act enforced by the Commission;

''(2) the manufacturer or distributor of a category or class of consumer products; or

''(3) the manufacturer or distributor of any consumer product or any product or substance regulated under any other Act enforced by the Commission.

''(b) AMOUNT.—The escrow, proof of insurance, or security required by the Commission under subsection (a) shall be in an amount sufficient—

''(1) to cover the costs of an effective recall of the product or substance; or

''(2) to cover the costs of holding the product and the destruction of the product should such action be required by the Commission under this Act or any other act enforced by the Commission.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents is amended by striking the item relating to section 10 and inserting the following:

''Sec. 10. [Repealed].''.

(2) The table of contents is amended by inserting after the item relating to section 34 the following:

''Sec. 35. Interim cellulose insulation safety standard.
''Sec. 36. Congressional veto of consumer product safety rules.
''Sec. 37. Information reporting.
''Sec. 38. Low-speed electric bicycles.
''Sec. 39. Financial responsibility.''.

SEC. 20. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.) is amended by inserting after section 26 the following:

''ENFORCEMENT BY STATE ATTORNEYS GENERAL

''SEC. 26A. (a) Except as provided in subsection (f), whenever the attorney general of a State has reason to believe that the interests of the residents of that State have been, or are being, threatened or adversely affected by a violation of any consumer product safety rule, regulation, standard, certification or labeling requirement, or order prescribed under this Act or any other Act enforced by the Commission (including the sale of a voluntarily or mandatorily recalled product or of a banned hazardous substance or product), the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to obtain injunctive relief provided under such Act.

''(b) The State shall serve written notice to the Commission of any civil action under subsection (a) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

''(c) Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

''(1) be heard on all matters arising in such civil action; and

''(2) file petitions for appeal of a decision in such civil action.

''(d) Nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

''(e) In a civil action brought under subsection (a)—

''(1) the venue shall be a judicial district in which—

''(A) the manufacturer, distributor, or retailer operates; or

''(B) the manufacturer, distributor, or retailer is authorized to do business;

''(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

''(3) a person who participated with a manufacturer, distributor, or retailer in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(f) If the Commission has instituted a civil action or an administrative action for violation of this Act or any other Act enforced by the Commission, no State attorney general, or other official or agency of a State, may bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

''(g) If the attorney general of the State prevails in any civil action under subsection (a), it can recover reasonable costs and attorney fees from the manufacturer, distributor, or retailer. Any attorney's fees recovered pursuant to this subsection shall be reviewed by the court to ensure that those fees are consistent with section 2060(f) of this title.

''(h) If private counsel is retained to assist in any civil action under subsection (a), the private counsel retained to assist the State may not share with participants in other private civil actions that arise out of the same operative facts any information that is—

(1) subject to a litigation privilege; and

(2) was obtained during discovery in the action under subsection (a).

The private counsel retained to assist the State may not use any information that is subject to a litigation privilege and that was obtained while assisting the State in the action under subsection (a) in any other private civil actions that arise out of the same operative facts.''.

(b) CONFORMING AMENDMENT.—The table of contents is amended by inserting after the item relating to section 26 the following:

''Sec. 26A. Enforcement by state attorneys general.''.

SEC. 21. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 19, is further amended by adding at the end the following:

''WHISTLEBLOWER PROTECTION

''SEC. 40. (a) No manufacturer, private labeler, distributor, or retailer, nor any Federal, State, or local government agency, may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of an order, regulation, rule, or other provision of this Act or any other Act enforced by the Commission.

''(b)(1) A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2)(A) Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(B)(i) The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3)(A) Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(C) If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(B). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(A) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(5)(A) Any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7)(A) A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(8) Notwithstanding paragraphs (1) through (7), a Federal employee shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of this section.

''(c) Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(d) Subsection (a) shall not apply with respect to an employee of a manufacturer, private labeler, distributor, or retailer who, acting without direction from such manufacturer, private labeler, distributor, or retailer (or such person's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, regulation, or consumer product safety standard under this Act or any other law enforced by the Commission.''.

(b) CONFORMING AMENDMENT.—The table of contents, as amended by section 19 of this Act, is further amended by inserting after the item relating to section 39 the following:

''Sec. 40. Whistleblower protection.''.

SEC. 22. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of this Act, any children's product (as defined in section 14(e) of the Consumer Product Safety Act (15 U.S.C. 2063(e))) that contains lead shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

(b) TRACE AMOUNTS OF LEAD.—

(1) INITIAL STANDARD.—For purposes of subsection (a), a children's product shall be considered to contain lead if any part of the product contains lead or lead compounds and the lead content of such part (calculated as lead metal) is greater than 0.03 percent by weight of the total weight of such part (or such lesser amount as may be established by the Commission by regulation).

(2) REDUCED THRESHOLD.—

(A) IN GENERAL.—Beginning on the date that is 3 years after the date of enactment of this Act, paragraph (1) shall be applied by substituting ''0.01 percent'' for ''0.03 percent'' unless the Consumer Product Safety Commission determines that a standard of 0.01 percent is not technologically feasible. The Commission may make such a determination only after notice and a hearing and after analyzing the public health protections associated with substantially reducing lead in children's products.

(B) ALTERNATIVE REDUCTION.—If the Commission determines under subparagraph (A) that the 0.01 percent standard is not technologically feasible, the Commission shall, by regulation, establish a lesser amount that is the lowest

amount of lead, lower than 0.03 percent by weight, the Commission determines to be technologically feasible to achieve. The amount of lead established by the Commission under the preceding sentence shall be substituted for the 0.03 percent standard under paragraph (1) beginning on the date that is 3 years after the date of enactment of this Act.

(c) EXCEPTIONS.—

(1) INACCESSIBLE COMPONENTS.—

(A) IN GENERAL.—Subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product.

(B) INACCESSIBILITY PROCEEDING.—Within 2 years after the date of enactment of this Act, the Commission shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible for purposes of subparagraph (A).

(C) APPLICATION PENDING CPSC GUIDANCE.—Until the Commission promulgates a rule pursuant to subparagraph (B), the determination of whether a product component is inaccessible to a child shall be made in accordance with the requirements of subparagraph (A) for considering a component to be inaccessible to a child.

(D) CERTAIN BARRIERS DISQUALIFIED.—For purposes of this paragraph, paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

(2) ELECTRONICS.—If the Commission determines that it is not feasible for certain electronic devices, including batteries, to comply with subsection (a) at the time the regulations take effect, the Commission shall, by regulation—

(A) issue standards to reduce the exposure of and accessibility to lead in such electronic devices; and

(B) establish a schedule by which such electronic devices shall be in full compliance with the regulations prescribed under subsection (a).

(3) LEAD CRYSTAL.—The Commission may by rule provide that subsection (a) does not apply to lead crystal if the Commission determines, after notice and a hearing, that the lead content in lead crystal will neither—

(A) result in the absorption of lead into the human body; nor

(B) have an adverse impact on public health and safety.

(d) REGULATIONS.—Notwithstanding the provisions of subsection (b), the Commission may by regulation establish such lower thresholds for lead content in children's products than those set forth in subsection (b) as the Commission finds to be technologically feasible.

(e) PAINT STANDARD FOR ALL PRODUCTS.—Effective on the date that is 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall modify section 1303.1 of its regulations (16 C.F.R. 1303.1) by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section.

(f) APPLICATION WITH ASTM F963.—To the extent that any standard or rule promulgated by the Consumer Product Safety Commission under this section (or any section of the Consumer Product Safety Act or any other Act enforced by the Commission, as such Acts are affected by this section) is inconsistent with the ASTM F963 standard, such promulgated standard or rule shall supersede the ASTM F963 standard to the extent of the inconsistency.

SEC. 23. ALTERNATIVE MEASURES OF LEAD CONTENT.

The Consumer Product Safety Commission, in cooperation with the National Academy of Sciences and the National Institute of Standards and Technology, shall study the feasibility of establishing a measurement standard based on a units-of-mass-per-area standard (similar to existing measurement standards used by the Department of Housing and Urban Development and the Environmental Protection Agency to measure for metals in household paint and soil, respectively) that is statistically comparable to the parts-per-million measurement standard currently used in laboratory analysis.

SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, Native Hawaiian, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report the findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Government Accountability Office's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

SEC. 25. COST-BENEFIT ANALYSIS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970.

Section 3 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472) is amended by adding at the end thereof the following:

''(e) Nothing in this Act shall be construed to require the Secretary, in establishing a standard under this section, to prepare a comparison of the costs that would be incurred in complying with such standard with the benefits of such standard.''.

SEC. 26. INSPECTOR GENERAL REPORTS.

(a) IMPLEMENTATION BY THE COMMISSION.—

(1) IN GENERAL.—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and(C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) ANNUAL REPORT.—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about failures of other employees to properly enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission, including the negotiation of corrective action plans in the recall process; and

(B) the process by which corrective action plans are negotiated by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) LEAKS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons regulated by the Commission that are not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) REPORT.—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

SEC. 27. PUBLIC INTERNET WEBSITE LINKS.

Not later than 30 days after the date of enactment of this Act, the Consumer Product Safety Commission shall establish and maintain—

(1) a direct link on the homepage of its Internet website to the Internet website of the Commission's Office of Inspector General; and

(2) a mechanism on the homepage of the Office of Inspector General's Internet website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to the Commission.

SEC. 28. CHILD-RESISTANT PORTABLE GASOLINE CONTAINERS.

(a) CONSUMER PRODUCT SAFETY RULE.—

(1) ESTABLISHMENT.—There is established, as a consumer product safety rule promulgated by the Commission in accordance with section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), a requirement that each portable gasoline container for sale in the United States shall conform to the child-resistance requirements for closures on portable gasoline containers specified in the standard ASTM F2517–05, issued by ASTM International.

(b) REVISION OF RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), if, after the date of the enactment of this Act, ASTM International proposes to revise the child resistance requirements of ASTM F2517–05—

(A) ASTM International shall notify the Commission of the proposed revision; and

(B) the proposed revision shall be incorporated in the consumer product safety rule established by subsection (a).

(2) EXCEPTION.—If, not later than 60 days after the date of the notice described in paragraph (1)(A), the Commission notifies ASTM International that the Commission has determined that such revision is inconsistent with subsection (a), the requirement of paragraph (1)(B) shall not apply.

(c) IMPLEMENTING REGULATIONS.—With respect to the promulgation of any regulations by the Commission to implement the requirements of this section—

(1) section 553 of title 5, United States Code, shall apply; and

(2) sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056 and 2058) shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce a report on—

(1) the degree of industry compliance with the consumer product safety rule established by subsection (a);

(2) any enforcement actions brought by the Commission to enforce such rule; and

(3) incidents involving children interacting with portable gasoline containers (including both those that are and are not in compliance with the rule established by subsection (a)).

(e) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) PORTABLE GASOLINE CONTAINER.—The term ''portable gasoline container'' means any portable gasoline container intended for use by consumers.

(f) EFFECTIVE DATE.—The rule established by subsection (a) shall apply to portable gasoline containers manufactured on or after the date that is 6 months after the date of enactment of this Act.

SEC. 29. TOY SAFETY STANDARD.

(a) IN GENERAL.—Beginning 60 days after the date of enactment of this Act, ASTM International Standard F963–07, Consumer Safety Specifications for Toy Safety, as it exists on the date of enactment of this Act shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) REVISIONS.—If more than 60 days after the date of enactment of this Act, ASTM International proposes to revise Standard F963–07, Consumer Safety Specifications for Toy Safety, or a successor standard, it shall notify the Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule. The revised standard shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 30 days after the date on which ASTM International notifies the Commission of the revision unless, within 60 days after receiving that notice, the Commission notifies ASTM International that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard. If the Commission so notifies ASTM International with respect to a proposed revision of the standard, the existing standard shall continue to be considered to be a consumer product safety rule without regard to the proposed revision.

SEC. 30. ALL-TERRAIN VEHICLE SAFETY STANDARD.

(a) IN GENERAL.—The Act (15 U.S.C. 2051 et seq.), as amended by section 21 of this Act, is further amended by adding at the end thereof the following:

''ALL-TERRAIN VEHICLE SAFETY STANDARD

''SEC. 41. (a) IN GENERAL.—

''(1) MANDATORY STANDARD.—Notwithstanding any other provision of law, within 90 days after the date of enactment of the CPSC Reform Act the Commission shall publish in the Federal Register as a mandatory consumer product safety standard the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVIA–1–2007). The standard shall take effect 150 days after it is published.

''(2) COMPLIANCE WITH STANDARD.—After the standard takes effect, it shall be unlawful for any manufacturer or distributor to import into or distribute in commerce in the United States any new assembled or unassembled all-terrain vehicle unless—

''(A) the vehicle complies with each applicable provision of the standard;

''(B) the vehicle is subject to an ATV action plan filed with the Commission before the date of enactment of the CPSC Reform Act, or subsequently filed with and approved by the Commission, and bears a label certifying such compliance and identifying the manufacturer, importer or private labeler and the ATV action plan to which it is subject; and

''(C) the manufacturer or distributor is in compliance with all provisions of the applicable ATV action plan.

''(3) VIOLATION.—The failure to comply with any requirement of paragraph (2) shall be deemed to be a failure to comply with a consumer product safety rule under this Act and subject to all of the penalties and remedies available under this Act.

''(4) COMPLIANT MODELS WITH ADDITIONAL FEATURES.—Paragraph (2) shall not be construed to prohibit the distribution in interstate commerce of new all-terrain vehicles that comply with the requirements of that paragraph but also incorporate characteristics or components that are not covered by those requirements. Any such characteristics or components shall be subject to the requirements of section 15 of this Act.

''(b) MODIFICATION OF ALL-TERRAIN VEHICLE SAFETY STANDARD.—

''(1) ANSI REVISIONS.—If the American National Standard ANSI/SVIA–1–2007 is revised through the applicable consensus standards development process after the date on which the product safety standard for all-terrain vehicles is published in the Federal Register, the American National Standards Institute shall notify the Commission of the revision.

''(2) COMMISSION ACTION.—Within 120 days after it receives notice of such a revision by the American National Standards Institute, the Commission shall issue a notice of proposed rulemaking in accordance with section 553 of title 5, United States Code, to amend the product safety standard for all-terrain vehicles to include any such revision that the Commission determines is reasonably related to the safe performance of all-terrain vehicles, and notify the Institute of any provision it has determined not to be so related. The Commission shall promulgate an amendment to the standard for all-terrain vehicles within 180 days after the date on which the notice of proposed rulemaking for the amendment is published in the Federal Register.

''(3) UNREASONABLE RISK OF INJURY.—Notwithstanding any other provision of this Act, the Commission may, pursuant to sections 7 and 9 of this Act, amend the product safety standard for all-terrain vehicles to include any additional provision that the Commission determines is reasonably necessary to reduce an unreasonable risk of injury associated with the performance of all-terrain vehicles.

''(4) CERTAIN PROVISIONS NOT APPLICABLE.—Sections 7, 9, 11, and 30(d) of this Act shall not apply to promulgation of any amendment of the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5, United States Code.

''(c) REQUIREMENTS FOR 3-WHEELED ALL-TERRAIN VEHICLES.—Until a mandatory consumer product safety rule applicable to 3-wheeled all-terrain vehicles promulgated pursuant to this Act is in effect, new 3-wheeled all-terrain vehicles may not be imported into or distributed in commerce in the United States. Any violation of this subsection shall be considered to be a violation of section 19(a)(1) of this Act and may also be enforced under section 17 of this Act.

''(d) FURTHER PROCEEDINGS.—

''(1) DEADLINE.—The Commission shall issue a final rule in its proceeding entitled 'Standards for All Terrain Vehicles and Ban of Three-wheeled All Terrain Vehicles'.

''(2) CATEGORIES OF YOUTH ATVS.—In the final rule, the Commission may provide for a multiple factor method of categorization that, at a minimum, takes into account—

''(A) the weight of the vehicle;

''(B) the maximum speed of the vehicle;

''(C) the velocity at which a vehicle of a given weight is traveling at the maximum speed of the vehicle;

''(D) the age of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle; and

''(E) the average weight of children for whose operation the vehicle is designed or who may reasonably be expected to operate the vehicle.

''(e) DEFINITIONS.—In this section:

''(1) ALL-TERRAIN VEHICLE OR ATV.—The term 'all-terrain vehicle' or 'ATV' means—

''(A) any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control; but

''(B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

''(2) ATV ACTION PLAN.—The term 'ATV action plan' means a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the vehicles, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading The Undertakings of the Companies in the Commission Notice published in the Federal Register on September 9, 1998 (63 FR 48199–48204).''.

(b) GAO STUDY.—The Comptroller General shall conduct a study of the utility, recreational, and other benefits of all-terrain vehicles to which section 38 of the Consumer Product Safety Act (15 U.S.C. 2085) applies, and the costs associated with all-terrain vehicle-related accidents and injuries.

(c) CONFORMING AMENDMENT.—The table of contents, as amended by section 21 of this Act, is further amended by inserting after the item relating to section 40 the following:

''Sec. 41. All-terrain vehicle safety standard.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 31. GARAGE DOOR OPENER STANDARD.

(a) IN GENERAL.—Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety–UL 325, all automatic residential garage door operators that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

(b) EXCEPTION.—Except as provided in subsection (c), subsection (a) does not apply to the manufacture of an automatic residential garage door operator without a secondary external entrapment protection device that does not require contact by a company that manufactured such an operator before the date of enactment of this Act if Underwriters Laboratory, Inc., certified that automatic residential garage door operator as meeting its Standards for Safety-UL 325 before the date of enactment of this Act.

(c) REVIEW AND REVISION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall review, and if necessary revise, its automatic residential garage door operator safety standard, including the requirement established by subsection (a), to ensure that the standard provides maximum protection for public health and safety.

(2) REVISED STANDARD.—The exception provided by subsection (b) shall not apply to automatic residential garage door operators manufactured after the effective date of any such revised standard if that standard adopts the requirement established by subsection (a).

SEC. 32. REDUCING DEATHS AND INJURIES FROM CARBON MONOXIDE POISONING.

(a) IN GENERAL.—The Consumer Product Safety Commission shall issue a final rule in its proceeding entitled ''Portable Generators'' for which the Commission issued an advance notice of proposed rulemaking on December 12, 2006 (71 Fed. Reg. 74472), no later than 18 months after the date of enactment of this Act.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Consumer Product Safety Commission shall submit a report to the Senate Committee on Commerce, Science, and Transportation that—

(1) reviews the effectiveness of its labeling requirements for charcoal briquettes (16 C.F.R. 1500.14(b)(6)) during the windstorm that struck the Pacific Northwest beginning on December 14, 2006;

(2) identifies any specific challenges faced by non-English speaking populations with use of the current standards; and

(3) contains recommendations for improving the labels on charcoal briquettes.

SEC. 33. COMPLETION OF CIGARETTE LIGHTER RULEMAKING.

The Consumer Product Safety Commission shall issue a final rule mandating general safety standards for cigarette lighters in its proceedings entitled ''Safety Standard for Cigarette Lighters'' for which the Commission issued an advance notice of proposed rulemaking on April 11, 2005 (68 Fed. Reg. 11339) no later than 24 months after the date of enactment of this Act.

SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS AND STANDARDS FOR DURABLE INFANT OR TODDLER PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(c) REQUIREMENTS FOR CRIBS.—

(1) MANUFACTURE, SALE, RESALE AND LEASE OF CRIBS.—It shall be unlawful for any commercial user to manufacture, sell, contract to sell or resell, lease, sublet, offer or provide for use or otherwise place in the stream of commerce any new or used full-size or non-full size crib, including a portable crib and a crib-pen, that is not in compliance with the mandatory rule promulgated in section (b)(1) and (b)(2).

(2) Commercial users include but are not limited to hotel, motel or similar transient lodging facilities and day care centers.

(3) DEFINITION OF COMMERCIAL USER.—

(A) IN GENERAL.—In this subsection, the term ''commercial user'' means—

(i) any person that manufactures, sells, or contracts to sell full-size cribs or non-full-size cribs; or

(ii) any person that deals in full-size or non-full-size cribs that are not new or that otherwise, based on the person's occupation, holds oneself out as having knowledge or skill peculiar to full-size cribs or non-full-size cribs, including child care facilities and family child care homes; or

(iii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or non-full-size cribs that are not new.

(4) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(d) CONSUMER PRODUCT REGISTRATION FORMS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate final consumer product safety rules that require manufacturers of durable infant or toddler products—

(A) in accordance with paragraph (2), to provide consumers with postage-paid consumer registration forms with each such product;

(B) in accordance with paragraph (5), to maintain a record of the names, addresses, e-mail addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to place permanently the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORMS.—

(A) IN GENERAL.—The registration forms required by paragraph (1)(A) shall provide space sufficiently large to permit easy, legible recording of the information specified in subparagraph (B)(i).

(B) ELEMENTS.—Such forms shall include the following:

(i) Spaces for a consumer to provide the following:

(I) The consumer's name.

(II) The consumer's postal address.

(III) The consumer's telephone number.

(IV) The consumer's e-mail address.

(ii) The manufacturer's name.

(iii) The model name and number for the product.

(iv) The date of manufacture of the product.

(v) A message that—

(I) explains the purpose of the registration; and

(II) is designed to encourage consumers to complete the registration.

(vi) A statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

(vii) A message that explains the option to register via the Internet, as required by paragraph (4).

(C) PLACEMENT.—Such form shall be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer will notice and handle the form after purchasing the product.

(3) TEXT AND FORMAT OF REGISTRATION FORMS.—In promulgating regulations under paragraph (1), the Commission may prescribe the exact text and format of such form.

(4) INTERNET REGISTRATION.—In promulgating regulations under paragraph (1), the Commission shall require manufacturers of durable infant or toddler products to provide a mechanism for consumers to submit to the manufacturer via the Internet electronic versions of the registration forms required by paragraph (1)(A).

(5) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—

(A) IN GENERAL.—The rules promulgated under paragraph (1) shall require each manufacturer of a durable infant or toddler product—

(i) to maintain a record of consumers who register for such product that includes all of the information provided by such consumers; and

(ii) to use such information to notify such consumers in the event of a voluntary or involuntary recall of, or safety alert regarding, such product.

(B) PERIOD OF MAINTENANCE.—Such rules shall require such manufacturers of durable infant or toddler products to maintain the records described in subparagraph (A)(i) for a period of not less than 6 years after the date of manufacture of the product concerned.

(C) LIMITATION ON USE OF INFORMATION COLLECTED.—The rules promulgated under paragraph (1) shall prohibit manufacturers from using or disseminating to any other party the information collected by the manufacturer under this subsection for any purpose other than notification to the consumer concerned in the event of a product recall or safety alert regarding the product concerned.

(D) RESERVATION.—Nothing in this section requires a manufacturer to collect, retain, or use any information unless it is provided by the consumer.

(e) REPORT AND STUDY.—Not later than 4 years after the date of enactment of this Act, the Commission shall—

(1) conduct a study on the effectiveness of the rules promulgated under subsection (a) in facilitating product recalls; and

(2) submit to Congress a report on the findings of the Commission with respect to the study required by paragraph (1).

(f) USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.—

(1) IN GENERAL.—If the Commission determines that a recall notification technology can be used by a manufacturer of durable infant or toddler products and such technology is as effective or more effective in facilitating recalls of durable infant or toddler products as the registration forms required by subsection (a)—

(A) the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such determination; and

(B) a manufacturer of durable infant or toddler products that uses such technology in lieu of such registration forms to facilitate recalls of durable infant or toddler products shall be considered in compliance with the regulations promulgated under such subsection with respect to subparagraphs (A) and (B) of paragraph (1) of such subsection.

(2) STUDY AND REPORT.—Not later than 1 year after the date of the enactment of this Act and periodically thereafter as the Commission considers appropriate, the Commission shall—

(A) for a period of not less than 6 months and not more than 1 year—

(i) conduct a review of recall notification technology; and

(ii) assess, through testing and empirical study, the effectiveness of such technology in facilitating recalls of durable infant or toddler products; and

(B) submit to the committees described in paragraph (1)(A) a report on the review and assessment required by subparagraph (A).

(3) REGULATIONS.—The Commission shall prescribe regulations to carry out this subsection.

(g) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) DURABLE INFANT OR TODDLER PRODUCT.—The term ''durable infant or toddler product'' means a durable product intended for use by, or that may be reasonably expected to be used by, children younger than the age of 5 years, including the following:

(A) Full-size cribs and nonfull-size cribs.

(B) Toddler beds.

(C) High chairs, booster chairs, and hook-on chairs.

(D) Bath seats.

(E) Gates and other enclosures for confining a child.

(F) Play yards.

(G) Stationary activity centers.

(H) Infant carriers.

(I) Strollers.

(J) Walkers.

(K) Swings.

(L) Bassinets and cradles.

SEC. 35. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 36. CONSUMER PRODUCT SAFETY COMMISSION PRESENCE AT NATIONAL TARGETING CENTER OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall enter into a memorandum of understanding with the Secretary of Homeland Security for the assignment by the Commission of not less than 1 full-time equivalent personnel to work at the National Targeting Center of U.S. Customs and Border Protection.

(b) RESPONSIBILITIES.—Any personnel assigned under subsection (a) shall, in cooperation with other personnel working at the National Targeting Center, identify products, before such products are imported into the customs territory of the United States, that—

(1) are intended for importation into such customs territory; and

(2) pose a high risk to consumer safety.

(c) WAIVER.—The Consumer Product Safety Commission may waive the requirement of subsection (a) if the Commission determines that an assignment under subsection (a) would not improve the effectiveness of the Commission in identifying products described in subsection (b) before such products are imported into the customs territory of the United States.

SEC. 37. DEVELOPMENT OF RISK ASSESSMENT METHODOLOGY TO IDENTIFY SHIPMENTS OF CONSUMER PRODUCTS THAT ARE LIKELY TO CONTAIN CONSUMER PRODUCTS IN VIOLATION OF SAFETY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall develop a risk assessment methodology for identification of shipments of consumer products that are—

(1) intended for import into the customs territory of the United States; and

(2) are likely to include consumer products that would be refused admission into such customs territory under section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)).

(b) USE OF INTERNATIONAL TRADE DATA SYSTEM.—The methodology developed under subsection (a) shall, as far as practicable, use the International Trade Data System (ITDS) established under section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411) to evaluate and assess information about shipments of consumer products intended for import into the customs territory of the United States before such shipments enter such customs territory.

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

SEC. 38. SEIZURE AND DESTRUCTION OF IMPORTED PRODUCTS IN VIOLATION OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) LIST OF PRODUCT DEFECTS THAT CONSTITUTE A SUBSTANTIAL PRODUCT HAZARD.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Consumer Product Safety Commission shall publish a list of product defects that constitute a substantial product hazard (as defined in section 15 of the Consumer Product Safety Act (15 U.S.C. 2064)).

(2) UPDATES.—The Consumer Product Safety Commission shall, as the Commission considers appropriate—

(A) update the list required by paragraph (1); and

(B) provide a copy of the updated list to the Secretary of Homeland Security.

(b) DESTRUCTION OF NONCOMPLIANT IMPORTED PRODUCTS.—Section 17(e) (15 U.S.C. 2066(e)) is amended to read as follows:

''(e) PRODUCT DESTRUCTION.—The Secretary of Homeland Security shall ensure the destruction of any product refused admission into the customs territory of the United States under this section unless such product is exported, under regulations prescribed by the Secretary or the Commission, as appropriate, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.''.

(c) INSPECTION AND RECORDKEEPING REQUIREMENTS AS CONDITIONS ON IMPORTATION.—Section 17(g) (15 U.S.C. 2066(g)) is amended by striking ''Commission may'' and inserting ''Commission shall''.

(d) PROVISION OF INFORMATION TO COOPERATING AGENCIES.—Section 17(h)(2) (15 U.S.C. 2066(h)(2)) is amended by striking ''Commission may'' and inserting ''Commission shall''.

(e) CONSTRUCTION.—Section 17 (15 U.S.C. 2066) is amended by adding at the end the following:

''(i) CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security from prohibiting entry or directing the destruction or export of a consumer product under any other provision of law.''.

(f) CONFORMING AMENDMENTS.—Such section 17 is further amended—

(1) in subsection (a), by striking ''Any consumer'' and inserting ''REFUSAL OF ADMISSION.—Any consumer'';

(2) in subsection (b), by striking ''The'' in the first sentence and inserting ''SAMPLES.—The'';

(3) in subsection (c), by striking ''If'' and inserting ''MODIFICATION.—If'';

(4) in subsection (d), by striking ''All actions'' in the first sentence and inserting ''SUPERVISION OF MODIFICATIONS.—All actions'';

(5) in subsection (f), by striking ''All expenses'' in the first sentence and inserting ''PAYMENT OF EXPENSES OCCASIONED BY REFUSAL OF ADMISSION.—All expenses'';

(6) in subsection (g), by striking ''The Commission'' and inserting ''IMPORTATION CONDITIONED UPON MANUFACTURER'S COMPLIANCE.—The Commission'';

(7) in subsection (h), by striking ''(h)(1) The Commission'' and inserting ''(h) PRODUCT SURVEILLANCE PROGRAM.—(1) The Commission''.

(g) TECHNICAL AMENDMENTS.—Such section 17 is further amended—

(1) by striking ''Secretary of the Treasury'' each place it occurs and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Department of the Treasury'' each place it occurs and inserting ''Department of Homeland Security''.

SEC. 39. DATABASE OF MANUFACTURING FACILITIES AND SUPPLIERS INVOLVED IN VIOLATIONS OF CONSUMER PRODUCT SAFETY STANDARDS.

(a) DOCUMENTATION OF ACTS AND OMISSIONS.—If the Consumer Product Safety Commission discovers evidence that a violation of a consumer product safety rule was the result of an act or omission by a manufacturing facility or supplier, the Commission shall document the following:

(1) The date on which the violation occurred.

(2) A description of the violation and the circumstances that led to the violation.

(3) Details of the act or omission and the relation of such act or omission to the violation.

(4) Identifying information about the manufacturing facility or supplier, including the name and address of such manufacturing facility or supplier.

(b) DATABASE.—The Consumer Product Safety Commission shall establish and maintain a database that contains the following:

(1) All of the information documented under subsection (a).

(2) Any information submitted under subsection (d).

(c) NOTICE.—The Commission shall take reasonable steps to provide notice to each manufacturing facility or supplier documented in the database required by subsection (b) of the inclusion of such manufacturing facility or supplier in such database and the reasons for such inclusion.

(d) COMMENTS.—The Commission shall establish a process by which a manufacturing facility or supplier included in the database required by subsection (b) for an act or omission described in subsection (a) may submit information to the Commission for inclusion in the database. Such information may consist of—

(1) evidence refuting evidence contained in the database that a violation described in subsection (a) was the result of an act or omission by such manufacturing facility or supplier; and

(2) evidence of remedial measures taken by such manufacturing facility or supplier to correct such act or omission.

Information submitted under this subsection shall be treated the same as information in the database for purposes of subsections (g) and (h).

(e) AVAILABILITY OF DATABASE TO U.S. CUSTOMS AND BORDER PROTECTION.—The Consumer Product Safety Commission shall make the database established under subsection (b) available on a real-time basis to the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security.

(f) USE OF DATABASE BY U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security shall use the information stored in the database required by subsection (b) in determining—

(1) whether a container being imported into the United States contains consumer products that are in violation of a consumer product safety standard of the Commission; and

(2) whether action should be taken with respect to any consumer products in such container under section 17 of the Consumer Product Safety Act (15 U.S.C. 2066).

(g) LIMITATION ON DISCLOSURE OF INFORMATION IN DATABASE.—

(1) IN GENERAL.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security shall not disclose any information contained in or provide access to the database required by subsection (b) to any person except as provided in paragraph (2), provided that this limitation does not apply to the disclosure of information that was collected, received, or maintained by the Commission for purpose other than inclusion in the database.

(2) EXCEPTION FOR LAW ENFORCEMENT AND NATIONAL SECURITY.—The Consumer Product Safety Commission and the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may disclose information contained in and provide access to the database required by subsection (b) to a law enforcement agency or an intelligence agency of the United States if the Commission or the Commissioner determine that such disclosure is necessary—

(A) to prevent a crime; or

(B) to detect, prevent, or respond to a threat to national security.

(3) EXEMPTION FROM FREEDOM OF INFORMATION ACT DISCLOSURE REQUIREMENTS.—The database required by subsection (b) shall not be subject to the disclosure requirements of section 552 or 552A of title 5, United States Code.

(h) LIMITATION ON USE OF INFORMATION IN DATABASE FOR CERTAIN CIVIL OR CRIMINAL PENALTIES.—

(1) PROHIBITION ON IMPOSITION BY CONSUMER PRODUCT SAFETY COMMISSION OF PENALTIES SOLELY ON BASIS OF DATABASE.—The Consumer Product Safety Commission may not impose any penalty under section 20 or 21 of the Consumer Product Safety Act (15 U.S.C. 2069, 2070) on any person solely on the inclusion of information on a person in the database required by subsection (b).

(2) PROHIBITION ON IMPOSITION BY U.S. CUSTOMS AND BORDER PROTECTION OF PENALTIES SOLELY ON BASIS OF DATABASE.—Notwithstanding any other provision of law, the Commissioner responsible for the U.S. Customs and Border Protection of the Department of Homeland Security may not impose any civil or criminal penalty on any person solely on the inclusion of information on a person in the database required by subsection (b).

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

SEC. 40. BAN ON CERTAIN PRODUCTS CONTAINING SPECIFIED PHTHALATES.

(a) BANNED HAZARDOUS SUBSTANCE.—Effective January 1, 2009, any children's product or child care article that contains a specified phthalate shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and the prohibitions contained in section 4 of such Act shall apply to such product or article.

(b) PROHIBITION ON USE OF CERTAIN ALTERNATIVES TO SPECIFIED PHTHALATES IN CHILDREN'S PRODUCTS AND CHILD CARE ARTICLES.—

(1) IN GENERAL.—If a manufacturer modifies a children's product or child care article that contains a specified phthalate to comply with the ban under subsection (a), such manufacturer shall not use any of the prohibited alternatives to specified phthalates described in paragraph (2).

(2) PROHIBITED ALTERNATIVES TO SPECIFIED PHTHALATES.—The prohibited alternatives to specified phthalates described in this paragraph are the following:

(A) Carcinogens rated by the Environmental Protection Agency as Group A, Group B, or Group C carcinogens.

(B) Substances described in the List of Chemicals Evaluated for Carcinogenic Potential of the Environmental Protection Agency as follows:

(i) Known to be human carcinogens.

(ii) Likely to be human carcinogens.

(iii) Suggestive of being human carcinogens.

(C) Reproductive toxicants identified by the Environmental Protection Agency that cause any of the following:

(i) Birth defects.

(ii) Reproductive harm.

(iii) Developmental harm.

(c) PREEMPTION.—Nothing in this section or section 18(b)(1)(B) of the Federal Hazardous Substances Act (15 U.S.C. 1261 note) shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any provision of State or local law that—

(1) applies to a phthalate that is not described in subsection (d)(3);

(2) applies to a phthalate described in subsection (d)(3) that is not otherwise regulated under this section;

(3) with respect to any phthalate, requires the provision of a warning of risk, illness, or injury; or

(4) prohibits the use of alternatives to phthalates that are not described in subsection (b)(2).

(d) DEFINITIONS.—In this section:

(1) CHILDREN'S PRODUCT.—The term ''children's product'' means a toy or any other product designed or intended by the manufacturer for use by a child when the child plays.

(2) CHILD CARE ARTICLE.—The term ''child care article'' means all products designed or intended by the manufacturer to facilitate sleep, relaxation, or the feeding of children, or to help children with sucking or teething.

(3) CHILDREN'S PRODUCT OR CHILD CARE ARTICLE THAT CONTAINS A SPECIFIED PHTHALATE.—The term ''children's product or child care article that contains a specified phthalate'' means—

(A) a children's product or a child care article any part of which contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations exceeding 0.1 percent; and

(B) a children's product or a child care article intended for use by a child that—

(i) can be placed in a child's mouth; and

(ii)(I) contains any combination of diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent; or

(II) contains any combination of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP), in concentrations exceeding 0.1 percent.

SEC. 41. EQUESTRIAN HELMETS.

(a) STANDARDS.—

(1) IN GENERAL.—Every equestrian helmet manufactured on or after the date that is 9 months after the date of the enactment of this Act shall meet—

(A) the interim standard specified in paragraph (2), pending the establishment of a final standard pursuant to paragraph (3); and

(B) the final standard, once that standard has been established under paragraph (3).

(2) INTERIM STANDARD.—The interim standard for equestrian helmets is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(3) FINAL STANDARD.—

(A) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code—

(i) to establish a final standard for equestrian helmets that incorporates all the requirements of the interim standard specified in paragraph (2);

(ii) to provide in the final standard a mandate that all approved equestrian helmets be certified to the requirements promulgated under the final standard by an organization that is accredited to certify personal protection equipment in accordance with ISO Guide 65; and

(iii) to include in the final standard any additional provisions that the Commission considers appropriate.

(B) INAPPLICABILITY OF CERTAIN LAWS.—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, and 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(C) EFFECTIVE DATE.—The final standard shall take effect not later than 1 year after the date it is issued.

(4) FAILURE TO MEET STANDARDS.—

(A) FAILURE TO MEET INTERIM STANDARD.—Until the final standard takes effect, an equestrian helmet that does not meet the interim standard, required under paragraph (1)(A), shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(B) STATUS OF FINAL STANDARD.—The final standard developed under paragraph (3) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(b) DEFINITIONS.—In this section:

(1) APPROVED EQUESTRIAN HELMET.—The term ''approved equestrian helmet'' means an equestrian helmet that meets—

(A) the interim standard specified in subsection (a)(2), pending establishment of a final standard under subsection (a)(3); and

(B) the final standard, once it is effective under subsection (a)(3).

(2) EQUESTRIAN HELMET.—The term ''equestrian helmet'' means a hard shell head covering intended to be worn while participating in an equestrian event or activity.

SEC. 42. REQUIREMENTS FOR RECALL NOTICES.

(a) IN GENERAL.—Section 15 (15 U.S.C. 2064) is amended by adding at the end the following:

''(i) REQUIREMENTS FOR RECALL NOTICES.—

''(1) IN GENERAL.—If the Commission determines that a product distributed in commerce presents a substantial product hazard and that

action under subsection (d) is in the public interest, the Commission may order the manufacturer or any distributor or retailer of the product to distribute notice of the action to the public. The notice shall include the following:

''(A) A description of the product, including—

''(i) the model number or stock keeping unit (SKU) number of the product;

''(ii) the names by which the product is commonly known; and

''(iii) a photograph of the product.

''(B) A description of the action being taken with respect to the product.

''(C) The number of units of the product with respect to which the action is being taken.

''(D) A description of the substantial product hazard and the reasons for the action.

''(E) An identification of the manufacturers, importers, distributers, and retailers of the product.

''(F) The locations where, and Internet websites from which, the product was sold.

''(G) The name and location of the factory at which the product was produced.

''(H) The dates between which the product was manufactured and sold.

''(I) The number and a description of any injuries or deaths associated with the product, the ages of any individuals injured or killed, and the dates on which the Commission received information about such injuries or deaths.

''(J) A description of—

''(i) any remedy available to a consumer;

''(ii) any action a consumer must take to obtain a remedy; and

''(iii) any information a consumer needs to take to obtain a remedy or information about a remedy, such as mailing addresses, telephone numbers, fax numbers, and email addresses.

''(K) Any other information the Commission determines necessary.

''(2) NOTICES IN LANGUAGES OTHER THAN ENGLISH.—The Commission may require a notice described in paragraph (1) to be distributed in a language other than English if the Commission determines that doing so is necessary to adequately protect the public.''.

(b) PUBLICATION OF INFORMATION ON RECALLED PRODUCTS.—Beginning not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall make the following information available to the public as the information becomes available to the Commission:

(1) Progress reports and incident updates with respect to action plans implemented under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

(2) Statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c) of the Consumer Product Safety Act (15 U.S.C. 2064(c)).

(3) The number and type of communication from consumers to the Commission with respect to each product with respect to which the Commission takes action under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

SEC. 43. STUDY AND REPORT ON EFFECTIVENESS OF AUTHORITIES RELATING TO SAFETY OF IMPORTED CONSUMER PRODUCTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the authorities and provisions of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to assess the effectiveness of such authorities and provisions in preventing unsafe consumer products from entering the customs territory of the United States;

(2) develop a plan to improve the effectiveness of the Consumer Product Safety Commission in preventing unsafe consumer products from entering such customs territory; and

(3) submit to Congress a report on the findings of the Comptroller General with respect to paragraphs (1) through (3), including legislative recommendations related to—

(A) inspection of foreign manufacturing plants by the Consumer Product Safety Commission; and

(B) requiring foreign manufacturers to consent to the jurisdiction of United States courts with respect to enforcement actions by the Consumer Product Safety Commission.

SEC. 44. BAN ON IMPORTATION OF TOYS MADE BY CERTAIN MANUFACTURERS.

Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (a), as amended by section 10(f) of this Act—

(A) in paragraph (5), by striking ''; or'' and inserting a semicolon;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) is a toy classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that is manufactured by a company that the Commission has determined—

''(A) has shown a persistent pattern of manufacturing such toys with defects that constitute substantial product hazards (as defined in section 15(a)(2)); or

''(B) has manufactured such toys that present a risk of injury to the public of such a magnitude that the Commission has determined that a permanent ban on all imports of such toys manufactured by such company is equitably justified.''; and

(2) by adding at the end the following:

''(i) Whenever the Commission makes a determination described in subsection (a)(7) with respect to a manufacturer, the Commission shall submit to the Secretary of Homeland Security information that appropriately identifies the manufacturer.

''(j) Not later than March 31 of each year, the Commission shall submit to Congress an annual report identifying, for the 12-month period preceding the report—

''(1) toys classified under heading 9503, 9504, or 9505 of the Harmonized Tariff Schedule of the United States that—

''(A) were offered for importation into the customs territory of the United States; and

''(B) the Commission found to be in violation of a consumer product safety standard; and

''(2) the manufacturers, by name and country, that were the subject of a determination described in subsection (a)(7)(A) and (B).''.

SEC. 45. CONSUMER PRODUCT SAFETY STANDARDS USE OF FORMALDEHYDE IN TEXTILE AND APPAREL ARTICLES.

(a) STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

ORDER FOR FILING

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Budget Committee have until 4 p.m. today, Friday, March 7, to file the concurrent budget resolution, notwithstanding the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO CONSIDER BUDGET RESOLUTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the concurrent budget resolution on Monday, March 10, at 3 p.m., and that on Monday there be debate only, with no amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRIVILEGES OF THE FLOOR AND USE OF CALCULATORS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the list of staff from the Budget Committee at the desk be granted full floor access privileges; and that the use of calculators be permitted on the floor of the Senate during consideration of the concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

BUDGET STAFF

John Righter
Joel Friedman
Steve Posner
Jim Hearn
Cheri Reidy
David Pappone

CPSC REFORM ACT

AMENDMENT NO. 4143, AS MODIFIED

Mr. BAUCUS. Mr. President, I ask unanimous consent that not withstanding the adoption of amendment No. 4143 and the passage of the act H.R. 4040, amendment 4143 be modified with changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances, Section 20 (15 U.S.C. 2069) is amended—

(1) by striking ''charged.'' in subsection (b) and inserting ''charged, including how to mitigate undue adverse economic impacts on small businesses.'';' and

(2) by striking ''charged.'' in subsection (c) and inserting ''charged, (including how to mitigate undue adverse economic impacts on small businesses),''.

MEASURE READ THE FIRST TIME—S. 2734

Mr. BAUCUS. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2734) to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

Mr. BAUCUS. Mr. President, I now ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

MEASURES PLACED ON THE CALENDAR—H.R. 1084, H.R. 1424, AND H.R. 5159

Mr. BAUCUS. Mr. President, I understand there are three bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 1084) to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

A bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

A bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

Mr. BAUCUS. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

TEMPORARILY EXTENDING THE PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. BAUCUS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. 2733, introduced earlier today by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2733) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2733) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2733

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Higher Education Extension Act of 2008''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''March 31, 2008'' and inserting ''April 30, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

DESIGNATING MARCH 25, 2008 AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 476 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 476) designating March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 476) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 476

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

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

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

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war, and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, ''Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for 3 decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, investing over $20,000,000,000, creating over 200,000 new jobs, and contributing over $750,000,000 in development aid to the region;

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

Whereas Greece actively participates in peacekeeping and peace-building operations conducted by international organizations including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11,

2001, included a record-setting expenditure of more than $1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

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

Whereas Greece is a key energy security hub that delivers gas to Europe via the Turkey-Greece-Italy Interconnector;

Whereas Greece is a world leader in the assimilation of immigrants, with immigrants having grown to more than 10 percent of people employed in Greece;

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

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

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

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106–567, the Intelligence Authorization Act for Fiscal Year 2001, appoints the following individual to serve as a member of the Public Interest Declassification Board: Sanford Ungar of Maryland.

ORDERS FOR MONDAY, MARCH 10, 2008

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, March 10, 2008; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, under the previous order, the Senate will begin consideration of the concurrent resolution on the budget at 3 p.m. on Monday. As announced earlier, there will be no rollcall votes on Monday. Senators should be prepared for a busy week as the Senate considers the fiscal year 2009 budget resolution.

ADJOURNMENT UNTIL MONDAY, MARCH 10, 2008, AT 2 P.M.

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:32 p.m., adjourned until Monday, March 10, 2008, at 2 p.m.

SENATE—*Monday, March 10, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, as we begin another workweek, humble us under Your mighty hand, that in due time You may exalt us.

As our lawmakers grapple with today's challenges, give them the humility to cast their cares on You, for You possess great love for them. Remind them that You sustain the universe by Your providential power and that nothing is too difficult for You to accomplish. Let not their hearts be troubled by overwhelming obstacles, but may they run with patience the race that is set before them. Inspire their thinking, strengthen their resolve, and give them success in their efforts.

We pray in the Name of Him who is the author and finisher of our faith. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 3 p.m. Senators will be allowed to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. Following morning business, the Senate will proceed to consideration of the concurrent resolution on the budget. There will be no rollcall votes today.

MEASURE PLACED ON THE CALENDAR—S. 2734

Mr. REID. Mr. President, S. 2734 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2734) to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

BUDGET DEBATE

Mr. REID. Mr. President, in an hour we are starting the budget. Under the law that governs what we do, there is 50 hours of debate on this matter. It is one of the few items in the Senate that has a time certain. The good news is that we have Senators CONRAD and GREGG who will be managing this. They are two experts on money within this body. They work extremely well together. They disagree on a number of issues in the budget, but they approach it in a gentlemanly fashion. They are, in my estimation, two of the finest Senators this body has ever had. As far as matters relating to money, they are, in my years of service here in the Senate, really outstanding. They are friends. They are adversaries. They do it in a way that should make the Senate and the country proud. That is the good news.

The bad news is that other than the time limit on this budget, there are a lot of changes we talk about needing to make, and we have for years, but we haven't made them, which means we come to a point where we have what is called the vote-athon, which means Senators have an unlimited number of opportunities to offer amendments. Until the Chair rules that it is a dilatory tactic, that can go on for a long period of time.

I have explained to the Republican leader—we talked at some length on one occasion on the telephone—that we are going to finish this bill this week. The question is, we would like to do it on Thursday. It is my understanding that all the Presidentials will be here on Thursday. They will be here on Friday if we don't finish this bill on Thursday. They will be here on Saturday if we don't finish the bill on Friday. I hope we can work toward finishing this bill sometime Thursday. It is my recollection that we did it last year on Thursday. That is what we are facing. As a result, we will work to see if we can have a process that is fair and gives people the opportunity to offer the amendments they believe are important.

There are a number of issues we know. I think Senators GREGG and CONRAD will agree there are probably four main issues that are going to be extremely controversial in the budget this year. We will work toward having a time that we can complete that.

This week marks the 75th anniversary of President Franklin Roosevelt's first fireside chat. In his first fireside chat on March 12, 1933, President Roosevelt reassured the American people that despite the fear and uncertainty of a banking crisis and a deeply troubled economy, working people—or, in his words, ''average citizens''—would be just fine.

He said:

You . . . must have faith; you must not be stampeded by rumors or guesses.

Let us unite in banishing fear. We have provided the machinery to restore our financial system, and it is up to you to support and make it work. It is your problem, my friends, your problem no less than mine. Together we cannot fail.

President Roosevelt was right. With President Roosevelt's leadership and the grit and determination of the American people, our country not only survived the Great Depression but embraced a new era of prosperity. That success was due in no small part to President Roosevelt's understanding that working Americans built our country and working Americans were critical to our continued prosperity.

Seven years ago, President George Bush inherited a budget surplus for the year of more than $200 billion, the result of a responsible Clinton administration economic policy. These surpluses were projected to continue for the foreseeable future.

Now 7 years into the Bush administration, we find that tax breaks for big

business and the superwealthy have combined with $12 billion per month war in Iraq and cuts to investments in our workforce and infrastructure to create a budget deficit of more than $400 billion and a national debt that has grown by $3 trillion. The result: an economy that is failing millions of American families.

President Bush said last week that he doesn't believe America is headed toward a recession. You have to hunt hard to find an economist who would agree with him. The question is no longer are we headed for a recession but how long and how deep it will be.

For the second month in a row, the American economy lost jobs—22,000 in January, 63,000 in February. Who bore the worst of this job loss? People who work in the manufacturing industry, people who work in construction, people who build homes. It is not manufacturing that lost jobs; it is not construction that lost jobs; it is the people who work in those industries that cause those industries to be deemed as losing jobs.

In 7 years of Bush economics, oil is up to an alltime high. Today, the last I looked, it was over $107 a barrel. Gas prices are double what they were when the President took office, and they are climbing. The average gallon of gasoline in America now is about $3.20 a gallon. The highest gasoline is in San Francisco; the lowest is in Casper, WY. The cost of college is up by some 60 percent since President Bush took office. Health care costs are up 80 percent since President Bush took office. Has anything gone down? Yes. Annual household income is down by $1,000.

Who has prospered from 7 years of Bush economics? At parties and private meetings, President Bush's CEO friends and oil buddies must be telling him the economy is doing great, because they are doing really well. Exxon, for example, made the highest net profit of any company in the history of the country. It is no wonder the President doesn't see a recession coming, because the people he deals with are doing just fine. Look at the enormous compensation packages earned by CEOs of companies that have been failures: Contrywide, Citigroup, Merrill Lynch. These compensation packages were in the hundreds of millions of dollars for companies that were failing, even as their industry has spiraled downward and the consumers they serve have suffered. The middle class has not done so well. They have been forgotten. They have been left behind.

After 7 years of fiscal irresponsibility, consider what President Bush wants to do next. His budget calls for spending $51 billion to hand out more tax breaks for Americans with incomes of greater than $1 million. That works out that each of these millionaires will get $125,000—all to a fortunate few who need help the least. With such generosity for those doing the best, one would think the President would take care of those struggling the most. But that is not the case.

On the housing crisis, for example, the proposal we have put forward calls for five simple things. Transparency—if you are going to buy a home, have it so that people understand the terms of the deal. It is very simple. JACK REED pushed that. CDBG money to go to local governments to buy foreclosed properties. Local governments are crying for these moneys. Revenue bonds would allow the law to be changed. Instead of revenue bonds to buy new homes, you could buy foreclosed or used homes. And then the loss carryforward that is so important for the homebuilding industry—the money you have made in the past could be offset with the money that has been lost in recent years. Finally, the bankruptcy provision—we have talked a lot about it here—to allow people to have the bankruptcy court take a look at their loans and see if they can readjust the loans.

The President pays for his tax giveaways to the wealthy in part by proposing deep cuts to Medicare and Medicaid—that is a fact—while underfunding everything from terrorism prevention to veterans education. That is not just irresponsible fiscal policy. Many believe, as I met with a group of religious leaders last week, that it is immoral fiscal policy.

This week, we are proposing a budget that abandons Bush economics, lowers taxes for the middle class, creates new jobs, and turns our struggling economy around. This requires both immediate help and long-term solutions. In short, our budget calls for further steps to stimulate growth and address the housing crisis. It sets aside $35 billion for measures such as extending unemployment insurance, providing home heating and nutrition assistance, and rebuilding our crumbling roads and bridges. Everyone should know that for every billion dollars we spend in developing roads, bridges, dams, highways, water systems, sewer systems, we create 47,500 high-paying jobs. We help families avoid losing their homes in our budget to foreclosure, a measure that has been blocked by Republican filibuster.

For the long-term, our budget calls for meaningful investments in energy, education, and infrastructure. These investments will create jobs, provide Americans with new tools to succeed, increase productivity, improve our environment, and help ensure a strong and growing economy. These are not just wishes or dreams. We were able to accomplish that. The last years of the Clinton administration, we were spending less money than we were taking in. We were actually paying down the debt.

The budget we are working on this week also rejects the Bush administration's deep cuts in Medicare and Medicaid and will expand health care coverage for children. It would make America safer by embracing our troops and veterans and rejecting the administration's plan to underfund antiterrorism and anticrime initiatives.

In stark contrast to the President's continued fiscal irresponsibility, our budget would restore fiscal discipline. It would maintain strong pay-as-you-go rules, which were in effect in the Clinton years, which really worked. The budget would be fully balanced in 3 years.

Our bipartisan budget sets a path toward a stronger economic future. We can make it even stronger by passing an amendment that will be offered by the distinguished chairman of the Finance Committee, Senator BAUCUS of Montana. Several colleagues will join in that. The Baucus amendment would use projected surpluses to cut taxes on the middle class—extending marriage penalty relief, the child tax credit, and the 10-percent tax bracket. The amendment also reforms the estate tax to protect small businesses and family farms and includes other tax cuts as well.

Democrats believe in cutting taxes—not for chief executive officers of these big companies, not for oil men, but for middle-class families who need help the most.

Mr. President, I have already talked about the two men who are going to manage this bill: Chairman CONRAD and ranking member JUDD GREGG. They really do good work. Now it is up to the full Senate to follow Senator CONRAD's lead, and that of Senator JUDD GREGG, to move forward and get a budget that can be the blueprint for what we do the rest of this Congress.

I look forward to an open, productive budget debate this week. I hope that with the kind of steely resolve President Roosevelt showed, we can put the failed Bush economic policies behind us and pass a fair, responsible budget that makes America stronger, safer, and more prosperous.

PEACE CORPS

Mr. REID. Mr. President, I had the good fortune to meet earlier today with the head of the Peace Corps. His name is Ron Tschetter—a wonderful man who was approved overwhelmingly not that long ago by the full Senate.

The Peace Corps is one of the programs that is so good for this country and the world. We have a little over 8,000 Peace Corps volunteers. We should have twice as many. The President said a couple years ago he was going to double the Peace Corps from 7,000 to 14,000. That has not happened. He has increased it by a few hundred, and that is very, very important. From Nevada, we have 22 Peace Corps volunteers out of the 8,000. They are from all over the world.

As I have had the good fortune of being able to travel as a representative of our country around the world over the last several decades, every place I go, I visit with Peace Corps volunteers because there is no group of individuals that does more for our country in setting good, high-quality standards than the Peace Corps volunteers. They do great work, and I am very proud of them.

These Peace Corps volunteers, when they are interviewed, are not Democrats or Republicans, they are Americans, and they do great public service. They are true public servants, and I am very proud of the work they have done and will continue to do throughout the world on behalf of America.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BUDGET WEEK

Mr. MCCONNELL. Mr. President, last week our friends on the other side pulled back the curtain on their budget proposal, and taxpayers all across America groaned. It really was not very pretty. The Democrats propose to increase discretionary spending above the $1 trillion mark for the first time ever. To pay for it, they want to increase taxes by a lot—the largest tax hike in history.

The timing, of course, could not be worse. At a time when Americans are seeing record gas prices, falling home values, and higher health care and tuition costs, the other side sees higher taxes and more spending. Rather than offer a plan to address the concerns of the day, they offer a plan to make those costs harder to meet inside the limits of a family budget. At a time of heightened economic worry, our friends' plan for America is for families to keep less of their money and they insist that Government spend more.

The effect of all this on U.S. families would be crushing. Under the Democratic budget, the average American family would see their annual tax bill go up by $2,300 a year. Nearly 20 million seniors would see their taxes go up by more than $2,000 a year. And 8 million low-income workers would be added to the tax roles.

At a time of increased economic concern, Democrats want the average American family to have $2,300 less for the family budget under their plan. That is enough money to pay for an entire year's worth of gas for two cars. It is about what the average American family with two kids spends on health care in 9 months. It is also enough to buy 8 months' worth of groceries.

The average American family would suffer a lot under this plan. Consider a family in Kentucky that is just starting to think about college for a new baby. If that family took the $2,300 Democrats are asking for in new taxes and invested it each year in a tax-free college savings account, they would have nearly $75,000 for college by the time that child was ready to attend school.

This budget is not the answer Americans have been looking for. It is a cliche. When faced with a challenge, Democrats always answer with a simple three-word response: tax and spend. And this year is certainly no different.

American families and their children are the ones who will lose out under this tax-and-spend plan. Democrats promise to pay for everything but make families pay instead. They promised middle-class tax relief last year but did nothing to enact it. They promise to reduce the debt but increase it instead. And they promise to address long-term entitlement spending but only make the problem worse with higher taxes and more spending.

Over the last 25 years, Republican economic policies have lifted tens of millions of working families into the middle class. We did it through lower taxes, controlled spending, and keeping our defenses strong. Democrats know these policies worked. That is why, as we began this Congress, many Democrats assured voters they would not raise taxes on working-class and middle-class voters. Well, this budget certainly fell short of that mark.

The proposed tax hike the Democrats sent down last week is four times bigger than the one in 1993 that even President Clinton said was too big for Americans and, ultimately, even for him. How can Democrats think the American people will accept this one? Do they think Americans want to see the gains of the last 6 years washed away by a budget that reinstates every tax we have lowered or repealed over that period?

Budget week is always a clarifying time of year on Capitol Hill. What the other side's budget makes clear once again is that our friends on the other side are more concerned about growing the size and scope of Washington spending, while we want to grow the family's budget. At a time of great economic uncertainty, Americans expect more from Government than a $1.2 trillion tax hike and billions of dollars in new spending.

This budget spends more than $775 billion from the Social Security surplus. It increases gross debt by more than $2 trillion. It increases the deficit by almost $400 billion. And it completely ignores the question of where we are going to get the money to pay for $66 trillion in promised entitlements—this despite the fact that the Democratic chairman of the Budget Committee has explicitly said we need to reform entitlement programs.

Republicans made a pledge last year to fight tax increases and to rein in spending. We stuck by that pledge last year. In these difficult economic times, we will certainly stick by it this year. With this budget, Democrats want to spend more from Washington and raise your taxes to pay for it. I, for one, will vote to allow families to keep more of what they earn so they can decide how to spend it.

HONORING OUR ARMED FORCES

CORPORAL GARY BRENT COLEMAN

Mr. MCCONNELL. Mr. President, I rise today to honor the life of a soldier who gave his life in defense of his country. CPL Gary Brent Coleman of Pikeville, KY, perished on November 21, 2003, in Balad, Iraq, when his vehicle overturned mid-chase during combat operations. He was 24 years old.

The memorial service for Corporal Coleman was so large it filled the auditorium of his alma mater, Pikeville High School. Brent, as he was known, had been a local hero for his prowess on the football field. He became an even greater hero by stepping forward in a time of war.

Friends, family members and fellow soldiers spoke, one after another, on the effect Brent had had in their lives. When it was over, Brent's father, Gary Keene Coleman, said, ''I was . . . proud that Brent had made that type of an impact on so many people. But I would rather for him to be here.''

For his bravery in uniform, Corporal Coleman received many medals, awards and decorations, including the Army Achievement Medal, the Army Commendation Medal, the Purple Heart and the Bronze Star Medal.

Brent was born in Pikeville, in eastern Kentucky, and spent the majority of his life in the area. From a young age he was not afraid to speak his mind. When Brent was about six or seven, he and his family went to the circus. They had lions there, and the lion tamer was directing them with his whip.

But young Brent thought the lion tamer was using the whip on the lions—and that despite their sharp claws and teeth, they needed a small boy to come to their aid. ''Stop that right now!'' he yelled to the lion tamer. The whole circus audience laughed at Brent's display of compassion and bravery.

Brent loved sports, and grew up playing T-Ball, baseball, and football. Once when Brent and his cousin Ben were both 12 years old, Brent showed Ben how to hold the football close to his chest. Ben took the ball and ran, Brent tackled him, and I guess Ben was holding the ball a little too tightly—it broke his shoulder and his rib.

Gary took Brent and his brother, Jason, to the Super Bowl every year. Brent's favorite team was the Detroit

Lions, and star running back Barry Sanders was his role model. Brent, Gary, and Jason would fly to wherever the big game was and stay for the weekend; they never missed a Super Bowl.

Football was more than just a game to watch for Brent, it was his passion, and he excelled at it. At Pikeville High School, Brent was an all-county running back for the Pikeville Panthers. He was named offensive player of the year at the start of his senior year, in 1996, and he is still the leading rusher and scorer in the school's history.

The Kentucky High School Athletic Association recognizes Brent for holding these records: 8th overall in career yards rushing, tenth overall in career touchdowns, and 11th overall in career points scored.

''Brent was idolized by the students and their parents,'' says Eddie Coleman, Brent's uncle. ''He was a local hero before he was the real hero.''

With so much talent came an appropriate nickname. Brent's teammates called him ''Rocket,'' because he could find a hole and plow right through it.

Footage from a local television station shows Brent earned yet another nickname—''Stumpy.'' ''I guess because I'm short and fat,'' a grinning Brent said to the TV reporter.

''He didn't lack for confidence,'' his father Gary tells us. ''Brent was someone with compassion, always trying to do good, always trying to do the right thing, and he had a competitive personality.''

Everyone around him could see Brent was special, and that did not change when Brent joined the Army. After attending Marshall University in Huntington, WV, for 2 years, he enlisted on July 11, 2001, and underwent basic training at the U.S. Army Armor Center at Fort Knox, KY. He graduated Basic in the top five overall.

Brent was then assigned to Company B, 1st Battalion, 68th Armor Regiment, 4th Infantry Division, based out of Fort Carson, CO. Upon graduating basic training, he told his family, ''I know I can make it on my own.''

Brent saw service to his country as a way of life. ''He was going to make a career out of it, and I encouraged him to,'' says Gary. Brent held several positions on the M1A1 Abrams tank, including gunner and loader, and he eventually became a tank commander.

Stationed in Colorado Springs, Brent met a special woman there, and Brent and Kirsten Sinley Coleman became husband and wife. They married in March, 3 weeks before Brent deployed to Iraq.

The star running back and tank commander who had already acquired a few nicknames soon picked up another from his fellow soldiers: ''Hollywood.'' I will let SSG Jason Gallegos, who served with Brent, explain why.

Brent ''was about five-foot-five and weighed about 175 pounds,'' Staff Sergeant Gallegos says. ''His body was short in stature, but he was pure muscle with about maybe eight to nine percent body fat.''

''He looked like an action figure, a poster child of what a United States soldier looks like. . . . The reason behind the nickname was because Corporal Coleman worked out hard everyday here for two to three hours a day.

''Then whenever he got the opportunity, he would go outside our bunker into the sun in just his PT shorts, place mirrors around him, put on his shades and throw on some music and tan. It was like he was a movie star.''

Brent was well liked by his fellow soldiers; and not just because of funny stories like these. He was liked and respected because he always gave his best, and encouraged others to do the same.

''He would always volunteer for the tough missions,'' Staff Sergeant Gallegos says. '' 'Be smart and be aggressive,' he would say, because he felt if you're passive then you not only endanger yourself, but also your soldiers. . . . He was there for anybody, no matter what platoon, what day of the week, or what time of day.''

At Brent's funeral, his sergeant told the Coleman family, ''Brent was 24 and they get a lot of 18-year-olds. Brent would always volunteer to take the young ones' places to protect them.''

''He served his country. He never complained. He was made for the military, physically and mentally,'' Brent's father, Gary, says. ''He said he had a job to do.''

Mr. President, I had the honor of meeting Gary Coleman in 2005, and I presented him with an American flag flown over this Capitol. Neither that flag nor the words we say here today can make up for what the Coleman family has lost. But they are the very least we can do to honor Brent's memory.

We are thinking today of Brent's loved ones, including his wife Kirsten Sinley Coleman; his mother Janie Adkins Johnson; his father Gary Keene Coleman; his brother Jason Byron Coleman; his grandmother Ruby Coleman Damron; and many other family members and friends.

Mr. President, today, March 10, is Brent's birthday. It is a day to celebrate Brent's life, and I thought an appropriate day for me to speak on how he lived, and what he lived for.

To the Coleman family who have lost a husband, brother, and son, I want to say this: CPL Gary Brent Coleman left this world a hero. And on behalf of a grateful Nation, the U.S. Senate honors his life of sacrifice and service.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees.

The Senator from Washington is recognized.

AIR FORCE CONTRACT AWARD

Mrs. MURRAY. Mr. President, in the last several days, we have learned some surprising things about the Air Force's decision to award a $40 billion contract to the European company, Airbus.

The Air Force wants Airbus, which is headquartered in Toulouse, France, to supply our next generation of aerial refueling tankers. It chose Airbus over the American company, Boeing, which has been making those tankers for the last 50 years.

I have made it clear over the past several days that I think this decision is shortsighted and dangerous. But today, even more questions have been raised about the process the Air Force followed to make this decision. So I want to take the opportunity this afternoon to walk through the impact I believe the Air Force decision will have because I think we need to take a good hard look at whether we as Members of the Senate think this contract should be finalized.

First, we need to be very cautious about any decision that awards the right to build a critical part of our military air technology to a company that is controlled by a foreign government. What happens if that government disagrees with us on foreign policy? What if it decides it wants to slow down our military capacity? Do we want another country to have that kind of control?

The Air Force, of course, did not take that into consideration. They said they didn't have to. I think this case is a perfect example of how misguided that idea is.

Airbus is owned by the European Aeronautic Defense and Space Company—EADS—which in turn is controlled by several nations. Among them are countries which have not always agreed with the United States on foreign policy. They include Russia, which has a 5-percent stake, and the United Arab Emirates, which controls 7.5 percent of EADS.

Now, EADS has already demonstrated it is willing to bend the rules if it can help the company make money. I have talked extensively on the floor of the Senate about their attempts to sell military helicopters and planes to Iran and to Venezuela. But now we are opening the doors to a key piece of our military defense to them.

America's global military strength is built on our ability to use our military might anywhere in the world at a moment's notice. Aerial tankers are the linchpin of our air power because they allow the U.S. Air Force to stretch across the globe. Until now, the technology that powered these critical planes rested in the hands of Boeing and its American workforce that has been building them for more than 50 years.

Until now, our tankers have been built by manufacturers, designers, and engineers who are bound by law from selling technology to countries that sponsor terrorism. But as a result of this contract, we are allowing EADS to take over a cornerstone of our military technology, and we are actually paying them to do it. In fact, I argue that decision was a $40 billion investment in the military research budget of EADS and Airbus.

The Air Force has said it wasn't their responsibility to take our security or our industry into account. Well, I say to my colleagues: Congress must—we must—be more forward-looking than that.

Secondly, I question why the Air Force was not required to take the economic impact into consideration when it awarded this contract. If Boeing had won this contract, it would have created 44,000 U.S. jobs. But it is far from clear what kind of an investment Airbus and its partner, Northrop Grumman, plan to make in the United States.

Our economy is hurting. We are nearing a recession, if we aren't already there. Families across the country are struggling to get by, in part because their factory jobs have been moved overseas. Workers across this country are frustrated, and they are angry that at a time such as this, their Government is saying it wants to take American tax dollars—our tax dollars—and give that money to a foreign company to build planes for our military.

We have more reason for concern because for decades Europe provided subsidies, their subsidies, to prop up Airbus and EADS. Airbus, they have said, is a jobs program that has led to tens of thousands of layoffs in the United States, and EADS has made little secret of its desire to dismantle the American aerospace industry.

Our Government, in fact, is concerned enough about these practices that we now have a WTO case against the EU over this. Yet here we are, last week our Government awarded Airbus this $40 billion contract anyway. That should give us a great deal of pause because EADS is already looking to build on the toehold that contract gives them into our aerospace industry.

In fact, a report in a leading French news service today says the executive president of EADS—Airbus—wants to build on the company's success with the tanker contract and propose to the EADS board ''two takeover projects in the fields of defense, security, or services.''

And he said: ''One of them at least should be in the United States.''

That brings me to my final point this afternoon. Why didn't the Air Force consider these obvious questions about national security and about economic security? Well, the Los Angeles Times today suggests an answer. They report on the front page of their paper today that EADS and its partner, Northrop Grumman, may have played a role in narrowing the scope of what the Air Force looked at. In fact, the Times reports that Northrop executives ensured that the Air Force wouldn't ask the competitors how Government subsidies would help pay for the design and development of the tanker—the subject of the very WTO dispute I just mentioned.

According to that article, Northrop made threats in order to shape the criteria the Air Force followed.

The Times reports:

> Northrop threatened at one point to pull out of the competition if the Air Force didn't change the way the aircraft would be evaluated.

So did the Air Force pull a bait and switch with this contract? Did it unfairly change the process to benefit EADS?

I believe there are many serious questions about this selection process. As U.S. Senators, it is our job to consider the future of our national security and our defense. I believe we need open and honest answers to those questions before this contract is finalized. In fact, I think we ought to demand the answers. Our economy and our aerospace industry are suffering, and we are at war across the globe. We have to get this right. Our future depends on it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

NATIONAL SECURITY ISSUES

Mr. BOND. Mr. President, I rise today to talk about three issues that I think are vitally important for our national security. First, there is this matter of terrorist surveillance and our national security.

This body passed the bipartisan FISA Act bill overwhelmingly—more than 2 to 1—several days before the Protect America Act was to expire. The Director of National Intelligence has told us how important this bill is because without it, intelligence gaps likely will reopen, putting the safety of America—those of us in the United States—and our troops on the battlefield at risk. Yet the House Speaker refuses to allow a vote on the Senate's bill, even though a majority of House Members support its passage. If you vote, that means something. If you win, you win; if you lose, you lose. But the leadership in the House apparently thinks those rules don't apply to the FISA debate.

Even though the Speaker failed to pass a 21-day extension of the existing law in her own body, the leadership has acted as though the PAA deadline was extended. There has been no action.

So what is the House going to do this week? Well, the Speaker has signaled that the House will vote on overriding the President's veto of the 2008 intelligence authorization bill, even though she knows there are not enough votes to override the vote. Why? Because apparently, the House leadership has decided it is more important to make a political statement about interrogation techniques than to give the intelligence community the tools it needs to conduct surveillance of foreign intelligence.

The IC—the intelligence community—needs these tools and authorities that are provided in the bill we passed. They are working tirelessly to protect us from real and constant terrorist threats, and they should not have to wait any longer for the House to pass that measure.

Secondly, let me talk about Korea briefly. I just came from an Appropriations Defense Subcommittee hearing with General Bell, our commanding general in Korea. He told us that not just a brave new wind but a typhoon has blown through South Korea, and the previous government that was in many ways anti-American was totally willing to accommodate North Korea in all of its efforts, which included building missiles and nuclear weapons, and rebuff the United States.

Well, the people of Korea had enough, and they overwhelmingly elected a new President, President Lee Myung-bak, who ran on a platform of revitalizing the economy, making any actions with North Korea reciprocal, and improving their alliance with the U.S. position. The candidate who came in second agreed with him on these issues. The previous leadership candidate got single digits.

The most important things we can do are to increase our trade and our military assistance to South Korea. South Korea is already our largest importer for military equipment, and they live in a very dangerous part of the world. They are right next door to China and close to bordering on Russia, just across the straits from Japan, and they are potentially—they have been and they will be our most important ally. But we have given higher foreign military sales status to three former Soviet Union States and five countries from the Warsaw Pact, none of which are as good friends as South Korea.

I have filed a bill, S. 1846, the United States-Republic of Korea Defense Cooperation and Improvement Act of 2007, that would give them the status of

NATO plus 3, so we could continue to expand on our vital defense trade with them. He says this is his top priority. We are already cooperating with them. There is new cooperation. There is an opportunity to build an even stronger ally in the region to help keep that region safe, peaceful, and secure.

Secondarily, for Korea, we also need to approve the United States-Korea Free Trade Agreement. Free trade is one of the best ways we have of assuring that other countries get the development they need, we can develop the friendship we have and improve our economy and theirs. A Korea-United States trade agreement would give lower tariff barriers, and get rid of many of them, to keep our agriculture, machine goods, and high-tech goods from going into South Korea. We need to do that.

But there are political objections. That brings me to the third important point: Colombia. Colombia has pending with the United States a United States-Colombia Free Trade Agreement. As I have just said, trade and commercial ties are one of the most effective arrows in our quiver of smart power. In Colombia, it is an affirmation of support to our friends. They are our strongest ally on an increasingly left-leaning continent—another area where they are our best friends in a dangerous area.

The administration of the President of Colombia, President Uribe, finds itself surrounded by states determined to undermine Colombia's burgeoning democracy. The states around them provide safe haven to insurgent terrorist groups, allowing them freedom to maneuver in border areas, and they even provide monetary support for drug and terror activities against President Uribe's government in Colombia. If we are serious, as we must be, about maintaining peace, security, and stability in Latin America, the northern part of Latin America, we must work with them.

Free trade will not only expand our economic and commercial ties, but it will strengthen the critical cultural ties and strategic alliances, and that will lead to a more peaceful and stable world.

At a time when America's image is suffering in the world and our economy at home is slumping, we should be helping our friends and allies and expanding our export opportunities to create jobs here.

If the Democratic leadership in Congress is so concerned about improving America's image abroad and helping our slumping economy, why don't we start by helping our friends? We can do that by opening up markets for exports. Friends like Colombia and Korea are fighting terrorism, embracing America's values. It is a solid security rock for us to build upon.

In Colombia, the interdiction of two high-value targets—senior terror planners and former operators—is a testimony to the Uribe administration's commitment to ending terror in his country. It is important to remember that the terrorist group FARC currently holds more than 700 political and military prisoners. Three of them are Americans. Yet our Democratic colleagues, through all their rhetoric, seem to care more about improving our image with rogue regimes such as Syria and Iran than helping our friends in places such as Colombia and Korea. Their rejection of the free-trade agreements damages our strategic alliances and says to the world that the United States is closed for business. And it does so at a time when we need to be open for business, open for better ties.

So why, in light of the economic and strategic benefits of the Colombia FTA, are the Democrats determined to delay and deny these benefits? Why, through their actions, are they emboldening Venezuelan leftist Hugo Chavez and undercutting the President of Colombia, who is a friend? President Uribe has done more to reduce violence in Colombia than any modern leader in Bogota, including crimes against labor unionists. He has pushed back Marxist guerrillas of the Revolutionary Armed Forces of Colombia, FARC, and the National Liberation Army, the ELN. He has reduced crime and substantially improved Colombia's security and economic situations, with official statistics showing murders plummeting by as much as 50 percent and kidnappings by as much as 75 percent.

Today's Wall Street Journal, which I will submit later, is entitled ''Delaying and Denying.'' They sum it up like this:

> What is it about Democrats and Hugo Chavez? Even as the Venezuelan strongman was threatening war last week against Colombia, Congress was threatening to hand him a huge strategic victory by spurning Colombia's free trade overtures to the U.S.
>
> This isn't the first time Democrats have come to Mr. Chavez's aid, but it would be the most destructive. The Venezuelan is engaged in a high-stakes competition over the political and economic direction of Latin America. He wants the region to follow his path of ever greater state control of the economy, while assisting U.S. enemies wherever he can. He's already won converts in Bolivia and Ecuador, and he came far too close for American comfort in Mexico's election last year.
>
> Meanwhile, Colombian President Alvaro Uribe is embracing greater economic and political freedom. He has bravely assisted the U.S. fight against narco-traffickers, and he now wants to link his country more closely to America with a free trade accord. As a strategic matter, to reject Colombia's offer now would tell everyone in Latin America that it is far more dangerous to trust America than it is to trash it.

Mr. President, continuing to deny and delay Colombia TPA will be a great disadvantage to America's economy, damage our reputation in Colombia and throughout Latin America, undercut a key ally in President Uribe, and further embolden anti-American dictators like Hugo Chavez, ultimately resulting in a less secure and stable Latin America.

Mr. President, I call upon and urge my colleagues on the other side of the aisle to let us bring up for a vote and pass the Korean free-trade agreement and the Colombia free-trade agreement. Not only will that benefit us economically, it will strengthen the U.S. image throughout the world and help build a stable, strategic ally in Colombia that can stop the threat of more regimes committed to the Marxism that Cuba so famously demonstrated, which brought destruction and hardship to the people of Cuba.

These are important foreign policy matters. One leader in the majority on the other side of the body said: Well, politically, we cannot do it. Politically, we cannot help those who help us? Politically, we cannot pass a bill that will keep our country safer by passing the FISA bill? Politically, we cannot help an ally such as South Korea, which is in a very strategic position? And politically, we cannot help Colombia, which is fighting narcotraffickers as well as the efforts by Hugo Chavez for spreading a Marxist regime and the totalitarian government which impoverishes and denies rights to his citizens?

Mr. President, the time to act is now. I urge my colleagues on both sides to make these matters a serious concern and see if we can do the job for which we were elected—to help keep our country safe and secure.

Mr. President, I ask unanimous consent that the editorial from the Wall Street Journal of today, March 10, 2008, called ''The Chavez Democrats'' be printed in the RECORD, along with a similar and very compelling article on the op-ed page of the Washington Post, by Jackson Diehl, called ''The FARC's Guardian Angel,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 10, 2008]

THE CHAVEZ DEMOCRATS

What is it about Democrats and Hugo Chávez? Even as the Venezuelan strongman was threatening war last week against Colombia, Congress was threatening to hand him a huge strategic victory by spurning Colombia's free trade overtures to the U.S.

This isn't the first time Democrats have come to Mr. Chávez's aid, but it would be the most destructive. The Venezuelan is engaged in a high-stakes competition over the political and economic direction of Latin America. He wants the region to follow his path of ever greater state control of the economy, while assisting U.S. enemies wherever he can. He's already won converts in Bolivia and Ecuador, and he came far too close for American comfort in Mexico's election last year.

Meanwhile, Colombian President Álvaro Uribe is embracing greater economic and political freedom. He has bravely assisted the

U.S. fight against narco-traffickers, and he now wants to link his country more closely to America with a free-trade accord. As a strategic matter, to reject Colombia's offer now would tell everyone in Latin America that it is far more dangerous to trust America than it is to trash it.

Yet Democrats on Capitol Hill are doing their best to help Mr. Chávez prevail against Mr. Uribe. Even as Mr. Chávez was doing his war dance, Senate Finance Chairman Max Baucus was warning the White House not to send the Colombia deal to the Hill for a vote without the permission of Democratic leaders. He was seconded by Ways and Means Chairman Charlie Rangel, who told Congress Daily that ''they don't have the votes for it, it's not going to come on the floor,'' adding that ''what they [the White House] don't understand it's not the facts on the ground, it's the politics that's in the air.''

Mr. Rangel is right about the politics. No matter what U.S. strategic interests may be in Colombia, this is an election year in America. And Democrats don't want to upset their union and anti-trade allies. The problem is that the time available to pass anything this year is growing short. The closer the election gets, the more leverage protectionists have to run out the clock on the Bush Presidency. The deal has the support of a bipartisan majority in the Senate, and probably also in the House. Sooner or later the White House will have to force the issue.

Our guess is that Messrs. Baucus and Rangel understand the stakes and privately favor the accord. The bottleneck is Speaker Nancy Pelosi, who is refusing to allow a vote under pressure from her left-wing Members. These Democrats deride any link between Hugo Chávez and trade as a ''scare tactic,'' as if greater economic prosperity had no political consequences. ''President Bush's recent fear-mongering on trade shows just how desperate he is to deliver one final victory for multinational corporations,'' declared Illinois Democrat Phil Hare, who is one of Ms. Pelosi's main trade policy deputies.

[From the Washington Post, Mar. 10, 2008]

THE FARC'S GUARDIAN ANGEL

(By Jackson Diehl)

Latin American nations and the Bush administration spent the past week loudly arguing over what censure, if any, Colombia should face for a bombing raid that killed one of the top leaders of the FARC terrorist group at a jungle camp in Ecuador. More quietly, they are just beginning to consider a far more serious and potentially explosive question: What to do about the revelation that Venezuelan President Hugo Chávez forged a strategic alliance with the FARC aimed at Colombia's democratic government.

First reports of the documents recovered from laptops at the FARC camp spoke of promises by Chávez to deliver up to $300 million to a group renowned for kidnapping, drug trafficking and massacres of civilians; they also showed that Ecuadoran President Rafel Correa was prepared to remove from his own army officers who objected to the FARC's Ecuadoran bases.

But in their totality, the hundreds of pages of documents so far made public by Colombia paint an even more chilling picture. The raid appears to have preempted a breathtakingly ambitious ''strategic plan'' agreed on by Chávez and the FARC with the initial goal of gaining international recognition for a movement designated a terrorist organization by both the United States and Europe. Chávez then intended to force Colombian President Álvaro Uribe to negotiate a political settlement with the FARC, and to promote a candidate allied with Chávez and the FARC to take power from Uribe.

All this is laid out in a series of three e-mails sent in February to the FARC's top leaders by Iván Márquez and Rodrigo Granda, envoys who held a series of secret meetings with Chávez. Judging from the memos, Chávez did most of the talking: He outlines a five-stage plan for undermining Uribe's government, beginning with the release of several of the scores of hostages the FARC is holding.

The first e-mail, dated Feb. 8, discusses the money: It says that Chávez, whom they call ''angel,'' ''has the first 50 [million] available and has a plan to get us the remaining 200 in the course of the year.'' Chávez proposed sending the first ''packet'' of money ''through the black market in order to avoid problems.'' He said more could be arranged by giving the FARC a quota of petroleum to sell abroad or gasoline to retail in Colombia or Venezuela.

Chávez then got to the plans that most interested him. He wanted the FARC to propose collecting all of its hostages in the open, possibly in Venezuela, for a proposed exchange for 500 FARC prisoners in Colombian jails. Chávez said he would travel to the area for a meeting with the FARC's top leader, Manuel Marulanda, and said the presidents of Ecuador, Nicaragua and Bolivia would accompany him. Meanwhile, Chávez said he would set up a new diplomatic group, composed of those countries and the FARC, plus Mexico, Brazil and Argentina, for the purpose of recognizing the FARC as a legitimate ''belligerent'' in Colombia and forcing Uribe into releasing its prisoners.

In ''the early morning hours,'' the FARC envoys recounted in a Feb. 9 e-mail, Chávez reached the subject of whether the release of Ingrid Betancourt, a former Colombian presidential candidate who is the FARC's best-known hostage, would complicate his plan to back a pro-FARC alternative to Uribe. ''He invites the FARC to parcipate in a few sessions of analysis he has laid out for following the Colombian political situation,'' the e-mail concluded.

Assuming these documents are authentic—and it's hard to believe that the cerebral and calculating Uribe would knowingly hand over forgeries to the world media and the Organization of American States—both the Bush administration and Latin Amerian governments will have fateful decisions to make about Chávez. His reported actions are, first of all, a violation of UN. Security Council Resolution 1373, passed in September 2001, which prohibits all states from providing financing or havens to terrorist organizations. More directly, the Colombian evidence would be more than enough to justify a State Department decision to cite Venezuela as a state sponsor of terrorism. Once cited, Venezuela would be subject to a number of automatic sanctions, some of which could complicate its continuing export of oil to the United States. A cutoff would temporarily inconvenience Americans—and cripple Venezuela, which could have trouble selling its heavy oil in other markets.

For now, the Bush administration appears anxious to avoid this kind of confrontation. U.S. intelligence agencies are analyzing the Colombian evidence; officials say they will share any conclusions with key Latin American governments. Yet those governments have mostly shrunk from confronting Chávez in the past, and some have quietly urged Bush to take him on. If the president decides to ignore clear evidence that Venezuela has funded and conspired with an officially designated terrorist organization, he will flout what has been his first principle since Sept. 11, 2001.

Mr. BOND. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the concurrent budget resolution, which the clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

Mr. CONRAD. Mr. President, I would like to be informed when I have used 45 minutes.

The ACTING PRESIDENT pro tempore. The Chair will so inform the Senator.

Mr. CONRAD. Mr. President, we come to the floor with a budget resolution that came out of the committee last week. I think it is important to set the stage in recognition of the fiscal condition of the country as we present this budget.

We have seen a dramatic deterioration in the budget situation under this President. As we all know, he inherited a budget that was in surplus; in fact, a budget that was estimated to have a future of surpluses so large that the head of the Federal Reserve said we were in danger of paying off the Federal debt. That is a danger I would like to have.

The President then took us on a fiscal course that has produced four of the five largest deficits in our history. In fact, it may turn out to be five of the largest deficits in our history, depending on how events unfold this year.

We can see in the previous years we were having budget surpluses, and then the President took us into deficit and deepened those deficits until we

reached a record deficit in 2004 of $413 billion. Now we see those levels being challenged in this year and perhaps next as well.

The result of these massive deficits is this President has built a wall of debt that is unprecedented. When President Bush came into office in 2000, the debt at the end of his first year—we do not hold him responsible for his first year because he is working on the budget he inherited—the debt stood at $5.8 trillion. At the end of last year, the debt had reached over $9 trillion. And by the end of 2009, which will be for the 8 years for which he is responsible, we will see the debt will have risen to over $10 trillion. This President will almost have doubled the debt of the United States in just 8 years.

Not only will he have almost doubled the debt of the country, the gross debt, all of the money we owe, but he will also have more than doubled what we owe to foreign nations. It took 42 Presidents, all the Presidents pictured here, 224 years to run up a $1 trillion of U.S. debt held abroad. This President has more than doubled that amount—much more than doubled that amount—in just 7 years. The result of that is we now owe Japan almost $600 billion. We owe China almost $500 billion. We owe the United Kingdom over $150 billion. We owe the oil exporters almost $140 billion, and so it goes.

That is a warning sign to all of us about the fiscal condition of our country. The long-term projections are sobering as well. Partly as a result of this tremendous buildup of debt, the value of the dollar has shrunk rather dramatically. This chart shows the dollar against the Euro. It has gone down 40 percent since 2002. Anybody who has traveled has seen that in what they buy abroad. We see it in the prices of goods that are being imported. We also see it in terms of the kinds of reactions we are getting in the marketplace to further American indebtedness. We are hearing warnings from people who are saying: United States, you have to get your fiscal house in order. You cannot keep running up these massive debts and deficits.

We see that during this period of the Bush administration that economic growth has lagged previous recoveries. We have gone back and looked at all of the major recoveries since World War II. There have been nine previous recoveries. At the same point in the business cycle, the economy had typically grown at an average pace of 3.4 percent a year during those previous recoveries.

Look at what is happening here. In this recovery, the average GDP growth is only 2.5 percent, well short of what we have seen at the same point in previous economic cycles.

Now we have a new element to consider, and that is a housing slump with new home building falling dramatically. We have seen this pattern which comes to us from the Census Bureau, U.S. Department of Commerce. This is monthly data through January 2008. These are housing starts in millions of units, and we can see that housing starts have plunged, and plunged dramatically. We also have word that inventories of unsold homes are growing, and growing dramatically; that foreclosures are running at a very alarming rate. And all of this signals trouble in the economy.

There are other indicators as well. If we look at business investment in this economic period versus what we have seen in the nine previous recoveries since World War II, that growth of business investment is lagging in this business cycle by 52 percent. That should tell us there is something amiss in the economic policy of this administration. Something is not working. Certainly by comparison with previous business cycles, the nine significant business cycles since World War II, this one is showing much more weakness than the previous nine.

That is also true in job creation. If we look at the nine previous business cycles—that is the dotted red line on this chart, and this business cycle is the black line—we are now 9.6 million private sector jobs short of the typical business cycle, going all the way back to World War II.

There are a lot of alarm bells that are ringing, warning signs to which we need to pay attention and need to respond to in a budget. We have seen real median household income decline by almost $1,000 under President Bush, from $49,163 in 2000 to just over $48,000 in 2006, the last year for which we have complete statistics.

Mr. President, these numbers cry out for a response. And the first way that we respond is in a budget because the budget sets the policy priorities for the coming year. And we have attempted to do that in this budget by emphasizing strengthening the economy and creating jobs by doing the following: investing in energy, education, and infrastructure.

Those are the top three priorities to help strengthen the economy. Invest in energy. Why? To reduce our dependence on foreign oil. We are now spending $1 billion a day buying foreign oil. How much better off would our country be, how much stronger would the economy be if we were generating our own energy rather than importing it from around the world?

So part of this budget is designed to reduce our dependence on foreign energy and to strengthen our education and our job training because if we are not the best educated and best trained, we are not going to command the strongest economy for very long.

Also, to build our infrastructure. We all remember the incredible sight of the 35–W bridge collapsing last year. I think we all recognize that our airports, our rail lines, our highways and bridges need serious investment if we are going to be competitive globally.

We also need to expand health coverage for our children, provide tax cuts for the middle class, and restore fiscal responsibility by balancing the budget in 4 years and maintaining balance in the fifth.

Mr. President, we also want to make America safer by supporting the troops, by providing for veterans health care, by protecting the homeland, and rejecting the President's cuts in law enforcement. For example, he eliminates the COPS Program. He cuts first responders' grants by 78 percent. We don't think that makes sense, and we reject those cuts in this budget.

Mr. President, we now anticipate that economic growth is going to slow sharply in this year. We can see it all around us—more job layoffs announced today, dramatic slowing of the economy. Economists today are saying they believe our country is already in recession. Of course, we will not know for several months, but it has all the appearance of a reduction in economic growth. The Congressional Budget Office is forecasting for this year an economic growth of only 1.6 percent, down from the 2.5 percent pace over the course of 2007 and 2.6 percent in 2006.

And, by the way, these were already weak economic growth numbers. 2006 was weak, 2007 was weak, and CBO is expecting even weaker growth in 2008. So in this budget resolution we provide for a second stimulus package. We have already had one stimulus package to try to increase aggregate demand in the economy, to give a lift. We believe it is prudent to provide the room in the budget for a second stimulus package, some $35 billion of standby authority, so if this economy does continue to shed jobs and to weaken that we are prepared to respond and prepared to respond in these ways:

Housing relief. We have legislation on the floor now to provide relief for what is happening in the housing market. That package is a $16 billion or $17 billion package that could be accommodated in this $35 billion of standby stimulus relief.

Also, we may need to extend unemployment insurance and provide for additional funding for food stamps or perhaps State fiscal relief. We know 21 of the States are increasingly in difficult financial straits, so we may need to extend some relief to them.

This budget also provides room for additional funding for low-income heating assistance and the WIC Program, the women, infant, and children's feeding program, and/or infrastructure spending in 2008.

When we did the last stimulus program, we asked the agencies of the Government if they had construction projects that were ready to go—where

the engineering has been done, the design has been done, the land acquisition is finished—and all they need is money to begin construction and to begin hiring people. And they told us, yes, they do have projects like that. So we have provided for taking up some of those projects as part of the stimulus package.

Why? Because we know in road building, highway construction, and bridge construction that for every $1 billion, there are about 45,000 jobs created. And, Mr. President, we think it is very important that standby authority be ready to go if indeed this economy weakens further.

We also provide for tax relief in this budget resolution: the alternative minimum tax. If something is not done, it will affect 20 million more American families this year—the alternative minimum tax. So we provide an additional year's relief from that levy.

We also provide the energy tax incentives necessary to reduce our dependence on foreign oil, education tax incentives to make college more affordable for American families, and we provide the stimulus package, where I previously described some of the provisions, and they help the housing industry. Our tax provisions would fit in that $35 billion package; for example, extending net operating loss provisions to home building companies so they aren't buffeted by further write-downs of their assets at the worst possible time.

And, of course, the important tax extenders, those permanent provisions that are about to expire that provide for the research and development credit, the wind energy credit, and the like, those are provided for in this budget resolution as well.

The first amendment that will be offered to this budget will be to extend the middle-class tax provisions previously enacted. Those provisions are about to expire, and we want to extend them. Those are the marriage penalty relief, the child tax credit, and the 10-percent bracket. There is room in this budget to extend them all and still balance the budget in 4 years.

There is also room in this budget for estate tax reform along the lines of what we advocated last year. As you know, we faced this unusual situation where the exemption per person, the $3.5 million next year but the year after, in 2010, there will be no estate tax. In 2011, the estate tax comes back with only $1 million per person exemptions. So we provide the continuation of the $3.5 million exemption per person and have that indexed for inflation.

Mr. President, there is not an American family who doesn't know what is happening to gas prices. I was just talking to my staff this morning about what they are experiencing. One of my staff—who was caught up in a horrendous traffic jam yesterday coming from Baltimore and took 2½ hours to get here—filled up, and it cost $3.18 a gallon. I filled up the other day, and it was over $3.20 a gallon. There are some projections now that gas is going to go to $4 a gallon. Look what is happening just since 2001 when gas was less than $1.50. It has more than doubled in just those 7 years, and we see it continuing to jump. I am told oil prices today are also rising on world markets. There was some speculation that oil might reach $108 a barrel today on the world market.

So to address this continuing problem of energy dependence, we are proposing in this budget to invest in energy, to create green jobs, to reduce our dependence on foreign energy, to strengthen our economy, and to help with high home heating costs. We have to do that a package of energy tax incentives of over $13 billion, $3.5 billion over the President's budget in discretionary funding for energy, and an energy reserve fund for investing in clean energy and the environment.

We all know there are global climate change initiatives coming before Congress. If any of those are adopted, we are going to need a reserve fund like this to prepare for it.

Education is also a great challenge to us. We see from the National Science Foundation a chart that compares what is happening to bachelor's degrees in engineering in the thousands in China versus what is happening here. You can see we are pretty well flat, with about 75,000 engineers a year being produced. But look what has happened in China. China is now up to a rate of producing more than 350,000 engineers a year. That should serve as another alarm to us because we know engineering is critical to economic growth. And if you are producing many more engineers, you are laying the foundation for stronger economic growth in the years ahead.

I chose that as just one example. We know there are many others where we face global competition for doing the best job of educating our young people. So this budget resolution invests in education. It does it to generate economic growth and jobs, to prepare the workforce to compete in the global economy, and to make college more affordable and to improve student achievement.

We seek to do that by providing some $13 billion in education tax cuts, some $5.7 billion in funding over the President's budget in discretionary money for the Department of Education and Head Start, and a $2 billion education reserve fund for school construction and higher education reauthorization.

But it doesn't end with energy and education, Mr. President. It also extends to the challenges in infrastructure. We all remember this very striking picture from last year when the bridge on 35–W collapsed between Minneapolis and St. Paul. That is a bridge I traveled over many times when my wife was in medical school at the University of Minnesota, and I think all of us, our hearts went out to those people. Imagine the horror of driving home from work and having the bridge fall out from under you. We know there were lives lost and people injured. That should not happen. That should not happen anywhere in America. It shouldn't happen anywhere in the world.

Mr. President, we know there are deficiencies in the infrastructure funding for highways, for bridges, for airports, and for rail, and all of those are going to have to be strengthened and improved. This budget begins the process. It begins the process by creating a reserve fund to allow for major infrastructure legislation.

We have had a group of the country's business leaders come to us and tell us they have a plan they think could generate a multiplier effect in terms of matching public sector investment with private sector investment to build infrastructure in this country. We have created a reserve fund to allow for the adoption of such legislation if the committees of jurisdiction proceed, and if they pay for it, if they provide offsets for it.

We also provide $3.9 billion more than the President for key discretionary transportation accounts in 2009, and we provide another $6.5 billion to fully fund highways, fully fund transit, increase funding for airport improvement, and fund ready-to-go infrastructure projects.

Those are projects that are ready to be built; they only lack the money. We also fix the highway trust fund shortfall that exists. I think that is roughly $1.4 billion that needs to be dealt with.

We not only have challenges and opportunities in education and energy and infrastructure, but we also have them in health care. We can see the number of uninsured children in our country has jumped by 700,000 just in the year 2006. We went from 8.7 million uninsured children to 9.4 million. So this budget seeks to make wise and careful investment there to improve health care, to expand coverage, to increase health research, and to promote food and drug safety. We do that by again providing for a reserve fund that will allow the $35 billion children's health insurance compromise that was adopted last year but vetoed by the President to once again proceed this year.

We also provided $4.4 billion over the President's budget in discretionary funding for health and a reserve fund to address the cut in Medicare physician payments and make other improvements to Medicare. We know the doctors of the country are scheduled for a very sharp cut in Medicare payments. I think that is rejected here virtually universally. But we have to do

something about it. We provided a reserve fund to address that, so later this year Congress will be able to act.

The budget resolution also provides $3.2 billion above the President's for our veterans. We know that veterans funding in the President's budget is $44.9 billion. We have provided $48.2 billion in funding for our veterans. This is focused on veteran health care, primarily in terms of veterans because we all recognize that is an area in which we simply must do better if we are going to keep the commitment that was made to our veterans.

In terms of war funding and defense funding, we match the President's request. He has asked for $2.9 trillion over the next 5 years, and we matched that amount in this budget—$2.9 trillion.

The budget also provides $2.3 billion more than the President's budget for law enforcement and first responders. This is an area which I find utterly inexplicable in the President's budget. President Bush sent this Congress a budget that eliminates the COPS Program—eliminated it. He did not just cut it, he eliminated it. The COPS Program has put 100,000 police officers on the streets in this country, put over 250 police officers on the street in my State of North Dakota. Why the President would eliminate the COPS Program eludes me.

He has also proposed cutting the first responder grants; that is for emergency medical personnel, that is for our firefighters and our other first responders. He has proposed cutting these grants 78 percent. We have rejected those cuts in this budget at a cost of $2.3 billion.

While we have restored funding in certain key priority areas and made targeted investments in reducing our energy dependence and promoting education and in building our infrastructure, we have also sought to be fiscally responsible by balancing the budget by the fourth year and maintaining balance in the fifth.

Those are the numbers that are in the budget resolution, but this is before we extend the middle-class tax cuts. When we extend the middle-class tax cuts, these numbers will drop dramatically, but we will still be in surplus, we will still be balancing by 2012, by the fourth year, and be maintaining balance in the fifth. But we do think it is critically important to extend the middle-class tax cuts and to reform the estate tax, which previous legislation has left in a chaotic state, I think would be a fair way to say it.

We also, under this budget resolution, bring down the debt as a share of gross domestic product each and every year. Again, this is before the amendment to extend the middle-class tax cuts, but you will see the same pattern after we extend the middle-class tax cuts—the debt as a share of GDP going down each and every year of the 5 years—because we think that is critically important for the long-term economic health of the country.

This is a comparison of spending under the resolution and the President's budget. The red line is the President's spending line, the green line is ours. You can see there is very little difference. That is a difference of 2.1 percent in overall spending over the 5 years. So we do have some additional spending to meet these priorities in education and energy and infrastructure and reducing the cuts the President proposed for law enforcement, weatherization, and other priorities.

Spending as a share of GDP under the resolution goes down each and every year, from 20.8 percent of GDP in 2009 to 19 percent of GDP in 2013, applying the spending discipline that I think is necessary, that I think most of us would say is necessary if we are going to address these problems of deficit and debt. The first thing we have to do is bring down the deficit, and this budget seeks to do that.

We also, for this year, for 2009—this shows the overall spending difference for this year. I have showed the spending comparison for 5 years showing that we are spending 2.2 percent more, but I think it is also important to look at 2009, the first year of this 5-year budget, on overall spending. We are spending 1 percent more than the President—1 percent more.

Some say: Well, you should not spend more than the President did. But the problem is, he had cuts that I do not think are broadly embraced by the American people. I do not think they think we should eliminate the COPS Program. I do not think they think we should eliminate weatherization. I do not think they believe we should cut the grants to first responders, our emergency personnel, by 78 percent. I do not think the American people think we should fail to invest in reducing our dependence on foreign energy. I do not think that is what the American people want. I do not think they believe we should continue to dramatically underfund infrastructure, which leads to bridges collapsing in our country. So we have spent more than the President—in total for 2009, 1 percent more. That 1 percent will go to those high-priority areas of energy, education, and infrastructure.

On the revenue side, this is the comparison when the middle-class tax cuts are extended. We will have 2.6 percent more revenue than in the President's budget—2.6 percent more revenue than in the President's budget.

Now, this shows that difference in revenue. The President's budget has $15.2 trillion over the 5 years, and our budget is $15.6 trillion—a 2.6-percent difference. Because we have more revenue, of course, we have the ability to fund in those high-priority areas but still balance the budget in the fourth year and maintain balance in the fifth. According to the Congressional Budget Office, the President's budget does balance in the fourth year but then promptly falls back out of balance in the fifth year. Our budget not only balances by the fourth year but stays in balance in the fifth.

Now, this is where we get into the question of, Well, how do you come up with 2.6 percent more revenue than the President has? I believe you can come up with the 2.6-percent more revenue than the President has by looking at three areas: the tax gap—that is the difference between what is owed and what is paid. The Internal Revenue Service tells us that for 2001 the tax gap was over $300 billion; that is, the vast majority of us pay what we owe, but some do not. Before we ask for a tax increase from anyone, I think we ought to go to those who are not paying what they owe. Now, I think that is the first thing we ought to do before we ask for a tax increase from anyone.

But it is not just the tax gap, it is also those offshore tax havens that are proliferating and costing us a lot of money. There is a report from the Permanent Subcommittee on Investigations from February of last year. This is what they said:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year, including $40 to $70 billion from individuals and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

Shame on us for allowing this kind of abuse to occur. Let me say, there have been some in this Chamber who have made a serious effort to close this kind of scam down, and I would be the first to recognize the ranking member of the Finance Committee, Senator GRASSLEY of Iowa, who has been very serious about going after not only abusive tax shelters but offshore tax havens.

Here is an example of what is going on. There is a little five-story building in the Cayman Islands called Ugland House, a nice little building; 12,748 companies call it home. Mr. President, 12,748 companies say they are doing business out of this little five-story building. Can you imagine having 12,000 companies conducting business out of that little building? Of course they are not conducting business; the only business they are conducting is monkey business because what they are doing is cheating all of the rest of us who pay our taxes. They are engaged in very ambitious tax scams and tax schemes to avoid paying what they owe in this country.

Here is a picture of a building that was in the Boston Globe. Let's put up the Boston Globe story. This was a building that is also in the Cayman Islands where shell companies allowed KBR to avoid Medicare and Social Security deductions.

This story says:

Kellogg, Brown and Root, the nation's top Iraq war contractor, and until last year a subsidiary of Halliburton, has avoided paying hundreds of millions of dollars in Medicare and Social Security taxes by hiring workers through shell companies based in this tropical tax haven.

So what they were doing is hiring people paid for by American taxpayers, hiring them for contracts, and they were running them through these shell operations down in the Cayman Islands, and by doing that they were avoiding paying their Medicare and Social Security taxes to this country and saved hundreds of millions of dollars, according to this story in the Boston Globe from March 6 of this year. This is just days ago that this story appeared.

They point out:

More than 21,000 people working for KBR in Iraq, including 10,000 Americans, are listed as employees of two companies that exist in a computer file on the fourth floor of a building on a palm-studded boulevard here in the Caribbean. Neither company has an office or phone number in the Cayman Islands.

They do not even have a phone number. They do not even have a real office. What they have is a scam. This is the kind of scam we ought to shut down.

Here is the building, a very nice building. On the fourth floor of this building, apparently 21,000 people are supposedly employed, at least for the purpose of records.

Now, it does not stop there. This is a story from late last month in the New York Times:

U.S. among countries investigating tax evasion.

This is in Liechtenstein. I have never been to Liechtenstein. I am sure it is a lovely place. But the Internal Revenue Service says:

It was beginning enforcement action against more than 100 U.S. taxpayers on suspicion of evading taxes through investments in Liechtenstein.

They have the Deputy Director of the Center for Tax Policy and Administration at the OECD saying Liechtenstein is the tip of the iceberg. Indeed, it is.

This kind of scam is going on down in the Cayman Islands, going on in Liechtenstein, going on in other tax haven places, but it is also happening with abusive tax shelters. Last year, I showed pictures of European sewer systems. People might ask: What does a European sewer system have to do with revenue in the United States? It turns out it has a lot to do with it because it turns out U.S. companies are buying European sewer systems. Later on in this debate I will show a picture of one of those. It may not be the most welcome picture on the Senate floor, of a European sewer system, but, nonetheless, this is part of an incredible scam that is going on in which U.S. companies buy European sewer systems, write them off on their books in the United States for tax purposes, and lease them back to the European cities that built them in the first place. That should not be allowed. That is not fair to the rest of us who pay what we owe.

Last year, when we went after some of these scams, the President threatened a veto. He said that would be a tax increase. I guess it would be a tax increase on those who are getting away without paying what they fairly owe, but I don't consider it a tax increase to make people pay what they already owe. I don't consider it a tax increase to shut down a tax scam. I don't consider it a tax increase to shut down these abusive tax shelters.

We tried to codify economic substance, prohibiting transactions with no economic rationale, done solely to evade taxes. We tried to shut down schemes to lease foreign subway and sewer systems and depreciate assets. We tried to end deferral of offshore compensation by hedge fund managers trying to evade current taxation. We tried to expand broker reporting. We tried to tax people who use expatriation to evade taxes. Over and over the President said: No, I will have to veto because that would be a tax increase.

I think the President has it entirely wrong. Those are not tax increases. Those are just making those folks pay what the rest of us are already paying.

In this budget we provide a number of enforcement mechanisms to try to help restore some fiscal discipline. We have discretionary caps for 2008 and 2009. We maintain a strong pay-go rule. We have a point of order against long-term deficit increases. We allow reconciliation for deficit reduction only, and we have a point of order against mandatory spending on an appropriations bill. These are important enforcement mechanisms that ought to be part of any budget resolution. They are part of ours. I hope they are adopted by my colleagues.

Finally, this budget resolution has provisions addressing long-term challenges. More daunting than any of our short-term problems is where this is all headed. We can't pay our bills now; that is, before the baby boomers retire. What is going to happen then? What is going to happen to the commitments that have been made in Social Security and Medicare? What is going to happen with this tremendous imbalance between spending and revenue? We have offered these three elements as part of an approach, understanding that the larger plan to deal with our fiscal problems is going to have to come in some sort of special process, a process that Senator GREGG and I have offered our colleagues to create a task force with 16 Members—eight Democrats, eight Republicans—and ask them to come back with a plan as to how to deal with long-term imbalances.

In this resolution, we have comparative effectiveness reserve fund and cap adjustment to deal with health care. One of the things we know is that lots of different health modalities are being used across the country to address illness. Some of them work and some don't. We have to know which ones work.

Second, we have program integrity initiatives to crack down on waste, fraud, and abuse in Social Security and Medicare. In fact, I received a letter from the Secretary of Health, Secretary Leavitt, thanking us for the program integrity funds that we have included so that he can continue his important investigations to shut down these Medicare fraud operations that he found in Florida and other parts of the country last year and that he is continuing to crackdown on.

He found a circumstance in which you go to these strip malls, and half of the offices in the strip malls are front organizations collecting Medicare payments. You go to the door and nobody is there during the day, during work time. They are just billing mills. They are sending out Medicare bills. Goodness knows if any service is actually being extended or not. But these are scams that are operating that need to be shut down.

We also have a point of order against long-term deficit increases which is important to any strategy to contain burgeoning deficits and debt.

Before yielding the floor, I want to ask our colleagues for their cooperation. This is going to be an especially challenging budget. The numbers are very close on the two sides. We have two Presidential candidates on this side. They have a Presidential candidate on the other side. We know they may not be here for all of the deliberations. That means we are going to have to coordinate and cooperate. We also have a Member on our side who is ill. That means we will have a special challenge getting the budget done this year, but we must do it. We must get it done. I will be asking for all of our colleagues' cooperation as we proceed.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the chairman spoke about his budget. For Senator GREGG, the ranking member of the Budget Committee, I would like to start this debate on the Republican side. Since we are on the budget resolution, Senator GREGG would usually open debate for our side of the aisle. He wanted to take the lead today but has a necessary conflict in his schedule. He asked me to substitute, and I am pleased to do so. Senator GREGG will be here tomorrow to give what is normally the opening statement by the senior member of the Budget Committee on the Republican side.

I am going to first talk about the process and recent history of the Senate budget resolutions. Almost all of

the revenue side of the budget is Finance Committee jurisdiction. Most of the spending side of the budget is also Finance Committee jurisdiction. For those of us who sit on the Finance Committee, we need to pay very careful attention to the budget. Chairman CONRAD, along with Senator WYDEN of Oregon and Senator STABENOW of Michigan, are all Finance Committee Democrats. This Senator, along with Senators BUNNING, CRAPO, and ENSIGN are all Finance Committee Republicans.

When I was Finance chairman for part of the year 2001 and all of the years 2003 through 2006, there was coordination regarding the fiscal resources and fiscal demands on the Finance Committee. That coordination occurred with respect to revenue levels, spending levels, and reconciliation instructions. Did we always agree over those years? The answer is no. Did we compromise when we had disagreements? The answer is most often yes. We did have some different priorities, but we worked through those differences during this committee's budget process. We came up with compromises that largely held together. I might add, those compromises and the levels regarding revenue spending and reconciliation instructions were in sync with the administration. My point is that we hashed out the fiscal differences in the Budget Committee and on the Senate floor. The committee and floor debate, amendment votes, both pro and con, made a very real difference. The product of that process, the budget resolution that we will vote on as the last vote probably this week, the product made a real difference.

Those budget resolutions, though not perfect, provided me, while I was chairman of the Finance Committee, with the budget resources to deal with the policy demands on the Finance Committee. Most often, I used these resources to guide the Finance Committee, usually in a bipartisan manner, to deal with short-term, midterm, and even long-term problems. Last year was different. After the people spoke in the November 2006 elections, control of the Senate changed from Republican to Democrat, and the budget resolution was basically a Democratic resolution.

This year we see some repetition of last year's dramatically different fiscal path. As with the rest of the Budget Committee Republicans, I learned about this resolution for the first time when the chairman of the Budget Committee put the markup document before the committee. Committee Democrats were consulted extensively, along with the Democratic caucus. Most of the Republicans' knowledge prior to markup was derived from what we read in the press. I don't say this to be critical of the Democratic leadership. It is unfortunate but perhaps necessary that budgets are usually partisan documents. So I would say, with all due respect to the chairman, the chairman's mark was developed exclusively by Democrats in a partisan fashion.

Republicans, during committee markup, used that markup to educate ourselves, others on the other side, and the public. We asked questions. I pursued questions about how this budget deals with the resources and demands that fall on Senator BAUCUS and me in our respective roles as chairman and ranking member of the Finance Committee. We offered a relatively small number of amendments. Most were defeated; some accepted.

On reforming farm program payment limits, I am pleased to say Senator ALLARD's amendment prevailed on a rollcall vote. That amendment improved this resolution, though not enough to gain the support of Senator ALLARD, this Senator, or any other Republicans.

Before I discuss the substance of the budget, I want to start off by complementing the chairman of the committee and his staff. They conducted the markup in a professional manner. The Democratic and Republican members have sharp, well-intentioned reasons for coming down in different places on the budget resolution. We were able to debate those differences in a full and fair manner.

I know if Senator GREGG were here speaking today, he would make these points as well. We are at the Senate floor stage of the budget on process. What I would like to do is step back and take a look at the budget from three vantage points. It is kind of like we farmers do before planting season. We look at the condition of the soil and prospects of various crops. The first vantage point will be looking at what the budget purports to do. From this angle, I am going to look at what the Democratic leadership says the budget is designed to do and whether those purposes make sense from a fiscal standpoint. The second vantage point will be looking at how well the budget carries out its stated purpose. The third vantage point will be looking at what the reconciliation would mean for the Senate. I will address the reconciliation in a separate speech later. I believe I will wait until tomorrow to do that.

Let's start off with the first question: What does the Democratic leadership say this budget is designed to do? Then, after stating what they say it does, we need to look at the fiscal consequences of that policy.

The budget's proponents claim it is all about fiscal responsibility. There are two basic parts to the Federal ledger: the revenue part and the spending part. If we spend more than we take in, then the Treasury sells more debt. This has been the pattern of much of the post-World War II period. If we spend less than we take in, then the Treasury buys back debt.

When we look at this budget over the short term, it contains a material increase in spending. Over the next fiscal year, the discretionary spending rises by 9 percent over last year's spending.

Now, how many Americans got a 9-percent raise? How many American families raised their discretionary household spending by 9 percent? On the spending side of the ledger, spending, then, goes up, and I say fairly dramatically. You would think proponents of fiscal responsibility would be looking at spending cuts, not 9 percent increases.

It is a different story on the other side of the ledger, the revenue side. Let me start off with one smidgeon of good news on the revenue side in this budget resolution. The alternative minimum tax patch expired the first day of this year. If that patch is not addressed, 25 million families, most of them middle-income families, would pay an average of at least $2,000 in AMT this year. The chairman reduced the revenue baseline by $62 billion, which is a revenue loss from extending that patch. All middle-income Americans ought to thank the chairman of the Budget Committee—and I thank him on the Senate floor right now—for that provision.

Unfortunately, for years beyond 2008, pay-go still applies, so there is a big Senate hurdle built into this budget to patching the alternative minimum tax in years beyond 2008.

The rest of current law expired or expiring tax relief provisions will need to be offset with other tax increases. There are also several bipartisan tax bills that would require offsetting tax increases under this budget. That is a very large tax increase over the next fiscal year. My staff calculates that tax increase to be roughly $150 billion.

The definition of ''fiscal responsibility'' under this budget, over the fiscal year, is higher spending of $22 billion and higher taxes of $150 billion. Is that a legitimate fiscal goal? Is that the notion of fiscal responsibility the American people were looking for when they turned congressional power over to the Democrats in November 2006? Did we in Congress misread those results? Did the people really want us to increase spending and to raise taxes?

Now, that is not what I am hearing from back home. What I heard from folks across Iowa was: Rein in spending. Live within your means.

It seems to me if you are going to assume the mantle of fiscal discipline, you ought to treat a dollar of new tax relief the same as a dollar of new spending.

What do I mean by ''new spending?'' I mean spending above the Congressional Budget Office baseline. And what do I mean by ''new tax relief?'' I mean new tax policy that loses revenue. I do not mean extension of existing tax policy.

We see the same pattern over the 5-year period of this budget. Over 5

years, the tax hike and the spending increases grow exponentially. On the spending side, discretionary spending grows by $211 billion. When you throw in the special reserve funds, you can add another $300 billion in new spending on top of that.

Over the 5 years, the budget assumes a dramatic tax increase—at least $1.2 trillion. In 2011, the bipartisan tax relief plans of 2001 and 2003 will expire. Some folks will call these provisions the Bush tax cuts. It is true President Bush signed both bills, but the bipartisan compromises occurred in the Finance Committee. In 2011, President Bush will have been gone from office by more than 2 years. He will probably be hanging around his ranch in Crawford, TX. You can call this package of tax relief for virtually every American the Bush tax cuts, but for the taxpayer, if we let them expire, it will be a big tax increase, and it will be a big tax increase that will happen without even a vote of Congress.

So I have a couple charts in the Chamber. The charts use the analogy of a brick wall to show the ugly tax increases Americans are going to face.

On this chart, you see a family of four. That is the average American family. Here is the husband, his wife, and two children. The family makes $50,000 a year in income. That is right about the national median household income today. For example, the Census Bureau stated, for 2006, the national median household income was $48,200.

Under the Democratic leadership's budget, this family will face a tax increase of $2,300 per year. You see the figure $2,300 for that family of four. That is a loss in their paycheck of about $200 per month. It is a hit on their yearly budget of $2,300. Where I am from, the Midwest—or anyplace in this country, I will bet—that is still a lot of money.

Now, I have another example. This next chart has the same brick wall but a different family: a single mom with two kids. Here we have a person earning about $30,000 a year. In 2011, under this budget, she and her family run straight into that brick wall—that brick tax wall. That is a brick wall of about $1,100 per year of taxes. That is almost $100 a month out of this family's budget.

So when you hear folks rail against the 2001 and 2003 bipartisan tax relief plans, you will hear a lot of talk about millionaires, you will hear a lot of talk about the death tax, but you will not hear the critics talk about these two families—a family of four: husband, wife, and two children; or a single mother with two children. You will not hear these critics—almost all of whom voted against these two tax bills—consider these two families.

Now, those on the other side will point to the Baucus amendment that will be upcoming—at least we have heard about the Baucus amendment—as the answer to the tax increases that I have pointed out. Isn't it ironic that my friend, our chairman, my partner from the 2001 tax relief bill, and several other tax relief bills, is the author of this key amendment?

The Senator from Montana, my friend, Mr. BAUCUS, took a lot of heat for working with me in a bipartisan fashion in 2001. He took a lot of heat from people in his caucus, quite frankly. Many on the other side who fought him and that bill were also denying tax increases in last year's budget. So they now turn to his amendment—this upcoming amendment—as they did last year, to try to deflect the tax increase charge because there is a real charge in what is in this budget. If something is not done to stop tax increases, they are going to happen automatically. And don't let anybody tell me something cannot be done about it.

At Budget markup, we were told the Baucus amendment would contain enough revenue room—$323 billion—to accommodate extension of several components of the bipartisan tax relief plans that go back to 2001. We were told the 10-percent bracket, the marriage penalty, the child tax credit, and some death tax relief would be covered.

There were provisions that were not intended to be covered. The excluded provisions were the lower rates for capital gains and dividends and other marginal rate reductions.

Now, some on the other side will describe this excluded group—excluded from the Baucus amendment—as top-rate taxpayers and other high-income people. Now, I hope you will not believe it. The facts are otherwise.

Low-income folks, including millions of seniors, pay no tax on their dividend or capital gains income. If this budget stands, even with Senator BAUCUS's amendment, millions of these low-income taxpayers, especially senior citizens, will pay a 10-percent rate on capital gains and could pay as high as a 15-percent rate on dividends.

I have a couple charts to show how wide the dividend and capital gains tax increases would be. The chart that is up now deals with just dividends. It shows the number of taxpayers claiming dividend income. Nationally, over 24 million families and individuals reported dividend income—24 million Americans. There are 24 million Americans, all of whom you are not going to call filthy rich. Very few of them you are going to call filthy rich.

In my State of Iowa, for instance, over 299,000 families and individuals claimed dividend income on their returns. Now, there are not 299,000 millionaire families or even 299,000 people in Iowa you can call filthy rich.

As to capital gains, you can see the numbers not only for my State of Iowa, but you can see the numbers for all the other States in the United States. You can see them for the entire United States up there on the chart. Nationally, we are talking about over 9 million families and individuals. In Iowa, we are talking about 127,000 families and individuals when it comes to capital gains.

I want to emphasize, I went from dividends to capital gains. The chart has changed to tell you what there is in each of the respective States on capital gains.

There are many marginal rates, other than the top rate, that would rise if this budget stands, even with the Baucus amendment. The 25-percent rate, which for 2007 starts at $31,850 for singles and $63,700 for married couples, would rise 3 percentage points to 28 percent. The 28-percent rate, which for 2007 starts at $77,100 for singles and $128,500 for married couples, would rise 3 percentage points to 31 percent. The 33-percent rate, which for 2007 starts at $160,850 for singles and $198,850 for married couples, would go up to 36 percent. The top rate would rise from the current 35 percent level to 39.6 percent.

To sum up, even with the Baucus amendment—even with the Baucus amendment added to this budget, there would be marginal rate increases on millions of taxpayers, and not millions of millionaire taxpayers. Those marginal rate increases would go up, whether it is the 28 percent to 31 percent or the 33 percent to 36 percent or what have you. Those marginal rate increases would reach taxpayers with incomes as low as $31,850 for singles and $63,700 for married couples, and these people are not filthy rich.

Now, what I just described is accurate only if the Democratic leadership intends to follow the letter and spirit of the Baucus amendment. If you look at last year's track record, the House neutered the effect of the amendment in the conference agreement. They created a Rube Goldberg type of mechanism to impede the amendment. Of course, after the budget conference report was agreed to, all talk and action around the amendment ceased. So I wouldn't put much stock in the follow-through on the Baucus amendment, and things can only get worse for middle-income taxpayers beyond that point.

This budget asks a lot of the taxpaying population—about $1.2 trillion worth of a lot being asked of taxpayers. That is a big chunk on the revenues ledger. Compare that to what is going on on the spending side of the ledger. The answer is $211 billion more spending on the discretionary side. Nothing is proposed to rein in any entitlement spending. If the definition of fiscal responsibility is higher spending, no entitlement savings, and dramatically higher taxes, then this budget is fiscally responsible. Keep in mind that while ramping up $1.2 trillion on the taxpayers, the budget spends $775 billion of the Social Security surplus and

grows the gross Federal debt by $2 trillion.

For those on our side, this budget is not fiscally responsible. We don't agree that the definition of fiscal responsibility is higher spending, no entitlement savings, and dramatically higher taxes. For those of us on the Republican side of the aisle, you can't solve all fiscal problems just on the tax side of the ledger.

Now I wish to go to the second part of my discussion and annualize the tax side of the budget. I am looking at how this budget will carry out its objectives.

Let's take a look at the short term. By the short term, I am referring to the fiscal year of the budget, and this chart here is for the fiscal year. This is the first fiscal year. That is the first fiscal year out of five fiscal years.

A lot of people from farm country get their water from wells. When the well water is low, you can either dig it deeper, cut back water use, or pay to have the water trucked in. This well shows the extra demands on the revenue side of the budget. That is the bucket: $152 billion. These demands reflect the extenders for this year and next year. The bucket contains next year's AMT patch because under this budget, that has to be offset. The bucket also covers pending bipartisan tax legislation, and that is bipartisan because it is generally agreed that we ought to do some of this tax legislation. All of these items are listed on the chart for my colleagues to add up.

The water in the well represents known, specified, and scored revenue-raising proposals supported by the Senate Democratic caucus. Included are $35 billion in Finance Committee-approved offsets and $29 billion that has been approved elsewhere. That total, then, is the $61 billion you see at the bottom of the well.

When you net the offsets against the demands, you find an offset shortfall of $91 billion. Somehow, you have to find a way to fill up that well if you are going to offset everything where there is a bipartisan agreement of what ought to be offset. The upshot of the analysis in this chart is that known offsets cover only about 40 percent of the revenue needed to carry out pending time-sensitive tax legislation that there is a great deal of bipartisan support for and bipartisan agreement that it ought to pass and some of it ought to be passing very shortly.

Now, some on the other side will probably respond with three counterpoints, so I want to anticipate that—not that I am going to stop them from responding. The first will be that the committee tax staffs will find the additional $91 billion that is needed to fill up the well. The second will be a claim that offshore shelter activity is a vast, easily tapped revenue source. The third counterpoint will be that closing the tax gap can yield the necessary revenue.

As far as those three points are concerned, in the preceding presentation by the chairman of the committee, my colleagues heard some of these points expressed already.

On the first point, I would refer everyone to the track record of the tax staffs to the period 2001 to 2006. During that period, I chaired for 4½ years and Senator BAUCUS chaired for 1½ years. During that period, we changed the tax shelter rules and closed numerous corporate loopholes. If you don't believe me, then just go down and ask the K Street crowd of highly paid lobbyists who defended or fought every one of those. During that 6-year period, an active Finance Committee tax staff was able to achieve $51 billion in enacted revenue raisers. That figure should give everyone some perspective of what is doable. It is very hard to find that revenue.

Now, some on the other side will argue for my second point that the offshore activities will produce up to $100 billion a year. The anecdote alluded to usually referred to fraudulent activities. Of course, tax fraud is a crime now. Perhaps we could continue to make progress on this front with more enforcement, but the figures bandied around have no Joint Tax or Treasury scoring that I am aware of.

I will expand on this point in a separate discussion later on in this week when we have some more debate on it. But it is tough to get the revenue that is alluded to in the speeches we are going to hear this week.

The third counterpoint is that the tax gap will yield a readily available, easily tapped revenue source. As a preliminary matter, let me say that the tax gap is a serious tax policy and a serious administration issue. I have devoted a lot of time and energy to closing the gap over the last few years, as the chairman of the committee, Senator BAUCUS, is doing in his recent chairmanship.

Unfortunately, as IRS officials have told us in several hearings, the tax gap number currently estimated to be $250 billion net annually is not the same thing as a revenue estimate. They have cautioned us to be careful about designing tax gap closure measures that are driven by unrealistic revenue targets in unrealistic timeframes.

When we went through the tax gap discussion last year, these points were disputed by some on the other side. With a Senate Democratic majority in place for over a year, we may have a bit of a yardstick to use to see just how much revenue can come in. Let's take a look at the claims on tax gap revenue and how we have done.

We have three charts that I hope will help us understand. The first chart is the tax gap reality check. My colleagues can see it here. We see some big numbers. This chart takes the form of an inverted pyramid, as my colleagues can see. At the top of the chart is gross tax gap. That is what appeared in the budget resolution markup document, the last year that the IRS testified that the improvements in collections have brought the tax gap down by $55 billion to a net tax gap of $290 billion.

As we work our way down the inverted pyramid, we go to the tax gap proposals. There are two categories. The first is the Treasury tax gap strategy set of proposals. On an annualized basis, these proposals raised $3.6 billion per year.

Some of these proposals have proved controversial on both sides of the aisle. Many are complicated and wide-ranging and may need further work. It is not by accident that they are still a work in progress.

The second set of proposals comes from the Joint Tax Committee's white book. This pamphlet, requested by Senator BAUCUS and me—and we requested this a few years ago—was published in late January 2005. A note of caution is in order about the chart's figures. The $44 billion annualized figure includes many tax expenditure reform proposals. Some tax gap proponents have strongly opposed the mixing of these proposals with pure tax gap proposals. I will speak in more detail about these proposals as we go on in this week's debate. If one were to delete the tax expenditure reform proposals from this figure, it would drop considerably.

For purposes of this exercise, I am going to use the full set of Joint Tax proposals. If we do that and add them to the Treasury proposal, we come away with roughly $44 billion per year in tax gap-related proposals.

As a side note, a couple of recently enacted tax gap proposals have run into rough sledding with the new majority. The first proposal is from the 2005 Joint Tax book. It deals with withholding on contractor payments enacted in 2006. Ways and Means Democrats are seeking to delay it. In addition, many House and Senate Democrats are insisting on repealing another tax gap measure, this one dating from 2004, providing supplementary private debt collectors. If enacted, the Joint Tax scores that proposal as actually losing revenue.

As we work our way further down the inverted pyramid that I call the tax gap reality check, we total up enacted tax gap provisions. During the fiscal year of the new majority, we find $572 million of enacted tax gap provisions. The enacted provisions represent two-tenths of 1 percent of that great big, gigantic figure that we call tax gaps—just two-tenths of 1 percent. Now, that ought to give anybody pause when you are putting this year's budget together and you are anticipating a lot of money coming in from this source.

What experience we have had hasn't produced a lot of revenue.

Let's look at the demands on the tax gap revenue in this budget. We have another chart. It totals up the proposed uses of the tax gap revenue. This chart is in the shape of a pyramid—the way a pyramid ought to be, not upside down.

Listed in the first category is annualized tax relief and spending demands in the budget that are assumed to be offset by, and among other things, this tax gap revenue. You can see that they total $314 billion per year. I have accounted for the Baucus amendment's annualized impact of $65 billion. So the net demand on the annual tax gap is about $249 billion. If you have been following the charts and the arithmetic, you can see that the budget uses almost all of the tax gap revenue, up to about 85 percent.

Keep in mind that the track record is that only $572 million of tax gap raisers were enacted last year. To give you perspective, you can look at the ratio of demands on tax gap revenue to the revenue raised from enacted provisions. That is what this chart does. The ratio is 435 to 1. There are $435 of proposed tax gap uses in the budget for every $1 of enacted tax gap revenue.

When you look over these numbers, it should lead to a healthy skepticism of using tax gap revenue as some sort of instant revenue source to accommodate all the spending this budget proposes to do. We ought to listen to the career statistics of income folks over at the Internal Revenue Service. When they tell us not to treat the tax gap number like a revenue estimate, they are on pretty solid ground. It doesn't mean we should not be aggressive about the tax gap. We should. But the thirst for quick-and-dirty revenue raisers should not drive the strategy for dealing with this important problem.

I wish to step back and summarize the last two major points.

The first point is that this budget does represent the priorities of the Democratic leadership. It is put forward with the stated objective of achieving fiscal responsibility. The budget dramatically raises taxes, increases spending considerably above the already generous baseline, and does nothing about entitlements. Most experts agree that entitlement spending, left unchecked, will cannibalize the rest of the budget. From the perspective of the Republican caucus, this fiscal blueprint is not fiscal responsibility.

The second point is that an examination of the budget, even from the perspective of its own proponents, shows that it doesn't work. There is too much pressure on the revenue raising. We have raised revenue from closing corporate loopholes. We have raised revenue from anti-tax shelter measures. I am proud of the Finance Committee's track record in that regard. We have enacted $51 billion in loophole closers and antishelter measures for the period of 2001 to 2006. There are not, however, enough loophole closers to offset the time-sensitive tax legislation we face in the first fiscal year of this budget. We have, likewise, found revenue in policing offshore shelters and other activities, but it fits under the umbrella of loophole closers and other tax shelter oversight.

Finally, the tax gap is an important problem that needs to be tackled, but targeting revenue from closing the tax gap needs to be more realistic than it is in this document. This budget anticipates revenue that is incredibly out of line with our track record of bringing in money from the tax gap, as worthy as closing the tax gap is. There has to be a reality check between what is out there and what people at the IRS say we can collect, and they are much more aggressive at that because of the leadership of Senator BAUCUS. But will it bring in the revenue? We have shown that it will not, based upon the practice we have had.

When you step back from the differences across the aisle on this budget, you probably won't be surprised to find similar differences among the Presidential candidates of the two parties.

Generally, the candidates on the other side have proposed to take heavily from the taxpayer under the guise of fiscal responsibility. This is true when they are talking about ending the bipartisan tax relief plans of 2001 and 2003. It is true when they are talking about the same loophole closers for a myriad number of expansions of existing entitlements or creating new ones. Nowhere is there discussion of reining in spending. So the tax side of the Federal ledger is the only route to fiscal responsibility from the perspective of the candidates on the other side.

I want to give one telling example. I have a chart here that shows the revenue from the key revenue raisers from one of our colleagues on the other side. That proposal would repeal the bipartisan tax relief plans for taxpayers earning above $250,000 a year. This proposal raises $226 billion over 5 years and 10 years. A key fact is that the source of that revenue peters out over the next few years because under current law the tax relief sunsets at the end of 2010. You can see it right there. Let the tax laws work the way they want them to work, and the revenue doesn't come in.

Like the Democratic leadership's budget, the candidates on the other side oversubscribe the revenue sources from proposals that are popular with the Democratic base. The deficiency can only be made up in three ways: One, the undefined sources of revenue would need to be tapped. Taxpayers should rightly be worried about that revenue. Secondly, the proposed spending plan would need to be abandoned or curtailed. There is not much history on that side for doing that, taking that avenue. Third, add to the deficit for the cost of the new programs. Unfortunately, this avenue has been taken far too many times—by both political parties, I am sorry to say.

We will hear a lot of criticism of our candidate, Senator MCCAIN, from those on the other side. They will argue, like the President's budget, that a continuation of current-law levels of taxation ''costs'' the Federal Government too much revenue. They will argue that the spending increases they propose are more important than the restrained levels of the President's budget. They will argue that, despite the record tax hikes in their budget, entitlement reform is a matter for another day.

I have a chart that I believe helps set the basis of this larger debate. It shows the glidepath for revenue under current law. It shows that trend in the post-World War II context. You will see revenues average about 18.3 percent of the economy. That is the dotted line across there, so for those years since 1968 until now. And what we propose would be a continuation of that policy; we have averaged, with what the Federal Government is taking in from all sorts of taxes and Federal Government levies, about 18.3 percent of gross national product. That means that 535 Members of Congress are going to decide how to spend 18.3 percent of the total economy of our country and that the taxpayers are going to spend the other 81.7 percent. You will also see that the state of the economy affects revenues more than anything else. There are dips when we have been in recession and peaks when growth was high.

Our side cares about keeping the revenue line at a reasonable level. We don't see the merits of an imperative behind a growing role for Government in the economy. I say that because a 40-year history of about 18 to 19 percent of the total economy being used by the Federal Government has been a level that has not been so high that the public has revolted against it. They might revolt at times, when it gets way high and we have tax decreases to bring it back down. Also, I think you can say that at that level of taxation, it hasn't been harmful to the economy. As you have seen each generation during this period of time, they have lived better than the generation before. Our economy has done well.

When you argue about 18.3 percent being the right figure, often the other side disagrees. If they don't disagree directly, their policies help us draw a different conclusion about whether they agree or disagree. They impliedly or explicitly reject our premise that the size of Government needs to be kept in check.

We have another chart. It is a copy of an editorial, dated October 22, 2007,

from the New York Times. I suppose that is pretty small print for the public to read. The lead-off paragraph says it best:

> President Bush considers himself a champion tax cutter, but all the leading Republican Presidential candidates are eager to outdo him. Their zeal is misguided. This country's meager tax take puts its economic prospects at risk and leaves the Government ill equipped to face the challenges from globalization.

The bottom line of the editorial directly states the view behind this budget and the position of the Democratic candidates for President. From this perspective, the historical level of taxation is not appropriate as a measure.

The New York Times implies that the Federal Government must grow as a percentage of our economy by at least 5 to 8 percentage points. If we were to follow the path suggested by the New York Times, the Government's share of our economy would grow by one-third. The Democratic leadership's budget takes some big steps down that path. So do the campaign proposals of the Democratic Presidential candidates.

Our Republican conference takes a different view. America is a leading market economy. American prosperity and economic strength, in our view, is derived from a vigorous private sector that provides all Americans the opportunity to work hard, save, and invest more of their money. A growing economy is the best policy objective. It makes fiscal sense as well.

I have one more chart to back up the point that it makes fiscal sense. My last chart shows that despite criticisms to the contrary, the bipartisan tax relief plan drove revenue back up after the economic shocks we suffered in the early part of this decade because of a recession and because of 9/11.

I am referring to the stock market bubble, corporate scandals, and 9/11 terror attacks—all those events that were detrimental to this economy of ours and yet it bounced back. The revenue outperformed Congressional Budget projections by a significant margin, and all one has to do is look at what CBO said would happen, the blue line, and look at the red line of what actually happened.

People on our side, including our Presidential candidate, do not take this significant data lightly. We believe the bias ought to be against growing Government, not the other way around; another way of saying—disabusing people who say that the way to bring more money in is to raise tax rates and if you lower tax rates, you bring a decline to revenue in the Federal Treasury. Not so. This chart shows that we can reduce tax rates, we can enhance the entrepreneurship of the average American, particularly the small businesspeople in this country who create at least 70 percent of the jobs that are created, and we can expand revenue coming into the Federal Treasury. That is what, on this side of the aisle, we propose to do. Are we equipped to do it? The history of 2001 through 2006 is enough evidence for me and most Americans that it can be done and that we did it.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I wish to say, while I disagree with some of the observations of the Senator from Iowa, I have enormous respect for him. He has earned that respect by the way he conducts himself as a Senator. While we have policy disagreements, I have absolutely no disagreement or question about his motive because he has proved to me repeatedly that he is trying to do the very best for this country, as am I.

I want to go back to some basic facts. We heard the Senator talk about a 9-percent increase in spending that is in this budget. I don't know how they came up with that calculation, but there is no 9 percent increase in spending in this budget. If you look at the spending that is in this resolution over 5 years and compare it to the President's budget, it is 2.1 percent more. That is total spending. That is over 5 years. If we look at just the next year, 2009, the Bush budget calls for $3.04 trillion of spending. We call for $3.08 trillion. That is a difference of 1 percent. That is total spending.

I think what the Senator's staff has done is to look at one small part of Federal spending, just nondefense domestic discretionary spending, which is about one-sixth or one-seventh of the budget. But if we look at total spending, there is a 1-percent difference total spending for 2009. OK? The difference between our President's budget and our budget is 1 percent—1 percent. That is a fact.

On the comparison of revenues, the President's revenue line we see is the red line, ours is the green line. What is the difference? The difference is over 5 years, the President calls for $15.2 trillion of revenue; we call for $15.4 trillion. That is a difference of 2.6 percent.

I believe this revenue can be achieved without any tax increase. I believe that. Why do I believe that? Because of the three things I mentioned before. The tax gap—the Senator put up a chart that shows what the tax gap was in 2001. The net tax gap in 2001 was $290 billion.

The Senator correctly says very little has been done in the last year to do anything about it. In fact, very little has been done over the last 10 years to do anything about it. My belief is the tax gap has done nothing but grow from 2001. So it is not $290 billion a year anymore. I believe over 5 years the tax gap is probably in the range of $2 trillion. I say this as a former tax administrator of my State, a former chairman of the Multistate Tax Commission. I believe the tax gap over 5 years is likely to be $2 trillion. But it doesn't stop there.

I put up what the Permanent Subcommittee on Investigations says is the loss to the tax havens. They say $100 billion a year without any growth over 5 years, that would be $500 billion. So with the tax gap and the tax havens, that is $2.5 trillion over 5 years. Then abusive tax shelters over the 5 years, I believe, based on the Permanent Subcommittee on Investigations' work, is another $200 billion. That is a total of $2.7 trillion of leakage over 5 years in the revenue system—$2.7 trillion. If we got 15 percent of it, 1–5—15 percent of it, $1 in every $7 in the tax gap, the tax havens, the abusive tax shelters, $1 in every $7—we can't do that? If we can't do that, then the Revenue Commissioner ought to be replaced and all the rest of us ought to be replaced if we have designed a tax system that has that much leakage in it, in which the vast majority of us pay what we owe but we are letting a bunch of scoundrels escape? Shame on us. That is exactly what our own Permanent Subcommittee on Investigations has told us.

All this talk about, well, we are going to have a trillion dollars of tax increases—let's look at the record. Let's go to the record. What has this Congress, controlled by Democrats, done? It has cut taxes $194 billion so far, with $7 billion of revenue raisers and loophole closers enacted for that period.

I say to my colleagues, these are just the facts. What is most of this? Most of this is the stimulus package we just passed. Most of it was bipartisan. The reference was to Democratic control of the House and the Senate, $194 billion of tax cuts and $7 billion of revenue raisers. That has been the record of this Democratic Congress: $194 billion of tax cuts and $7 billion of revenue raisers. That is not a projection, that is not sitting around conjuring up how we can make the other side look as bad as we can make it, that is a fact of what has been done.

The other side talks about the miracle of the tax cuts producing more revenue. We don't need to look at a projection there either. Let's just look at the record.

In 2000, the tax base of the United States was $2.03 trillion. Now, adjusted for inflation, it is $2.05 trillion. The revenue base of the country has basically been static for 8 years. The spending, most of it controlled by our colleagues on the other side because they were in charge until last year, has gone up 50 percent. Again, we don't have to look at some projection or some guess or some economists' estimates. Let's just look at what happened on the

record: revenue flat, spending up substantially when our colleagues controlled everything, the House, the Senate, the White House. What happened to the debt? The debt exploded. This is not a projection, this is not guessing ahead, this is what is happening. And my friends across the aisle controlled everything—they controlled the Senate, they controlled the House, they controlled the White House—and here is their record. The debt exploded, not some projection, not some guesstimate of the future. That is what has happened. The revenue was flat, the spending went up dramatically, went up about 50 percent, and the debt exploded as a result. That is not a projection, that is not a claim, that is a fact.

I yield the floor.

Mr. GRASSLEY. Mr. President, I would like to respond to the distinguished chairman. The Senator from North Dakota disputed the 9 percent increase I cited with respect to the discretionary spending.

Here's how the Republican staff of the Senate Budget Committee reached that figure:

1. Take the increase in the President's budget—6.5 percent over last year.

2. Add the amount of $22 billion the budget assumes over that request.

3. These additions in discretionary are not offset.

4. Add the two together and you arrive at a 9 percent increase in discretionary.

5. I said a 9 percent increase in discretionary and I reconfirmed the figure with our Budget Committee staff.

As to the tax gap figure of $290 billion, I say to the chairman, that is the figure that is derived from career statisticians at the IRS statistics of income—''SOI''—Division. I will reiterate that these statisticians have cautioned us to not treat that figure like a revenue estimate.

I reiterate my recognition of the tax gap problem. I am pleased that Chairman BAUCUS has made this a top priority. I have been his teammate in that regard and will continue to be. All I would say is be careful about realism about the revenue we can raise and its timeframe. My inverted pyramid chart is a yardstick of that realism.

We should close the gap, but the revenue raised is what it is.

I am pleased that the distinguished chairman agreed that 15 percent is the knowable tax gap-related offsets in terms of scored proposals. I would caution everyone that the $44 billion annualized figures is the celing on the tax-gap related offsets. I will discuss this data in more detail as the debate proceeds.

The distinguished chairman's final point was that revenues have been flat since 2001. In fact, 2000 was an anomaly. The stock market had not burst and the chairman knows capital gains and other nonwithheld revenue pushed that number up.

We had a triple whammy hit to the economy in the next year, 2001. The stock market bubble burst, the corporate scandals rocked Wall Street and whacked main street businesses, and the terrorist attacks occurred.

Because the economny was rocked, revenues dropped for 2001 and 2002. Revenues steadily came back after the economic growth plan of 2003 was put in place. Any review of the revenue baseline data would confirm what I have said.

I yield the floor.

Mr. CONRAD. Mr. President, Senator AKAKA is here. He would like to speak on the budget. I will give him time off the resolution. How much time does the Senator wish?

Mr. AKAKA. Four minutes.

Mr. CONRAD. I provide 5 minutes off the resolution to the Senator from Hawaii, Mr. AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to commend Budget Committee chairman KENT CONRAD for his fine work on this budget resolution. It will lower our taxes and create hundreds of thousands of new jobs for Americans. In addition, I am very pleased this budget resolution honors our Nation's veterans by providing the necessary funds for our wounded warriors. Funding for our veterans is very important, and I wish to speak about this again at a later time.

The resolution passed by the Budget Committee last Thursday will balance our Federal budget by 2012 and fund programs that are critical to the health and safety of Americans. It provides tax relief to middle-income Americans, honors our fighting men and women in the Armed Forces, shows respect for our wounded and disabled veterans, and ensures the continued safety and security of our Nation.

By focusing on the real needs of Americans and reviving our slowing economy, the budget resolution seeks to restore balance—balance to our finances and balance to our priorities for America. The budget resolution increases funding for veterans health care and children's health care. It provides a substantial increase above the President's budget for education and Head Start. It promotes greater efficiency and renewable energy programs. It extends middle-class tax cuts, such as marriage penalty relief and the child tax credit, and it brings more middle-class Americans into a 10-percent tax bracket. The budget resolution also invests in building and repairing roads, bridges, harbors, airports, and schools because we recognize our economic success depends on public infrastructure investment.

As Chairman CONRAD has noted, this budget is only a first step, but it is an important step to reach our goal of long-term fiscal security. I am prepared to join Chairman CONRAD in this important mission to balance our budget, restore our military readiness, honor our commitment to troops and veterans, and enhance our national security.

I urge my colleagues to do the same. It is time that we provide a real future for our children and our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Hawaii for his kind remarks. I also thank him for the enormous contribution he made to the work of the Budget Committee, especially with respect to funding for veterans affairs, and specifically veterans health care. One of the things I am most proud about in this budget is we are showing a $3.2 billion increase over what the President requested for veterans health care because I think the vast majority of us recognize the extraordinary ongoing need for improvements to veterans health care. Our veterans have made an enormous commitment to this country, and we must keep our commitment to them.

Last year, as the Chair will recall, the budget contained the largest increase for veterans health care in our history. This year we have another significant increase that largely parallels the budget proposed by the veterans organizations themselves in recognition of the extraordinary need that exists.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield whatever time Senator ALEXANDER might consume.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Will the Chair please let me know when I have completed 15 minutes?

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. ALEXANDER. Mr. President, I first commend the Senators from North Dakota and Iowa for the way they conduct this debate. This is always a model for how the Senate ought to work. Sometimes toward the end of the debate it is not but at least at the beginning it is. What we are supposed to do is act like grownups, deal with big issues, base our arguments on principle, and come to results. We often are able to do that, and these two Senators are among the leaders in helping to make that happen.

This is a week during which we talk about the Federal budget. I want to talk more about the family budget because what we do with the Federal budget makes a big difference to the family budget.

We know this week in homes in Tennessee, Iowa, and across America people are talking about their family

budgets. They're worried about whether there will be enough money at the end of the month to pay the taxes that will be due in April and about whether there will be enough money to pay gasoline costs that are $3.50 a gallon or higher in some parts of the country. They are worried about whether there will be enough money to afford a reasonable health insurance plan and whether the homes so many Americans have been able to buy will maintain their value. They are worried about whether we are going to be able to keep our advantage and brainpower here in America so we can keep our jobs from going overseas. They are worried about whether our schools are going to be good enough to help our children have good jobs. Those working in small businesses are worried about the cost of runaway lawsuits. Women who are pregnant in rural areas are worried about having to drive 60 or 80 miles to a doctor because the high cost of medical malpractice insurance has run the OB/GYN doctors out of the rural areas. Women must go to the big cities and they have to drive long distances to have their babies.

Those who work with the capital markets—and there are tens of millions of Americans who do—want to revive those capital markets. Those who are sitting in traffic jams want us to meet our obligations to build roads, bridges, railroads, and airports. We want simpler taxes. We would like to have less Government. All of these ideas would affect the family budget. We must maintain a good balance in management-labor relations, for example, by not getting rid of the secret ballot in labor relations or keeping the right-to-work law. Those are all important issues. I saw in my State of Tennessee that having a right-to-work law helped to attract the auto industry. Now, a third of our manufacturing jobs are auto jobs and our family incomes have gone up.

So let me talk for just a moment about what Republicans want to do to help balance the Federal budget.

So the question is whether we will adopt the Democratic budget which, according to evidence presented by the Republican leaders of the Budget and Finance Committees, would raise taxes, raise spending, raise debt, and wreck the Federal budget or whether we will adopt the Republican pro-growth plan which keeps taxes low, which lowers energy costs, which helps make it possible for every American family to have health insurance without the government choosing the doctor.

I wish to talk about the other picture that taking the Republican pro-growth plan to help balance the family budget instead of the Democratic budget for more taxes, more spending, and more debt.

Traditionally, this budget week when we talk about the Federal budget is usually a week in which we are so awash in a blizzard of charts and speeches, abstractions, and competing statistics that it is very difficult to make much sense out of the whole discussion. What I am suggesting is not very hard to make such sense out of—it is a debate we hear quite a bit.

In December, when we debated the Energy bill, we on this side were willing to join with many Democrats and pass a fuel efficiency standard. This is one of the best things this Congress has done to reduce our dependence on foreign oil, thereby reducing our use of oil and helping to stabilize the price of gasoline. But, first, we had to stop an effort from the other side to add $20 billion in taxes.

Earlier this year, most of us on this side joined with most on the other side to pass an economic stimulus plan. But, first, we had to reject $40 billion in more spending that the other side wanted to add to the proposal.

My point is that more spending is not a new argument and that the other side would propose more spending, more taxes, and more debt, and this side of the aisle would say, let's have less of that. There is another part to the story on the Republican side of the aisle and exactly what we would do to help balance the family budget.

Over this week, we will be hearing proposals to lower or to keep taxes low. There are a variety of proposals to do that. One would be to lower corporate tax rates from 35 to 25 percent. That would help keep jobs in America. That helps the family budget. One would be to index capital gains for inflation. That would help keep jobs in America. That helps the family budget. I would like to see us make permanent the expensing provisions that we passed in the stimulus package. That would help keep small businesses healthy in this country and create new jobs. Those incomes would increase family incomes, and that would help the family budget.

We would like to lower energy costs as well and bring some common sense to the discussion about energy. That would mean, from our point of view, more nuclear power because that is the cleanest power. If we are really serious about climate change in this generation and about cleaning up the sulfur and the nitrogen and the mercury, we need to remember 66 percent of all the clean energy we produce in America is produced by nuclear power. Instead of wasting dollars by spending, for example, $11 billion to subsidize more large wind turbines, we could spend the money to encourage the building of nuclear power. We could encourage reprocessing of nuclear waste which would reduce by 95 percent the amount of that waste and storing it, thus making it easier for nuclear power.

More oil would increase the supply of oil and reduce the price of oil. Simple economics tells us that. Most of us on this side of the aisle are ready to give States the option to drill for oil and gas off the coast of America. You can do that at a distance. It can't be seen and it can be done safely. Then a significant amount of the royalties from the revenue from that can be taken into the State, put in a trust fund, which could either lower taxes or protect the coastal areas or could be spent to improve the higher education system.

The State of Virginia has said it wants to do this. Most of us on this side of the aisle, the Republican side of the aisle, say, why not? And why not take some of the royalties as well and devote them to conservation purposes, as Senator DOMENICI and Senator SALAZAR on the Democratic side of the aisle led us to do in the 2005 Energy bill.

I would like to see us take some of the money that we are spending and use it to give incentives to utilities to increase incentives for using electricity in the off-peak hours. To put that in plain English, the Tennessee Valley Authority uses about 27,000 megawatts of electricity on any given day, a typical day, on the average. But at night, it has 7,000 or 8,000 megawatts it doesn't use. So if we had ways to plug in hybrid cars at night, we wouldn't have to spend money for new plants and could lower the cost of electricity, improve the quality of the air, and deal with climate change at the same time.

That is all part of the Republican plan. Not just Republican ideas, but the Republican plan, which we hope is so compelling that it attracts Democratic support to help balance the family budget.

On the Republican side of the aisle, we want to make sure every American has health insurance without the Government choosing the doctor. We have a variety of proposals for doing this. We want to integrate the idea of every American having access to health insurance with two words: private sector. We believe we can do that, and do that in a way that lowers the cost of health care and makes a basic health care plan available to every American.

One way, of course, to lower the costs of health care would be, as I mentioned a little earlier, to stop runaway lawsuits that are driving up the costs of medical malpractice lawsuits and causing OB/GYN doctors to leave rural areas. We have pregnant women in Tennessee who drive 60 or 80 miles to Memphis for their prenatal health care or to have their babies because the OB/GYN doctors' health care costs—their medical malpractice costs—are so high because of unnecessary lawsuits that they have left town and gone to some other place.

We could enact a small business health insurance plan, which has significant support on both sides of the

aisle, but we haven't been able to get it through the Congress yet. It would help an estimated 1 million more Americans to have health insurance at a lower cost.

These are some of the ideas we on this side of the aisle believe would make a difference in helping the family budget. Most Americans are concerned today about the values of their homes. There are a number of proposals that would simply add billions of dollars in spending as a way of approaching the housing slowdown. However, we would like to see proposals like that of Senator ISAKSON of Georgia that would adopt an idea—similar to what the government had in the 1970s—to give a $5,000 tax credit to home buyers who buy newly constructed or homes that are being foreclosed. This would bring back into the marketplace those who would buy foreclosed homes or new homes. Another idea, which I believe there is substantial agreement with on both sides of the aisle, is to increase the amount of money that would be available to State housing agencies to help refinance subprime mortgages or mortgages that are now headed to foreclosure or in foreclosure.

In terms of education, I know for a fact if you want a stronger economy and higher family incomes, you have to have a focus on education. Better schools, better colleges, and better universities mean better jobs. And that doesn't always mean more spending. For example, giving parents more choices of schools, particularly low-income parents, with the idea of a Pell grant for kids would be one way of helping hard-working American families make sure their children have a chance to attend a good school.

Another way to make sure there are good schools is to pay outstanding teachers more money for teaching well. This weekend, there was a story in the New York Times about a charter school in New York City where teachers are being paid $125,000 a year. And the manager of the school said: I would rather have a classroom with 30 kids and the very best teacher, rather than a classroom with 20 students and an average teacher.

I agree with that, Mr. President. So let's double the amount of money we would spend for the teachers' incentive fund, enacted in No Child Left Behind, which would give to State and local governments funds to experiment with programs that reward outstanding teaching and outstanding school leadership by paying those individuals more.

We have strong agreement about the America COMPETES Act. We understand that since World War II America's technological advances have been the source of its growth. Using some of the funding we have in this budget to have a sufficient amount of funding to give 1½ million low-income children an opportunity to take advanced placement tests, to hire math and science teachers according to the America COMPETES Act, and to put us on a path of double funding for the physical sciences are things that would be part of a Republican pro-growth plan to help balance the family budget.

As we begin this debate on the budget, what we are likely to see are two very different visions of America's future.

The PRESIDING OFFICER (Ms. STABENOW). The Senator has used 15 minutes.

Mr. ALEXANDER. Madam President, I ask unanimous consent for 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. So again, the question is whether we will adopt the Democratic budget which would raise taxes, raise spending, raise debt, and wreck the Federal budget or whether we will adopt the Republican pro-growth plan. Will we make room for the Republican pro-growth plan which would begin to keep taxes low, which would begin to lower energy costs, which would help make it possible for every American family to have health insurance without the Government choosing the doctor, which would stimulate home buying, which would make more room for science, which would adjust our spending so we are able to reward outstanding teachers and give parents more choices of good schools. This is a different picture of how we can move ahead in this country.

We hear a lot of talk about change. A real change would be to stop more taxes. Stop excessive spending. Stop more debt. And focus more attention on the family budget. Have a Federal budget that emphasizes lower taxes, lower energy costs, lower health insurance costs, stimulating home buying, more for science and more for better schools. That's really the way to create better jobs.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, Senator MENENDEZ, who is a very valuable member of the Budget Committee, as is the occupant of the Chair, is here and is available for his opening remarks.

How much time would the Senator desire?

Mr. MENENDEZ. If the Chair could, I think about 20, 25 minutes.

Mr. CONRAD. I yield such time as the Senator may consume.

Again, I thank the Senator from New Jersey, who is truly an outstanding member of the Budget Committee. He has made an incredibly valuable contribution there, and I very much appreciate the leadership he has brought to the committee.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I thank the distinguished chairman for his kind words. I particularly thank him for his leadership in structuring a budget that I am convinced, unlike the President's budget, speaks to the shared values of the American people, speaks to the priorities that our Nation needs to pursue, meets the challenges our country has, and ultimately goes to the very heart of turning this economy in a much different direction so that it can work for working families.

Under his leadership, we have a budget that I am proud to support on the floor of the Senate. And whether you live in the East or West or North or South, I think Americans will find this budget, as they become more fully aware of it, is one that has the integrity, the honesty, as well as the purposes to meet the challenges. The chairman deserves enormous credit for working with all Members on both sides to try to achieve those goals, and I appreciate his leadership.

Madam President, this week in the Senate, we are fighting for the economic future of America. This is the week that we put together on the floor of the Senate the Federal Government's budget. And that budget is more than just a balance sheet of revenues and expenditures, it is a balance sheet of priorities and values. The lines of numbers come together to form a bigger picture, laying out a vision of where we plan to lead the Nation.

Every year, when we make the budget, we look at where our country stands, at how we can improve the lives of the American people, and what we can do to make sound investments that brighten the future of generations to come.

It is a responsibility that we cannot afford to take lightly. When we create a budget, we have to answer some fundamental questions: What are the most important problems we face as a nation? What are the challenges of middle-class working families? How do we meet those challenges?

Several weeks ago, President Bush gave us his answer. And his answer was, there is nothing wrong with America that cannot be fixed by giving away more tax breaks to the wealthy, giving away more subsidies to big oil companies, continuing the war in Iraq, and never admitting what it costs.

The President is fighting to keep taxes low for the wealthy and wants to make it up by charging veterans more for their health care. Apparently, that is the answer some of my colleagues on the other side of the aisle are giving as well. They agree with the President the American people should cover their eyes, pretend their problems do not exist, that everything magically will work itself out.

I believe a vote for the President's budget is a vote for the status quo. It is a vote for the way things are going in America in terms of this economy.

The Democrats see things quite differently. Here is what we see: Our economy is continuously weakening, and tens of thousands of people are losing their jobs. The price we pay for health care is spiking through the roof, while the value of our homes is falling through the floor. Baby boomers worry about whether they are going to be able to retire with dignity, and senior Americans are worried that the strong base of Social Security could crumble right under them. Our climate is in crisis, and our attachment to an umbilical cord of foreign oil means our entire way of life hangs by a liquid thread.

The Government is going into debt to the tune of more than $10 billion per month to finance a war in Iraq that has not made any of us safer, while local police and fire departments are getting squeezed for funds, and crime in our neighborhoods is on the rise.

If you have worked in Newark all your life and just lost your job, we hear you. If you are scared to walk through your neighborhood in Camden because there is violence on the streets, we hear you. If your family may be in danger of losing your home in Trenton or Long Branch or North Arlington; if you are teaching at a school with a budget stretched as far as it can go in Hamilton, Plainfield, or Asbury Park; if your commute to work just keeps getting more frustrating in Cherry Hill; if every day you drive by a barren industrial site that is not being redeveloped in Penns Grove or Paulsboro; if it is a struggle to pay your college tuition in New Brunswick or pay your heating bill in Toms River or pay your health care costs in Edison, Democrats understand what people—certainly I do—all across America are going through.

None of us can stand and pretend one budget can be the magic bullet that makes all of these problems disappear. One year is not enough time for that. One year cannot undo 7 years of the Bush administration's mismanagement that turned a record surplus into a soaring deficit. And 1 year cannot undo 5 years of a war in Iraq that has claimed thousands of American lives and incinerated more than a half trillion dollars that we could have used to make American lives better.

In one budget we cannot fully fund all of the programs that deserve our support or give the tax relief we want to middle-class working families, not under this administration. But this year, we can set the wheels in motion of the long and indispensable process of change. We can develop a plan to meet the challenges we face head on, and we can start to move our country forward.

This is exactly what the Senate Democratic budget does. Here is the vision our budget puts forth for our Nation, a nation that is more prosperous, with more affordable health care, on the path to energy independence, a nation of safer neighborhoods, better schools, a nation of which we can all be proud.

Above all, our budget is designed to get our economy growing, get our economy growing and moving again. That is the first and foremost priority of this budget. The Bush budget, supported by many of our Republican colleagues, creates jobs in China, while the Democratic budget creates good-paying jobs in America. The Democratic budget focuses on rebuilding our infrastructure, expanding incentives for green initiatives and industries, and investing in math, science, and engineering and technology so American businesses can create and keep the best jobs here in America.

Our budget puts the family budget first. It provides middle-class tax relief by extending the marriage penalty relief, a child tax credit, a patch for the alternative minimum tax that will protect millions of middle-class families from paying higher taxes next year; it works to make college more affordable by extending a tuition tax credit; and it supports job training programs that will prepare the workforce for the 21st century.

This budget moves us down the road to energy independence. It helps create a highly skilled workforce and green-collar jobs. I am proud of the push for funding for energy efficiency and conservation block grants, a provision I authored in our last Energy bill to provide cities with support for projects that foster more efficient use of energy and reduce greenhouse gas emissions.

We all know oil and natural gas prices are sky high, the sea levels are rising, along with the temperature. So this program is a key part of our strategy to meet those challenges.

The Democratic budget recognizes we cannot think about national security without thinking about hometown security. While our resources are being drained day after day on the streets of Baghdad and Mosul, we are struggling to protect high-risk targets on the streets of our own neighborhoods.

We know our police departments are just a phone call away during an emergency. Our brave men and women in law enforcement have dedicated themselves to serving and protecting our communities. So it is unbelievable to me that the Bush administration has reduced or eliminated nearly every major anticrime program over the course of the last 7 years, especially since crime and violence have been on the rise in the country, according to the FBI reports.

Crime is going up, violent crime is going up, and the Bush administration's cuts to the most essential public safety programs, the very essence of homeland security, go down. What should be going up is going down. What should be going down is going up. How can we expect law enforcement to carry out their responsibilities and respond in a moment's notice when the Federal Government is backing out of its responsibility to support law enforcement?

People in my home State of New Jersey remember on September 11 that it was not the Federal Government that provided the immediate response, it was the local police, the firefighters and emergency management and medical units from our hometowns. Yet in the years after September 11, the administration has left our local communities to shoulder far too much of the financial burden. Our budget, however, will ensure that first responders across the Nation will get the resources they need.

I was proud to work with Chairman CONRAD to ensure that homeland security grants that our communities rely on most were protected in this budget. The Democratic budget restores more than $2 billion in misguided cuts the President made to State homeland security grants, to port security, interoperable communications, rail and transit security.

Our budget will ensure that States facing threats from high-risk targets or densely populated areas, communities that are near ports, chemical plants, airports, cities with mass transit or rail systems, will not be shortchanged. By restoring more than $750 million in grants to firefighters, we will also ensure that our fire departments can buy new equipment or ensure that our fire stations are fully staffed. Unlike the President, we will keep our commitment to fulfilling the recommendations of the 9/11 Commission, and we will keep our commitment to our first responders.

We more than double the funding for the Byrne/JAG Program that many local law enforcement officials across the country consider the most successful crime prevention program in recent history. I am proud to have introduced the amendment that was passed unanimously in the Budget Committee setting aside a minimum of $520 million to fund it. I am going to ensure that we continue to support this vital program.

We have also included language to help the FBI cut down its massive backlog in evaluating immigration applications for those who follow our rules to legally enter the country. Cutting down this backlog is essential if the FBI is going to be able to quickly separate those who have come to pursue the American dream versus those who may have come to destroy it.

Our budget puts a priority on making health care more affordable and more accessible to all Americans. We have worked to create a reserve fund to block President Bush's unilateral changes to Medicaid that would severely reduce Federal health care funds to States for low-income families. This

was the very essence of the social safety net that we as a society should be judged by.

The reserve fund would also help protect New Jersey's FamilyCare Program from the President's Draconian cuts to children's health coverage scheduled for this summer. We have included support for other legislation, and this budget includes funding for the Patient Navigator Program, which I worked hard to have passed into law. If patients are having trouble figuring out the complicated health care system we are in, but they do not know how to get early screening or do not know about options for follow-up treatment, patient navigators make sure someone is there to help them.

Our budget also keeps our commitment to our schools, our teachers, and our students. I am proud that our budget provides the largest increase for elementary and secondary education in 6 years. Instead of taking money away from our schools while asking them to do more, our budget will fund programs that provide enrichment and opportunity to our students.

We do not just say education is a priority, we put our money where our values are by providing $3 billion more than the President for No Child Left Behind, and $8.8 billion more than the President for education and training overall.

We soundly reject the President's proposal to freeze education funding and eliminate 48 programs in the Department of Education, including education technology, mentoring, reading programs, and vocational education. Instead of pretending our young people are not facing severe hardships when it comes to paying for college, our budget makes the needed investments in grants and scholarships for college and allows for an increase in the Pell grant maximum next year. That is the support our young people deserve, and under this budget that is the support they are going to get.

I have often said, as someone who grew up poor in a tenement in Union City, NJ, the first one in my family to go to college, that would never have happened but for the power of the Federal Government being able to provide me grants and loans. That power gave me the educational opportunity and foundation that allowed me to be the junior Senator from New Jersey. The reality is, that should be a birthright for every young person in our country who is willing to work hard and give something back to their Nation.

This budget meets that battle. Let me close by saying our debate over the budget is a debate over the direction of the economy, the fulfillment of our shared values, and the direction of our country. The President and those who support him are offering the same old ideas that got us into this mess in the first place, ideas that have weakened the economy and hurt the middle class.

If you ask for more of the same, it seems to me, you get more of the same. Those who are happy with the economy that we are in would be happy with the President's budget. Those who are languishing, and that is the overwhelming majority of American families in this country, under the President's economic policies, the reality is they want to see change. That change is represented in the Democratic budget.

Democrats have a fiscally responsible plan to get our economy moving again and strengthen our national security. The budget we are putting forth cuts taxes for the middle class, creates a half million new jobs in America, and we do all of this while working toward the balanced budget and paying down debt.

It is a plan that puts forth a basic idea about what America should be. This should be a country where anyone willing to work hard can get an education and a job, a country where everyone has access to services that can keep them healthy, a country where a lifetime of hard work guarantees the right to retire with dignity, a country that knows its past and cares about its future.

Let's invest in that future. Let's pass this budget. Let's begin the hard work of making that vision a reality and changing economic circumstances for families. That is what this debate is all about. That is what the Democratic budget is all about. That is why I am proud to have voted for it in committee, proud to stand on the floor to defend it, and proud to support Senator CONRAD in his efforts in that regard.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Arizona.

Mr. KYL. Madam President, I note that my friend and colleague, the chairman of the Budget Committee, is here. I thought I would begin by quoting something he said which I think sets the tone for the discussion of the budget. I believe it was during a March 4, 2007, interview on ''60 Minutes'' when the distinguished chairman said:

> I believe, first of all, that we need more revenue.

Now I won't pretend that I know the exact context in which this statement was made, but it is not the first time I have heard Democratic colleagues say we need more revenue. In one of our informal meetings, colleagues said: We will need a much bigger revenue stream when the next President is elected. That individual was presuming it would be a Democratic President.

Mr. SANDERS. Will the Senator yield?

Mr. KYL. Yes, of course.

Mr. SANDERS. Let me say, very clearly, to set the record straight, as an Independent, we need more revenue. We have the highest rate of childhood poverty in the industrialized world. We have people who are hungry. We have mothers who can't afford childcare. Yes, sir, we need more revenue. We should ask the wealthiest people in this country to help us come up with the revenue.

Mr. KYL. I am happy to have the Senator from Vermont confirm that on the other side of the aisle there is a belief that the U.S. Government needs more revenue.

I would actually put it the other way around. Especially in times of economic difficulties—and I think we all agree that our economy is not in great shape right now; there is a discussion that we may even be in or very close to a recession—of course, the worst thing to do during that period is to give the Federal Government more revenue, to take more revenue out of the pockets of taxpayers, average Americans who have to pay attention to their own budgets.

As a matter of fact, our problem is not the lack of Federal revenues. We are collecting more money now at the Federal Government level than the historic average over the last 40 years. I hardly think the Federal Government needs more revenue. I argue, instead, that our families need to keep more of the hard-earned revenue that is a result of the efforts of their families in working hard every day.

It is true that because many on the Democratic side of the aisle have plans to spend more money, as my distinguished colleague from Vermont is suggesting, they therefore see a need to take money from taxpayers' pockets so that we in Washington, in our infinite wisdom, can make decisions about how that money should be spent. I think that is the wrong prescription virtually any time but certainly at a time when we may be heading into a recession.

It at least is the case that our Democratic friends in their budget would raise taxes in some cases—not all but in some cases—to pay for this additional spending they believe should occur. As with last year's budget, which would have increased taxes by $900 billion, this year the budget would increase taxes by $1.2 trillion—the biggest tax hike in the history of the United States.

Once again, there is a suggestion out there that we can soak the rich and nobody else will have to bear the burden. The top 1 percent would pay something like $25 billion in taxes; that is the amount we could expect from this budget in 2009. Of course, that wouldn't begin to take care of the spending proposals that have been added up on the other side of the aisle.

Every time we try to target the rich in order to collect a lot of money to pay for spending in Washington, we end up hitting everybody else. The best example of that is the alternative minimum tax, the AMT. Originally, this tax was designed to ensure that millionaires would always pay some taxes,

that they could not avoid tax liability by taking advantage of writeoffs and deductions and credits and other provisions of the Tax Code that anybody is entitled to take advantage of, if those provisions meant that you could write off or offset your income with losses or deductions and therefore there is no tax liability. We said: No, that is not right. The AMT will come into play at that point so everybody has to pay some taxes. It seemed like a good idea at the time.

What has happened in the meantime, we all know, because it has not been indexed for inflation, we now this year had something like 23 million taxpayers subject to that kind of alternative minimum tax liability, something people on both sides of the aisle have sought to avoid. We don't want to tax everybody. We don't want to hit the middle class, let alone other taxpayers. But it is a good example of how, when we try to aim at the rich, we end up somehow always managing to hit the poor or the middle class. That is the same thing here.

In the budget, there is a suggestion that we are only going to hit the rich. There are problems with that: No. 1, it is not true, as I will point out; secondly, you wouldn't begin to get the kind of revenue our colleagues say they need in order to engage in the spending programs the budget calls for.

I have a couple other examples. The energy and education tax incentives in this budget must be paid for by other tax increases. The same applies to the middle-class tax relief promised and any AMT relief after 2008. I remember because I chaired the subcommittee of the Finance Committee that has jurisdiction over the IRS. I heard a lot about tax gap collection. So we held a hearing. We said: How much money could we really collect by enforcing revenue collections? Everybody owes these taxes. If we just collected the money, how much could we expect to get? The experts said: Actually, not very much. You would spend more than you would end up collecting in many cases because it is not a matter of just going out and collecting a due debt but, rather, forcing the kind of bookkeeping on various kinds of small businesses that would probably put most of them out of business if they were really to keep the kinds of records that would enable us to collect the kinds of taxes that we suggest maybe they owe. So this business of recouping a portion of the tax gap and using that to pay for these spending programs is one that does not have the support of those who have testified before the Finance Committee.

The bottom line is, we are not going to be able to collect the kinds of revenues and the increased taxes called for here in order to pay for spending programs the Democrats have identified.

Finally, there is talk about a so-called reserve fund. This is an interesting concept. It is sort of, well, there is going to be money out there because we promise we will put money in it, so we can afford to therefore raise spending in anticipation that we will put money in this reserve fund. The amount of reserve funds included in the 2008 budget have now grown this year, representing up to $300 billion in new taxes and spending. As I said, that looks good on paper, but it doesn't come about in reality.

I will get to a final point in a minute about collecting revenues and what that has to do with the death tax, but let me deal with a couple other items before I talk about that.

The ranking member of the Budget Committee has noted something that started last year, and it certainly is included in this year's budget. That is the fact that budget enforcement mechanisms which were put into the budget last year amid great fanfare about how we are not going to have sham budgets; we are going to have pay-go—whenever we spend, we will make sure we collect it in advance—it turns out that has been waived more times than it has been abided by. With the budgetary sleights of hand that were put in place last year, we find that the same things roll over into the budget this year, with the result that, again, we have greater debt that is not really going to be paid for, notwithstanding what the budget seems to suggest.

The House budget included reconciliation instructions to pay for a 1-year extension of the AMT patch by presumably raising taxes on oil and gas companies, taxing private equity, and codifying the so-called economic substance doctrine. The Senate committee did not include reconciliation instructions in the Senate budget resolution, I presume because of the conclusion that at the end of the last year, the AMT did not need to be paid for.

Obviously, there is an understanding in this caucus that those who oppose higher taxes on oil and gas—there are those who oppose higher taxes on oil and gas and oppose taxes on private equity, and it would be a very difficult thing to get such a bill passed in the Senate. But no one should be surprised that the same reconciliation instructions could very well magically appear in the Senate after a conference in order to get around Republican opposition to higher taxes. That is why you have heard many Republicans predict that when the conference report is concluded on this budget—if, indeed, a budget is passed—and it comes back here to the Senate, we are going to see some things that never would have been in the bill at this point in time and which I hope my colleagues would recognize and would oppose at that time.

I said I would get to the matter of whom this budget really hurts. We in the past have tried to focus on the rich, and we always end up hurting other people. Who are some of the other folks who would suffer under this budget? They include families, seniors, people with low incomes, small businesses—in other words, just about every group in this country we really don't want to hit with higher taxes. But when the current tax rates expire at the end of 2010 and the Democratic budget permits the rates to go back up to where they were before, the so-called Bush tax cuts, we are going to see 116 million taxpayers start sending more of their paychecks to Washington, DC.

The poor Federal Government needs more revenue, as my colleague said earlier. For the 7.8 million taxpayers taken off the rolls, if the current tax policies are allowed to expire, 7.8 million families who currently don't pay any income taxes because of the way we constructed the 2003 tax cuts would be put back on the rolls again. So there you have people in the lower income brackets—7.8 million taxpayers we took off the rolls—who would come back as taxpayers under the Democratic budget. Families, 43 million working families with children would see their taxes raised by an average of $2,300 in the year 2011 on average. Take a security guard earning $50,000, with a wife and two kids. He would see his taxes go up by $2,300 in 2011. Take a widowed teacher's aide with two kids. Her taxes will go up by $1,100 in 2011. That may not seem like a lot of money here in Washington, but it is a lot of money for a family working hard to make ends meet, worrying each month about where they will get the money to do all the things they need to do.

We tend to think in this body and in the Congress generally not in terms of millions anymore or even hundreds of millions but in billions of dollars. In fact, trillions are starting to creep into our lexicon. We need to get back to focus on what families are really concerned about. One thousand there, $2,000 there, $4,000 there ends up being a lot of money to these families.

Who else is going to get hit? Senior citizens, 18 million senior citizens will see their taxes rise by an average of $2,200 under this budget. So every Democrat who proudly casts a vote in favor of this budget, understand, this budget assumes that seniors will have an average tax increase in 2011 of $2,200. An elderly couple with $40,000 in income, if the Democrats roll back our current tax policy, a couple over age 65 at $40,000 in income will see their taxes go up by $2,200 in 2011. Eighteen million seniors will see their taxes increase if the current tax rates are not extended, which is not the case under the Democratic bill. Seniors especially benefit from reasonable capital gains and dividends tax rates because frequently they have small investments. They are part of a teacher's pension or some

other fund that pays them dividends. Thirty percent of taxpaying seniors claim capital gains. More than 50 percent of taxpaying seniors claim individual dividends which would, of course, increase their tax liability under the Democratic budget.

We talk about small businesses. Small businesses are the engine of our economy. They provide more employment opportunities than all of the big businesses combined. Yet they pay the income tax rate at the highest level, which is the level of the ''rich.'' So whenever Democrats talk about taxing the rich, understand their shotgun also includes all of the small businesses because that is the rate they pay. So in the tax world, small businesses are the same thing as high-income individuals. Is that whom we want to harm, especially at a time when our economy, being in jeopardy as it is, has to rely upon the jobs created by small businesses? Seventy-five percent of all individual returns in the top 1 percent of income include business income. In fact, 83 percent of all individual returns above $1 million included business income. Think about that. That means that the bulk of the people who are reporting income in this category include business income.

Small businesses pay 54 percent of all individual income taxes. This is one of the worst things about the Democratic budget—not just for the lack of equity, not just because it hurts individuals, but because it has a devastating impact on our economy at this critical time.

If tax rates are allowed to rise to their pre-2001 levels, 27 million small businesses will see their tax bill increased by over $4,000. I will repeat it: 27 million small businesses will see their tax bill increase by over $4,000.

I might just note parenthetically, there is a direct correlation, by the way, between high taxes and high unemployment. In the United States, we have had relatively low taxes because of the Bush tax cuts. We collect about 34 percent of revenues as a percent of GDP; in fact, 34.2 percent. Our unemployment rate is 4.8 percent. In the European Union, the tax rates are more than 10 percent above that. They collect 45.4 percent of revenues as a percent of their GDP, and their unemployment rate is almost 8 percent. It is 7.9 percent right at this moment. So if we want higher unemployment, then raise taxes. It is a pretty sure way to get there.

Let me conclude by discussing briefly what this budget does with respect to the death tax because this has been a matter of particular concern to me. I have talked to Chairman BAUCUS about this matter.

In the Finance Committee, I offered an amendment to reform the death tax. In exchange for my agreeing to lay the amendment aside because the other side did not want to vote on it, the chairman agreed to hold hearings with the goal of trying to report out a death tax reform proposal sometime this spring. He has now advised me that is not going to happen. We will have the hearing, but we will not have a markup to put out a bill. That is very disappointing. Yet the budget actually assumes that such a bill will pass.

The budget, as I understand it, has a provision for an amendment of the death tax for so-called death tax reform. It is not very good reform because it would freeze the rate at 45 percent, which is a very high rate of taxation. It would set the exemption level at $3.5 million, which is not bad, but it could be better.

I have a better idea about what real reform would look like. What I would like to do is to set the exempted amount at $5 million per person, index that for inflation, and put the top death tax rate at no more than 35 percent. I think it ought to be closer to 25 percent, but in the spirit of trying to reach a compromise, I will propose we at least have it no higher than 35 percent. This would protect almost 120,000 families, family businesses, and family farms from having to pay the death tax each and every year. And it would promote continued economic growth and job creation.

It is interesting to me that the United States has the third highest estate tax rate in the world and is 37 percent above the international average. Twenty-four nations have no estate tax. There are only two countries that have rates higher than ours. Ours would be at 45 percent under the Democrat budget. In France it is only 40 percent. The average is about 13 percent.

One of the reasons other countries do not have this kind of tax at the time of death is because of the amount of money that people will spend to try to avoid it. It has been estimated, as a matter of fact, that there is almost an equal amount of money spent each year in an effort to try to avoid payment of the tax as there is paying the tax itself. And by ''trying to avoid it,'' I mean hiring lawyers and accountants and buying insurance policies, all of which cost a lot of money. But due to some extent——

Mr. SANDERS. Madam President, will my colleague yield?

Mr. KYL. Let me conclude my point on this, though I do appreciate the intercession of my colleague earlier, acknowledging that folks on his side of the aisle would like to see a lot more revenue because of the spending they would like to accomplish.

Let me finish this point about the death tax.

The U.S. Treasury estimates that the estate tax reduces bequests by 14 percent. Individuals are either choosing to save less or rely heavily on estate planning, which is a large deadweight loss to the economy. The death tax costs more money to comply with than it raises in revenue. As I said before, there is a direct correlation between the two.

Economists Henry Aaron and Alicia Munnell estimated the amount spent on avoiding the death tax is approximately equal to the amount collected. The IRS estimates it takes about 38 hours to complete form 706, the Federal estate tax return. Estate planning for businesses can range from $5,000 to $250,000 for family limited partnerships and up to $1 million for closely held businesses. Fifty-two percent of the estates that filed a return were required to incur sizable legal, accounting, and other professional expenses even though they owed no tax.

So my point about the death tax is that almost no one thinks it is fair. Almost everybody acknowledges it should be reformed. We have tried year after year to reform it. We have not been able to get the necessary votes to accomplish that, though virtually every Republican has supported reform.

The chairman of the Finance Committee assured us we would work toward the goal of getting a bill this year but now says there will not be a goal, and as to the ''reform'' in the budget, it turns out to be very little reform at all. In fact, it was the same ''reform'' we passed last year as part of the budget. As everybody knows, the budget is not law. The budget is a goal, and we did not follow up on that goal. When I tried to do so, I was asked to back off for a future commitment, that we would try to work on it this year. Now we are told we are not going to do it this year.

So let's just understand that what we would be doing in passing a budget that theoretically has a proposal for death tax reform is not serious. We are not going to have death tax reform.

For those who vote for the amendment which will be offered here to suggest there will be death tax reform, understand that if you do not follow it up with real action to pass a bill that reforms the death tax, then this is nothing more than an unkept promise.

So I urge my colleagues, as they think about this, to recognize we will be held accountable. We now have a year of experience following the Democratic budget that was passed last year, and we see all of the unfulfilled commitments that were made in that budget now. Since the budget tracks so carefully this year what we did last year, one has to ask the same questions: Is it going to be the same this year where on the death tax, for example, we are not able to get relief? As I said, I will propose an amendment that I think takes a little bit better stab at death tax relief. I would hope we could get support as we have from some of our Democratic colleagues on that to demonstrate we want to do something

substantive this year on that subject rather than simply put it in the budget and claim we have done something when, in fact, everybody knows that just putting it in the budget does not actually change anything.

Let me close, Madam President, by saying—I will be happy to yield, but I will be happy to stop and let my colleague from Vermont just go ahead, if he would like to do that—I want to acknowledge the hard work of the chairman of the Budget Committee, who is here. I know he is very much committed to trying his very best. But at a time when, as he acknowledged, many folks on his side of the aisle think the Federal Government needs more revenue, we are just in a debate in which we have to agree to disagree. He always does so in an amiable way, and I respect that.

But I just believe it is the American taxpayer who deserves more revenue, not the U.S. Government. Therefore, reluctantly, I will be opposing this budget in the form it is in and hope we can make substantial changes to it in a true spirit of bipartisanship.

I thank you.

The PRESIDING OFFICER. The distinguished Senator from North Dakota.

Mr. CONRAD. Madam President, the Senator began by quoting me about the need for more revenue and was kind enough to indicate he did not know the context of it. I just thought I would provide the context because this was a ''60 Minutes'' program interview, and they were asking me in the context of the Comptroller General of the United States warning the American people we are on an utterly unsustainable fiscal course because the debt is soaring before the baby boomers retire, and that we face a very serious consequence if we do not deal with it.

So one question put to me was:

> Do you think taxes ought to be raised?

Senator CONRAD:

> I believe, first of all, we need more revenue.

The next sentence, which the Senator did not provide:

> We need to be tough on spending.

And the next sentence after that also the Senator did not provide:

> And we need to reform the entitlement programs. We need to do all of it.

Let me say, I am not alone in that view. The ranking Republican on the Budget Committee said this at a hearing on our long-term fiscal challenges. This is the Republican ranking member:

> . . . [W]e also know revenues are going to have to go up, if you're going to maintain a stable economy and a productive economy, because of the simple fact that you're going to have this huge generation that has to be paid for.

So the Senator's reference to my quote was in the context of dealing with the enormous imbalance between the revenues of this Government and the expenditures of this Government. My response was, yes, you are going to have to do something about revenue. Yes, you are going to have to be tough on spending, and you are going to have to reform the entitlement programs.

I also said in this interview, none of which aired, that the first place to look for revenue is not a tax increase. The first place to look for revenue is to go after the tax gap, the difference between what is owed and what is paid, to go after these offshore tax havens and abusive tax shelters. That was the context within which I said it.

Now, let me just indicate why this matters.

Mr. KYL. Madam President, might I just ask the Senator to yield for 1 second?

Mr. CONRAD. Yes.

Mr. KYL. I specifically indicated that I did not know the context.

Mr. CONRAD. Yes.

Mr. KYL. Because I respect the Senator so much and was sure he would tell us what the context was, No. 1.

No. 2, I certainly agree with the distinguished chairman of the Budget Committee on both of the subsequent two comments: one, that we should reduce spending, and, two, that we should have entitlement reform.

I would only make the point that I do not see a lot of reduced spending and entitlement reform in the budget, but perhaps the chairman could go on and discuss that as well.

I thank the Senator for yielding.

Mr. CONRAD. I thank the Senator for his courtesy. I would say to him, I do not believe entitlement reform is ever going to happen—long-term entitlement reform—in a 5-year budget resolution. I think the only way we are going to get entitlement reform is a bipartisan effort, and that is what Senator GREGG, the ranking Republican, and I have offered, which is a task force of 16 members, equally divided, Republicans and Democrats, to come up with a long-term plan.

I would be very candid. I think the truth is, it is going to require more revenue. Again, I would say before any tax increase, the first place I would look are these places where people are not paying what they legitimately owe when the vast majority of us do.

Now, I must say, I used to be a tax commissioner. I was the elected tax commissioner of my State. I was chairman for several terms of the Multistate Tax Commission. Senator DORGAN and I are probably the only ones who have audited the books and records of companies and individuals.

I can tell you, there is loads of money out there. One reason I was elected to the U.S. Senate is I found for my State lots of money that was not being paid over to the State of North Dakota because people were fudging. Large companies were fudging. Senator DORGAN and I in part made our reputations by going after them and very successfully collecting money from taxpayers who were not paying what they legitimately owed.

I could go through chapter and verse of what I found as I examined the books and records of major companies. I have shown some of it on the floor of the Senate: a little five-story building in the Cayman Islands that claims it is the home of 12,600 companies. Now, they are not doing business out of that little building in the Cayman Islands. They are doing monkey business. They are avoiding their taxes.

I showed earlier another building in the Cayman Islands: a five-story building we now know is being used by one company alone to dodge hundreds of millions of taxes they owe to the United States. That is not right.

I would also say with respect to the tax cuts that have been promoted by this administration, overwhelmingly they have gone to the wealthiest among us. Here, in 2007, those earning over $1 million a year on average got a tax break of almost $120,000 a year. I do not think that is right. I have wealthy friends, as I think probably all of us in this Chamber do, who have said to me: I don't need it. I don't need that $120,000 tax cut. I am much more worried about the debt that is being sent to our kids.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Vermont.

Mr. SANDERS. Mr. President, the Senator from Arizona has just left the floor, unfortunately. But I did want to make two points. He has referred to something called the death tax, which is what we call the estate tax, which was developed by President Teddy Roosevelt way back when. What he forgot to mention is that this estate tax—and as I understand it, the Senator from Arizona, if he had all of his wish fulfilled would repeal the estate tax completely—benefits only the wealthiest three-tenths of 1 percent of the population.

So for all of the concerns about the onerous impact of the estate tax, it benefits three-tenths of 1 percent. Mr. President, 99.7 percent of the families will not benefit at all from the repeal of the estate tax.

The second point is, if the estate tax were completely repealed, the estimate is over a 20-year period it would add about $1 trillion to our debt—$1 trillion—which, like the war in Iraq, is simply not paid for.

So when people talk about fiscal responsibility, I find it a little bit hard to understand how they could dump another $1 trillion into our national debt, which benefits only the top three-tenths of 1 percent of the population, which means it will be the middle class and working families who are obliged to have to pay that off over many years. Sometimes when our friends on

the Republican side talk about fiscal responsibility, I am not quite sure where they are coming from.

I thank the Presiding Officer, by the way, for sitting in for me, and as soon as I finish, I will take the chair.

However, I wish to say a budget—and the budget we are debating right now on the floor of the Senate—is not just numbers. A budget is about the values of our country and the priorities of our country. Within that context, it is important to understand what, in fact, is going on in America right now.

The simple reality is, the middle class is collapsing. Everybody who gets into their car in the morning and pays $3.20 for a gallon of gas, then goes to work and finds that they are paying a lot more for their health insurance than they used to, understands they don't have a pension when at one time they were promised a pension, understands that over 8 million Americans since Bush has been President have lost their health insurance.

The middle class is in collapse. Wages are going down for tens of millions of Americans.

During the Bush administration, private sector job growth has averaged less than 50,000 per month compared with over 220,000 under the Clinton administration. Since President Bush has been in office, from 2001, nearly 5 million more Americans have slipped into poverty. Median household income for working-age families is down by $2,500. Eight and a half million Americans lost their health insurance. Three million lost their pensions. The annual trade deficit has more than doubled, and over 3 million good-paying manufacturing jobs have been lost. The price of gas at the pump and home heating oil has more than doubled, while ExxonMobile made $40 billion in profits last year—more than any company in the history of the world. The personal savings rate recently dipped below zero—something that hasn't happened since the Great Depression. Home foreclosures, of course, are now the highest on record, turning the American dream of home ownership into an American nightmare for millions.

The reason I raise these issues is, it is important to put the debate over the budget in a general context. This is not some abstraction. This is not some academic exercise. We are talking about the priorities of the American people within the context of what is really happening to the middle-class and working families.

I found it interesting that my good friend from Arizona talked about the European Union and tried to compare the United States in terms of tax policy to other countries. Well, let me also compare the United States to some other countries.

Today, the United States has the highest rate of childhood poverty of any major country on Earth. We have the highest infant mortality rate of any major country on Earth. We have the highest overall poverty rate of any major country on Earth. We have the largest gap between the rich and the poor, the most people behind bars, and we are the only country in the industrialized world not to have a national health care program.

Now, I wonder if my friends who get up and talk about the European Union might on occasion mention the kind of health care systems that exist in every single one of those countries, which guarantees health care to all of their people. Try to describe the types of parental leave programs that exist when families have a baby. Americans could not understand the extent to which those countries are ahead of us in terms of family values.

So while the middle class in this country declines, while poverty increases, while we have the highest infant mortality rate of any other country, while 17,000 Americans die because they don't have any health insurance, there is another reality in American society today, a reality that we should also be talking about, and that is the wealthiest people in this country have never had it so good since the 1920s.

According to Forbes magazine, the collective net worth of the wealthiest 400 Americans increased by $290 billion last year. Four hundred families, $290 billion increase last year, to $1.54 trillion. In addition, the top 1 percent now owns more wealth than the bottom 90 percent.

Sometimes my Republican friends talk about averages and so forth. That is not the reality. If you look at the American economy as one would look at a football game or a baseball game, the important question to ask is, who is winning and who is losing? Well, let me be very clear. The middle class is losing. Working families are losing. The people on top have never had it so good since the 1920s. They are winning, and they are winning big time. To ignore that reality is to ignore what is happening in American society.

The question then becomes, given that reality, where do we go from here? What we do know is the President has given us his answer. The President has brought forth a budget. He has told us that in his budget, we don't have enough money to meet the health care needs of this country. So at a time when our health care system is disintegrating, the President has decided we cannot adequately fund the Children's Health Insurance Program and that we should cut Medicare and Medicaid by more than $600 billion over the next decade. Think about it. The health care system is disintegrating, more and more people uninsured, more and more people having higher deductibles and copayments. The President's response: Let's make a terrible situation even worse.

The President has said in his budget that we need to reduce the number of children receiving childcare by 200,000 kids. Any mother, any parent understands that our current childcare situation in America today is an absolute disaster. We say to single moms, go out and work, but we forget to ask what are those moms supposed to do with their 2-year-olds or their 3-year-olds? Should we leave them home alone in the apartment or should we provide quality childcare for them?

Well, in Vermont and all over this country, it is increasingly difficult for families to secure quality, affordable childcare, and the President's brilliant response is, let's cut the number of children receiving childcare assistance by 200,000.

My friend from Arizona said: Are there some people who want to spend more money? And I said: Yes, I do. I do not want the children in this country to have the dubious distinction of having the highest rate of poverty of any major country on Earth, and I would hope that every Member of the Senate would be deeply humiliated and embarrassed about that reality taking place within this country.

There is a housing crisis all over America—in Vermont and all over America—and I am not just talking about foreclosures. I am talking about the needs of working families to find safe and affordable housing. The President's response in the middle of this crisis is, let's provide 100,000 fewer section 8 housing vouchers to low-income families.

The President, in his budget, has said there is not enough money for special education. We made a promise to school districts all over America decades ago. We said: If you mainstream kids—which I think is a great idea—we will pick up the very high cost of special education. That was the promise. Today, in Vermont and all over America, more and more kids are coming in with special ed needs. School districts are paying outrageously high property taxes to accommodate those kids. I think it is time to keep the promise we made to school districts and adequately fund special education. Yes, I think we should do that.

I think we should adequately fund Head Start so all of the families in America who want their kids to get a decent start so they are not behind when they enter the first grade have that opportunity. But somehow, in the midst of not funding the needs of our kids, as well as not funding housing, not funding LIHEAP, not funding virtually every need of low- and middle-income families, the President does have some money available. If you are rich, the President has money available for you. The President believes we have enough money to provide $812 billion in tax cuts for households earning more than $1 million per year over the

next decade—not for our children, not for the homeless, not for the hungry, but for people who are earning over $1 million a year.

That is an absurd and obscene sense of priorities. Fortunately, while the budget resolution we will be debating this week is not perfect, it is a vast improvement over the President's budget. I thank the Presiding Officer, Senator CONRAD, for his hard work in giving us that budget. Instead of cutting back on the educational needs of this country, this budget resolution provides $5.4 billion more than the President's request for education, including the largest increase for elementary and secondary education programs since 2002. Instead of cutting back on the needs of our veterans—which has long been the history of the Bush administration—this budget resolution provides a $3.2 billion increase over the President's budget for our veterans. Instead of ignoring the urgent need to reduce our dependence on foreign oil and fossil fuels, this budget resolution provides $8.45 billion to invest in clean energy, creating millions of good-paying, green-collar jobs and energy efficiency.

Instead of cutting back on our Nation's enormous infrastructure needs—can you imagine the engineers, civil engineers, telling us we have over $1 trillion in unmet infrastructure needs, and this White House is refusing to even acknowledge the severity of the problem and is asking the cities and towns that are hard pressed to come up with the money?

This budget resolution provides almost $9 billion more than the President for our roads, bridges, highways, sewers, and clean water improvement. It is not enough, but it is a step forward. I think over the long term, we can do even better than that. We have made progress in this budget, and we can do better.

One area to which I will be paying particular attention is our children. It is not acceptable to me, as I said earlier, that we have the highest rate of childhood poverty among our children. Where are all of those people who keep talking about family values? How do they continue to ignore the reality that, by far, we have the highest rate of childhood poverty of any major country? Nearly one out of every five children in this country lives in poverty. That is not a family value; that is a national disgrace.

What happens to these kids when they become adults? Many of them will do well, but many of them will not. My colleagues may have recently seen an article in many of the papers talking about the fact that the United States has more people behind bars, at great expense—great expense for States and for the Federal Government—than any other country; more than China in total numbers. I happen to believe there is a correlation between the fact that we have the highest rate of childhood poverty and kids who drop off the wagon when they are young—they drop out of society, they do drugs, they do destructive activity, they end up in jail, and we spend $50,000 to keep them in jail—rather than providing the childcare and educational opportunities they need.

In my opinion, there are three major trends in American society that we should be addressing in this budget process. First, the fact that the United States has the most unequal distribution of wealth and income of any major country, and the gap between the very rich and everyone else is growing wider.

Second, as I mentioned earlier, we have the highest rate of childhood poverty. Third—and I know the Presiding Officer has made this point over and over again—we have a $9.2 trillion national debt, which is soaring to $10 trillion; that under the Bush administration we have seen a $3 trillion increase in the national debt. This is a debt that is unsustainable economically, and it is a debt that is immoral because we are simply piling it up and leaving it to our kids and our grandchildren.

I think those are some of the trends in American society that we should be dealing with in this budget. This week, I will be offering an amendment which is being cosponsored by Senators DURBIN, MIKULSKI and BOXER, which is a very simple amendment. It doesn't go as far as I personally would like it to go, but it is a step forward perhaps in changing the nature of the debate that we have on the floor of the Senate. It puts the needs of our kids, working families, persons with disabilities, and senior citizens on fixed incomes ahead of the wealthy few. That is what it does.

Specifically, this amendment would restore the top income tax bracket to 39.6 percent for households earning more than $1 million per year.

That is the only group of people impacted, households earning more than $1 million a year. That is three-tenths of 1 percent of our population. We use that revenue to address the urgent unmet needs of our kids, dealing with job creation and deficit reduction.

According to the Joint Tax Committee, restoring the top income tax bracket for people making more than $1 million to what it was in 2000, before the Bush tax breaks for the wealthy, would increase revenue by $32.5 billion over the next 3 years, including $10.8 billion in fiscal year 2009 alone.

We have a choice in the Senate. We can give $32.5 billion to the top three-tenths of 1 percent, or people making at least $1 million a year, including billionaires, or else we can do something else with this money. Let me suggest we should do something else. Let me suggest that at a time when all of the Presidential candidates are talking about change, change, change, when the American people want to move our country in a new direction, maybe the Senate can begin that journey of taking this Nation in a new way that is more equitable, more fair, and begins to address longstanding social needs.

Here is the option: $32.5 billion more in tax relief for millionaires and billionaires—and I suspect that many of our friends on the Republican side think that is a great idea—or there is another option. It is $10 billion over a 3-year period to go into the program of special ed. This will not only allow school districts the opportunity to better educate kids with special ed needs, it will also lower property taxes and local taxes. Most importantly, it will keep the promise that was made to school districts all over this country.

The Federal Government made a promise that it would fund 40 percent of the cost of special ed. Unfortunately, today we are about at 17 percent. If you want to raise our credibility, let's keep the promise we made to school districts all over America and take care of some of our most vulnerable kids. So $10 billion goes to that.

Then this amendment would also increase Head Start by $5 billion over the next 3 years. Every study indicates that Head Start works. It gives kids, who otherwise don't have the intellectual and emotional environment, the chance to do well when they get to school. It is a good investment. It is better to invest $5 billion in Head Start than it would be in jails.

This amendment would provide a $4 billion increase for the Child Care Development Block Grant Program so that working families all over this country will have a fair shot at trying to find affordable childcare.

This amendment puts a $3.5 billion increase into the Food Stamp Program. In my view, hunger in America is not something we should be about. This will take us a small step toward addressing hunger.

This amendment would put $4 billion into the LIHEAP program because nobody in America should go cold in the winter or die of heat exposure when the temperature gets to 120 and they don't have an air conditioner.

This amendment would also provide $3 billion for school construction, and it would create good-paying jobs in the process and make sure our kids have good schools in which to learn.

Also, this amendment would reduce the deficit by $3 billion. So that is what we do. We reduce the deficit, protect our children, and protect the most vulnerable people. That is one option. Or we give another $32 billion in tax relief to people who don't need it. I think the choice is pretty clear. I hope this amendment will receive widespread support.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Michigan is recognized.

Ms. STABENOW. First, I thank our colleague from Vermont, who is passionate and cares very deeply about people in the country, about their future, and about the children. I could not agree more with him about what has been the underfunding of a very important investment, and that is special education.

The Federal Government was supposed to pay 40 percent of special education and has never, I believe, gotten over 18 or 19 percent. So I thank the Senator for the amendment he will offer later.

I thank the Budget Committee chairman also who is someone who does such an extraordinary job on a daily basis on such a wide range of issues. There is no one more committed to the long-term fiscal health of the country, no one more committed to getting our priorities right, no one who works more effectively across the aisle to bring people together to do the right thing. So I thank our distinguished colleague, the chairman of the Budget Committee, for all of his incredible leadership and pointing us in the right direction and creating a budget resolution that I am proud of.

Mr. CONRAD. Will the Senator yield?

Ms. STABENOW. Yes.

Mr. CONRAD. I thank the distinguished Senator from Michigan, who is an incredibly valuable member of the Budget Committee, and also incredibly important member of the Finance Committee and the Agriculture Committee. We are able to serve on three committees together, and that is rare around here. My admiration for her grows every day. In terms of her leadership, we could not have produced a budget resolution as responsible as this one, nor one that embraces the needs of the American people and their values as closely as this one without the leadership of the Senator from Michigan. I wanted to tell her how much I appreciate that.

Ms. STABENOW. I thank the Senator. That means a lot.

Mr. President, I am going to take a few minutes because I expect to have multiple opportunities in which to participate and talk about various parts of the budget resolution that I believe reflect the values and priorities of the American people. That is what budgets are. That is what our own individual budgets are.

When we look at our checkbooks and where we spend our money, we hope it reflects the values we want to project. Sometimes it does and sometimes it doesn't in my own budget, my own checkbook. But the reality is, that is our job in terms of the Federal budget and where we invest that makes sense for American families.

I have to say that listening to colleagues tonight, as I had the opportunity to preside—colleagues on the other side of the aisle—I heard more of the same, unfortunately, that we have seen for the last 8 years. Six of those eight years have been dominated by colleagues on the other side of the aisle, by a Republican President and a Republican Congress. Unfortunately, in my mind, when we talk about what they are going to propose, in totality what we see is more debt. We see more tax cuts for the wealthiest among us, more spending in Iraq and, at the same time, we see less investment in America. That is exactly the opposite of what we ought to be doing.

Our budget changes that. It focuses on balancing the budget by 2012 and 2013. It provides middle-class tax cuts so we can make sure the folks who are trying to hold things together—everybody talks about middle-class families and middle-class people being squeezed, seeing gas prices and health care and childcare costs go up. Yet the reality is, unfortunately, the budget put forward by the President doesn't help them at all. I am proud to say we have a budget that, in fact, invests in America. I want to speak to one piece of that.

Last year, we set up three main priorities for our budget, and I was very proud of those—one to fully fund veterans health care and make sure we are keeping the promises to the veterans of America. We did it last year, and we are doing it again this year. We will continue, as long as we are in the majority, to make sure that is the case. We want to make sure people have the opportunity to go to college. We passed the largest package since the GI bill after World War II. No. 3 was children's health insurance, which we passed on a bipartisan basis. It was an extraordinary effort. We actually had the votes to overturn a Presidential veto and could not do that in the House of Representatives. We added 10 million children to the Children's Health Insurance Program, which gives them the opportunity to make sure their children have health insurance.

This year, we continue those things, but we have three more items we have picked. Mr. President, just to be simple, what I would say is our priorities are jobs, jobs, jobs. I can tell you, coming from the great State of Michigan, that is certainly what we want our focus to be on. We are talking about middle-income families who are struggling. And the best stimulus that you can possibly give somebody is a good-paying job so they can pay their bills, take care of their family, send their kids to college, and be able to have the American dream. I am very proud of the fact that our budget focuses on three priorities: jobs, jobs, jobs. How?

We have three pieces in our budget. We focus on green-collar jobs. I am very proud of the fact that the initiative I put forward is incorporated. The Presiding Officer is passionate about pieces of this legislation as well. We know there is a new economy. We know that alternative energy and moving forward in ways that will address global warming and stop our dependence on foreign oil can create jobs as well. So we have a major new initiative in this bill for green-collar jobs.

Secondly, jobs rebuilding America—water projects, sewers, roads, bridges. We are at a point in our country where we have an aging infrastructure. A lot of we baby boomers are aging but at the same time so is the infrastructure around us. The great thing about investing and rebuilding America is that these are not jobs you can outsource to another country; these are jobs right here in America—good-paying jobs. That is our second priority.

Our third priority is to continue our focus on education and job training. We know we need to refocus on job training and on those who lost jobs because of trade by fully funding trade adjustment assistance for people to go back to school and gain new opportunities.

Mr. President, we are saying jobs, jobs, jobs. I want to focus specifically on the piece in which I have been most involved. This is very exciting. We passed an energy bill last year with a number of programs in it that were not funded but that were great ideas. This year, we come back and say let's make those things a reality in this budget.

Energy efficiency and conservation: Providing over $1.1 billion for State and local communities to not only focus on energy efficiency and conservation but buildings and weatherization. There is a huge amount of energy savings to be had by focusing in this area. It also creates lots and lots of jobs. It will put people to work weatherizing buildings and focusing on energy efficiency.

Advanced batteries: For us to go where we want to go in terms of new alternative fuel vehicles, it involves focusing on advanced battery technology. We are doing that but not nearly as fast as other countries. In the American budget last year, there was $22 million. Yet you can look over to China, Japan, and South Korea where hundreds of millions of dollars are being spent. As a result of that, we see very tangible things happening. When Ford Motor Company came forward with the first Ford Escape hybrid, an American SUV hybrid, unfortunately, even though the brain power came from here and the engineering came from here, the battery came from Japan because we weren't making them here.

We don't want to change from dependence on foreign oil to a dependence on foreign technology. So investing in the future in battery technology is incredibly important, not only for vehicles but battery storage is critical for such things as winds turbines, solar, and other areas where we need to be able to move forward with alternative

energy. Battery storage is critical. I am proud that we put forward for the first time an aggressive investment in innovation and production here at home.

Retooling older plants. As we have new standards for fuel efficiency coming into play, we want to make sure we are retooling our old plants to keep American jobs here, biofuel production and access, meaning infrastructure. I come from a State where we are growing the biofuels and making the automobiles. If you cannot drive up to the service station and fuel with E–85 or biofuel, it is not going to matter in the end.

So being able to have that infrastructure and investment in infrastructure is absolutely critical. Finally, a green job training program to refocus on those jobs we know are there for the future. Again, the Presiding Officer has been a passionate advocate, and I know he believes strongly that jobs and energy and focusing on global warming and jobs can go together, and that is what this does. This says we are going to take this first step to focus on the American people.

What I will say again, as we go forward, there are many items that are in this budget that are very important. But what I am very proud of is the fact that we have put forward a budget resolution with three very simple priorities: jobs, jobs, jobs. And that is right where the American people are. People want American jobs where they can care for their families, they can have the dignity of work, they can have good wages and be able to have an American dream. This budget resolution is laser-focused on that priority.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am going to spend a few minutes tonight on some observations. My hope is over the next couple of days to outline something that has never been done on the Senate floor before, and that is to discuss where we as a body fail. We are all the time telling the American people what we do great or how bad the other side is, but rarely do we take a look at ourselves and say: What is going on? What are the problems we face?

I had a great weekend this weekend in Oklahoma. Part of Oklahoma got snow, part of it had 65 degrees and Sun and no wind. But I had some experiences I want to share because I think they are pertinent and also poignant to the issue we are discussing.

I also note I have been listening to the debate all afternoon, and the debate is nothing but finger-pointing—one budget, the other budget, how bad somebody is, what somebody didn't do, what somebody wants to do. It strikes me that as I reflect on the people whom I saw this weekend and their hopes and dreams, most of this debate does not have anything to do with them. Most of this debate has to do with us, which is exactly the opposite reason of why we were sent here. What we have heard is a partisan debate, partisanship based on parties, not partisanship based on principles, not partisanship based on children, not partisanship based on the future, but who can twang it, who can manipulate it, who can create doubt and undermine someone else's position.

I traveled to Oklahoma City. My brother has been in the hospital for 16 days. He had a major operation called Whipple—it takes a long time to get over it—for pancreatic carcinoma. That is what they do the operation for. He has four kids and four grandkids and one on the way. I got to thinking, as he lay there with an NG tube in him and a feeding tube through his jejunum, what would he like for his kids? What would he like for us to be talking about for the future? Down the hall were a whole lot of other people just like him. He is 61 years old. He is not thinking about himself as he lays there in the hospital. He is thinking about what is the future for his grandkids.

I visited with one of my longest term friends this weekend. He is not thinking about himself right now. He is thinking about his grandkids. He has one and one on the way, going to be delivered this next weekend. He didn't mention one thing about himself. He mentioned about what the future was for his kids.

I think about the ladies whom I saw this morning in my medical office about to have babies. Their hopes and their dreams are about the generation that is to come, about how this miracle birth is going to take place over the next couple of weeks for both these ladies. One is named Natalie and one is named Brooke; one is a first-time mom, the other is a second-time mom. The things they are looking forward to with their children are totally dependent on whether we act as adults in this body.

I have just been struck at how far off the mark we are.

I think KENT CONRAD is a great guy. I looked at what he did last year. He is a pretty fiscally conservative guy. KENT sponsored less than $20 billion worth of new spending over the next 5 years, total sponsorships. Many times in the last 3 or 4 years, we have had debates about how we handle the problems. The differences between us are not that great. What guides us, though, and what is destroying our country, I fear, is the fact that we are putting political parties and the benefits of the political budget ahead of the best interests of our kids.

One of the things I hope to do tomorrow is to outline for the American public and this body everything I found in the last 3 years in terms of waste on an annualized basis. I want my colleagues to hear that again. Everything I have found in terms of waste where we do not do it right, where we are wasting taxpayers' dollars every year, and I can conservatively, just on what I found and I can fully document—I want you to understand that, Mr. President; it is not TOM COBURN's opinion, it is the opinion of the GAO, the CBO, oversight committees, and other committees of Congress that are documenting what I am about to share.

What I am going to share tomorrow is how we fail because we are talking about a budget today—I told KENT CONRAD, I am not out to game his budget. It will spend more money. That is not a whole lot different from what we have been doing. But how dare we spend another penny when I can document, and none of my colleagues can refute, $366 billion a year of waste or fraud, $366 billion a year. Let me explain what that means to the average consumer.

If you are at home today and you are in the 25-percent tax bracket in terms of income tax, what that means is that about 9 percent of the money you pay, we blow. So that is one-third, that is 9 out of the 28 percent, one-third of all the money you pay to the Federal Government, not counting your Social Security and Medicare taxes, but of your income taxes, one-third of it, we blow.

The interesting thing is that not since 1995 has the Congress done any rescission spending. Let me explain what that is. That is the Congress looks at our budget and says: Are there any areas where we can save money, where we are not doing well, where we can be more efficient, where we can improve things? We haven't had a rescission package since 1995. That is 13 years that we have not had a rescission package. There are lots of reasons for that, none of them good. It does not matter which party is in control. There has not been a rescission package for 13 years. So it is not about parties. It is not about gaming somebody because somebody is a Democrat or somebody is a Republican. Our problems in our Nation today are much more serious than partisanship. They are much greater than the beneficial effects of winning an election based on how you can make somebody else look lousy.

One of the important things I hope will come out as we go through this in the next couple of days is whether we really care about what is going to happen. We can look at the stock market—it has weak knees today; look at the price of commodities—it is rising. There is no secret we are in a time of economic weakness. Depression is described as two quarters successively. We are probably there. Nobody knows. Nobody has a crystal ball to know that. But the fact is, it is what we are leaving right now for these two, Brooke and Natalie's children who are going to

be born in the next 3 weeks. What do we leave them? We are leaving them a gift, and the gift is debtor's prison.

Let me say that again. I don't say that lightly. We are leaving them a gift. According to the Government Accountability Office, if you are born tomorrow, you inherit $400,000 of unfunded liabilities. Does anybody know anybody who is working and struggling and making a middle-class income or even an upper income who is going to be able to afford that amount? Just paying the interest on it is $28,000 a year, and you have to absorb that by the time you get old enough to work. So we are talking about another $6,000 worth of interest before they start paying off any principal. So, in essence, the heritage through our incompetence, our bickering, our partisanship because we have to show somebody up, the heritage is every kid who is born, by the time they get a chance to work, is going to be accumulating about $1 million worth of debt. The question we have to ask ourselves is, What happens to them? What happens to the dream of a Brooke or a Natalie and their children? What is going to happen to them?

We are about this far from losing the triple-A credit rating on our country, on our bonds. At the same time, we see that in the last 8 years, the price of gold relative to the dollar is fourfold. What does that tell us? Is there a shortage of gold? No. Is there a fourfold increase in the demand for gold for industrial uses? No. It is a flight to safety because many people in the world do not believe we are going to be able to pay back the $79 trillion of unfunded liabilities we have left.

So as we come to a budget for the United States and we pass one—which we will, probably—we do it absent the light of looking at $360 billion-plus that is wasted every year—$360 billion. People might say: What is that? It is pretty easy. How about Medicare fraud, $80 billion a year. How about Medicare improper payments? We pay people when they do not deserve to be paid—not fraud, just incompetency—$10 billion a year. There is $90 billion in one program. There is nothing in this budget that fixes that situation. There was nothing in the Republican budgets that fixed that. Why not? I know the answer to why not. The answer to why not is because we were too busy making political games, political strokes. We were too busy being partisan. The time for partisanship in our country is past. We may not believe that, but history is going to show it.

David Walker, the Comptroller General of the United States, one of the fairest, most openminded men I believe I have ever met in my life, on Wednesday is leaving that position. Why is he doing that? He has a guaranteed job until 2012, a great job, head of an agency that really is stellar in what it does in its performance. Why is he leaving that position? Because he is scared to death for our country because nobody is listening in positions of power. Nobody is paying attention to the unsustainable course on which we find ourselves. We are not. We haven't in the budget. We didn't in our budget. We are not. We don't on the supplementals that come through here to ''fund the war'' because we load up $20 billion to $30 billion more debt right on top of our kids.

We hear all these false numbers. Yes, I said false. The budget numbers are games. The President's numbers about the deficit are wrong. The Budget Committee's numbers about the deficit are wrong. They are not realistic. They do not take into account the fact that we are going to steal about $170 billion worth of Social Security money this year—I think $163 billion is the accurate number. We are going to write an IOU, and then we are not going to tell the American public that we increased the debt another $163 billion. We are just going to pass that along to our kids.

I have some little things for you to think about as we outline this. There is $2.5 billion a year in Social Security disability fraud. There is another $1 billion in improper payments. Think about this. Just $2.5 billion. Just $2.5 billion. Just 2,500 millions. Just 2,500 millions or 2,500,000 thousands. They are pretty hard numbers to get our hands on.

So anyhow, in the next few days, I am going to list out one by one, I am going to go through everything we have seen in the last 3 years that continues daily in this Federal Government that this body won't attack. When we offer amendments in this body, they are either accepted so they can be thrown out in conference when they actually do something, such as the census amendment that was in the Senate. We are now going to be asked for about $2 billion more for the census even though we have been saying all along there was a problem there. We ignored it, the House conferees with the Senate conferees ignored it, and now we are going to spend $2 billion more.

What we are going to do is outline thoroughly what just one office, just one Senate office, has found over 3 years, and it is all going to be fully documented, with footnotes, so you can see exactly where it came from. It is going to be indisputable.

Now ask yourself, if you are an American out there struggling to pay your gas and things are not looking great for the next 6 months for you, what would you think if all the Senators did that and we really did get rid of all the waste, fraud, and abuse in the Federal Government, or at least a meaningful component of it, and that we really probably could cut $600 billion out of our budget, which would mean we could either—if you wanted a bigger Government, you could do more, or if you wanted to pay fewer taxes, you could pay less? But most importantly, we could live up to the heritage that is ours, which is creating an opportunity for our children and our grandchildren in the future.

I am convinced that Americans aren't really asking for higher taxes. What they are asking for is smart spending, hard work by us to make sure what we spend is worth it. What they are asking for is no more earmarks. That is what 85 percent of them are asking for. And they are asking for no more bridges to nowhere and what it symbolizes in terms of excess, in terms of a lack of common sense or a lack of caring. I don't know which it is, but the fact is, we are on a collision course that is going to undermine the future of this country.

Will Durant, a historian, said that democracies never fail and are never collapsed from without until they have moral decay that causes the collapse from within. When we are spending the money of our grandchildren today and not doing anything about the waste we have in our budget, the question has to be asked: Are we already there? Have we already risen to the point where the political class, the political elites care so much about their positions—both parties—that they are willing to throw the future of the next two generations of this great country under the bus?

The next year is critical for this Nation, as we see what happened today in the stock market, another lower earnings, as we see consumer confidence decline. Wouldn't it be nice if the Senate stood up to the challenge that is facing this country and did so without the first partisan word about parties and said: Let's fix it. Let's fix it.

I have had an ongoing study since I have been in Government to ask Federal employees this question, and I have never had a different answer. And the question is this: If you are a Federal employee, no matter where you work, what branch you work in, or what you do, if you had to, tomorrow, for the sake of our future, become 5 percent more efficient—in other words, not spend $1 out of $20—could you do it? Do you realize I have asked that question thousands of times, and I have never been told no. I have never been told no.

Well, if that is the case, why aren't we doing it, when we are going to have a $607 billion deficit? We are going to be at $10 trillion of debt at the end of this year. That is real debt. That doesn't talk about unfunded liabilities, which are $79 trillion. So we have $10 trillion worth of debt, $79 trillion under infinity, of unfunded liabilities, and we don't talk about that.

How is it that we find ourselves allowing such things as the military to continue to hang on to buildings they

do not want to the tune of $2 billion to $3 billion a year just in maintenance costs? How is it that we have $18 billion worth of buildings we don't want but we can't sell because of the roadblocks we have put in the way to be able to sell them? How is it that the Pentagon pays performance bonuses of $8 billion a year to companies that don't meet the requirements of performance bonuses? How is it that we are allowing that to continue to happen? We have known of that for 3 years. Why is it happening?

By the way, what is the big stir right now? The big stir is Boeing didn't get the contract and Lockheed—or EADS did. Nobody is asking the right question on that. It doesn't matter who got the contract. It is a cost-plus contract. If we don't know what we want in a refueling tanker now after 8 years of studying it, we are never going to know. So a $35 billion contract is going to become a $45 billion contract, just like all the rest of them. Instead, we ought to be insisting, if you are doing business with the Federal Government and making money, you ought to take some risk. There ought to be no more cost-plus contracts on procurements like that. There ought to be none. Whoever has that contract ought to take part of the risk for the American people because they are having a great benefit in terms of the profits they are going to make.

So we have a lot in front of us. What is $350 billion in annual waste? What does that mean? Here is what it means. It means $3,000 for every family. That is what we are wasting. Three thousand dollars for every family in this country we are blowing, that we are throwing away because we care more about partisanship than we do the future. We care more about making the executive branch look bad than we do the future. We care more about our earmarks than we do the future.

There is a legitimate role for the Federal Government to have the Senate and the House direct spending. That is not the dispute. But the way you do it best is through oversight, not through earmarking. The way you do it best is to know exactly what is happening rather than earmarking it. The gateway drug to overspending since 1998 has been earmarks because when you earmark, you don't vote against bills. What happens is, the next time you earmark, the committee chairman comes up to you and says: You didn't vote for my bill last time. Sorry, I can't fill a thing. So we have this almost extortion-like process whereas earmarks are granted to you if you vote for a bill. You are not even looking at the total bill, you are looking at the earmarks.

Do our children deserve better? Are they worth our sacrifice? Is it really worth it for us to not necessarily get what we want if we can secure the future? I am having trouble knowing whether this body really believes that. We have outlined to appropriations committees, everybody has been sent a report of everything we have found in the last 3 years, and it has been essentially ignored because we are too interested in making sure we beat the path to looking good at home.

When you take an oath to be a U.S. Senator—and I don't think this is said often enough—there is nothing in that oath that says anything about your State. I am not here to represent the vital interests of Oklahoma. I was elected by Oklahomans to represent the vital interests of this country. And when I get confused about where my loyalties lie, our country suffers, and that is exactly what is happening to us right now.

We have gone from 600 earmarks in 1998 to a high of 14,870, almost 12,000 last year. What is going on? Where is the common sense? People from Vermont to Oklahoma to California to New Mexico to Montana, they know better. So the special interests of the few are being advantaged while we sacrifice those that come after us. Now, that is a firm indictment. But you can't continue to waste $360 billion a year, ignore oversight, not do anything about it, and then puff up and say—Republican and Democrat—I am going to pass a budget and I am never going to look at any of that.

Well, that is exactly what my party has done. That is exactly what the party in charge today is doing. We are ignoring the very real fact that this Government needs hands-on management, it needs aggressive oversight, and it needs this $360 billion worth of waste eliminated in this budget. And if we pass this budget or any other budget—whether my party offered one or not, even the President's budget—if we pass any budget that doesn't take this into account, what we are doing is spitting all over the hopes and dreams of the youngest Americans in our country. We are saying: You don't count. We got ours, you will have to worry about getting yours. We will take, you will have to give. And, oh, by the way, we are sorry there is not going to be enough resources left for you to have a college education or to own a home or for us to defend ourselves or for you to have health care like many of us are going to have as we wander off at 65, knowing that you are going to be working hard through increased payroll taxes just to pay for the promises that we couldn't make efficient and that we overpromised.

So, Mr. President, I know I have carried on some tonight, but I think our problems are much more severe than what our behavior would deem. I think the degree of difficulty we find ourselves in today is directly attributable to our lack of courage.

We are more interested in not offending somebody than we are securing our kids' and grandkids' future. That is not something I want to be accused of. So I will take the ridicule of this body for being ''Doctor No,'' for saying: We are not going to spend more money on new things, we are not going to have more programs until we can pay for the programs we have.

And if it takes one person saying: I am not going to agree to pass bills under unanimous consent, I am not going to agree to not have the opportunity to amend them, then so be it.

The $3,000 per family per year is enough to make a difference, a big difference, in their future. I think Brooke's and Natalie's babies are worth it. I do not know about you all. I am ready to give up something. Most of all, I am willing to give up my seat in the Senate for doing what I think is right in the long term for our country.

If I do what is politically expedient and win reelection, what good is it if I have not fixed the very real problems that are facing our country? It is time for a gut check in this country. It is time for the American people to look at you, us, and say: Are you really doing for us, or are you really doing for you? My accusation is too often we do for us and not for the generations to come.

I will be back to outline in detail where this $360 million—billion; let me make sure everyone understands—$360 billion worth of waste, fraud, and abuse occurs every year in our budget, and we have done nothing. Let me say it again: We have done nothing about it.

How dare we talk about raising taxes. How dare we talk about anything except doing the business that should be at hand, which is being good stewards of our children's future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 11, when the Senate resumes consideration of S. Con. Res. 70, the concurrent resolution on the budget, there be debate only, with no amendments in order, until the Senate recesses for the party conference meetings, and that the recess time on Tuesday be charged equally against each side. We will recess at 12:30 and come back at 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTIVE HOUSING FOR THE ELDERLY

Mr. KOHL. Mr. President, I rise today to speak about S. 2736, Section 202 Supportive Housing for the Elderly Act of 2008 introduced with my colleague Senator CHARLES SCHUMER. The HUD section 202 Supportive Housing for the Elderly Program is the only program that provides capital grants to nonprofit community organizations for the development of supportive housing and rental assistance exclusively for low-income seniors. This program provides supportive services coupled with housing to allow seniors to remain safely in their homes and age in place. Access to supportive services reduces the occurrence of costly nursing home stays and helps save both seniors and the Federal Government money.

There are over 300,000 seniors living in 6,000 section 202 developments across the country. Unfortunately, the program is far from meeting the growing demand. Approximately 730,000 additional senior housing units will be needed by 2020 to address the future housing needs of low-income seniors. Currently, there are 10 seniors vying for each unit that becomes available. This leaves many seniors waiting years before finding a home. To complicate matters, we are losing older section 202 properties in exchange for high priced condominiums and apartments. As a result, many seniors currently participating in the program could end up homeless.

Congress should act now to plan appropriately for the increased demand that will exist for housing in the coming years and ensure that seniors can find safe, affordable housing. Accordingly, I am pleased to join Senator SCHUMER in introducing the section 202 Supportive Housing for the Elderly Act of 2008. Our legislation would help promote the construction of new senior housing facilities as well as preserve and improve upon existing facilities. The legislation would also support the conversion of existing facilities into assisted living facilities that provide a wide variety of additional supportive health and social services. Under current law, these processes are time consuming, bureaucratic, and far too often require waivers and special permission from HUD to complete. This legislation also provides priority consideration for our homeless seniors seeking a place to call their own. With this legislation, we hope to reduce current impediments and increase the availability of affordable and supportive housing for our nations most vulnerable seniors.

I want to thank the American Association of Homes and Services for the Aging as well as the Wisconsin Association of Homes and Services for the Aging for being champions of this legislation and for working with us to develop a comprehensive bill that will help meet the growing need for senior housing in this Nation.

Senior citizens deserve to have housing that will help them maintain their independence. They do not deserve to end up homeless with no where to turn because they are stuck on long waiting lists. This Nation must do a better job at helping Americans have a place to call home during their golden years. I hope my colleagues will join me in my effort to do so.

ANDEAN TRADE PREFERENCE ACT

Mr. LUGAR. Mr. President, on February 28, 2008 we ratified the Andean Trade Preference Act, ATPA. Historically, these preferences have been decisive in encouraging both development and liberalization in a key region. Renewing them is an important step in our relations with the region, but we should also be realistic, and sophisticated, in our expectations for what these preferences can accomplish. As we look at where each of the four Andean nations stands today, we see that they are at very different stages of development, politically and economically, so the preferences will impact each country differently.

Peru has made commendable strides in its economic liberalization process while remaining a trustworthy counterpart on many nontrade matters. Earlier this year we cemented our relationship through ratification of a Free Trade Agreement, FTA. As we go through the FTA implementation process, preferences are still necessary to minimize disruption to current commercial flows between the United States and Peru.

Colombia has made outstanding progress politically and economically. During the past 6 years, Colombia's economic growth, one of the fastest in Latin America, has helped usher in a new era of unprecedented stability for that country—kidnappings, once rampant, have dropped sharply, down nearly 90 percent since 1999; and the once sky-high murder rate has plummeted to its lowest in almost 20 years. The FTA signed between our two countries includes environmental standards as well as worker protections and safeguards similar to the trade pact with Peru, which enjoyed bipartisan support.

Colombia's own private sector unions have endorsed the agreement. An extension on the Andean Trade Preference Act is crucial given that the Colombia FTA has not been ratified by the Congress, and would help leverage our considerable aid commitment, ensuring Colombia remains on its path to becoming a secure and prosperous nation.

Our trade preferences for Bolivia and Ecuador are important because both countries have elected leaders whose record and rhetoric cast serious doubt on their commitment to market-based economic policies. For this reason, it is important for the United States to maintain a strong relationship with the constructive forces in these countries. We want to encourage those who are working for economic liberalization and reforms that promote foreign investment and the creation of jobs. We want to support those who are pursuing policies that will improve social and economic development in health and education and advance the welfare for the less fortunate. It is in these countries where the effect of greater, and not lesser, engagement will yield the highest long term benefits.

The ability to benefit from trade preferences is difficult in an environment in which the rule of law is coming under severe attack. Both countries are facing challenges on this front, with weakened justice systems that struggle to uphold the law. In this regard, an environment that supports free economic exchange and accountable governance is weakened by the inability of these governments to implement the law.

Both Bolivia and Ecuador have much to gain by focusing on strengthening and depoliticizing the rule of law. Without an improvement on the legal front in these countries, the potential for these trade preferences to serve as development tools is limited.

It is my hope that 10 months from now, when we again address the issue of preferences for the Andean countries, we will be well into the implementation of FTAs with Peru and Colombia and at the same time witnessing an improved commitment in Ecuador and Bolivia to the reforms that are essential to getting the most out of trade preference legislation.

THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On the night of February 22, 2008, 17-year-old Simmie Lewis Williams, Jr., was gunned down in his hometown of Fort Lauderdale, FL. The shooting occurred on a stretch of road known by police to be frequented by transvestites. Simmie, openly gay, had been dressed as a woman the night of his murder. He was known for being soft-spoken and kind. Witnesses say that Simmie became engaged in a heated argument with two men dressed in dark

clothing before the shots were fired. Simmie's mother buried her son a week later. The funeral was, in part, paid for by members of the local gay community. Police are considering the murder as a bias-motivated crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

CONGRATULATING JOSHUA KORS

• Mr. BOND. Mr. President, I rise today to congratulate Joshua Kors on winning the George Polk Award for magazine reporting and his selection as a finalist for Harvard's Goldsmith Prize for Investigative Reporting.

I am grateful for the work Mr. Kors has done on behalf of our troops and for the leadership he has demonstrated in his relentless pursuit of the facts.

America counts on its investigative reporters to expose corruption, mismanagement and abuse, particularly in government. Mr. Kors' work brought to light the military's appalling misuse of administrative discharges for many of our combat-wounded soldiers.

Mr. Kors' profile of the difficulties SPC Jon Town encountered after returning from Iraq showed all of us in troubling detail the devastating impact of the Pentagon's policy on one soldier and his family—a story which is repeated in the lives of too many others similarly discharged.

With the lives and livelihoods of these wounded warriors on the line, Mr. Kors' reporting has clearly made a difference already.

It is now up to Congress to ensure that the Department of Defense treats our soldiers fairly. Our troops have courageously put themselves in harm's way and it is incumbent upon our government to ensure that they receive the best possible care when they return.

Many of us on Capitol Hill have pledged to continue to fight to eliminate the misuse of personality discharges through all legislative and administrative means at our disposal.

I thank Mr. Kors for his outstanding work and congratulate him on his accomplishments.•

HONORING KELLY BUCKLAND

• Mr. CRAPO. Mr. President, our outlook on life and the effect we have on others is largely dependent upon how we respond to our life experiences. We can choose to make a difference in our world, or sit back and let others blaze trails. As I get older, I am more and more convinced that these choices have little to do with our physical capabilities or the circumstances of our upbringing. I meet people who have overcome seemingly monumental challenges and live to make a difference in the lives of others. In the same manner, I meet those with observably few challenges who are content to sit on the sidelines. A most remarkable example of someone who has responded to the circumstances and events in his life by choosing to make a difference in the lives of others is Idahoan Kelly Buckland, president of the National Council for Independent Living and an extraordinary advocate for people with disabilities.

Kelly grew up on a farm outside of Rexburg, ID. When he was 15, he became a quadriplegic as a result of a diving accident. Kelly has recalled that, upon returning home after a year of hospitalization, he became deeply depressed. But with the encouragement of his parents who, among other things, rigged up farm equipment so that Kelly could continue doing what he had done before the accident, Kelly began to recover from his depression. Recalling the people that helped him and others during his hospitalization, Kelly made a choice that would change his life and the lives of many others over the years: he chose to use his many gifts and talents to help those in need.

Kelly obtained a bachelor's degree in social work from Boise State University. He graduated summa cum laude with a master's degree in rehabilitation counseling from Drake University. He was exposed to the legislative process early in his career and realized that he had an interest and a gift for public policy. In the 1980s, Kelly was instrumental in the initial effort to install curb cuts in the city sidewalks in Burley, ID, to help with wheelchair accessibility. Kelly's advocacy then turned to the State, where he was able to help change Idaho State law to provide protections for parents with disabilities. Idaho State law now prohibits the removal of a child from a home or the denial of visitations solely because of a parent's disability. Idaho was the first State in the Nation to pass equal child custody rights for parents with disabilities in all areas of child custody.

As the executive director of the Idaho State Independent Living Council, Kelly made it his priority to fight for equal rights and equal protection under the law for those with disabilities, especially in areas of fair housing and healthcare. His outreach and advocacy has gone beyond just the State level as well—Kelly has testified before Congress on issues facing individuals with disabilities in his capacity as president of the National Independent Living Council.

Kelly has received several local and national awards. In 2000, he received the University of Idaho's President's Medallion. Kelly was honored with the 2005 Hewlett-Packard Company Award for Distinguished Leadership in Human Rights and, in 2007, Kelly was honored at the Kennedy Center with induction into the Spinal Cord Injury Hall of Fame for significant contributions to quality of life and advancements toward a better future for all individuals with spinal cord injury or disease.

One of Kelly's profound strengths is unique ability to perceive and appreciate the position of others, and to help others understand his point of view in a respectful, honest manner. He is highly skilled at helping those who may perceive themselves in opposition to one another reach a place where they can meet and find a common middle ground. Despite his many accomplishments, Kelly is exceedingly humble, preferring to give credit to others for many of the successes in which he's been instrumental. He has observed that we all have something we perceive as a hindrance to our own success, but it is our responsibility to acknowledge perceived limitations and move forward rather than devote time and energy in focusing on what we think our particular limitations prevent us from doing.

Kelly has devoted his time and energy to ensuring that those who have experienced legal, occupational and personal difficulties as a result of their disabilities have a voice in changing our laws to ensure true independence for all. His own words echo his convictions: ''I want to insure that no one need be institutionalized because there are inadequate community services. I want freedom to be a reality for everyone.''

Kelly Buckland is a voice of compassion, inspiration and reason and it is my distinct honor to recognize him today.•

RECOGNIZING VICTORIA WILLIAMS

• Mr. KOHL. Mr. President, I would like to take this time to recognize and congratulate Ms. Victoria Williams of Menasha, WI, for being selected as Goodwill Industries International 2007 Achiever of the Year.

Ms. Williams has earned this award for the bravery and spirit she displays through good times and bad. Throughout her life, Ms. Williams has overcome adversity and serious obstacles to become a proud mother and advocate for others.

Through family tragedies and personal struggles, Ms. Williams never gave up. Instead, she dedicated herself to work on behalf of others in her community. As a job coach for people with

disabilities, Ms. Williams is doing her ''dream job,'' and helping those with whom she works achieve their own dreams. In her new role as assistant store team leader she will continue to motivate others and do great things.

As her employer's name suggests, Ms. Williams exemplifies and delivers good will. She tirelessly works to improve the lives of those around her. She is able to turn what life has presented to her, both good and bad, into valuable lessons for others. She is an inspiration to her sons, her colleagues, and to all of us. As the Goodwill Industries International Achiever of the Year, she embodies the Goodwill promise of enriching individual lives and the greater community.

On behalf of our State and Nation, I join Goodwill Industries in recognizing and commending Ms. Williams, an extraordinary woman, for sharing her gifts with others.●

RECOGNIZING THE BIRCH RUN BIODIESEL PROJECT

● Mr. LEVIN. Mr. President, I recently visited Birch Run High School in Michigan to learn about its biodiesel project. This project is an innovative, forward-thinking endeavor, and I am proud that young people in Michigan are making strides to understand and begin to solve some of our Nation's most pressing concerns.

The biodiesel project was initiated in the second semester of the 2007–2008 school year at Birch Run by Mrs. Jan Pollard, a chemistry teacher at the school. Mrs. Pollard was instrumental in helping the school secure the funding necessary to establish this project by approaching officials associated with the Watershed Initiative Network—WIN—grant program. She wrote and submitted a proposal for $10,000 to WIN, which was ultimately approved.

The biodiesel project is a part of a comprehensive effort that includes a greenhouse and a bee keeping component. The students currently working on the biodiesel project include Ross Fredenburg, the team leader; Derek Bentley; Ryan Johnson; and Dillon Fredenburg, the apprentice leader for the 2008–2009 school year. These students have completed all the construction work, installed the necessary equipment, and run the project, including all manufacturing and testing of the biodiesel fuel. They obtain, at no cost, used vegetable oil from the school and from local restaurants to convert to biodiesel fuel. The project has produced approximately 200 gallons of biodiesel fuel thus far. By next year, the school expects to be able to provide biodiesel fuel for its entire 26-bus fleet.

This exciting project has the support of many in the community, including Birch Run School Superintendent Wayne Wright, Birch Run Principal Mike Baszler and members of the Birch Run School Board. Mrs. Pollard and her students have tirelessly worked on the many aspects of this project. And, most importantly, these students have been provided an excellent opportunity to pursue practical and timely solutions that will benefit the school, the environment, and their community.

Indeed, these young people have embarked on an important endeavor. As a Nation, we must increase the diversity of our energy sources and enhance our Nation's energy independence. Biodiesel provides a part of the solution to our energy needs. It has the potential to improve our Nation's energy independence in the near term by replacing some of the oil we import from abroad with homegrown, sustainable biofuels. Utilizing this fuel source could reduce our impact on the environment and slow changes to our climate that will otherwise threaten our future. With this new technology, we could dramatically reduce carbon dioxide emissions and help create jobs as well as spur our economy.

I know my colleagues will share my enthusiasm in recognizing everyone affiliated with the biodiesel project at Birch Run High School. I look forward to hearing about their many successes in the future.●

LOCATING BOB LEVINSON

● Mr. NELSON of Florida. Mr. President, 1 year ago yesterday, a man who had spent more than 28 years serving the United States of America, a dedicated husband and father and constituent of mine, disappeared from Kish Island, in the Persian Gulf. I rise today to remind this body of the plight of this missing person and the suffering of his family.

On March 8, 2007, Bob Levinson, a retired veteran of both the FBI and DEA, arrived in Kish—an Iranian resort island that does not require a visa to visit. From what we know, he checked into his hotel, checked out on March 9th, got into a taxi, and then vanished.

I have worked closely with the State Department and the Swiss Government to lodge a number of requests for information with the Iranian Government. Unfortunately, Iran claims it has no information on the welfare or whereabouts of Mr. Levinson.

Last December, Bob's wife Christine traveled to Iran and visited Kish on a factfinding mission. Although she did not find any proof of his whereabouts, she came away with the strong belief that Bob is alive.

Mr. President, I have worked closely with the administration to try to ascertain what exactly happened to Mr. Levinson. Today, just one day after the anniversary of his disappearance, I ask my colleagues to remember this American citizen, whose whereabouts are still unknown, and to urge the U.S. Government to do everything in its power to locate and bring him home.●

MESSAGE FROM THE HOUSE

At 2:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S. J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2734. A bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2738. A bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes.

S. 2739. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5318. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flumioxazin; Pesticide Tolerance'' (FRL No. 8352–5) received on March 3, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5319. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bifenazate; Pesticide Tolerance'' (FRL No. 8351–6) received on March 3, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5320. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables'' (Docket No. APHIS–2007–0116) received on March 4, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5321. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the personnel from the Navy Region Southwest; to the Committee on Appropriations.

EC–5322. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Fleet

Numerical Meteorology and Oceanography Center; to the Committee on Appropriations.

EC–5323. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12956 relative to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–5324. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice Announcing 2008 Adjusted Thresholds for Clayton Act 7A'' (RIN3084–AA91) received on March 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5325. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of Transportation for Policy, received on March 3, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5326. A communication from the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, a report relative to the status of the Department's uncosted obligations; to the Committee on Energy and Natural Resources.

EC–5327. A communication from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Guajon'' (RIN1018–AU46) received on March 3, 2008; to the Committee on Environment and Public Works.

EC–5328. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Control of Particulate Matter from Pulp and Paper Mills; Correction'' (FRL No. 8537–6) received on March 3, 2008; to the Committee on Environment and Public Works.

EC–5329. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District'' (FRL No. 8537–9) received on March 3, 2008; to the Committee on Environment and Public Works.

EC–5330. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 8538–1) received on March 3, 2008; to the Committee on Environment and Public Works.

EC–5331. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference; Correction'' (FRL No. 8536–3) received on March 4, 2008; to the Committee on Environment and Public Works.

EC–5332. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Approval of Construction Permit Waiver'' (FRL No. 8533–1) received on March 4, 2008; to the Committee on Environment and Public Works.

EC–5333. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment and Reclassification of the Atlanta, Georgia 8-Hour Ozone Nonattainment Area'' (FRL No. 8539–2) received on March 4, 2008; to the Committee on Environment and Public Works.

EC–5334. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emission Measurement Accuracy Margins for Portable Emission Measurement Systems and Program Revisions'' ((RIN2060–AO69)(FRL No. 8539–3)) received on March 4, 2008; to the Committee on Environment and Public Works.

EC–5335. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities; Correction'' (FRL No. 8540–2) received on March 4, 2008; to the Committee on Environment and Public Works.

EC–5336. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Standards for the Administrative Collection of Claims'' (RIN1510–AA91) received on March 4, 2008; to the Committee on Finance.

EC–5337. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisit User Fee Program for Medicare Survey and Certification Activities'' (RIN0938–AP22) received on March 3, 2008; to the Committee on Finance.

EC–5338. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2008 Trade Policy Agenda and 2007 Annual Report on the Trade Agreements Program; to the Committee on Finance.

EC–5339. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the President's waiver of restriction on the provisions of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC–5340. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to steps taken to encourage Arab League states to normalize their relations with Israel; to the Committee on Foreign Relations.

EC–5341. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Japan for the production of the Evolved SeaSparrow Missile; to the Committee on Foreign Relations.

EC–5342. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles to Russia for the RD–180 Liquid Propellant Rocket Engine Program; to the Committee on Foreign Relations.

EC–5343. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Lawrence Livermore National Laboratory to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5344. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Combustion Engineering facility to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5345. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from the Mound Plant near Dayton, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–5346. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–295, ''Burned Fire Fighter Relief Temporary Amendment Act of 2008'' received on March 4, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5347. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–293, ''Park East Assistance Act of 2008'' received on March 4, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5348. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–294, ''Choice in Drug Treatment Temporary Amendment Act of 2008'' received on March 4, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5349. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–310, ''New Convention Center Hotel Omnibus Financing and Development Amendment Act of 2008'' received on March 4, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5350. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–311, ''Uniform Anatomical Gift Revision Act of 2008'' received on March 4, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5351. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the Corporation's employment category rating system activities for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5352. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to whether the financial statements of the Deposit Insurance Fund and FSLIC Resolution Fund are presented fairly; to the Committee on Homeland Security and Governmental Affairs.

EC–5353. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an update to the report entitled ''Long Range Plan for Information Technology in the Federal Judiciary''; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1638. A bill to adjust the salaries of Federal justices and judges, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 2737. A bill to amend title 38, United States Code, to grant jurisdiction to the United States Court of Appeals for Veterans Claims to review compliance of the schedule of ratings for disabilities under section 1151 of that title with statutory requirements applicable to entitlement to disability compensation under chapter 11 of that title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COBURN:

S. 2738. A bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes; read the first time.

By Mr. BINGAMAN:

S. 2739. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Ms. SNOWE):

S. Res. 477. A resolution supporting the goals and ideals of designating March 2008 as National Multiple Sclerosis Education and Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. KERRY):

S. Res. 478. A resolution supporting the goals and ideals of ''World Water Day''; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 82

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 82, a bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

S. 661

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 911

At the request of Mr. REED, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was withdrawn as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1681

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1681, a bill to provide for a paid family and medical leave insurance program, and for other purposes.

S. 1760

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1926

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2064

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2064, a bill to fund comprehensive programs to ensure an adequate supply of nurses.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2209

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2420

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2420, a bill to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

S. 2433

At the request of Mr. HAGEL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2452

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2452, a bill to amend the Truth in Lending Act to provide protection to consumers with respect to certain high-cost loans, and for other purposes.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2609

At the request of Mr. FEINGOLD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2609, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 2632

At the request of Mr. BOND, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2632, a bill to ensure that the Sex Offender Registration and Notification Act is applied retroactively.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2684

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2684, a bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937.

S. 2688

At the request of Mr. INOUYE, the names of the Senator from Florida (Mr. NELSON) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2688, a bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2712

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2712, a bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S. 2716

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2716, a bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes.

S. 2718

At the request of Mr. BARRASSO, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2718, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2720

At the request of Mr. SPECTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2720, a bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

S. RES. 390

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 2737. A bill to amend title 38, United States Code, to grant jurisdiction to the United States Court of Appeals for Veterans Claims to review compliance of the schedule of ratings for disabilities under section 1151 of that title with statutory requirements applicable to entitlement to disability compensation under chapter 11 of that title, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the proposed Veterans' Rating Schedule Review Act. This legislation would remove a barrier to legal redress faced by veterans who believe that a provision of the VA Schedule for Rating Disabilities—the Rating Schedule—does not comply with a law passed by Congress. The amount of compensation veterans with service-connected conditions receive is based on a disability rating, which VA assigns to these conditions. VA uses its rating schedule to determine which rating to assign to a veteran's particular condition. Under current law, the Court of Appeals for Veterans Claims has jurisdiction to consider only Constitutional challenges to the rating schedule. When legislation was passed providing for judicial review, review of the rating schedule was specifically prohibited as part of a final compromise.

This legislation would expand the jurisdiction of the court to include cases where a provision of the rating schedule or the absence of a rating for a condition mandated by statute is challenged. Under the proposed change, aspects of the VA rating schedule that appear to violate requirements of law set forth in chapter 11 of title 38, United States Code, would be subject to the court's jurisdiction.

I expect VA to comply with all laws passed by Congress in developing and revising the rating schedule. However, justice to our Nation's veterans requires a forum in which the rating schedule can be challenged when someone believes that a statute passed by Congress to provide compensation for the service-disabled is being violated.

Veterans seeking to challenge the denial of benefits based on the rating schedule's lack of consistency with other laws are subject to rejection by the court due to the prohibition in current law. The United States Court of Appeals for the Federal Circuit held, in *Wanner* v. *Principi*, 370 F.3d 1124, 2004, that the language in current law ''removes from the Veterans Court's jurisdiction all review involving the content of the rating schedules and the Secretary's actions in adopting or revising them.''

One example of the kind of case that would be affected by the change to the law is VA's lack of action in response to legislation enacted in 2002 which allows veterans who qualify for compensation due to the loss of hearing in both ears to receive special ''paired organ'' benefits. In the years since that law was passed, many veterans serving in Iraq have suffered hearing loss after being exposed to Improvised Explosive Device blasts. However, VA has yet to issue regulations to amend the rating schedule, as required by the law. Under the current state of the law, no one could bring a legal challenge to that failure to act.

I note that the exception to the ban on review of the rating schedule proposed in this bill is a limited one. The bill would not allow for a wholesale assault on the rating schedule. It would merely provide judicial review of cases where compliance with a law passed by Congress is challenged.

I urge all of my colleagues to support this measure, so that veterans seeking justice may have an appropriate forum to challenge the VA's compliance with governing statutes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2737

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Rating Schedule Review Act''.

SEC. 2. REVIEW BY UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS OF COMPLIANCE OF SCHEDULE OF RATINGS FOR DISABILITIES WITH STATUTORY REQUIREMENTS APPLICABLE TO ENTITLEMENT TO DISABILITY COMPENSATION.

Section 7252(b) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking the third sentence; and

(3) by adding at the end the following new paragraph:

''(2)(A) Except as provided in subparagraph (B), the Court may not review the schedule of ratings for disabilities adopted under section 1155 of this title or any action of the Secretary in adopting or revising that schedule.

''(B) The Court may review whether, and the extent to which, the schedule of ratings for disabilities complies with applicable requirements of chapter 11 of this title.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 477—SUPPORTING THE GOALS AND IDEALS OF DESIGNATING MARCH 2008 AS NATIONAL MULTIPLE SCLEROSIS EDUCATION AND AWARENESS MONTH

Mr. CASEY (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 477

Whereas multiple sclerosis can impact men and women of all ages;

Whereas multiple sclerosis affects men and women of all races and ethnicities;

Whereas approximately 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas approximately 200 people a week are diagnosed with multiple sclerosis;

Whereas over 400 cases of childhood multiple sclerosis have been identified in medical journals since 1980 and it is estimated that between 8,000 and 10,000 children and adolescents are affected;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin, destroying it and replacing it with scar tissue and severing nerve fibers interfering with the transmission of nerve signals;

Whereas in rare cases multiple sclerosis is so progressive it is fatal;

Whereas there is no known cure for multiple sclerosis; and

Whereas March 2008 is recognized as National Multiple Sclerosis Education and Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Multiple Sclerosis Education and Awareness Month;

(2) invites the chief executive officers of the States, territories, and possessions of the United States to issue proclamations designating March 2008 as National Multiple Sclerosis Education and Awareness Month and recognizing the goals and ideals of National Multiple Sclerosis Education and Awareness Month;

(3) commends the efforts of the States, territories, and possessions of the United States, localities, non-profit organizations, businesses, and other entities and the people of the United States who support the goals and ideals of National Multiple Sclerosis Education and Awareness Month;

(4) recognizes and reaffirms our Nation's commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(5) recognizes all Americans living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments.

Mr. President, I offer today, along with my colleague Senator SNOWE, this resolution supporting the goals and ideals National Multiple Sclerosis Education and Awareness Month. I am pleased to introduce this resolution which recognizes and reaffirms our commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research and expanding access to medical treatment. It is also my hope that this resolution that Senator SNOWE and I offer today will help us to more consciously recognize all Americans living with multiple sclerosis. We are grateful to their family members and friends who are a source of love and encouragement to them and we salute the health care professionals and medical researchers who provide assistance to those with MS and who continue to work to find cures and improve treatments.

We know a lot about MS but unfortunately there is still a great deal we do not know. We know it can strike males and females of all ages, races and ethnicities. Today, approximately 400,000 Americans live with this disease and about 2.5 million people have been diagnosed worldwide. Every week, another 200 people are diagnosed and it is estimated that between 8,000 and 10,000 children and adolescents have MS.

The exact cause of multiple sclerosis is still unknown and its symptoms are unpredictable, varying from person to person. We have no laboratory test that will tell us if someone has multiple sclerosis. This disease is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease.

Multiple sclerosis symptoms occur when an immune system attack affects the myelin, destroying it and replacing it with scar tissue and severing nerve fibers, thus interfering with the transmission of nerve signals. There is as yet no known cure for multiple sclerosis. MS can be an especially devastating disease as it is often diagnosed in young adults who are just setting out on their own, beginning their personal and professional lives. While MS is not a fatal disease, it is a noncurable, sometimes progressive disease that can affect every aspect of life.

Because MS is an unpredictable disease, it presents those suffering from it with many uncertainties about the future. For instance, one young constituent of mine suffering from MS

confided that she felt limited in choosing a career, feeling that she needed to find an occupation that could accommodate any potential disabilities. In considering employment offers, she not only had to consider the merits of the job itself, but also had to factor in finding employment with someone who provided adequate insurance coverage and leave policies, and was also willing to accommodate situations like the need for flexible work schedules and adaptive equipment.

MS can also complicate decisions about personal relationships, marriage, and child bearing. Since MS affects twice as many women as men, young women with MS often struggle with the decision of whether or not to have children who could potentially inherit the disease. In making such decisions, they also have to consider options for caring for those children in the event that MS leaves them impaired or disabled.

Because many of the symptoms of MS—like fatigue, pain, vision problems, and numbness of extremities—are ''invisible'' to others, people often don't realize the extent to which the disease affects those who suffer from it.

For those suffering from MS, some of the most important steps they can take are to seek prompt treatment with a physician qualified to address MS, consider beginning therapy with one of the FDA approved disease modifying drugs, and develop a supportive network of family and friends.

The most important thing that we in Congress can do for those who have MS is recognize the scope of this illness, which we are doing through this resolution, and resolve to find ways to improve treatments for those suffering from this devastating disease, and ultimately, resolve to help find a cure. With this resolution, I also invite the chief executive officers of the States, territories and possessions of the U.S. to issue proclamations designating National Multiple Sclerosis Education and Awareness Month.

SENATE RESOLUTION 478—SUPPORTING THE GOALS AND IDEALS OF ''WORLD WATER DAY''

Mr. SMITH (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 478

Whereas the United Nations General Assembly, via resolution, has designated March 22 of each year as World Water Day;

Whereas a person needs 4 to 5 liters of water per day to survive;

Whereas a person can live weeks without food, but only days without water;

Whereas every 15 seconds a child dies from a water-borne disease;

Whereas, for children under age 5, waterborne diseases are the leading cause of death;

Whereas millions of women and children spend several hours a day collecting water from distant, often polluted sources;

Whereas every dollar spent on water and sanitation saves on average $9 in costs averted and productivity gained;

Whereas, at any given time, ½ of the world's hospital beds are occupied by patients suffering from a water-borne disease;

Whereas 88 percent of all diseases are caused by unsafe drinking water, inadequate sanitation, and poor hygiene;

Whereas 1,100,000,000 (1 in 6) people lack access to an improved water supply;

Whereas 2,600,000,000 people in the world lack access to improved sanitation;

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro;

Whereas the participants in the 2002 World Summit on Sustainable Development in Johannesburg, including the United States, agreed to the Plan of Implementation which included an agreement to work to reduce by ½ from the baseline year 1990 ''the proportion of people who are unable to reach or to afford safe drinking water'', ''and the proportion of people without access to basic sanitation'' by 2015; and

Whereas Congress passed and the President signed into law the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121), which was intended to ''elevate the role of water and sanitation policy in the development of U.S. foreign policy and improve the effectiveness of U.S. official programs'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of ideals of ''World Water Day'';

(2) urges an increased effort and the investment of greater resources by the Department of State, the United States Agency for International Development, and all relevant Federal departments and agencies toward providing sustainable and equitable access to safe drinking water and sanitation for the poor and the very poor; and

(3) encourages the people of the United States to observe the week with appropriate activities that promote awareness of the importance of access to clean water.

Mr. SMITH. Mr. President, I rise today to introduce a resolution supporting the ideals and goals of World Water Day. I am pleased to have my colleague Senator JOHN KERRY joining me in this cause by serving as the cosponsor of this resolution.

March 22 was established as World Water Day by the United Nations General Assembly to promote awareness of the importance of access to clean water and improved sanitation. Over 1 billion people lack access to an improved water supply and 2.6 billion people lack access to improved sanitation.

Activities are planned internationally to further the goals and ideals of World Water Day. In many cities across the United States, UNICEF is sponsoring the Tap Project. Restaurants will offer patrons the opportunity to add at least $1 to their checks during the week of March 16. Each dollar donated will result in a child receiving clean water for 40 days. Thee are currently 16 featured cities, including Portland, OR, and Boston MA.

In 2000, the United Nations member States adopted eight millennium development goals as a basis for working cooperatively. To ensure environmental stability, one of the goals established is to reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation by 2015. While some progress has been made, much more remains to be done. The United Nation's 2007 Millennium Development Goals Report reveals that we are on pace to miss the 2015 target for access to basic sanitation by over 600 million.

Each day millions of women and girls spend hours traveling miles to transport water to their homes. In many cases, the source is polluted. At any given time, half of the world's hospital beds are occupied by patients suffering from waterborne diseases. These diseases are the leading cause of death for children under 5.

The Senator Paul Simon Water for the Poor Act of 2005 set a goal of providing equal and affordable access to clean and safe water and sanitation in developing countries. This access has long been recognized by the U.S. as a contributing factor to our foreign policy interests. More importantly, access to clean and safe water is basic human right.

We urge our colleagues to support this important piece of legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4147. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table.

SA 4148. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4149. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the resolution S. Res. 178, expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

SA 4150. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the resolution S. Res. 178, supra.

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table.

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4147. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S.

Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 18, line 16, increase the amount by $2,000,000.

On page 18, line 17, increase the amount by $1,000,000.

On page 18, line 21, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $2,000,000.

On page 27, line 17, decrease the amount by $1,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

SA 4148. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $71,000,000.

On page 19, line 17, increase the amount by $54,000,000.

On page 19, line 21, increase the amount by $12,000,000.

On page 19, line 25, increase the amount by $3,000,000.

On page 20, line 4, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $71,000,000.

On page 27, line 17, decrease the amount by $54,000,000.

On page 27, line 21, decrease the amount by $12,000,000.

On page 27, line 25, decrease the amount by $3,000,000.

On page 28, line 4, decrease the amount by $1,000,000.

SA 4149. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the resolution S. Res. 178, expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes; as follows:

On page 5, strike line 7 through line 11, and insert the following:

(4) urges the Government of Guatemala to strengthen laws with respect to domestic violence and sexual harassment, to improve the integrity of the prosecutorial and judicial systems, and to provide the resources and commitment necessary to adequately enforce justice for crimes against women;

On page 5, insert ''continue to'' before ''incorporate'' in line 13.

On page 5, insert ''continue to'' after ''encourages the Secretary of State to'' in line 18.

On page 7, beginning in line 7, strike ''all instances of improper investigatory methods'' and insert ''instances of failure to investigate and prosecute crimes''.

SA 4150. Mr. REID (for Mr. BINGAMAN) proposed an amendment to the resolution S. Res. 178, expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes; as follows:

Strike the third whereas clause of the preamble and insert the following:

Whereas, while the overall murder rate in Guatemala has increased substantially, the rate at which women have been murdered in Guatemala has increased at an alarming rate, almost doubling from 2001 to 2006;

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 55, line 18, after the word ''program'' insert ''or increasing Federal student loan limits''.

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 55, line 18, after the word ''program'' insert ''or increasing Federal student loan limits''.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Lindsey Miller of my office be granted the privilege of the floor for the duration of the debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 175TH ANNIVERSARY OF THE SPECIAL RELATIONSHIP BETWEEN U.S. AND THAILAND

Mr. REID. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 66.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 66) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 66

Whereas 2008 marks the 175th anniversary of the signing of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand in 1833, during President Andrew Jackson's administration and the reign of King Rama III, and the commencement of the relationship between the 2 countries;

Whereas Thailand was the first treaty ally of the United States in the Asia-Pacific region and remains a steadfast friend with shared values of freedom, democracy, and liberty;

Whereas, in December 2003, the United States designated Thailand as a major ally outside the North Atlantic Treaty Organization, which improved the security of both countries, particularly by facilitating joint counterterrorism efforts;

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

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

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

Whereas, on June 22, 2006, Congress agreed to House Concurrent Resolution 409, 109th Congress, commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand;

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

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

Whereas approximately 500,000 people of Thai descent live in the United States, joining in the pursuit of the American Dream;

Whereas Thailand is the 20th largest trading partner of the United States, with bilateral trade totaling approximately $30,600,000,000 per year; and

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

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

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

(2) offers sincere congratulations to the Kingdom of Thailand and the people of Thailand for the democratic, free, and fair elections held on December 23, 2007;

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

(4) looks forward to continued, enduring ties of friendship between the peoples of Thailand and the United States.

MEASURES READ THE FIRST TIME—S. 2738 AND S. 2739

Mr. REID. It is my understanding there are two bills at the desk due for their first reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The bill clerk read as follows:

A bill (S. 2738) to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes.

A bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

Mr. REID. I now ask for their second reading en bloc but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will receive their second reading on the next legislative day.

EXPRESSING THE SYMPATHY OF THE SENATE TO FAMILIES OF WOMEN AND GIRLS MURDERED IN GUATEMALA

Mr. REID. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 178 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 178) expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the amendment at the desk be agreed to; the resolution, as amended, be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4149) was agreed to, as follows:

On page 5, strike line 7 through line 11, and insert the following:

(4) urges the Government of Guatemala to strengthen laws with respect to domestic violence and sexual harassment, to improve the integrity of the prosecutorial and judicial systems, and to provide the resources and commitment necessary to adequately enforce justice for crimes against women;

On page 5, insert ''continue to'' before ''incorporate'' in line 13.

On page 5, insert ''continue to'' after ''encourages the Secretary of State to'' in line 18.

On page 7, beginning in line 7, strike ''all instances of improper investigatory methods'' and insert ''instances of failure to investigate and prosecute crimes''.

The amendment (No. 4150) was agreed to, as follows:

Strike the third whereas clause of the preamble and insert the following:

Whereas, while the overall murder rate in Guatemala has increased substantially, the rate at which women have been murdered in Guatemala has increased at an alarming rate, almost doubling from 2001 to 2006;

The resolution (S. Res. 178), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, will be printed in a future edition of the RECORD.

ORDERS FOR TUESDAY, MARCH 11, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow, March 11, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. Con. Res. 70, the concurrent resolution on the budget. But the time, as we have already entered in the RECORD, until 2:15 is for debate only regarding the budget resolution—we have already gotten consent that the recess be from 12:30 to 2:15 for the weekly caucus lunches—and that all time during any morning business period count against the time allotted for the budget resolution. So that order has already been entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Tuesday, March 11, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, March 10, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 10, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 33 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HIRONO) at 2 p.m.

PRAYER

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

Today at the beginning of another week of time and work, we stand before You, Lord God of the universe. We also stand before the world community. There is no way of separating ourselves from this reality.

The truth of our living today and the ensuing week is dependent upon our attitude of mind toward the world we live in. This attitude is a matter of habit, dealing with others and circumstances according to past experiences and ever-present pressures. Help us, Lord, to see how our attitude guides any attempt to form relationships or pattern progress for ourselves and the Nation.

Most often, Lord, this unconscious attitude places an emphasis either upon the principle of duality or upon the principle of unity. Either we view everyone and everything as a combative conquest or a realized connection. Every moment we approach the whole universe through a cultivation of controlling power or through growth in sympathy.

Once we know there are no winners or losers, the game never ends. It is all a matter of attitude. Life is either a competitive struggle or a simple joy both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CARNAHAN led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 8, 2008, at 11 :30 a.m. and said to contain a message from the President whereby he returns without his approval, H.R. 2082, the ''Intelligence Authorization Act for Fiscal Year 2008.''

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–100)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2082, the ''Intelligence Authorization Act for Fiscal Year 2008.'' The bill would impede the United States Government's efforts to protect the American people effectively from terrorist attacks and other threats because it imposes several unnecessary and unacceptable burdens on our Intelligence Community.

Section 444 of the bill would impose additional Senate confirmation requirements on two national security positions—the Director of the National Security Agency and the Director of the National Reconnaissance Office. The National Commission on Terrorist Attacks Upon the United States (9/11 Commission) observed that the effectiveness of the Intelligence Community suffers due to delays in the confirmation process; section 444 would only aggravate those serious problems. Senior intelligence officials need to assume their duties and responsibilities as quickly as possible to address the pressing requirements of national security. Instead of addressing the 9/11 Commission's concern, the bill would subject two additional vital positions to a more protracted process of Senate confirmation. Apart from causing such potentially harmful delays, this unwarranted requirement for Senate confirmation would also risk injecting political pressure into these positions of technical expertise and public trust.

Section 413 would create a new Inspector General for the Intelligence Community. This new office is duplicative and unnecessary. Each intelligence community component already has an Inspector General, and the Inspector General of the Office of the Director of National Intelligence has been vested with all the legal powers of any inspector general to carry out investigations on matters under the jurisdiction of the Director of National Intelligence. There is no reason to commit taxpayer resources to an additional inspector general with competing jurisdiction over the same intelligence elements. Creating duplicative inspectors general, who may have inconsistent views on the handling of

particular matters, has the potential to create conflicts and impede the Intelligence Community from efficiently resolving issues and carrying out its core mission. In addition, the creation of a new inspector general would add yet another position in the Intelligence Community subject to Senate confirmation, contrary to the 9/11 Commission's recommendations.

Section 327 of the bill would harm our national security by requiring any element of the Intelligence Community to use only the interrogation methods authorized in the Army Field Manual on Interrogations. It is vitally important that the Central Intelligence Agency (CIA) be allowed to maintain a separate and classified interrogation program. The Army Field Manual is directed at guiding the actions of nearly three million active duty and reserve military personnel in connection with the detention of lawful combatants during the course of traditional armed conflicts, but terrorists often are trained specifically to resist techniques prescribed in publicly available military regulations such as the Manual. The CIA's ability to conduct a separate and specialized interrogation program for terrorists who possess the most critical information in the War on Terror has helped the United States prevent a number of attacks, including plots to fly passenger airplanes into the Library Tower in Los Angeles and into Heathrow Airport or buildings in downtown London. While details of the current CIA program are classified, the Attorney General has reviewed it and determined that it is lawful under existing domestic and international law, including Common Article 3 of the Geneva Conventions. I remain committed to an intelligence-gathering program that complies with our legal obligations and our basic values as a people. The United States opposes torture, and I remain committed to following international and domestic law regarding the humane treatment of people in its custody, including the ''Detainee Treatment Act of 2005.''

My disagreement over section 327 is not over any particular interrogation technique; for instance, it is not over waterboarding, which is not part of the current CIA program. Rather, my concern is the need to maintain a separate CIA program that will shield from disclosure to al Qaeda and other terrorists the interrogation techniques they may face upon capture. In accordance with a clear purpose of the ''Military Commissions Act of 2006,'' my veto is intended to allow the continuation of a separate and classified CIA interrogation program that the Department of Justice has determined is lawful and that operates according to rules distinct from the more general rules applicable to the Department of Defense. While I will continue to work with the Congress on the implementation of laws passed in this area in recent years, I cannot sign into law a bill that would prevent me, and future Presidents, from authorizing the CIA to conduct a separate, lawful intelligence program, and from taking all lawful actions necessary to protect Americans from attack.

Other provisions of the bill purport to require the executive branch to submit information to the Congress that may be constitutionally protected from disclosure, including information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Section 326, for example, would require that the executive branch report, on a very short deadline and in accordance with a rigid set of specific statutory requirements, the details of highly classified interrogation techniques and the confidential legal advice concerning them. The executive branch voluntarily has provided much of this information to appropriate Members of Congress, demonstrating that questions concerning access to such information are best addressed through the customary practices and arrangements between the executive and legislative branches on such matters, rather than through the enactment of legislation.

In addition, section 406 would require a consolidated inventory of Special Access Programs (SAPs) to be submitted to the Congress. Special Access Programs concern the most sensitive information maintained by the Government, and SAP materials are maintained separately precisely to avoid the existence of one document that can serve as a roadmap to our Nation's most vital information. The executive branch must be permitted to present this information in a manner that does not jeopardize national security. The executive branch will continue to keep the Congress appropriately informed of the matters to which the provisions relate in accordance with the accommodation principles the Constitution contemplates and the executive and legislative branches have long and successfully used to address information sharing on matters of national security.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 8, 2008*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

Mr. LOEBSACK. Madam Speaker, I ask unanimous consent that further consideration of the veto message and the bill be postponed until Tuesday, March 11, 2008.

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

There was no objection.

□ 1415

AIRBUS WINS AIR FORCE CONTRACT OVER BOEING

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

Mr. CARNAHAN. Madam Speaker, a week ago Friday, the market dropped 400-plus points, and the Air Force announced its award of a refueling aircraft contract to foreign-based Airbus over U.S.-based Boeing. At a time when we are working on national economic stimulus plans for our sagging economy, outsourcing vital defense work and good-paying jobs raises questions that are both troubling and alarming. Their decision to reward foreign interests by spending $40 billion abroad has been ridiculed. Many today are still shaking their heads. It reminds me of a time not long ago when we were being asked to relinquish control of our ports. This latest debacle doesn't make sense, and it is not good for our country.

Air Force officials have agreed to move up a debriefing with Boeing officials to explain why they would outsource the construction of 179 aerial tankers abroad. Adding insult to injury, many believe the Air Force decision will end up actually buying a more costly and less capable aircraft.

Many Members are disturbed by what has transpired as a result of this deal. It degrades our national defense industry. It diminishes economic development opportunities and jobs here at home. When will we insist on putting America's interests first? This Congress should act swiftly and responsibly to review and to stop this questionable contract award.

JUDGES' HALL OF SHAME—MARILYN MACKEL

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

Mr. POE. Madam Speaker, judges should keep politics out of their judicial decisions, but not so with California Judge Marilyn Mackel. She is a loud opponent of U.S. liberation of Iraq. So when Shawn Sage, a foster child of 17, appeared before her to obtain permission to early enlist in the United States Marine Corps, she summarily denounced his request and told him she was opposed to the war in Iraq.

Shawn appeared in court with his supporting foster parents just to be insulted by a judge who makes decisions based on politics. Judge Mackel is a repeat offender, however. Judge ''Gone Wild'' Mackel has shown prejudice against the military before when she prevented a foster child from joining the United States Navy, all because of a political bias.

As a former judge, it appears to me the abuse of power by this anti-American military, peacenik judge is the

perfect example of her having a terminal case of black robe disease, a disease some judges get when their personal politics cloud their judgment. Keep politics and wacky judges out of the courthouse. Judge Mackel is the newest member of the Judges' Hall of Shame.

And that's just the way it is.

ECONOMIC STIMULUS

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

Mr. DAVIS of Illinois. Madam Speaker, I voted for the President's economic stimulus package, and I think it is going to actually help some people, but not nearly enough. In my city and in other major cities throughout the country, unemployment among young people is at an all-time high.

For example, in Chicago, more than 50 percent of the young African American males between the ages of 16 and 22 do not go to school and do not work. We want to stimulate the economy. Let us put young people to work, and I guarantee that will help.

FISA

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

Mr. WILSON of South Carolina. Madam Speaker, for over 20 days, the majority leadership in this House has refused to bring a permanent fix to the Foreign Intelligence Surveillance Act to the floor. Everyone knows that the bill which passed the Senate would pass the House with bipartisan support. Yet, we have seen no action on the part of the majority. We need to send a clear message to our law enforcement, to our military, and to our intelligence community that they will have every lawful resource necessary to do their jobs and to protect American families. We need to send a clear message to our friends and to our enemies that America will do everything possible to stop those who have declared war on all Americans anywhere, anytime. It is misguided to obstruct our ability to track our enemies out of an unfounded fear that our intelligence community has the intent and the time to go spying on everyday Americans. The original FISA law addresses those concerns. This fix to FISA is about tracking potential terrorists overseas and not punishing individuals and businesses that would cooperate with our government.

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

THE EXPIRATION OF THE PROTECT AMERICA ACT

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

Ms. FALLIN. Madam Speaker, it has been well over 20 days since the Protect America Act expired. For 3 weeks and counting, this Congress has allowed the quality of our surveillance programs to erode. As a result, our intelligence agencies have lost critical tools in the war on terror and are left potentially blind to lethal terrorist plots. In light of these dangers, Democrat leaders are facing a chorus of Members demanding action on the bipartisan Senate-passed surveillance bill.

Madam Speaker, it is time that we bring this bill to the floor. The Democrat chairman of the Senate Intelligence Committee has said that passing this legislation is the right way to go in terms of the security of our Nation. In the House, over 20 Democrats have publicly urged Speaker PELOSI to bring the bill up for a vote. In fact, it seems that the Democrat leadership will not bring this bill up precisely because they know it will pass.

Madam Speaker, enough is enough. We have floated temporary patches and Band-Aids for months. It is time to get serious about our national security. It is time to bring a permanent fix to FISA and to a vote on this floor.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 7, 2008, at 3:20 p.m.:

That the Senate passed S. 2733.

Appointments:

Public Interest Declassification Board.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE HONORABLE SILVESTRE REYES, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SILVESTRE REYES, Member of Congress:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 6, 2008.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for documents issued by the U.S. District Court for the Central District of California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

SILVESTRE REYES,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL 9–1–1 EDUCATION MONTH

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 537) expressing support for the designation and goals of ''National 9–1–1 Education Month'', and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 537

Whereas 9–1–1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a ''single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9–1–1 as the emergency code throughout the United States;

Whereas 9–1–1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81);

Whereas the ENHANCE 911 Act of 2004 (Public Law 108–494) established enhanced 9–1–1 as ''a high national priority'' as part of our Nation's homeland security and public safety;

Whereas it is important that policy makers at all levels of government understand the importance of 9–1–1, how the system works today, and the steps that are needed to modernize the 9–1–1 system;

Whereas the 9–1–1 system is the connection between the eyes and ears of the public and emergency responders, and is a significant homeland security asset;

Whereas there are over 6,000 9–1–1 public safety answering points (PSAPs) serving more than 3,000 counties and parishes throughout the United States;

Whereas PSAPs answer more than 200,000,000 9–1–1 calls each year in the United States, and a growing number of 9–1–1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, and deaf-blind, and individuals with speech disabilities, are increasingly communicating with nontraditional text, video, and instant messaging communications services, and anticipate that these services will be able to connect directly to 9–1–1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9–1–1 and implementing enhanced 9–1–1, and require increased education and awareness about their capabilities and limitations;

Whereas numerous other N–1–1 and 800 number services exist for non-emergency situations, including 2–1–1, 3–1–1, 5–1–1, 7–1–1, 8–1–1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use these services in addition to or instead of 9–1–1;

Whereas international visitors and individuals immigrating to the United States make up an increasing part of the Nation's population in any given year, and such visitors and individuals may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9–1–1, and it is critical to educate members of the public of all ages on the proper use of 9–1–1;

Whereas thousands of 9–1–1 calls are made every year by children properly trained in the use of 9–1–1, resulting in lives saved, and which, in turn, underscores the critical importance of training children early in life about 9–1–1;

Whereas there is a need to reduce the widespread misuse of the 9–1–1 system, including prank and non-emergency calls, which can result in costly and inefficient use of 9–1–1 and emergency response resources;

Whereas we as a Nation should strive to host at least 1 educational event in every school in the country each year regarding the proper use of 9–1–1;

Whereas an established National 9–1–1 Education Month could include public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, care givers, children, the elderly, and businesses; educational events in schools and other appropriate venues; and production and distribution of educational content on 9–1–1 designed to educate people of all ages on the importance and proper use of 9–1–1; and

Whereas Americans deserve the finest the Nation can offer in 9–1–1 education: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of an appropriate month as ''National 9–1–1 Education Month'' and the goals of such designation; and

(2) requests that the President issue a proclamation—

(A) designating a month as ''National 9–1–1 Education Month''; and

(B) calling upon Government officials, parents, teachers, school administrators, care givers, businesses, nonprofit organizations, and the people of the United States to observe such month with appropriate ceremonies, training events, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Now I would yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H. Res. 537, as amended, which expresses the House's support for the designation and goals of National 9–1–1 Month.

H. Res. 537 was introduced by Representative ANNA ESHOO of the great State of California on July 11, 2007, and has the support and cosponsorship of nearly 60 Members of Congress. Upon introduction, the measure was referred to the Committee on Oversight and Government Reform where it was passed by the panel by voice vote after having been amended on February 26, 2008.

Madam Speaker, it is only fitting that we consider this resolution today, as it makes the important point of highlighting National 9–1–1 Month as a way of reminding everybody of the significance these three small numbers hold in times of emergency and distress.

Whether young or old, the number 9–1–1, which had its first debut back in 1968 when AT&T, under the encouragement of Congress, established the digits as the Nation's emergency telephone number, is known by most Americans as the number to ring when someone needs a fire, police, or ambulance response right away because of a threat to health, safety, or property. There are countless stories that I am sure we can all recall where children as young as 3 or 4 have remembered to pick up the phone and dial the numerical sequence of 9–1–1, thereby saving the lives of parents, grandparents, caretakers, and siblings.

Further, urging support for National 9–1–1 Month education would be futile if we failed to mention the commitment and diligence of the thousands of persons that serve on the other end of the 9–1–1 line. By simply doing their jobs, these 9–1–1 call takers are saving lives every hour of every day by dispatching emergency first responders and by providing verbal support and comfort in some of the most perilous moments of our lives.

As localities and communities across our great country consistently search for ways to make the 9–1–1 calling system more efficient, reliable and well-known, let us do our part in elevating the importance of the numbers 9–1–1 by passing the measure at hand, which expresses the support of the entire House of Representatives for the designation and goals of National 9–1–1 Month.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of this resolution expressing support for the designation and goals of National 9–1–1 Education Month. Every day across this great Nation, lives are saved thanks to this simple, yet vital, support service.

Recommended in 1967 by the President's Commission on Law Enforcement and Administration of Justice and established a year later by AT&T, 9–1–1 has continued to evolve as an integral part of America's vital emergency response and homeland security. Each year over 200 million calls are received by the 6,000-plus public safety answering points across the country. These calls come from people of all walks of life, young and old, wealthy and poor. As this service is a vital access point for the public to reach a public safety official during a time of need, it is critical that we continue to educate our citizens on the services 9–1–1 provides and the appropriate uses of the number.

We must also continue to modernize this vital tool. There is a growing population of citizens, otherwise unable to communicate clearly, who are learning to communicate through new technologies such as text, video, and instant messaging. We should strive to connect the use of emerging technologies to the 9–1–1 system.

Madam Speaker, once again, increased awareness and understanding of this service will help save lives and increase national security. For this reason, I support this resolution and ask that my colleagues do the same.

Ms. ESHOO. Madam Speaker, I'm proud to have sponsored this Resolution to establish a National 9–1–1 Education Month.

Forty years ago President Johnson's Commission on Law Enforcement and Justice recommended that a single, nationwide telephone number be established for reporting emergencies—9–1–1. Since then, 9–1–1 has been used by millions of people across the country to quickly and efficiently contact their local fire and police departments, as well as report emergencies in their communities. Over 200 million emergency calls are made each year through the 6,000 9–1–1 public safety answering points serving more than 3,000 counties.

As the connection between the eyes and ears of the public and the emergency response system in the U.S., 9–1–1 answering points are often the first to know of emergencies caused by natural disasters, to national security threats, making 9–1–1 a vital homeland security asset. Educating people of

all ages and backgrounds about 9–1–1 is crucial to the effectiveness of our emergency response system. It is especially important for vulnerable populations like children, the deaf and the hard of hearing, and those with limited English skills to understand and use.

A National 9–1–1 Education Month will encourage the development of public awareness events, advertising to the public, targeted outreach to schools, and training activities for parents and teachers. The deaf and hard of hearing are increasingly using text, video and instant messaging to access 9–1–1 operators. With such an effective and comprehensive emergency network, everyone benefits from learning.

As co-chairs of the E9–1–1 Caucus, Mr. SHIMKUS and I understand the importance of the 9–1–1 emergency network to the public safety and security of our country and this resolution will help to ensure that all Americans can access these critical services in an emergency. I urge my colleagues to join me in supporting a National 9–1–1 Education Month.

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

Mr. DAVIS of Illinois. Madam Speaker, I have no further requests for time, and I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 537, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1430

E. ARTHUR GRAY POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3196) to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3196

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

SECTION 1. E. ARTHUR GRAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, shall be known and designated as the ''E. Arthur Gray Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''E. Arthur Gray Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I stand with my colleagues from the Empire State of New York in consideration of H.R. 3196, which renames a postal facility in Port Jervis, New York, in honor of E. Arthur Gray, former mayor and statesman from Orange County, New York. H.R. 3196 enjoys the support of the entire congressional delegation from New York, and was introduced by my colleague Representative JOHN HALL back on July 26, 2007. The measure was taken up by the Oversight Committee on February 26, 2008, and was passed by a voice vote.

H.R. 3196 calls for honoring E. Arthur Gray's service to his community, State, and therefore his country by designating the post office in his hometown of Port Jervis, New York, as the E. Arthur Gray Post Office Building.

E. Arthur Gray was Port Jervis's longest serving mayor, completing 5½ terms from 1978 to 1988. After his tenure as mayor, in 1988 Gray became a New York State senator by ousting a 16-year incumbent. Gray represented New York's 39th District during his time in the New York legislature.

A native and lifelong resident of Port Jervis, Gray began his professional career as cofounder and director of Gray-Parker Funeral Home in Port Jervis, New York, before entering the realm of public service and politics. Well-known throughout Orange County, New York, for his stellar high school basketball days at Port Jervis High School and as a World War II veteran, Gray gave unselfishly of himself by serving as the chairman of the Port Jervis Community Development Agency, a member of the Orange County Economic Development Agency and as chairman of the National League of Small Cities Advisory Council.

Madam Speaker, in honor of E. Arthur Gray's public service and compassionate spirit, let us pass without reservation H.R. 3196 and rename the postal facility on Sussex Street in Port Jervis, New York, after this great American citizen.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of this bill designating the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the E. Arthur Gray Post Office Building.

A native of Port Jervis, Arthur Gray spent a lifetime serving his community, State, and country. He was well-known in the community, first as a high school basketball star, then as a veteran of the Second World War who later became a local funeral home director.

Mr. Gray accomplished a lot by the time he was elected to his first term as mayor of Port Jervis in 1978. Described as generous and always willing to lend a helping hand, Mayor Gray was the longest serving mayor in the history of Port Jervis, maintaining his position for five and a half terms until 1988, when he was elected to represent the 34th District in the New York State Senate.

His commitment to the community extended far beyond his office doors. He was a former member and chairman of the Port Jervis Community Development Agency, a former member of the Orange County Economic Development Agency, former chairman of the National League of Small Cities Advisory Council, and participated in numerous local boards and organizations.

Sadly, Arthur Gray died on April 10, 2007, at the age of 82. A loving husband, father of two, grandfather, and truly dedicated public servant, Arthur Gray exemplified civic duty and social responsibility. His contributions to his community and beyond will not soon be forgotten, and I urge that we accept this bill memorializing the tremendous life of this man.

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

Mr. DAVIS of Illinois. Madam Speaker, I urge passage of this bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3196.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

STEVE W. ALLEE CARRIER ANNEX

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4166) to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4166

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

SECTION 1. STEVE W. ALLEE CARRIER ANNEX.

(a) DESIGNATION.—The facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, shall be known and designated as the ''Steve W. Allee Carrier Annex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Steve W. Allee Carrier Annex''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as he may consume to the honorable gentleman from Missouri (Mr. SKELTON), the author of this bill.

Mr. SKELTON. Madam Speaker, I certainly thank the gentleman for yielding and giving me this opportunity.

It goes without saying that the United States Postal Service has an historic reputation for excellence and unyielding dedication to the people of our Nation. ''Neither snow nor rain nor heat nor gloom of night stays these carriers from the swift completion of their appointed rounds'' are the words engraved on the outside of the James A. Farley Post Office Building in New York City. Every day, thousands of postal employees proudly wear the uniform of the United States Postal Service with the understanding of the enormity of this commitment.

Today, Madam Speaker, I stand before the House in support of H.R. 4166, a bill I introduced to pay tribute to the life of one of those public servants, Mr. Steven W. Allee of Stoutland, Missouri, and a rural mail carrier for the citizens of Lebanon, Missouri.

Since 1989, Mr. Steve Allee held a full-time position as a rural carrier at the Lebanon, Missouri, Post Office. He was a dedicated employee, a loving family man to his wife Debbie, his children and his grandchildren, a member of the Buffalo Prairie Baptist Church, and a friend to many.

Tragically, Madam Speaker, on August 20, 2007, Mr. Allee was killed in the line of duty when his vehicle was swept away by floodwaters in rural Lebanon. This flash flood was unprecedented in its magnitude. As Mr. Allee completed his route, he approached a country bridge under which a typically dry creekbed usually lies. However, on this day, the rapidly falling rainwater had overtaken the bridge. When Mr. Allee attempted to cross, his vehicle was swept away.

Today, I urge the House of Representatives to honor this man for his public service and his commitment to his community. Let us pay our respects to his personal and postal family by designating the facility, the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the Steve W. Allee Carrier Annex.

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

In his hometown of Lebanon, Missouri, Steve Allee was known not just as a rural postal carrier at the Lebanon Post Office, but also as a dear friend and loving family man. He came from a family of letter carriers. His father was a highway contract driver, and his cousin is the postmaster in Stoutland, Missouri.

Mr. Allee was a dedicated post office employee for over 15 years until the tragic loss of his life while on the job on August 20, 2007. On that tragic day, Mr. Allee was going about his daily routine of delivering mail until a torrential rainstorm began. He was attempting to cross a bridge over what is normally a dry creekbed, but due to the rainfall, the creek had become flooded. Mr. Allee perished as his vehicle was washed away in the rush of water. This serves as an example of how public servants in the course of their everyday duties are sometimes thrust into dangerous and, in this case, deadly circumstances.

We acknowledge Mr. Allee's service and his sacrifice. He will be deeply missed by all the people's lives that he touched.

With this, I ask my colleagues to join me in support of this fitting tribute to a dedicated postal employee who lost his life in the line of duty.

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

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues from the great State of Missouri in the consideration of H.R. 4166, which names the postal facility in Lebanon, Missouri, after Steve W. Allee, a dedicated and long-serving United States postal worker.

H.R. 4166, which was introduced by Representative IKE SKELTON of Missouri on November 13, 2007, was considered and reported from the Oversight Committee on February 26, 2008, by a voice vote. The measure has the support of the entire congressional delegation from Missouri and provides us with yet another opportunity to pay tribute to an American citizen whose life was taken while simply performing his professional duties of delivering the mail.

The story of Mr. Allee's tragic death begins on Monday, August 20, 2007, where, according to a Missouri State Highway Patrol report, at 2 p.m. in Laclede County, 10 miles east of Lebanon, Missouri, a 2003 Chevy Blazer driven by Steve Allee, 51, of Stoutland, Missouri, came upon a flooded roadway and was swept away as a result of flooding on the Missouri River.

□ 1445

Allee, who was on duty during the accident, was found 2 miles downstream and pronounced dead at the scene.

At the urging of Representative SKELTON, passage of H.R. 4166 will allow Congress to make in order a small tribute to this big-hearted individual, a United States postal carrier himself. Mr. Allee had been delivering mail since 1989, when he succumbed to his death as a result of the Missouri River overrunning its banks last fall.

Let us also remember and express our gratitude for the life of this dedicated postal worker, who was tragically taken from us by a force of nature while performing his vocation of delivering the mail, by passing H.R. 4166.

I want to thank Representative IKE SKELTON for moving to honor this gentleman for the work that he not only did but for the life that he gave.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4166.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONGRATULATING IOWA STATE UNIVERSITY FOR 150 YEARS OF LEADERSHIP AND SERVICE

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 924) congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 924

Whereas Iowa State University of Science and Technology was established by the Iowa General Assembly on March 22, 1858, as the Iowa Agricultural College and Model Farm in response to the State of Iowa's desire to provide higher education opportunities to farm families and working classes in Iowa, predating the passage of the Federal Morrill Act by 4 years;

Whereas on September 11, 1862, Iowa became the first State in the United States to accept the terms and conditions of the Morrill Act creating the land-grant system of colleges and universities;

Whereas the Iowa Agricultural College and Model Farm, known today as Iowa State University of Science and Technology, received Iowa's land-grant charter on March 29, 1864, making it one of the first land-grant institutions in the United States;

Whereas Iowa State University was a pioneer in all 3 parts of the land-grant mission, including—

(1) allowing access to all, regardless of race, gender, or social class;

(2) practical research; and

(3) outreach;

Whereas Iowa State University fulfilled the 3 parts of the land-grant mission by—

(1) creating the first land-grant institution to be coeducational from its opening, with 16 women in its first class; future suffragist Carrie Chapman Catt was an 1880 graduate; and George Washington Carver was the first African-American student, earning a bachelor's degree in 1894 and a master's degree in 1896, and was also the institution's first African-American faculty member;

(2) establishing the United States' first Engineering Experiment Station and domestic economy experimental kitchen, and one of the first agriculture experiment stations; and

(3) organizing the Farmers Institutes in the winter of 1869, by Iowa State President Adonijah Welch, and organizing the nation's first county Extension Service in 1903 in Sioux County in northwest Iowa by Professor Perry Holden;

Whereas some of the most important technological advancements of the modern world were the result of research at Iowa State, including—

(1) development of hybrid seed corn in the 1920s;

(2) pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials by Professor Orland Sweeney in the 1930s;

(3) invention of the electronic digital computer in the late 1930s by Professor John Atanasoff and graduate student Clifford Berry, whose Atanasoff-Berry Computer was the first to incorporate the 7 basic principles of modern computing;

(4) laying the foundation for the modern plastics industry with polyethylene research by Professor Henry Gilman;

(5) development of the process still used today to refine pure rare-earth materials, including reactor-grade uranium, by Professor Frank Spedding and Harley Wilhelm, as a result of Iowa State's key role in the Manhattan Project in WWII;

(6) development of modern livestock animal genetics by Professor Jay Lush; and

(7) first field-testing of a genetically altered plant (tobacco) in 1987 and genetically altered tree (poplar) in 1989 by Professor Robert Thornburg;

Whereas Iowa State hired one of the first permanent campus artists-in-residence, with sculptor Christian Petersen holding that position from 1934 to 1955 and providing hundreds of sculptures and other art objects to the university, whose Art on Campus collection today includes more than 600 major public works of art;

Whereas Iowa State has had a technology transfer office since 1935, longer than all but one other university in the United States, and is acknowledged today as a leader in putting technology to work, being cited as a ''model of economic development'' and ''licensing powerhouse'' in a 2007 study commissioned by the National Science Foundation;

Whereas Iowa State University is today spearheading new advances in science and technology, including new materials, information sciences, green architecture, biological research, and the development of biorenewable fuels and other resources to support the bioeconomy and the Nation's independence from nonrenewable petroleum resources; and

Whereas more than 257,000 degrees have been awarded by Iowa State, and its graduates include heads of State, leaders of industry, great humanitarians, and gifted scientists, whose work has improved the quality of life for people worldwide: Now, therefore, be it

Resolved, That the United States House of Representatives congratulates Iowa State University of Science and Technology for 150 years of outstanding service to the State of Iowa, the United States, and the world in fulfilling its mission as a land-grant university; and thanks the State of Iowa for its visionary leadership in the beginning of the land-grant movement in the United States of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 924 into the RECORD.

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

There was no objection.

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

Madam Speaker, I am proud to speak today in strong support of House Resolution 924, congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university.

Iowa State University is not in the Second District, but it is a very important place to me. The university serves thousands of students across Iowa, helping them prepare for the workforce and starting them on the path to success. Iowa State is my alma mater. I received a first-rate education at the university; and although I now represent the University of Iowa Hawkeyes, I am proud to be a Cyclone.

Iowa State has many claims to fame. It was the first land-grant institution to be coeducational from its opening, with 16 women in its first class.

Future suffragette Carrie Chapman Catt was an 1880 graduate. George Washington Carver was the first African American student, earning a bachelor's degree in 1894 and a master's degree in 1896 and was also the institution's first African American faculty member.

Iowa State is also known for its cutting-edge agricultural research. Agriculture is a driving force in our State's economy, and the work the university does helps us remain competitive and strong. I am proud to say that most undergraduate and graduate students enrolled at Iowa State come from Iowa, and a large proportion of these students remain in Iowa.

In fact, about 71 percent of College of Agriculture and Life Science graduates stay in Iowa for their first jobs. Young men and women graduate and gain employment on farms and agricultural services, in forestry, in fishing, and much more.

I congratulate Iowa State University for 150 years of excellence, and I look forward to another 150 years of the same.

Madam Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 924, congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university.

Iowa Agriculture College and Model Farm, now Iowa State University, was officially established on March 22, 1858. As a land-grant institution, Iowa agriculture college focused on ideals that higher education should be accessible to all and that the university should teach liberal and practical subjects. These ideas are integral to the land-grant university policy.

Even before Abraham Lincoln signed a law that gave birth to the land-grant universities, Iowa State was actively bringing knowledge to the people of Iowa through farmers' short courses and farm demonstrations. The first official class, consisting of 24 men and

two women, entered at Ames in 1869 and graduated in 1872.

Iowa State then was a leader and is now a leader in agriculture, engineering, extension, home economics, and created the Nation's first State veterinary medicine school in 1879. In 1959, the college was officially renamed Iowa State University of Science and Technology. The focus on technology has led to many research patents and inventions, including the first binary computer, the round hay baler, and many, many more.

Today Iowa State University has approximately 27,000 students, some change from over 100 years ago. With world-class programs in agriculture, technology, science and art, the ''U.S. News & World Report'' ranks Iowa State among the top 50 public national universities. Half of Iowa State University freshmen get an early boost in academic success by participating in Iowa State's highly touted Learning Communities Program. Additionally, Iowa State University is ranked 18th in the Nation for its study or work abroad programs.

Iowa State University is a very special place that is full of history; but what truly makes it unique is a rare combination of campus beauty, the opportunity to be part of the land-grant experiment, and to create a progressive and inventive spirit that they call the Cyclone Experience.

I extend my congratulations along with all my colleagues to the university president, Gregory Geoffroy, all of Iowa State University's faculty, its staff, certainly, its students and alumni, and wish them continued success.

Madam Speaker, I ask that my colleagues support this resolution, and I reserve the balance of my time.

Mr. LOEBSACK. First I want to thank the gentleman from New York for his wonderful words for Iowa State University.

Madam Speaker, I yield as much time as he may consume to my friend and mentor, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Madam Speaker, I rise today in support of House Resolution 924, celebrating the 150th anniversary of Iowa State University.

I want to thank my dear friend, Congressman LOEBSACK, for his leadership and yielding the time, and I also want to thank Congressman BRALEY and Congressman LATHAM for their leadership on this resolution.

Iowa State University has made noteworthy contributions to the State of Iowa, our Nation and the world since being established in 1958. Iowa State was the first co-ed land-grant institution providing opportunities for students regardless of gender, race, or social class. Iowa State is home to critical agriculture research, from the development of the hybrid seed corn in the 1920s to important work on the development of ethanol and to the development of modern livestock animal genetics and many more.

Iowa State continues to lead the Nation in research into biorenewable fuels and modern agriculture. In 2005 Iowa State's students finished third in the North American Solar Challenge, the world's longest solar car race. Iowa State has excelled in a number of other areas, from development of the electronic digital computer in the 1930s to research into refining reactor-grade uranium.

The campus of Iowa State is also noteworthy. With over 600 public works of art, Iowa State was rated one of the 25 most beautiful campuses in ''The Campus as a Work of Art.'' Iowa State has graduated a number of prominent contributors to our Nation, including, as mentioned, George Washington Carver, who went on to serve as the school's first African American faculty member, as well as suffragette Carrie Chapman Catt, who graduated in 1880.

In fact, more than half my colleagues in the current Iowa delegation attended Iowa State, including Mr. LOEBSACK, who is the floor manager of the bill, BRUCE BRALEY, TOM LATHAM, and Senator TOM HARKIN.

I look forward to continuing to work with the great institution that is Iowa State University and I am confident that Iowa State will continue to have great influence in Iowa and across our Nation. Again, congratulations to Iowa State University for 150 remarkable years.

Madam Speaker, I urge support of this resolution.

Mr. KING of Iowa. Madam Speaker, Iowa State University is one of the most respected land-grant universities in the Nation. Created by the Iowa General Assembly in 1858, the Iowa Agricultural College and Model Farm was designated the first land-grant college when Iowa became the first state to accept the terms of the Federal Morrill Act in 1864.

The act allowed Iowa to sell Federal land to finance a new college open to all, regardless of wealth, race or sex; offering a practical education in engineering, agriculture, and military science as well as classical studies; and sharing research knowledge with all Iowans. Iowa State University officially opened in 1869 and was the first coeducational land-grant school. Today, we are proudly celebrating the 150th anniversary of Iowa State University.

Iowa State University has been a leader in science in technology throughout its long history. The world's first electronic digital computer was developed at Iowa State by math and physics professor John V. Atanasoff and graduate student Clifford Berry, in the late 1930s. Their invention, the ABC computer, has been called the most important technological innovation of the 20th century.

The university is a leader in virtual reality research and its most advanced virtual reality theater, the C6, is the Nation's first six-sided theater that totally immerses the user in images and sound.

Iowa State is one of the top three U.S. universities in the development of patentable biotechnology. Last February, the Iowa Board of Regents approved a $32 million budget and conceptual design for a new biorenewables research laboratory at Iowa State University. The laboratory is the first piece of a new biorenewables complex planned for the university.

Biorenewables research is the future of ISU and the State of Iowa. I congratulate Iowa State University on 150 years, and wish them many more. Go Cyclones.

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate my alma mater, Iowa State University, for 150 years of service to Iowa and the Nation. Iowa State University was founded on March 22, 1858, as the Iowa Agricultural College and Model Farm. The college was one of the first land grant institutions in the country and was founded in response to the state of Iowa's strong desire to provide higher education opportunities to farm families and the working class in Iowa.

I'm proud to say that my alma mater has taken an active role in promoting social justice and racial equality throughout its 150 year history. Iowa State University was the first coeducational land grant university with 16 women in its first class. George Washington Carver was the first African American to graduate from the college in 1880 and later served as a faculty member at Iowa State. Women suffragist Carrie Chapman Catt also graduated from Iowa State in 1880. Finally, Iowa State is home to the only division one football stadium to be named for an African American. Jack Trice stadium is named for Iowa State football player Jack Trice. Trice died due to injuries suffered during an Iowa State football game in 1923.

Some of the biggest technological advancements in the world of science were made at Iowa State University. In the late 1930's Professor John Atanasoff and graduate student Clifford Berry invented the first electronic digital computer at Iowa State. In the 1920's hybrid seed corn was developed at Iowa State and in the 1930's Professor Orland Sweeny conducted pioneer work on ethanol production from corn. Finally, the school established the Nation's first engineering experiment station and domestic economy experimental kitchen, and one of the first agricultural experiment stations.

I'm proud to call Iowa State my alma mater and congratulate them for 150 years of academic excellence. I urge my colleagues to join with me in congratulating the Iowa Sate community for all they have done and will continue to do for Iowa and the nation.

Mr. LATHAM. Madam Speaker, as a proud original cosponsor of House Resolution 924, a resolution congratulating Iowa State University on its sesquicentennial, I would like to take a moment to express my support for its passage and thank the leadership of the House for bringing it to the floor for consideration.

I am proud to have the opportunity to represent the 4th Congressional District of Iowa, the home of Iowa State University and want to congratulate them on their 150th Anniversary. Iowa State's contributions to the State of Iowa, Nation and world are second-to-none and it deserves to receive special recognition. Established on March 22, 1858, Iowa State University has been a pioneer on many fronts; it has

demonstrated leadership on very important issues such as equal education and agriculture. Iconic figures such as George Washington Carver and suffragist Carrie Chapman Catt received their education from this outstanding center of learning.

Widely recognized and respected for its service, Iowa State University has now been a leader in higher education for 150 years. Today, it is regarded as one of the greatest agricultural institutions in the Nation and was one of the first institutions to be designated as a land grant institution. The entire agricultural economy is dependent on the agricultural research carried out by Iowa State University. And, its work in biorenewable energy has contributed to the development of alternative fuel sources important to help America reduce its dependence on foreign energy sources. But agriculture and renewable energy are not the only areas in which Iowa State University excels. Engineering, architecture and computer sciences, to name a few, are other areas of higher learning that attract students from all over the globe to Ames, Iowa.

I would also like to applaud Iowa State University President Gregory Geoffrey, the faculty, staff, students and alumni for continuing the rich tradition of excellence and upholding its superior reputation. On behalf of all Iowans, I want to thank Iowa State University for being a source of pride and for the positive influence it has had on the state of Iowa. Again, I am honored to represent this wonderful university and proud to call myself a Cyclone.

Mr. KUHL of New York. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 924, as amended.

The question was taken.

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

Mr. KUHL of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING THE UNIVERSITY OF KANSAS FOOTBALL TEAM FOR WINNING THE 2008 FEDEX ORANGE BOWL

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 948) congratulating the University of Kansas (''KU'') football team for winning the 2008 FedEx Orange Bowl and having the most successful year in program history, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 948

Whereas on January 3, 2008, the University of Kansas (KU) football team won the 2008 FedEx Orange Bowl, defeating Virginia Tech by a score of 24 to 21 for the first major bowl victory in university history;

Whereas the KU football team won 12 games this season to set a school record;

Whereas KU ranked seventh in the final Top 25 polls released on January 8, 2008, for the second highest final ranking in school history (the school ranked sixth in 1968);

Whereas the KU football team reached a number 2 ranking on November 18, 2007, their highest national ranking in program history;

Whereas the KU team set the school record for points, an average of 42.77 points per game, and total yards (479.77 yards);

Whereas KU was the only school in the country to rank in the top 5 nationally in both scoring offense (second) and scoring defense (fifth);

Whereas Head Coach Mark Mangino was awarded multiple national coach of the year honors;

Whereas Head Coach Mark Mangino has produced a minimum of 6 wins in 3 straight seasons for the first time in 46 years for the KU football program;

Whereas the KU football team produced 2 first-team All-Americans, cornerback Aqib Talib and offensive tackle Anthony Collins, and 1 second-team All-American in defensive tackle James McClinton; and

Whereas the KU football team was also honored to have 2 Academic All-America recipients on the team, Russell Brorsen and John Larson: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and commends the University of Kansas football team for winning the 2008 FedEx Orange Bowl and for having the most successful year in program history;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Kansas football team win the FedEx Orange Bowl; and

(3) respectfully requests the Clerk of the House of Representatives to transmit enrolled copies of this resolution to the following individuals for display:

(A) Robert Hemenway, Chancellor of the University of Kansas.

(B) Richard Lariviere, Provost and Executive Vice Chancellor of the University of Kansas.

(C) Lew Perkins, Athletics Director of the University of Kansas.

(D) Mark Mangino, Head Coach.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 948 into the RECORD.

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

There was no objection.

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

Madam Speaker, I would like to congratulate the University of Kansas for winning the 2008 FedEx Orange Bowl and having the most successful year in the program's history.

On January 3, 2008, Kansas captured its first major bowl victory in university history by defeating Virginia Tech. College football fans, student athletes, and the Nation were treated to an exceptional college bowl game.

I want to extend my congratulations to head coach Mark Mangino, athletic director Lou Perkins, University of Kansas Chancellor Robert Hemenway, and Kansas's student athletes for winning the Orange Bowl and obtaining a school record 12–1 season.

I also want to extend my congratulations to the Virginia Tech Hokies and their student athletes for a great season.

Winning the Orange Bowl and finishing the season with a 12–1 record has brought positive national attention to Kansas, and I know the fans of the university will cherish this moment as they look forward to the 2008 season. Student athletes balance a rigorous school workload with the many practices and games in which they compete. I am proud of student athletes for their dedication to their schoolwork and their sport.

Madam Speaker, once again I congratulate the University of Kansas for their success, and I reserve the balance of my time.

□ 1500

Mr. KUHL of New York. Madam Speaker, I yield myself such time as I may consume.

I noticed that the gentleman from Iowa was a little quizzical and hesitant in congratulating a fellow Big 12 team from Kansas. But in any case, Madam Speaker, I rise today in support of House Resolution 948 congratulating the University of Kansas football team, affectionately known as KU, for winning the 2008 FedEx Orange Bowl and having the most successful year in program history.

On January 3, 2008, the University of Kansas football team won the 2008 FedEx Orange Bowl defeating Virginia Tech by a score of 24–20 for its first major bowl victory in university history.

The KU football team won a school record 12 games this past season and ended the season ranked seventh in the final top 25 polls released on January 8, 2008. This is the second highest final ranking in school history.

This past year's KU team set the school record with points per game, with an average of 42 points per game, and total yards per game, with an average of 479 yards. KU is the only school in the country to rank in the top five

nationally in both scoring offense, which was second, and scoring defense, in which they were fifth.

Following the remarkable year, head coach Mark Mangino was awarded multiple national Coach of the Year awards. And, in fact, Coach Mangino has produced a minimum of six wins in three straight seasons, for the first time in 46 years for the KU football program.

The KU football team also produced two first team All Americans, cornerback Aquib Talib and offensive tackle Anthony Collins. Equally important, the team produced two academic All American recipients, Russell Brorsen and John Larson.

In addition to successful athletic programs, KU also provides faculty, academic and research programs of international distinction, and outstanding libraries, teaching museums, and teaching technology. These resources enrich the undergraduate experience and are essential for graduate-level education and for research.

From early existence, the University of Kansas has been fueled by high aspirations and has enjoyed a national reputation for innovation and academic excellence. I extend my congratulations to head coach Mark Mangino, all of the hardworking players, the fans, and to the University of Kansas. I am happy to join my friend and colleague in honoring this exceptional team for all of its accomplishments and wish all involved continued success. I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LOEBSACK. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), also the distinguished Chair of the Armed Services Committee on which I serve.

Mr. SKELTON. Madam Speaker, I thank the gentleman for yielding, and let me take this opportunity to congratulate the gentlelady from Kansas (Mrs. BOYDA) for paying tribute to the Kansas University football program. It is impressive.

But I would yield to the gentleman from Iowa if he would answer a few questions.

Mr. LOEBSACK. Yes, I will.

Mr. SKELTON. I would be remiss if I did not take this opportunity to ask you if you know of the outcome of the Missouri University Tigers football team when they played the Kansas Jayhawks on November 24, 2007.

Mr. LOEBSACK. No.

Mr. SKELTON. Would you be interested in knowing that the Missouri Tigers defeated the Kansas Jayhawks 36–28 on November 24, 2007?

Mr. LOEBSACK. Yes.

Mr. SKELTON. And would you also be interested in knowing that the Missouri Tigers finished fourth on the national Associated Press poll to Kansas' number 7 on the Associated Press poll?

Mr. LOEBSACK. Yes.

Mr. SKELTON. I thank you.

Mr. KUHL of New York. Madam Speaker, I yield back the balance of my time.

Mr. LOEBSACK. Madam Speaker, I thank Chairman SKELTON for his comments.

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to introduce House Resolution 948, which honors the University of Kansas football program on their recent victory at the Orange Bowl and their most successful year in program history.

On January 3, the KU football team won the 2008 FedEx Orange Bowl, marking their first major bowl victory in university history. Leading up to the bowl game, the team placed 12 wins on their roster, setting a new school record for wins in a season. KU also reached the number two spot of the AP national poll, which marked the highest national ranking that the program has ever received.

Among their athletic accomplishments this season, the team also produced three students who received All-American titles for their performances on the field and two other students who were Academic All-American recipients. Head Coach Mark Mangino also received multiple national Coach of the Year honors.

Please join me in recognizing these accomplishments and congratulating KU on their amazing victories this season.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 948, as amended.

The question was taken.

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

Mr. KUHL of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING THE WOMEN'S WATER POLO TEAM OF UCLA FOR WINNING THE 2007 NATIONAL CHAMPIONSHIP

Mr. LOEBSACK. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 493) congratulating the women's water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women's Water Polo National Championship, and congratulating UCLA on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 493

Whereas on May 13, 2007, the women's water polo team of the University of California, Los Angeles (UCLA), defeated Stanford 5–4 in the championship game of the NCAA Division I Women's Water Polo National Championship tournament;

Whereas the victory gave Head Coach Adam Krikorian and the Bruins women's water polo team their third consecutive NCAA Championship and was the team's fifth overall national title;

Whereas Kelly Rulon, a driver for the Bruins, was selected as the tournament's Most Valuable Player;

Whereas UCLA women's water polo players Kelly Rulon, Emily Feher, Courtney Mathewson, Jillian Kraus, and Kacy Kunkel were named to the NCAA All-Tournament First Team;

Whereas the UCLA women's water polo team finished the 2007 season with a record of 28 wins and 2 losses, and now has a record of 90 wins and 6 losses over the past 3 seasons;

Whereas the 2007 Women's Water Polo National Championship makes UCLA the first school ever to win 100 NCAA sports national titles;

Whereas UCLA won its 100th NCAA title less than 58 years after the UCLA men's tennis team won the school's first NCAA title in 1950;

Whereas 16 different men's and women's sports programs contributed to the Bruins' 100 NCAA national championships, including—

(1) men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995;

(2) men's golf in 1988;

(3) women's golf in 1991 and 2004;

(4) men's gymnastics in 1984 and 1987;

(5) women's gymnastics in 1997, 2000, 2001, 2003, and 2004;

(6) men's soccer in 1985, 1990, 1997, and 2002;

(7) women's softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004;

(8) men's swimming in 1982;

(9) men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005;

(10) men's track and field in 1956, 1966, 1971, 1972, 1973, 1978, 1987, and 1988;

(11) women's outdoor track and field in 1982, 1983, and 2004;

(12) women's indoor track and field in 2000 and 2001;

(13) men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006;

(14) women's volleyball in 1984, 1990, and 1991;

(15) men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004; and

(16) women's water polo in 2001, 2003, 2005, 2006, and 2007;

Whereas UCLA teams have won 14 NCAA national championships during the tenure of Daniel G. Guerrero, the current Director of Athletics at UCLA; and

Whereas UCLA, under the leadership of Chancellor Gene Block, continues to establish itself as one of the top research universities as well as top athletic programs in the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the women's water polo team of the University of California, Los Angeles, and Head Coach Adam Krikorian for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates UCLA on becoming the first school to win 100 NCAA sports national championship titles, making it the most accomplished athletic program in NCAA history; and

(3) recognizes the achievements of all the players, coaches, students, alumni, and staff of UCLA who were instrumental over the years in this prestigious achievement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LOEBSACK) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LOEBSACK. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 493 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today to congratulate the University of California, Los Angeles, on its 100th NCAA team championship. On May 13, 2007, the women's water polo team, led by head coach Adam Krikorian, defeated Stanford 9–4 in the last round of the Women's Water Polo National Championship tournament, thereby making the University of California, Los Angeles, the first team in history to win 100 NCAA team championships.

This was the team's third consecutive NCAA championship and its fifth overall national title. Team member Kelly Rulon was selected as the tournament's Most Valuable Player, and Ms. Rulon and four of her teammates, Emily Feher, Courtney Mathewson, Jillian Kraus, and Kacy Kunkel, were named to the NCAA all-tournament team.

UCLA won its first national title in men's tennis in 1950. Since then, 16 different athletics programs, nine men's programs and seven women's, have won national championships in the sports of basketball, golf, gymnastics, soccer, softball, swimming, tennis, track and field, volleyball, and, of course, water polo. In the last 5 years alone, under the leadership of director of athletics Dan Guerrero, UCLA teams have won 14 NCAA national championships in nine different sports.

This extraordinary achievement is a tribute to the skill and dedication of the many players, coaches, students, alumni, families, professors, staff, and fans who have helped to make UCLA an athletic powerhouse as well as an academic force.

Madam Speaker, I express my support for H. Res. 493 and urge my colleagues to pass this measure.

Madam Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, I rise in support of H. Res. 493 as well. But there is a person in the Chamber who is a little closer than the gentleman from Iowa or myself from New York, and so I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I very much appreciate my colleague's courtesy. Almost all that I was going to say about UCLA's prowess in athletics has already been stated for the RECORD.

Having said that, Madam Speaker, many a person looking at the wondrous world of athletics oftentimes thinks only of the 11 banners that involves John Wooden's era as coach of UCLA's basketball team. As has been suggested, one would really miss the point of the fabulous work done at the UCLA campus, way beyond athletics, in academics, et cetera. But indeed, the women's water polo team set the standard by winning the 100th championship when they won one more time. It is a fabulous item to be associated with UCLA and to get this recognition from so many great friends.

In the meantime, I want you all to know that my dog Bruin very much appreciates the attention.

Madam Speaker, I rise today to congratulate the UCLA Bruins for being the most accomplished athletic program in NCAA history, having won 100 NCAA championships.

Many observers might presume that for UCLA the only game in town is men's basketball. Many walk into Pauley Pavilion and see 11 championship banners, experience the legacy of John Wooden, and presume that's all there is. But for UCLA, that is only the beginning.

The UCLA men's tennis team won the first NCAA championship for the Bruins in 1950 and the last 58 years have been witness to an unprecedented record of success. Including the 11 men's basketball titles, UCLA's championship record extends across 16 different programs including multiple titles in men's volleyball, 19; men's tennis, 16; women's softball, 10; men's track and field, 8; men's water polo, 8; women's gymnastics, 5; women's track and field, 5; and women's water polo, 5.

UCLA's 100th championship came from the women's water polo team, which won its third consecutive NCAA Division I championship on May 13, 2007. The Bruins, coached by Adam Krikorian, finished 28–2 and have been 90–6 over the past three seasons. Courtney Mathewson scored three goals and Jillian Kraus added two more as the Bruins beat rival Stanford. Kelly Rulon was selected as the tournament's Most Valuable Player. Rulon, Mathewson, and Kraus were joined by Emily Feher and Kacy Kunkel as members to the NCAA All-Tournament First Team.

These championships reflect the philosophies of great Bruin coaches like basketball icon John Wooden and volleyball legend Al Scates. Their commitment to hard work, discipline, and sportsmanship has created a legacy of victory unparalleled in college sports. Additionally, the contributions of all the fans, students, alumni, and staff have been instrumental over the years in helping UCLA achieve 100 championships.

The list of Bruin athletes who contributed to the school's heritage of victory is a rollcall of the greatest athletes of our time: Lewis Alcindor, Arthur Ashe, Evelyn Ashford, Jimmy Connors, Gale Devers, Mitch Gaylord, Florence Griffith-Joyner, Jackie Joyner-Kersee, Karch Kiraly, Jackie Robinson, Bill Walton, and others.

I'm especially proud that UCLA is a public university committed to diversity and fulfilling the promise of Title IX. Since 1982, Bruin women teams have contributed 30 championships to UCLA's total. This is enough to put them 11th on the NCAA's all-time champions list.

One hundred championships is a reflection of the teamwork that is the hallmark of UCLA athletics and its strong tradition of combining excellence in athletics with excellence in academics. UCLA's commitment to hard work, discipline, and sportsmanship has created a tradition of victory unparalleled in college sports.

Mr. KUHL of New York. Madam Speaker, I join with my colleagues from Iowa and California in support of this resolution.

Madam Speaker, I rise today in support of House Resolution 493—Congratulating the women's water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women's Water Polo National Championship, and congratulating UCLA on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history.

On May 13, 2007, the UCLA women's water polo team defeated Stanford 5–4 in the championship game of the NCAA Division I Women's Water Polo National Championship tournament.

The victory gave head coach Adam Krikorian and the Bruins women's water polo team their third consecutive NCAA championship and was the team's fifth overall national title.

Kelly Rulon, a driver for the Bruins, was selected as the tournament's most valuable player; and Emily Feher, Courtney Mathewson, Jillian Kraus, and Kacy Kunkel were named to the NCAA All-Tournament First Team.

The UCLA women's water polo team finished the 2007 season with a record of 28 wins and 2 losses and now has a record of 90 wins and 6 losses over the past 3 seasons.

This national title makes UCLA the first school ever to win 100 NCAA sports national titles—only 58 years after the UCLA men's tennis team won the school's first NCAA title in 1950. Along the way, 16 different men's and women's sports programs contributed to the Bruins' 100 NCAA national championships.

UCLA teams have won 14 NCAA national championships during the tenure of Daniel G. Guerrero, the current director of athletics. Under the leadership of Chancellor Gene Block, UCLA continues to establish itself as one of the top research universities as well as top athletic programs in the Nation.

I extend my congratulations to Chancellor Block, Athletics Director Guerrero, Head Coach Adam Krikorian and his staff, all of the

hard-working players, the fans, and to UCLA. I am happy to join my good friend and colleague Representative LEWIS in honoring this exceptional team and all of its accomplishments and wish all involved continued success.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I proudly rise today to congratulate the University of California, Los Angeles—My alma mater—on its 100th NCAA team championship.

In a Nation with so many colleges and universities known for their strong sports programs, heck, in a city the size of Los Angeles with sports powerhouse USC right across town, this is a truly amazing accomplishment.

At UCLA, which has so many firsts in other areas, the 2007 UCLA women's water polo Team helped UCLA reach another first: the first to 100 NCAA team championships.

On May 13, 2007, the women's water polo team, led by Head Coach Adam Krikorian, defeated Stanford 9–4 in the last round of the Women's Water Polo National Championship tournament, thereby making history.

This was the team's third consecutive NCAA championship and its fifth overall national title. Team member Kelly Rulon was selected as the tournament's Most Valuable Player, and Ms. Rulon and four of her teammates—Emily Feher, Courtney Mathewson, Jillian Kraus, and Kacy Kunke—were named to the NCAA all-tournament team.

UCLA won its first national title in men's tennis in 1950. Since then, 16 different athletics programs—nine men's programs and seven women's—have won national championships in the sports of basketball, golf, gymnastics, soccer, softball, swimming, tennis, track and field, volleyball, and, of course, water polo.

In the last 5 years alone, under the leadership of Athletic Director Dan Guerrero, UCLA athletics teams have won 14 NCAA national championships in nine different sports.

This extraordinary achievement is a tribute to the skill and dedication of the many players, coaches, students, alumni, families, professors, staff, and fans who have helped to make UCLA an athletic powerhouse as well as one of the top academic universities in the Nation.

UCLA's accomplishment also demonstrates the success of Title IX. Of the 100 NCAA championships that UCLA teams have earned, women's teams have been responsible for 30. And the NCAA didn't even begin awarding championships in women's sports until the 1981–82 season.

To all the athletes of UCLA, past and present, male and female, you rock.

Mr. KUHL of New York. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 493, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 11 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. LEE) at 6 o'clock and 34 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 537, by the yeas and nays;

H.R. 3196, by the yeas and nays;

H.R. 4166, by the yeas and nays.

Votes on House Resolutions 924, 948 and 493 will be taken later this week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

NATIONAL 9–1–1 EDUCATION MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 537, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 537, as amended.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 47, as follows:

[Roll No. 108]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)

Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—47

Berry
Bonner
Boren
Brown, Corrine
Brown-Waite, Ginny
Buyer
Calvert
Cohen
Costello
Cubin
Cuellar
Davis, Tom
Doolittle
Gilchrest
Hooley
Hulshof
Jefferson
Kilpatrick
Langevin
Lynch
Marchant
McCrery
Miller (MI)
Mitchell
Moran (VA)
Neal (MA)
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rush
Sanchez, Loretta
Sullivan
Taylor
Thompson (MS)
Udall (CO)
Walsh (NY)
Waters
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Young (FL)

□ 1859

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

E. ARTHUR GRAY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3196, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3196.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 46, as follows:

[Roll No. 109]

YEAS—382

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

NOT VOTING—46

Berry
Bonner
Brown, Corrine
Brown-Waite, Ginny
Buyer
Calvert
Cohen
Costello
Cubin
Cuellar
Davis, Tom
Doolittle
Emerson
Gilchrest
Hooley
Hulshof
Jefferson
Kilpatrick
Lynch
Marchant
McCrery
Miller (MI)
Mitchell
Moran (VA)
Neal (MA)
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rush
Sanchez, Loretta
Taylor
Thompson (MS)
Turner
Udall (CO)
Walsh (NY)
Waters
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1909

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STEVE W. ALLEE CARRIER ANNEX

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4166, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4166.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 46, as follows:

[Roll No. 110]

YEAS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)

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

NOT VOTING—46

Berry
Bonner
Brown, Corrine
Brown-Waite, Ginny
Buyer
Calvert
Cohen
Costello
Cubin
Cuellar
Davis, Tom
Doolittle
Gilchrest
Grijalva
Hooley
Hulshof
Jefferson
Kilpatrick
Lynch
Marchant
McCrery
Miller (MI)
Mitchell
Moran (VA)
Murtha
Neal (MA)
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Rohrabacher
Ros-Lehtinen
Rush
Sanchez, Loretta
Taylor
Thompson (MS)
Turner
Udall (CO)
Walsh (NY)
Waters
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1918

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Madam Speaker, on rollcall Nos. 108, 109, and 110 I was unavoidably delayed. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to attend several votes. Had I been present, I would have voted "yea" on final passage of H. Res. 537, Expressing support for the designation and goals of "National 9–1–1 Education Month," "yea" on final passage of H.R. 3196, To designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building," and "yea" on final passage of H.R. 4166, To designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex."

PERSONAL EXPLANATION

Mr. MITCHELL. Madam Speaker, I was absent today from three rollcall votes due to family obligations in Arizona that required my attention.

Had I been present, I would have voted in favor of H. Res. 537, rollcall vote No. 108; H.R. 3196, rollcall vote No. 109; and H.R. 4166, rollcall vote No. 110.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY AS PART OF THE COMMEMORATION OF THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Concurrent Resolution 306, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. EHLERS. Madam Speaker, I reserve the right to object, but I will not object.

Madam Speaker, this is a very important resolution. It's something we do every year, and I can't imagine any more appropriate use of the rotunda of the Capitol than to recognize and commemorate the days of the Holocaust and the victims of the Holocaust. It's something that we do every year, something we should do every year and perhaps more frequently. And it is extremely important for us to recognize this as we confront genocide in other parts of the world, to recognize the genocide that started all genocides and started the discussions about the horrible nature of genocide. So I'm very strongly in favor of this.

Madam Speaker, I withdraw my reservation.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 306

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The Rotunda of the Capitol is authorized to be used on May 1, 2008, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO HONOR THE 5 YEARS OF SERVICE AND SACRIFICE OF OUR TROOPS AND THEIR FAMILIES IN THE WAR IN IRAQ AND TO REMEMBER THOSE WHO ARE SERVING OUR NATION IN AFGHANISTAN AND THROUGHOUT THE WORLD

Ms. ZOE LOFGREN of California. Madam Speaker, I send a concurrent resolution, H. Con. Res. 313, to the desk and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. EHLERS. Madam Speaker, I reserve the right to object, but I will not object. I simply want to point out this is a very important thing that we should do for our troops. I'm delighted that someone has suggested that we use the rotunda for this purpose.

We all know how difficult it has been for the troops in both Afghanistan and Iraq and in other parts of the world. We also know that there is not universal support in our country for the work that they are doing, and this makes their job doubly difficult. So I'm very pleased to support this resolution and make certain that we truly and properly honor the work of our Armed Forces and their families throughout the world when they work in such difficult circumstances.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. EHLERS. Yes, I would be delighted to yield.

Ms. ZOE LOFGREN of California. I would just note that, as the gentleman has mentioned, it is important that we honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and remember our troops serving in Afghanistan and throughout the world.

I would note that Ranking Member EHLERS is a cosponsor of this resolution, and both conflicts are still ongoing. Our troops' efforts have gone above and beyond the call of duty. Their sacrifice and dedication to their country must be honored, as well as the sacrifice and dedication of American troops stationed at home and around the world. And I am pleased that we will have this important recognition in the people's House, in the rotunda.

I thank the gentleman for yielding.

Mr. EHLERS. Reserving the right to object, I simply want to thank the gentlewoman from California for her good comments. And I hope every Member of this Congress will join us in approving this particular resolution.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 313

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR CEREMONY HONORING THOSE SERVING IN AFGHANISTAN AND IRAQ.

(a) USE OF ROTUNDA.—The rotunda of the Capitol is authorized to be used on March 13, 2008, for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

(b) PREPARATIONS.—Physical preparations for the ceremony referred to in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on the two concurrent resolutions just considered.

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

There was no objection.

REMARKS OF CONGRESSMAN STEVE KING REGARDING SENATOR BARACK OBAMA

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

Ms. SCHAKOWSKY. Madam Speaker, I rise to strongly condemn the remarks made about U.S. Senator and Democratic Presidential Candidate BARACK OBAMA by Congressman STEVE KING of Iowa, who said that if BARACK OBAMA became President, al Qaeda terrorists would, and I quote, ''be dancing in the streets in greater numbers than they did on September 11.'' Why? Because, he said, ''of his middle name and because of who his father was.''

Senator OBAMA, like all of us in this House, swore on the Bible to defend our country from all enemies, foreign and domestic. He has done nothing to warrant this attack. He has served his country honorably in the U.S. Senate. This attack on his patriotism, religion, heritage, and middle name amount to nothing more than a smear campaign.

I would fully expect these comments to come from people like Rush Limbaugh or Ann Coulter, not from one of my House colleagues. There is simply no room in this country for remarks like these, remarks that Mr. KING declares he stands by.

I urge my colleagues to join me in condemning these hateful remarks.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

H.R. 3196, NAMING THE PORT JERVIS POST OFFICE THE E. ARTHUR GRAY POST OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of New York. Madam Speaker, just moments ago, this body voted to pay an appropriate tribute to a dedicated public servant in New York's 19th Congressional District.

On April 10, 2007, the Hudson Valley lost one of its most involved leaders when E. Arthur Gray, a former five-term mayor of Port Jervis and New York State Senator, passed away at the age of 82 years old. He left behind a legacy of friendship, involvement and service that earned him a permanent place in the heart of Port Jervis and serves as an example of what it means to work for the betterment of your community.

By voting to pass legislation that would redesignate the post office in Port Jervis, New York, as the E. Arthur Gray Post Office Building, the House has acknowledged the contributions of an individual who loved his hometown and who, as a businessman, government official and family man, dedicated a significant portion of his time and energy to its civic life.

Simply put, Arthur Gray was a Port Jervis resident to the core: born February 28, 1925, in Port Jervis, a graduate of Port Jervis High School before leaving briefly for college, only to return as president and co-owner of the Gray-Parker Funeral Home in his native Port Jervis.

Art Gray's participation in public life extended to government service. He was mayor of Port Jervis from 1978 to 1988. A lifetime resident of Port Jervis, Gray gave his undivided attention to issues, both large and small, and was widely known for his open-door policy.

Art Gray remains the longest-serving mayor in the history of Port Jervis. During his tenure he was able to reinvigorate the downtown area and greatly improve the city's economic development plan. Citizens of the local area remember Art as a man who was generous in nature and willing to help those in need. After finishing his service as mayor, Art Gray maintained his commitment to public service by successfully running for a seat in the New York State senate in 1988.

He represented the 39th Senatorial District in that capacity until 1990. But E. Arthur Gray's contributions to his city and his country were not limited to business and politics. He served as a lieutenant in the U.S. Naval Reserve during World War II. He was also deeply involved in community life, and the list of organizations that count him as a member is astounding.

At one time or another, Art Gray was a member of the Port Jervis Community Development Agency, the Orange County Economic Development Agency, the National League of Small Cities Advisory Council, St. Mary's Roman Catholic Church, Bon Secours Community Hospital Advisory Board, Knights of Columbus Council No. 471, Ancient Order of Hibernians in America, Elks Lodge No. 645, BPOE, Port Jervis Lions Club, Tri-States Chamber of Commerce, Port Jervis Country Club, Metaque Falls Hunting Club, Tri-States Rod and Gun Club, the Port Jervis Board of Education, and Port Jervis Planning Board.

When you look at that list, you gain a true appreciation for how much time, energy, and dedication Art Gray devoted to betterment of his hometown. However, he devoted just as much, if not more, to his family and friends. He was extremely devoted to his wife, Helen; son, Gerald; daughter, Brigid; and numerous other family members and close friends. He is remembered by those closest to him as enthusiastic, optimistic, supporting, loving, and inspirational.

Through it all, E. Arthur Gray's life was deeply interwoven with the fabric of Port Jervis, his home, and it is fitting that the adoption of this bill will help memorialize his service.

□ 1930

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand with yet another sunset memorial. It is March 10, 2008, in the land of the free and the home of the brave, and before the sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent American lives that were lost on September 11, only it happens every day.

It has now been exactly 12,831 days since the travesty called Roe v. Wade was handed down by an arrogant Supreme Court. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common: They were each just little babies that had done nothing wrong to anyone; each one of them died a nameless and lonely death; and each of their mothers, whether she realizes it immediately or not, will never be the same; and all the gifts these children might have brought to humanity are now lost forever.

Yet, even in the full glare of such tragedy, this generation still clings to a blind, invisible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it's important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the only chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our core commitment to this self-evident truth. It has made us the beacon of hope for the whole world. It is who we are.

And yet, Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibilities as we broke faith with nearly 4,000 more innocent American babies who died today without the protection that we should have given them.

It seems so sad, Madam Speaker, that this sunset memorial may be the only public remembrance these children who died today will ever have in this Chamber. So, as small a gesture as it might be, I would respectfully ask this moment for a moment of silence for those lost little Americans.

Madam Speaker, let me conclude in the hope that perhaps someone new who hears this sunset memorial tonight will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,831 days killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered, and that all too soon, each of us will walk through these Chambers for the very last time. And if it should be that this Congress is allowed to convene at yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day when we find the humanity, the courage, and the will to embrace together our human and constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 10, 2008, Madam Speaker, 12,831 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This, in the land of the free and the home of the brave.

JOBS POST BIGGEST DROP IN 5 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, since 2000, our Nation has lost over 3,400,000 more manufacturing jobs. In fact, the job creation record of the Bush administration is the worst since the Hoover administration.

The figures released by the U.S. Department of Labor last week posted the largest job loss in 5 years. The report was much weaker than expected, and, strangely, the unemployment rate declined because there were fewer people in the workforce. CNN's Moneyline reported that employers made their deepest cuts in staffing in almost 5 years in February. There was a net loss of 63,000 more jobs, which is the biggest decline since March 2003, and weaker than the revised 22,000 job loss reported for January. The job loss was widespread, reaching beyond the battered construction industry, which lost 39,000 jobs, and manufacturing, where job losses hit 52,000.

Retailers cut 34,000 jobs while business and professional service cut 20,000 jobs. Temporary staffing firms cut nearly 28,000 jobs off their payrolls, another warning sign of employers pulling back, and hotels cut about 4,000 jobs, a sign that discretionary consumer spending could be on the wane. Overall, the private sector cut over 101,000 jobs according to the CNN Moneyline report.

The widening recession in almost every sector, not just the goods-producing sector, is extraordinarily important. I wish to place those numbers in the RECORD and say, Madam Speaker, America needs to create more real wealth here at home and stop borrowing prosperity and piling on more debt. We need to create jobs leading to energy independence in this country. We need to do more than just sort of flash our hand at that and be serious about it.

We need new transportation systems in our country. We need new bridges in the ground. We need people to be employed, those who now are idle labor, in helping to build back our economy from coast to coast.

A real stimulus package would lead our Nation to invest here at home, not just to borrow more from abroad. These numbers are serious omens. They're warning signs to those who have responsibility here in Washington to do more than manipulate interest rates. They would engage this Congress in an effort to build forward again in those sectors that would leave future generations real wealth, the kind of wealth that our ancestors left us: libraries, schools, highways, bridges, new energy systems, clean water systems, new transportation systems, new high-speed rail, new air control towers; the kind of wealth that can't be outsourced that belongs to the American people for generations to come.

Madam Speaker, I place in the RECORD the figures from the CNN Moneyline report about what happened with the biggest job loss in 5 years in this past quarter.

JOBS POST BIGGEST DROP IN 5 YEARS

(By Chris Isidore)

NEW YORK.—Employers made their deepest cut in staffing in almost five years in February, according to a closely watched government report Friday that showed the labor market far weaker than expected, fueling already building recession fears.

There was a net loss of 63,000 jobs, according to the Labor Department, which is the biggest decline since March 2003 and weaker than the revised 22,000 job loss reported for January. Economists surveyed by Briefing.com had forecast a gain of 25,000 jobs in the most recent reading.

The job loss was widespread, reaching beyond the battered construction sector, which lost 39,000 and manufacturing, where job losses hit 52,000. Retailers cut 34,000 jobs, while business and professional services cut 20,000 jobs.

Temporary staffing firms cut nearly 28,000 jobs off their payrolls, another warning sign of employers pulling back, and hotels cut about 4,000 jobs, a sign that discretionary consumer spending could be on the wane.

Overall the private sector cut 101,000 jobs, with only a gain in government employment limiting losses.

Despite the job loss, the unemployment improved to 4.8% from the 4.9% reading in January. Economists had forecast the unemployment rate would rise to 5%. The rate fell because of a big jump in the number of people that the government counted as no longer in the labor force.

The labor market has weakened significantly in recent months, prompting fears of recession along with a $170 billion economic stimulus package and a series of interest rate cuts from the Federal Reserve.

The Fed is next set to meet March 18 to consider what to do with interest rates. Friday's report would seem to suggest more rate cuts are on the way, despite the improved unemployment rate.

COMMITTEE HEARINGS ON CONSTITUTIONAL WAR POWERS RESOLUTION OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, this Thursday, March 13, 2008, the International Organizations, Human Rights, and Oversight Subcommittee will conduct a hearing on ''War Powers for the 21st Century: The Congressional Perspective.'' I would like to thank Chairman BILL DELAHUNT and Ranking Member DANA ROHRABACHER for scheduling this hearing. It is my understanding that Chairman DELAHUNT and Ranking Member ROHRABACHER also plan to hold two additional war powers hearings during the month of April.

I am extremely grateful for their interest in this very important issue. Along with former Congressmen David Skaggs and Mickey Edwards, who are cochairmen of the Constitutional Projects War Powers Initiative, this Thursday I will testify on the legislation I introduced in October of 2007, the Constitutional War Powers Resolution, H.J. Res. 53.

Too many times this Congress has abdicated its constitutional duty by allowing Presidents to overstep their executive authority. Our Constitution states that while the Commander-in-Chief has the power to conduct wars, only Congress has the power to authorize war.

It is for this reason that in 1999 I joined 16 of my colleagues in Congress to file a suit against President Clinton for unconstitutionally conducting offensive military attacks against Yugoslavia without obtaining a declaration of war or other explicit authorizations from Congress.

Now, as threats to international peace and security continue to evolve, the Constitutional War Powers Resolution, H.J. Res. 53, rededicates Congress to its primary constitutional role of deciding when to use force abroad.

In 1793, James Madison said, '' . . . The power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the legislature . . . the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war.''

The Framers of our Constitution sought to decentralize the war powers of the United States and construct a balance between the political branches.

□ 1945

The War Powers Resolution of 1973 aimed to clarify the intent of the constitutional Framers and to ensure that Congress and the President share in the decision-making process in the event of armed conflict. Yet, since the enactment of the resolution, time and again Presidents have maintained that the resolution's consultation, reporting, and congressional authorization requirements are unconstitutional obstacles to executive authority.

By more fully clarifying the war powers of the President and the Congress, the legislation I've introduced, H.J. Res. 53, the Constitutional War Powers Resolution, improves upon the War Powers Resolution of 1973 in a number of ways. It clearly spells out the powers that the Congress and the President must exercise collectively, as well as the defensive measures the Commander in Chief may exercise without congressional approval. It also provides a more robust reporting requirement that would enable Congress to be more informed and to have greater oversight. And it protects and preserves the checks and balances the Framers intended in the decision to bring our Nation into war.

Madam Speaker, I look forward to congressional hearings on this critical issue. The time for Congress to meet its constitutional duty is long overdue.

And with that, Madam Speaker, I would like to ask God to continue to bless our men and women in Afghanistan and Iraq, and to ask God to continue to bless the families of our men and women in uniform.

ECONOMIC ISOLATIONISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, as the two Democratic contenders duke it out in the Presidential campaign, there's one issue that they both seem very eager to be identified with. And it's very unfortunate, it's the issue of economic isolationism. This kind of policy is as dangerous as it is inconsistent with their own rhetoric.

Both Democratic contenders like to talk about the need to enhance our Nation's image and increase our leadership in the international community. They talk about diplomacy and soft power, and then they turn around and insist we try to withdraw from the worldwide marketplace and cede our global economic leadership. It has even been suggested by them that we go back on a 14-year deal with our two closest neighbors, including our neighbor to the north who has been such a key political ally.

Perhaps this outlandish rhetoric is delivered with a wink and a nod. Perhaps it's merely an attempt to score a few political points without any intention to actually dismantle the deep economic and political ties that we share with our trading partners in this hemisphere. Frankly, I hope that that is the case. But either way, Madam Speaker, this is very dangerous rhetoric.

NAFTA has long been addressed by those running for office as though it were an unmitigated disaster; no one seems to want to touch it with a 10-foot pole. After all, everyone knows that NAFTA has hurt our economy and cost us millions of jobs. Right? Wrong. In 1994, when Bill Clinton sent NAFTA to the Congress, the gross domestic product in this country was $6.9 trillion. Today, we have a $14.1 trillion economy. In other words, we have more than doubled the size of our economy in the NAFTA-era. When adjusted for inflation, the numbers are still very striking, with 50 percent growth since 1994. During the same period, 25 million jobs have been created, while our labor force has grown by 18 million.

Fourteen years of NAFTA have seen our economy grow considerably while more Americans are working than ever before and new jobs have abounded. To put it bluntly, anyone who says that NAFTA has destroyed our economy is flat out wrong. Not only has the predicted ''giant sucking sound'' that we heard about during the NAFTA debate not come to pass, but the precise opposite has taken place.

But, Madam Speaker, NAFTA is just one component of the complex relationships that entail our global engagement, where the economic and the political are inextricably entwined, and nowhere is this role more critical than in our own neighborhood. We have spent years and countless resources promoting democracy in this hemisphere. The rise of Hugo Chavez in Venezuela and his cohorts throughout the region have demonstrated that authoritarianism in our backyard is still a reality. As he sends troops to the border he shares with our friend and ally, Colombia, we are reminded that tyranny in our hemisphere still poses very grave threats.

NAFTA, CAFTA, the Peru Free Trade Agreement, and the proposed agreements with Colombia and Panama build upon the twin pillars of liberty: democratic governments and free markets. They enhance our economic strength with new opportunities and give us greater leverage to ensure that we have peaceful and prosperous neighbors. And we know that peace and prosperity, Madam Speaker, go hand in hand.

We simply cannot disengage economically without disengaging politically. Engagement through trade is our source of strength and our leadership, and we would disengage to our peril. Those who regard our leadership in the international community so casually that they would trash it for political gain threaten not only our own prosperity, but our ability to play a positive role in this hemisphere and around the globe as we seek to grow our economies and to grow the economies of our neighbors.

U.S.-COLOMBIA TRADE PROMOTION AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER of Illinois. Madam Speaker, I rise to support the U.S.-Colombia Trade Promotion Agreement, to urge the Speaker of this House to bring the U.S.-Colombia Trade Promotion Agreement to this House floor for a vote.

And let me tell you this: this agreement is good for the State that I represent. It's good for Colombia. It's good for the United States. It's good for Illinois farmers. It's good for Illinois workers. And it's good for Illinois manufacturing.

And I would note that in my district I have 8,000 Caterpillar workers, union Caterpillar workers who are manufacturing workers. And under this agreement, I note under the U.S.-Colombia Trade Agreement that our machinery exports see their tariffs imposed on Illinois-made construction equipment eliminated on day one. Now, you think about it, mining equipment used in Colombia is $1 million equipment, that's a $100,000 tax on U.S.-made products eliminated on day one.

Currently, Illinois exports $214 million to Colombia, and that's just the beginning. According to the International Trade Commission, Illinois is a big winner. Pork products will increase 72 percent, according to their economic analysis. Corn and soybeans will see increased sales to Colombia. Fabricated metal products, processed foods, and chemicals will all see increases. And, again, it's expected that machinery, manufactured machinery, like products made by John Deere and Navistar and Caterpillar, will increase 15 percent.

Agriculture. The leaders of agriculture will tell you the U.S.-Colombia Trade Promotion Agreement is the best for agriculture in the history of all trade negotiations. And let's not forget that 80 percent of U.S. exports are currently taxed when they enter Colombia, and they will become duty free immediately. That will allow us to become competitive with China and Asia and other competition.

We know Colombia, a democracy, as a reliable partner and ally. We know that Colombia is the oldest democracy in Latin America. And we also recognize that President Uribe of Colombia is our hemisphere's most popular elected official with over 80 percent approval ratings. Compare that to this Congress, which has a 15 percent approval rating. Big difference.

Now, there are those who oppose the U.S.-Colombia Trade Promotion Agreement. They say that Colombia, amongst all the good things it's done, just hasn't done enough regarding violence against labor leaders. Let's remember that Colombia has had 40 years of civil strife driven by left-wing gorillas trying to overthrow the democratically elected government of Colombia. But today, 71 percent of Colombians say they feel more secure under President Uribe; 73 percent say Uribe respects human rights. Those are Colombians, not Americans, saying that.

Homicides are down 40 percent in Colombia; kidnappings are down 76 percent. The murder rate today in Medellin, once the poster child of violence in Colombia, one of the most dangerous cities on the planet, today has a lower murder rate than Washington, DC, or Baltimore.

But let's look at the facts on labor violence. President Uribe has made major changes, beginning with reforming the judiciary. He has had hired 418 new prosecutors, 545 new investigators. In fact, in the Prosecutor General's Office, responsible for targeting those who are responsible for the violence in Colombia, they've added over 2,000 new posts.

Funding has gone up 75 percent in the last few years alone under President Uribe. And quoting Carlos Rodriguez, president of the United Workers Confederation, a labor leader in Colombia: ''Never in the history of Colombia have we achieved something so important.'' Again, that's a Colombian labor leader.

President Uribe and Colombia, under the government initiatives, have worked to protect labor leaders, giving them special protections. Last year, they spent over $38 million for body guard protection for labor union leaders; 1,500 union members and activists received special protection, the second largest protected group in Colombia, and it's been successful. For labor activists under this program, none have lost their lives. And I would note that the murder rate today for labor unionists is lower than the national murder rate for everyone else.

So progress has been made.

And I would note that crimes categorized as anti-union violence often are not union related, but regular crime that everyone in Colombia has contended with, many are the responsibility of the leftist FARC.

I would note that the International Labor Organization has removed Colombia from its labor watch list. Colombia has agreed to a permanent ILO representative in Colombia. And perhaps most telling, 14 Colombian labor

leaders have given their support to the trade agreement.

The bottom line is, ladies and gentlemen, this agreement is good for Illinois workers, it's good for Illinois manufacturers, it's good for Illinois farmers. Let's bring it up for a vote. I ask my colleagues to support this important trade agreement. And I will also include for the RECORD a copy of an ''Economist'' article talking about President Hugo Chavez and the FARC and their opposition to this agreement.

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

DEAR COLLEAGUE: Please read this informative recent article from The Economist about FARC narcoterrorists in Colombia and troubling links with the Chavez administration in Venezuela. As noted below, ''Mr. Chavez, still with oil money but politically on the defensive, may have thrown in his lot with an outlaw army of drug-traffickers.''

Now more than ever we must support the pending Trade Promotion Agreement with our neighbor and friend Colombia.

Sincerely,

JERRY WELLER,
Member of Congress.

[From The Economist, Mar. 6, 2008]

COLOMBIA IS MOVING CLOSER TO BREAKING THE FARC—UNLESS VENEZUELA STOPS IT

On few, if any, other occasions has a head of state issued detailed orders for military mobilization as jauntily as if he were ordering pizza, and on live television. That is what Hugo Chavez, Venezuela's president, did on March 2nd, after Colombian forces bombed a camp just inside Ecuador, killing Raul Reyes, a senior commander of the Revolutionary Armed Forces of Colombia (FARC) guerrillas.

''Minister of defence!'' bellowed Mr. Chavez, on ''ALo PRESIDENTE'' (''Hello President''), his weekly radio and television programme. ''Send me ten battalions to the border, including tanks.'' He also ordered the forward deployment of his new Russian fighter-bombers, threatening that if Colombia's president, Alvaro Uribe, tried a similar raid on Venezuelan soil he would ''send over the Sukhois''. The next day he broke diplomatic ties with Colombia.

Venezuelan troops and tanks duly moved to the more populated points of the long border between the two countries. Customs officials halted Colombian trucks at the busiest crossing point, between Cucuta and San Cristobal.

What made this performance odd was that it was Ecuador, not Venezuela, whose sovereignty had been violated. True, Colombia has often accused Venezuela of harbouring guerrilla leaders and tolerating camps near the border similar to the one bombed in Ecuador. But did Venezuela's president have a guilty conscience?

''Maybe he knew what was coming,'' wrote Teodoro Petkoff, a guerrilla leader in the 1960s who now edits an opposition newspaper in Caracas. Mr. Chavez's apparent over-reaction was a pre-emptive attempt to ''throw a veil over the revelations he suspected might come from Raul Reyes' computer,'' suggested Mr Petkoff.

With Ecuador's president, Rafael Correa, following Mr. Chavez's lead, this week's events sent Latin America's diplomats scurrying to prevent war enveloping the neighbourhood. But they also laid bare that Colombia's government is coming close to breaking the back of the FARC, and in the process threatening to shine light on its murky relations with neighbouring governments.

When Mr. Uribe took office in 2002, the guerrillas were rampant. His predecessor had just halted peace negotiations because the FARC had used a ''demilitarised'' zone created to host the talks as a base for recruitment and for kidnapping (many of the politicians it has held hostage were seized during the talks). The guerrillas had some 17,000 troops; they blocked main roads and bombarded small towns, kidnapping and killing almost at will. To make matters worse, the state's inability to provide security had spawned murderous right-wing paramilitary groups.

Mr. Uribe's ''democratic security'' policy has achieved a dramatic change. By expanding the security forces, he has driven the FARC from populated areas, while persuading most of the paramilitaries to demobilize. Officials reckon they have reduced the FARC's ranks to fewer than 11,000. But the guerrillas withdrew to the vast tropical lowlands, to areas they have controlled for 40 years. There they resisted a two-year offensive by 18,000 troops. The army could not get near the FARC's seven-man governing secretariat, of which Mr. Reyes (the NOM DE GUERRE of Luis Edgar Devia) was a member.

SEEKING THE SECRETARIAT

Thwarted, the security forces refined their strategy. They put more effort into seeking the FARC's leaders using information from guerrilla deserters and infiltrators, and from sophisticated bugging equipment provided by the United States. Over the past year, this has started to pay off. Two FARC regional commanders have been killed and one captured. In January and February alone, the army claims to have killed 247 guerrillas and captured 226, with another 360 deserting. This pressure has pushed FARC units to the borders with Ecuador, Venezuela and Panama.

Last month the government received a tip-off that Mr. Reyes was in a camp less than two kilometers (1.25 miles) inside Ecuador. Mr. Uribe authorized a bombing raid by Brazilian-made Super Tucano aircraft, which killed at least 21 guerrillas. Colombian troops then crossed the border to recover Mr. Reyes's corpse—and his laptop computers. (They left three wounded women guerrillas unattended.)

Most Colombians were jubilant that the government had struck at the very top of the FARC at last. Mr. Reyes handled the guerrillas' relations with the outside world; he was one of three deputies to Manuel Marulanda, the FARC's elderly leader. For the first time the security forces have shown that they are capable of infiltrating and defeating the guerrillas tough systematic strikes, said Roman Ortiz of Fundacion Ideas para la Paz, a Bogota think-tank.

Mr. Uribe doubtless thought that Mr. Correa could be mollified over the cross-border raid. But spurred on by Mr. Chavez, Ecuador's president sent 3,200 troops to the border and cut diplomatic ties. He demanded an emergency meeting of the Organization of American States (OAS) to condemn Colombia, and set off on a tour of regional capitals seeking support.

THE LAPTOP LODE

Almost as important as the killing of Mr. Reyes may be the capture of his laptops. Apart from inside information on the FARC, according to Colombian offIcials, they contain documents which—if true—are embarrassing to Mr. Correa but highly damaging to Mr. Chavez. As the FARC's top negotiator, Mr. Reyes appears to have met representatives of many governments. According to one e-mail, he met Gustavo Larrea, Mr. Correa's security minister last month. Mr. Larrea is alleged to have proposed a formal meeting in Quito to discuss securing the border and negotiating the release of some of the FARC's 700-odd hostages. Mr. Larrea said that Colombian offIcials knew of his meeting, which was purely to talk about the hostages.

Ecuadorean officials having swapped complaints with their Colombian counterparts about their mutual inability to prevent the FARC from crossing the border. Ecuador claims to spend $160m a year containing the spillover. It is also angry about Colombia spraying coca fields on the border with weed-killer, which it says drifts south on to other crops.

Nevertheless, Ecuador has given some help to Colombia. Mr. Correa claimed that last year his forces dismantled 47 FARC camps inside Ecuador and on three occasions carried out joint operations with Colombian troops. American surveillance aircraft still patrol over Colombia from an air base in Ecuador, although Mr. Correa has promised not to renew the lease for this when it expires in 2009.

By contrast, Mr. Chavez has recently been unambiguous in his support for the FARC. He fell out with Mr. Uribe last year over his attempt to act as a mediator for the hostages. Since then he has cast aside his previous stance as an honest broker seeking a peaceful solution to Colombia's internal conflict. When the FARC turned over two hostages to him in January, Mr. Chavez hailed the guerrillas as a ''true army'' whose status as belligerents should be recognised. No other government in the region, not even Cuba's, echoed this call. On ''ALo PRESIDENTE'' Mr. Chavez held a minute's silence in honor of Mr. Reyes, whom he said he had met three times over the years. He declared that Colombia needed to be ''liberated'' from its ''subservience'' to the United States.

Another document allegedly on Mr. Reyes's computer showed that Mr. Chavez paid (or planned to pay) the FARC $300m. An (unrelated) e-mail to Mr. Reyes suggested that the FARC were trying to obtain uranium for a ''dirty bomb''. All this prompted some far-fetched exchanges. Mr. Uribe said that he would denounce Mr. Chavez for ''financing genocide''; in return, Venezuela accused Colombia's police chief, who revealed the contents of Mr. Reyes's laptop, of being a ''drug trafficker''.

''This is * * * a microphone war,'' said General Raul Salazar, a former defense minister. Like many other Venezuelans, he doubts that it will become a real one. That is not least because many army officers do not want war with Colombia and find Mr. Chavez's actions an ''embarrassment'', said another former defense minister, General Raul Baduel, who is now a prominent opponent of the president.

So what is Mr. Chavez's game? One possible answer is his obsessive search for an external enemy to shore up his waning popularity at home. In December, his political blueprint for a socialist Venezuela, with indefinite presidential re-election, was defeated in a referendum. This came only a year after he won a second six-year term with 63 percent of the vote, and was the first time he had lost a national vote.

In November Venezuelans are due to vote for mayors and state governors. They are increasingly discontented about crime, an inflation rate that has surged to 25 percent and shortages of basic goods, including food and cooking gas. Because of Mr. Chavez's mismanagement of agriculture, Venezuela imports much of its food from Colombia. Any lasting interruption of trade would hurt both countries. Reputable pollsters say that Mr. Chavez's popularity has fallen well below 50 percent. Visible faction fights have broken out in his newly formed Unified Socialist Party of Venezuela.

Picking a fight with Colombia and supporting the FARC are unlikely to win him friends. One poll, by Hinterlaces, showed 89 percent opposed to a war and 87 percent opposed to the FARC. So the reason for his military mobilization may be to deter Colombia from moving against the FARC camps in Venezuela where some Colombian officials believe that Mr. Marulanda is based. A more worrying, though improbable, hypothesis is that Mr. Chavez, a former army officer, is throwing off all pretence at being a civilian democrat and, fearing that he may not remain in power for long, wants to launch an assault on what he sees as American imperialism and its regional stooge, Mr. Uribe.

Although George Bush gave public support to Mr. Uribe, other governments in the region, led by Brazil, tried to drive a wedge between Mr. Correa and Mr. Chavez. There were signs that this might work. On March 5th Ecuador agreed to an OAS resolution criticizing, but not formally condemning, Colombia. The OAS also agreed to investigate the bombing. Once the region's diplomats have patched things up between these two countries, they face another, more intractable problem: Mr. Chavez, still with oil money but politically on the defensive, may have thrown in his lot with an outlaw army of drug-traffickers.

CONGRESSIONAL BLACK CAUCUS MESSAGE HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that Members would have 5 legislative days in which to revise and extend their remarks.

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

There was no objection

Mrs. JONES of Ohio. Madam Speaker, it's befitting that you are in the Speaker's chair today as we discuss this very important hour.

I have the pleasure to manage this hour on behalf of the Congressional Black Caucus. And we're going to be talking about black history and women's history, a combination of last month and this month's themes.

I want to begin by saying that we will have an opportunity to discuss the state of black women in America and pay tribute to African American women in our communities. We felt it befitting, as we recently celebrated Black History Month in February and currently are in the midst of Women's History Month.

Tonight we will begin by highlighting some of the findings from the recent study of ''The State of Black America,'' released by the Urban League, and discussing some of the wonderful women from our own congressional districts.

I would like to begin now by yielding time to my colleague and good friend from the great State of California, DIANE WATSON.

Ms. WATSON. Madam Speaker and my honorable colleague, STEPHANIE TUBBS JONES, thank you for this opportunity to salute our women over a period of time.

I would like now to introduce you to a woman by the name of Mayme Clayton.

Mayme Clayton, a renowned librarian, worked her entire life to assemble a priceless collection of historical artifacts. The collection was assembled over a 40-year period by Mayme A. Clayton, 1923 to 2006, a career librarian at the University of Southern California in my district, and University of California, Los Angeles, my alma mater. And Dr. Clayton's singular commitment to preserve African American culture and history was inspired by her desire to ensure that children would know the richness and diversity of African American contributions to the world.

The Mayme A. Clayton Collection of African American History and Culture is comprised of seven main components. They are as follows: rare and out-of-print books, manuscripts, documents, films, music, photographs, and memorabilia. The collection is a remarkable cultural treasure, with a vast ability to educate and to delight. It is our hope that this particular collection will be explored on the Web site to learn more about the collection and why Dr. Mayme Clayton assembled it, and the goals of the Western States Black Research and Educational Center.

It's a research center, and it's scheduled to receive a Federal grant to refurbish its facilities that are located in my district, Culver City, California. The center will be known as the Mayme Clayton Library, and it has housed the largest collection of rare books, films, recordings, and other documents on black Americans outside of the Schomburg Library.

Ms. Clayton's historic efforts have not been in vain, but can rightfully serve as historical and intellectual nourishment for this generation as well as future generations of Americans.

□ 2000

When she learned that there was a location for her rare collection, which she kept in her garage, and I remember going over as a student at UCLA and going through her works for a paper that I had to do, I knew that she would outgrow that space and would have to find a place that could rightfully house such a precious collection. But we found a place for her. It was the old courthouse in Culver City. As you know, you cannot sell a courthouse; so we're on loan. They lent it to us for a period of time, and we're going to see that Federal grants go to that library to preserve this collection.

And I am so pleased to put that name into your psyche because she has skillfully, artfully, and scholarly recorded our history, as written by slaves themselves and written by free men.

Mayme Clayton, a true African American heroine.

Thank you, Stephanie Tubbs Jones, for giving me this time to talk about Mayme Clayton.

Mrs. JONES of Ohio. I would like to thank my colleague for always being with me and supporting me and the Congressional Black Caucus on issues that we present.

Madam Speaker, I would like to begin this evening by paying tribute to one of my she-roes and a pillar of the 11th Congressional District of Ohio and the Cleveland community, Judge Jean Murrell Capers.

At 95 years of age, Judge Jean Murrell Capers is still ticking and kicking. Known for her feistiness and zest for life, Judge Capers has been a trailblazer for many black women including myself in the law and politics.

A native of Kentucky, Judge Capers moved to Cleveland with her family 88 years ago. She still resides in the family house located in the heart of Cleveland. Judge Capers credits her parents with her success and longevity to the teachings instilled in her by her parents: ''My parents provided my four siblings and me with what we needed, not what we wanted. The two things that impact on the individual are heredity and environment. The most important thing for you is to learn.''

In 1932 Judge Capers began teaching in the Cleveland Public Schools. She went on to receive her law degree from Case Western Reserve University, which she calls the ''Harvard of the Midwest.''

Raised as a devout Presbyterian, Judge Capers says that the Bible and the Constitution are the two books she lives by. Through the teachings of the Bible and her Christian upbringing, she learned the importance of serving the community. That belief led her into politics.

Judge Capers began her profession in law and politics in 1945. She was the first black woman in the United States to be elected a city council member and the first to serve as an assistant county prosecutor in Cuyahoga County. Because of her commitment to her

community, Judge Capers was appointed by then Governor James Rhodes to serve as a municipal court judge, a position she was elected to once her appointment expired.

A member of my great sorority, Delta Sigma Theta Sorority, Inc., Judge Capers has accumulated numerous awards including the Frances Payne Bolton Award presented by the Western Reserve Republican Club and has been inducted into the Ohio Women's Hall of Fame.

The interesting thing about Judge Capers' life is the fact that she was born on the very day that Delta Sigma Theta was founded and in the very same year. So we always call her our representative of Delta Sigma Theta.

Widely recognized for her gorgeous hats, Judge Capers continues to be an advocate for all people in the community. She still practices law at the age of 95. I can honestly say there would be no Stephanie Tubbs Jones were it not for Judge Jean Murrell Capers. So tonight I'm pleased to recognize her for her life of service and for all that she does on behalf of candidates throughout the State of Ohio and throughout the United States of America. Tonight she's still actively involved in the presidential elections. Though we're not on the same side, I still love her dearly.

Let me go on to talk now about the Urban League's State of Black America Study. Urban League president and CEO Marc Morial states: ''By uplifting black women, especially those struggling hardest to keep their families together and their dreams on track, we lift up every American community.''

I want to applaud the Urban League for having the vision to highlight the issues of black women in this country in this year's report. Oftentimes our issues are overlooked and/or marginalized. I would like to share with you a few excerpts from some of the essays featured in this year's report. This year's essayists do a fantastic job of highlighting the many struggles of black women in America.

Black women and the workplace: In her essay ''African American Women and Work: Still a Tale of Two Cities,'' Alexis Herman has this to say regarding the inequality women face in the workplace:

''Over the last 60 years, the labor force participation of women has more than doubled, which means nearly one out of every two workers is a woman. However, this increase in labor force participation was driven largely by non-African American women deciding to work outside their homes. African American women have a long history of working outside of their homes and have the highest labor force participation rate among women, 63.4 percent. Not only are more women working, but more of these working women are mothers as well. Further, one in four married working women earn more than their husbands. However, many African American women are concentrated in low-paying service jobs or staff positions. African American women are 6 percent of the workforce but 14 percent of workers earning between $15,000 and $30,000 per year and are less than 1 percent of workers earning over $100,000 per year. Not only do African American women earn less, the growth in their earnings has lagged behind that of white women, 19 percent and 29 percent respectively. At the upper end of the earnings distribution, disparities in the labor market impact approximately 1 percent of African American women in corporate officer positions whose earnings are on average $229,000 compared to $250,000 for white women.''

Taking the conversation even deeper is Dr. Julianne Malveaux, who in her essay, ''Shouldering the Third Burden: The status of African American Women,'' she states:

''The labor market presents the most striking example of the third burden. Black men and women both experience higher unemployment rates than the general population. However, the unemployment and underemployment of black men shifts a disproportionate economic responsibility onto the shoulders of African American women, who then must support households and children without sufficient contribution from their spouses, partners, or fathers. The failure of public policy to create jobs and access to employment in the wake of urban deindustrialization puts African American men at a particular disadvantage and thereby places the burden of family survival on African American women.''

Another article about black women and the foreclosure crisis is written by Andrea Harris, the president of the North Carolina Institute for Minority Economic Development, and she had this to say about the impact of the foreclosure crisis and its effect on African American women:

''Nearly two-thirds of the wealth possessed by African American families is in the form of home equity. Without homeownership most of these households own very little and have few opportunities to build economic security. Half of all African American households with children are headed by women; therefore, homeownership is an important economic advantage for these families.

''The 1977 Community Reinvestment Act was enacted to abolish redlining, but it created a market for predatory lending. A recent report by the Consumer Federation of America notes that subprime loans have gone disproportionately to women and that African American and Latina women have the highest rates of subprime lending when compared to all other Americans, especially white men who receive the lowest share of subprime loans. Moreover, the disparity increases as income increases. In fact, upper-income African American women are more than five times more likely to receive a subprime mortgage than white men. Since subprime borrowers typically refinance from one subprime loan to another, this translates into projected foreclosures for more than one-third of subprime borrowers.

''Considering that over half of all loans made to black borrowers in 2005 and 2006 were subprime and that African American women accounted for 48.8 percent of all African American subprime borrowers in 2006, it is easy to imagine the devastation that is headed toward black women and their communities. A January, 2008, report issued by United for a Fair Economy says that the subprime mortgage crisis will drain $213 billion in wealth from black Americans, producing for African Americans the greatest wealth loss in modern U.S. history.''

Let's talk about black women's health for a moment. Dr. Doris Browne, president and CEO of Brown & Associates, Inc., had these observations about the impact of health disparities on African American women:

''Particularly striking are disparities in the occurrence of illness and death experienced by African Americans caused by higher rates of cardiovascular disease, cancer, stroke, diabetes, AIDS, and a shorter life expectancy. For instance, heart disease is the leading cause of death for women in the United States. However, the death rate for heart disease is 20 percent higher for African American women than white women. In addition, cancer is the second leading cause of death among women; yet the 5-year survival rate is 10 percent lower for African American women compared to their white female counterparts. Also, 15 million black women in the United States are afflicted with diabetes, roughly double the number of U.S. white women who are diagnosed with the disease.

''With regard to HIV and AIDS, 61 percent of those under age 25 with a diagnosis of HIV/AIDS are African American, and African American women are diagnosed with AIDS at a rate nearly 24 times higher than white women. Black women are more likely to be infected by heterosexual means, sexual contact with men who are HIV positive, compared to other racial and ethnic groups. Possible explanations for these disparities are the complex interaction of biological factors, environment, ethnicity, insurance, and certain health behaviors or life-style choices. Equally important are the effects of socioeconomic factors such as education and income in creating health disparities. For African American women, poverty, race, and ethnicity play a significant role in lower health quality and health outcomes.

''Overcoming persistent health disparities and promoting healthy behaviors for African Americans is a formidable health challenge. African American women must devote more time to care for their own health needs because health education, awareness, and screening are essential in preventing and controlling chronic diseases in women.''

All of these points that have been made in this wonderful publication by the Urban League point to issues that predominate in the African American community, which particularly fall upon African American women in our country. The Urban League should be applauded for focusing in on the state of black women in America. And we focus in again around education, around health care, around job opportunities, around income within the workplace.

When we have been looking at issues around women and the workplace, one of the things that we have noticed persistently is that women still only make about 70 cents of every dollar that men make in the workplace, and we have to continue to fight for our opportunity to be paid equally in the workplace. It becomes even a greater dilemma as we focus in on the foreclosure crisis, which has caused so many families to go under.

In the State of Ohio, 90,000 houses or homes in Ohio are in the predatory lending process. I am told that the number across the country is somewhere around 900,000 families or houses in this country are in debt or in trouble as a result of the foreclosure crisis. It becomes even more important that Members of Congress and my colleagues begin to focus in on these issues and try to do what we can to assist those families in the process.

One of the dilemmas that we really face as well is, though, that the proposals that have been placed upon the table to try to fix the foreclosure process have not really focused on the people who are stuck in the foreclosure. They are more focused on the banking and financial institutions than on the people and the process.

□ 2015

We need to push as Members of Congress to make sure that we pursue other opportunities to assist people who are really in need of our support.

It is exciting as we go on and celebrate Black History Month and Women's History Month together that we think about all the great leaders and great women who have come before us in this country.

I had an opportunity about 2 weeks ago to be in Akron, Ohio, with a group of women. We were focusing on Women's History Month and that great woman, Sojourner Truth, an African American woman who was a leader in the suffragette movement, even though she recognized back then, even though she fought on behalf of the suffragette movement, that she as an African American woman would not have the opportunity to have the right to vote, even if she won the suffragette movement.

We recalled in our discussion this great speech that she gave that was called ''Ain't I a Woman?'' and she talked about that she had worked and slaved in cotton fields, that she was able to till the land just like a man, that she was able to cut down trees like a man and she said, But ain't I a woman? And she went on to talk about the fact that women across this country have worked very hard and very diligently but, in fact, they have not been given the rights or recognition that they should. And she ends this great speech by saying, if one woman can be determined to have turned this world upside down, surely all the women in this room ought to be able to turn it right side up again. And then she said, And the men ought to let them do it.

So it is an exciting time as we focus in on Women's History Month that we have a time to reflect on great women like Sojourner Truth and others who were leading the charge to make sure that women had the right to vote and participate in the process.

I am excited to discuss in that same vein 22 women, and these 22 women were the founders of my sorority, Delta Sigma Theta Sorority, Incorporated. These 22 women had been part of another sorority and decided that they wanted to be more focused on political and social issues and created Delta Sigma Theta Sorority at Howard University back in 1913, the same year that Judge Jean Murrell Capers was born. Part of their first act was to participate in the suffragette march.

I gave a speech the other day that was interesting in the conversation that the people who put the march together, they wanted to push all the African American women to the back of the march because they knew that they would not be able to vote, but the African American women started participating in the march and they said, to heck with this, we're going to be at the front. And so they moved around the march and moved to the front of the march on behalf of the people that are represented. So it was really women who were participating in the forefront that clearly had the chance to give us or set the example for what we should be able to do.

I am just so pleased to have had this opportunity on behalf of the Congressional Black Caucus to talk about Women's History Month, to talk about African American women who have done such a great job in the process. I am confident that my colleagues would have been here this evening but for other commitments and that is why I have sought to have the privilege to have them be able to revise and extend their remarks so that they can add information to this particular time.

It is always great to have a chance to participate in these Special Orders on behalf of the Congressional Black Caucus; our Chair, CAROLYN CHEEKS KILPATRICK; our Vice Chair, BARBARA LEE, who happens to be the Speaker in the chair right now.

Madam Speaker, with that I am willing to yield back the balance of my time such that the next person who has a Special Order can come forward. I thank you for the time.

SIMPLIFYING THE TAX CODE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. And I thank the Speaker.

Madam Speaker, it has been said over and over again that nothing in this life is certain except death and taxes. I was a practicing physician for over 25 years back in Texas and I've got to tell you, sometimes death seems a little less complicated than our Tax Code. The complexity of the Tax Code has done nothing but grow since the Federal income tax was first introduced in this body in 1913.

When it was first created, the Tax Code was 400 pages. This year, it is 67,506 pages, nearly a 17,000 percent increase, pretty typical of government math. Because I'm a visual person, I would like to show you what the statistics look like.

Here is a picture from the ''CCH Standard Federal Tax Reporter'' illustrating the exponential increase in the Tax Code. What this demonstrates, Madam Speaker, is way back here in 1913, we had one little 400-page book that was the Federal Tax Code, and then we fast forward to 2007 and 2008 and you see the number of pages now that fill the bookshelf, making the complexity of the code something that the average person, quite honestly just does not understand.

Madam Speaker, remember that one of the fundamental tenets of the American legal system, including the tax system, is that ignorance of the law is no excuse. Therefore, in theory, every single American who is merely trying to comply with the Tax Code and file their taxes by April 15 is supposed to be familiar with all of the 67,000 some odd pages that are contained within the Tax Code which comprise the tax rules.

Now, I don't know if my tax preparer back home knows all of the 67,506 pages and you have to wonder about other people in other congressional districts. What about the small business owner? What about the single mom who is just

struggling to get by? How are they ever going to know all of the regulations contained within 67,506 pages of the U.S. Tax Code?

The complexity of the Tax Code is a result of countless deductions and exemptions aimed at steering a social agenda, quite honestly, when it's supposed to be a Tax Code. That's one of the fundamental problems with our tax system, is that we try to enforce social policy through the Tax Code rather than seeing the Tax Code simply as a vehicle for collecting those revenues that the government has to collect in order to run. Special interest groups run rampant through every single page of that 67,000 pages. Anytime Congress wants to punish a special interest group or reward another, Congress adds a new credit or a new law to the mammoth Tax Code. The result is a Federal law fraught with opportunities for avoiding taxes and loopholes to be exploited at the expense of fellow Americans. Everyone is familiar with the problems inherent in our convoluted Tax Code, and criticizing the American Tax Code is as American as apple pie and baseball, and for good reason.

Let me share just a few interesting facts on why we need fundamental tax reform. Each year, Americans spend 6.5 billion hours preparing their tax forms, and businesses spend 800 million hours complying with the Tax Code. The cost of compliance for Federal taxpayers filling out returns and related chores was $265 billion in 2005. The average taxpayer pays over $1,800 per household in compliance costs. In other words, that taxpayer works a little over a week just to pay for the cost of preparing his or her taxes for that year.

A study was done back in 1998 when the forms in 1998 were less complicated than they are 10 years later, and it surveyed 46 tax experts. Each expert came up with 46 different answers when determining tax liability. Forty-six preparers, each given the same set of data, 46 different figures to determine tax liability. The tax calculations themselves ranged some $34,000 to $68,000, almost a doubling of the original estimated amount.

The Tax Foundation prepared the following information that actually I think will be of interest to this body:

In the year 2007, a person spent 79 days working to pay for their Federal taxes and 41 days on State and local taxes for a grand total of 120 days. That's more than health care, more than housing, more than transportation. And, honestly, you can see an immediate return on those categories. It's a little bit more difficult to see the tangible return on Federal tax dollars, albeit those are the moneys that are required to have the Federal Government run. But when you look at the bite that taxes take out of the average income compared with all of the other expenditures, it truly is significant.

We all complain about paying our taxes. The fact is if the system was fair and simple, it would be a lot easier to take. Americans don't mind paying for roads. They pay for a strong defense. They pay for health care for your grandmother. It's the fact that one family makes exactly the same amount as the family next door, but they're forced to pay a higher share of the tax burden. The Declaration of Independence says all men are created equal, and that should apply to the tax burden as well.

Now, let me just show you a breakdown by congressional district. Most Members of Congress should be interested in this chart, also produced by the Tax Foundation. In 2004, the Tax Foundation ranked Federal individual income tax burden by congressional district. My district, the 26th District of Texas, falls here somewhere in the middle, and it is highlighted in yellow so its easy for me to see, but it compares the ranking of Federal income tax burden as a percentage of the adjusted gross income versus the ranking of the average income tax liability per return. In other words, with identical incomes, we have some States with a much higher burden and some States with a much lower burden.

Now that is an average across the population, so clearly there will be some differences, but we see New York represented in both the upper and the lower categories. We see California likewise represented in both the upper and the lower categories. So it's not inconceivable that the discrepancy should not be that large; but, nevertheless, because of the complexity of the Tax Code, that's one of the things we're left with.

435 Members of Congress and here is the data from the top seven compared to the bottom seven. You can definitely see varying tax liabilities throughout the country. Again, my district ranked 139th in regards to the Federal income tax burden as a percentage of gross income, but ranked only 127 as the average income tax liability per return. Again, that's more of the Federal Government's math for you.

And yet another aspect of complying with our Tax Code. Time is precious. We often don't have enough of it for personal things, those mundane things like earning a living, raising your family, spending time with your friends, and then there's the dollars-and-cents side of the equation where, in fact, time is money and valuable resources are misspent navigating tax law instead of spent growing the economy and creating jobs. Taken together, this is a strong prescription for real change in our Tax Code.

We know what works when it comes to changing the Tax Code because we got a glimpse of it when during Ronald Reagan's administration he cut the Tax Code in half in 1986. As a result of that reform, the economy grew, revenues increased and jobs were created. I can't think of a better prescription for our slowing economy today than replicating the reform of the Tax Code on an even greater scale.

So what should we do? The prescription is fairly simple. Flatten the tax, broaden the base and shift the burden away from families and small businesses. Simplify the Tax Code and make it easier for individuals and businesses to file their taxes and pay their fair share. Even the National Taxpayer Advocate, Nina Olsen, stated simplify the Tax Code as one of her recommendations in the 2007 Annual Report to Congress:

''The complexity of the code increases the likelihood that honest taxpayers will make inadvertent mistakes, creates opportunities for taxpayers to avoid paying their fair share of taxes, and makes it difficult for the Internal Revenue Service to administer the tax system. Simplifying the tax law could improve the audit process and allow less taxpayer burden.''

□ 2030

Pretty simple stuff. Pretty straightforward. If the National Taxpayer Advocate thinks it is best for our constituents if we simplify the system, it would make sense that Members of Congress on both sides of the aisle would agree with this sentiment and work toward this goal.

Now, this next data I need to credit to some polling done by American Solutions. They conducted a nationwide poll on six different topics, with one being taxes and jobs. This poll crossed gender, ethnicity, economic and party lines, and they discovered the following opinions in America. Under taxes and jobs, 69 percent think the Federal income tax system is unfair. Seventy percent favor tax incentives for companies who keep their headquarters in the United States of America. What a great concept. Eighty-two percent think the option of a single rate system would give taxpayers the convenience of filing their taxes with just a single sheet of paper. Pretty powerful stuff. Eighty-two percent want to be able to file on a single sheet of paper.

Madam Speaker, it sounds to me as if America has spoken fairly clearly on this subject, and the evidence is that we do need real change in our tax system. The encouraging news is that we have a practical and effective blueprint for making this real change across-the-board. The blueprint is called the flat tax.

In 1981, Robert Hall and Alvin Rabushka proposed a new and radically simple structure that would transform the Internal Revenue System and our economy by creating a single rate of taxation for all Americans. Today, several States have implemented a single

rate tax structure for their State income taxes and from Utah to Massachusetts, citizens are seeing the benefit.

In Colorado, a single rate generated so much income, so much revenue, that lawmakers actually reduced the rate 10 years after its implementation. In the State of Indiana, the economy boomed after a single rate went into effect in 2003, and in that time corporate income tax receipts have risen 250 percent.

In 1981, a simple concept put forth by Robert Hall and Alvin Rabushka, revisited in 1995 by my predecessor in this body, former majority leader Dick Armey, and, most recently, within the last couple of years, a book published by Steven Forbes on the flat tax revolution. All of those authors, all of those authors calling for the same type of reform in our Tax Code, to allow it to be flatter, fairer and simpler.

Now we have got several Members of Congress who are actually working on the problem. Certainly it is something that I remain focused on. Congressman DAVID DREIER from California, the ranking member on the Rules Committee, and PAUL RYAN of Wisconsin, the ranking member on the Budget Committee, are all working to establish the single tax rate structure for the United States. Members are working on it in the other body as well. Each of us have our own ideas. The legislation proposed is a little bit different, but it all has at the center of it the concept that you should be able to file your taxes on a single form at a much flatter rate that will be fairer across-the-board, and, in fact, evidence has shown that it will actually increase revenue.

The bill that I introduced actually two Congresses ago, and I have continued to introduce it every year, H.R. 1040, it makes it easy to remember the number, H.R. 1040 allows for a person to opt in to a flat tax. They can't go back and forth from the old IRS code and the flat tax, but if they elect to go into the flat tax, they may do so.

If quite honestly they have constructed their family or business finances such that they have been trying to utilize the code to maximize their effectiveness, no one is going to require them to go into the flat tax. They may stay under the old IRS code. But for a lot of people like myself, regardless of whether I would come up better or worse under the flat tax, just to give up that shoe box full of receipts every year, to give up that quality time spent with my accountant every year, to give up that $1,800 or $2,500 that I spend every year on tax preparation, and I promise you, mine are not that complicated, I would gladly give that up to be able to simply file my taxes on a single page form, or, better yet, populate a field on a computer screen on the Internet, click a mouse, send it in, and be done with it for the year.

Now, we all may not agree on just a single rate. I have mentioned some other individuals that have other bills, and they do have different approaches. We may not all agree on whether it should be a single rate or two rates, as it was back when Ronald Reagan simplified the Tax Code. We may prefer a tax method that does allow for deductions for mortgages or charitable contributions. But regardless, regardless, each of them embodies the fundamental principle that each American should bear the burden of taxation equally and at the lowest rate possible; we think everyone should be able to do their own taxes without the help of a professional and should be confident that people who earn the same income pay the same taxes.

Madam Speaker, just as an aside, I remember back in the year 1993, I was just a regular guy working in a medical practice back home in Texas. It just so happened that that year, the President of the United States and myself had an almost identical income reported. And yet when you calculated what I paid as a percentage of income, it was in excess of 30 percent. When you calculated what the other individual paid, it was around 20 percent. So why the discrepancy? With the same amount of earned income, why should there be such a vast difference in the taxes owed and the taxes paid? That is really what got me to thinking about this subject, many, many years ago.

We all remember when the Tax Code was changed in 1993. It was changed retroactively so that we got both the rich and the dead involved in paying additional taxes. But it really got me focused. Then in 1995 when Congressman Armey published his book on the flat tax, I read it, I became a believer, and have continued to study the issue and have continued to talk about the issue. And this is the time of year to have these types of talks, because I do think it is important, regardless of which party is in power, that we take seriously the will of the American people. Eighty-two percent, 82 percent, want to be able to fill out a single page form and be done with their taxes.

Just by way of comparison, according to the Wall Street Journal, citing a blog off the National Taxpayers Union website, there are about 1.2 million or more professional tax preparers during tax season, which equals roughly the population of Hawaii. There are 836,000 doctors in the United States. As a physician, I think that there is something a little askew with this number, that we require half again as many tax preparers in the country as we do physicians. Healers shouldn't be outnumbered by tax preparers. The government math stuff is starting to scare me, and really should start to scare a lot of Americans.

Also, according to the Wall Street Journal, more than half of the individual taxpayers now use a paid preparer for their income tax return. I do myself. Mine is not that complicated, but I don't dare go into the process without a professional guiding me, lest someone at some point say, hey, you made a mistake. I want a professional with me if I had to go in to justify what those numbers read on the form.

We actually anticipate the number of people using a paid preparer to increase this year. In 1960, less than a fifth of taxpayers used preparers. More than half now. Less than a fifth, less than 20 percent, back in 1960. In 2005, one of the most famous tax preparation companies garnered $2.4 billion in revenue from the United States in tax preparation, up from $841 million 10 years before in 1996. Pretty astounding. Pretty astounding figures when you stop and think about it.

Now, I respect and I fully appreciate everything that my tax preparer does for me, what my accountant does for me, what tax preparation companies do, and I think it is a shame that Congress has created a system that is so complicated that more than half of the public feel a need to pay someone, to pay someone else, just to figure out how much they owe for their tax liability. The system doesn't have to be that complicated.

Now, bear with me, if you would, through one last poster, and this really sums it up. A faster, flatter, fairer tax structure, let me show you how it works. It is pretty simple.

Here we go. You put in a little bit of information, like your name; a little bit of identification data, income, personal exemptions, married filing jointly, single head of household; number of dependents. You add up your deductions. Taxable income is line 1 minus line 3. One subtraction equation on the form. And then calculate the amount of tax owed on this particular form, calculate by multiplying line 4 by 0.19. The tax is already withheld. Your tax refund you are owed or the taxes you are to pay. What did that take? According to the clock up there, a little less than 30 seconds. Thirty seconds, and your income taxes are done.

Now, in all honesty, I haven't started my taxes this year. Please don't tell my accountant. But I will spend the better part of a Saturday afternoon, probably this coming Saturday, going to all those places in the house where I have secreted away little receipts and things that I knew I would need when it came time to prepare my taxes. I will gather all of this stuff together and put it in a form that is presentable, take another half day and spend that with my accountant. He will spend several weeks churning it through whatever computer program that he uses. And then right before midnight on April 15th, I will get my tax form to sign, and I will send it in and I will either pay a little in taxes or I will get a little bit of refund.

But look at this. Thirty seconds. Your name, a little bit of identification data, a couple of numbers that are easy to obtain, and taxes are already withheld, your tax liability or your tax refund. No expensive tax attorney bills. No more hours of stressful research trying to figure out whether your military service or your marital status will adversely affect your return. No more headaches trying to determine where the estimated tax payments go. No more Congress taking one special interest group over the other trying to create social good works through the Tax Code. Instead, just a very simple and straightforward system. And remember that number: 82 percent of Americans want something simple like this for their tax preparation.

Now, in my opinion a single tax rate structure would eliminate taxes on capital gains, eliminate taxes on dividends and taxes on savings. You know, we always hear that our savings rate in this country is really pretty low, and that in fact is one of the things that may be behind some of the financial crisis that we find ourself in now.

I will just tell you there was a time when I was in business for myself that I thought the prudent thing to do would be to hold three months, three months, of operating capital in some easily convertible security, like a CD, something that was fairly liquid, earn a little bit of interest along the way, and have that money in case the dire wolf was ever at the door and I needed those funds to continue to operate my business. It seemed like a prudent think to do.

But here is the deal. You earn some interest, but guess what? It is taxed at regular income rates. So it is suddenly eroded by, at that time almost a half, now around a third. And then if you ever get to the point where, okay, I am going to bring that money back into the business and pay it out in salary, well, guess what? If you have held it for over a year in that money market or CD, your business had to report that and pay taxes on it at the end of that first year, and then when you do dispense it as earnings to the owners of the business, guess what? It is taxed again. So it got taxed twice.

So for doing the prudent thing, the prudent thing, holding 3 months of capital in a relatively liquid account so you can get to it if you need it, for doing the prudent thing, you are punished on the interest you earn. So that is not a good deal. You have got to pay taxes on it from your business, and, oh, by the way, if you ever do pay it out to yourself in salary, you get taxed again. So you have been taxed three times on that money that you thought you were doing the right thing. You were putting it away against perhaps a lean month or two. Maybe those Medicare payments didn't come through as fast as I would like, or, God forbid, the SGR cut my payment again for Medicare reimbursement, I would have a little cash to fall back on. But, guess what. If you do that, if you do that, you are actually hurt.

□ 2045

If we were to change the Tax Code, again, with a single rate structure, no capital gains tax, no taxes on dividends, no taxes on savings, which is extremely important, and I personally would eliminate the Clinton tax on Social Security earnings, what would happen? Personal savings would increase.

Would that be a bad thing? Does anyone in this body think personal savings would be a bad thing, particularly given our current economic situation? Businesses might just actually expand and create jobs. Would that be a bad thing given our job creation numbers this past month? We lost a bunch. We didn't create anything.

Without the heavy corporate income tax, which is currently the second highest in the industrialized world, companies would have less incentive to offshore their headquarters and offshore their earnings. If they had less incentive, and those earnings and headquarters stayed in this country, wouldn't that ultimately be a good thing for the state of our economy?

So it really comes down to an all-American principle of freedom, and it comes in a prescription. The decision to move to a single-rate system would be entirely up to the business, not up to the government. This would be an optional program. If someone has constructed their domestic finances or their business finances to maximize their earnings under the current Federal Tax Code, stay in the code, that would be your choice.

But if you are tired of the shoe box, if you want to fill out a single-page return, single-page form, and then have the rest of that time, that half day I am going to spend on Saturday and that other half day I am going to spend on a week, if you would rather have that day to spend with your family, take a personal day off, go fishing, whatever, earn more money, whatever, that's yours. You don't owe it to the government any more.

A flat tax would be less costly. It would save taxpayers $100 billion a year and would reduce cost of compliance by over 90 percent. The resulting increase in personal savings, well, wait a minute, didn't we just pass a big stimulus package? That would have an immediate effect on our American economy by putting that money back in the hands of productive people in this country.

As I said earlier, recent polling by American Solutions shows that over 80 percent of Americans favor an optional, single-page, one-page tax form with one rate. After all, is anybody really going to complain if this one time, this one time Congress does something worthwhile and actually makes something easier? After all, who could complain about making something easier, especially a process that comes with such a high cost?

One of the things we haven't even talked about, and you now hear talked about all the time, is the compliance gap, the 200 to 300 to $350 billion that it's estimated that is owed in taxes but it's not paid in taxes because it's simply too hard to go through all that you have to go through to comply with the IRS code or you are worried about making a mistake and going to jail for misrepresenting yourself on your tax form.

So that compliance gap, the tax gap as it is called, you will hear people talk a bit on both sides of the aisle. They want to utilize, well we are going to go out and do a better job of collecting the taxes, so we will use that $350 billion to offset an increase in the farm program or AMT patch, or, God forbid, we would fix the SGR formula for patients and doctors across the country. But you always hear people talk about that tax gap that they are going to collect that $300 billion and put it to some other good work, but this gets rid of the tax gap. It's gone tomorrow.

You wouldn't have to worry about people not complying with the code because it would be so simple. The cost of not complying would be high. The cost of complying would become much more bearable.

Well, guess what? This is a very political year. Everywhere you go, people are talking about change.

I will tell you what, I haven't heard the word ''change'' so much since I was an intern at the newborn nursery at the Parkland Hospital back in the 1970s. Everyone is talking about change. You turn on the television, people are talking about change.

Let's consider how that change could improve one of the most complicated of institutions, the Internal Revenue Service. More importantly, let's consider how that change could deliver prosperity, deliver time back to America's families and to America's taxpayers.

You know what, when it gets right down to it, that's a stimulus, that's a stimulus that every American could understand and every American could be for. That's a stimulus package that everyone on the floor of this House should consider and vote for.

I have got a bill, H.R. 1040. Ranking Member DREIER has a bill, Ranking Member PAUL RYAN has a bill. I think all of those are worth looking at. I would like to see those brought up in the appropriate committee of Ways and Means, the Subcommittee on Taxation. Let's have the debate; let's have the argument. Let's do it out in the open.

Let the American people hear our debate, and let them decide who is arguing on their behalf and who is arguing on behalf of the special interests. I think it would become quite clear after just a few minutes of that debate.

Again, here is an opportunity to give time and money back to the American people. That is a stimulus package of which this body, both sides of the aisle, could be justifiably proud.

RECESS

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 9:07 p.m.

Accordingly (at 8 o'clock and 55 minutes p.m.), the House stood in recess until approximately 9:07 p.m.

□ 2110

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 9 o'clock and 10 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR ADOPTION OF HOUSE RESOLUTION 895, ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–547) on the resolution (H. Res. 1031) providing for the adoption of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. HOYER) for today and March 11, on account of official business.

Mr. THOMPSON of Mississippi (at the request of Mr. HOYER) for today and March 11 on account of official business in the district.

Ms. WOOLSEY (at the request of Mr. HOYER) for today and the balance of the week on account of medical leave.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

Mr. BUYER (at the request of Mr. BOEHNER) for today on account of flight delays.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HALL of New York) to revise and extend their remarks and include extraneous material:)

Mr. HALL of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today, March 11, 12 and 13.

Mr. POE, for 5 minutes, March 14.

Mr. FRANKS of Arizona, for 5 minutes, March 13.

Mr. WELLER of Illinois, for 5 minutes, today, March 11, 12, 13 and 14.

Mr. JONES of North Carolina, for 5 minutes, March 14.

Mr. FLAKE, for 5 minutes, March 11.

Mr. BURTON of Indiana, for 5 minutes, today, March 11, 12, 13 and 14.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S.J. Res. 25. Providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 11, 2008, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5651. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the first quarter of fiscal year 2008 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title VI of Division A of the Department of Defense Appropriations Act of 2008, Pub. L. 110-116; to the Committee on Armed Services.

5652. A letter from the Chief, Congressional Action Division, Office of Legislative Liaison, Department of the Air Force, Department of Defense, transmitting notice of a performance decision on the public-private competition affecting Detachment 1, Training Support Squadron, Luke Air Force Base, Arizona; to the Committee on Armed Services.

5653. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment [Docket No. NHTSA-2007-28322] (RIN: 2127-AJ75) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5654. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2008 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2008 [Docket No. NHTSA-2007-28497] (RIN: 2127-AJ97) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5655. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of 2006 Quadrennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 FCC 07-216 [MB Docket 06-121 etc.] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5656. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Peach Springs, Arizona) [MB Docket No. 07-164 RM-11386] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5657. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of The Commission's Cable Horizontal and Vertical Ownership Limits Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992 Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests Review of the Commission's Regulations and Politics Affecting Investment in the Broadcast Industry Reexamination of the Commission's Cross-Interest Policy [MM Docket No. 92-264 CS Docket No. 98-82 CS Docket No. 96-85 MM Docket No. 94-150 MM Docket No. 92-51 MM to the Committee on Energy and Commerce.

5658. A letter from the Deputy Bureau Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matters of Telephone Numbers Requirements for IP-Enabled Services Providers Local Numbers Portability Porting Interval and Validation Requirements IP-Enabled Services Telephone Number Portability CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues Final Regulatory Flexibility Analysis Numbering Resource Optimization [WC Docket No. 07-243 WC Docket No. 07-244 WC Docket No. 04-36 CC Docket No. 95-116 CC Docket No. 99-200] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5659. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Leased Commercial Access [MB Docket No. 07-42] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5660. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule —

Blanket Authorization Under FPA Section 203 [Docket No. RM07-21-000; Order No. 708] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5661. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Cross-Subsidization Restrictions on Affiliate Transactions [Docket No. RM07-15-000; Order No. 707] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5662. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Delegated Authority to Order Use of Procedure for Access to Certain Sensitive Unclassified Information (RIN: 3150-AI32) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5663. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104-164, section 655(a) (110 Stat. 1435); to the Committee on Foreign Affairs.

5664. A letter from the Secretary, Department of Commerce, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification for calendar year 2007; to the Committee on Foreign Affairs.

5665. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on ''Overseas Surplus Property,'' pursuant to Public Law 105-277, section 2215; to the Committee on Foreign Affairs.

5666. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Governments of Belgium, France, Germany, Luxembourg, Spain, Turkey, the United Kingdom, Canada, South Africa, and Malaysia (Transmittal No. DDTC 014-08); to the Committee on Foreign Affairs.

5667. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

5668. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

5669. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Guajon (Eleutherodactylus cooki) (RIN: 1018-AU46) received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5670. A letter from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule — CROSS-WAIVER OF LIABILITY (RIN: 2700-AB51) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5671. A letter from the Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Credit for New Qualified Alternative Motor Vehicles (Qualified Fuel Cell Motor Vehicles) [Notice 2008-33] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5672. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Purchase Price Safe Harbors for Sections 143 and 25 (Rev. Proc. 2008-17) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5673. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Secondary Payer (MSP) Amendments [CMS-6272-F] (RIN: 0938-AN27) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on March 7, 2008]

Mr. SPRATT: Committee on the Budget. House Concurrent Resolution 312. Resolution revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013 (Rept. 110–543). Referred to the Committee of the Whole House on the State of the Union.

[Filed on March 10, 2008]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 936. Resolution honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States; with amendments (Rept. 110–544). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5492. A bill to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes (Rept. 110–545). Referred to the Committee of the Whole House on the State of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–546 Pt. 1). Ordered to be printed.

Ms. SUTTON: Committee on Rules. House Resolution 1031. Resolution providing for the adoption of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes (Rept. 110–547). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Financial Services discharged from further consideration. H.R. 5501 referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of March 6, 2008]

Mr. RAHALL: Committee on Natural Resources. H.R. 2176. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, with an amendment; referred to the Committee on Judiciary for a period ending not later than April 4, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k) of rule X (Rept. 110–541, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 4115. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians, with an amendment; referred to the Committee on Judiciary for a period ending not later than April 4, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k) of rule X (Rept. 110–542, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BUYER:

H.R. 5561. A bill to amend the Economic Stimulus Act of 2008 to provide for a temporary increase in the maximum loan guaranty amount for housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. WILSON of New Mexico:

H.R. 5562. A bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes; to the Committee on Armed Services.

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, Mr. PLATTS, Mr. SHAYS, Mr. HOLT, Ms. WOOLSEY, Ms. MATSUI, Mr. JEFFERSON, Mr. KLEIN of Florida, Mr. COURTNEY, Mr. SESTAK, and Ms. SHEA-PORTER):

H.R. 5563. A bill to reauthorize and reform the national service laws; to the Committee on Education and Labor.

By Mr. SHADEGG (for himself, Mr. MOORE of Kansas, Mr. POE, Mr. BACHUS, and Mr. FOSSELLA):

H.R. 5564. A bill to amend title 38, United States Code, to exclude an individual who

has been convicted of committing certain sex offenses from receiving certain burial-related benefits and funeral honors which are otherwise available to certain veterans, members of the Armed Forces, and related individuals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina:

H.R. 5565. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mrs. CAPITO (for herself, Mrs. BIGGERT, and Mr. BACHUS):

H.R. 5566. A bill to amend the Economic Stimulus Act of 2008 to provide for a temporary increase in the maximum loan guaranty amount for housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself, Mr. BOEHNER, Mr. BURTON of Indiana, and Mr. HOEKSTRA):

H.R. 5567. A bill to rescind earmarks designated in the Intelligence Authorization Act for Fiscal Year 2008; to the Committee on Intelligence (Permanent Select).

By Mr. GRAVES:

H.R. 5568. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify requirements relating to the construction of a physical fence along the southwest border, and for other purposes; to the Committee on Homeland Security.

By Ms. ZOE LOFGREN of California:

H.R. 5569. A bill to extend for 5 years the EB-5 regional center pilot program; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 5570. A bill to amend the Immigration and Nationality Act to eliminate the sunset in the special immigrant nonminister religious worker visa program; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 5571. A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 5572. A bill to stimulate the economy of the United States by providing assistance to States for foreclosure mitigation counseling activities and increased community development block grant assistance; to the Committee on Financial Services.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, and Mr. DAVIS of Virginia):

H.R. 5573. A bill to amend title 5, United States Code, to provide for a lump-sum payment for certain Federal employees who retire with a substantial amount of unused sick leave for which they would not otherwise receive any compensation or benefit, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SALAZAR (for himself, Mr. UDALL of Colorado, and Mr. CHANDLER):

H.R. 5574. A bill to prohibit the transport of hydrolysate from the Pueblo Chemical Depot, Colorado, or the Blue Grass Army Depot, Kentucky, to an off-site location; to the Committee on Armed Services.

By Ms. ZOE LOFGREN of California (for herself and Mr. EHLERS):

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

By Mr. KAGEN (for himself, Mr. OBEY, Mr. SENSENBRENNER, Ms. MOORE of Wisconsin, Mr. KIND, Mr. PETRI, Ms. BALDWIN, Mr. RYAN of Wisconsin, and Mr. HINOJOSA):

H. Res. 1032. A resolution recognizing former Green Bay Packers quarterback Brett Favre on the occasion of his retirement from the National Football League, and honoring him for his years of commitment to the city of Green Bay and the State of Wisconsin, and his extensive charitable activities in Wisconsin and his home State of Mississippi; to the Committee on Oversight and Government Reform.

By Mr. TIM MURPHY of Pennsylvania (for himself, Mr. ALTMIRE, and Mr. DOYLE):

H. Res. 1033. A resolution honoring Mr. Myron Cope for his 35 years of service to southwest Pennsylvania and as the voice of the Pittsburgh Steelers; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. LAMBORN.
H.R. 87: Mrs. CAPITO.
H.R. 211: Mr. GRAVES.
H.R. 333: Mr. GONZALEZ.
H.R. 406: Ms. WATERS, Mr. CUELLAR, Mr. KANJORSKI, Mr. ROSS, Mr. BARROW, Ms. BEAN, Mr. BOREN, Mr. CARNEY, Mr. COOPER, Mr. CRAMER, Mr. LINCOLN DAVIS of Tennessee, Ms. GIFFORDS, Mr. HILL, Mr. MARSHALL, Mr. MATHESON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHULER, Mr. THOMPSON of California, Mr. LYNCH, Mr. WELCH of Vermont, and Mr. KLEIN of Florida.
H.R. 522: Mr. JEFFERSON.
H.R. 623: Mr. STARK.
H.R. 715: Mr. VAN HOLLEN.
H.R. 818: Mr. JEFFERSON and Mr. PAYNE.
H.R. 914: Mr. KIRK.
H.R. 992: Mr. ELLISON.
H.R. 1014: Mr. SMITH of Washington.
H.R. 1043: Mr. ENGEL, Mr. NADLER, Mrs. GILLIBRAND, Mr. COSTELLO, and Mr. GONZALEZ.
H.R. 1078: Mr. WITTMAN of Virginia.
H.R. 1090: Mr. CULBERSON.
H.R. 1178: Mr. PASTOR, Mr. PORTER, and Mr. PLATTS.
H.R. 1187: Mr. MARKEY.
H.R. 1188: Mr. BUTTERFIELD, Mr. HOEKSTRA, Mr. TIM MURPHY of Pennsylvania, and Mr. FERGUSON.
H.R. 1228: Mr. PASTOR.
H.R. 1279: Mr. VAN HOLLEN and Mr. SPACE.
H.R. 1282: Mr. JEFFERSON.
H.R. 1321: Mr. RYAN of Wisconsin.
H.R. 1363: Mr. SKELTON.
H.R. 1418: Mr. TIM MURPHY of Pennsylvania and Mr. ALTMIRE.
H.R. 1512: Mr. BISHOP of New York.
H.R. 1554: Mr. PASTOR and Ms. HERSETH SANDLIN.
H.R. 1621: Mr. DENT.
H.R. 1645: Mr. ROTHMAN.
H.R. 1653: Mr. INSLEE.
H.R. 1730: Mr. CONAWAY.
H.R. 1738: Mr. GENE GREEN of Texas.
H.R. 1774: Ms. SHEA-PORTER.
H.R. 1897: Mr. ENGLISH of Pennsylvania.
H.R. 1927: Mr. ROHRABACHER.
H.R. 2016: Mr. BACA.
H.R. 2066: Mr. LOEBSACK.
H.R. 2131: Mr. DAVIS of Virginia.
H.R. 2189: Mr. WEXLER.
H.R. 2332: Mr. WITTMAN of Virginia.
H.R. 2514: Mr. LINCOLN DIAZ-BALART of Florida and Ms. ROS-LEHTINEN.
H.R. 2526: Mrs. MYRICK.
H.R. 2548: Ms. LINDA T. SAŃCHEZ of California, Mr. FARR, and Ms. WOOLSEY.
H.R. 2588: Mr. MARIO DIAZ-BALART of Florida.
H.R. 2652: Mr. UPTON.
H.R. 2702: Mrs. MYRICK and Mr. BISHOP of New York.
H.R. 2734: Mr. LUCAS.
H.R. 2744: Mr. BISHOP of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. THOMPSON of Mississippi, Mr. MURTHA, and Mr. HOLDEN.
H.R. 2747: Mr. COSTA.
H.R. 2792: Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Mr. ELLISON.
H.R. 2851: Mr. PLATTS, Ms. JACKSON-LEE of Texas, and Mr. CUMMINGS.
H.R. 2894: Mr. FILNER, Mr. CALVERT, Mr. BILIRAKIS, Mr. BOUCHER, Mr. TIAHRT, Mr. SESTAK, Mr. MEEK of Florida, Mr. BACA, Mr. GUTIERREZ, Mr. WU, Ms. SUTTON, Mr. PALLONE, Mr. DOYLE, Mr. KANJORSKI, Mr. MCGOVERN, Mr. CLEAVER, Mr. HIGGINS, Mr. KUCINICH, Mr. CROWLEY, Ms. BEAN, and Ms. SCHWARTZ.
H.R. 2964: Mr. GUTIERREZ, Ms. LEE, and Mr. FARR.
H.R. 2965: Mrs. BIGGERT.
H.R. 3014: Mr. BRADY of Pennsylvania.
H.R. 3132: Mr. ELLISON.
H.R. 3232: Mr. SIRES, Mrs. BONO MACK, Mr. CAPUANO, and Mr. BOREN.
H.R. 3234: Mr. PRICE of Georgia, Mr. HERGER, Mr. GINGREY, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. PENCE, Mr. PITTS, Mr. MARCHANT, Mr. BILBRAY, Mr. KINGSTON, Mr. BRADY of Texas, Mr. DAVID DAVIS of Tennessee, Ms. FOXX, Mr. WESTMORELAND, Mr. FRANKS of Arizona, and Mr. KUHL of New York.
H.R. 3282: Ms. SHEA-PORTER and Mr. SPACE.
H.R. 3309: Ms. LEE.
H.R. 3326: Mr. DAVIS of Illinois and Mr. GUTIERREZ.
H.R. 3337: Mr. ELLISON.
H.R. 3366: Ms. JACKSON-LEE of Texas and Mr. CARNAHAN.
H.R. 3438: Mrs. CAPPS and Mr. MEEKS of New York.
H.R. 3439: Mr. RAHALL, Mr. MCDERMOTT, and Mr. ABERCROMBIE.
H.R. 3514: Mr. COSTELLO, Mr. REYES, and Ms. BALDWIN.
H.R. 3533: Ms. BERKLEY, Mr. CUELLAR, Ms. SHEA-PORTER, Mr. HOEKSTRA, Mr. WALBERG, and Mr. YOUNG of Florida.
H.R. 3618: Mr. GONZALEZ.
H.R. 3637: Ms. ROS-LEHTINEN.
H.R. 3646: Mrs. MYRICK, Ms. SUTTON, and Mr. ISRAEL.
H.R. 3660: Mr. ALTMIRE.
H.R. 3696: Mr. CHANDLER.
H.R. 3754: Mr. TERRY.
H.R. 3769: Mr. YOUNG of Alaska.
H.R. 3799: Mr. SARBANES, Ms. DELAURO, Mrs. GILLIBRAND, and Mr. CUMMINGS.
H.R. 3819: Ms. SHEA-PORTER.
H.R. 3836: Mr. BISHOP of New York.
H.R. 3846: Mr. CASTLE and Mr. WAXMAN.
H.R. 3896: Ms. SCHAKOWSKY.
H.R. 3934: Mr. CANNON.
H.R. 3980: Mr. HINOJOSA.
H.R. 4008: Mr. GERLACH, Mr. LANGEVIN, and Mr. KINGSTON.
H.R. 4048: Mr. PAYNE.
H.R. 4055: Mr. PAYNE.
H.R. 4071: Mr. MICHAUD and Mr. PASTOR.
H.R. 4083: Ms. LEE.
H.R. 4138: Mr. GORDON and Mr. LOEBSACK.

H.R. 4236: Ms. SHEA-PORTER, Mr. WU, Mr. HIGGINS, Mr. ABERCROMBIE, and Mr. WEINER.

H.R. 4248: Ms. FALLIN and Ms. BALDWIN.

H.R. 4296: Mrs. BONO MACK and Mr. LEWIS of Kentucky.

H.R. 4308: Mrs. BONO MACK.

H.R. 4311: Mr. MCKEON.

H.R. 4355: Mr. ALLEN and Mr. LOEBSACK.

H.R. 4544: Mr. ISRAEL and Mr. GOHMERT.

H.R. 4790: Mr. WEXLER.

H.R. 4847: Mr. MCHUGH, Mr. MILLER of North Carolina, Ms. SHEA-PORTER, and Mrs. MYRICK.

H.R. 4884: Mr. PAYNE and Mr. ANDREWS.

H.R. 4900: Mr. SHADEGG, Mr. BOSWELL, Mr. WELDON of Florida, Mr. EDWARDS, Mr. WESTMORELAND, and Mr. ROGERS of Michigan.

H.R. 4959: Ms. BALDWIN and Mr. HONDA.

H.R. 5036: Mr. MCNULTY.

H.R. 5109: Mrs. BIGGERT, Mr. INGLIS of South Carolina, Mr. WAMP, Mr. LATTA, and Mr. SIMPSON.

H.R. 5110: Mr. CUMMINGS and Mr. SPACE.

H.R. 5148: Ms. ESHOO, Mr. SHAYS, and Mr. PLATTS.

H.R. 5236: Mr. REHBERG.

H.R. 5265: Mr. CALVERT, Ms. MATSUI, and Mr. POE.

H.R. 5401: Mr. CARNAHAN.

H.R. 5443: Ms. WATSON.

H.R. 5474: Ms. GIFFORDS.

H.R. 5475: Ms. BERKLEY.

H.R. 5481: Mrs. SCHMIDT.

H.R. 5483: Mr. WITTMAN of Virginia, Mrs. DRAKE, Mr. GOODE, Mr. CANTOR, Mr. BOUCHER, Mr. WOLF, Mr. MORAN of Virginia, and Mr. FORBES.

H.R. 5513: Ms. FOXX.

H.R. 5515: Ms. GIFFORDS, Mr. MCCRERY, Mr. GOODE, Mr. FRANKS of Arizona, Mr. FEENEY, and Mrs. BLACKBURN.

H.R. 5532: Mr. HUNTER.

H.R. 5534: Mr. CAMPBELL of California and Ms. SUTTON.

H. Con. Res. 163: Mr. WOLF, Mr. SCOTT of Virginia, Mr. TAYLOR, Mr. BERMAN, and Mr. CLAY.

H. Con. Res. 262: Ms. BERKLEY and Mr. SOUDER.

H. Con. Res. 299: Mr. COHEN, Mrs. Wilson of New Mexico, Mr. LEWIS of Georgia, Mr. LATHAM, Mr. MCDERMOTT, Mr. BAIRD, and Mr. HINCHEY.

H. Con. Res. 302: Ms. FALLIN, Mr. COLE of Oklahoma, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANKS of Arizona, Mr. DOOLITTLE, Mrs. CUBIN, Mr. SESSIONS, Mr. LAHOOD, Mr. MCCAUL of Texas, Mr. HAYES, Mrs. WILSON of New Mexico, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. SIMPSON, Mr. BACHUS, Mr. TANCREDO, Mr. CRENSHAW, Mr. WELDON of Florida, Mr. THORNBERRY, Mr. MARCHANT, Mr. BRADY of Texas, Mr. ISSA, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. GERLACH, Mr. SHUSTER, Mr. LUCAS, Mr. TERRY, Mr. SHIMKUS, Mrs. CAPITO, Mr. MCHUGH, Mr. CASTLE, Mr. FEENEY, Mr. MANZULLO, Mr. RADANOVICH, Mr. KING of New York, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. LATHAM, Mr. WILSON of South Carolina, Mr. LATTA, Mr. FOSSELLA, Mr. OLVER, Ms. FOXX, Mr. BROWN of South Carolina, Mr. CUELLAR, Mr. LEWIS of California, Mrs. DRAKE, Mr. COBLE, Mr. MICA, Mr. SULLIVAN, Mr. CULBERSON, Mr. DREIER, Mr. CALVERT, Mr. ISRAEL, Ms. SCHAKOWSKY, Mr. CANTOR, Mr. RUPPERSBERGER, Mr. STUPAK, Ms. DEGETTE, Mr. WOLF, Ms. BALDWIN, Mr. WAMP, Mrs. MYRICK, Mr. MORAN of Kansas, Mr. SCOTT of Virginia, Mrs. CAPPS, Mr. BURTON of Indiana, Mr. TAYLOR, Ms. SUTTON, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. FERGUSON, Mr. SMITH of Texas, Mr. RAMSTAD, Mr. RUSH, Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. SNYDER, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. WALZ of Minnesota, Mr. LANGEVIN, Mr. REYES, Mr. GENE GREEN of Texas, Mr. COHEN, Mr. BURGESS, Mr. BARTON of Texas, Mr. BUTTERFIELD, Mr. MARKEY, Ms. BORDALLO, Mr. PUTNAM, Mr. MCGOVERN, Mr. JEFFERSON, Mr. ENGLISH of Pennsylvania, Mr. CUMMINGS, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. CHABOT, Mr. HALL of Texas, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. MACK, and Mr. UPTON.

H. Con. Res. 305: Mr. OLVER, Mr. BOSWELL, Mr. SNYDER, Mr. MICHAUD, Mr. DUNCAN, Mr. MORAN of Virginia, Mr. BRALEY of Iowa, and Mr. LAHOOD.

H. Res. 76: Mr. STARK.

H. Res. 123: Mr. ELLISON.

H. Res. 169: Mr. BISHOP of New York, Mr. COOPER, Mr. HENSARLING, and Mr. ISRAEL.

H. Res. 351: Mr. TANCREDO and Mr. SHUSTER.

H. Res. 356: Mr. HUNTER.

H. Res. 407: Mr. BROWN of South Carolina.

H. Res. 543: Mr. DAVIS of Virginia.

H. Res. 672: Mr. MARKEY.

H. Res. 821: Mr. HUNTER.

H. Res. 834: Mr. ISRAEL and Mr. ENGLISH of Pennsylvania.

H. Res. 896: Mr. CALVERT, Ms. LEE, Mr. BECERRA, Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, and Ms. SUTTON.

H. Res. 924: Mr. LAMBORN and Mr. COSTELLO.

H. Res. 939: Mr. BUYER.

H. Res. 958: Mr. PITTS.

H. Res. 962: Mr. GUTIERREZ, Mr. THOMPSON of Mississippi, and Mr. RANGEL.

H. Res. 973: Mr. BACA.

H. Res. 977: Mr. SPACE.

H. Res. 991: Mr. FRANKS of Arizona, Ms. BORDALLO, Mr. ORTIZ, Mr. BOREN, Mr. SESTAK, Mr. MORAN of Virginia, Mr. BARTLETT of Maryland, Mrs. LOWEY, Mr. RANGEL, Mr. LARSEN of Washington, Mr. DAVIS of Kentucky, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. ANDREWS, Mrs. TAUSCHER, and Mr. LOEBSACK.

H. Res. 992: Ms. FALLIN, Mrs. CAPPS, Mr. CARNAHAN, and Ms. SHEA-PORTER.

H. Res. 1004: Mr. POE and Mr. CALVERT.

H. Res. 1005: Mr. PLATTS, Mr. COOPER, Mr. MATHESON, Mr. EMANUEL, Mr. SHULER, Mrs. EMERSON, Mr. BONNER, Mr. HOBSON, Mr. RAMSTAD, Mr. ALEXANDER, Mr. LOBIONDO, Mr. HAYES, Mr. MARCHANT, Mr. TIM MURPHY of Pennsylvania, Mr. REYNOLDS, Mr. WALDEN of Oregon, Mr. COBLE, Mr. BOOZMAN, Mr. ENGLISH of Pennsylvania, Mr. MORAN of Kansas, Mr. ISSA, Mr. MARIO DIAZ-BALART of Florida, Mr. FATTAH, Mr. STEARNS, Mr. WHITFIELD of Kentucky, Mr. SHUSTER, Mr. MILLER of Florida, Mr. SULLIVAN, Mr. JOHNSON of Illinois, Mr. DEAL of Georgia, Mr. WALSH of New York, Mr. CRENSHAW, Mr. MCCOTTER, Mr. GARRETT of New Jersey, Mr. TIBERI, Mr. BILBRAY, Mr. BOUSTANY, Mr. FORTENBERRY, Mrs. DRAKE, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. RENZI, Mr. DOOLITTLE, Mr. KIRK, and Mr. COLE of Oklahoma.

H. Res. 1021: Mr. MCGOVERN, Mr. FILNER, Ms. GIFFORDS, Mr. KIRK, and Ms. TSONGAS.

H. Res. 1022: Ms. FALLIN, Mr. TOWNS, Mr. EDWARDS, Ms. BORDALLO, and Ms. JACKSON-LEE of Texas.

H. Res. 1023: Ms. ROYBAL-ALLARD.

H. Res. 1026: Mr. DAVID DAVIS of Tennessee.

EXTENSIONS OF REMARKS

CONGRATULATING JUDGE WILLIAM NEALON ON THE OCCASION OF RECEIVING THE PRESIDENT'S AWARD FROM THE FRIENDLY SONS OF ST. PATRICK OF LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to U.S. District Court Judge William J. Nealon who was chosen to receive the President's Award from the Friendly Sons of St. Patrick of Lackawanna County, Pennsylvania.

On December 15, 2007, Judge Nealon celebrated his 45th year as a United States District Court Judge. Appointed to the Federal bench by President John F. Kennedy on December 15, 1962, he was the youngest Federal judge in the country.

Judge Nealon served the Middle District as Chief Judge from 1976 until 1989. He has served on this court longer than any other judge in the history of the Middle District. Today, he is the third most tenured Federal judge in the nation out of 1,100 Federal jurists.

The proud product of Scranton Public Schools, he later served in the United States Marine Corps from 1942 to 1945 where he held the rank of first lieutenant. He received a bachelor of science degree in economics from Villanova University in 1947 and was awarded his Juris Doctor degree from the Catholic University of America in 1950. Prior to being appointed to the Federal bench, Judge Nealon served on the Court of Common Pleas of Lackawanna County.

In 1983, the Association of Trial Lawyers of America, a professional society of more than 50,000 trial lawyers, named Judge Nealon the "Outstanding Federal Trial Judge in the United States." He has been the recipient of numerous community awards and has served as chairman of several local boards, including the University of Scranton, Mercy Hospital, and the Catholic Youth Center.

Having served as president of the Friendly Sons of St. Patrick of Lackawanna County some 44 years ago, his dinner in 1964 was regarded as one of the most memorable the society has ever held. Robert F. Kennedy, the United States Attorney General, made his first public appearance that evening just 4 months after the tragic assassination of his brother, President John F. Kennedy. Judge Nealon today is the most senior of distinguished past presidents of the Friendly Sons of St. Patrick of Lackawanna County.

Madam Speaker, please join me in congratulating Judge Nealon on this auspicious occasion. Judge Nealon's faithful service to his community and to his Nation is well known throughout northeastern and central Pennsylvania and has been an inspiration to all whose lives he has touched.

HONORING THE ACCOMPLISHMENTS OF THE OUACHITA PARISH SCHOOL DISTRICT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commend the Ouachita Parish School District for its designation as one of the top five school districts in the State of Louisiana, according to rankings recently released by the Department of Education.

As test scores throughout the Fifth Congressional District steadily climb each year, I believe the continued success of the Ouachita Parish School District stands as an example of hope and encouragement to other schools in the state who are striving to improve their current rankings.

The Fifth Congressional District has long struggled to overcome its status as one of the poorest regions in the country with an educational system that is often ranked very low. The achievements of the Ouachita Parish School District give me great hope that our region can defy its history.

When children excel in school, the transformation that takes place within their lives spills out beyond the walls of the classroom and into the community in which they live, and I believe the Ouachita Parish School District is stimulating such progress in North Louisiana.

Madam Speaker, I ask my colleagues to join me today in honoring the efforts of the Ouachita Parish School District and its commitment to improving education and the quality of life in Ouachita Parish and throughout the State.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2008 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today on behalf of my Virginia colleagues FRANK WOLF and JAMES MORAN to recognize an outstanding group of men and women in northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Life Saving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that we enter into the record the names of the recipients of the 2008 Valor Awards in the Fairfax County Police Department. Receiving the Life Saving Award: Auxiliary Police Officer Jorge A. Canovas, Private First Class Jeremy T. Hoffman, Private First Class Jason J. Mardocco, Sergeant Andrew B. Wehrlen; Certificate of Valor: Private First Class Christopher L. Coleman, Private First Class Kirk A. McNickle, Private First Class Richard D. Shughart II, Private First Class Andrew L. Smuck, Private First Class Brooks R. Gillingham, Master Police Officer Mark P. Dale, Detective Gregory S. Bender; the Silver Medal: Private First Class Paul H. Bennett III, Officer Brian K. Bowman, Private First Class Kirk A. McNickle, Major Michael LoMonaco, Master Police Officer Gary S. Brown, Private First Class Daniel V. Johnson; the Bronze Medal: Rosemarie C. Silva.

Madam Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Fairfax County Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Ms. SOLIS. Madam Speaker, during rollcall vote No. 107 on motion to appeal the ruling of the Chair, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Ms. WOOLSEY. Madam Speaker, on March 6, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 103–107.

Had I been present I would have voted: rollcall No. 103—"yes"—Providing for consideration of H.R. 2857, to reauthorize and reform the national service laws; rollcall No. 104—"yes"—Providing for consideration of H.R. 2857, to reauthorize and reform the national

service laws; rollcall No. 105—"no"—Flake of Arizona Amendment; rollcall No. 106—"yes"—Inslee of Washington Amendment; rollcall No. 107—"yes"—Generations Invigorating Volunteerism and Education "GIVE" Act.

CONGRATULATING THE HIGHLAND PARK GIRLS SWIMMING AND DIVING TEAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. SESSIONS. Madam Speaker, it is with great pleasure that I rise today to congratulate the Highland Park Girls Swimming and Diving Team on winning the title of UIL 4A State Champions.

In his first year coaching at Highland Park, Jess Cole led the girls to their eighth consecutive win in the UIL Texas State Championship on Saturday, February 23, 2008. Those who competed at the State meet include Allison Arnold, Megan Arnold, Hannah Ferrin, Bolton Harris, Delaney Rolfe, Katy Streepey, Katy Tye, and Alex Weber. Their continued success can be attributed to their hard work, dedication, passion for swimming, and a strong sense of team spirit. In addition to claiming the title of State Champions, the Highland Park Girls Swimming and Diving Team now holds the longest State record in UIL swimming and diving, matching Class A Booker's record in girls golf as the longest in Texas high school sports since recordkeeping began in 1910.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating the members of the Highland Park Girls Swimming and Diving Team for their well-deserved victory and wish them all the best in future endeavors.

TRIBUTE TO NIAGARA COUNTY ON ITS 200TH ANNIVERSARY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride and delight that I rise today to recognize and celebrate Niagara County on its 200th anniversary.

From the locks of the Erie Canal to the roar of Niagara Falls, and from its rich history to its wonderful and generous people, Niagara County has much to celebrate on its bicentennial.

The first settlers of this area were amazed and continually challenged by the geographic surprises that awaited them. The most well-known surprise is the 12,000-year-old Niagara Falls, which the early settlers looked upon as an unexplained phenomenon of nature. While the breathtaking, yet hazardous, Niagara Falls rushes 6 million cubic feet of water over its edges every minute during its daytime peak, the falls did stand still on March 29, 1848. An ice blockade on Lake Erie stopped the flow of water into the falls, allowing for an opportunity for people to explore the cliffs of Niagara Falls. The falls remains the largest attraction in Niagara County, attracting millions of tourists every year.

Niagara County was one of the pioneers in aviation with its "Grand Balloon Ascension" in July 1858. This display of aeronautical ingenuity brought crowds from all over Niagara County, and also many of the surrounding counties. While the balloon remained in the air for just over 30 seconds, this display was seen as a huge accomplishment to the crowds that witnessed the event. The manufacturing and research center Bell Aerospace in the town of Wheatfield was instrumental in creating jobs in Niagara County. This plant is well-known around the world for its helicopters, rocket belts, and lunar modules. The rocket powered Bell X–1 supersonic aircraft that broke the sound barrier was piloted in 1947, by the renowned Chuck Yeager. This historic craft is now displayed in the Smithsonian National Air and Space Museum.

Not only was Niagara County a leader in aviation, it was instrumental in the development and expansion of the telegraph machine and the telephone in western New York. Niagara County was the location of the second telegraph line in the United States. The line was constructed in 1845 and stretched all the way from Lockport to Buffalo. The telegraph line provided a service experienced by few up to this time in history. The first major message sent on this telegraph line was the results of the 1845 elections. The first telephone arrived in Niagara County in 1878, just 2 years after Alexander Graham Bell patented this invention. This telephone connected Cataract Bank with the home of the bank officer. People came from all over the county to view this life-altering invention.

This bicentennial should be a celebration of the residents of Niagara County past and present. The traditions of hard work and dedication have been instilled in this community. You can tell when you meet the people of Niagara County that they are all willing to lend a hand and help a neighbor.

Thus, Madam Speaker, in recognition of its rich history, innovation, and its wonderful residents, I ask that this honorable body join me in celebrating the 200th anniversary of the Niagara county.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2008 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today on behalf of my Virginia colleagues FRANK WOLF and JAMES MORAN to recognize an outstanding group of men and women in northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Vienna Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Life Saving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that we enter into the record the names of the recipients of the 2008 Valor Awards in the Vienna Police Department. Receiving the Life Saving Award: Sergeant Anthony R. Clingerman, Master Police Officer Jared B. Evans, Master Police Officer J. Michael Oliver, Master Police Officer H. Trent Nelson; the Silver Medal: Sergeant Anthony R. Clingerman.

Madam Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Vienna Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Ms. SOLIS. Madam Speaker, during rollcall vote No. 105 on H.R. 2857—GIVE Act, the Flake amendment, I was unavoidably detained. Had I been present, I would have voted "no."

TRIBUTE TO VICE ADMIRAL FRANK DAY MCMULLEN, JR., USN (RET.)

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. SKELTON. Madam Speaker, let me take this means to pay tribute to VADM Frank Day McMullen, Jr. A native of Kansas City, MO, he bravely served our country for 36 years in the United States Navy. Vice Admiral McMullen passed away on January 2, 2008.

Frank McMullen graduated from the United States Naval Academy in 1947. He received his post-graduate degree from The George Washington University. He also attended the National War College and served as deputy assistant to the Secretary of Defense for Atomic Energy. Vice Admiral McMullen's extraordinary career led him to command one diesel electric and two nuclear powered submarines, the Submarine Squadron in the Holy Loch, Scotland, the Submarine Fortilla in New London, CT, and the Submarine Forces, U.S. Pacific Fleet, in Pearl Harbor, HI.

Vice Admiral McMullen was very fortunate to have the love and understanding of his family who encouraged him, even when he left home to serve on lengthy deployments. He was preceded in death by his wife, Ruth, who passed away in November 2002, and his daughter Christine, who passed away in March 1994.

Vice Admiral McMullen truly loved his work and was very proud of his service to our country. I hope Members of the House will join me

in honoring this outstanding Missourian, an extraordinary naval officer, and a wonderful husband, father, and friend.

HONORING DR. FREDERICK ''SKIP'' BERRIEN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. COURTNEY. Madam Speaker, for over three decades, Dr. Frederick ''Skip'' Berrien has been a prominent figure in Connecticut's medical, academic, and child welfare communities. This month, he will retire as the director for the Child Abuse/Children's Advocacy Center at St. Francis Hospital in Hartford, Connecticut. I rise today to recognize and celebrate his illustrious career and his contributions to our friends and neighbors in Connecticut.

Between 1980 and 1987, Dr. Berrien served as the director of pediatrics and acting medical director in general pediatrics at the UConn/Mount Sinai Health Center. Following his tenure at the UConn/Mount Sinai Health Center, Dr. Berrien assumed an associate director position for pediatric ambulatory services at Saint Francis Hospital. He subsequently served as director of pediatric ambulatory services, clinical director for sickle cell services, co-director of the Siberian American Children's Health Program, and director of child abuse services/Children's Advocacy Center at St. Francis. Beginning in 2001, Dr. Berrien joined the Connecticut Children's Medical Center as a consultant for the Suspected Child Abuse and Neglect Program.

While the size and scope of Skip's medical career is clear, his contributions to the academic and social services community have also been substantial. From 1977 to 1979, Dr. Berrien was a clinical instructor at Boston University and from 1980 until present, an associate professor of clinical pediatrics at UConn School of Medicine. His original research ranges from the state of Russian pediatric health care to pediatric sickle cell pain management. His work in Russia after the fall of the Soviet Union, established new, enduring partnerships with Russian doctors that has benefited both countries.

Dr. Berrien has added to his role of providing and teaching pediatric care, to serving as a forceful advocate for issues such as prevention of child abuse and neglect. In the early 1990's, he was instrumental with developing the Child Abuse/Children's Advocacy Center at St. Francis Hospital. At the time there was no program at all to deal with this critical unmet need in central Connecticut. Today as Dr. Berrien leaves, the center is one of the most respected such programs in the country and has brought both compassion and justice to this challenging area of law and medicine. In addition, Skip remains an active participant of such organizations as the American Professional Society on the Abuse of Children, the International Society for Prevention of Child Abuse and Neglect, and the Hartford Multidisciplinary Intervention Child Abuse Team.

Medical professionals serve an invaluable role in our society. They are protectors of public health, and purveyors of hope and social justice. Throughout his career, Dr. Berrien has exemplified each of these roles. Madam Speaker, I ask my colleagues to join with me and my constituents with recognizing his contributions and offering our warmest wishes for his retirement.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2008 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today on behalf of my Virginia colleagues, FRANK WOLF and JAMES MORAN, to recognize an outstanding group of men and women in northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Herndon Police Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Life Saving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that we enter into the record the names of the recipients of the 2008 Valor Awards in the Herndon Police Department. Receiving the Certificate of Valor: Sergeant Stephen Thompson, Senior Police Officer James J. Passmore, Officer Adil Afab, and Officer Michael R. Croson.

Madam Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Herndon Police Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Ms. SOLIS. Madam Speaker, during rollcall vote No. 106 on H.R. 2857, GIVE Act, the Inslee Amendment, I was unavoidably detained. Had I been present, I would have voted ''yes.''

HONORING SCOTTS HILL LIONS CLUB

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating the Scotts Hill Lions Club as they celebrate their 60th anniversary.

The Scotts Hill Lions Club was chartered on March 30, 1948, due to the hard work and vision of Scott Hill's Mayor Erin Holland and Adamsville Lions' Club member Farris Stafford. As a chartered member, the Scotts Hill Lions Club became part of Lions Club International, which is the world's largest service club organization with more than 46,000 clubs in over 190 countries and approximately 1.4 million members.

Over the course of the last 60 years, the Scotts Hill Lions Club members have volunteered their time, energy, and resources to supporting local charities, providing care for families in need, and have generously contributed towards relief efforts at home and in countries throughout the world. To say the least, the Scotts Hill Lions Club has undoubtedly lived out their club's motto, ''We serve.'' I commend the members of the Scotts Hill Lions Club and encourage others to follow their example of dedication and service. Their hard work will not only be felt locally but around the world for years to come.

Please join me in honoring the Scotts Hill Lions Club, President Dan Brigance, Secretary Pattie Stewart, and other officers and members in wishing them the best on this well-deserved anniversary.

HONORING JACQUELINE KONOPKA

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. WESTMORELAND. Madam Speaker, volunteers who work on behalf of public safety officers thicken and strengthen the Thin Blue Line.

Tens of thousands of police officers daily risk the ultimate sacrifice in order to serve a greater good. These public servants have a friend behind the scenes working on their behalf in the Law Enforcement Assistance Connection Inc.

Today, I call the House's attention to Jacqueline Konopka, a 25-year-old constituent from Newnan in Georgia's Third Congressional District. Jackie has gone above and beyond to aid the Law Enforcement Assistance Connection.

A flight attendant for AirTran Airways, Jackie became involved with LEAC after meeting the organization's founder and leader on one of her flights. Terry Hunt's description of his work on behalf of law enforcement on that fateful flight won over a new and tireless volunteer. But Konopka says she's an easy sell when it comes to aiding public safety officials. ''As a flight attendant,'' she says, ''public safety is my No. 1 priority.''

Today, Hunt sees Konopka's work as integral to his organization's mission: ''Jacqueline Konopka has shown me the true meaning of life and inspired me to achieve and overcome personal and professional obstacles. A loyal friend and adviser, Jackie is someone I admire for her perseverance, leadership skills, drive and dedication in all she has done and continues to do. She is extremely special to me—

in fact, it's not a stretch to say that had it not been for her willingness and selflessness to advance LEAC's goals, this organization would not function.''

LEAC takes part in various activities to promote the welfare of law enforcement authorities, including the Annual Benefit for the National Law Enforcement Officers Memorial Fund Gala in Washington, the Annual Charitable Golf Classic to support the Law Enforcement Assistance Connection; and A Matter of Honor Annual Golf Event and Gala for the National Law Enforcement Museum in Washington.

Konopka helps plan and organize these events, but she describes her efforts on behalf of the LEAC as mainly ''serving as a support for Terry.'' Nevertheless, she's breaking new ground on her own by spearheading a ''night out'' for victims of violent crime. Konopka says she wants the event, planned for 2009 in Washington, to call attention to the fact that 1 out of 3 in this country are sexually assaulted at some point in their lives.

Madam Speaker, I hope the House will join me in thanking and congratulating Jacqueline Konopka and the Law Enforcement Assistance Connection Inc. for all that they give and all that they do to support the public servants who do so much for all Americans.

IN RECOGNITION OF THE RAMAPO COLLEGE DISTINGUISHED CITIZENS DINNER 2008

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize four individuals who have been named by the Ramapo College Foundation Board of Governors as the 2008 Distinguished Citizens. This honor highlights their personal and professional commitment to advance higher education and their significant service to the community.

James E. Jaworski, Esq.; Patricia B. Shrader, Esq.; Drew Nieporent, and Edward P. Wallace, Jr. each support Ramapo College in their own unique ways while exemplifying the school's commitment to high standards of educational excellence.

In addition, these individuals are recognized for their dedication and unfailing commitment to our community. Our communities are only as strong as the people and organizations that are willing to put their time, effort, and energy into building them. I applaud Ramapo College for honoring these individuals and, in doing so, the true spirit of community that helps to make our country a symbol of strength and hope worldwide.

Ramapo College of New Jersey is located in Mahwah, New Jersey. Designated as ''New Jersey's Public Liberal Arts College,'' Ramapo is a comprehensive institution of higher education whose faculty and staff dedicate themselves to the promotion of teaching and learning within a strong liberal arts based curriculum. Its curricular emphasis includes the liberal arts and sciences, social sciences, fine and performing arts, and the professional programs within a residential and sustainable living and learning environment.

It is an honor to represent such fine people and institutions in the U.S. House of Representatives.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2008 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today on behalf of my Virginia colleagues FRANK WOLF and JAMES MORAN to recognize an outstanding group of men and women in northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Several members of the Fairfax County Fire and Rescue Department have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Life Saving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that we enter into the record the names of the recipients of the 2008 Valor Awards in the Fairfax County Fire and Rescue Department. Receiving the Certificate of Valor: Acting Technician Ronald S. Seghetti, Firefighter Jason P. Kelly; the Gold Medal: Lieutenant Danny R. Urps, Master Technician John F. Linhart, Master Technician Joseph K. Swift, Firefighter Medic William F. Ward; the Silver Medal: Captain Richard C. Smith, Firefighter John A. Fleming; the Bronze Medal: Firefighter George H. Moore, Battalion Chief Floyd L. Ellmore, Firefighter Richard M. Tamillow.

Madam Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Fairfax County Fire and Rescue Department. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

RECOGNIZING THE FAIRFAX COUNTY CHAMBER OF COMMERCE 2008 VALOR AWARD RECIPIENTS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. DAVIS of Virginia. Madam Speaker, I rise today on behalf of my Virginia colleagues FRANK WOLF and JAMES MORAN to recognize an outstanding group of men and women in northern Virginia. The Fairfax County Chamber of Commerce annually recognizes individuals who have demonstrated superior dedication to public safety with the prestigious Valor Award. Two Members of the Fairfax County Sheriff's Office have earned this highest honor that Fairfax County bestows upon its public safety officials.

There are several types of Valor Awards that can be awarded to a public safety officer: the Life Saving Award, the Certificate of Valor, or the Gold, Silver, or Bronze Medal of Valor.

It is with great pride that we enter into the RECORD the names of the recipients of the 2008 Valor Awards in the Fairfax County Sheriff's Office. Receiving the Certificate of Valor: First Lieutenant Tyler D. Corey and Private First Class Michael W. Ittner.

Madam Speaker, in closing, we would like to take this opportunity to thank all the men and women who serve in the Fairfax County Sheriff's Office. Their efforts, made on behalf of the citizens of Fairfax County, are selfless acts of heroism and truly merit our highest praise. We ask our colleagues to join us in applauding this group of remarkable citizens.

COMMENDING THE LSU COLLEGE OF EDUCATION FOR REACHING ITS CENTENNIAL

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commend the Louisiana State University (LSU) College of Education for reaching its centennial.

Since its establishment, the college has prepared thousands of educational leaders, including supervisors, principals, superintendents, and university faculty and administrators.

Originally named the ''Teachers' College,'' the LSU College of Education employed two faculty members at its founding in 1908. In 1939, the college expanded to include the School of Health & Physical Education, presently named the Department of Kinesiology. This department, initially focused on teacher education, has now expanded to include nationally and internationally recognized research and scholarship programs that generate and disseminate knowledge about all aspects of the art and science of human movement.

These days the college is a collaborative unit that prepares educational and wellness professionals. With oversight responsibilities for various professional certification programs spanning four colleges and one school, the college also oversees the K–12 University Laboratory School, which has been ranked among the nation's top 2.5 percent of public high schools by Newsweek as well as boasts the state's first international baccalaureate program.

The LSU College of Education today employs more than 200 faculty and professional staff to provide rigorous academic programs, highlighted by challenging, rich and collaborative experiences.

To celebrate the 100th birthday of the college, the LSU College of Education is hosting a series of events throughout the 2008–2009 anniversary year, including a kick-off centennial celebration, special lecture series, visiting scholars, and nationwide alumni celebrations.

Madam Speaker, I ask my colleagues to join me in honoring the LSU College of Education for reaching this landmark year.

HONORING THE LIFE AND SERVICE OF MS. KAY BEARD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Kay Beard, Wayne County Commissioner and dedicated community advocate, upon her retirement from a distinguished 30-year career in public service.

Kay became interested in politics at an early age at the knee of her grandmother who used to host meetings of the local congressional delegation in their Detroit home. Throughout her life, Kay was active in civic and community organizations, but did not run for political office until 1972 when she launched an unsuccessful bid for State representative. Undeterred, Kay ran for Wayne County commissioner in 1976, Kay was later appointed to fill a vacancy on the Wayne County Commission in April 1978. Subsequently, Kay never failed to win another election she ran in including her most recent reelection in 2006 to her 15th term. Her 30 years on the commission made her the longest serving member ever.

While managing the daily tasks of a county commissioner, Kay gave back a tremendous amount of time and effort to her community. Kay served on the National Advisory Council for School-to-Work Opportunities, the Senior Advisory Council of Blue Cross/Blue Shield of Michigan, the United Way Community Services Board of Directors, and was a founding member of Hospices of Michigan. Her efforts did not go unnoticed by the citizens of Michigan. The Michigan Democratic Women's Caucus presented her with its highest honor, the Eleanor Roosevelt Award. She was also a recipient of the Westland ATHENA Award and in honor of her achievements has had a building on the grounds of the Eloise Psychiatric Hospital renamed the Kay Beard Building.

During her 15 terms on the Wayne County Board of Commissioners, Ms. Beard has dealt with issues ranging from the termination of the drain commissioner's job, a failed smoking ban, the creation of an antifraud law, and a valiant yet unsuccessful attempt to save Wayne County General Hospital. Ms. Beard felt that spirited opposition was the touchstone of democracy. Despite displaying a vibrant spirit, Kay has been ordered by her doctor to step down for health reasons. Her loss will be felt by all the citizens of Wayne County who wish her nothing but happiness.

Madam Speaker, for 30 years Commissioner Kay Beard has faithfully served Michigan and Wayne County. As she enters the next phase of her life, she leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating Commissioner Kay Beard upon her retirement and recognizing her years of loyal service to our community and country.

CONGRATULATING THE HASTINGS ST. CECILIA BLUEHAWKS

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. SMITH of Nebraska. Madam Speaker, today, I want to congratulate the Hastings St. Cecilia Bluehawks on winning the Nebraska Class C–I Boys Basketball Championship on Saturday, March 8, 2008.

In a game dominated by the defense, the Bluehawks finished ahead of previously unbeaten Bennington by a score of 50 to 43—all the more remarkable when you consider the score was only 24–22 at the beginning of the fourth quarter.

Both teams deserve congratulations for finishing a great year. As one of the Bluehawks' coaches remarked, ''This group can do anything they want to do when they put their minds to it.''

I think that phrase can be used to sum up all of the great athletes who dedicated themselves this year, whether they made the championship game or not.

THE SUZANNE McDANIEL PUBLIC AWARENESS AWARD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. POE. Madam Speaker, Suzanne McDaniel is one of the ''Old Buffalos,'' which is what we call the first advocates in the victims' rights field. I met Suzanne 25 years ago, when I was a judge on the Harris County District Court. Suzanne worked as the director of the Witness Office of the Harris County District Attorney's Office. She was one of the first prosecutor-based victim advocates in Texas and in the entire country. Since then, Suzanne has tirelessly crusaded for crime victims at the local, State and national levels.

Suzanne began working in the trenches, in the days when victims were looked at as mere witnesses in a trial. In Harris County, Texas, Suzanne helped create the first community interagency council on sexual assault and family violence. Suzanne then went to work for the State of Texas in the Governor's office. There she wrote groundbreaking reports on crime victims and organized conferences to train and educate victims, advocates, and allied professions.

Suzanne then brought her knowledge, dedication, and leadership to the Texas State Attorney General's office where she was the State's crime victim information officer. In this position, Suzanne advocated for the passage of legislative and regulatory initiatives, including the passage of Texas' State constitutional amendment for victims. As a testament to Suzanne's significant contributions to the victims' field, the State coalition of victim organizations, VOTERS, appointed her as legislative liaison.

Not only has Suzanne tirelessly advocated for crime victims in Texas, but she brought the same drive and compassion to the national level. In 1984, when President Ronald Reagan created the President's Task Force on Victims of Crime, Suzanne coordinated field hearings that launched victims' rights into a national concern. In addition, Suzanne served on the board of the National Organization for Victim Assistance for 10 years.

When I came to Congress, I founded the Congressional Victim's Rights Caucus to provide a voice for and to advocate on behalf of crime victims. The Caucus honors individuals, organizations, and advocates that have truly made a difference for crime victims. Instead of honoring Suzanne's contributions with an award, the Caucus has named an award after her, to forever honor her work, dedication, and compassion. On April 9, 2008, the Congressional Victim's Rights Caucus will present its first ''Suzanne McDaniel Public Awareness Award.'' And that's just the way it is.

IN RECOGNITION OF THOMAS J. GRAFF

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. COSTA. Madam Speaker, I rise today to recognize Thomas J. Graff, senior counsel to the Environmental Defense Fund of California. His more than 35 years as a leader in California's environmental and water communities is to be commended, a service that he has performed with intelligence, passion, and humor.

Tom joined the California bar after receiving graduate degrees from the London School of Economics and Harvard Law School. In 1971, Tom founded the first California office of the Environmental Defense Fund. The modern environmental movement was in its infancy, but Tom Graff learned quickly.

Tom worked hard to reform California water policy, particularly in the Sacramento-San Joaquin Delta. Working closely with colleagues, allies and adversaries, Tom contributed to projects such as Mono Lake, Imperial Valley, the Central Valley Project Improvement Act, CVPIA, and the 1994 Bay-Delta Accord. His efforts in protecting California water resources led to his service on the Colorado River Board, where he worked with Californians and water advocates from throughout the Colorado River basin. A consistent thread in his environmental and water advocacy was economic solutions to complex environmental problems.

Tom Graff's influence crossed over into other aspects of California's environment and economy as well. In the 1980s, he launched efforts to address acid rains and transportation issues. Governor Pete Wilson appointed Tom to the Commission on Transportation Investment, where Tom participated in infrastructure issues.

While the law is, by nature, adversarial, Tom's gifted advocacy has gained him the respect and admiration of many, even those considered his adversaries. Many testify to Tom's practice of active listening in order to genuinely understand his adversaries' interests. This often resulted in solutions that resolved both sides' concerns. In sometimes

tense negotiations, Tom was known to insert humor as well as perspective to smooth the way toward resolving potentially intense conflicts. Tom spoke accurately when he said, ''We cannot repeat the water wars of the past.'' ''We have to find a way to work together, or we will all lose.''

Tom's contributions to California's environmental community have been public and political, as well as private and personal. Tom has served as a lecturer at law schools at the University of California—Berkeley and Harvard. His constant practice of mentoring junior colleagues and law students has been spoken highly of.

In everything that Tom Graff has aspired to do, he has helped broaden Californians' understanding of the challenges of balancing environmental and economic concerns, and the use of California's natural resources. It is that effort that I recognize before you today.

SEVEN KILLED IN SHOOTING AT JERUSALEM SEMINARY

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Ms. CLARKE. Madam Speaker, last Thursday was a tragic day in Jerusalem. An ''act of terror and depravity'' as Secretary Rice defined it, took the lives of eight young students, while gathering to have dinner.

At 8:45 pm, Thursday night, two terrorists infiltrated a Jewish seminary in Jerusalem and opened fire in a dining hall. The shooting was continuing for a few minutes until police forces arrived and the gunmen were stopped. Eight students were killed and seven others were wounded and are still hospitalized.

Mercaz Harav Seminary is a center for studying of Judaism that is located in Kiryat Moshe quarter at the entrance of the city. The seminary holds around 500 students, including foreigners, some of them Americans. In this specific evening there were about 80 people in the dining hall when the gunmen opened fire.

The victims are Neria Cohen, 15 years old; Segev Paniel Avihail, 15 years old; Yehonathan Ytzchak Eldar, 16 years old; Avraham David Moses, 16 years old; Roy Rot, 18 years old; Yochai Lifshitz, 18 years old; Yehonadav Haim Hirshfeld, 19 years old; and Doron Mahareta, 26 years old.

I urge my colleagues to come together and find ways to resolve the conflict in the Middle East.

I would also like to express my deep sorrow for the loss of the young students. To the parents and families of the victims, I offer my sincerest condolences, and grant the families comfort and peace at this time.

HONORING MARTIN'S MILL LADY MUSTANGS FOR WINNING THE CLASS A DIVISION I TEXAS STATE CHAMPIONSHIP

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize the Martin's Mill Lady Mustangs basketball team for winning the Class A Division I Texas State Championship.

On March 2, 2008, the Lady Mustangs made their third straight appearance in the State tournament since they secured their first championship title in 2006. After trading leads throughout the game and trailing late in the third quarter, the Lady Mustangs came back to secure a 48–43 victory over Sudan.

I especially want to recognize the three seniors on the team, Jordan Barncastle, Taylor Daniel and Christa Williams, for the extraordinary achievement of securing two State championships. In addition, I want to congratulate Jordan Barncastle for being named the tournament's Most Valuable Player after contributing 18 points, eight rebounds, and three steals in the championship game.

I also want to recognize Head Coach Doug Barncastle, who began coaching at Martin's Mill High School in 2005 and has led the Lady Mustangs to the State tournament all 3 years. This victory was extra special since he was coaching his daughter, Jordan Barncastle, in her last game before graduating and heading to Lubbock to play for the Texas Tech Lady Raiders. With the game falling during the week of his birthday, the victory was an answered birthday wish for Coach Barncastle.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize the Martin's Mill Lady Mustangs—both coaches and players—for their talent, dedication, and exceptional performance.

CONGRATULATING THE BOROUGH OF RAMSEY, NEW JERSEY, ON ITS 100TH ANNIVERSARY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I am pleased to congratulate the borough of Ramsey, New Jersey, on its centennial celebration. Today, March 10, is the 100th anniversary of the incorporation of Ramsey.

Ramsey is located at the foothills of the Ramapo Mountains in northeast New Jersey and covers 5.9 square miles. Dutch, English, Scottish, and German settlers were among the first colonists to live in Ramsey. The Old Stone House was built as a Dutch colonial farmhouse in the 1700s, and it is still preserved today. A gristmill was erected in the mid 1780s, and six decades later a railroad station was assembled—both brought commerce and development to the area. Ramsey quickly became known as the strawberry capital, due to the large amounts of strawberries grown in the region and then shipped to other States.

Today, Ramsey is the site of six churches, three parks, four public schools, and a public library. Several scenes from The Sopranos episode ''The Happy Wander'' were shot at the Maple Shade Motel, and Ramsey was also a setting for scenes from the 2006 film World Trade Center. Several notable Americans have resided in Ramsey, including Ryan Grant, running back for the Green Bay Packers; Danny Aiello, a stage and film star; and Ryan McGinley, a photographer. Perhaps the most distinguished resident to call Ramsey ''home'' was Army Master Sergeant Charles Ernest Hosking, who received a Medal of Honor for self-sacrificially saving the lives of several of his commanders during the Vietnam war.

The borough of Ramsey is rich with historical, cultural, educational, and recreational institutions. For 100 years, Ramsey has been the cherished residence of many Americans. It is my hope that the borough of Ramsey will continue to be a vibrant community for many years to come.

CONGRATULATING PERKINS COUNTY PLAINSMEN ON WINNING CLASS C–2B NEBRASKA GIRLS BASKETBALL STATE TITLE

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. SMITH of Nebraska. Madam Speaker, I rise today to congratulate the Perkins County Plainsmen on their 62 to 49 victory over Sutton to take the Class C–2B Nebraska Girls Basketball State Title on March 1, 2008. They embody the spirit of teamwork, determination, and heart, which champions display.

They finished the season unbeaten, but definitely not untested. Sutton, who allowed an average of just 35 points a game this season, gave the Plainsmen all they could handle, but came up short.

So, it is with a sense of pride that I congratulate the Perkins County Plainsmen girls' basketball team on winning this championship. This victory is the result of months and years of hard work by the players, students, and their coaches.

RECOGNIZING EILEEN McGUCKIAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to express my appreciation and gratitude to Eileen McGuckian, founder of Peerless Rockville, for her 35 years of service to the cause of historic preservation.

Eileen was driven to take action in 1974, when she witnessed the demolition of the historic and beautiful Masonic Lodge in Rockville. Along with a group of like-minded community members, she formed Peerless Rockville and

began raising money for the preservation of historic buildings and sites and educating the public on the importance of protecting our shared history.

Peerless Rockville has become a model of public-private partnership, whose successes have included the rescue and preservation of the 1873 B&O Railroad Station, the Montrose School and Baptist Cemetery, the Dawson farmhouse, the Grand Courtroom of the Red Brick Courthouse, and Wire Hardware, one of the few examples of 19th century commercial architecture remaining in Rockville. In addition, Peerless Rockville fulfills its educational mission by providing walking tours and history programs, and maintaining an impressive collection of maps, historic photographs, architects' drawings and other documents. These documents are an invaluable resource for local residents, students and scholars. Eileen herself made full use of this collection in her award-winning book, Rockville: Portrait of a City. Today, Rockville is a richer and more beautiful place thanks to Eileen McGuckian.

Madam Speaker, please join me in recognizing and honoring Eileen McGuckian for 35 years of dedicated and outstanding service to the city of Rockville and to Montgomery County, Maryland.

HONORING JOHNNIE BENDY FOR RECEIVING THE LIFETIME ACHIEVEMENT AWARD

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize Johnnie Bendy for receiving the Lifetime Achievement Award from the Mineola Chamber of Commerce.

Johnnie Bendy, named after her father who passed away weeks before she was born, is known for the impact she has made in her community. Ms. Bendy's grandmother and elderly neighbors influenced her love for nature and education by taking her fishing, teaching her to identify medicinal herbs, and explaining the intricacies of nature. Being raised by a single mother in the 1930s inevitably led to difficult times, and Ms. Bendy recalls going hungry for days.

After attending grade school in Mineola, Ms. Bendy worked to pay her way through school at Texas College. After graduating, Ms. Bendy taught at McFarland School until 1964 when she began her career as a librarian at Mineola Middle School, a post she held for 38 years.

In addition to teaching, Ms. Bendy devoted her time volunteering and serving on the city planning and zoning commission, the Kindness Cottage, the Mineola Chamber of Commerce, the Community Chest, United Way, the East Texas Council of Government, and is a former president of Friends of the Library. Ms. Bendy has been recognized both locally and nationally as a Distinguished Teacher, Volunteer of the Year, and 1998 Woman of the Year.

In 2007, Mineola Mayor Pete Smith dedicated a historical marker to Ms. Bendy in the Mineola Nature Preserve on the Sabine River that now marks a trail leading to the International & Great Northern Rail Road where she spent her childhood playing outdoors.

In the midst of all this activity, Ms. Bendy sang in her church choir and devoted time to organizing and serving on various church committees.

Ms. Bendy's perseverance and selfless attitude in the face of cumbersome obstacles qualifies her to receive this lifetime achievement award. Her work helped Mineola become a better place to live, work, raise a family, and realize the American dream.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Johnnie Bendy for earning the Lifetime Achievement Award and for sharing her passions to inspire those around her.

TRIBUTE TO CLEORA MAGEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Cleora Magee as she retires as the executive director of the city of Flint Human Relations Commission. A celebration will be held in her honor on Saturday, March 15 in my hometown of Flint, Michigan.

Cleora Magee has served the people of the Flint area for many years. After working in the registrar's office at Mott Community College, Cleora became a community organizer at the Urban Coalition of Greater Flint. She went on to work at the Flint Neighborhood Improvement and Preservation Project, Incorporated, as a community organizer, and a Neighborhood Service Center manager. In 1996 she became the executive director of the city of Flint Human Relations Commission.

In her capacity as the executive director, Cleora has touched the lives of thousands of people. She serves many organizations and is affiliated with the following: secretary for the board of the Fair Winds Girl Scout Council; secretary of the board of the Flint Neighborhood Improvement and Preservation Project, Incorporated; secretary for the board of the Flint Neighborhood Coalition; a member of the board of directors and chairperson of the Michigan Outstate Chapter of the National Association of Human Rights Workers; member of the board and mediator with the Community Resolution Center; member of the Advisory Board of YouthBuild; the Mayor's Representative on the Emergency Food and Shelter Program Local Board and Allocations Committee; a member of National Association for the Advancement of Colored People; a member of Flint Rotary; the chairperson of the Sponsorship Committee for the National Multicultural Diversity Institute; co-chairperson of the Community Response Committee with the Michigan Alliance Against Hate Crimes; a member of the Hurley Medical Center Bioethics Committee; a member of the M.L. King, Jr. Annual Tribute Planning Committee; a member of the Genesee County Committee for Community Peace; a member of Community Challenge Visual Change Group; a member of the city of Flint Threat Assessment Team; the coordinator of the city of Flint Employee Combined Charitable Campaign; a member of the United Way of Genesee County Strengthening Families System of Care; a member of the New Immigrant Services Coalition of MidMichigan; a member of the Kwanzaa Committee; the secretary for Unification for Urban Equality; a member of the Donald Riegle Annual Service Award Event Committee; a member of the Community Outreach for Family and Youth Steering Committee; a member of the McCree Special Groups Committee; the African American Heritage Collaborative Committee; the Youth Violence Prevention Coalition; and the city of Flint Emergency Evacuation Committee.

Cleora is married to Percy Magee. She has four children and three stepchildren. She received her bachelor's degree from Central Michigan University in Community Development. Cleora attends True Gospel Missionary Baptist Church where she serves as deaconess.

Madam Speaker, I ask the House of Representatives to join me in congratulating Cleora Magee on her career of service to the people of Flint, Michigan. The community is losing a great advocate and I wish her the best as she enjoys her well deserved retirement.

IN HONOR OF THE MONTEREY PENINSULA CHAMBER OF COMMERCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. FARR. Madam Speaker, I rise today to celebrate the 100th anniversary of the Monterey Peninsula Chamber of Commerce. The Monterey Chamber of Commerce was created in 1908 from a loosely organized merchants' association. In 1949, the name was changed to reflect its expansion across the entire peninsula including the sister cities of Carmel, Pacific Grove, Del Rey Oaks, Marina, Seaside, and Sand City as well as the neighboring unincorporated areas of Big Sur, Carmel Valley, Carmel Highlands and Pebble Beach.

Today, a chamber is more than a non-profit organization; it is a business, and its product is its members. As the largest chamber of commerce in the tri-county area, it provides leadership on issues, programs and business development that benefit both the community and their member businesses.

Now 1,000 members strong, the chamber's commitment to serving the business interests of the entire peninsula strengthens economic growth, promotes the wonders of Monterey County, and serves the needs of our many visitors annually from around the world.

In answer to the question, ''What has the Chamber done for me lately?'' Board chair Terry Low and president and CEO Astrid Coleman offer these programs and goals: promoting its members by making each one aware of local products and services and creating events to showcase the members; offering educational programs, coaching services and forums to help small business owners succeed; and presenting a ''voice for business'' to legal and legislative authorities about

issues affecting peninsula business and the community. Recognizing the need for a properly prepared workforce, the chamber mobilizes business and community resources to ensure quality education on the Monterey Peninsula, and is dedicated to sustainability through the local greening of businesses.

Madam Speaker, I salute 100 years of effort by the members, volunteers, committee members, board members, community partners, and staff of the Monterey Peninsula Chamber of Commerce, whose dedication has made this organization a vital and integral part of our community.

CONGRATULATING EWING TIGERS GIRLS BASKETBALL TEAM

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. SMITH of Nebraska. Madam Speaker, I rise today to commend the Ewing Tigers girls basketball team for winning the 2008 Nebraska State Girls Basketball Class D–2 Championship by the score of 45–44 last week, just barely edging the Pleasanton Bulldogs.

The returning champs from 2007—who went 0–19 just three years ago—found their salvation on the foul line, making three of four free throws with just 23 seconds to go in the game. A coach I know once said that if you make your free throws, you win the game. Well, the girls from Ewing certainly proved him right.

The players showed grit and determination during their championship game, but also dedication, teamwork and responsibility during the regular season to get them to the final game. They should be proud of their accomplishments, as I'm sure their entire community is of them.

I hope the girls and their coaches are as proud of themselves as we are of them. They deserve a well earned break, and I look forward to following their season next year.

HONORING SUZANNE LINDLEY FOR HER DEDICATION TO HELPING OTHERS FIGHT CANCER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 10, 2008

Mr. HENSARLING. Madam Speaker, today I rise to recognize Suzanne Lindley for her dedication to inspiring cancer patients and survivors and for courageously fighting her own battle against colorectal cancer.

In 1998, after receiving a bleak diagnosis that she had advanced metastatic colorectal cancer, Mrs. Lindley reached out to fellow patients in an attempt to gain emotional and medical support. Nine years later, thousands are looking to Mrs. Lindley for inspiration. In addition to being involved in eight different associations, Mrs. Lindley is a co-founder and president of Yttrium–90 Microspheres Education and Support, and serves on the Colorectal Cancer Coalition steering committee for Cover Your Butt. Mrs. Lindley also works with the American Cancer Society as the online chair for Van Zandt County Relay for Life, the ACT District 5 chair, a Cancer Action Network member, and a Cancer Support Network member.

Through her own experience, Mrs. Lindley learned the importance of support groups for both patients suffering with cancer and their families. But rather than focusing on herself, Mrs. Lindley organized survivor advocacy to support cancer patients.

With a desire to bring hope to others, Mrs. Lindley took her personal story to the national stage and courageously shared it with magazines, radio and television hosts. During her appearance on the TODAY Show, Katie Couric referred to her as a "Medical Matchmaker" for promoting the "buddy system" while fighting this disease.

Today, I have the privilege of meeting with Mrs. Lindley. However, this is not Mrs. Lindley's first trip to Washington, DC. Desiring to take a proactive approach, Mrs. Lindley has spent much time with lawmakers, both back home and in Washington, to petition Congress for their help in the fight against cancer.

Cancer is a devastating disease that has touched many lives. As a former volunteer and board member of the American Cancer Society of Dallas, I have seen how cancer impacts a family. As a husband and father, I share a deep commitment to the fight against cancer.

Madam Speaker, on behalf of the Fifth District of Texas, I am honored to recognize Suzanne Lindley for her selfless spirit in the face of a consuming disease.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 11, 2008, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 12

9:30 a.m.

Armed Services

Readiness and Management Support Subcommittee

To receive a briefing on the current readiness of the armed forces of the United States.

SH–219

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Housing and Urban Development and conduct oversight.

SD–538

Finance

To hold hearings to examine alternatives to the current federal estate tax system.

SD–215

Homeland Security and Governmental Affairs

Business meeting to consider H.R. 3247, to improve the provision of disaster assistance for Hurricanes Katrina and Rita, H.R. 3179, to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments, S. 2606, to reauthorize the United States Fire Administration, S. 789, to prevent abuse of Government credit cards, S. 2291, to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, S. 2420, to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food, S. 2534, to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building", H.R. 4210, to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the "Dock M. Brown Post Office Building", H.R. 4342, to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the "Dan Miller Post Office Building", S. 2725, to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office", H.R. 3720, to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building", H.R. 3988, to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building", H.R. 4211, to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office", H.R. 4240, to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building", S. 2622, to designate the facility of the United States Postal Service located at 11001 Dunklin Road in St. Louis, Missouri, as the "William 'Bill' Clay Post Office", S. 2626 and H.R. 5400, bills to designate the facility of the United States Postal Service located at 160 East Washington Street in

Chagrin Falls, Ohio, as the ''Sergeant Michael M. Kashkoush Post Office Building'', H.R. 3468, to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office'', H.R. 3532, to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office'', H.R. 4203, to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building'', H.R. 5135, to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building'', and the nomination of Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

SD–342

Rules and Administration

To hold hearings to examine issues relative to in-person voter fraud and voter disenfranchisement.

SR–301

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine strategic forces programs in review of the defense authorization request for fiscal year 2009 and the future years defense program.

SR–232A

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Air Force.

SD–192

Aging

To hold hearings relative to doctors and prescription drug information and reviews.

SD–562

1:30 p.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine the gross domestic product as a measurement of national strength.

SR–253

2 p.m.

Judiciary

To hold hearings to examine Generation Rx, focusing on the abuse of prescription and over-the-counter drugs.

SD–226

Armed Services

SeaPower Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009, for the strategic lift programs, and the future years defense program.

SR–222

2:15 p.m.

Energy and Natural Resources

To hold hearings to examine hardrock mining, focusing on issues relating to abandoned mine lands and uranium mining.

SD–366

2:30 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the United States and Vietnam, focusing on the bilateral relationship.

SD–419

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine technologies to combat weapons of mass destruction.

SD–106

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine agencies in peril, focusing on protecting federal information technology and secure sensitive information.

SD–342

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009, the future years defense program, and military installation, environmental, and base closure programs.

SR–232A

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

4 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the federal judiciary.

SD–138

MARCH 13

9:30 a.m.

Armed Services

To hold hearings to examine the defense authorization request for fiscal year 2009 for the United States European Command and the United States African Command, and the future years defense program.

SH–216

Foreign Relations

Business meeting to consider S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and the nominations of William Raymond Steiger, of Wisconsin, to be Ambassador to the Republic of Mozambique, and Mark Kimmitt, of Virginia, to be an Assistant Secretary of State for Political-Military Affairs, both of the Department of State.

S–116, Capitol

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine old-growth forest science, focusing on policy and management in the Pacific Northwest region.

SD–366

10 a.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the financial state of the airline industry.

SR–253

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the National Oceanic and Atmospheric Administration and the National Science Foundation.

SD–192

Finance

To hold hearings to examine customs reauthorization, focusing on strengthening United States economic interests and security.

SD–215

Judiciary

Business meeting to consider S. 2136, to address the treatment of primary mortgages in bankruptcy, S. 2133, to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, S. 2041, to amend the False Claims Act, S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, S. Res. 468, designating April 2008 as ''National 9–1–1 Education Month'', and the nominations of Catharina Haynes, of Texas, to be United States Circuit Judge for the Fifth Circuit, and Rebecca A. Gregory, to be United States Attorney for the Eastern District of Texas.

SD–226

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Housing and Urban Development.

SD–138

2 p.m.

Commerce, Science, and Transportation

To hold a hearing to examine the nomination of John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

SR–253

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the current readiness of the armed forces, and the future years defense program.

SR–232A

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the defense authorization request for fiscal year 2009 for the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense, and nuclear nonproliferation programs at the National Security Administration, and the future years defense program.

SR–222

Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine proposed budget request for fiscal year 2009 for the National Oceanic and Atmospheric Administration (NOAA).
SR–253

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

Commission on Security and Cooperation in Europe
To hold hearings to examine Poland's Museum of the History of Polish Jews.
B318, Rayburn Building

MARCH 14

10 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine ways to reform the District of Columbia Public Schools (DCPS) system.
SD–342

APRIL 3

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine international fisheries, focusing on management and enforcement.
SR–253

APRIL 8

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Federal Trade Commission reauthorization.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the digital television transition, focusing on consumers, broadcasters, and converter boxes.
SR–253

APRIL 10

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine phantom traffic.
SR–253

CANCELLATIONS

MARCH 12

10:15 a.m.
Foreign Relations
Business meeting to consider an original bill, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria.
SD–419

POSTPONEMENTS

MARCH 13

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Office of the Architect of the Capitol, the Government Printing Office, and the Office of Compliance.
SD–124

HOUSE OF REPRESENTATIVES—*Tuesday, March 11, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 11, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

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

COLOMBIA FACT OF THE DAY: COLOMBIA IS STOPPING LABOR VIOLENCE

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

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

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

The bottom line is Illinois will be a big winner.

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

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

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

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

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

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

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

LIVABLE COMMUNITIES

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

Mr. BLUMENAUER. Thank you, Madam Speaker.

In a couple of hours, the House of Representatives will be dealing on the suspension calendar with House Resolution 936, a commemoration of the 200th anniversary of the Gallatin plan. This historic effort was a plan commissioned by President Thomas Jefferson, led by his Secretary of the Treasury, Albert Gallatin, to design a system to

knit together a ragtag group of 13 colonies into a transcontinental nation. It focused on transportation, on waterways, it planted the seeds for what would ultimately become the transcontinental railroad, and actually unleashed a pattern that carried through to the national park system, the hydro system and, indeed, the national interstate highway system signed into law by President Eisenhower.

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

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

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

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

VENEZUELA: A STATE SPONSOR OF TERRORISM

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

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

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

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

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

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

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

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

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

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

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

As you are aware, President Chavez has repeatedly threatened to cut off shipments of oil to the United States. As I have said to you before, we cannot be held as an economic hostage to the whims of tyrants, thugs, and dictators like President Chavez and his anti-American allies such as Iranian President Mahmoud Ahmadinejad. Designating Venezuela and the Chavez regime as a state sponsor of terrorism would likely mean an end to Venezuelan oil until there is regime change there. However, now is the time for us to stand against President Chavez and for the United States government to firmly protect our nation and our economy against an oil war with Venezuela and its allies. That is why I have called for having proactive policies in place, such as increasing our Strategic Petroleum Reserve. I believe that it is in our national security interest to begin increasing our Strategic Petroleum Reserve in order to replace Venezuela's supply to the United States. By doing this, we will let the markets know that the United States government will protect the American people from those who sponsor terrorism and would use oil as an economic and political weapon against our nation.

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

Thank you for your consideration.

Sincerely,

CONNIE MACK,
Member of Congress.

RECOGNIZING CAL STATE FULLERTON ON ITS 50TH ANNIVERSARY

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

Mr. ROYCE. Thank you, Madam Speaker.

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

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

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

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

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

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

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

RECESS

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

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

□ 1200

AFTER RECESS

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

PRAYER

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

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

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

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

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

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

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

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

MESSAGE FROM THE SENATE

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

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

CONGRESS IS TAKING ACTION TO STRENGTHEN ECONOMY AND CREATE JOBS

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

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

This Congress is working to change that, having already passed a bipartisan economic stimulus package that will help jump-start the economy and create up to half a million new American jobs. Later this spring, recovery rebate checks of hundreds of dollars will be in the hands of 130 million Americans. Most will use it to pay bills, but hopefully some will help to spend it on the economy. Late last month we passed an energy bill that will help create hundreds of thousands of high-paying green collar jobs, lower energy prices, and reduce our dependence on foreign oil. And to address the housing crisis, we expanded affordable mortgage loan opportunities, strengthened consumer protection against risky loans, and raised loan limits to increase liquidity in the mortgage market.

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

SUPPORT VICTORY IN IRAQ

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

Mr. WILSON of South Carolina. Madam Speaker, today I have introduced a resolution calling on Congress

to recognize and embrace the success we have seen on the ground in Iraq and dedicate ourselves to support these efforts in achieving victory.

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

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

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

FISA

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

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

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

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

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

FISA AND THE HOUSE DEMOCRATIC LEADERSHIP

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

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

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

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

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

Security must come first.

ECONOMIC UNCERTAINTY LEAVES AMERICAN FAMILIES STRUGGLING TO MAKE ENDS MEET

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

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

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

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

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

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

URGING PASSAGE OF THE SENATE FISA BILL BEFORE EASTER RECESS

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

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

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

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

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

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

DEMOCRATIC BUDGET IS FISCALLY RESPONSIBLE BUT ALSO FUNDS CRITICAL PRIORITIES

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

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

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

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

the President's ill-advised and non-compassionate veto.

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

EARMARKS

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

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

The Constitution put the spending power in the House, and I used this to support my district. But like other powers, this congressional power could be abused; and, increasingly, we approve low- or no-quality spending to win approval for our own community: you get yours, I get mine, and the kids get the bill.

No more for this appropriator. We should ask: Should the taxpayers pay for a $320 million bridge to connect a town of 8,000 to an island, population 50? No.

Should the taxpayers spend $243,000 on Chez Panisse to create a gourmet organic school lunch program featuring ''Comte cheese souffle with mache salad'' or ''Meyer lemon eclairs with huckleberry coulis''? No.

Common sense says we should put an end to such spending. I would urge the House to enact the Wolf-Kingston reforms with a moratorium on earmarks.

□ 1215

PRESS AND PUBLIC ARE NOT BUYING INTO SCARE TACTICS OF BUSH AND REPUBLICANS

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, it is clear that no one is buying into the scare tactics created by the President and some Republicans regarding the expiration of the President's Protect America Act. Newspapers around the country are rightfully asking Republicans that if this law were so crucial to national security, why did they oppose an extension of it last month?

The Saint Louis Post-Dispatch called this intimidation and ''fear mongering at its most craven.'' The Oregonian wasn't fooled by the President's political actions, writing: ''If the Protect America Act is as crucial as he says it is, then he is taking a terrible gamble with the safety of his country's citizens.'' The Palm Beach Post recognized that ''political distraction'' is more important to this administration than the law. They wrote, ''The law that Mr. Bush and some Republicans say is vital could have been extended for 3 weeks. Instead, they let it die.''

Mr. Speaker, House Democrats are serious about passing a strong FISA law that provides our intelligence community with the tools necessary to protect our national security, and we urge congressional Republicans and the White House to join us at the table.

FISA AMENDMENTS ACT

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUHL of New York. Mr. Speaker, I rise today in support of the FISA Amendments Act, a bipartisan piece of legislation to modernize the Foreign Intelligence Surveillance Act of 1978.

It is imperative that we provide our intelligence community with the tools it needs to conduct surveillance on foreign terrorists without getting tied up in the courts, and this bill would do just that. The Senate passed this bipartisan legislation almost a month ago, but the House leadership has irresponsibly refused to bring up this bill, which is critical to our Nation's security.

I have chosen to cosponsor the measure because I believe that in today's world, we cannot shortchange our ability to confront emerging and ongoing threats. Therefore, I urge the majority to bring this crucial legislation to a vote.

THE BUSH ADMINISTRATION NEEDS TO LISTEN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, if you ask Mr. and Mrs. America who are in the rural hamlets and the urban cities across America, they will tell you whether there is a recession or not. If you ask the automobile dealers, the home builders, if you ask the individuals who are attempting to put their children through college or even to make ends meet, they will tell you that bad news is already here; 63,000 jobs were lost last month.

I am glad the Democrats are taking the opportunity to strengthen our economy and create jobs. Democratic leaders last week held a second economic forum. The forum convened national experts and talked about how we can create jobs. The New Direction Congress has already passed a bipartisan economic stimulus of which thousands of Americans will be receiving a payment because of the leadership of our Democratic majority. We are helping to create 500,000 jobs. But it is well to recognize that this administration just last month lost 63,000 jobs.

What we need to do is bring our troops home, lower health care costs, and increase health care quality. We need to vote in the CHIP bill and stop the President's veto. We need to ensure that we lower energy prices through alternative fuels by creating hundreds of thousands of new green jobs. We have got to make college more affordable and K–12 classrooms more successful.

We can empower America with our own initiative and our own genius. But we cannot do it if we have an administration that doesn't listen. Sixty-three thousand jobs lost tells the story, and Mr. and Mrs. America say, ''wake up and provide an opportunity for Americans.'' They want the Democrats to lead and to be able to create the opportunity for the economic engine that will save jobs and create jobs.

NATIONAL MULTIPLE SCLEROSIS AWARENESS WEEK

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this week, March 10–17, is National Multiple Sclerosis Awareness Week. The goal of this annual event is to raise awareness of this disease for those individuals and their families who are impacted by it.

Every hour in the United States, someone new is diagnosed with MS. It is a chronic, often disabling disease that attacks the central nervous system. Many Americans know a person living with multiple sclerosis, a mother or father, a son or daughter, another family member or friend, or even a colleague.

For me, it was a member of my staff. This brave and strong woman inspired me to get more involved in the battle to live in a world free of multiple sclerosis. As a medical doctor prior to coming to Congress, I'm working here to find sensible solutions for the health care challenges that Americans face. As the cochair of the newly formed Congressional Multiple Sclerosis Caucus, I intend to bring the needs of those individuals into the larger discussion of quality health care.

Mr. Speaker, we must work together to improve access to quality health services, to break down barriers, and to make MS therapies more affordable. I ask other Members of the House to join me in this noble cause. We must always remember that behind every statistic is the face of a family member or friend. We have a shared responsibility to offer help and hope. There is no better time than now to begin offering it.

THE PRESIDENT'S BUDGET IS INADEQUATE

(Mr. PAYNE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, during the first 6 years of the Bush administration, the President and congressional Republicans squandered away large budget surpluses that were left to them by the Clinton administration; yet they failed to properly fund key national priorities. Again this year, the Bush administration proposed a budget that ignores the real needs of American people, particularly at a time of such economic uncertainty.

This week, congressional Democrats will bring a budget to the House floor that fully funds Medicare and Medicaid, the health care programs for the Nation's most vulnerable people, including our children and our seniors. Unlike the President's budget, our budget fully invests in environmental protection and low-income heating programs such as LIHEAP so that low-income families, including those in my district in New Jersey who are facing skyrocketing home heating bills this winter, will receive some much-needed assistance. We also fully invest in the COPS program so that we can better protect our streets against crime.

Mr. Speaker, we do all of this without raising taxes by one single penny. This is a well-crafted budget, and it deserves strong bipartisan support.

SUPPORT THE FISCALLY RESPONSIBLE REPUBLICAN BUDGET

(Mr. DAVID DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVID DAVIS of Tennessee. With gas prices soaring to all-time high records, families in east Tennessee and all across America are struggling to make their ends meet. The Democratic budget resolution fails to meet the test of fiscal responsibility miserably. Instead of exercising fiscal restraint and lowering taxes, the Democrat budget raises taxes by over $683 billion over the course of 5 years. You heard me correctly, $683 billion over the next 5 years. This is the largest tax increase in American history, and it blows away the previous tax increase record in 1993 by $443 billion. Families in east Tennessee will be forced to pay over $2,611 in new taxes because of the Democrat budget.

I am supporting the Republican budget which addresses the bloated government in Washington, lowers taxes on struggling citizens and families, addresses the unfunded liabilities of Social Security and Medicare, and reins in the out-of-control spending here in Washington.

I ask my colleagues to join me in supporting the fiscally responsible Republican budget.

PRESIDENT VETOES INTELLIGENCE AUTHORIZATION BILL

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I would like to say a word about the President's veto of the congressional ban on torture. By vetoing this measure, he is essentially instructing America's torturers to act in a way that is illegal according to international law, to act in a way that is wholly inconsistent with the military's code of conduct who are required to abide by the Army Field Manual, to act in a way that does not consistently provide reliable information because people being tortured tell their torturer what they know they want to hear so as to stop the torture. They know it is not the most effective means of acquiring information.

He also must know that this puts our own soldiers and civilians in much greater jeopardy because our enemy will consider it license to do at least as much as we do to them. But, most importantly, it undermines our moral authority. How far we have strayed from the vision of our Founding Fathers that this Nation would serve as a moral guidepost to the rest of the world. We should override this misguided Presidential veto because it is both illegal and, most importantly, it is immoral and un-American.

TIME FOR HEALTH CARE INDUSTRY TO JOIN TECHNOLOGY REVOLUTION

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to congratulate Village Health Partners of Plano, Texas, for receiving the 2007 Davies Award of Excellence by the Health Care Information and Management System Society. Since 1994, the Davies Award has nationally recognized excellence in the use of health information technology. Dr. Christopher Crow and his partners decided to use technology to revolutionize how they practiced medicine. It took their office 3 short months to go from paper charts to completely paper-free. Using this technology has given these doctors the tools to track the quality of care they provide their patients. In just 1 year these physicians have seen the dramatic impact this technology has had on the lives of their patients.

As all of my colleagues know, our health care system is in need of some serious reform, and I believe that bringing every doctor's office, hospital, and medical record into the 21st century is a great start. Just look at the success that we have had in Plano.

As Congress continues to debate health care reform, I look forward to working with my colleagues on proposals that will encourage more of the health care industry to join the technology revolution. The time is now.

THE BUDGET

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, we're hearing the howls from the Republican side. Their fat-cat supporters might be forced to pay a fair share of taxes in the future, millionaires and billionaires who today are paying taxes at a rate less than that of your average schoolteacher or an Army captain. They say that that's the secret for a strong economy. Those hedge fund managers on Wall Street are doing such a great job, the people who brought us the financial meltdown for the United States of America that's hurting average people while these people are still cruising in their yachts and building their seventh and eighth homes in exotic places around the world. They need those tax cuts. That's the nostrum for a failing economy: Tax cuts, tax cuts, tax cuts for rich people.

No, how about tax fairness and how about dealing with a sea of red ink in this country. You can't do it without asking the wealthiest among us to pay their fair share. And restoring some programs that are important to the middle class. Yeah, that's right. The rich people don't need roads that are up to standard because they're in the back seat of a chauffeur-driven limousine. They don't care if they sit in traffic for a long time. They're in their private jet. They're in their walled community. What do they need for public safety? Their kids go to private schools. What do they care about public education? And, hey, they don't have to worry about the cost of health care. That's the Republican world. We're going to change that with this Democratic budget.

FISA

(Mr. MCCAUL of Texas asked and was given permission to address the House for 1 minute.)

Mr. MCCAUL of Texas. Mr. Speaker, nearly 4 weeks have passed since the Protect America Act expired, and for 4 weeks our intelligence community has gone dark around the world. For 4 weeks, we are missing critical intelligence from foreign terrorists to better protect this Nation.

Mr. Speaker, this is a dereliction of duty. The most solemn obligation we have in the House is to protect the American people; yet we have allowed this act to expire. A bipartisan bill has passed in the Senate; yet we in the House are denied democracy and the

opportunity to have the people vote for this important legislation that will protect Americans.

I applied for FISA warrants in the Justice Department. This statute was never intended to apply to foreign terrorists in foreign countries. In fact, what we are doing is extending constitutional protections to foreign terrorists like Osama bin Laden. This turns the statute on its head; yet we have a majority leader who says there's no urgency. The chairman of Intelligence says we'll be just fine. It reminds me of an FBI agent who warned before 9/11, frustrated about the intelligence gap, ''Someday someone will die. The public will not understand why we were not more effective at throwing every resource we had at certain problems, especially since the biggest threat to us now is Osama bin Laden and he is getting the most protection.''

I urge this Congress, this House, and the Democratic leadership to pass the Senate bipartisan bill and make the Protect America Act permanent.

FISA

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, FISA is a major issue. Great nations in history have failed and been defeated by becoming soft from within. I see dangers of doing that here.

I know that my colleagues across the aisle, the 170 or so who did not support FISA being passed into law last August, are very compassionate people. I've seen the hurt in your eyes. I've seen how it troubles your soul when you see people hurting and killed and maimed. What we're asking here is to do the intelligence and allow the intelligence community to protect us so we don't have to experience the horror of seeing Americans killed and maimed.

We're losing valuable intelligence every day that we do not pass this important, valuable bill. The proposal was made, let's just keep extending it a week at a time. You cannot do extensive intelligence on a week-to-week basis. We cannot put our country at risk. This House has other things planned today other than this critical issue that could be a nation-saving measure.

MOTION TO ADJOURN

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GOHMERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 20, nays 364, not voting 44, as follows:

[Roll No. 111]

YEAS—20

Bishop (UT)
Calvert
Coble
Davis, David
Doolittle
Gohmert
Gordon
Johnson (IL)
King (IA)
Marchant
McCaul (TX)
Pearce
Radanovich
Reichert
Renzi
Shuster
Tancredo
Whitfield (KY)
Wilson (SC)
Young (AK)

NAYS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
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Green, Al
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Jones (NC)
Jordan
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King (NY)
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Klein (FL)
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Larsen (WA)
Larson (CT)
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Lee
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Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
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Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
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Matheson
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McCarthy (CA)
McCarthy (NY)
McCollum (MN)
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McKeon
McMorris Rodgers
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Miller, Gary
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Murphy, Patrick
Murphy, Tim
Murtha
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Nadler
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Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
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Price (GA)
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Reyes
Reynolds
Richardson
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Rogers (AL)
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Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
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Scott (GA)
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Sensenbrenner
Serrano
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Slaughter
Smith (NE)
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Smith (TX)
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Blackburn
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Davis, Lincoln
Drake
Higgins
Hooley
Jones (OH)
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Neal (MA)
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Thompson (MS)
Udall (CO)
Weiner
Weldon (FL)
Wexler
Woolsey
Wynn
Young (FL)

□ 1257

Messrs. ROSKAM, BROUN of Georgia, Mrs. EMERSON, Messrs. ISSA, CARTER, MATHESON, JORDAN of Ohio, MCHUGH, NUNES, MELANCON, SULLIVAN, ROGERS of Kentucky, KINGSTON, SMITH of Texas, RUPPERSBERGER, GINGREY, WAMP, HASTINGS of Florida, AKIN, SHIMKUS, BARTLETT of Maryland, BURTON of Indiana, Ms. ESHOO, Messrs. FLAKE and TOM DAVIS of Virginia changed their vote from ''yea'' to ''nay.''

Mr. MARCHANT changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote 111, on motion to adjourn, I would have voted "nay."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

AUTHORIZING BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO CONSTRUCT A GREENHOUSE FACILITY

Ms. MATSUI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5492) to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTRUCTION OF GREENHOUSE FACILITY.

The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $12,000,000 to carry out this Act. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. MATSUI) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5492, which is a bill to authorize appropriations for the Smithsonian for constructing of replacement greenhouses.

Mr. Speaker, the Smithsonian is widely renowned as a national treasure. Many of our constituents come from all over the country to visit its museums. There they can explore our culture, learn about our achievements, and view pieces of our history.

But the Smithsonian is much more than a keeper of artifacts. It has nine research facilities and is a leader in scientific research. The Horticulture Services Division provides a wide variety of services internally to Smithsonian museums, and more generally to the public through the Smithsonian's public gardens.

The Smithsonian has leased a 55,000-square-foot greenhouse complex for its horticultural operations since 1974. It is currently located on the property of the Armed Forces Retirement Home in Northwest Washington, DC.

The complex includes 12 greenhouses, an office for administrative and logistical functions, and a shade house. These greenhouses produce the institution's world-class orchid collection. They also provide space to grow a wide variety of plant materials for exhibits, gardens, and special events which would be costly or impossible to obtain commercially.

The greenhouses allow the Smithsonian resources equal to, if not surpassing, any other botanical institute in the world.

The greenhouse employees do this work with limited human resources. As true to most Smithsonian endeavors, the greenhouse staff is assisted in large part by a group of dedicated volunteer staff members. During fiscal year 2007, over 4,500 hours of time were donated by these individuals. Their commitment to the greenhouse facilities' programs is evident from their dedication, some of whom have donated over 25 years of service to the organization.

The current greenhouse site will be leased commercially, and the Smithsonian must begin work on replacement greenhouses at the Smithsonian Museum Support Facility in Suitland, Maryland. Moving the facilities is the most cost-effective way to preserve the greenhouses. The Smithsonian has also created a design that will help save money during construction.

Mr. Speaker, the important work being done every day by the Smithsonian horticulturists in the current facility is vital to the mission of the Smithsonian, the increase and diffusion of knowledge.

I appreciate Chairman OBERSTAR, Chairwoman NORTON, and Ranking Members MICA and GRAVES for recognizing the significance of this relocation. H.R. 5492 will ensure that the collections thrive and the important work that is done at these facilities continues. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5492 authorizes the Smithsonian Institution to construct greenhouses at its facility in Suitland, Maryland. The bill authorizes $12 million to construct the greenhouses. The Transportation Committee has researched the proposed cost of and the need for this greenhouse facility. We have done our due diligence on this project.

This greenhouse facility will produce the plants for the entire Smithsonian Institution complex, which is the world's largest museum complex. In addition, the facility will house the orchid collection held in trust by the Smithsonian.

The Smithsonian currently conducts these activities at an aging facility located at the Armed Forces Retirement Home here in the District of Columbia. Because the retirement home is redeveloping the site, the Smithsonian will no longer be able to use the greenhouse facility located there.

These new greenhouses will enable the Smithsonian to continue producing its own plants after it loses access to the Armed Forces Retirement Home.

Satisfying the Smithsonian's requirements for plants on the open market doesn't make sense economically. Given the wide variety of plans required for the National Zoo and museums, it is more cost effective for the Smithsonian to grow its own plants rather than to purchase them.

The cost of this project is appropriate given the need for the greenhouse facility, as well as the work necessary to construct this particular type of greenhouse. I support the resolution. I urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5492, which authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland.

The Smithsonian has leased a 55,000-square-foot greenhouse complex for its horticultural operations on the property of the Armed Forces Retirement Home ("AFRH") in northwest Washington, DC, since 1974. The complex includes 12 greenhouses, space for administrative and logistical functions, and a shade house. The complex houses the Institution's world-class orchid collection, and provides space to grow a wide variety of plant materials for exhibits, gardens, and special events that would be costly or impossible to obtain commercially.

The AFRH plans to lease the property where the greenhouse complex is currently located to real estate developers and could turn the site over to a developer as early as September 30, 2008, when the current Smithsonian lease expires, leaving the Smithsonian without a greenhouse facility.

This bill authorizes $12 million for the construction of a new greenhouse facility. This facility will support the Office of Facilities Engineering and Operations ("OFEO") of the Horticulture Services Division ("HSD"). This office

provides services for the Smithsonian museums and units through planting for exhibits and special events, and through development and management of the Smithsonian public gardens.

I thank the gentlewoman from California (Ms. MATSUI) and the other congressional Regents of the Smithsonian Institution for introducing this bill. I urge my colleagues to join me in supporting H.R. 5492.

Mr. GRAVES. Mr. Speaker, I don't have any other requests for time, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, once again I urge my colleagues to support H.R. 5492, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, H.R. 5492.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING 200TH ANNIVERSARY OF GALLATIN REPORT ON ROADS AND CANALS, AND RECOGNIZING THE VAST CONTRIBUTIONS NATIONAL PLANNING EFFORTS HAVE PROVIDED

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 936) honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 936

Whereas President Thomas Jefferson commissioned his Secretary of the Treasury, Albert Gallatin, to provide a new vision for transportation that would unite the young Republic;

Whereas 2008 marks the bicentennial of the national plan, known as the Gallatin Report on Roads and Canals (Gallatin Report), presented by Secretary Gallatin to President Jefferson;

Whereas the Gallatin Report proposed transportation improvements not as ends in themselves but as means to further national unity;

Whereas transportation improvements were part of the promise of the American Revolution, as James Madison, writing in The Federalist No. 14, emphasized, ''Let it be remarked . . . that the intercourse throughout the Union will be facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the thirteen States'';

Whereas Madison's words have served as a worthy reminder of the needs for transportation infrastructure since that time;

Whereas the Gallatin Report incorporated the improvements to the Postal Service that Benjamin Franklin bequeathed to the Nation, including Franklin's route surveys, his placement of milestones on principal roads, and his development of shorter transportation routes;

Whereas the Gallatin Report called for an inland waterway navigation canal from Massachusetts to North Carolina, which was the precursor to the modern day Intercostal Waterway system;

Whereas the United States, as a result of Gallatin's legacy, has a record of successful infrastructure developments, including—

(1) the Erie Canal, which vastly reduced transportation costs to the interior;

(2) the transcontinental railway, which united the Nation;

(3) transit projects across the Nation, which promote freedom and opportunity;

(4) the National Highway System, including the Dwight D. Eisenhower System of Interstate and Defense Highways, which fostered interstate commerce, national unity, and broke down barriers between the States; and

(5) the Tennessee Valley Authority, devised by President Franklin Delano Roosevelt as a ''corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise'', which brought electricity, conservation planning, and opportunity for thousands in the Tennessee Valley and across the Nation;

Whereas to be regarded as a success, any national planning endeavor must address and reconcile the needs of different regions of the Nation;

Whereas the genius of the Gallatin Report was its alignment of the hopes of the Nation with the opportunities presented by access to new markets, populations, and territories;

Whereas the United States currently faces new challenges in financing the transportation infrastructure that is necessary for the future economic needs of the Nation; and

Whereas if the United States is to succeed in a world of increasing international competition, the United States must have a new national plan for transportation improvements to provide for the Nation's future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the goals and ideals that formed the impetus for Albert Gallatin's national plan for transportation improvements 200 years ago;

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to mark this important anniversary by recalling the important legacy of public investment in infrastructure, which connects and enhances the economies, communications, and communities of the several States; and

(3) supports the creation of a new national plan for transportation improvements to align the demands for economic development with the resources of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 936.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution reaffirming our national commitment to our national transportation infrastructure. Two hundred years ago, a farsighted President, Thomas Jefferson, commissioned Secretary Gallatin to provide a report and a vision for transportation in America, to knit together the then-young Nation and to better facilitate the movement of its people, its goods, its commerce and people, and to better compete in the international economy.

For 200 years, or nearly 200 years, that vision has been maintained and has been the prevailing view here in Washington, DC.

Unfortunately, we now have an occupant of the White House and a Secretary of Transportation who do not share that vision. A recent report detailing the extraordinary state of disrepair into which our transportation infrastructure has fallen from a commission created by this Congress in the SAFETEA–LU legislation pointed to the need for a massive increase in investment at all levels, Federal, State and local, because in order just to maintain the existing infrastructure, we would have to spend more than we are spending today. We are not even treading water. We are not even maintaining a deteriorating infrastructure; we are deteriorating towards Third World status. While our competitors around the world are leaping ahead with major investments in transit and roads, bridges and highways, and with major investments in ports and waterways, we are falling behind.

In response to that, unfortunately, the Secretary of Transportation joined with a minority in dissenting from the report and essentially proposed that we phase out any Federal role or investment in our national transportation infrastructure.

I can think of nothing more wrongheaded, shortsighted, or more destructive for the future of our country than to pull back from these extraordinary needs. So that's why I think it is so important that we look back, we look back over 200 years of history, we look back to the Gallatin Report, we look back to the successes that have followed upon that vision that we have been building upon for 200 years, and we set a course for the next 200 years so that we can again boast of having the state-of-the-art, most efficient, most energy-efficient transportation network in the world, which is far from the condition in which we find ourselves today.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have agreed to reserve my time so the Speaker may be yielded to.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman, and I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank both gentlemen for yielding and for their support of this important resolution. I thank Mr. DUNCAN for his leadership and for supporting this resolution. Mr. DEFAZIO, of course, has been a champion on these issues for a long time. And in terms of building the infrastructure of America, Mr. BLUMENAUER has, through his relentless advocacy for building America's infrastructure in an environmentally sound way, has added to the vision of how we want to do this.

I learned about the Gallatin Report, which you talked about, Mr. DEFAZIO, from Mr. BLUMENAUER. Imagine 200 years ago, around the time of the Lewis and Clark expeditions and the Louisiana Purchase, a great President realized that for commerce to flow and for people to move and our country to flourish, we needed to build the infrastructure of our country; and Mr. DEFAZIO described the immensity of that project by Albert Gallatin, the Secretary of the Treasury.

Secretary Gallatin said at the time his vision of roads and canals to unite our young Nation could not be left to individual exertion. Contrary to popular thinking at the time, Gallatin had the great foresight to see the long-term benefits of infrastructure investments far outweighed the cost. And because of that, public capital, not just private resources, were necessary.

From the beginning of our country, our Founders and the leaders of our country were entrepreneurs. They were risk-takers. They believed in public-private partnerships, and that is what this was.

At the beginning of the 19th century, it is important I think to note, there were barely 1,000 miles of canals in America. Sixty years later, in part because of the vision of Albert Gallatin, more than 4,200 miles of canals, ranging west to Illinois, north to Michigan, and south to Texas, facilitated trade and mobility across our country.

The Erie Canal, the transcontinental railway, and America's model of planning and investment stand today as legacies of Albert Gallatin's vision. A statue of Albert Gallatin stands today at the entrance to the Treasury Department building in recognition of his many accomplishments.

It is in the tradition of Albert Gallatin that 100 years later, again my teacher and mentor on the history of this vision for America, Mr. BLUMENAUER, informs me that Theodore Roosevelt launched a similar commitment by convening a White House conference on conservation to preserve America's natural beauty. That led to the creation of the National Park Service and helped a growing America remain a great America and continue on to be an even greater America.

In 2008, 100 years later, 200 years after Thomas Jefferson and Secretary Gallatin, 100 years after Theodore Roosevelt, in keeping with the tradition of visionary leaders like them, we are prepared to invest in America's strength. We again must invest in our infrastructure to do so.

Today that means green solutions such as mass transit and modern solutions such as expanding broadband across America.

□ 1315

Whether we're talking about roads or bridges or mass transit, whether we're talking about canals and waterways, sewage and water facilities, whether we're talking about broadband or we're talking about the grid to transmit electricity, whether it be talking about schools, an investment in infrastructure that serves the needs of our children and their education, all of this infrastructure needs a major, major infusion of capital, and we want to do that in a fiscally sound way.

Just as they did 200 years ago, these infrastructure investments offer our Nation job-creating opportunities to invigorate, reinvigorate America's economies. Anything we're talking about in terms of infrastructure means good-paying jobs right here at home in America. It's not only about creating those jobs; it's about growing our economy.

Today, because of the leadership of Mr. OBERSTAR, the distinguished Chair of the committee, Mr. DEFAZIO, who opened the debate here, Mr. DUNCAN, thank you as well, and the leadership of Congressman EARL BLUMENAUER, Congress has the opportunity to honor the genius of the Gallatin plan, as the resolution says, establishing a more perfect Union.

Mr. Speaker, I rise in recognition of Secretary Albert Gallatin who, with his plan, encouraged the prosperity and the national unity of America.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. And I appreciate the remarks of our distinguished Speaker, and also Chairman DEFAZIO. And I would like to also add my voice to support for this House Resolution 936. This resolution was introduced by Representative BLUMENAUER and cosponsored by Chairman OBERSTAR, Highways and Transit Subcommittee Chairman DEFAZIO, the subcommittee of which I have the privilege of being the ranking member, and Representative PETRI, to honor the 200th anniversary of the Gallatin report on roads and canals, a first-of-its-kind assessment for Federal interests and investment in our Nation's transportation infrastructure.

In 1808, when he presented the report, Secretary of the Treasury Albert Gallatin urged the Federal Government to focus on three basic concepts.

The first concept was that it is appropriate for the Federal Government to finance transportation projects that transcend local needs. Second, only projects that yield a return on investment should be constructed. Third, a nationwide system of transportation is essential in the interest of national defense.

All of these concepts that Gallatin proposed 200 years ago are relevant to the challenges that our Nation faces today and in the future.

I also appreciate that the resolution has incorporated the need for a new national transportation plan. Ranking Member MICA has, for some time, advocated for a new national transportation plan that provides a long-term strategic approach to funding our Nation's transportation infrastructure system so that we can continue to be competitive in a worldwide economy.

I believe that Secretary Gallatin would have supported this type of vision for the future of our transportation system, and I certainly hope that my colleagues will as well.

I have said many times, Mr. Speaker, that the people in Tennessee use the roads in Ohio and California, and people in New York and Michigan use the roads in Tennessee. There is very much a significant and legitimate national interest in our transportation system in this country.

Also, I appreciated the Speaker's remarks about the need to invest in and improve our Nation's infrastructure. I heard someone say about the last stimulus package that what we were really doing was borrowing money from China so that the people could go out and buy Chinese products. If we spend money on our infrastructure, we will be spending that money here and the money will be going to American workers to do these projects. And many of them are very, very necessary.

Mr. Speaker, I think this resolution is very appropriate, and I urge my colleagues to support this.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy, and I appreciate the leadership from my friend from Oregon on this legislation; likewise, my friend and colleague from Tennessee, with whom I'd served on the Transportation and Infrastructure Committee so many years. They have adequately, I think, framed what we have here. This is not merely the commemoration of some obscure historical event. As was mentioned by the Speaker, this is the framework upon which America was built for over 200

years; the vision of President Jefferson and Albert Gallatin, the work of President Roosevelt, having a framework for taking a ragtag group of 13 colonies and making it into a transcontinental powerhouse. This farsighted leadership and Federal action helped make America what it is today.

But right now, on Capitol Hill today, there are literally thousands of people who are here urging that we deal with the infrastructure crisis in this country, people dealing with mass transit, firefighters, engineers. There are thousands of people who are concerned, right now, that it is time for us to take this resolution as a clarion call for a wake up.

The American Society of Civil Engineers has rated our infrastructure at D minus. We are being outcompeted internationally by the European Union and the Chinese.

This is history that is worth reviewing; how we built the partnerships that created the infrastructure, how we were able to tie communities together, to be able to enhance new technologies. When it was time for the transcontinental railroad, the framework was in place.

It is time for us to have a clear-eyed assessment of what the infrastructure needs are of today. My colleague, Mr. DEFAZIO, talked a little bit about this in his statement because, frankly, we've got the evidence at hand of what the condition is. We know that there is time for us to move forward with a new plan for this century. It is time to build the constituency and the public awareness going from the Sierra Club to the Garden Club, the AFL–CIO to the Chamber of Commerce, the bicyclists and the truckers.

In 314 days, we start a new era here on Capitol Hill. There are people out and about who are starting work on this, the America 2050 program, a nonpartisan assessment under the leadership of the RPA, headquartered in New York, to other assemblage of professional and academic and business.

I hope this resolution helps focus the attention of people on this Chamber for what we all need to do to help our colleagues on the Transportation and Infrastructure Committee to move forward with an assessment of our needs now, a plan for this century, so that all of our communities can be more livable and our families safer, healthier, and more economically secure.

Mr. DUNCAN. Mr. Speaker, I have no other speakers, and once again I urge support for this resolution.

I will say this: We have had many, many hearings in the Transportation and Infrastructure Committee about the need to greatly improve our infrastructure in this country. We attempted, in the last highway bill, to put in some environmental streamlining. These projects are taking about three times as long and costing about three times as much because of environmental rules and regulations and red tape. We have got to speed up these infrastructure projects. The other developed nations are doing these projects in a third or half the time that we are, and that's going to really harm this country in the future if we don't speed these projects up.

Also, if we don't have more domestic energy production, we're going to make ourselves much more vulnerable to foreign energy producers, but we're not going to be able to afford the infrastructure projects that we really need to do in this country. So those are two thoughts that we need to take into consideration when we consider a resolution like this.

But I commend my colleagues, Chairman DEFAZIO and Mr. BLUMENAUER and Mr. PETRI, for this resolution, and I urge its support.

Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of the time.

It's already been referenced earlier by the Speaker, and by Mr. BLUMENAUER, that one thing we could do for the ailing American economy to put people back to work, quite quickly this year, this construction year, would be investment in our infrastructure. These would be American jobs with American products. They can't be exported. The benefits are here at home. It will make our country more competitive in the international marketplace. They help businesses with just-in-time delivery. You're now seeing trucks detoured by 100, 200 miles because of failing and weight-limited bridges. There's a tremendous amount of work that needs to be done.

It would also make us more energy efficient by helping to obviate some of the congestion that we're currently suffering from, the detours that I already mentioned.

If we set a goal, for instance, of looking at our largest cities, having 10 percent of people take transit to work, we could save 40 percent from the oil that we currently import from the Middle East. That would be tremendous for national security, our balance of trade, and great for the American people and good for the environment.

Now, some might say that's too ambitious. Well, I just came back, or I took the committee on a trip to Europe. In London, more than 85 percent of the people ride transit to work. And in Barcelona, they're investing more money in one addition to their subway system, which is at capacity right now, than we're investing in all transit in the entire continent of the United States of America.

We are not pushing the margins here in terms of our investment. We can do better and we can learn from the past and, at the same time, look to a more transportation efficient future by observing this commemoration of Gallatin and beginning to construct our own version of a Gallatin report as we move to the reauthorization of the surface transportation and transit legislation in 2009.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 936, which honors the 200th anniversary of the Gallatin Report on Roads and Canals, celebrates the national unity the Gallatin Report engendered, and recognizes the vast contributions that transportation improvements have provided to the United States.

With the acquisition of vast land area under the Louisiana Purchase in 1803, and with the persistent westward migration of early settlers, the United States in the early 19th century was a young and rapidly expanding Republic. To President Thomas Jefferson, the architect of the Louisiana Purchase, uniting the United States and its people was of paramount importance.

President Jefferson directed his Secretary of the Treasury, Albert Gallatin, to develop a national plan for transportation improvements to unite the country. Secretary Gallatin presented his report—the Gallatin Report on Roads and Canals, Gallatin Report—in 1808.

Mr. Speaker, Gallatin's national plan matched the Nation's hopes with the opportunities presented by a growing population, expanding territories, and widening markets. It recommended, for example, an inland waterway navigation canal from Massachusetts to North Carolina, which was the precursor to our present Intracoastal Waterway system.

As a result of Gallatin's national plan, the United States has achieved a number of important and significant transportation infrastructure improvements, including:

The Erie Canal that connected the east coast with the Great Lakes to reduce transportation costs to the interior of the country;

The transcontinental railway that linked the east and west coasts and united the country at a time of national discord;

The Tennessee Valley Authority that brought electric power, economic development, and employment opportunity to a region in need;

The National Highway System, including the Interstate System, that fostered transportation connectivity, promoted interstate commerce, and advanced national unity; and

Transit projects throughout the country that provided accessibility and choice.

This year marks the 200th anniversary of the Gallatin Report on Roads and Canals. H. Res. 936 honors the Gallatin Report and celebrates the national unity the Gallatin Report has engendered.

This resolution reaffirms the goals and ideals that prompted the development of the Gallatin Report 200 years ago. It commemorates the legacy of Gallatin's national plan for transportation improvements and the public investment in infrastructure the Gallatin Report helped bring forth.

Our Nation's surface transportation system is at a crossroads. As we continue the discussion of the future of the system, it is important to recognize the bold vision provided by Secretary Gallatin in his report.

The Gallatin Report should serve as a lasting reminder to this and future Congresses of

the need for vision and leadership at the national level.

Mr. Speaker, I strongly support H. Res. 936 and urge my colleagues to join me in agreeing to the resolution.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 936, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BLUMENAUER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1034

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Wittman of Virginia.

COMMITTEE ON HOMELAND SECURITY: Mrs. Miller of Michigan.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 6, nays 387, not voting 35, as follows:

[Roll No. 112]

YEAS—6

Coble
Gohmert
Johnson (IL)
Myrick
Westmoreland
Young (AK)

NAYS—387

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—35

Aderholt
Barton (TX)
Blackburn
Boucher
Cardoza
Castor
Cubin
Davis, Lincoln
Garrett (NJ)
Granger
Hinchey
Holden
Hooley
Jones (OH)
Kilpatrick
Markey
McCrery
Meek (FL)
Mitchell
Neal (MA)
Oberstar
Pascrell
Pence
Perlmutter
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Souder
Thompson (MS)
Udall (CO)
Woolsey
Wynn

□ 1354

Messrs. MCCAUL of Texas, SHADEGG, COHEN and SPRATT changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

Hon. NANCY PELOSI,
The Capitol,
Washington, DC.

DEAR MADAM SPEAKER: I hereby inform you that I respectfully resign my seat on the House Committee on Armed Services effective Tuesday, March 11, 2008.

Sincerely,

CANDICE S. MILLER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Foreign Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: I am writing to resign from the Foreign Affairs Committee, effective March 11, 2008. I have enjoyed my brief time serving on this Committee.

With kind regards, I am

Sincerely,

ROB WITTMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 2008.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, With my pending appointment to the House Transportation and Infrastructure Committee, I am writing to submit my resignation from the House Committee on Financial Services. It has been an honor and a privilege to serve on the Financial Services Committee since the beginning of the 110th Congress.

Sincerely,

ALBIO SIRES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1035

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Berman, Chairman.

(2) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Sires.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING GRATITUDE TO MEMBER STATES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 854) expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 854

Whereas for the past 62 years, until their ultimate release on November 28, 2007, the International Tracing Service (''ITS'') archives located in Bad Arolsen, Germany remained the largest closed Holocaust-era archives in the world;

Whereas while Holocaust survivors and their descendants have had limited access to individual records at Bad Arolsen, reports suggest that they faced long delays, incomplete information, and even unresponsiveness;

Whereas until the archives' recent release, the materials remained inaccessible to researchers and research institutions;

Whereas the 1955 Bonn Accords established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, the United States) responsible for overseeing the administration of the ITS Holocaust archives which contain 17,500,000 individual names and 50,000,000 documents;

Whereas the new International Committee of the Red Cross (''ICRC'') and the Director of the ITS, who is an ICRC employee, oversee the daily operations of the ITS and report to the Commission at its annual meetings;

Whereas the new ICRC leadership at the ITS should be commended for their commitment to providing expedited and comprehensive responses to Holocaust survivor requests for information, and for their efforts to complete the digitization of all archives as soon as possible;

Whereas since the inception of the ITS, the German government has financed its operations;

Whereas beginning in the late 1990s, the U.S. Holocaust Memorial Museum (''Holocaust Museum''), Holocaust survivor organizations, and others began exerting pressure on International Commission members to allow unfettered access to the ITS archives;

Whereas following years of delay, in May 2006 in Luxemburg, the International Commission of the ITS agreed upon amendments to the Bonn Accords which would grant researchers access to the archives and would allow each Commission member country to receive a digitized copy of the archives and make the copy available to researchers under their own country's respective archival and privacy laws and practices;

Whereas the first 3 Commission member countries to ratify the amendments to the Bonn Accords were the United States, Israel, and Poland, all 3 home to hundreds of thousands of survivors of Nazi brutality;

Whereas the United States Holocaust Memorial Museum has worked to ensure the timely release of the Bad Arolsen archives to survivors, researchers, and the public;

Whereas the United States Department of State engaged in diplomatic efforts with other Commission member countries to provide open access to the archives;

Whereas the United States House of Representatives unanimously passed H. Res. 240 on April 25, 2007 and the United States Senate passed S. Res. 141 on May 1, 2007, urging all member countries of the International Commission of the ITS who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany;

Whereas on May 15, 2007, the International Commission voted in favor of a United States proposal to allow a transfer of a digital copy of archived materials to any of the 11 member States that have adopted the May 2006 amendments to the Bonn Accords; thereafter, transfer of materials to both the United States Holocaust Memorial Museum and Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, was initiated;

Whereas while it is not possible to provide meaningful compensation to Holocaust survivors for the pain, suffering and loss of life they have experienced, it is a moral and justifiable imperative for Holocaust survivors and their families to be offered expedited open access to these archives;

Whereas with respect to the release of the materials, time is of the essence in order for Holocaust researchers to access the archives while Holocaust survivor eyewitnesses to the horrific atrocities of Nazi Germany are still alive;

Whereas opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust and to ensure that unchecked anti-Semitism and complete disrespect for the value of human life, including the crimes committed against non-Jewish victims which made such horrors possible, is never again permitted to take hold;

Whereas despite overwhelming international recognition of the unconscionable horrors of the Holocaust and its devastating impact on World Jewry, there has been a sharp increase in global anti-Semitism and Holocaust denial in recent years; and

Whereas it is critical that the international community continue to heed the lessons of the Holocaust, one of the darkest periods in the history of humankind, and take immediate and decisive measures to combat the scourge of anti-Semitism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to all countries that ratified the amendments to the Bonn Accords allowing for open access to the Holocaust Archives located in Bad Arolsen, Germany;

(2) congratulates the dedication, commitment, and collaborative efforts of the United States Holocaust Memorial Museum, the Department of State, and the International Committee of the Red Cross to open the archives;

(3) encourages the United States Holocaust Memorial Museum and the International

Committee of the Red Cross to act with all possible urgency to create appropriate conditions to ensure survivors, their families, and researchers have direct access to the archives, and are offered effective assistance in navigating and interpreting these archives;

(4) remembers and pays tribute to the murder of 6,000,000 innocent Jews and more than 5,000,000 other innocent victims during the Holocaust committed by Nazi perpetrators and their collaborators; and

(5) must remain vigilant in combating global anti-Semitism, intolerance, and bigotry.

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, it is a pleasure to support this resolution which recognizes the long overdue ratification of an international agreement that will open access to records of the Holocaust and Nazi war crimes. And I would like to commend my good friend and distinguished colleague, Alcee Hastings of Florida, for introducing this measure before us today.

On January 27, designated by the United Nations as the International Holocaust Remembrance Day, the world paused to honor the victims of this terrible crime and to vow never again to allow such atrocities to happen.

For many victims and relatives of the Holocaust, 2008 may provide the first opportunity to obtain access to information about their own treatment as well as the fate of their loved ones in Nazi death camps.

In 1955, 11 member countries signed the Bonn Accords to establish an International Commission responsible for overseeing the administration by the International Tracing Service of Holocaust archives.

The service is based in Bad Arolsen, Germany, and is directed by the International Committee of the Red Cross.

□ 1400

Madam Speaker, the archive holds over 85,000 feet of records, listing victims' names, transport details, medical records, and in some cases the only history of those who died at the hands of the Nazis. The records contain over 50 million reference cards for over 17.5 million people.

For over 60 years, ITS has limited access to its records to survivors of Nazi crimes and their descendants. Aging Holocaust survivors have criticized ITS for delayed responses or a complete failure to provide them with any information. By 2006 ITS had recorded a backlog of over 400,000 requests.

Following years of delay, the 11 parties to the Bonn Accords Treaty signed amendments in May 2006 to ensure the records were fully opened to survivors as well as researchers. This process was to be enhanced by the distribution of digitized records to member countries.

While the United States, Israel, Poland, and the Netherlands were the first signatories to ratify the amendments, Holocaust survivors were forced to wait still longer until the remaining countries completed their ratification procedures. In April 2007, this House passed H. Res. 240 calling on the remaining seven countries to ratify the amendments by the May 2007 deadline.

The resolution before us today expresses appreciation to all member countries for having ratified the amendments, allowing survivors the opportunity to find peace in the material contained in these archives. The resolution highlights the key roles played by the United States Holocaust Museum, the Department of State, and the International Community of the Red Cross in achieving this outcome. And it calls on the Holocaust Museum and the Red Cross to create the necessary conditions by which survivors and their families can promptly obtain long-sought-after information regarding Holocaust-era atrocities. While the ratification of these amendments is tragically too late for many victims, the hope is that it provides answers for many others.

I support this resolution, Madam Speaker, and I urge my colleagues to do the same.

With that, Madam Speaker, I reserve the balance of my time.

Mr. MANZULLO. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 854 on the opening of Bad Arolsen Holocaust archives. I would like to thank the author of this resolution, Congressman HASTINGS, as well as Ranking Member ROS-LEHTINEN, Congressman WEXLER, and Congressman KIRK, who have fought for opening access to the Holocaust archives in Bad Arolsen, Germany.

The archives there have been the largest closed Holocaust-era collection of documents in the world, containing millions of records about the fates of over 17 million victims of Nazi Germany. The archive became open to the public in November of last year after 11 countries of its governing body ratified the agreement that allowed the collection to become open and for those documents to be transferred to the United States Holocaust Memorial Museum and Yad Vashem in Israel.

Open access to these records will provide many Holocaust survivors and their families with the information about their loved ones. Additionally, it will present researchers and scholars with materials necessary to enhance the public knowledge about the Holocaust.

Now that the archive is open and the U.S. Holocaust Museum is able to answer requests, it is very important that the survivors and their family members are aware of these services and are able to immediately submit requests for information about their loved ones.

In conclusion, I urge Members from both sides of the aisle to support H. Res. 854.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time I wish to yield 5 minutes to my good friend, the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my very good friend and cosponsor of this resolution, Representative CROWLEY, for the time.

Madam Speaker, this resolution on the floor is the culmination of longstanding efforts I have made with Representative WEXLER, who is chairman of the Subcommittee on Europe; Representative ILEANA ROS-LEHTINEN, the ranking member of the House Foreign Affairs Committee; Representative MARK KIRK; and many others to open the largest closed Holocaust-era archive in the world and release critical Holocaust records.

As I stand today in support of a resolution making this significant event in Holocaust history, I cannot help but reflect on the longstanding life and career of a true champion of human rights and Holocaust issues, the former chairman of the House Foreign Affairs Committee and the first and only Holocaust survivor Member of Congress, Representative Tom Lantos.

These archives will forever contribute to the world's collective memory of the Holocaust atrocities experienced and the immense bravery exhibited by Representative Lantos and his wife and other survivors who are no longer with us today.

The opening of the Bad Arolsen archives will enable Holocaust survivors, their descendants, and future generations of researchers and the public access to some 50 million records on the fates of 17.5 million individual victims of Nazi brutality.

In our world today, filled with growing international intolerance, including anti-Semitism, hate, racial bigotry, xenophobia, and religious discrimination, it could not be more critical for us to ensure unfettered access

to these Holocaust archives. The ultimate release of these documents serves to further delegitimize world leaders and other extremist factions who spew anti-Semitic propaganda and downplay or deny the significance of the Holocaust.

I am thankful for the collaborative efforts and leadership shown by the Holocaust Memorial Museum, new leadership of the International Committee of the Red Cross at the International Tracing Service, the State Department, survivor groups, and this body of Congress to pressure the member states of the ITS to throw open the doors of these archives.

Our success sends a robust message to the world that the horrors of the Holocaust shall forever remain at the forefront of our collective and individual memories. The ultimate release of these archives proves that the world recognizes the moral importance of combating the scourge of modern-day anti-Semitism.

May we never forget the atrocities of the Holocaust. May this historic event serve as a constant reminder to the world of what happens when humanity is silenced and evil permitted to wage war on the innocent.

Mr. MANZULLO. Madam Speaker, I continue to reserve the balance of my time.

Mr. CROWLEY. I want to thank the gentleman, the sponsor from Florida of this legislation, Mr. HASTINGS, for his comments.

Madam Speaker, at this time I would like to yield 2½ minutes to the gentlewoman from Las Vegas, Nevada (Ms. BERKLEY).

Ms. BERKLEY. I want to return the compliment to the gentleman from New York. This is an issue that has been in the forefront of his mind and actions since he came to Congress. And I thank the sponsor of the legislation, Mr. HASTINGS, for bringing it to us today.

Madam Speaker, I rise today in support of this resolution and in the hope that this archive will help the world remember the crimes committed in the Holocaust and ease the pain of those families who lost loved ones in the Holocaust but to this day have no idea what happened to their families and their family members.

We, unfortunately, find ourselves in an age where the absurdity of the Holocaust denial is on the rise, when the leader of Iran seeks to recreate Hitler's acts, and when anti-Semitic conspiracy theories are finding fertile ground all over the Internet.

At the meeting of the Transatlantic Legislators' Dialogue last October in Las Vegas, Abraham Foxman, national director of the Anti-Defamation League, laid out for us the troubling resurgence of global anti-Semitism, not only in Europe and in the Middle East but even here at home. Conspiracy theories flourish, claiming Jews control the media and the banking industry and Jewish lobbies have too much power, the same old canards that have existed for all too long. Mr. Foxman reminded us that these words and theories, often serious anti-Semitism disguised as ''anti-Zionism,'' are too often used by terrorists and hate groups to justify their actions.

I'm sorry to say in a newspaper article in the Rebel Yell at my alma mater, the University of Nevada, Las Vegas, just this week there was a horrible anti-Semitic and anti-Israel screed written by a misinformed student that has created shock waves across the Las Vegas community.

As chairman of the Transatlantic Dialogue, I believe that I speak for all TLD members when I say how grateful we are to our friends across the Atlantic who have worked so hard to open these archives.

It is my hope, as this resolution states, opening the historic record will be a ''vital contribution to the world's collective memory and understanding of the Holocaust.'' We must do everything we can to ensure that nothing like the Holocaust ever happens again, not in Europe, not in the Middle East, not in Africa, not anywhere.

And I thank the gentleman again.

Mr. MANZULLO. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentleman for yielding. I appreciate the opportunity.

Madam Speaker, opening these historical records on the Holocaust at this time, I think, is absolutely vital for the debate that is going on in the world today, when, ironically, you have a head of a state like President Ahmadinejad in Iran who simultaneously manages to say that the Holocaust never occurred and that we should have another Holocaust and that the Jewish people should be erased, that Jerusalem and Israel should be erased from the map. When you have the kinds of assertions that we read about, it is vital that those records be discussed by scholars, be surveyed by the families of those who lost loved ones, and that the debate be reengaged.

And the reason I say this is this weekend at Chapman University they had a program with 280 Holocaust survivors who had been interviewed by students and we heard the students' words about what they had learned about the Holocaust.

My father was present at that program, and he was also present and took photographs at Dachau when that camp was liberated and has since that time had to repeatedly engage those who deny the evidence of those eyewitnesses to history who recorded what had happened there. The words that he has written about this and the speeches that he has given in debate record the four ovens with the bodies stacked like cordwood next to the ovens and in the ovens and the thousands of human beings packed into railcars where they were left to starve to death. The fact that people today still engage us in this argument is why these archives must be turned over to researchers. As he said, when his generation is dead, the last eye-witnesses to this inhumanity will be gone and the Ahmadinejads and those who deny what happened in history will have a chance to try to repeat history.

One other point: the evidence uncovered here, the evidence exposed here, will help us better defend the Jewish people and to explain to some of our colleagues and to the world why it is the United States understands why the threats from people like Ahmadinejad are so dangerous.

□ 1415

Mr. CROWLEY. Madam Speaker, first, let me thank the gentleman from California for his contribution to the debate today. I think his remarks are right on target.

At this time, Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWKSY. Madam Speaker, I thank the gentleman from New York for yielding, but also for his great leadership on this and so many issues that affect the Jewish community and that affect justice.

I rise in strong support of H. Res. 854 to congratulate the member states of the International Commission of the International Tracing Service for opening the Holocaust archives located in Bad Arolsen, Germany.

For 62 years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed World War II era archives in the world. While Holocaust survivors and their families could request access to individual records, many reported facing significant delays, and these important archives remained inaccessible to researchers.

Fortunately, that has all changed. Each of the 11 member countries of the International Commission of the International Tracing Services has ratified the May 2006 amendments to the Bonn Accords, opening these treasured archives to researchers, including those at the United States Holocaust Memorial Museum.

Opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust. Greater understanding of the materials contained in the Bad Arolsen archives will help ensure that unchecked anti-Semitism is not allowed to take hold in the world again.

Each year, the Congress recognizes Holocaust Remembrance Day, and I am

pleased that today we are continuing our efforts to ''never forget.''

My district, the Ninth Congressional District of Illinois, is home to the largest concentration of survivors in the State of Illinois and perhaps the country, and the opening of the Bad Arolsen Archive holds deep meaning for those individuals in the entire community. Perhaps the records located there will help these families fill in the blanks of their lives that were shattered by Nazi Germany.

I am proud to be a cosponsor of H. Res. 854.

I urge all of my colleagues to lend it their support.

PERMISSION TO ADD MEMBER AS COSPONSOR OF H. RES. 854

Mr. MANZULLO. I would ask unanimous consent to add the gentleman from California (Mr. ROYCE) as a cosponsor to this bill.

The SPEAKER pro tempore. That would be the prerogative of the primary sponsor through the hopper.

Mrs. TAUSCHER. Madam Speaker, I rise today in support of House Resolution 854, which commends all countries that worked to ratify the amendments to the Bonn Accords to permit open access to the Holocaust Archives located in Bad Arolsen, Germany.

I want to thank my colleague from Florida, Congressman HASTINGS, for bringing this important resolution to the Floor.

For the last 62 years, records relating to more than 17 million Holocaust victims have been sealed inside the archives at Bad Arolsen, Germany—the largest WWII-era archives in the world. To carry forward the process of rectifying past wrongdoing and to prevent subsequent humanitarian crimes, it is critical that we throw open the doors of dark repositories like Bad Arolsen and allow the light of accountability to shine in.

To open the archives at Bad Arolsen, all 11 members of the International Commission of the International Tracing Service (ITS) were required to ratify the May 2006 amendments to the 1955 Bonn Accords. On November 28, 2007, the final state ratified the amendments, so that Holocaust survivors, their descendents, researchers, and the general public are finally allowed full access to the records housed at the facility.

At a time when anti-Semitism and Holocaust denial persist around the world, a vote for this resolution will serve as an indictment of secretive government practices that facilitated vast crimes, and it will reaffirm that the atrocities experienced by Holocaust victims will be remembered and mourned in perpetuity.

I commend Mr. HASTINGS for his leadership on this issue, and I urge my colleagues to join me in expressing gratitude to our international partners for ratifying the treaty to release Holocaust records and in congratulating the United States Holocaust Museum, the U.S. Department of State, and the International Red Commission of the Red Cross for their efforts to open the archives.

Mr. WEXLER. Madam Speaker, I rise today in support of House Resolution 854, highlighting the decision made by the member states of the International Commission of the International Tracing Service, ITS, to finally grant access to the vast Holocaust archives located in Bad Arolsen, Germany.

The recent decision to fully open the archives closed a frustrating chapter for Holocaust survivors whose requests for information, which numbered in the hundreds of thousands, were left unanswered.

As many of my colleagues are aware, for 63 years the most extensive collection of files documenting the horrors of the Holocaust were extensively closed to survivors, heirs, researchers and family members seeking to find out the true fate of their loved ones or to document the horrific atrocities committed by the Nazis.

The Bad Arolsen archives, with its 50 million documents chronicling the fate of over 17 million victims of the Holocaust, is a vital resource for the remaining Holocaust survivors and their families who are struggling to bring closure to this painful chapter of history.

Many Holocaust survivors have died without knowing the details of a family member's deportation, incarceration, or death. The opening of the Bad Arolsen archives will now enable survivors as well as second and third generation survivors to gain access to vital information about their family history.

There are many individuals and organizations that deserve credit for their efforts in fully opening Bad Arolsen. In Congress there was a strong bipartisan effort to raise awareness about the world's largest Holocaust archive that was for all intents and purposes closed. To that, I would like to thank my colleague from south Florida, Congressman ALCEE HASTINGS, for his tireless work on this issue, as well as the many sponsors of this resolution, many of whom were also involved in efforts to reach out to the parliaments of the member states of the International Commission of the ITS to ensure the timely ratification of the amendments to the Bonn Accords.

Now that this vital archive has been made public, information unjustly denied to survivors and their families for the past 63 years can be brought to light. I urge all of my colleagues to join me in supporting this resolution.

Mr. MANZULLO. I yield back the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time, we have no further speakers on the subject, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 854, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Expressing gratitude to all of the member states of the International Commission of the International Tracing Service on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany.''.

A motion to reconsider was laid on the table.

COMMEMORATING THE 175TH ANNIVERSARY OF THE SPECIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 290) commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 290

Whereas the United States will celebrate the 175th anniversary of its relationship with the Kingdom of Thailand since the signing of the original Treaty of Amity and Commerce in 1833 during President Andrew Jackson's administration and the reign of King Rama III;

Whereas the Kingdom of Thailand was the United States' first treaty ally in the Asia-Pacific region and remains a steadfast friend with the Thai and American people sharing the values of freedom, democracy, and liberty;

Whereas Thailand was designated as a major non-NATO ally in December 2003, which improved the security of both nations, particularly through joint counterterrorism efforts;

Whereas for more than a quarter century Thailand has been the host country of Cobra Gold, the United States Pacific Command's annual multinational military training exercise designed to ensure regional peace and promote regional security cooperation;

Whereas the United States and Thailand launched joint relief operations in the wake of the tragic 2004 tsunami from Utapao, Thailand, thus strengthening the overall capacity of the forces involved in providing relief and setting the model for effective humanitarian operations throughout the entire region affected by the deadly tsunami;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations (''ASEAN'');

Whereas Congress passed H. Con. Res. 409 in 2006 commemorating the 60th Anniversary of the Ascension to the Throne of His Majesty King Bhumibol Adulyadej of Thailand;

Whereas on December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world's longest serving monarch, who is loved and respected by Thai for his lifelong dedication to the social and economic development of the Thai people;

Whereas on December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that should help pave the way for a successful return of stable democracy to Thailand;

Whereas approximately 500,000 Americans of Thai descent are living in the United States and share in the mutual pursuit of the American Dream;

Whereas Thailand is America's 20th largest trading partner with bilateral trade totaling $30,600,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commemorates the 175th anniversary of United States and Thailand relations;

(2) offers its sincere congratulations to the Kingdom of Thailand and the Thai people for their democratic, free, and fair election;

(3) commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers its sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and

(4) looks forward to continued, enduring ties of friendship between the Thai and American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, as the lead Democratic sponsor of this legislation, I want to thank my friend and distinguished colleague from Illinois, the ranking member of the Subcommittee on Asia, the Pacific, and the Global Environment, Mr. DON MANZULLO, for introducing this resolution before us today.

In 1833, 2 years before the publication of Alexis de Tocqueville's ''Democracy in America'' and 3 years before the Battle of the Alamo, the United States and Kingdom of Thailand signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the United States' first treaty ally in the Asia-Pacific region.

Now, 175 years later, Thailand remains our oldest Asia-Pacific ally.

During this time, the relationship between our two countries has strengthened as it has changed with the times, and the friendship between our two peoples has grown deep and enduring.

Our military partnership, which began when King Mongkut offered combat elephants to President Lincoln during the Civil War, is now one of the closest in Asia.

Thai soldiers fought alongside U.S. military personnel in World War I, the Korean War, and the Vietnam War. Today, Thailand is one of only a handful of our major non-NATO allies and is a crucial partner in our efforts to combat international terrorism. Thailand is also the host country of Cobra Gold, U.S. Pacific Command's annual multinational military training exercise.

Our economic relationship is similarly robust, with bilateral trade topping $30 billion annually.

On the political front, traditionally Thailand has been an anchor of stability and democracy in the volatile region of Southeast Asia. While it has been tested repeatedly by its own political upheavals, the Thai people have consistently responded by renewing their dedication to democracy.

The country has had 18 coup attempts since World War II, and Thailand's December elections only recently ended the latest coup government, which had come to power in 2006.

We all hope and believe that Thailand can move beyond the differences which led to the coup and return to its position as a democratic leader in Southeast Asia.

Key to resilience of the Thai political system is the strength and pride of the Thai people.

No one epitomizes the spirit of Thai people more than their beloved king, His Majesty King Bhumibol Adulyadej.

On December 5, 2006, the king turned 80 years old. We in Congress join the Thai people in celebrating this landmark birthday and wishing the king a continued long life.

This resolution commemorates the 175th anniversary of the special relationship between the United States and Thailand and congratulates Thailand on maintaining its commitment to democracy by holding national elections and returning to a civilian-led government.

I strongly support this resolution and encourage my colleagues to do the same.

And with that, Madam Speaker, I reserve the balance of my time.

Mr. MANZULLO. Madam Speaker, I yield myself such time as I may consume.

I rise today to recognize the 175th anniversary of the strong and enduring relationship between the people of the United States and the people of Thailand. The United States has no older ally in the Asia-Pacific region than the Kingdom of Thailand.

It was in the early days of our Republic, during the administration of Andrew Jackson, that the Treaty of Amity and Commerce was signed with King Rama III. Thailand has been a staunch friend of the United States ever since.

Remarkably, during the dark days of our Civil War, the King of Thailand offered to send President Lincoln a herd of elephants to help lead the Union to victory. While Lincoln did not take up the offer, the gesture was greatly appreciated.

More recently, Thailand provided support for our military forces during the Vietnam War. It has also served for more than a quarter century as the host for our Pacific Command's annual multinational military training exercise known as ''Cobra Gold.''

Our two nations have worked closely together on humanitarian issues as well. Thailand was of great assistance as the host nation for many of the refugees who came out of Indochina after the war there. More recently, Thailand has provided a safe haven for Burmese and North Korean refugees. Thailand also came together with the United States in launching joint relief operations following the tragic tsunami which caused its devastation in 2004.

Thailand is America's 20th largest trading partner. A half million Americans are of Thai descent, including the remarkable Tiger Woods. These are indeed the ties that bind.

It is my strong hope that the Government of Thailand with build on last year's successful parliamentary elections by ensuring that all parties in Thailand are brought into the political process.

Thailand's rebirth of diplomacy is something which all Americans welcome. I therefore urge my colleagues to support this resolution which recognizes our oldest and one of our most loyal Asian allies.

I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time I reserve the balance of my time.

Mr. MANZULLO. I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman, Madam Speaker. I rise also to support this resolution commemorating the 175th anniversary of the special relationship that we have with the Kingdom of Thailand. I am an original cosponsor of this resolution, but I think this resolution rightly points out the improving security relationship between our two countries.

What I would like to share with my colleagues here today is the growing cooperation in law enforcement that we are having with Thailand.

Madam Speaker, last week, Viktor Bout, the most notorious of international arms dealers, was brought into custody by Thai authorities. A criminal complaint was unsealed in New York detailing Viktor Bout's efforts to sell mass amounts of weapons to the FARC, a foreign terrorist organization that operates in Colombia.

He was arrested in the final stages of arranging a sale of millions of dollars of high-powered weapons, including 100 advanced shoulder-fired missiles capable of taking out airliners. With the cooperation of Thai authorities, the ''Merchant of Death,'' as Viktor Bout is known, is out of the game. He is being retired from the role he has played in the killings and maimings around the world. And this is good news to anyone who cares about checking strife in Africa, anyone who cares

about stopping those who armed child soldiers, anyone who cares about checking support for transnational terrorists.

Because while many were attempting to stop conflicts across Africa, this is the individual who was pouring fuel on the fire. In U.N. report after U.N. report, Viktor Bout was cited as the chief sanctions buster, supplying arms to anyone who could pay. And I saw this up close when I chaired the Africa subcommittee and when I traveled across the continent. It is a bloody trail from Liberia and then across sub-Saharan Africa that he left.

Bout simultaneously, by the way, also managed to arm the Taliban while he was arming the Northern Alliance. As I said, he has had dealings with the FARC in Colombia, and he has been connected with Hezbollah. He is an international menace who needs to face justice, and we look forward to his expeditious extradition to the United States. And thank you to the Thai authorities, because they are the ones who took him into custody.

Mr. MANZULLO. Madam Speaker, I yield back the balance of my time.

Mr. CROWLEY. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 290, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 187TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1024) recognizing the 187th anniversary of the independence of Greece and celebrating Greek and American democracy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1024

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding onto our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, ''Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $20 billion in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over $750 million in development aid for the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece is a top contributor to the defense efforts of the North Atlantic Treaty Organization (NATO), spending an estimated 3 percent of its gross domestic product on defense, and is also an active participant in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, NATO, the European Union (EU), and the Organization for Security and Cooperation in Europe (OSCE);

Whereas in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2 million spectators and journalists, which it did efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first summer Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an eight-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey, as seen most recently with the January 2008 visit to Turkey by Greece's Prime Minister Kostas Karamanlis, the first official visit by a Greek Prime Minister in 49 years;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2008, Greek Independence Day, marks the 187th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 187 years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1430

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as may consume.

Madam Speaker, I am delighted to support this resolution marking the 187th anniversary of Greek independence, and I would like to thank my good friend and ranking member of the Foreign Affairs Committee, Representative ROS-LEHTINEN, for her leadership in ensuring that the House mark this important date. The world owes the Greeks a debt of gratitude for having developed the concept of democracy, which has enabled so much of the world to live in peaceful prosperity.

The story of Greek independence remains a remarkable tale about the revival of an ancient and great people

through deep commitment, personal sacrifice, and an abiding love of freedom. Indeed, Western Civilization is deeply indebted to the Greek nation for its immense contributions in the fields of science, medicine, philosophy and art, just to name a few.

In 2004, the world celebrated this rich history and heritage as the Summer Olympics came home to Greece. This beautiful Mediterranean country showcased the best of its culture and hospitality.

In modern times, Greece has remained one of the United States' most important and enduring allies. Greece is one of the relatively few nations that stood shoulder-to-shoulder with the United States in every major war of the 20th century. The close links between our countries increased after World War II as the Truman Doctrine helped save Greece from communism, while the Marshall Plan aided its economic regeneration.

When Greece joined NATO in 1952, it formalized the deep mutual commitment that it shared with the Western world to safeguard freedom. After becoming a member of the European Union in 1981, Greece further deepened its relations with its European neighbors. It also underwent a notable economic transformation with the exchange of the drachma for the euro in 2002, highlighting its economic prosperity.

Greece has remained a strategic partner in the post-Cold War world, notably helping to promote peace and stability in the Balkans. The January 2008 visit by Greece Prime Minister Kostas Karamanlis to Turkey, the first such official visit in 49 years, was a welcome development in these countries' efforts to resolve their differences.

Since the tragic attacks on the United States on 9/11, Greece has remained a steadfast ally in the fight against violent extremism. Plagued for many years by domestic acts of terror, Greece knows only too well the financial, mental, and physical toll that terrorism can wreak on a nation.

In closing, it is also important to highlight the rich contributions that Greek immigrants and their descendants have made to the United States; I know this firsthand, representing a great number in the County of Queens, New York. For over a century, they have traveled across the ocean, bringing their success to our shores, and in doing so serving as a bridge between our two nations. Today, some 5 million Americans claim Greek ancestry. We are grateful for the wisdom, energy, and talent they continue to bestow upon our great Nation.

Madam Speaker, I congratulate the Greek people on the 187th anniversary of their independence from Ottoman rule. I ask my colleagues to join me in congratulating them on their tremendous contributions to world civilization and in celebrating the enduring Greek-American friendship.

Madam Speaker, I reserve the balance of my time.

Mr. MANZULLO. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 1024. The Republic of Greece is an important friend and ally of the United States. The links between Greece and the United States involve political philosophy, values, a concrete alliance, and important actions. Greece is the birthplace of Western Civilization and modern democracy, and it is from Greece that our Founding Fathers drew so many important principles of government, law, and freedom. Today, our two nations continue to share the values that we hold dear: liberty, freedom, and democracy.

Greece and the United States have also stood together resolutely throughout difficult times during the last century, particularly during the Second World War. Greece, in fact, is one of the few nations that has supported America in every major conflict over the past century.

After the end of World War II, Greece joined in a formal alliance with the United States, through NATO, and went on to broaden its commitment to democracy, freedom, and human rights through its notable contributions to international peacekeeping and stability missions.

Today, as America faces a complex array of threats posed by extremism around the world, Greece indeed remains a valuable strategic partner. Most notably, Greece provided access to its airspace for American military aircraft en route to Iraq and allowed our U.S. Navy ships to refuel in its ports.

Through its substantial economic investment and aid to the Balkans, Greece has also sought to play an important role as an agent of stability in that important region, supplementing the efforts by the United States and the European Union to end the conflicts in that region. Recent efforts on the part of the Government of Greece to deal constructively with its neighbor Turkey on outstanding issues where they have differences show hope for ensuring future stability throughout the Aegean Sea region, an outcome the United States seeks as well.

Madam Speaker, this resolution notes that this year marks the 187th anniversary of the beginning of the revolution that led to the independence of Greece. There are approximately 1.3 million Americans of Greek descent living in the United States. A large number of Greek Americans live in northern Illinois, particularly the Chicago area. Greek Americans contribute significantly as community leaders, entrepreneurs, and mentors for young children. The Greek Orthodox Church in the United States and important Greek community organizations are positive forces and should be recognized also.

So I welcome the opportunity afforded by our consideration of this resolution to point out the friendship and shared interests of our two countries. I congratulate the country and people of Greece for the progress they have made over the past 187 years, and I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that the gentlewoman from Nevada (Ms. BERKLEY) control the remaining portion of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. BERKLEY. Madam Speaker, I yield myself 2 minutes.

I thank the gentleman for yielding and for giving me the opportunity to control the time on this issue. I rise today not only as a friend of Greece, but also as a daughter of Greece. My mother's family immigrated from Salonika, Greece, and I am very proud of my Greek-Jewish heritage.

Greece has been a strong ally of the United States, standing by us in our struggles against Nazism, and now in the struggle against Islamic extremism. Greece paid an extraordinarily high price for their opposition to the Nazis, and we are forever grateful to them.

Before World War II, half of the population of Salonika, Greece, around 80,000 people, were Jewish. After the Nazis finished with Greece, there were only 1,000 Jews left in Salonika. The reason 1,000 Jews survived is because their Greek neighbors protected them, saved them, hid them; and for that I am grateful as well.

Greece continues to be a top contributor to NATO and a leader in the Balkan region. The resolution before the House today extends our best wishes and congratulations to the people of Greece, whom we look to as our forebearers in democracy. I am proud to cosponsor this resolution, but I hope it is our first word on our friendship with Greece, and certainly not our last.

I urge this House and this administration to strengthen our relationship with Greece by including them in the Visa Waiver Program. By designating Greece as such, we will send not only a message of friendship, but a message of thanks to the Greek community, which is so deserving of our friendship and our gratitude. They have met the criteria to become a visa waiver country and only await our approval on their application.

On this anniversary, let us take concrete action to strengthen our bond with them and send a message of thanks to our friends in Greece.

I reserve the balance of my time.

Mr. MANZULLO. I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman, and thank you, Representative BERKLEY, for those kind words on my grandparents' country. I am so proud of my Greek heritage.

Madam Speaker, I rise today with great pride and in strong support of House Resolution 1024, recognizing the 187th anniversary of Greek independence and celebrating Greek and American democracy.

Like the American revolutionaries who fought for independence and established this great Republic we call the land of the free and the home of the brave, Greek freedom fighters began an arduous struggle to win independence for Greece and its people 187 years ago. When the Greeks began this glorious revolution after four centuries of Ottoman oppression, they faced what appeared to be insurmountable odds. It was David versus Goliath.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of freedom and was the first to declare Greece free. This day of rebellion was not chosen by chance. This holy day was dedicated to the Mother of God. To the Greeks of 1821, Theotokos was their champion, their savior, their protector. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. It was proved to the world that a united people through sheer will and perseverance can prevail against tyranny.

The lessons the Greeks taught us then continue to provide strength to victims of persecution around the world today. By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our Nation great. We also remember why freedom is so important.

In the history of the Greek war for independence, there were many acts of heroism. From Theodoros Kolokotronis, the leader of the Klephts, who refused to submit to Ottoman domination, to the fiercely patriotic women of Suli, who, left alone, learned that Turkish troops were fast approaching their village, they began to dance the Syrtos, a patriotic Greek dance. One by one, they committed suicide by throwing themselves and their children off a mountain top. They chose to die rather than surrender and face slavery.

There was also Athanasios Diakos, a legendary hero, a priest, a patriot, and a soldier. In full knowledge of their fatal fate, he led 500 of his men in a notable stand against 8,000 Ottoman soldiers. Diakos' men were wiped out and he fell into the enemy's hands, where he was tortured before his death. He is the image of a Greek that gave all for love of faith and homeland. Long live his memory.

Although many Greeks died, they were undeterred from their ultimate goal. ''Eleftheria I Thanatos,'' liberty or death, became their battle cry.

These legends underscore Greece's absolute commitment to independence. As we all know, the price of liberty can be very high, hundreds of thousands of lives. Socrates, Plato, Pericles and many other great minds throughout history warned that we maintain democracy only at a great cost.

Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past. I take great pride in both, as I said, my Greek and American heritage. Each time I perform my constitutional duties, I am doing so in the legacy of the ancient Greeks and our American forefathers.

As Thomas Jefferson once said, ''To the ancient Greeks we are all indebted for the light which led ourselves, American colonists, out of gothic darkness.''

We celebrate Greek independence to reaffirm the common democratic heritage we share. And as Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

Ms. BERKLEY. Madam Speaker, it gives me great pleasure to yield 3 minutes to my friend and neighbor, the gentlewoman from New York (Mrs. MALONEY), the chairwoman of the Subcommittee on Financial Institutions.

Mrs. MALONEY of New York. I thank my colleague and friend for yielding and for her leadership.

As an original cosponsor of this legislation and co-Chair and founder of the Congressional Caucus on Hellenic issues, I rise to celebrate the 187th anniversary of Greece's declaration of independence from the Ottoman Empire.

Against incredibly difficult odds, the Greeks defeated one of the most powerful empires in history to win their independence. Following 400 years of Ottoman rule, in March 1821 Bishop Germanos raised the traditional Greek flag at the monastery of Agia Lavras, inciting his countrymen to rise up against the Ottoman army. Bishop Germanos' message to his people was clear: A new spirit was about to born in Greece. The following year, the Treaty of Constantinople established full independence of Greece.

New York City is home to the largest Hellenic population outside of Greece and Cyprus. Western Queens, which I have the honor of representing, is often called ''Little Athens'' because of the large Hellenic population in that neighborhood.

□ 1445

New Yorkers celebrate Greek Independence Day with a parade down Fifth Avenue, along with many cultural events.

These events, hosted by the Federation of Hellenic Societies and other Hellenic and philhellenic organizations and friends, remind us of the strong Hellenic American community's many strong contributions to our Nation's history and culture. Relations between the U.S. and Greece remain strong with a shared commitment to ensuring stability in southeastern Europe. I hope permanent solutions can be found for ending the division of Cyprus and finding a mutually agreeable name for the former Yugoslav Republic of Macedonia.

We have over 110 cosponsors of my legislation, and with the upcoming NATO summit, the time is more important than ever to find a solution to the name dispute.

Additionally, I strongly support the inclusion of Greece in the Visa Waiver Program, and I have legislation before this body on this issue. Greece is the only member of the original 15 European nations not to belong to the Visa Waiver Program, and I was pleased that the administration formally nominated Greece for the Visa Waiver Program this September, and we will continue to monitor Greece's progress.

I ask the Nation to join me in celebrating Greece's independence. Additionally, it is my sincere pleasure to pay tribute to New York's Hellenic American community for its many, many contributions to our city and our Nation. ''Zeto E Eleftheria,'' long live freedom.

May we join in celebrating Greece's independence and its many contributions to our democracy through its form of government and its history.

Mr. MANZULLO. Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. SIRES).

Mr. SIRES. Madam Speaker, today I rise in strong support of House Resolution 1024, honoring the 187th anniversary of the independence of Greece. March 25 marks the day the Greek people were freed from the Ottoman Empire and asserted their rights to govern themselves.

The citizens of Greece and the United States share a long history of Democratic ideals. The philosophical and political ideas of the ancient Greeks were an inspiration to the Founders of our democracy. Showing our support for Greek independence reminds us how important it is to continue defending freedom around the world. We must also remember those individuals that have fought on behalf of the freedom we share.

Greece is a friend and ally, and when it comes to helping promote freedom and stability in their region and the global community, I am pleased to honor Greece today on its 187th anniversary, and I urge all my colleagues to support this resolution.

Mr. MANZULLO. Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the gentlelady from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, I rise today in strong support of this resolution extending warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of their independence. In January, I joined a congressional delegation trip to Greece, Turkey, Kuwait, Iraq, and Afghanistan.

I had not been in Greece in over 25 years, and it was wonderful to see how far this most beautiful country has come in the last quarter century, as hosting the 2004 Summer Olympics in Athens, Greece, made a tremendous investment in their infrastructure and cultivated new developments which have greatly enhanced their prosperity.

My husband Paul's family emigrated from Greece to Lowell, Massachusetts, when Paul's father was 3 years old. His father is emblematic of a vibrant Greek American community in Massachusetts and across the country whose contributions have helped our Nation survive and thrive.

The United States and Greece have longstanding ties based on our common heritage, shared values and a mutual commitment to freedom and democracy.

This measure rightly expresses the House of Representatives' support for the important role that Greece has played in the wider region and in the community of nations since gaining its independence 187 years ago.

I urge my colleagues to support this resolution.

Mr. MANZULLO. Madam Speaker, I reserve the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the outstanding freshman from Maryland (Mr. SARBANES).

Mr. SARBANES. Madam Speaker, it is my honor to rise today in recognition of the 187th anniversary of Greek independence. The Greek people have proven to be the greatest of allies to the United States over many decades.

Today we have new opportunities to demonstrate our support of Greece on key issues. Most immediate is the dispute over the name of the former Yugoslav Republic of Macedonia. I urge the administration to help us celebrate Greek Independence Day by supporting Greece's position on this important issue. Greece's position makes sense for NATO, it makes sense for the United States, and it makes sense for peaceful international relations.

Mr. WEXLER. Madam Speaker, I rise in strong support of H. Res. 1024, a resolution expressing support for the 187th anniversary of Greek independence.

Madam Speaker, it was one year to the day that I joined my colleagues on the House Floor in paying tribute to one of America's most important allies, Greece. It was my honor at that time as it is today to pay tribute once again to Greek Independence Day and to offer my unwavering support for US-Greece bilateral relations.

As someone who cares deeply about the issues of importance to the Greek American community, I believe this is an especially important day—one that is a reminder of America's long and historic partnership with Greece but also a day to celebrate the countless contributions of the Greek American community to this Nation.

From the Balkans to Afghanistan to the war on terrorism, Greece has been a staunch ally of the United States and a leading advocate for democracy and the rule of law globally. To that end, it is critical over the coming weeks that the United States works closely with our NATO ally Greece and with officials in Skopje to find a mutually-acceptable official name for the former Yugoslav Republic of Macedonia.

I also strongly encourage the Bush administration to work with our partners in Athens to resolve the longstanding division on Cyprus. It is in the interests of the United States, European Union, Greece, Turkey as well as Greek and Turkish Cypriots that we build on the recent election of President Christofias who boldly pledged to "extend a hand of friendship and cooperation to the Turkish Cypriots and their political leadership," and to "invite them to work together towards our common goal for the good of Cyprus and its people."

Madam Speaker, Greece is known as the cradle of democracy. As Americans watch one of the most exciting elections in modern history, it is a reminder of what Greece gave to America and those nations seeking to perfect their democracy and civic society. These ideals crafted by Greek philosophers and put into practice both in Washington, Athens and globally have changed all of humankind.

As a member of Congress who proudly represents a large Greek American community, I am deeply pleased that we have this opportunity on the House Floor to discuss the contributions of millions of Greek Americans and to pass a resolution that rightfully recognizes five million extraordinary citizens.

Madam Speaker, I congratulate the Greek people on the 187th anniversary of their independence and strongly support this resolution.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of H. Res. 1024, which celebrates the 187th anniversary of the independence of Greece, one of our country's closest and oldest allies. A longstanding member of NATO, Greece has played a pivotal role in the stability and development of the Balkans and the eastern Mediterranean region. It has invested over $20 billion in the countries of the region, contributing to the increasing economic vitality of the area. Greece has also contributed to peacekeeping operations that have been sponsored by the United Nations, the European Union, and the Organization on Security and Cooperation in Europe. In addition, it has closely collaborated with the United States in opposing and fighting terrorists and terrorist networks.

Ancient Greece was the birthplace of democracy, and our country's Founding Fathers took much of their inspiration from reading the philosophers of that time and place as they created a fledgling new democracy here in the late 18th century. A century later, many Greek immigrants began to arrive at our shores, bringing with them a steadfast determination to succeed in realizing the American Dream. The Greek-American community, strengthened by new waves of immigration, has contributed to our society in numerous ways; many within the community have become leaders in the field of commerce, academia, the arts, and politics. They have also been instrumental in fostering close ties between the United States and Greece. As we celebrate the independence of Greece today, we also celebrate the accomplishments of the vibrant Greek-American community.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to show my support for H. Res. 1024.

This resolution recognizes the 187th anniversary of the independence of Greece and celebrates Greek and American democracy.

On March 25, 1821, Greece declared its independence from the Ottoman Empire, and the United States and Greece have had a longstanding relationship ever since.

The Greek community is particularly active in our own country.

Greece shares our democratic values and principles and has been an important ally to the United States, particularly since World War I.

As the most senior EU and NATO country in their region, they serve as a great role model for democracy, stability, and security for other countries in their region.

I look forward to continued bilateral relations and friendship with Greece as we work together to address the issues in Southeast Europe.

Mr. GARRETT of New Jersey. Madam Speaker, as a member of the Congressional Caucus on Hellenic Affairs, I am proud to congratulate the nation of Greece on the celebration of the 187th anniversary of independence. Ancient Greece is commonly thought of as the foundation for Western civilization. The Roman Empire borrowed much from Greek culture, including politics, philosophy, art, architecture, and language; and subsequently spread these ideas throughout Europe.

However, the country often thought of as the "Cradle of Democracy" was conquered and governed by various empires for centuries. On March 25, 1821, the Greek people rose up against Ottoman oppression and declared their independence. The Greeks later became the first ethnic group under the Ottoman Empire to gain independent sovereign power.

America's early Founding Fathers adopted the concept of federalism, an idea influenced by the ancient Greek "city-state," a small region ruled locally, but within the framework of a larger cultural area. The United States has been proud to stand with the people of Greece as they confronted oppression, solidified their democracy, and became part of the vibrant European economy.

Both of our nations understand that even after independence is gained, it must be carefully guarded. Brave citizens must be willing to sacrifice their lives in order to protect liberty. Just as the U.S. and Greece have struggled to survive after the initial moment of independence was earned, we must continue to foster the causes of freedom and democracy.

Again, I congratulate the Greek people on this historic celebration. This anniversary is a time to remember the sacrifices of the past, to take pride in your nation, and to look ahead to a future of promise.

Mr. SPACE. Madam Speaker, I wish to acknowledge Tuesday's consideration and passage of H. Res. 1024, a bill recognizing the 187th anniversary of the independence of Greece and celebrating Greek and American democracy.

I am honored to support a bill whose significance is so extensive and which has such enormous personal meaning to me. I am immensely proud of my Greek heritage, and the profound influence this legacy has had not only on American democracy but on governments around the world.

Early on, America's Founding Fathers looked to the ancient Greeks and their enlightened society for inspiration in forming a new government. As we know, American representative democracy is rooted in the philosophy and ethos of Greek government.

It is this example of freedom and representation that so many governments strive to emulate today. And now, more than ever, it is imperative for that message to he heard.

The Greek American community continues to work admirably to connect Greek culture and heritage with the global society of today. They have grown that symbiotic relationship into an extensive Greek-American legacy.

This legacy is made of the contributions of millions of Greek-Americans, such as my paternal grandfather who emigrated from Greece in the early 20th century and earned his citizenship in his new country by fighting in World War I. My father, Socrates, continued the Space family's patriotic tradition by serving in the Marines during the Korean War. After the war, my father attended Ohio State's law school, thanks to the GI Bill, thereby paving the way for his future family—for me.

The opportunities afforded to my father and my grandfather in America were—in my opinion—a result of the democratic by-products of freedom and liberty that Americans enjoy, thanks to the Greeks.

Today. as we celebrate the anniversary of this wonderful nation's independence, it's important that we continue to recognize the significance of Greek contributions to the global society. Needless to say, as a Greek-American, I very much support H. Res. 1024.

Mr. MANZULLO. Madam Speaker, I yield back the balance of my time.

Ms. BERKLEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1024, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE SUPPLEMENTAL REPORT ON H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Ms. BERKLEY. Madam Speaker, I ask unanimous consent that the Committee on Foreign Affairs be authorized to file a supplemental report on the bill H.R. 5501.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

MOTION TO ADJOURN

Mr. MANZULLO. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MANZULLO. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 5, nays 388, not voting 35, as follows:

[Roll No. 113]

YEAS—5

Baird
Cleaver
Gohmert
Johnson (IL)
Young (AK)

NAYS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—35

Bean	Kaptur	Rangel
Blackburn	Kilpatrick	Ros-Lehtinen
Capito	Larson (CT)	Rush
Cooper	Markey	Shea-Porter
Davis (IL)	McCrery	Souder
Davis, Lincoln	McNerney	Thompson (MS)
Garrett (NJ)	Meeks (NY)	Udall (CO)
Gilchrest	Mitchell	Velázquez
Gingrey	Oberstar	Weldon (FL)
Hinchey	Pence	Woolsey
Holden	Peterson (PA)	Wynn
Hooley	Pryce (OH)	

□ 1517

Mr. BRADY of Pennsylvania, Mrs. CUBIN and Messrs. LEWIS of Georgia, VISCLOSKY, MEEK of Florida, and MAHONEY of Florida changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

H. Con. Res. 313. Concurrent Resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5563) to reauthorize and reform the national service laws.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Generations Invigorating Volunteerism and Education Act'' or the ''GIVE Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes; sense of Congress.
Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Service-Learning)

Sec. 1201. School-based allotments.
Sec. 1202. Higher education provisions.
Sec. 1203. Innovative programs and research.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.
Sec. 1302. E–Corps and technical amendments to types of programs.
Sec. 1303. Types of positions.
Sec. 1304. Conforming repeal relating to training and technical assistance.
Sec. 1305. Assistance to State Commissions; challenge grants.
Sec. 1306. Allocation of assistance to States and other eligible entities.
Sec. 1307. Additional authority.
Sec. 1308. State selection of programs.
Sec. 1308A. National service program assistance requirements.
Sec. 1309. Consideration of applications.
Sec. 1310. Description of participants.
Sec. 1311. Selection of national service participants.
Sec. 1312. Terms of service.
Sec. 1313. Adjustments to living allowance.

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.
Sec. 1402. Individuals eligible to receive a national service educational award from the Trust.
Sec. 1403. Determination of the amount of national service educational awards.
Sec. 1404. Disbursement of educational awards.
Sec. 1405. Process of approval of national service positions.
Sec. 1406. Report on veterans serving in approved national service positions.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

Sec. 1501. Purpose.
Sec. 1502. Program components.
Sec. 1503. Eligible participants.
Sec. 1504. Summer national service program.
Sec. 1505. Team leaders.
Sec. 1506. Training.
Sec. 1507. Consultation with State Commissions.
Sec. 1508. Authorized benefits for Corps members.
Sec. 1509. Permanent cadre.
Sec. 1510. Contract and grant authority.
Sec. 1511. Other departments.
Sec. 1512. Advisory Board.
Sec. 1513. Annual evaluation.
Sec. 1514. Repeal of funding limitation.
Sec. 1515. Definitions.
Sec. 1516. Terminology.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

Sec. 1601. Family and medical leave.
Sec. 1602. Additional prohibitions on use of funds.
Sec. 1603. Notice, hearing, and grievance procedures.
Sec. 1604. Resolution of displacement complaints.
Sec. 1605. State Commissions on National and Community Service.
Sec. 1606. Evaluation and accountability.
Sec. 1607. Technical amendment.
Sec. 1608. Partnerships with schools.
Sec. 1609. Rights of access, examination, and copying.
Sec. 1610. Additional administrative provisions.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

Sec. 1701. Terms of office.
Sec. 1702. Board of Directors authorities and duties.
Sec. 1703. Authorities and duties of the Chief Executive Officer.
Sec. 1704. Nonvoting members; personal services contracts.
Sec. 1705. Donated services.
Sec. 1706. Office of Outreach and Recruitment.
Sec. 1707. Study to examine and increase service programs for veterans and veterans participation in programs under the national service laws and to develop pilot program.
Sec. 1708. Coordination with veterans organizations serving veterans with disabilities.
Sec. 1709. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.

Subtitle H—Amendments to Subtitle H

Sec. 1801. Technical amendments to subtitle H.
Sec. 1802. Repeals.
Sec. 1803. Innovative and model program support.
Sec. 1804. Clearinghouses.

Subtitle I—Energy Conservation Corps

Sec. 1811. General authority.
Sec. 1812. Application.
Sec. 1813. Focus of programs.
Sec. 1814. Training and education services.
Sec. 1815. Preference for certain projects.
Sec. 1816. Participants.
Sec. 1817. Use of volunteers.
Sec. 1818. Cooperation among States for emergency response.
Sec. 1819. Federal share.
Sec. 1820. Best practices.
Sec. 1820A. Authorization of appropriations.
Sec. 1820B. Learn and Serve America.
Sec. 1820C. National Senior Service Corps.

Subtitle J—Training and Technical Assistance

Sec. 1821. Training and technical assistance.

Subtitle K—Repeal of Title III (Points of Light Foundation)

Sec. 1831. Repeal.

Subtitle L—Amendments to Title V (Authorization of Appropriations)

Sec. 1841. Authorization of appropriations.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 2001. References.

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

Sec. 2101. Purpose.
Sec. 2102. Purpose of the VISTA program.
Sec. 2103. Applications.
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Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

Sec. 2201. Change in name.
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Sec. 2203. Grants and contracts for volunteer service projects.
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Subtitle C—Amendments to Title IV (Administration and Coordination)

Sec. 2301. Nondisplacement.
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Sec. 2401. Authorization of appropriations for VISTA and other purposes.
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Sec. 2403. Administration and coordination.

TITLE III—AMENDMENTS TO OTHER LAWS

Sec. 3101. Inspector General Act of 1978.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

Sec. 4101. Table of contents for the National and Community Service Act of 1990.
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TITLE V—EFFECTIVE DATE

Sec. 5101. Effective date.
Sec. 5102. Service assignments and agreements.

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

Sec. 6101. Short title.
Sec. 6102. Findings.
Sec. 6103. Establishment.
Sec. 6104. Duties.
Sec. 6105. Membership.
Sec. 6106. Director and Staff of Commission; Experts and Consultants.
Sec. 6107. Powers of Commission.
Sec. 6108. Reports.
Sec. 6109. Termination.

TITLE VII—SENSE OF CONGRESS

Sec. 7101. Sense of Congress.

TITLE VIII—SENSE OF CONGRESS

Sec. 8101. Sense of Congress.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES; SENSE OF CONGRESS.

(a) PURPOSES.—Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking ''community throughout'' and inserting ''community and service throughout the varied and diverse communities of'';

(2) in paragraph (4), by inserting after ''income,'' the following: ''geographic location,'';

(3) in paragraph (6), by inserting after ''existing'' the following: ''national'';

(4) in paragraph (7)—

(A) by striking ''programs and agencies'' and inserting ''programs, agencies, and communities''; and

(B) by striking ''and'' at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

''(9) expand and strengthen service-learning programs through year-round opportunities, including during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community to children and youth throughout the United States;

''(10) assist in coordinating and strengthening Federal and other citizen service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

''(11) increase service opportunities for our Nation's retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions to improve the education of our Nation's youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older Americans;

''(12) encourage the continued service of the alumni of the national service programs, including service in times of national need; and

''(13) encourage members of the Baby Boom generation to partake in service opportunities.''.

(b) SENSE OF CONGRESS.—The Act is amended by inserting after section 2 the following:

''SEC. 3. SENSE OF CONGRESS.

''It is the sense of Congress that the number of participants in the AmeriCorps programs, including the Volunteers in Service to America (VISTA) and the National Civilian Community Corps (NCCC), should grow to reach 100,000 participants by 2012.''.

SEC. 1102. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating—

(A) paragraphs (21) through (29) as paragraphs (28) through (36), respectively;

(B) paragraphs (9) through (20) as paragraphs (15) through (26), respectively;

(C) paragraphs (7) and (8) as paragraphs (10) and (11), respectively; and

(D) paragraphs (3) through (6) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (2) the following:

''(3) APPROVED SUMMER OF SERVICE POSITION.—The term 'approved summer of service position' means a position in a program described under section 118(c)(8) for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

''(4) BABY BOOM GENERATION.—The term 'Baby Boom generation' means the generation that consists of individuals born during the period beginning with 1946 and ending with 1964.'';

(3) in paragraph (5) (as so redesignated), by striking ''described in section 122'';

(4) in paragraph (7) (as so redesignated), by striking ''church or other'';

(5) by inserting after paragraph (8) (as so redesignated) the following:

''(9) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' includes those youth who are economically disadvantaged and one or more of the following:

''(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

''(B) Who are in or aging out of foster care.

''(C) Who have limited English proficiency.

''(D) Who are homeless or who have run away from home.

''(E) Who are at-risk to leave school without a diploma.

''(F) Who are former juvenile offenders or at risk of delinquency.'';

(6) by inserting after paragraph (11) (as so redesignated) the following:

''(12) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a public or private nonprofit organization that—

''(A) has experience with service-learning or with meeting unmet human, educational, environmental, or public safety needs;

''(B) was in existence at least one year before the date on which the organization submitted an application under the national service laws; and

''(C) meets other such criteria as the Chief Executive Officer may establish.

''(13) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

''(14) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).'';

(7) in paragraph (19) (as so redesignated), by striking ''section 101(a) of the Higher Education Act of 1965'' and inserting ''sections 101(a) and 102(a)(1) of the Higher Education Act of 1965'';

(8) in paragraph (23)(B) (as so redesignated), by striking ''program in which the participant is enrolled'' and inserting ''organization receiving assistance under the national service laws through which the participant is enrolled in an approved national service position'';

(9) by inserting after paragraph (26) (as so redesignated) the following:

''(27) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.'';

(10) in paragraph (28)(B) (as so redesignated)—

(A) by striking ''602'' and inserting ''602(3)''; and

(B) by striking ''1401'' and inserting ''1401(3)''; and

(11) by adding at the end the following:

''(37) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).''.

Subtitle B—Amendments to Subtitle B (Service-Learning)

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

''SEC. 111. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

''(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, Territories, and Indian tribes to pay for the Federal share of—

''(1) planning and building the capacity within the State, Territory, or Indian tribe to implement service-learning programs that are based principally in elementary and secondary schools, including—

''(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the recruitment, utilization, and management of

participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

''(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

''(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this part;

''(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

''(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities; and

''(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, with particular attention to schools identified for school improvement under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

''(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution of Federal funds by State educational agencies, Territories, and Indian tribes made available under this part to projects operated by local partnerships among—

''(A) local educational agencies; and

''(B) 1 or more community partners that—

''(i) shall include a public or private nonprofit organization that—

''(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

''(II) will make projects available for participants, who shall be students; and

''(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

''(ii) may include a private for-profit business, private elementary or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

''(3) planning of school-based service-learning programs, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

''(A) the salaries and benefits of service-learning coordinators; or

''(B) the recruitment, training, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

''(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to—

''(A) local educational agencies;

''(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

''(C) public or private nonprofit organizations; or

''(D) partnerships or combinations of local educational agencies and entities described in subparagraph (B) or (C).

''(b) PROGRAMS TO ENCOURAGE CIVIC ENGAGEMENT IN SERVICE LEARNING.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(1), and without regard to section 112(b), the Corporation shall reserve up to 3 percent for competitive grants to partnerships described in subsection (a)(2) for the development of service-learning programs that promote greater civic engagement among elementary and secondary school students.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, a partnership shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Partnerships receiving grants under this subsection shall use funds to develop service-learning curricula that—

''(A) promote a better understanding of the principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance;

''(B) promote a better understanding of how the Nation's government functions; and

''(C) promote a better understanding of the importance of service in the Nation's character.

''(c) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2), (3), or (5) of subsection (a) shall provide services that may include—

''(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

''(2) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects, including summer of service programs; and

''(3) carrying out such other duties as the recipient of assistance under this part may determine to be appropriate.

''(d) RELATED EXPENSES.—An entity that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

''SEC. 112. ALLOTMENTS.

''(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

''(b) ALLOTMENTS THROUGH STATES.—After reserving the amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

''(1) ALLOTMENTS.—

''(A) SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States.

''(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or its successor authority bears to such allocations to all States.

''(2) DEFINITION.—Notwithstanding section 101, for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, Territory, or Indian tribe under this section will not be required for a fiscal year because the State, Territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, Territory, or Indian tribe available for grants to grantmaking entities to carry out service-learning programs as described in section 111(a) in such State, Territory, or Indian tribe. After grantmaking entities apply for the allotment with an application at such time and in such manner as the Corporation requires and receive approval, the remainder of such allotment shall be available for reallotment to such other States, Territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

''(d) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this part exceed $43,000,000, the minimum allotment to each State (as defined in section 112(b)(2)) under this section shall be $65,000.

''SEC. 113. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive an allotment under section 112, a State, acting through the State educational agency, Territory, or Indian tribe shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.

''(b) CONTENTS.—An application for an allotment under this part shall include—

''(1) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

''(2) information about the criteria the State educational agency, Territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (c), including an assurance that the State educational agency, Territory, or Indian tribe will comply with the requirement in section 114(a);

''(3) information about the applicant's efforts to—

''(A) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

''(B) include any opportunities for students enrolled in schools or other programs of education providing elementary or secondary education to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

''(C) involve participants in the design and operation of the program;

''(D) promote service-learning in areas of greatest need, including low-income or rural areas; and

''(E) otherwise integrate service opportunities into the academic program of the participants; and

''(4) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedures required by section 176.

''(c) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

''(1) IN GENERAL.—Any—

''(A) qualified organization, Indian tribe, Territory, local educational agency, for-profit business, private elementary, middle, or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, Territory, or Indian tribe for an activity described in section 111(a)(1);

''(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Territory, or Indian tribe or grantmaking entity described in section 111(a)(2);

''(C) entity described in section 111(a)(3) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section;

''(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section; and

''(E) agency or partnership described in section 118(c)(8) that desires to receive such assistance, or approved summer of service positions, from a State, Territory, or Indian tribe for an activity described in such section to be carried out through a service-learning program described in section 111,

shall prepare, submit to the State educational agency, Territory, grantmaking entity, or Indian tribe, and obtain approval of, an application for the program.

''(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, Territory, Indian tribe, or entity may reasonably require.

''SEC. 114. CONSIDERATION OF APPLICATIONS.

''(a) PRIORITY.—In considering competitive applications under this part, the Corporation shall give priority to innovation, sustainability, capacity building, involvement of disadvantaged youth, and quality of programs, as well as other criteria approved by the Chief Executive Officer.

''(b) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State, Territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, Territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, Territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, Territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

''SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

''(a) IN GENERAL.—To the extent consistent with the number of students in the State, Territory, or Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State, Territory, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

''(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

''(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

''(b) WAIVER.—If a State, Territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, Territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to the requirements of sections 9503 and 9504 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7883 and 7884).

''SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

''(a) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part—

''(A) for new grants, may not exceed 80 percent of the total cost for the first year of the grant, 65 percent for the second year, and 50 percent for each remaining year; and

''(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

''(2) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

''(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(B) may provide for such share through State sources or local sources, including private funds or donated services.

''(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''SEC. 117. LIMITATIONS ON USES OF FUNDS.

''Not more than 6 percent of the amount of assistance received by an applicant in a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by—

''(1) the original recipient; or

''(2) the entity carrying out the service-learning program supported with the assistance.''.

SEC. 1202. HIGHER EDUCATION PROVISIONS.

Section 119 (42 U.S.C. 12561) is redesignated as section 117 and amended—

(1) in subsection (a), by inserting after ''community service programs'' the following: ''through service-learning'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''combination'' and inserting ''consortia'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(C) may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at one or more members of the consortia;'';

(3) in subsection (b)(3)—

(A) in the matter preceding subparagraph (A), by striking ''teachers at the elementary, secondary, and postsecondary levels'' and inserting ''institutions of higher education and their faculty'';

(B) in subparagraph (A), by striking ''education of the institution; and'' and inserting ''curricula of the institution to strengthen the instructional capacity of service-learning at the elementary and secondary levels;'';

(C) by redesignating subparagraph (B) as subparagraph (E); and

(D) by inserting after subparagraph (A) the following:

''(B) including service-learning as a key component of the health professionals curricula, including nursing, pre-medicine, medicine, and dentistry curricula of the institution;

''(C) including service-learning as a key component of the criminal justice professionals curricula of the institution;

''(D) including service-learning as a key component of the public policy and public administration curricula of the institution; and'';

(4) by striking subsections (c), (d), (e), and (g);

(5) by redesignating subsection (f) as (i); and

(6) by inserting after subsection (b) the following:

''(c) SPECIAL CONSIDERATION.—To the extent practicable, the Corporation shall give special consideration to applications submitted by predominantly Black institutions, Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal Colleges and Universities, and community colleges serving predominantly minority populations.

''(d) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''(e) APPLICATION FOR GRANT.—

''(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an applicant shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

''(A) assurances that—

''(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

''(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedures required by section 176; and

''(B) such other assurances as the Chief Executive Officer may reasonably require.

''(f) PRIORITY.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants or institutions that submit applications containing proposals that—

''(1) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

''(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

''(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

''(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

''(A) the institution;

''(B)(i) a community-based agency;

''(ii) a local government agency; or

''(iii) a non-profit entity that serves or involves school-age youth, older adults, or low-income communities; and

''(C)(i) a student organization;

''(ii) a department of the institution; or

''(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

''(5) demonstrate community involvement in the development of the proposal;

''(6) describe research on effective strategies and methods to improve service utilized in the design of the project;

''(7) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

''(8) with respect to projects involving delivery of services, specify projects that involve leadership development of school aged youth.

''(g) DEFINITION.—Notwithstanding section 101, as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

''(h) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education must demonstrate that it meets the minimum requirements under section 443(b)(2)(B) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(B)) relating to the participation of Federal Work-Study students in community service activities, or has received a waiver of those requirements from the Secretary of Education.''.

SEC. 1203. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is further amended by adding after part II the following new part:

''PART III—INNOVATIVE SERVICE–LEARNING PROGRAMS AND RESEARCH

''SEC. 118. INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH.

''(a) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants and fixed amount grants under subsection (f) with eligible entities for activities described in subsection (c).

''(b) ELIGIBLE ENTITIES DEFINED.—For purposes of this part, the term 'eligible entity' means a State education agency, a State commission, a Territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including grant-making entities), a public or private elementary or secondary school, a local educational agency, or a consortia of such entities, where a consortia of two or more such entities may also include a for-profit organization.

''(c) AUTHORIZED ACTIVITIES.—Funds under this part may be used to—

''(1) integrate service-learning programs into the science, technology, engineering, and mathematics (STEM) curricula at the elementary, secondary, or post-secondary, and post-baccalaureate levels in coordination with practicing or retired STEM professionals;

''(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low income housing and in public spaces;

''(3) involve students in service-learning projects in emergency and disaster preparedness;

''(4) involve students in service-learning projects aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including in low income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

''(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in their community;

''(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

''(7) conduct innovative and creative activities as described in section 111(a);

''(8) establish or implement summer of service programs during the summer months, including the cost of recruitment, training, and placement of service-learning coordinators—

''(A) for youth who will be enrolled in any grade from grade 6 through grade 12 at the end of the summer concerned;

''(B) for community-based service-learning projects that—

''(i) shall—

''(I) meet unmet human, educational, environmental (including energy conservation and stewardship), emergency and disaster preparedness, and public service needs; and

''(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community; and

''(ii) may include the extension of academic year service-learning programs into the summer months;

''(C) under which any student who completes 100 hours of service in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f), shall be eligible for a summer of service educational award of not more than $500 (or, at the discretion of the Chief Executive Officer, not more than $1,000 in the case of a participant who is economically disadvantaged) from funds deposited in the National Service Trust and distributed by the Corporation as described in section 148; and

''(D) subject to the limitation that a student may not receive more than 2 summer of service educational awards from funds deposited in the National Service Trust; and

''(9) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

''(d) PRIORITY.—Priority shall be given to programs that—

''(1) involve students and community stakeholders in the design and implementation of the service-learning program;

''(2) implement service-learning programs in low-income or rural communities; and

''(3) utilize adult volunteers, including tapping the resource of retired and retiring adults, in the planning and implementation of the service-learning programs.

''(e) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with other Learn and Serve programs, AmeriCorps, VISTA, and the National Senior Service Corps.

''(3) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies and recommendations for improvement.

''(f) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(3) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 75 percent of the total cost of the program in the first year of the grant and 50 percent of the total cost of the program in the remaining years of the grant, including if the grant is extended for a fourth year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(g) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''subdivisions of States,'' the following: ''Territories,'';

(2) in subsection (b)—

(A) in the heading, by striking ''AGREEMENTS WITH FEDERAL AGENCIES'' and inserting ''RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES'';

(B) in paragraph (1)—

(i) in the first sentence by striking ''by the agency.'' and inserting ''by the agency, including programs under the Public Lands Corps and Urban Youth Corps as described in section 122(a)(2).''; and

(ii) by striking the second sentence;

(C) by striking paragraph (2) and inserting the following:

''(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.''; and

(D) in paragraph (3)—

(i) by striking ''receiving assistance under this subsection'' and inserting ''operating a national service program''; and

(ii) by striking ''using such assistance'';

(3) in subsection (c)(2)(B), by striking ''to be provided'' and inserting ''to be provided or otherwise approved'';

(4) in subsection (d)—

(A) in the subsection heading, by striking ''FIVE'' and inserting ''SIX''; and

(B) in paragraph (1), by striking ''5 percent'' and inserting ''6 percent''; and

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''section 140'' and inserting ''paragraph (2)'';

(ii) by striking ''Federal share of the cost'' and inserting ''Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation and other necessary operation costs,'';

(iii) by striking ''may not exceed 75 percent of such cost.'' and inserting ''may not exceed—''; and

(iv) by adding at the end the following:

''(A) for the first three years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the fourth through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 percent and 50 percent, as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 50 percent of such cost.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

''(2) ALTERNATIVE CORPORATION SHARE FOR PROGRAMS IN RURAL OR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.—Upon approval by the Corporation, the Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation, of carrying out a national service program that receives assistance under subsection (a) and that is located in a rural or severely economically distressed community may not exceed—

''(A) for the first six years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the seventh through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 and 65 percent as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 65 percent of such cost.'';

(E) in paragraph (3) (as so redesignated), in subparagraph (B), by inserting after ''other Federal sources'' the following: ''including funds authorized under Youthbuild (section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a))''; and

(F) by adding at the end the following:

''(5) OTHER FEDERAL FUNDS.—

''(A) RECIPIENT REPORT.—A recipient of assistance under section 121 shall report to the Corporation the amount and source of any Federal funds used to carry out the program other than those provided by the Corporation.

''(B) CORPORATION REPORT.—The Corporation shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on an annual basis information regarding each recipient that uses Federal funds other than those provided by the Corporation to carry out the program, including amounts and sources of other Federal funds.''.

SEC. 1302. E–CORPS AND TECHNICAL AMENDMENTS TO TYPES OF PROGRAMS.

Section 122 (42 U.S.C. 12572) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''including'' and all that follows through the semicolon at the end and inserting ''including projects involving urban renewal, sustaining natural resources, or improving human services;'';

(ii) in subparagraph (B), by striking ''including'' and inserting ''and at least 50 percent of whom are''; and

(iii) in subparagraph (C)(i), by inserting '', including mentoring'' before the semicolon;

(C) in paragraph (6)—

(i) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) students participating in service-learning programs at an institution of higher education.'';

(D) in paragraph (7)(A), by inserting '', including elementary and secondary education, and other professions such as those in health care, criminal justice, environmental stewardship and conservation, or public safety'' before the semicolon;

(E) in paragraph (8)(C), by striking ''nonprofit'';

(F) in paragraph (9), by striking ''between the ages of 16 and 24'' and inserting ''between the ages of 16 and 25'';

(G) in paragraph (10), by striking ''gifted young adults'' and all that follows through the period at the end and inserting ''school-age youth and young adults of all backgrounds, including gifted youth, along with established successful entrepreneurs of all backgrounds and professions from the community in which the program exists to—

''(A) train the participants in utilizing problem-solving, entrepreneurship, and communication skills to design solutions to community problems; and

''(B) collaborate with stakeholders in the communities to implement the solutions devised by the participants in subparagraph (A).'';

(H) in paragraph (12)(A), by striking ''learning and recreation'' and inserting ''learning, recreation, and mentoring'';

(I) in paragraph (13), by striking ''and to combat rural poverty, including'' and inserting '', including the issues of rural poverty,'';

(J) by redesignating paragraph (15) as paragraph (19); and

(K) by inserting after paragraph (14) the following:

''(15) An E–Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs which seek to increase access to technology and the benefits thereof in such community.

''(16) A program that engages citizens in public safety, public health, and emergency and disaster preparedness, and may include the recruitment and placing of qualified participants in positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers, and may engage Federal, State, and local stakeholders in collaboration to organize more effective responses to issues of public safety and public health, emergencies, and disasters.

''(17) A program, initiative, or partnership that seeks to expand the number of mentors for youths (including by recruiting high-school and college-aged individuals to enter into mentoring relationships), including mentors for disadvantaged youths, either through provision of direct mentoring services, provision of supportive services to direct mentoring service organizations (in the case of a partnership), or through the creative utilization of current and emerging technologies to connect youth with mentors.

''(18) A program that has the primary purpose of re-engaging court-involved youth and adults with the goal of reducing recidivism.'';

(2) by redesignating subsections (b) and (c) as (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) INNOVATIVE PROGRAMS TO MEET THE NEEDS OF VETERANS.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(2), the Corporation shall reserve up to 3 percent for competitive grants to eligible recipients under subsection (a) for the development, either directly or through subgrants to other entities, of innovative initiatives to address the unique needs of veterans.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, an entity described in paragraph (1) shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Entities receiving grants under this subsection shall use funds to develop initiatives that—

''(A) recruit veterans, particularly returning veterans, into service opportunities;

''(B) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(C) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.'';

(4) in subsection (c) (as so redesignated), in paragraph (4), by inserting after ''out-of-school youths,'' the following: ''disadvantaged youths,'';

(5) in subsection (d) (as so redesignated), in paragraph (1)—

(A) in subparagraph (A), by striking ''subsection (b) or (d) of''; and

(B) by adding at the end the following new subparagraph:

''(C) PRIORITY FOR VETERANS.—Priorities established under subparagraphs (A) and (B) shall include priorities for programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.''; and

(6) by adding at the end the following:

''(e) REQUIREMENTS FOR TUTORS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

''(A) either—

''(i) obtained their high school diploma; or

''(ii) passed a proficiency test demonstrating that such individuals have the skills necessary to achieve program goals; and

''(B) have successfully completed pre- and in-service training for tutors.

''(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

''(f) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

''(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

''(2) offer high quality, research-based pre- and in-service training for tutors.

''(g) CITIZENSHIP TRAINING.—The Corporation shall establish requirements for recipients of assistance under the national service laws relating to the promotion of citizenship and civic engagement, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, among individuals enrolled in approved national service positions and approved summer of service positions.''.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (2)(A) by inserting after ''subdivision of a State,'' the following: ''a Territory,''; and

(2) in paragraph (5) by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 1257) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$125,000 and $750,000'' and inserting ''$200,000 and $825,000''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENT.—In making grants to a State under this subsection, the Corporation shall require the State to provide matching funds of $1 from non-Federal sources for every $1 provided by the Corporation.

''(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to use an alternative match as follows:

''(A) FIRST $100,000.—For the first $100,000 of grant amounts provided by the Corporation, a State shall not be required to provide matching funds.

''(B) AMOUNTS GREATER THAN $100,000.—For grant amounts of more than $100,000 and not exceeding $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $2 provided by the Corporation.

''(C) AMOUNTS GREATER THAN $200,000.—For grant amounts of more than $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $1 provided by the Corporation.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''to national service programs that receive assistance under section 121'' and inserting ''to programs supported under the national service laws''; and

(B) by striking paragraph (3) and inserting the following:

''(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than $1 of assistance under this subsection for each $1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, grants under this subsection may provide not more than $1 of assistance for each $2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds as matching funds if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.''.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

''SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

''(a) 1-PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The amount allotted as a grant to each such Territory under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the Territory bears to the total population of such Territories.

''(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes, to be allotted by the Corporation on a competitive basis.

''(c) ALLOTMENT FOR COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve up to 62.7 percent for grants awarded on a competitive basis to States for national service programs and to nonprofit organizations seeking to operate a national service program in 2 or more States.

''(d) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

''(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under subsection (a) of section 121 for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

''(2) ALLOTMENTS.—The amount allotted as a grant to each such State under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

''(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year must be at least $600,000, or 0.5 percent of the amount allocated for the State formula under this section, whichever is greater.

''(e) EFFECT OF FAILURE TO APPLY.—If a State or Territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for an allotment under this

section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or Territory to—

''(1) make grants (and provide approved national service positions in connection with such grants) to other grantmaking entities under section 121 that propose to carry out national service programs in such State or Territory; and

''(2) make a reallotment to other States or Territories with approved applications submitted under section 130, to the extent grant-making entities do not apply as described in paragraph (1).

''(f) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a recipient under this section shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130.

''(g) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

''(h) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

''(i) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under section 126.

''(j) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Chief Executive Officer shall reserve an amount that is not less than 1 percent of such amount (except that the amount reserved may not exceed $10,000,000), in order to make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose.''.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

''SEC. 129A. EDUCATION AWARDS ONLY PROGRAM.

''(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed amount grants under subsection (d), provide operational assistance to programs that receive approved national service positions but do not receive funds under section 121(a).

''(b) LIMIT ON CORPORATION GRANT FUNDS.—Operational support under this section may not exceed $600 per individual enrolled in an approved national service position and may reach $800 per individual if the program supports at least 50 percent disadvantaged youth.

''(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

''(1) The limitation on administrative costs under section 121(d).

''(2) The matching funds requirements under section 121(e).

''(3) The living allowance and other benefits under sections 131(e) and section 140 (other than individualized support services for disabled members under section 140(f)).

''(d) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''SEC. 129B. PILOT AUTHORITY FOR MEMBER-SELECTED NATIONAL SERVICE POSITIONS.

''(a) AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated for a fiscal year under this subtitle and consistent with the restriction in subsection (b), the Corporation may provide fixed amount grants on a competitive basis to up to 10 State Commissions to support member-selected approved national service positions.

''(2) LIMITATION.—The Corporation shall award grants under paragraph (1) to support not more than 500 approved national service positions among the participating States.

''(b) LIMITS ON CORPORATION GRANT FUNDS.—

''(1) IN GENERAL.—Grants awarded under subsection (a)(1) shall not exceed $600 per individual enrolled in an approved national service position under this section.

''(2) USE OF GRANT FUNDS.—Grants received by State Commissions under subsection (a)(1)—

''(A) shall not be distributed to organizations receiving participants with approved national service positions under this section; and

''(B) may—

''(i) be used for oversight activities and mechanisms for the service sites as determined by the State Commission or the Corporation, which may include site visits;

''(ii) be used for activities to augment the experience of AmeriCorps participants in approved national service positions under this section, including activities to engage such participants in networking opportunities with other AmeriCorps participants; and

''(iii) be used for recruitment or training activities for participants in approved national service positions under this section.

''(c) STATE COMMISSION APPLICATION.—

''(1) IN GENERAL.—A State Commission desiring to receive a grant under subsection (a)(1) shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation shall determine appropriate.

''(2) APPROVAL.—The Corporation shall approve each application under paragraph (1) in accordance with section 130(d).

''(d) SELECTION OF PARTICIPANTS.—

''(1) APPLICANTS.—Participants desiring to receive an approved national service position under this section shall submit an application to the State Commission at such time and in such manner as the State Commission determines appropriate. The application shall contain—

''(A) a position description that includes—

''(i) the unmet human, educational, public safety, or environmental need or needs that will be met by the participant; and

''(ii) a description of the activities and responsibilities that will be carried out by the participant;

''(B) a description of the organization operating the service site where the applicant intends to complete the service described in subparagraph (A);

''(C) a description of the support that will be provided by the organization to the participant to complete the activities described in subparagraph (A);

''(D) the evidence of community support for the activities described in subparagraph (A);

''(E) a certification from the organization operating the service site that the organization is accepting the participant to perform the service outlined in subparagraph (A);

''(F) a certification from the organization operating the service site that the organization satisfies qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight; and

''(G) any other information that the Corporation and the State Commission deems necessary.

''(2) RESIDENCY.—A participant may apply for approved national service positions under this section in States other than the State in which the participant resides.

''(e) ORGANIZATION REQUIREMENTS.—The Corporation and the State Commissions shall ensure that the organizations receiving participants with approved national service positions under this section—

''(1) maintain not more than 5 full-time staff and not more than 5 part-time staff;

''(2) are not duplicating service provided by an existing AmeriCorps grantee in the same community;

''(3) are located in a community where no Intermediary AmeriCorps grants recipient is operating; and

''(4) have not applied to receive assistance under this subtitle.

''(f) FAILURE TO COMPLY.—If an organization receiving a participant with an approved national service position under this

section fails to comply with terms and conditions established by the State Commission and the Corporation—

''(1) the organization shall not be eligible to receive such a participant, or receive an AmeriCorps grant under section 121, for not less than 5 years; and

''(2) the State Commission shall have the right to remove such a participant from the organization and relocate that individual to another site.

''(g) RECEIPT OF FINANCIAL ASSISTANCE.—An organization that receives participants with approved national service positions under this section shall not be considered a recipient of Federal financial assistance based on receiving such participants.

''(h) DEFINITION.—For the purpose of this section, the term 'Intermediary AmeriCorps grants recipient' means any organization that serves as a conduit between the Corporation and other unaffiliated organizations operating service sites.''.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by inserting after ''State,'' the following: ''Territory,''; and

(B) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education'';

(2) in subsection (b)(9) by striking ''section 122(c)'' and inserting ''section 122(d)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''jobs or positions'' and inserting ''proposed positions''; and

(ii) by striking '', including'' and all that follows through the period at the end and inserting a period;

(B) in paragraph (2) by inserting ''proposed'' before ''minimum''; and

(C) by adding at the end the following:

''(3) In the case of a nonprofit organization operating programs in 2 or more States, a description of the manner and extent to which the State Commissions of each State in which the nonprofit organization intends to operate were consulted and the nature of the consultation.'';

(4) in subsection (e)(2) by striking ''were selected'' and inserting ''were or will be selected'';

(5) in subsection (f)—

(A) in paragraph (1), by striking ''a program applicant'' and inserting ''an applicant''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''PROGRAM APPLICANT'' and inserting ''APPLICANT'';

(ii) in the matter preceding subparagraph (A), by striking ''program applicant'' and inserting ''applicant'';

(iii) in subparagraph (A)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(iv) in subparagraph (B)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(6) in subsection (g), by striking the period and inserting ''or is already receiving financial assistance from the Corporation.''.

SEC. 1308A. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c)(3) (42 U.S.C. 12583(c)(3)) is amended to read as follows:

''(3) in the case of a program that is not funded through a State, including programs operated by nonprofit organizations seeking to operate a national service program in 2 or more States—

''(A) consult with and coordinate with the State Commission for the State in which the program operates; and

''(B) obtain written confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate a program in that State.''.

SEC. 1309. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (c)(6), insert after subparagraph (E) the following:

''(F) Areas that have a mortgage foreclosure rate greater than the national average mortgage foreclosure rate for the most recent 12 months for which satisfactory data are available.'';

(2) in subsection (b)(2)(B), by striking ''jobs or'';

(3) in subsection (c), by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

''(8) The extent to which the program generates the involvement of volunteers.'';

(4) in subsection (d), in paragraph (2)—

(A) in the matter preceding subparagraph (A), strike ''the Corporation may include—'' and insert ''the Corporation—''; and

(B) by striking subparagraphs (A) through (G) and inserting the following:

''(A) shall include national service programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment; and

''(B) may include—

''(i) national service programs that conform to the national service priorities in effect under section 122(d);

''(ii) innovative national service programs;

''(iii) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

''(iv) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

''(v) professional corps programs described in section 122(a)(8).''; and

(5) by amending subsection (d)(3) to read as follows:

''(3) ADDITIONAL PRIORITY.—In making a competitive distribution under section 129(c), the Corporation—

''(A) shall solicit and consider the view of a State Commission regarding any application for assistance to operate a national service program within the State; and

''(B) may give priority to a national service program that is—

''(i) proposed in an application submitted by a State Commission; and

''(ii) not one of the types proposed in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.''.

SEC. 1310. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(B) in paragraph (2), by striking ''between the ages of 16 and 25'' and inserting ''a 16-year-old out of school youth or an individual between the ages of 17 and 25''; and

(3) in subsection (c), by striking ''(a)(5)'' and inserting ''(a)(4)''.

SEC. 1311. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a) by striking ''conducted by the State'' and all that follows through ''or other entity'' and inserting ''conducted by the entity''; and

(2) in subsection (e)(2)(C) by inserting before the semicolon at the end the following: '', particularly those who were considered at the time of their service disadvantaged youth''.

SEC. 1312. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)(1), by striking ''not less than 9 months and'';

(2) in subsection (b)(2), by striking ''during a period of—'' and all that follows through the period at the end and inserting ''during a period of not more than 2 years.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''as demonstrated by the participant'' and inserting ''as determined by the organization responsible for granting a release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the original term of service'';

(B) in paragraph (2)(A), by striking ''provide to the participant that portion of the national service educational award'' and inserting ''certify the participant's eligibility for that portion of the national service educational award''; and

(C) in paragraph (2)(B), by striking ''to allow return to the program with which the individual was serving in order''.

SEC. 1313. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (2) and (3)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

''(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided to an individual whose term of service includes hours for which the individual receives Federal work study wages shall be reduced by the amount of the individual's Federal work study award.''; and

(E) in paragraph (4), by striking ''a reduced term of service under section 139(b)(3)'' and inserting ''a term of service that is less than 12 months'';

(2) in subsection (b), by striking ''shall include an amount sufficient to cover 85 percent of such taxes'' and all that follows through the period at the end and inserting ''may be used to pay such taxes.'';

(3) in subsection (c)—

(A) in paragraph (1) by adding ''and'' at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as (2);

(4) in subsection (d)(1), by striking the second sentence; and

(5) by striking subsections (g) and (h).

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''section 148(e)'' and inserting ''section 148(f)''; and

(B) in paragraph (2), by striking ''pursuant to section 196(a)(2)'' and inserting ''pursuant to section 196(a)(2), if the terms of such donations direct that they be deposited in the National Service Trust''; and

(2) in subsection (c), by striking ''for payments of national service educational awards in accordance with section 148.'' and inserting ''for—

''(1) payments of summer of service educational awards and national service educational awards in accordance with section 148; and

''(2) payments of interest in accordance with section 148(f).''.

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''if the individual'' and inserting ''if the organization responsible for an individual's supervision certifies that the individual'';

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) met the applicable eligibility requirements for the position; and

''(2)(A) successfully completed the required term of service described in subsection (b) in an approved national service position; or

''(B)(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under section 139(c); and

''(ii) served at least 15 percent of the required term of service described in subsection (b); and''; and

(C) by redesignating paragraph (4) as paragraph (3);

(2) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, in national service educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The aggregate value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of national service educational awards the individual may receive.'';

(3) in subsection (d)—

(A) in paragraph (1) by inserting after ''national service educational award'' the following: ''or a summer of service educational award''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), and in subparagraph (A), by inserting after ''national service educational award'' the following: ''or a summer of service educational award'';

(ii) in subparagraph (A) by striking ''or'' at the end;

(iii) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) in the case of a summer of service educational award, is enrolled at an eligible institution of higher education under section 148(c) or an educational institution described under section 148(a)(4) and failed to expend the full amount of that award during the original 7-year period.''; and

(4) in subsection (e)(1)—

(A) by inserting after ''qualifying under this section'' the following: ''or under section 118(c)(8)''; and

(B) by inserting after ''to receive a national service educational award'' the following: ''or a summer of service educational award''.

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147 (42 U.S.C. 12603) is amended—

(1) in subsection (a)—

(A) by striking ''a value, for each of not more than 2 of such terms of service, equal to 90 percent of—'' and inserting ''a value of—'' ; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) $4,825, for fiscal year 2008;

''(2) $4,925, for fiscal year 2009;

''(3) $5,025, for fiscal year 2010;

''(4) $5,125, for fiscal year 2011; and

''(5) $5,225, for fiscal year 2012 and each fiscal year thereafter.''; and

(2) in subsection (b), by inserting after ''for each of not more than 2 of such terms of service'' the following: ''in the period of one year''.

SEC. 1404. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''cost of attendance'' and inserting ''cost of attendance or other educational expenses'';

(B) in paragraph (3), by striking ''and'';

(C) by redesignating paragraph (4) as paragraph (6);

(D) by inserting after paragraph (3) the following:

''(4) to pay expenses incurred in enrolling in an educational institution or training establishment that meets the requirements of chapter 36 of title 38, United States Code (38 U.S.C. 3451 et seq.);

''(5) for a recipient of a summer of service educational award under section 118(c)(8)(C), to pay expenses incurred in enrolling in a college preparatory program in accordance with subsection (e); and''; and

(E) in paragraph (6) (as so redesignated) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) in subsection (b)(1) by inserting after ''the national service educational award of the individual'' the following: '', or an eligible individual under section 118(c)(8) who received a summer of service educational award for a project that began after the individual completed grade 10 and desires to apply that summer of service educational award,'';

(3) in subsection (b)(2) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable,'';

(4) in subsection (b)(5) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable'';

(5) in subsection (b)(7)—

(A) in subparagraph (A), by striking '', other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed by—

''(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

''(ii) the direct student loan program under part D of title IV of such Act;

''(iii) a State agency; or

''(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.'';

(6) in subsection (c)(1), by inserting after ''national service educational award'' the following: '', or an eligible individual under section 118(c)(8) who desires to apply the individual's summer of service educational award,'';

(7) in subsection (c)(2)(A), by inserting after ''national service educational award'' the following: ''or summer of service educational award, as applicable,'';

(8) in subsection (c)(2)(C)(iii), by inserting after ''national service educational awards received under this subtitle'' the following: ''or summer of service educational awards received under section 118(c)(8)'';

(9) in subsection (c)(3), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(10) in subsection (c)(5)—

(A) by inserting after ''national service educational award'' the following: '', or summer of service educational award, as applicable,''; and

(B) by inserting after ''additional'' the following: ''summer of service educational awards and additional'';

(11) in subsection (c)(6), by inserting after ''national service educational award'' the following: ''and summer of service educational award'';

(12) in subsection (d), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(13) by redesignating subsections (e), (f), and (g) as (f), (g), and (h), respectively;

(14) by inserting after subsection (d) the following:

''(e) USE OF SUMMER OF SERVICE EDUCATIONAL AWARD TO PAY COLLEGE PREPARATORY EXPENSES.—

''(1) APPLICATION OF ELIGIBLE INDIVIDUALS.—An eligible individual under section 118(c)(8), or the parents or legal guardian of such an individual, who desires to apply the summer of service educational award of the individual to the payment of expenses incurred in enrolling in a college preparatory program shall, on a form prescribed by the Corporation, submit an application to the college preparatory program in which the individual will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

''(2) SUBMISSION OF REQUESTS FOR PAYMENT BY PROGRAM.—A college preparatory program that receives one or more applications under paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

''(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's summer of service educational award under this subsection;

''(B) specifies the amounts for which such eligible individuals are qualified for disbursement; and

''(C) certifies that—

''(i) the college preparatory program is operated by a for-profit or non-profit organization with a track record of success in implementing college preparatory programs that collaborate with local educational agencies and adequately prepare secondary school students for admission to an institution of higher education without need for remediation;

''(ii) the college preparatory program has been in existence for at least one year prior to an eligible individual's submission of the application under paragraph (1); and

''(iii) individuals using summer of service educational awards received under section 118(c)(8) to pay the cost of enrolling in the college preparatory program do not comprise more than 15 percent of the total number of individuals enrolled in the program; and

''(D) contains such provisions concerning financial compliance and program quality as the Corporation may require.

''(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from a college preparatory program that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the summer of service educational awards for which eligible individuals who have submitted applications to that program under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the program and requires the endorsement or other certification by the eligible individual.

''(4) MULTIPLE DISBURSEMENTS.—The total amount required to be disbursed to a college preparatory program under paragraph (3) for any period of enrollment may be disbursed by the Corporation in two or more installments consistent with appropriate divisions of such period of enrollment.

''(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the summer of service educational award of an eligible individual) of amounts disbursed to programs for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved summer of service positions under section 118(c)(8).

''(6) MAXIMUM AWARD.—The portion of an eligible individual's total available summer of service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the cost of attendance.'';

(15) in subsection (f) (as so redesignated), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)''; and

(16) in subsection (g) (as so redesignated), by striking ''Director'' and inserting ''Chief Executive Officer''.

SEC. 1405. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 149. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

''(a) TIMING AND RECORDING REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding subtitles C and D, and any other provision of law, in approving a position as an approved national service position, the Corporation—

''(A) shall approve the position at the time the Corporation—

''(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or a summer of service educational award; or

''(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

''(B) shall record as an obligation an estimate of the net present value of the national service educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards for such a program and remain available.

''(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

''(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

''(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position that the Corporation approves—

''(A) during fiscal year 2008; and

''(B) during any subsequent fiscal year.

''(b) RESERVE ACCOUNT.—

''(1) ESTABLISHMENT AND CONTENTS.—

''(A) ESTABLISHMENT.—Notwithstanding subtitles C and D, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

''(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions for each fiscal year, the Corporation shall place in the account—

''(i) during fiscal year 2008, a portion of the funds that were appropriated for fiscal year 2008 or a previous fiscal year under section 501(a)(2), were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 118(c)(8), and remain available; and

''(ii) during fiscal year 2009 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501(a)(2) and were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 111(a)(5), and remain available.

''(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

''(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions and summer of service educational awards; or

''(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions or summer of service educational awards, as applicable.

''(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

''(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards or summer of service educational awards under section 148.''.

(b) CONFORMING REPEAL.—Section 2 of the Strengthen AmeriCorps Program Act (Public Law 108–145; 117 Stat. 844; 42 U.S.C. 12605) is repealed.

SEC. 1406. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 150. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

''(a) IN GENERAL.—The Corporation shall report annually to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the number and percentage of veterans serving in approved national service positions.

''(b) ANNUAL GOALS.—In the report described in subsection (a), the Corporation shall outline strategies and goals for increasing the number and percentage of veterans serving in approved national service positions each year, including strategies being undertaken to recruit veterans to serve in such positions, and include an evaluation of progress in meeting such goals.''.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

''SEC. 151. PURPOSE.

''It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. Such needs to be met under such programs include those related to—

''(1) natural and other disasters;

''(2) infrastructure improvement;

''(3) environmental stewardship and conservation;

''(4) energy conservation; and

''(5) urban and rural development.''.

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

''SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.''.

(2) in subsection (a), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(3) in subsection (b)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''a Civilian Community Corps'' and inserting ''a National Civilian Community Corps'';

(4) in the heading of subsection (c), by striking ''PROGRAMS'' and inserting ''COMPONENTS''; and

(5) in subsection (c), by striking ''program components are residential programs'' and all that follows and inserting ''programs referred to in subsection (b) may include a residential component.''.

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking ''if the person'' and all that follows through the period at the end and inserting ''if the person will be at least 18 years of age on or before December 31 in the calendar year in which the individual enrolls in the program.'';

(3) in subsection (c)—

(A) by striking ''BACKROUNDS'' and inserting ''BACKGROUNDS''; and

(B) by adding at the end the following: ''The Director shall take appropriate steps, including through collaboration with the Office of Outreach and Recruitment, to increase the percentage of participants in the program who are disadvantaged youth toward 50 percent of all participants by year 2010. The Director shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on such efforts, any challenges faced, and the annual participation rates of disadvantaged youth in the program.''; and

(4) by striking subsection (e).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps''; and

(2) in subsection (b), by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.''.

SEC. 1505. TEAM LEADERS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

''SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.'';

(2) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''the Civilian Community Corps shall'' and inserting ''the National Civilian Community Corps shall'';

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

''(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—'';

(B) in paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(C) in paragraph (3)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' and inserting ''campus''; and

(D) by adding at the end the following:

''(4) TEAM LEADERS.—The Director may select from Corps members individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps to perform service that includes leading and supervising teams of Corps members. Team leaders shall—

''(A) be selected without regard to the age limitation under section 153(b);

''(B) be members of the National Civilian Community Corps; and

''(C) be provided the rights and benefits applicable to Corps members, except that the limitation on the amount of living allowance shall not exceed 10 percent more than the amount established under section 158(b).'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

''(d) CAMPUSES.—'';

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

''(1) UNITS TO BE ASSIGNED TO CAMPUSES.—'';

(ii) by striking ''in camps'' and inserting ''in campuses'';

(iii) by striking ''camp'' and inserting ''campus''; and

(iv) by striking ''in the camps'' and inserting ''in the campuses'';

(C) by amending paragraph (2) to read as follows:

''(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.'';

(D) in paragraph (3)—

(i) by amending the paragraph heading to read as follows:

''(3) ELIGIBLE SITE FOR CAMPUS.—'';

(ii) by striking ''A camp may be located'' and inserting ''A campus must be cost-effective and may, upon the completion of a feasibility study, be located'';

(5) in subsection (e)—

(A) by amending the paragraph heading to read as follows:

''(e) DISTRIBUTION OF UNITS AND CAMPUSES.—'';

(B) by striking ''camps are distributed'' and inserting ''campuses are cost-effective and are distributed''; and

(C) by striking ''rural areas'' and all that follows through the period at the end and inserting ''rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.''; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''superintendent of a camp'' and inserting ''campus director of a campus'';

(ii) in subparagraph (A)—

(I) by striking ''superintendent'' and inserting ''campus director'';

(II) by striking ''superintendent's'' and inserting ''campus director's''; and

(III) by striking ''camp'' each place such term appears and inserting ''campus''; and

(iii) in subparagraph (B), by striking ''superintendent'' and inserting ''campus director''; and

(C) in paragraph (3), by striking ''camp superintendent'' and inserting ''campus director''.

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting ''National'' before ''Civilian Community Corps''; and

(B) by adding at the end the following: ''The Director shall ensure that to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs''; and

(3) by amending subsection (c)(2) to read as follows:

''(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skill areas described in such subsection.''.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(B) in paragraph (1), by inserting before the semicolon the following: ''with specific emphasis on projects in support of infrastructure improvement, disaster relief and recovery, the environment, energy conservation, and urban and rural development''; and

(C) in paragraph (2) by striking ''service learning'' and inserting ''service-learning'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''and the Secretary of Housing and Urban Development'' and inserting ''the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the United States Forest Service'';

(B) in paragraph (1)(B)—

(i) by inserting ''community-based organizations and'' before ''representatives of local communities''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus''; and

(C) in paragraph (2), by inserting ''State Commissions,'' before ''and persons involved in other youth service programs.''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' both places such term appears and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus''; and

(B) in paragraph (2), by striking ''camp superintendents'' and inserting ''campus directors''.

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a) by inserting ''National'' before ''Civilian Community Corps''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''National'' before ''Civilian Community Corps''; and

(ii) by inserting before the colon the following: '', as the Director determines appropriate'';

(B) in paragraph (6), by striking ''Clothing'' and inserting ''Uniforms''; and

(C) in paragraph (7), by striking ''Recreational services and supplies'' and inserting ''Supplies''.

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) in paragraph (1)—

(i) by inserting ''including those'' before ''recommended''; and

(ii) by inserting ''National'' before ''Civilian Community Corps'';

(2) in subsection (b)(1), by inserting ''National'' before ''Civilian Community Corps'';

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting ''National'' before ''Civilian Community Corps''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''The Director shall establish a permanent cadre of'' and inserting ''The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed''; and

(II) by inserting ''National'' before ''Civilian Community Corps'';

(ii) in subparagraph (B), by striking ''The Director shall appoint the members'' and inserting ''The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members'';

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''the Director'' and inserting ''the Chief Executive Officer'';

(II) in clause (iii) by striking ''and'' at the end;

(III) by redesignating clause (iv) as (v); and

(IV) by inserting after clause (iii) the following:

''(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and''; and

(iv) in subparagraph (E)—

(I) by inserting after ''techniques'' the following: '', including techniques for working with and enhancing the development of disadvantaged youth,''; and

(II) by striking ''service learning'' and inserting ''service-learning''; and

(C) in the first sentence of paragraph (3), by striking ''the members'' and inserting ''other members''.

SEC. 1510. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking ''perform any program function under this subtitle'' and inserting ''carry out the National Civilian Community Corps program''; and

(2) in subsection (b)(2), by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1511. OTHER DEPARTMENTS.

Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''National'' before ''Civilian Community Corps''; and

(ii) in subparagraph (B)(i), by striking ''the registry established by'' and all that follows through the semicolon and inserting ''the registry established by section 1143a of title 10, United States Code;'';

(B) in paragraph (2)(A), by striking ''to be recommended for appointment'' and inserting ''from which individuals may be selected for appointment by the Director''; and

(C) in paragraph (3), by inserting ''National'' before ''Civilian Community Corps''; and

(2) by striking subsection (b).

SEC. 1512. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking ''Upon the establishment of the Program, there shall also be'' and inserting ''There shall be'';

(B) by inserting ''National'' before ''Civilian Community Corps Advisory Board''; and

(C) by striking ''to assist'' and all that follows through the period at the end and inserting ''to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. Consistent with the needs outlined in section 151, the Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

''(8) The Administrator of the Federal Emergency Management Agency.

''(9) The Secretary of Transportation.

''(10) The Chief of the United States Forest Service.

''(11) The Administrator of the Environmental Protection Agency.

''(12) The Secretary of Energy.''; and

(C) in paragraph (13), as so redesignated, by striking ''industry,'' and inserting ''public and private organizations,''.

SEC. 1513. ANNUAL EVALUATION.

Section 164 (42 U.S.C. 12624) is amended—

(1) by inserting ''National'' before ''Civilian Community Corps''; and

(2) by adding at the end the following: ''Upon completing each such evaluation, the Corporation shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the evaluation.''.

SEC. 1514. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1515. DEFINITIONS.

Section 166 (42 U.S.C. 12626) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (1) the following:

''(2) CAMPUS DIRECTOR.—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

''(3) CORPS.—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the Civilian Community Corps Program.

''(4) CORPS CAMPUS.—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.'';

(4) in paragraph (5) (as so redesignated), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(5) in paragraph (6) (as so redesignated), by inserting ''National'' before ''Civilian Community Corps'';

(6) in paragraph (8) (as so redesignated), by striking ''The terms'' and all that follows through ''Demonstration Program'' and inserting ''The term 'Program' means the National Civilian Community Corps Program''; and

(7) in paragraph (9) (as so redesignated)—

(A) in the heading by striking ''SERVICE LEARNING'' and inserting ''SERVICE-LEARNING''; and

(B) in the matter preceding subparagraph (A) by striking ''service learning'' and inserting ''service-learning''.

SEC. 1516. TERMINOLOGY.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle E—National Civilian Community Corps'';

and

(2) in section 160(a) (42 U.S.C. 12620(a)) by inserting ''National'' before ''Civilian Community Corps''.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking ''with respect to a project'' and inserting ''with respect to a project authorized under the national service laws''.

SEC. 1602. ADDITIONAL PROHIBITIONS ON USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

''(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal government.''.

SEC. 1603. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking ''30 days'' and inserting ''1 or more periods of 30 days not to exceed 90 days in total''; and

(2) in subsection (f)—

(A) in paragraph (1), by striking ''A State or local applicant'' and inserting ''An entity''; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking ''and'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) in a grievance filed by an individual applicant or participant—

''(i) the applicant's selection or the participant's reinstatement, as the case may be; and

''(ii) other changes in the terms and conditions of service; and''.

SEC. 1604. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking ''under this title'' each place it appears and inserting ''under the national service laws'';

(2) in subsection (b)(1), by striking ''employee or position'' and inserting ''employee, position, or volunteer (other than a participant under the national service laws)''; and

(3) by adding at the end the following:

''(f) PARENTAL INVOLVEMENT.—

''(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

''(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, consistent with State law, before transporting minor children, provide the reason for and obtain written permission of the children's parents.''.

SEC. 1605. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (c)(1), by adding at the end the following:

''(J) A representative of the volunteer sector.'';

(2) in subsection (c)(3), by striking '', unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity'';

(3) by striking subsection (e)(1) and inserting the following:

''(1) Preparation of a national service plan for the State that—

''(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from companies, organizations, and public agencies using service and volunteerism as a strategy to meet critical community needs, including programs funded under the national service laws;

''(B) covers a 3-year period, the beginning of which may be set by the State;

''(C) is subject to approval by the chief executive officer of the State;

''(D) includes measurable goals and outcomes for the State consistent with those for national service programs as described in section 179(a)(1)(A);

''(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

''(i) using established networks and registries at the State level, or establishing such networks and registries; and

''(ii) coordinating with the Corporation's Office of Outreach and Recruitment;

''(F) provides for effective coordination of funding applications submitted by the State and others within the State under the national service laws;

''(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State; and

''(H) contains such information as the State Commission considers to be appropriate or as the Corporation may require.'';

(4) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively;

(5) by inserting after subsection (e) the following:

''(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive, or specify alternatives to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by a State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within a State.

''(g) STATE PLAN FOR BABY BOOMER AND OLDER ADULT VOLUNTEER AND PAID SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State must work with appropriate State agencies and private entities to develop a comprehensive State plan for volunteer and paid service by members of the Baby Boom generation and older adults.

''(2) MATTERS INCLUDED.—The State plan shall include—

''(A) recommendations for public policy initiatives, including how to best tap the population of members of the Baby Boom generation and older adults as sources of social capital and as ways to address community needs;

''(B) recommendations to the State unit on aging on—

''(i) a marketing outreach plan to businesses;

''(ii) outreach to non-profit organizations;

''(iii) the State's Department of Education; and

''(iv) other State agencies; and

''(C) recommendations for civic engagement and multigenerational activities, such as—

''(i) early childhood education, family literacy, and after school programs;

''(ii) respite services for older adults and caregivers; and

''(iii) transitions for members of the Baby Boom generation and older adults to purposeful work in their post career lives.

''(3) KNOWLEDGE INCORPORATED.—The State plan shall incorporate the current knowledge base regarding—

''(A) the economic impact of older workers' roles in the economy;

''(B) the social impact of older workers' roles in the community; and

''(C) the health and social benefits of active engagement for members of the Baby Boom generation and older adults.

''(4) PUBLICATION.—The State plan must be made public and be transmitted to the Chief Executive Officer.''; and

(6) in subsection (k)(1) (as redesignated by this section), by striking the period at the end and inserting '', consistent with section 174(d).''.

SEC. 1606. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

''(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such, including—

''(A) an evaluation of performance measures, as established by the Corporation in consultation with each grantee receiving assistance under the national service laws, which may include—

''(i) number of participants enrolled and completing terms of service compared to the stated goals of the program;

''(ii) number of volunteers recruited from the community in which the program was implemented;

''(iii) if applicable based on the program design, the number of individuals receiving or benefitting from the service conducted;

''(iv) number of disadvantaged and underrepresented youth participants;

''(v) sustainability of project or program, including measures to ascertain the level of community support for the project or program;

''(vi) measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service; and

''(vii) other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance; and

''(B) review of the implementation plan for reaching such measures described in subparagraph (A); and

''(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost-effectiveness and the impact of such programs.'';

(2) in subsection (g)—

(A) in paragraph (3), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) in paragraph (9), by striking ''to public service'' and all that follows through the period at the end and inserting ''to engage in service that benefits the community.''; and

(3) by adding at the end the following:

''(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—In addition to amounts appropriated to carry out this section, the Corporation may reserve up to 1 percent of total program funds appropriated for a fiscal year under the national service laws to support program accountability activities under this section.

''(k) CORRECTIVE PLANS.—

''(1) IN GENERAL.—A grantee that fails to reach the performance measures in subsection (a)(1)(A) as determined by the Corporation, shall reach an agreement with the Corporation on a corrective action plan to achieve the agreed upon performance measures.

''(2) ASSISTANCE.—

''(A) NEW PROGRAM.—For a program that has received assistance for less than 3 years and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall—

''(i) provide technical assistance to the grantee to address targeted performance problems relating to the performance measures in subsection (a)(1)(A); and

''(ii) require quarterly reports from the grantee on the program's progress toward achieving the performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(B) ESTABLISHED PROGRAMS.—For a program that has received assistance for 3 years or more and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall require quarterly reports from the grantee on the program's progress towards achieving performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(l) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation, a grantee or subgrantee fails to achieve the established levels of performance, the Corporation shall—

''(1) reduce the annual amount of the grant award attributable to the underperforming grantee or subgrantee by at least 25 percent; or

''(2) terminate assistance to the underperforming grantee or subgrantee, consistent with section 176(a).

''(m) REPORTS.—The Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate not later than two years after the date of the enactment of this subsection, and annually thereafter, a report containing information on the number of—

''(1) grantees implementing corrective action plans;

''(2) grantees for which the Corporation offers technical assistance under subsection (k);

''(3) grantees for which the Corporation terminates assistance for a program under subsection (l); and

''(4) grantees meeting or exceeding their performance measures in subsection (a).''.

SEC. 1607. TECHNICAL AMENDMENT.

Section 181 (42 U.S.C. 12641) is amended by striking ''Section 414'' and inserting ''Section 422''.

SEC. 1608. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

''(b) ANNUAL REPORT.—On an annual basis, the head of each Federal agency and department shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the implementation of this section, including an evaluation of the performance goals and benchmarks of the partnership programs.''.

SEC. 1609. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in each of subsections (a)(1) and (b)(1) by inserting after ''local government,'' the following: ''Territory,''; and

(2) by adding at the end the following:

''(c) INSPECTOR GENERAL.—The Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

''(1) within the possession or control of the Corporation or any State or local government, Territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act; and

''(2) that relates to the duties of the Inspector General under the Inspector General Act of 1978.''.

SEC. 1610. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

''SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

''(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.

''(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing information on the actions taken to modify the application procedures and reporting requirements for programs and activities funded under the national service laws, including a description of the consultation procedures with grantees, entities that expressed interest in applying for assistance under a national service law but did not apply, those entities whose application was rejected, and applications whose assistance was terminated due to failure to meet performance measures for the year covered by the report.

''SEC. 186. SUSTAINABILITY.

''(a) GOALS.—To ensure that recipients of assistance under the national service laws are carrying out sustainable projects or programs, the Corporation, after collaboration with State Commissions and consultation with recipients of assistance under the national service laws, may set sustainability goals supported by policies and procedures to—

''(1) build the capacity of the projects that receive assistance under the national service laws to meet community needs and lessen the dependence on Federal dollars to do so, taking into consideration challenges that programs in underserved rural or urban areas may face;

''(2) provide technical assistance to aid the recipients of assistance under the national service laws in acquiring and leveraging non-Federal funds for the projects; and

''(3) implement measures to ascertain whether the projects are generating sufficient community support.

''(b) ENFORCEMENT.—If a recipient does not meet the sustainability goals in subsection (a) for a project, the Corporation may take action as described in sections 176 and 179.

''SEC. 187. USE OF RECOVERED FUNDS.

''(a) FACTORS CONSIDERED IN APPROVING REPAYMENT.—After the date of enactment of this section, whenever the Corporation recovers funds paid to a recipient under a grant or cooperative agreement made under the national service laws because the recipient made an expenditure of funds that was not allowable, or otherwise failed to discharge its responsibility to account properly for funds, the Corporation may consider those funds to be additional funds available and may arrange to repay to the recipient affected by that action an amount not to exceed 75 percent of the recovered funds if the Corporation determines that—

''(1) the practices or procedures of the recipient that resulted in the recovery of funds have been corrected, and that the recipient is in all other respects in compliance with the requirements of the grant or cooperative agreement, if the recipient was notified of any noncompliance with such requirements and given a reasonable period of time to remedy such noncompliance;

''(2) the recipient has submitted to the Corporation a plan for the use of those funds consistent with the national service laws and, to the extent possible, for the benefit of the community affected by the recovery of funds; and

''(3) the use of those funds in accordance with that plan would serve to achieve the objectives of the grant or cooperative agreement under which the funds were originally paid.

''(b) TERMS AND CONDITIONS OF REPAYMENT.—Any payments by the Corporation under this section shall be subject to other terms and conditions as the Corporation considers necessary to accomplish the purposes of the grant or cooperative agreement, including—

''(1) the submission of periodic reports on the use of funds provided under this section; and

''(2) consultation by the recipient with members of the community that will benefit from the payments.

''(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, the funds made available under this section shall remain available for expenditure for a period of time considered reasonable by the Corporation, but in no case to exceed more than 3 fiscal years following the later of—

''(1) the fiscal year in which final agency action regarding the disallowance of funds is taken; or

''(2) if such recipient files a petition for judicial review regarding the disallowance of funds, the fiscal year in which final judicial action is taken on such a petition.

''(d) PUBLICATION IN FEDERAL REGISTER.—At least 60 days prior to entering into an arrangement under this section, the Corporation shall publish in the Federal Register a notice of intent to enter into such an arrangement and the terms and conditions under which payments will be made. Interested persons shall have an opportunity for at least 30 days to submit comments to the Corporation regarding the proposed arrangement.

''SEC. 188. EXPENSES OF ATTENDING MEETINGS.

''Notwithstanding section 1345 of title 31, United States Code, funds authorized under the national service laws shall be available for expenses of attendance of meetings that are concerned with the functions or activities for which the funds are appropriated or which will contribute to improved conduct, supervision, or management of those functions or activities.

''SEC. 189. GRANT PERIODS.

''Unless otherwise specifically provided, the Corporation has authority to make a grant under the national service laws for a period of 3 years.

''SEC. 189A. GENERATION OF VOLUNTEERS.

''In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs.

''SEC. 189B. LIMITATION ON PROGRAM GRANT COSTS.

''(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation in a grant to operate a program authorized under the national service laws supporting individuals serving in approved national service positions may not exceed $16,000 per full-time equivalent position.

''(b) COSTS SUBJECT TO LIMITATION.—The limitation in subsection (a) applies to the Corporation's share of member support costs, staff costs, and other costs borne by the grantee or subgrantee to operate a program.

''(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation in subsection (a) and (e)(1) shall not apply to expenses that are not included in the program operating grant award.

''(d) ADJUSTMENTS FOR INFLATION.—The amount specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

''(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

''(1) WAIVER.—The Chief Executive Officer may waive the requirements of this section, up to a maximum of $18,000, if necessary to meet the compelling needs of a particular program, such as exceptional training needs for a program serving disadvantaged youth, increased costs relating to the participation of individuals with disabilities, and start-up costs associated with a first-time grantee.

''(2) REPORTS.—The Chief Executive Officer shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on all waivers granted under this section, with an explanation of the compelling needs justifying such waivers.

''SEC. 189C. AUDITS AND REPORTS.

''The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 501 et seq.) and the Government Corporation Control Act of 1945 (31 U.S.C. 9101 et seq.). The Corporation shall report to the Congress any failure to comply with the requirements of such audits.

''SEC. 189D. CRIMINAL HISTORY CHECKS.

''(a) IN GENERAL.—Entities selecting individuals to serve in a position in which the individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration in a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

''(b) REQUIREMENTS.—A criminal history check shall, except in cases approved for good cause by the Corporation, include a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) and—

''(1) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

''(2) a Federal Bureau of Investigation fingerprint check.

''(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

''(1) refuses to consent to the criminal history check described in subsection (b);

''(2) makes a false statement in connection with such criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.''.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years.'';

(2) by adding at the end the following:

''(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve for one year beyond expiration of the term if no successor is appointed or until the date on which a successor has taken office.''.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1) by striking ''shall—'' and inserting ''shall have responsibility for setting overall policy for the Corporation and shall—'';

(2) in paragraph (1), by inserting before the semicolon at the end the following: '', and review the budget proposal in advance of submission to the Office of Management and Budget and to Congress'';

(3) in paragraph (5)—

(A) in subparagraph (A) by striking ''and'' at the end;

(B) in subparagraph (B) by inserting ''and'' at the end; and

(C) by adding at the end the following:

''(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President;'';

(4) in paragraph (9), by inserting ''and'' after ''Corporation;'';

(5) in paragraph (10), by striking ''program; and'' and inserting ''program under a cost share agreement, as determined by the Corporation, in which the funds advanced or received as reimbursement shall be credited directly to a current appropriation; and''; and

(6) in paragraph (11), by striking ''September 30, 1995'' and inserting ''January 1, 2011''.

SEC. 1703. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after ''a strategic plan'' the following: '', including a plan for achieving 50 percent full-time approved national service positions by 2010,'';

(B) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(C) by inserting after paragraph (6) the following:

''(7) prepare and submit to the Committee on Education and Labor in the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions in the United States Senate, and the Board an annual report on actions taken to achieve the goal of 50 percent full-time approved national service positions as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal;''; and

(D) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking ''June 30, 1995,'' and inserting ''June 30 of each even-numbered year,''; and

(ii) in subparagraph (A)(i), by striking ''section 122(c)(1)'' and inserting ''section 122(d)(1)'';

(2) in subsection (c)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

''(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and''; and

(3) by amending subsection (g) to read as follows:

''(g) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—The Chief Executive Officer shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions of the Office of Outreach and Recruitment to ensure that such functions are carried out in a timely and effective manner. The Chief Executive Officer shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs carried out under the national service laws or similar programs, and to individuals who have specialized experience in the recruitment of volunteers.''.

SEC. 1704. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''MEMBER'' and inserting ''NON-VOTING MEMBER''; and

(ii) by inserting ''non-voting'' before ''member''; and

(2) by adding at the end the following new subsection:

''(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.''.

SEC. 1705. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Such a volunteer'' and inserting ''A person who is a member of an organization or is an individual covered by subparagraph (A)'';

(ii) in clause (i), by striking ''a volunteer'' and inserting ''such a person'';

(iii) in clause (ii), by striking ''volunteers'' and inserting ''such a person''; and

(iv) in clause (iii), by striking ''such a volunteer'' and inserting ''such a person''; and

(C) in subparagraph (C)(i), by striking ''Such a volunteer'' and inserting ''Such a person''; and

(2) by striking paragraph (3).

SEC. 1706. OFFICE OF OUTREACH AND RECRUITMENT.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196B. OFFICE OF OUTREACH AND RECRUITMENT.

''(a) ESTABLISHMENT.—There is established in the Corporation an office to be known as the Office of Outreach and Recruitment (in this section referred to as the 'Office'), headed by a Director.

''(b) DUTIES.—The duties of the Office, carried out directly or through grants, contracts, or cooperative agreements, shall be—

''(1) to increase the public awareness of the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

''(A) print media;

''(B) the Internet and related emerging technologies;

''(C) television;

''(D) radio;

''(E) presentations at public or private forums;

''(F) other innovative methods of communication; and

''(G) outreach to offices of economic development, State employment security agencies, labor unions and trade associations, local education agencies, institutions of higher education, agencies and organizations serving veterans and people with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

''(2) to identify and implement methods of recruitment to increase the diversity of participants in the programs receiving assistance under the national service laws;

''(3) to collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants with disabilities in the programs receiving assistance under the national service laws;

''(4) to identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

''(5) to identify and implement methods of recruitment to increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

''(6) to collaborate with organizations which have established volunteer recruitment programs, including those on the Internet, to increase the recruitment capacity of the Corporation;

''(7) where practicable, to provide application materials in languages other than English for those with limited English proficiency who wish to participate in a national service program;

''(8) to coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

''(9) to collaborate with the training and technical assistance programs described in subtitle J and in appropriate paragraphs of section 198E(b);

''(10) to coordinate the clearinghouses described in section 198E; and

''(11) to coordinate with entities receiving funds under section 198E(b)(11) in establishing the Reserve Corps for alumni of the national service programs to serve in emergencies, disasters, and other times of national need.

''(c) COLLABORATION.—The duties described in subsection (b) shall be carried out in collaboration with the State Commissions.

''(d) AUTHORITY TO CONTRACT WITH A BUSINESS.—The Corporation may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(1), with priority given to those entities who have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and members of the Baby Boom generation.

''(e) CAMPAIGN TO SOLICIT FUNDS.—The Corporation, through the Director of the Office, may conduct a campaign to solicit funds for itself to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of and participants in programs and projects receiving assistance under the national service laws.

''(f) REPORTING.—The Director of the Office shall complete a report annually to the Chief Executive Officer and the Board of Directors on its activities and results.''.

SEC. 1707. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196C. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

''(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

''(1) specific areas of need for veterans;

''(2) how existing programs and activities carried out under the national service laws could better serve veterans and veterans service organizations;

''(3) gaps in service to veterans;

''(4) prospects for better coordination of services;

''(5) prospects for better utilization of veterans as resources and volunteers; and

''(6) methods for ensuring the efficient financial organization of services directed towards veterans.

''(b) CONSULTATION.—The study shall be carried out in consultation with veterans' service organizations, the Department of Veterans Affairs, State veterans agencies, the Department of Defense, and other individuals and entities the Corporation considers appropriate.

''(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving veterans.

''(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.''.

SEC. 1708. COORDINATION WITH VETERANS ORGANIZATIONS SERVING VETERANS WITH DISABILITIES.

The Board of Directors of the Corporation for National and Community Service shall coordinate with veterans organizations serving veterans with disabilities to provide opportunities for young people enrolled in existing NACS programs to provide transportation services on a full-time, part-time, or as-needed basis.

SEC. 1709. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.

(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of skilled workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) CONSULTATION.—The study shall be carried out in consultation with the Department of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

Subtitle H—Amendments to Subtitle H

SEC. 1801. TECHNICAL AMENDMENTS TO SUBTITLE H.

(a) ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.—Subtitle H is amended by inserting after the subtitle heading and before section 198 the following:

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE''.

(b) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking ''subsection (r)'' and inserting ''subsection (g)'';

(2) in subsection (b), by striking ''national service programs, including service-learning programs, and to support innovative and model programs, including'' and inserting ''service-learning programs and national service programs, including'';

(3) by striking subsections (c), (d), (e), and (f);

(4) by redesignating subsection (g) as subsection (c);

(5) by striking subsections (h), (i), and (j);

(6) by redesignating subsection (k) as subsection (d);

(7) by striking subsections (l) and (m);

(8) by redesignating subsections (n) and (o) as subsections (e) and (f), respectively;

(9) by striking subsection (p); and

(10) by redesignating subsections (q), (r), and (s) as (g), (h), and (i), respectively.

SEC. 1802. REPEALS.

The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

SEC. 1803. INNOVATIVE AND MODEL PROGRAM SUPPORT.

Subtitle H is further amended by adding at the end the following:

"PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

"SEC. 198D. INNOVATIVE AND MODEL PROGRAM SUPPORT.

''(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may, through grants and fixed amount grants under subsection (c), carry out the following programs:

''(1) PROGRAMS FOR DISADVANTAGED YOUTH.—A program selected from among those listed in 122(a) where no less than 75 percent of the participants are disadvantaged youth.

''(A) COMPONENTS OF PROGRAMS.—Such programs may include life skills training, employment training, educational counseling, program to complete a high-school diploma or GED, counseling, or a mentoring relationship with an adult volunteer.

''(B) PRIORITY.—Priority shall be given to programs that engage retirees to serve as mentors.

''(2) PROGRAMS FOCUSED ON LEARNING AND THINKING SKILLS.—Service programs to solve community problems while engaging or developing 21st century learning and thinking skills (critical-thinking and problem solving, communication skills, creativity and innovation skills, collaboration skills, contextual learning skills, information and media literacy skills, and information and communications literacy) and life skills (leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility) for school-age youth and low income adults. This may be a summer of service program or a year-round service program. Priority shall be given to programs that collaborate with the RSVP program, the AmeriCorps programs, or the Learn and Serve programs.

''(3) PROGRAMS THAT ENGAGE YOUTH UNDER THE AGE OF 17.—Programs that engage youth under the age of 17 in service to the community to meet unmet human, educational, environmental, emergency and disaster preparedness, or public safety needs and may be a summer program or a year-round program. Priority shall be given to programs that collaborate with the RSVP Program and the AmeriCorps programs.

''(4) PROGRAMS THAT FOCUS ON HEALTH AND WELLNESS.—Service programs that focus on the health and wellness of the members of a low-income or rural community. Priority shall be given to service programs that work to—

''(A) involve the community in service to those who are at-risk to not receive or pursue health care through such activities as health and wellness education, prevention, and care;

''(B) include in the service program employment training, where applicable, for participants in the program and may extend this opportunity to members of the community; and

''(C) collaborate with local institutions of higher education to include, as a portion of the pre-professional training of health care professionals including nurses, doctors, physician assistants, dentists, and emergency medical technicians, a service component to meet unmet healthcare and wellness needs in the community in which the service program is being carried out.

''(5) SILVER SCHOLARSHIP PROGRAMS.—A Silver Scholarship program for citizens age 55 and older to complete no less than 600 hours of service in a year meeting unmet human, educational, public safety, or environmental needs and receive a $1000 education award, provided that—

''(A) the Corporation establishes criteria for the types of the service required to be performed to receive such award; and

''(B) the citizen uses such award in accordance with sections 146(c), 146(d), and 148(c).

''(6) PROGRAMS THAT REDUCE RECIDIVISM.—Programs that re-engage court-involved youth and adults with the goal of reducing recidivism. Priority shall be given to such programs that create support systems beginning in corrections facilities, and programs that have life skills training, employment training, an education program, including a program to complete a high-school diploma or GED, educational and career counseling, post program placement, and support services, which could begin in corrections facilities. The program may include health and wellness programs, including but not limited to drug and alcohol treatment, mental health counseling, and smoking cessation.

''(7) PROGRAMS THAT RECRUIT CERTAIN INDIVIDUALS.—Demonstration projects for programs that have as one of their primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members. Such a program may serve any purpose otherwise permitted under this Act.

''(8) OTHER INNOVATIVE AND MODEL PROGRAMS.—Any other innovative and model programs that the Corporation considers appropriate.

''(b) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 76 percent of the total cost of the program in the first year and may not exceed 50 percent of the total cost of the program for the remaining years of the grant, including if the grant is extended for 1 year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(3) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with Learn and Serve, AmeriCorps, VISTA, and the National Senior Service Corps.

''(4) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies, and recommendations for improvement.

''(c) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(d) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

SEC. 1804. CLEARINGHOUSES.

Subtitle H is further amended by adding at the end the following:

"PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

"SEC. 198E. NATIONAL SERVICE PROGRAMS CLEARINGHOUSE.

''(a) IN GENERAL.—The Corporation shall provide assistance, either by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish one or more clearinghouses for the national service laws.

''(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

''(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

''(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws unless the recipient is receiving funds for such purpose under part III of subtitle B and under subtitle H;

''(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

''(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

''(4) facilitate communication among entities carrying out service-learning programs and programs offered under the national service laws and participants in such programs;

''(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, Territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

''(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

''(7) disseminate applications in languages other than English;

''(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

''(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

''(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

''(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

''(11) collaborate with the Office of Outreach and Recruitment on an alumni network for those former participants in an approved national service position, to facilitate communication and collaboration between alumni and to leverage their skills, knowledge, and experiences to improve service across our Nation and also serve in a Reserve Corps, who are ready to serve in times of national need;

''(12) disseminate effective strategies for working with disadvantaged youth in national service programs as determined by organizations with an established expertise working with such youth; and

''(13) carry out such other activities as the Chief Executive Officer determines to be appropriate.''.

Subtitle I—Energy Conservation Corps

SEC. 1811. GENERAL AUTHORITY.

The Corporation for National and Community Service (in this subtitle referred to as the ''Corporation'') shall make grants to States for the creation or expansion of full-time or part-time Energy Conservation Corps programs. Notwithstanding provisions identified in this subtitle, the Corporation shall apply the provisions of subtitle C of this subchapter in making grants under this section as necessary.

SEC. 1812. APPLICATION.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a State shall invite applications from within the State to receive an Energy Conservation Corps grant.

(b) PROCESS.—The State shall then prepare and submit a State application to the Corporation at such time, in such manner, and containing such information as the Corporation may reasonably require. The Corporation shall consult with state and local Conservation Corps in the development of the application guidelines.

(c) DISADVANTAGED YOUTH.—To acknowledge the focused enrollment of disadvantaged youth and young adults in the Energy Conservation Corps, the Corporation shall—

(1) allow a higher cost-per-member to enable Energy Conservation Corps programs to provide the necessary supportive services to ensure the success of the participants; and

(2) allow for greater flexibility in retention rates.

(d) CONSIDERATION OF RESIDENTIAL CORPS.—The Corporation shall allow for equal consideration of residential Corps program opportunities since residential Corps thrive in rural areas that commonly lack opportunities for young adults, enable the participation for emancipated foster youth, gang involved youth, and others lacking a safe and stable home environment, allow for more structured time for work, training, education and counseling, and provide disaster response-ready crews immediately upon request.

(e) EQUITABLE TREATMENT.—In the consideration of applications, the Corporation shall ensure the equitable treatment of both urban and rural areas.

SEC. 1813. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) meet an identifiable public need with specific emphasis on projects in support of energy conservation, infrastructure and transportation improvement, and emergency operations, including—

(A) improving the energy efficiency of housing for elderly and low-income people;

(B) building energy-efficient ''green'' housing for elderly and low-income people;

(C) environmental education and energy conservation education for elementary and secondary school students and the public;

(D) reusing and recycling including deconstruction;

(E) the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals;

(F) transportation enhancements;

(G) recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(H) transformation of military bases affected by the Base Realignment and Closing process (BRAC) to green the space;

(I) tree planting and reforestation;

(J) renewable resource enhancement; and

(K) assisting in emergency operations, such as disaster prevention and relief; and

(2) provide opportunities for youth and young adults, especially disadvantaged youth, to be trained for careers related to the activities listed in paragraph (1), including those that will be part of the emerging field of ''green collar'' jobs.

(b) GOALS OF THE ENERGY CONSERVATION CORPS.—The goals of the Energy Conservation Corps are to—

(1) promote clean energy use and preserve, protect, and sustain the environment;

(2) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the nation;

(3) mobilize youth and young adults, especially disadvantaged youth, to promote energy conservation and mitigate threats to the environment; and

(4) provide a pathway to responsible adulthood and productive, unsubsidized employment in the private sector.

SEC. 1814. TRAINING AND EDUCATION SERVICES.

All applicants must describe how they intend to—

(1) assess the skills of Corpsmembers;

(2) provide life skills and work skills training;

(3) provide training and education;

(4) develop agreements for academic study with—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area charter high schools and vocational-technical schools; and

(E) community-based organizations;

(5) provide career and educational guidance; and

(6) Recruit participants without high school diplomas.

SEC. 1815. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications the Corporation shall give preference to programs that are discrete and—

(1) meet an identifiable public need;

(2) instill a work ethic and a sense of public service in the participants;

(3) involve youth operating in crews or a team-based structure; and

(4) enhance skills development and educational level and opportunities for the participants.

SEC. 1816. PARTICIPANTS.

(a) IN GENERAL.—Age enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are not less than 18 years nor more than 25 years of age, except that summer programs may include individuals not less than 14 years or more than 21 years of age at the time of the enrollment of such individuals.

(b) PARTICIPATION OF DISADVANTAGED YOUTH.—Programs that receive assistance under this subtitle shall ensure that at least 50 percent of the participants are economically disadvantaged youth.

(c) SPECIAL CORPSMEMBERS.—Notwithstanding subsection (a) of this section, program agencies may enroll a limited number of special Corpsmembers over age 25 so that the Energy Conservation Corps may draw on their special skills to fulfill the purposes of this subtitle.

SEC. 1817. USE OF VOLUNTEERS.

The use of volunteer services under this section shall be subject to the condition that such use does not result in the displacement of any participant.

SEC. 1818. COOPERATION AMONG STATES FOR EMERGENCY RESPONSE.

(a) AGREEMENTS BETWEEN STATES.—States operating an Energy Conservation Corps may enter into a compact with participating states to provide for mutual cooperation to manage any emergency or disaster that is duly declared by the affected state.

(b) PARTICIPATING STATE RESPONSIBILITIES.—

(1) The authorized representative of a participating state may request assistance of another party by contracting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives.

(2) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

SEC. 1819. FEDERAL SHARE.

The federal share of the cost of carrying out an Energy Conservation Corps program for which a grant is made under this subtitle is 76 percent of the total cost of the program.

SEC. 1820. BEST PRACTICES.

(a) TRAINING AND TECHNICAL ASSISTANCE.—The Corporation shall provide technical assistance to grantees that request assistance and shall disseminate best practices that emerge from the Energy Conservation Corps.

(b) CONTRACT.—In providing training and technical assistance, the Corporation shall contract with a national organization with a proven track record of developing and sustaining Corps, working with the Conservation Corps model, and engaging young people from disadvantaged backgrounds.

SEC. 1820A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 through 2010 to achieve the purposes of this subtitle.

(b) ALLOCATION.—Of the amounts appropriated to carry out this subtitle for each fiscal year—

(1) 90 percent shall be for grants to eligible entities;

(2) 5 percent shall be technical assistance, and dissemination of best practices; and

(3) 5 percent shall be for evaluation.

SEC. 1820B. LEARN AND SERVE AMERICA.

(a) IN GENERAL.—To promote Learn and Serve programs that have the potential to reach every student in our public education network and private schools through school-based green service-learning, the Corporation shall establish a competitive grant program for the creation or expansion of such service learning programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State Education Agency, Local education Agency, or non-profit organization shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—For this purpose, there are authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

SEC. 1820C. NATIONAL SENIOR SERVICE CORPS.

(a) IN GENERAL.—To promote National Senior Service Corps programs that have the potential to both involve seniors in providing meaningful volunteer opportunities the Corporation shall establish a competitive grant program for the creation or expansion of National Senior Service Corps programs that—

(1) make effective use of the talents and experience of seniors, particularly baby boomers, in programs and projects involving seniors in the improvement of the energy efficiency of housing for elderly and low-income people;

(2) building or helping to supervise energy-efficient ''green'' housing for elderly and low-income people; the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals; transportation enhancements; recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(3) volunteering in schools to teach or other support environmental education and energy conservation education for elementary and secondary school students and the public; and

(4) assisting in such other activities as the National Senior Service Corps may identify.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a program in the National Senior Service Corps shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION.—For this purpose, there is authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

Subtitle II—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

"Subtitle J—Training and Technical Assistance

"SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Corporation shall conduct, either directly or through grants, contracts, or cooperative agreements, including through State Commissions on National and Community Service, appropriate training and technical assistance to—

''(1) programs receiving assistance under the national service laws; and

''(2) entities (particularly those in rural areas and underserved communities)—

''(A) that desire to carry out or establish national service programs;

''(B) that desire to apply for assistance under the national service laws; or

''(C) that desire to apply for a subgrant under the national service laws.

''(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

''(1) providing technical assistance to those applying to carry out national service programs or those carrying out national service programs;

''(2) promoting leadership development in national service programs;

''(3) improving the instructional and programmatic quality of national service programs;

''(4) developing the management and budgetary skills of those operating or overseeing national service programs, including to increase the cost effectiveness of the programs under the national service laws;

''(5) providing for or improving the training provided to the participants in programs under the national service laws;

''(6) facilitating the education of national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

''(7) training of those operating or overseeing national service programs in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner which results in high quality service and the desire of participants or volunteers to continue to serve in other capacities after the program is completed;

''(8) training of those operating or overseeing national service programs in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the program;

''(9) training of those operating or overseeing national service programs to effectively accommodate people with disabilities to increase the participation of people with disabilities in national service programs. Such activities may utilize funding from the reservation of funds to increase the participation of individuals with disabilities as described in section 129(k);

''(10) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation and to coordinate community-wide planning and service;

''(11) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973; and

''(12) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

''(c) PRIORITY.—The Corporation shall give priority to programs under the national service laws and those entities wishing to establish programs under the national service laws seeking training or technical assistance that—

''(1) seek to carry out (as defined in section 101) high quality programs where the services are needed most;

''(2) seek to carry out (as defined in section 101) high quality programs where national service programs do not currently exist or where the programs are too limited to meet community needs;

''(3) seek to carry out (as defined in section 101) high quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

''(4) assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.''.

Subtitle III—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

Title III (42 U.S.C. 12661 et seq.) is repealed.

Subtitle IV—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) SUBTITLE B.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

''(i) $65,000,000 for fiscal year 2008; and

''(ii) such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

''(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

''(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

''(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

''(C) SUMMER OF SERVICE.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to $10,000,000 shall be for summer of service grants and up to $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 118(c)(8).

''(2) SUBTITLES C, D, AND H.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to administer the National Service Trust and disburse national service educational awards and scholarships under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer or the Inspector General of the Corporation may determine to be necessary, $485,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under subsections (b) and (c) of section 126, and under subtitle H of title I.

''(C) SUBTITLE C.—Of the amount appropriated under subparagraph (A), the following amounts shall be made available to provide financial assistance under section 121 of subtitle C of title I:

''(i) For fiscal year 2008, not more than $324,000,000.

''(ii) For fiscal year 2009, not more than $357,000,000.

''(iii) For fiscal year 2010, not more than $397,000,000.

''(iv) For each of fiscal years 2011 through 2012, such sums as may be necessary.

''(D) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in subparagraph (C), priority shall be given to programs carried out in areas for which the President has declared the existence of a major disaster, in accordance with section

401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), as a consequence of Hurricanes Katrina and Rita.

''(3) SUBTITLE E.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, $25,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under sections 126(a) and 196B, $51,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year—

''(i) up to 69 percent shall be made available to the Corporation for the administration of this Act, including to provide financial assistance under section 196B; and

''(ii) the remainder shall be available to provide financial assistance under section 126(a).

''(5) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve up to 2.5 percent to carry out subtitle J of this Act. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which they are reserved.

''(b) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.''.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of a provision, the reference shall be considered to be made to a provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

SEC. 2101. PURPOSE.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking ''both young and older citizens'' and inserting ''citizens of all ages and backgrounds''; and

(2) in subsection (b), by striking ''local agencies'' and all that follows through the period at the end and inserting ''local agencies, expand relationships with, and support for, the efforts of civic, community, and educational organizations, and utilize the energy, innovative spirit, experience, and skills of all Americans.''.

SEC. 2102. PURPOSE OF THE VISTA PROGRAM.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking ''afflicted with'' and inserting ''affected by''; and

(2) in the third sentence, by striking ''local level'' and all that follows through the period at the end and inserting ''local level, to support efforts by local agencies and organizations to achieve long-term sustainability of projects, consistent with section 186 of the National and Community Service Act of 1990, initiated or expanded under the VISTA program activities, and to strengthen local agencies and community organizations to carry out the purpose of this part.''.

SEC. 2103. APPLICATIONS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,''; and

(B) in paragraph (2)—

(i) by striking ''handicapped'' and inserting ''disabled''; and

(ii) by striking ''handicaps'' and inserting ''disabilities'';

(C) in paragraph (3), by striking ''jobless, the hungry, and low-income'' and inserting ''unemployed, the hungry, and low-income'';

(D) in paragraph (4), by striking ''prevention, education,'' and inserting ''through prevention, education, rehabilitation, and treatment,'';

(E) in paragraph (5), by inserting '', mental illness,'' after ''including'';

(F) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(G) in paragraph (7), by striking the period and inserting a semicolon; and

(H) by adding at the end the following new paragraphs:

''(8) in the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling;

''(9) in developing and carrying out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education;

''(10) in initiating and supporting before-school and after-school programs servicing children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills, or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children;

''(11) in establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and other areas where such programs are needed most;

''(12) in assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services; and

''(13) in addressing the health and wellness of low-income and underserved communities, including programs to increase access to preventive services, insurance, and health care.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''recruitment and placement procedures'' and inserting ''placement procedures that involve sponsoring organizations and'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) strike ''related to the recruitment and'' and insert ''related to the'';

(II) strike ''in conjunction with the recruitment and'' and insert ''in conjunction with the''; and

(III) strike ''1993. Upon'' and all that follows through the period at the end and insert ''1993.'';

(ii) in subparagraph (B), by striking ''central information system that shall, on request, promptly provide'' and inserting ''database that provides''; and

(iii) in subparagraph (C)—

(I) by striking ''timely and effective'' and inserting ''timely and cost-effective''; and

(II) by striking ''the recruitment of volunteers'' and inserting ''recruitment and management of volunteers''; and

(C) in paragraph (3), by adding at the end the following: ''The Director shall give priority to—

''(A) disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) and low-income adults; and

''(B) retired adults of any profession, but with an emphasis on those professions whose services and training are most needed in a community, such as the health care professions, teaching, counseling, and engineering and other professions requiring a high level of technical and project management skills, to utilize their experience, including professional skills, in the VISTA program.'';

(D) in paragraph (5)(B), by striking ''information system'' and inserting ''database'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''personnel described in subsection (b)(2)(C)'' and inserting ''personnel described in subsection (b)(2)(C), sponsoring organizations, and the Office of Outreach and Recruitment'';

(ii) in subparagraph (A), by inserting ''the Internet and related technologies,'' after ''television,'';

(iii) in subparagraph (B), by inserting ''Internet and related technologies,'' after ''through the'';

(iv) in subparagraph (C), by inserting after ''senior citizens organizations,'' the following: ''offices of economic development, State employment security agencies, employment offices,'';

(v) in subparagraph (F), by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''; and

(vi) in subparagraph (G), by striking '', on request,'';

(B) in paragraph (3), by striking ''this subsection'' and inserting ''this subsection and related public awareness and recruitment activities under the national service laws and through the Office of Outreach and Recruitment''; and

(C) in paragraph (4)—

(i) by striking ''Beginning'' and all that follows through ''for the purpose'' and inserting ''For the purpose''; and

(ii) by striking ''1.5 percent'' and inserting ''2 percent'';

(4) by amending the second sentence of subsection (d) to read as follows: ''Whenever feasible, such efforts shall be coordinated with an appropriate local workforce investment board established under section 117 of the Workforce Investment Act of 1998.'';

(5) in subsection (g) by striking ''and has been submitted to the Governor'' and all that follows and inserting a period; and

(6) by adding at the end the following:

''(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this title, consistent with the provisions of section 186 of the National and Community Service Act of 1990.''.

SEC. 2104. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

Part A of title I is amended by inserting after section 103 (42 U.S.C. 4953) the following:

"SEC. 103A. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants for VISTA positions to support programs of national significance. Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to that program.

''(b) ACTIVITIES SUPPORTED.—The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern low-income and rural communities in the Nation:

''(1) In the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling.

''(2) In developing and carrying-out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education.

''(3) In initiating and supporting before-school and after-school programs in low-income communities that may include such activities as establishing mentoring relationships, physical education, tutoring, instruction in 21st century thinking skills, life skills, and study skills, community service, service-learning, nutrition and health education, and other activities aimed at keeping children, safe, educated, and healthy, which serve the children in such community.

''(4) In establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and areas where such programs are needed most.

''(5) In assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services.

''(6) In addressing the health and wellness of low-income and underserved communities across our Nation, including programs to fight childhood obesity through nutrition, physical fitness, and other associated life skills education programs and programs to increase access to preventive services, insurance, and health care.

''(c) REQUIREMENTS.—

''(1) ELIGIBILITY.—In order to receive a grant under subsection (a), an applicant shall submit an application to the Director at such time and in such manner as the Director requires and receive approval of the application. Such application shall, at a minimum, demonstrate to the Director a level of expertise in carrying out such a program.

''(2) SUPPLEMENT NOT SUPPLANT.—Funds made available under subsection (d) shall be used to supplement and not supplant the number of VISTA volunteers engaged in programs addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this title.

''(d) FUNDING.—

''(1) IN GENERAL.—From the amounts appropriate under section 501 for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

''(2) LIMITATION.—No funds shall be made available to the Director to make grants under subsection (a) unless the amounts appropriated under section 501 available for such fiscal year to carry out part A are sufficient to maintain the number of projects and volunteers funded under part A in the preceding fiscal year.

''(e) INFORMATION.—The Director shall widely disseminate information on grants that may be made under this section, including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2105. TERMS AND PERIODS OF SERVICE.

Section 104(d) (42 U.S.C. 4954(d)) is amended—

(1) in the first sentence, by striking ''with the terms and conditions of their service.'' and inserting ''with the terms and conditions of their service or any adverse action, such as termination, proposed by the sponsoring organization. The procedure shall provide for an appeal to the Director of any proposed termination.''; and

(2) in the third sentence (as amended by this section), by striking ''and the terms and conditions of their service''.

SEC. 2106. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended by striking ''Such stipend'' and all that follows through ''in the case of persons'' and inserting ''Such stipend shall be set at a minimum of $125 per month and a maximum of $150 per month, subject to the availability of funds to accomplish such a maximum. The Director may provide a stipend of $250 per month in the case of persons''.

SEC. 2107. SECTIONS REPEALED.

The following provisions are repealed:

(1) VISTA LITERACY CORPS.—Section 109 (42 U.S.C. 4959).

(2) UNIVERSITY YEAR FOR VISTA.—Part B of title I (42 U.S.C. 4971 et seq.).

(3) LITERACY CHALLENGE GRANTS.—Section 124 (42 U.S.C. 4995).

SEC. 2108. CONFORMING AMENDMENT.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking ''situations'' and inserting ''organizations''.

SEC. 2109. FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended—

(1) in the section heading by striking ''technical and''; and

(2) by striking ''technical and''.

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

SEC. 2201. CHANGE IN NAME.

Title II (42 U.S.C. 5000 et seq.) is amended in the title heading by striking ''**NATIONAL SENIOR VOLUNTEER CORPS**'' and inserting ''**NATIONAL SENIOR SERVICE CORPS**''.

SEC. 2202. PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

"SEC. 200. STATEMENT OF PURPOSE.

''It is the purpose of this title to provide—

''(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

''(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

''(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

''(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need;

''(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide critical support services and companionship to adults at risk of institutionalization and who are struggling to maintain a dignified independent life; and

''(6) for research, training, demonstration, and other program activities to increase and improve opportunities for people 55 years of age or older to meet unmet needs, including those related to public safety, public health, and emergency and disaster preparedness, relief, and recovery, in their communities.''.

SEC. 2203. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

Section 201 (42 U.S.C. 5001) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''avail themselves of opportunities for volunteer service in their community'' and inserting ''share their experiences, abilities, and skills for the betterment of their communities and themselves through service'';

(B) in paragraph (2), by striking '', and individuals 60 years of age or older will be given priority for enrollment,'';

(C) in paragraph (3) by inserting ''either prior to or during the volunteer service'' after ''may be necessary''; and—

(D) by striking paragraph (4) and inserting the following:

''(4) the project is being designed and implemented with the advice of experts in the field of service to be delivered as well as with those who have expertise in the recruitment and management of volunteers, particularly those of the Baby Boom generation.'';

(2) by amending subsection (c) to read as follows:

''(c) The Director shall give priority to projects—

''(1) utilizing retired scientists, technicians, engineers, and mathematicians (the STEM professionals) to improve Science, Technology, Engineering, and Mathematics (STEM) education through activities such as assisting teachers in classroom demonstrations or laboratory experiences, running after-school, weekend, or summer programs designed to engage disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or low-income, minority youth in the STEM fields and to improve mastery of the STEM content, providing field trips to businesses, institutions of higher education, museums, and other locations where the STEM professions are practiced or illuminated;

''(2) utilizing retired health care professionals to improve the health and wellness of low income or rural communities;

''(3) utilizing retired criminal justice professionals for programs designed to prevent disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) from joining gangs or committing crimes;

''(4) utilizing retired military and emergency professionals for programs to improve

public safety, emergency and disaster preparedness, relief, and recovery, search and rescue, and homeland security efforts; and

''(5) utilizing retired computer science professionals, technicians of related technologies, business professionals, and others with relevant knowledge to increase, for low income individuals and families, access to and obtaining the benefits from computers and other existing and emerging technologies.''; and

(3) by adding at the end the following:

''(e) COMPETITIVE GRANT AWARDS REQUIRED.—

''(1) IN GENERAL.—Effective for fiscal year 2013 and each fiscal year thereafter, each grant or contract awarded under this section in such a year shall be—

''(A) awarded for a period of 3 years; and

''(B) awarded through a competitive process.

''(2) ELEMENTS OF COMPETITIVE PROCESS.—The competitive process required by paragraph (1)(B)—

''(A) shall include the use of a peer review panel, including members with expertise in senior service and aging;

''(B) shall ensure that—

''(i) the resulting grants (or contracts) support no less than the volunteer service years of the previous grant (or contract) cycle in a given geographic service area;

''(ii) the resulting grants (or contracts) maintain a similar program distribution; and

''(iii) every effort is made to minimize the disruption to volunteers; and

''(C) shall include the performance measures, outcomes, and other criteria established under subsection (f).

''(3) ESTABLISHMENT OF COMPETITIVE PROCESS.—The Corporation shall establish and make available the competitive process required by paragraph (1)(B) no later than 18 months after the date of the enactment of this subsection. The Corporation shall consult with the program directors of the Retired Senior Volunteer Program during development and implementation of the competitive process.

''(f) EVALUATION PROCESS REQUIRED.—

''(1) IN GENERAL.—Notwithstanding section 412, and effective beginning 180 days after the date of the enactment of this subsection, each grant or contract under this section that expires in fiscal year 2010, 2011, and 2012 shall be subject to an evaluation process. The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2009, 2010, and 2011, respectively.

''(2) ELEMENTS OF EVALUATION PROCESS.—The evaluation process required by paragraph (1)—

''(A) shall include performance measures, outcomes, and other criteria; and

''(B) shall evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria.

''(3) ESTABLISHMENT OF EVALUATION PROCESS.—The Corporation shall, in collaboration and consultation with program directors of the Retired Senior Volunteer Program, establish and make available the evaluation process required by paragraph (1), including the performance measures, outcomes, and other criteria required by paragraph (2)(A), with particular attention to the different needs of rural and urban programs. The processes shall be established and made available, including notification of the available training and technical assistance, no later than 180 days after the date of the enactment of this subsection.

''(4) EFFECT OF FAILING TO MEET PERFORMANCE MEASURES.—If the evaluation process determines that the recipient has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection, the grant or contract shall not be renewed. Any successor grant or contract shall be awarded through the competitive process described in subsection (e)(1).

''(5) SPECIAL RULE.—The Corporation may continue to fund a program which has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for up to 12 months if competition does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and disruption of services. In such a case, outreach shall be conducted and a new competition shall be established. The previous recipient shall remain eligible for the new competition.

''(6) PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with program directors for the Retired Senior Volunteer Program, but no earlier than fiscal year 2013.

''(B) OPERATIONAL PROBLEMS.—Effective for fiscal years before fiscal year 2013, the Corporation may, after consulting with program directors of the Retired Senior Volunteer Program, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with program directors of the Retired Senior Volunteer Program and after notifying the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(i) eliminate the use of that performance measure, outcome, or criterion; or

''(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

''(g) ONLINE RESOURCE GUIDE.—The Corporation shall develop and disseminate an online resource guide for the Retired Senior Volunteer Program within 180 days after the date of the enactment of this subsection, which shall include, but not be limited to—

''(1) examples of high performing programs;

''(2) corrective actions for underperforming programs; and

''(3) examples of meaningful outcome-based performance measures that capture a program's mission and priorities.

''(h) REPORT TO CONGRESS.—The Corporation shall submit, by 2012, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

''(1) the number of programs that did not meet or exceed the established performance measures, outcomes, and other criteria established under subsection (f);

''(2) the number of new grants awarded;

''(3) the challenges to the implementation of evaluation and competition, including but not limited to geographic distribution and the minimization of disruption to volunteers; and

''(4) how the current program geographic distribution affects recruitment for the Retired Senior Volunteer Program.''.

SEC. 2204. FOSTER GRANDPARENT PROGRAM GRANTS.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a), by striking ''low-income persons aged sixty or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—'' and inserting ''may determine—'';

(ii) in subparagraph (A), by striking ''and'';

(iii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iv) by adding after subparagraph (B) the following:

''(C) whether it is in the best interests of a child receiving, and of a particular foster grandparent providing, services in such a project, to continue such relationship after the child reaches the age of 21, if such child was receiving such services prior to attaining the age of 21.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2) (as redesignated by this section), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(4) by adding after paragraph (2) (as redesignated by this section) the following:

''(3) If an assignment of a foster grandparent is suspended or discontinued, the replacement of that foster grandparent shall be determined through the mutual agreement of all parties involved in the provision of services to the child.'';

(5) in subsection (d), in the second sentence, by striking ''Any stipend'' and all that follows through ''inflation,'' and inserting ''Any stipend or allowance provided under this part shall not exceed 75 percent of the minimum wage under section 6 the Fair Labor Standards Act of 1938 (29 U.S.C. 206), and the Federal share shall not be less than $2.65 per hour, provided that the Director shall adjust the Federal share once prior to December 31, 2012, to account for inflation,'';

(6) in subsection (e)—

(A) in paragraph (1), by striking ''125'' and inserting ''200''; and

(B) in paragraph (2), by striking '', as so adjusted'' and all that follows through ''local situations'';

(7) by striking subsection (f) and inserting:

''(f)(1) Subject to the restrictions in paragraph (3), individuals who are not low-income persons may serve as volunteers under this part. The regulations issued by the Director to carry out this part (other than regulations relating to stipends or allowances to individuals authorized by subsection (d)) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(2) Except as provided under paragraph (1), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(3) An individual who is not a low-income person may not become a volunteer under this part if allowing that individual to become a volunteer under this part would prevent a low-income person from becoming a volunteer under this part or would displace a low-income person from being a volunteer under this part.

''(4) The Office of Outreach and Recruitment shall conduct outreach to ensure the inclusion of low-income persons in programs and activities authorized under this title.''; and

(8) by adding at the end the following new subsections:

''(g) The Director may also provide a stipend or allowance in an amount not to exceed 10 percent more than the amount established under subsection (d) to leaders who, on the basis of past experience as volunteers, special skills, and demonstrated leadership abilities, may coordinate activities, including training, and otherwise support the service of volunteers under this part.

''(h) The program may accept up to 15 percent of volunteers serving in a project under this part for a fiscal year who do not meet the definition of 'low-income' under subsection (e), upon certification by the recipient of a grant or contract that it is unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.''.

SEC. 2205. SENIOR COMPANION PROGRAM GRANTS.

Section 213 (42 U.S.C. 5013) is amended—

(1) in subsection (a), by striking ''low-income persons aged 60 or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b), by striking ''Subsections (d), (e), and (f)'' and inserting ''Subsections (d) through (h)''; and

(3) by striking subsection (c)(2)(B) and inserting the following:

''(B) Senior companion volunteer trainers and leaders may receive a stipend or allowance consistent with subsection (g) authorized under subsection (d) of section 211, as approved by the Director.''.

SEC. 2206. PROMOTION OF NATIONAL SENIOR SERVICE CORPS.

Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(2) in subsection (b)(2), by inserting ''of all ages and backgrounds living in rural, suburban, and urban localities'' after ''greater participation of volunteers''.

SEC. 2207. TECHNICAL AMENDMENTS.

(a) CHANGE IN AGE ELIGIBILITY.—Section 223 (42 U.S.C. 5023) is amended by striking ''sixty years and older from minority groups'' and inserting ''55 years and older from minority and underserved populations''.

(b) NAME CHANGE.—Section 224 (42 U.S.C. 5024) is amended in the heading by striking ''VOLUNTEER'' and inserting ''SERVICE''.

SEC. 2208. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

''(2) Applicants for grants under paragraph (1) shall determine which program under part A, B, or C the program shall be carried out and submit an application as required for programs under part A, B, or C.''; and

(B) by adding at the end the following:

''(4) The Director shall ensure that at least 50 percent of the grants made under this section are from applicants currently not receiving assistance from the Corporation and when possible in locations where there are no current programs under part A, B, C in existence.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ''or Alzheimer's disease, with an intent of allowing those served to age in place'';

(B) in paragraph (2), by inserting before the period at the end the following: ''through education, prevention, treatment, and rehabilitation'';

(C) in paragraph (3), by inserting before the period at the end the following: '', including programs that teach parenting skills, life skills, and family management skills'';

(D) by amending paragraph (4) to read as follows:

''(4) Programs that establish and support mentoring programs for disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990), including those mentoring programs that match youth with volunteer mentors leading to apprenticeship programs and employment training.'';

(E) in paragraph (5), by inserting before the period at the end the following: '', including those programs that serve youth and adults with limited English proficiency'';

(F) in paragraph (6), by striking ''and'' and all that follows through the period and insert ''and for individuals and children with disabilities or chronic illnesses living at home.'';

(G) in paragraph (7), by striking ''after-school activities'' and all that follows through the period at the end and inserting ''after-school programs serving children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children, including those of working parents.'';

(H) by striking paragraphs (8), (9), (12), (13), (14), (15), (16), and (18);

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(J) by inserting after paragraph (9) (as so redesignated) the following:

''(10) Programs that engage older adults with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community.

''(11) Programs that collaborate with criminal justice professionals and organizations in prevention programs aimed at disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or youth re-entering society after incarceration and their families, which may include mentoring and counseling, which many include employment counseling.'';

(K) by redesignating paragraph (17) as paragraph (12); and

(L) by adding at the end the following:

''(13) Programs that strengthen community efforts in support of homeland security.'';

(3) in subsection (c)(1), by striking ''shall demonstrate to the Director'' and all that follows through the period at the end and inserting ''shall demonstrate to the Director a level of expertise in carrying out such a program.''; and

(4) in subsection (e)—

(A) by inserting ''widely'' before ''disseminate''; and

(B) by striking ''to field personnel'' and all that follows through the period at the end and inserting '', including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2209. ADDITIONAL PROVISIONS.

Part D of title II (42 U.S.C. 5000 et seq.) is amended by adding after section 227 the following:

''SEC. 228. CONTINUITY OF SERVICE.

''To ensure the continued service of individuals in communities served by the Retired and Senior Volunteer Program prior to enactment of this section, in making grants under this title the Corporation shall take actions it considers necessary to maintain service assignments for such seniors and to ensure continuity of service for communities.

''SEC. 229. ACCEPTANCE OF DONATIONS.

''(a) IN GENERAL.—Except as provided in subsection (b), a program receiving assistance under this title may accept donations, including donations in cash or in kind.

''(b) EXCEPTION.—Notwithstanding subsection (a), a program receiving assistance under this title shall not accept donations from the beneficiaries of the program.''.

SEC. 2210. AUTHORITY OF DIRECTOR.

Section 231 (42 U.S.C. 5028) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) ACTIVITIES AUTHORIZED.—The Director is authorized to—

''(A) make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers; and

''(B) make incentive grants under subsection (d).

''(2) SUPPORT OF VOLUNTEERS.—The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)'';

(B) in paragraph (1), by striking ''activities;'' and inserting ''activities described in section 225(b) and carried out through programs described in parts A, B, and C;''; and

(C) by striking paragraphs (2) and (3) and inserting the following:

''(2) programs that support older Americans in aging in place while augmenting the capacity of members of a community to serve each other through reciprocal service centers, service credit banking, community economic scripts, barter services, timebanking, and other similar programs where services are exchanged and not paid for; or

''(3) grants to non-profit organizations to establish sites or programs to—

''(A) assist retiring or retired individuals in locating opportunities for—

''(i) public service roles, including through paid or volunteer service;

''(ii) participating in life-planning programs, including financial planning and issues revolving around health and wellness; and

''(iii) continuing education, including leadership development, health and wellness, and technological literacy; and

''(B) connect retiring or retired individuals with members of the community to serve as leaders and mentors in life planning, relationships, employment counseling, education counseling, and other areas of expertise as developed by the retiring or retired adults.''; and

(3) by adding at the end the following:

''(c) PRIORITY.—For purposes of subsection (b)(2), priority shall be given to—

''(1) programs with established experience in carrying out such a program and engaging the entire community in service exchange;

''(2) programs with the capacity to connect to similar programs throughout a city or region to augment the available services to older Americans and for members of the community to serve each other;

''(3) programs seeking to establish in an area where needs of older Americans are left unmet and older Americans are unable to consider aging in place without such service exchange in place; and

''(4) programs that integrate participants in or collaborate with service-learning programs, AmeriCorps State and National programs, the VISTA program, the Retired and Senior Volunteer Program, Foster Grandparents program, and the Senior Companion programs, and programs described in section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032).

''(d) INCENTIVE GRANTS.—The incentive grants referred to in subsection (a)(1)(B) are incentive grants to programs receiving assistance under this title, subject to the following:

''(1) Such grants (which may be fixed-amount grants) shall be grants in an amount equal to $300 per volunteer enrolled in the program, except that such amount shall be reduced as necessary to meet the goals of this section.

''(2) Such a grant shall be awarded to a program only if the program—

''(A) exceeds performance measures established under section 179 of the National and Community Service Act of 1990;

''(B) provides non-Federal matching funds in an amount that is not less than 50 percent of the amount received by the program under this title;

''(C) enrolls more than 50 percent of the volunteers in outcome-based service programs with measurable objectives meeting community needs, as determined by the Corporation; and

''(D) enrolls more volunteers from among members of the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, than were enrolled in the program during the previous fiscal year.

''(3) For each such grant, the Corporation shall require the recipient to provide matching funds of 70 cents from non-Federal sources for every $1 provided under the grant.

''(4) Such a grant shall be awarded to a program only if the program submits, at such time and in such manner as the Corporation may reasonably require, an application that contains—

''(A) a demonstration that the program has met the requirements of paragraph (2);

''(B) if applicable, a plan for innovative programs as described in paragraph (6)(B)(ii);

''(C) a sustainability plan that describes how the program will maintain the activities described in paragraph (6) when the grant terminates; and

''(D) other information that the Corporation may require.

''(5) Such grants shall be awarded for a period of 3 years, except that the grant shall be reviewed by the Corporation at the end of the first and second fiscal years and revoked if the Corporation finds that the program has failed to continue to meet the requirements of paragraph (2) for those fiscal years.

''(6) Such grants—

''(A) shall be used to increase the number of volunteers in outcome-based service with measurable objectives meeting community needs as determined by the Corporation; and

''(B) may be used—

''(i) for activities for which the program is authorized to receive assistance under this title; and

''(ii) for innovative programs focused on the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, that have been accepted by the Corporation through the application process in paragraph (4) and are outcome-based programs with measurable objectives meeting community needs as determined by the Corporation.

''(7) The Director shall, in making such grants, give high priority to programs receiving assistance under section 201.''.

Subtitle C—Amendments to Title IV (Administration and Coordination)

SEC. 2301. NONDISPLACEMENT.

Section 404(a) (42 U.S.C. 5044(a)) is amended by striking ''displacement of employed workers'' and inserting ''displacement of employed workers or volunteers (other than participants under the national service laws)''.

SEC. 2302. NOTICE AND HEARING PROCEDURES.

Section 412(a) (42 U.S.C. 5052(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''75'' and inserting ''60''; and

(B) by adding ''and'' at the end;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as (3).

SEC. 2303. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting '', the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,'';

(2) in paragraph (13), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(3) in paragraph (14)—

(A) by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) by striking ''parts A, B, C, and E of''.

SEC. 2304. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

SEC. 2401. AUTHORIZATION OF APPROPRIATIONS FOR VISTA AND OTHER PURPOSES.

Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', excluding section 109'' and all that follows and inserting ''$100,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.'';

(B) by striking paragraphs (2) and (4) and redesignating paragraphs (3) and (5) as paragraphs (2) and (3); and

(C) in paragraph (2) (as redesignated by this section), by striking '', excluding section 125'' and all that follows and inserting ''such sums as may be necessary for each of fiscal years 2008 through 2012.''; and

(2) by striking subsection (e).

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SENIOR SERVICE CORPS.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

''SEC. 502. NATIONAL SENIOR SERVICE CORPS.

''(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $67,500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $115,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $52,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 2403. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

''SEC. 504. ADMINISTRATION AND COORDINATION.

''There are authorized to be appropriated for the administration of this Act $35,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 3101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 4101. TABLE OF CONTENTS FOR THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 (42 U.S.C. 12501 note) is amended to read as follows:

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings and purpose.
''Sec. 3. Sense of Congress.

''TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

''Subtitle A—General Provisions

''Sec. 101. Definitions.

''Subtitle B—School-Based and Community-Based Service-Learning Programs

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

''Sec. 111. Assistance to States, Territories, and Indian tribes.
''Sec. 112. Allotments.
''Sec. 113. Applications.
''Sec. 114. Consideration of applications.
''Sec. 115. Participation of students and teachers from private schools.
''Sec. 116. Federal, State, and local contributions.
''Sec. 116A. Limitations on uses of funds.

''PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

''Sec. 117. Higher education innovative programs for community service.

''PART III—INNOVATIVE SERVICE-LEARNING PROGRAMS AND RESEARCH

''Sec. 118. Innovative demonstration service-learning programs and research.

''Subtitle C—National Service Trust Program

''PART I—INVESTMENT IN NATIONAL SERVICE

''Sec. 121. Authority to provide assistance and approved national service positions.

''Sec. 122. Types of national service programs eligible for program assistance.
''Sec. 123. Types of national service positions eligible for approval for national service educational awards.
''Sec. 124. Types of program assistance.
''Sec. 126. Other special assistance.

''PART II—APPLICATION AND APPROVAL PROCESS

''Sec. 129. Provision of assistance and approved national service positions.
''Sec. 129A. Education awards only research.
''Sec. 130. Application for assistance and approved national service positions.
''Sec. 131. National service program assistance requirements.
''Sec. 132. Ineligible service categories.
''Sec. 133. Consideration of applications.

''PART III—NATIONAL SERVICE PARTICIPANTS

''Sec. 137. Description of participants.
''Sec. 138. Selection of national service participants.
''Sec. 139. Terms of service.
''Sec. 140. Living allowances for national service participants.
''Sec. 141. National service educational awards.

''Subtitle D—National Service Trust and Provision of National Service Educational Awards

''Sec. 145. Establishment of the National Service Trust.
''Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
''Sec. 147. Determination of the amount of the national service educational award.
''Sec. 148. Disbursement of national service educational awards.
''Sec. 149. Process of approval of national service positions.

''Subtitle E—National Civilian Community Corps

''Sec. 151. Purpose.
''Sec. 152. Establishment of National Civilian Community Corps Program.
''Sec. 153. National service program.
''Sec. 154. Summer national service program.
''Sec. 155. National Civilian Community Corps.
''Sec. 156. Training.
''Sec. 157. Service projects.
''Sec. 158. Authorized benefits for Corps members.
''Sec. 159. Administrative provisions.
''Sec. 160. Status of Corps members and Corps personnel under Federal law.
''Sec. 161. Contract and grant authority.
''Sec. 162. Responsibilities of other departments.
''Sec. 163. Advisory board.
''Sec. 164. Annual evaluation.
''Sec. 166. Definitions.

''Subtitle F—Administrative Provisions

''Sec. 171. Family and medical leave.
''Sec. 172. Reports.
''Sec. 173. Supplementation.
''Sec. 174. Prohibition on use of funds.
''Sec. 175. Nondiscrimination.
''Sec. 176. Notice, hearing, and grievance procedures.
''Sec. 177. Nonduplication and nondisplacement.
''Sec. 178. State Commissions on National and Community Service.
''Sec. 179. Evaluation.
''Sec. 180. Engagement of participants.
''Sec. 181. Contingent extension.
''Sec. 182. Partnerships with schools.
''Sec. 183. Rights of access, examination, and copying.
''Sec. 184. Drug-free workplace requirements.
''Sec. 185. Consolidated application and reporting requirements.
''Sec. 186. Sustainability.
''Sec. 187. Use of recovered funds.
''Sec. 188. Expenses of attending meetings.
''Sec. 189. Grant periods.
''Sec. 189A. Generation of volunteers.
''Sec. 189B. Limitation on program grant costs.
''Sec. 189C. Audits and reports.

''Subtitle G—Corporation for National and Community Service

''Sec. 191. Corporation for National and Community Service.
''Sec. 192. Board of Directors.
''Sec. 192A. Authorities and duties of the Board of Directors.
''Sec. 193. Chief Executive Officer.
''Sec. 193A. Authorities and duties of the Chief Executive Officer.
''Sec. 194. Officers.
''Sec. 195. Employees, consultants, and other personnel.
''Sec. 196. Administration.
''Sec. 196A. Corporation State offices.
''Sec. 196B. Office of Outreach and Recruitment.

''Subtitle H—Investment for Quality and Innovation

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE

''Sec. 198. Additional corporation activities to support national service.
''Sec. 198B. Presidential awards for service.

''PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

''Sec. 198D. Innovative and model program support.

''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

''Sec. 198E. National service programs clearinghouse.

''Subtitle I—American Conservation and Youth Corps

''Sec. 199. Short title.
''Sec. 199A. General authority.
''Sec. 199B. Limitation on purchase of capital equipment.
''Sec. 199C. State application.
''Sec. 199D. Focus of programs.
''Sec. 199E. Related programs.
''Sec. 199F. Public lands or Indian lands.
''Sec. 199G. Training and education services.
''Sec. 199H. Preference for certain projects.
''Sec. 199I. Age and citizenship criteria for enrollment.
''Sec. 199J. Use of volunteers.
''Sec. 199K. Living allowance.
''Sec. 199L. Joint programs.
''Sec. 199M. Federal and State employee status.

''Subtitle J—Training and Technical Assistance

''Sec. 199N. Training and technical assistance.

''TITLE II—MODIFICATIONS OF EXISTING PROGRAMS

''Subtitle A—Publication

''Sec. 201. Information for students.
''Sec. 202. Exit counseling for borrowers.
''Sec. 203. Department information on deferments and cancellations.
''Sec. 204. Data on deferments and cancellations.

''Subtitle B—Youthbuild Projects

''Sec. 211. Youthbuild projects.

''Subtitle C—Amendments to Student Literacy Corps

''Sec. 221. Amendments to Student Literacy Corps.

''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

''Sec. 401. Projects.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. Authorization of appropriations.

''TITLE VI—MISCELLANEOUS PROVISIONS

''Sec. 601. Amtrak waste disposal.
''Sec. 602. Exchange program with countries in transition from totalitarianism to Democracy.''.

SEC. 4102. TABLE OF CONTENTS FOR THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 note) is amended to read as follows:

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Volunteerism policy.

''TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

''PART A—VOLUNTEERS IN SERVICE TO AMERICA

''Sec. 101. Statement of purpose.
''Sec. 102. Authority to operate VISTA program.
''Sec. 103. Selection and assignment of volunteers.
''Sec. 103A. VISTA programs of national significance.
''Sec. 104. Terms and periods of service.
''Sec. 105. Support service.
''Sec. 106. Participation of beneficiaries.
''Sec. 107. Participation of younger and older persons.
''Sec. 108. Limitation.
''Sec. 110. Applications for assistance.

''PART C—SPECIAL VOLUNTEER PROGRAMS

''Sec. 121. Statement of purpose.
''Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
''Sec. 123. Financial assistance.

''TITLE II—NATIONAL SENIOR SERVICE CORPS

''Sec. 200. Statement of purpose.

''PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

''Sec. 201. Grants and contracts for volunteer service projects.

''PART B—FOSTER GRANDPARENT PROGRAM

''Sec. 211. Grants and contracts for volunteer service projects.

''PART C—SENIOR COMPANION PROGRAM

''Sec. 213. Grants and contracts for volunteer service projects.

''PART D—GENERAL PROVISIONS

''Sec. 221. Promotion of National Senior Service Corps.
''Sec. 222. Payments.
''Sec. 223. Minority group participation.
''Sec. 224. Use of locally generated contributions in National Senior Service Corps.
''Sec. 225. Programs of national significance.
''Sec. 226. Adjustments to Federal financial assistance.

''Sec. 227. Multiyear grants or contracts.
''Sec. 228. Continuity of service.
''Sec. 229. Acceptance of donations.

''PART E—DEMONSTRATION PROGRAMS

''Sec. 231. Authority of Director.

''TITLE IV—ADMINISTRATION AND COORDINATION

''Sec. 403. Political activities.
''Sec. 404. Special limitations.
''Sec. 406. Labor standards.
''Sec. 408. Joint funding.
''Sec. 409. Prohibition of Federal control.
''Sec. 410. Coordination with other programs.
''Sec. 411. Prohibition.
''Sec. 414. Distribution of benefits between rural and urban areas.
''Sec. 415. Application of Federal law.
''Sec. 416. Evaluation.
''Sec. 417. Nondiscrimination provisions.
''Sec. 418. Eligibility for other benefits.
''Sec. 419. Legal expenses.
''Sec. 421. Definitions.
''Sec. 422. Audit.
''Sec. 423. Reduction of paperwork.
''Sec. 424. Review of project renewals.
''Sec. 425. Protection against improper use.
''Sec. 426. Center for Research and Training.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. National volunteer antipoverty programs.
''Sec. 502. National Senior Service Corps.
''Sec. 504. Administration and coordination.
''Sec. 505. Availability of appropriations.

''TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

''Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
''Sec. 602. Creditable service for civil service retirement.
''Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
''Sec. 604. Repeal of title VI of the Older Americans Act.''.

TITLE V—EFFECTIVE DATE

SEC. 5101. EFFECTIVE DATE.

Unless specifically provided otherwise, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 5102. SERVICE ASSIGNMENTS AND AGREEMENTS.

(a) SERVICE ASSIGNMENTS.—Changes pursuant to this Act in the terms and conditions of terms of service and other service assignments under the national service laws (including the amount of the education award) shall apply only to individuals who enroll or otherwise begin service assignments after 90 days after the date of enactment of this Act, except when agreed upon by all interested parties.

(b) AGREEMENTS.—Changes pursuant to this Act in the terms and conditions of grants, contracts, or other agreements under the national service laws shall apply only to such agreements entered into after 90 days after the date of enactment of this Act, except when agreed upon by the parties to such agreements.

(c) EXCEPTION.—Subsections (a) and (b) do not apply to the amendments made by this Act to section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001). Any changes pursuant to those amendments apply as specified in those amendments.

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Congressional Commission on Civic Service Act''.

SEC. 6102. FINDINGS.

Congress finds the following:

(1) The social fabric of the United States is stronger if individuals in the United States are committed to protecting and serving our Nation by utilizing national service and volunteerism to overcome our civic challenges.

(2) A more engaged civic society will strengthen the Nation by bringing together people from diverse backgrounds and experiences to work on solutions to some of our Nation's major challenges.

(3) Despite declines in civic health in the past 30 years, national service and volunteerism among the Nation's youth are increasing, and existing national service and volunteer programs greatly enhance opportunities for youth to engage in civic activity.

(4) In addition to the benefits received by nonprofit organizations and society as a whole, volunteering and national service provide a variety of personal benefits and satisfaction and can lead to new paths of civic engagement, responsibility, and upward mobility.

SEC. 6103. ESTABLISHMENT.

There is established in the legislative branch a commission to be known as the ''Congressional Commission on Civic Service'' (in this title referred to as the ''Commission'').

SEC. 6104. DUTIES.

(a) GENERAL PURPOSE.—The purpose of the Commission is to gather and analyze information in order to make recommendations to Congress to—

(1) improve the ability of individuals in the United States to serve others and, by doing so, to enhance our Nation and the global community;

(2) train leaders in public service organizations to better utilize individuals committed to national service and volunteerism as they manage human and fiscal resources;

(3) identify and offer solutions to the barriers that make it difficult for some individuals in the United States to volunteer or perform national service; and

(4) build on the foundation of service and volunteer opportunities that are currently available.

(b) SPECIFIC TOPICS.—In carrying out its general purpose under subsection (a), the Commission shall address and analyze the following specific topics:

(1) The level of understanding about the current Federal, State, and local volunteer programs and opportunities for service among individuals in the United States.

(2) The issues that deter volunteerism and national service, particularly among young people, and how the identified issues can be overcome.

(3) Whether there is an appropriate role for Federal, State, and local governments in overcoming the issues that deter volunteerism and national service and, if appropriate, how to expand the relationships and partnerships between different levels of government in promoting volunteerism and national service.

(4) Whether existing databases are effective in matching community needs to would-be volunteers and service providers.

(5) The effect on the Nation, on those who serve, and on the families of those who serve, if all individuals in the United States were expected to perform national service or were required to perform a certain amount of national service.

(6) Whether a workable, fair, and reasonable mandatory service requirement for all able young people could be developed, and how such a requirement could be implemented in a manner that would strengthen the social fabric of the Nation and overcome civic challenges by bringing together people from diverse economic, ethnic, and educational backgrounds.

(7) The need for a public service academy, a 4-year institution that offers a federally funded undergraduate education with a focus on training future public sector leaders.

(8) The means to develop awareness of national service and volunteer opportunities at a young age by creating, expanding, and promoting service options for primary and secondary school students and by raising awareness of existing incentives.

(9) The effectiveness of establishing a training program on college campuses to recruit and educate college students for national service.

(10) The effect on United States diplomacy and foreign policy interests of expanding service opportunities abroad, such as the Peace Corps, and the degree of need and capacity abroad for an expansion.

(11) The constraints that service providers, nonprofit organizations, and State and local agencies face in utilizing federally funded volunteer programs, and how these constraints can be overcome.

(12) Whether current Federal volunteer programs are suited to address the special skills and needs of senior volunteers, and if not, how these programs can be improved such that the Federal Government can effectively promote service among the ''baby boomer'' generation.

(c) METHODOLOGY.—

(1) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(2) REGULAR AND FREQUENT CONSULTATION.—The Commission shall regularly and frequently consult with an advisory panel of Members of Congress appointed for such purpose by the Speaker of the House of Representatives and the majority leader of the Senate.

SEC. 6105. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed as follows:

(A) 2 members appointed by the Speaker of the House of Representatives.

(B) 2 members appointed by the minority leader of the House of Representatives.

(C) 2 members appointed by the majority leader of the Senate.

(D) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—The members of the Commission shall consist of individuals who are of recognized standing and distinction in the areas of international public service, national public service, service-learning, local service, business, or academia.

(3) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 90 days after the date of the enactment of this title.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives at the time of the appointment.

(b) TERMS.—

(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall not affect the power of the remaining members to execute the duties of the Commission but any such vacancy shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—

(1) RATES OF PAY; TRAVEL EXPENSES.—Each member shall serve without pay, except that each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits because of service on the Commission.

(d) MEETING REQUIREMENTS.—

(1) FREQUENCY.—

(A) QUARTERLY MEETINGS.—The Commission shall meet at least quarterly.

(B) ADDITIONAL MEETINGS.—In addition to quarterly meetings, the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(3) MEETING BY TELEPHONE OR OTHER APPROPRIATE TECHNOLOGY.—Members of the Commission are permitted to meet using telephones or other suitable telecommunications technologies provided that all members of the Commission can fully communicate with all other members simultaneously.

SEC. 6106. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Chairperson with the approval of the Commission.

(2) CREDENTIALS.—The Director shall have credentials related to international public service, national public service, service-learning, or local service.

(3) SALARY.—The Director shall be paid at a rate determined by the Chairperson with the approval of the Commission, except that the rate may not exceed the rate of basic pay for GS–15 of the General Schedule.

(b) STAFF.—With the approval of the Chairperson, the Director may appoint and fix the pay of additional qualified personnel as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS–15 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, Chairperson, or Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 6107. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold public hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—Upon request of the Chairperson, the head of any department or agency shall furnish information to the Commission that the Commission deems necessary to enable it to carry out this title.

(d) PHYSICAL FACILITIES AND EQUIPMENT.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable facilities and equipment for the operation of the Commission on a nonreimbursable basis.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request in order for the Commission to carry out its responsibilities under this title.

SEC. 6108. REPORTS.

(a) INTERIM REPORT.—The Commission shall submit an interim report on its activities to Congress not later than 20 months after the date of the enactment of this title.

(b) FINAL REPORT.—

(1) DEADLINE.—The Commission shall submit a final report on its activities to Congress not later than 120 days after the submission of the interim report under subsection (a).

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for proposed legislation.

SEC. 6109. TERMINATION.

The Commission shall terminate not later than 30 days after submitting its final report under section 6108(b)(1).

TITLE VII—SENSE OF CONGRESS

SEC. 7101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate the recruiting and assignment procedures of their various programs to allow senior citizens and their grandchildren to share volunteer opportunities and/or be assigned to the same geographic areas during their period of service.

TITLE VIII—SENSE OF CONGRESS

SEC. 8101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate with the National Endowment for the Humanities to provide opportunities for young people enrolled in NACS programs to collect oral histories form senior citizens in the communities where they serve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the first reauthorization of the national and community service laws and program since 1993.

The legislation we are considering today includes all of the amendments approved last week by voice vote. It also includes the provision on background checks from the Republican motion to recommit. This bill is a bipartisan product.

Through volunteer and community service programs, tens of millions of Americans of different generations have become inspired to build stronger, more vibrant communities to help children succeed in school and rebuild cities in times of disaster.

In 2006, more than 61 million Americans gave back to their communities through service. The GIVE Act recognizes this growing service movement that is taking place across the Nation. It builds upon the successful work being done by members of AmeriCorps, of Vista, of Senior Corps, and Learn and Serve America.

The GIVE Act would put us on a path to increasing the number of AmeriCorps members from 75,000 to 100,000 by 2012, with a focus on engaging low-income, disadvantaged, and at-risk young people.

The GIVE Act would also help AmeriCorps members pay for college by increasing the scholarship they earn in exchange for their service from $4,725 to $5,255 by 2012.

This bill would introduce young people to community service by creating a new Summer of Service initiative that will offer middle school and high school students the opportunity to spend a summer working to improve the communities while earning $500 toward college or college preparation.

Alumni of service programs remain a valuable resource to our communities. After Hurricane Katrina devastated the gulf coast communities, AmeriCorps alumni played a key role in relief, recovery, and rebuilding efforts on the gulf coast.

To help tap into these resources in times of emergency, this bill would create an Alumni Reserve Corps to service alumni with previous disaster relief experience.

Each year, nearly a half a million older Americans participate in the Senior Corps programs, mentoring children of prisoners, providing independent living services to seniors, assisting victims of natural disaster, and mobilizing other volunteers.

The GIVE Act would expand the purpose of the Senior Corps programs by adding an emphasis on recruiting retired science, technology, health care, law enforcement, and military professionals to help with education, after-school, public safety, and technology needs.

I want to thank the many Members on both sides of the aisle who have worked on this bill, in particular, Representative MCCARTHY on our side of the aisle, Representative MCKEON and Mr. PLATTS on the other side, who is handling the bill today for their leadership, as well as the Service Caucus for its support.

Let me also thank the Voices of Service and its member organizations which have been invaluable in helping us develop this legislation.

Service and volunteerism have played an important role in our Nation's history and will continue to help us meet the challenges and the needs of our communities. This legislation reflects the important role and builds upon it.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the GIVE Act, which will strengthen our Nation's national and community service programs. As you know, we debated this legislation for hours last week and adopted some very positive amendments. I'm pleased that the majority has included these amendments in the bill, as well as the Republican motion to recommit, which will ensure that adequate criminal history checks will be performed on anyone seeking a federally funded national service position, and that individuals who are registered sex offenders or convicted murderers will not be selected for such positions.

While it was my hope that the duplicative Energy Conservation Corps is struck from the bill during the conference because the bill already addresses that through other sections of this legislation, I'm proud to be part of this effort to provide more flexibility for existing community service programs to ensure that the most innovative and effective grantees continue to receive funding and to increase the accountability within the corporation.

Programs such as Foster Grandparents and Learn and Serve truly impact the lives of America's most needy. AmeriCorps and NCCC participants engage often disadvantaged youth and provide them with a sense of pride and civic responsibility. These programs are truly win/win and provide a tremendous return on the Federal investment.

Again, I want to thank Chairman MILLER, Ranking Member MCKEON, and Chairwoman MCCARTHY for working with me, and for all the staff who have made this effort a success.

I urge a ''yes'' vote and hope that my colleagues will support these commonsense reforms to our national service programs and to support the GIVE Act.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a major champion of this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my chairman, GEORGE MILLER, for the great work that he has done.

This is a great day for national service. It's been 15 years since we have reauthorized our national service laws.

As chairwoman of the Healthy Families and Communities Subcommittee, I am pleased to speak in support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the GIVE Act. Unfortunately, this legislation hit a procedural hurdle last week, but I am glad the House will today have a chance once again to pass this important piece of legislation.

The bill before us today incorporates the amendments that were accepted on the floor last week, including my manager's amendment, and amendments offered by Representative MCKEON, MATSUI and SHAYS, INSLEE, SARBANES, MCDERMOTT, three amendments from Representative ENGLISH and two amendments from Representative SUTTON. It also includes the language from the Republican motion to recommit.

The administration and the service community support the GIVE Act.

I would like to thank Chairman MILLER again for his continued support and work on this reauthorization. I would also like to extend my thanks to the ranking member of our committee, Mr. MCKEON, for his hard work. And finally, I would like to thank the ranking member of my subcommittee, Mr. PLATTS, for his work on the reauthorization.

I would also like to thank again the staff on both sides of the aisle for their work on this important piece of legislation.

National service has a distinguished and strong history in our Nation. The benefits of service cannot be duplicated. Evidence shows that service and volunteering lowers school dropouts and crime rates, lowers costs associated with the aging population, and improves the health among the elderly.

Volunteering is a cost effective way of working to solve the challenges facing our Nation. That is why the passage of the GIVE Act is necessary.

One of the most effective volunteer organizations in this Nation is AmeriCorps. AmeriCorps volunteers offer a range of services focused on low-income and disadvantaged communities. Our legislation recognizes their invaluable work and increases the number of participants to 100,000.

The GIVE Act also encourages programs to recruit underrepresented populations to serve, including scientists and engineers, young people in and/or aging out of foster care, children at risk for delinquency, and other disadvantaged young people. I truly believe that expanding national service, particularly to disadvantaged youth, is an effective way to combat things like gangs and violence, and the evidence bears that out.

If we are serious about reducing gang violence in this Nation, we must take the first step and offer our children an alternative. This legislation creates the Summer of Service program which gives middle school and high school students an opportunity to become engaged in a positive way within their community. Through the Summer of Service program, our Nation's young people will have a chance to serve with others of their own age while improving their community.

Research shows that if students are engaged in service at an early age, they will continue to serve throughout their lifetime.

We are strengthening the mission of the first responder volunteer program, the National Civilian Community Corps, by requiring more intense disaster and emergency relief training during down periods in order to be better prepared for the future.

□ 1530

We are all aware of what our Nation faced in the wake of Hurricane Katrina, and the NCCC was there to respond and continues to recover today.

The GIVE Act will help our Nation become better prepared for future disasters by training and preparing more emergency volunteers. The GIVE Act creates cooperation and an Office of Outreach in recruitment. This new office, among other duties, will establish a reserve corps made of those who have gone through the program and are alumni. The reserve corps alumni will be called upon during emergencies and disasters or other times of national needs.

We heard people asking over and over again during our hearings why aren't we using our former members. The new outreach office will work to connect the over-500,000 former volunteers who can be a resource for the recruitment. The GIVE Act lowers the age of participation in the national senior service to 55 years of age. By lowering the age, we are encouraging retiring Americans to participate in national service and giving older Americans the opportunity to lead us into the future.

Our Nation's retiring and retired adults are a rich resource that no one can duplicate, nor should they be overlooked. Every American, old and young, has skills that can improve the day-to-day functions of our society. The GIVE Act encourages individuals to get involved, creates a deeper commitment to service, and makes our Nation more like what it should be.

I, again, want to thank Chairman MILLER for his deep commitment to national service and Ranking Member MCKEON and Congressman PLATTS for their work with us on this bipartisan activity. I do urge all of my colleagues to support this much-needed legislation.

Mr. PLATTS. Mr. Speaker, I yield the distinguished gentleman from Arizona (Mr. FLAKE) as much time as he may consume.

Mr. FLAKE. Mr. Speaker, I stand in opposition to the GIVE Act. I think that it has as its premise that we won't have volunteerism in America unless we pay for it somehow or unless this

body comes up with it. The volunteerism represented by AmeriCorps and the other programs here represent, I would venture, about one hundredth of 1 percent of all of the voluntary activity that goes on out there. But here we act as if it won't happen unless we create it and pay for it.

Paid volunteerism is not a very good principle, in my view. We have to remember we are running a deficit. Our Federal Government is running a deficit. So any money we pay here, any increase in any programs, any new authorization, which I think over the 5-year reauthorization is about $4.1 billion more than we were paying before, that's money that has to be borrowed from the Treasury and, in effect, borrowed from our kids.

And I think it's prudent to ask what this is going to be used for. I think that most people would be surprised to learn that this legislation would expand and reauthorize programs that the Office of Management and Budget has rated as inefficient and ineffective. For example, the Learn and Serve Program was rated as not performing and results not demonstrated by the OMB. The AmeriCorps National Civilian Community Corps was rated as not performing and ineffective.

It's bad enough that we are continuing funding, but under the Learn and Serve Program, that was rated again by the OMB as not performing and results not demonstrated, we are actually creating a new program within that and funding it with 20 million more dollars. That simply is not a prudent use of taxpayer dollars.

We have to remember we are taking money from people who are working and giving it to others who are supposedly volunteering to work. When you are providing a financial incentive, be it defrayment of tuition costs or anything else, you are paying people to volunteer.

I would urge my colleagues to reject this legislation and return to fiscal sanity and a little more fiscal discipline in this House.

Mr. PLATTS. Mr. Speaker, I continue to reserve my time.

Mr. GEORGE MILLER of California. I yield myself 30 seconds.

Mr. Speaker, I would just say in the two programs the gentleman from Arizona raised, it's exactly why we have the reauthorization so we can go back through those programs and, in fact, as a result of those reviews, the administration has insisted upon substantial changes in those programs which have been carried out and that is why the administration now supports this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES), a member of the committee.

Mr. SARBANES. Mr. Speaker, I want to commend Chairman MILLER, Chairwoman MCCARTHY, and others for putting together the GIVE Act, which reauthorizes the National Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973. This act supports the Nation's priorities in a number of important areas.

Mr. Speaker, Americans are hungry to serve. Last year, 62 million Americans contributed 8.2 billion hours of volunteer service. And the question is, are we ready to absorb that energy? Do we have a way of capturing it and channeling it?

What the GIVE Act does is it creates that infrastructure; and that's why we need it, because if we don't have an infrastructure to respond to that volunteer energy, then people will go away even more disillusioned. So the GIVE Act steps up and does exactly the right thing.

And here are some of the things that it does: it sets a goal of 100,000 AmeriCorps volunteers by 2012 putting 25,000 additional volunteers into our communities; it engages youth through a summer of service; and it creates a new energy conservation corps. That corps will focus our service corps apparatus on some of the Nation's most pressing problems: energy efficiency and conservation training for green jobs and rehabilitation of our Nation's critical infrastructure. It will enlist both seniors and young people in that enterprise.

The act will also do right by our veterans. I was pleased to work with Mr. MILLER and Mrs. MCCARTHY to include language in this bill that would require the Corporation for National and Community Service to initiate a national conversation by commissioning a study to develop and test a service corps program that both targets veterans as recipients of community service and utilizes their service as participants and volunteers. This national conversation would provide a framework for better targeting the needs of veterans in the community.

Mr. Speaker, I commend the committee on its work on these important issues. It is said that the pulse and time of a Nation are best reflected in its service to others. The GIVE Act launches a new era of service and, in so doing, will showcase the best of what America has to offer.

Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Speaker, I rise today in support of H.R. 5563 and to thank Chairman MILLER and Chairwoman MCCARTHY for their efforts, including a motion to recommit that I offered to H.R. 2857, the Generations Invigorating Volunteerism and Education Act.

Last week on March 6, I offered the motion to recommit to strengthen H.R. 2857 and the national service laws. Recently, the corporation for national community service completed a rule-making process to institute background checks for any individual seeking Federal-funded national service positions within the Senior Companion and Foster Grandparents program and within AmeriCorps programs in which individuals have recurring access to children, the elderly or, individuals with disabilities. That rule-making process also prohibited individuals from serving in those positions if they were and are registered sex offenders.

While the motion to recommit will codify the corporation's regulations, it will also expand on the corporation's effort by requiring criminal history checks for any individual seeking a federally funded national service position and not just those within the foster grandparents and senior companion programs or just those AmeriCorps programs dealing with specific populations.

Further, in addition to prohibiting registered sex offenders from serving in federally funded national service positions, the motion to recommit includes those individuals convicted of murder as well.

Again, I applaud Chairman MILLER and appreciate his courtesies last week on the floor and Chairwoman MCCARTHY for including the motion to recommit which expresses a loud and clear message, that this House of Representatives believes that those in need who are served by programs supported with assistance under these laws should be assured that they will not be placed in harm's way when approaching these programs for help.

Although I am pleased that the motion to recommit was included in the bill, I'm disappointed that the House majority has chosen not to take up the FISA amendments. The FISA amendments, which we've been hearing about all day, act to provide our intelligence community with the critical tools it needs to conduct surveillance on foreign terrorists without getting tied up in court.

The Senate, as we all know, passed this bipartisan legislation almost a month ago. So I urge the majority to bring this crucial bill up for a vote; and, again, I urge my colleagues to support this bill today before this House.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman, and I rise in support of this legislation. I'm pleased to have been a co-sponsor of this bill, because the service programs and the new initiatives will help to address some of our Nation's toughest problems about poverty to natural disasters and will help improve the lives of millions of our

most valuable citizens. The bill will increase the number of AmeriCorps volunteers by a third and will significantly increase the stipends for those volunteers.

I particularly want to highlight a section that I am proud of. It is a section that will create opportunities for professionals in the sciences and technical fields to keep America competitive. It engages scientists and engineers in volunteerism and encourages their efforts to address unmet education and human needs. It will use scientists, technicians, engineers and mathematicians, for example, to close the digital divide that creates such a chasm between low-income communities and the more privileged communities.

The bill also creates a national civilian conservation corps that, as a residential program, will be deployed in times of national need, such as emergencies and disasters. When not deployed in such circumstance, they will build infrastructure, protect the environment, conserve our resources, and help with urban and rural development.

Mr. Speaker, this is outstanding legislation. We really should commend Mrs. MCCARTHY as well as Chairman MILLER, Mr. MCKEON, and Mr. PLATTS for their work on this legislation.

I urge passage.

Mr. PLATTS. Mr. Speaker, I yield to the distinguished gentleman from Illinois (Mr. MANZULLO) as much time as he may consume.

Mr. MANZULLO. Mr. Speaker, I am really just distressed over the manner in which this bill has come to the floor. When the Republicans were in the majority, any bill that was in excess of $100 million had to go through the regular process, was subject to amendments on the floor, et cetera; and now we are bringing on the Suspension Calendar, which is for naming post offices and minor things like that, a bill that would spend $6.2 billion over the next 5 years.

According to the Congressional Budget Office, the estimated current outlay in fiscal year 2008 for existing Federal community service and volunteer programs is already $607 million a year. Spending under this bill would go up $884 million in fiscal year 2008, $942 million in 2009, $1.058 billion in fiscal year 2010, $1.154 billion in fiscal year 2011, and $1.235 billion in fiscal year 2012 for a total new spending for volunteers of $4.1 billion over 5 years.

That's outrageous to pay for volunteer programs to have the bill not subject to any amendment on the floor such as an amendment to pare down the size of the spending.

And I think in a time when we have a fiscal crisis on our hands, where the stock market is tanking and people are losing their homes and people are not sure of having a job, for this Congress to come in and use this extraordinary procedure to waive all the rules, including a way to amend the bill and spend an additional $4.1 billion over 5 years, that really cracks the back of fiscal responsibility.

□ 1545

The majority has shown unequivocally here that it is not the party of fiscal responsibility, and I would therefore encourage my colleagues to vote ''no'' on this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it is a little hard to sit here and be lectured to by somebody from the other party that ran up an $8 trillion deficit in a matter of 8 years, about $1 trillion a year they succeeded in running up the deficit. But more importantly, I don't know if the gentleman from Illinois was absent last week or he doesn't remember, I don't know which, but we were here last Thursday considering this bill under the rules of the House, under essentially an open rule where every Republican amendment and every Democratic amendment that was requested, I believe, was offered.

The new programs were subjected to a vote of the House because we thought that was fair. They prevailed. We finished the business of this bill last week, and then people decided they wanted to play some games on the motions to recommit, and so that forced us to bring the bill up again this week.

We cannot go back to committee; that would be even more expensive, more time-consuming, and bring back the bill, so we have chosen to do it under suspension. But that's after all of the amendments have been given full consideration. That's why the administration supported the legislation. That's why it has bipartisan support, because it was bipartisan in the committee. I think it was 44–0 that it came out of the committee. It was bipartisan in the Rules Committee. It was bipartisan on the floor until the gentleman's party decided at the last minute that they wanted to try to somehow incorporate the FISA discussion into national service. That was out of order. That was not allowed.

And then Mr. KUHL decided to offer an amendment, which we asked unanimous consent to accept at that time and we were not allowed to accept it. So, we're back here today. And we're trying to do it in the most expeditious fashion because it costs something to run the House. We shouldn't be back here today. But that's the history, in case the gentleman was absent last week.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I would just, again, urge a ''yes'' vote in support of the GIVE Act.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I just want to, before we close debate, thank Mr. PLATTS and Mrs. MCCARTHY for all of their hard work. They were really the engines behind this legislation and getting it through the subcommittees and the committees for our consideration here on the floor. I want to thank them very much for that effort.

A couple of speakers suggested that somehow Americans volunteer, so we don't need this act. The fact of the matter is this act builds much more than just volunteers. I volunteer for the Habitat for Humanity. I volunteer in the schools in my district. I volunteer in Coastal Cleanup. I volunteer in community Weed and Seed programs. I volunteer in a lot of efforts. This is also about taking people who would never think of volunteering, young people who come from neighborhoods where that's not an opportunity that they may have necessarily. And it not only gets them into volunteering, but also builds skills. What people really like to have volunteer are people with skills come and volunteer.

It also builds leadership skills, so that those young people can either incorporate their skills in additional volunteering or organize other people to volunteer as they leave these programs. Many of these young people graduate and go into public service. In California, we will find people who will go from one of these programs to the California Conservation Corps to maybe the national parks program, where they end up working and rebuilding the infrastructure of our national parks or public lands or coastal areas of these States.

And when you ask the young people, when you run across them, where did they get their start, they got their start in AmeriCorps or the VISTA program or something like that. They end up maybe later, after they go to school, they come back and they work in the community. That's why one of the things that this legislation does is try to reach out to the alumni of this program, because we now realize how valuable they are to our communities and we want them to continue to participate and continue to organize people who have been the beneficiaries of this program and those who have participated in it as leaders and as participants so that we can build that core.

It's very interesting now, there's a number of people discussing the national defense level of this country, that one of the things we failed to do after 9/11 was build in a resiliency of this country in the event of other another attack. Tragically, after 9/11 the President told the country they didn't have to do anything, if they would just go shopping.

But now what we see is we still don't have the basic infrastructure in our communities to deal with natural disasters, to deal with possible terrorist

attacks, to deal with regional-wide problems, whether they be fires, earthquakes, terrorist attacks, or any of that. In fact, what we need is we need volunteers and people with volunteer experience, people with organizing volunteers to start to come together to think about how a community would respond, whether it's a chemical spill, whether it's a chemical plant explosion, whether it's an earthquake or a fire, to respond to help those people, to help those first responders. We've never organized that. But we would like to start thinking about organizing that, and I'm sure when we do, we will be calling upon the professionals that were in VISTA, that were in AmeriCorps, that were in the Senior Corps, that have connections through their business connections, through their community involvement.

So, this program pays many dividends way beyond the idea that this is just about volunteering on a Saturday morning or a Sunday morning with your church. We all do that. But there has to be more. And there has to be avenues for people who aren't encouraged to volunteer, that we can provide that encouragement and we can encourage people to participate with populations that need that kind of assistance. That's the importance of this legislation.

It's unfortunate it has taken so long for us to reauthorize this bill. But what we know is Americans all across this country in every region of this country want to see a greater sense of people giving back to their communities, people volunteering in their communities, organizing people to volunteer, to provide services to their communities. That's what this legislation responds to.

It's been incredibly successful, when you meet the graduates of these programs, when you meet the alumni of these programs. They don't stop there. It becomes part of the ethic of their life. And they continue it in their business, in their professions. They continue that kind of activity because they see the value of it, they've participated in it. And I would hope that my colleagues would give this legislation overwhelming bipartisan support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5563, the "Generations Invigorating Volunteerism and Education Act" or the "GIVE Act." I would like to thank my colleague Congresswoman McCARTHY for introducing this important legislation, as well as the chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing the bill to the floor today.

Mr. Speaker, this legislation came to the floor last week as H.R. 2857. It was a good bill then but now it is an even better piece of legislation.

The ten amendments that were incorporated into the current bill before this chamber provide: (1) greater integration of funding; (2) strengthens the Retired Senior Volunteer Program, RSVP; and (3) more support for our military families and veterans.

This legislation will make vital strides toward expanding and improving key community service programs, including AmeriCorps, VISTA, Senior Corps, and Learn and Serve America. The GIVE Act works to ensure that volunteers, and the organizations that support them, will receive the resources that they need to continue their vital work in our communities.

Today's legislation embodies the altruistic spirit that has made our Nation great. Great numbers of Americans donate their time and their unique skills and gifts to our cities and communities, without any expectation of compensation or material reward. According to a 2005 study, 29 percent of the American public, or about 65.4 million people, had volunteered in the past year.

This legislation engages our youth and fosters a sense of civic duty, which is why I was so pleased to see Section 1202 of this legislation, which gives special consideration to Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities. I want to thank Representative McCARTHY and Representative MILLER for allowing me to add to this great bill. By adding predominately minority community colleges to the list of those to receive special consideration, we help so many more students who have a commitment to service.

Our community colleges are growing as many of our returning veterans, single parents, and seniors desire to make a change in their living circumstances and simply cannot afford traditional higher education. A sense of civic engagement is not fostered only among students at Harvard and Berkeley; it is also found among students at community colleges like Houston Community College and North Harris College. I thank the chairman for recognizing this needed addition and incorporating it into the manager's amendment.

The GIVE Act would:

(1) increase the number of AmeriCorps volunteers from 75,000 to 100,000 by 2012;

(2) increase stipends for AmeriCorps volunteers from $4,725 to $5,225 by 2012;

(3) promote recruitment of disadvantaged youth, baby-boomers, and veterans into national and community service opportunities;

(4) create an AmeriCorps Alumni Reserves Network aimed at tapping into the skills and experience of alumni volunteers, with a particular focus on assisting during emergencies or natural disasters; and

(5) constructs an Energy Conservation Corps, which will address our Nation's energy and transportation infrastructure needs while providing work and service opportunities.

I am disappointed that our colleagues on the other side of the aisle have chosen to be obstructionists to legislation that engages our youth, strengthens disaster and emergency preparedness, and invests in our volunteer and service organizations with appropriate funding. This bipartisan effort needs to be supported.

I am proud to cosponsor legislation that will add service before self to our leaders of tomorrow. I urge my colleagues to join me in supporting this legislation.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of the GIVE Act and congratulate Speaker PELOSI and Chairman MILLER in bringing this important reauthorization to the floor.

National service builds character and communities. Volunteers in our communities help children succeed in schools, assist in providing social services, green our communities and rebuild after disasters. And the volunteers gain valuable experience and the satisfaction of having made a real difference.

H.R. 5563 strengthens national service opportunities by recruiting 25,000 more volunteers through a new Office of Outreach and Recruitment. This office will promote the recruitment of babyboomers and veterans. The bill also provides a new focus on youth opportunities. Too many youth in our communities are without positive activities during the summer. H.R. 5563 offers summer service opportunities, including a $500 educational award for college expenses.

Volunteerism is also an important part of emergency preparedness efforts. This bill encourages more collaboration with national, state, and local units of government and creates a "Reserve Corps" of Americorps alumni for times of national need.

With the many challenges facing the United States—both at home and abroad—it is more important than ever that we provide incentives and opportunities for Americans to give back. We saw the best of ourselves in the outpouring of volunteers after 9/11, Hurricane Katrina, and the bridge collapse in Minneapolis. Reauthorization of the Corporation of National Service will provide that kind of help for families and communities on an ongoing basis in a very cost-effective way.

This is a bipartisan, widely supported bill. I urge my colleagues to support its passage.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 5563.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and to insert extraneous materials in the RECORD on H.R. 5563 and on S. 2733.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

HIGHER EDUCATION EXTENSION ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2733) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Higher Education Extension Act of 2008''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''March 31, 2008'' and inserting ''April 30, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2733, a bill to temporarily extend the programs under the Higher Education Act of 1965.

Last month, we took the next step toward reauthorizing the Higher Education Act by passing H.R. 4137, the College Opportunity and Affordability Act, in the House with overwhelming bipartisan support. That bill builds on the law Congress enacted last year that put $20 billion in Federal student aid in the hands of those in most need, low- and middle-income students and families working hard to pay for the cost of college.

Now, as we work with the Senate towards the conference report to reauthorize the Higher Education Act, we are close to providing students and families with additional reforms needed to truly ensure that the doors of college remain open to all qualified students.

It is our goal to ensure that the final bill include vital provisions of H.R. 4137 that address the major obstacle families face in the path to college, from skyrocketing college tuition prices, to the needlessly complicated student aid application process, to predatory tactics by student lenders.

It has been nearly 10 years since the Higher Education Act last reauthorized, and I believe that Members on both sides of the aisle and in both Chambers are eager to complete the work on a compromise bill this Congress.

This bipartisan reauthorization presents the best opportunity that we had to bring our higher education system into the 21st century.

The bill under consideration today, S. 2733, will extend the programs under the current Higher Education Act until April 30, 2008, to allow sufficient time for further deliberations to continue on the two bills passed in the House and Senate. And while that process of reauthorizing the Higher Education Act may be coming to a close, I would like to underscore that it does not mean that we will complete work on higher education altogether. The Education and Labor Committee will continue our efforts to ensure our higher education programs operate in the best interests of students and families, which include overseeing the proper implementation of the College Cost Reduction and Access Act and other provisions of the Higher Education Act. We will also examine how we can best ensure the availability of Federal student loans in the midst of volatility in our Nation's credit markets.

I look forward to completing this work with the respective Members so that we can continue to make college more affordable and accessible for our Nation's students and families.

Mr. Speaker, I reserve the balance of my time.

Mr. PLATTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2733, the Higher Education Extension Act of 2008.

While this is the first extension of the Higher Education Act for this year, we have passed over a dozen extensions of this law since it first expired.

S. 2733 will ensure that vital Federal college access and student aid programs continue to serve those students who depend upon them for an additional month. Earlier this year, the House passed H.R. 4137, the College Opportunity and Affordability Act of 2008, by a vote of 354–58. Unlike last year when the Senate failed to act when the House passed its bill, the Senate passed their Higher Education Act reauthorization bill as well. We are now the closest we have been in recent years to passing a reauthorization bill.

I stand in support of this extension of the Higher Education Act through April 30 of this year because I hope that we can move forward in developing a conference agreement in a bipartisan and thoughtful manner. If it takes 1 more month or 2 more months, I think others would agree that we would rather see a thoughtful product rather than something that was rushed through the process to meet an artificial deadline.

I join with my colleagues in fully supporting efforts to extend the Higher Education Act today and hope that we can work together to develop a conference agreement that will fundamentally reform the programs included in the Higher Education Act.

I urge my colleagues to vote ''yes'' in support of this extension.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. I join Mr. PLATTS in urging a ''yes'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 2733.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PLATTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTION TO ADJOURN

Mr. PLATTS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PLATTS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on motions to suspend the rules with respect to House Resolution 924 and House Resolution 948.

The vote was taken by electronic device, and there were—yeas 4, nays 396, not voting 28, as follows:

[Roll No. 114]

YEAS—4

Gohmert
Johnson (IL)
Westmoreland
Young (AK)

NAYS—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—28

Berman
Blackburn
Blumenauer
Blunt
Boehner
Capito
Capuano
Davis (IL)
Davis, Lincoln
Frank (MA)
Gingrey
Hooley
Kilpatrick
McNerney
Mitchell
Oberstar
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Udall (CO)
Woolsey

□ 1623

Messrs. VAN HOLLEN, GUTIERREZ, McDERMOTT, ELLISON, LARSON of Connecticut and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONGRATULATING IOWA STATE UNIVERSITY FOR 150 YEARS OF LEADERSHIP AND SERVICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 924, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 924, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 23, as follows:

[Roll No. 115]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Blackburn
Capito
Davis (IL)
Davis, Lincoln
Frank (MA)
Hall (NY)
Hill
Hooley
Kilpatrick
Mitchell
Oberstar
Paul
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1635

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10. 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Daniel White, Executive Director, Illinois State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 8, 2008, the Honorable Bill Foster was elected Representative to Congress for the Fourteenth Congressional District, State of Illinois.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF ILLINOIS,
STATE BOARD OF ELECTIONS,
Springfield, IL, March 10, 2008.

Hon. LORRAINE C. MILLER,
Office of the Clerk, House of Representatives, Washington, DC.

DEAR MS. MILLER: Although it is not the normal practice of the Illinois State Board of Elections to release unofficial election results, in response to your February 21, 2008 request, we are hereby transmitting UNOFFICIAL election results for the March 8, 2008 Special General Election in the Fourteenth Congressional Election in the State of Illinois.

Sincerely,

DANIEL W. WHITE,
Executive Director.

Enclosure.

UNOFFICIAL RESULTS, MARCH 8, 2008, SPECIAL GENERAL ELECTION: REPRESENTATIVE IN CONGRESS, FOURTEENTH CONGRESSIONAL DISTRICT

[For an unexpired term]

Jurisdiction	Democratic Bill Foster	Republican Jim Oberweis	Unreturned Absentees	Provisionals
Bureau	45	51	2	0
DeKalb	5,937	4,640	146	0
DuPage	3,294	3,216	91	14
Henry	1,046	1,678	31	0
Kane	25,661	24,365	495	58
Kendall	6,396	6,305	88	3
Lee	1,959	2,449	80	0
Whiteside	519	425	10	0
Aurora Board	7,153	3,859	218	12
Totals	52,010	46,988	**1,161	87

**As of March 8, 2008.

SWEARING IN OF THE HONORABLE BILL FOSTER, OF ILLINOIS, AS A MEMBER OF THE HOUSE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that the gentleman from Illinois, the Honorable BILL FOSTER, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Illinois delegation present themselves in the well.

Mr. FOSTER appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE BILL FOSTER TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Illinois (Mr. COSTELLO) is recognized for 1 minute.

There was no objection.

Mr. COSTELLO. Madam Speaker, on behalf of the Illinois delegation, I am pleased to introduce the newest member of our delegation in the House, Congressman BILL FOSTER, from the 14th District of Illinois. BILL resides in Geneva, Illinois, and has lived in the Fox Valley for almost 25 years.

BILL has a diverse background in both business and science. He started a very successful theater lighting business with his younger brother when he was only 19 years old, and he went on to receive his Ph.D. in physics from

Harvard. BILL worked at Fermilab for 22 years, where he designed research projects and built the latest round of the particle accelerators.

BILL comes from a family with a strong history of working for the public good, and we look forward to working with him on behalf of his constituents and the Nation.

Madam Speaker and Members of the House, please welcome our newest colleague, Congressman BILL FOSTER from the 14th District of Illinois.

Mr. FOSTER. Thank you, Madam Speaker. It is an honor to stand here in the well of this body as the Representative of the Illinois 14th District. My predecessor in this role is a friend to many here and led this House and represented the people of my district honorably for over 20 years. I know that my colleagues will join me in once again thanking Speaker Dennis Hastert for his service.

Madam Speaker, fellow Members of Congress, I am a scientist, not a politician. When it comes to the issues that we face in this Nation, I plan on approaching them as a scientist, and that means examining the facts, listening to both sides, and doing what is right for the people of Illinois and America.

During my campaign, many people told me that Congress should be acting differently. At a time of crisis around the world and economic trouble at home, Americans want us to end the divisions between us and work together to solve the problems we face. I believe that there are huge opportunities to change this country for the better if we can make the right decisions, and real risks if we keep squabbling and making the wrong ones.

And now, as you can probably already tell, we scientists aren't known for our fiery rhetoric. But as I stand before you today, it is my solemn hope that with less bickering and word twisting in Washington, that there will be more problem solving. We need to work together for energy independence, for tax cuts for middle-class families, to expand health care for more children, for a return to fiscal discipline, and, as importantly as anything, for a new direction in Iraq.

Together we can fulfill our pledge to the next generation to leave Washington and this Nation better on the day that we leave it than it was on the day that we came into it.

I look forward to meeting my new colleagues, Democrats and Republicans, and to getting right to work on behalf of the families we represent.

Thank you to my colleagues in the Illinois delegation, and thank you, Madam Speaker. This is truly an honor.

Mr. COSTELLO. Madam Speaker, I yield to our colleague from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, as the dean of the Illinois Republican delegation, I want to take this opportunity to extend to our newest colleague from Illinois, with whom I share two counties, welcome to the big city. I look forward to working with you. I have always wanted a scientific mind, and maybe I can learn from yours. Thank you and welcome to Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Illinois, the whole number of the House is 430.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE OF REPRESENTATIVES

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, ''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D-ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

□ 1645

The SPEAKER pro tempore. The gentleman may offer his resolution.

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution just noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated,

''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D–WV) and Kent Conrad (D–ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D–ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to be heard on whether or not the resolution constitutes a question of the privileges of the House?

Mr. PRICE of Georgia. I do.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Mr. Speaker, we are now 25 days into a unilateral disarmament, a disarmament that doesn't make any sense to our constituents in each and every district across this Nation.

The Senate voted 68–29, 68–29.

Mr. HOYER. Mr. Speaker, the issue that the gentleman needs to address himself to is why this is a privilege of the House. I suggest that the Speaker make sure he is talking to that point.

The SPEAKER pro tempore. The gentleman from Maryland is correct. The gentleman from Georgia may only address the rule IX issue.

Mr. PRICE of Georgia. Mr. Speaker, I would draw my colleague's attention to the context in the stated ''whereas'' that on at least one occasion, if not countless others across this Nation, in the Charleston Post and Courier, it was written that the House of Representatives' Democrat leadership was described as ''indeed causing a potentially dangerous gap in the Nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''

There have been multiple articles and multiple references across this Nation as to why this House of Representatives is bringing discredit to the House and also not fulfilling its responsibility, in fact, abrogating its responsibility and its duty. An abrogation of duty by this House of Representatives brings discredit to the House, and, therefore, this is a question of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

Under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 192, answered ''present'' 1, not voting 18, as follows:

[Roll No. 116]

AYES—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano

Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—18

Bishop (UT)
Capito
Ellsworth
Hooley
Kilpatrick
Miller, George
Mitchell
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Ros-Lehtinen
Rush
Souder
Tancredo
Thompson (MS)
Woolsey

□ 1718

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008 VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of March 10, 2008, at page 3610.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 1 hour.

Mr. REYES. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA). Pending that, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of overriding the President's veto. This year, for the first time in 3 years, the Congress passed an intelligence authorization act and presented it to the President. This was something that had proved impossible for a Republican-controlled House and a Republican-controlled Senate. In recent years, while the bill passed the House, it never even got to conference. When I took over as chairman of the Intelligence Committee, I made passing an authorization all the way through conference a high priority. It wasn't easy, but I thought it was crucial that we revitalize the oversight process, and I committed to getting an authorization bill not only passed through the House but sent to the President.

The intelligence community, by its very nature, presents a very difficult oversight challenge for Congress. This is why the intelligence authorization bill is so critical. It is the culmination of the committee's oversight activities conducted over the previous year. Intelligence funding is one of the few areas where the law requires funds to be both appropriated and authorized. Our constituents, of course, are demanding that we weigh in on all the important intelligence-related challenges that our Nation is facing.

This legislation goes a long way towards strengthening oversight of the intelligence community, which the President seems to consistently want to fight. That's why the President vetoed it. He wants the authority to do whatever he wants, in secret, with no oversight or authorization or without any checks and balances.

Well, Mr. Speaker, I don't agree. The Constitution gives us a role in this process. We do have a say, in the name of the United States of America, in what the intelligence community does. That's why we need to override this veto.

This legislation enhances oversight in several ways. It requires quarterly reports to Congress on the nuclear weapons programs of Iran and North Korea. We learned a lesson from the experience in Iraq. Congress must be careful and must be part of the process and a consumer of intelligence to avoid being sold a bill of goods.

The act requires the CIA inspector general to audit covert activities at least once every 3 years. Covert activities are historically where our intelligence community runs into legal and policy trouble. An independent CIA audit is one way to prevent problems that have embarrassed our Nation and have eroded our moral authority.

The authorization act also requires detailed accounting to Congress on the use of intelligence contractors. The use of contractors has grown exponentially, and no one is asking critical management questions about whether this is a good use of taxpayer money.

An important substantive provision of the legislation also requires the CIA and the rest of the intelligence community to abide by the same regulations that DOD follows in the context of interrogations. If it's not permissible for soldiers in Iraq, where they face a life-or-death threat daily, it shouldn't be permissible for a CIA officer or contractor.

Mr. Speaker, if this veto stands, all of these important oversight provisions will disappear. If we believe in strong oversight, we need to override this veto.

In addition to addressing long ignored oversight issues, the legislation is fundamentally the mechanism for authorizing funds for the intelligence community. This legislation authorizes funds for the full range of critical intelligence activities. It authorizes funds to support counterterrorism operations to keep Americans safe today, and it authorizes funds for the strategic intelligence investments to keep Americans safe in the future.

Mr. Speaker, if we fail to override this veto, the Intelligence Committee will be silent on these important authorization issues. Once more, we'll have no authorization bill.

The bill also addresses some persistent management problems in the intelligence community. It requires steps towards a multi-level security

clearance system to recruit more native speakers of critical languages into our intelligence community. It takes important steps towards creating a more diverse workforce to strengthen our ability to collect intelligence all over the world.

Mr. Speaker, if we fail to override this veto, it's business as usual. No new solutions, just the same old intelligence problems.

I have visited the patriotic men and women of the intelligence community in the far corners and in the far reaches all over the globe. They deserve our support. They are brave, they are competent, and, in most cases, they are humbled to be doing the job to keep us safe. Many serve our Nation behind the scenes and at great risk, without any expectation of recognition or congratulations. For them, and for all Americans, this is important legislation.

The intelligence community came to us for money, they came to us for tools, and they came to us for new authorities. We gave them what they asked for. The President, with his veto, is denying them those very things simply because he wants no limits on his Presidential power.

So today, Mr. Speaker, I urge my colleagues to vote to override the President's veto.

Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this bill is just the latest example of the complete and utter failure of the Democratic leadership in the House to give the intelligence community the tools that it needs to protect the American people and our allies from radical jihadists who have sworn to wage holy war against freedom in order to impose a radical religious tyranny. I urge my colleagues to oppose this override of the President's veto.

My colleagues on the other side of the aisle are finding out how tough it is to pass legislation in the intelligence area. But the lesson they need to learn, this is about national security, and national security issues need to be done on a bipartisan basis, can not be done on a purely partisan basis.

The debate on this authorization bill is not about a single issue, as some would have you believe. It is about the need to ensure that we give the right tools to our intelligence professionals in this time of enhanced threat. What we should be talking about today is improving this bill so that it can have broad bipartisan support.

But we also ought to be talking about FISA, FISA modernization. That is the vote that this House should be considering. That is the tool that our intelligence community has said that they need to keep America safe. That is the tool that, on a broad bipartisan basis, the model for how we should be doing legislation in this area. It's how they did it in the Senate, 68 Senators on a bipartisan basis saying we need to do FISA reform. We need to do it to keep America safe, to keep our homeland safe, to keep our troops safe, to keep our embassies and our personnel overseas safe, and to make sure that we also have the tools in place that so many of our allies rely on to keep them safe.

But no, once again, this House moves in a partisan basis. It's been almost 25 days now that the leadership on the other side of the aisle has refused to even bring up for a vote FISA modernization. Each and every day, our capabilities in this area erode. One of the most important and one of the most successful tools that we have used to keep America safe over the last 7 years is slowly eroding. My colleagues on the other side of the aisle will not even allow it to come up for a vote.

The United States continues to employ tough antiterrorist programs because the radical jihadist threat did not end with 9/11. One only has to listen to the statements by bin Laden, his deputy, Zawahiri, to understand the seriousness of this threat, its global implications, and the determination of radical jihadists to strike the American homeland.

But instead of doing a bipartisan, national security issue, we continue to move down the path of partisan politics. The majority leadership of this House refuses to see or hear the continuing threat from radical jihadists. Even more troubling, the majority refuses to recognize that tough antiterrorist tools employed since 2001 have protected this country from terrorist attacks.

□ 1730

Instead, some have distorted antiterrorist programs as threats to the American people rather than tools that our intelligence agencies are using to protect us from threats of radical jihadist terrorism. Instead of helping to strengthen anti-terrorist tools, my colleagues on the other side of the aisle have established a clear patent of trying to undermine and erode them, undermining and eroding the very type of people that we should be trying to help with this bill, the men and women who risk their lives each and every day in the intelligence community to keep America safe.

There is no better example than the outright refusal of the majority leadership to allow a straight up-or-down vote on bipartisan FISA modernization legislation.

Again, this is a bill that passed the Senate overwhelmingly, clearly supported by a majority of this House. There's ample reason to be concerned about this abuse of the majority's powers. I'm far more concerned at the impact that these actions are continuing to have and the capabilities of our intelligence professionals to protect our country, our people, and our allies from attack.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I want to bring us back on point by yielding 3 minutes to my good friend from Missouri (Mr. SKELTON), the chairman of the Armed Service Committee.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas, the chairman of the Select Committee on Intelligence, and a very valuable senior member of our committee, the Armed Services Committee.

I rise in strong support of H.R. 2082. This bill makes us safer from terrorists and other adversaries in a number of ways: the bill makes critical investments in human intelligence, counterterrorism operations, counter-proliferation, counter-intelligence, analysis and language skills.

In addition, Chairman REYES' conference report includes a provision which requires that all interrogations conducted by intelligence agents and contractors comply with the Army Field Manual on Interrogation. Our military already has raised its standards.

Since September 2006, all interrogations which are conducted by the men and women in uniform are conducted by non-military personnel on a detainee who is otherwise in custody of the U.S. military and must provide and must abide by the Army Field Manual. The manual specifically prohibits eight interrogation techniques, including waterboarding. Waterboarding is the technique which originated during the Spanish Inquisition and makes the person who is being interrogated feel as though he is drowning.

One of the wisest of our Founding Fathers, Ben Franklin, once told us: ''Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.'' But that's where we find ourselves on this issue.

All of the very senior civilians in the administration continue to waffle on whether waterboarding continues and constitutes torture or cruel and inhumane or degrading treatment. Our military has stood up against this widely condemned practice. Our military understands the impact of the Golden Rule: Do unto others as you would have them do unto you.

Our military also appreciates that approved interrogation techniques that are not cruel and inhumane or degrading have provided valuable intelligence which has helped captured terrorist kingpins and foiled terrorist attacks against our country as well as our allies. The sooner that we reclaim our moral authority in the world by clearly articulating which techniques we find

to be abhorrent, regardless of the nationality of the interrogator, the sooner we can better protect our homeland and our folks in uniform who are in harm's way.

I strongly encourage all of my colleagues in this body on both sides of the aisle to strengthen our national security by supporting this very fine bill.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 4 minutes to a member of the committee from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I rise in opposition to this bill and in opposition to overriding the President's veto. I think it's fine for us to stand up here on the floor and make all of the speeches we want about what the administration has or has not done that we like; there are some of those criticisms of the administration that I might well agree with about what they've done in the past. But I think it is a far different thing to stand up here and argue that we should put into law a measure that ties the hands of the professionals we expect to keep us safe.

This bill ties the hands of our national security professionals in a number of ways. One way is that it does not update the FISA law, which may well be the most important single thing the intelligence community does today that helps keep us safe. And, in fact, as the gentleman from Michigan noted, we are nearly 30 days beyond the expiration date of the Protect America Act; and every day that goes by makes us more vulnerable to a terrorist attack.

A bipartisan compromise in the other body garnered 68 votes, and yet we can't even have the leadership of this House bring it up for a vote to be considered so that each individual Member can exercise his judgment or his or her judgment or conscience in how they vote. If that measure had been rejected by the House, it would be one thing; but to never allow it to come up means that the leadership of this House insists on tying our hands, preventing our national security professionals from having the tools they need to do the job. I think that's inexcusable.

This measure before us also ties the hands of our national security professionals by limiting the interrogation techniques they can use, and even more than that, by broadcasting to the world the only interrogation techniques which can be used. It's like giving al Qaeda the training manual that they need to prepare their people for. And I know that the chairman of the Armed Services Committee just spoke. I wonder if he would be in support of just sending our battle plans out to any potential adversary saying this is what we are planning on doing. You all go ahead and get ready for it. We will tell you in advance what our intentions are. That's essentially what this bill does.

And I note, Mr. Speaker, a writer, Stuart Taylor of National Journal, last December put the scenario pretty well. He says, Imagine we get Osama bin Laden or some high-level lieutenant with the intelligence reports that a massive new al Qaeda attack may be eminent. Here are the questions all Members ought to answer when considering how they're going to vote: Should it be illegal for CIA interrogators to try to scare the person into talking by yelling at them? Should it be illegal to threaten to slap them in some way? Should it be illegal to pretend to be an interrogator from a different country? Should it be illegal to turn up the air-conditioning so they are uncomfortably cold? Should it be illegal to deny them hot food while giving them all of the cold food that they want?

Because all of those things would be illegal under the provision that's in this bill. It is not about waterboarding. It is about having a guarantee of hot food, comfortable temperature, no sort of deception, having no one raise their voice against you. Those are the protections for the terrorists that are in this bill.

I think that's a mistake. I think it is a mistake to tell them what we are going to do, and I think it is a mistake to take options off the table like turning up the air-conditioning.

These provisions, not having the FISA modernization, limiting their interrogation methods, treat our American professionals as the problem, and that's the problem with this bill. It should be rejected.

Mr. REYES. Mr. Speaker, continuing on this parallel universe, I now yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who chairs one of our subcommittees, the Subcommittee on Intelligence Community Management.

Ms. ESHOO. Mr. Speaker, I thank our very distinguished, wonderful chairman of the House Intelligence Committee.

We are here this evening for one reason and one reason only: it is to override the President's veto of the House authorization for the intelligence community. And the reason, the stated reason, and the President said so, the reason he vetoed the bill is because he is for torture. T-o-r-t-u-r-e. It's what the President said.

This is a very sad, dark moment for our country that a President of the United States would remove all of the tools that we've provided for the intelligence community in a post-9/11 world and say, Because you don't allow torture, I'm not for the bill.

Now, the President's position is entirely inconsistent with our Nation's history. The United States of America has long accepted that torture is beneath the standard of a civil nation. In 1947, the United States prosecuted a Japanese military officer for carrying out a form of water torture on a U.S. civilian. The military has frequently prosecuted American military personnel for subjecting prisoners to torture since the Spanish-American War.

Our Nation was able to win two world wars and defeat a rising tide of communism with a torture prohibition in place. And I think that we can defeat America's enemies today without lowering ourselves, without allowing ourselves to become the organizers against us. That's what we have done. And we have not only degraded ourselves but helped to chip away at the magnificent credibility of our great Nation that people before us provided, and now we stand on their shoulders. And a President of the United States vetoes a bill because he stands for torture. We should slam that door shut.

And the way we do it is by overriding this President's veto. There isn't any room in our country for this. And for anyone to describe these things as being sissies because you stand against torture, that is really shameful. That's really shameful, with all due respect.

This is a tough position. It's the right position.

So I urge my colleagues to vote to override the President's veto because that veto was about torture.

Mr. HOEKSTRA. At this point in time, I would like to yield 4 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I would like to bring another aspect for sustaining the President's veto that hasn't been talked about yet.

When this bill was brought to the floor initially, there were some 26 earmarks in the legislation. First we were told there are no earmarks. Then we had kind of a wild goose chase up in the intelligence room to find if there were. We found out there actually were. Then we finally got a list, belatedly. We got the list of earmarks, I think, about 5 hours after the deadline for us to submit a list of earmarks that we wanted to challenge. How convenient was that?

And we were told, No, it is just procedural, but too late. You won't be able to offer any amendments. We were told at the beginning of the process this year that every earmark that was offered in a piece of legislation in a conference report, in a committee report would be able to be challenged on the House floor. That wasn't the case here. We had 20-some earmarks worth about $80 million that were never challenged that still, to this day, cannot, have not, will not be challenged by this House.

So that, for the process alone, we shouldn't go forward with this piece of legislation.

These weren't just any earmarks. One, $80 million worth; and, two, there were big earmarks like $23 million for the National Drug Intelligence Center.

This is a center that the President has been trying to shut down for years because it doesn't coordinate efforts as it should. It gets, I think, about $39 million in the underlying bill and another $21 million in earmarked money in this piece of legislation. That's $23 million in taxpayer dollars in this piece of legislation. That's $62 million in taxpayer funding for an entity that the President and the executive branch want to close down, but it happens to be in the district of a particular powerful Member, so it stays. Again, we weren't able to challenge that.

That led, as we all know, to an altercation on the House floor between a few Members, a privileged resolution that was offered, but still, that earmark remains. All of these earmarks that still haven't been able to be challenged by the House remain in this piece of legislation.

Mr. Speaker, if there was ever, ever a case study in why we need an earmark moratorium, it is this piece of legislation that we are dealing with right now. No matter what you do, the earmarks remain. We even had a motion to instruct offered by my colleague from Michigan to take the earmarks in this bill out, remove them because they haven't been challenged, and they weren't brought to the floor in the proper manner.

□ 1745

That motion to instruct passed with a vote of 249 votes in favor. A sufficient number of Republicans and a significant number of Democrats voted for that motion to instruct to take the earmarks out, but here we are with this piece of legislation here again today, and every one of those earmarks still remains. You can't take them out.

We have to have a moratorium on earmarks so we can address this process. You can have good rules. And I commended the Democrats when they put the rules in place in January of this year. I mentioned that I thought that they were, in fact, a little stronger than what we, as Republicans, had put there. Having said that, rules are only as good as your willingness to enforce them, and the rules were not enforced here.

Again, this legislation came to the floor with earmarks that we were never able to challenge, that came after the deadline when we were to submit the list to challenge. And then the House acted, we acted to address, and with a clear, sufficient majority said, let's take the earmarks out. But still they remained.

I urge us all to sustain the President's veto of this legislation.

Mr. REYES. Mr. Speaker, I would tell the gentleman from Arizona that this veto is not about earmarks; it's about torture.

With that, I now yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Mr. Speaker, I thank the chairman of the committee.

When Congress passed this bill last year, I lauded several of its features, provisions aimed at attracting and retaining people with good foreign language capability and understanding of foreign cultures, a provision bringing speed to security clearance processes for new hires, the provision directing the Director of National Intelligence to establish a multilevel security clearance process, a provision requiring the inspector general to review all covert action programs, and a number of other things. Getting these things right is critically important because intelligence is among the most important functions of our government.

A good intelligence system can save lives by preventing war, or, should war come, by helping to win the war as quickly as possible. But a flawed intelligence system can be dangerous, as when intelligence is manipulated so as to take America to war under false pretenses, or when fearsome powers of the government are turned on its own citizens without checks and balances. Indeed, it's because this President opposes checks and balances on our intelligence system that we are forced to have this veto override today.

Let's be clear, American personnel, civilian or military, should never engage in interrogation practices that amount to torture. The provision the President objects to would simply put the entire U.S. Government under one standard for interrogating detainees, the Army Field Manual. The heads of the Defense Intelligence Agency and the FBI have testified that the nontorture guidelines in this bill are adequate for their people to follow in interrogation of dangerous people.

If the President were serious about restoring our reputation in the world and about providing moral and legal clarity for all government employees involved in the handling or interrogation of detainees, he would never have vetoed this bill. Providing that moral and legal clarity is our constitutional obligation. And to that end, I urge my colleagues to join me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I am four for five on veto overrides of our President, but this is not one of them.

This bill limits our intelligence professionals at a time when we need more people in the Office of the Director of National Intelligence. The bill fails to provide tools to monitor foreign terrorist communications when we should be monitoring more of them. And it also provides less resources to our own intelligence community, not more.

The bill also does have earmarks in which the committee delayed publication. Senators MCCAIN and CLINTON and OBAMA all now support a complete moratorium on earmarks this year, but this legislation does not do that.

We not only hamstring our intelligence community by this bill, we waste millions of dollars on no or low quality earmarks that have little utility to the intelligence community. We should bring back this bill without any spy pork.

Mr. Speaker, I still serve in the intelligence community. We all know that torture is illegal, and we all read the papers and know that all Republican and Democratic candidates for President are against waterboarding. So, in January of this year, that will be over, but the rest of the issues in this bill will not.

Does this bill hamstring our community? It does. Does it fund 26 items of spy pork? It does. And for these reasons, we should not pass this flawed piece of legislation.

Mr. REYES. Mr. Speaker, again I would remind the gentleman that this is not about spy pork; it's about torture.

With that, I now yield 3 minutes to the gentlelady from Illinois, a valued member of our committee, Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank our chairman for yielding me this time and for his great leadership on this issue, and for making it clear that this veto was about torture.

In December, I said that restrictions on the use of torture represented a battle for the soul of our country. Because the President chose to veto this critically important piece of legislation, that battle continues today.

The way we treat our prisoners is a fundamental measure of our character. It is what separates great nations with moral authority to lead from other lesser nations.

The President's national security team has now publicly confirmed that the CIA waterboarded detainees. Incredibly, President Bush and his advisers insist that they have the legal authority to do so again and that they don't consider it torture. These claims have damaged our Nation's moral authority and credibility around the world.

There is a simple way to restore some of our moral authority. It is in this bill in the form of a provision mandating that all intelligence agencies and those under contract or subcontract with our intelligence agencies comply with the U.S. Army Field Manual on interrogation guidelines.

The interrogation rules in the Army Field Manual have served us well, but don't just take my word for it. Generals, intelligence professionals, diplomats, religious leaders, and foreign leaders, many of them our closest allies, have all spoken out against the

use of coercive techniques such as waterboarding.

Consider the words of Navy Rear Admiral Mark Buzby, Commander of Joint Task Force Guantanamo, which is already required to comply with the Army Field Manual, who recently stated that ''we get so much dependable information from just sitting down and having a conversation and treating them like human beings in a business-like manner.'' Or what about the advice of the Republican Presidential nominee, Senator JOHN MCCAIN, who, before changing his mind and joining with President Bush to oppose this bill and with it Congress' effort to ban torture, stated that the issue of interrogation was ''a defining issue'' and that interrogation should be ''humane and yet effective.'' And that an Army general in Iraq had told him that ''the techniques under the Army Field Manual are working and working effectively, and he didn't think they need to do anything else.''

In December, Congress made its voice known and passed this critically important bill. With one flick of his pen, the President tried to take our voice way. I believe it is time to say once and for all ''no'' to techniques like waterboarding, ''no'' to torture, and ''no'' to this President's attempt to legitimize his administration's political legacy at the cost of this Nation's moral authority.

I urge all my colleagues to join with me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 3 minutes.

Mr. Chairman, it's interesting that this debate is about something that hasn't been done for 5 years. What we need to be talking about is what we haven't been able to do for the last 30 days.

My colleagues on the other side of the aisle are talking about a technique and a procedure that hasn't been used for 5 years, but they're unwilling to talk about the technique that enables us to identify what terrorists may have planned for the United States.

They don't want to address giving the tools to Americans who work in the intelligence community that have proven to be effective. They're willing to give our playbook to al Qaeda, but at the same time they've taken away our most effective tool, to try to determine exactly what al Qaeda may be up to. It is probably the most glaring deficiency in this bill, but there are many others.

It fails to provide adequate resources for human intelligence. The earmarks we've heard about. It fails to constrain the size of the intelligence bureaucracy. It fails to rationalize how we're going to put the intelligence community together. And then, interestingly enough, it continues the misplaced priorities.

We are unwilling to deal with FISA. We are unwilling to give that tool to our intelligence community, but we feel that it's more than appropriate to tell our intelligence community to go out and conduct a formal assessment of ''national security,'' the national security aspects of global warming.

Our intelligence professionals in the field need to be really wondering what's going on in the House, where they've now watched us for 30 days avoiding dealing with the tough issue that has proven to be so effective in keeping America safe, and at the same time we're arguing here, and the majority is arguing that, forget about surveilling al Qaeda and radical jihadists, take your resources and study national security aspects of global warming, although there's many other agencies that already work on that.

So, shelve FISA. As a matter of fact, don't even talk about FISA. Don't even bring it to the floor. Don't do any work on it. Don't put any proposals out there. Have no bipartisan discussions on where we go with FISA. Leave that on the shelf. Let our capabilities erode. Go out and study global warming.

What are the priorities of this House? How are we going to keep America safe when we, on one hand, handcuff our intelligence community, and on the other hand, we're telling them go out and study the national security aspects of global warming?

With that, Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, on this side, we believe that our very capable and dedicated men and women of the intelligence community can keep us safe without torture.

I now yield 3 minutes to the newest member of our Intelligence Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman.

Mr. Speaker, the fight against terror is, at one level, a military struggle, but it is also, at its roots, a battle over hearts and minds.

On Sunday, we suffered a major setback in that battle when the President of the United States vetoed legislation that would unequivocally state to the world that we do not condone torture in any form, in any place, under any circumstance. Instead, by appearing to abandon the rule of law by appearing to step away from the Geneva Conventions, by failing to renounce the use of torture in the clearest of terms, we are only undermining our standing in the world and endangering the lives of our very own men and women.

When the Attorney General of the United States recently testified before the Judiciary Committee, he could not tell us if and when waterboarding constituted torture. He even suggested that a determination whether something constitutes torture depends on who is being subjected to the technique and the desirability of the information that is being sought. His testimony was murky. It was ambiguous. It failed to establish any bright line for our personnel or for the rest of the world. He could only say that if it were done to him, well, then that would be torture.

Instead, the bright line standard, if there was one to be found in his testimony, and the one that he asked us to hold up to the rest of the world, was whether or not a harsh interrogation technique is part of a program authorized by an attorney in the obscure Office of Legal Counsel. I am deeply concerned about what this says to our own personnel and about what it says to the rest of the world.

This is, indeed, no intangible loss, for the effects of this failure of moral leadership may tragically be visited on those brave men and women serving in our Armed Forces.

Who among us can fail to recall the opening ways of the Iraq war when American troops had been captured and were paraded in front of the cameras? We were disgusted with their treatment, and rightfully so. If we hesitate, equivocate, or otherwise fail to ban the use of waterboarding, how can we have any confidence that when American troops are captured they will not be subjected to this form of torture? How can we make the case that other nations or other enemies must not torture because we don't torture? How can we win the battle for hearts and minds if we surrender our most powerful weapon, the power of our good example?

□ 1800

Mr. Speaker, I urge the override of the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

Again, the debate is about a bill that the President has outlined in his veto statement is deeply flawed, deeply flawed in the content of what is in the bill as to what it directs the President to do and the limitations that it places on the executive branch in being able to conduct the war against radical jihadists effectively.

But it's also clear that the message clearly outlines the deficiencies of what is not in the bill: the inability and unwillingness of the Democratic leadership to bring to the House the Senate-passed FISA modernization bill; a bill that reflects the values of the Speaker of the House; a bill that reflects the values of the current Speaker of the House when she was on the Intelligence Committee in 2001 when these discussions were under way that talked about what do we need to do to give our intelligence community the tools that they need to keep America safe so that we can better understand the plans, the intentions, and the capabilities of al Qaeda and other radical jihadists.

That is where the Terrorist Surveillance Program took root. Bipartisan, the President, the leadership of the House and the Senate, the leadership of the Intelligence Committees, and all of them united in saying we need to give this tool, this Terrorist Surveillance Program, to our intelligence community because it will allow us to collect the information, the data, that we can use to keep America safe. And that program was in place for over 5 years. It was in place and it proved to be very successful. And now for 30 days, almost 30 days, we've been unable to use that tool.

Mr. Speaker, with that I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Austin, Texas (Mr. DOGGETT), who was just asking me, As I traveled around the world, have any of our fine men and women in the intelligence community ever asked to be given the tool of torture? and I said, No.

Mr. DOGGETT. I thank the gentleman for yielding.

Mr. Speaker, with this veto, President Bush has once again failed to safeguard our families.

And what is this ''waterboarding'' that the President so readily embraces? It sounds a little like a cousin of skateboarding or snowboarding. But, in fact, it is a new name for an old water torture in which a human being is drowned. The drowning is controlled to force a response, but waterboarding is simply a euphemism for torture by drowning.

Now, President Bush is not the first Texan to think of this and to believe that horrific wrongs can justify drowning of the culprit. An earlier Texas waterboarder is not in the White House; he was sent to the Big House. A Texas judge said that this waterboarding Texas sheriff put law enforcement ''in the hands of a bunch of thugs'' that would ''embarrass a dictator.'' The sheriff was sentenced to 10 years. That judge was right, and this administration is so very wrong.

America seems to have been sentenced to 8 years of DICK CHENEY, who claims that such water torture is a ''no brainer.'' ''No brainer''—that sounds like a good way to describe how so many of this Administration's policies have been made.

Torture is no proper tool in the arsenal of democracy. Torture is foreign to our values, foreign to our history, foreign to our religions, foreign to our laws, and it is foreign to our international commitments. There can be no compromise, no middle ground. We must have zero tolerance for torture.

If we abandon our American values, we lose who we are. We lose our identity. We lose our pride as the greatest Nation in the world. And if the Administration and its apologists continue forcing America to abandon the rule of law and our long commitment to human dignity, we will lose the war.

The use of torture, which President Bush's veto endorses, is not only un-American; it is ineffective. That is one reason why the Army Field Manual prohibits its use even when our military is in harm's way. As General David Petraeus, our commander in Iraq, wrote to his troops last year: ''Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.''

I say follow our generals, not the Cheney ideologues, not the apologists. Override this veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

I applaud my colleagues for speaking with such passion. I wish they had the same passion for addressing the tools that the leadership in the intelligence community have said that they have needed, that our intelligence professionals who are in the field have said that they have needed to keep America safe. And this leadership has been unwilling to bring it up for almost 30 days.

The tool that they want, the tool that they need, and the tool that has proven to be so effective is the Terrorist Surveillance Program, which is an updated version of FISA legislation. It takes the FISA legislation, it moves it forward, and it updates it. But for almost 30 days, that tool has been eroding, putting our troops at risk, putting our homeland at greater risk, putting other U.S. personnel who are oversees at greater risk, and putting our allies who depend so often on the work of our intelligence community, putting them at greater risk. As al Qaeda in Iraq has said they want to attack Jerusalem, as Hezbollah has said that they intend to retaliate for the death of Mughniyah 3 or 4 weeks ago, as the radicals seek to destabilize the regimes in the Middle East of modern Islamic countries, people that are working with us in the war and the threat against radical jihadists, our answer to them is we're going to curtail our intelligence activities, and as a result, you will be at greater risk because we are going to be of less assistance. We are not going to be able to give you the intelligence that you've been receiving for the last 5 years because our techniques are limited.

Mr. Speaker, with that I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I now yield 2 minutes to the chairwoman of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, for the last several years, Congress has been unable to pass an intelligence authorization bill. This means that the Intelligence Committee, entrusted with major responsibilities, a committee on which I was proud to serve for 8 years, 4 of those as ranking member, has been prevented from setting the direction for our intelligence community.

Finally this year, Mr. Speaker, the House and Senate agreed on a responsible bill and included in that responsible bill language to end the so-called ''CIA loophole'' on interrogations. The President has vetoed that bill and continues to insist irresponsibly, in my view, that Congress shall not impose a legal framework around interrogation policy. I strongly disagree and rise to override his veto.

Interrogations are a crucial tool in the effort to prevent and disrupt attacks against America, and Congress should not abdicate our obligation to legislate. Aside from stating the case, the Bush administration has never offered proof that extreme interrogation techniques like waterboarding are effective. I believe Senator JOHN MCCAIN who says that waterboarding is torture, that such techniques do not work.

Article I, section 8 of our Constitution requires Congress to ''regulate captures on land and water.'' This is our responsibility. We have seen the erosion of respect for America that comes from scandals like Abu Ghraib and incarceration without end at Guantanamo Bay. The military and FBI conduct interrogations under clear rules. So why can't the CIA?

Mr. Speaker, my message to the White House is this: Congress is a coequal branch of government. The Constitution plainly gives us the power to legislate interrogation policy, and we must use it.

Vote ''aye.''

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

The Detainee Treatment Act, 2005, prohibits cruel, inhumane, and degrading treatment, the standard found in the convention against torture. It applies to anyone held by U.S. authorities. We have dealt with that issue. We dealt with it in 2005.

What my colleagues don't want to talk about is they don't want to talk about the other weaknesses in this bill. And it's clear, by what their actions have been for the last 4 weeks, they don't want to talk about FISA.

As my former ranking member has indicated, it is tough to pass an authorization bill. It is tough to pass legislation. She and I worked together and passed, with our colleagues in the Senate, an Intelligence Reform Act, which in many ways has worked and in some ways we need to go back and take a look at. But one of the things that we learned through that process is to make it work, you need to do it on a bipartisan basis.

The problem with this bill is that it is a partisan bill. It passed the Senate

with a very narrow majority. It passed the House on a partisan vote. That's not how you're going to get it done. You're going to do it the same way that the Senate has done the FISA bill.

But the interesting thing is the model for getting something done, which is a bipartisan bill, which is what we did on intelligence reform, we had Republicans and Democrats who came together to make it a majority; and we also had Republicans and Democrats who opposed us, and it was sometimes very painful. Now, when the Senate has gone through that process and passed a bipartisan bill on FISA, the model, 27 Democrats, 41 Republicans coming together and modernizing FISA, the end result is this leadership on the House side refuses to deal with it. It's on every intelligence issue that we've dealt with in this Congress.

When it comes to national security, when it comes to intelligence, there is not an ounce of compromise. It's all about getting everything, and that's why the President vetoed this bill, because it is not a bipartisan bill. There are many weaknesses in it.

All the focus on their side is torture. Talk about FISA, which makes a real difference to our men and women in the intelligence community today.

Mr. Speaker, with that I reserve the balance of my time.

Mr. REYES. Mr. Speaker, could I inquire as to the time on both sides.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Texas has 5 minutes. The gentleman from Michigan has 6½ minutes.

Mr. REYES. Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I will yield myself 1½ minutes.

Mr. Speaker, it's interesting, as we go through this process and we talk about what's in the bill, the provision that we are talking about, or at least the other side is talking about, is a provision that was dropped in in conference. It came from the Senate. It didn't come from the House. We ought to follow that model. Follow the leadership.

It's interesting, we follow the leadership here when it's a partisan vote coming from the Senate; but when it's a bipartisan effort from the Senate, the leadership on the Democratic side will not respond and will not follow.

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On this bill, we are going to sustain the veto. It is a flawed bill through and through. It would be interesting for this House to do the right thing, to have a vote on a national security issue, the modernization of FISA, to bring that vote. I am very much afraid that we are going to go home Thursday or Friday of this week and we are going to go on a 2-week recess and, once again, we will not have dealt with the modernization of FISA.

That means that we will go through a period of 6, 7, 8 weeks of eroding capabilities, each and every day becoming more vulnerable to radical jihadists and other groups who want to harm America.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I say to the gentleman from Michigan, it won't be interesting if this veto is sustained. It will be a sad day for this country because it will be sustaining torture.

With that, I now yield 2 minutes to the gentleman from New York, the valued member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, a few weeks ago, I joined my colleagues in writing to the President urging him to sign this conference report. This conference report contains a provision that mirrors legislation which I authored with Congressman DELAHUNT, the American Anti-Torture Act, that would ensure a single, uniform baseline standard for all interrogations conducted by the U.S. intelligence community. I applaud the leadership of Senator FEINSTEIN and the other conferees for including this measure in the report.

Since news of the mistreatment, and possible torture, of detainees in U.S. custody first surfaced, Congress has debated, and legislated, on the subject of the legal, and moral, limits on interrogation. Torture is unworthy of the United States and its people. It places every American, especially every American in uniform around the world, at grave risk.

The United States has historically been a leader in the effort to establish and enforce the laws of war and the conventions against torture. The Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

We all understand the critical role that intelligence plays in helping us achieve these goals. But torture and cruel, inhuman, or degrading treatment, besides being contrary to our values, have proven not to be effective in obtaining actionable intelligence. Current and former members of the military have made it clear that torture doesn't work.

That includes General Petraeus, who wrote an open letter that the standards in the Army Field Manual ''work effectively and humanely in eliciting information from detainees.'' Lieutenant General Kimmons, the Deputy Chief of Staff for Intelligence, similarly stated that ''No good intelligence is going to come from abusive practices. Any piece of intelligence which is obtained under duress, under, through the use of abusive techniques would be of questionable credibility.''

Mr. Speaker, the President and this administration have repeatedly said that America does not torture. But most intelligent people know the word of this administration cannot be trusted. And to prove the point, when asked to place those assurances into law, the President refuses. Now Congress must act to override the President's veto and hold him to his word.

And later this week, we will deal with FISA. And all the nonsense spewed by the other side will be dealt with because we will again, as we did last November, pass a bill which will give every tool the administration says they need to them but will place it under judicial and congressional supervision to protect our liberties as well as our safety.

I urge support of this veto override to outlaw torture once and for all.

Mr. HOEKSTRA. I yield myself 2 minutes.

It is interesting to talk about waterboarding. It hasn't been done for 5 years. It is interesting to talk about we are going to get rid of cruel, inhumane, and degrading treatment. We did that in the Detainee Treatment Act of 2005. It is prohibited, prohibited on any person that is held in U.S. custody. So it is easy to talk about those things.

It is time that the House start doing the hard stuff and the heavy lifting. That heavy lifting has now been put off for almost 4 weeks. And my fear is that we will leave without having resolved the issue between the House and the Senate, and we will go away for 2 more weeks because the House and the Democratic leadership refuses to do the heavy lifting and refuses to do the hard stuff. They are willing to go back and do the stuff that was done in 2005 and address issues that haven't occurred for over 5 years. But when it comes to keeping America safe and doing what is necessary and giving the tools to the intelligence community to keep us safe, leadership of this House is unwilling to act and is unwilling to do what is necessary.

With that, I reserve the balance of my time

Mr. REYES. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from Maryland, a member of the leadership of this House, the majority leader, and one that is proud to stand up against torture and for the American people, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding.

In response to the distinguished ranking member of the committee, let me read a statement from the President's veto message of March 8, 2008:

''My disagreement over section 327 is not over any particular interrogation technique; for instance, it is not over waterboarding, which is not part of the current CIA program.'' He doesn't say that it will not be a part of the CIA program. He has very carefully worded, ''It is not part of the current program.''

That is why I tell my friend this legislation is relevant. That is why, in my

opinion, his Presidential candidate, although he seems to have changed his mind, passed his own bill, which the President, of course, signed and then had a signing statement that he wasn't sure that he had to follow it, that torture was not the policy of the United States of America. I agree with that. It's not. It should not be. But we need to make a very clear statement that it is not. Why? Because the rest of the world is looking at us and wondering what are the values that this great Nation we respect so much values?

Mr. Speaker, on Saturday, the President could have made a clear, unequivocal statement that this great Nation does not and will not torture those in our custody. He should have signed this important intelligence authorization conference report into law. But instead, he vetoed it, because it requires all American intelligence agencies to comply with the U.S. Army Field Manual on Interrogations.

Let us be clear: This veto was unfortunate and misguided. It threatens to further degrade America's moral standing as others have said, including Colin Powell, the former Secretary of State in this administration. It threatens to undermine our credibility in the international community and to expose our own military and intelligence personnel to the very same tactics and treatment.

Mr. Speaker, every Member here believes that our Nation must take decisive action to detect, disrupt, and, yes, eliminate terrorists who have no compunction about planning and participating in the mass killings of innocent men, women, and children in an effort to advance their twisted, demented aims. We can, we will, and we must prevail in the war on terror. However, in the pursuit of those who seek to harm us, we must not sacrifice the very ideals that distinguish us from those who preach death and destruction and say that their ends justify whatever means they may use.

During the current administration, we have seen the line blurred between legitimate, sanctioned interrogation tactics and torture. And there is no doubt, our international reputation has suffered and been stained as a result. The excesses at Abu Ghraib and Guantanamo are well known, as well as the administration's belief that the Geneva Convention against torture is, and I quote, quaint. Let me repeat that for my colleagues. The administration's advice that it got from counsel was that the Geneva Conventions against torture is, quote, quaint, close quote. I would suggest to you it is as relevant today as it was when it was signed.

These incidents and others sully our great Nation's good reputation and allow our enemies to foment fear and stoke hatred. Requiring all intelligence agencies to comply with the Army Field Manual on interrogation is an attempt by this Congress, passed by majorities in both Houses, to repair the damage that has already been done. Furthermore, the techniques permitted by the Army Field Manual have been endorsed by a wide array of civilian and military officials as both effective and consistent with our values.

Here, in fact, is what General David Petraeus wrote to members of the Armed Forces in Iraq last May. I believe it has been quoted, but it bears repeating:

''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.''

General Petraeus went on to say:

''Our experience in applying interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.''

Mr. Speaker, this is not a question of whether we must combat and defeat terrorists. We must. However, we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant.

I urge my colleagues on both sides of the aisle, vote to override this unjustified and deeply misguided veto.

Mr. HOEKSTRA. I yield myself 1 minute.

The Detainee Treatment Act outlaws cruel, inhumane, and degrading treatment. There seems to be a sense of urgency to do what we have done and do it again. It is too bad that there is no sense of urgency to give our individuals in the intelligence community the tools that they need to keep us safe.

The Senate has passed FISA. We should do the same thing. And we should do it before we go home. We need to start doing national security issues in a bipartisan basis. The longer we continue going down this path of making national security and intelligence issues purely partisan, some might call them purely political issues, we risk the security and the safety of the American people.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, could I inquire as to the time.

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining. The gentleman from Michigan has 2½ minutes remaining.

Mr. REYES. Mr. Speaker, with that, I will yield 1 minute to the gentlewoman from California, the Speaker of the House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman of the Intelligence Committee for his leadership on protecting the American people. In addition to being Chair of the Intelligence Committee, he has served for many years on the Armed Services Committee. He brings to his position on Intelligence the commitment that we all have, to protecting the American people, to building a strong military second to none to do that, to protect the American people. He knows that force protection is one of the main priorities of intelligence, to protect our forces, and when they are in harm's way, to make sure they have the intelligence to prevail.

Mr. Speaker, the New Direction Congress has made strengthening national security and improving America's intelligence capabilities a top priority. It is our major responsibility, to protect the American people.

Our very first piece of legislation, H.R. 1, took the bipartisan 9/11 Commission recommendations off the shelf, as they had been in the Republican Congress, and put them into law to better protect the American people. We then began our efforts to strengthen America's military, the readiness of which has been greatly depleted by the President's failed Iraq policy.

To restore our military strength, we have expanded the size of the Army and Marine Corps, passed legislation insisting that only fully mission-capable forces be deployed, and funded essential equipment, including armored Humvees.

Mr. Speaker, America's security depends on the strength of our military as we all know, but also the quality of information gathered and analysis provided by the 16 intelligence agencies that make up our Nation's intelligence community. As someone who has served on the House Intelligence Committee now as a member and ex officio for 16 years, longer than anyone in the Congress, I understand that policymakers in Congress and in the executive branch must be able to rely on accurate, timely, and actionable intelligence. That is why this intelligence authorization bill invests in human intelligence, counterterrorism operations, and analysis. It is a critical step in protecting our Nation. And the President should have signed it into law.

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Regrettably, President Bush vetoed these critical investments in our intelligence capabilities because this legislation extended the Army Field Manual's prohibition on torture to intelligence community personnel.

The prohibition on torture that the President vetoed protected our values, protected American military and diplomatic personnel, and protected Americans by ensuring accurate intelligence. Our Nation is on a stronger ground ethically and morally when our practices for holding and interrogating captives are consistent with the Geneva Conventions, when we do not torture.

We all have our views here about intelligence gathering, analysis and dissemination; and, again, much of the focus is on force protection. So I look to the words of those who have served in the military for their view on this subject.

In the words of Retired RADM Donald Guter, a former Navy Judge Advocate General, he says: ''There is no disconnect between human rights and national security. They are synergistic. One doesn't work without the other for very long.''

Failing to legally prohibit the use of waterboarding and other harsh torture techniques also risks the safety of our soldiers and other Americans serving overseas. In a letter to the congressional Intelligence Committee chairmen, 30 retired generals and admirals, including General Joseph Hoar, the former head of the U.S. Central Command, the command that oversees our military activities in the Iraq region, the Middle East and greater Middle East area, those 30 retired generals and admirals, looking again to the voices of those who have led in the military, stated: ''We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans.''

Many military officials and intelligence professionals have also stated that torture is ineffective; it is unlikely to produce the kind of timely and reliable information needed to disrupt terrorist plots.

I want to reinforce the message of my colleague, the majority leader, STENY HOYER, in quoting the words of General David Petraeus. As Mr. HOYER just stated, but I think it bears repeating, the words of General David Petraeus: ''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. That would be wrong,'' General Petraeus said. He went on: ''Beyond the basic fact that such actions are illegal, history shows that they are frequently neither useful nor necessary.''

These leading military men and women and those of us who support this legislation's ban on torture believe that we can and we must protect America while preserving our country's deeply held principles.

In the final analysis, our ability to lead the world will depend not only on our military might but also on our moral authority. Today, we can begin to reassert that moral authority by overriding the President's veto.

Thank you again, Mr. Chairman, for your leadership.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I am astounded that you can use the words ''torture'' and ''waterboarding'' as though you were not on the committee of jurisdiction knowing about it as an ex-officio at the time it is to have occurred. I am shocked that this is going to be all about a procedure or procedures that in fact the Speaker of the House had the ability to know about and condoned for years. I am shocked that the Speaker of the House would speak about David Petraeus, when in fact David Petraeus has said publicly and privately: ''You know, on the battlefield of Iraq, I can kill the enemy, but I can't listen to him if he calls America.''

This today should be about what we haven't done. We haven't taken up the Senate's FISA bill. We haven't dealt with the fact that we are in danger every day, and as a member of the intelligence community, I know just how damaging the absence of action has been.

This bill has become a partisan bill, and wrongly so. I call on my colleagues on both sides of the aisle to fix it and move on, rather than complaining about something that the Speaker is well aware of.

Mr. REYES. Mr. Speaker, could I inquire of the time.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute and the gentleman from Michigan has 1½ minutes.

Mr. REYES. Thank you.

I would advise the gentleman from Michigan I have one additional speaker.

With that, I now yield 45 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, there are five compelling reasons why we should override the President's veto of this bill and sustain the congressional ban on torture:

First of all, it creates a double standard between the military and our intelligence personnel. The rest of the world won't recognize the difference, and neither should we.

Secondly, it gives us faulty information. Somebody being tortured will tell you whatever is necessary in order to stop the torture.

Thirdly, it jeopardizes our own personnel, because the enemy will consider it a license to torture American prisoners.

Fourth, it is illegal, according to the Geneva Conventions.

Fifth, it is immoral, and thus it is un-American.

Our Founding Fathers believed that this Nation would be united by a common set of values, that we would stand as a moral guidepost to the rest of the world. This undermines that moral high ground, and that is why this veto should be overridden.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I encourage my colleagues today to sustain the President's veto. This is an ill-advised bill. This goes back to what we did in the 1990s, ''bugs and bunnies,'' telling our intelligence folks that it is time to focus your resources and your skills on studying the national security implications of global warming.

There are many problems with this bill. But the sense of urgency that we have in the intelligence community today is, as my colleague from California pointed out today, we are going to tell al Qaeda exactly what may happen. We are going to give them our playbook. And at the same time we have limited our ability to listen to radical jihadists.

It is now 26, 27, 28 days since FISA, or the Protect America Act, has expired. How many more days will my colleagues on the other side of the aisle wait before they take up this legislation from the Senate? Will it be one more day? Will it be three more days? Will it be two more weeks? Will it be two more months? How much greater do you want to increase the risk to the homeland, to our allies, to our troops, before you act?

The Speaker of the House shortly after 9/11 agreed that we needed to act. It is beyond me why she doesn't want to act now and why we don't have that sense of urgency. It is time to bring FISA to the floor, and it is time to sustain the President's veto.

Mr. Speaker, I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a critical bill for the intelligence community. If you vote to sustain this veto, you are voting for torture with the President. I believe we should stand with the men and women of the community and override the President's veto.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to cast my vote to override the President's veto of the ban on torture. This bill would have prevented the CIA from engaging in acts of torture. The President vetoed this bill over the provision that specifically extends to U.S. intelligence agencies and personnel the current prohibitions in the Army Field Manual against waterboarding and other torture.

The human rights violations perpetrated by the Bush Administration against people detained by the United States have done more to compromise this nation's security than to protect it. We can protect our nation from acts of terrorism without compromising our values or the Constitution.

The use of torture by U.S. intelligence agencies to gain intelligence is repugnant on moral grounds. In addition, many experts agree that information extracted through torture is often unreliable and misleading. Moreover, as the former Chairman of the Joint Chiefs of staff, Colin Powell, has testified, torture will put our own troops at greater risk of torture.

In 2007, General David Petraeus stated that torture is wrong and that the Army Field Manual works. In an open letter to service members in May 2007, General Petraeus stated,

"Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone 'talk;' however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees."

At a February 29th news briefing to oppose the President's anticipated veto, retired Lt. Gen. Harry Soyster, former Director of the Defense Intelligence Agency, stated, "Experience shows that the Army Field Manual's approaches to interrogation work. The Army Field Manual is comprehensive and sophisticated. It contains all the techniques any good interrogator needs to get accurate, reliable information, including out of the toughest customers. . . If [individuals] think these [harsh interrogation] methods work, they're woefully misinformed. Torture is counterproductive on all fronts. It produces bad intelligence. It ruins the [interrogation] subject, makes them useless for further interrogation. And it damages our credibility around the world."

Moreover, 30 retired military leaders have pointed out that failing to prohibit harsh interrogation techniques endangers our men and women in uniform. In a December 2007 letter, 30 retired military leaders wrote, "We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. . . . The current situation, in which the military operates under one set of interrogation rules that are public and the CIA operates under a separate, secret set of rules, is unwise and unpractical . . . What sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect."

Many retired military leaders have also pointed out that waterboarding is clearly torture and is illegal. For example, Retired Admiral Donald Guter, Judge Advocate General, wrote in a November 2007 letter, "Waterboarding is inhumane, it is torture, and it is illegal. . . This is a critically important issue—but it is not, and never has been, a complex issue, and even to suggest otherwise does a terrible disservice to this nation. . . . Waterboarding detainees amounts to illegal torture in all circumstances. to suggest otherwise—or even to give credence to such a suggestion—represents both an affront to the law and to the core values of our nation."

Finally, the use of torture has weakened our national security by eroding our moral standing and has cost us our ability to enlist the cooperation and support of other nations in our fight against terrorism, and places our military and diplomatic personnel at risk. This practice must be stopped. Overturning this veto would be a crucial first important step to restore our moral standing in the world. It is imperative that Congress tells the world in no uncertain terms: Americans do not engage in torture.

Mr. CASTLE. Mr. Speaker, I rise in opposition to overriding the President's veto of H.R. 2082, the conference agreement on the Fiscal Year 2008 Intelligence Authorization Act.

As a former Member of the House Select Committee on Intelligence, I believe it is vital that we provide the United States intelligence agencies with the tools and resources necessary to ensure our security. Therefore, I strongly support funding in this bill for human intelligence activities, intelligence analysis, and counterterrorism operations. Furthermore, I support language in the agreement prohibiting the use of interrogation techniques not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations. Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not. In fact, I have cosponsored legislation to require the anti-torture provisions included in this conference agreement.

Nevertheless, I will oppose this bill because it fails to implement the 9/11 Commission's recommendations for reforming congressional oversight of intelligence funding. In its final report, the 9/11 Commission concluded that: "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need."

Last year, the Democratic leadership attempted to apply a "Band-Aide" to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that "tinkering with the existing committee structure is not sufficient." In May of 2007, I offered a simple amendment to the bill before us, calling for Congress to implement these crucial recommendations—but it was prevented from being considered for inclusion in this legislation.

Mr. Speaker, the American people have insisted that we implement all of the 9/11 Commission recommendations—even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support, and leadership they need.

Mr. PAUL. Mr. Speaker, I rise in somewhat reluctant support of this vote to override the President's veto of H.R. 2062, the Intelligence Authorization Act of 2008. Although I voted against this authorization when it first came to the floor, the main issue has now become whether we as a Congress are to condone torture as official U.S. policy or whether we will speak out against it. This bill was vetoed by the President because of a measure added extending the prohibition of the use of any interrogation treatment or technique not authorized by the United States Army Field Manual on Human Intelligence Collector Operations to the U.S. intelligence community. Opposing this prohibition is tantamount to endorsing the use of torture against those in United States Government custody.

Mr. Speaker, we have all read the disturbing reports of individuals apprehended and taken to secret prisons maintained by the United States Government across the globe, tortured for months or even years, and later released without charge. Khaled al-Masri, for example, a German citizen, has recounted the story of his incarceration and torture by U.S. intelligence in a secret facility in Afghanistan. His horror was said to be simply a case of mistaken identity. We do not know how many more similar cases there may be, but clearly it is not in the interest of the United States to act in a manner so contrary to the values upon which we pride ourselves.

My vote to override the President's veto is a vote to send a clear message that I do not think the United States should be in the business of torture. It is anti-American, immoral and counterproductive.

Mr. UDALL of Colorado. Mr. Speaker, the President's veto of this legislation was not a surprise but still very disappointing.

It was not a surprise because the President had clearly signaled his intention to reject the bill's requirement that all intelligence agencies follow the rules governing interrogation techniques followed by our military, even though the bill also authorizes supplemental funding for counterterrorism as well as funding for advanced research and development funding to help maintain our technical capacity for intelligence, to repair and replace aging and inadequate power infrastructure, and to improve training and education of linguists, analysts, and human intelligence collectors.

But it was disappointing that President Bush refuses to agree to that simple requirement, because the result is to signal to the world that he refuses to recognize that the result will be to place every American, especially those in uniform around the world, at grave risk.

The United States historically has led in the effort to establish and enforce the laws of war and conventions against torture. Indeed, the Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

The importance of that leadership and the appropriateness of the guidelines in the field manual were clearly recognized by Congress when we voted to approve the conference report's provision extending the field manual to the entire intelligence community—the provision to which the President objects and which has prompted him to veto the legislation. By extending the field manual to the intelligence community, the legislation would effectively outlaw waterboarding and similar coercive techniques. I support that because waterboarding is widely and rightly viewed as a form of torture and the refusal to renounce its use will result in greater damage to our national interests than the possible benefits of its possible use in the future.

I think the case for overriding the President's veto was well made by the Colorado Springs Gazette in a recent editorial pointing out that "the use of torture blurs the line between civilized societies and ruthless barbarians." As the editorial notes,

In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor

in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

I agree, and that is why I will vote today to override the President's unwise veto of this important legislation. For the benefit of our colleagues, I am attaching the complete text of the editorial:

[From the Colorado Springs Gazette, Feb. 14, 2008]

THE HIGH ROAD—FORSWEARING TORTURE GIVES U.S. MORAL STANDING

So it's out in the open now. Central Intelligence Agency Director Gen. Michael Hayden admitted to the Senate Intelligence Committee last week that the CIA used the coercive interrogation technique known as waterboarding, a form of simulated drowning, on three al-Qaida operatives in 2002 and 2003. The technique is widely viewed as torture, which is prohibited by U.S. law and international treaties. Hayden said it has not been used since 2003 but that the CIA could use it again if approved by both the attorney general and the president.

The Justice Department is currently investigating the destruction of videotapes of the interrogations of two detainees held in Thailand who were reportedly subjected to waterboarding and other coercive interrogation techniques to determine whether destroying the tapes amounted to obstruction of justice.

Public disclosure of these incidents should lead to a firm U.S. policy preventing government operatives from using torture in the future. Perhaps the best thing about the emergence of Sen. John McCain as the Republican presidential frontrunner is that McCain, who was tortured by the North Vietnamese while a POW during the Vietnam War, has expressed his firm opposition to the use of torture by the U.S. He has said that one thing that helped him endure his imprisonment was the knowledge that our side doesn't engage in such barbarity.

Torture is sometimes justified as the only way to extract information from detainees when an attack is deemed imminent, and Hayden said in 2002 and 2003 that everybody expected an attack on the U.S. following the 9/11 terrorist attacks. But most experienced interrogators say torture seldom if ever produces reliable intelligence, that while other techniques may take longer, they generally produce better information.

At a more fundamental level, the use of torture blurs the line between civilized societies and ruthless barbarians. In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is dismaying, therefore, that a day later White House spokesman Tony Fratto was still saying that waterboarding might be used justifiably in the future. It would have been better to acknowledge that in the wake of 9/11 the U.S. used coercive techniques, that one could understand the temptation considering the circumstances and the lack of knowledge about al-Qaida, but that we had renounced the practice.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

Mr. KUCINICH. Mr. Speaker, it is not often that I agree with the President and although I oppose overriding the President's veto of this bill, I still don't agree with him. I am opposed to the override because I am opposed to H.R. 2082, the Intelligence Authorization Act. However, I reject the President's reasons for vetoing this legislation.

I want to thank all of those who served in gathering intelligence to protect the American people. However, I voted against the veto override because I do not support the underlying bill. Through the emergence of several high-profile classified leaks to the media it has become apparent that our intelligence agencies need to be reformed.

From these media leaks, we became aware of the efforts to manipulate intelligence, to falsify a cause for war against Iraq. We became aware of the illegal NSA domestic wiretapping program without a court order. We became aware of the rumored CIA detention centers in Eastern Europe, and the CIA's extraordinary rendition program, used to transport suspects to other nations with less restrictive torture policies. It is regrettable that intelligence is often reshaped to fit doctrine instead of doctrine being reshaped in the face of the facts of intelligence.

The President's opposition to H.R. 2082 was focused on his objection to a provision in the bill that would have required adherence to the Army Field Manual (AFM) on Interrogations by all 16 U.S. intelligence agencies, including the CIA. This provision would specifically prohibit acts of torture and abuse. The President's veto of the bill demonstrates a disconcerting disregard for human rights.

I fully support banning the use of interrogation techniques that are not authorized by the Army Field Manual on Interrogation. This provision in the Intelligence Authorization shows a commitment by the United States and this body to end torture that is sponsored by the U.S. and restore the rule of law.

This body and the President have a responsibility to take action to end all U.S. sponsored torture, cruel, inhumane and degrading treatment. Our constitution, federal criminal statutes and Senate-ratified treaties compel us to meet this goal. Both the laws and values of America demand an end to the abhorrent practice of torture.

Requiring our intelligence agencies to abide by the proven interrogation methods of the Army Field Manual on Interrogation is a first step to restoring public confidence at home and abroad.

Mr. REYES. Mr. Speaker, I am proud to move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on the passage of the bill on reconsideration will be followed by 5-minute votes on suspending the rules and adopting House Resolution 948 and House Resolution 493.

The vote was taken by electronic device, and there were—yeas 225, nays 188, not voting 17, as follows:

[Roll No. 117]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Capito
Coble
Davis (KY)
Dent
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Schwartz
Tancredo
Thompson (MS)
Woolsey

□ 1901

Mr. FEENEY changed his vote from "yea" to "nay."

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 117, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 117, I was detained at a firefighters ceremony. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, during rollcall vote No. 117 on H.R. 2082, I mistakenly recorded my vote as "no" when I should have voted "yes."

The SPEAKER pro tempore. The veto message and the bill will be referred to the Permanent Select Committee on Intelligence.

The Clerk will notify the Senate of the action of the House.

CONGRATULATING THE UNIVERSITY OF KANSAS FOOTBALL TEAM FOR WINNING THE 2008 FEDEX ORANGE BOWL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 948, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 948, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 0, answered "present" 12, not voting 21, as follows:

[Roll No. 118]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—12

Akin
Blunt
Boucher
Carnahan
Clay
Cleaver
Emerson
Graves
Hulshof
Larsen (WA)
Skelton
Smith (NE)

NOT VOTING—21

Alexander
Butterfield
Capito
Davis, Tom
Dent
Dingell
Hooley
Kilpatrick
McCrery
Mitchell
Moran (VA)
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Tancredo
Tanner
Thompson (MS)
Woolsey

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE WOMEN'S WATER POLO TEAM OF UCLA FOR WINNING THE 2007 NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 493, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 493, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 29, as follows:

[Roll No. 119]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Alexander
Bachmann
Boren
Butterfield
Capito
Davis, Tom
DeLauro
Dent
Dingell
Hill
Hooley
Kilpatrick
Lewis (GA)
McCrery
Melancon
Mitchell
Moran (VA)
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rothman
Rush
Tancredo
Thompson (MS)
Tiahrt
Wasserman Schultz
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 119, I was unavoidably delayed. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DENT. Mr. Speaker, on rollcall Nos. 117, 118 and 119, I was detained at a meeting with firefighters and missed the votes. Had I been present, I would have voted "no" on rollcall No. 117, "yes" on rollcall No. 118, and "yes" on rollcall No. 119.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 312, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–548) on the resolution (H. Res. 1036) providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, which was referred to the House Calendar and ordered to be printed.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1031 and ask for its immediate consideration

The Clerk read the resolution, as follows:

H. RES. 1031

Resolved, That House Resolution 895, amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ABERCROMBIE. Will time be allowed on the Democratic side of the aisle in opposition?

The SPEAKER pro tempore. Each of the managers controls 30 minutes.

Mr. ABERCROMBIE. Will time be allotted on the Democratic side of the aisle for opposition?

The SPEAKER pro tempore. The time is not allocated on the basis of the attitude of Members towards the measure. The gentlewoman from Ohio will control the time on her side of the aisle.

Mr. ABERCROMBIE. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. ABERCROMBIE. Can the Speaker inquire of the gentlelady whether time will be given in opposition on the Democratic side of the aisle?

The SPEAKER pro tempore. The gentleman may ask the manager for time.

Ms. SUTTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. ABERCROMBIE. Mr. Speaker, I am under the impression that a question has been directed to the gentlelady.

The SPEAKER pro tempore. Does the gentlewoman yield for a parliamentary inquiry?

Ms. SUTTON. If there is time available, we will entertain that.

Mr. ABERCROMBIE. That's my question, Mr. Speaker.

The SPEAKER pro tempore. Will the gentlewoman yield for a parliamentary inquiry to the Chair?

Ms. SUTTON. Yes.

Mr. ABERCROMBIE. Will time be made available on the Democratic side in opposition?

Ms. SUTTON. If there is time remaining that hasn't already been assigned or requested, we will certainly not preclude opposition.

Mr. ABERCROMBIE. Does any time remain?

Ms. SUTTON. We're working on the list.

Mr. ABERCROMBIE. Mr. Speaker, that's nonresponsive. Mr. Speaker, I have permission to ask, and I'm trying to get an answer. That's certainly fair. Will there be time or not?

Ms. SUTTON. Mr. Speaker, I can't guarantee the time.

Mr. ABERCROMBIE. And this is about ethics.

Ms. SUTTON. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentlewoman from Ohio has the time.

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. ABERCROMBIE. I want to make sure I understand.

The SPEAKER pro tempore. Pardon the Chair, The gentleman is not recognized. The gentlewoman has reclaimed her time and does not yield for a parliamentary inquiry.

Mr. ABERCROMBIE. Will the gentlelady yield?

Ms. SUTTON. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentlewoman does not yield. The gentlewoman is recognized.

Ms. SUTTON. Mr. Speaker, H. Res. 1031 provides for the adoption of H. Res. 895, which establishes an Office of Congressional Ethics in the House of Representatives. I rise in support of this important rule that will allow us to enact one of the most important ethics reforms this House has ever seen.

Mr. Speaker, the issue of ethics and accountability has long been on the minds of the people that I represent. During my campaign to become a Member of this esteemed body, everywhere I went, people asked about it. They believed and, Mr. Speaker, they were absolutely right, that the corruption and unfair influence that existed in past Congresses was having an effect on our policies, deflecting us from making progress on issues important to them and families across this great Nation.

So last year, Mr. Speaker, on my first day in office representing the people of Ohio's 13th District, I was very proud to stand on the floor of the House of Representatives to support the new ethics and lobbying reforms which have now become law. We ended the K Street Project and cut off the gifts and the perks used far too often by lobbyists to woo lawmakers. The historic rules package we passed was extraordinary in its scope and breadth. But it was only the beginning of actions necessary to restore the public trust and to cut off the abuses of recent years.

Mr. Speaker, trust is a fragile thing. It's difficult to win and easy to lose. It finds its hold on promises kept and honesty sustained and unquestionable integrity.

Many of us, Mr. Speaker, came to this new Congress as new Members dedicated to acting to change the way business was being conducted. In May of last year, I stood side by side with my freshman Democratic colleagues, some of whom we'll hear from today, calling for the creation of a nonpartisan and independent body that could initiate and examine ethics investigations. And today, we are acting to make this change happen.

With this bill, we continue the mission of pushing back against corruption. We are forging ahead to restore trust and confidence in this great institution.

Mr. Speaker, House Resolution 895 will help end the culture and abuses that have hurt the American people, both in policy and in spirit. This legislation is the culmination of hard work of Representative CAPUANO and the special task force on ethics enforcement. He deserves our appreciation.

Speaker PELOSI and Majority Leader HOYER also deserve praise for their tireless efforts to move this issue forward, sometimes in contentious times. The independent ethics panel will help cure many of the inherent structural flaws that restrain our present ethics structure by eliminating the conflicts of interest that can be found in our current system. The formation of this office is the next step in our mission to repair the damage to the public trust caused by corruption and to ensure that any potential abuses in the future will be identified and addressed.

And it's important to emphasize, Mr. Speaker, that our bill establishes an independent, bipartisan office of congressional ethics. The words ''independent'' and ''bipartisan'' are worth stressing.

We may hear today about the desire of some who want to delay action on this important measure, but the American people have waited and waited, and this bill has been a long time in the making. This bill was made necessary by abuses of the past that have robbed the public of their faith and trust in this institution, and this new bill was made possible by the commitment of this new Congress to ensure that we will do what it takes to prevent the excesses and abuses of the past and hold those who violate the rules accountable.

Safeguarding the trust of the American people is not a part-time job. The integrity of this institution and the trust of the American people must be paramount. And make no mistake, we take this step not only to restore the public trust, we must take this step to ensure that we will be an institution worthy of that trust. That's why we're acting today. The American people are waiting. I urge my colleagues on both sides of the aisle to join in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the customary 30 minutes, and with that, I yield myself such time as I might consume.

Mr. Speaker, as legislators there can be no issue of more fundamental importance than the strength and the integrity of our institution. None of our work here, none of our legislative or political priorities matter if we don't have the integrity and the trust of the people that are necessary to be an effective body.

The Founders of our Republic, the authors of our Constitution, were well aware of the inherent challenges in making government fully accountable. They understood human nature and the pitfalls that go with investing power in individuals.

□ 1930

After all, Madison famously wrote in Federalist 51: ''But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.'' Those were the brilliant words of the Father of our Constitution.

Our Founders recognized, Mr. Speaker, these challenges and knew the answer was to empower institutions rather than individuals. They knew that the House of Representatives, like all government institutions, must have the authority and the imperative to preserve its integrity and to punish those individual Members who would tarnish its reputation, diminish its stature, and erode its ability to serve as the representative of the people.

They gave explicit constitutional authority to do so. As we all know, Article II, section V, clause 2 of the Constitution directs Congress to ''determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.''

Ultimately, Mr. Speaker, they knew that the most important guarantor of accountable and trustworthy government is democracy itself. No individual Member of Congress ever acts with impunity because we are judged every 2 years by the people who sent us here. And, of course, no one is above the law.

As we speak, there are former colleagues of ours serving time in jail for their abuses of the offices that we hold. Outside watchdog groups, the media, individual voters and our criminal justice system are all working, and working quite effectively, to shed some light on this body and ensure Members are held accountable.

Externally, Mr. Speaker, the pressure is on. The problem is how to deal with accountability internally; how do we fulfill our constitutional imperative to police ourselves and preserve the integrity of this body. Our current process is broken. It's hamstrung by two key problems: partisan deadlock and a lack of transparency. This a serious challenge. It is so serious that some Members of this body apparently feel that we are not up to the job.

A task force was established to consider the question of whether we should just throw up our hands, concede that we are not capable of fulfilling our constitutional duty to police ourselves and set up another body to do it for us.

This was a dubious task to begin with, but I believe that it was tackled with all sincerity and commitment. Mr. CAPUANO and Mr. SMITH took on the role assigned to them and very carefully considered the question. But the breakdown came when it was time to make its recommendation.

The proposal put forth by Mr. CAPUANO, which ignores the real problem of a broken, internal ethics process, and in fact exacerbates the problem by adding a new partisan outside body, was not endorsed by his Republican counterpart. It met immediate criticism on both sides of the aisle. The Democratic leadership had no choice but to pull it.

Now, Mr. SMITH offered a very thoughtful alternative, and we were told that consideration of Mr. CAPUANO's proposal was being postponed in order to work with Mr. SMITH and consider his suggestion. That bipartisan negotiation, to my knowledge, Mr. Speaker, never took place. Mr. WAMP and Mr. HILL also submitted a proposal, a bipartisan proposal; but it was disregarded as well. Instead, we are back here confronting essentially the same deeply flawed proposal that was yanked from the schedule a couple of weeks ago.

They may have put lipstick on that pig, but it is still a pig, Mr. Speaker. This proposal still sets the stage for partisan witch hunts. It may take bipartisan support to initiate investigations, but they can be advanced purely on partisan lines. So at the very beginning, when little information is known, bipartisanship is called for. But once the process begins, the flood gates for partisan attacks are wide open. The minor modifications made to the original proposal do nothing more than attempt to obfuscate the utterly partisan nature of the proposed Office of Congressional Ethics.

As we have seen countless times under the Democratic leadership, a bad proposal demands a draconian process to get it through. And the worse the proposal is, the worse the process needs to be. We've seen an explosion of closed rules in this Congress. And what does a closed rule do? It severely restricts debate and shuts out all amendments. This has become the go-to rule for this new majority. And that's as bad as it could possibly get. Right? There is nothing worse that they could do than to shut out all amendments and alternatives. Right?

I used to think so until this point, until we saw this rule. This one absolutely takes the cake, Mr. Speaker. In case you missed it when the Clerk read it, and allow me to repeat it, pay attention or you will miss it again: ''Resolved, that House Resolution 895, as amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.'' That's what the resolution says. This rule actually provides for passage of the underlying proposal without so much as one single word of debate on this proposal. They simply declare it into existence. No debate, no vote. A closed rule may shut out dissent, but this rule eliminates deliberation altogether.

Before this Congress even began, our distinguished Speaker, my fellow Californian, committed to ''the most honest and open government,'' has managed to stoop to unprecedented lows in closed, inaccessible government that operates purely on back-room deals with no place for open, honest debate. And for what purpose? To ram through a policy so bad it has been widely and heavily criticized by both Democrats and Republicans. A policy to turn our ethics process into nothing more than cheap partisan games and a policy of abandoning our constitutional imperative to police ourselves and ensure the integrity of this great institution. This is terrible policy, brought to us by a singularly terrible rule.

I urge my colleagues to reject the rule and demand real ethics reform that actually addresses the root problems in our current system and accepts responsibility, as the Constitution directs us to, for our own ethics process.

With that, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I would like to state again, as I did a few moments ago, that we are going to hear, evidently today, about the desire of some to delay action on this important measure. And I just restate that the American people have waited and waited. And this bill has been a long time in the making.

I yield 6 minutes to the distinguished gentleman from Massachusetts (Mr. CAPUANO), the chairman of the Special Task Force on Ethics Enforcement.

Mr. CAPUANO. Mr. Speaker, I actually find very little in Mr. DREIER's comments I disagree with. I agree with almost everything he has said, and I commend him for that very thoughtful speech.

Mr. Speaker, before I comment on the specifics, I'd also like to thank the members of the task force, especially

Mr. SMITH, who was the ranking member for Republicans. It was a great opportunity to become a friend of another Member. We did disagree in the end, but I found it to be a very thoughtful, fruitful, and enjoyable experience.

I also want to thank other members of the committee: Mr. PRICE, Mr. SCOTT, Ms. MCCOLLUM, Mr. Meehan before he left, Mr. HOBSON, Mr. CAMP, and Mr. TIAHRT. I thought we had some great meetings, and it was a pleasure to me to engage in this endeavor.

I also want to thank the Members of the freshman class of 2006. They're the ones who really kept the pressure on us to try to fix our ethics rules. They came here on the backs of public discontent with our actions, and they have kept our feet to the fire. I thank them for that.

I also want to thank the many people that helped us walk through this. There are many people whom I will list in my extension of remarks at a later time because there are too many of them. I do want to point out one staff member, in particular my own, Christina Tsafoulias, who worked countless hours trying to get through this. I want to thank her publicly for that.

On the specifics, again I think I agree with most everything Mr. DREIER said. This is really all about public trust, but the point that seems to be missed is the public does not trust us on ethics issues at this point. Maybe that's fair. Maybe that's unfair. Maybe it's based on reality. Maybe it's based on perception. But it is a fact. They do not trust us. They don't trust us for many different reasons. As I see it, I can point to two different issues in particular: the perception of the good-ol'-boy network. Now, maybe that's not fair, but it's certainly what our constituents think. They think we are all here protecting each other. They think that we operate beyond closed doors and smoke-filled rooms to make sure that no bad things get said about our colleagues. I don't think that is true, but that's certainly the perception. When people don't have trust in the system, they don't have trust in us, and I think that's an important thing to address.

The other part of it, as was already pointed out, is transparency, or the lack thereof. That encourages people to think that the good-ol'-boy network is all that we rely on. As far as partisanship, I totally agree. Any system that results in partisanship on ethics matters is unsuccessful. But partisanship has two points: yes, there is partisanship to initiate witch hunts, and that is a concern, I believe, this proposal addresses that by requiring joint appointments and by requiring one Democratic appointment and one Republican appointment to initiate a review. It totally undermines any legitimate concerns about partisanship witch hunts.

But the other side of the coin that nobody here wants to talk about is the potential for partisan stonewalling, which we have suffered in this House in the past where one party simply says, You cannot look at our Member. Period. End of discussion. And if you do, we will remove Members from the Ethics Committee who look at that Member, which has happened in this House, and everybody knows it.

And to think that partisanship is only a one-sided witch hunt is a mistake. Partisanship is also stonewalling. It's also protecting our fellow colleagues who may or may not have done something wrong simply because they come from the same party as we do. That's just as wrong as partisan witch hunts, and I believe this proposal addresses that as well.

I also want to comment on the two proposals that were dropped on us lately. One of them had been in one form or another for a while; but both of them, in their final form, were dropped on us lately. I will simply tell you that, yes, we did look at them; and I have an opinion here which I will submit to the RECORD from the Congressional Research Service and one from the House counsel that states by bringing non-Members into a Member-oriented item to have official votes on matters in this House is likely to be unconstitutional.

Now, I know that some people don't want to hear it, and certainly it won't be definitive until the Supreme Court were ever to act on it, but there is all of these constitutional questions on everything we do. I, for one, am a lawyer. I try to figure out how unconstitutional an issue might be; and if the answer is it's more likely to be unconstitutional than not, I won't do it. If the answer is I think it's constitutional, you try it. If it gets knocked down in court later on, so be it.

So these two proposals, according to two independent agencies we could get direct answers on quickly, believe that it's unconstitutional.

As far as the rule goes, I have had a year's worth of debate, and I would have welcomed anybody to come to any of our meetings and participated at any time they wanted to have the hours-on-hours of discussion. At the same time, this is a pretty simple proposal. I know some people don't like the concept of an independent entity having something to do with our ethics process. I respect that opinion. I disagree with it, but I respect it. It is a fair concern. At the same time, that's what this is.

An up-or-down vote on that, I think, is a fair thing for the American people to let them know how we feel about this concept.

The material I referred to previously I will insert into the RECORD at this point.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 4, 2008.

MEMORANDUM

Subject: Permissibility of Non-Members Being Appointed to a Committee of the House of Representatives.

From: Jack Maskell, Legislative Attorney, American Law Division.

This memorandum responds to requests from congressional offices for a brief overview of the permissibility and constitutionality of allowing the House to appoint non-Members, that is, persons who are not current Members, Delegates, or Resident Commissioner, to a committee of the House of Representatives, with full voting privileges in committee. Although the House of Representatives has extensive authority and discretion concerning its own internal proceedings and rules, the Constitution requires that Members of the House be elected every two years by the people of the several states, and thus a rule which would allow persons who are not elected to the House to carry out the constitutional functions of the House of Representatives through full voting membership on one of its committees would raise constitutional questions.

Each House of Congress generally has broad authority to determine its own internal, procedural rules, and to establish those procedures and internal structures within the body to assist in implementing the institution's constitutional duties. Under Article I, Section 5, cl. 2 of the Constitution, which grants to each House the express authority to "determine the Rules of its Proceedings * * *," the institution of the House, within the framework of express constitutional requirements, has broad discretion concerning its own internal operations and functionings as befits a legislative assembly which is an independent, co-equal branch of government under our tripartite governmental system of separated powers. Under this authority, the courts have traditionally given deference to the explication, application, and definition of internal procedural matters in both Houses of Congress. As noted by the Supreme Court in United States v. Ballin: "The question, therefore, is as to the validity of this rule, and not what methods the Speaker may of his own motion resort to * * * Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

When there are interpretative and definitional "gaps" in language of constitutional provisions, for example, the courts have allowed each House to fill in the details of such constitutional provisions regarding its

internal procedures. As noted by the Supreme Court in the case regarding the procedure that the Senate adopted to carry out its constitutional duties to ''try'' impeachment cases: ''As a rule the Constitution speaks in general terms, leaving Congress to deal with subsidiary matters of detail as the public interests and changing conditions may require * * *.'' The Supreme Court in Nixon v. United States, thus deferred to the institution of the Senate in its determination under its own rules of proceeding as to the method that the Senate uses to ''try,'' as required by the Constitution, an impeachment of a federal judge. Specifically, the Court deferred to the judgment of the Senate to use only a small portion of the entire membership of the Senate body, in the form of a committee, to actually hear and take the evidentiary testimony (and then to report to the full Senate which votes to convict or not on the impeachment), since there was a ''textual commitment to a coordinate political department'' of the matter in the Constitution.

The courts have thus recognized the authority of committees, and have allowed the committees broad investigative and oversight authority, for example, because committees of the House act as the House for those purposes that are expressly delegated to those committees by the Rules of the House (and have only those authorities and powers that are in fact delegated from the full institution). The Supreme Court has recognized the House's ''utilization of its committees'' to carry out a ''legislative function belonging to it under the Constitution.'' Since the committees act as and on behalf of the House pursuant to its Rules, are creatures of the House, and are in legal and actual essence a division or sub-entity of the entire institution (carrying out and exercising the constitutional functions of that institution delegated to them), there is a very strong indication that such committees exercising such functions may generally be composed only of Members of the House.

Article I, Section 2 of the Constitution provides that Members of the House must be elected every two years by the people of the several States. Membership in the House, and by extension on committees acting for the House, would thus appear to require that a Member be elected by the people of the several states. In a brief review of legal sources, we have not discovered any precedent where non-Members of the House have been members of a House committee with full privileges and votes similar to any Member of the House, and thus we have found no judicial decisions and rulings on its permissibility, other than in the case of the elected delegates or resident commissioners in the House. In Michel v. Anderson, the United States Court of Appeals, District of Columbia Circuit, found that there exists what one might describe as an ''historical exception'' to the general constitutional proposition that the House must only be made up of Members elected from the several states, and that exception, recognized in law from the very first Congress (1 Stat. 50, 52 (1789)), was that people in territories and districts under the jurisdiction of the United States could have a non-voting delegate or commissioner in the House (that is, that such delegate may not vote on legislation on the floor) to ''represent'' them: ''The territorial delegates, representing those persons in geographic areas not admitted as states, then, always have been perceived as would-be congressmen who could be authorized to take part in the internal affairs of the House without being thought to encroach on the privileges of membership.''

Such non-voting representatives, in the form of elected delegates from the territories and districts not admitted as states, have in practice sat on House committees, and could, according to the court, if authorized by the House, vote in the ''Committee of the Whole'' (but only if their vote was not the determinative vote), but could not vote on legislation on the floor.

However, the court in Michel v. Anderson expressly noted that this historical exception for territorial delegates was limited, and noted, in dicta, that such exception and permission for territorial delegates to participate in certain internal matters in the House could not be extended or applied to allow the House to adopt a rule putting other non-Members on House committees: ''The appellees, for their part, forthrightly concede that the House could not permit persons other than the traditional delegates to perform the role currently played by the delegates. It would, thus, not be open to the House to authorize by rule, say, the mayors of the 100 largest cities to serve and vote on House committees.''

In the case of allowing persons not elected as Members of the House to be full voting members of a committee of the House, such as in certain proposals concerning the House Committee on Standards of Official Conduct, the precedent of allowing territorial delegates to participate in certain internal processes of the House, including voting in committee, may be distinguished on three basic grounds. First, there is historical precedent recognized from the first Congress for the people of territories and districts, not recognized as states, to have some limited, non-voting representation in the House. In the proposals seeking to add non-Members to the standing House Committee on Standards of Official Conduct, no such purpose of representation of persons in geographic regions under the jurisdiction of the United States is provided, intended, or accomplished. Secondly, as discussed above, the court noted in its opinion that this historical permission for territorial delegates, provided by law, to participate in certain House proceedings, was a limited exception, and would not open the House to ''authorize by rule'' the addition of other persons (such as mayors of cities) ''to serve and vote on House committees.'' Finally, the court noted that the voting of a territorial delegate, even in a House committee or in the ''Committee of the Whole'' (with the revote provision), is ''largely symbolic'' because the vote could not immediately affect legislation, such as a vote on legislation on the House floor would. The duties and authority of the House Committee on Standards of Official Conduct to both recommend the discipline of a Member directly to the House, and to issue a ''letter of reproval'' on its own accord, upon the requisite number of the votes of its members, may be seen as part of the express constitutional authority of the House under Article I, Section 5, cl. 2, to ''punish its Members for disorderly Behaviour.'' As such, these activities might be considered part of the direct and express constitutional function of the House, delegated to and exercised in some part by one of its committees made up of its own Members, and thus something more than merely the ''symbolic act'' which was the subject of the Michel v. Anderson case.

A committee of the House, such as the House Committee on Standards of Official Conduct, could clearly employ staff to assist the committee in carrying out its functions, and could use an ''outside counsel,'' an advisory committee, or ''task force'' made up of non-Members (and even including on its membership some sitting House Members) to assist the committee in its investigative work, fact-finding, and even recommending to the Committee that it take certain action on matters. However, it may be argued that under existing decisions and precedent, allowing persons who are not elected as Members (or as delegates representing persons under the jurisdiction of the United States in geographic regions that are not states) to be full voting members of a House committee exercising the constitutional functions of the House delegated to it could, in the words of the U.S. Court of Appeals, ''encroach on the privileges of membership.''

JACK MASKELL
Legislative Attorney.

From: John Filamor.
Sent: March 5, 2008.
To: Christina Tsafoulias
Subject: H. Res. 1003

CHRISTINA: You asked whether H. Res. 1003 (110th Cong.)—which would, among other things, alter the House Rules to give four former Members of the House voting rights on the Committee on Standards of Official Conduct—raises any constitutional concerns. While we cannot give you a definitive answer as to the constitutionality of H. Res. 1003, the proposal to vest former Members of the House with full voting rights on a standing committee of the House that is responsible in the first instance for carrying out the authority vested in the House by article I, section 5, clause 2—the Discipline Clause—certainly raises very substantial constitutional questions for all the reasons set forth in Jack Maskell's March 4, 2008 memorandum (''Permissibility of Non-Members Being Appointed to a Committee of the House of Representatives'') We think those constitutional questions are heightened somewhat by the fact the Standards Committee has, in addition to its authority to investigate and recommend disciplinary action to the full House, the authority under current committee rule 24(c) to, on its own, issue a ''Letter of Reproval or take other appropriate committee action.'' However, we do not believe that the elimination of that particular authority from committee rule 24(c) would eliminate the constitutional questions that H. Res. 1003 raises. Mr. Maskell notes in his memo that ''[s]ince the committees act as and on behalf of the House pursuant to its Rules . . . there is a very strong indication that such committees exercising such functions may generally be composed only of Members of the House.''

JOHN FILAMOR,
Office of the General Counsel,
House of Representatives.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to a hard-working member of this so-called bipartisan task force on ethics reform, my friend from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Mr. Speaker, I rise in strong opposition to the Democrats' flawed ethics proposal. This bill would actually weaken ethics enforcement in the House by adding an unnecessary and even unconstitutional layer of bureaucracy to an already failing ethics process.

During our work on the special task force on ethics enforcement, Republican Members consistently voiced our opposition to creating an ineffective, redundant, and duplicative committee.

The Constitution explicitly states that the House is solely responsible for punishing its Members for disorderly behavior. Creating an Office of Congressional Ethics calls into question our constitutional duties to discipline our own Members.

Let me take a minute to point out some of the absurd provisions in the Democrat proposals.

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First, board members of the so-called Office of Congressional Ethics would be appointed to 4-year terms, yet the House reassembles itself every 2 years and must renew its internal rules on a biennial basis.

Second, reviews by the board would advance on tie votes. This is undemocratic and runs contrary to our entire system of majority government.

Third, when board reviews are concluded, the findings are referred to the Ethics Committee for further action. This puts us right back to the failed system in which we find ourselves today.

Quite frankly, the most glaring failure of the Democrats' proposal is that it does nothing to address the problems inherent to the Ethics Committee. Rather than adding a layer of bureaucracy, ethics reform should address the problems plaguing the Ethics Committee. I support measures that reform the Ethics Committee by creating greater bipartisanship, transparency, and accountability in the investigations process.

We should require that all Members appointed to the Ethics Committee be chosen jointly by the Speaker and minority leader to end partisan gridlock. We should also mandate monthly status reports by the committee on pending investigations. The Republican proposal would implement these and other important changes, but the Rules Committee blocked consideration of our proposals.

My fellow Members, we must reform the House ethics process and restore a sense of public confidence and accountability in this institution. The Democrats' bill does neither. I hope you will join me in voting down this flawed partisan proposal.

Ms. SUTTON. Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the distinguished gentleman, my colleague from Ohio (Mr. SPACE).

Mr. SPACE. I thank my colleague from Ohio for yielding time.

I would like to thank my colleague from Massachusetts (Mr. CAPUANO) for his diligent work under very difficult circumstances for months on end. It was difficult for Mr. CAPUANO because many Members of this House did not believe that this resolution is necessary, despite what Mr. CAPUANO has referred to tonight as a problem with public perception and a lack of transparency. The Members of this House, many of them, still do not get it.

Our current ethics process is filled with flaws: The conflicts of interest exist; only Members can file complaints; the public is left in the dark regarding investigations. We haven't been very good at policing ourselves. This resolution is necessary because, as Mr. CAPUANO mentions, the American public has lost faith in the institution of Congress, and we ignore that loss of faith at our own peril.

I come from one of those districts that has been referenced as one that sent a freshman here on the backs of public discontent. The people that I represent back in Ohio's 18th understand all too well the perils of public betrayal.

We have an obligation to restore the public trust. We started that last January with ethics legislation that helped sever the link between lobbyists and legislators. We need to continue with that movement today by looking at ourselves, by looking inward and creating a system that is nonpartisan, but is independent, and that will vet, initiate, and conduct investigations. This resolution does that. It represents a good start. I am proud to have worked on it with my fellow freshman colleagues, Mr. HODES as well as Mr. MURPHY, who will be offering support today, as well as many others.

Quite simply, Mr. Speaker, the public is fed up with the status quo. They want Members who break the rules to be investigated and brought to justice. My esteemed colleague from California today referenced that none of what we do matters if we do not have the trust of the public. This resolution helps restore that trust. I urge its support.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 4 minutes to my friend from Pasco, the former chairman of the Committee on Standards of Official Conduct, the present ranking member, Mr. HASTINGS.

Mr. HASTINGS of Washington. I thank my friend from California for yielding.

Mr. Speaker, while I am constrained by confidentiality rules in speaking about the current work and past actions of the Ethics Committee, I want to clearly state today that I believe the current rules and structure of the ethics process should and need to be improved.

The procedures of the Ethics Committee are not perfect, and I firmly believe this House should make modifications to those procedures to better protect the integrity of the House and the faith of the American people. However, Mr. Speaker, this House must act carefully and deliberately in making any improvements, and it must be done in a bipartisan way. Mr. Speaker, that is not happening.

No consideration of a bipartisan reform proposal is permitted on the floor tonight. The House floor is shut down to any debate. No alternative is allowed to be considered. No amendment may be offered. No respect, Mr. Speaker, is offered to the concerns expressed by both Democrat and Republican Members of this House.

Mr. Speaker, in 2005, at the beginning of the 109th Congress, Democrat leaders decried House rule changes that were written only by Republican leaders. Democrats demanded bipartisanship and a fair say in the rules that governs the ethics of House Members. Democrats weren't given any say then, and those one-way changes to the rules were ultimately reversed during the 109th Congress. It is now 3 years later, and the same Democrat leaders have abandoned their calls for bipartisanship and are refusing to work across the aisle to make bipartisan improvements to the ethics process.

Mr. Speaker, Republicans were wrong to do it in 2005 and Democrats are wrong doing it today. In fact, since the new Democrat majority took office a little over a year ago, this House has already had to go back twice and correct poorly written rules that Democrats passed without any input from Republicans. In both instances, Mr. Speaker, Democrat-written rules that the House had to go back and fix were ethics rules.

The House should learn from the mistakes of the past several years and not doom ourselves to repeat history by failing to insist that ethics changes be done in a bipartisan way. For the ethics process to work, bipartisanship is vital. Without bipartisanship, the process will fail.

Bipartisanship is not always easy, but it is absolutely necessary for the legitimacy of the entire ethics process. Without bipartisanship, the process degenerates into politically motivated actions, or witch hunts.

This proposal is not a good proposal, and no one, Mr. Speaker, is more disappointed than I. Because Members of the Ethics Committee are asked to do an unwelcomed job. We do it by the rules of the House. And by the rules of the House, we must remain silent, even when subjected to relentless and often inaccurate criticism and attacks on our actions.

So, Mr. Speaker, improve the ethics process. Improve the ethics ability to police its Members. Improve our ability to provide timely information to the American people. Improve the bipartisanship that is central to the ability of the ethics process to function. But, Mr. Speaker, for the sake of this institution and for ensuring an ethics process that will function properly, do not act in a partisan way by supporting a proposal written solely by one party. Oppose this proposal and demand bipartisan improvements to the entire ethics process.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut, my freshman colleague, Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Representative SUTTON.

Mr. Speaker, I think we're on the precipice of an historic step forward in restoring the people's faith in this institution, but I understand how difficult this is to talk about. And giving the minority the benefit of the doubt, maybe that's why this House sat idly by for 12 years with no real major reforms to a very broken process.

But it's tough to talk about because it's not just about a broken process, it's about human nature. It's tough to talk about the failure of our ethics process because we're talking about the fallibility of all of us. It is against human nature, frankly, to rat out your friends, to investigate them, to punish your colleagues. And so that's why you can't just change people's perception of this place. You just can't fix the ethics process by tweaking the process that exists now. You have to admit the inherent fallibility of the ability for all of us to police ourselves and give that power to an independent body.

The cat is out of the bag, people figured this out long ago. There are too many Members that have violated the public trust, and they've watched too many other Members sit idly by.

Now, I, frankly, agree with my colleague Representative SPACE that this proposal could have been even a little bit stronger with the addition of subpoena power, but this is a major step forward and we should all support it. There is a generation of young people out there who stand on the precipice of losing all complete faith in government and in this institution. Tonight we have the chance to do right by them by correcting the mistakes of the past.

I thank Mr. CAPUANO and the task force for their hard work here, and I urge passage of the rule.

Mr. DREIER. Mr. Speaker, I'm happy to yield 5 minutes to my very good friend, the gentleman from San Antonio, the Republican leader of this important task force, Mr. SMITH.

Mr. SMITH of Texas. I want to thank my friend from California, the ranking member of the Rules Committee, for yielding me time.

Mr. Speaker, at the outset I want to recognize the dedication and focus that Representative CAPUANO, the chairman of the Ethics Task Force, has demonstrated throughout this process. We know the best of intentions underly his desire and the desire of all Ethics Task Force members to enhance the integrity of the House of Representatives.

While this proposal is marginally improved over the first proposal, it still contains flaws that make it defective. The fundamental flaw of the proposal is that it fails to reform the House Ethics Committee itself. The creation of another ethics entity would be an admission of the failure of the Ethics Committee.

Americans rightly feel the ethics process simply does not work. They do not know when ethics investigations are started; they do not know the status of those investigations, and they do not know whether a partisan deadlock has resulted in stalling an investigation forever. Americans need this knowledge, and that can only come through reforms to the Ethics Committee itself that will produce more bipartisanship and greater transparency. But the proposal before us simply adds another layer of bureaucracy on top of an already broken system. It creates an entirely new entity that invites yet more partisanship under clearly undemocratic procedures.

This country and the House of Representatives is founded on the principle of rule by majority; yet this proposal allows ethics inquiries to be initiated upon the request of only two out of the six board members. Furthermore, the proposal requires ethics investigations to go forward even when majority support among the board members cannot be obtained. This is undemocratic.

The resolution before us today is different from the original resolution and includes several changes. One amendment to the resolution now provides that the Speaker and minority leader will each nominate three members of the board with the concurrence of the other. Even under such a system, three board members will have been selected by the leader of a partisan political party.

Another amendment would provide that an investigation be terminated unless three board members affirmatively voted to proceed with an investigation. But if one board member nominated by the Speaker and one board member nominated by the minority leader agreed to initiate an investigation, but upon further review either board member decides the matter should be dismissed, the investigation can still proceed with the support of only those board members nominated either by the Speaker or the minority leader.

Not only does this resolution retain the undemocratic nature of the resolution, it also allows investigations to go forward on a purely partisan 3–3 vote. This is an open invitation to a partisan free-for-all. As a recent editorial in Roll Call stated bluntly, ''We don't deny it's a gamble.''

Under this proposal, many Members who deserve better could have their reputations unfairly diminished. A recent editorial in The Hill newspaper entitled ''Leaking Ethics'' focused on this point. It said, ''All it takes is one source to say the Ethics Committee may launch a probe into a Member and that lawmaker's reputation will be forever damaged whether he or she is guilty or innocent.''

Whether this resolution passes or not, Congress will survive. But if it passes, Members should know there is an obvious danger the ethics process will become even more partisan and that innocent Members will be hurt.

I urge my colleagues to oppose the rule on the resolution which invites partisanship, undermines democracy, and poses unacceptable risk.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. HILL).

Mr. HILL. I thank the gentlelady from Ohio for yielding this time.

Mr. Speaker, I rise not to make a recommendation to Members on how to vote on this bill; I rise to remind Members that if they decide to vote this bill down, that does not mean that there is no alternative that they can vote for.

A great deal of talk tonight has been made about bipartisanship, and I think that's very important. We need to have a bipartisan bill, and we had one. I introduced legislation last year that would create a new Ethics Committee consisting of former Members of Congress.

□ 2000

Just a few weeks ago, my good friend from Tennessee (Mr. WAMP) made a similar recommendation with a few differences. His recommendation was to have six members who were former Members and six members who are current Members. I joined with Mr. WAMP, and now we have huge bipartisan support for a concept that merits a vote.

Now, when I campaigned on this particular issue back in 2006, this gained a great deal of support in my district when I outlined the specifics. This is a good bill, and I think if you go back to the Ninth District in Indiana, they will confirm that this is a good bill. And it is a bipartisan bill. Let's for once in this body act in a bipartisan way.

As I said, I make no recommendation as to how you should vote on this bill. But if you decide that you want to defeat this bill, there is an alternative. It is bipartisan. It is substantive, and it has subpoena powers. In many ways this bill is a better bill because it is a stronger bill.

I urge Members to consider what I have said, that there is an alternative out there. It's not the end of the day. The game is not over. The game can go on. We can pass a good bill with bipartisan support.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the distinguished Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, 3 years ago at the beginning of the 109th Congress, the minority leader, today the Speaker, said that the rules of the House should never be changed without bipartisan cooperation. I think that did not mean without a bipartisan meeting. It meant without a bipartisan effort to reach a

conclusion that both sides believed would improve the ethics process in the House.

During this Congress, the Ethics Committee has not worked. I don't think anybody is going to rise to debate the other side of that. This outside commission, if it does become part of the rules tonight, through this rule, it would have no vote, no amendment, no alternative. If it does become part of the rules, almost assures that the Ethics Committee will not work for the remainder of this Congress. This new outside group will become the reason to wait. It will take 45 or 60 days to reach agreements on people who can serve, if that can be done that quickly. It will take them another 60 days to get a staff together. Already we're clearly outside the ethics process working in this Congress.

The bill that Mr. HILL just mentioned, the bill that Mr. SMITH just mentioned would both be focused on making the process work and work now. They both would be focused on ensuring that this process does what it's supposed to do.

This rule not only rushes without any real alternative or debate, but also Members were informed today that last November the bipartisan staff of the Ethics Committee asked to evaluate the concepts behind this bill gave reason after reason after reason why they thought those concepts were flawed, concepts that have not been improved by the changes that were made in the last few days. They gave reason after reason after reason why they thought this commission would make the Ethics Committee less likely to be able to do its job effectively. And we still rushed, Mr. Speaker, to try to force this on the Congress when that information, we now know, has been available since November. We got it today.

I think we ought to give the time for the people who work on ethics every day to be able to publicly evaluate this concept.

Ms. SUTTON. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the gentlewoman for yielding. I also thank Mr. CAPUANO for his leadership on this matter.

Mr. Speaker, I rise in support of this bill and in strong support of accountability and transparency in all public service.

For years the former congressional leadership eroded the faith of the American people through corruption, dishonesty, and abuse of power. I came into office pledging to restore the people's trust; and as stewards of the public trust, we must hold Congress to the highest standard and end the abuses of the past.

This legislation before us is an important step in restoring the trust of the people we serve in this body. It puts ethics violations in the hands of an independent, nonpartisan board; and that is the right way to give the American people the confidence that any corruption will be investigated fairly and thoroughly.

I have also stood with my colleagues Mr. MURPHY of Connecticut and Mr. SPACE of Ohio to cosponsor an amendment that would allow this body to have subpoena power in order to give the board the real teeth an outside investigative body should have. In my judgment, I would have preferred that the leadership and the Rules Committee had allowed this amendment to reach the floor for consideration. In the fullness of time, I believe we will see the wisdom of giving this new independent ethics body all the tools it needs to investigate alleged violation. However, even without this added power, I will support this bill because the perfect must not be the enemy of the good.

Let there be no mistake, Mr. Speaker. This bill has had bipartisan input, and the bill was even pulled from the floor to make sure that on a bipartisan basis suggestions for improvement were heard, reviewed, and incorporated.

I was sent to Congress by the people of New Hampshire to clean up Washington. This legislation may not go all the way, but it goes a long way towards helping restore trust in the people's House.

Mr. DREIER. Mr. Speaker, I would just say in response to my friend that bipartisan input has, unfortunately, not taken place. The gentleman is totally incorrect.

And to confirm that, Mr. Speaker, I am happy to yield 3 minutes to a hardworking member of the task force, my friend from Goddard, Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from California for yielding.

Mr. Speaker, I was very excited to be part of this ethics task force. And led by the able leadership of Chairman MIKE CAPUANO and Ranking Member LAMAR SMITH, I was very hopeful that we could work in a bipartisan fashion to come up with a good, solid ethics bill.

We held over 30 hearings. We worked very hard. And I believed we were on track until about last August. And sometime during last August, the outside special interest groups got to the Democrat leadership, and this whole effort was derailed.

And what came out of this was terrible and I will just give you one specific example. This whole thing puts all of us in a vulnerable situation, but in this one specific instance there are six members appointed to the Office of Congressional Ethics, the OCE, and there are supposed to be joint appointments with the Speaker of the House and the Minority Leader. But there is a caveat. If you cannot get an agreement, and just hold off for 90 days and get your respective appointee in this position as one of the six members of the OCE.

Now, why should we be concerned that this was hijacked by the outside groups? These outside special interest groups exist to chastise and press charges against Members of Congress. That's how they raise their money. That's why they exist. And they're on both sides of the political spectrum; so all of us are vulnerable. These groups take sides in political battles, and use any scrap of evidence they can find to try to press charges against Members of Congress.

In fact, if you have ever amended your FEC report, there are examples of how they've used that as alleged unethical charges against Members of Congress. And nothing disqualifies these members of outside groups from sitting on the OCE as one of six members.

So we're all vulnerable by these politically motivated people being incorporated into this whole process to make sure that all of us have a chance to face charges, whether justified or not.

Now, just think of your worst critic. They're out there in the blogs. They're in the call-in for your newspapers. These are the types of folks that you will be confronted with if we allow these outside groups to inject themselves in this process.

And how will you respond? Well, the first thing you will have to do is go out and hire a lawyer, and those lawyers are about $1,000 an hour; and a minimum investigation, even when you're innocent, is going to a quarter of a million dollars. Now, some people don't mind that. Some have plenty of money to burn. But I think a majority of Members here in this Congress realize that even a false charge can bankrupt them and force them into a position where they have no financial substance. That will happen in this ethics bill.

This is just the tip of the iceberg of how this process got hijacked and how this ethics bill is not fair to Members of Congress. It's unconstitutional. And I think this rule ought to be defeated. And if you have a single ounce of self-preservation, you will vote ''no'' for this rule and vote ''no'' against this unconstitutional bill.

Mr. Speaker, rise today with reluctance and regret that I am unable to support the House rule change before us today.

Exactly 12 months ago I was both honored and excited to receive the appointment from my leader to serve on the Speaker's Special Task Force on Ethics Enforcement. At the time, like my Republican colleagues, I was excited about the possibility of forging together a bipartisan piece of legislation that would address the fundamental issues that are currently plaguing our ethics system in Congress.

Under the capable and civil leadership of Chairman MIKE CAPUANO and Ranking Member LAMAR SMITH, I was hopeful of what we could achieve.

For the past 13 years I have observed the House ethics process and came to the conclusion early on that our system was not transparent enough, not efficient enough, and simply not effective. In a word, our system was broken. Sadly, today, I am forced to accept that the Speaker's Task Force has failed its mission and has produced a partisan, undemocratic, and unconstitutional bill that I am convinced will only compound our current problems—and further frustrate the wishes of the American people for this House to clean up its act.

While the Democrat proposal is flawed in several substantial ways, its biggest and most glaring failure is that it turns a democratic ethics process into an undemocratic and partisan one where justice can be easily denied. Under the proposal before us today, an investigation can he initiated by the action of only two of the six members of the new independent Office of Congressional Ethics, OCE.

The legislation also mandates that names of the two members remain secret and kept from the American public and the accused Member of Congress. An earlier version of this legislation required a majority vote of the new committee before proceeding to a second-phase review of the pending matter. However, under the version we are debating today, a full-fledged review and investigation may occur without a majority vote of the OCE. This proposal jettisons the basic and fundamental right of democracy and fair play.

Mr. Speaker, in addition to being undemocratic, this proposal also contains several provisions which are most likely unconstitutional and therefore unenforceable. The most egregious provision is the creation of the OCE.

In its 200+ years of existence, Congress has never seriously contemplated handing over one of its most important responsibilities—that of regulating and disciplining its own Members—to an outside entity that is unaccountable to the American people unlike elected Members of Congress.

The legislation before us today would do just that. However, instead of abdicating our constitutional responsibility as specified in article I, section 5 of the United States Constitution, I propose that our task force goes back to work—and finds a solution which bridges our partisan differences while adhering to our constitutional obligations.

Our Ethics Committee is broken—so why not focus on and fix the problem instead of creating a whole new set of problems that will only serve to further undermine our ethics process? If Members of Congress are truly interested in repairing our ethics process—if Members of Congress are truly committed to restoring honor and integrity to this House—it's essential that we come together in a bipartisan spirit and develop a package that both sides can agree upon and support. Unfortunately, today's legislation falls way short of hitting that mark.

Mr. Speaker, in addition to abolishing basic rights of democracy and fair play—this proposal promises to undermine ongoing Ethic's Committee investigations and will likely impede Department of Justice investigations. In just one example, this legislation imposes an unreasonable period of time to investigate unethical conduct.

Quick and incomplete investigations can lead to unjust results—including charging the innocent and letting the guilty off free. It's imperative that our processes of maintaining the highest standards of ethical behavior supports and complements the House Ethic's Committee—regrettably, this bill will only undermine its ability to do its job.

On September 26, 2007, David H. Laufman, a former Investigative Counsel for the House Ethics Committee from 1996–2000 and a former federal prosecutor opined the following in Roll Call:

> ''[T]he creation of an outside ethics panel will not solve the core problems that currently afflict the House. Real ethics reform in the House begins with willingness on the part of both party leaderships to refrain from political intervention in the ethics process and give the ethics committee the independent, professional resources it needs to do its work. . . . Creating an outside panel, moreover, would simply create another layer of ethics bureaucracy that further slows down a process already characterized by sluggishness.''

At this time I would like to submit Mr. Laufman's entire Op-Ed into the RECORD.

Mr. Speaker, instead of maintaining and fostering the cause of justice and ethical behavior in Congress, this piece of legislation may actually thwart the efforts of the Ethics Committee and Justice Department to investigate unethical behavior and punish Members appropriately. Again, if the Ethics Committee is broken lets fix or replace it—but why in the world would we want to ignore the problem by creating an additional layer of legislative red-tape—which will only serve to work against the purposes of the Ethics Committee—instead of enhancing its ability to get its job done fairly and expeditiously.

Mr. Speaker, it was an honor to serve on this Task Force and work with my 7 distinguished colleagues. Over the past 12 months I participated in over 30 hearings, listening to testimony from a wide variety of interests on this important matter before us today.

While various organizations expressed their support for the concept of creating an independent body—and their endorsements have been promoted today in this debate—it would be unfair to not recognize that several witnesses expressed their misgivings and concerns with the direction this legislation would take the House ethics process. Witnesses I suggest were more qualified then others to testify to the pros and cons of creating a new independent body.

Last March the task force met in private with former Congressmen Bob Livingston, R–LA, and Louis Stokes, D–OH, regarding their experiences from serving as cochairs of the last House Ethics Task Force in 1997. Both men had served on the House Ethics Committee and were highly esteemed by their colleagues. Congressman Stokes was a former chairman of the House Ethics Committee and shared the following statement with our task force members:

> I strongly believe the current Ethics Committee structure should be preserved. I think Congress has a constitutional obligation to police its members. The mechanism exists to hire outside counsel whenever necessary, as the Committee did in the Abscam cases and also in the sex and drug investigations. In both cases the House received accolades for its work. A dangerous aspect of investigations by either a House Committee or an outside panel is interference with Justice Department investigations.

At this time I would like to submit Mr. Stokes entire written statement into the RECORD.

Mr. Speaker, I would like to raise one additional point that warrants discussion. Regardless of the outcome of today's vote, I believe it is important that this House give serious consideration to providing attorney's fees for Members of Congress that may become the subject of an OCE or Ethics Committee review in the future—but are subsequently cleared of any baseless charges. Under the OCE structure set up in this rule, it will be very easy for any two members to initiate an investigation—for any reason—without any real evidence—which in turn will force any discerning Member to hire a DC attorney to make sure their rights are protected and their name is not damaged in the process.

Colleagues do not be fooled—this will become inevitable if this rule is enacted today.

I want to thank Chairman CAPUANO for highlighting the issue of attorney's fees in his Report and also commend him again for his leadership and hard work with the task force. While I am unable to support its outcome today, I know that every member of the task force is sincere in their desire and efforts to help fix what's wrong with our current ethics process. Unfortunately, today's rule change falls way short of our goal.

Mr. Speaker, let me acknowledge that we started out on a great glide path of bipartisanship—but eventually the Democrat leadership was influenced by various outside organizations that refused to accept any compromise that involved maintaining the current democratic rules of justice and fair play. For example, the task force members—both Democrat and Republican—had agreed in principal to allow outside entities the right to submit ethics complaints to the OCE.

In fact, this provision was requested by these various organizations and highly promoted as a vehicle to bring much needed credibility to the current ethics process. And, while I had some reservations about it I was willing to support this provision.

Unfortunately, these same organizations were not willing to be subjected to the same level of scrutiny and transparency they wished to impose upon Members of Congress—namely the disclosure of their largest donors who may or may not have an ax to grind with a Member of Congress. One official quoted in an article on the issue stated: ''you can. imagine how upsetting this [provision] is to the donor community.''

Indeed.

And that was the end of that.

In closing Mr. Speaker, let me also thank Ranking Member LAMAR SMITH for his leadership, experience, expertise, and tireless efforts that he brought to this important effort.

Let me also thank the capable staff that assisted us throughout this process, including:

Paul Taylor, Chief Republican Counsel to the House Judiciary Subcommittee on the Constitution; Ed Cassidy, Senior Advisor and Floor Assistant to the Republican Leader, and my Chief of Staff, Jeff Kahrs.

Before I end I can't help but note the irony in spending well over 100 hours of my time hearing testimony and discussing the significant ramifications of each provision within this legislation—the most sweeping ethics legislation in over 10 years—and the Democrat leadership decision to bring this bill to the floor—under the cover of darkness—and under a closed partisan rule which only allows 30 minutes of debate on each side—that's less than 30 seconds for each Member of this House to be heard on this topic.

Mr. Speaker, I hope that Members will not be fooled by the lack of an open and full debate on this important issue. I strongly oppose this rule change and respectfully urge all Members—Democrats and Republicans—to reject this proposal. It's time for the Ethics Task Force to get back to work and find a bipartisan solution to our failed ethics process that is supported by a majority of both Republican and Democrat Members. Anything less then a bipartisan solution will result in partisan failure.

[From Roll Call, Sept. 26, 2007]

OUTSIDE PANEL WON'T RESOLVE CORE ETHICS PROBLEMS

(By David H. Laufman)

Now that President Bush has signed into law S. 1, the Honest Leadership and Open Government Act of 2007, it is fair to ask what sort of enforcement regime for the new rules Members of Congress can expect from the Senate Ethics Committee and the House Committee on Standards of Official Conduct, also known as the House ethics committee. As in so much of life, the answer is: It depends.

The Senate Ethics Committee has long functioned quietly and methodically to evaluate ethics complaints and allegations of misconduct in a professional, nonpartisan manner. That track record reflects the relative collegiality of the Senate and the inclination of the respective party leaderships to leave ethics matters ''to the professionals'' for sorting out. There is every reason to expect that the Senate committee will bring the same balanced enforcement to the new rules that has characterized its operations in the past.

The House ethics committee, however, is a different matter. Although the committee has undertaken some tough investigations in recent years—most notably, its inquiries regarding former Majority Leader Tom DeLay (R–Texas) and former Rep. Bud Shuster (R–Pa.)—it has been cleaved by partisan turmoil and deadlock for much of the period since the conclusion of the cases against former Speaker Newt Gingrich (R–Ga.) in 1997. The nadir of this devolution occurred in 2005, when two seasoned attorneys on the committee's nonpartisan staff were fired in apparent retribution for their work on the DeLay investigation, and two committee members believed to be ''politically unreliable'' by their party leadership were summarily jettisoned.

Now, there is potential for even further disequilibrium in the House ethics process. At issue is the pending determination by the Special Task Force on Ethics Enforcement as to whether an outside panel should be established to conduct preliminary review of ethics complaints and make recommendations to the House ethics committee on whether investigative action should be undertaken.

As a former investigative counsel to the House ethics committee who investigated both Democrats and Republicans—and as a former federal prosecutor—I fully appreciate the importance of conducting thorough, independent investigations. I also appreciate that the establishment of an outside ethics panel might enhance public confidence in the integrity of the House ethics process. But the creation of an outside ethics panel will not solve the core problems that currently affect the House.

Real ethics reform in the House begins with a willingness on the part of both party leaderships to refrain from political intervention in the ethics process and give the ethics committee the independent, professional resources it needs to do its work. All the new ethics laws and rules in the world will amount to nothing unless the party leadership on both sides refrain from politicizing the ethics process, the committee members ultimately charged with implementing them are committed to consistent, nonpartisan enforcement, and committee members do not have to worry about retaliation from their party leadership or fellow members.

Establishing an outside ethics panel also would constitute a historic abdication of the House's constitutional responsibility for self-regulation. Article I, Section 5, Clause 2 of the U.S. Constitution states that ''Each House [of Congress] may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two thirds, expel a Member.'' Although the drafters of the Constitution chose the permissive ''may'' rather than ''shall,'' it is clear that they intended to create a system of peer review where Members of Congress shoulder the responsibility for weighing allegations of other Members' misconduct. The establishment of an outside panel to evaluate ethics complaints would be an unprecedented deviation from more than 200 years of self-regulation. Moreover, it would be tantamount to an admission that the House is now unable to fully govern itself and needs protection against its own improper impulses.

Nor, if established, would an outside panel likely improve the House ethics process. First, none of the publicly reported proposals under consideration to establish an outside panel divests the House ethics committee of ultimate decision-making discretion as to whether ethics violations occurred or what sanctions to impose if a violation is found. Creating an outside panel, moreover, would simply create another layer of ethics bureaucracy that further slows down a process already characterized by sluggishness. Second, making informed assessments of allegations of misconduct requires more than the mere application of law or rules to facts: It also requires a nuanced understanding of the institutional context in which the alleged misconduct occurred. Arguably, the need for such a nuanced understanding is particularly great in the case of a political institution that has its own unique cultural attributes. It is possible that retired Members of Congress could bring the necessary perspective to bear if appointed to an outside ethics panel. It is less likely that retired jurists, academicians or individuals from other professions would be equally capable of making the necessary contextual judgments.

That the committee would retain autonomy to reject the recommendations of an outside panel ignores political realities surrounding ethics scandals. If, for example, the outside panel recommended that the committee initiate an investigation—a recommendation that almost certainly would become publicly known—the pressure on the committee from interest groups and the news media to accept the panel's recommendation would be formidable.

Clause 1 of House Rule 23, which comprises the Code of Official Conduct, states that ''A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.'' The special task force would bring credit on the House by rejecting the idea of an outside ethics panel and recommitting the House to ethics enforcement marked by bipartisanship and consensus.

CONGRESSMAN LOUIS STOKES' STATEMENT ON ETHICS REFORM

I strongly believe the current Ethics Committee structure should be preserved. I think Congress has a constitutional obligation to police its members. The mechanism exists to hire outside council whenever necessary, as the Committee did in the Abscam cases and also in the sex and drug investigations. In both cases the House received accolades for its work. A dangerous aspect of investigations by either a House Committee or an outside panel is interference with Justice Department investigations. I think this danger may be better contained by a House Committee. Also, the House has a great educational process for members along with an approval process to keep members from going astray. Neither a House Committee nor an outside Panel or Commission can stop a member who uses his position in Congress to obtain a Rolls Royce, a yacht, a million dollar home, and other illegal gifts. The current system worked when I had men like Floyd Spence and Jim Hansen as my ranking member because we approached the business of the Committee on a bi-partisan basis. We handled the tough cases and never had a dissenting vote.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I'm sorry, the time is incorrect. The time is 2 minutes.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. POMEROY). The gentlewoman from Ohio is controlling the time. She has yielded 1 minute to the gentleman from Hawaii.

MOTION TO ADJOURN

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 177, nays 196, answered ''present'' 1, not voting 55, as follows:

[Roll No. 120]

YEAS—177

Abercrombie
Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Fallin
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—196

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kind
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Sutton
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Wexler

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—55

Alexander
Bachus
Boucher
Butterfield
Capito
Clay
Costa
Culberson
Davis (AL)
DeLauro
Dingell
Emerson
Everett
Feeney
Franks (AZ)
Gingrey
Gohmert
Graves
Grijalva
Gutierrez
Hinchey
Hoekstra
Hooley
Jones (OH)
Kilpatrick
Klein (FL)
Lewis (GA)
Lewis (KY)
McCaul (TX)
McCrery
Miller (NC)
Miller, George
Mitchell
Oberstar
Peterson (MN)
Peterson (PA)
Pryce (OH)
Radanovich
Rangel
Renzi
Rogers (KY)
Ros-Lehtinen
Rush
Solis
Stark
Tancredo
Thompson (MS)
Udall (CO)
Walsh (NY)
Waters
Watt
Wilson (OH)
Woolsey
Wynn
Yarmuth

□ 2040

Ms. BERKLEY and Ms. WATSON and Messrs. BERMAN, MARSHALL, McCOTTER, DELAHUNT, MORAN of Virginia and VISCLOSKY changed their vote from ''yea'' to ''nay.''

Mrs. WILSON of New Mexico, Mrs. CUBIN and Mrs. BONO MACK and Messrs. BARTLETT of Maryland, GILCHREST, GOODE, ADERHOLT, CALVERT, SAXTON, GALLEGLY, DEAL of Georgia, BRADY of Texas, MANZULLO, FOSSELLA, BUYER, WALDEN of Oregon, KELLER of Florida, ISSA, SESSIONS, PUTNAM, BURGESS, BARRETT of South Carolina, DAVIS of Kentucky, GARRETT of New Jersey, INGLIS of South Carolina, LoBIONDO, LATOURETTE, PORTER, WHITFIELD of Kentucky, STEARNS, MICA, HALL of Texas, WOLF, BILBRAY and BROWN of South Carolina changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS—Continued

The SPEAKER pro tempore. The Chair understands that the gentleman from Hawaii has been yielded 1 minute from the gentlewoman from Ohio.

The gentleman is recognized for 1 minute.

Mr. ABERCROMBIE. Mr. Speaker, may I ask the gentlewoman whether she would yield an additional minute.

Ms. SUTTON. Mr. Speaker, if the gentleman needs an additional minute, I am going to give him mine.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 2 minutes.

Mr. ABERCROMBIE. Thank you.

Mr. Speaker, we have got a new grand jury in the House, the Office of Congressional Ethics, and we have the House Ethics Committee. We have two identical, competing committees by design. Now, I defy anybody in this House to go to your next Rotary Club meeting and try to explain what that is all about.

Any referral to the Office of Congressional Ethics will be seen as tantamount to a guilty verdict. Any other conclusion by the House Ethics Committee will be seen as a coverup. Mark my words, that is exactly what is going to happen.

This is about ethics, not criminal prosecution. I have heard words like ''corruption'' used around here as if we are some sinkhole of depravity. If a criminal matter is at issue, it should be in the hands of the Federal Attorney, not appointees of the Speaker or the majority leader.

I can't figure out where the ethics complaints come from. Are they dropped off at the door? What criteria will be applied by the OCE? This is about the House, and its membership should decide whether any Member has failed to meet its standards, not appointees who have not served or are not currently Members of the House.

An ethics investigation is by definition peer review. Any appointee to the Office of Congressional Ethics who has not served in the House has no credibility in terms of judging Members or the conduct of House standards.

And does anybody believe that complaints won't be in the media immediately, regardless of validity? The press irritation with the House Ethics Committee is because it has actually practiced confidentiality.

This is an invitation to ideological mischief and character assassination. We say this is about our ability to police ourselves. The effect will be just the opposite. The House Ethics Committee no longer has any discernable function other than to affirm whatever has been referred to it.

All this makes me sad, and it makes me angry. I have devoted every bit of energy in my life for nine terms to this House. I revere the opportunity for service in the people's House. With this proposal we are indicting ourselves. We are retreating before those who would tear this House down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I would like to yield my friend an additional minute.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for an additional minute.

Mr. ABERCROMBIE. We are retreating before those who would tear this House down, who denigrate our commitment and make us out to be little more than crooks and knaves and hustlers.

We are the guardians of the Nation's liberty. We are the defenders of its constitutional imperatives. We are the people's House. We should be proud to stand up for this House, its institution and its legacy. Instead, we cringe before our critics and turn over our obligation to govern ourselves to others.

If we have no respect for ourselves, how can we expect it from anybody else? I have faith and trust in my constituents. I have faith and trust in you, my colleagues of the House. We need to have faith and trust in each other.

The regard and affection I have for every Member of this House is deep and abiding, the affection I started when I was the last man to be sworn in by Tip O'Neill before he retired when Bob Michel was here. In that spirit, I love the House of Representatives. It defines my life. It should define yours.

This proposal is not worthy of the House and our responsibility to it. Turn it down.

□ 2045

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I take a back seat to no one in this House on loving this institution.

The issue, my friends, is not whether we have respect for one another. Too often, it is demonstrable on this floor that we don't.

The issue is, Will the American people have respect for us? That is the issue. That is the critical issue that confronts us this evening. Not because any of us are pointing fingers at anybody else in this House.

But unless you were sound asleep prior to the last election, unless you were living in another country in another land in another time, you know what the people thought about this, the people's House that we love. That, my friends, is why we are in the majority, because the people thought changes were necessary in this House.

The people asked for change. They asked for accountability. There have been some things said on this House floor that are not accurate. Mr. TIAHRT said that Ms. PELOSI, the Speaker, and Mr. BOEHNER, the minority leader, would make independent appointments to this.

Mr. CAPUANO changed that as a result of the suggestions of these Members. It was a good change because it meant that Mr. BOEHNER and Ms. PELOSI are going to have to agree on six people.

It has been said on this House just now that this replaces the Ethics Committee. It absolutely does not. Does it complement it? I think it does, but it does not replace it. Nor does it substitute its judgment for the Ethics Committee.

The Ethics Committee can continue to operate as it does now and can initiate, it does not need to wait on this committee. It can initiate the defense of the ethics of this House, 435 of us elected by our neighbors and friends. We are all sad when one of us comes short of the expectations of our constituents, as we should, because we know only too well, those of us who have served for significant periods of time in the public's fear, that the acts of each of us is often attributed to the rest of us.

There needs to be a confidence level among the American people in the people's House. How are they going to have that confidence? I suggest to you that it is my belief, as one who is not for many of the things that the so-called groups are for, who think that it is going to change, it will not change, many times, the substance of what we deal with.

I happen to have come to the conclusion that this proposal that Mr. CAPUANO and others have made, and I regret the fact that this is not a bipartisan proposal. One of my best friends in life, not just that served here in this House, is Senator BEN CARDIN. Many of you know how close he and I are. He and Bob Livingston worked on the last major ethics reform together and came together in a bipartisan fashion.

I am one who works in a bipartisan fashion. Ask Bob Ney and the Help America Vote Act. Ask Steve Bartlett on the Americans with Disabilities Act. I believe in operating that way. I wish this were a bipartisan product.

If we had the vote on the Republican alternative, I would vote against it. Why would I vote against it? Because it has within its framework submitting to the Justice Department after 45 days a complaint that the Ethics Committee has not dealt with. I don't think that is appropriate for a violation of the rules. It should be within the bosom of this body. This proposal copies it there.

This does not give subpoena power to people to go on fishing expeditions. It gives to six people, selected jointly by Mr. BOEHNER and Speaker PELOSI, who I hope and believe that they will agree upon people of very high integrity and good common sense. Because when they say, and somebody comes along and says in a press conference, STENY HOYER has violated the rules, none of us can protect ourselves against that. That's the business we are in. We are all targets and we are all vulnerable.

But it is my belief that this body will be composed of the kinds of people that I think Speaker PELOSI and Mr. BOEHNER will appoint, and not Members.

I am a lawyer. I will tell you, the public is not too convinced that lawyers are good at self-regulation. Some of you are doctors. The public is not particularly convinced that doctors are good self-regulators, or CPAs or other professions.

That's what we are talking about. We are talking about to the American public we do act properly, we do keep the faith. We are honest, and we are prepared to answer for our conduct and give confidence to you, the American people, that it is the people's House, not our House, the people's House.

I suggest to you, my friends, that whatever can happen, whatever could happen, whatever scenario you fear can happen right now with the existing process, all this does, it adds a complementary body, hopefully, and I believe, of citizens of very high repute who will, in turn, be able to say to the American public, yes, this group of Americans is honest, hardworking, and serving you well.

Are there, from time to time, exceptions? There are. But let us have the confidence to tell to the American people our conduct is, and we want it to be, above reproach, and we do not fear the oversight and accountability that this proposal suggests. I urge my colleagues, have confidence in those that Mr. BOEHNER and Ms. PELOSI will appoint. Have confidence in yourselves and in your colleagues, and let us this night give confidence to our constituents and the American people.

Vote for this proposal.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining. The gentlewoman from Ohio has 8 minutes remaining.

Mr. DREIER. Mr. Speaker, my friend from Maryland has just advocated vigorously bipartisanship in this process.

I am now happy to yield 2 minutes to the coauthor of a bipartisan proposal, my friend from Chattanooga, Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

Mr. Speaker, I stood right here a few years ago against my party in favor of reform. I got scars on my back from standing for reform. But I heard JOHN TANNER say when I got to Congress that neither party has an exclusive on integrity and ideas, and I believe that is true.

I want to tell you tonight, on the same platform I stood a few years ago when I joined then minority in this reform, there is good reform and there is bad reform. This is bad reform. I don't care what you say about it, how kind you are about it, this is bad reform. It is not good for the institution. It is not workable.

Mr. Speaker, I submit for the RECORD a four-page document by Ken Kellner, the senior counsel for your majority Ethics Committee, explaining all the problems.

REVIEW OF TASK FORCE PROPOSAL

BILL: I looked over the draft resolution forwarded by Rep. Smith. I suggest you review it closely as well. Review of the draft was not to critique the need for or merits of the proposal, but to identify areas in which the proposal would interfere with the operations of the Committee. We cannot anticipate all plausible areas of concern prior to actual implementation, but I did the best I could.

1. The new ''Office'' or ''Board'' is expressly authorized to take up matters on its own initiative and to conduct interviews and obtain testimony in its ''review'' of such matters. See Section 1(c)(1)(A). This raises several concerns, listed below:

As the Committee noted in its earlier feedback to the task force, the interview of witnesses by both the new entity and the Committee might result in conflicting statements that would undermine the value of testimony from that witness.

Statements from witnesses would also likely be obtained prematurely due to the time deadlines imposed on the new entity. Sometimes there are valid investigative reasons not to reveal the existence of an investigation to a witness until other witnesses are interviewed or other evidence obtained. In the course of its proceedings, the new entity might reveal critical evidence or information to key witnesses. The failure of those witnesses to keep this information confidential may be very harmful to the integrity of any future Committee inquiry.

The ''self-initiation'' discretion could undermine current rules that limit complaints to those filed by Members. An agent could provide information to the new entity that would trigger review under its rules. There is no accountability as to the source of information, unlike with respect to ''complainants,'' who must certify that the ''information is submitted in good faith and warrants the review and consideration of the Committee,'' and who must provide a copy of the complaint and all attachments to the respondent. See Committee Rules (d) and (e).

2. The new entity must ''transmit to the individual who is the subject of the second-phase review the written report and findings of the board[.]'' See Section 1(c)(2)(C)(ii). In addition, the report will include ''findings of fact,'' ''a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview [] and the reasons therefore,'' and a recommendation for the issuance of subpoenas where appropriate.''

It is a bad idea for the Committee's purposes that the ''written report and findings of the board'' be transmitted both to the Committee and to the individual under review. This will provide information to a potential respondent at an inappropriate stage, including alerting the respondent as to witnesses who have been identified as potential recipients of subpoenas. At a minimum, this would provide opportunities for the coordination (or appearance of coordination) of testimony. Potential respondents would also be alerted as to difficulties encountered in obtaining information from certain witnesses. This could discourage negotiated outcomes if a respondent knows that certain individuals are not cooperating witnesses.

This process is not sensitive to the need for confidentiality of witness information at the early stages of an investigation. Members, staff, and private individuals should be able to provide information in confidence, at least at the initial stages. The new rules may have an anti-whistleblower effect and possibly employment ramifications for individuals as well. For example, what if it is revealed that a current employee is providing or refusing to provide information about his or her employing Member? A previous ethics task force was ''mindful'' of the need to ''protect the confidentiality of a witness prior to publicly disclosing'' a statement of alleged violation. Report of the Ethics Reform Task Force on H. Res. 168, 105th Cong., 1st Sess. at 25 (June 17, 1997).

The proposal is also inconsistent with Committee rules and practices that keep investigative information confidential. Under Committee Rule 26(f), evidence gathered by an Investigative Subcommittee that would potentially be used to prove a violation ''shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials . . . shall be made public until'' a Statement of Alleged Violation is made public by the Committee or an adjudicatory hearing is commenced.

There is no rule or precedent in effect for the new entity for dealing with concerns of the Department of Justice in cases of concurrent jurisdiction. As noted, under the proposed process, there is considerable potential for the making of inconsistent statements by witnesses and for the release of confidential information. It this occurs, it could easily undermine active criminal investigations.

The Board may make ''findings of fact'' as part of their submission. This is generally a function for a trier of fact after an opportunity for a defendant/respondent to cross-examine witnesses or challenge the evidence. What if the findings differ from those reached by the Committee?

3. There appears to be a requirement that the Committee publicly disclose Board submissions to the Committee. See Section 3(2). This would occur if the Committee declines to empanel an Investigative Subcommittee or if one year has passed from the date of the referral from the new entity.

This means that the Committee must release the Board's findings, even if the Committee has already determined to handle the matter non-publicly. This is inconsistent with the discretion now with the Committee (and investigative bodies generally) to exercise judgment as to what matters to address in a non-public fashion. With the possibility of review by the new entity and public disclosure of conduct, there will be greatly reduced incentive for witnesses and investigated parties to cooperate with the Committee or to do so with complete cooperation and candor.

This procedure also may place artificial pressure on an Investigative Subcommittee to complete its work in well less than a year, regardless of the impact on the investigation. While such a time period may be sufficient, neither the Department of Justice nor other law enforcement entities and regulatory bodies, are subject to such limitations as they would generally impact adversely on the completeness of an inquiry.

4. A provision in the proposal provides that the Office will cease its review of a matter on the request of the Committee ''because of the ongoing investigation of such matter by the Committee.'' See Section 1(d).

This rule should be clarified to make clear that it includes informal fact-finding efforts by the Chair and Ranking Member of the Committee. Otherwise, this important rule may only have effect in the unusual case of empanelled subcommittees. New language could be ''because of the ongoing review of this matter by the Committee in accordance with the Committee's rules.'' Section 1(d) and Section 3(3) should be revised.

5. If the new entity ceases such review at the request of the Committee it will ''so notify any individual who is the subject of the review.'' See Section 1(d).

There are valid circumstances under which the Committee would not want to notify an individual that it is undertaking review of a matter until it is ready to do so for valid investigative and privacy reasons. In general, it is not the routine practice of law enforcement entities to notify individuals. Such disclosures could trigger protective behaviors that might undermine an investigation, as well as lead individuals to hire of attorneys (perhaps unnecessarily and at considerable expense). [By analogy, would it be appropriate in all cases to notify a respondent that the Committee has referred evidence of criminal conduct to the Department of Justice? In many cases, it is in the interests of criminal law enforcement that such referrals be made in confidence.]

6. The new entity must adopt a ''rule requiring that there be no ex parte communications between any member of the board and any individual who is the subject of any review by the board.'' See Section 1(c)(2)(E)(iv).

This provision should be revised to prohibit communications from any interested persons and any member of the board, as well as make explicit that ex parte contacts include those made by counsel. A useful provision to examine in considering ex parte prohibitions is the provision contained in Federal Election Commission regulations pertaining to contacts with any Commissioner. See 11 C.F.R. §201.2.

KENNETH E. KELLNER,
Senior Counsel, Committee on Standards of Official Conduct.

They kept a lid on it till today, and the bill is up tonight, and here it is. It is bad reform.

If you think that the steroid and baseball hearings are a distraction over the business of the people of this country, wait until tomorrow when this goes into effect, when outsiders are firing political shots at each other, listening to people back home want us to quit bickering and sniping and firing shots at each other and get these important things done for them.

The gentlelady said she yields the customary time. This is not a customary process. The rule was shut down. There are no substitutes, there is no recommit, there are no alternatives, and there is no consideration of a bipartisan alternative by two people with integrity who have been working together for weeks to have a day to say, no, this is a better approach.

Have former Members, first time ever that outsiders are part of this process, but they are former Members. They have no ax to grind. They will call it like it is. Let's take a logical step.

But let me tell you, if this is based on trying to hold the House, that's a false strategy. When we put our reelection as a majority above the people's business and honor and integrity we lost, and we should have, and you are doing the same thing.

Don't do this, House. It's not good for this country, and it's not good for us.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, a member of the bipartisan Ethics Task Force, Mr. SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, it is the unfortunate reality that the House of Representatives has seen its share of unethical behavior on the part of public officials elected to represent and serve their constituents. Moreover, this problem is not one confined to Democrats or Republicans. Rather, it is a problem that we all need to recognize and take steps to address.

For these reasons, and with the interest of the American people in mind, we need a fair and just manner to investigate any allegations of unethical behavior by a Member of the House. With this goal in mind, the gentleman from Massachusetts (Mr. CAPUANO) introduced H. Res. 895, and I support his efforts.

H. Res. 895 takes every possible step to ensure equality, fairness, and nonpartisanship in addressing questions of ethics. It establishes a new independent Office of Congressional Ethics within the House of Representatives to be governed by a board that will be comprised of six members jointly appointed by the Speaker of the House and the minority leader.

To further ensure fairness and prevent preferential treatment, current Members of the House of Representatives and lobbyists are not eligible to serve as board members. Moreover, removal of a board member may only occur with the approval of both the Speaker and the House minority leader.

The Office of Congressional Ethics could include former Members of the House, but all of the members of the board would be qualified by virtue of their exceptional public standing. This office has the potential to clean up politics and, in turn, restore the public's faith in politics in the political process.

This has the support of Common Cause, U.S. PIRG, and two very well-respected scholars in government and politics, Thomas Mann of the Brookings Institute and Norm Ornstein of the American Enterprise Institute.

I support H. Res. 895 and urge my colleagues to vote in favor of this reform.

Mr. DREIER. Mr. Speaker, may I inquire of my friend from Ohio how many speakers she has remaining.

Ms. SUTTON. We have several more speakers.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina, a member of the bipartisan Ethics Task Force, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, as a member of the Ethics Task Force, I rise today to support the establishment of the Independent Office of Congressional Ethics for the House of Representatives.

The 110th Congress, under new leadership, has already adopted a comprehensive package of rules, lobbying, and earmark reforms. Today we can take another positive step by creating the Office of Congressional Ethics. The proposal before us is the result of a year-long effort by the Ethics Task Force ably and fairly led by our distinguished colleague, Mr. CAPUANO.

Some have argued tonight that this proposal takes reform too far, others not far enough. I believe that the office would improve on the current ethics enforcement process in two important ways.

First, it will provide a mechanism for a quick and impartial review of potential ethics violations, bypassing the bipartisan conflicts that have bogged down enforcement.

Secondly, it will ensure accountability and transparency by requiring reasonable reporting and public disclosure of the activities of the office and the Ethics Committee.

□ 2100

A number of changes have been made to strengthen the proposal and address Member concerns. The proposal is not perfect, but it is a move in the right direction. I support H. Res. 895, and I urge my colleagues to do so as well.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), a member of the ethics task force.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, the American people deserve elected Members of the House of Representatives who will perform their duties with the highest standards of decorum and ethical conduct.

When a Member of this body fails to follow the rules of the House, violates ethical standards, or brings dishonor upon this House, it is our duty and our responsibility to act. The people we serve expect no less. The ethics process needs improvement, so let us act to ensure the integrity of this House.

I was appointed by Speaker PELOSI to serve as a member of the Special Task Force on Ethics Enforcement, and I would like to commend Chairman CAPUANO for his forthright leadership, his patience, and his respect for this institution. It was also a pleasure working with Ranking Member LAMAR SMITH and all my Democratic and Republican colleagues on the task force.

Today I rise in strong support of this resolution to establish an Office of Congressional Ethics. I commend Speaker PELOSI for her courage to take on this challenge for the well-being of this House.

With the passage of this resolution, we will create an independent Office of Congressional Ethics. This office will be separate from the Ethics Committee. It will have an appointed board comprised of distinguished Americans who are not Members of this House.

This independent board will review ethics complaints and make formal recommendations to the Ethics Committee for dismissal or for further investigation. This resolution leaves the power of all final decisions to the Ethics Committee. The resolution also establishes time lines for the Ethics Committee to act on referred investigations and requires that the committee make public statements about actions or inactions on these matters. I believe that improving this process will benefit the Members and reassure the public that ethics is a priority of this Congress.

Clearly this proposal is not perfect. It is a compromise, and it commences an ongoing effort to ensure that ethics remain at the forefront of this Congress. Even while preparing for floor action, Speaker PELOSI and Chairman CAPUANO made significant changes in order to address this concern.

I support the resolution and urge my colleagues to do so as well.

Mr. DREIER. Mr. Speaker, I say to my friend we have a couple of speakers remaining, and if she has more than that, we will continue to reserve the balance of our time.

Ms. SUTTON. We have two and myself to close.

Mr. DREIER. At this time I am very happy to yield 2 minutes to our hard-working friend from Stillwater, Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, this rule finds a way to create an ethics resolution that could encourage unethical behavior. This rule could create a place where potentially artificially manufactured scandal could be given a show trial by partisan inquisitors for the purpose of creating doubt about the character of Members of this Congress, all under the color of respectability, credibility, and authority.

Mr. Speaker, it is ingenious because partisans remove themselves as the original accusers. Incredibly, after a 90-day period of show trials, the unreformed Ethics Committee in Congress will again take up the case, returning us to where we were before all this started, with no reform.

In effect, the bill creates a bureaucracy of smear and witch hunt. It institutionalizes the politics of personal destruction with a potential of creating show trials with a public expense account.

Mr. Speaker, this is a deeply ironic proposal that instead of combating corruption could reward it, and I urge all Members of this body to vigorously oppose this rule.

Ms. SUTTON. Mr. Speaker, at this time I yield 1 minute to the gentleman from Massachusetts, the chairman of the ethics task force, Mr. CAPUANO.

Mr. CAPUANO. Mr. Speaker, I just want to point out a couple of things that have been said. I think the general attitudes have all been mentioned, but there are a couple of points.

Relative to this memo that came out today dated November 9, just in case people don't notice, the draft didn't come out until December 19. Almost every point made in that memo was addressed in the draft that was submitted December 19. There were a few things we couldn't address because they go to the basic point of whether you can have an independent entity or not. I can list it, and I will list it, but I didn't have time to do it between the time we got it and the time of the debate, but you will have a memo on your desk within the next few days addressing every single point made in that memo that was addressed in the proposal.

As far as bipartisanship, I think people need to know I have a list of at least 10 items that were taken up specifically as Republican proposals, starting with term limits for the OCE board members and joint appointments of the OCE board members. Those are Republican proposals we adopted. There are several others we will go into at a later time.

Finally, people have to understand that this is not something brand new. It might be new to Congress, but more than 25 States already have independent commissions that review their legislators. If it is okay by them, why are you so afraid of it here?

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, bipartisanship is something that everyone has said we need to have as we deal with this issue. The distinguished Speaker, my fellow Californian, Ms. PELOSI, said when she was minority leader that ethics reform must be done in a bipartisan way.

The majority leader, Mr. HOYER, stood in the well when this bill was pulled 2 weeks ago and said he wanted to see this work done in a bipartisan way. Mr. WAMP and Mr. HILL have worked in a bipartisan way. We need to have bipartisanship.

I am going to urge my colleagues to vote ''no'' on the previous question so in fact we can do what the American people want us to do, work in a bipartisan way because the integrity of this institution is absolutely essential if we are going to succeed in governing.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, it is my honor to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady from Ohio, Congresswoman SUTTON, for yielding and for managing this very challenging bill this evening with such dignity.

This is an important time for us, my colleagues, because we are sending a message to the American people as to who we are. We know each other to be honorable individuals who come here with the best motivation. Our title ''Representative'' is our job description, to represent the people of our districts. We gain respect for each other as we work on issues across the aisle, across the region, across generations in every way, representing the beautiful diversity of our country.

Unfortunately, the American people do not share our view of ourselves here in the Congress and our reputation has received tarnish. Part of that tarnish came from a culture of corruption that preceded the Democratic takeover of this Congress. When I became Speaker of the House, I said it was necessary to drain the swamp that is Washington, D.C. so that the people will understand that we are here for the people's interest and not the special interests.

And so this legislation that is before us today represents what I believe is necessary for us to convey to the American people what we owe them: our best effort to have this Congress live up to the highest ethical standard.

And I know of what I speak because I had the responsibility to serve on the Ethics Committee for 6 years when we took up some terrible issues. The bank scandal, remember that? Many of you weren't here yet, but it was a horrible time. The Newt Gingrich case, it was a horrible time. During that time, as divided as we were, Democrat and Republican, I would pray at night that something exculpatory would come along, something that would say we don't need to continue this case because there is evidence that these charges are not true. It is hard, it is hard to pass judgment on your colleagues. It is very difficult.

And I say that in the most bipartisan way, and we worked together on that committee in a very bipartisan way during some very difficult times.

After 6 years, I thought my service was over; and I had to spend another year on what Mr. HOYER referenced as the Livingston-Cardin Committee to rewrite the rules. We thought we did a really good job; but, obviously, a review of them some years later said we have to do more.

But that has been the story of ethics in the Congress. Since the Ethics Committee was first created in 1967, the House has set increasingly higher standards of conduct to guide Members because public service is a public trust. As I said, in recent years that trust has been eroded, and we have come here to drain the swamp.

Just last year on the first day of the Congress, the New Direction Congress, the House implemented new and sweeping changes to the gift and travel restrictions. Last September we passed the historic Honest Leadership and Open Government Act, historic lobbying and ethics reform that is now the law of the land.

Today, the New Direction Congress will, for the first time, open the ethics process up to the participation of our fellow citizens, which will make this institution more accountable to the people who sent us here, the American people. I welcome their assistance.

I want to say a word about Mr. CAPUANO. I want to thank him for his service to our country. In recognizing him, I want to recognize the participation of all of the members, Democrats and Republicans, on the task force, for their service to this House; and I believe there was a good-faith effort made to keep this process as bipartisan as possible. And that is the best you can do. If at the end of the day there is not a willingness to make the reforms necessary to restore the confidence of the American people in the Congress of the United States, then you cannot be held back because some do not want to act.

Mr. CAPUANO, I believe, led this effort in a way that was bipartisan and sensitive to the institution's history and traditions. And I must say that I received, early on, compliments from his co-Chair, the Republican co-Chair of the committee, about working with Mr. CAPUANO. He said something like, I am sorry you appointed him because he is very good to work with. That was supposed to be a joke.

In any event, I would like to extend special thanks to him for undertaking this very difficult task, not only in trying to make something that is important work, but also to convince our colleagues that this is the route to take.

Now as I said, I served on the committee under the old rules and I helped write the new rules, and there is always a time to revisit all of it. And there will be a time to revisit these rules as well.

A special thanks to my friend, Mr. DAVID HOBSON, for his work on the task force and for his many years of distinguished service in the Congress. We

will miss his thoughtful deliberations and his contributions to our country. Thank you, DAVID HOBSON.

As I mentioned, I served on the Ethics Committee during some very, very difficult times; and I want to extend my deep respect and appreciation to those who serve on this committee now and who have served past and present. Until you have undergone that, until you have undergone that, you cannot really understand how difficult it is. And how happy you are when your term of office ends. But I want to salute them, all of them, past and present, for their important work.

I have deep respect for what Mr. CAPUANO, striving to work in a bipartisan way, has tried to achieve. Adopting the Capuano Task Force recommendations will provide the public and the House with the assurance that credible, credible allegations of wrongdoing will be addressed by the Ethics Committee in a timely fashion. I emphasize the word ''credible'' because I have no doubt that the main target of this, and who do you think the main target of any outside groups to this group will be? You're looking at her. You are looking at her.

But I am willing to take that risk because I also trust, yes, I also trust, my polite colleagues, I also trust that this group will rid itself of frivolous, baseless complaints and send a message to those who would file repeated frivolous complaints that is their price to pay to do this. I consider this a protection.

It will bring an additional measure of transparency to the ethics enforcement process. It creates this transparency, I think it is important to note, without compromising the House's constitutional prerogatives to discipline its Members without interfering with the work of the Ethics Committee and without altering the substantive rules governing the conduct of the committee's deliberations.

I fully realize that bringing non-Members to this enforcement mechanism is not only a step forward; it is a departure. It is a departure from the traditions of the House.

To those who have those concerns, I pledge that I will work closely with my friend, the Republican leader, Mr. BOEHNER, to jointly appoint the members of this new Office of Congressional Ethics, fair men and women who understand the importance of nonpartisan behavior and the compelling need to act fairly to protect the interests of the public, the House, and especially the Members.

□ 2115

Finally, Mr. Speaker, I pledge that the House leadership, and I know I heard, listened with great interest to what Mr. HOYER had to say about this, and thank you, Mr. HOYER, for your extraordinary leadership on making Congress more accountable and live up to a high ethical standard. Our leadership will closely monitor the work of the new Office of Congressional Ethics and continually review all reasonable proposals intended to guarantee the highest ethical conduct and a more transparent and effective ethics process. Whether they relate to the new panel or the Ethics Committee itself, if additional changes are required, we will propose them.

And since I mentioned Mr. HOYER's name, I want to associate myself with one of the remarks he made. I thought it was 30 days. Mr. HOYER said 45 days. But in a very short period of time, according to the proposal that the Republicans are putting forth, in a very short period of time if the Ethics Committee had not disposed of those charges, they would go to the Justice Department. They would go to the Justice Department.

Well, the Ethics Committee is about the rules of the House, about conducting ourselves in a way that brings honor to the House. Many of those issues are not matters for the Justice Department. The Justice Department knows when its jurisdiction should weigh in.

This is about the facts, the rules of the House, and sometimes the law of the land. It's not about hearsay, rumor, suspicion, I thought so, somebody told me. It's about the facts, the rules and the law of the land. That is all that matters. That is all that matters.

I think that this evening this Congress has an opportunity to send a message to the American people, and as we do, each and every one of us does as well. Our votes will speak for themselves. We are willing to take a chance to make a vote on something we might have written differently. And I don't know one bill I've ever voted for that I wouldn't have, something you might have written differently, but something that can strive to remove the doubt that is in the minds of the American people about the integrity of this body.

I hope that you will all join in voting for this. It is worthy of your support. I know that, with my vote, I will be able to say I did everything I could, respecting the work of those who undertook this for practically 1 year to come up with a proposal that was fair, that was effective, and that helped us drain the swamp and say to our bosses, the people who sent us here, we honor you with our service, and we pledge to you that we will always serve in a Congress that upholds the highest ethical standard.

This is an important vote. I urge our colleagues to vote ''aye.'' And I thank Mr. CAPUANO once again for his extraordinary leadership.

Mr. DREIER. Mr. Speaker, we can attain the bipartisanship that the distinguished Speaker and the majority leader would like us to have. We can do so by defeating the previous question so that we can make that in order.

I am happy to yield the balance of our time to my friend from Westchester, Ohio, the distinguished Republican leader, Mr. BOEHNER.

Mr. BOEHNER. My colleagues, rebuilding the bonds of trust between those of us who serve in this institution and the American people should be our highest priority. And I think the American people have every right to expect the highest ethical standards of every Member of this institution, and I think it is our obligation to deliver on that commitment to the American people.

Clearly, the Speaker believes that we need to establish this Office of Congressional Ethics because the Ethics Committee process is broken. Let me say, I agree with her. It is broken. It didn't work under Republican control here for at least the last 5 or 6 years that we had the majority in this House, and the lack of evidence that I've seen over the last 15 months, it's not worked well under the Democratic majority either.

In December of 2006, as the Speaker was waiting to take her position, she and I sat down and we talked about this. I expressed to her at the time my serious reservations about some outside, independent group that was responsible to no one. And I mentioned to the Speaker at the time that I thought that our obligations, as the leaders of this institution, were to stand up to make sure that this process really did work.

I think every Member of this institution wants the Ethics Committee process to work fairly, to work honestly, and to work in a bipartisan fashion, because it is our obligation to the American people and the obligation of each and every one of us, for the future of this institution, to make sure that this process works fairly, honestly, and in a bipartisan way.

I was here in 1991. Some of you were. Most of you weren't. I was standing right on the back wall when I and some of my colleagues had information that we read in USA Today about Members of Congress bouncing 8,300-some-odd checks the year before at the House bank. Some of us wanted to know why or how, what was going on at the House bank. And before we could get to the microphones with our privileged resolution, the Speaker of the House was down here in the well of the House. The majority leader was down here in the well of the House. Even the Republican leader was here in the well of the House, and all three of them basically said the same thing: We didn't do anything wrong, and we won't do it again.

So, for those of you that have concerns about the habits of this institution to sweep these issues under the rug, I saw it, and I've seen it since on both sides of the aisle.

When we will not rise up to meet our responsibility as Members, to judge each other and to hold ourselves to a higher ethical standard, I know that tendency. And for those new Members that are here who want to bring this process and make it more transparent and make it more open, trust me, there's no one who will work more closely with you to make it happen. The Ethics Committee process, again, I'm going to say it again, needs to work fairly, it needs to work honestly, and it needs to work in a bipartisan fashion.

In 2005 and 2006, the then minority leader, Ms. PELOSI, the minority whip, Mr. HOYER, castigated the majority to no end over the issue of, it might have been in 2004 and 2005, over the issue of making changes to the ethics process and the ethics rules in a partisan manner. And I agreed with them. And those changes were later rescinded by a vote in this House.

But over the last 15 months, three times we've had bipartisan, I mean partisan changes to the rules brought to the floor of this House and forced down Members' throats. Three times. Tonight is the fourth time, the fourth time that we've gone down the same path that people decried and decried. And I think all of us on both sides of the aisle know that if this process is going to work fairly and honestly and in a bipartisan manner, it needs to be written in a bipartisan manner. No other way around it.

The members of the task force, MIKE CAPUANO, the gentleman from Massachusetts, the other three Democrat members, LAMAR SMITH and the other three Republican members really did hard work and really tried to come to some agreement. But when you start to create this outside entity, as an excuse, as a way of saying we're doing something, instead of actually fixing the problem, that's where we could never come to an agreement.

I look around this House and I know that there are a majority of the Members of this House who are opposed to the creation of this Office of Congressional Ethics. I see you. I know who you are. You all know it.

We've been through this process. The 18 years that I've been here, we've been through this process of self-flagellating ourselves and introducing new ethics packages, passing them on the floor of the House, all of it, all of it under some rules of public pressure.

But what we really have never done is to create an ethics process that does work fairly and honestly in a bipartisan manner. I don't know what goes on down there, and I understand there's a reason for some secrecy, but to have some idea that something is moving in the ethics process would be helpful, to know that they are investigating case number whatever it is and that it will move.

But I do think that the proposal that we have tonight before us is partisan. I don't think it'll work. And I don't think it's in the best interest of the American people or this institution.

The current Ethics Committee is made up of five members appointed by the Speaker and five members appointed by the minority leader. It's bipartisan. The problem we have is that the process itself has not worked. And it's been frankly 10 years since it's worked very well. Now, there's a lot of ways to make it work. I think more transparency and more accountability. And I think Members could come to an agreement on making that process work, although I do believe the most important thing that will make it work is a commitment by the leaders on both sides of the aisle to say, we expect the Ethics Committee to work; we expect them to do our job. And the two leaders need to stand there and uphold those Members and the work that they do on behalf of this entire House. It can happen.

But the new proposal is three Members appointed by the Speaker and three Members appointed by myself and we have to come to an agreement. We have six Members that we could, six Members on this outside organization that we could agree on.

Now, the Speaker and I have come to some agreements here over the last couple of weeks, and it's been a very nice and wonderful experience. But to think that we can come to an agreement on six people to serve on this outside panel strikes me as a stretch. I can't imagine who in their right mind would want to serve on this outside panel because of the fighting that's going to occur, not by Members, but by partisan groups on both sides who are going to want to be filing frivolous complaints. And the problem with this outside process is that it does not have the secrecy and accountability that's necessary to ensure that Members' reputations aren't drug through the mud by some partisan charge that may have no basis in fact at all. None.

Now, if the bipartisan process that we have called the Ethics Committee doesn't work, why would we think that this bipartisan outside Ethics Committee is going to work any better?

I just want to say that this institution means a lot to me. It means a lot to, I think, all of us who serve. And before I came to the floor, I was watching the proceedings from my office, and I saw the new Member, the gentleman from Illinois, sitting here, probably was scratching his head wondering on his first day in Congress he's in the middle of this big partisan fight. It's not usually this way. But I've got to tell you that it really isn't usually this way.

What we're about to undertake here is something that will never be undone, if we do it. And if we do it wrong, which I believe it is being done wrong, it will be something that this institution and its Members will live with for a long, long time to come.

□ 2130

And I think there's only one real answer, and I want all of my colleagues to really seriously consider doing the right thing tonight. I think that we ought to defeat the previous question. I think that we ought to send this back to a committee that can, in a bipartisan way, find a way to make the Ethics Committee process work in the fair, honest and bipartisan manner in which we all want it to work. Let's not paper over the problem. Let us go fix the problem, and the problem is the Ethics Committee process itself.

And so I would ask my colleagues to thank the great work of the bipartisan group of Members who tried to put this together, thank them for their job and the job they did for this institution. But let's also reject this proposal, agree that we will work together in a bipartisan way to do the right thing for our Members, our colleagues, this institution and for the American people.

Defeat the previous question.

Ms. SUTTON. Mr. Speaker, I insert a March 11 letter from the Ethics Committee chairwoman, STEPHANIE TUBBS JONES, into the RECORD at this point.

HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,

Washington, DC, March 11, 2008.

DEAR COLLEAGUES: Today, I am disappointed that the Ranking Member of the Ethics Committee, Representative Doc Hastings, would violate the Ethics Committee's confidentiality rules by releasing a confidential communication between two attorneys who work for the Committee.

Both Representative Hastings and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House Leadership with reviewing the ethics process itself. In his letter, Representative Hastings said ''Upon receipt of his letter, I shared Rep. Smith's request with Chairwoman Tubbs Jones and urged her to join me in submitting official comments to Rep. Capuano's task force on behalf of our Committee—a request to which she did not agree''. That is not true. We did however agree to send a letter outlining the functions of the ethics committee process which is signed by both Representative Hastings and myself. (This letter is available upon request). We also agreed to allow our counsel to attend some of the meetings of the outside ethics committee and to address some of the concerns we raised. Some of these concerns are reflected in the Office of Congressional Ethics' final product.

Indeed the Oath of Office, Rule 7(a), proscribes this conduct when we declare ''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Rule 7(d) provides that Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee,

any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact of nature of any complaints; (ii) executive session proceedings; (iii) Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee, of the House.

Today, Representative Hastings stated he had no desire to release ''the memo'' if this matter had not come to the floor. If Representative Hastings was as altruistic as he claims to be having had this memo since November 2007, he would have initiated a process whereby our counsel could have time to prepare a response that might have been available for public review after being approved by the Chair and Ranking Member. This ''memo'' was actually an internal email communication between lawyers of the Committee and not approved for release by the Chair or Ranking Member. By releasing the said internal communication, Representative Hastings could in fact reduce the confidence that the nonpartisan counsel has in communicating with members uncertain that their work product would be kept confidential.

Representative Hastings' reliance on Rule 7(g) which states, ''Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee of any subcommittee, does not relieve him of the obligation to comply with the rules of confidentiality.

As Chair of the Ethics Committee, I have taken great strides not to give an opinion on the proposed Office of Congressional Ethics and I had hoped that my ranking member could place himself above the fray and not act for a partisan purpose. I see now that he cannot.

I do not seek to have sanctions brought against Representative Hastings at this time in hope that we can continue the work of this bipartisan committee. I do however want to make it clear that if he continues to release confidential communication, I will seek to have him sanctioned for violations of the Code of Official Conduct.

Sincerely,

STEPHANIE TUBBS JONES,
Chairwoman.

Mr. Speaker, when the laws and congressional rules are violated, the American people suffer. They suffer in policy and they suffer in spirit. They're cheated out of their right to proper representation. When Americans went to the polls in the last election, they sent a clear message that they are concerned about the state of our government. The American people want to know that we are here for them, not for the lobbyists, not for special interests and not for self-interest. They deserve nothing less. That is what this is about.

I urge a ''yes'' vote on the previous question and on the rule.

Mr. DINGELL. Mr. Speaker, I have a number of concerns about the resolution before us today. First, I am concerned that granting the power and authority to investigate Members of Congress to an independent, outside entity cedes away too much of the power granted to the legislative branch by the Constitution of the United States. We need to be clear about what it is we are doing today; we are altering the scheme created by Framers of the Constitution in a way that weakens this body.

The Constitution grants Members of Congress important protections that allow us to carry out our official duties free from the threat of investigation by an outside entity. Among other things, the immunity provided by the speech and debate clause allows us too vigorously pursue our oversight responsibilities without fear of retribution. Rather than allow some outside body to decide the standards that should be used to judge whether a Member of Congress is capable and responsible enough to carry out his or her duties, the Constitution vests that power in the voters, and with Congress itself.

I understand the problem that this resolution is attempting to address: People in this country are losing faith in the institutions of government. I believe that delegating the authority for investigating Members of Congress to an outside entity only confirms these fears. I believe that rather than giving into the skepticism and cynicism inherent in this view, we need to show people that government is responsible and that it can work.

If the Committee on Standards and Conduct is no longer capable of carrying out this responsibility, by all means we should find a way to reform it, empower it, and give it the tools it needs to uphold the integrity of this body. However, it seems to me that it would be unwise and unnecessary for us to tell the American people that we are no longer capable of policing our own.

Regardless of what we do here today, it will remain up to the voters to decide who represents them in this body. As the dean of the House, I have had the privilege to serve in this body and represent the people of my District for many years. During my time in the House I have witnessed politicians be indicted, be forced to resign because of public pressure, and be investigated and reprimanded by the House. I have also seen politicians accused of wrongdoing, or tarnished by the mere appearance of wrongdoing, who have been given the opportunity to make their case before the voters and return to this body.

In today's world, where the Internet and 24 hour cable news amplify and repeat almost any charge, regardless of its veracity, it seems unlikely that many Members of Congress will be able to avoid public scrutiny if they commit illegal or unethical acts. The question before us is not whether we want those who commit such acts to go unpunished, but what is the best way to ensure that they are held accountable. While I respect the views of those who believe an independent office is necessary, I cannot bring myself to agree. Ultimately, I will place my faith in the voters and in this body to ensure that the House of Representatives remains a strong and honorable institution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 895, establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes, introduced by my distinguished colleague from Massachusetts, Representative CAPUANO. This important legislation will establish an independent Office of Congressional Ethics in the House of Representatives that will address concerns about House transparency and accountability.

Ethics and legal scandals plagued the Republican Congress. The cozy relationship between Congress and special interests we saw during the 109th Congress resulted in serious lobbying scandals, such as those involving Jack Abramoff.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this sordid way of running the Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exits polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new direction Congress. That is why as our first responsibility in fulfilling the mandate of this critical election, Democrats offered and passed last year an aggressive ethics reform package. Today, we are here to pass yet another piece of ethics legislation, illuminating that this Democratic Congress has nothing to hide. We are committed to accountability and financial transparency and as such will continue to pass ethics legislation until we are satisfied that any and all ethics concerns have been addressed. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

This important legislation amends Rule XXVI, Financial Disclosure, of the Rules of the House by requiring members of the board of the Office of Congressional Ethics to file annual financial disclosure reports with the Clerk of the House. It furthermore Amends Rule XI, Procedures of Committees and Unfinished Business, to permit the Committee on Standards of Official Conduct to undertake an investigation upon receipt of a report regarding a referral from the Office of Congressional Ethics and sets forth provisions concerning the public disclosure of board findings. The rules outlined within this legislation state that the board is directed to address any joint allegation within 7 calendar days, ensuring that any and all allegations are expediently handled. Through the creation of the Office of Congressional Ethics, the House will significantly increase the transparency and accountability of its ethics enforcement process through greater timely reporting by a body of individuals who are independent from the House.

Mr. Speaker, it is wholly fitting and proper that the Members of this House, along with all of the American people, paid fitting tribute to the late President Gerald R. ''Jerry'' Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the Presidency, President Ford assured the Nation: ''My fellow Americans, our long National nightmare is over.'' By his words and deeds, President

Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House today faces a similar challenge. To restore public confidence in this institution, we must commit ourselves to being the most honest, most ethical, most responsive Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we must establish an independent Office of Congressional Ethics, and as such I offer my whole-hearted support to this legislation.

Mr. Speaker, I am proud to support H. Res. 895 and I urge my colleagues to join me in supporting this important legislation.

Mr. HOLT. Mr. Speaker, yesterday the House passed H. Res. 895, a resolution establishing an independent Office of Congressional Ethics within the House of Representatives. I believe it is a long overdue, although partial, step to protect the public trust and bring greater transparency and accountability to the people's House.

At the beginning of the 110th Congress, the Speaker said we must drain the swamp. We made some changes to the House Rules and passed legislation that mandated more extensive limits on gifts and travel, greater disclosure of activities by lobbyists, helped slow the revolving door of Members of Congress and staff to lobbying on behalf of private interests and brought greater transparency to the earmark process. Yesterday, following painstaking drafts, we took further steps.

The scandals that have embroiled this institution over the last few years because of the unethical conduct of certain Members of Congress have eroded the faith that Americans have in our legislative branch of government. What has only deepened this cynicism is the belief that Congress does a very poor job in investigating the ethical lapses of its own Members. The contentious nature of the current ethics process has too often led to deadlock and an inability to truly investigate claims concerning Members of both parties. While I commend the leadership and the membership of the Committee on Standards of Official Conduct for the work they have done under trying circumstances, it is clear that the process has been missing an independent voice that can help us get above the partisanship and rancor that too often accompany these types of investigations. This bill is a step toward creating that independent voice.

The legislation establishes an Independent Office of Congressional Ethics, composed of six members jointly appointed by the Speaker and the Minority Leader. Three of the members of the office will be nominated by the Speaker with the concurrence of the Minority Leader; three members would be nominated by the Minority Leader with the concurrence of the Speaker. The members, who cannot be current Members of the House, Federal employees or lobbyists, would serve four-year terms with one reappointment possible. The Office would have the ability to initiate review by written notice provided by two Office members, one of which must be appointed by the Speaker, the other by the Minority Leader. The Office would have the ability to refer a matter if three members affirmatively vote to move it to the Ethics Committee.

The legislation has the support of a number of groups that have called for strong reform of the ethics process, including Common Cause, U.S. PIRG and recognized public policy experts such as Norman Ornstein of the American Enterprise Institute and Thomas Mann at the Brookings Institute. They recognize that in the past, the principle of Congress policing itself has just not worked. They have played a vital role in making sure that today's resolution comes to a vote so that all of us live up to the oath of office we take the first day of every new Congress. I also want to commend the Speaker who has promised and delivered on her pledge to bring vigorous, ethical leadership to this institution. Without taking action, we will only allow public cynicism about government to continue to grow. This important resolution will bring real ethics reform to Congress. It will help reestablish the trust and confidence of the American people in this institution and in the principle of honest and open government.

Mr. BLUMENAUER. Mr. Speaker, I am proud of the Democratic majority's commitment to ethics reform. In the first 100 hours of this Congress, we adopted vital new rules ushering in a new era of openness and fiscal responsibility. We then reformed lobbying practices, and this year many of us voluntarily will reduce and disclose our earmark requests. To continue this commitment to transparency in government, I am pleased to support H. Res. 895 and the creation of an independent, bipartisan Office of Congressional Ethics.

A smooth functioning and credible ethics process is critical for both the reputations of individual members of Congress and for the future of the institution itself. I have consistently supported reform of the existing process. At the beginning of 2007, my colleague GREG WALDEN and I reintroduced legislation, the "Ethics Reform Act," which abolishes the Committee on Standards of Official Conduct and establishes a fully independent ethics review process. This plan gives oversight authority to a panel of former Members, and empowers the independent office to oversee the actions and filings of lobbyists and offices.

While the measure we consider today differs significantly from my bill, the spirit behind it is the same. If the intent of having members of Congress sit in judgment of their colleagues is to provide both a Constitutional check on impropiety and maintain public confidence in the institution, then I believe the present system has failed both the test of timely justice and of public opinion. Vesting the power of preliminary investigation with an independent board can lift the day-to-day work above partisanship and still keep any punishment of violators safely within the purview of the Congress. I believe a more independent process will provide greater fairness for both Members under review and for the public that demands greater accountability.

The bill before us today initiates the changes that many of us seek and our constituents demand. Ultimately, I would like to see reform that fully removes sitting Members from the task of investigating their peers, and that instead gives that authority to independent individuals with a firsthand understanding of Congress. However I remain profoundly encouraged with the progress we have made on the issue of Congressional accountability. Instituting the independent ethics mechanism as outlined in this bill will benefit Congress, and ultimately, the American people.

Mr. CAPUANO. Mr. Speaker, I would like to thank many of the people who participated in the work of the Task Force, either by coming to speak with us and share their views or by contributing on a staff level.

A number of individuals attended meetings at the Task Force's request to share their past experiences and offer their opinions on the idea of an independent ethics office. We very much appreciate the time they gave us. They are Senator BEN CARDIN, former Representative Louis Stokes, former Representative Robert Livingston, Thomas Mann of the Brookings Institution, Norman Ornstein of the American Enterprise Institute, Donald Wolfensberger of the Woodrow Wilson International Center for Scholars, former Federal Election Commission Chairman Bradley Smith, Kentucky Legislative Ethics Commission Executive Director Judge Anthony Wilhoit, President of the Ethics Resource Center Dr. Patricia Harned, Sarah Dufendach of Common Cause, Gary Kalman of U.S. PIRG, Fred Wertheimer of Democracy 21, Meredith McGehee of Campaign Legal Center, Melanie Sloan of Citizens for Responsibility and Ethics in Washington, Thomas Fitton of Judicial Watch, Lloyd Leonard of the League of Women Voters, Senate Ethics Committee Staff Director Robert Walker, and Senior Counsel to the House Committee on Standards of Official Conduct Ken Kellner.

I would like to extend my particular thanks to Tom Mann, Norm Ornstein, Sarah Dufendach, and Gary Kalman, all of whom were very committed to seeing a responsible and practical proposal from the Task Force and therefore spent many hours in consultation toward achievement of that goal.

The staff who assisted members of the Task Force also deserve our thanks and recognition: Bernard Raimo, Counsel to the Speaker; Paul Taylor, Chief Republican Counsel to the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties; Ed Cassidy, Senior Advisor & Floor Assistant to the Republican Leader; Robert F. Weinhagen, Jr., Senior Counsel in the Office of Legislative Counsel; Jean Louise Beard, Chief of Staff, and Kate Roetzer, Legislative Assistant to Rep. PRICE; Allison Havourd and Rob Guido, Legislative Assistants to Rep. CAMP; Christopher Hickling, Legislative Director to Rep. MEEHAN; Ben Taylor, Legislative Assistant to Rep. HOBSON; Carla Murrell-Hargrove, Staff Assistant, and Rashage Green, Legislative Assistant to Rep. SCOTT; Jeff Kahrs, Chief of Staff to Rep. TIAHRT; and Emily Lawrence, Legislative Director to Rep. MCCOLLUM.

Mr. Speaker, much of the debate on the Office of Congressional Ethics and the process followed by the Task Force in formulating these recommendations has centered on the issue of bipartisanship. Although my Republican colleagues declined to endorse the final proposal outlined in our report dated December 19, 2007, the process up to that point had, in fact, been incredibly bipartisan. This is to the credit of all of my colleagues on the Task

Force. We had lively, open, and civil discussions in a series of meetings held over the course of a year, and we all value the cordial and professional way in which we were able to work together.

A number of draft proposals were circulated to all members of the Task Force throughout the process, starting with an initial proposal that was floated in June. As we worked to craft a specific set of recommendations, all Members had the opportunity to offer suggestions and feedback—and all did. As we worked from a general outline of an independent office into a more specific legislative draft, we incorporated most of the ideas put forth by Task Force members.

I would like to point out that the final proposal—as introduced in December and as amended for consideration on the House floor—contains a litany of concepts put forth by our Republican colleagues. They include:

Term limits for OCE board members;

Joint appointment of OCE board members;

Requirement that reviews be initiated with bipartisan agreement;

Only prospective consideration by the OCE—no retroactive reviews of allegations pertaining to acts that occurred before the date of adoption;

Code of conduct for OCE board members and staff that includes avoidance of conflicts of interest;

Financial disclosure form for OCE board members;

Wording on OCE ability to ''solicit such testimony and receive such relevant evidence as may be necessary to carry out its duties'';

60-day blackout on referrals from OCE to Ethics Committee before an election was made mandatory, as opposed to being at the Committee's discretion;

Provision requiring leaks to be investigated; and

Provision on ex parte communications.

One other issue to which I would like to respond is the internal memo from staff of the Committee on Standards of Official Conduct that was publicized via a Dear Colleague letter on March 11th and submitted for the RECORD that same day. This memo came in the form of an email exchange between Ken Kellner, Senior Counsel to the Committee, and Bill O'Reilly, Chief Counsel and Staff Director.

I would like to be absolutely clear that while the written memo was never shared with my office prior to their release in the Dear Colleague letter, its contents and the concerns of the Ethics Committee were shared in November 2007—prior to the introduction of H. Res. 895 on December 19, 2007. While some of the concerns raised by the Committee essentially rose from a basic objection to the creation of an independent ethics office within the House and could therefore not be addressed without compromising the fundamental concept, others were valid and reasonable issues that we took into consideration and modified based on Committee staff's suggestion.

I call Members' attention to five key changes that were made to the Task Force proposal in direct response:

We built in a process for the Ethics Committee to unilaterally take a case from the OCE at any time if the Committee feels it necessary or appropriate.

We removed a provision that would direct the OCE to provide a copy of its findings to the Member, officer, or employee who is the subject of a review. We agreed that it was not ideal to provide what could essentially be a ''roadmap'' for an investigation to the subject of a review. Therefore, the subject of the review would only see the OCE findings when they become available to the public—only after the Ethics Committee has a chance to deal with the matter.

We altered the content of the findings so that cooperative witnesses could not be named publicly—precisely because we agreed that the OCE would not want to punish legitimate whistleblowers by publicly disclosing their names. The change specified that only uncooperative witnesses may be named in the findings.

With respect to Committee concerns about publishing the board's findings even if the Committee has decided to handle a matter nonpublicly, we made sure to clarify that Ethics Committee rules would allow the Committee to dismiss a matter while also issuing a private letter to the subject or respondent. If the Committee felt the need to handle a smaller infraction privately, they could do so in this manner and no publication of the action is required.

We expanded the ex parte communications prohibition to include ''any interested party'' as was suggested.

These modifications were made to the proposal prior to the release of the final Task Force recommendations and introduction of H. Res. 895. Members deserve to know that the concerns of the Ethics Committee were taken into account by the Task Force and that, while this commentary caught many Members by surprise on March 11, we had already been briefed on its substance and had responded appropriately.

The Task Force worked diligently over our 11 months of meetings to cooperate on a bipartisan basis and craft a set of recommendations that would improve the ethics process in the House of Representatives. While I regret that we could not come to a final agreement, I thank my colleagues on the Task Force for their efforts and for their commitment to this institution.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on any question arising without intervening business.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 17, as follows:

[Roll No. 121]

YEAS—207

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—206

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chandler
Clay
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan

Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Boucher
Capito
Davis, Lincoln
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Tancredo
Thompson (MS)
Woolsey
Wynn

□ 2159

Messrs. JOHNSON of Illinois, HINCHEY, BUTTERFIELD, STUPAK, BISHOP of Georgia, and CLEAVER changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. BLUNT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. BLUNT. Am I right that the rules of the House read, ''A Record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote?''

The SPEAKER pro tempore. The gentleman is correct.

Mr. BLUNT. Mr. Speaker, am I correct that that was a rule change that was made this Congress this year?

The SPEAKER pro tempore. At the start of this Congress, that is correct.

Mr. BLUNT. Mr. Speaker, parliamentary inquiry. Am I right in inquiring that the majority has said that any vote that doesn't change for 3 minutes and then changes is a vote being changed for the purpose of changing votes?

The SPEAKER pro tempore. Has the gentleman asked the chair to interpret what the majority has said?

Mr. BLUNT. May I restate my parliamentary inquiry, Mr. Speaker?

The SPEAKER pro tempore. The gentleman may restate the parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry. Mr. Speaker, if the rule is violated that the majority put in the rules package this year, does that eviscerate the vote?

The SPEAKER pro tempore. An alleged violation of 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker. Does this rule have any impact at all?

□ 2200

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Mr. Speaker, I would like to inquire of the Chair, what is the procedure to move ahead to ensure that we have enforcement of rule IX?

The SPEAKER pro tempore. As previously stated, an alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized.

Mr. BLUNT. If the vote is necessary for another vote to occur, what's the parliamentary way to challenge that vote before the subsequent vote occurs?

The SPEAKER pro tempore. The challenge would occur collaterally—that is, after the fact.

Mr. FRANK of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, is blatant hypocrisy a violation of the rules of the House?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for purposes of parliamentary inquiry.

Mr. BLUNT. What is the proper motion to ask that that vote be reconsidered?

The SPEAKER pro tempore. Any Member on the prevailing side may move to reconsider.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. BOEHNER. Mr. Speaker, did I understand that to challenge the vote on the previous question that it would rise to a question of the privileges of the House? Is that correct?

The SPEAKER pro tempore. Such a matter could qualify as a question of privilege.

Mr. BOEHNER. Mr. Speaker, I believe that the privileges of the House have been dishonored, that the rules have been violated.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry? The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. Mr. Speaker, when could I introduce a privileged motion?

The SPEAKER pro tempore. A privileged resolution may be entertained after the conclusion of the pending rule.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. If I can't offer a privileged resolution until this business has been completed, there will have been a vote taken on final passage of this rule, which basically takes my remedy away from me. I believe that under the rule as written by the majority that a vote cannot be held open solely for the purpose of trying to change the outcome. It was violated.

The SPEAKER pro tempore. The Chair has described the challenge as collateral.

An alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

The question is on the resolution.

Mr. BOEHNER. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The motion to adjourn is not in order.

Mrs. CUBIN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Wyoming is recognized for purposes of a parliamentary inquiry.

Mrs. CUBIN. Mr. Speaker, I'm under the impression that the delegates from the territories' vote cannot be counted when it makes a difference in the outcome of the vote. So could you tell me when those votes can be considered and when they can't be considered?

The SPEAKER pro tempore. The rule to which the gentlewoman refers is applicable to the Committee of the Whole only.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption will be followed by 5-minute votes on any question arising without intervening business; and the motion to suspend the rules on H. Res. 936.

The vote was taken by electronic device, and there were—yeas 229, nays 182, answered ''present'' 4, not voting 15, as follows:

[Roll No. 122]

YEAS—229

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wu
Yarmuth

NAYS—182

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chandler
Clay
Cleaver
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Johnson, Sam
Jordan
Kaptur
King (IA)
King (NY)
Kingston
Kline (MN)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—4

Delahunt
Doyle
Jones (OH)
Roybal-Allard

NOT VOTING—15

Capito
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Tancredo
Thompson (MS)
Woolsey
Wynn

□ 2227

Mr. GILCHREST changed his vote from ''yea'' to ''nay.''

Messrs. MEEKS of New York, MCHUGH, WITTMAN of Virginia, ORTIZ, HINOJOSA, REYNOLDS, HILL, and ENGLISH of Pennsylvania changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. WEINER). By the adoption of House Resolution 1031, House Resolution 895, as amended, stands adopted.

The text of House Resolution 895, as amended, is as follows:

H. RES. 895

Resolved,

SECTION 1. ESTABLISHMENT OF THE OFFICE OF CONGRESSIONAL ETHICS.

(a) ESTABLISHMENT.—For the purpose of assisting the House in carrying out its responsibilities under article I, section 5, clause 2 of the Constitution (commonly referred to as the ''Discipline Clause''), there is established in the House an independent office to be known as the Office of Congressional Ethics (hereinafter in this section referred to as the ''Office'').

(b) BOARD.—(1) The Office shall be governed by a board consisting of six individuals of whom three shall be nominated by the Speaker subject to the concurrence of the minority leader and three shall be nominated by the minority leader subject to the concurrence of the Speaker. The Speaker shall nominate at least one alternate board member subject to the concurrence of the minority leader and the minority leader shall nominate at least one alternate board member subject to the concurrence of the Speaker. If any vacancy occurs in the board, then the most senior alternate board member nominated by the same individual who nominated the member who left the board shall serve on the board until a permanent replacement is selected. If a permanent appointment is not made within 90 days, the alternate member shall be deemed to have been appointed for the remainder of the term of the member who left the board and the Speaker or the minority leader, as applicable, shall nominate a new alternate subject to the concurrence of the other leader.

(2) The Speaker and the minority leader each shall appoint individuals of exceptional public standing who are specifically qualified to serve on the board by virtue of their education, training, or experience in one or more of the following fields: legislative, judicial, regulatory, professional ethics, business, legal, and academic.

(3) The Speaker shall designate one member of the board as chairman. The minority leader shall designate one member of the board as cochairman. The cochairman shall act as chairman in the absence of the chairman.

(4)(A) Selection and appointment of members of the board shall be without regard to political affiliation and solely on the basis of fitness to perform their duties.

(B)(i) No individual shall be eligible for appointment to, or service on, the board who—

(I) is a lobbyist registered under the Lobbying Disclosure Act of 1995;

(II) has been so registered at any time during the year before the date of appointment;

(III) engages in, or is otherwise employed in, lobbying of the Congress;

(IV) is an agent of a foreign principal registered under the Foreign Agents Registration Act;

(V) is a Member; or

(VI) is an officer or employee of the Federal Government.

(ii) No individual who has been a Member, officer, employee of the House may be appointed to the board sooner than one year after ceasing to be a Member, officer, or employee of the House.

(5) A vacancy on the board shall be filled for the unexpired portion of the term, utilizing the process set forth in paragraph (1).

(6)(A) Except as provided by subparagraph (B), terms on the board shall be for two Congresses. A member of the board may not serve during more than four consecutive Congresses.

(B) Of the individuals appointed in the 110th Congress to serve on the board, 4 shall be designated at the time of appointment to serve only for the remainder of that Congress. Any such individual may be reappointed for an additional term of two Congresses.

(C) Any member of the board may be removed from office for cause by the Speaker and the minority leader, acting jointly, but not by either, acting alone.

(7) A member of the board shall not be considered to be an officer or employee of the House, but shall receive a per diem equal to the daily equivalent of the minimum rate of basic pay payable for GS–15 of the General Schedule for each day (including travel time) during which such member is engaged in the performance of the duties of the board.

(8) A majority of the members of the board shall constitute a quorum.

(9) The board shall meet at the call of the chairman or a majority of its members pursuant to its rules.

(c) POWERS.—The board is authorized and directed to:

(1)(A) Within 7 calendar days (excluding Saturdays, Sundays, and public holidays) after receipt of a joint written request from 2 members of the board (one of whom was nominated by the Speaker and one by the minority leader) to all board members to undertake a preliminary review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities, along with a brief description of the specific matter, initiate a preliminary review and notify in writing—

(i) the Committee on Standards of Official Conduct of that preliminary review and provide a statement of the nature of the review; and

(ii) any individual who is the subject of the preliminary review and provide such individual with a statement of the nature of the review.

(B) Within 30 calendar days or 5 legislative days, whichever is later, after receipt of a request under subparagraph (A), complete a preliminary review.

(C) Before the end of the applicable time period, vote on whether to commence a second-phase review of the matter under consideration. An affirmative vote of at least 3 members of the board is required to commence a second-phase review. If no such vote to commence a second-phase review has succeeded by the end of the applicable time period, the matter is terminated. At any point before the end of the applicable time period, the board may vote to terminate a preliminary review by the affirmative vote of not less than 4 members. The board shall notify, in writing, the individual who was the subject of the preliminary review and the Committee on Standards of Official Conduct of its decision to either terminate the preliminary review or commence a second-phase review of the matter. If the board votes to terminate the preliminary review, then it may send a report and any findings to such committee.

(2)(A)(i) Except as provided by item (ii), complete a second-phase review within 45 calendar days or 5 legislative days, whichever is later, after the board commences such review.

(ii) Extend the period described in subparagraph (A) for one additional period of 14 calendar days upon the affirmative vote of a majority of its members, a quorum being present.

(B) Transmit to the Committee on Standards of Official Conduct a recommendation that a matter requires further review only upon the affirmative vote of not less than 4 members of the board.

(C) Upon the completion of any second-phase review undertaken—

(i) transmit to the Committee on Standards of Official Conduct the following—

(I) a written report composed solely of—

(aa) a recommendation that the committee should dismiss the matter that was the subject of such review;

(bb) a statement that the matter requires further review; or

(cc) a statement that the matter is unresolved because of a tie vote; and

the number of members voting in the affirmative and in the negative and a statement of the nature of the review and the individual who is the subject of the review;

(II) its findings, if any, composed solely of—

(aa) any findings of fact;

(bb) a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview, and the reasons therefor;

(cc) a recommendation for the issuance of subpoenas where appropriate, if any; and

(dd) a citation of any relevant law, rule, regulation, or standard of conduct;

but not the names of any cooperative witnesses or any conclusions regarding the validity of the allegations upon which it is based or the guilt or innocence of the individual who is the subject of the review; and

(III) any supporting documentation; and

(ii) transmit to the individual who is the subject of the second-phase review the written report of the board described in clause (i).

(D) Hold such hearings as are necessary and sit and act only in executive session at such times and places and solicit such testimony and receive such relevant evidence as may be necessary to carry out its duties.

(E) Pay witnesses appearing before the Office in the same manner as prescribed by clause 5 of rule XI of the Rules of the House of Representatives.

(F) Adopt rules to carry out its duties, which shall include each of the following:

(i) A rule providing that—

(I) the board may vote to terminate a preliminary review on any ground, including that the matter under review is de minimis in nature; and

(II) the board may vote to recommend to the Committee on Standards of Official Conduct that the committee should dismiss a matter that was the subject of a second-phase review on any ground, including that the matter under review is de minimis in nature.

(ii) A rule requiring that all witnesses sign a statement acknowledging their understanding that the text of section 1001 of title 18, United States Code (popularly known as the False Statements Act) applies to their testimony and to any documents they provide.

(iii) A rule requiring that there be no ex parte communications between any member of the board or staff of the Office and any individual who is the subject of any review by the board or between any member and any interested party, and that no Member, officer, or employee of the House may communicate with any member of the board or staff of the Office regarding any matter under review by the board except as authorized by the board.

(iv) A rule that establishes a code of conduct to govern the behavior of its members and staff, which shall include the avoidance of conflicts of interest.

(d) REQUESTS FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—(1) Notwithstanding any other provision of this section, upon receipt of a written request from the Committee on Standards of Official Conduct that the board cease its review of any matter and refer such matter to the committee because of the ongoing investigation of such matter by the committee, the board shall refer such matter to the committee and cease its preliminary or second-phase review, as applicable, of that matter and so notify any individual who is the subject of the review. In any such case, the board shall send a written report to the committee containing a statement that, upon the request of that committee, the matter is referred to it for its consideration, but not any findings.

(2) If the Committee on Standards of Official Conduct notifies the board in writing that it is unable to resolve any matter described in paragraph (1), the board shall immediately begin or continue, as the case may be, a second-phase review of the matter.

(e) LIMITATIONS ON REVIEW.—No review shall be undertaken by the board of any alleged violation of law, rule, regulation or standard of conduct not in effect at the time of the alleged violation; nor shall any review be undertaken by the board of any alleged violation that occurred before the date of adoption of this resolution.

(f) PROHIBITION ON PUBLIC DISCLOSURE.—(1)(A) When an individual becomes a member of the board or staff of the Office, that individual shall execute the following oath or affirmation in writing: ''I do solemnly swear (or affirm) that I will not disclose to any person or entity outside of the Office any information received in the course of my service with the Office, except as authorized by the board as necessary to conduct official business or pursuant to its rules.''. Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House.

(B) No testimony received or any other information obtained as a member of the board or staff of the Office shall be publicly disclosed by any such individual to any person or entity outside the Office. Any communication to any person or entity outside the Office may occur only as authorized by the board as necessary to conduct official business or pursuant to its rules.

(C) The Office shall establish procedures necessary to prevent the unauthorized disclosure of any information received by the Office. Any breaches of confidentiality shall be investigated by the board and appropriate action shall be taken.

(2) Paragraph (1) shall not preclude presenting its report or findings or testifying before the Committee on Standards of Official Conduct by any member of the board or staff of the Office if requested by such committee pursuant to its rules.

(3) Before the board votes on a recommendation or statement to be transmitted to the Committee on Standards of Official Conduct relating to official conduct of

any Member, officer, or employee of the House, it shall provide that individual the opportunity to present, orally or in writing (at the discretion of the board), a statement to the board.

(g) PRESENTATION OF REPORTS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Whenever the board transmits any report to the Committee on Standards of Official Conduct relating to official conduct of any Member, officer, or employee of the House, it shall designate a member of the board or staff to present the report to such committee if requested by such committee.

(h) COMPENSATION OF STAFF.—Upon the affirmative vote of at least 4 of its members, the board may appoint and fix the compensation of such professional, non-partisan staff as it considers necessary to perform its duties.

(i) TERMINATION OF STAFF.—Members of the staff may be terminated during a Congress solely by the affirmative vote of at least 4 members of the board.

(j) REIMBURSEMENTS.—The board may reimburse its members and staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties in the same manner as is permissible for such expenses of other employees of the House.

(k) AGREEMENTS; RETENTION OF DOCUMENTS BY THE CLERK.—(1) Before any individual who is appointed to serve on the board (including an individual who is an alternate) or before any individual is hired to be a staff member of the Office may do so, the individual shall execute a signed document containing the following statement: ''I agree not to be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after I am no longer a member of the board or staff of the Office of Congressional Ethics.''

(2) Copies of the signed and executed document shall be retained by the Clerk as part of the records of the House. The Clerk shall make the signatures a matter of public record, causing the names of each individual who has signed the document to be published in a portion of the Congressional Record designed for that purpose, and make cumulative lists of such names available on the web site of the Clerk.

(3) The following rules shall be applicable to the staff of the Office:

(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a non-partisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Office without specific prior approval from the chairman and cochairman.

(l) FUNDING.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the Office. Such payments shall be made on vouchers signed by the chairman of the board and approved in the manner directed by the Committee on House Administration. Amounts made available under this section shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(m) DEFINITION.—As used in this section, the term ''Member'' means any Representative in, or Delegate or Resident Commissioner to, the Congress.

SEC. 2. FINANCIAL DISCLOSURE REPORTS.

Rule XXVI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''3. Members of the board of the Office of Congressional Ethics shall file annual financial disclosure reports with the Clerk of the House on or before May 15 of each calendar year after any year in which they perform the duties of that position. Such reports shall be on a form prepared by the Clerk that is substantially similar to form 450 of the Office of Government Ethics. The Clerk shall send a copy of each such report filed with the Clerk within the seven-day period beginning on the date on which the report is filed to the Committee on Standards of Official Conduct and shall have them printed as a House document and made available to the public pursuant to clause 1.''.

SEC. 3. CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE.

Clause 3 of rule XI of the Rules of the House of Representatives is amended as follows:

(1) In paragraph (b)(2), strike ''or'' at the end of subparagraph (A), strike the period and insert ''; or'' at the end of subparagraph (B), and add at the end the following new subparagraph:

''(C) upon receipt of a report regarding a referral from the board of the Office of Congressional Ethics.''

(2) At the end of paragraph (b), add the following new subparagraph:

''(8)(A) Except as provided by subdivisions (B), (C), and (D), not later than 45 calendar days or 5 legislative days, whichever is later, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the chairman of the Committee on Standards of Official Conduct shall make public the written report and findings of the board unless the chairman and ranking member, acting jointly, decide or the committee votes to withhold such information for not more than one additional period of the same duration, in which case the chairman shall—

''(i) upon the termination of such additional period, make public the written report and findings; and

''(ii) upon the day of such decision or vote, make a public statement that the committee has voted to extend the matter relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, officer, or employee of the House who is the subject of the applicable referral.

At least one calendar day before the committee makes public any written report and findings of the board, the chairman shall notify such board and the applicable Member, officer, or employee of that fact and transmit to such individual a copy of the statement on the committee's disposition of, and any committee report on, the matter.

''(B)(i) Notwithstanding subdivision (A)(i), if the committee votes to dismiss a matter which is the subject of a referral from the board of the Office of Congressional Ethics, the committee is not required to make public the written report and findings described in such subdivision unless the committee's vote is inconsistent with the recommendation of the board. For purposes of the previous sentence, a vote by the committee to dismiss a matter is not inconsistent with a report from the board respecting the matter as unresolved due to a tie vote.

''(ii) Notwithstanding subdivision (A)(ii), if the board transmits a report respecting any matter with a recommendation to dismiss or as unresolved due to a tie vote, and the committee votes to extend the matter for an additional period as provided in subdivision (A), the committee is not required to make a public statement that the committee has voted to extend the matter.

''(iii) Except as provided by subdivision (E), if the committee establishes an investigative subcommittee respecting any such matter, then the report and findings of the board shall not be made public until the conclusion of the investigative subcommittee process and the committee shall issue a public statement of the establishment of an investigative subcommittee, which statement shall include the name of the applicable Member, officer, or employee, and shall set forth the alleged violation. If any such investigative subcommittee does not conclude its review within one year after the board transmits a report respecting any matter, then the committee shall make public the report and upon the expiration of the Congress in which the report is made public, the committee shall make public any findings.

''(C)(i) If, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on the matter—

''(I) notwithstanding subdivision (A)(i), the committee is not required to make public the written report and findings described in such subdivision, except that if the recommendation of the board with respect to the report is that the matter requires further review, the committee shall make public the written report but not the findings; and

''(II) before the end of the first day (excluding Saturdays, Sundays, and public holidays) after the day that the committee agrees to the request, the committee shall make a public statement that it is deferring taking action on the matter at the request of such authority.

''(ii) If, upon the expiration of the one-year period that begins on the date the committee makes the public statement described in item (i)(II), the committee has not acted on the matter, the committee shall make a new public statement that it is still deferring taking action on the matter, and shall make a new statement upon the expiration of each succeeding one-year period during which the committee has not acted on the matter.

''(D) The committee may not receive any referral from the board of the Office of Congressional Ethics within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate. The committee may delay any reporting requirement under this subparagraph that falls within that 60-day period until the end of such period and in that case, for purposes of subdivision (A), days within the 60-day period shall not be counted.

''(E) If, at the close of any applicable period for a reporting requirement under this subparagraph with respect to a referral from the board of the Office of Congressional Ethics, the vote of the committee is a tie or the

committee fails to act, the report and the findings of the board shall be made public by the committee, along with a public statement by the chairman explaining the status of the matter.''.

(3) At the end, add the following new paragraph:

''(r) Upon receipt of any written notification from the board of the Office of Congressional Ethics that the board is undertaking a review of any alleged conduct of any Member, officer, or employee of the House and if the committee is investigating such matter, the committee may at any time so notify the board and request that the board cease its review and refer the matter to the committee for its consideration. If at the end of the applicable time period (including any permissible extension) the committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities, the committee shall so notify the board of the Office of Congressional Ethics in writing. The committee may not request the same matter from the board more than one time.''.

SEC. 4. EFFECTIVE DATE.

This resolution and the amendments made by it shall take effect on the date of its adoption, except that the Office of Congressional Ethics shall not undertake any review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities before 120 days after the date of adoption of this resolution.

ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 186, not voting 27, as follows:

[Roll No. 123]

YEAS—216

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Price (NC)
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (OH)
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watt
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Capito
Conyers
Cramer
Foster
Holden
Hooley
Johnson, Sam
Kilpatrick
McCarthy (NY)
Melancon
Mitchell
Murtha
Oberstar
Pascrell
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Saxton
Spratt
Tancredo
Thompson (MS)
Weller
Woolsey
Wynn

□ 2243

Mr. ALTIMIRE changed his vote from ''yea'' to ''nay.''

Ms. MOORE of Wisconsin changed her vote from ''nay'' to ''yea.''

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 10 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 12, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

BILL FOSTER, Illinois, Fourteenth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5674. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Add Mauritius to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0151] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5675. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mediterranean Fruit Fly; Add Portion of Los Angeles County, CA, to the List of Quarantined Areas [Docket No. APHIS-2008-0004] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5676. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Codification and Modification of Berry Amendment [DFARS Case 2002-D002] (RIN: 0750-AD76) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5677. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Community Facilities Funded During Fiscal Year 2003; to the Committee on Education and Labor.

5678. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Radiation Source Use and Replacement,'' pursuant to Public Law 109-58, section 651(d); to the Committee on Energy and Commerce.

5679. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expanded Authorization for Temporary Exports and Reexports of Tools of Trade to Sudan [Docket No. 071129776-7777-01] (RIN: 0694-AE20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5680. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Iranian Assets Control Regulations, Narcotices Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, Weapons of Mass Destruction Trade Control Regulations — received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5681. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife [[FWS-R6-ES-2008-008] [92220-1113-0000; ABC Code: C6]] (RIN: 1018-AU53) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5682. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XF39) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5683. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's 2004 Clean Watersheds Needs Survey, as required by Section 516(b)(1)(B) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

5684. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2006, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

5685. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Substitute for Return [TD 9380] (RIN: 1545-BC45) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, ''The Federal Agency Data Mining Reporting Act of 2007,'' pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the Committee on Homeland Security.

5687. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101–576, and the Government Performance and Results Act of 1993, the Corporation's 2007 Annual Report; jointly to the Committees on Financial Services and Oversight and Government Reform.

5688. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prior Determination for Certain Items and Services [CMS-6024-F] (RIN: 0938-AN10) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BERMAN: Committee on Foreign Affairs. Supplemental report on H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–546, Pt. 2).

Mr. McGOVERN: Committee on Rules. House Resolution 1036. Resolution Providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. (Rept. 110–548). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself and Mr. MARKEY):

H.R. 5575. A bill to require new coal-fired electric generating units to use state-of-the-art control technology to capture and permanently sequester carbon dioxide emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. LAMBORN):

H.R. 5576. A bill to amend title 38, United States Code, to make certain improvements in the claims processing of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mr. DEFAZIO, Mrs. LOWEY, Ms. NORTON, Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. CUELLAR, Mr. CARNEY, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. PERLMUTTER, and Mr. PASCRELL):

H.R. 5577. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself and Mr. GOODLATTE):

H.R. 5578. A bill to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. KANJORSKI):

H.R. 5579. A bill to remove an impediment to troubled debt restructuring on the part of holders of residential mortgage loans, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mr. WAXMAN, Mr. ELLISON, and Ms. HIRONO):

H.R. 5580. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California:

H.R. 5581. A bill to require the Secretary of the Interior to notify units of local government when a Native American group files a petition to become a federally recognized Indian tribe and before the decision on the petition is made, and for other purposes; to the Committee on Natural Resources.

By Mr. CLAY (for himself and Mr. LARSON of Connecticut):

H.R. 5582. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 5583. A bill to withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock

Valley from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 5584. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a western passage of the CANAMEX Corridor in Arizona, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 5585. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare Program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5586. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the Internal Revenue Service's Taxpayer Assistance Centers; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. JOHNSON of Georgia, and Mr. SCOTT of Georgia):

H.R. 5587. A bill to direct the Secretary of the Army to conduct a comprehensive study of long-term water management in the southeastern United States; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. INSLEE, Mr. HINCHEY, and Mr. LARSON of Connecticut):

H.R. 5588. A bill to prohibit the Secretary of the Interior from offering for oil and gas leasing or any related activity any tract in the Lease Sale 193 Area of the Alaska Outer Continental Shelf Region until the Secretary determines whether to list the polar bear as a threatened species or an endangered species under the Endangered Species Act of 1973, and for other purposes; to the Committee on Natural Resources.

By Mr. MELANCON:

H.R. 5589. A bill to modify the project for navigation, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, to include an additional area, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. CANTOR):

H.R. 5590. A bill to amend title XVIII of the Social Security Act to permit physical therapy services to be furnished under the Medicare Program to individuals under the care of a dentist; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 5591. A bill to amend the Internal Revenue Code of 1986 to allow nontaxable employer matching contributions to section 529 college savings plans; to the Committee on Ways and Means.

By Mr. REYES (for himself, Mr. GRIJALVA, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. ORTIZ, and Mr. HINOJOSA):

H.R. 5592. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. CANNON):

H.R. 5593. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. LOBIONDO):

H.R. 5594. A bill to require the Commandant of the Coast Guard to conduct an evaluation and review of certain vessel discharges; to the Committee on Transportation and Infrastructure.

By Mr. HENSARLING (for himself and Mr. CAMPBELL of California):

H. Con. Res. 314. Concurrent resolution establishing a Joint Select Committee on Earmark Reform; to the Committee on Rules.

By Mr. WILSON of South Carolina (for himself, Mr. HENSARLING, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Ms. FALLIN, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Ms. GRANGER, Mr. HERGER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. LUCAS, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. POE, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. SALI, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Nebraska, Mr. SMITH of Texas, and Mr. WALBERG):

H. Con. Res. 315. Concurrent resolution supporting the idea that coalition victory in Iraq is possible; to the Committee on Armed Services.

By Mr. PUTNAM:

H. Res. 1034. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 1035. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KAGEN:

H. Res. 1037. A resolution expressing the need for enhanced public awareness of Hidradenitis Suppurativa, and for the support of the designation of a National Hidradenitis Suppurativa Awareness Month; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself and Mr. KING of New York):

H. Res. 1038. A resolution recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation; to the Committee on Homeland Security.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. CAMPBELL of California.

H.R. 303: Mr. ELLISON.

H.R. 406: Mr. JEFFERSON, Mrs. CAPPS, Mr. ELLISON, Mr. STARK, Mr. PERLMUTTER, Mr. TAYLOR, and Mr. UDALL of Colorado.

H.R. 581: Mr. ENGLISH of Pennsylvania.

H.R. 583: Ms. BEAN and Mr. DAVIS of Illinois.

H.R. 594: Mr. ROSS.

H.R. 618: Mr. BARTON of Texas.

H.R. 631: Mr. KLINE of Minnesota.

H.R. 648: Mr. PASTOR, Mr. TIM MURPHY of Pennsylvania, and Mrs. JONES of Ohio.

H.R. 741: Mr. BOYD of Florida.

H.R. 808: Ms. CLARKE.

H.R. 882: Mr. ANDREWS.

H.R. 1017: Mr. LOEBSACK.

H.R. 1092: Mr. FORTUÑO.

H.R. 1110: Mr. LAMPSON.

H.R. 1188: Mr. TOWNS and Mr. DAVID DAVIS of Tennessee.

H.R. 1213: Mr. PLATTS.

H.R. 1222: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1228: Mr. UPTON.

H.R. 1237: Ms. DELAURO, Mr. PORTER, and Mr. MURPHY of Connecticut.

H.R. 1295: Mr. TAYLOR.

H.R. 1386: Mr. ALTMIRE and Mr. HINCHEY.

H.R. 1390: Mr. BILIRAKIS.

H.R. 1436: Ms. HERSETH SANDLIN.

H.R. 1464: Ms. SHEA-PORTER.

H.R. 1524: Mr. SIMPSON and Mrs. CAPPS.

H.R. 1540: Mr. EMANUEL, Mr. FATTAH, Mr. WYNN, and Mr. UDALL of Colorado.

H.R. 1584: Mr. CLEAVER, Mr. SMITH of New Jersey, Mr. CONAWAY, Mr. COSTA, Mr. MURTHA, Mr. CHABOT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOEHNER, Mr. THORNBERRY, Mr. FRELINGHUYSEN, Mr. SESSIONS, Mr. UDALL of New Mexico, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. PUTNAM, Mr. LOBIONDO, Mr. AKIN, Mr. BUCHANAN, Mr. MCHENRY, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. TURNER, Mr. TAYLOR, Mr. PERLMUTTER, and Mr. CASTLE.

H.R. 1609: Mr. SCHIFF.

H.R. 1665: Ms. KILPATRICK.

H.R. 1738: Mr. COSTELLO.

H.R. 1791: Mr. TIM MURPHY of Pennsylvania.

H.R. 1881: Ms. GRANGER.

H.R. 1884: Mr. MILLER of North Carolina.

H.R. 1967: Ms. BEAN.

H.R. 1975: Ms. KAPTUR, Mr. HOLDEN, Mr. GORDON, and Ms. BORDALLO.

H.R. 1992: Mr. BUTTERFIELD.

H.R. 2060: Ms. HERSETH SANDLIN.

H.R. 2125: Mr. ELLISON.

H.R. 2164: Mr. HOEKSTRA.

H.R. 2297: Mr. FRANKS of Arizona.

H.R. 2303: Ms. HERSETH SANDLIN.

H.R. 2407: Mr. BONNER.

H.R. 2464: Mrs. BONO MACK.

H.R. 2526: Mr. TERRY.

H.R. 2593: Mr. TOWNS and Mr. ELLISON.

H.R. 2734: Mr. MARCHANT.

H.R. 2818: Mr. SHAYS and Mr. MCCOTTER.

H.R. 2894: Mr. FOSSELLA and Mr. HENSARLING.

H.R. 2948: Mr. MILLER of Florida.

H.R. 2990: Mr. MICHAUD, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. MORAN of Virginia, Mr. FORTENBERRY, Mr. PEARCE, and Mrs. CUBIN.

H.R. 3001: Mr. LOEBSACK.
H.R. 3025: Ms. WOOLSEY.
H.R. 3037: Mr. INSLEE.
H.R. 3061: Ms. WOOLSEY.
H.R. 3175: Mr. LEWIS of Georgia.
H.R. 3339: Mr. WEXLER.
H.R. 3406: Mr. PAYNE.
H.R. 3457: Mr. WAXMAN and Mr. SCHIFF.
H.R. 3543: Ms. SCHAKOWSKY.
H.R. 3609: Mr. MEEKS of New York and Mr. PAYNE.
H.R. 3681: Mr. ENGLISH of Pennsylvania.
H.R. 3682: Mr. TOWNS.
H.R. 3689: Mr. UDALL of Colorado.
H.R. 3820: Mr. WATT.
H.R. 3828: Mrs. LOWEY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Mr. FILNER.
H.R. 3852: Mr. BOOZMAN.
H.R. 3892: Mr. FRANK of Massachusetts.
H.R. 3981: Mr. ELLISON, Mr. DOYLE, Mr. WAXMAN, and Mr. GONZALEZ.
H.R. 4044: Mr. NADLER, Mrs. MALONEY of New York, and Mrs. CHRISTENSEN.
H.R. 4054: Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, and Mr. RUSH.
H.R. 4061: Mr. KLINE of Minnesota and Mrs. SCHMIDT.
H.R. 4088: Mr. WILSON of South Carolina, Mr. FRELINGHUYSEN, Mrs. BACHMANN, and Mr. CARTER.
H.R. 4176: Mr. LATTA.
H.R. 4179: Mr. HIGGINS, Mr. GONZALEZ, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4236: Mr. BRALEY of Iowa.
H.R. 4318: Mrs. CUBIN and Ms. GRANGER.
H.R. 4335: Mr. FILNER and Mr. FALEOMAVAEGA.
H.R. 4545: Mr. FILNER, Mr. GONZALEZ, and Mr. CLAY.
H.R. 4651: Mr. PASTOR and Mr. PLATTS.
H.R. 4838: Ms. DEGETTE, Mr. DAVIS of Illinois, and Mr. LEWIS of Georgia.
H.R. 4900: Mr. BOEHNER, Mr. PITTS, Mr. FEENEY, and Mr. KLINE of Minnesota.
H.R. 4926: Mr. FRANK of Massachusetts.
H.R. 4930: Mr. GONZALEZ.
H.R. 4934: Mr. PAYNE.
H.R. 4959: Mr. ELLISON.
H.R. 5058: Mr. SCHIFF.
H.R. 5086: Mr. JOHNSON of Georgia.
H.R. 5124: Mrs. CAPITO.
H.R. 5130: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. PAYNE, and Mr. CLAY.
H.R. 5131: Mr. EDWARDS.
H.R. 5148: Mr. MCCARTHY of California.
H.R. 5173: Mr. HINOJOSA, Mr. PATRICK MURPHY of Pennsylvania, Mr. LATOURETTE, Ms. KAPTUR, and Mr. BOUCHER.
H.R. 5244: Mr. MILLER of North Carolina, Ms. ZOE LOFGREN of California, and Mr. FARR.
H.R. 5268: Mr. ALLEN.
H.R. 5434: Mr. PETERSON of Pennsylvania, Mr. LAMBORN, Mrs. MUSGRAVE, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, Mr. HERGER, Mr. POE, Mr. MILLER of Florida, Mr. YOUNG of Alaska, Mrs. CUBIN, Mr. BROUN of Georgia, Mr. WITTMAN of Virginia, and Mr. SAM JOHNSON of Texas.
H.R. 5440: Mr. CAMP of Michigan, Mr. SESSIONS, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, Mrs. CUBIN, Mr. BURGESS, Mr. WITTMAN of Virginia, Mr. MILLER of Florida, Mr. RADANOVICH, Mr. BLUNT, Mr. BROUN of Georgia, Mrs. BIGGERT, Mr. JORDAN, Mr. LOBIONDO, Mr. BUYER, Mr. BARTON of Texas, Mr. HALL of Texas, Mrs. MYRICK, Mr. MCCARTHY of California, Mr. MARCHANT, Mr. SHADEGG, and Mrs. SCHMIDT.
H.R. 5464: Mr. LANGEVIN.
H.R. 5466: Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. ABERCROMBIE, and Mr. CONYERS.
H.R. 5483: Mr. GOODLATTE and Mr. SCOTT of Virginia.
H.R. 5489: Mr. SKELTON, Mr. RAHAL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARSHALL, Mr. ENGLISH of Pennsylvania, and Mr. LINDER.
H.R. 5496: Mr. ELLISON.
H.R. 5505: Ms. SCHAKOWSKY.
H.R. 5510: Mr. HIGGINS.
H.R. 5513: Mr. WESTMORELAND.
H.R. 5522: Ms. WOOLSEY, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. HARE, Mr. HINOJOSA, Mr. HOLT, Mr. KILDEE, Mr. KUCINICH, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mrs. MCCARTHY of New York, Mr. SARBANES, Mr. COURTNEY, and Ms. SHEA-PORTER.
H.R. 5534: Ms. SCHAKOWSKY.
H.R. 5561: Mr. ROHRABACHER, Mr. BUCHANAN, and Mr. BILIRAKIS.
H.R. 5563: Mr. ALTMIRE, Mr. SARBANES, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. YARMUTH, Mr. KILDEE, Mr. HARE, Mr. PRICE of North Carolina, Mr. GRIJALVA, Ms. CLARKE, Ms. HIRONO, Mr. ANDREWS, Ms. LINDA T. SÁNCHEZ of California, Mr. LOEBSACK, Mr. MEEKS of New York, and Mr. BISHOP of New York.
H. J. Res. 68: Mr. WITTMAN of Virginia, Mr. DUNCAN, and Mr. KILDEE.
H. Con. Res. 91: Mr. TOM DAVIS of Virginia, Ms. CORRINE BROWN of Florida, Mr. ALTMIRE, Mr. SHAYS, Mr. HAYES, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mr. WAMP, Mr. KUHL of New York, Mr. SIRES, Mr. GRIJALVA, and Ms. GIFFORDS.
H. Con. Res. 163: Mr. AL GREEN of Texas, Mr. CANTOR, Mr. BAIRD, Mr. FERGUSON, Mr. TERRY, and Mr. GORDON.
H. Con. Res. 244: Ms. HERSETH SANDLIN, Mr. BUYER, Mr. KLINE of Minnesota, and Mr. RYAN of Wisconsin.
H. Con. Res. 263: Mr. TURNER.
H. Con. Res. 266: Mr. MCGOVERN.
H. Con. Res. 290: Mr. MCCOTTER.
H. Con. Res. 302: Mr. GORDON, Mr. HENSARLING, Ms. NORTON, Mr. CARNEY, and Ms. ROS-LEHTINEN.
H. Res. 111: Mr. GRIJALVA.
H. Res. 146: Mr. HINCHEY and Mr. DOYLE.
H. Res. 672: Mr. SHERMAN.
H. Res. 795: Mr. COSTA.
H. Res. 821: Mr. SENSENBRENNER.
H. Res. 838: Mr. KUHL of New York, Mr. WALBERG, Mr. MCGOVERN, Mr. YOUNG of Alaska, Mr. HULSHOF, and Mr. LAHOOD.
H. Res. 865: Mr. SHERMAN.
H. Res. 900: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. HINOJOSA.
H. Res. 959: Mr. LOBIONDO.
H. Res. 977: Mr. DAVIS of Illinois.
H. Res. 981: Mr. HINOJOSA, Mr. TERRY, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. HINCHEY, and Mr. GERLACH.
H. Res. 985: Mr. SMITH of Nebraska and Mr. GORDON.
H. Res. 988: Mr. ENGLISH of Pennsylvania and Mr. TOM DAVIS of Virginia.
H. Res. 991: Mr. COHEN, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. MCHUGH, Mr. COOPER, and Mrs. DAVIS of California.
H. Res. 992: Mr. MCGOVERN and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 994: Mr. MARIO DIAZ-BALART of Florida, Mr. GOODE, Mr. BRADY of Texas, Mr. LAMBORN, Mr. KINGSTON, Mr. MARCHANT, Mr. AKIN, Mr. GALLEGLY, Mr. COBLE, Mr. BURTON of Indiana, Mr. SAXTON, Mr. REGULA, Mr. CARTER, Mr. LUCAS, Mrs. BONO MACK, Ms. FALLIN, Mr. FERGUSON, Mr. COLE of Oklahoma, Mrs. CAPITO, Mr. REHBERG, Mr. ALEXANDER, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. CARNAHAN, Mrs. BOYDA of Kansas, Mr. REYNOLDS, Mr. SALI, Mr. MCCARTHY of California, Mr. GOHMERT, Mr. GORDON, Mr. DENT, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Mr. TIM MURPHY of Pennsylvania, Mr. KING of Iowa, Mr. EHLERS, and Ms. HARMAN.
H. Res. 997: Mr. SMITH of New Jersey, Mr. DREIER, Mr. ANDREWS, Ms. KAPTUR, Mr. HOLT, Mrs. CAPPS, Mr. COOPER, Mr. MCNULTY, Mr. CROWLEY, Mr. ISSA, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, Mr. FARR, and Mrs. TAUSCHER.
H. Res. 1008: Ms. ROS-LEHTINEN, Mr. HIGGINS, and Mr. BISHOP of New York.
H. Res. 1011: Mr. CHABOT, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. OLVER, Mr. TOWNS, Mr. FATTAH, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MCNULTY, Mr. PITTS, Mr. GEORGE MILLER of California, and Mrs. MYRICK.
H. Res. 1018: Mr. PLATTS and Mr. LOEBSACK.
H. Res. 1019: Mr. FATTAH and Mr. LEWIS of Georgia.
H. Res. 1024: Mr. FERGUSON, Mr. JACKSON of Illinois, Mr. INGLIS of South Carolina, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mr. WU, Mr. ENGEL, Ms. TSONGAS, Mr. SIRES, Ms. BERKLEY, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1025: Mr. GILCHREST.
H. Res. 1026: Mr. SKELTON, Mr. HALL of Texas, Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Georgia, and Mr. DONNELLY.
H. Res. 1029: Mr. NEAL of Massachusetts, Mrs. BONO MACK, Ms. WATERS, Mr. PASTOR, Mrs. SCHMIDT, Mr. SESTAK, Mr. MCHUGH, and Ms. SOLIS.
H. Res. 1033: Mr. SHUSTER.

SENATE—*Tuesday, March 11, 2008*

The Senate met at 10 a.m. and was called to order by the honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, source of light and consolation, we need You every hour. Our strength is inadequate to meet the challenges of our time, so we place our hope in You.

Strengthen our Senators. Give them knowledge and wisdom to solve the riddles that beset us. Open their minds to think Your thoughts. Make them quick to listen, slow to speak, and slow to anger. May they place themselves under Your control so that You can use them for Your glory. Lead them through life's storms with hope in their hearts. Help them to commit to You everything they think, say, and do today.

We pray in Your transforming Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 11, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be a period of morning business for an hour. Senators will be allowed to speak for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first half, the majority controls the final half. Following morning business, the Senate will resume consideration of S. Con. Res. 70, the concurrent resolution on the budget, for debate only until the 12:30 recess for the caucus luncheons.

MEASURES PLACED ON THE CALENDAR—S. 2738 AND S. 2739

Mr. REID. I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 2738) to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes.

A bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

Mr. REID. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE TAX GAP

Mr. MCCONNELL. Mr. President, after reviewing the budget proposed by the other side of the aisle, one thing is clear: the people who wrote it were more interested in growing the size and scope of Washington spending than in growing the American family's budget. But Americans expect more from government than a $1.2 trillion tax hike and billions of dollars in new spending, especially in these difficult economic times.

But even with a giant tax hike, the new spending in this budget isn't really accounted for. Democrats say they want to ''pay for'' massive spending by—among other gimmicks—closing what they like to refer to as the ''tax gap.'' This is the gap that exists between what people actually owe in taxes and what they pay.

Well, we need only look back at last year to see that Congress hasn't been very successful in attempting to close the ''tax gap''. In 2007, Congress passed the Democrat budget resolution which promised to reduce the tax gap by $300 billion over 5 years. Unfortunately, this promise was never followed up on with actual legislation to make it law and no progress was made.

In other words, Democrats are counting on a direct deposit from a job they never completed. That doesn't work in the family budget, and it shouldn't work in the Federal budget.

While Congress did enact a few—a few—of the tax gap proposals included in the President's 2008 budget, those amounted to only a tiny fraction of the tax gap, hardly enough to rely upon for offsetting the billions of dollars in the new spending Democrats are proposing. As the ranking member of the Finance Committee reminded the Senate yesterday, the promises didn't come close to matching reality. During the first year of this Democrat majority the enacted tax-gap provisions amounted to two-tenths of 1 percent of the tax gap.

Two-tenths of 1 percent; that is 99.8 percent short of the promised revenue. That is hundreds of billions of dollars short of the revenue they projected to pay for their new Washington spending.

That is not even close, not even in the same ballpark.

There are serious disagreements between the parties on taxes. The other side supports higher rates. We want to keep tax rates low. But we should all agree that people have a responsibility to pay what they lawfully owe.

Over and over again the Democrat majority has failed to enact any sort of serious and substantial strategy for closing the tax gap. And as a result, their numbers simply don't add up. Faulty numbers don't pay the bills, and funds that aren't collected won't shrink the deficit.

So if the budget written by our friends across the aisle is going to rely on these funds to balance the budget, we need to think again, or the family budget is going to shrink to make up for the red ink in Washington's budget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

THE BUDGET

Mr. REID. Mr. President, the Democratic budget is about three things: jobs, jobs, jobs. It is about green-collar jobs, jobs rebuilding America, jobs relating to education and job training.

The one thing my friends on the other side of the aisle never talk about is where we are now. They want more of the same. We don't want more of the same. We have had enough. The American people have had enough. The economy is in a downturn, spiraling down. The housing market is in a state of tremendous distress. The stock market is dropping as we speak. Oil is now at $109 a barrel.

Everything you hear from the Republicans is a buzzword for status quo—keep things the way they are; the way things are is just fine; let's just let things work out.

We don't believe in that. We have a recipe for change. Is it something that has never been done before? No. Look at the Clinton years, where we were taking in X number of dollars. If we brought in $10, we only spent 8 of those dollars. That is the way it was during the Clinton years. We paid down the national debt.

The budget we have, led by Senator CONRAD, who has been chairman of the Budget Committee for many years, is a program that creates jobs, jobs, and jobs. That is what is important to the American people.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from New Hampshire.

BUDGET ISSUES

Mr. GREGG. Mr. President, I rise to speak about the budget.

First, I express my respect for the people who have worked on this budget, my staff especially but also the Democratic staff, and the chairman of the Budget Committee, Senator CONRAD.

We are, however, in an extraordinarily difficult time as a nation. We confront major issues. We confront international issues involving the threat of Islamic terrorism. We confront domestic issues of even more or equal significance—not equal significance; nothing is more significant than the threat of a terrorist attack with some sort of weapons of mass destruction, but we confront huge domestic issues such as the projected bankruptcy of the Nation. That is a pretty big issue, that is an undeniable fact that is going to occur unless we take some action because of the fact that the baby boom generation is beginning to retire, and the cost they will put on the Federal Government and, therefore, on our children who support them through taxes is going to be extraordinary. We also confront the extremely difficult issue of energy policy and the cost of gasoline. A barrel of gasoline went over $107. It is not projected to come down. The effect on the economy is devastating. We confront the fact that we have a Federal Government which is spending and continues to spend significantly more than it is taking in and, as a result, is spending the Social Security surplus and is significantly adding to the debt of the Nation.

One would hope that in light of these very large issues—the threat of terrorism, the issue of the retirement of the baby boom generation and the fiscal devastation that is going to bring to our children's ability to have an affordable lifestyle, the issue of the cost of energy, the issue of the size of the Federal Government and its growth at a pace which it cannot sustain, the tax on the American people, which gasoline now represents, which is undermining the economy, and the general tax policy of the proposed budget which will undermine it even further—that the Democratic leadership of Congress would have come forward with a budget that showed some imagination, some creativity, some initiative in the area of addressing some of these crucial problems.

Regrettably, what we got was the same old-same old—a budget filled with taxes; a budget filled with spending on this special interest program and that special interest program, a budget which underfunds the national defense, a budget which dramatically increases taxes on working Americans, a budget which dramatically increases the debt of the Federal Government and therefore the debt passed on to our children, a budget which raids the Social Security trust fund, a budget which has no creativity in the area of trying to address entitlement reform, a budget which uses gimmick after gimmick after gimmick and even gimmicks its own gimmicks in the area of pay-go, in the area of discipline, in the area of revenues. To say the least, it should be an embarrassment because it is such a mediocre presentation. It passes the problems on to the next generation. It doesn't confront them. It doesn't even try to confront them and simply aggravates those problems for the next generation.

That is unfortunate because we are running out of time here. We are the generation of leadership, the baby boom generation. We have some obligation to fix the problems we are going to pass on to our children. I believe we have a significant obligation to do that. But this budget doesn't accomplish anything in that area. This budget has one thought in mind. It is not jobs, jobs, jobs, as the majority leader said; it is reelect, reelect, reelect—win the next election rather than trying to solve the problems which we are passing on to the next generation.

The horizon of this budget is somewhere this July, this August, as we move into the full-scale election cycle, when they can go to this interest group and say, we have given you this money, and this interest group and say, we have given you this money, and then deny that they are taxing people because the taxes for those costs won't hit people until after the election and deny that they are fudging the numbers through using gimmicks because those events won't occur until after the election.

It is truly a budget that fails on all counts to take on what is the real issues facing our Nation—how we fight terrorism, how we support our troops in the field, how we deal with this looming, massive, unfunded liability of the retirement of the baby boom generation which will put unsustainable costs on our children and make their lives essentially less viable in the way of affluence than ours has been, a budget that dramatically increases taxes on working Americans in the name of raising taxes on high-income Americans, a budget that dramatically grows the debt and raids Social Security funds.

This list, as shown here, is what it does. I think I pretty much outlined it. It raises taxes by $1.2 trillion. It dramatically increases spending. I will get into that a little bit. It dramatically grows the debt. It gimmicks its own enforcement mechanisms—pay-go and all the other enforcement mechanisms it allegedly has in place. Then it does nothing to address the $66 trillion unfunded liability, which is such a huge number nobody can understand it. So to try to put it in context, it means, I think, that every American today has a $120,000 debt. This budget adds $24,000 to that debt. This budget does nothing to try to improve that situation.

The chairman of the committee said:

> We need to be tough on spending.

The number of spending cuts in the Democratic budget: zero. The number of spending increases: $22 billion over this baseline this year stated on the discretionary side. On the entitlement

side: $466 billion—increases in spending. They allege it is $18 billion, but they play another one of their games, another one of their budget games. They take $4 billion in what is known as advanced appropriations—that means they take it out of next year and spend it this year—$4 billion additional doing that.

It has been done in the past. I have opposed it in the past. But this time they plus up the number a little bit so their numbers can work so they can say to their different constituencies: We are going to spend money on you. You can have this money. We got it for you. We are going to borrow it from next year's budget—$4 billion.

Mr. President, $22 billion in new spending. That is a pretty big number: $22 billion. That would literally run the State of New Hampshire for 3 or 4 years. But that is not the whole number because you have to put it in a 5-year context. It is actually over $200 billion of new discretionary spending because once you spend that $22 billion this year, it does not come out of the budget next year, it goes into what is known as the baseline. It becomes the floor, and we build on that.

Last year, they wanted to spend $22 billion more too, so over 2 years they have bumped things up—or tried to bump things up—$44 billion. Plus last year they put in a supplemental for another $21 billion. I know these numbers are starting to be thrown around like crazy here, but the simple fact here is, it is big money—big money—being spent on constituencies that vote for them.

The chairman of the Budget Committee said: I am prepared to get savings out of long-term entitlement programs. How many savings are there out of long-term entitlement programs in this budget? Zero net savings; zero. While the deficit in the long-term accounts goes up dramatically—$66 trillion is owed to those accounts we cannot pay for—this budget adds $466 billion into those accounts. It is a staggering amount of money. There is no attempt to adjust that at all.

Now, it is interesting, we will hear from our colleagues on the other side of the aisle—let me go to this one first, and then I will get into that. The national debt goes up over $2 trillion under this budget. Mr. President, $2 trillion is added to the national debt. My colleagues on the other side: ''I really believe increasing the debt is the threat.'' That is one of Senator CONRAD's great phrases: The debt is the threat. I agree with him. The problem is, he is aggravating the threat with this budget. Now, he does not have too much choice because he is spending so much money we don't have that he is aggravating the debt.

And now, the famous wall of debt chart. It goes up, and goes up dramatically, under this budget. We will hear from the other side of the aisle: But the President's budget does the same thing, or it is even worse. That is a canard. That is a straw dog. The President does not sign the budget. The President is not part of the budget process other than he has an obligation to send a budget up here for the purposes of our review, which is, depending on the President, uniformly rejected by the party in power.

He sends up the budget. He announces what his priorities are. But, uniquely, the budget instrument—and this is an important point—is a child of the Congress. It is a child of the Congress. Congress produces the budget. The Senate produces a budget. The House produces a budget. It goes to conference committee. It comes back to the Senate and comes back to the House. But do you know what it does not do, as with most laws? It does not go to the President to be signed. He cannot veto a budget. He cannot sign a budget. He simply gets a budget in the form the Congress wants. It is a resolution. It is not a bill.

Why is that? Because the Founding Fathers, in their wisdom, and the people who put together the Budget Act—some of whom are still here, Senator BYRD and Senator DOMENICI being two of the key players in that in 1976, I think—knew the power of the purse, which is what the budget is all about, lies with the Congress. The Congress has the first and primary responsibility on the budget.

So when you throw out: Well, but the President did this and the President did that, you are trying to hide in the weeds. Congress has the responsibility for the budget. It is the Congress which passes the resolution that creates the budget, and the President does not sign it at all. So it is the Congress you should turn to and say: You are the responsible party here. Are you being responsible? That is the issue: Are you being responsible as a Congress? This Congress is not being responsible because the big issues we face as a nation are either being finessed, gamed, ignored, or aggravated under this budget.

As I said before, this budget adds $27,000—$27,000—to the debt that each child born today has to pay. So if you are having a child or you just had a child—I just had a niece this year. She is a wonderful little girl. She came into the world. She got a $27,000 bill from the Democratic leadership of this Congress—a pretty stiff bill to stick her with, a pretty stiff bill to stick any American with who is just getting started. It is not fair at all.

Let's get into some specifics about this budget.

First is the allegation that there is some sort of disciplining mechanisms around here. I take this on first because it is such a fraud that it has to be taken on first. I have heard more Senators on the other side of the aisle saying: We are going to use pay-go to discipline the budget, darn it. When we use pay-go, we limit spending around here.

''Pay-go'' is a motherhood term, regrettably. It is a title that has been put on supposedly a procedure which requires you to pay for new spending and to pay when you cut taxes. Well, time and time again, our colleagues on the other side of the aisle, when they were confronted with a choice of actually having to use pay-go—which would have caused them to have to cut spending somewhere in order to increase spending somewhere else—gamed the system. They moved a year here or a year there so they would not be subject to pay-go.

They cut programs from reasonable funding levels such as SCHIP by 85 percent in 1 year, so they would not be confronted—knowing it was never going to happen—so they would not be confronted with pay-go enforcement mechanisms. They took the MILC Program and put it in a supplemental bill so they could build it into the base and not be subject to pay-go.

Time after time after time—15 different times—they gamed pay-go to the tune of $143 billion. I call it ''Swiss cheese-go.'' I think that is a much more truth-in-labeling act. There is no reason we should ever call this thing pay-go again. Let's just call it ''Swiss cheese-go'' because that is what it is. Whenever it is inconvenient for the Democratic leadership to have to subject themselves to their own discipline rules, they waive them, game them, or ignore them.

The first obligation of a national government is national defense. The most important thing about national defense is to make sure your soldiers who are in the field have the resources they need to do the job we have asked them to do. Whether you agree with what they are doing, you should never send a soldier into the field and not support that soldier with everything he or she needs.

I understand there is a huge debate, especially on the other side of the aisle, as to whether we should cut the legs out from underneath our troops in Iraq. We all understand that. We voted on it here 43 times in this Congress. But there should be no question that those soldiers need the support as long as they are in the field. It is totally inappropriate and a total abrogation of responsibility of the Congress not to support those soldiers in the field.

Now, in this exercise, the White House does not come with clean hands. I was fairly aggressive in complaining about their decision to send up a request for only $70 billion—which is a lot of money, but that is nowhere near what it is going to cost to keep our soldiers in the field over the next year. To their credit, at least, the people at the Pentagon—Secretary Gates, when confronted with that number, said: No,

that is wrong. Even though OMB may have sent it up here in the President's presentation, it is wrong. We are going to need something like $150 billion to $170 billion, somewhere between $80 billion and $100 billion more than they have in the budget.

The chairman of the Budget Committee agreed. He said:

And we know, I think with great certainty, $70 billion is not the right answer for 2009, zero is not the right answer for 2010.

Those are the two numbers the White House had. And Secretary Gates said: No, it is not the right answer, when he was asked. He said: It has to be a higher number.

So the documentation is pretty clear, even if the White House did not send up the right number, by the time we acted—and remember, once again, it is the Congress that does the budget, not the White House—by the time we acted, we should have put a number in here that adequately reflects what our soldiers are going to need to remain safe.

Now, even if you oppose this war vehemently, as some do on the other side of the aisle—to the point where they are willing to take soldiers out next week, which you cannot physically do; we all know it will take 6 months to a year to get the soldiers out of there—with this number, you cannot get the soldiers back with $70 billion, literally. This number does not allow you to get the soldiers back.

What happens with this number is you are going to have our soldiers in the field without ammunition, without resupply, without the facilities they need, and without the equipment they need. This number assumes we are going to leave our soldiers in the field unprotected—unprotected. It is an inexcusable, irresponsible number to put in the budget simply to make your budget look better. This number should have been at least $70 billion to $100 billion higher to have an accurate budget.

Then the budget moves on. We have heard more about how there are uncollected taxes, and if we collect the uncollected taxes, we will solve all our problems. I call it the ''Wizard of Oz'' approach to budgeting. There is somebody behind a curtain somewhere who owes us a lot of money. We are going to find that person. We are going to get the money. That is going to take care of everything. We will all be happy.

Last year, they suggested we do this to the tune of $300 billion. Last year, they were given the benefit of the doubt. They had never done a budget before, so you have to give them some benefit of the doubt. OK. Let's see how much they got. The chairman of the committee again:

If we just collect 15 percent of the [tax gap]—

That is what is referred to—

that would be over $300 billion. That alone would come close to meeting the revenues needed under our budget resolution.

That was last year. Do you remember how much they collected last year from the tax gap? Zero. In fact, they cut in their budget the collection capabilities of the IRS. Not only was the IRS not able to go out and collect more money that was owed, they were having trouble collecting what they did get which was owed because their collection process has been cut.

So you would think after such a pathetic performance they would presume not to do this again. It would take incredible—I don't know—verve to claim one more time that you are going to generate these types of revenues. But they do. They do: $300 billion. They are going to get it from out there in the virtual land of tax policy. What they got was zero—zero.

This budget at its essence is a massive tax increase. That is essentially what it is. It is a massive tax increase, the purpose of which is to expand the size of the Federal Government—grow the Federal Government—and, in my humble opinion, as a result, make it much more difficult for us as a government to produce a positive and strong economy and to give people an opportunity to live lives that are as affluent and, hopefully, as successful as prior generations.

The amount of tax increase in the bill is $1.2 trillion—the largest tax increase in history: $1.2 trillion. Under the assumptions of this budget, every tax goes up to rates which were fairly high and which the Congress agreed were too high back in the early 2000s. The marriage penalty goes up. The child tax credit goes up. Rates go up. Capital gains go up. Dividends go up. The estate tax goes up. They are all assumed to go up. AMT is assumed to be continued for every year but this year.

We have a new chart called the ''Wall of Taxes'' because that is what this budget does. It generates a wall of tax increases, climbing every year as a percentage of GDP. It is important to know it has historically been the case that we have presumed the Federal Government would take something akin to 18.2 percent of Gross National Product in tax revenues. That has been the case since the end of World War II. This budget blows through that number. But equally important, it should be noted that in blowing through that number and adding $1.2 trillion in new taxes, it doesn't address the outyear issues which are going to cause taxes to go up even higher. The failure to do anything on entitlement reform and then use up all the revenues to fund this group and that group that you happen to be happy about giving money to for the next election puts you in an even worse position when, hopefully, the Congress gets around someday to addressing the biggest fiscal policy issue, which is entitlement reform.

In addition, it needs to be noted this tax increase of $1.2 trillion is the beginning. It is the beginning of the Democratic proposals. Because if we listen to their two national candidates for President, in the case of one, they have already offered and put in place over $300 billion—$300 billion of new programs in 1 year. That adds up to something like $1.2 trillion of additional programs over 5 years. That is on top of this number.

Now, when Senator OBAMA makes that representation: I am going to add $300 billion of new programs every year, the practical effect is he has to pay for it somehow. His claim is he is going to pay for it by taxing the rich. He is going to tax the rich and pay for his—he actually, ironically, has the same number here: $1.2 trillion of additional spending over that 5-year period. Well, if you tax the rich, which would mean you raise the top bracket from 35 percent to 39.6 percent, which was the bracket under President Clinton, you generate how much income to the Federal Government? Twenty-five billion dollars. Multiply that by 5 years, which is what this number is—the $1.2 trillion Senator OBAMA has suggested we spend in new programs—and you have $225 billion. So he is about $1 trillion short in order to pay for what he is suggesting in new programs.

But there is another irony. This tax number already assumes that $225 billion. This tax number assumes the rates have been increased to 39.6 percent for the top income brackets, with the practical effect of that being it has already been spent. This budget already spends the money and the tax revenues candidate Senator OBAMA has suggested he is going to spend on his new programs. So he doesn't have any money available to him.

So now we have a Democratic budget which increases taxes by $1.2 trillion, increases spending dramatically, as I have gone through already, and then you have layered on top of that a national candidate—two national candidates, because Senator CLINTON is not far behind Senator OBAMA in suggesting new programs—who is going to add another $1.2 trillion on top. The numbers become staggering. But what does it all translate into? Huge tax increases on working Americans—huge, absolutely staggering.

To try to put this in context, without the Obama tax increases or the Clinton tax increases, 27 million small businesses in this country, under the Democratic budget, will see their taxes go up $4,100 each per year. Now, you can double that if Senator OBAMA were to put in all his programs. Eighteen million seniors will see their taxes jump $2,200 each because of this budget—$2,200 each. That is a lot of money.

Let's try to put that in context. That basically buys groceries for most

Americans for, I think it is half a year. It certainly buys a fair amount of gas, although not as much as we would like because the price of gas is so outrageous. It certainly helps with a mortgage payment or maybe a child going to school or helping a grandchild go to school in the case of a senior. But serious money: $2,200. That is what this budget in new taxes is going to cost average seniors in this country.

Something else should be pointed out. This budget assumes the capital gains and dividend rates are going to go up, and the primary benefit of capital gains and dividend rates flows through senior citizens. As a percentage, seniors take more advantage of dividend rates and more advantage of capital gains than any other demographic group. So it is directly targeted on the tax increase.

All of this works out to—for the average American family, there is a $2,300 tax increase in this bill, and that doesn't include how much it would be increased if you were to put the Obama or Clinton programmatic initiatives on top of that. It would almost double this number. The appetite to raise taxes on the other side of the aisle is unquenchable. It is huge. Let's put it that way. It is unstoppable, it appears. When this budget passes, John Q. Public is going to have to write Uncle Sam a check for $2,300. That is a pretty expensive experience for the American people.

What do they get for it? What do they get for it? Let's come back to what they get for it. Not a lot. Do they get the troops properly supported when they are fighting for us overseas? No. No, they are $100 billion short on that. Do they get entitlement reform that helps us down the road with the pressure that is going to be put on our children by the cost of the expansion of the entitlement programs due to the retirement of the baby boom generation? No. No, they don't get that. Do they get health care reform? No. There is no health care reform in here. Do they get tax reform? No. There is no tax reform in here. Do they get programmatic initiatives which make sense and which are presented in a coherent and orderly manner? Are there programs eliminated that have maybe been around too long in exchange for adding programs? We have study after study that tells us about programs we can eliminate. No, not one program is eliminated in this budget—just an expansion. Just add to the base; bump it up another $200 billion over the next 5 years and pass that bill on to our children.

Passing the problem on, that is what this budget is. Courageous? Creative? Imaginative? Addressing the core issues which we confront as a nation and which do threaten us, whether it is terrorism, the cost of energy, the cost of the Government, the retirement of the baby boom generation? These issues are not going away, but you wouldn't know they even existed if you looked at this budget. It is a regrettable missed opportunity in a very difficult time. It is unfortunate that all it has become is your classic liberal tax-and-spend initiative.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I wish to welcome back the ranking member of the Budget Committee. I have listened with great interest to his presentation this morning, a highly imaginative presentation. It is highly imaginative. The presentation he has made that purportedly is about the budget we have offered has virtually nothing to do with the budget that is before us. It is largely a concoction, although I must say when he talks about creativity, I give him high marks for creativity because this is complete make-believe, what we have heard from the other side, in terms of a description of what is on this floor.

Maybe a good place to start is to look at what the Senator said last year about our budget because it is almost identical to what he has said about this year's budget. He said last year we were going to have $1 trillion of tax increases if our budget passed. Well, our budget passed, and now we can go check the record. We don't have to have a bunch of projections or suggestions about what might happen; we can now look back and see what actually did happen. Last year, the Senator from New Hampshire, the ranking member of the Budget Committee—by the way, for whom I have high regard. We work together very closely. We have substantive differences, as will become more clear as these days wear on, but I have high regard for the Senator from New Hampshire.

But let's check the record. Did we increase taxes, as he asserted would happen last year, by $1 trillion? No. Did we increase taxes at all? No. Did we cut taxes? Yes. How much did the Democratic Congress cut taxes? Well, here it is. It is not a projection. This is not make-believe. This is a fact. The Democratic Congress has cut taxes $194 billion, with $7 billion of revenue raisers. So that is the factual record with respect to tax cuts. The Democratic Congress cut taxes by $194 billion, most of this in the stimulus package passed to give lift to the economy.

Now, the Senator talks about where we are headed under this budget, but perhaps the best way to anticipate where we are headed is to look back and see where we have come from. When they controlled everything—they controlled the House, they controlled the White House, they controlled the Senate—here is their record. Here is what they did. They started with budget surpluses, and they ran up record deficits. You can see this is the record of the Bush administration: $413 billion was the biggest deficit in the history of the United States. In fact, they have five of the biggest deficits in the history of the United States. That is their record. Revenue was flat. They increased spending about 50 percent, and the result was they have exploded the debt of the United States. Again, this is not a projection. This is not a forecast. This is their record.

Our friends controlled it all. They controlled the White House, they controlled the Senate of the United States, they controlled the House. Here is what happened to the debt. They have built a wall of debt that is unprecedented. They took us from a debt at the end of the President's first year of $5.8 trillion. They have run it up to over $9 billion last year, and by the end of 2009, which will be the 8 years this President is responsible for, they will almost have doubled the debt of the country in 8 years. It is a stunning record, and I don't mean stunning in a good way.

Now, the Senator from New Hampshire says we have this massive increase in spending. Well, not in this budget. That is not the case. Here is a chart that shows the President's spending, which is the red line. The green line is the spending under this resolution. This is over the 5 years of this budget. You will see that they are very close to each other. In fact, the difference in spending over the 5 years between our budget and the President's budget is 2.1 percent. We have 2.1 percent more spending than the President's budget. Why? Because we have restored cuts he made in things such as the COPS Program that has put 100,000 police officers on the street. The President's budget eliminates the COPS Program. The President's budget eliminates the weatherization program in this country, a program to go back and weatherize homes so they are more energy efficient. He says: No, we don't want to do that anymore. The President's budget cuts the grants to first responders, our emergency medical personnel, our ambulance crews, and other first responders, including our firefighters, and cuts those by 78 percent. We didn't think that was a good idea.

So, yes, we do spend some more. We also spend more to reduce our dependence on foreign energy because we think that is a smart investment. We do spend some more on education because we think that is critical for the future strength of the country. And we do spend some more money on infrastructure because we don't want any more bridges collapsing, as we saw happen in Minnesota, where the bridge over 35W collapsed with people on it.

So, yes, we spend 2 percent more over the 5 years. For this year, the total spending in the President's budget is $3.04 trillion, and in our budget it is

$3.08 trillion. That is a difference of 1 percent.

All this great spending the Senator just described—the problem is the facts. The thing that gets in the way of his recitation is the facts. The facts are that we spend 1 percent more than the President in 2009.

The Senator also said we have not been responsible with the troops. Let me just indicate that if we have not been responsible, then the President hasn't been responsible either because we have the identical amount in our budget for defense and the war as the President had in his budget—identical, not a dime of difference. So if we have been irresponsible, then the Senator is saying the President has been irresponsible because we match him dollar for dollar.

The Senator said something that is quite jarring. Do you remember what he said about the President's role in the budget? He said the President doesn't have anything to do with the budget. Really? The President of the United States has nothing to do with the budget of the United States? I don't think so. The President sends us a budget. If you look at the historic record, what you find is that Congress gives the President, in the budget, very close to what he asks for. That is the record going back 40 or 50 years.

Now, he added to that by saying the President cannot veto or sign a budget. That is true. The way the process works is the President sends us his budget, and then a budget is developed by Congress that does not go to the President for his signature or his veto; that is true. But to suggest that the President really doesn't have anything to do with the budget, that is not true.

The President sends us his budget blueprint, and then he has the power of the veto to enforce all of the provisions that flow from a budget. He can veto any appropriations bill; those are the bills that spend money. He can veto any revenue bill; those are the bills that raise money. So to suggest the President doesn't have anything to do with the budget is really misleading to people. I think if you just think of it in a commonsense way, of course the President of the United States would have a lot to do with the budget policy of the country. He should have, and he does have. It is true he does not sign the budget resolution. He cannot veto it. But he does have the capability to enforce its spending and its revenue because he has the power of the veto.

Let's look at the question of revenues. Again, our colleague said we are going to raise taxes a trillion dollars. That is exactly what he said last year: Democrats are here to raise your taxes a trillion dollars. I think he just likes that number. It doesn't matter what budget we present; he says a trillion dollars. I have already shown that what Democrats have done once we have controlled the House and Senate was actually reduce taxes by $194 billion. That is our record so far. That is a fact. There is additional revenue in our proposal over the 5 years. You can see the difference. On this chart, our revenue line is the green one, and the President's is the red line. You can see they are very close. If you look at the numbers, over the 5 years of this budget, the President has $15.2 trillion in revenue; that is the proposal he sent to us. We have $15.6 trillion in revenue. That is a difference of 2.6 percent.

I don't know where the Senator comes up with this trillion dollars because that is not our proposal. Our proposal—when the Baucus amendment is adopted—is to raise $15.6 trillion, in comparison to the President's $15.2 trillion, which is a difference of 2.6 percent.

Now, the other day the Senator put up a sign that said—he quoted me in a ''60 Minutes'' interview saying that the first thing we need is more revenue. That is true, I did say that. They didn't include the whole quote. Here is the whole quote from the transcript. Steve Kroft is talking to me, and he is asking me about the head of the General Accounting Office, who is warning the country that we are on an unsustainable course because of the long-term commitments that have been made. He says:

> What do you think about David Walker and what he's doing?

I said:

> I think David Walker is providing an enormous public service.

Mr. Kroft asked:

> Do you agree with his figures and his projections?

I said:

> I do. You know, I mean, we could always question the precise nature of this projection or that projection, but that misses the point . . . The larger story that he is telling is exactly correct.

Mr. Kroft:

> Are most people in Washington aware of how bad it is?

I said:

> Yes, they know in large measure here, Republicans and Democrats, that we are on a course that doesn't add up.

This is one place Senator GREGG and I are in complete agreement—that we are on an unsustainable course.

Mr. Kroft asked:

> Why doesn't somebody do something about it?

My answer:

> Because it's always easier not to, because it's always easier to defer, to kick the can down the road. . . .

Mr. Kroft asked:

> Do you think taxes ought to be raised?

My response:

> I believe, first of all, we need more revenue.

But then the Senator didn't include the next sentence:

> We need to be tough on spending. And we need to reform the entitlement programs. We need to do all of it.

That was my answer. I believe it is the truth.

Not only have I said that, but Senator GREGG has said we need more revenue. Senator GREGG himself said:

> We also know revenues are going to have to go up, if you are going to maintain a stable economy and a productive economy, because of the simple fact that you are going to have this huge generation that has to be paid for.

He is talking about the baby boom generation.

So if we are going to be honest with the American people, we do need to be tough on spending, we do need to have more revenue. I have said repeatedly that before we ask for a tax increase from anyone, we ought to go after the tax gap, the difference between what is owed and what is paid. The Internal Revenue Service says that back in 2001 that gap was over $300 billion in a year. I think it is unfair to the vast majority of us who pay what we owe to allow others to escape.

But it doesn't end there. We also have offshore tax havens. Our Permanent Subcommittee on Investigations has indicated that we are losing $100 billion a year to those offshore tax havens. We have had an additional report in the last 2 weeks of more of these tax havens proliferating. If you go on the Internet and put in ''offshore tax havens,'' you will get a million hits because there are a lot of con jobs going on. We ought to shut them down before we ask for a tax increase from anyone.

In addition, there are these abusive tax shelters, where some companies are actually buying European sewer systems and writing them off on their books in the United States to lower their taxes and then leasing the sewer systems back to the European cities that built them.

Mr. President, the Senator also went after the pay-go rule. He calls it ''Swiss cheese-go,'' which is humorous, and I always appreciate the humor. But let's give both sides of the story.

The pay-go rule says that if you are going to have new mandatory spending or tax cuts, they must be offset or must get a supermajority vote. This is a means of disciplining the budget process that has worked well in the past. We have instituted it.

When Senator GREGG was in charge of the Budget Committee, he said this about pay-go when he supported it:

> The second budget discipline, which is paygo, essentially says if you are going to add a new entitlement program, or you are going to cut taxes during a period, especially a period of deficits, you must offset that event so it becomes a budget-neutral event that also lapses. If we do not do this, if we do not put back in place caps and paygo mechanisms, we will have no budget discipline in this Congress and, as a result, we will dramatically aggravate the deficit, which will

impact a lot of important issues, but especially Social Security.

He had it right when he was an advocate for pay-go.

We had a strong pay-go rule from 1991 to 2000. We climbed out of the deficit ditch. We produced surpluses. And then our friends came into power, and in 2000 they dramatically weakened pay-go, and look what happened. We went right back to an ocean of red ink. We have now put pay-go back into effect, since the 2004 elections. Let's look at the record. The number of times pay-go was raised was 13. The number of times pay-go was waived was zero. Pay-go was raised 13 times and waived zero.

Pay-go is working. Excluding the AMT legislation that passed last year, the Senate pay-go scorecard has a positive balance of $1.3 billion over 11 years. Every bill sent to the President—other than AMT and the stimulus package just passed—has been paid for or more than paid for. Pay-go also has significantly produced a deterrent effect. Anybody who doubts that should sit in my seat for 1 week and see the number of times colleagues decide not to offer spending proposals because of the pay-go rule.

On the other side, they have said that there is $143 billion that they claim pay-go has been violated. Let's look at each one of their claims. And I only have 2 minutes left before Senator STABENOW will be taking over.

Immigration reform. They claim there is a $30 billion loophole. In fact, zero. The immigration reform bill never passed the Senate. Remember, the test is what goes to the President of the United States. The bill never went to the President of the United States.

The energy bill—the final bill that was sent to the President—was more than paid for. They claim a $4.2 billion shortfall. In fact, it was more than paid for and had a surplus of $52 million.

Mental health parity. That bill hasn't yet gone to the President. They are claiming a $2.8 billion shortfall. That bill hasn't gone to the President; it is still in conference. The promise has been made by the conferees that it will comply with pay-go.

The prescription drug user fee amendments. The final bill sent to the President was more than paid for. They are claiming a $200 million shortfall. In fact, it was $4 million to the good.

The minimum wage increase was fully paid for on a unified basis. They claim a $50 million shortfall. In fact, it was zero.

The Water Resources Development Act. The final bill sent to the President was more than paid for. It passed the Senate on a vote of 81 to 12.

Other items they have mentioned. The children's health insurance reauthorization was more than paid for over 6 and 11 years. They claim a $45 billion shortfall. In fact, it is a savings of $207 million.

The farm bill—more than paid for over 6 and 11 years. By the way, that has not yet gone to the President. They are claiming a $27 million shortfall. In fact, there are savings.

Higher education reconciliation—more than paid for over 6 and 11 years. They show a $26 billion shortfall. In fact, the savings will continue to grow in decades beyond the budget window, and over 6 and 11 years that bill is completely paid for.

The 2007 supplemental, county payments, payment in lieu of taxes, and MILC. They claim a $6.5 billion shortfall.

The pay-go rule applies to mandatory spending and revenues, not to appropriated accounts. Discretionary is controlled by separate caps.

The 2008 budget resolution established a new 60-vote point of order to limit changes in mandatory spending on appropriations bills and to strengthen pay-go even further.

They call pay-go ''Swiss cheese-go.'' Their pay-go was ''easy cheese''—''easy cheese'' because what they allowed under their pay-go was for the debt to explode. No forecast, no projection, just the facts, just the record. They have increased the debt from $5.8 trillion to over $9 trillion today, and under the President's proposal, it is going to go to over $10 trillion. That is the record.

We have now reached the 11 o'clock hour. Senator STABENOW is going to take the chair, and there are other Senators awaiting recognition. We have a meeting to try to determine where we go with the rest of the day. But I hope we have a good, substantive debate. I look forward to it.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the pending business?

Ms. STABENOW. Mr. President, if I may, since we are on the resolution, I yield time——

The ACTING PRESIDENT pro tempore. There is 7½ minutes remaining in morning business.

The Senator from Montana.

TANKER PROCUREMENT

Mr. BAUCUS. Mr. President, Americans have important expectations for their public servants. They expect us to act for the common good. They expect us to advance our common values. But first and foremost, they expect us to have common sense.

Last week's Department of Defense tanker procurement decision raises serious questions of common sense.

As some of my colleagues have already discussed, the Defense Department last week awarded a $40 billion contract for a new generation of Air Force tanker aircraft to the European Aeronautic Defense and Space Company, or EADS, the parent company of Airbus.

Receiving this major contract is an enormous victory for the European company. It is a victory for thousands of French, German, and Spanish Airbus workers this contract will employ. It is also a victory for U.S. contractors who will work on the project. Yet I have serious questions about whether this is a victory for good American policy or American common sense.

My concern for this deal is not over the Defense Department's procurements. I leave that to my colleagues on the Appropriations Committee. I do not question the merits of one tanker plane over another. I leave that to my colleagues on the Armed Services Committee. But I certainly am concerned and have serious questions about this deal from the perspective of international trade. This responsibility falls to me as chairman of the Senate Finance Committee.

The United States values competition and acknowledges the right of foreign companies, such as EADS's subsidiary Airbus, to pursue American markets and customers. American consumers, including the Federal Government, should have the right to buy the product that best suits their needs. That is only fair.

But Airbus is not just another company competing in open markets on the merits of its products. It is not just a commercial venture. Rather, Airbus is the product of four decades of explicit government-industrial policies to create a European aircraft industry, an industry designed not just to compete with American companies but to defeat them with massive government funding. Don't take my word for it. Former French Prime Minister Lionel Jospin himself publicly pledged:

> We will give Airbus the means to win the battle against Boeing.

True to Mr. Jospin's promise, decade after decade, project after project, European governments have injected massive amounts of subsidies into Airbus, including $15 billion in launch aid.

These subsidies underwrote between 60 percent and 100 percent of Airbus's commercial aircraft development costs, including the A330 aircraft on which this tanker aircraft is based.

These subsidies allowed Airbus to develop aircraft under terms unavailable to unsubsidized market participants or, as a former British Trade and Industry Secretary boasted:

> We are not standing to one side and leaving everything to the market. . . .

In fact, European subsidization of Airbus was so extreme and so anticompetitive that 3 years ago, the U.S. Trade Representative initiated a dispute settlement case in the World Trade Organization. The USTR does not file these cases frivolously. They do so when the damage is real, the case solid, and all other means of resolution have failed.

This case is still ongoing. A WTO panel is currently weighing the facts of the case, the effects of these subsidies on our aerospace industry, and the compatibility of these subsidies with international trade laws.

What defies common sense to me is that one arm of the administration, the U.S. Trade Representative, argues subsidies to Airbus hurt our companies, skew global markets, and violate the rules of the game. Yet another arm of the administration, the Defense Department, rewards a subsidized company with a $40 billion contract to purchase illegally subsidized aircraft.

That is the kind of Government decisionmaking that does not add up. It is not common sense, and it raises serious and fundamental questions about how this administration goes about its business.

Does the right hand of the Government know what the left hand is doing? Does one agency respect international rules and their effect while the other one does not? What was USTR's role in this procurement decision? And why did the Defense Department appear to have disregarded it? These and other questions need answers, and I look forward to pursuing these answers with my colleagues.

Until we hear a full accounting of this issue, I am left with an uneasy feeling that last week's decision by the Defense Department does little for the common good or common sense.

Mr. President, I wish now to speak on an amendment I am going to offer when we get to the budget resolution. I will offer the amendment when we are on the resolution. I can either make my statement now or wait until we get to the resolution.

The ACTING PRESIDENT pro tempore. Time is expired.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 70, which the clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I wish to speak on the budget resolution and about an amendment I will offer when that amendment is in order. As I understand, that will be after the luncheon hour.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAUCUS. Mr. President, the author and poet, Cervantes, had a character say:

My wages . . . I have earned with the sweat of my brows.

And so it is with America's hard-working families. They have earned their wages with the sweat of their brows. This afternoon, along with a number of other Senators, I intend to offer an amendment that would take the surplus in the budget resolution and give it back to hard-working American families who earned it.

First, our amendment makes the 10-percent tax bracket permanent. That is a tax cut for all taxpayers.

Second, we are making permanent changes to the child tax credit. That is a $1,000 tax credit per child. This tax credit recognizes that a family's ability to pay taxes decreases as their family size increases. Unless we act, the child tax credit will fall to $500 per child in 2010.

We are making permanent the marriage penalty relief. Couples should not pay more taxes because they are married. This relief makes sure a married couple filing a joint return has the same deductions and tax brackets as they would if they filed as individuals.

We are making permanent the changes to the dependent care credit. This credit is important to working families. It recognizes the increased cost of child care for thousands of Americans, especially child care for households where both parents work outside the home.

We are making permanent the changes to the adoption credit. Most adoptions cost more than $20,000. This provision offers a credit of $10,000 for those willing to give a child a home.

This amendment is also important because in it we believe it is important to pause and reflect on the sacrifices our men and women in uniform make for us every day.

Nearly 1.5 million U.S. service men and women have served in Iraq, Afghanistan or both. Nearly 30,000 troops have been wounded in action.

In September, I went to Iraq. I was impressed by what an amazing job our troops are doing. It is astounding. I met many Montanans from small towns such as Roundup and Townsend. I saw firsthand what a heavy burden our troops bear for all of us. They face hardships, they face danger, but they keep at it every day. Today, one small way to support them is to make the Tax Code a little more troop friendly. We can extend the special tax rules that make sense for our military that expire in 2007 and 2008. We can also eliminate roadblocks in the current tax laws that present difficulties to veterans and servicemembers.

One problem this amendment would address is how the Tax Code treats survivors of our fallen heroes. The families of soldiers killed in the line of duty receive a death gratuity benefit of $100,000. But the Tax Code restricts survivors from putting this benefit in a Roth IRA. Today, we can make sure family members of fallen soldiers can take advantage of these tax-favored accounts. Another hazard in the tax laws impedes our disabled veterans. I am thinking of the time limit for filing for a tax refund. Most VA disability claims filed by veterans are quickly resolved, but many disability awards are delayed due to lost paperwork or the appeals of rejected claims.

Once a disabled vet finally gets a favorable award, the good news is the disability award is tax free, but the bad news is many of these disabled veterans get ambushed by a statute that bars them from filing a tax refund claim. Today we can give disabled veterans an extra year to claim their tax refunds.

Most troops doing the heavy lifting in combat situations are the lower ranking, lower income soldiers. Their income needs to count toward computing the earned-income tax credit, or EITC. Under current law, however, income earned by a soldier in a combat zone is exempt from income tax. This actually hurts low-income military personnel under the EITC.

The EITC combat pay exception allows combat zone pay to count as earned income for purposes of determining the credit. That way, more soldiers qualify for EITC. But this EITC combat pay exception expired at the end of 2007.

The EITC is a beneficial tax provision for working parents. It makes no sense to deny it to our troops. Today we can help to make combat duty income count for EITC purposes.

In this amendment, we are making permanent provisions to allow combat pay as earned income for purposes of the EITC. This amendment allows hard-working, low-income military personnel to get the full benefit of the EITC.

A soldier's rucksack is heavy enough as it is without loading it down with tax burdens. We owe the soldiers fighting in our Armed Forces an enormous debt of gratitude. This amendment is one small way we can salute our men and women in uniform for all they do.

Also in this amendment, we are giving some certainty to American families on the estate tax. Lowering the estate tax to 2009 levels is the least we can do as we move toward estate tax reform. This is the minimum that we can and will achieve.

And we are committed to exploring what more we can do. We are conducting thorough studies of the issue in hearings on that subject this week.

I plan to offer a second amendment that would dedicate enough additional funds to estate tax reform that we can achieve a $5 million exemption and a 35-percent rate.

Through these efforts, Congress will show that we support America's small businesses, ranchers, and farmers. Today's amendment also helps to address the housing crisis. Our amendment would allow middle-income taxpayers who do not itemize their deductions to nonetheless get a tax deduction for property taxes. That would give some relief to hard-strapped homeowners.

Now, this amendment will not do everything. But we will do more. As chairman of the Finance Committee, I am fully committed to tax reform. Tax reform can mean giving tax relief to American families and businesses through simplification and sound tax policy.

This year, the Finance Committee will do the spade work. We will hold hearings and prepare for the fundamental tax reform that we all want and expect next year, so when the next President takes office, he or she will make a major recommendation to the Congress on tax reform. We are holding hearings on that so we are ready.

But today the amendment we will offer shows our commitment to American families. American families earned their wages with the sweat of their brows. This amendment takes the surplus and gives tax relief to those hard-working families. It is no less than what they have earned.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about the Senate budget resolution. This is going to be considered for an entire week. It does provide the American people with Congress's blueprint for spending and fiscal policies and priorities. And while not binding, it does establish the direction for later consideration of our appropriations bills.

I, like many of my colleagues, have been reviewing the chairman's mark that came out of committee and the results from last week's markup. I am impressed with parts of this budget. There are some priorities in here that I share with the chairman and the committee. It fully funds the defense budget. It fully funds NASA, including the additional $1 billion that Senator MIKULSKI and I sought last year to reimburse the agency for the *Columbia* disaster, because we know NASA has been pulling from operating funds to repair the damage done from the *Columbia* disaster, and this has kept it from keeping up its research commitment.

We cannot have an agency that is supposed to be doing the state-of-the-art research and pushing the envelope not only in aeronautics but in science and medicine. Yet we have a billion-dollar shortfall taken from the research that could fuel scientists for years to come.

It funds the America COMPETES Act, which improves education, and that is such an important priority for us to remain competitive. We need more of our young people to go into science and engineering, the physical sciences, the hard sciences.

We are losing our edge in this global marketplace. Congress, in a bipartisan way, did pass the America COMPETES Act, and there is funding for much of that in this bill.

We must extend the sales tax deduction, which is a provision that is close to my heart because my State and seven others have a sales tax but no State income tax. So we believe it is a matter of equity that sales taxes be deductible, rather than just the State income taxes which is available to all of the other States but not available to the seven States that do not choose to fund their Government with an income tax.

These parts of the budget deserve our attention and support. However, this budget has a major flaw. Before long the budget had increased $22 billion above the President's request. We have now found that over the period of time that it has languished in the Senate committee, we are now looking at what appears to be a ballooning of that increase in spending. Yet the budget projects a surplus of $177 billion in 2012, $160 billion in 2013, and yet the budget has increased by $210 billion over 5 years.

Now, how can we have this increase in spending and yet still have surpluses? My economics 101 tells me there has to be a catch because we know there is no free lunch. So in addition to the large spending increases, the budget includes the largest tax increase in the history of America, $1.2 trillion. The budget allows the incredibly beneficial tax cuts from 2001 and 2003 to expire.

Now, these are the tax cuts that spurred our economy and created millions of new jobs in our country. It spurred the growth in our economy. When these tax provisions expire, 43 million families with children will have to pay an average of $2,300 more each year, and 18 million senior citizens will owe $2,200 more on average. Twenty-seven million small businesses, the engine of economic growth in America, will owe $4,100 more in taxes on average. Almost 8 million low-income workers will be added back to the tax rolls.

Especially during this time of economic uncertainty, why would we ask our fellow citizens to pay more and rob the jobs that have been created with the tax cuts of 2001 and 2003?

The first thing we did when we saw the slowing economy was, on a bipartisan basis, have an economic stimulus package. And what was the crux of the stimulus package? It was to give money back to the people who have paid taxes in rebates to help spur the economy. So why would we turn around in this budget and increase taxes and ask the people to whom we just gave rebates, that will be in the mail in the next 6 weeks, to pay more?

Consider what a $2,300 tax burden would pay if the average American family could keep the money they earned in that amount: groceries for about 8 months, health care expenses for about a year, electricity and home heating oil for about a year, and gasoline for the car that we know is now rising as we speak.

How can we consider taking money away from families when we are seeing the strain of this economy be a burden on those same families? This budget makes great promises for American families, but it also pulls the rug out from under them by saying: Here is the burden we are going to give to you to pay for this big Government spending budget.

So I hope as we consider the budget this week that we will take a serious look at keeping some of the major priorities, but having the good sense to cut in other places or to remain steady in other places where there is not the essential need right now. We do need a budget that looks out and says for the long-term competitiveness and vitality of our country and our society and our work concerns and our work force: We do need to spur investment. We need to spur research. We need to have more engineers and scientists graduating from our universities, and we can do that by funding NASA fully, by funding the American COMPETES Act. We must do that for the long term. But why not do what every family in America does when we have essential needs for long-term planning, but we are on a limited budget and we want to bring down that deficit? And that is, make choices.

Can we not come together and make choices just as we came together for the stimulus package? The last thing we want to do, since we did pass a bipartisan stimulus package which the President's supported, is to wipe it all out and say: Well, we are going to give you back a little bit but we are going to take more. We are going to take more at a time when we know America is a little jittery about the economic condition and looking to the future of the economy and our country.

I hope we will do what we can on a bipartisan basis and hash out what the priorities are and that we can have the priorities in spending without the ballooning budget and the tax increases they propose to pay for this ballooning budget.

We do not need tax increases. We need to make the tax cuts permanent

that have helped so many people get back to work, get on their feet, small businesses make investments, and keep our economy going when this home mortgage crisis is trying to sort itself out.

Unless we can make some major changes in this budget, I cannot imagine supporting it. But we do have time. We do have time to do the right thing. I am hoping we go through the amendment process, that we make the choices that will take the taxes out, will put the priorities in, and will get our 10-year plan started that will create jobs, that will create more opportunities for scientists and engineers to graduate from our colleges and universities and have good careers, solid careers, because we have made the right investments in 2008.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, in a moment I am going to yield to Senator WHITEHOUSE, but I do want to respond for a moment because what my friend from Texas is talking about, frankly, in terms of focusing on middle-class families, is exactly what this budget does. It will be enhanced by the Baucus amendment, that takes surplus dollars that are in the budget and targets them right back to middle-class families, putting dollars into their pockets in terms of extending the middle-class tax cuts that we all support.

But we also do more than that. We focus on jobs. We focus on health care, investing in education and opportunity for the future. We are not more of the same. This budget resolution is not more of the same of what has been occurring since 2001, in the last 8 years, particularly 6 years of that when we have seen our colleagues on the other side of the aisle and the White House basically controlling all of the agenda in terms of the priorities in the budget and spending and so on.

We create a budget that offers a change, a set of priorities based on the values that are important to the American people, American families, American jobs here, investing here. Let me first say, overall, we have a situation where basically we have seen, under this President, more debt, more tax cuts for the wealthy, more spending in Iraq, less investment in America. That is what we have seen.

In listening to the outline of what I understand will be a Republican budget alternative that will be presented this week, it is more of the same. It is more of the same. We want to reduce that and balance the budget by 2012, focus tax cuts on middle-income workers, hard-working Americans who have not seen tax relief or investments in their future and in their children's future.

We want to refocus. Instead of talking about the spending in Iraq, we want to be focused on spending at home. We have somewhere near $12 billion to $15 billion a month being spent right now in Iraq. Even though we know the Iraqi Government is receiving dollars in oil revenues, we continue to be the ones investing in rebuilding their communities and their jobs, their infrastructure.

Our budget invests in America—American jobs, American families, American communities. I am hopeful we will see a strong vote for the budget resolution we are presenting.

I now yield up to 30 minutes to my friend and colleague from Rhode Island, Senator WHITEHOUSE.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I salute the leadership and the energy of the Senator from Michigan in this area. The Senator is clearly passionate about the economic issues we see across the country but those that particularly affect her State. There is not a person in this body who is not aware of how deeply she cares and how hard she fights for the people of Michigan. I am pleased to join her on the floor.

Last month we received the President's budget request for fiscal year 2009. I am a member, like Senator STABENOW, of the Budget Committee. This is the last budget we will receive from President Bush, and I think it is an opportune time to look at how this administration's policies have affected our economic circumstances and how average Americans will suffer as a result.

The Bush policies have generated what deserves to be known as and what I will call today, ''the Bush Debt,'' a legacy of indebtedness that will burden our children and grandchildren for generations to come and cost us the opportunity to help millions of Americans all over this country lead lives of promise, prosperity, and happiness. As I have traveled across my State, Rhode Islanders have told me over and over their stories about struggling to make ends meet—from seniors stretching fixed incomes to pay for prescription drugs and housing to working families trying to heat their homes and send their children to college. Yet President Bush in his budget for fiscal year 2009 has proposed deep cuts to Medicare, deep cuts to home heating assistance for low-income families, and deep cuts to Federal student aid, weakening access to citizens' basic needs.

The administration cites the need for fiscal discipline. The President says discipline is necessary to address our Nation's growing budget deficits. What the President does not say—and probably never will say—is that his own ill-advised, misguided policies created those record deficits. It did not have to end this way. But it did, and the President must bear the responsibility.

Seven years ago this January, George Bush stood on the western steps of this hallowed building and took his oath of office as President of the United States. In his first address to the Nation, George Bush pledged to call for responsibility and try to live it as well. After a divisive election, many Americans found comfort and hope in those words. On the budgetary front there was good reason for optimism on that cold January morning. After decades of deficit spending, bipartisan cooperation between President Clinton and a Republican Congress had set the Nation on its healthiest fiscal path in generations. After 28 straight years of multibillion dollar budget deficits, our Nation saw surpluses beginning in 1998. In President Clinton's last full year in office, we saw the largest budget surplus in our Nation's history—$236 billion.

The good budgetary news wasn't behind us. The month George Bush moved into 1600 Pennsylvania Avenue, the Congressional Budget Office, the nonpartisan accounting arm of Congress, projected we would see surpluses straight through the decade. These budget surpluses, the product of responsible governing—some might even say fiscally conservative governing—were projected to be enough to completely wipe out our national debt by 2009. Let me say that again: to completely wipe out our national debt by 2009. In other words, the hard work had been done. If President Bush had stayed the course of fiscal responsibility, he could have been the first President of the United States since Andrew Jackson in 1836 to govern a debt-free United States, an America with the power and the freedom to support its people as they sought new opportunities and new frontiers. Imagine that.

This President's fiscal year 2009 budget, instead of including debt service payments, could have requested significant funds for Pell grants, for LIHEAP, the badly needed overhaul of our health care system, bridge construction, investment in small and environmentally friendly business, and countless other valuable programs for ordinary Americans.

When President Bush took office, leading economists were debating the consequences of this great Nation debt free, standing tall in the world with no claim on it by foreign powers. But this President made a different choice. Instead of keeping our Nation on the path to economic security and prosperity, to new investments in our health care system, students, seniors, and veterans, the President who called for responsibility squandered away the surpluses he inherited, mortgaged our children and grandchildren's futures, and compromised the quality of working Americans' lives.

How can we measure the magnitude of the harm done to our economy and

our people by this administration's decision to deviate from the responsible policies of President Clinton?

The first chart shows the budget plans of President Clinton as he left office and the budget formulated by President Bush. As you can see, the Clinton line, represented in blue, based on his levels of taxation and spending, has budget surpluses for every single year of this decade. In contrast, the Bush budget line, represented in red, has deep record-setting deficits in every year after 2001.

This next chart illustrates the value of the differences between the budget landscape planned by President Clinton and the one created by President Bush. As we can see, the difference between the two is a staggering $7.7 trillion. This number represents the fiscal harm President Bush has inflicted on our Nation. This number is ''the Bush Debt.'' It consists of a decade of foregone surpluses and new borrowing, much of it from foreign nations such as China, Japan, and Saudi Arabia. We have even become a debtor nation to Mexico.

Mr. President, $7.7 trillion is more than double the amount of public debt when President Bush took office. Like most concepts of enormous size, this amount takes some thought to comprehend: $7.7 trillion is $25,000 owed by every adult or child in the United States, squandered surpluses and new debt created by this President.

How did we move from the path of surpluses away from the promise of wiping out our national debt to trillions of dollars in new national liabilities? One would hope this administration could at least justify the Bush Debt by pointing to borrowing policies that improved average Americans' lives. Unfortunately, nothing could be further from the truth. Rather, this dramatic change of course stems largely from two of this President's many poor decisions over the past 7 years: first, tax cuts that overwhelmingly benefited the wealthy at the expense of the less fortunate and, second, the President's endless, misguided, unpaid war in Iraq. In the same inaugural address in which he called for responsibility, President Bush vowed to reduce taxes, even though the American economy was booming in the 1990s, under tax levels set by President Clinton which were low by both historical and international standards.

The irony, of course, is that President Bush's tax cuts of 2001 and 2003 were the height of irresponsibility. Because these massive tax cuts were predominantly directed at high-income families rather than low-income families, many Americans most in need of assistance were shortchanged. These extravagant tax cuts are weighted heavily toward the wealthiest Americans. In fact, 71 percent of the value of the tax cuts in 2009 will go to the wealthiest fifth of Americans, with a staggering 28 percent of the value of the tax cuts going to the top 1 percent and almost nothing at all going to the lowest earning fifth, families who earn $15,000 a year or less. This is George Bush's idea of fair tax cuts. And President Bush's insistence on forcing through these cuts without making up for the lost revenue, to defer that pain to later administrations and later years, was not only cowardly leadership, but it left our budget in precarious straits. The Bush tax cuts cost a staggering $1.9 trillion and account for 25 percent of the $7.7 trillion Bush Debt measured from the start of the Bush presidency through 2010, when the tax cuts are set to expire.

Every American knows the importance of balancing his or her own household budget. Every American knows the struggle of keeping spending in line with income, making sure there is enough money to pay for clothing, food, home heating, college tuition, and maybe a little for vacation or going out to the movies. Most Americans do a good job of balancing budgets but not President Bush. Rather than living by his inaugural pledge of responsibility, President Bush preferred to score political points by delivering massive tax cuts to his wealthiest supporters. He chose not to remain on a responsible fiscal path and instead put this country under the crushing burden of a multitrillion-dollar debt, the Bush Debt.

These tax cuts, while a large slice of the Bush Debt pie, are unfortunately not the whole story. There is also a large spending component to the Bush Debt, driven principally by the war in Iraq. By the end of this year, the price tag for the war in Iraq will have exceeded $600 billion. Even if we are successful in pressuring this President or the next President to begin redeploying our troops, American taxpayers will still have spent at least $740 billion on this misguided war by 2010.

Even if the next President gets us quickly out of Iraq, as I hope she or he will, we will be paying costs related to this war for years to come. We must care for our veterans and for the families of fallen soldiers. The Congressional Budget Office estimates that the cost of medical care, disability payments, and compensation for the families of fallen soldiers will cost between $10 billion and $13 billion in the next 10 years alone. We have a moral obligation to take care of the brave men and women who sacrificed their youth, health, limbs, and sometimes their lives to serve their Nation. These are costs, however, that we need never have had to bear. While they pale in comparison to the personal cost incurred by service members and their families, these monetary costs are nonetheless significant, and they will affect America's security for decades to come.

Like all debt, the Bush Debt requires interest payments. Every day Americans make interest payments on mortgages, car loans, student loans, or credit cards. According to President Bush's proposed budget for fiscal year 2009, next year alone, America will owe $260 billion in interest on the Bush Debt. Two hundred sixty billion in interest payments equates to $857 to our creditors in Japan, China, and Saudi Arabia for every man, woman, and child in the United States, next year and the year after that and long into the future.

To make matters worse, if you can believe this—hold on to your hat—the Bush administration is borrowing the money to make the interest payments, further adding to the debt. Imagine if we could take the $7.7 trillion Bush Debt off budget and set up a separate revenue system to make the interest payments—to feed the beast. Then every taxpayer would see we are doing something about this unprecedented debt. We should consider forming a commission, a Bush Debt repayment authority, to study the possibility of bringing the Bush Debt off the budget to show the American people how much this President has cost them, to pay the Bush Debt down responsibly over time, the way Government often steps in to pay down a disaster debt responsibly over time, and to show our children and grandchildren that we were not all cowards pushing our costs onto them.

This enormous interest payment isn't an abstract idea dreamed up by economists. This $260 billion is precious cash flow that could otherwise be spent improving our health care system, building new schools, repairing our roads and bridges, or helping our businesses compete against foreign competition.

Individual Americans may not be writing $857 checks to Japan or China or Saudi Arabia, but each one of us pays a steep price for the Bush debt—a price that is already evident in the President's budget for this year.

The budget request that included $260 billion for interest payments also included tough talk about belt tightening. The President proposes to hold discretionary spending growth to 1 percent—effectively a cut since the consumer price index grew 4.1 percent last year.

His budget plan slashed funds for low-income heating assistance; the COPS Program, which keeps police officers on the beat to protect local communities; Federal student aid programs, which help young people afford a college education; and community development grants, which provide badly needed assistance for low-income families and small businesses. The President's budget also calls for tremendous cuts in Medicare and Medicaid over the next 5 years—cuts that would surely affect medical care for American families.

President Bush is asking for more money to continue his misguided war in Iraq, more money to service the debt he created, and more money to pay for tax cuts for the wealthiest Americans, but less money to help the millions of people all across this country who need health insurance or food for their families or better schools for their children or a home they can afford. Those are not the correct priorities for America, President Bush.

What if President Bush had never cut rich Americans' taxes or taken us to war in Iraq? What if the fiscally responsible policies of the Clinton administration had continued to the present day? What if our public debt had been paid entirely by the end of next year, leaving us free to invest in our people and our future? What if there were no $7.7 trillion Bush debt and no $260 billion in interest payments next year? What could this country—the land of opportunity and possibility—be doing with an extra $260 billion a year?

Well, for just $5 billion—or 2 percent of the interest cost of the Bush debt in 2009—we could provide health insurance to 3.8 million more children through the Children's Health Insurance Program—the very initiative President Bush vetoed last year. Actually, according to the Kaiser Family Foundation, we could provide health insurance to every uninsured American—adults and children—for $173 billion. So well within the amount of money we will need to spend next year to service the Bush debt, we could completely cover every American with quality health care.

There are many other worthy programs we could fund with the remainder of the $260 billion interest payment. Our Head Start Program, which helps prepare preschool-age children from low-income families to succeed in kindergarten and beyond, currently has barely enough resources to cover half of the 2 million children who are eligible. The remaining 1 million children could be covered for an additional $7 billion.

Pell grants, named after my distinguished Senator from Rhode Island, Claiborne Pell, help college students afford the steep costs of their education. We made progress last year in increasing funding for the Pell Grant Program, but Pell grants only fund a small fraction of tuition for many students. It used to fund about half of the tuition. It has slipped to less than a third today. We could double every single Pell grant next year, raising the maximum grant to over $8,400, for $18 billion.

With the remaining $62 billion in our ''world without Bush,'' we could bring up to code 95 percent of the structurally deficient and functionally obsolete bridges in the country, with all the work and jobs that would entail. My home State of Rhode Island has the unhappy distinction of having the highest percentage of structurally deficient bridges in the country. But following the tragic bridge collapse in Minneapolis last year, there is a renewed awareness of the urgency of updating our national transportation infrastructure. That $62 billion covers 95 percent of our Nation's deficient bridges and funds those repairs in fiscal year 2009. What about the other 5 percent? Well, we will have another $280 billion in Bush debt interest payments coming up in 2010. We could spend it—if we could—to fix those bridges.

Another year of tragic lost opportunities. We will make annual interest payments of this magnitude until a future President takes on the daunting challenge of paying down the principle of the national debt left for us by President Bush.

Well, that is quite a list: cover every uninsured American with health insurance, fully fund the Head Start Program, double each and every Pell grant, and repair our deficient bridges. Sadly, we do none of that. We use that money to pay the interest on the Bush debt. We will be making payments for the Bush debt for decades into the future.

An often ignored yet critical aspect of the Bush debt is the effect interest payments have on our national security—the very interest the administration purports to be advancing through its misguided war in Iraq. This chart illustrates the point.

To service the Bush debt, we have borrowed more money from foreigners, more money from other nations, such as China, Japan, and Saudi Arabia, under George Bush than under all 42 of his predecessors combined. The result of this foreign borrowing is that a large portion of the interest payments we make gets sent overseas, supplementing the income of foreigners and allowing foreign nations to invest in their economies and infrastructures. If not for the Bush debt, that money could be invested here at home, helping to grow American businesses and generate income and strength for our own future generations. Instead, the Bush debt has helped, and will continue to help, boost the Chinese economy at the cost of our own. The Bush debt will send trillions of dollars to foreign nations over the coming years, giving them even more dollars to buy up our American businesses.

When the Presidency of George W. Bush comes to its long-anticipated end on January 20, 2009, it will leave in its destructive wake trillions of dollars in debt owed to other nations, many of which do not have America's best interests at heart. This administration will leave behind an America whose standing in the world and whose regard among its fellow nations has been weakened and degraded by a war that seems to have no end—a fiscally weakened nation, a borrower, with a falling economy, struggling under the Bush debt.

Worst of all, this President will leave behind millions of Americans who, had this administration merely stayed the course of fiscal responsibility chartered by President Clinton, would be far better off than they are today. They would be, starting in 2009, in a debt-free United States that could afford to assist working families with the costs of a college education, to overhaul our health care system, to repair our crumbling infrastructure, to invest in small and green businesses, and to improve the lives of average Americans in countless other ways.

We cannot ignore the Bush debt. While George Bush starts packing for his retirement on his Texas ranch, those of us who care about the future of our Nation—the future of our children—must work toward undoing the damage this President has done.

Mr. President, I submit that we need to see the Bush debt as a serious national problem, a fiscal, economic, and national security threat, and engage in a solemn and serious way, as the trustees of our national welfare, to confront the Bush debt.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I believe I am scheduled to give a speech for about 10 minutes or so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I spoke last week in the Budget Committee, of which I am a member, about the differences between this year's consideration of the budget resolution and last year's.

Last year, we were obligated to accept the assurances from the majority that under their new regime pay-go would be respected, spending would be curbed, the entitlement crises would be addressed, and the debt would be attacked.

I do want to take a moment to respond to the attempt of my colleague from Rhode Island—who just left the floor—about trying to say this is all President Bush's problem. It is not. It is all of our problem. For example, the budget we have before us has over $2 trillion that it adds to the national debt. There are some basic reforms we have to do if we are going to correct the debt problem that has been accruing over the years. We have to reform entitlements especially.

We now, however, have results in this budget, not predictions. When all was said and done last year, there was an $83 billion increase in discretionary spending. There was $143 billion in pay-go violations. We did not close the tax

gap. We added to the debt. We did nothing for entitlement reform. Reconciliation was used to add spending, not reduce it. Reconciliation was originally put in for that sole purpose: to reduce spending. We assumed tax increases.

So as we begin consideration of the fiscal year 2009 budget resolution, I hope everyone is aware of what was promised last year and what transpired. I hope they will use that knowledge when considering this budget document.

I would like to talk about the items that concern me in this budget. Now that our economy is trending in the wrong direction, and when we really need the benefits of a reasonable and progrowth tax policy, we are going to depress our economic growth by adding to the debt and increasing taxes in this budget.

We are not addressing the entitlement crises in this budget. Everyone knows it is there. It is a huge avalanche of debt waiting to bury our future. The sooner we act, obviously, the better. The longer we wait, the more drastic it will be, and more expensive. But we do nothing. We are not even doing something as productive as fiddling. We are just talking, year after year, and perhaps wishing our national debt will go away.

In this budget, we are raising taxes on the middle class. This budget cannot be paid for by closing the tax gap. It cannot be paid for by closing loopholes. It cannot be paid for by shifting dates around on revenues or outlays. And it surely cannot be paid for by increasing the taxes paid by the superrich, the rich, or just the very-well-to-do. It will only be paid for by reaching down into the average earners and raising their taxes as well. Under this budget, the average family with children will pay $2,300 more each year. Seniors will pay $2,200 more each year. Small businesses will pay $4,100 more each year.

When we consider these tax increases, let's remember, last year we were assured we would see tax relief. The first vote we were presented on the budget last year was to budget for an alleged middle-class tax cut. But this never materialized.

What has materialized is spending increases. This budget adds $210 billion over 5 years. The gross debt will expand by $2 trillion by 2013. This year, we are spending three-quarters of a billion dollars of the Social Security surplus. This year, we are increasing spending by $22 billion, without fully funding the war.

Now, about that. I know there will be those who say they are just following the President. But the budget is a congressional document. Say what you want about the ideas in this document, but it was written and prepared on the sixth floor of Dirksen, not in the White House. The ''they did it first'' argument is not one I accepted from my children, and I am not going to accept it here.

We know the war is expected to cost $170 billion this year. We have an obligation to budget for that amount. It is honest budgeting. I will be offering an amendment to do just that. If we are going to pay for this war, fiscal discipline and legitimate budgeting requirements demand that we include those costs.

There are those who do not want to fund our campaign in Iraq. There are those who want to end the war as soon as possible, regardless of the damage that might do. They are entitled to those views. But there is no legitimate reason to fail to include the known estimates of the war into our budget. Failure to do so is pure gimmickry and devalues the budget exercise in which we are engaged. Hiding the war costs from view, when every Member knows we will be spending more, is ridiculous.

On that topic, my second great concern with this budget is the budget continues the erosion of fiscally responsible processes. We are seeing increases in reserve funds. There are 37 this year, up from 24 last year. They contain up to $300 billion in spending that hangs over our Treasury and taxpayers as a threat. I have heard them referred to as harmless, but any device that serves to weaken the authority and legitimateness of our budget is simply not harmless.

Many feel these reserve funds have become an overcomplicated type of sense of the Senate, but they weave weakness into what should be a rigid and honest budget document.

Another erosion of fiscal discipline is the use of reconciliation—a process originated to cut Government spending—for spending increases. We saw that last year. We have heard rumors and intentions of it being done again this year. Unfortunately, this will be something we are not sure of until it is too late, and that is when the conference report is before us.

We also see pay-go rules being verbally respected but ultimately dodged through various ploys. The first year test of deficit neutrality was dropped. We have shifted the timeliness of tax payments and spending costs to meet technical definitions that have no basis in reality. We have enacted wildly unrealistic program cuts and sunsets to hide true costs. Pay-go has been promised and praised, but it allowed $143 billion in deficit spending to occur.

I noticed when we started the session this year, Senator GREGG, our ranking top Republican on the Budget Committee, was pointing to his Swiss cheese example of how they have been able to get around the pay-go rules.

I believe Congress, and especially the Budget Committee, should be committed to rigid budget discipline, not politically expedient gamesmanship. I would urge a return to a tighter and more credible budget document. I plan to offer several amendments to shore up the fiscal discipline we are seeing erode in this budget.

I yield the floor, and I suggest the absence of a quorum.

Ms. STABENOW. Mr. President, rather than do that——

Mr. ALLARD. Mr. President, I withdraw that request.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I know we are waiting for other colleagues to come to the floor, but let me summarize our priorities for a moment in terms of this budget resolution.

There are a number of things we are doing that are very important, such as restoring the cuts the President made overall in health care and the fact he wanted to eliminate the COPS Program that puts thousands of police officers on the streets in our communities. We have restored those and other essential dollars for homeland security, firefighters, and so on.

We have also picked three priorities, as we did last year, to focus on in terms of new investments, given what is happening to middle-class families across the country and given the fact that middle-class families feel squeezed on all sides. Gas prices are up. In fact, I saw today they are inching toward $4 a gallon. According to the Detroit News, a paper in Michigan, the chances that gas prices will hit $4 a gallon in the summer are growing with every uptick in the price of oil. We are hearing all about what is happening to families in terms of the price of gas, the price of health care, the price of college and on and on and on. People are being squeezed on all sides.

We also know the best economic stimulus is a good-paying American job. So to address that, we have focused on three priorities in this budget. It is very simple: jobs, jobs, jobs. What do I mean by that? We are focusing on three areas, one that also addresses our dependence on foreign oil. It addresses the critical issue of global warming and where we need to go as we look to the future for our families. But it also creates jobs. There is a green-collar jobs initiative to invest in those new technologies, the new energy efficiency jobs, weatherization jobs, innovation for the future, green-collar jobs. We know we can create thousands and thousands of jobs by focusing in this area, and we do that.

The second area is jobs for rebuilding America. We know for every $1 billion we put into rebuilding our roads and bridges and schools and water and sewer, we create 47,500 new good-paying American jobs. You can't outsource those jobs. Those are jobs here in America, and that is what we need to do.

Then, finally, there is a focus on education and job training. We know that for the future, for ourselves, and for our children and grandchildren, it is opportunity, it is education, it is fully funding the law that was passed called Leave No Child Behind and creating job-training opportunities. People in my State have lost their jobs because of trade, so we have something called trade adjustment assistance that has been consistently underfunded. Yet we have individuals, through no fault of their own, who have seen their jobs go overseas. They are middle-class families trying to care for their families, trying to pay that mortgage we are all talking about right now with the housing crisis and trying to have the American dream for their families. Yet TAA, which was set up to help them go back to school, get training, help cover their health care costs for 2 years while they are doing the training, has been consistently underfunded. We have legislation to fully fund and expand the support for families under TAA.

So we wish to make sure job training and education are also a part of this. This is jobs, jobs, jobs.

I wish to focus for a moment on one of those areas because it directly relates to what I said a moment ago as it relates to gas prices inching up toward $4 a gallon. We have to change this scenario. I know our Presiding Officer understands this and has spoken about this. We have to get off foreign oil, invest in the new alternative energies that create jobs, that create alternatives in terms of being independent of foreign oil, and address gas prices directly, which are hitting people right between the eyes right now in terms of what is happening.

Our green-collar jobs initiative focuses on energy efficiency and conservation, investment in battery technologies, retooling older plants so we are keeping our jobs here in America, and biofuels production and access. We have to have the pump available. You can grow the fuel, you can make the vehicle, but the pumps, if they are not available, we are not going to achieve the goal.

Finally, there is a green-collar job initiative. These are five areas we have focused on in terms of investing in the future of our country. That is what we are all about. For us, this is all about focusing on America, about focusing on folks who every day get up, play by the rules, work hard every day, and want to know America is going to work for them and that they are going to be able to keep their home and be able to send their kids to college and have the health care they need and have that job which is going to allow them to be able to keep their standard of living and, in fact, live the American dream. That is what our budget resolution is all about: jobs, jobs, jobs. I am very pleased we have, in fact, put together something that makes sense for American families.

I see my colleague from Maryland is here and who is a distinguished member of the Budget Committee. He was a distinguished leader in the House of Representatives before coming to us. So I yield now to the Senator from Maryland for whatever time he wishes to consume.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I thank my friend from Michigan for her friendship, but more importantly I thank her for her work on this budget resolution we have before us. She has been a very articulate and effective leader on the Budget Committee to make sure our budget resolution focuses on job growth in America and that invests in the people of this country so we can compete internationally and keep jobs here in America. I thank her very much for her leadership on the committee and for what she has done to help the people of our country.

This budget resolution, as the Senator from Michigan pointed out, is our blueprint. It is what we believe are the priorities of America in terms of what we need to do to move this Nation forward. I think we can perhaps judge how important this budget resolution is, based on what happened last year. I heard a lot of my friends comment about last year's budget resolution, whether it would make a difference in the lives of people in our country. When we look at the budget resolution we enacted last year, based upon the President's submission, I think we have a right to be proud of how important this debate is for the American people. Let me point out that if we didn't pass that budget resolution last year—my colleagues know about the higher education bill that passed and was signed into law and supported by almost all my colleagues; that is going to make a major difference in the ability of families to afford higher education, the largest single increase in financial aid since the GI bill after World War II. Well, that bill couldn't have happened but for the ability of the budget resolution to allow it to be considered. So I think we should be very proud we were able to accomplish that. My colleagues seemed to support that, although some seem to have questions about this budget resolution. The President's budget would not allow us to have had that.

I have heard most of my colleagues talk in glowing terms about what we did last year to help our veterans through veterans health care. Let me remind my colleagues it was our budget resolution, not the President's, that made that a reality. It is important what we include in a budget resolution. It speaks to the priorities of our country.

We had significant bipartisan support—two-thirds of our Members—who supported the Children's Health Insurance Program. We made room for that in the budget. I regret that the President vetoed it. The President was wrong. We are going to come back to that. But we, as Members of the Senate, spoke to the priorities to take care of our children's health care needs. That was in last year's budget. What we did last year is create a glidepath that is going to bring us to a balanced budget faster than the President. So not only are we investing in America's future, we are doing it in a more fiscally responsible way.

I also appreciate—and I might speak parochially for one second for the people of Maryland—the cuts to the Chesapeake Bay program would have been very severe if the President's budget was passed. Fortunately, we had our budget resolution that allowed our committees to come in with resources so the Federal Government could continue to be a partner in the Chesapeake Bay.

So I think this debate is very important. I think the budget resolution that is before us, as my friend from Michigan pointed out, speaks to investing in the people of this country and speaks to job growth in America. Now, how is that done? Well, this budget resolution, compared to the President's, allows us to invest in education. Last year, we did it in higher education. This year, we can invest in teacher quality and in schools in our communities so every child can get a quality education. That should be our goal. Our budget moves us toward a Federal partnership to achieve those goals; whereas the President's budget would not let us move forward.

We all talk about how we are going to become energy independent and how we are going to become friendlier toward the environment. Our budget resolution allows us to move in that direction; once again, compared to the President's budget, it wouldn't happen.

In health care, our budget provides for the expansion of the Children's Health Insurance Program. I know we have a difference with the President on this. We are going to win this battle. If it is not in 2008, we will win it in 2009. Over 100,000 children in my State have no health insurance. The Children's Health Insurance Program needs to be expanded. We need to make sure every child in America—quite frankly, I think every family in America—should have access to affordable, quality health care.

For infrastructure needs, meaning investing so we can create jobs, is very important. I came from a meeting with biotech leaders in my State where we talked about what we need to do as a Federal partner to help in the biotech industry and to help with new, creative innovations in America. We talked

about the NIH budget and how the Bush administration's budget would level fund—which is a reduction—the number of projects NIH could participate in. The budget resolution we have before us today would allow us to invest in research in America to help keep jobs here in America, to develop the type of technology that we know Americans are capable of doing.

But the Federal Government should be a partner, and NIH always has enjoyed bipartisan support. Our budget allows NIH to expand to cover more of the very worthy requests that they receive every year.

The budget provides for dealing with the housing crisis. We have a continuing housing crisis in all parts of our Nation. In my State of Maryland, we have record numbers of foreclosures—people who cannot afford their mortgages because of the adjustable rates coming in that were subprime mortgages. We can do better than that. We have already heard bipartisan support for giving the Government more authority to deal with refinancing loans, giving better counseling to people who are in the market to buy a home and take out a mortgage. I hope to provide additional incentives so people can stay in their homes, and so they can buy homes, and so homeowners can sell their homes. We need to do that for the sake of the individuals involved. We need to do it to preserve communities, property tax revenues for local government, and we need to help spur economic growth.

This budget allows for those types of programs to reach the floor of this body for consideration. The President's budget would not allow us to do that. This budget provides for middle-income tax relief. You have heard the chairman talk about it. The AMT is very important. It is important that we extend that relief; otherwise, literally hundreds of thousands of Marylanders will fall within the AMT, and millions of Americans will fall into a tax we never intended for them to have to pay. Our budget resolution provides for that type of relief.

One more thing about this budget resolution. This budget resolution actually moves us toward a balanced budget faster than the President's budget. I could go back and talk about 7 years ago, and how we had all these surpluses, and how the Bush policies have led to these huge deficits. I can talk with a lot of credibility on it because I didn't support the President's economic plan. I said it was wrong for us to spend the surplus before it was fully there, wrong for us to do this war funding without paying for it, wrong to give out tax cuts to wealthy people when we were in a deficit. I thought we owed it to our children and grandchildren to pay for our bills today. But I was outvoted and we did it. Now we have the Bush deficits that we have to deal with, and we cannot rewrite history. It is our responsibility to balance the Federal budget.

The budget resolution we have before us, offered by the Budget Committee, puts us on a glidepath to balancing the budget at a faster rate than the President's budget would. So we are acting fiscally responsible and investing in America's future, investing in jobs, and providing the appropriate tax relief for middle-income families.

I thank Chairman CONRAD for his cooperation and leadership and for bringing us all together on the Budget Committee. I particularly thank him for the help on an amendment I was able to get into the budget resolution, which will help in providing dental care particularly to our children.

I mention that whenever I can because a little over a year ago, a 12-year-old boy from Maryland, who lived about 6 miles from here, Deamonte Driver, had a toothache. His mom tried to get him to a dentist. Social workers made numerous phone calls to try to find a dentist to take care of his needs. That was in 2007, in the United States of America, in my own State of Maryland. They could not find a dentist who would take care of him. He only needed an $80 tooth extraction. Instead, he suffered from abscessed teeth and he had to go through two brain surgeries, costing a quarter of a million dollars, and he lost his life because we would not invest in access to affordable dental care for our children.

I thank Chairman CONRAD for allowing an amendment to be added to this budget bill that will allow the Finance Committee to bring a bill to this floor that will make sure we will have no more tragedies like Deamonte Driver's in America, and make sure our children have access to dental care. It is the No. 1 leading disease affecting children. The number of children who have untreated tooth decay is alarming, particularly in minority communities and in rural areas. We can do much better. This budget resolution will allow us to move in that direction.

I thank Chairman CONRAD for allowing us to move forward with NIH research so we can do much better. In the 1990s, we were committed to doubling the amount of money in NIH. It was a great day for this Nation. But the Bush budgets would have us fall back and lose our competitive advantage. The budget before us will allow us to continue to make progress in the Federal Government on NIH research.

On Amtrak funding, I thank the chairman and the committee for allowing us to move forward. Senator LAUTENBERG has been particularly effective in bringing this issue to our attention. We need an efficient rail system in this country.

We have read recently about how we have to monitor our water more effectively. The budget before us gives us a much better chance of achieving those objectives than the President's budget. This budget is a good investment for America's future—that is what it is—so we can become more competitive and pay down our debt, so we can provide the appropriate relief to middle-income families. It is about choices, and we made tougher choices. We could not do everything we wanted to do.

I want to make this point: Considering the legacy of the Bush deficits we have to deal with, considering the economic problems this Nation is confronting, considering the political realities we have to work with, where there are serious differences between the majority in Congress and President Bush, considering all those issues, considering the Bush budget and how that would lead us into red ink by providing tax relief to individuals who I don't believe need it—particularly when we are asking our children and grandchildren to pick up those costs—considering all that, and considering that this budget puts a priority on job growth and the competitiveness of our Nation, I urge my colleagues to support this resolution. I think it is worthy of strong support in this body. I am certain when we pass this resolution and reconcile it with the House, many of the implementing bills are going to enjoy large bipartisan support.

This budget resolution deserves that support. I am proud to endorse it, and I urge my colleagues to support it.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

Thereupon, the Senate, at 12:25 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

AUTHORIZING USE OF THE ROTUNDA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 313, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 313) authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 313) was agreed to.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 4160

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BAYH, Mr. PRYOR, Mr. NELSON of Florida, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. TESTER, Mr. BROWN, Mr. MENENDEZ, Mr. BINGAMAN, and Mr. CONRAD, proposes an amendment numbered 4160.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide tax relief to middle-class families and small businesses, property tax relief to homeowners, relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita, and tax relief to America's troops and veterans)

On page 3, line 11, decrease the amount by $1,755,000,000.

On page 3, line 12, decrease the amount by $1,730,000,000.

On page 3, line 13, decrease the amount by $28,324,000,000.

On page 3, line 14, decrease the amount by $167,072,000,000.

On page 3, line 15, decrease the amount by $141,689,000,000.

On page 3, line 20, decrease the amount by $1,755,000,000.

On page 3, line 21, decrease the amount by $1,730,000,000.

On page 3, line 22, decrease the amount by $28,324,000,000.

On page 3, line 23, decrease the amount by $167,072,000,000.

On page 3, line 24, decrease the amount by $141,689,000,000.

On page 4, line 5, increase the amount by $22,000,000.

On page 4, line 6, increase the amount by $97,000,000.

On page 4, line 7, increase the amount by $846,000,000.

On page 4, line 8, increase the amount by $5,664,000,000.

On page 4, line 9, increase the amount by $13,496,000,000.

On page 4, line 14, increase the amount by $22,000,000.

On page 4, line 15, increase the amount by $97,000,000.

On page 4, line 16, increase the amount by $846,000,000.

On page 4, line 17, increase the amount by $5,664,000,000.

On page 4, line 18, increase the amount by $13,496,000,000.

On page 4, line 23, increase the amount by $1,777,000,000.

On page 4, line 24, increase the amount by $1,827,000,000.

On page 4, line 25, increase the amount by $29,170,000,000.

On page 5, line 1, increase the amount by $172,736,000,000.

On page 5, line 2, increase the amount by $155,185,000,000.

On page 5, line 8, increase the amount by $1,777,000,000.

On page 5, line 9, increase the amount by $3,604,000,000.

On page 5, line 10, increase the amount by $32,774,000,000.

On page 5, line 11, increase the amount by $205,510,000,000.

On page 5, line 12, increase the amount by $360,695,000,000.

On page 5, line 16, increase the amount by $1,777,000,000.

On page 5, line 17, increase the amount by $3,604,000,000.

On page 5, line 18, increase the amount by $32,774,000,000.

On page 5, line 19, increase the amount by $205,510,000,000.

On page 5, line 20, increase the amount by $360,695,000,000.

On page 26, line 16, increase the amount by $22,000,000.

On page 26, line 17, increase the amount by $22,000,000.

On page 26, line 20, increase the amount by $97,000,000.

On page 26, line 21, increase the amount by $97,000,000.

On page 26, line 24, increase the amount by $846,000,000.

On page 26, line 25, increase the amount by $846,000,000.

On page 27, line 3, increase the amount by $5,664,000,000.

On page 27, line 4, increase the amount by $5,664,000,000.

On page 27, line 7, increase the amount by $13,496,000,000.

On page 27, line 8, increase the amount by $13,496,000,000.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is the amendment about which I spoke this morning. This amendment would take the surplus in the budget resolution and give it back to the hard-working American families who earned it. It would make permanent the 10-percent tax bracket. It would make permanent the child tax credit. It would make permanent the marriage penalty relief. And it would make permanent the changes to the dependent care credit. Further, it would make changes to the tax law to honor the sacrifices our men and women in uniform make for us every day. We lower the estate tax to 2009 levels. And it would allow middle-income taxpayers who do not itemize their deductions to nonetheless take a deduction for property taxes.

I offer this amendment on behalf of myself, Senator BAYH, Senator PRYOR, Senator NELSON of Florida, Senator SALAZAR, Senator ROCKEFELLER, Senator TESTER, Senator BROWN, Senator MENENDEZ, and Senator BINGAMAN.

The amendment shows our commitment to American families. The amendment takes the surplus and returns it as tax relief to those hard-working families. I urge my colleagues to join me in supporting this amendment.

I spoke at length about this amendment earlier today. This is a very brief summary, now that we are on the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask the chairman of the Finance Committee, Senator BAUCUS, if I might be listed as an original cosponsor as well.

Mr. BAUCUS. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I thank the chairman of the Finance Committee, Senator BAUCUS, for this excellent amendment. This will extend the middle-class tax cuts, the 10-percent bracket, the childcare credit, and the marriage penalty relief provisions. All those tax cuts will be extended.

In addition, as I understand it, the chairman of the Finance Committee has crafted an amendment that will include significant estate tax reform because we are now in this unusual situation of where, under current law, the estate tax will go from a $3.5-million exemption per person in 2009 to no estate tax in 2010, and then in 2011, the estate tax comes back with only $1 million exemption per person. The amendment of the Senator from Montana would make certain it stays at $3.5 million and is allowed to rise with inflation.

The Senator from Montana has also added provisions for those who are serving in the military and also has provisions that will provide for property tax relief because we know that across the country, at the very time house prices are falling, property taxes in many jurisdictions are rising, and people don't get the benefit of the deduction because of the formalities of the current Tax Code. All these items are addressed in the amendment of the chairman of the Finance Committee.

I wish to express my appreciation. This will still permit the budget to be in balance by the fourth year and to stay in balance in the fifth year. The President's budget, by contrast, balances in the fourth year, but then it quickly slips right back out of balance again. Ours does not.

I take this moment to again thank the chairman of the Finance Committee for his work on this amendment and to thank his staff as well. I know they put a great deal of time and effort into this amendment, meeting with many interested parties, as one can imagine with an amendment of this magnitude. It makes a very, I think, important contribution to the consideration of this resolution.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, there is one point in this amendment that needs explanation, and the Senator from North Dakota touched on it. It is basically this: Under our tax laws today, only those tax filers who itemize their deductions can take advantage of the property tax deduction. Only those Americans who itemize their deductions can take a property tax deduction which, therefore, lowers their income taxes. About two-thirds of Americans do not itemize. Two-thirds of Americans take the standard deduction. If they take the standard deduction, they cannot, therefore, deduct their property taxes from their income taxes.

This amendment says all homeowners can take the standard deduction; that is, it makes no difference whether you itemize or whether you take the standard deduction. In either case, you are able to take full advantage of the property tax deduction to lower your property taxes.

This will help in some small way to prevent the reduction of housing prices in some parts of the country where it is a real problem. It is clearly not the full answer, but it at least is a way to help and also gives tax relief to middle-income taxpayers because those taxpayers who do not take the standard deduction, those taxpayers who itemize are probably a little bit wealthier than are taxpayers who take the standard deduction.

We are saying, if you take the standard deduction, you now can itemize this one item; that is, your property taxes. Technically, it is called above the line. Basically, it means if you take the standard deduction, you get full benefit of your property taxes; you can take the deduction against your income. And that is in this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman of the Finance Committee. I also ask him, as I understand it, the Defenders of Freedom Tax Relief Act is also part of this package.

Mr. BAUCUS. That is correct. Basically, it is in this amendment, honoring our men and women who are standing up for us in Afghanistan and Iraq.

Mr. CONRAD. And that package would provide, as I understand it, significant tax relief for our fighting men and women overseas, and it will continue to help them save for retirement and expand their opportunities for home ownership. It will also help the employers of reservists and National Guard who are called to Active Duty. This is a package that passed the Senate last year by unanimous consent. It did not get to the President's desk but is included in this package, which I think will make it even more attractive to our colleagues.

Mr. President, I know Senator MURRAY was here seeking recognition. Then I think Senator CORNYN would like to be recognized.

I will conclude, if I may, on this matter. This amendment is an important amendment, and I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment is a game. Last year, we saw the same game. Last year, the Democratic Congress was in its first year of having the majority in both the House and the Senate, so people gave it the benefit of the doubt. They said: OK, you claim you are going to do something, we certainly hope you will.

So last year they once again set up a false surplus and then they cut taxes and then they brought forward the Baucus amendment to pick up all that surplus as part of the tax cut, claiming both a surplus and a tax cut, which was good talking but a little inconsistent.

Their tax cut last year, the Baucus amendment had in it the extension of the 10-percent bracket, the extension of the $1,000-per-child tax credit, and the extension of the marriage penalty. I believe it had some estate tax language in it. It might have. But I know it didn't have this property tax itemizer in it. It had those four items in it for sure. So all the Members voted for it and took credit: Oh, we are for these tax extenders because we think they help middle Americans, which they do, obviously, which is why President Bush proposed them originally, and that is why it passed under a Republican Congress.

So what happened after this amendment was voted for and everybody sent out their press releases from the other side of the aisle saying: My goodness, we are for these tax cuts, we are going to vote for them right here on the floor of the Senate—even though they could have put them in the original Senate bill, which they didn't do because they wanted to have a bill reported out of committee with a big surplus so they could talk about that, knowing when they got to the floor they were going to eliminate these surpluses for the tax cuts—what happened after they put out all their press releases? Where are these tax-cut extenders they claimed they were going to pass last year? They don't exist. They never marked them up. They never voted on them. The real action of extending these tax cuts never occurred, even though they took credit for them last year.

They said: My goodness, that is a great idea, we get a press release out saying we are for cutting taxes; let's do it again. They did not cut the taxes because the taxes are still there, so they say let's do it again. So we see the same cynical action brought forward in this amendment. They are offering this amendment to cut the same taxes they cut last year—at least they took credit for cutting last year but they actually didn't cut.

It is to say the least a game—a game. That is why I call this the ''fudge it'' budget because so much of it is built around this gamesmanship in language and setting up false hopes and then proceeding with the press releases and then proceeding with not following through on what they claim they were going to do.

It also should be noted that left out of the Baucus amendment are a lot of fairly important issues of tax policy. For example, the present rate on capital gains and dividends is not in the Baucus amendment. So they are presuming it will go back up. That is a pretty stiff hit for a lot of Americans, especially senior citizens. Ironically, senior citizens benefit uniquely from capital gains rates being at their present level. Senior citizens benefit uniquely from dividend rates being at their present level because much of a senior citizen's retired individual income is capital gains income or dividend income to the extent they have some income beyond their basic pension, and many of their pensions are, of course, based off capital gains and dividends. So they are going to raise those rates. They are going to double the capital gains rate, essentially. The dividend rate will not only double, it goes up by 2½ times for some Americans under their proposal.

The deduction for qualified education expenses is not extended. Small business expensing—that is a pretty important item, especially in an economic slowdown that should be extended—is not extended in this bill.

Other extenders that are left out of the Baucus amendment include the research and development tax credit, that is pretty important; the energy tax credit, that is pretty important; State and local tax deduction, some people think that is important. AMT relief is left out.

The practical effect is even though they make this representation they are going to reduce taxes, the exact same representation they made last year on these ''motherhood'' tax extenders, let's call them, which they never followed through on last year, they leave on the table massive increases in taxes—massive increases in taxes—which will fall on working Americans.

We hear all this gobbledygook from the other side of the aisle that they are

just going to tax the rich, we are taxing the rich, we are taxing the rich. I bet I heard their Presidential candidate, Senator OBAMA, use that term to justify his spending policies probably 15 times in the last debate I listened to in which he participated. We are just going to tax the rich, the wealthy Americans. Well, fine, OK. The only problem is they cannot raise enough money to pay for their budget by just taxing the rich. If you take the basic rates and you move them back to the Clinton days, when we had high tax rates in this country, you take the top rate on the high-income individual, 35 percent, and you raise it back to 39.6 percent, what do you generate in income in an annual year? About $25 billion.

Mr. GREGG. What do they plan to spend? Senator OBAMA plans to spend $300 billion under his plan. In order to reach the numbers they want to spend in this bill, there is a lot of spending in this bill. There is $200-plus billion in discretionary spending increases.

There are $400-plus billion entitlement increases in this budget. There are big holes that we know are going to have to be filled, or at least we hope they will be filled, because otherwise you are going to end up with our troops stuck overseas without being able to get home, because their budget does not fund the cost of bringing them home, much less supporting them while they are in the field.

We know these expenditures are going to occur, and those expenditures have to be paid for, and the way they are paying for them is by increasing taxes, not on the wealthy—they do on the wealthy too, but on every American. The average American's taxes will go up about $2,400 under this bill. Senior citizens' taxes will go up about $2,100; small business taxes will go up about $4,700; $2,400 for an individual family with $50,000 of income. That is what their tax increase goes to: for seniors, about $2,100; for small businesses, about $4,700.

That is a lot of money. You can buy a lot of groceries and at least get some relief from the cost of energy if you get to keep that money rather than have it taxed away as is proposed in this bill. It should not come as a surprise to people that they are doing this in their budget, because that is what they do well; they like to spend money and they love to raise taxes.

Then they claim, well, we are going to tax the rich. It turns out they are not only taxing the rich, they are taxing senior citizens, working Americans, small business Americans, Americans who get their income from small businesses, they are taxing R&D, they are taxing energy, the production of energy.

In addition, there is a little game being played here on their own rules. We hear the sanctimonious discussion about how they are going to use pay-go to discipline the budget. They are going to use pay-go to make sure we stay within our spending priorities, and that we do not raise taxes without offsetting these taxes.

Well, this amendment is set up to game pay-go. Pay-go is not going to apply when this amendment is passed or, if it does apply, it is going to be structured in a way that it can be waived. There is no expectation that there will be any pay-go applied to the Baucus amendment, should it ever actually be brought to the floor.

It is a game. It is, of course, one of the reasons why I think the American people get a little cynical about their Government. Here is the second year in a row that we are going to have press releases flying out of the Democratic Senatorial Committee claiming that they voted for these tax cuts. And then what happens? The tax cut never gets passed. This is a nice charade; that is all it is. We wish they were sincere when it came to cutting taxes.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first, I recognize the ranking Republican on the Budget Committee, Senator GREGG, to thank him for his cooperation in bringing this budget resolution to the floor. While we have serious substantive differences, and we will be discussing those, I do have a high regard for the Senator from New Hampshire for the way he conducts himself.

He, in the Budget Committee, did something I want to recognize publicly. One of our members was ill. We have a rule in the Senate Budget Committee that Senators are not allowed to vote by proxy. We are the only committee in the Senate that has that rule. We have that rule because we are the only committee with the power to bring a fast track vehicle to the floor for immediate vote. That rule has been a long-standing rule in the Senate Budget Committee. Senator GREGG and Senator MCCONNELL, when we told them of the problem we were confronted with, one of our members was ill—with only a 12-to-11 margin on the committee, that would have meant we could not report a bill to the floor.

In a gracious way, in a way that I think reflects well on the Senate, in fact, makes me proud to be a Member of this body, Senator GREGG and Senator MCCONNELL allowed a unanimous consent motion to come to the floor of the Senate so all Senators could pass judgment on whether we should exempt one member from the requirement to be present because he could not be.

I want to start by thanking Senator GREGG for that professionalism, for that graciousness, and I do. I give my appreciation to Senator MCCONNELL as well.

Now, on the substance of what the Senator has said: I do not think anybody would be surprised that we have a strong disagreement with respect to the way he characterizes this amendment. This amendment is to a 5-year budget resolution. This amendment specifically extends the middle-class tax cuts and provides for estate tax reform and for provisions that are of assistance to our men and women in uniform, and will provide for certain property tax relief as well.

With respect to the middle-class tax cuts, it is true we offered a similar amendment last year. It is true we offered it containing estate tax reform as well. It is true that final action was not taken because there was no need to take final action in 2007. There is no need to take final action in 2008. There is no need to take final action in 2009, because all of these tax cuts under current law do not expire until 2010.

It is not a game; it is reality. The reality simply is, this is a 5-year budget resolution that is recognizing that we will extend those tax cuts, we will do it in a way that still allows the budget to be balanced in the fourth year, and remain in balance in the fifth year, and there is no need to take the final action, because all of those tax cuts exist until the end of 2010. That is a fact.

The second point the Senator makes and makes repeatedly is all of these tax increases in this budget. No, there are not. He made the exact same speech last year. Second year, second verse. He said we were going to increase taxes last year $1 trillion. Now we can go back and look at the RECORD. We do not have to resort to rhetoric, we do not have to resort to projections, we do not have to resort to forecasts; we can look at the RECORD of the Congress last year and the beginning of the year.

What has happened? Taxes did not increase by the trillion dollars the Senator warned about last year. In fact, taxes have been cut by $194 billion. This is with offsets of $8 billion. So on a net basis, taxes have been reduced by $186 billion by this Democratic Congress that my colleague claimed last year would increase taxes by $1 trillion. Those words ring pretty hollow when you compare them to the actual record.

Now, how did Democrats cut taxes by a net of $186 billion since last year? In two ways: No. 1, the stimulus package. The stimulus package, supported by the President of the United States, passed by the House of Representatives, passed by the Senate, and the alternative minimum tax relief provided last year. That combination has provided a net reduction in taxes to the American people of $186 billion. Not a tax increase, a tax cut. When the Senator says this budget is going to increase individual taxes $2,400, no. With the adoption of the Baucus amendment, which virtually every Democrat will support, we will extend the middle-class tax cuts.

When he says: You are going to increase taxes on this category and that category, the fact is, you could accomplish the revenue numbers in our budget, which is 2.6 percent more revenue than is in the President's budget—that is how much more revenue we have, 2.6 percent—we believe that amount of revenue can be achieved not by tax increases—in fact, I think it would be unwise to ask the American people for a tax increase before going after three other categories of revenue: No. 1, offshore tax havens. Offshore tax havens, according to the Permanent Subcommittee on Investigations, are now causing us to lose $100 billion a year. Offshore tax havens. That abuse is proliferating.

No. 2, abusive tax shelters. Let me give you an example. Right now we have the spectacle in the United States of U.S. companies buying foreign sewer systems, not because they are in the sewer business but because they want to depreciate those systems on their books for U.S. tax purposes. They then lease the sewer systems back to the European cities that built them in the first place. They are not just doing it with sewer systems, they are doing it with European city halls. Companies and wealthy investors in this country are buying European city halls, writing them off on the books in the United States to reduce their tax obligation here, and then turning around and leasing them back to the European cities that built them in the first place. That is a scam. It ought to be closed down. The estimates are that is costing us $40 billion a year.

On top of that, the tax gap, which in 2001 was identified at over $300 billion a year, the difference between what is owed and what is paid—while the vast majority of us pay what we owe, we have a number of people, unfortunately an increasing number, who do not pay what they owe, companies and individuals. Before we ask for a tax increase from anybody, we ought to go after those folks.

Now we will have a debate on these issues, but to suggest there is a massive tax increase here, no, there is not a massive tax increase here. The exact same speech was given last year, $1 trillion of tax increases. What happened? On net, this Congress reduced taxes by $186 billion. That is a fact.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. First, let me thank the Senator from North Dakota for his kind comments relative to our efforts to make sure that the unfortunate situation with one of our members did not inappropriately impact the majority position on the committee. We were happy to do that as a courtesy, because it is part of the proper comity of the Senate, quite honestly.

To move on to the substance of his comments, his actual praise of me was not inconsistent; I thought it was brilliant. But there is such inconsistency in the substance of what he said that I am amazed. I mean, first, the argument is made: Well, the reason the Baucus amendment did not have to be actually executed is because we did not need the money or we did not need to extend those tax cuts because they do not lapse until 2011 or 2012.

Well, why did you offer the amendment then? To put out the press release? It appears that is the only purpose of the amendment. Why are you offering the amendment this year? To put out the press release again? It appears that is the only purpose of the amendment.

What he is basically saying, if you read between the lines, is last year we did not execute on that, we did an amendment here, we got a press release—in fact, I have the press release here from last year: March 10, 2007. Baucus budget amendment funds children's health, tax relief for America's working families. That is the title of the release that was put out last year when this amendment was offered.

Of course, it never happened because the tax relief never occurred because the amendment was never passed.

This year, I guess we will get another press release from Members on their side saying: Senator so-and-so voted for tax relief for American families and for health care for American families by voting for the Baucus amendment which will not ever be executed on. It is a touch inconsistent, to be kind, to first claim that you didn't need to do the extensions until the year 2010 or 2011 or 2012, and therefore, last year, when you passed the amendment, it didn't mean anything, and then to bring the amendment forward again and take credit for cutting taxes. At what point does the American public simply shake their heads and walk away?

Mr. CONRAD. Will the Senator yield for a question?

Mr. GREGG. I will finish my statement, and then I will yield.

Mr. CONRAD. I thank the Senator.

Mr. GREGG. The second point the Senator makes is that there are no tax increases in this budget. That is true if you look at this year. But this is a 5-year budget. It assumes revenues over 5 years and takes credit for those revenues which exceed the President's number and which reflect an increase in taxes of about $400 billion. That is their number. I actually believe it is higher.

Giving them the benefit of the doubt, they have a $400 billion tax increase built into their budget. That tax increase is built in on the assumption made by OMB that the capital gains rate will go back up, that the dividend rate will go back up, that the basic rates will go back up, that other expiring tax provisions will go back up, R&D, energy, qualified education spending, that those tax extenders will go back up. So you won't see a dramatic increase in taxes as a result of this budget because they turn around and spend the money. It is not that they not only increase the taxes and presume those tax revenues will come in, they spend the money.

Then the argument is made: But we don't really have to do it by allowing those provisions to expire. We can raise it all from this infamous tax gap, which last year they also took credit for for $300 billion, or claimed they would, if they were successful. Then they ended up cutting the IRS accounts. So the IRS not only did not collect this additional money, they didn't even have the resources to collect what they were supposed to collect the first time around.

So the tax gap is mythical. It is virtual. It may exist. It does exist. But the collecting of it has been proven to be a lot more difficult than just putting it in a budget and claiming you will get it. In fact, the IRS Commissioner, when he testified before our committee, made it very clear that he felt the maximum amount, even with all the resources he asked for, which he never got, that we would be able to collect out of the tax gap was somewhere between $20 and $30 billion. That is over 5 years, as I recall.

So if the Senator's position is that we don't need to raise dividend taxes to get the $400 billion, we don't need to raise taxes on capital gains to get the $400 billion, we don't need to raise taxes on the estate and death tax to get the $400 billion, we don't need to raise the brackets back up in order to get the $400 billion, I know that in order to stand behind that position, he is going to want to vote for the amendment which Senator CORNYN or I will offer which will do exactly that. It will say: Don't raise the dividend rate. Don't raise the capital gains rate. Don't raise the brackets. Because the Senator from North Dakota said we don't need to do that, he will want to be with us on that.

I am happy to yield to the Senator for a question.

Mr. CONRAD. I would just ask the Senator——

Mr. GREGG. My question is, You will be with us on that amendment, won't you?

Mr. CONRAD. I have not yet had a chance to study the amendment. I would be happy to do so and give you an answer after I have had a chance to review it.

Let me ask the Senator, did your budget resolution in 2006 extend the middle-class tax cuts?

Mr. GREGG. They didn't expire within the budget window.

Mr. CONRAD. You mean the same argument I have just made with respect to ours?

Mr. GREGG. Reclaiming my time, the point is, there is a 5-year budget window. They start to expire in 2010, not in 2007; therefore, your budget has to deal with that expiration. My budget didn't have to deal with that expiration because it was not within the 5-year window.

Mr. CONRAD. Did you not assume in your 2006 budget resolution the extension of all the President's tax cuts?

Mr. GREGG. I would certainly hope I did, but I don't recall.

Mr. CONRAD. Well, the answer is, you did. And the second question would be, Did you then execute on extending those tax cuts in 2006?

Mr. GREGG. I would certainly like to have. But unfortunately, at the time, again, we were not within the budget window. But you are within the budget window, and you are taking credit for those tax extenders lapsing. Are you not taking credit for $400 billion under the baseline? That number is reached by CBO by presuming that the tax extenders on cap gains, dividends, and rates will expire? Are you not taking credit for that in your budget resolution?

Mr. CONRAD. For precisely the same reason that the Senator has given for his including extending the middle-class tax cuts when he last wrote a budget resolution in 2006. It would have covered the years 2007, 2008, 2009, 2010, 2011. The Senator included the extension of those middle-class tax cuts, just as I have done, because it was a 5-year budget resolution, and then the Senator's side did not execute, just as we did not last year, because there was no necessity to do it because those tax provisions do not expire until 2010.

This is a case of the pot calling the kettle black. You extended the middle-class tax cuts in your 2006 resolution and then did not execute because there was no need to do so because those tax cuts don't expire until 2010. That is precisely what we have done.

Mr. GREGG. Mr. President, reclaiming my time, there is a pretty significant difference. We are talking about 3 years, which is massive amounts of revenue. Secondly, you spend the money. The difference is pretty significant. We are talking about this budget at this time, and you can try to go back to other budgets, which I am happy to do. We can obviously debate old budgets. But the budget that is on the floor right now—and it appears the Senator is agreeing with my assessment—has a $400 billion tax increase, which tax increase CBO assumes will be accomplished by not extending the rates on dividends, capital gains, and the basic rates, along with research credit, energy credit, the qualified educational expenses, and the small business expensing. That is where you generate your revenue from. That is a tax increase. That translates into $2,400 per family. That is your budget. You are in charge of the budget. You brought the budget forward. You have a $2,400-per-family increase in here.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have no such tax increase assumption in our budget. Here are the facts. It is true we have $400 billion more in revenue over the 5 years than the President has in his budget. That is a difference of 2.6 percent. We believe that revenue can be attained without a tax increase. How? The pool of money I am talking about is the tax gap, the difference between what is owed and what is paid. The vast majority of us pay what we owe, but we have a group of people who don't. No. 2, offshore tax havens. The Permanent Subcommittee on Investigations has told us we are losing $100 billion a year to offshore tax havens. I have shown many times on the floor the Ugland House in the Cayman Islands, a little five-story building that claims to be the home to 12,600 companies. How can that be, that a five-story building in the Cayman Islands can be the operational home to 12,600 businesses? They are not engaged in business out of that building. They are engaged in monkey business. That monkey business is costing us a lot of money.

Now we have new evidence from the Boston Globe of another building in the Cayman Islands, this time a four-story building. In that building, they are also engaged in massive tax fraud. How? The company that is hiring the contractors for the United States in Iraq, KBR, is using that operation in the Cayman Islands to avoid paying their Medicare and Social Security taxes in the amounts of hundreds of millions of dollars for one company.

The New York Times has just reported in Liechtenstein that they have uncovered massive tax fraud.

I would say to the American people, before we ask for a tax increase from anyone, we ought to go after these tax scams. What is the amount over 5 years? The estimates are at least $2.7 trillion. If we get 15 percent of that—not 50 percent, 15 percent of the abuse in tax havens, the abuse of tax shelters, the tax gap, 15 percent of it—we can balance this budget with no tax increase. Yes, additional revenue, revenue acquired by going after people who are cheating.

Senator DORGAN and I are perhaps the only two Members who have actually audited the books and records of major corporations, because we used to be the tax commissioners for our State. I have looked at the books and records. I have audited the books and records. I found tens of millions of dollars from my little State of North Dakota. One of the things I learned when I did it and actually examined the books and records is how much fraud is going on. This is fraud not just from my conclusion or Senator DORGAN's conclusion, this is what has happened as a result of investigations by our own Permanent Subcommittee on Investigations that have uncovered massive fraud, massive cheating. We ought to go after it.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, CBO scores zero in this budget for money coming from the tax gap that is represented by Senator CONRAD as existing. The point being, of course, that you can talk about the tax gap all you want; it would be nice if we could generate some money from the tax gap. But IRS gives us no credit for generating money. They claim you can't generate the type of dollars the Senator has been talking about, and CBO doesn't give us any score for tax gap unless we significantly increase IRS funding, which we do not do.

Mr. CONRAD. Will the Senator yield?

Mr. GREGG. Just a second. Furthermore, what you have to recognize is CBO does score the $400 billion, which the Senator refers to as revenue, I refer to it as a tax increase—I mean, it is a tax increase—and CBO gets that $400 billion number because they assume the tax rates on capital gains, dividends and the personal rates, along with the other items I have listed, will go back up when they expire. That is how the number comes about. It doesn't come about from the tax gap.

You can say: I am going to get money from Liechtenstein as a way to cover the American tax gap, and therefore no Americans are ever going to have to pay any more in taxes. You can make that statement, but that is not the way the budget works. CBO tells us how they are going to score it. We all work off of the CBO baseline. The CBO baseline assumes, under the Democratic budget, that taxes will go up above what the President asked for. That is clearly because they want to repeal the tax rates that are in place today and were put in place by President Bush. I don't know why they resist so aggressively admitting to this. Their Presidential candidates, that is all they talk about. So clearly, that is the game plan. Why try to obfuscate it with this tax gap debate?

In addition, we have this issue of what happened under our budget versus what happened under their budget. This is their budget. It is not our budget. They are responsible for this budget. The U.S. Congress has to pass a budget. The President doesn't sign it. Congress passes it. This is what they have brought forward. Their budget assumes, takes, and spends—and that is the important part—a tax increase which results from basically raising the tax rates on capital gains, raising tax rates on dividends significantly, which will dramatically impact all Americans, raising rates, raising a variety of other taxes such as R&D and

energy. That is where they get the revenue which they then turn around and spend. We didn't do that in our budget. We accepted a higher deficit and didn't raise the tax rates. So there was a difference. It is substantive between the two. The core of it goes to the fact that they need revenue to spend, and to get that revenue, they are going to aggressively raise taxes $2,400 on working Americans.

The tax gap is a smokescreen for what is really going on. I don't even know why they put it up because there is no contention out there in the public arena about what the game plan is.

Senator CLINTON and Senator OBAMA have said over and over and over again they intend to raise taxes. They claim it is just going to be on the wealthy, but they cannot get where they want to go by just raising taxes on the wealthy because, as I pointed out before, if you raise the marginal rates on the highest earners from 35 percent to 39.6 percent, you do not generate anywhere near the amount of money you would have to generate to cover all the spending that is proposed in this budget and has been proposed for new programs by Senator OBAMA and Senator CLINTON, as they have been campaigning.

It will be, and this budget is, a general increase on the taxes of working Americans—to the tune of $2,400 for most families in the $50,000 range, to the tune of $2,100 for 18 million seniors, and to the tune of $4,700 for 24 million small businesses. There are no two ways around it. That is what is going to happen if this budget is extended throughout the 5-year experience it is planning to budget for.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I know the Senator insists on his point of view on this, but I have to say there is another point of view which I have articulated and have articulated repeatedly. There simply is not an assumption that there is a tax increase embedded in this budget. In fact, what is included, after the Baucus amendment is adopted, is significant additional tax reduction: tax reduction for middle-class families, tax reduction for estates, tax reduction for those who would otherwise be subjected to the alternative minimum tax—some 20 million families.

So that is the fact. If you go to the record of what this Congress has done so far, after the Senator gave his same speech last year, almost verbatim, saying we are going to increase taxes by $1 trillion, which is his favorite number—I tell you, I do not think it would matter what document we brought to this floor, the Senator would say there is a trillion dollar tax increase because that is what he said last year. Let's go back and check the record. What happened?

Since last year, this Congress, controlled by Democrats, has reduced taxes on a net basis by $186 billion. It is not a statement. It is not a speech. It is a fact. This Democratic Congress—after all the warnings last year: We are going to increase taxes $1 trillion—has reduced taxes, in 1 year, by $186 billion.

Now, the Senator says: The CBO does not score tax gap provisions. Well, let's be clear. The CBO does not score tax provisions. That is the job of the Joint Committee on Taxation. That is not the job of the Congressional Budget Office. All of us who serve on the Finance Committee know that is the case. CBO does not score tax provisions. That is the responsibility of the Joint Committee on Taxation.

The Senator has asserted we have a $400 billion tax increase. No, we do not. We have $400 billion more in revenue over 5 years than the President has. That is a difference of 2.6 percent.

As I have asserted repeatedly, I believe additional revenue could be obtained by going after the tax gap, by going after these tax havens, by going after abusive tax shelters—a pool of money over this 5 years that is some $2.7 trillion—$2.7 trillion. And that is probably a conservative estimate. So we would only have to get $1 in every $7 in that pool to balance this budget, with no tax increase on anyone.

I believe the first thing that ought to be done is to go after those abusive tax havens, those abusive tax shelters, and that tax gap, where the vast majority of us pay what we owe, but some number of us do not.

One other thing: The Senator referenced his budget. The fact is, he has no budget. They have no budget. If our budget is so egregious, why haven't they offered a substitute budget? They have not. They have not offered a budget. They did not offer a budget in the committee. They do not have a budget on the floor. They do have the President's budget, and we have compared, repeatedly, our budget to the President's budget because it is the only alternative that is out there. They have chosen not to offer an alternative. That is their right.

The majority has the responsibility to offer a budget, but the minority, if they feel it is grievous, can offer a substitute, and they have not.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we will go to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think people watching this on C–SPAN or wherever they may be watching—from the Galleries—can be forgiven if their head is spinning after this back and forth of how their tax dollars are being spent.

At a time when our economy has undergone tremendous growth over the last 5 years but has now hit a soft stretch, particularly in the housing area, where we are talking about the credit crunch coming from the subprime credit crisis, we have acted in a bipartisan way to try to get the economy moving again by passing a stimulus package. The Speaker, the Republican leader of the House, and the White House have joined to try to do what can be done on a bipartisan basis to get the economy moving again.

But the fact of the matter is, there is no better stimulus for the American economy other than leaving people with their own hard-earned money to spend it as they see fit. That is what helps create jobs in this country. The last thing we would want to do or should do is to see taxes be increased, particularly on small businesses, which are the primary job generator in this country, because it is through jobs and opportunity that people are able to achieve their own life and their own dreams and not depend on Government.

We ought to aspire to be a country where everyone can declare their own independence on Government and not say we must be more dependent on Government, which seems to be the conflicting visions we see play out on the Senate floor.

Mr. GREGG. Mr. President, will the Senator yield for a parliamentary question?

Mr. CORNYN. Mr. President, I will.

Mr. GREGG. I apologize for interrupting the Senator.

Mr. President, I ask unanimous consent that we proceed to the time on the resolution so the time during the debate will run against the resolution.

The PRESIDING OFFICER. The Senator has that right.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that, unless stated otherwise, the time comes off the resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I thank the Senator from Texas for his courtesy.

Mr. CORNYN. Mr. President, so the question presented by this budget is whether we are going to make it easier for the average American to meet the obligations of their family budget or whether we are going to grow the size of the Federal Government to the point that it makes it virtually impossible for them to balance their own budget. This budget, unfortunately, does nothing to bring down the price of gasoline at the pump or to make it more affordable to buy your own health insurance, which are the two primary cost drivers which are making it harder and harder for people working in this country to make ends meet.

Instead, what this resolution does is, it adds additional burdens onto the average taxpayer. I know, as I said a moment ago, the heads of the people who are listening must be spinning trying to keep up with the various arguments that are being made back and forth. But the fact of the matter is, this budget resolution is the blueprint which authorizes additional activity, such as tax cuts.

The Baucus amendment is nothing more than an authorization, which if there is no action to actually cut those taxes, nothing will happen. That is what happened, that is what occurred last year. Under the very pay-go principles, the pay-as-you-go principles—which is sound, certainly, in theory, which says the Federal Government will not spend money it does not have, that it will pay as you go—that is a promise made to the American people that is honored more in the breach than in the observance.

I agree with the Senator from New Hampshire, the ranking member of the Budget Committee. This class rhetoric of: Well, we are just going to tax the rich—let me give you an example of how that usually turns out. The best example I can think of is the alternative minimum tax, which back in the 1960s was designed to target about 155 taxpayers who did not otherwise pay Federal income tax because of deductions they had.

Well, as a result of the failure to index that tax, 155 taxpayers turned into, last year, 6 million taxpayers and would have turned into 23 million middle-class taxpayers if we had not acted to provide some temporary relief on a 1-year basis last year.

That is exactly what happens every time the Federal Government says: We are just going to tax the rich. Because people will be amazed at how much the Federal Government considers ultimately the middle class, those people who are the most productive in our society, those people who create the jobs—by creating the small businesses that produce that opportunity—those are the producers who basically the Federal Government all too often seems at war with in the way we spend their hard-earned money.

Now, this budget does set out the framework over a period of 5 years. It contemplates a source of revenue in order to pay the bills. Under the pay-go principles that Congress has embraced, the only way those bills can be paid is if you have additional revenue or taxes to pay for them. So that is why, under this resolution, you will see, for example, 18 million seniors who will incur an additional tax burden of $2,200 each. You will see 43 million families incur an additional tax burden of $2,300 each. You will see the small businesses—27 million small businesses—incur additional tax obligations of $4,100 each.

Now, if our goal is to create jobs, it ought to be to lower the burden, to lower taxation, to lower the regulatory burden, and to reduce frivolous litigation to the point that small businesses can prosper and create jobs, not add to their burden. Additional taxes for each of these categories of taxpayers will do nothing but depress job creation in this country, not encourage it.

But I have to tell you, the most discouraging part of this budget is not what it does but what it fails to do. As the distinguished chairman of the Budget Committee knows, because he is the chief sponsor, along with the ranking member, of a bill that creates a task force to deal with runaway entitlement spending, this budget does nothing to deal with $66 trillion of future obligations of the American Government under entitlement spending, under Medicaid, Medicare, and Social Security.

As a matter of fact, if we do nothing, within the next decade we will see both Medicare and Social Security become insolvent. That is because, irresponsibly, we are spending the surplus of Social Security today to try to balance the books of the Federal Government, by spending Social Security taxes that are paid by average American workers. We are spending that in order to try to fund the operations of the Federal Government today.

So what this plan does, by inaction, is it creates the additional debt for our children of $27,000 each. I believe, if I am correct, the unfunded liabilities going into the future of $66 trillion, if you divide that by each and every American man, woman, and child, would result in $175,000 of debt for each of those men, women, and children. This budget does exactly zero to address that.

I don't blame people across this country who look at Washington and are absolutely convinced that Washington is broken, because rather than solving problems, rather than trying to work together on a bipartisan basis to address these legitimate concerns, all they hear is more and more talk and precious little action, and particularly when it comes to the growing threat of entitlement spending and the increased debt that is passed down to our children and grandchildren.

I know we didn't get here overnight. This has been a long time coming, but I hope we have the courage to deal with this today because, frankly, it is no mystery why change is the most dominant word in our political discourse today. The status quo is broken because Washington is not working, and people increasingly are turned off by what they see coming out of our Nation's Capital. They feel as if it is absolutely irrelevant to their lives or, if relevant, that Washington is burdening them and not helping them with their day-to-day concerns.

By raising taxes by $1.2 trillion over the next 5 years, by dramatically increasing spending, by growing debt by $2 trillion, by playing gimmicks with things such as pay as you go, which is more honored in the breach than in the observance, by ignoring $66 trillion in unfunded liabilities into the future, this budget resolution is a failure. We can and we should do better. We should focus on what we can do to help the average American balance their family budget and not present a budget that is a train wreck upon delivery. This budget will not work. If the average American tried to conduct their business—if a small business man or woman tried to conduct their business as the Federal Government, they would find themselves bankrupt or else they would find themselves in jail. It is only the Federal Government that can operate this way. It is only the Federal Government that can operate in a way that every man, woman, and child in this country cannot, and we can do better. I urge my colleagues to do better by turning down this budget and coming up with one that will help the average American balance their budget and not wreck the Federal budget in the process.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that the Joint Committee on Economics be recognized at 5 o'clock for 1 hour for their Humphrey-Hawkins testimony—5:15 I am now told—that the Joint Economic Committee be recognized for 1 hour at 5:15. That would involve both the chairman of the committee and the ranking member of the committee for that 1 hour.

Mr. GREGG. And the time would be equally divided.

Mr. CONRAD. And it would count against the resolution. That would be correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the Senator held up a chart about the growth of the debt. The exact same chart applies to the President's budget—precisely the same. In fact, his is worse in terms of additional debt burden put on the American people by the President's budget compared to ours.

The Senator also raised the point, as did the ranking member earlier, of why we have not addressed in this 5-year budget resolution the long-term entitlement challenges that we face as a nation, the shortfall between what we are spending and what we are raising, and the entitlement obligations this country has made but has not funded. Let me say I have never believed that the long-term entitlement challenges that are 10, 15, 20-year problems are going to be resolved in a 5-year budget resolution. That is why I joined with the ranking member of the committee on something where we do agree, which

is an approach to address these long-term imbalances by creating a working group of 16 Members—8 Democrats, 8 Republicans—given the responsibility to come up with a plan to deal with our long-term challenges, and only if 12 of the 16 could agree would legislation advance. If they could agree, 12 of the 16, then we would have a circumstance in which there would be a vote in both Houses of Congress. Not only would it involve Congress, it would also involve the administration, because if we are going to address these long-term challenges, it has to be done with all of the players at the table.

This is something Senator GREGG and I are advancing. I believe it is very important. I believe it is the only way we are going to deal with these long-term challenges. I don't believe it is ever going to happen in a 5-year budget resolution. No. 1, it is too short term. No. 2, it is typically carried just by one party. That is the way budgets are around here. These longer term challenges can only be addressed by both sides coming together and grappling with it in a joint way.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I appreciate the chairman outlining for the body the initiative which he and I have pursued in the area of entitlement reform. I appreciate his leadership on that and I look forward to continuing to work with him on it. I certainly hope we can pass it. It is one way to get at the fundamental fiscal imbalance our country is facing and the threat it represents to our children having an affordable government. But that should not mute or sideline legitimate efforts to try to begin the process of controlling entitlement costs in a way that is fair and does not unfairly impact beneficiaries.

The President did make suggestions in this area. The President's budget is not on the floor. I would note that the reason we don't offer a budget is for the same reasons the Senator from North Dakota didn't offer a budget when I was the chairman and the Republicans controlled the Senate. In fact, I will quote him. He said:

> The chairman—

At that time he was referring to myself—

> well knows the majority has the opportunity to offer a budget, and our responsibility is to critique the budget.

That is the way the Senator from North Dakota viewed the budget process and it is the way I view this budget process. But independent of that, the President's budget, as he sent it up, at least had guidelines which I thought were very constructive in the area of trying to control our costs in Medicare specifically. He had three different proposals. The first suggested that people with high incomes should pay a larger burden of the cost of their drug benefit, Part D premium. Today, if you are Warren Buffett—we use Warren Buffett because he is nationally known, obviously, and is extraordinarily successful—if you are Warren Buffett, you qualify for the Part D drug program, but you don't have to pay the full cost of that program. You don't pay a full premium. You pay about 25 percent of the cost of that premium. That means that John and Mary Jones, working at a restaurant in Epping, NH, or Sally and Fred Upton, working in a real estate firm in Concord, NH, are paying 75 percent of the cost of the drug benefit which goes to wealthy Americans, and specifically the example I used would be Warren Buffett. That seems totally inappropriate to me.

So the President sent up a proposal which said if you make more than $80,000 as an individual—which is a good deal of income for an individual, a single individual, especially a retired individual—or if you make more than $160,000 jointly, you and your spouse, if you are retired and you qualify for the drug benefit, then you have to pay more. You don't have to pay the full cost even, you just have to pay more. It was a reasonable proposal and it would help with the imbalance of the Medicare accounts.

He also suggested we should improve our use of technology within the health care industry, making more information more available to more people so they can make better decisions. That scores, interestingly enough, as a savings, not surprisingly, because if more people have more information about, first, the cost of a medical procedure and, second, the outcomes of a medical procedure at A hospital versus B hospital or at an A group of family practitioners versus a B group of family practitioners, they can make a thoughtful, intelligent decision as to which group they use, especially if they are a corporation with a fair number of people they are insuring or self-insuring. So that proposal was a step in the right direction toward cost containment and scored in a very positive way.

The President sent up ideas—ideas that made sense—and they didn't impact ordinary beneficiaries. The only beneficiaries who were impacted under the President's proposals were high-income beneficiaries who would be asked to pay a fair share of the cost. I do think that type of reform should have been carried in this bill, and we will offer an amendment—I will offer it or Senator ENSIGN, I suspect, will offer it because he offered it last year, Senator ENSIGN from Nevada—asking that high-income individuals pay a fair share of their drug benefit costs, and that is only right. Hopefully that will be approved and put into this budget.

So there are initiatives that can occur here which I think should occur and we should not simply leave this massive fiscal imbalance which we are facing in these entitlement accounts to be fixed by this task force which hopefully we will get in place, but we should start the process now. This budget unfortunately punts that issue and has zero—zero—savings in the area of Medicare—net savings in the area of Medicare. In fact, it ends up with an expansion in entitlement costs of about $466 billion.

Mr. President, at this point I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this is an area where there is agreement between the ranking member and myself.

This is a statement Senator GREGG made in the Senate Budget Committee about the proposal he and I have made to deal with these long-term challenges. This is a quote from Senator GREGG, and one I agree with:

> We have come to the conclusion that everybody who puts policy on the table first ends up getting it shot at by the different interest groups, and that putting policy on the table simply doesn't work in our institution; that the only way to do this is—

Talking about the long-term gap between spending and revenue and the commitment on entitlements—

> the only way to do this is to create a procedure which is viewed as absolutely fair, absolutely bipartisan and that that decision by that task force will then be voted up and down by the Congress.

The task force we are talking about which Senator GREGG and I have proposed would address the long-term fiscal imbalance, would include a panel of lawmakers and administration officials, 16 in number, with everything on the table, with fast-track consideration. That means Congress ultimately would have to vote, and that would require a bipartisan outcome because it would require a supermajority.

The ranking member referenced what the President has called for. Let me put up what the President has called for in his budget. He has called for savings from Medicare and Medicaid of $536 billion over the 10 years of his budget proposal, but at the same time he calls for $2.4 trillion of additional tax cuts, most of which goes to the wealthiest among us. Those are priorities we don't share. I don't think the answer is to cut Medicare over $500 billion, Medicare and Medicaid, at the same time cutting taxes $2.4 trillion disproportionately on the wealthiest among us. Who would be affected by these Medicare reductions? I will tell my colleagues one group that would be affected: the rural hospitals I serve as a representative from the State of North Dakota in the Senate. Rural hospitals already on average have negative margins. That means they are losing money. Why? Because they get one-half of the reimbursement rate of more

urban hospitals to treat the very same illnesses. In other words, if you have a heart attack, you go to an urban hospital, that hospital gets twice as much under Medicare to treat you as a rural hospital. Unfortunately, there are no rural discounts available to those rural hospitals. When they go to buy technology, they don't get a rural discount.

When they go to attract a doctor, they don't get a rural discount. In fact, it costs more to attract doctors to rural areas than to urban areas. That is proven by the MediPAC studies.

The proposal by the President would cut these hospitals. Can I tell you what that would mean in my State? Hospitals would shut down. We have more than 40 hospitals in my State. My State is a very large State, although sparsely populated. At least eight hospitals in my State would fail under these provisions. So, no, we don't support that. I certainly don't support it. I don't think most Democrats think this is the priority—cut Medicare, cut Medicaid, and at the same time you are cutting taxes on the wealthiest among us. I think many of the wealthy would say that should not be the priority.

Warren Buffet points out that he pays a lower effective tax rate than the woman who is his secretary and than the woman who is his housekeeper. Why? Because most of his income comes from dividends and capital gains that are taxed at a 15-percent rate and his housekeeper is paying at a higher effective rate than that. How can that be fair? I don't think it is. So even Warren Buffet doesn't think it is fair. He has pointed this out on repeated occasions. He questioned, How can you have an equitable tax system in which he, the richest man in the world, is taxed at a lower rate than his own housekeeper and his own secretary?

Mr. President, we talk about debt. Here is what happens if all of the President's tax cuts are extended without being paid for. The debt takes off like a scalded cat, the debt that is already out of control, already burgeoning, already burdensome to future generations. If you extend all these tax cuts without paying for any of it, what happens? The debt grows inexorably, and in a way that fundamentally threatens the economic security of this country.

Mr. President, I hope very much that as we continue this debate we will focus not just on the 5 years of this budget resolution but also that we remind ourselves and the American people of the very daunting challenges we face long term. This is one place where I am in complete agreement with the Senator from New Hampshire, the ranking member of the committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I appreciate that explanation on Warren Buffett because I think it confirms my prior representation, which is that this proposal increases capital gains and dividends. It is assumed by CBO that it does that. Language he has used relative to the view of the Senator from North Dakota would imply the same also. I think it is important to know—not important, but I think the record ought to show the charts that reflected the savings that were reflected in the President's proposals on Medicaid and Medicare were not reflective of the proposal that came up on Medicare in this budget. They were a prior proposal.

Second, I think the proposals that came from the President involve the Part D premium, IT, malpractice reform, all of which were reasonable, all of which could be accomplished, in my opinion, without having any significant impact on beneficiaries. Yes, they would impact providers because, as a practical matter, the IT improvements would put more pressure on providers to basically deliver good-quality services. Essentially what the administration proposed was to take savings that occur from significant improvements in IT and those savings which basically end up in the pockets of the providers and say to the providers that we will split the difference; you get half and we get half, but you are still going to get half of the savings you create out of IT. I don't think it affects the actual providers. It affects how much they save.

At this point, I see the Senator, the ranking member of the Finance Committee, the former chairman, so I will yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I wish to discuss with my colleagues one of the sources of revenue that the chairman of the Budget Committee claims would bring in $100 billion per year to offset the cost of extending existing tax policy, and that would be the issue of shutting down offshore tax havens.

I feel that I have been very aggressive as a member of the Finance Committee in combating abusive tax shelters offshore or otherwise, so I am not here to find fault with anything in the budget about going after abusive offshore tax havens. But I do have a degree of disagreement on the amount of revenue that will come in and whether this is the ''goose that laid the golden egg'' that will solve all of the problems we have with the budget.

So I have worked hard on this subject for a long period of time. In fact, I would go to a bill that we passed in 2004 called the JOBS Act. It shut down the tax benefits for companies that enter into corporate inversion transactions and abusive domestic and cross-border leasing transactions. The JOBS bill also contained a package of 21 anti-tax shelter provisions—not just 1 or 2 but 21.

Now, of course, I am ranking member of the Finance Committee, but having a good working relationship with Senator BAUCUS, we have been continuing to look at all these abusive parts of the Tax Code, or these parts of the Tax Code that are abused, and look at where we can get some additional revenue. We are not out to tax people who would not otherwise be taxed or to change the rate of taxation, and we are not out to get people who should pay more money than what we are paying if they are doing it in a legal way. We are after subverting the Tax Code in a way that wasn't intended by Congress.

So in my role on the minimum wage small business tax relief bill that passed the Senate last year, we also included provisions that contained anti-tax loophole provisions, including shutting off tax benefits for corporations that inverted—after Senator BAUCUS and I issued a public warning on that issue that legislation would stop these deals, shutting off tax benefits from abusive foreign leasing transactions that weren't caught in the passage of the JOBS bill, and, of course, doubling penalty and interest for offshore financial arenas.

In that particular bill, the minimum wage bill I referred to—it happened to be that the House Democrats rejected our offsets. It was kind of surprising to me, but they did that. I use it as one example that is a somewhat unrealistic account on these offsets in the budget resolution.

The chairman of the Budget Committee went on and on yesterday about abusive foreign sewer systems and city hall leasing deals on which U.S. banks were claiming depreciation deductions. I didn't disagree. I led the effort to shut down these deals on a prospective basis, which we did in the 2004 bill, and I have continued to lead the effort to legislatively deny future tax benefits for deals that were entered into before the 2004 legislation. But here again, people, for reasons I don't know—and it was quite surprising to me—in the other body, the leadership of the Ways and Means Committee over there has continued to stop us cold. In fact, while the chairman of the Budget Committee was holding up a chart of a German sewer system during last year's budget debate—I am referring to last year's budget debate, but it is a prop that can be used this year as well—the chairman of the Ways and Means Committee at that time was holding a hearing that sympathized with U.S. banks that entered into these very same deals.

So I sure hope this distinguished chairman, my friend, the Senator from North Dakota, is not counting on any revenue for doing something the House Democrats have rejected over and over again. But do you know what. My distinguished friend and chairman of the committee, it seems to me that he is counting on that revenue. Well, maybe

he will have better luck a second time. We didn't do very well the first time.

The Budget Committee chairman is also continuously referring to the billions of dollars that the Permanent Subcommittee on Investigations says we can get through offshore tax scams. Well, those of us who have to do this heavy lifting in this area, by passing tax legislation, know that whatever numbers the Permanent Subcommittee comes up with have tended to be meaningless. We all know there is not a dollar's worth of tax legislation that can be based on the Permanent Subcommittee's estimates. That is not their expertise, nor their job. That falls into the area of the Joint Committee on Taxation.

So having studied these issues and having legislated in these areas for a long period of time, I consider my views on tax policy directed at tax shelters and tax havens to be credible. From what I can tell, the chairman of the Budget Committee views the problem of offshore tax havens in two categories: one, the ability of U.S. multinationals to shift income to these tax havens, and two, the evasion by U.S. citizens who hide assets and income in these tax havens.

We have seen Democratic Senators, including the chairman of the Budget Committee, hold up a picture of the Ugland House, a law firm's office building in the Cayman Islands, which is home to 12,748 corporations. Senator BAUCUS and I asked the GAO to investigate the Ugland House. In fact, the Government Accountability Office is down there doing that right now. As often as that building is used to justify a pot of tax haven gold, it will be good to get an independent agency, such as the Government Accountability Office, to give us an objective perspective on this issue.

I would like to give Senators some background on where that picture comes from and what issue it is aimed at. The picture comes from an article published in the Bloomberg Market, August 2004, titled ''The $150 Billion Shell Game.'' The article focused on the ability of U.S. multinationals to shift income to low-tax jurisdictions through transfer pricing.

''Transfer pricing'' is the term for how affiliated corporations set prices for transactions between those corporations. Transfer pricing is important because it determines how much profit is subject to tax in the different jurisdictions involved in related party transactions.

The $150 billion figure is an academic estimate of the annual amount of profits that corporations shift outside the United States with improper—and I emphasize ''improper''—transfer pricing—in other words, trying to violate the law.

One of the Democrats' revenue raisers that is still on the shelf purports to target this transfer pricing problem. But you would not know it by looking at the language of the proposal because it doesn't make any changes to our transfer pricing rules. Instead, the proposal would eliminate deferral for income of any U.S. multinational foreign subsidiaries incorporated in certain black-listed jurisdictions. It is called the tax haven CFC proposal.

Deferrals have been part of our Tax Code since 1918. Deferral means that U.S. multinationals do not pay tax on the active income of their foreign subsidiaries until that income is repatriated to the United States. Passive income is subject to tax on a current basis. Deferral only applies to active income.

I agree with the premise of this proposal that the U.S. multinationals should pay their fair share of U.S. taxes. I think I proved that with closing some of these tax shelters and improper offshore activities in previous legislation. I have already talked about that issue. U.S. multinationals who use improper transfer pricing do so to obtain the benefit of deferral on profits that economically should be subject to tax in the United States on a current basis.

Here is my quote from this Bloomberg article:

> We have to get on top of corporate accounting and manipulation of corporate books for the sole purpose of reducing taxes.

My view is that stronger transfer pricing rules and stronger enforcement of those rules is the way to target this problem in our current international tax system.

The IRS is taking steps to tighten our transfer pricing rules. For example, the IRS has proposed regulations that would overhaul the rules for the so-called cost-sharing arrangements. These are arrangements by which multinationals of our country are able to transfer intangible property to subsidiaries in low-tax jurisdictions. Based on the volume of complaining I have seen from lobbyists and their leveling it at the Treasury and the IRS, the proposed IRS regulations would go a long way to prevent this artificial income shifting. I hope to see these regulations finalized soon, and I believe they will be. Others have a whole different view. They would eliminate deferrals altogether.

Another quote in the Bloomberg article succinctly states this view. This is a quote from Jason Furman. He is a former aide to Senator KERRY:

> American companies should pay taxes on their profits in the same way whether they earn them in Bangalore or Buffalo.

That is where these proposals to eliminate or curtail deferrals on a piecemeal basis are headed. They are headed to the complete elimination of deferrals for U.S. multinationals.

Without a significant corporate tax-rate reduction—and thank God some candidates for President are talking about that. There are Members of this body who believe we ought to reduce the corporate tax rate so we can be competitive on an international basis but without a significant corporate tax rate reduction. Eliminating deferrals altogether would have the effect of exporting our high tax rates and putting U.S. multinationals at a competitive disadvantage in the global marketplace.

Understand, our corporate tax rate is the second highest in the world. We are not even learning from Germany yet, a socialist country that decided they have to reduce their marginal tax rate to be competitive in the world market. Ireland found that out in 1986 and has economically advanced since they did that. Everybody understands our tax rates make us uncompetitive. Do we want to make it worse so we lose more jobs? I don't think so, but I don't think people have thought about it.

The Senate is on record as wanting to protect the competitiveness of U.S. businesses in the global marketplace. The Senate passed the American Jobs Creation Act of 2004. I referred to that bill before in my remarks this afternoon. That bill contains several international simplification provisions, and it passed with a vote of 69 Senators, including 24 Democrats. The Senate version of the JOBS bill, which also contained these provisions, received a vote of 92 Senators, including 44 Democrats.

There has been a longstanding debate about whether our international tax system should be fundamentally changed, and that is a legitimate debate. Some say the transfer pricing regime used by virtually every major country is broken and calls for taxing all foreign income on a current basis. Others argue for completely exempting active foreign income under a territorial system, as many of our trading partners do and, consequently, one of the reasons behind our uncompetitiveness. But we want to have that debate, and if we do, then it is a fair debate.

The budget resolution does not contain specific proposals, but if the Democratic record is assumed on offshore tax issues, then we can count on a lively debate from this side to eliminate deferrals because we do not intend to do anything to make our businesses in America that create jobs more uncompetitive. We have to do things to make us more competitive.

We have already seen what the House Democrats would do, and I am a referring to points I referenced already this afternoon. I may disagree with most of the international proposals in that bill that was referred to as ''the mother of all tax bills'' last fall—that is what the chairman of the Ways and Means Committee called his tax reform plan—but at least the chairman of the Ways and Means Committee raises the issue in an

intellectually honest way, setting the stage then for fundamental reform and also proposes to lower the corporate tax rate to 30.5 percent. That rate may still be too high, but at least the Ways and Means Committee chairman recognizes the concern that I laid out earlier about exporting our high tax rates.

The piecemeal cutbacks on deferral for active foreign income that we have seen in the Senate would do nothing but complicate the Tax Code and create opportunities for tax planning around these cutbacks.

The other offshore issue identified by the chairman of the Budget Committee is U.S. tax evasion by individual taxpayers who hide their assets and income in foreign bank accounts and foreign corporations. Let's go back to the beginning of the Tax Code in 1913. Our Tax Code has subjected U.S. citizens to tax on their income wherever it is made worldwide. No matter what the Internet purveyors of tax evasion say, this principle cannot be avoided by putting passive assets and income into foreign corporations. The Tax Code has rules to prevent that. Taxpayers who willingly violate these rules are guilty of tax fraud and, in many cases, criminal tax fraud.

The problem of offshore tax evasion is not that our laws permit it; the problem is there are some taxpayers who are intent on cheating and hiding their income from the Internal Revenue Service.

The IRS has been successful in catching many of these tax cheats, but more can be done. The IRS has difficulty detecting tax evasion and obtaining the information necessary to enforce our tax laws. One important tool for the IRS is information exchanged with other jurisdictions. Our double-tax treaties contain an article on information exchange designed to help the IRS obtain quality information to enforce our tax laws.

In addition, administrations, past and present, have entered into over 20 tax information exchange agreements with jurisdictions that are often referred to as tax havens. We are seeing this information exchange network in action as we speak, providing the IRS and other countries with information related to the use of bank accounts in Liechtenstein. Sensible solutions to this problem should aim to improve on our tax information exchange network and not put that network at risk or the efforts at risk.

Underreported income is the largest piece of the tax gap. We should keep in mind that hiding assets and income from the IRS is not just an offshore tax problem, it is not an offshore tax haven problem; it may also be an onshore problem. In fact, it is an onshore problem.

An article in USA Today last year noted that ''there is a thriving mini industry that has capitalized on real or perceived gaps in domestic and corporation laws and virtually nonexistent Government oversight to promote some U.S. States as secrecy rivals of offshore havens.''

The picture of the Ugland House in the Cayman Islands that I referred to earlier makes for good grandstanding, but as I am sure the distinguished chairman of the Budget Committee is aware, there are also office buildings in some States that are listed as addresses for thousands of companies that are incorporated in those States for similar reasons as those incorporated in the Cayman Islands: secrecy of ownership and a permissive regulatory environment. Whatever additional solutions the Finance Committee comes up with to shine sunlight on tax evaders will need to consider both offshore and onshore evasion of taxes.

I emphasize that I am all for shutting down inappropriate tax benefits from offshore arrangements. The chairman of the Budget Committee has said he thinks we could get, I believe, $100 billion from this source. I have not seen any proposals scored by the Joint Committee on Taxation that come close to bringing in this kind of money, and the Joint Committee on Taxation is the official scorer. The last score I have seen for a tax haven CFC proposal is about $1.5 billion per year. The more fundamental ''mother'' bill that I referred to from the chairman of the Ways and Means Committee in the other body would raise about $10 billion per year.

I wish to emphasize to my colleagues another point. Each of these proposals that would eliminate or curtail deferral involve tax policy changes that raise taxes, which is the last place the distinguished chairman of the Budget Committee said he wanted to go to raise revenue.

On the offshore evasion issue, Senators Levin, Coleman, and Obama have introduced a bill that contains several proposals, and these proposals are aimed at offshore tax havens. Yet, again, I have not seen a Joint Committee on Taxation score of that bill, and they are the official scorer.

Once again, it will be the Finance Committee's responsibility to come up with real, sensible, effective proposals that combat offshore and onshore tax evasion, which I am glad to do, but the likelihood that they will be scored by the Joint Committee on Taxation to bring in the kind of money assumed in this budget resolution is very remote at best.

Given these facts, it should be obvious how much of a shell game is going on and how unreal this budget resolution is.

Mr. President, as my colleagues know, within the Finance Committee, we have jurisdiction over health care issues. I wish to address those health care issues in this budget resolution as well.

The biggest health care issue in this budget resolution is a stealth provision—stealth. You cannot see it, but it is there. And I am going to talk about the issue of reconciliation, a process that was supposed to be used to save money, but I think in a stealthy way, before this is done and out of conference, it is going to be used to increase expenditures.

It is true there are no reconciliation instructions for spending in the Senate resolution, but there is in the House version, and that is going to make it conferenceable.

Last year there was a single committee instruction in the House-passed resolution but not in the Senate-passed resolution. The final conference version last year deferred to the House, no reconciliation. So I am willing to bet that the House instructions will be the final budget that comes back from the House-Senate budget conference.

Truthfully, it makes no sense for the House to have reconciliation instructions in the first place. The House does not need reconciliation protection. The Speaker and the Rules Committee make sure the House is strictly controlled by a majority vote. Reconciliation is only important for the purposes of the Senate to avoid filibuster, to avoid a 60-vote supermajority, to get to finality in the process, limiting the role of the minority. And, remember, the Senate is the only institution in our political system where minority rights are meant to be protected and are, in fact, protected.

I do not think the other side wants a debate in the Senate about reconciliation, so they have hidden the reconciliation instructions in the House bill so they can drop it in their final budget. Since I am pretty confident it will be there in the final budget, I want to bring attention to the problems this creates as we consider all the work, and three-fourths of it comes out of the Finance Committee over the next few months of this session.

It is true, of course, that reconciliation can be a very useful and powerful tool for actually making policy to reign in Government spending. Reconciliation can be used to pass controversial reductions in entitlement spending. By design, the reconciliation process greatly reduces the role of the minority, be it Democrats for 12 years prior to now or Republicans now. But let us review the basics on how to make law around here. To make law, not only does Congress have to pass it but the President has to sign it or you have to have votes to override a veto. In the last 20 years, precisely four vetoes have been overridden—not a very high percentage.

Pursuing an override strategy is an uphill battle as anyone such as Senator BAUCUS and I, who have worked so hard on the SCHIP bill last year, found out. To have the President sign it means

the bill will have to be bipartisan. The President is not going to sign a partisan bill. The President will not sign a bill that lacks involvement and support from the minority as well as the majority.

Since reconciliation cuts Republicans out of the process, it ain't going to work. Likewise, what do you have to have to override a veto? Republicans, of course. About 16 in the Senate and 60 in the House if you are going to get anything done. Since reconciliation is a partisan process, it is passed with only partisan support, it is pretty clear it will not work. It will be a pointless political exercise. It will not become law, plain and simple.

If you want to make law around here, it has to be bipartisan. That means in this body involving the Republicans, and since you will need Republicans to make law, you do not need reconciliation to get a bill passed in the first place. If the effort is bipartisan, you do not need the restrictive rules of reconciliation to get it done. I think Senator BAUCUS and I, working together in this legislative process in this body, have proved that over and over and over in the 8 years we have been working together.

What we are considering today is not about making policy. So what is the point of it? Well, I think it is about playing politics. We are in an election year. In fact, it is a Presidential election. We all know the stakes are very high. So why on Earth should anyone believe that trying to move a partisan Medicare and Medicaid reconciliation bill makes any sense at all?

Exactly what bill does the majority want to pass that will not have broad bipartisan support? Fortunately, the chairman of the House Ways and Means Committee answered that question for all of us. He confirmed that he wants to include the House-passed Medicare bill from last year in reconciliation, a bill better known in the health care circles as the CHAMP Bill, acronym C-H-A-M-P, CHAMP.

You may be wondering what it is in the CHAMP bill that would not pass unless it would be included in reconciliation. Fortunately, there is an answer. The House CHAMP bill includes drastic cuts to home health care, to hospital care, and skilled nursing care. The House CHAMP bill also would end availability of Medicare Advantage plans and their extra benefits in most of rural America. It would also drastically cut benefits for rural seniors who are enrolled in Medicare Advantage plans throughout the country. It would also cut other benefits such as preventive health benefits that seniors rely on when they enroll in Medicare Advantage plans.

The House CHAMP bill would also result in higher out-of-pocket costs for lower income seniors who are enrolled in Medicare Advantage. The House CHAMP bill also has some changes in the State Children's Health Insurance Program that merit further discussion, to be sure. It would turn the capped SCHIP block grant program into an uncapped entitlement program. Childless adults would be allowed to stay on SCHIP indefinitely. Remember, we had that debate last year. Everybody said a children's health insurance bill is for children, not for adults. We did things in this body to make sure adults were not covered by the children's health insurance bill because it cheats children.

So why would you want to go back to something we debated and carried by a two-thirds vote in this body? And it would add coverage for immigrants who have come here illegally to the SCHIP program as well.

None of those provisions were included in the bipartisan package we worked out together last year. I have got a chart here that will emphasize this. It is the whole to-do list that is hidden in their agenda for the year. It is hidden in their stealth plan to do a reconciliation bill this year.

One logical question you might ask is: Why would they be thinking about using reconciliation this year? The answer is simple. They know they do not have the votes to pass these kinds of dramatic Medicare cuts and they do not have the votes for these bad policies we changed in SCHIP last year. So they want to force it through the process by stuffing it into a partisan reconciliation bill.

Now, focusing back on Medicare, let us consider what is at stake. We have until the end of June to pass a Medicare bill that the President signs into law. If the Democratic leadership insists on using budget reconciliation for this Medicare bill, they will fail to get a bill enacted. Failure to get this done by June 30 has serious consequences for seniors and disabled Americans who rely on this important Government program we call Medicare for their health care. Failure to get the bill done and signed means that severely disabled and injured Medicare beneficiaries will not be able to get the therapy they need beginning in July. Failure means that sorely needed doctors and other health care professionals in rural areas are going to see drastic reductions in their Medicare reimbursement. It means low-income beneficiaries who need help with their Part B premium will not be able to get it because the Qualified Individuals Program in Medicare will have expired. It means patients with end stage renal disease who need dialysis will still be in the system in need of payment reform. Necessary reforms are needed to improve how end stage renal disease facilities are paid so they have stronger incentives for improved critical outcomes and enhanced quality of care.

Reforms are also needed to eliminate incentives for the overuse of drugs in that program. It means that seniors' reliance on ambulance services in rural areas will be put at risk because of underpayments for rural ambulances. It means that beginning in July, Medicare beneficiaries will have their health care threatened when family doctors, surgeons, medical specialists, and nurse practitioners all across the country will have Medicare payments cut by more than 10 percent.

I hope you realize how demoralizing that will be to doctors in this country when they face a 10-percent reduction. In many areas, doctors are already in short supply. With a 10-percent pay cut, some may solve their problem by not accepting Medicare beneficiaries. New beneficiaries may also have trouble finding a doctor.

Failure also means other important initiatives will not get done. It means that legislation to strengthen incentives for physicians to use electronic prescribing will not happen. This means we will continue to have higher rates of dangerous medical errors, that people have their lives put at risk.

It means our Nation's seniors and disabled Americans will still be in the health care system that rewards poor quality care, because enacting hospital value-based purchasing in Medicare is not going to happen. These are some of the reasons why we should not be thinking about reconciliation as a way to avoid this set of outcomes in July. I hope we can set aside this reconciliation charade. I hope we can continue to work in this body in a bipartisan way, as we have a reputation for doing in the Finance Committee, to get a Medicare bill passed and signed by the President by the end of June.

It is quite clear: The stakes for failure are too high. So let us not kid ourselves about including a reconciliation instruction in the final budget, meaning what comes out of conference. It is not about making policy. No one should mistake it for a serious effort. It is about jamming a bill through Congress and forcing the President to veto it. It is about making politics that threaten the Medicare Program and the seniors who rely on it. I will have nothing to do with that sort of a process. I do not think very many people on this side of the aisle will either.

What we are considering today is not about making policy. Then what is the point? It is politics. If we are going to have a serious effort at legislating, I hope the other side would decide not to pursue a partisan reconciliation bill. Instead we need to work out a bipartisan bill that can become law.

The bottom line is that reconciliation is a bad idea. It is partisan. It will not become law. We have serious work to do before the end of June, and a sham political reconciliation exercise is not getting us any closer to getting the job done.

While the stealth reconciliation instruction is the most disturbing facet

of this budget, it is not the only problematic health care provision. The budget misses the opportunity to continue the bipartisanship that was forged in the Senate over the State Children's Health Insurance Program last year that passed this body, sometimes with 69 votes.

Last year, SCHIP reauthorization was a top health priority. It was a difficult and it was a bruising battle. But the $35 billion compromise bill garnered 68 votes in the Senate. It was a true show of bipartisanship.

Now, rather than come back to the second session of this Congress to roll up their sleeves and finish the job, it looks to me as if the Democratic majority is abandoning that bipartisan work from last year.

Now you might say, how do I know that? Well, it is very clear, because the budget before us returns to the $50 billion reserve fund for SCHIP from last year's Democratic budget, a figure that was soundly rejected by the Senate last year in the compromise that was put before us that got those 68 votes.

My colleagues know that a key feature of last year's SCHIP deal was to cap spending at $35 billion. But they did not include the $35 billion for SCHIP that had bipartisan support. So where, then, is the bipartisan spirit on SCHIP that was here last year? Why is it not here this year?

Mr. CONRAD. Will the Senator yield on that point?

Mr. GRASSLEY. Yes, I will yield.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from North Dakota.

Mr. CONRAD. I asked that same question myself. Why do we not put in the $35 billion figure? And the answer was: It is up to $50 billion so it would accommodate the $35 billion compromise, but it also was with the understanding that a year later, maybe that would need to be $36 or $37 billion, to have the same force and effect.

I would say to the Senator, there was no intention here to leave an impression that we were not eager to continue the bipartisan effort.

I wish to salute the Senator. He made an enormous effort, as did Senator BAUCUS, Senator ROCKEFELLER, and Senator HATCH. They spent many hours putting together a bipartisan agreement on SCHIP. We certainly don't want to in any way leave the impression that we don't want to pursue that again.

Mr. GRASSLEY. The Senator from North Dakota backed us on that effort, and I thank him for that. And the extent to which you say you would be willing to work, I assume you are speaking as a person, for $35 billion instead of 50, I accept that. But I am saying for the public who is looking at this document we call the budget resolution, that has $50 billion in it. You draw other conclusions.

Mr. CONRAD. If the Senator will continue to yield, that is why the language in the resolution says up to 50. Again, I say to my colleagues, I have every intention to pursue again the effort that you and the chairman of the committee pursued so vigorously last year.

Mr. GRASSLEY. I thank the Senator. I am happy to yield to the Senator from New Hampshire without losing my right to the floor.

Mr. GREGG. In order to accomplish the goals the Senator wishes to accomplish and which have been subscribed to by the chairman of the committee, you wouldn't need reconciliation to accomplish that, would you?

Mr. GRASSLEY. No, you would not. In fact, it detracts from it. Because too often reconciliation tends to be a partisan issue, and we will never get SCHIP through here that is not bipartisan. I think you are making the case that I have taken a long time to make, that reconciliation is not a process we need to accomplish most of the major goals in some of these areas that there is bipartisan agreement to reach.

Mr. GREGG. That was my point. I think the Senator from Iowa has made an excellent case for why this reconciliation, I think he called it a stealth vehicle floating around here, should not be used. It is inappropriate and certainly undermines the integrity of the process to use reconciliation for this type of an issue.

Mr. GRASSLEY. Based upon what the Senator from North Dakota said about SCHIP, I will not go on making my case about that. He has pointed out what the intention is, which is not to preclude something less than $50 billion, and that brings us back to the possibility of a bipartisan compromise, assuming we don't have reconciliation.

I will go on then to certain CMS regulations and how they are treated in the budget resolution. I know some people have concerns with the CMS Medicaid regulations. I will not argue that these regulations are perfect. In fact, I have written for my constituents a lot of letters to CMS raising questions about some of these regulations. However, the regulations do address areas where there are problems in Medicaid. Somehow I read this budget resolution as not recognizing those real problems. States don't have clear guidance and could be inappropriately spending taxpayers' dollars. We ought to make sure that since Medicaid is a Federal-State program, that we have 50 States to deal with, they ought to have as much assurance as they can have in our basic law and regulations as to what they can do and not do. We ought to be concerned that they know that. Because if they do something wrong, we pay over half. In my State, we pay 62 percent of the cost of Medicaid. So let's talk about how many dollars might be involved.

The budget resolution provides for $1.7 billion that is going to be addressed by these regulations. The amount is only to delay the regulations until the end of March of next year in hopes the next administration will pull back those regulations. Of course, that is what the people who are supporting this provision are hoping for. What would it cost if we tried to completely prevent these regulations from ever taking effect? Not the $1.7 billion that is in this budget resolution to get us through to March of next year. It would actually cost taxpayers $19.7 billion over 5 years and $48 billion over 10 years. Let me emphasize that, $48 billion over 10 years. It is a farce, from my position, an absolute farce for anyone to argue that all those dollars are being appropriately spent and that Congress ought to walk away from these issues, forget about what CMS is trying to do to bring some rationale to the spending of taxpayer dollars.

CMS still has a fundamental responsibility to combat fraud, to prevent inappropriate spending, and to protect the integrity of the Medicaid Program. This budget resolution tells CMS to stop your work. Take the rest of the year off. Your work is no longer necessary.

This is a serious mistake. What we ought to do is have an instruction that requires the Finance Committee to replace the regulations. Instead of making the regulations go away, the Finance Committee ought to be tasked with replacing them with a policy that fixes the problems. That is what we should be doing for the American taxpayer.

So let's review what we have in the budget resolution. First, we have a stealth reconciliation provision that promises to place politics over getting important policies accomplished. Second, we have an SCHIP provision that abandons the bipartisan progress made in 2007, recognizing the dialog I had with the chairman of the Budget Committee on that point, after I made my point. Third, we have a Medicaid provision that carelessly abandons the integrity of programs in several key areas, costing, if it would stay in place forever, $48 billion over 10 years. With spring training in full swing, I would like to borrow a baseball analogy. That is one, two, three—well, you know all the rest.

I have some comments I wish to make about the provisions that might be offered in what is called the tax relief measures and particularly those that might not be included in an amendment that is going to be offered from the other side of the aisle. I would like to define for my colleagues some of the widely applicable expiring tax relief provisions that are not going to be covered by an amendment that I think is going to be offered by my friend from Montana, Senator BAUCUS,

in an amendment he has. I know already that Senator GREGG, the ranking Republican on the Budget Committee, has pointed this out, that the lower rates on capital gains and dividends would rise after 2010, under the pending amendment. That means that lower income taxpayers', those in the 10- and 15-percent tax brackets, capital gains rates rise from the current zero rate to 10 percent.

It means for dividends for the same group, the tax rate would go from zero rate to either 10 or 15 percent. Why would anybody want to discourage people who are in those brackets, usually lower income earning people, from having to pay a higher rate of tax on their savings, when the rate of savings in this country is at such a low level compared to other countries? In fact, last year it was a negative savings rate for all America. For all other taxpayers, though, the capital gains rate would go up 33 percent, from 15 percent to 20 percent. For those taxpayers, the dividend rate would go from 15 percent to as high as 39.6 percent on dividends as opposed to capital gains.

As important are marginal tax rate hikes that would kick in after the year 2010. Here I am talking about all the tax brackets above the 15-percent bracket. We have a chart that tells exactly what is going to happen with each of these and how many families and individuals are being affected by these tax rates—who are going to have the tax rate increase. The chart shows the current law brackets and the number of tax-paying families and individuals in each bracket. The data is the latest available from the Internal Revenue Service Statistics of Income Office. There are four brackets above 15 percent. The first is a 25-percent bracket which contains 22 million families and individuals. The next bracket is 28 percent. There are almost 4 million tax-paying families and individuals in that bracket. The next bracket is the 33-percent bracket. There are 1.5 million tax-paying families and individuals in that bracket. And the top bracket is 35 percent, and in that 35-percent bracket is almost a million people. This is a group whom you will hear most about from the other side. Even it is a sizable group, 963,000 people. It contains a lot of stable and long-term small business owners who create most of our jobs. The other side would like to leave the impression that these are nothing but Wall Street moguls.

If we were to raise this rate, as proposed, to 39.6 percent, the small business owners would be facing a 13-percent penalty vis-a-vis the largest corporations in the land.

Now where do you get the idea that is good for America, that small businesspeople, sole proprietors filing individual taxes and in the business of creating jobs, ought to pay 13 percent more than what corporations pay? In fact, the whole purpose of the 2001 tax bill was to make sure there was parity between sole entrepreneurships creating jobs and corporations creating jobs. We are talking about a small group of people, 963,000.

If you total the number of tax-paying families and individuals affected by these marginal rate increases, it is a total of 28 million families and individuals. Keep in mind, as I said yesterday, that is a group of tax-paying families who start paying on taxable income of $63,000, and for individuals it starts for as low as $32,000 of taxable income. This large group of taxpayers would face various marginal rate hikes, if the policy underlying the pending amendment were to become law.

The better way to deal with these current law levels of taxation would be to make them permanent because permanency of tax policy is the best tax policy that is going to create the most jobs.

There will be an amendment to be offered by Senator GRAHAM that ensures capital gains and dividend rates stay at the current low levels for lower income taxpayers. The Graham amendment will ensure that roughly 28 million families and individuals would not face marginal tax rate increases after that.

For those Members waiting to speak, I have one more fairly short comment I wish to make on another provision in the bill that was put in, in committee. I come before you to discuss payment limitations, meaning payments to farmers.

For years I have been leading an effort to put a very hard cap on the amount of Federal subsidies going to farmers. Last year, as everybody knows, I stepped aside. I wish to say I graciously stepped aside during the budget debate when—

Mr. CONRAD. Madam President, will the Senator yield?

Mr. GRASSLEY. Madam President, I will yield to the Senator.

Mr. CONRAD. Madam President, let me say there have been a number of examples last year and this year of what I think distinguishes the Senate. The actions by the Senator from Iowa last year were an example of courtesy and graciousness that I will never forget. I want to say publicly, as I have said before, how very much I appreciate what the Senator did last year to withhold an amendment that would have otherwise taken down the budget. It was an act of great courtesy, and I thank the Senator for it.

Mr. GRASSLEY. Well, Madam President, I appreciate the Senator's kind words. I am going to kind of use some words that I think he spoke to me last year, and I would not say they are an absolute quote, but it went something like this: Chuck—that is my first name. This was in private. You do not call us by our first name on the floor of the Senate. But something like this was said to me: Chuck, hold off on this. We will do this on the farm bill in 2007.

Well, we did do the farm bill in 2007, but we do not have it done yet. Anyway: Chuck, hold off on this. We will do this on the farm bill in 2007. You know you have the votes there.

So I backed off and I waited, as has been verified by the chairman of the committee. Everyone knows what happened. His colleague, Senator DORGAN of North Dakota, and I worked hard over a period of a couple years to be able to offer an amendment of a $250,000 hard cap to the commodity programs on the Senate floor to the farm bill. Do you know what. We had a majority. We had 56 Senators who voted to support this hard cap. I can tell by looking at some other Senators here, we probably had 58, but there were reasons otherwise for voting. But leadership—and all I can say is in a generic way—leadership imposed a supermajority requirement on the amendment. We did not have 60 votes. So if you do not have 60 votes around here, sometimes you do not get anything done.

At this point there is no guarantee we are even going to have a farm bill. I think we will, but I cannot guarantee it. I do not like to say this because I am very hopeful that we will, but there are a lot of hurdles to jump before we get there. We have not been able to come up with acceptable offsets that the administration can agree to. We have not been able to find a structure for the Finance Committee's assistance that the House can live with. The House has not even named conferees, so we have not even begun to engage in the very serious, substantive policy issues that get us to finality, even though there is a lot of talk going on and there are a lot of meetings going on. So this year, we are back where I was a year ago on the budget. Last week, Senator ALLARD and I offered an amendment on payment limits during committee consideration of the budget resolution. This amendment would limit commodity payments and allocate the savings to nutrition. The amendment was agreed to by a bipartisan vote of 13 to 9.

Here I am to put everybody on notice that this $250,000 hard cap should be carried through to the conference report. I want to have an adequate safety net for family farmers in the tradition of farm programs for six, seven, or eight decades, where it was targeted toward small- and medium-sized producers, people who maybe cannot ''weather the storm'' as the big gigantic farmers can. That storm can be natural or it can be politically instituted or it can be internationally instituted—a lot of things beyond the control of the family farmer. So we have had a safety net to guarantee a stable supply of food for our people, both for social cohesion as well as for national defense.

Now, in recent years, however, assistance to farmers has come under increased scrutiny by urban communities and the press.

Do we have a chart? Yes, we have a chart here I wish to have you look at.

The law that is now being administered maybe has unintended consequences, but they are real consequences. The law creates a system that is clearly out of balance. If we look at the results posted on this chart, we have a system where 10 percent of the farmers—the biggest farmers—get 73 percent of the benefits out of the farm program, and the top 1 percent gets 30 percent. I am not saying these corporate farms should not have a safety net like everyone else. This amendment is not means testing anybody. But it is saying at some point: Enough is enough. We have to set a hard cap, a hard level of payments that is equitable to all producers, no matter their size, with emphasis upon helping small- and medium-sized farmers.

My amendment adopted in committee and included in this resolution will help revitalize the farm economy for young people, at the same time saving taxpayers money or, better yet, using that money in nutrition where it will do some good for lower-income people.

The amendment will put a hard cap on farm payments at $250,000. I want to make a very clear distinction here. Even if we have a farm bill—because the arguments are going to be made against this bill: We are in negotiations on a farm bill. Why mess with this in a budget? Well, if we do have a farm bill, I have a feeling it is going to end up relaxing payment limit laws that we have in the 2002 farm bill. The House of Representatives, in their farm bill, actually increases direct payment caps. And both the House and the Senate totally eliminate the cap on marketing loan gains, making them virtually unlimited.

So you have farm bills passed by both Houses that you could drive a gigantic 9620 John Deere tractor through—and those are big tractors. I will support trying to lower the adjusted gross income limits, but I have seen a lot of data that suggests that not many farmers are going to be kicked out of the program if they are filthy rich, do not need the help, do not need the support, do not need to be subsidized to get bigger. They have the ability to get bigger on their own economic entrepreneurship. We should not have to subsidize them.

In addition, I have evidence that the U.S. Department of Agriculture is not even enforcing current law, the current adjusted gross income cap of $2.5 million. So what makes us think they are going to enforce something at $500,000?

This to me is more than just economics of the farm program. This is about good government. This is about responsibility to the taxpayers. Most importantly, this is about protecting the livelihood of America's small and midsize farmers who you might say are protected anyway because there is a safety net for them.

But my point is, you pay these 10 percent of the biggest farmers 73 percent of all the money out of the pot that is set aside for support for farmers, and we are going to lose urban support for the farm safety net, and small, medium, or big, there is not going to be any farm safety net, and someday you are going to wonder why there is not enough food in America.

I want to take a minute to outline some of the folks who have supported this in the past. All 12 Democrats on the Budget Committee have voted to support this measure at one time or another. Last week, we had 13 votes in favor of a $250,000 hard cap, including a majority of Democrats. We have support from groups that are concerned about hunger in America or hunger in the world. We have the support of environmental groups. We have churches backing this. We have small and beginning farmer advocates.

Let me remind this body of a report that was put out because of the 2002 farm bill. Remember, we had this argument in 2002. We won overwhelmingly in the Senate. It was taken out in conference because of big corporate farm interests that were on the House Agriculture Committee, and they are probably still there, even though it is under Democratic leadership.

We did not get these limits. So we had a commission report: Let's study this. Let's find out what we can do to make sure that 10 percent of the biggest farmers do not get 73 percent of the benefits out of the program.

Well, do you know what the report said. After about 2 years of study, it said: Do exactly what was done in the Senate in 2002. And that is exactly what we got 56 votes to do a couple months ago when the farm bill was up in the Senate—but not 60 votes to get over that hurdle.

The report also said that the 2007 farm bill is the time for these reforms to be made as part of a change in permanent law.

Well, that time has come. By supporting the policies included in the Allard-Grassley amendment, we can allow young people to get into farming and lessen the dependence upon Federal subsidies. This will help restore public respectability for public farm assistance by targeting this assistance to those who need it.

You might remember the last time we had a vote on payment limits was on the budget bill. Many of our colleagues said they agreed—no. The second time back we had a vote on this was on a budget bill. Well, at that time it was argued: Wait until the 2007 farm bill. It needs to be done on a farm bill. Well, you know what happened. You change the rules in the middle of the game. You think 51 votes will get an amendment adopted around here. Then somebody says: Well, we can't beat DORGAN and GRASSLEY with a majority vote, so we will somehow scramble around and wiggle the rules—and I don't know what all it takes; and it will never be in the history books—but it happens that all of a sudden you need 60 votes to get something done around here. We only got 56 votes, so we did not get it done.

But to all my colleagues who said: Wait, a couple years back during the budget debate, we are done waiting. We will not be brushed off again. Payment limits must be done now, and waiting for a stalled farm bill is not an appropriate strategy. I call upon my colleagues to back this commonsense measure which a majority of this body has supported numerous times in the past. I hope we can count on our Senate colleagues to support the Senate position on payment limitations in conference.

I yield the floor and thank all of my colleagues who were patient while I expressed my views.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the Senator from Iowa. You do not have to agree with all the Senator has observed. I do not agree with everything he said here, but I do have great respect for him. He has conducted himself as a gentleman, especially with respect to these budget matters. I very much appreciate that. I want to make certain I say it publicly.

I ask unanimous consent that Senator STABENOW, who has now waited well over an hour, be recognized for 15 minutes, to be followed by Senator GRAHAM on the other side for 15 minutes, before we go to the joint economic presentation which has already been locked in at 5:15.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. BUNNING. Madam President, I was assured I would have time at 5 o'clock to speak for up to 10 minutes.

Mr. CONRAD. Madam President, why don't we go to Senator STABENOW for 15 minutes, and then we will hopefully work out this matter with our other colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 15 minutes.

Mr. CONRAD. I thank the Senator from Kentucky for his courtesy.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Could we amend the unanimous consent to say that after Senator STABENOW speaks for 15 minutes we go to Senator GRAHAM for 10

minutes and then to Senator BUNNING for 10 minutes and the time that was supposed to start at 5:15 be moved to 5:20?

Mr. CONRAD. Well, the only problem with that is I might need to respond. Why don't we do this: Why don't we proceed with the understanding of Senator STABENOW for 15 minutes—and then the desire is to go to Senator GRAHAM; is that correct?

Mr. GREGG. For 10 minutes, and then Senator BUNNING for 10 minutes.

Mr. CONRAD. I would like to reserve the right to be able to respond to Senator GRAHAM, if I might. Will Senator BUNNING be speaking on the same subject?

Senator BUNNING has been gracious. Why don't we do that. We will have 15 minutes for Senator STABENOW, 10 minutes for Senator GRAHAM, and then we will go to Senator BUNNING for 10 minutes, and then I will reserve time in case it is needed to respond. We thank the Senator from Kentucky for his courtesy.

Mr. GREGG. Then we will amend the agreement so the Humphrey Hawkins time will start at——

Mr. CONRAD. At roughly 5:20. We pose that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized for 15 minutes.

Ms. STABENOW. Madam President, as my friend from Iowa is leaving the floor, I thank him for his incredible leadership on children's health insurance and the bipartisan way we came together around that measure. We hope to be able to do it again because we have millions of children and families who are still waiting for children to be able to receive health insurance.

I wish to speak, though, as a cosponsor of the Baucus amendment, to the middle-class tax relief amendment, which is so significant. I find it interesting: my friend from Iowa was referring to a chart that related to the payment limitation issue, with 73 percent of the benefits going to 10 percent of the farmers, where you could cross that out and put President Bush's tax cuts at the top, and you could have the very same kind of ratio or even more of a difference. You could take estate tax repeal and put that up there and have the very same kind of ratio. So I hope when we get to a debate of a permanent extension—which I understand is coming—of the President's tax cuts, that we will see that same kind of concern about where tax benefits are going in America. I have middle-class families, working families who are still waiting, frankly, to receive the benefits they have heard so much about.

That is what this amendment, the Baucus amendment, is all about: focusing on the extension and addition of tax cuts for middle-class families and for our brave men and women who are serving in harm's way right now around the globe, particularly in Iraq and Afghanistan, and their families. This is a very important amendment.

Let me start by saying what we want to address is the situation that is now occurring. We want to change what is now occurring as it relates to tax policy. Last year, in 2007, those who were earning more than $1 million a year received a tax cut of $119,557. So, roughly, it is fair to say $120,000 in average tax cuts for somebody earning over $1 million a year. That is more than twice what the average hard-working person in Michigan is earning, the paycheck that they are earning every single year.

What we are seeing across the country are folks in the middle class being squeezed on all sides and actually seeing their incomes going down. Too many times we are seeing jobs being lost overseas. We are seeing people being asked to take less in terms of a paycheck. But gasoline now is projected to be inching up toward $4 a gallon, if my colleagues can believe it. Health care costs are going up. The cost of college is going up. Everything is going up, while wages, for most people, are either staying the same or going down.

So when we talk about where we want to focus tax cuts for this country, it ought to be the folks who are working hard every day, who love this country and want to have the American dream available for themselves and their families but have not seen the tax cuts that have been talked about so much by the administration. So that is what this amendment talks about. Instead of $120,000 a year for somebody earning over $1 million, let's focus on middle-class families.

The Baucus amendment would permanently extend the 10-percent income tax bracket. Everybody would get relief, but proportionately it would be relief for low- and moderate-income families. It would extend the refundable child tax credit. We want to make sure those families who have more than one child—two, three, four children or more—are able to benefit from the child tax credit. The marriage penalty—we want to make sure that is extended. Certainly, we ought not to be in America penalizing folks because they are married when it comes to their tax returns. This permanently extends marriage penalty tax relief.

We also permanently extend the tax credit for childcare expenses. No one who has a child in America today will speak about childcare expenses as a frill. It is a necessity. If we care about children, children's well-being, and families, we need to make sure we are recognizing that childcare expenses are a very important and expensive cost for families, and we need to address that by permanently extending the tax credit for childcare expenses.

We also permanently extend the increased adoption tax credit. We want to make sure families who are reaching out to children, who want to be able to adopt a child, have support and incentive to do that. Certainly, the biggest incentive is that beautiful baby, but we want to make sure the Tax Code will help them with their costs and expenses as well. Again, this is a pro-family, pro-children, pro-middle class amendment. I am hopeful it is one that we are all going to embrace.

We all want to bring certainty to the estate tax law. No one, I believe, wants to see in 2010 the old law take place. We don't want to have uncertainty for families, for family farms, and small businesses. This permanently extends the tax relief that has already been adopted, the tax cuts that have already been adopted.

Something else is very important for families right now as they are struggling to keep their homes. We are all very focused and have spent time on the floor talking about what we need to do. Senator REID has put forward a very important proposal addressing what we can do to help with the home crisis and so many families losing their homes. This particular amendment includes a first of its kind standard deduction for property taxes for Americans who don't itemize on their Federal income tax returns but would allow them a tax deduction for their property taxes. This is a very important piece for supporting families who are working hard to be able to literally keep their home.

The other provision that is so significant is to focus on those things that are needed in the Tax Code to support our brave men and women who are serving us in Afghanistan, in Iraq, and around the globe. We have men and women now who are on third and fourth redeployments. They have made tremendous sacrifices, and their families are as well, and we need to be doing everything we can to support them. So this does a number of things. It has a permanent allowance for soldiers to count their nontaxable combat pay when they figure in the earned-income tax credit, so they can get the benefit of the earned-income tax credit for low-income working families. We provide a tax cut for small businesses that are paying some of the salary of the members of the National Guard and Reserve who are called to duty. Again, we have families now that are really at a point of desperation trying to figure out how to pay the mortgage, how to keep going, and we have so many small businesses that are being supportive, and we want to recognize that and give them some support as well.

A permanent allowance for all veterans to use qualified mortgage bonds to purchase their homes, again, is another way to help people be able to purchase homes, to be able to do what we

all want, which is to have a home, save through the equity of a home, and be able to live a good life in America.

We also have created the ability for Active-Duty troops to withdraw monies from retirement plans without penalty. This is very important, when people unfortunately now have dipped into savings. They may have a home equity loan going on and they find themselves in strapped situations and we ought to allow them to take their savings and retirement plans without penalty to be able to help them pay the bills.

We have an extension of a provision that gives retired veterans more time to claim a tax refund. Under certain disability benefit payments, the ability for families of reservists killed in the line of duty to be able to collect life insurance and other benefits provided by civilian employers and the ability for families of soldiers killed in the line of duty to contribute 100 percent of survivor benefits to retirement savings accounts or education savings accounts. This is a very important part of this amendment that pays tribute to those who have been asked to sacrifice the most, whether it be someone bravely serving right now in the war, someone who has come home disabled, or the family of someone who did not come home.

We are debating a budget resolution right now and talking about who receives benefits and where we have to make hard choices. The folks who have made the toughest choices are the folks who are serving us, serving our country in war halfway around the world. I have a lot of folks who are in this category of getting the more than $120,000 a year in tax cuts this last year who have said to me: I don't need it. I earn over $1 million a year. I don't need this. Give this to the men and women who are serving us. Help pay for the war so that we are not paying for it on a credit card or make sure our veterans have the health care they need when they come home or make sure we fund a GI bill that Senator WEBB has introduced that would provide educational opportunities for the men and women who have come home from this war that so far has lasted 5 years.

So there are many wonderful people who love our country who are saying this kind of a tax system where those who make less than $100,000 a year get $674, but if you make $1 million a year or more you get $120,000 in a tax cut, just doesn't make sense. In my opinion, it doesn't represent the great values of America, our values and priorities, what we are all about in this country. We are not about having a system where a privileged few receive all of the benefits, while we are asking so many others to sacrifice and to be able to be required, unfortunately, on too many occasions now, to lay down their lives for their country.

So I hope the Baucus amendment is passed overwhelmingly. Then I hope we say no to what I believe will be an additional amendment, which would extend this tax policy. It would extend it out. With a war unpaid for, with the massive debt that we have in our country, the obligations to our veterans and their families when they come home, we do not need to extend a tax policy that has given so many of our precious resources to a blessed few people in our country, many of whom are asking us, in fact, not to do that.

So I thank our leader on the Budget Committee for all of his wonderful leadership, as well as the ranking member.

I yield back the remainder of my time.

Mr. CONRAD. Madam President, would the Senator withhold for just one moment for the purpose of a unanimous consent request that the ranking member and I previously worked out?

Mr. GRAHAM. Yes.

Mr. CONRAD. Madam President, I ask unanimous consent that the Baucus amendment be temporarily laid aside for the purpose of the Republicans offering the Graham amendment, and that the Baucus amendment remains as the regular order, regardless of the pendency of other amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair, and I thank the distinguished Senator from South Carolina for his courtesy.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4170

Mr. GRAHAM. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. MCCAIN, Mr. KYL, Mr. MCCONNELL, and Mr. DEMINT, proposes an amendment numbered 4170.

The amendment is as follows:

(Purpose: To protect families, family farms and small businesses by extending the income tax rate structure, raising the death tax exemption to $5 million and reducing the maximum death tax rate to no more than 35%; to keep education affordable by extending the college tuition deduction; and to protect senior citizens from higher taxes on their retirement income, maintain U.S. financial market competitiveness, and promote economic growth by extending the lower tax rates on dividends and capital gains.)

On page 3, line 11, decrease the amount by $949,000,000.

On page 3, line 12, decrease the amount by $3,215,000,000.

On page 3, line 13, decrease the amount by $93,791,000,000.

On page 3, line 14, decrease the amount by $127,024,000,000.

On page 3, line 15, decrease the amount by $151,137,000,000.

On page 3, line 20, decrease the amount by $949,000,000.

Qn page 3, line 21, decrease the amount by $3,215,000,000.

On page 3, line 22, decrease the amount by $93,791,000,000.

On page 3, line 23, decrease the amount by $127,024,000,000.

On page 3, line 24, decrease the amount by $151,137,000,000.

On page 4, line 5, increase the amount by $18,000,000.

On page 4, line 6, increase the amount by $110,000,000.

On page 4, line 7, increase the amount by $2,487,000,000.

On page 4, line 8, increase the amount by $8,005,000,000.

On page 4, line 9, increase the amount by $15,207,000,000.

On page 4, line 14, increase the amount by $18,000,000.

On page 4, line 15, increase the amount by $110,000,000.

On page 4, line 16, increase the amount by $2,487,000,000.

On page 4, line 17, increase the amount by $8,005,000,000.

On page 4, line 18, increase the amount by $15,207,000,000.

On page 4, line 23, increase the amount by $967,000,000.

On page 4, line 24, increase the amount by $3,325,000,000.

On page 4, line 25, increase the amount by $96,278,000,000.

On page 5, line 1, increase the amount by $135,079,000,000.

On page 5, line 2, increase the amount by $166,344,000,000.

On page 5, line 8, increase the amount by $1,214,000,000.

On page 5, line 9, increase the amount by $4,539,000,000.

On page 5, line 10, increase the amount by $100,817,000,000.

On page 5, line 11, increase the amount by $235,846,000,000.

On page 5, line 12, increase the amount by $402,190,000,000.

On page 5, line 16, increase the amount by $1,214,000,000.

On page 5, line 17, increase the amount by $4,539,000,000.

On page 5, line 18, increase the amount by $100,817,000,000.

On page 5, line 19, increase the amount by $235,846,000,000.

On page 5, line 20, increase the amount by $402,190,000,000.

On page 26, line 16, increase the amount by $18,000,000

On page 26, line 17, increase the amount by $18,000,000

On page 26, line 20, increase the amount by $110,000,000

On page 26, line 21, increase the amount by $110,000,000

On page 26, line 24, increase the amount by $2,487,000,000

On page 26, line 25, increase the amount by $2,487,000,000

On page 27, line 3, increase the amount by $8,005,000,000

On page 27, line 4, increase the amount by $8,005,000,000.

On page 27, line 7, increase the amount by $15,207,000,000.

On page 27, line 8, increase the amount by $15,207,000,000.

Mr. GRAHAM. Madam President, consistent with the unanimous consent request, I will talk for 10 minutes about the outline of this amendment. I, too, would like to recognize the chairman of the Budget Committee and the

ranking member for dealing with what I think is a very fruitful and important exercise in American democracy, and that is setting the budget. We are going to try to create a budget to guide the Federal Government not just this year but in coming years.

If I had to showcase a difference between honorable men and women in the Senate about our philosophies, how you think about the economy, showcase differences between people who are very sincere and all love their country, it would probably be this amendment. Senator BAUCUS's amendment—I will vote for that; it extends tax cuts to families, child tax credits. The details of the amendment will be discussed on the floor. Certainly, it is needed.

My amendment is about those tax cuts that will be left behind if we pass Senator BAUCUS's amendment and we let current law expire. This probably illustrates the difference between the parties as much as any other event that I could offer to the American people. We live in a global economy, and the question for America is this: What kind of tax structure do we need in place to make sure capital will be formed here and not leave? Does your Tax Code matter when it comes to creating jobs? Does the amount you take from a business—a small business or a major corporation—matter in terms of a global economy? Does it affect people's decision about where to do business? What is fair?

This idea of class warfare—that it is not fair to do this for one group if you are going to do something for the other group—would be a great debate to have. What I am trying to do is offer an amendment to complement Senator BAUCUS's, to make sure our tax structure in America is fair to those who work hard, who hire people, who create capital and jobs, to those in retired status who are depending on their investments earlier in life to get them through.

Here is the question for the country: Under the current law that we passed several years ago, which expires in 2010, the top tax rate is 35 percent. The question for America is: Is a 35-percent top tax rate at the Federal level fair? It seems to be a gracious plenty to me—35 percent out of whatever you earn going to the Federal Government as the top rate. Should it be more? Should it be less? Well, 35 percent, to me, is more than a gracious plenty to be sending to the Federal Government because most people have to pay taxes at other levels of government.

Now, in 2011, if we do nothing, the 35-percent rate goes to 39.6; the 33-percent rate goes to 36; the 28-percent rate goes to 31; and the 25-percent rate goes to 28.

If you ask a variety of Americans—and this has been true for 10, 15, 20 years—what is a fair amount for an American to pay to the Federal Government in terms of the income they earn, the No.1 answer is consistently 25 percent—regardless of income, region, rich, poor, black or white. Most Americans view 25 percent as a fair amount that somebody should have to pay to the Federal Government in terms of their income. We are now at 35 percent, and we are trying to hang on to that.

Our Democratic friends, by opposing this amendment, would allow the top rate to go to 39.6. But most importantly, it would allow the 25-percent rate for that class of taxpayers to go to 28. Who is at the 25-percent rate? It starts with income levels of $31,850 for single and $63,700 for married couples. In 2011, they would, at that rate—if my amendment is not passed—have to pay 28 percent.

That is a lot of money from the economy going to Washington, at a time when we need money at home for families and businesses. Small business owners are in the 35-percent rate in large numbers. Do we want to take every small business that is paying 35 percent of their income to the Federal Government and, 3 years from now, make it 39.6 percent? Numbers matter. To us, we are picking numbers. At home, it is the bottom line. I grew up in a small town in South Carolina, where my dad owned a liquor store, a restaurant, and a pool room. I can remember that we got by. Neither of my parents graduated high school. The one thing I can remember about small business life is you have no option not to get up and go to work. If you are dog sick, you still have to go to work because nobody will pay the bills if you don't open the door. We had health insurance basically for the four people in our family. My mother got Hodgkin's disease, and I paid those bills up through when I was in the Air Force. To the people out there making a living, the burdens of regulations matter.

I think we should come together and say something simple: 35 percent is enough to take from anybody. If you don't like rich people, if you think there is an amount of money that is too much to make, then that is one way to run the Government, I guess. That is one way to create a society—put a ceiling on what people can do. As long as you earn your money honestly and fairly, the better you do, the happier I am for you. If I take 35 percent of what you make, I think I have probably taken enough. Should I take 39.6 percent because somebody makes too much? If you let the Government do that, I think you are letting the Government get out of line and out of control.

And it is just not the people who make a lot of money whom I am worried about; it is people who are working for every dollar they can get to grow their business and pay the families' bills that I worry about.

As I said, the amendment I am trying to offer to the Senate will keep rates at 35, 33, 28 and 25 and not go to 39.6, 36, 31, and 28. If we don't pass this amendment, there is going to be a major tax increase coming to hard-working Americans out there, at a time when we live in a global economy; and if we take any more from Americans, a lot of our businesses are going to leave us. How many people are affected by my amendment? Twenty-eight million people will experience a tax increase by 2011 if this amendment doesn't pass.

Now, we have heard that two things are certain—death and taxes. The only thing I can tell you about taxes is that if you touch it, use it, put it in your car or eat it, in America it is taxed in some form. And then you die. Well, we have an estate tax law in America, and it goes kind of like this. The current law is you get a $2 million exemption for a couple at a 45-percent rate. If you have an estate over $2 million as a couple, the Government takes 45 percent of what is left. You have paid taxes on everything you have earned right before you died. Here comes the Government, after the $2 million exemption has been reached, and it takes 45 percent of what is left. That is current law. That is supposedly too good a deal. I don't think it is that great a deal.

In 2010, here is what happens if we do nothing: Instead of a $2 million exemption for a couple, it goes back to $1 million, and you get a 55-percent tax rate on everything else that is left. How many small businesses out there, on paper, have assets over $1 million or $2 million? How many farmers are land rich and cash poor? Is that good policy? One thing I can tell you for sure, being a former prosecutor, if we don't do something about this, there are going to be a lot of mysterious deaths on New Year's Eve 2010. Look at the consequences of dying one day versus the other. It is political malpractice for the Congress to put people in this bind, where estate tax rates go from 45 to 55 and the exemption is cut in half, based on dying one day versus the other. That is bad public policy. We need to fix it.

My amendment would say there would be a $5 million exemption for couples in this country and, after that, a top rate of 35 percent for the death tax. In other words, 35 percent of everything you worked for all your life, after a $5 million exemption, would be taken by the Government.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. May I have 5 more minutes?

Mr. CONRAD. Yes.

Mr. GRAHAM. What I am trying to do is offer an amendment that will preserve current law so in 3 years, in the case of the death tax, and 2 years, we don't hit people with a tax increase, at a time when we don't need to be raising taxes, at a time that we live in a global economy.

When it comes to the death tax, one in three small business owners is never able to pass their business on to the next generation because, when they die, the assets are evaluated in such a way that people have to break up the business to pay the taxes or they have to sell the family farm.

That is not what we need to be doing in America. That is not fair. The capital gains taxes are at 15 percent under current law. In 2011, they go to 20 percent. There are over 9 million families and individuals who will claim capital gains, and if this amendment doesn't pass and we don't do something about this, there are going to be 9 million families hit by a tax increase out there, at a time when our economy needs more money in the private sector, not in Washington.

As to dividends, there are a lot of people in this country—24 million families and individuals—who receive dividend income. Under current law, it is taxed at 15 percent. In 2011, the dividends go back to regular income tax rates—a dramatic increase.

What does that mean? That means owning stock becomes less attractive. There will be less people buying stock and receiving dividends from purchasing stock. That means people who are trying to create a company or expand their business will have to borrow the money from a bank, rather than getting investors from the market, and that will create more debt on top of what is already a debt-laden country.

As to small business expensing, under current law, firms may expense up to $250,000 of qualified assets of property they place in service in 2008. In 2011, the expensing allowance is scheduled to revert to $25,000. By being able to expense, from a tax point of view, the purchase of assets, you are able to grow your business, and it makes it attractive to expand your business.

If we don't pass my amendment, in 2011, that $250,000 allowance goes down to $25,000. My amendment reflects a Tax Code that is very generous to the Federal Government but is still burdensome on families and businesses. But to let it get worse, at a time when we are competing in a global economy, and try to pit one group of Americans against another, at a time when we are trying to put our best foot forward as a nation under a stressful business climate, is ill advised.

If you think America is undertaxed, then vote no. If you think we have taken a gracious plenty from business and families, then vote yes. If we don't make these tax cuts permanent in 2013, we are going to drive people offshore and create less jobs, not more; we are going to tax people who are struggling to make it as it is; and it will all be under the idea of fairness. It is unfair to not pass my amendment.

I think it would be incredibly shortsighted not to pass my amendment and make these tax cuts permanent that would allow Americans to keep jobs and grow jobs and pay the bills they are struggling to pay right now.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, there will be no more rollcall votes tonight. There has been tremendously good debate. We have had few, if any, quorum calls all day long. It has been a good and productive debate. The two managers are working through the amendments. An amendment has been laid down on both sides. We are making good progress. Hopefully, tomorrow we will make even more progress. I appreciate the good work of the managers of the bill.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. BUNNING. Madam President, I wish to speak today as a member of the Senate Budget Committee. I had hoped the budget that was presented before the committee last week was going to be fiscally responsible and would help to address the mounting financial problems families face today, problems such as the rising cost of filling up a tank of gas, increased expenses for health care, and declining equity in the family home. Instead, this budget before us assumes Congress will allow the largest irresponsible tax increase in the history of the United States to go into effect. At $1.2 trillion, it would be the largest tax increase in history, and taxes would go up $2,300 on 43 million American families, $2,200 more on 18 million senior citizens, and $4,100 more on small businesses. Because of this, I was not able to support the budget resolution in committee, and I will be forced to vote against it here unless some drastic changes are made.

This tax increase will hit family budgets hard. Let me tell my colleagues what $2,300 means to most American families. The family budget—and we are talking about groceries now—$2,300 is enough to buy 8 months of groceries. Next, we have the bills for gas and electric for heating; $2,300 a year is enough for 43 million American families to buy enough gas and electric for 1 year's heating. It is almost enough money for American families with two cars to buy gasoline at $3.20 a gallon for unleaded regular for almost an entire year. We should not, at this time, be placing more of a burden on the American people with a huge tax increase. Instead, we need to pass a budget that includes progrowth policies to help balance the family budget.

This budget proposal increases spending by $210 billion in discretionary spending—an increase of over 9 percent of what we spent in fiscal year 2008. Under this budget, we will see a $2 trillion increase in the debt of the United States by 2013. That is more than $6,000 in extra debt for each and every American citizen.

At $3.08 trillion, this budget resolution calls for $10,165 of spending for every man, woman, and child in America—all 300 million of us. But there are only about 130 million taxpayers who file an income tax return. Of those 130 million, only about 14 million had an average income liability of over $10,000 in 2005. Of these, about 11 million had gross incomes between $100,000 and $200,000. That leaves 3.5 million taxpayers—no more than 2 percent—with an income above $200,000. These wealthy few are paying an extraordinary 50.1 percent of all Federal tax revenues. But even if you taxed away half of their income, the additional revenue would not add up to enough to balance the budget and pay for programs in mandatory spending this budget resolution assumes over the long term.

The idea that money can be found in a mythical source of funding called the tax gap is unlikely as well. The chairman of the Budget Committee repeatedly has noted that the IRS estimate of the gross tax gap is close to $345 billion per year. However, the idea that anywhere near this amount of money can be raised by closing the tax gap is simply an illusion. It is nothing more than a figleaf meant to conceal the intent of spending beyond the means of the Federal Government.

The truth is, we are not really serious about this, and the proof is that we do not have a proposed penny more in this budget for the IRS than the President does in his budget. It would be difficult to drive the long-term history level of voluntary compliance from 85 percent, where it is now, to nearly 100 percent in order to tap into this mythical source of funding because that is what it would take to raise $345 billion per year. But it is hard to see how it can be done without a vast increase in the size of the IRS.

We also need to pass a budget that includes the necessary funding to help us stop our addiction to foreign oil.

In 2005, Congress enacted a comprehensive national energy plan—the first step toward energy independence. Nevertheless, this year has been a difficult year for Americans facing much higher energy costs. The policies we enacted in 2005 needed to be backed up with Federal funding in the budget, but this budget resolution fails to address important alternative-fuel technologies and other oil replacements.

One of our top priorities should be on our most abundant domestic fossil fuel: coal. New technologies will make burning coal both cheaper and more efficient. We are even developing coal-to-liquid technology that can create a synthetic transportation fuel from coal. American coal reserves will be our best tool to overcome our reliance on Middle Eastern oil.

I have three amendments I wish to propose to this budget resolution.

First, I wish to offer an amendment that will repeal the unfair tax Congress enacted in 1993. I have brought this issue before the Chamber before, so it should be familiar to many of my colleagues. In fact, the Senate adopted a very similar amendment by unanimous consent last year, and it passed by a recorded vote 2 years earlier.

When the Social Security Program was created, benefits were not taxed. In 1983, Congress decided that half the benefits of some seniors should be subject to taxation and in 1993 raised that amount to 85 percent of the Social Security benefits. Today, more than 15 million seniors are affected by that taxation of benefits. In 1993, the tax was intended to reach only wealthy seniors by the income levels which were set at $34,000 for a single and $44,000 per couple. This is hardly wealthy today.

My amendment is fairly simple. It drops the tax back to the pre-1993 levels, and it is paid for by an offset of $89 billion over 5 years by an adjustment in function 920. Over $300 billion in potential savings on Government programs over the next 5 years has been identified by the inspectors general report and the CBO options report. And it is my hope that the committees of jurisdiction will review wasteful Government spending to offset the repeal of this tax increase on America's seniors. It was unfair then when it was enacted, and we need to repeal it now. I urge my colleagues to support this amendment.

The second amendment I plan to offer, together with Senator BEN NELSON of Nebraska and Senator DEMINT, will make room in the budget to permanently extend the tax incentives for adoption that we enacted in 2001. This is a critical kitchen-table, family-budget issue for many middle-income families in Kentucky and across the country who are contemplating the adoption of a young child or facing costs of adoption. By helping to ease this financial burden, we can encourage the development of more stable families and provide a brighter future for thousands of children.

This important goal prompted us to act in 2001 when we passed these important adoption incentives in the form of tax credits. In 2005 alone, 85,000 families, 77 percent with an adjusted gross income of under $100,000, claimed $319.5 million in adoption credits.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired.

Mr. BUNNING. Mr. President, I would like to mention the last one, and I will be finished. I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, last year the Joint Committee on Taxation scored the cost of my bill, the Adoption Tax Relief Guarantee Act, at $4.5 billion over 10 years.

The last amendment I wish to discuss will require the budget resolution to balance the Federal budget without Social Security taxes. For too long, we have been relying on payroll taxes to pay for general Government spending. As we all know, 2017 is the year in which Social Security obligations begin to equal payroll tax contributions, but our problems are likely to emerge much sooner.

In 2011, payroll tax contributions to the Social Security trust fund will begin to decline. Each year, we are going to have a problem, and by the year 2044, we will be paying 72 percent of the assigned benefits right now on our Social Security unless we address the Social Security spending in our current general budget.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank, once again, the Senator from Kentucky for his courtesy.

At this point, I wish to offer a unanimous-consent request that we have worked on both sides that would be this: From 5:20 p.m. to 6:20 p.m. will be the time for the Joint Economic Committee; the first 5 minutes of that time—is that sufficient for the Senator?

Mr. WEBB. That will be sufficient.

Mr. CONRAD. The first 5 minutes will go to Senator WEBB, then come back to, for the next 30 minutes, Senator BROWNBACK, then come back to this side for the final 25 minutes of JEC time; then at 6:20 p.m., to go to Senator DORGAN from 6:20 p.m. to 6:35 p.m.; to Senator HATCH from 6:35 p.m. to 6:50 p.m.; to Senator CONRAD or his designee from 6:50 p.m. to 7 p.m.; to Senator COBURN or Senator GREGG's designee from 7 p.m. to 7:15 p.m.; and to Senator BROWN from 7:15 p.m. to 7:30 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Mr. President, reserving the right to object, and I will not object, I know we need to move everything back 10 minutes because we were supposed to start at 5:20 p.m. and we are already 10 minutes past that time. So if we move everything 10 minutes back—

Mr. CONRAD. The Senator makes a good point; if we can adjust all those times to 10 minutes later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, that means we now go to Senator WEBB for 5 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I appreciate the chairman allowing me to speak and also I appreciate the Senator from Kansas allowing me to speak briefly before he does.

I want to express my support for the provisions in this budget that go to the veterans programs. I want to deal with that in a minute.

First, I would like to point out to this body that this afternoon, ADM William Fallon, who is the commander of Central Command, resigned his position. We are not sure exactly how this is going to affect the administration's policies or Admiral Fallon's long-term willingness to express his views on administration policies, but I want to express my own regret that Admiral Fallon, who has served our country more than 40 years, has decided to resign his post in part, apparently, because of his concerns about some of the administration's policies.

I know a little something about resigning. I resigned my position when I was Secretary of the Navy when I was unable to support some dramatic reductions in the Navy shipbuilding program. Those are not easy decisions to make. I would also point out that this administration is not an administration that has tolerated dissent from our military leaders or, for that matter, is not an administration that has been very willing to seek advice from our military leaders, our senior military leaders, particularly when that advice is not in strict accordance with its own political views.

It should be pointed out that Admiral Fallon, who is the commander of Central Command, which is the overarching command that also includes Iraq, is now the third CENTCOM commander in recent history to have had at least some form of concerns about policies in that region.

Before we invaded Iraq, GEN Tony Zinni, Marine Corps general, former CENTCOM commander, spoke out strongly against invading Iraq, as did GEN Joe Hoare, former CENTCOM commander. So I think we need to see a greater willingness among our political process to listen to the views of people who have had long service and who have concerns about where this country is going.

There are too many people who have been involved at the top levels in the Pentagon who tend to believe that Iraq is something of an island, that you can separate what is going on in Iraq from other issues that are affecting the entire region. This is a region that is in chaos, all the way from Lebanon to Pakistan, as we well know. We need the advice, the contributions of global thinkers.

Admiral Fallon was one of them, Admiral Mullen is another, people who bring another sort of strategic perspective into this debate. I am profoundly concerned that Admiral Fallon has decided to take this measure, and I am hoping that we can hear from him in a more specific way in the future.

In fact, I would point out that I recently signed two letters on January 17, one to Chairman LEVIN of the Armed Services Committee and another to Senator BIDEN of the Foreign Relations Committee, both of which I sit on as a member, asking specifically that they invite Admiral Fallon, among others, to testify in consonance with General Petraeus's testimony coming up this year.

I was saying last September that it was an error, I believe, only to focus on what General Petraeus was saying in the stovepipe of Iraq rather than to hear these strategic thinkers talking about the region at large. So I hope we can do that in some greater detail in the near future.

Again, I want to express my profound appreciation for the service that Admiral Fallon has given our country.

With respect to the veterans provisions in this budget, we on this side have put more money into it. We have listened to the joint opinions of our major veterans groups. A big part of this is the GI bill, which I introduced my first day in office. We now have 49 cosponsors on this bill which will give those people who have been serving since 9/11 the same level of benefits as those who came back in World War II.

On the one hand, we hear so many people, particularly in this administration, talking about how these who have been serving since 9/11 are the next ''greatest generation,'' and on the other, this administration itself seems to oppose giving our veterans of this time period the same benefits we gave those who served during World War II—a GI bill that literally transformed notions of class and privilege in the United States.

I would remind my colleagues that for every dollar in tax remuneration that was paid on the World War II GI bill, we received $7 in tax benefits because of the way they were able to advance their careers.

I yield the floor.

Mr. CONRAD. Mr. President, we wish to amend the previous unanimous consent agreement to provide that Senator BROWNBACK finish his presentation on JEC by 6:05, from 6:05 to 6:30, that it be the JEC Democratic time; from 6:30 to 6:45, Senator HATCH be recognized; from 6:45 to 7:15, Senator COBURN be recognized; from 7:15 to 7:30, Senator BROWN be recognized; and that there also be an opportunity for Senator COBURN to continue after Senator BROWN, if he should desire; and that at the end of that time, both sides would yield back an additional 5 hours each off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Senator WEBB and I are involved in the Joint Economic Committee's time. Under the Budget rules, we get a certain amount of time to talk about the impact of the budget on the overall economy. That is what I intend to do.

I think it is also important to do this because, obviously, the budget does not happen in a vacuum, and the size of the Federal budget and its impact on the economy is so profound that I think we need to spend quite a bit of time, a lot more than just an hour's time, about what impact the Federal budget has on our overall economy.

The things we do, it is impacting the overall economy. I appreciate Senators Webb's comments about the military actions. We actually have held a Joint Economic Committee hearing on the impact of the war in Iraq, in Afghanistan, on our overall economy.

While I certainly dispute some of what the economists came forward with, I thought it was a useful thing for us to discuss. I think we ought also to look at that as not in a vacuum, given potential large impacts if the United States pulls out of Iraq and Afghanistan and pulls back from engagement on the global war on terrorism. It can have a huge impact on our economy, in many ways unmeasurable, and in a lot of ways difficult to predict.

But the impact is enormous. I think we have to look at this and say: We need to stay in this. We need to be able to get this done. That stability has a clear, positive impact on the environment. And a change toward a more stable environment in the Middle East and toward a democratic process in Iraq and Afghanistan over a lengthy period of time has a very positive impact on the global economy and ultimately on the U.S. economy. I do not think we can discount those features. While members of the Joint Economic Committee on the other side of the aisle prefer to look only at economic costs associated with wars, there are clearly benefits derived from National security, which they should not ignore.

I wanted to talk about now the budget proposal in a couple of ways. I would like to speak first about the impact of tax-and-spend proposals that are too much of a feature in the overall budget put forward by the Democratic majority in the Senate. I appreciate the work by those who constructed the budget. I recognize the difficulty of crafting a budget.

But I think there are some fundamental flaws that exist in the Democrat's budget that if not addressed, or if addressed in the way that the Democratic majority puts forward, are going to have fundamentally negative impacts near term and long term on the U.S. economy and on our opportunities and our hope for the future.

I think as a premise that we need to look at the United States as a place for a growth platform. We need to look at how we can grow the economic activity, increase the freedom for our people and the population overall, provide for everybody, and in that process grow and provide more opportunities for people here and for us in our future and future generations.

If we go the way the Democratic majority is putting forward in this budget, we are going to see increased taxes, we are going to see increased spending of a substantial nature. We are not going to deal with the entitlement crisis we are already in, and we are not going to be able to provide for opportunities in our future.

There are fundamental choices that people need to make and I will articulate these and I will go through them specifically. Our economy is currently experiencing a significant slowdown associated with the subprime mortgage meltdown, difficulties in financial markets, and certainly a slowing in our housing markets, which includes rising foreclosures.

With that backdrop, though, now would seem to be exactly the wrong time to be talking about tax increases. Just on a basic level, you would look at that and say: If you have a slowing economy, is that the time to raise taxes? And I think most people, if you ask them, they would say: No, that is the time you cut tax rates to try to stimulate economic growth.

Yet this Democratic budget provides just the opposite, a very large tax increase, raising taxes by $1.2 trillion, the largest tax hike ever. That is not something you want to do when the economy is slowing. It goes against economic fundamentals. But it also shows the fundamental impact of the Federal budget on the overall economy. This tax increase will be wide and deep, affecting nearly 116 million Americans, millions of American families, including seniors who will owe thousands of dollars more to pay for more and more Government.

And, yes, this budget projects to make the Federal Government even larger and more intrusive. Not satisfied in the Democrat's last budget with a $205 billion 5-year discretionary spending increase; this 2009 Democrat budget will increase spending by $210 billion over 5 years in this budget. Of course, this will lead to more and more debt that will pile up on top of more and more spending.

I think the second major shortcoming of the budget proposal put forward by the majority is the failure to confront the need for entitlement reform. Now this is something we have been talking about for some period of time. I stand ready, and I hope a lot of my colleagues do, to go at, on a joint, bipartisan basis, entitlement reform. We have talked about it a lot. I am going to show charts on this. But the entitlement plans are going to eat up the entire budget. We will go through the specifics, but it is clearly an unsustainable system that we are in right now.

Like in most problems, the earlier you deal with it the more options you have to deal with it. And the earlier you deal with it the more likely it will be that you successfully deal with it. And the earlier you deal with it the less pain there will be over a period of time, than if you deal with it later.

These problems with entitlement promises that are unsustainable are the same. If we can come together, on a bipartisan basis now, start an entitlement reform, A, the country would cheer that we would do it; B, we would have more options; C, it would be more successful; D, it would be less painful. That is the way we need to go at it in dealing with our entitlement reforms.

But in the Democrats' fiscal year 2009 budget, we see that they are again wishing to ignore this pressing problem associated with entitlement spending. So I wanted to take a look now at some of these problems and put a few charts up in front of people I think they are familiar with, but they remind us of the magnitude and the growing nearness of this problem of entitlement programs.

If you look at the red line on this first chart, you see that total primary spending is projected by the CBO, Congressional Budget Office, a nonpartisan office, to rise from its current level of 18 percent of GDP to more than 30 percent at the end of this chart, 2082, a long ways out there, but it shows you clearly where the trend line goes under the current entitlement programs.

Those are not adjustments to entitlement programs, those are current entitlement programs. Yes, Federal spending is projected to rise to over 30 percent of our Nation's GDP, under our current set of entitlement promises.

The second chart shows that the longer we wait to address the unsustainable nature of promises in our entitlement programs, which this Democratic budget totally ignores, the bigger will be the pain.

Now, here you can see reductions in spending that would be necessary to solve our entitlement crisis. For example, if we were to address our fiscal problems solely by cutting Federal spending starting this year, we would need an across-the-board spending cut of close to 7 percent. If we wait until 2020, we would have to cut spending across the board by 9 percent. To wait until 2040, you have to do it by 15 percent.

That is my point; that is, the sooner you start to work on these things the less pain you have to have in the process, and the more likely it is that you are going to be successful in getting this done. These are dramatic spending cuts. But what if we can get started now and on a bipartisan basis, just going on a slight level and give people time to prepare for adjustments that will surely have to be made?

You still get a much larger impact if you don't fix the unsustainable nature of our entitlement promises now, and instead wait longer. The longer we ignore the unsustainable nature of entitlement promises, the bigger will be the pain associated with bringing the Nation back to a sustainable fiscal course.

Now, this is a commonsense proposal. You would say: Of course, then, I should deal with that now. We are offering to do it on a bipartisan basis. The chairman of the Budget Committee from the majority claims that the task force he and Senator GREGG wish to form to study the entitlement programs is the only way to deal with the problems. I am a cosponsor. I would sponsor legislation to do this. But that in no way mitigates the need to get started as soon as we can to reform entitlements now. Why wait for a task force to form? I think we need to get started on this now.

To see how severe problems associated with the entitlement program promises are, consider the next chart which shows CBO's projection of health care spending. Now, here is the big one that eats us up. We know this. We have got fabulous things going in the health care field that probably are going to drive these costs up even more than this chart projects.

I want to see those things developed further as far as the technology and the ability. I was out at the National Institutes of Health this morning looking at some of the things they are working on at the National Institute of Mental Health, understanding the mind and how it works. Fantastic.

I want us to continue to fund that. That is going to probably drive this line up even higher. That may be the nature of where we are. We do not want to stop that funding. But then you see how dramatic and important it is to address this piece of it, the health care piece of it now, and to begin to address it at this point in time.

Net Federal spending on Medicare and Medicaid now accounts for about 4 percent of GDP. CBO projects, given current entitlement promises and not these major changes I am talking about, that spending will grow to almost 20 percent of GDP in the projected time period here of 2082. A long time now, still the trend line is known and knowable and we should use the ability to deal with it more now than putting that off until later on. So spending on Medicare and Medicaid alone, according to the projections on this chart, will use up the entire historic norms for tax collection and beyond.

But Medicare and Medicaid are not the only entitlement programs. The next chart shows Social Security spending as a share of GDP in the past and spending projections for the future. While spending for Social Security benefits has been between 4 and 4.5 percent of GDP for the past couple of decades, it is projected to rise significantly to 6 percent over the length of this chart's projection, not near the growth of entitlement programs, but still showing a significant 50 percent rise. If you add the 20 percent of GDP accounted for by Federal promises for Medicare and Medicaid, 6 percent for Social Security benefits, you see that the Federal Government has already promised over 25 percent of our total yearly output to entitlement spending. This only counts promised entitlement spending right now. As I mentioned previously, our historical norm for the amount of tax collection that our society gives and puts into the Federal Government is about 20 percent. If you get above that, people really start to yell. So we are already above that in the promises made in three entitlement programs. And that takes into account nothing for the military, for schools, for other social programs, for infrastructure, for unemployment, or for any discretionary spending.

The Democratic majority seems to want to focus on one route here, and that is tax and spend. The Democratic majority, unfortunately, has chosen in their budget to ignore our Nation's looming fiscal crisis that is sure to come from the unsustainable nature of entitlement programs. This fiscal year 2009 budget promises to impose the largest tax increase in the history of this Nation on American families and does this at precisely the wrong time, when the economy is struggling. This will be the largest tax hike ever, amounting to an additional $3,135 in taxes each year for every household, over $3,100 a year increase in household taxes at exactly the time when people are getting concerned about economic activity. Just when we did the stimulus, we raise taxes.

I want to take up the theme of the impact on our economy of this budget. That is the role of the Joint Economic Committee, and that is why they have been given a period of time to comment on this, because this has such a profound impact.

Now I want to talk about the impact of raising taxes at this point in time on the overall economy. I have talked about entitlement programs, the failure to address those, the long-term pain that is associated with that, and the additional pain by putting it off on a longer basis. Now what about the impact of raising taxes at this point in time on our economy and who is going to pay those increased taxes? The Democratic majority's budget will raise taxes on at least 116 million Americans. It is not just on the rich, unless there are 116 million people categorized as that in the United States. It will tax the hard-earned income and retirement benefits of millions of American families and seniors to pay for larger and larger government rather than reform. I think what people

want to see is, you guys are going to operate within the amount that you have and reform the system. Reform what you have, don't tax and spend. Let's leave taxes where they are or make them lower so we can grow the economy more and then reform the system within rather than just adding and adding and adding.

The majority would have you believe that they will offer amendments to make the middle-class parts of the tax reductions permanent. They are not including any teeth in that budget amendment, and we will almost certainly not see legislation to accomplish that extension in this Congress. It is just empty promises. Democrats complain that the tax relief measures of 2001 and 2003 primarily benefitted the wealthy. Let's go through a couple of charts to look at that claim and see who is paying these tax increases or paying and receiving the tax relief of 2001 and 2003 and who would pay, if what the majority is putting forward is enacted, the tax increases.

As shown by the changes in the share of total Federal tax liability by income group on the chart, the percentage of all taxes paid by the top income group has increased since the tax relief measures were enacted, and the share of taxes paid by the bottom four income groups has declined. I think this tells a dramatic and different story than what we hear a lot of times in the rhetoric. Where you look at the various income categories, the lowest 20-percent income category, next 20, next 20 up, and on up, and then we put a block here showing the top 1 percent income category. My point of showing this is on your bottom four income categories, the lowest 20 percent earners under the changes in Federal tax liabilities 2000 to 2005, this is the 2001 and 2003 tax cuts, the greatest beneficiaries under those tax cuts were the lowest income categories. The biggest beneficiary under those tax cuts was the bottom 20 percent. That is as it should be. The lowest income category should have the biggest impact, the most positive impact. You are seeing that in then the next lowest 20 percent, the bottom 40 percent here, then the 60, and then the 80 percent of lowest incomes.

Now you look at the top 20 percent earners, they pay an increase as a percentage of the Federal budget of taxes under these tax cuts in 2001 and 2003. And your top 1 percent is up 8.2 percent in terms of what they pay as their share of Federal taxes.

My point in saying this is, these tax cuts have worked as they should have. They have cut the overall tax rate for individuals, and particularly for lower income individuals. They have stimulated the economy, and they have shifted the tax burden to the higher end of the income distribution. When you say tax cuts for the rich, your really should be talking about tax cuts for most Americans and the percentage they pay. This is as it should be. This is how it was designed. So when people say we have done these tax cuts for the rich, we are not going to extend them, does this chart show tax cuts for the rich? I think it shows tax cuts primarily benefitting the lower 80 percent of wage earners and having a burden shifting to the top 20 percent of income earners. That is the design it should have. It has grown the economy overall. It has been the way we should go.

Yes, despite the tax relief measures that many tout as tax cuts for the wealthy, the share of taxes paid by the top 10 percent of income earners rose more quickly than during previous periods, including periods with higher top marginal tax rates. According to the most recent data, the share of all Federal income taxes paid by the top 10 percent has reached an all-time high of 73 percent. Let me say that again. According to the most recent data, the share of all Federal income taxes paid by the top 10 percent has reached an all-time high of 73 percent. You can see the trend line of what is taking place from 1979; the top 10 percent of income earners, 1979, the percentage of income taxes paid was below 50 percent. In 2000, 68 percent; now it is all the way up to 73 percent, as it should be.

Democrats talk about raising taxes on the wealthy, but fail to mention that not extending the tax relief measures of 2001 and 2003 will result in huge tax increases for all Americans, as this chart displaying average percent increases in taxes by income levels shows. I wanted to show you this one. Low- and middle-income families will be the hardest hit by the scheduled tax increases that will occur in 2011. These families benefitted the most from a reduction in the bottom tax rate, from the child tax credit and marriage penalty relief contained in the 2001, 2003 tax relief measures. If the tax relief measures of 2001 and 2003 are not made permanent, families with $50,000 in income will see their tax bills rise by 261 percent in 2011.

On the other hand, families with $500,000 or more in income will experience a 12- to 13-percent rise in their taxes. Is that what you want for a structure of tax increases, putting the largest hikes on the lowest earning families and the smallest hikes on the upper earners? I don't think that is the way you want to structure tax increases. I don't think that is the way the American public would want to see that structured. I don't think the American people would want to see any tax increases. The average household will pay an additional $1,833 under the Democrat's plan. Many will have their taxes rise by even more. Seniors, families with children will pay an additional $2,000 or more. Married couples will pay an additional $3,000. Small business owners will have their tax bills rise by more than $4,000.

Another shortcoming in this budget is the failure to adequately address the growing burden that the AMT will place on many middle-income families. Although the AMT was enacted initially to prevent millionaires from avoiding taxes altogether, it will soon ironically affect a greater percentage of middle-income married couples with children than millionaires. Let me show this chart, the ones it is going to impact.

This says, middle-income married couples with kids will be more likely than millionaires to pay the AMT in 2010. Here is your married couples with kids, AGI of $75,000 to $100,000, 89 percent will be in the AMT; millionaires, 39 percent will be in the AMT. The AMT needs to go. I think we should go and offer an optional flat tax for the overall Tax Code and do away with the AMT altogether. You can see its disproportionate negative impact on families, not hitting its target and having an overall very negative impact on the economy.

Given the time I have left, I want to talk about a proposal we are going to put up in this budget and it is a bill on the CARFA commission, the Committee on Accountability and Review of Federal Agencies. It is something we have talked about before and we have had it up as a proposal in the Congress. I have had it up as a proposal and I have had a number of cosponsors. On the current CARFA bill, we have 24 cosponsors. I hope it will be a bill that my colleagues in the majority will look at and support. It is built on the BRAC Commission. I would note that the BRAC Commission provided for a process to close military bases. Before we had BRAC, it was impossible to close a military base. Any time you wanted to close one, the people in that district, that State would fight you. You would never get any of them closed. We put together this BRAC process. They came up with a list of bases to close, and then they presented it to Congress. Congress got one vote up or down, close all of them, keep all of them, deal, no deal. Through that system, we have now saved the Federal taxpayer over $65 billion from that process of closing military bases and consolidating them in a few areas, working toward greater efficiencies. It has been very successful.

What we need to do now as a part of the Federal budget is take that to the rest of the Government so we can close Federal programs that are no longer working.

I want to show you this report card of how successful is the Federal Government. This is the Federal Government report card, and this is done as a scoring by Federal agencies, where they score the effectiveness of various programs for hitting their intended target when they were started and for the budget they have been given. I

want to note that if you gave a GPA to the Federal Government on accomplishments that it does with the money it has been given, the overall grade point average that the Federal Government gets is a 1.14 out of a 4.0 GPA. Now, that is not very good.

What happens—everybody knows this is what takes place—we get a program started, it gets funded, and it is never ended. It may be completely successful and all is accomplished, but the program continues because we do not do any sort of culling process at all. Then we want to do something new, but wait a minute, we did not do away with the old.

The BRAC process we are talking about putting on the rest of Government—this CARFA Commission—would put that process on the rest of Government and I think dramatically improve this GPA because now you start getting rid of programs that are no longer effective, just like when we had military bases that were in places that were there because of maybe the Spanish American War or the early wars in this country—completely out of position, no longer necessary but sustained because they had supporters in the system, even though they were not being effective.

Well, imagine if you take that system of protection and nonculling and apply it to the rest of Government. How many programs do we have that we have created over the 200-plus-year history of the country, and we have never done away with any of them? We have not even adequately evaluated their effectiveness. You can see why we would be able to improve the government's GPA score and be able to have more money to put in higher priority areas, such as the National Institutes of Health, where I would like to do a war on cancer; or the things we need to do for infrastructure in the country. Yet we have never been able to eliminate any spending.

Here is a systems approach, under my proposal, that has worked in another area, that has been key, that has produced $65 billion in savings, that we need to take to the rest of Government.

So one of the amendments I will be putting forward is asking for the establishment of this CARFA Commission—Commission on Budgetary Accountability and Review of Federal Agencies—that will provide a list—a group on an annual basis—of programs that should be eliminated and give Congress then one vote, up or down: agree or disagree whether to eliminate this whole group or to keep the whole group.

I think that is something we need to do overall. It ought to be something we can come together on, on both sides of the aisle. I would note that in traveling across this country and talking with people, one of the big things the American public wants to see us do is get together and get something done on something that is significant to them.

One of those things is that we would be much more responsible to the Federal taxpayers as to what we are spending their money on. If we can become more responsible on that and work across the aisle and they could see Federal programs that are being eliminated because they are no longer effective or they are wasteful—and then they would actually see that taking place—I think people would then trust us more with taxpayer dollars rather than not trusting us with taxpayer dollars. If we can show them that, they would see us doing it on a bipartisan basis.

This is something for which the outcome is certainly not stacked. This is something that both sides could support as a process because we have in the past. We could finally see something starting to take place in eliminating waste, fraud, and abuse in the Federal Government. Everybody is opposed to waste, fraud, and abuse in this body—everybody. Yet it continues because the system is built to spend, it is not built to save, it is not built to reduce. We have a system that is built to save and reduce, and it is called that BRAC system in the context of military bases. Then that saved money is put into higher priority needs. Let's take that system out to the broader body of government.

This is the short period of time given to the Joint Economic Committee to talk about the impact of the overall budget on the U.S. economy. The impact of this budget that the majority is putting forward is profound and it is negative on the overall U.S. economy. I urge my colleagues to vote against it because of that.

It fails to address any sort of entitlement reform. It increases taxes at exactly the wrong time. You do not need to increase taxes, I think, at any time because of the scale of taxes. But when you have a slowing economy, it is the absolute wrong time to raise taxes. The Democrat's budget also does not deal with reform of the AMT, the alternative minimum tax, which it should. It raises taxes on lower income individuals in this society and in our economy, not on upper income individuals. Again, it does have tax increase at exactly the wrong time. And it does not include things such as fundamental spending reform through a CARFA type of process we used in the military base BRAC system before.

Because of these failures of big-ticket, overarching items, this is the wrong budget at the wrong time that will have a negative impact on our overall economy. It will have a profoundly negative impact on our overall economy. It is not the right medicine of what we need to move forward. For us to grow this economy at this point in time, we need lower taxes, not higher taxes. For us to grow this economy and provide for our future, we need entitlement reform now. We also need to be able to get at our wasteful spending in the Government. We need to adjust our systems to be able to do that. Those are reforms that if we did them now—and did them at this point in time—we could have a much brighter and sustained future. This budget does not provide for those. For those reasons, I will be opposing this budget.

Mr. President, I yield the floor and reserve any time I have on the Republican side for the JEC.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes within the time allocated for the Joint Economic Committee on the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. Mr. President, thank you very much.

I wish to, first of all, start my presentation today with an overarching commendation of the work of the Budget Committee and, in particular, Chairman KENT CONRAD, who worked, as he always does, along with the members of his committee from both parties who have worked very hard on this budget.

We are going to have a significant debate this week and we are doing that now and it will be fairly heated because we have broad disagreements about this budget. But I do wish to commend Chairman CONRAD and his work over many months, as he does every year, in his committee.

I wish to focus on three areas: First of all, our fiscal situation that we face now because of what has been happening in the last several years with our Federal budget; secondly, to talk about our families and the struggles so many families are living through right now; and then, finally, to summarize very briefly some of the Democratic proposals and how they compare to the President's budget.

But I wish to start first with our fiscal situation. And I wish to thank Nathan Steinwald, who is with us, who is not only helping with getting the right chart up but also has done a lot of work on our staff to prepare us for these budget debates.

The first chart sets forth the deficit as it has taken hold over time. It starts on the far left corner, with that green bar, which starts at the year 2001, the first year of President Bush's administration. That is his first year. There was $128 billion in surplus in his first year. I would argue that is a surplus that was left over from the prior administration.

But then you go into the 6 years after that, where we have data set forth and

depicted on this chart showing the deficits since President Bush has been in office from 2002 to 2007—$158 billion in deficit; $378 billion in deficit; the largest deficit, $413 billion, in 2004; it reduced somewhat to $318 billion in 2005. It had been reduced and went down to $162 billion last year. But then here is where we begin to get into trouble again. The projected deficit, as it is set forth in President Bush's budget: $410 billion is a projection for 2008; for 2009, it is $407 billion.

So we go from a surplus, when he came into office, far into deficit. Just when you think we are crawling out of it, because of his proposal—if we enacted his budget—we are going to go back into almost record deficit. You can see they are almost at the record level of $413 billion. So that is a big problem. That chart alone is evidence to tell us we should not adopt President Bush's budget.

So let's go to the next chart, which focuses not on deficit but on debt. Unfortunately, this chart tells us even more. This is bad news. I will try to get to good news as soon as I can, but I think it is important to set forth where we have been, where we are, and where we are going. This is the debt of the United States: $5.8 trillion—that is what the T means—in 2001, the first year of President Bush's administration. As if it were ascending steps to an unknown height, step after step after step going up, the debt number is increasing year after year after year.

So we keep borrowing under this administration ad nauseam, borrowing against our children's future. It is not just about some far off debt that this Government has put on our children—that is bad enough; that is reason enough to try to bring that number down—but we are paying for this every year, hundreds of billions of dollars in debt service right now. In 2007, we had that, and in years before that—2008, 2009. So we are paying for it now to the tune of hundreds of billions of dollars.

Here is where we will be in 2009: a debt number of $10.4 trillion. At some point in that year, we will achieve a debt number of $10.4 trillion. The President, even though he will technically be out of office in January of 2009, bears responsibility, a large part, if not all the responsibility, for that number: $10.4 trillion. In essence, this President has become the ''10 Trillion Dollar Man,'' the ''10 Trillion Dollar President''—not something that anyone would want as part of their legacy.

It is important to note that $5.8 trillion—that was the level we were at when he came into office—that number was actually starting to go down in the last couple of years of the prior administration. So instead of staying on that path and having a flat line—so to speak, holding it under control—this President, with a lot of help from the Republican Congresses, by the way, sent that number through the roof.

As you can see, the final number—the most disturbing number, if we stay on the path we are on and do not adopt the policies that will lead us to get us on the path of fiscal responsibility—in 2013, the debt will be $13.3 trillion. Again, we are going to pay for that every year.

We spent last year, in terms of debt service, more money than all of the Medicaid Program, which is over $200 billion in and of itself, and all of the State Children's Health Insurance Program. And you can add more to that. But consider that: We spend more on debt service than we do on both of those programs that help poor children, Americans who are suffering from a disability, children of working families who have health care. All of that health care, all the good things that happen in those programs do not equal what we are paying in debt service to finance his debt.

So we are in a debt mess here. It is a fiscal nightmare. I will go to the next chart, which shows what we owe the foreign governments.

A portion of that almost $10 trillion in debt, of course, is foreign debt, debt to foreign countries. The top 10 foreign holders of our national debt: In first place, Japan. We owe the Japanese Government $581 billion. We owe China $478 billion. It goes down from there; the UK; the ''oil exporters,'' we owe them $138 billion. It goes down from there.

That is another piece of bad news. This is not some far off debt number. Some of them are allies; some of them are not. Some of them we have some real disputes with. We owe them hundreds of billions of dollars.

I will go to the next chart where we have been hearing a lot the last couple days about the tax cuts. Well, let's look at how much they have cost us and what they will cost us. The cost of extending the Bush tax cuts explodes outside the 5-year budget window. So when you are talking about here that we are debating the budget for 2009—talk about 2009, look at the way that number goes up starting in 2010: the 10-year cost of $2.9 trillion for the Bush tax cuts if we stay on this path from 2009 to 2018. So if you want to adopt the Bush tax cut, that is what you have to pay for. That is what you have to pay for in that 10-year window. To say it is unaffordable, to say it is fiscally reckless is a gross understatement, but I think we can see from all of the red why that is the case.

So what do we do when we debate this budget? We can talk a lot about the fiscal situation, but I think it is probably even more important to talk about what has been happening in our country with regard to our families.

It seems that in the life of a family, in terms of costs, everything that a family hopes would be going down is going up. A family would hope, I guess, that health care costs would be leveling off or going down. They have actually gone way up. We would hope the cost of a college education has flatlined or is staying at a certain level or going down. The cost of a college education is going up. Everyone knows the price of gasoline is going through the roof, is going up over and over again, month after month. The price of oil—I don't know what it did today, but we were over $105 a barrel; the subprime crisis we are living through and the cost of housing, the value of the house in terms of that family's value, their economic value on paper but also the value to our economy. So this housing crisis, caused in large measure by mortgage brokers and others who were unregulated and really took people over a cliff, so to speak, with regard to their housing costs, has caused tremendous pressure, first of all, on individual families but, of course, on our neighborhoods. Whenever we have a property foreclosed upon, a neighborhood disintegrates time after time. But at the same time, the costs of everything in the life of that family is going up, whether it is housing or gasoline or education or health care.

The things a family hopes would be going up are things like consumer confidence. That is going down. The value of one's home, one would hope it would be increasing, but that has been going down. All of these up and down problems for families are real-life crises for so many families across America. What they expect us to do with this budget is everything we can to help dig them out of the economic crisis they face.

So what should we do? Well, we can do a lot. We can, first of all, be fiscally responsible but also have budget policies and strategies in place that focus on creating not just jobs, not just any jobs, but good-paying, family-sustaining jobs. That means in particular budget proposals on how we fund an agency, what we cut and what we don't, what we increase and what we don't, but also it means trying to set aside places in the budget where we can make investments over time. These aren't things that will happen right away, these aren't things that can happen quickly, but these are priorities.

For example, education—I think our budget should reflect that we place a value upon and we are actually going to invest in education, just as a good CEO would invest in workers. First of all, this budget resolution invests in education strategies that create jobs and growth, preparing our workforce for the global economy, making college affordable, improving student achievement. You can see what it does there: education tax cuts up to $13 billion, $5.7 billion over the President's budget in discretionary funding for the Department of Education and Head Start. Thirdly, an education reserve fund for

school construction and higher education authorization.

The second chart talks about the way we can grow our economy and create high-paying, good jobs by investing in energy. The old way of thinking about this was that if you had to conserve energy or be more efficient, that was going to cost jobs. Now we know that when we are not in conflict, one of the best ways to create jobs is to invest in green-collar jobs and in green energy.

I will go to the last chart in terms of our infrastructure, just to get this in before we conclude.

Our infrastructure, everyone knows—we knew this before, but certainly when we saw the bridge collapse in Minnesota—that we have to invest in basic infrastructure. This budget resolution sets aside room in the budget to do just that: to invest in our infrastructure, whether it is highways or mass transit, whether it is airports or what we call ready-to-go infrastructure projects. Sometimes, when a company wants to locate in a community, they don't have time for a lot of debate. They need to get moving very quickly. We need projects and land set aside to do that.

I will conclude with one final chart because I know the chairman of the Joint Economic Committee, Senator SCHUMER, is with us, and he is probably coming up next, and I want to make sure he has all the time he needs because he has been a great leader on these budget issues.

The final chart I will put up: We hear a lot about Democratic spending, spending, spending from the Republican side. The differential between what the President proposed—$3.04 trillion—in this 2009 budget and what we are proposing is $3.8 trillion. That is a 1-percent difference. So when we hear debate and arguments back and forth that Democrats are spending too much—more than the President—the difference is 1 percent.

I have a lot more to get into, but I am going to conclude with this thought: We have to invest in good-paying jobs, family-sustaining jobs, and we also have to get our fiscal house in order. Unfortunately, I think the President's budget does not do that. The Democratic budget will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, may I make an inquiry of the Chair? How much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. SCHUMER. I ask unanimous consent for an additional 5 minutes. Is that in order?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, first, I wish to thank my colleague from Pennsylvania before he leaves the floor. He is a great member of the committee, a great Senator, and always has his eye on the average family. One of the reasons he has been so effective on the Joint Economic Committee is he understands all the concepts, of course, but then he is able to take them and relate them directly to the needs of average families. I thank him for the good job he did this afternoon, which is typical of the good job he always does on the JEC and elsewhere. I also thank my colleague, Senator WEBB, who also took some time to speak on these issues.

Now I will conclude our Humphrey Hawkins budget debate.

Today, we are looking at an economy on the verge of recession. Many economists would say it is already in recession. The economic hits to middle-class American families just keep on coming and coming.

Before I talk about our Democratic budget package, which is far superior to the President's budget, I would like to use this Humphrey Hawkins debate time as chair of the Joint Economic Committee to talk a little bit about the economy.

In the last week alone, we have learned that we are experiencing record home foreclosures in the prime and subprime mortgage markets from coast to coast. Every single State has been affected by an increase in foreclosures. According to an analysis by the Joint Economic Committee, home prices in every major market are falling. Families have historically low equity in their homes.

Moody's Economy.com estimates that 8.8 million homeowners—that is 10 percent of all homeowners—will owe more money than their homes are worth. Think of that: 10 percent of all homeowners—not homes in foreclosure, not homes in trouble, but 10 percent of all homeowners will owe more money than their homes are worth.

Just this past Friday, the Labor Department reported back-to-back months of losses in jobs, with serious losses this past month in manufacturing, construction, and retail. Today, the Commerce Department released data showing rising trade deficits with China and oil-producing nations such as Venezuela and Saudi Arabia. Americans are paying a record average $3.22 per gallon of gasoline today, and if that wasn't enough, oil is selling for over $110 a barrel. Let me repeat that. Oil is selling for over $110 per barrel. That is an alltime record.

As we put forward a more sensible budget plan for our country this year, we have to recognize that the pressure on families has been made worse since President Bush took over. Over the last 7 years, Americans have been squeezed by skyrocketing energy, health care, and education costs. Energy costs have ballooned 64 percent during Bush's tenure. A gallon of regular-grade gasoline has increased 60 percent in real terms, up from $1.62 in January 2001. To put this in perspective, the average middle-class family is paying more just in higher gasoline prices than they received in the Bush tax cuts. Again, let me repeat that. The average American family is paying more just in higher gasoline prices than they received in the President's tax cut. That is appalling.

There are 7.2 million more people uninsured since the President took office, and average health insurance for families who do have it increased nearly 40 percent since 2000. Inflation-adjusted tuition for 4-year public colleges increased 36 percent, to $5,526 per year between 1999 and 2005. In February of 2008, 4.9 million people were working part time for economic reasons but wanted to work full time, and the underemployment rate is almost 9 percent—9 percent—up 1.6 percent since 2000. Now there are 1.4 million fewer people with jobs since the President took office—1.4 million unemployed.

The bottom line is that this administration is the owner of the worst jobs record since Herbert Hoover, and the last 2 months of losing nearly 90,000 jobs secures the President's unfortunate place in history, as this chart shows. Here is Herbert Hoover. Everyone did better than George Bush since Herbert Hoover.

The significant job losses in manufacturing and construction have continued since the housing market has been in trouble and doesn't seem to be getting better. The job losses in the retail sector are particularly troubling because it indicates that consumer spending, which has driven this economy, has also declined measurably.

The President's ''hear no evil, see no evil, do no evil'' policies on our economy simply don't work. It is only a matter of time before consecutive months of job losses, falling home prices, rising energy prices, and cutbacks in consumer spending lead us into a full-blown recession. It is crystal clear to everyone except the people in the White House that we are inevitably heading toward a recession.

It isn't a surprise to many in Congress that we are on the brink of recession—or are already in one—although the administration has done an excellent job of hiding its head in the sand, because their strategy has produced burgeoning budget deficits, a serious global trade imbalance, and brought us to the brink of recession. That is because their only economic strategy for everything is to cut taxes—help their wealthy friends and no help for the rest of America.

The unmistakable economic downturn began early last year as the subprime mortgage mess unfolded. The spillover effects into the broader housing market, the credit market, and

overall economy are tremendous and ongoing.

According to the JEC's conservative estimates, by 2009 at least 1.3 million foreclosures will occur as the riskiest subprime mortgages reset over the course of this year and next. This will lead to the destruction of approximately $100 billion in housing wealth, including an estimated $71 billion in direct losses on foreclosed properties and a decline in the value of neighboring properties by an additional $32 billion.

Overall housing prices continue to fall, as seen in the almost 10 percent decline of the S&P/Case-Shiller national home price index since the first quarter of 2006.

Last week, the Federal Reserve released data showing that American families hold less equity in their houses than at any time since the Fed began tracking this data in 1945. Under the Bush administration, the primary source of wealth for most Americans—the equity in their houses—dropped by nearly 10 percentage points, from a 57.8 percent equity stake when Bush took office to a current low of 47.9 percent.

Given that housing wealth totaled about $23 trillion in 2006, the decline in household balance sheets is now between $1 and $2 trillion. Declines in house prices are likely to have significant negative effects on consumer spending and a host of other deleterious effects on the economy. But housing is the bull's-eye of this crisis. It has spread outward and outward and outward. Again, the administration, wrapped in ideological handcuffs, does nothing.

We are also borrowing to pay for this war in Iraq. The economic cost for the Iraq war is truly staggering. According to professor Joe Stiglitz, a Nobel Laureate who testified at our Joint Economic Committee last month, the war could cost $3 trillion—that is with a T—$3 trillion. According to a report our committee did in November—we have been pursuing this issue of the cost of the war—the war will cost each American household $37,000.

The Federal Government is increasingly reliant on the rest of the world to buy our public debt, and with falling dollars and skyrocketing debt, who knows how much longer we can count on the largesse of our trading partners.

President Bush turned huge budget surpluses into huge deficits in a few short years, as we see here. In January 2001, the CBO projected surpluses would total $5.6 trillion in 2002 to 2011. In 2001, CBO's projection was a surplus of $573 billion in 2007. In reality, the deficit was $163 billion, a turnaround of $736 billion, and more than $100 billion for every year that the President has been in office. This remarkable, dramatic turnaround in the budget picture shows a reckless disregard by this administration for living within our means and has, frankly, jeopardized the economic future of families across the country.

The President may have passed some big tax cuts for the people who need it least, the very well off. But he has not been very compassionate to future generations who will be paying for the increased debt for generations. I compliment the Senator from North Dakota for the amazing budget he put together. It is the best budget document I have ever seen since I have been in the Senate.

The Democratic budget provides some measure of sanity and order to our budget priorities and, hopefully, will put our country back on more solid economic footing. Senator CONRAD did an amazing job in crafting a budget resolution that gets us started on the road to recovery from these misguided policies.

One of the most important things about Senator CONRAD's budget is that by restraining spending and making the right choices on long-term tax cuts, it provides room for important middle tax cuts to ease the middle-class squeeze, such as the tax cuts provided in Senator BAUCUS's amendment. These tax cuts are not a fix for what ails our economy in the long term, but they will indeed help middle-class families make ends meet.

Senator BAUCUS's amendment is broad-based tax relief targeted to the middle class, plain and simple. Everybody benefits, but the middle class gets most of the spoils. That is the way we ought to provide tax relief in this country—not providing more and more tax breaks to the top one-tenth of 1 percent, whose incomes have shot up into the stratosphere. Tax cuts for those who need them, not for those who would not notice them. That is our watchword, while the other side continues to believe in trickle down, but not even trickle down from the middle class to the poor but from those higher regions of wealth.

If we look at the tax cuts that passed in 2001, we know which ones should be made permanent and which ones should not. The $1,000-per-child tax credit, marriage penalty relief, and the 10-percent bracket are all sensible tax cuts that can be made permanent with the surpluses provided for in the Conrad budget.

The Baucus amendment does some other sensible things as well. Across the country, parents are struggling to manage the crunch of work and family. According to a report issued by the Joint Economic Committee, full-time childcare costs average about $7,300 per year in the United States. That is almost 20 percent of the median income of families with young children. The Baucus amendment will permanently extend the tax credit for childcare expenses to provide essential benefits to working families.

Senator BAUCUS's amendment also includes provisions to offset the impact of rising local property taxes. I hear about that from my constituents every week. The amendment will make permanent the important military tax benefits passed both by the House and the Senate last December. These benefits are particularly targeted toward service men and women and their families. Given the multiple rotations many of them have endured, these tax provisions are supported by all, and they are the least we can do.

I know what the other side will say: ''Democrats are for tax increases.'' My friends, telling people who are making a million dollars a year or more that they should continue to get a tax cut is what is wrong, not saying they should begin to pay their fair share. I have news for my colleagues on the other side of the aisle. Their old arguments are not going to work because the middle class has seen promise after promise from this administration, and then they have seen the vast majority of the tax cuts go to the very top of the income scale.

I will repeat it again: The average middle-class person has paid more of an increase in gasoline than their entire Bush tax cut, while this administration twiddles its thumbs about the energy crisis and continues to tell those at the top of the economic ladder that they get the vast majority of the benefits, even though they don't need it.

So I hope we will support the Conrad budget. It is a good, fine, and well-thought-out one. I hope we will support the Baucus tax cuts, which are targeted at the middle class. I hope we will support a budget such as the one proposed on our side, which is smart and helps the middle class.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, how much time does the Senator from Utah have?

Mr. HATCH. Mr. President, I have 15 minutes, and I have asked for an additional 5.

Mr. COBURN. According to the agreement we had, that would put us until 7:25 when Senator BROWN would be eligible to speak; is that right?

The PRESIDING OFFICER. The Senator from Oklahoma would start at 6:55 and have until 7:25.

Mr. COBURN. I thank the chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise to express my opposition to and disappointment with the fiscal year 2009 budget resolution before us today.

Interestingly enough, I listened to the Senator from New York talk about how the rich are getting away with

things. Well, the upper 1 percent of all taxpayers paid 39 percent of all income taxes the last time I heard. The upper 5 percent paid 60 percent of the total income tax in this country. The upper 50 percent pay 97 percent of all the total income tax in this country. The bottom 50 percent generally pay almost nothing, and a good percentage of them get money from the Federal Government. So what is he talking about?

I think it was Yogi Berra who once said, ''This is like deja vu all over again.'' I am sure he was not talking about the Federal budget when he uttered these oft-quoted words, but he might as well have been. As I look at the budget resolution before us today, and as I listen to the arguments on both sides of the aisle, it seems to me that we could be talking about last year's budget resolution. The numbers are somewhat larger, but the arguments are about the same.

Now this might not be so bad if the budget resolution were a good one. No, you would not hear me complaining about a repeat of a budget that strengthened our economy, addressed our near-term problems, and prepared this country for the longer-term budget challenges of the future. Unfortunately, this is not the case. In fact, quite the opposite is true.

Once we were through with that resolution last year, it didn't even resemble what the budget resolution was calling for. In fact, I have been here for 31 years, and not one day has the conservative point of view been dominant in the Senate. The liberal point of view, with almost all liberal Democrats and a few liberal Republicans, has held sway. That is where all the spending is coming from.

Instead, we are, once again, talking about a budget that raises taxes by an unprecedented amount, which will do untold harm to our economy, exacerbates our near-term problems by not holding spending in check, and totally ignores the longer-term mandatory program challenges of the future.

Much has already been said on this floor about the budget resolution and its failings. I could add a great deal more, but instead I choose to focus my remarks on three premises on which this budget is based. Three premises that, unfortunately, are false. And every child in Sunday school knows that false premises are like the house whose foundation is built upon sand. We all know that a house built upon sand, or a budget built upon false premises, cannot stand.

The first faulty premise underlying this budget resolution is that it would not raise taxes on Americans. I know that my colleagues on the other side of the aisle have said and will continue to say that this budget does not raise one cent in taxes. Technically speaking, this is true. However, while the document before us may contain no actual tax increase language, it does nothing to prevent the largest tax increase ever, which is set to occur at the end of 2010 if the 2001 and 2003 tax cuts are allowed to expire as scheduled.

The American people need to ask a simple question of this budget. What is it doing to make sure that my tax bill does not go up in 2010?

They will be met with deafening silence.

Now, those on the other side will try and explain this deficiency away. They will argue that allowing a tax cut to expire is not the same thing as raising taxes. Well, try telling that to the 116 million American taxpayers who will face higher taxes if these tax cuts are allowed to expire. Try explaining this nuance to the 43 million American families who, on average, will owe $2,300 more, and to the 18 million seniors who will pay an average of $2,200 more.

This is not small potatoes. Families that do not consider themselves rich, that struggle to make ends meet, and that are doing all they can to make the mortgage and save for college, are going to get hit with massive tax bills. They are going to see their paychecks shrink by hundreds of dollars every pay period. This is real money. Money that families could use to pay medical bills or pay tuition, and instead it is going to go to the Federal Government.

It will not be much fun trying to explain this to the owners and managers of 27 million American small businesses. Try telling them that their higher tax bill is not really a tax increase. No, not at all. It is merely the reversal of a temporary lower tax rate they should have been grateful to have gotten for a decade, due to the generosity of Uncle Sam, who no longer deems it necessary to throw such favors their way.

Good luck selling that one.

I will tell you one thing—I do not want to tell the hundreds of thousands of Utah families, seniors, and small business owners that the extra dollars we were letting them keep for a few years are now needed for more urgent things, such as higher spending in Washington.

So if this is not a tax increase, I do not know what is. The other side can call it what it wants. But if the end result is more money coming to Washington, and less money staying in the paycheck, the family budget, or the small business expansion account, this is a T-A-X, Tax!

We have heard the other side talk about how they are for extending the middle-class elements of the 2001 and 2003 tax cuts. We have even heard them say that the budget resolution provides for this, through the adoption of an amendment offered by the Senator from Montana. $323 billion for middle-class tax relief. Does any of this sound familiar? It should, because the same amendment was offered, and adopted, in last year's budget resolution.

I have a question about that tax relief. Where is it? What happened? Last year's Baucus amendment offered pretty much the same kind of tax relief as this year's version. But, why did we need to adopt it again? The answer, of course, is that nothing happened because the tax changes necessary to carry out the stated intent of this amendment were never brought up in the Finance Committee or on the floor of this Senate. This is a shell game.

The reason why is that you have to look at the fine print on this amendment to see what is really going on. The Baucus amendment allows only for the consideration of so-called middle-class tax relief. It does not, however, provide a means to offset the lost revenue. Under the Democratic pay-go rules, along with the $323 billion of tax relief that the Baucus amendment purports to offer, there is an asterisk with fine print that says, provided that the revenue can be found to offset it. My goodness.

So this explains why we need the Baucus amendment again. The reason we did not provide that middle-class tax relief is that we could not find the revenue to offset it. But what about what my friend and colleague, the distinguished chairman of the Budget Committee, says? He points to the tax gap and says we can get the money there. All we have to do is stop some of the leakage in our tax system.

I agree with my colleague from North Dakota. I agree that we should be able to reduce the tax gap. It is too large and it is inexcusable why $200 to $300 billion or more in taxes that are due go uncollected each year. But you know what? Our tax system, as leaky and clumsy and unfair and antiquated as it is, is the envy of much of the world as far as the percentage due that we collect.

Can we do better? Of course. Do we need to crack down on tax abuse domestically and overseas? Indeed we do. Can we raise enough money by closing the tax gap to offset the revenue loss of the amendment of the Senator from Montana? Not even close. As Senator GRASSLEY very eloquently demonstrated on this floor on Monday, the real potential for revenue from the tax gap is very, very small in comparison to what the other side is claiming. If not, then where are the specific proposals from the other side to do it? Why haven't they been enacted, if it is so easy to get this revenue?

The tax increases inherent in this budget resolution will do untold damage to our economy. Even if the other side can find the votes to increase taxes enough to overcome the pay-go problem associated with some of the middle-class tax relief proposed by the Senator from Montana, we would still be doing major harm to the economy.

We can perhaps look to the model provided for us by the chairman of the

Ways and Means Committee in his so-called Mother Tax bill. It is so named because my good friend Chairman RANGEL said it represents the Mother of All Tax Reforms. His ranking member, Congressman MCCRERY, more aptly describes it as the Mother of All Tax Hikes.

I can tell you right now, as much as I hate to say this about my friend CHARLIE RANGEL, Congressman MCCRERY is right. This ''mother'' bill includes plenty of tax offsets. It would increase the income tax rates across the board to where they were in 2001, with the top rate exceeding 40 percent at the margin. This may sound as if it would affect only the wealthy, but this is another false premise. In reality, it would affect millions and millions of small and midsized businesses, the great majority of which pay their taxes through the individual Tax Code.

How is this going to help us solve the economic problems our Nation is facing? This budget is nothing but a recipe for disaster.

The second faulty premise underlying this budget resolution is that the increase in spending it authorizes will solve our long-term economic problems. Yes, I think we have heard this before as well. Yes, it was last year in the fiscal year 2008 budget debate. That budget resolution called for $205 billion in increased spending over 5 years, and this number ballooned to $350 billion over 10 years. Apparently, this amount was not high enough, so this budget ups the amount to $210 billion over the next 5 years, and it will have the same ballooning effect over the years beyond because the spending gets built into the baseline. That is the danger of a seemingly small amount of additional spending. It is insidious. It seems relatively small in the first year, and so it may be, but the way we do budgeting in Congress has a way of multiplying the seemingly small increases so they are huge in a few years. There is a compounding effect.

In his opening remarks on Monday, the distinguished chairman of the Budget Committee talked about the need for additional investment in America. He spoke about priorities in education, energy, infrastructure, law enforcement, weatherization, health care, uninsured children, food, drug safety, veterans, and much more.

I know the Senator from North Dakota is sincere, and I know he works hard and is very effective in presenting his side of the argument. I have much admiration and affection for him. I care a great deal for him. He has a very tough job, and he does it well.

The Senator from North Dakota is right about the needs of this country—they are unlimited, just like the needs of the typical American family. The needs of the American people as a whole are unlimited. The problem in both situations is that we do not have unlimited resources, and neither does the family. We have to make choices, and we have to set priorities. It would be nice if we could simply take care of every problem in this Nation by spending the money that is needed, just as it would be great if every American family had enough money to solve all of its problems. But that is not reality.

In reality, we are in serious financial trouble in this country. Money trouble, if you will. When a family faces reality and knows it has money trouble, that family will sit down at the kitchen table and decide where to prioritize and what has to go. That is exactly what we need to do at the national level.

The Senator from North Dakota is correct about another point, and that is that the discretionary portion of our budget is getting squeezed. According to Comptroller General David Walker, the portion of discretionary spending in 1966 was 67 percent of the total budget. By 1986, this portion had dropped to 44 percent. By 2006, a couple years ago, it was down to 38 percent.

This shrinking percentage of discretionary spending, however, is not because we are spending less in terms of nominal dollars. The fact is we spent almost twice as much on discretionary programs in 2007 as we did in 2000. However, our mandatory spending is increasing so much faster. This growth in the entitlement programs, such as Medicare, Medicaid, and Social Security, is squeezing out our ability to grow the amount we spend on discretionary programs.

But the answer is not to increase discretionary spending even by what the proponents of this budget are calling a very small amount. We are going in the wrong direction, and this small amount will compound into a large amount in a few years. And guess what. Once we spend and it gets built into the baseline, it is almost impossible to get it out.

This leads me to the third faulty premise underlying this budget resolution, and that is it is safe to ignore our longer term problems with Medicare, Medicaid, and Social Security. I know if I were to separately ask each Member of this body if we need to do something about the growth of these programs, there is a good chance that every single Senator would agree we cannot afford to ignore them and that something has to be done to save our future. But as I looked over this budget resolution, I cannot seem to find the part that addresses the growth of these programs, and yet the Government Accountability Office tells us that between now and 2032, spending on Medicare and Medicaid alone will grow about 230 percent. At the same time, our GDP will grow about 70 percent if we are lucky.

Let me share some truly frightening numbers with you. The Government Accountability Office recently computed the fiscal exposures we face as a nation from our unfunded obligations under Social Security and Medicare. In 2007 dollars, our total unfunded liability for future Social Security benefits, assuming the law does not change, is $6.8 trillion—that is trillion dollars. This is a number of galactic proportions, so big that it is hard to comprehend. But I have to tell you, it pales in comparison to the amount of our unfunded liability associated with Medicare, which is more than $34 trillion—that is trillion dollars, $34 trillion. When this is combined with all other major fiscal exposures, the GAO estimates that our total unfunded liability is almost $53 trillion. That is with a T. This amount is nearly as high as the total household net worth of Americans, which is $59 trillion.

In other words, we are nearly bankrupt as a nation. Within a few years, we will absolutely be bankrupt if something is not done. It is clear that this path is not sustainable. We all know it. Our children know it, and our grandchildren are going to find it out the hard way. They are going to blame us if we do not act to turn things around. It is as if we are all in a ship floating down a river. The waters are quite calm now, but the map shows that a very high and dangerous waterfall is ahead of us. We know if we do not turn the ship around, disaster awaits. But it is not an easy thing to do. We know we cannot turn it around in 1 year. It will take a lot of work and sacrifice. It will take pain.

It is easy to say we should wait, that this is an election year and a new captain and maybe a new crew will be taking over after the election. But I say to my colleagues, we cannot afford to wait. In the midst of the calm water, we can hear the roar of the waterfall. We are coming to it very quickly, and if we wait too long, catastrophe will result. The budget before us does nothing about the cataclysm just down the river. It is a fatal flaw.

I started by mentioning that the rich do pay a lot of taxes right now. Actually, the rich are paying more after the tax cuts than they were paying before. The fact is, the upper 1 percent of the rich—the last time I saw the figures, and it is even worse now—are paying about 39 percent of all income taxes—the upper 1 percent of all taxpayers. And the top 5 percent pay about 60 percent of all taxes. And the upper 50 percent pay almost 97 percent of all income taxes. Think about that. The bottom 50 percent pay little or none and many of them get largess from the Federal Government. So this idea that the rich need to pay more is a phony argument. It is time people got called on that argument. It is phony, it doesn't make sense, and we have to get with it around here. We cannot keep bringing up these phony budgets such as this with all the budgetary gimmicks this one has in it.

I don't blame the distinguished Senator from North Dakota. He has a side that is fractionated. They want to spend more—that is how they keep themselves in power—and he has to find gimmicks and some way of justifying additional spending, and this budget is filled with additional spending, additional taxes, and a lot of budget gimmicks that should not be in it.

I urge my colleagues to reject this budget resolution. Let's get started on one that recognizes the dangers ahead and begins to turn this ship around before we hit that cataclysmic waterfall.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to speak before Senator COBURN, my colleague from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in support of the budget resolution before us this evening. Governing is about choosing. This budget makes the right choices and at the same time maintains fiscal discipline.

Over the past year, I have held some 85 roundtables of 20 or 25 people each in communities across the State. I have held them in some 55 of Ohio's counties, listening to workers and business leaders, listening to teachers and sheriffs, listening to people running social service agencies and people served by those social service agencies. In every town I visited, Ohioans have asked to work together with the Federal Government, not for a handout, not necessarily for assistance, but to work together with the Federal Government in attacking the problems of our small towns, our rural areas, our inner-ring suburbs, and our big cities.

I have heard from employers who have good jobs that go begging because we have not trained or retrained people in the skills they need. I have heard from county commissioners, worried that their crumbling bridges may fall and that their water and sewer infrastructures are not sound. I have heard from doctors who think we can do a much better job of providing access to health care through their offices and their examining rooms rather than through the emergency room, and not just for the 47 million Americans without health insurance, including 9 million children, but for the millions of people in this country with inadequate health insurance.

Last month we saw the priorities of the Bush administration when he sent his budget to Congress. The Bush budget proposed to cut funding for job training and technical education. Today I met with people from Wayne County and Butler County, from Geauga County and Cuyahoga County, and all over my State, to talk to people who are teachers and administrators, and superintendents and students, who depend on vocational training, technical education, and who provide training for so many in our State.

The Bush budget proposed to cut the community development block grants by more than 20 percent. As big cities and small towns face the impending problems that are in the midst now of these problems with foreclosures, the Bush budget proposed to cut health care for seniors and for children, and these are the choices of the Bush administration. They are the choices of an administration that has gone in the wrong direction year after year after year. They are the choices we must reject.

Our budget, by contrast, will increase Federal efforts to educate and train our citizens, young and old. Our budget will increase funding for economic development and for rebuilding our Nation's infrastructure. Our budget will improve the health care of families and of children. Our budget will help to create good-paying jobs here in America.

This administration either doesn't care or doesn't understand what it is doing to the middle class and what is happening to the middle class. Up until last summer—in front of the Presiding Officer in the Banking Committee—the Secretary of the Treasury and others in the administration assured everyone the economy was doing fine and the housing crisis was contained. Senator MENENDEZ and so many others here spoke up for Federal involvement in trying to help the many people in New Jersey and Ohio and across the country who were threatened with this foreclosure problem in their homes and in their neighborhoods. But when the problems were mostly on Ohio's main streets, the main streets of Zanesville and Steubenville, the main streets of Toledo and Dayton and Lima and Marion, the administration was indifferent. They said the problem would go away. But when the problems migrated from main street Mansfield and main street Springfield to Wall Street, suddenly the problems became important to the administration.

But even then the response of the Bush budget to economic troubles and to the problems of foreclosure across our country speaks volumes. It proposes to cut taxes for the wealthiest people in the country, offset by cuts in Medicare. They want to pay for their tax cuts for the richest people in the country, but they do it by making cuts in Medicare. They propose to reduce benefits under the Social Security system while pushing a privatization program that generates big fees for Wall Street at the expense of seniors and disabled people in our country.

While families are struggling to afford the cost of sending their children to college, it proposes to cut Federal support for student loans. One of the greatest accomplishments of this new Democratic majority, right off the bat, is what we were able to do to increase Pell grants and what we have been able to do to bring down interest rates for student loans, and what the Governor of my State, Governor Strickland, has done by freezing college loans.

The Bush administration, it seems, as I said, either doesn't know, doesn't understand, or doesn't care about these middle-class kids who are struggling to go to college.

My wife was the first in her family to go to college. She got loans, she got grants, and she graduated with a debt of only a couple thousand dollars. That was almost 30 years ago. Today, it is very different, because the Federal Government has simply shrugged its shoulders and said, that is the problem of these middle-class students.

I am proud that our budget charts a much different course. Most importantly, we invest in America. We invest in its people and in its communities. And most importantly, we invest in America's future.

The President likes to tout the length of the economic recovery, but he seldom mentions its breadth or its depth, and for good reason. During the last 7 years, median weekly earnings have actually fallen, after adjusting for inflation. Most Ohioans make less today than they made when George Bush took office, in real dollars. Job creation has been the worst since the Hoover administration. And if you look at private sector jobs or manufacturing jobs, the picture is even worse. As bad as job creation and job growth has been, as I said, it has been even worse in the private sector and even worse yet in the manufacturing sector.

If there is a recovery, as the President likes to trumpet, heaven help us in a recession. Middle-class families are being squeezed by toxic mortgages and by gas prices that have doubled in the past few years. The President didn't know that gas prices had exceeded $3 and were approaching, in some places, $4 a gallon. Middle-class families are being squeezed by increases in the cost of food, education, and the cost of health care.

Our budget will extend tax relief to these families. The Democratic budget will prevent the alternative minimum tax from reaching millions of middle-class families. Senator BAUCUS's amendment, which I am cosponsoring, will provide further relief by extending the tax credit, the child credit, the dependent care credit, and other provisions, including several important provisions to our veterans and to our active duty military personnel.

At the same time, unlike the President's budget of the last 5 years, we maintain a path to a balanced budget. The Senator from New Jersey and I, and others, participated in the 1990s in passing a balanced budget under President Clinton. We moved toward a balanced budget, unlike what President Bush has unraveled in the last 6 years. This is an important difference between our budget and the President's.

Once upon a time, our Republican colleagues were concerned about balancing the budget. That was then. Now, this administration has piled up trillions of dollars of debt that our children and grandchildren will be forced to repay—a sorry legacy indeed. The public debt stood at $6 trillion—actually less than $6 trillion—when President Bush took the oath of office in 2001. By the end of this fiscal year, the debt will have grown to $10 trillion. That is a 4,000 billion dollar growth, from under $6 trillion to more than $10 trillion. Even at a time of low interest rates, we will spend $260 billion next year to pay interest due on that debt.

Many of my Republican colleagues have changed their tune because they do not seem so interested in balanced budgets anymore. They will say the cost isn't that great when measured against the size of the economy. But they ignore the opportunity cost. Think of that $260 billion and what we could have done with that money. Think of how it could be used to expand opportunity for better health care, for education, for roads, for bridges, for research, for infrastructure. Instead, we write checks to bondholders, many of them big contributors to my Republican colleagues, whose addresses are more and more often found, in some cases, in China and in the OPEC states and in the offshore banking centers.

The hundreds of billions in Federal debt financed by foreigners is swamped by the even larger size of the trade deficit, which has roughly doubled under the Bush administration, to more than $700 billion last year. Every day in this country, every single day of the year, we buy almost $2 billion in goods, importing more into this country than we export—almost $2 billion every single day. That translates into lost jobs, it translates into stagnating wages, it translates into communities that are, in many cases, devastated. Places particularly hard hit are smaller towns and industrial centers that have been hard hit by plant closings.

Our manufacturing sector has in too many cases been hollowed out. Companies that have been in business for centuries, surviving challenges from the Great War to the Great Depression, have been unable to weather this administration. The response: The Bush budget eliminates funding for one of the Government's most effective programs to help small business, the Manufacturing Extension Program, which assists American manufacturers to adapt to changing technology.

We can do better, and the Democratic budget does do better. Over the weeks ahead, in working with our colleagues in the House, we will write a budget that pays attention to the voices of the middle class and responds to the needs of the middle class. We will write a budget that increases funding for education and for health care, one that gears tax policy to the needs of struggling families and small businesses, and one that builds a foundation rather than undercutting that foundation for our future and doesn't take a mortgage out on it.

As an Eagle Scout many years ago, I was taught you should leave a campground better than you found it. I think that is not a bad description for our role as Senators too. Let us make the choices that will leave the country's fiscal situation better than it is today. Let's help the middle class, let's help working families and end the red ink. Let's invest in our future.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSOLIDATED RESOURCES ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the following letter and listing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 11, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: S. 2739, the Consolidated Natural Resources Act of 2008, which I introduced yesterday, is a collection of 62 separate legislative measures under the jurisdiction of the Committee on Energy and Natural Resources. The purpose of the bill is to facilitate consideration in the Senate of the large and growing number of measures relating to protection of natural resources and preservation of our historic heritage that have been passed by the House of Representatives and approved by the Committee on Energy and Natural Resources. Forty-three of the measures in S. 2739 consist of the text of separate bills passed by the House of Representatives, twelve are drawn from separate titles, subtitles, or sections of two other House-passed bills, and two are House-passed concurrent resolutions. Only one provision, section 482, contains new matter that has not passed the House of Representatives.

While S. 2739 incorporates a number of provisions of S. 2483, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, which I introduced 3 months ago, on December 14, 2007, there are a number of differences between the bills that are dictated by the amount of time that has elapsed since last December and by action that has since taken place in the House of Representatives. Two of the sections included in S. 2483 last December were subsequently enacted into law as part of the Consolidated Appropriations Act, 2008, Public Law 110–161, and, accordingly, have been left out of S. 2739. Eight new provisions, drawn from eight separate House bills or resolutions, have been added. Two of the effective dates in title VIII of S. 2483 have been extended in S. 2739 in light of the passage of time since S. 2483 was introduced. In addition, minor modifications were made in a few other provisions.

Although S. 2739 has not been referred to the Committee on Energy and Natural Resources, all of the House bills that make up S. 2739 or their Senate companions have either been reported or ordered reported by the Committee.

Rule XLIV of the Standing Rules of the Senate provides that, before proceeding to the consideration of a bill, the chairman of the committee of jurisdiction must certify that each congressionally designated spending item in the bill and the name of the Senator requesting it has been identified and posted on a publicly accessible website. The term ''congressionally designated spending item'' is broadly defined, in pertinent part, to include '' a provision . . . included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.''

Fifteen of the House-passed measures incorporated into S. 2739 contain provisions authorizing the appropriation of specific amounts targeted to specific entities or localities. These authorizations are included in S. 2739 because they are part of the text of the House-passed bills. No Senator submitted a request to me to include them.

In the interest of furthering the transparency and accountability of the legislative process, however, I have posted a list of the specific authorizations in S. 2739 on the Committee on Energy and Natural Resources' website. The list includes the name of the principal sponsor of the Senate companion measure that corresponds to the House-passed bill. A copy of the list is attached for your convenience.

I previously asked the principal sponsor of the Senate companion measure of each House bill contained in S. 2483 to certify that neither the Senator nor the Senator's immediate family has a pecuniary interest in the item, and have posted the certifications I have received on the Committee's website. All certifications received in relation to S. 2483 remain on the Committee's website, where they are available for public inspection in accordance with paragraph 6 of Rule XLIV. I have not received any requests for new congressionally directed spending items to be included in S. 2739.

Thus, in accordance with Rule XLIV of the Standing Rules of the Senate, I hereby certify that each congressionally directed spending item in S. 2739 has been identified through a list and that the list was posted on the Committee's publicly accessible website at approximately 3:00 p.m. on March 11, 2008.

Sincerely,

JEFF BINGAMAN,
Chairman.

COMMITTEE ON ENERGY AND NATURAL RESOURCES CONGRESSIONALLY DIRECTED SPENDING ITEM CERTIFICATION PURSUANT TO RULE XLIV OF THE STANDING RULES OF THE SENATE

S. 2739—THE CONSOLIDATED NATURAL RESOURCES ACT OF 2008

Provisions in S. 2739 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process:

Section	Program or entity	State	Principal sponsor of Senate bill
314(c)	Acadia National Park	ME	Collins
333(e)	American Latino Museum Commission	DC	Salazar
334(j)	Hudson-Fulton and Champlain Commissions	NY & VT	Clinton
342(f)	Lewis & Clark Visitor Center	NE	Hagel
409	Hallowed Ground National Heritage Area	VA	Warner
430	Niagara Falls National Heritage Area	NY	Schumer
449	Abraham Lincoln National Heritage Area	IL	Durbin
461	Multiple National Heritage Areas	OH, PA, MA, SC	Voinovich
		WV, TN, GA, IA, & NY	none
504(d)	Watkins Dam	UT	Hatch
505	New Mexico water planning assistance	NM	Domenici
509	Multiple Oregon water projects	OR	Smith/Wyden
511	Eastern Municipal Water District	CA	Feinstein
512	Bay Area water recycling program	CA	Feinstein
515(b)(6)	Platte River	NB, WY, CO	Nelson (of NB)
516(c)	Central Oklahoma Master Conservancy District	OK	Inhofe

ARREST OF VIKTOR BOUT

Mr. FEINGOLD. Mr. President, I was pleased to hear about the recent arrest of Viktor Bout, one of the most notorious arms dealers in the world. Last week, Mr. Bout, was arrested in Thailand by a U.S. sting operation in collaboration with Thai authorities which apprehended him as he was allegedly trying to sell weapons to the FARC the main Colombian rebel group and an organization that has also been placed on the U.S. terrorist list.

If Bout is charged and convicted in Thailand, he faces 10 years in prison, while if the U.S. is able to extradite him he will face 15 years. I certainly recognize the need to ensure a free and fair trial for Mr. Bout that is his right but I am nonetheless pleased that after numerous attempts he has finally been arrested. For years, Bout has been able to evade law enforcement officers around the world, despite investigations by the U.N., the media, and even intelligence sources that indicate his complicity in arms smuggling and his role in fueling some of the world's most brutal wars in some cases by providing weapons to both sides of the conflict. Despite an outstanding 2002 Interpol warrant, until last week he was able to successfully dodge arrest.

Mr. President, Viktor Bout benefited from the unrestrained capitalism and weak institutions that emerged in the aftermath of the fall of the Berlin Wall and the collapse of the Soviet Union. He used that tumultuous period for his own personal gain, as he built an aircraft fleet, purchased cheaply from the stockpiles of discarded Cold War weapons, and sought out clients around the globe to help perpetuate his diabolical money-making schemes. He exploited the dearth of arms control initiatives in fledging countries and recognized that the lack of an international framework would serve his interests well.

According to Douglas Farah, one of the authors of the recently published ''Merchant of Death,'' ''[it] is highly unlikely [Bout] could have flown aircraft out of Russia and acquired huge amounts of weapons from Soviet arsenals without the direct protection of Russian intelligence, and, given his background, the [Russian military intelligence] seems the most likely candidate.'' Indeed, it is likely that such assistance was needed to create such a vast empire.

Mr. President, this empire had many and varied clients. In fact, during the early years of the Iraq war, Bout's aircrafts were used to support U.S. Government contractor and subcontractor work. I inquired about the use of these aircrafts at a 2004 Iraq hearing in the Senate Foreign Relations Committee and learned shortly thereafter that both the State and Defense Departments had done business with Bout. Not long after my inquiry, this business relationship was purportedly terminated and Bout's assets were frozen by the Treasury Department. But despite this corrective action, Bout's work remained uninhibited and, according to some credible reports, he continued to associate with other entities of the U.S. Government.

Bout was clearly a savvy and dependable broker, but he used these talents to do business with some of the most unsavory characters in the world. The U.N. investigative team which pursued Bout found that he was pouring small arms and ammunition into Afghanistan, Angola, Rwanda, Sierra Leone, and the Democratic Republic of Congo for years—enabling millions of innocent people to be slaughtered and supporting carnage at unprecedented levels.

Bout was able to circumvent both national and international arms controls by exploiting holes in the system. Despite the arrest warrants, asset freezes, and international embargoes, he was able to operate with impunity because of the lack of concerted international cooperation within the arms control and law enforcement arenas. Last week's arrest is a testament to the importance of that global cooperation and a reminder that as our world continues to globalize we must work together in order to hold individuals like Bout accountable for their actions.

UPCOMING ELECTIONS IN ZIMBABWE

Mr. FEINGOLD. Mr. President, since independence in 1980, politics in Zimbabwe had been dominated by one party and indeed one man President and head of the ruling ZANU-PF, Robert Mugabe. In February 2000, Zimbabwe's citizens delivered a blow to President Mugabe when they rejected his party's proposed new constitution, and then in June's legislative elections, even without access to the state-run media and without significant financing, opposition candidates managed to win 58 of 150 parliamentary seats, up from just 3.

In 2000, I joined many in Zimbabwe and the international community in hoping that this victory would mark the end of the ruling party's stranglehold on the state and herald the opening of democratic space and opportunities in a country that has seen repression for too long. Instead, Mr. Mugabe

and his party responded to these defeats by tightening their grip on power. In 2000, international headlines warned of ''Zimbabwe's unprecedented economic and social crisis'' with unemployment at 50 percent and almost 60 percent inflation, and the 2000 elections were marred by the harassment of opposition candidates and supporters in which at least 25 were killed.

These numbers pale in comparison with the devastating economic and political situations in Zimbabwe today. According to official figures, annual inflation now tops 100,000 percent with 80 percent employment despite the fact that at least one quarter of the population has fled the country. Meanwhile, the harassment and intimidation of the independent media, opposition politicians, civil society leaders, and human rights advocates has become more widespread and systematic.

Exactly 1 year ago today, when opposition party activists and members of civil society attempted to hold a peaceful prayer meeting in response to President Mugabe's announcement that he would seek reelection, they were brutally assaulted by ZANU-PF police officers, security forces, and youth militia. More than 50 were arrested, at least 1 killed, and many badly beaten.

On this somber anniversary, I appeal to political leaders here in the United States, in Africa, and around the world to send a strong signal to President Mugabe and his supporters that we want to see Zimbabwe recover from its current crisis and we will be watching as the unprecedented simultaneous presidential and legislative general elections are held on March 29. The violent repression, and even coercive harassment, we saw in March 2007 is unacceptable and will have negative consequences both internally and externally.

For years, I have been frustrated and saddened by the hastening decline of this country. The courageous, patriotic citizens of Zimbabwe who resist the state's repression, even at enormous personal cost, must know that the world supports them, and the country's corrupt and tyrannical rulers must be told that their time is up.

Although it will not happen this month, I hope that someday soon the people of Zimbabwe will be given a chance to freely express their will in a genuine democratic process that is free from manipulation, intimidation, and coercion.

THE TRUE COSTS OF THE IRAQ WAR

Mr. LEAHY. Mr. President, the economists Linda Bilmes and Joseph Stiglitz recently produced an illuminating analysis of the real costs of the war in Iraq, which was published last Sunday in The Washington Post.

As the war grinds on toward its fifth year, and as the war continues to warp our Nation's priorities at home and abroad, this is an analysis that every American deserves to see. I also commend it to the attention of the Members of the Senate.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 2008]

THE IRAQ WAR WILL COST US $3 TRILLION, AND MUCH MORE

(By Linda J. Bilmes and Joseph E. Stiglitz)

There is no such thing as a free lunch, and there is no such thing as a free war. The Iraq adventure has seriously weakened the U.S. economy, whose woes now go far beyond loose mortgage lending. You can't spend $3 trillion—yes, $3 trillion—on a failed war abroad and not feel the pain at home.

Some people will scoff at that number, but we've done the math. Senior Bush administration aides certainly pooh-poohed worrisome estimates in the run-up to the war. Former White House economic adviser Lawrence Lindsey reckoned that the conflict would cost $100 billion to $200 billion; Defense Secretary Donald H. Rumsfeld later called his estimate ''baloney.'' Administration officials insisted that the costs would be more like $50 billion to $60 billion. In April 2003, Andrew S. Natsios, the thoughtful head of the U.S. Agency for International Development, said on ''Nightline'' that reconstructing Iraq would cost the American taxpayer just $1.7 billion. Ted Koppel, in disbelief, pressed Natsios on the question, but Natsios stuck to his guns. Others in the administration, such as Deputy Defense Secretary Paul D. Wolfowitz, hoped that U.S. partners would chip in, as they had in the 1991 Persian Gulf War, or that Iraq's oil would pay for the damages.

The end result of all this wishful thinking? As we approach the fifth anniversary of the invasion, Iraq is not only the second longest war in U.S. history (after Vietnam), it is also the second most costly—surpassed only by World War II.

Why doesn't the public understand the staggering scale of our expenditures? In part because the administration talks only about the upfront costs, which are mostly handled by emergency appropriations. (Iraq funding is apparently still an emergency five years after the war began.) These costs, by our calculations, are now running at $12 billion a month—$16 billion if you include Afghanistan. By the time you add in the costs hidden in the defense budget, the money we'll have to spend to help future veterans, and money to refurbish a military whose equipment and materiel have been greatly depleted, the total tab to the federal government will almost surely exceed $1.5 trillion.

But the costs to our society and economy are far greater. When a young soldier is killed in Iraq or Afghanistan, his or her family will receive a U.S. government check for just $500,000 (combining life insurance with a ''death gratuity'')—far less than the typical amount paid by insurance companies for the death of a young person in a car accident. The stark ''budgetary cost'' of $500,000 is clearly only a fraction of the total cost society pays for the loss of life—and no one can ever really compensate the families. Moreover, disability pay seldom provides adequate compensation for wounded troops or their families. Indeed, in one out of five cases of seriously injured soldiers, someone in their family has to give up a job to take care of them.

But beyond this is the cost to the already sputtering U.S. economy. All told, the bill for the Iraq war is likely to top $3 trillion. And that's a conservative estimate.

President Bush tried to sell the American people on the idea that we could have a war with little or no economic sacrifice. Even after the United States went to war, Bush and Congress cut taxes, especially on the rich—even though the United States already had a massive deficit. So the war had to be funded by more borrowing. By the end of the Bush administration, the cost of the wars in Iraq and Afghanistan, plus the cumulative interest on the increased borrowing used to fund them, will have added about $1 trillion to the national debt.

The long-term burden of paying for the conflicts will curtail the country's ability to tackle other urgent problems, no matter who wins the presidency in November. Our vast and growing indebtedness inevitably makes it harder to afford new health-care plans, make large-scale repairs to crumbling roads and bridges, or build better-equipped schools. Already, the escalating cost of the wars has crowded out spending on virtually all other discretionary federal programs, including the National Institutes of Health, the Food and Drug Administration, the Environmental Protection Agency, and federal aid to states and cities, all of which have been scaled back significantly since the invasion of Iraq.

To make matters worse, the U.S. economy is facing a recession. But our ability to implement a truly effective economic-stimulus package is crimped by expenditures of close to $200 billion on the two wars this year alone and by a skyrocketing national debt.

The United States is a rich and strong country, but even rich and strong countries squander trillions of dollars at their peril. Think what a difference $3 trillion could make for so many of the United States'—or the world's—problems. We could have had a Marshall Plan to help desperately poor countries, winning the hearts and maybe the minds of Muslim nations now gripped by anti-Americanism. In a world with millions of illiterate children, we could have achieved literacy for all—for less than the price of a month's combat in Iraq. We worry about China's growing influence in Africa, but the upfront cost of a month of fighting in Iraq would pay for more than doubling our annual current aid spending on Africa.

Closer to home, we could have funded countless schools to give children locked in the underclass a shot at decent lives. Or we could have tackled the massive problem of Social Security, which Bush began his second term hoping to address; for far, far less than the cost of the war, we could have ensured the solvency of Social Security for the next half a century or more.

Economists used to think that wars were good for the economy, a notion born out of memories of how the massive spending of World War II helped bring the United States and the world out of the Great Depression. But we now know far better ways to stimulate an economy—ways that quickly improve citizens' well-being and lay the foundations for future growth. But money spent paying Nepalese workers in Iraq (or even Iraqi ones) doesn't stimulate the U.S. economy the way that money spent at home would—and it certainly doesn't provide the basis for long-term growth the way investments in research, education or infrastructure would.

Another worry: This war has been particularly hard on the economy because it led to a spike in oil prices. Before the 2003 invasion, oil cost less than $25 a barrel, and futures markets expected it to remain around there. (Yes, China and India were growing by leaps and bounds, but cheap supplies from the Middle East were expected to meet their demands.) The war changed that equation, and oil prices recently topped $100 per barrel.

While Washington has been spending well beyond its means, others have been saving—including the oil-rich countries that, like the oil companies, have been among the few winners of this war. No wonder, then, that China, Singapore and many Persian Gulf emirates have become lenders of last resort for troubled Wall Street banks, plowing in billions of dollars to shore up Citigroup, Merrill Lynch and other firms that burned their fingers on subprime mortgages. How long will it be before the huge sovereign wealth funds controlled by these countries begin buying up large shares of other U.S. assets?

The Bush team, then, is not merely handing over the war to the next administration; it is also bequeathing deep economic problems that have been seriously exacerbated by reckless war financing. We face an economic downturn that's likely to be the worst in more than a quarter-century.

Until recently, many marveled at the way the United States could spend hundreds of billions of dollars on oil and blow through hundreds of billions more in Iraq with what seemed to be strikingly little short-run impact on the economy. But there's no great mystery here. The economy's weaknesses were concealed by the Federal Reserve, which pumped in liquidity, and by regulators that looked away as loans were handed out well beyond borrowers' ability to repay them. Meanwhile, banks and credit-rating agencies pretended that financial alchemy could convert bad mortgages into AAA assets, and the Fed looked the other way as the U.S. household-savings rate plummeted to zero.

It's a bleak picture. The total loss from this economic downturn—measured by the disparity between the economy's actual output and its potential output—is likely to be the greatest since the Great Depression. That total, itself well in excess of $1 trillion, is not included in our estimated $3 trillion cost of the war.

Others will have to work out the geopolitics, but the economics here are clear. Ending the war, or at least moving rapidly to wind it down, would yield major economic dividends.

As we head toward November, opinion polls say that voters' main worry is now the economy, not the war. But there's no way to disentangle the two. The United States will be paying the price of Iraq for decades to come. The price tag will be all the greater because we tried to ignore the laws of economics—and the cost will grow the longer we remain.

DEATHS OF WOMEN IN GUATEMALA

Mr. BINGAMAN. Mr. President, I wish to speak about the tragic deaths of women and girls in Guatemala and to note the passage of a resolution I introduced that is aimed at enhancing efforts by the Governments of Guatemala and the United States to address this serious issue. The resolution, S. Res. 178, which passed the Senate last night, is cosponsored by Senators Boxer, Casey, Dodd, Durbin, Feingold, Feinstein, Lautenberg, Leahy, Lincoln, Menendez, Sanders, Smith, and Snowe.

Mr. President, since 2001 more than 2,000 women and girls have been murdered in Guatemala. Although the overall murder rate in the country is extremely troubling, the murder rate with regard to women has increased at an alarming rate it almost doubled from 2001 to 2006. While these killings may be due to a variety of factors, what clearly unifies these cases is the fact that very few of the perpetrators have been brought to justice. It is my understanding that, as of 2006, there were only 20 convictions for these killings.

The general lack of respect for the rule of law, inadequate legal protections for women, ongoing violence in the country, corruption, insufficient resources, substandard investigations, and the lack of independent and effective judicial and prosecutorial systems, all contribute to the inability of the Government of Guatemala to hold those responsible for these killings accountable for their crimes. The result is a sense of impunity for crimes against women in the country.

The Government of Guatemala has taken some steps to address these killings. Guatemala has created special police and prosecutorial units to investigate these murders and repealed the so-called ''Rape Law'' which had absolved perpetrators of criminal responsibility for rape upon the perpetrator's marriage with the victim. The Government also entered into an agreement with the United Nations to establish the International Commission Against Impunity in Guatemala, CICIG, which has a mandate to investigate and prosecute illegal security groups operating with impunity. And Guatemala established the National Institute for Forensic Sciences to improve investigatory and evidence gathering efforts.

The resolution the Senate passed last night is aimed at raising awareness of this issue and encouraging the Governments of Guatemala and the United States to work together to stop these killings. Among other things, the resolution: Condemns these murders and expresses the sympathy of the Senate to the families of women and girls murdered in Guatemala; encourages the Government of Guatemala to act with due diligence in investigating and prosecuting those responsible for these crimes; urges the Government of Guatemala to strengthen domestic violence laws and to provide adequate resources necessary to improve the integrity of the prosecutorial and judicial systems; urges the President and the Secretary of State to incorporate this issue into the bilateral agenda between the Governments of Guatemala and the United States; and encourages the Secretary of State to provide assistance in training and equipping special police units to investigate these crimes, implementing judicial reforms and rule of law programs, establishing a missing persons system, creating an effective witness protection program, and supporting efforts to enhance forensic capabilities.

Mr. President, I believe it is very important to give this issue the attention it deserves. Last year, the House of Representatives passed a similar measure, which was introduced by Congresswoman SOLIS. With passage of this resolution, I am very pleased that the Senate has spoken regarding the need to stop these senseless killings.

JOINT RESOLUTION DISAPPROVING THE FCC MEDIA OWNERSHIP RULE

Mr. DORGAN. Mr. President, on March 5, 2008, I introduced a joint resolution of disapproval stating that the December 18, 2007, vote by the Federal Communications Commission to loosen the ban on cross-ownership of newspapers and broadcast stations shall have no force or effect. I am joined by Senators SNOWE, KERRY, COLLINS, DODD, STEVENS, OBAMA, HARKIN, CLINTON, CANTWELL, BIDEN, REED, FEINSTEIN, SANDERS, TESTER, LEAHY, FEINGOLD, and BOXER. We seek with this resolution of disapproval to reverse the Federal Communications Commission's, FCC, fast march to ease media ownership rules.

The FCC has taken a series of destructive actions in the past two decades that I believe have undermined the public interest. On December 18, 2007, they took yet another step in the wrong direction. They gave a further green light to media concentration.

The FCC voted to allow cross-ownership of newspapers and broadcast stations in the top 20 markets, with loopholes for mergers outside of the top 20 markets. The newspapers would be allowed to buy stations ranked above fifth and above.

The rule change was framed as a modest compromise. But make no mistake, this is a big deal. As much as 44 percent of the population lives in the top 20 markets of the United States. When nearly half of the people in this country are told that in their cities and towns the media will get the thumbs up to consolidate, they will not be happy. And with the loopholes in the rule, the FCC spurs a new wave of media consolidation in both large and small media markets.

The last time the FCC tried to do this, the U.S. Senate voted to block it. On September 16, 2003, the Senate voted 55 to 40 to support a ''resolution of disapproval'' of the FCC's previous decision to further consolidate media. We warned Chairman Martin that if he rushed this vote we would have to use the resolution of disapproval again.

On December 4th the Commerce Committee reported out the bipartisan

''Media Ownership Act of 2007,'' S. 2332 with 25 co-sponsors, requiring the FCC to give more time for public comment and study the issues of localism and diversity. The Chairman overlooked this bill.

On the day before the vote, 27 Senators sent them a letter in opposition to such a rushed vote on the rules. He went ahead anyway.

The FCC rushed towards a December 18th vote with a complete disregard for the process, let alone the substance of their ruling.

They rushed to finish the localism and ownership hearings with as little as 5 business days of notice before the last hearings.

The Chairman put out the proposed rule changes on November 13th in a New York Times op-ed—after the comment period had closed.

He then didn't give the public nearly enough opportunity to comment on the actual rule changes that were voted on. He gave the public just 28 days to comment on the proposed rules. While he likes to speak of giving 120 days and six hearings around the country, this was prior to the announcement of what rules would actually change. And he ignored the public testimony anyway.

This was hardly an open and deliberative process. It is a massive rush and a big mistake.

This rule will undercut localism and diversity of ownership around the country. Studies show that removing the ban on newspaper/broadcast cross-ownership results in a net loss in the amount of local news produced in the market as a whole. In addition, while the FCC suggests that cross-ownership is necessary to save failing newspapers, the publicly traded newspapers earn annual rates of return between 16 and 18 percent.

This Resolution of Disapproval will ensure this rule change has no effect. This is again a bipartisan effort to stop the FCC from destroying the local interests that we have always felt must be a part of broadcasting.

It is time to ensure that we first protect localism and diversity, which the FCC appears to have long forgotten. Only then can we really review the rules of media ownership in a thorough process to see if it is actually in the public interest to reverse any of those rules, or if greater public interest protections are necessary.

ADDITIONAL STATEMENTS

HONORING JERRY BUTKIEWICZ

• Mrs. BOXER. Mr. President, today I wish to honor Jerry Butkiewicz, a labor leader in San Diego who recently retired as secretary-treasurer of the San Diego Imperial Counties Labor Council. He has devoted the past 30 years to improving the quality of life for all people.

In 1975, Jerry Butkiewicz joined the American Postal Workers Union, APWU, in Phoenix, AZ. He became shop steward and within a few years rose to president of the local. Five years later, attracted by the beautiful weather in California, Jerry Butkiewicz and his family moved to Oceanside in San Diego where he continued to work for the U.S. Postal Service. Shortly after his arrival, he was elected president of the APWU in Oceanside. In 1981, the San Diego Imperial Counties Labor Council selected him as their liaison between organized labor and the United Way of San Diego County.

Elected secretary-treasurer in 1996, Jerry Butkiewicz led the Labor Council with compassion, practicality, and a tireless work ethic until January 2008. Over his 12 years as secretary-treasurer, he worked to grow and strengthen the labor movement in San Diego. Through his efforts, the Labor Council has improved the lives of countless San Diegans. Jerry was active in the San Diego Greater Chamber of Commerce, the United Way of San Diego, the San Diego Workforce Partnership, the Environmental Health Coalition, and the State Workforce Investment Board.

Jerry Butkiewicz has worked tirelessly to provide all Californians with a fair wage, affordable health care, and a safe working environment. His service to the working families of San Diego has been an invaluable contribution to all who live in San Diego and California.

I congratulate Jerry Butkiewicz on his retirement, and wish him continued success in his future endeavors.•

50TH ANNIVERSARY OF LAS TRAMPAS

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 50th anniversary of Las Trampas, a nonprofit organization dedicated to supporting adults with developmental disabilities located in Contra Costa County.

Founded in 1958 in Lafayette, CA, Las Trampas has grown to include four State-licensed group residential homes throughout Contra Costa County. Through the work of its staff, volunteers, and board of directors, Las Trampas actively assists adults with developmental disabilities to discover their capabilities so that they may live their lives as independently as possible.

Las Trampas is committed to helping each of its clients succeed in all aspects of daily living. It offers programs that emphasize a life-long educational process, including self-advocacy skills, risk evaluation, emotion management, and clear communication skills. Two programs of note include the Adult Vocational Program and the Adult Development Program. The Adult Vocational Program provides employment services and skills development, and has helped many Las Trampas clients gain employment with local businesses. The Adult Development Program caters to small groups and highlights educational development in the areas of daily living tasks, communications, social interaction, and employment. Most importantly, Las Trampas works with every person to help them practice each of these skills in real life situations.

The support services and programs provided by Las Trampas offer those with developmental disabilities the opportunity to turn the dream of full inclusion in the community into a reality. I commend the Las Trampas staff and volunteers for their dedicated work in assisting adults with developmental disabilities lead fuller lives in their home, at work, and in the community.

I congratulate Las Trampas for its dedicated work on this special occasion, and I send my best wishes for many future successes over the next 50 years.•

100TH ANNIVERSARY OF THE YWCA OF SAN DIEGO COUNTY

• Mrs. BOXER. Mr. President, I ask my colleagues to recognize the 100th anniversary of the YWCA of San Diego County. On Tuesday, March 11, 2008, YWCA of San Diego County and community members will gather to celebrate this momentous occasion.

The YWCA is the largest and oldest multicultural women's organization in the world. The YWCA was formed in 1855 in London by Emma Robarts and Mrs. Arthur Kinnaird. The YWCA later expanded to the United States in 1858 in New York and Boston. Today it serves as the largest organization dedicated to empowering women and provide an important voice for women at local, state, and international levels. YWCA of San Diego County is one of 300 local associations in the United States.

YWCA of San Diego County was formally incorporated in 1908. For the past 100 years, YWCA has been a champion in the community on behalf of women and families who escape homelessness and domestic violence. The mission of YWCA ''is to increase safety, promote healing, foster empowerment, and give hope to women and families through innovative programs'' and services.

The dedication of the YWCA to its mission is displayed through the programs and services that the YWCA provides. These programs and services include residential programs like transitional housing and emergency shelter, legal support, career assistance, counseling, and a telephone hotline. All of these programs are designed to support the needs of women and families coping with domestic violence and homelessness.

Through a variety of programs such as Becky's House emergency shelter the YWCA of San Diego County is able to offer confidential, transitional housing for victims of domestic violence and their children. Various services like, legal assistance and counseling is provided to the residents of the emergency shelter. After the residents complete a 30 day stay at the shelter they are given the opportunity to complete an 18-month residential program at Becky's House. This program provides legal assistance, educational and career counseling, case management, and educational and play activities for the children of the women in the program.

More than 70 percent of the 2,000 individuals the YWCA of San Diego County serve each year are able to obtain employment and permanent housing, so that the individual can sustain a secure, independent way of life.

YWCA of San Diego County has set a wonderful example of philanthropy, civic service, and altruism for the community at large. Organizations such as the YWCA should be recognized for the critical role they play in strengthening women and families in California and the United States of America. I salute the men and women of YWCA for their continuous commitment to the betterment of women and families in crisis and efforts to enrich the broader San Diego community.

I congratulate the YWCA of San Diego County on the celebration of its 100th anniversary. I wish them continued success.●

RECOGNIZING CHAFFEY COLLEGE ON ITS 125TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing Chaffey College as it celebrates its 125th anniversary. Throughout the past 125 years, the students, faculty, staff, and community have worked diligently to make Chaffey College a hallmark institution of higher learning in southern California.

In March 1883, brothers and engineers George and William Chaffey donated land and established an endowment for a private college to provide quality education to the citrus growing communities between the cities of Los Angeles and San Bernardino. The Chaffey brothers envisioned access to higher education throughout southern California for a burgeoning population, which would soon be realized by the dynamic growth of the college. The private school was initially founded as the Chaffey College of Agriculture as part of the University of Southern California. A short time later the college had an enrollment of 100 students and began to receive joint funding through the local school district, allowing a period of dramatic growth to begin.

Since that time, Chaffey College has continued in its legacy of expansion, and it has taken great strides to provide increased opportunities for higher education throughout the region. It has developed satellite campus facilities in Ontario, Fontana and Chino. The education center in Chino is the only community college facility in California that is dedicated solely to information technology. And in May 2007, Chaffey College was able to dedicate six new buildings, including four science and technology buildings, the Don Berz Excellence Building, and the Kane Center for Student Services and Administration. Today, Chaffey College offers a wide variety of both academic and vocational education courses to over 18,000 students, helping an entire region of students throughout multiple communities find a competitive edge in the global marketplace.

As Chaffey College celebrates 125 years of growth and development in serving the communities of southern California, I am pleased to ask my colleagues to recognize its accomplishments. The success of our Nation and of future generations of Americans will be ensured by the continuing dedication and commitment of educational institutions such as Chaffey College.●

TRIBUTE TO DR. PATRICIA SANDERS

● Mr. SESSIONS. Mr. President, on the occasion of her retirement from the Department of Defense, I wish to recognize Dr. Patricia Sanders for her nearly 35 years of dedicated service to the security of our country. In her most recent assignment, she served as Executive Director at the Missile Defense Agency, where she advised the Director on issues related to the management and operations of one of the most dynamic organizations within the Department of Defense. Dr. Sanders has made an enormous contribution to the successful development and fielding of a defense to protect a nation, American troops deployed abroad, and our allies and friends from attack by ballistic missiles.

Dr. Sanders graduated as a National Science Foundation Fellow from Wayne State University in 1972 with a doctorate in mathematics, where she also was educated in economics, organizational management, and other disciplines. She went on to hold several university faculty positions. It is to our great benefit, though, that Dr. Sanders decided to pursue a career in government.

Her service within the Department of Defense as a member of the test and evaluation community has been extensive. Prior positions in the Office of the Secretary of Defense included serving as the Director of Land Forces in the Office of the Assistant Secretary of Defense for Program Analysis and Evaluation and as Staff Specialist for the Director of Operational Test and Evaluation. Dr. Sanders served as Deputy Director for Analysis with the U.S. Space Command, Science Adviser to the Command, Control, Communications and Countermeasures Joint Test Force, and Chief of Modeling and Simulation and Technical Advisor to the Electronics Systems Division at the Air Force Operational Test and Evaluation Center.

Dr. Sanders has extensive experience as a member of the Department's senior executive service. Before coming to the Missile Defense Agency, she was the Director for Test, Systems Engineering and Evaluation in the Office of the Under Secretary of Defense for Acquisition and Technology, responsible for ensuring the integration of all engineering disciplines into the system acquisition process, providing technical risk assessments and oversight of developmental test and evaluation for many of the weapon systems used by our Armed Forces today.

Dr. Sanders held numerous positions within the Missile Defense Agency and its predecessor organization, the Ballistic Missile Defense Organization. She came to the Ballistic Missile Defense Organization in 1999 to be the Deputy for Test, Simulation and Evaluation. In this position, she was also the senior technical advisor to the Director. She served in this capacity until the Secretary of Defense gave the missile defense program a new direction.

In early 2002, the start of one of the most dynamic periods in the Agency's history, and shortly after the Missile Defense Agency was established, Dr. Sanders was appointed the Deputy Director for Ballistic Missile Defense System Integration. She played a critical role in managing the development and fielding of an integrated missile defense system. Dr. Sanders played an instrumental role in developing the concept for the Ballistic Missile Defense System and advising Department leaders on the authorities and responsibilities required to develop and field an effective missile defense system.

As Executive Director, a role she assumed in 2005, Dr. Sanders advised the Director on issues related to Agency management and operations. She also took on numerous tasks delegated by the Director such as directing the development of strategic communications campaign plans. Perhaps the most striking example of this came in the U.S. Government's European Site Initiative, where her vision for and guidance to this endeavor contributed to the development of a broad consensus among national leaders, combatant commanders, and the international communities on the growing need to establish a long-range missile defense capability in Europe. Dr. Sanders also helped to realize important cooperative agreements with Japan and

Israel, which today are helping contribute to a truly worldwide ballistic missile defense capability.

During North Korea's provocative missile launches in July 2006, Dr. Sanders coordinated the Agency's actions during this crisis and established a dedicated crisis action team of highly trained staff to provide situation awareness to the President, combatant commanders, and the entire missile defense developer community. She educated senior military and civilian decisionmakers on the capabilities afforded by the deployed elements of the system so that the Nation's plans to deal with the crisis were based on accurate and timely information.

As the Agency's senior leader dealing with operational and management functions, Dr. Sanders impacted the Agency's operations on a daily basis. She served as a senior interlocutor with all external defense agencies, the Services, and Members of Congress. The Agency's senior civilian, she was also the final arbiter of all issues related to personnel administration and development, directing and managing a diverse staff spanning seventeen time zones. In just the last 2 years, the Agency underwent a conversion to the new National Security Personnel System and made plans to execute a Base Realignment to Huntsville, AL, by 2011. To help the Agency weather this challenging period, Dr. Sanders instituted several major efforts in strategic human capital planning. She restructured the Agency's strategic mission planning and communications activity, directing a much-needed overhaul of long-range congressional and public affairs strategies. She also created and chaired a Base Realignment and Closure Panel to develop strategies for the transition to Huntsville and established working relationships with local officials in northern Alabama and with the Tennessee Valley Association. As a direct result of her leadership, the Agency has received more volunteers for relocation than anticipated.

For many years now Dr. Sanders has been a fellow of the American Institute of Aeronautics and Astronautics and, at one point, served as chair of AIAA's Flight Test Technical Committee. She is a past president of the International Test and Evaluation Association and has served on the board of directors for the Military Operations Research Society. She also has devoted significant time to mentoring future Defense Department civilian leaders. Throughout her career, Dr Sanders has been a champion of diversity and has been dedicated to recruitment and retention of young professionals in the Federal Government. She has been a dedicated mentor to women in the engineering field and has been a role model and pathfinder for women in defense. In addition, while at MDA, Dr. Sanders instituted a mentoring program for defense acquisition professionals, established an active career intern program and a Presidential management fellowship program.

Dr. Patricia Sanders has consistently exemplified the finest attributes of a senior executive dedicated to public service. Her contributions, leadership, and service are well known throughout the Department. I am honored and proud to enter this tribute to Dr. Patricia Sanders into the official record. On behalf of all my colleagues, and with deep gratitude in my heart, I wish her the best as she embarks on the next journey in her life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED ON MARCH 15, 1995, WITH RESPECT TO IRAN—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Iran remains the world's most active state sponsor of terrorism, and continues to provide lethal support to Lebanese Hizballah, HAMAS, Palestinian Islamic Jihad and numerous other terrorist organizations in the region, as well as to the Taliban in Afghanistan and various Iraqi militant groups. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 11, 2008*.

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 306. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

H. Con. Res. 313. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

At 2:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

ENROLLED JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) announced that on today, March 11, 2008, he had signed the following enrolled joint resolution, previously signed by the Speaker of the House:

S.J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

At 7:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 2082)

to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2738. A bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States and for other purposes.

S. 2739. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5354. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Daniel P. Leaf, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5355. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Codification and Modification of Berry Amendment'' (DFARS Case 2002–D002) received on March 6, 2008; to the Committee on Armed Services.

EC–5356. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department's decision to conduct a streamlined A–76 competition of aircraft maintenance; to the Committee on Armed Services.

EC–5357. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the waiver of the requirement for full-up system-level live fire testing relative to the KC–X; to the Committee on Armed Services.

EC–5358. A communication from the Principal Deputy, Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, an annual report relative to the activities of the Defense Production Act Title III fund for fiscal year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–5359. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Expanded Authorization for Temporary Exports and Reexports of Tools of Trade to Sudan'' (RIN0694–AE20) received on March 6, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5360. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Securities Offering Disclosure Rules'' (RIN1557–AD04) received on March 6, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5361. A communication from the Acting Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the Administration's Capital Investment Plan for fiscal year 2009 through fiscal year 2013; to the Committee on Commerce, Science, and Transportation.

EC–5362. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Aleutian Islands Habitat Conservation Area'' (RIN0648–AV62) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5363. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XF57) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5364. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XD68) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5365. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF62) received on March 6, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5366. A communication from the Secretary of Transportation, transmitting, the report of proposed legislation intended to allow a State to use funds to promote the use of motorcycle helmets; to the Committee on Commerce, Science, and Transportation.

EC–5367. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the disclosure of financial interest and recusal requirements; to the Committee on Commerce, Science, and Transportation.

EC–5368. A communication from the Secretary of Energy, transmitting, proposed legislation to authorize the Secretary to accept funds for use in Russia's plutonium disposition program; to the Committee on Energy and Natural Resources.

EC–5369. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC–5370. A communication from the Acting Chief, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Addition of Lithuania to the List of Nations Entitled to Special Tonnage Tax Exemption'' (CBP Dec. 08–02) received on March 6, 2008; to the Committee on Finance.

EC–5371. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: National Median Gross Income Figures for 2008'' (Rev. Proc. 2008–19) received on March 6, 2008; to the Committee on Finance.

EC–5372. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amplification of Notice 2006–27; Certification of Energy Efficient Home Credit'' (Notice 2008–35) received on March 6, 2008; to the Committee on Finance.

EC–5373. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amplification of Notice 2006–28; Energy Efficient Home Credit; Manufacture Homes'' (Notice 2008–36) received on March 6, 2008; to the Committee on Finance.

EC–5374. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Herbert V. Kohler, Jr., et al. v. Commissioner'' (AOD 2008–9) received on March 6, 2008; to the Committee on Finance.

EC–5375. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2008 Section 280F Automobile Inflation Adjustments'' (Rev. Proc. 2008–22) received on March 6, 2008; to the Committee on Finance.

EC–5376. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Films

Under Section 199'' ((RIN1545–BG33) (TD 9384)) received on March 6, 2008; to the Committee on Finance.

EC–5377. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Under Section 1502; Amendment of Meeting Rule for Certain Gains on Member Stock'' ((RIN1545–BH21) (TD 9383)) received on March 6, 2008; to the Committee on Finance.

EC–5378. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Alternative Disability Mortality Tables'' (Notice 2008–29) received on March 6, 2008; to the Committee on Finance.

EC–5379. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Various Distribution Issues Effective in 2008 under the Pension Protection Act of 2008'' (Notice 2008–30) received on March 6, 2008; to the Committee on Finance.

EC–5380. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Compliance Initiative Covering Policies of Insurance and Reinsurance Issues by Foreign Insurers and Foreign Reinsurers'' (Announcement 2008–18) received on March 6, 2008; to the Committee on Finance.

EC–5381. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 2008–15'' received on March 6, 2008; to the Committee on Finance.

EC–5382. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts'' ((RIN1545–BG65) (TD 9385)) received on March 6, 2008; to the Committee on Finance.

EC–5383. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–18—2008–20); to the Committee on Foreign Relations.

EC–5384. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom to support the manufacture of the MX–10205A/GRC Applique; to the Committee on Foreign Relations.

EC–5385. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed manufacturing license agreement for the export of defense articles to the United Kingdom to support the replication of the Quick Fox software object code; to the Committee on Foreign Relations.

EC–5386. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual report relative to its operations and financial condition; to the Committee on Health, Education, Labor, and Pensions.

EC–5387. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on March 6, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5388. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the use of the exemption from the antitrust laws provided by the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

EC–5389. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–313 , ''Emergency Medical Services Improvement Amendment Act of 2008'' received on March 6, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5390. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–292 , ''Commission on Fashion Arts and Events Establishment Act of 2008'' received on March 6, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5391. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–312 , ''Evictions with Dignity Amendment Act of 2008'' received on March 6, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5392. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled, ''The Federal Agency Data Mining Reporting Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–5393. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 2740. A bill to modify the project area for the project for navigation, Atchafalaya River, Bayous Chene, Bouef, and Black, Louisiana; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 2741. A bill to amend the Internal Revenue Code of 1986 to provide for disability savings accounts, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN:

S. 2742. A bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. HATCH):

S. 2743. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of financial security accounts for the care of family members with disabilities, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2744. A bill to amend the Workforce Investment Act of 1998 to increase the Nation's competitiveness and enhance the workforce investment systems by authorizing the implementation of Workforce Innovation in Regional Economic Development plans, the integration of appropriate programs and resources as part of such plans, and the provision of supplementary grant assistance and additional related activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. TESTER, Mr. SMITH, and Mr. BAUCUS):

S. Res. 479. A resolution designating March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1506

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1506, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1924

At the request of Mr. CARDIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1995

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2123

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2275

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2275, a bill to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain phthalates, and for other purposes.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2335

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2335, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide adequate case management services.

S. 2337

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

S. 2523

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2550

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2586

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. 2606

At the request of Mr. DODD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2639

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2639, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 2657

At the request of Mr. KERRY, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 2657, a bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes.

S. 2668

At the request of Mr. KERRY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2701

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2701, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery in the eastern Nebraska region to serve veterans in the eastern Nebraska and western Iowa regions.

S. 2703

At the request of Mrs. DOLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2703, a bill to reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002.

S. 2713

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2713, a bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 2714

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2714, a bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorists activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 138

At the request of Mr. SALAZAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 138, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

S. RES. 390

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

S. RES. 476

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 476, a resolution designating March 25, 2008, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy''.

AMENDMENT NO. 4148

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4148 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 2741. A bill to amend the Internal Revenue Code of 1986 to provide for disability savings accounts, and for other purposes; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today to introduce the Disability Savings Act of 2008. This important legislation is designed to help individuals with disabilities live full and productive lives for all their years.

As we all know, disability is a part of human experience. The U.S. Census Bureau reports nearly 20 percent of Americans have some level of disability while 12.5 percent reported a severe disability. We should do what we can to make it possible for these Americans to live independently, exert control and choice over their lives, and fully participate in their communities. One of the key ways we can accomplish this goal is to help individuals with disabilities and their families save money for disability related expenses, especially those expected over the course of full life.

Over the years, Congress has provided incentives to American families to save for various long term goals: college education, home ownership, and retirement. These incentives have given families the tools to help their children, well after they have left the home.

But for families who have a child with a disability, particularly a cognitive disability, these goals may not match their needs. Many of these children will depend on Medicaid, Social Security Disability Insurance, and Supplemental Security Income. They cannot risk losing these benefits. And they may never get to the point where they can consider college or home ownership.

These individuals will frequently incur significant additional costs related to services and supports necessary to maintain health and independence. Parents also have to worry about what will happen to their children after they are gone.

The World Institute on Disability reports that over 1/3 of adults with disabilities live in households with income of $15,000 or less. According to the 2005 American Community Survey, median earnings for individuals with disabilities were a little more than half of the median income of those without disabilities.

It is common for families to provide for individuals with significant disabilities who cannot support themselves. These families often do this at great cost to themselves both financially and emotionally. They do it out of love, and they do not ask to be relieved of their burdens. But they are hoping that we can provide the tools to help them ensure their loved ones can lead full lives for many years.

That is why I am introducing the Disability Savings Act of 2008. This bill will encourage individuals with disabilities and their families to save money for their unique disability-related needs in Disability Savings Accounts. These accounts will provide a tax-advantaged mechanism for individuals with disabilities to save money.

The interest on these accounts, with a balance of up to $250,000, will be tax free. Expenditures from the accounts for specific qualified services such as education, medical services, employment training and support, and transportation, will not be subject to income tax. The accounts will be easier

to manage, and use than other existing savings mechanisms for individuals with disabilities. To be sure these accounts are available to low and moderate income earners, there will be a refundable matching tax credit of up to $1000 for contributions. Account holders can even roll funds from college savings plans and special needs trusts for the same beneficiary into the Disability Savings Account without penalty. These accounts will supplement, not supplant, benefits provided by other, sources such as Medicaid, private insurance, and Supplemental Security Income, SSI, and the assets held within them will not be counted against eligibility for those programs.

In order to be eligible to have a Disability Savings Account, beneficiaries must be determined to be blind or disabled by the Social Security Administration or the Disability Determination Service of a state, and be under the age of 65. The accounts can be held and managed through a financial institution by the beneficiary, their spouse or family member, or a legal guardian.

I hope that my colleagues will see the benefit of this approach and join me in this effort. I urge them to cosponsor this legislation and work with me to give individuals with disabilities and their families the tools they need to live healthy independent lives.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Disability Savings Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Disability is a natural part of the human experience. Individuals with disabilities have the right to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of American society.

(2) Americans with disabilities are more likely to live in poverty than those without disabilities. According to the World Institute on Disability, over one-third of adults with disabilities live in households with income of $15,000 or less compared to only 12 percent of those without disabilities. According to the 2005 American Community Survey, median annual earnings for individuals without a disability were $25,000 compared with $12,800 for those with a severe disability.

(3) Families often provide the primary financial assistance necessary for individuals with significant disabilities who cannot support themselves. Families supporting members with disabilities often experience substantial negative effects on the vocational and economic health of the family.

(4) Individuals with disabilities often incur significant additional costs related to services and supports necessary to maintain the health and independence needed to fully participate in society.

(5) Throughout the years policymakers have provided incentives to Americans to save money for purposes such as home ownership, education and retirement. Many of these benefits do not meet the savings needs of individuals with disabilities and their families.

(6) Encouraging individuals with disabilities and their families to save funds will allow them to achieve greater control, choice, participation in community, security, and independence in their lives.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life.

(2) To provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, the Medicaid program under title XIX of the Social Security Act, the supplemental security income program under title XVI of such Act, the beneficiary's employment, and other sources.

SEC. 4. DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

''PART IX—DISABILITY SAVINGS ENTITIES

''Sec. 530A. Disability savings accounts.

''SEC. 530A. DISABILITY SAVINGS ACCOUNTS.

''(a) DISABILITY SAVINGS ACCOUNT DEFINED.—For purposes of this section, the term 'disability savings account' means a trust created or organized in the United States by a qualified individual exclusively for the benefit of a qualified beneficiary, but only if the written governing instrument creating the trust meets the following requirements:

''(1) No contribution shall be accepted—

''(A) unless it is in cash, or

''(B) if such contribution would result in the total aggregate contributions to such account exceeding $1,000,000.

''(2) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section or who has so demonstrated with respect to any individual retirement plan.

''(3) A qualified individual is designated for the purpose of administering requests for distributions from the trust.

''(4) No part of the trust assets will be invested in life insurance contracts.

''(5) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

''(6) Except as provided in subsection (c)(6), in the case that the qualified beneficiary dies or ceases to be a qualified beneficiary, all amounts remaining in the trust up to an amount equal to the total medical assistance paid for the qualified beneficiary under any State Medicaid plan established under title XIX of the Social Security Act shall be distributed to each such State.

''(b) TAX TREATMENT OF INCOME.—

''(1) IN GENERAL.—A disability savings account which has a value of $250,000 or less for any taxable year shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, a disability savings account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

''(2) TAXABLE ACCOUNTS.—Any disability savings account which is not exempt from tax under paragraph (1) shall be taxed in the same manner as a qualified disability trust (as defined in section 642(b)(2)(C)(ii)).

''(3) DETERMINATION OF VALUE.—The value of a disability savings account shall be deemed to be in excess of $250,000 for a taxable year if the daily balance of such account (determined as of the close of business on any business day) exceeds $250,000 for the majority of business days during such taxable year.

''(c) TAX TREATMENT OF DISTRIBUTIONS.—

''(1) IN GENERAL.—Any distribution from a disability savings account shall be included in the gross income of the qualified beneficiary in the manner provided in section 72.

''(2) DISTRIBUTIONS FOR QUALIFIED SERVICES OR PRODUCTS.—

''(A) IN GENERAL.—No amount shall be included in gross income under paragraph (1) if such amount is distributed—

''(i) for a qualified service or product, and

''(ii) except as otherwise provided by the Secretary, by means of an electronic fund transfer to the person who provided the qualified service or product.

''(B) QUALIFIED SERVICE OR PRODUCT.—

''(i) IN GENERAL.—The term 'qualified service or product' means any service or product which is provided to a qualified beneficiary on account of such beneficiary's disability.

''(ii) CERTAIN SERVICES AND PRODUCTS INCLUDED.—Such term shall include preschool education, postsecondary education, tutoring, special education services, training, employment supports, personal assistance supports, community-based supports, respite care, clothing, assistive technology, home modifications, therapy, nutritional management, out-of-pocket medical, vision, or dental expenses, transportation services, vehicle purchases or modifications, insurance premiums, habilitation and rehabilitation services, funeral and burial expenses, and any other service or product consistent with the purposes of this section and allowed under regulations established by the Secretary, in consultation with the Secretary of Health and Human Services.

''(iii) PROHIBITED SERVICES AND PRODUCTS.—Such term shall not include any service or product paid for by a third-party payer, such as private insurance or a Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(C) DISALLOWANCE OF EXCLUDED AMOUNTS AS DEDUCTION, CREDIT, OR EXCLUSION.—No deduction, credit, or exclusion shall be allowed to the taxpayer under any other section of this chapter for any qualified service or product to the extent taken into account in determining the amount of exclusion under this paragraph.

''(3) EXCEPTION FOR DISTRIBUTIONS RETURNED BEFORE CERTAIN DATE.—Paragraph (1) shall not apply to any distribution made from a disability savings account during a taxable year on behalf of the qualified beneficiary if the qualified beneficiary makes a contribution to such disability savings account in an amount equal to the amount of such distribution before the date that is 180 days after such distribution was made.

''(4) ADDITIONAL TAX FOR DISTRIBUTIONS NOT USED FOR QUALIFIED SERVICES OR PRODUCTS.—

The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from an disability savings account which is includible in gross income shall be increased by 10 percent of the amount which is so includible.

''(5) ROLLOVER CONTRIBUTIONS.—Paragraph (1) shall not apply to any amount paid or distributed from a disability savings account to the extent that the amount received is paid, not later than the 60th day after the date of such payment or distribution, into—

''(A) another disability savings account for the benefit of—

''(i) the same qualified beneficiary, or

''(ii) an individual who—

''(I) is the spouse of the qualified beneficiary or bears a relationship to the qualified beneficiary which is described in section 152(d)(2), and

''(II) is a qualified beneficiary, or

''(B) any trust which is described in subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act and which is for the benefit of and individual described in clause (i) or (ii) of subparagraph (A).

The preceding sentence shall not apply to any payment or distribution if it applied to any prior payment or distribution during the 12-month period ending on the date of the payment or distribution.

''(6) CHANGE IN BENEFICIARY.—Any change in the beneficiary of a disability savings account shall not be treated as a distribution for purposes of paragraph (1) if the new beneficiary is an individual described in paragraph (5)(A)(ii) as of the date of the change.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED BENEFICIARY.—The term 'qualified beneficiary' means any individual who—

''(A) is under the age of 65, and

''(B) has—

''(i) been determined by the Commissioner of Social Security or the Disability Determination Service of a State to be—

''(I) blind (as determined under section 1614(a)(2) of the Social Security Act, but without regard to any income or asset eligibility requirements that apply under such title), or

''(II) disabled (as determined under section 1614(a)(3) of the Social Security Act, but without regard to any income or asset eligibility requirements that apply under such title, or under section 216(d) of such Act), and

''(ii) not been determined by the Commissioner of Social Security or the Disability Determination Service of a State to be no longer blind or disabled (as so defined).

The term 'Disability Determination Service' means, with respect to each State, the entity that has an agreement with the Commissioner of Social Security to make disability determinations for purposes of title II or XVI of the Social Security Act.

''(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means, with respect to any disability savings account—

''(A) the qualified beneficiary,

''(B) any individual—

''(i) who is the spouse of the qualified beneficiary or bears a relationship to the qualified beneficiary which is described in section 152(d)(2), or

''(ii) provides over one half of such qualified beneficiary's support,

''(C) the legal guardian of the qualified beneficiary, or

''(D) in the case of any qualified beneficiary who is in the legal custody of a State or any agency thereof, any individual appointed for purposes of this paragraph by a court of competent jurisdiction.

''(3) ACCOUNT TERMINATIONS, ETC.—

''(A) PROHIBITED TRANSACTIONS.—If, during any taxable year of the qualified individual designated under subsection (a)(3), such qualified individual or the qualified beneficiary of the disability savings account engages in any transaction prohibited under section 4975, such account ceases to be an disability savings account as of the first day of such taxable year.

''(B) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year of the qualified beneficiary, the qualified beneficiary uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to the qualified beneficiary.

''(4) ONLY 1 ACCOUNT PER QUALIFIED BENEFICIARY.—No individual who is a qualified beneficiary may have more than 1 disability savings account. The Secretary may promulgate regulations necessary to carry out the purposes of this paragraph.

''(e) REPORTS.—The trustee of a disability savings account shall make such reports regarding such account to the Secretary and to the qualified individual designated under subsection (a)(3) with respect to contributions, distributions, fees (including the maximum, minimum, and average fees for such accounts), and such other matters as the Secretary may require. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required.

''(f) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out the purposes of this section and to prevent the abuse of such purposes.''.

(b) ROLLOVERS FROM QUALIFIED TUITION PROGRAMS.—Paragraph (3) of section 529(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) ROLLOVERS TO DISABILITY SAVINGS ACCOUNTS.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to that portion of any distribution which, within 60 days of such distribution, is transferred to a disability savings account with respect to which the designated beneficiary is the qualified beneficiary (as defined by section 530A(d)(1)).

''(ii) LIMITATION.—Clause (i) shall not apply to any transfer if a prior transfer described in clause (i) has occurred at any time preceding such transfer.''.

(c) TAX ON PROHIBITED TRANSACTIONS.—

(1) IN GENERAL.—Paragraph (1) of section 4975(e) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (F), by redesignating subparagraph (G) as subparagraph (F), and by inserting after subparagraph (F) the following new subparagraph:

''(G) a disability savings account described in section 530A(a), or''.

(2) SPECIAL RULE.—Section 4975(c) of such Code is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR DISABILITY SAVINGS ACCOUNTS.—A qualified beneficiary (as defined by section 530A(d)(1)) shall be exempt from the tax imposed by this section with respect to any transaction concerning a disability savings account (as defined by section 530A(a)) which would otherwise be taxable under this section if, with respect to such transaction, the account ceases to be a disability savings account by reason of the application of section 530A(d)(3)(A) to such account.''.

(d) FAILURE TO PROVIDE REPORTS ON DISABILITY SAVINGS ACCOUNTS.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ''and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) section 530A(e) (relating to disability savings accounts).''.

(e) ANNUAL REPORTS TO CONGRESS.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, shall report annually to Congress on the usage of disability savings accounts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commissioner of Social Security for fiscal years beginning with fiscal year 2007, such sums as may be necessary for certifying and recertifying individuals as qualified beneficiaries for purposes of section 530A(d)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)). Amounts appropriated pursuant to the preceding sentence may be used by the Commissioner, as appropriate, for making payments to States for certifications and recertifications of individuals as such beneficiaries that are made under an agreement entered into between the Commissioner and by the Disability Determination Service for the State.

(g) CLERICAL AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART IX—DISABILITY SAVINGS ENTITIES''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 5. MATCHING TAX CREDIT FOR CONTRIBUTIONS TO DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. DISABILITY SAVINGS ACCOUNT MATCHING CONTRIBUTIONS.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 50 percent of so much of the qualified disability savings contributions made during the taxable year as do not exceed $2,000.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph is the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for the taxable year, over

''(II) the applicable amount, bears to

''(ii) the phaseout amount.

''(C) APPLICABLE AMOUNT; PHASEOUT AMOUNT.—For purposes of subparagraph (B),

the applicable amount and the phaseout amount shall be determined as follows:

	The applicable amount is:	The phaseout amount is:
In the case of a joint return	$60,000	$10,000
In the case of a head of household	$45,000	$7,500
In any other case	$30,000	$5,000

''(D) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(E) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, each of the applicable amounts in the second column of the table in subparagraph (C) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $500.

''(2) EARNED INCOME LIMITATION.—The amount of the credit allowable under subsection (a) to any taxpayer for any taxable year shall not exceed the earned income (as defined by section 32(c)(2)) of such taxpayer for such taxable year.

''(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term 'qualified individual' means the individual designated as the qualified individual of the disability savings account (as defined in section 530A(a)).

''(d) QUALIFIED DISABILITY SAVINGS CONTRIBUTIONS.—The term 'qualified disability savings contributions' means, with respect to any taxable year, the aggregate contributions made by the taxpayer to the disability savings account (as so defined) with respect to which such taxpayer is the qualified individual.

''(e) TREATMENT OF CONTRIBUTIONS BY DEPENDENT.—If a deduction under section 151 with respect to an individual is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins—

''(1) no credit shall be allowed under subsection (a) to such individual for such individual's taxable year, and

''(2) any qualified disability savings contributions made by such individual during such taxable year shall be treated for purposes of this section as made by such other taxpayer.''.

(b) REFUNDABLE AMOUNT CREDITED TO INDIVIDUAL DISABILITY ACCOUNT.—

(1) TRANSFER OF AMOUNT TO DISABILITY SAVINGS ACCOUNTS.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended by adding at the end the following new subsection:

''(l) SPECIAL RULE FOR OVERPAYMENTS ATTRIBUTABLE TO CREDIT FOR CONTRIBUTIONS TO DISABILITY SAVINGS FUNDS.—

''(1) IN GENERAL.—In the case of any overpayment attributable to the credit allowed under section 36, the Secretary shall transfer such amount to the disability savings account to which the taxpayer made a qualified disability savings contribution.

''(2) TRANSFERS TO MORE THAN 1 ACCOUNT.—If the taxpayer made qualified disability savings contributions to more than 1 disability savings account, the Secretary shall transfer the overpayment described in paragraph (1) to each such disability savings account in an amount that bears the same ratio to the amount of such overpayment as—

''(A) the amount of qualified disability savings contributions made by such taxpayer to such disability savings account, bears to

''(B) the amount of qualified disability savings contribution made by such taxpayer to all disability savings accounts.

''(3) QUALIFIED DISABILITY SAVINGS CONTRIBUTION.—For purposes of this subsection, the term 'qualified disability savings contribution' has the meaning given such term by section 36(d).''.

(2) SEPARATE ACCOUNTING FOR REFUNDABLE AMOUNTS.—

(A) IN GENERAL.—Section 530A(a) of such Code, as added by this Act, is amended by adding at the end the following new paragraph:

''(7) The trust provides a separate accounting for contributions transferred by the Secretary under section 6402(l).''.

(B) SPECIAL RULES FOR CONTRIBUTIONS ATTRIBUTABLE TO DISABILITY SAVINGS ACCOUNT CREDIT.—Section 530A of such Code, as added by this Act, is amended by adding at the end the following new subsection:

''(g) SPECIAL RULES FOR CONTRIBUTIONS ATTRIBUTABLE TO CREDIT FOR DISABILITY SAVINGS ACCOUNT CONTRIBUTIONS.—

''(1) INCREASE IN ADDITIONAL TAX.—In the case of a distribution which includes an amount transferred by the Secretary under section 6402(l) (including any earnings attributable to such amount) and which, but for this paragraph, would be includible in gross income—

''(A) such amount shall not be included in gross income, and

''(B) subsection (c)(4) shall be applied by substituting '100 percent' for '10 percent'.

''(2) ORDERING RULES.—For purposes of applying this subsection to any distribution from a disability savings account—

''(A) IN GENERAL.—Except as provided in subparagraph (B), such distribution shall be treated as made—

''(i) first from amounts contributed to the account other than by reason of section 6402(l), and

''(ii) second from amounts transferred by the Secretary under section 6402(l).

''(B) EXCEPTION FOR DISTRIBUTIONS FOR QUALIFIED SERVICES OR PRODUCTS.—In the case of a distribution for qualified services or products, such distribution shall be treated as made—

''(i) first from amounts transferred by the Secretary under section 6402(l), and

''(ii) second from other amounts contributed to the account.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period at the end '', or enacted by the Disability Savings Act of 2008''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. Disability savings account matching contributions.

''Sec. 37. Overpayments of tax.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 6. CREDIT TO INSTITUTIONS FOR MAINTAINING DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. DISABILITY SAVINGS ACCOUNT INVESTMENT CREDIT.

''(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the disability savings account investment credit determined under this section with respect to any eligible entity for any taxable year is an amount equal to the disability savings account investment provided by such eligible entity during the taxable year.

''(b) DISABILITY SAVINGS ACCOUNT INVESTMENT.—For purposes of this section, the term 'disability savings account investment' means an amount equal to $50 with respect to each disability savings account (as defined in section 530A(a)) maintained—

''(1) as of the end of such taxable year, but only if such taxable year is within the 7-taxable-year period beginning with the taxable year in which such Account is opened, and

''(2) with a balance of not less than $100 (other than the taxable year in which such account is opened).

''(c) ELIGIBLE ENTITY.—For purposes of this section, except as provided in regulations, the term 'eligible entity' means any entity which is the trustee of a disability savings account (as so defined).

''(d) DENIAL OF DOUBLE BENEFIT.—

''(1) IN GENERAL.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which is attributable to the maintenance of a disability savings account.

''(2) DETERMINATION OF AMOUNT.—Solely for purposes of paragraph (1), the amount attributable to the maintenance of a disability savings account shall be deemed to be the dollar amount of the credit allowed under this section for each taxable year such disability savings account is maintained.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of such Code (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) the disability savings account investment credit determined under section 45O(a).''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45O. Disability savings account investment credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 7. TREATMENT OF DISABILITY SAVINGS ACCOUNTS UNDER CERTAIN FEDERAL PROGRAMS.

(a) TREATMENT AS A MEDICAID EXCEPTED TRUST.—Paragraph (4) of section 1917(d) of the Social Security Act (42 U.S.C. 1396p(d)(4)) is amended by adding at the end the following new subparagraph:

''(D) A trust which is a disability savings account described in section 530A(a) of the Internal Revenue Code of 1986.''.

(b) ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN OTHER MEANS-TESTED FEDERAL PROGRAMS.—

(1) IN GENERAL.—For purposes of determining eligibility for any applicable program, any amount (including earnings thereon) in any disability savings account (as defined in section 530A(a) of the Internal Revenue Code of 1986) established for the benefit of such individual and any distribution for qualified services or products (as defined in section 530A(c)(2)(B)) from such account shall be disregarded with respect to any period during which such individual maintains, makes contributions to, or receives distributions from such disability savings account.

(2) APPLICABLE PROGRAM.—For purposes of this subsection, the term ''applicable program'' means—

(A) the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) a State program funded under part B or E of title IV of such Act (42 U.S.C. 621 et seq., 670 et seq.);

(C) a State program funded under part D of title IV of such Act (42 U.S.C. 651 et seq.);

(D) the supplemental security income program established under title XVI of such Act (42 U.S.C. 1381 et seq.);

(E) the Medicaid program under title XIX of the such Act (42 U.S.C. 1396 et seq.);

(F) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(G) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(H) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (422 U.S.C. 1786);

(I) a child nutrition program, as defined in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

(J) any Federal low-income housing assistance program.

SEC. 8. MARKETING, OUTREACH, AND EDUCATION FOR DISABILITY SAVINGS ACCOUNTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a program for marketing, outreach, and education related to disability savings accounts (as defined in section 530A(a) of the Internal Revenue Code of 1986). Such program may utilize contracts with nonprofit organizations established for the purpose of assisting individuals with disabilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program established under subsection (a).

EASTER SEALS,
Washington, DC, March 10, 2008.

Hon. CHRIS DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: Easter Seals has long been concerned that individuals with disabilities and their families have too few options to save for the future. Currently, individuals must have exceptionally low incomes in order to access essential public services and supports. In those situations in which an individual's family wants to save for the future, a complicated web of state rules that guide special needs trust must be followed, and in nearly every circumstance, families cannot navigate the system without the assistance of an attorney.

For these reasons, Easter Seals is pleased to support the Disability Savings Act of 2008. This legislation clearly identifies the essential need to establish new protocols that enable families with limited incomes to effectively save financial resources to meet the future needs of their family member with a disability. Such protocols must be easy for a family to navigate without a lawyer and must not impose barriers to future benefits such as those available through the Medicaid program. Easter Seals looks forward to working with you to see that legislation that can help these families is enacted in 2008.

As the leading non-profit provider of services for individuals with autism, developmental disabilities, physical and mental disabilities, and other special needs, Easter Seals works to ensure that individuals with disabilities can live, learn, work and play in their communities. Thank you for considering our views.

Sincerely,

KATHERINE BEH NEAS,
Vice President, Government Relations.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 479—DESIGNATING MARCH 20, 2008, AS ''SECOND ANNUAL NATIONAL NATIVE HIV/AIDS AWARENESS DAY''

Ms. MURKOWSKI (for herself, Mr. TESTER, Mr. SMITH, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas the number of human immunodeficiency virus and acquired immunodeficiency syndrome (hereafter ''HIV/AIDS'') cases among American Indian and Alaska Native communities has been increasing at an alarming rate and poses a significant threat to the public health of Native communities;

Whereas American Indians and Alaska Natives have the 3rd highest rate of HIV/AIDS infection in the United States, after Blacks and Hispanics;

Whereas, according to the Centers for Disease Control and Prevention HIV/AIDS Surveillance Report published in 2005, the rate per 100,000 persons of HIV/AIDS diagnosis for American Indians and Alaska Natives was 10.4;

Whereas American Indians and Alaska Natives experience the highest disease and mortality rates in the United States compared to other racial and ethnic groups, due to socioeconomic factors that include consistently high rates of poverty, inadequate education, and a lack of access to quality health services;

Whereas certain risk factors exist among Indian and Alaska Native populations that elevate the threat of the HIV/AIDS epidemic, including high rates of sexually transmitted diseases and substance abuse;

Whereas, according to the 2005 Centers for Disease Control and Prevention Sexually Transmitted Disease Surveillance Report, American Indians and Alaska Natives have the 2nd highest infection rates of gonorrhea and chlamydia in the United States and the 3rd highest infection rate of syphilis;

Whereas, according to the 2005 National Survey on Drug Use and Health, American Indians and Alaska Natives had a 12.8 percent higher rate of illicit drug use than any other races or ethnicities;

Whereas, during the years 1997–2004, of persons who had received a diagnosis of HIV/AIDS, American Indians and Alaska Natives had survived a shorter time than had Asians and Pacific Islanders, Whites, or Hispanics;

Whereas, after 9 years, 67 percent of American Indians and Alaska Natives who had been diagnosed with HIV/AIDS were alive, compared to 66 percent of Blacks, 74 percent of Hispanics, 75 percent of Whites, and 81 percent of Asians and Pacific Islanders;

Whereas, from 2001 through 2004, the estimated number of HIV/AIDS cases increased among Whites, Asians and Pacific Islanders, and American Indians and Alaska Natives, and decreased among Blacks and Hispanics; and

Whereas, from 2000 through 2004, the estimated number of deaths among persons with AIDS decreased among Whites, Blacks, and Asians and Pacific Islanders, but increased among American Indians and Alaska Natives: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the seriousness of the spread and threat of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS) epidemic in American Indian and Alaska Native communities;

(2) encourages Federal, State, and tribal governments as well as Indian organizations and health care providers to coordinate efforts in HIV/AIDS testing and in the promotion of prevention activities to further efforts in the reduction of HIV/AIDS infection rates among American Indians and Alaska Natives; and

(3) designates March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4153. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table.

SA 4154. Mr. REED (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. OBAMA, Ms. SNOWE, Mr. SUNUNU, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4155. Mr. BROWN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4156. Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD,

Mr. COLEMAN, Mr. LEAHY, Mr. CORKER, Mrs. BOXER, Mr. MARTINEZ, Mr. VOINOVICH, Mr. MENENDEZ, Ms. MIKULSKI, Mr. LEVIN, Mrs. CLINTON, Mr. HAGEL, Mr. BINGAMAN, Mr. KERRY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4157. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4158. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4159. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4160. Mr. BAUCUS (for himself, Mr. BAYH, Mr. PRYOR, Mr. NELSON, of Florida, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. TESTER, Mr. BROWN, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CONRAD, Mr. LAUTENBERG, and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4161. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4162. Mr. REID submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4163. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4164. Mr. BIDEN (for himself, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. KOHL, Mr. LEAHY, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. REED, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4165. Mr. BIDEN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4166. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4167. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4168. Mr. REED (for himself, Mr. VOINOVICH, Mr. BOND, Mrs. CLINTON, Ms. COLLINS, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. TESTER, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4169. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4170. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. KYL, Mr. MCCONNELL, and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4171. Mr. CASEY (for himself, Mr. DURBIN, Mr. BROWN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4172. Mr. CASEY (for himself, Mr. SESSIONS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4173. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. KENNEDY, Mr. DOMENICI, Ms. MIKULSKI, Mr. ENSIGN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4174. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4175. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4176. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4177. Mr. BROWN (for Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. CORNYN, Mr. SPECTER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2516, to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

SA 4178. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table.

SA 4179. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4180. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4181. Mr. PRYOR (for himself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4182. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4183. Mr. PRYOR (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4184. Mr. PRYOR (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4185. Mr. PRYOR (for himself, Mr. DORGAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4153. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $148,000,000.

On page 19, line 17, increase the amount by $89,000,000.

On page 19, line 21, increase the amount by $44,000,000.

On page 19, line 25, increase the amount by $15,000,000.

On page 27, line 16, decrease the amount by $148,000,000.

On page 27, line 17, decrease the amount by $89,000,000.

On page 27, line 21, decrease the amount by $44,000,000.

On page 27, line 25, decrease the amount by $15,000,000.

SA 4154. Mr. REED (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. OBAMA, Ms. SNOWE, Mr. SUNUNU, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $2,600,000,000.

On page 19, line 17, increase the amount by $1,820,000,000.

On page 19, line 21, increase the amount by $728,000,000.

On page 19, line 25, increase the amount by $52,000,000.

On page 27, line 16, decrease the amount by $2,600,000,000.

On page 27, line 17, decrease the amount by $1,820,000,000.

On page 27, line 21, decrease the amount by $728,000,000.

On page 27, line 25, decrease the amount by $52,000,000.

SA 4155. Mr. BROWN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 51, line 9, insert after the comma, the following: ''by increasing efforts to train and retrain manufacturing workers,''.

SA 4156. Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD, Mr. COLEMAN, Mr. LEAHY, Mr. CORKER, Mrs. BOXER, Mr. MARTINEZ, Mr. VOINOVICH, Mr. MENENDEZ, Ms. MIKULSKI, Mr. LEVIN, Mrs. CLINTON, Mr. HAGEL, Mr. BINGAMAN, Mr. KERRY, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the

congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 12, increase the amount by $2,639,000,000.

On page 10, line 13, increase the amount by $1,356,000,000.

On page 10, line 17, increase the amount by $673,000,000.

On page 10, line 21, increase the amount by $263,000,000.

On page 10, line 25, increase the amount by $159,000,000.

On page 11, line 4, increase the amount by $84,000,000.

On page 27, line 16, decrease the amount by $2,639,000,000.

On page 27, line 17, decrease the amount by $1,356,000,000.

On page 27, line 21, decrease the amount by $673,000,000.

On page 27, line 25, decrease the amount by $263,000,000.

On page 28, line 4, decrease the amount by $159,000,000.

On page 28, line 8, decrease the amount by $84,000,000.

SA 4157. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

On page 4, line 5, increase the amount by $100,533,000,000.

On page 4, line 6, increase the amount by $2,674,000,000.

On page 4, line 7, increase the amount by $4,466,000,000.

On page 4, line 8, increase the amount by $4,906,000,000.

On page 4, line 9, increase by $5,221,000,000.

On page 4, line 14, increase the amount by $42,533,000,000.

On page 4, line 15, increase the amount by $60,674,000,000.

On page 4, line 16, increase the amount by $4,466,000,000.

On page 4, line 17, increase the amount by $4,906,000,000.

On page 4, line 18, increase the amount by $5,221,000,000.

On page 4, line 23, increase the amount by $42,533,000,000.

On page 4, line 24, increase the amount by $60,674,000,000.

On page 4, line 25, increase the amount by $4,466,000,000.

On page 5, line 1, increase the amount by $4,906,000,000.

On page 5, line 2, increase the amount by $5,221,000,000.

On page 5, line 8, increase the amount by $42,533,000,000.

On page 5, line 9, increase the amount by $103,208,000,000.

On page 5, line 10, increase the amount by $107,674,000,000.

On page 5, line 11, increase the amount by $112,580,000,000.

On page 5, line 12, increase the amount by $117,801,000,000.

On page 5, line 16, increase the amount by $42,533,000,000.

On page 5, line 17, increase the amount by $103,208,000,000.

On page 5, line 18, increase the amount by $107,674,000,000.

On page 5, line 19, increase the amount by $112,580,000,000.

On page 5, line 20, increase the amount by $117,801,000,000.

On page 9, line 13, increase the amount by $100,000,000,000.

On page 9, line 14, increase the amount by $42,000,000,000.

On page 9, line 18, increase the amount by $58,000,000,000.

On page 26, line 16, increase the amount by $533,000,000.

On page 26, line 17, increase the amount by $533,000,000.

On page 26, line 20, increase the amount by $2,674,000,000.

On page 26, line 21, increase the amount by $2,674,000,000.

On page 26, line 24, increase the amount by $4,466,000,000.

On page 26, line 25, increase the amount by $4,466,000,000.

On page 27, line 3, increase the amount by $4,906,000,000.

On page 27, line 4, increase the amount by $4,906,000,000.

On page 27, line 7, increase the amount by $5,221,000,000.

On page 27, line 8, increase the amount by $5,221,000,000.

On page 38, line 10, increase the amount by $100,000,000,000.

SA 4158. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 306 and insert the following:

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, and amends the definition of the term ''targeted low-income child'' under title XXI of the Social Security Act to provide that such term means an individual under age 19, including the period from conception to birth, who is eligible for child health assistance under such title XXI by virtue of the definition of the term ''child'' under section 457.10 of title 42, Code of Federal Regulations, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4159. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

Strike paragraph (1) of section 306(e) and insert the following:

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as no provision in such bill, joint resolution, amendment, motion or conference report shall be construed as prohibiting the Secretary of Health and Human Services from promulgating or implementing any rule, action, or guidance designed to prevent fraud and protect the integrity of the Medicaid program or SCHIP or reduce inappropriate spending under such programs, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4160. Mr. BAUCUS (for himself, Mr. BAYH, Mr. PRYOR, Mr. NELSON of Florida, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. TESTER, Mr. BROWN, Mr. MENENDEZ, Mr. BINGAMAN, Mr. CONRAD, Mr. LAUTENBERG, and Ms. LANDRIEU) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 3, line 11, decrease the amount by $1,755,000,000.

On page 3, line 12, decrease the amount by $ 1,730,000,000.

On page 3, line 13, decrease the amount by $28,324,000,000.

On page 3, line 14, decrease the amount by $167,072,000,000.

On page 3, line 15, decrease the amount by $141,689,000,000.

On page 3, line 20, decrease the amount by $1,755,000,000.

On page 3, line 21, decrease the amount by $1,730,000,000.

On page 3, line 22, decrease the amount by $28,324,000,000.

On page 3, line 23, decrease the amount by $167,072,000,000.

On page 3, line 24, decrease the amount by $141,689,000,000.

On page 4, line 5, increase the amount by $22,000,000.

On page 4, line 6, increase the amount by $97,000,000.

On page 4, line 7, increase the amount by $846,000,000.

On page 4, line 8, increase the amount by $5,664,000,000.

On page 4, line 9, increase the amount by $13,496,000,000.

On page 4, line 14, increase the amount by $22,000,000.

On page 4, line 15, increase the amount by $97,000,000.

On page 4, line 16, increase the amount by $846,000,000.

On page 4, line 17, increase the amount by $5,664,000,000.

On page 4, line 18, increase the amount by $13,496,000,000.

On page 4, line 23, increase the amount by $1,777,000,000.

On page 4, line 24, increase the amount by $1,827,000,000.

On page 4, line 25, increase the amount by $29,170,000,000.

On page 5, line 1, increase the amount by $172,736,000,000.

On page 5, line 2, increase the amount by $155,185,000,000.

On page 5, line 8, increase the amount by $1,777,000,000.

On page 5, line 9, increase the amount by $3,604,000,000.

On page 5, line 10, increase the amount by $32,774,000,000.

On page 5, line 11, increase the amount by $205,510,000,000.

On page 5, line 12, increase the amount by $360,695,000,000.

On page 5, line 16, increase the amount by $1,777,000,000.

On page 5, line 17, increase the amount by $3,604,000,000.

On page 5, line 18, increase the amount by $32,774,000,000.

On page 5, line 19, increase the amount by $205,510,000,000.

On page 5, line 20, increase the amount by $360,695,000,000.

On page 26, line 16, increase the amount by $22,000,000.

On page 26, line 17, increase the amount by $22,000,000.

On page 26, line 20, increase the amount by $97,000,000.

On page 26, line 21, increase the amount by $97,000,000.

On page 26, line 24, increase the amount by $846,000,000.

On page 26, line 25, increase the amount by $846,000,000.

On page 27, line 3, increase the amount by $5,664,000,000.

On page 27, line 4, increase the amount by $5,664,000,000.

On page 27, line 7, increase the amount by $13,496,000,000.

On page 27, line 8, increase the amount by $13,496,000,000.

SA 4161. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by $63,000,000.

On page 3, line 12, decrease the amount by $239,000,000.

On page 3, line 13, decrease the amount by $484,000,000.

On page 3, line 14, decrease the amount by $687,000,000.

On page 3, line 15, decrease the amount by $780,000,000.

On page 27, line 16, decrease the amount by $63,000,000.

On page 27, line 17, decrease the amount by $63,000,000.

On page 27, line 20, decrease the amount by $239,000,000.

On page 27, line 21, decrease the amount by $239,000,000.

On page 27, line 24, decrease the amount by $484,000,000.

On page 27, line 25, decrease the amount by $484,000,000.

On page 28, line 3, decrease the amount by $687,000,000.

On page 28, line 4, decrease the amount by $687,000,000.

On page 28, line 7, decrease the amount by $780,000,000.

On page 28, line 8, decrease the amount by $780,000,000.

SA 4162. Mr. REID submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for changing the date by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation under section 1414 of title 10, United States Code, is fully phased in from December 31, 2013, to September 30, 2008, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4163. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes up to $500,000,000, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4164. Mr. BIDEN (for himself, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. KOHL, Mr. LEAHY, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. REED, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $551,000,000.

On page 24, line 17, increase the amount by $66,000,000.

On page 24, line 21, increase the amount by $154,000,000.

On page 25, line 25, increase the amount by $138,000,000.

On page 26, line 4, increase the amount by $110,000,000.

On page 25, line 8, increase the amount by $83,000,000.

On page 27, line 16, decrease the amount by $551,000,000.

On page 27, line 17, decrease the amount by $66,000,000.

On page 27, line 21, decrease the amount by $154,000,000.

On page 27, line 25, decrease the amount by $138,000,000.

On page 28, line 4, decrease the amount by $110,000,000.

On page 28, line 8, decrease the amount by $83,000,000.

SA 4165. Mr. BIDEN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $162,000,000.

On page 24, line 17, increase the amount by $36,000,000.

On page 24, line 21, increase the amount by $49,000,000.

On page 24, line 25, increase the amount by $32,000,000.

On page 25, line 4, increase the amount by $24,000,000.

On page 25, line 8, increase the amount by $21,000,000.
On page 27, line 16, decrease the amount by $162,000,000.
On page 27, line 17, decrease the amount by $36,000,000.
On page 27, line 21, decrease the amount by $49,000,000.
On page 27, line 25, decrease the amount by $32,000,000.
On page 28, line 4, decrease the amount by $24,000,000.
On page 28, line 8, decrease the amount by $21,000,000.

SA 4166. Mr. BIDEN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $100,000,000.
On page 24, line 17, increase the amount by $22,000,000.
On page 24, line 21, increase the amount by $30,000,000.
On page 24, line 25, increase the amount by $20,000,000.
On page 25, line 4, increase the amount by $15,000,000.
On page 25, line 8, increase the amount by $13,000,000.
On page 27, line 16, decrease the amount by $100,000,000.
On page 27, line 17, decrease the amount by $22,000,000.
On page 27, line 21, decrease the amount by $30,000,000.
On page 27, line 25, decrease the amount by $20,000,000.
On page 28, line 4, decrease the amount by $15,000,000.
On page 28, line 8, decrease the amount by $13,000,000.

SA 4167. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 56, line 12, after ''transit'' insert '', high speed passenger rail,''.

SA 4168. Mr. REED (for himself, Mr. VOINOVICH, Mr. BOND, Mrs. CLINTON, Ms. COLLINS, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. TESTER, Mr. WHITEHOUSE, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $477,000,000.
On page 13, line 14, increase the amount by $19,000,000.
On page 13, line 18, increase the amount by $95,000,000.
On page 13, line 22, increase the amount by $143,000,000.
On page 14, line 1, increase the amount by $95,000,000.
On page 14, line 5, increase the amount by $48,000,000.
On page 27, line 16, decrease the amount by $477,000,000.
On page 27, line 17, decrease the amount by $19,000,000.
On page 27, line 21, decrease the amount by $95,000,000.
On page 27, line 25, decrease the amount by $143,000,000.
On page 28, line 4, decrease the amount by $95,000,000.
On page 28, line 8, decrease the amount by $48,000,000.

SA 4169. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

Beginning on page 66, strike line 6 and all that follows through page 67, line 5, and insert the following:

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as such bill, joint resolution, amendment, motion or conference report also includes amendments to such title XIX clarifying the allowable uses of Federal funds paid to public providers, the appropriate methodologies States can use to bill the Federal Government for graduate medical education, the appropriate use of rehabilitation services by States, and the appropriate billing methodologies for school-based administration, school-based transportation, and case management services, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4170. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. KYL, Mr. MCCONNELL, and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 3, line 11, decrease the amount by $949,000,000.
On page 3, line 12, decrease the amount by $3,215,000,000.
On page 3, line 13, decrease the amount by $93,791,000,000.
On page 3, line 14, decrease the amount by $127,024,000,000.
On page 3, line 15, decrease the amount by $151,137,000,000.
On page 3, line 20, decrease the amount by $949,000,000.
On page 3, line 21, decrease the amount by $3,215,000,000.
On page 3, line 22, decrease the amount by $93,791,000,000.
On page 3, line 23, decrease the amount by $127,024,000,000.
On page 3, line 24, decrease the amount by $151,137,000,000.
On page 4, line 5, increase the amount by $18,000,000.
On page 4, line 6, increase the amount by $110,000,000.
On page 4, line 7, increase the amount by $2,487,000,000.
On page 4, line 8, increase the amount by $8,005,000,000.
On page 4, line 9, increase the amount by $15,207,000,000.
On page 4, line 14, increase the amount by $18,000,000.
On page 4, line 15, increase the amount by $110,000,000.
On page 4, line 16, increase the amount by $2,487,000,000
On page 4, line 17, increase the amount by $8,005,000,000.
On page 4, line 18, increase the amount by $15,207,000,000.
On page 4, line 23, increase the amount by $967,000,000.
On page 4, line 24, increase the amount by $3,325,000,000.
On page 4, line 25, increase the amount by $96,278,000,000.
On page 5, line 1, increase the amount by $135,079,000,000.
On page 5, line 2, increase the amount by $166,344,000,000.
On page 5, line 8, increase the amount by $1,214,000,000.
On page 5, line 9, increase the amount by $4,539,000,000.
On page 5, line 10, increase the amount by $100,817,000,000.
On page 5, line 11, increase the amount by $235,846,000,000.
On page 5, line 12, increase the amount by $402,190,000,000.
On page 5, line 16, increase the amount by $1,214,000,000.
On page 5, line 17, increase the amount by $4,539,000,000.
On page 5, line 18, increase the amount by $100,817,000,000.
On page 5, line 19, increase the amount by $235,846,000,000.
On page 5, line 20, increase the amount by $402,190,000,000.
On page 26, line 16, increase the amount by $18,000,000.
On page 26, line 17, increase the amount by $18,000,000.
On page 26, line 20, increase the amount by $110,000,000.
On page 26, line 21, increase the amount by $110,000,000.
On page 26, line 24, increase the amount by $2,487,000,000.

On page 26, line 25, increase the amount by $2,487,000,000.

On page 27, line 3, increase the amount by $8,005,000,000.

On page 27, line 4, increase the amount by $8,005,000,000.

On page 27, line 7, increase the amount by $15,207,000,000.

On page 27, line 8, increase the amount by $15,207,000,000.

SA 4171. Mr. CASEY (for himself, Mr. DURBIN, Mr. BROWN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes up to $1,500,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4172. Mr. CASEY (for himself, Mr. SESSIONS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 58, line 23, strike ''family members;'' and insert ''family members; or

(4) providing for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated;

SA 4173. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. KENNEDY, Mr. DOMENICI, Ms. MIKULSKI, Mr. ENSIGN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LIEBERMAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 a including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table, as follows:

On page 11, line 13, increase the amount by $600,000,000.

On page 11, line 14, increase the amount by $306,000,000.

On page 11, line 18, increase the amount by $210,000,000.

On page 11, line 22, increase the amount by $60,000,000.

On page 12, line 1, increase the amount by $12,000,000.

On page 12, line 5, increase the amount by $12,000,000.

On page 27, line 16, decrease the amount by $600,000,000.

On page 27, line 17, decrease the amount by $306,000,000.

On page 27, line 21, decrease the amount by $210,000,000.

On page 27, line 25, decrease the amount by $60,000,000.

On page 28, line 4, decrease the amount by $12,000,000.

On page 28, line 8, decrease the amount by $12,000,000.

SA 4174. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING OVERSEAS CONTRACTING INTEGRITY REQUIREMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Overseas contracts pose a significant potential for fraud and abuse.

(2) Fraud against the Federal Government, whether it occurs domestically or abroad, should be detected and prosecuted to the fullest extent of the law.

(3) On May 23, 2007, the Department of Justice requested amendments to the Federal Acquisition Regulation (referred to in this section as ''FAR'') that would require Federal Government contractors to—

(A) have a code of ethics and business conduct;

(B) establish and maintain specific internal controls to detect and prevent improper conduct in connection with the award or performance of Federal Government contracts or subcontracts; and

(C) notify contracting officers without delay whenever the contractor had become aware of violations of Federal criminal law with regards to such contracts or subcontracts.

(4) The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration issued a Federal Acquisition Regulation entitled, ''Contractor Compliance Program and Integrity Reporting'' (FAR Case 2007-006), on November 14, 2007.

(5) The rule proposed in the regulation issued on November 14, 2007, included a loophole that would exempt from such regulation any contract or subcontract to be performed entirely outside the United States.

(6) The Department of Justice objected to the inclusion of such new loophole in a letter to the General Services Administration dated January 14, 2008.

(7) The proposed rule is currently under review by the Office of Management and Budget and continues to include such new loophole for overseas contracts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Federal Government contracts to be performed outside the United States should be subject to ethics, control, and reporting requirements that are the same, or at least as rigorous as those for contracts to be performed domestically; and

(2) any final rulemaking related to FAR Case 2007-006 should not exempt overseas contracts.

SA 4175. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR DISPOSAL OF PROPERTY NOT MEETING FEDERAL NEEDS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that results in the disposal of property (as defined under section 102(9) of title 40, United States Code) that is not meeting Federal Government needs and uses any profits or savings realized to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4176. Mr. CARPER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to

as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4177. Mr. BROWN (for Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. CORNYN, Mr. SPECTER, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2516, to assist members of the Armed Forces in obtaining United states citizenship, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kendell Frederick Citizenship Assistance Act''.

SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act of 1974''), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440);

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;

(3) the individual—

(A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or

(B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual's application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and

(4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant's naturalization application.

(b) MORE TIMELY AND EFFECTIVE ADJUDICATION.—Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual's naturalization application, the Secretary shall—

(1) inform the individual of such determination; and

(2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) COOPERATION.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

(1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and

(2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) ELECTRONIC TRANSMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) CENTRALIZATION AND EXPEDITED PROCESSING.—

(1) CENTRALIZATION.—The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) EXPEDITED PROCESSING.—The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph (1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

SEC. 3. PROVISION OF INFORMATION ON MILITARY NATURALIZATION.

(a) IN GENERAL.—Not later than 30 days after the effective date of any modification to a regulation related to naturalization under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), the Secretary of Homeland Security shall make appropriate updates to the Internet sites maintained by the Secretary to reflect such modification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, not later than 180 days after each effective date described in subsection (a), should make necessary updates to the appropriate application forms of the Department of Homeland Security.

SEC. 4. REPORTS.

(a) ADJUDICATION PROCESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), including the process that—

(A) begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete; and

(B) ends on the date of the final disposition of such application.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of—

(A) the methods used by the Secretary of Homeland Security and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(B) the effectiveness of the chain of authority, supervision, and training of employees of the Federal Government or of other entities, including contract employees, who have any role in such process or adjudication; and

(C) the ability of the Secretary of Homeland Security and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication and to safeguard privacy and civil liberties

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States and the Inspector General of the Department of Homeland Security shall conduct a study on the implementation of this Act by the Secretary of Homeland Security and the Secretary of Defense, including an assessment of any technology that may be used to improve the efficiency of the naturalization process for members of the United States Armed Forces and an assessment of the impact of this Act on privacy and civil liberties.

(2) REPORT.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report required under subsection (a), the Comptroller General and the Inspector General shall submit a report to the appropriate congressional committees on the study required by paragraph (1) that includes recommendations for improving the implementation of this Act.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

SA 4178. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 25, line 16, increase the amount by $703,000,000.

On page 25, line 17, increase the amount by $387,000,000.

On page 25, line 21, increase the amount by $316,000,000.

On page 27, line 16, decrease the amount by $703,000,000.

On page 27, line 17, decrease the amount by $387,000,000.

On page 27, line 21, decrease the amount by $316,000,000.

SA 4179. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S.

Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 58, line 17, insert ''(including specially adapted housing grants)'' after ''disability benefits''.

SA 4180. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 9, line 13, increase the amount by $65,000,000.

On page 9, line 14, increase the amount by $32,000,000.

On page 9, line 18, increase the amount by $26,000,000.

On page 9, line 22, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $65,000,000.

On page 27, line 17, decrease the amount by $32,000,000.

On page 27, line 21, decrease the amount by $26,000,000.

On page 27, line 25, decrease the amount by $5,000,000.

SA 4181. Mr. PRYOR (for himself, Ms. SNOWE, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of Title III, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4182. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

After ''data'' on page 64, line 6, strike '','' and add the following:

''and activities by the Department of Health and Human Services to foster the use of electronic health record data at Community Health Centers,''

SA 4183. Mr. PRYOR (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

At the end of Sec. 302, insert the following:

(b) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4184. Mr. PRYOR (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE ADOPTION AND DEPLOYMENT OF BROADBAND TECHNOLOGY.

It is the sense of the Senate that—

(1) sufficient resources should be provided for Federal agencies to exploit broadband technologies that—

(A) have the capability to electronically connect all Americans; and

(B) achieve greater applications and efficiencies for the economy, health care, public safety, and education;

(2) the United States Government should assess broadband deployment and adoption rates throughout the Nation to ensure that Federal initiatives are not redundant and are applicable to 21st Century requirements;

(3) the deployment and adoption of broadband technology has resulted in—

(A) enhanced economic development and public safety for communities across the Nation;

(B) improved health care and educational opportunities; and

(C) a better quality of life for all Americans;

(4) continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth;

(5) improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation;

(6) the Federal Government should—

(A) recognize and encourage complementary efforts by States to improve the quality and usefulness of broadband data; and

(B) encourage and support the partnership of the public and private sectors in the continued growth of broadband services and information technology for the residents and businesses of the Nation; and

(7) Federal broadband policies shall—

(A) continue to promote openness, competition, innovation, and affordable, ubiquitous broadband service for all individuals in the United States; and

(B) maintain the freedom to use for lawful purposes broadband networks without unreasonable interference from, or discrimination by, network operators.

SA 4185. Mr. PRYOR (for himself, Mr. DORGAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 56, line 12, after ''transit'' insert '', broadband technology,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. STABELOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 9:30 a.m., in open session to receive testimony on the United States Pacific Command and United States Forces Korea in review of the Defense Authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 11, 2008, at 10 a.m., in order to conduct a hearing entitled the ''Condition of Our Nation's Infrastructure and Proposals For Needed Improvements.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday March 11, 2008, at 10 a.m., room 253 of the Russell Senate Office Building, in order to conduct a hearing.

At this hearing, the subcommittee will explore the importance of basic research to U.S. competitiveness. The

hearing will examine research and development budgets at agencies in the Committee's jurisdiction, particularly the National Institute of Standards and Technology and the National Science Foundation, as well as interagency science programs addressing climate change, nanotechnology, and information technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

At this hearing, the Committee will conduct an oversight hearing on the Department of Transportation's current Cross-Border Truck Pilot Program. This pilot program, administered by the Federal Motor Carrier Safety Administration, provides temporary operating authority to a limited number of motor carriers domiciled in Mexico and the United States for cross-border commercial operation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, ''Examining the President's Proposed Fiscal Year 2009 Budget for the Civil Works Program of the U.S. Army Corps of Engineers and the Implementation of the Water Resources Development Act (WRDA) of 2007''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 10:15 a.m. in order to hold a hearing on U.S. policy options on the Horn of Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 11, 2008, at 2:30 p.m. in order hold a hearing on NATO enlargement and effectiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''The Broken Pipeline: Losing Opportunities in the Life Sciences'' on Tuesday, March 11, 2008. The hearing will commence at 11 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorization to meet during the session of the Senate, in order to conduct a hearing on pending executive nominations on Tuesday, March 11, 2008, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building.

Witness list

Grace C. Becker, of New York, to be Assistant Attorney General for the Civil Rights Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, March 11, 2008 in order to conduct an oversight hearing entitled ''VA and DoD Cooperation and Collaboration: Caring for the Families of Wounded Warriors.'' The Committee will meet in room 418 of the Russell Senate Office Building, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 11, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns be allowed the privilege of the floor during consideration of the budget resolution: Arkaprava Deb, Ben Miller, Blake Thompson, Bridget Mallon, Bruce Ferguson, Cascade Tuholske, Claudia Garcia-Martinez, Connie Cookson, Damian Kudelka, Elise Anderson, Elise Stein, Emily Schwartz, Emma Redfoot, Ezana Teferra, Hy Hinojosa, Kayleigh Brown, Lily Alverson, Marissa Reeves, Mary Baker, Michael Bagel, Mike Yarnell, Mollie Lane, Ron Gebhausbauer, Stacy Celinsky, Susan Hinck, Suzanne Payne, Tamara Clay, Tom Louthan, and Tyler Gamble.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Jeffrey Phan, a fellow in Senator BINGAMAN's office, be granted the privileges of the floor for the pendency of S. Con. Res. 70, the budget resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPRESSING THE SYMPATHY OF THE SENATE TO FAMILIES OF WOMEN AND GIRLS MURDERED IN GUATEMALA

On Monday, March 10, 2008, the Senate passed S. Res. 178, as amended, with its preamble, as amended, as follows:

S. RES. 178

Whereas since 2001, more than 2,000 women and girls have been murdered in Guatemala;

Whereas most of the victims are women ranging in age from 18 to 30, with many of the cases involving abduction, sexual violence, or brutal mutilation;

Whereas while the overall murder rate in Guatemala has increased substantially, the rate at which women have been murdered in Guatemala has increased at an alarming rate, almost doubling from 2001 to 2006;

Whereas according to data from Guatemala's Public Prosecutors Office, few arrests and fewer convictions have occurred, and prosecutors, forensics experts, and other state justice officials have not brought the perpetrators to justice;

Whereas from 2001 to 2006, there were only 20 convictions for the murders of women and girls;

Whereas the Human Rights Ombudsman of the Government of Guatemala has reported that in 1 year alone police officers were implicated on 10 separate occasions in the murder of women in Guatemala, and recommended that such officers and other officials be held accountable for their acts;

Whereas an effective, transparent, and impartial judicial system is key to the administration of justice, and the failure to ensure proper investigations and prosecutions hampers the ability to solve crimes and punish perpetrators;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, have impeded the arrest and prosecution of suspects;

Whereas the Special Prosecutor for Crimes Against Women of the Government of Guatemala has reported that her office has reviewed approximately 800 incidents of domestic violence per month, with some of those cases ending in murder, and that deaths could have been prevented if the legal system of Guatemala provided for prison sentences in cases of domestic violence;

Whereas the murders of women and girls in Guatemala have brought pain to the families and friends of the victims as they struggle to cope with the loss of their loved ones and the fact that the perpetrators of these heinous acts remain unknown to the proper authorities;

Whereas many countries in Latin America face significant challenges in combating violence against women, and international cooperation is essential in addressing this serious issue;

Whereas the United States Agency for International Development (USAID) has provided assistance to the Government of Guatemala to implement judicial reform and rule of law programs, and in fiscal year 2006, Congress provided $1,500,000 for programs to combat impunity, corruption, and crimes of violence, of which $500,000 is to be allocated to strengthen the special prosecutorial units charged with investigating the murders of women in Guatemala;

Whereas the Government of Guatemala has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, done at Belem do Para, Brazil June 9, 1994, and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women;

Whereas the Government of Guatemala has created special police and prosecutorial units to address the brutal murders of women in Guatemala;

Whereas in June 2006, the Government of Guatemala successfully abolished the ''Rape Law'' which had absolved perpetrators of criminal responsibility for rape and certain other crimes of violence upon the perpetrator's marriage with the victim;

Whereas legislators from various parties in Guatemala have joined lawmakers from Mexico and Spain to form the ''Interparliamentary Network against 'Femicide' '';

Whereas the Government of Guatemala and the United Nations recently entered into an agreement to establish the International Commission Against Impunity in Guatemala (CICIG), which has a mandate to investigate and promote the prosecution of illegal security groups and clandestine security organizations that function with impunity and are suspected of attacking human rights defenders, justice officials, and other civil society actors; and

Whereas continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Guatemala: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sincerest condolences and deepest sympathy to the families of women and girls murdered in Guatemala, and recognizes their courageous struggle in seeking justice for the victims;

(2) expresses the solidarity of the people of the United States with the people of Guatemala in the face of these tragic and senseless acts;

(3) condemns the ongoing murders of women and girls in Guatemala, and encourages the Government of Guatemala to act with due diligence in order to promptly investigate these killings, prosecute those responsible, and continue to work toward eliminating violence against women;

(4) urges the Government of Guatemala to strengthen laws with respect to domestic violence and sexual harassment, to improve the integrity of the prosecutorial and judicial systems, and to provide the resources and commitment necessary to adequately enforce justice for crimes against women;

(5) urges the President and the Secretary of State to continue to incorporate the investigative and preventative efforts of the Government of Guatemala regarding the murder of women and girls into the bilateral agenda between the Governments of Guatemala and the United States;

(6) encourages the Secretary of State to continue to support efforts by the Government of Guatemala to train and equip the special police and prosecutorial units of the Government of Guatemala to conduct thorough and proper investigations of crimes of violence against women, and to implement judicial reform and rule of law programs;

(7) encourages the Secretary of State and the Attorney General to provide assistance in establishing a comprehensive missing persons system and an effective state protection program for witnesses, victims' relatives, and human rights defenders;

(8) urges the Government of Guatemala to hold accountable those law enforcement and judicial officials whose failure to investigate and prosecute the murders adequately, whether through negligence, omission, or abuse, has led to impunity for these crimes;

(9) encourages the Secretary of State to support efforts to identify perpetrators and unknown victims through forensic analysis, including assisting the Government of Guatemala in adequately funding the National Institute for Forensic Science (INACIF) and training lab personnel in investigatory and evidence gathering protocols;

(10) urges the Secretary of State—

(A) to express support for the efforts of the victims' families and loved ones to seek justice for the victims,

(B) to express concern relating to any harassment of these families and the human rights defenders with whom they work, and

(C) to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(11) encourages the Secretary of State to continue to include in the Department of State's annual Country Reports on Human Rights Practices instances of failure to investigate and prosecute crimes, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of women and girls in Guatemala;

(12) recommends that the United States Ambassador to Guatemala continue to meet with the families of the victims, women's rights organizations, and the officials of the Government of Guatemala who are responsible for investigating these crimes; and

(13) recommends that the Secretary of State develop a comprehensive plan to address and combat the growing problem of violence against women in Latin America.

KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2516 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2516) to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I appreciate Senator MIKULSKI's commitment to helping those dedicated men and women who are not yet U.S. citizens but who have served all Americans as members of the Armed Forces. Easing the path to citizenship by removing duplicative procedures for these dedicated men and women is the right thing to do, and I am glad to support Senator MIKULSKI's efforts.

However, I also wish to note my concern with inclusion of language in the bill, at the administration's behest, that appears to anticipate a future expansion of the collection of biometric information from individuals who seek to become naturalized citizens or who seek other immigration benefits. In light of the purpose of Senator MIKULSKI's bill, which is to streamline the naturalization procedures for legal permanent residents serving in the military, it would make little sense to place additional obstacles in the path of those who have made the ultimate commitment to the United States.

I also register this concern to make clear that the language in this bill with respect to biometric information should in no way be misconstrued as authority for the administration to unilaterally expand the type of biometric information beyond what is currently required to obtain immigration benefits from the U.S. government. Federal immigration law is the province of the Congress, and Congress retains the sole power to determine the extent of rulemaking authority afforded to Federal immigration agencies. The involvement of Congress in these decisions is crucial to ensure that the procedures by which we admit or deny individuals entry to the United States take into account the interests of privacy, and are faithful to the welcoming traditions by which our nation has prospered. Only Congress can provide the deliberative, democratic process necessary to ensure that any future requirements are consistent with American values.

We all recognize the need for robust security at our borders. But over the last 7 years, the reputation of the United States as a welcoming nation has been diminished as a result of often misguided policies that take a reactionary, blunt, and hostile approach to immigration. The administration has met its failure to enact meaningful immigration reform with layer upon layer of security initiatives that in some cases do little more than foreclose the promise of our great Nation for so many who seek opportunity, advancement, or refuge. America's security now and in the future demands more than border walls and punitive, enforcement-only immigration policies.

Our future security, as well as our future prosperity, depends upon the balance that has been absent for so long.

Mr. BROWN. I ask unanimous consent that the Mikulski substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid on the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4177) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kendell Frederick Citizenship Assistance Act''.

SEC. 2. FINGERPRINTS AND OTHER BIOMETRIC INFORMATION FOR MEMBERS OF THE UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act of 1974''), the Secretary of Homeland Security shall use the fingerprints provided by an individual at the time the individual enlisted in the United States Armed Forces, or at the time the individual filed an application for adjustment of status, to satisfy any requirement for background and security checks in connection with an application for naturalization if—

(1) the individual may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440);

(2) the individual was fingerprinted and provided other biometric information in accordance with the requirements of the Department of Defense at the time the individual enlisted in the United States Armed Forces;

(3) the individual—

(A) submitted an application for naturalization not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; or

(B) provided the required biometric information to the Department of Homeland Security through a United States Citizenship and Immigration Services Application Support Center at the time of the individual's application for adjustment of status if filed not later than 24 months after the date on which the individual enlisted in the United States Armed Forces; and

(4) the Secretary of Homeland Security determines that the biometric information provided, including fingerprints, is sufficient to conduct the required background and security checks needed for the applicant's naturalization application.

(b) MORE TIMELY AND EFFECTIVE ADJUDICATION.—Nothing in this section precludes an individual described in subsection (a) from submitting a new set of biometric information, including fingerprints, to the Secretary of Homeland Security with an application for naturalization. If the Secretary determines that submitting a new set of biometric information, including fingerprints, would result in more timely and effective adjudication of the individual's naturalization application, the Secretary shall—

(1) inform the individual of such determination; and

(2) provide the individual with a description of how to submit such biometric information, including fingerprints.

(c) COOPERATION.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall determine the format of biometric information, including fingerprints, acceptable for usage under subsection (a). The Secretary of Defense, or any other official having custody of the biometric information, including fingerprints, referred to in subsection (a), shall—

(1) make such prints available, without charge, to the Secretary of Homeland Security for the purpose described in subsection (a); and

(2) otherwise cooperate with the Secretary of Homeland Security to facilitate the processing of applications for naturalization under subsection (a).

(d) ELECTRONIC TRANSMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense and the Director of the Federal Bureau of Investigation, implement procedures that will ensure the rapid electronic transmission of biometric information, including fingerprints, from existing repositories of such information needed for military personnel applying for naturalization as described in subsection (a) and that will safeguard privacy and civil liberties.

(e) CENTRALIZATION AND EXPEDITED PROCESSING.—

(1) CENTRALIZATION.—The Secretary of Homeland Security shall centralize the data processing of all applications for naturalization filed by members of the United States Armed Forces on active duty serving abroad.

(2) EXPEDITED PROCESSING.—The Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence shall take appropriate actions to ensure that applications for naturalization by members of the United States Armed Forces described in paragraph (1), and associated background checks, receive expedited processing and are adjudicated within 180 days of the receipt of responses to all background checks.

SEC. 3. PROVISION OF INFORMATION ON MILITARY NATURALIZATION.

(a) IN GENERAL.—Not later than 30 days after the effective date of any modification to a regulation related to naturalization under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), the Secretary of Homeland Security shall make appropriate updates to the Internet sites maintained by the Secretary to reflect such modification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, not later than 180 days after each effective date described in subsection (a), should make necessary updates to the appropriate application forms of the Department of Homeland Security.

SEC. 4. REPORTS.

(a) ADJUDICATION PROCESS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the appropriate congressional committees on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439, 1440), including the process that—

(A) begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete; and

(B) ends on the date of the final disposition of such application.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a description of—

(A) the methods used by the Secretary of Homeland Security and the Secretary of Defense to prepare, handle, and adjudicate such applications;

(B) the effectiveness of the chain of authority, supervision, and training of employees of the Federal Government or of other entities, including contract employees, who have any role in such process or adjudication; and

(C) the ability of the Secretary of Homeland Security and the Secretary of Defense to use technology to facilitate or accomplish any aspect of such process or adjudication and to safeguard privacy and civil liberties

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States and the Inspector General of the Department of Homeland Security shall conduct a study on the implementation of this Act by the Secretary of Homeland Security and the Secretary of Defense, including an assessment of any technology that may be used to improve the efficiency of the naturalization process for members of the United States Armed Forces and an assessment of the impact of this Act on privacy and civil liberties.

(2) REPORT.—Not later than 180 days after the date on which the Secretary of Homeland Security submits the report required under subsection (a), the Comptroller General and the Inspector General shall submit a report to the appropriate congressional committees on the study required by paragraph (1) that includes recommendations for improving the implementation of this Act.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the Senate;

(4) the Committee on Armed Services of the House of Representatives;

(5) the Committee on Homeland Security of the House of Representatives; and

(6) the Committee on the Judiciary of the House of Representatives.

The bill (S. 2516), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 390 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 390) designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 390) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 390

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a meaningful funeral ceremony;

Whereas funeral directors and morticians have dedicated their professional lives to serving the families of their communities in their times of need for generations with caring, compassion, and integrity;

Whereas these special men and women see their chosen profession as a higher calling, a sacred trust, in serving every family regardless of social standing, financial means, or time of day or day of the year, whenever a death occurs; and

Whereas on this special day, March 11, 2008, it would be appropriate to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the Senate—

(1) takes this opportunity to pay the Nation's collective debt of gratitude for all the hours and all the times they have put someone ahead of themselves by serving the living while caring for the dead;

(2) urges every American of every walk of life to embrace each of these special individuals with heartfelt thanks for their dedication to their profession; and

(3) designates March 11, 2008, as ''National Funeral Director and Mortician Recognition Day''.

SECOND ANNUAL NATIONAL NATIVE HIV/AIDS AWARENESS DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 479, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 479) designating March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 479) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 479

Whereas the number of human immunodeficiency virus and acquired immunodeficiency syndrome (hereafter ''HIV/AIDS'') cases among American Indian and Alaska Native communities has been increasing at an alarming rate and poses a significant threat to the public health of Native communities;

Whereas American Indians and Alaska Natives have the 3rd highest rate of HIV/AIDS infection in the United States, after Blacks and Hispanics;

Whereas, according to the Centers for Disease Control and Prevention HIV/AIDS Surveillance Report published in 2005, the rate per 100,000 persons of HIV/AIDS diagnosis for American Indians and Alaska Natives was 10.4;

Whereas American Indians and Alaska Natives experience the highest disease and mortality rates in the United States compared to other racial and ethnic groups, due to socioeconomic factors that include consistently high rates of poverty, inadequate education, and a lack of access to quality health services;

Whereas certain risk factors exist among Indian and Alaska Native populations that elevate the threat of the HIV/AIDS epidemic, including high rates of sexually transmitted diseases and substance abuse;

Whereas, according to the 2005 Centers for Disease Control and Prevention Sexually Transmitted Disease Surveillance Report, American Indians and Alaska Natives have the 2nd highest infection rates of gonorrhea and chlamydia in the United States and the 3rd highest infection rate of syphilis;

Whereas, according to the 2005 National Survey on Drug Use and Health, American Indians and Alaska Natives had a 12.8 percent higher rate of illicit drug use than any other races or ethnicities;

Whereas, during the years 1997–2004, of persons who had received a diagnosis of HIV/AIDS, American Indians and Alaska Natives had survived a shorter time than had Asians and Pacific Islanders, Whites, or Hispanics;

Whereas, after 9 years, 67 percent of American Indians and Alaska Natives who had been diagnosed with HIV/AIDS were alive, compared to 66 percent of Blacks, 74 percent of Hispanics, 75 percent of Whites, and 81 percent of Asians and Pacific Islanders;

Whereas, from 2001 through 2004, the estimated number of HIV/AIDS cases increased among Whites, Asians and Pacific Islanders, and American Indians and Alaska Natives, and decreased among Blacks and Hispanics; and

Whereas, from 2000 through 2004, the estimated number of deaths among persons with AIDS decreased among Whites, Blacks, and Asians and Pacific Islanders, but increased among American Indians and Alaska Natives: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the seriousness of the spread and threat of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS) epidemic in American Indian and Alaska Native communities;

(2) encourages Federal, State, and tribal governments as well as Indian organizations and health care providers to coordinate efforts in HIV/AIDS testing and in the promotion of prevention activities to further efforts in the reduction of HIV/AIDS infection rates among American Indians and Alaska Natives; and

(3) designates March 20, 2008, as ''Second Annual National Native HIV/AIDS Awareness Day''.

PERMITTING THE USE OF THE ROTUNDA

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 306 received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 306) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 306) was agreed to.

ORDERS FOR WEDNESDAY, MARCH 12, 2008

Mr. BROWN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, March 12; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day and that the Senate then resume consideration of H. Con. Res. 70, the concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Tomorrow, the Senate will resume debate on the budget resolution. Senator BINGAMAN is expected to be here to offer the next amendment.

ORDER OF PROCEDURE

Mr. BROWN. I ask unanimous consent that all time during this period of morning business be charged equally against each side on the resolution and that morning business now be closed and that the Senate resume consideration of the budget resolution, and following the remarks of Senator COBURN, who was generous with his time this evening, and I am grateful for that, and

the remarks of Senator SANDERS, that the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO CORRECT THE ENROLLMENT OF H.R. 1593

Mr. BROWN. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 270 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 270) to make corrections in the enrollment of the bill H.R. 1593.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 270) was agreed to.

SECOND CHANCE ACT OF 2007

Mr. BROWN. I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 1593 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1593) to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I was pleased to join Senators SPECTER, BIDEN, and BROWNBACK last year as an original cosponsor of S. 1060, the Recidivism Reduction and Second Chance Act, and to help to shepherd that legislation through the Senate Judiciary Committee. I am pleased that now our hard work will finally enable us to take up and pass the House version of the legislation, which represents significant work and compromise on the part of the bill's Senate sponsors as well as those in the House, in order to move this important bill one step closer to becoming law.

Over the past several years that we have been working on this bill, I and others have had to make many painful compromises in order to ensure that this important bill could receive the support it needs to pass and become law. In spite of these sacrifices, the Second Chance Act is a good first step toward a new direction in criminal justice that focuses on making America safer by helping prisoners turn their lives around and become contributing members of society.

In recent years, this Congress and the States have passed a myriad of new criminal laws creating more and longer sentences for more and more crimes. As a result, this country sends more and more people to prison every year. There are currently more than 2 million people in jail or prison, and there are more than 13 million people who spend some time in jail or prison each year. Most of these people will at some point return to our communities. What kind of experience inmates have in prison, how we prepare them to rejoin society, and how we integrate them into the broader community when they get out are issues that profoundly affect the communities in which we live.

As a former prosecutor, I believe strongly in securing tough and appropriate prison sentences for people who break our laws. But it is also important that we do everything we can to ensure that when these people get out of prison, they enter our communities as productive members of society, so we can start to reverse the dangerous cycles of recidivism and violence. I hope that the Second Chance Act will help us begin to break that cycle.

The Second Chance Act would fund collaborations between State and local corrections agencies, nonprofits, educational institutions, service providers, and families to ensure that offenders released into society have the resources and support they need to become contributing members of the community. The bill would require that the programs supported by these grants demonstrate measurable positive results, including a reduction in recidivism. We should be supporting good programs and demanding results for our federal tax dollars.

The bill would also set up a task force to determine ways to improve the effectiveness and efficiency of federal programs related to prisoner reentry and would authorize additional programs that would encourage employment of released prisoners, improve substance abuse treatment programs for prisoners, and assist the children of prisoners.

I thank Senator BIDEN, Senator SPECTER, and Senator BROWNBACK for consistently working with me to make a good bill even better. They accepted my suggestion to fix a provision that would have made it difficult for States without large urban areas to obtain grants. They also agreed with me that it made sense for victim services agencies to have a role in administering grants, for victims' needs to be specifically addressed by grants authorized by the bill, and for safeguards to be added to provisions aiming to integrate families of offenders in order to ensure that children are protected.

They also worked with me to include in the Senate's legislation an important study of the collateral consequences of criminal convictions federally and in the States, which would encourage appropriate policy to help successfully reintegrate released offenders into society. I am disappointed that partisan and unprincipled objections prevented this study, which is very important but in no way provocative, from being a part of the final bill. I am glad to report, though, that this important study was passed into law in December as part of the Court Security Improvement Act of 2007. I am similarly glad that we are moving now to pass the best version of the Second Chance Act that we can.

I thank the Vermont Department of Corrections and the Vermont Center for Crime Victim Services for helping me to identify important improvements and to make this bill better for the people of Vermont and the people of America. The Vermont Department of Corrections and many others in Vermont strongly support the Second Chance Act, which gives me confidence that this legislation we pass today represents an important step in making our country safer.

Mr. BROWN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1593) was ordered to be read a third time, was read the third time, and passed.

Mr. BIDEN. Mr. President, I rise today to thank my colleagues for passing by unanimous consent the Recidivism Reduction and Second Chance Act of 2007, which I introduced in March of last year. I am delighted that my colleagues, Senators SPECTER, BROWNBACK, and LEAHY, and I were able to bring Democrats and Republicans together to support this very important piece of legislation.

The bill aims to reduce the rate of recidivism by improving the transition of offenders from prison back into the community. Preventing recidivism is not only the right thing to do, it makes our communities safer and it saves us money.

Today, we have over 2 million individuals in our Federal and State prisons and millions more in local jails. Our Federal and State prisons will release nearly 650,000 of these offenders back into our communities this year. A staggering two-thirds of released State prisoners will be rearrested for a felony or serious misdemeanor within 3 years of release.

It is not difficult to see why. These ex-offenders face a number of difficult challenges upon release. The unemployment rate among former inmates is as high as 60 percent; 15 to 27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of Federal and 70 percent of State inmates used drugs regularly before prison. This addiction and dependency often continues during incarceration.

Unless we address these problems, these individuals will commit hundreds of thousands of serious crimes after their release, and our communities will bear the human and economic cost. If we are going to reduce recidivism and crime, we simply have to make concerted, common-sense efforts now to help ex-offenders successfully reenter and reintegrate into their communities.

The Recidivism Reduction and Second Chance Act of 2007 confronts head-on the dire situation of prisoners reentering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing, lack of basic physical and mental health services, and deficient basic life skills. Through commonsense and cost-effective measures, the bill offers a second chance for ex-offenders, and the children and families that depend on them, and it strengthens our communities and ensures safe neighborhoods.

The Second Chance Act provides grants for the development and implementation of comprehensive substance abuse treatment programs, academic and vocational education programs, housing and job counseling programs, and mentoring for offenders who are approaching release and who have been released. To ensure accountability, the bill requires grantees to establish performance goals and benchmarks and report the results to Congress.

The bill authorizes $324 million over 2 years in competitive grant funding. These funds represent an investment in our future and an acknowledgement of the problem we face. We must remember that the average cost of incarcerating each prisoner exceeds $20,000 per year, with expenditures on corrections alone having increased from $9 billion in 1982 to $60 billion in 2002. That is more than a 6-fold increase, and the costs keep going up.

A relatively modest investment in offender reentry efforts today is far more cost-effective than the alternative—building more prisons for these ex-offenders to return to if they can't reenter their communities and are convicted of further crimes. An ounce of prevention, as the saying goes, is worth a pound of cure.

I am proud today to witness the passage of the Recidivism Reduction and Second Chance Act, a bill that will transform offender reentry policy in this country. The safety of our neighbors, our children, and our communities depends on it. I urge the President to quickly sign this bill into law.

I would particularly like to thank Nancy Libin on my staff, Lisa Owings on Senator SPECTER's staff, LaRochelle Young on Senator BROWNBACK's staff, and Noah Bookbinder on Senator LEAHY's staff, all of whom worked tirelessly to get this bill passed.

Mr. BROWNBACK. Mr. President, Today, I rise to congratulate my colleagues on the passage of the Second Chance Act, a bill that we have been working on for over 4 years. I am pleased to join with Senators BIDEN and SPECTER and Chairman LEAHY in supporting the passage of this bill. I, like my colleagues, have worked long and hard on this bipartisan legislation that is supported by over 200 bicameral and bipartisan organizations.

I truly believe that with this bill, we have an incredible opportunity to reshape the way in which our Nation fights crime, addresses poverty, and provides for safer communities. Indeed, we have all seen the statistic. Over 650,000 individuals will be released from our Federal and State prisons, and 9 million are released from jails. Approximately two out of every three individuals released from prison or jail commit more crimes and will be rearrested within 3 years of release, placing increasing financial burdens on our States and decreasing public safety.

This is unacceptable and must be addressed. Recidivism is costly, in both personal and financial terms. Consider: the American taxpayers spent approximately $9 billion per year on corrections in 1982, and in 2002—nearly two decades later—taxpayers spent $60 billion.

In addition to the astronomical costs of recidivism, the Nation's prison population is projected to continue to grow over the next 5 years by an additional 13 percent. According to ''Public Safety, Public Spending: Forecasting America's Prison Population 2007—2017'', State and Federal prison populations are expected to add approximately 192,000 persons at a cost of $27.5 billion between 2007 and 2011.

If that is not astonishing enough, State spending on corrections has risen faster over 20 years than spending on nearly any other State budget item—increasing from $9 billion to $41 billion a year. The average annual operating cost per State inmate in 2001 was $22,650, or $62.05 per day. Among facilities operated by the Federal Bureau of Prisons, it was $22,632 per inmate, or $62.01 per day. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

Despite that fact that taxpayers went from spending $9 billion per year on corrections in 1982 to $60 billion two decades later, the failure rate of our prison system has not improved over the last 30 years.

However, my concerns with our correctional system do not stop here. Not only do we need to ensure that our communities are safer, that the money spent on corrections result in drastically lower recidivism rates, but we must also look at the cost to the children of incarcerated individuals. A recent study found that children of prisoners are five times as likely to be incarcerated later in life as a child who has not had a parent incarcerated. Fifty-five percent of prisoners have children under the age of 18 and, tragically, more than 7 million children can claim a parent in prison, in jail, under parole, or under probation supervision.

Additionally, some incarcerated parents owe more than $20,000 in child support debt upon their release. Parents play a vital role in the lives of their children—and the role of incarcerated parents is no different. The children of individuals in our prison system often depend upon their incarcerated parent, at least in part, for financial support, and look to that parent for guidance in many aspects of their lives. Failing to address this very important facet of the family structure within the prison population could be contributing to the deterioration of families.

We must stop subsidizing programs that do not work and that lead, in turn, to negative behavior less safety, more crime, and more money wasted.

The Second Chance Act of 2007, coauthored by Senator BIDEN, Ranking Member SPECTER, Chairman LEAHY, and myself, as well as our counterparts in the House of Representatives, is a bill that will address this issue by providing grant money to States through the Department of Justice and the Department of Labor to encourage the creation of innovative programs geared toward improving public safety, decreasing the financial burden on States and successfully reintegrating exoffenders into society.

Additionally, this bill authorizes two grant programs designed to aid nonprofit organizations—faith-based and community based organizations—that provide programs to those incarcerated. As you may know, faith-based programs are very successful in reintegrating offenders into society. A 2002 study found that faith-based prison programs result in a significantly lower rate of re-arrest than vocation-based programs—16 percent versus 36 percent.

A 2003 study on Prison Fellowship Ministries' Texas InnerChange Freedom Initiative, IFI, program found that IFI graduates were 50 percent less likely to be re-arrested. The 2-year postrelease re-arrest rate among IFI postrelease graduates in Texas was 17 percent compared with 35 percent of the matched comparison group. And finally, the study found that IFI graduates were 60 percent less likely to be

reincarcerated and the 2-year postrelease reincarceration rate was 8 percent of IFI graduates—8 percent—versus 20.3 percent with the matched comparison group from a nonfaith-based program.

The bill also focuses on systematic changes within the criminal justice system by encouraging more coordination between Government agencies, encourages States, and local governments to reevaluate their current statutes in order to streamline their budgets and provide for more effective transition programs for inmates, which include: education, job training, life and family skills, programs for children of incarcerated parents, as well as substance abuse treatment.

Further, I want my colleagues to know that there are real accountability measures within this bill. If grantees do not show significant progress in reducing the recidivism rates for program participants they will not be eligible to receive further funding under this act.

States have already shown that recidivism rates can be dramatically cut with innovative programs, and I am proud that my State, Kansas, is a leader in this regard. In Kansas, the Shawnee County Re-Entry Program engages corrections officials and community partners to develop comprehensive reentry plans for people in prison who have been assessed as high-risk for reoffending upon release. In the 12 months prior to release, program participants work closely with case managers to develop their reentry plans. Case managers continue to provide support as needed following release.

The Shawnee community is closely involved in the program as well, serving on accountability panels and as volunteer community connectors. The program also developed a data collection system to enable facility and parole case managers to enter information more easily. The system allows facility staff and case workers to share data with other data systems within other State agencies, and faith and community-based providers. A Web-based data system would also help build the capacity of community and faith-based organizations to track data similar to State data collections methods. In this way, State agencies can more easily compare data and outcomes with information collected by faith and community groups. This is just one example of innovation in addressing the concerns facing our criminal justice system.

Indeed this bill is much needed and will serve as a catalyst for systemic change. This bill could not have happened without the hard work and determination of over 200 organizations, such as Prison Fellowship Ministries, Open Society, the Council of State Governments, and the U.S. Conference of Catholic Bishops, as well as many State and local government correction officials and law enforcement officials—a truly bipartisan/bicameral coalition of partners committed to changing the criminal justice system.

Mr. President, I thank my colleagues, Senators BIDEN and SPECTER, and Chairman LEAHY. Together we were able to implement vital legislation geared to improve public safety, give aid to States, and to truly give those incarcerated a second chance not only to fully integrate into society in a positive way but to provide them with a hope for a positive future not only for themselves but for their families as well.

Mr. BROWN. Mr. President, I yield the floor to my colleague from Oklahoma, Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

Mr. COBURN. Mr. President, I am going to spend a little while tonight talking about the budget. I have listened to the budget debate all day, just like I did yesterday. I came in yesterday and listened to the debate. I have heard about tax increases and I have heard about spending and I have heard the things going back and forth. But what I did not hear was anything that had to do with this: This is the oath of a Senator. There are some interesting things. Let me read it first:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

The interesting thing about that oath is nowhere in that oath does it mention your State. There was, by design, never any intended part by our Founders that we would place parochialism ahead of our duty to this country. Yet where do we find ourselves today? With $9 trillion, almost $10 trillion, at the end of this fiscal year, in direct debt.

We have heard all sorts of numbers quoted today. The actual number for the obligated unpaid-for liabilities that our next generations will face is actually $79 trillion. It is interesting where that comes from because that comes from the retirement benefits for our service personnel, the retirement benefits for Federal employees, including people who work in this Chamber, Medicare payments, Medicaid payments, all the various trust funds we have set up through the years, such as the Inland Waterway Trust Fund, the trust funds associated with other distinct obligations in terms of infrastructure in this country. We are stealing all that money every year that is supposed to go to it. As a matter of fact, the budget deficit this year will be, in real accounting standards—not Enron accounting standards—$607 billion, of which about $160 billion of that is going to come from Social Security and about another $30 billion to $35 billion from all these other trust funds.

So when you hear a number that comes from Washington, I want us to be very suspect because we are much like the CEO at Enron, Ken Lay. We are not going to send you the real number. It is not because we do not intend to be honest; it is because we have sold out to parochialism.

Now, I want us to think about that for a minute. Later on, I am going to show some examples. I am going to go through $350 billion-plus worth of waste that occurs annually in this country. But how is it that we have $350 billion—by the way, it is not going to be disputable. There is going to be an absolute reference to either a GAO study, a CBO score, a congressional hearing or published reports that are out there. So it is not going to be TOM COBURN's estimate. It is going to be a factual basis of what is occurring in our country.

But how is it we got to the point where Members of Congress—both of the House and of the Senate—have all of a sudden forgotten what their oath is; that, in fact, their primary means is: How do I send more money home to my State? How is it that we have gotten to where we have $79 trillion in unfunded liabilities? We have $10 trillion in true debt, at the end of this fiscal year. We are going to have a $600 billion deficit—real deficit—this year, which we are going to obligate our children to pay for.

I would put forth: We forgot our oath. We forgot what it is about. Our State is not mentioned. When I am parochial for my State, there is no way I can live up to the oath I took when I came into this body. There is no way, if I am parochial for Oklahoma or Ohio, I can possibly make a decision that is in the long-term best interest of the country, when I am thinking about the best interest of my State in the short term.

So, consequently, what came about from that? Well, here is what we saw in terms of earmarks, the growth of earmarks and the growth of Government spending. Isn't it interesting, we have heard all the debate today about tax increases, but nobody, except Senator BROWNBACK, talked about cutting spending. Here we have the earmarks in 2006. In 2007, there were another 11,800 earmarks. So it went to 12,000 earmarks. But the spending continues to rise. There is a correlation between earmarks and spending, and it is this: Earmarks are the gateway drug for overspending.

Let me explain how it works. If I want something for Oklahoma and I submit a request and the appropriators are kind enough to honor that request and I do not vote for the bill, regardless of whether I agree with the bill, the next time another appropriations bill comes up and I have a request, I will not get it. So all of a sudden my earmark blinds me on a parochial basis for what is best for Oklahoma, but I do not do what is best for the country. So you see this trend going up, and it continues to go up. If you had one for debt, you would see that. If you had one for unfunded liabilities, you would see the same thing.

Now, what did our Founders have to say:

> Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated.

This is Thomas Jefferson, the founder of the Democratic Party. This is what he said:

> As it was never meant they should provide for that welfare but by the exercise of the enumerated powers.

Earmarks are not enumerated powers. The only power they are is how we find ways to get ourselves reelected. That is the power they are. Here is the founder of the modern Democratic Party who now chastises us with his words about what earmarks are.

Yet what do we do? We are going to have a vote. We are going to have a vote on this budget on a moratorium on earmarks. I am very thankful to Senator DEMINT for bringing that up.

The argument about earmarks is over everywhere except in Washington. If you look at all the polling data throughout the country, in every State, it does not matter if you are Democrat or Republican or Independent, it is over. They have already decided the issue. Eighty-five percent of the people in this country say we should not be doing it. It does not have anything to do with age. It does not have anything to do with party. Do you know what it has to do with? Those people who are getting them and are well heeled and well connected to politicians, they are the ones who do not want the earmark party to be over. That ought to send a warning signal to the rest of Americans that there is something wrong with this process.

Here is what is wrong with the process:

> [T]he principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale.

This is the same bright man who was very involved in the genesis of our country, talking to us from history about what is important on earmarks.

In 1996, there were less than 900 earmarks. How did we go—in 10 short years—from 3,000 to 15,000? What changed? The argument is: We have an obligation not to let the bureaucrats spend the money. Does that mean all the time before this, when they were much lower, we were not doing a good job? Or could it be that all of a sudden the political tool of earmarks became the soup du jour that politicians use to get themselves reelected and collect campaign money by accomplishing those things?

So I wish to spend a little time tonight talking about the unsustainable course we are on. International markets now doubt our ability to pay off our debt. Our AAA credit rating is in jeopardy. The dollar is declining. Medicare has hit a trigger for the first time in its history that signals we are dipping into general revenues at a rate that is unsustainable. By the way, Medicare was never intended to be paid for with funds from general revenue. Do we have a moral obligation as Members of Congress to do what every other family does in tough times and tighten our belts?

So what I am going to try to do tonight is lay out $388 billion worth of things the Congress could do tomorrow that would save us $388 billion.

Now, somebody may dispute the fact that if we totally changed the Tax Code to either a flat tax or a sales tax we might not have a tax gap—the amount that is owed that is not paid—of $350 billion or $370 billion. We may only have one of $270 billion. I will admit that. So you can take an arrow at that. But the rest of it you cannot take an arrow at. All the rest of it is indisputable.

As a matter of fact, we had testimony before the Budget Committee and before the Finance Committee by the IRS that said if, in fact, you funded them properly, they could get between $30 billion and $40 billion of the tax gap back over a period of 5 years. We know for every $1 we give them in terms of enforcement, they get $3 to $4 back.

The problem in our country is overspending and wasteful spending. It is not undertaxation. It is a moral question whether we will ask the American people for more money when, in fact, we are terrible slobs with the way we control and manage the money they have today, where we are wasteful.

The American people would expect us to get rid of fraud, waste, and abuse before we raise their taxes. Calling for higher taxes is akin to saying you want a performance bonus for us. That is what it is saying. It is absurd to claim the Government is operating at peak efficiency and spending cannot be cut anywhere. But yet we do not see it. It is not just the Democratic budgets. It is the Republican budgets. I will give credit to President Bush. At least he has the PART program and at least they have brought forward recommendations of getting rid of programs that absolutely are not functioning, absolutely do not come anywhere close to meeting the goals. Because they have special interests, they are protected by individual Senators. Blocking new spending is not about obstructionism. The real obstruction is wasteful spending and not going after the wasteful spending at a time when we are asking Americans, who are tightening their belts, to give more money to the Government. That is the real obstruction.

Looking for new ways to spend money is not our job. Our job is to conduct oversight and eliminate programs that are not working. We are not doing our oversight. As a matter of fact, the CRS did a study on oversight. If we put this sign right up here and we look at oversight hearings, what you will see is: As the earmarks have gone up, oversight has gone down. Do you know why? Because the only thing the Appropriations staff has time to do is to barely get the bill out and then manage all the earmarks. So where is the oversight to see what is working and what is not? It isn't there.

The other assumption with this budget is that we have a blank check—and with Republican budgets, not just the majority's budgets—to spend money however we desire, however we choose. Well, that does not appear in the Constitution. We have totally thrown it away when it comes to spending. We have totally thrown it away under the concept of either the interstate commerce clause or the general welfare clause. We have decided that those do not mean anything, even though the significant Founders of our country believed they did.

So let's go back to the oath. Does the oath mean anything? I will ''defend the Constitution'' is what it says. Oh, that means I will twist it to make sure I can do parochial things that make me look good at home. Is that what it means? Can I fully represent and do what is best for our country when I am worried about doing what is best for my State and me? Which one is the more moral position?

James Madison, the father of our Constitution, was very clear on this point. He said:

> With respect to the two words ''general welfare,'' I have always regarded them as qualified by the detail of powers enumerated in the Constitution that are connected with it. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.

In other words, when you are starting to fudge the deal, that is not what we intended, guys. When you are starting to play games with the Constitution, that is not what we intended. And he spoke it in anticipation so that he would be on record. And we would know what his record was about, what they intended about general welfare. The arguments we hear in defense of earmarks would be ridiculed by our Founders after they got over their nausea.

President Reagan criticized the 1987 highway bill because it had 152 earmarks. As a matter of fact, the one before that he vetoed and sent back, and it had even fewer than that. So this isn't an old phenomenon; this is a modern phenomenon. This is something modern that we need to change.

It is interesting that so many in this body seem more interested in adhering to the constitutional scholarship of Jack Abramoff rather than James Madison, much to our detriment. Why do you think we have between an 11 and 22 percent confidence rating from the American people about whether we are doing their business in the best interests of the country, rather than our business?

Another argument I hear often is that we know better than faceless bureaucrats. Yet if we don't like what an agency is doing, we don't have anyone to blame but ourselves. We have the power of the purse and the power of oversight. The problem is we only use the power of the purse to spend, not to restrict. The last time a rescission bill—and for those who don't know what that is, it is a bill that decreases rather than increases spending—went through Congress was 1995.

Overcoming our addiction to earmarks will help us confront the massive waste that is in the Federal budget. We have to do a top-down review of everything in this country if, in fact, we want to hold to the things that are really important, the things that are really worth our sacrifice, which is the next two generations.

Now, it is really interesting that the Government Accounting Office says that every family today is responsible for an unfunded liability of almost a half million dollars. If we think about what that means in terms of carrying that interest, paying your regular taxes and then carrying that—the other thing is if you divide the unfunded liability by the 200 million kids who are going to come on between now and the next 75 years, what we are talking about is $400,000 per child; $400,000 per individual child who is born starting today and moving forward that we are going to add. Think about carrying the interest. Think about what will happen to them.

Now, let me put up a chart, and we will go through this for a minute. This has $383 billion—actually a more recent chart shows $385 billion—in annual expenditures that are wasted. I would like to spend a minute on that, but let me describe what it is. It is $3,000 for every American household in this country down the drain. It is a full 4-year scholarship for two-thirds of all of the college students in this country. It is enough money to buy a new home for 2 million Americans, based on the average price of a home. It is enough money to get the 2 million Americans who are facing foreclosure out of foreclosure and pay for their entire mortgage. That is what we are wasting in one year. It is enough money to pay for the health care of everybody in this country who is either underinsured or uninsured. All 47 million who are uninsured and the 35 million who are underinsured, we can pay for them, just by getting rid of this waste.

It is more than the gross domestic product of 85 percent of every country on Earth. How much we are wasting through fraud and abuse and waste is greater than 85 percent of the gross domestic product of every country on this Earth. It is more than the gross domestic product of 40 States in our Union. It is enough to meet the one campaign's annual goals to end extreme poverty over the next 10 years, over 10 times not enough. More importantly, it is enough to build 1,500 bridges to nowhere over every river in the world, times 10. That is how much money it is.

So what are the crises that we face? It is important that we put ourselves in the shoes of the typical American family in this time of tightening. What do they do? They reassess. They look for waste. Their debt is fixed. They try not to get additional debt. They try to spend less money. They try to conserve. They try to turn the thermostat down. They try to only drive when they have to drive. They try to buy cheaper foods. They don't buy the things they would like to buy. They buy and spend money only on bare necessities, if they can.

Well, a $607 billion deficit this year, a $10 trillion debt, and a $79 trillion unfunded liability ought to cause us to do the same thing, except we have only heard 1 percent in 2 days of debate talk about eliminating wasteful spending, and that was Senator SAM BROWNBACK from Kansas.

In the short term, we will get through this economic slowdown. Hopefully, energy prices will become more affordable for us. But everybody knows in this body, whether we want to admit it or not, we are approaching the day of reckoning that we would not get through. As David Walker, who is the Comptroller General of the United States, a nonpartisan position, said: We are on an unsustainable course. It is absolutely unsustainable. The question is whether our kids are worth us making the hard choices.

Economists on the left and the right from groups ranging from the Brookings Institute to the Heritage Foundation recognize the course we are on. We hear all the time that the only problems are the mandatory programs: Medicare, Social Security, and Medicaid. I am going to show tonight that it is not the only problem. It is a lot of the problem, there is no question about it. It is not just the demographics of it and the growth. There are a lot of management problems that we fail to address.

Each family's share, which I spoke about a minute ago, of the unfunded liabilities is over $450,000 right now. By 2040—and this is not my number, this is the Government Accounting Office—total Federal spending will have to be cut by 60 percent or we will have to double Federal income tax rates.

Now, we heard Senator HATCH talk about how 50 percent of the country now pays 97 percent of the taxes. What happens when we double our tax rates, or another question is, what happens when we don't have any Government programs except Medicare and Medicaid and Social Security? No military, no Department of Education, no NASA, no NIH, no CDC. All of those are gone in a very few short years. More importantly, in 2012, my generation starts heavily hitting Medicare and Social Security, the first baby boomers. What happens if we don't address that?

We would be wise to remember the words of Will Durant:

> A great civilization is not conquered from without until it has destroyed itself from within.

For the typical family sitting around the dinner table right now across America, the answer is obvious. It is time for some belt tightening. It is time for us to do the hard work of eliminating the duplication of wasteful programs. From their perspective, if they have to tighten their belt, we should too. It is not our money, it is theirs. Yet in this body we don't believe we have to live by the same set of rules. We have demonstrated that by our behavior. We like to pretend that we don't live in the world of credit ratings and scores. We ignore economic realities and look for ways to spend money on things that aren't necessary—they may be nice but aren't necessary—with little regard to how our decisions are going to affect our ability to pay for things we must pay for.

By arguing that Americans aren't taxed enough, Members of Congress are claiming that Government spending can't be cut any more in the budget because the Government is running so efficiently it deserves a raise. I don't think there is hardly anybody out in America's midsection, northeast, northwest, southeast, southwest, south central, who believes that. That is a fairy tale that is believed here, except we don't confront it.

Every year we have given Congress a performance bonus that has been adamantly unearned. Americans find this absurd. That is one of the reasons our approval rating is so low.

A question we should ask probably is, if our Nation's survival were at stake right now, would we be acting any differently? Would we have this budget, or the Republican budget, from 2006? Would those have been the budgets? No, they wouldn't have been. We would have been thinking long term. We

would have been making the hard decisions. We would have said: Our country is worth us irritating some special interest group over some item that is no longer efficient or no longer effective. We wouldn't be worried about weighing the future of our children and our grandchildren against the special interests and monied of this country. We wouldn't worry about it.

Well, the fact is, the future is on the line, and if we don't act in the next couple of years, we are going to fall into Will Durant's trap, as we will have rotted inside our own excesses of politics, as we quietly didn't do the things that we could have done to fix the problems that are in front of this country.

It is called maintenance. It is like when you don't mow your grass or you don't pick up the trash in front of your yard. What happens is the value goes down, the pride goes down. Well, that is what has happened to us because myself and the vast majority of Americans believe overspending is a greater moral challenge than undertaxation.

I want to spend some time now going through what I call 2008, a waste odyssey. This waste odyssey is—I am going to be describing a few areas of Government, and I am going to go through them fairly fast so we can see it, and it will be on my Web site in the next week or so. But I am going to outline at least $385 billion, of which I will guarantee $355 billion of it cannot be legitimately challenged that is not waste; $355 billion annually that is wasted or defrauded from the taxpayers of this country, and we are doing nothing about it. This budget doesn't do anything about it; our appropriations oversight committees don't do anything about it. The committees don't make the amendments to do something about it. We do nothing about it. So we come back to that all-important oath. Mr. President, $385 billion listed, $383 billion on this one chart, $385 billion of which $355 billion nobody will be able to dispute.

(Mr. BROWN assumed the Chair.)

Mr. COBURN. Here is what we know. Medicare fraud, out and out pure Medicare fraud. It is somewhere between $70 billion and $90 billion. I picked the middle, which is $80 billion. We have testimony and studies and lots of data on that that will show us that at least $80 billion worth of Medicare money is being ripped off every year.

Let me give some examples. I will go through some. Here is one company that billed Medicare $170 million for HIV drugs. Do you know how much in HIV drugs they did? Less than a million. But they billed $170 million. There was $142 million for nonexistent delivery of supplies and parts and medical equipment—$142 million.

How about taking Medicare numbers from seniors and billing Medicare for prosthetic arms on people who already have two arms? That came to $1.4 billion last year. Think about that—$1.4 billion was billed to Medicare for prosthetic arms for people who don't need prosthetic arms.

How about 80 percent of the drugs billed across the entire United States for HIV under Medicare went to the State of Florida, which has less than 10 percent of the HIV patients who are eligible for Medicare. How is that possible? How about one wheelchair that got billed to Medicare? It was never sent, but they billed $5 million to Medicare through multiple billings. It is easy to add up to $80 billion.

I could go on. How about fake Medicare providers for the elderly, when they steal their number and send multiple bills to multiple locations throughout the country for the same Medicare patient. That is $10 billion in improper payments. The actual improper payments were $37 billion the year before last, and $27 billion last year and of that, $10 billion of it is unrecoverable. We paid too much or we paid the wrong person. That is $10 billion out the door, which is $250 per man, woman, and child in this country in improper payments on Medicare.

Medicaid is another one. There was $30 billion worth of fraud. It is higher than that; that is only the Federal Government's portion of it. It is easily documented, but we cannot document it because Medicaid doesn't file improper payments like the law says they are supposed to. Why? It is because we have not had the guts to put any teeth into forcing HHS to have improper payments. Last year, finally we got 6 months of improper payments on only direct payments to doctors. They found $13 billion worth of improper payments. We have a report that says there is probably $15 billion worth of fraud in Medicaid in New York City alone, of which the Federal Government's share would be about $8 billion to $9 billion.

How about the fact that we paid, in 10 States, over $30 million for payments for Medicaid services to people who are dead? Yes, we paid that. We have a great system that is working well. How about the fact that 65 percent of all Medicaid rehabilitative services are fraudulent? So of the rehab bills that are filed with Medicaid through CMS, 65 percent are fraudulent.

Why do we continue to let that happen? Where is the oversight? Ninety percent of New York Medicaid school-based service claims were illegitimate. Case management. CMS reports that in one State, 72.4 percent of the claims weren't valid in terms of Medicaid case management.

Then we have the infamous drug scandals with the drug companies that have been overbilling to the tune of a billion dollars.

How about Social Security disability fraud? We have that listed at $2.5 billion. What we know is the following: There is at least $6.5 billion in improper payments in Social Security disability. So we have paid them a much smaller percentage than we have on any other improper payment program throughout the Federal Government and said we will take a small percentage of that, less than 40 percent, which is normally 80 percent, and we will list it at $2.5 billion. It is coming out of Social Security every year—totally wrong—and that $2.5 billion could stay in the SSI program to fund people who were truly disabled. Yet we let $2.5 billion sneak out. Why? That is us. We have not done the oversight.

If you add up all of the rest of the improper payments in the Federal Government, you come to $55 billion. That is what is reported. But that doesn't include the 18 agencies of the Federal Government that don't even report improper payments, even though it is the law, which accounts for another $179 billion worth of spending. And if they are anywhere close to the rest of it, there is 5 to 10 percent of improper payments. So there is anywhere from $3 billion to $7 billion more in improper payments.

DOD performance awards. Here is what we have done. Over the last 3 years, the DOD paid out $8 billion on average a year to contractors for performance bonuses that didn't meet the performance requirements of their contract. Think about that—$8 billion a year. That is almost twice the total budget of my home State that we are paying for performance bonuses for contractors that don't meet the requirements of the contract, but we pay them anyway. Why do we allow that? Why do we allow that to happen?

How about DOD maintenance of unneeded properties? We have testimony and a report that shows they have 22,000 pieces of property they don't want. They are spending about $3 billion maintaining properties they don't want. But we put roadblocks in the way so they cannot get rid of them. Is that Americans' fault or is that something we should have addressed? We didn't do it. Consequently, we are going to throw out $3 billion more this year to maintain properties we should have sold 5 to 10 years ago.

We also know that within the Federal Government, outside of the DOD, we have another $18 billion worth of properties we cannot get rid of because we cannot go through the hundreds of hoops we have to be able to get rid of them. That is a one-time savings. That is not even on here. That is a one-time savings we would achieve if we had a real property reform that forced the bureaucracy to do what was best when it came to real property.

Going back to the performance bonuses, when GAO looked at it, they found no connection between the payment of performance bonuses at the

Pentagon and performance—not just on this $8 billion they said was paid erroneously, but on the rest of it. I think we have an Armed Services Committee in the Senate. We certainly have a DOD Appropriations Committee in the Senate. You would think this might be one thing we wanted to do oversight on. Yet no oversight hearing has happened. Why is that? Why haven't we looked at how we are wasting this money?

How about no-bid contracts. This is my favorite. We have seen the problems between Boeing and Northrup-Grumman on a new tanker, a $35 billion new contract—except we know we have needed a new tanker for 12 years. We have had planning on that for 12 years. We are letting a cost-plus contract go through because we don't know what we want. Do we not think whoever won that contract ought to have to take some risk, development risk? Do we think the American taxpayer ought to pay that? We know we lose at least $5 billion a year across the Government in no-bid contracts. That is probably minor. That is a small estimate within the Pentagon. We have not even looked at all the other no-bid contracts throughout FEMA, which we know was tremendously wasteful during Katrina. We know that at least $3 billion of the money we spent during Katrina, from hearings we had on homeland security, was wasted. When the average price we pay to pick up debris from Katrina to the guy actually picking it up is $6 a yard, and we are paying the Corps of Engineers $32 a yard, there is a problem. The taxpayers are getting swindled by 500 percent. Yet we did that to the tune of billions of dollars after Katrina, with no management or oversight.

What we know is in homeland security—and especially from Congressmen WAXMAN and DAVIS in the House—32 Homeland Security Department contracts, worth a total of $34 billion in no-bid contracts, have experienced significant overcharges, wasteful spending, and mismanagement. Between 2003 and 2005, the no-bid contracts in the Department of Homeland Security increased by 739 percent. There is no management. We are allowing that to happen. When we argue that we cannot let the bureaucrats control it, when we say we have to do earmarks, but we don't do oversight, we are letting the bureaucrats control it. If there is $300 billion worth of waste, fraud, and abuse here, and our earmarks account for $18 billion, what price are we paying by not managing the Federal Government and having oversight? We are not doing it.

Emergency spending, another one we won't be critical of ourselves. We put emergency spending in on the floor and add from $20 billion to $40 billion and call it an emergency, and none of it meets the definition of an emergency. We do that so we can go outside of the spending parameters that we have limited ourselves to either through pay-go or the budget. But it looks good at home—or does it? It looks good at home until we start talking about the waste, talking about the fraud, talking about the mismanagement, talking about the denial of our oath we took when we came here to uphold the Constitution. When we allow bureaucracies to waste money, when we don't have oversight of those bureaucracies, then in fact we have abandoned our oath.

It is interesting, in emergencies, up until recently, when we had emergency spending, we paid for it. In my home State of Oklahoma we had the Oklahoma City bombing, a tremendous tragedy. It was the first major internal terrorist act we had. All of the money that went toward restoration of that was paid for. We didn't borrow it from our grandchildren. Let me go back again. When we don't pay for things with emergency spending, we charge it to them. When we have a true emergency, which we might say we didn't plan for, that is one thing, but when we know what we are putting into the bill is not an emergency, we are saying they don't matter, we don't care. We care more about looking good and getting some constituent satisfied than thinking about the future of these kids.

How about other areas? How about crop insurance? Do you realize that for every dollar we pay out in crop insurance, we spend over $3 in administrative fees and underwriting to insurance companies? How is that a good deal? Regardless of where you are on the farm bill, why would we do that? That is at a rate of five times what the rest of the insurance industry earns.

Who has the sweet deal here? Who has the sweet deal? It is not these kids. They don't have a sweet deal, when we are paying three times more than we should to administer a crop insurance program and not requiring farmers to participate. That is the minimum we can save—$4 billion a year—by saying you can earn the same amount of money as everybody else in the casualty insurance business, and no more. No more sweet deals for crop insurance firms. But do we do it? No. I voted wrong on one of the amendments for it. It may have been the amendment of the person sitting in the chair. But we didn't do it.

One of my favorites is the United Nations. We sent $5.3 billion last year to the U.N. and we cannot get the State Department to tell us what our total was in 2007. That was 2006. By law, they are supposed to provide that, but they don't comply. The Foreign Relations Committee won't make them comply, and the Appropriations Committee won't do it, because we don't want to know how much we send. But the American people want to know. But the Secretary of State does not want to give it to us. Our committees will not force them to do it. What do we know about that, of the leaked documents that came out looking at how money is spent? What we know is on procurement and peacekeeping that at least 40 percent of the money that is spent is wasted. Think about that. At least 40 percent is influenced through people of influence and does not ever get to what it is supposed to be doing. It never gets into the peacekeeping field. Only 60 percent of the procurement money actually ever gets to where we want peacekeeping, and yet we don't do anything about it.

We have asked for transparency at the United Nations. This body voted 99 to 1 to condition last year's money on that transparency. It went to conference, and all of a sudden for some reason that was dropped. I wonder why that happened? We thought the United Nations owed us an explanation to tell us where they spent our $5.3 billion but, in our wisdom, we did not accede to that because it might have upset the U.N. Consequently, about $1 billion a year of what we send to the United Nations is pure waste—pure waste. It goes to fraud. It goes to buy off people. It goes to not accomplishing the goals.

If we look at what we are trying to do in Darfur and the new U.N. program over there in terms of sending an interdiction force, what we know is 40 percent of the money has been wasted. It has been scavenged. It has been taken away. It is not going to make a difference in somebody's life.

It is interesting, the U.N. peacekeeping budget this year will grow from $5 billion to $7 billion, a 40-percent growth in 1 year. And of the top five contributors to the U.N. budget, which is us, the United Kingdom, France, Japan, and Germany, all of our budgets are going to grow around 6 or 7 percent. But because we do not have any transparency, we do not have any management at the United Nations, we have a spoil system and we do not have the courage in our body to hold them accountable, we are going to throw $1 billion to $2 billion of our kids' money away.

Oh, I know, we shouldn't rock the boat at the United Nations. They are the people who care about freedom in the world. It is hard to see. If they care about freedom, transparency would be one of the No. 1 things they would assure themselves.

How about another $10-billion worth of savings? We have $64 billion worth of IT contracts going on right now; $27 billion of those are on the high-risk list. In other words, we routinely lose about 20 percent of our investments in ITs. They don't ever accomplish their goals. We spend the money, and we never get anything for it. Where is the management for that program? Where is the accountability for that? It is

similar to the tanker program: Give me a cost-plus program, I don't know what I want now, but I know I want something, and I will tell you as we go what I want. And so the bills start adding up. So out of the $64 billion we spent last year, $27 billion of it is questionable we are ever getting anything out of it.

Take a conservative estimate of that, which is less than what we know historically the IT oversight from GAO has told us, and we are going to lose $10 billion on programs that were not asked for right, were not managed properly or we just flat did not get what we asked for and parted our ways and threw these kids' money away.

Then there is another $17.5 billion we can save from the National Flood Insurance Program. It was created in 1968 by Congress to prevent the need for future emergency spending for large floods. It was designed to be self-supporting, to pay back any debts with proceeds from ratepayers. But what happened was, on the way to the store, the politicians got in between them. So now we have a vast majority of properties that have been grandfathered in that historically have made claims. They were built before the NFIP construction standards, and they receive premium subsidies. In the wake of Katrina, we have a one-time savings of $17.5 billion that we could have had we had that program. But where are we? We now have Gulf Coast States lobbying us that we should increase that program, except the kids I showed the picture of are responsible for that.

The other item, and I challenge all my colleagues to start talking with Federal workers about where they can save money. If you ask them, every one of them says, yes, we can save money. As a matter of fact, we can save a lot of money, but nobody is asking. As a matter of fact, the system is, if we haven't spent the money by the 10th month, we are told to spend it, we are told to spend the money because we might not get enough money next year, and if we don't spend it, then it looks like we don't need it and, therefore, our budgets will be declined. In fact, out of the $1.36 trillion we are going to spend this year, we could save 5 percent easily, 5 percent efficiency. If we can save it, if the Federal employees, the thousands with whom I have talked, are right, why aren't we saving?

Let's go down through a few more, and then I will finish.

We know if we simplify the Tax Code, either change it to a flat tax or straight tax or a value-added tax—whichever one you want, it doesn't matter—what we know is if we did that, we could get significant savings. Let me tell you how.

One is we know compliance will be better. But we also know we have a $10-billion budget for employees at the IRS that if, in fact, we could create a simpler, fairer, straighter system—you pick which kind, I don't care, value-added tax, whatever it is—that we would not need nearly that many employees and we would not spend $160 billion a year paying our taxes, which is what we pay other people outside the IRS.

We also know the IRS, for every dollar they spend investing in compliance, gets between $3 and $4 back. So somewhere between $50 billion and $100 billion out of the $370 billion that we don't get now, we can save. But we tend to want to use it for a political debate.

How about eliminating outdated and wasteful programs. Let me go through some of them. That is $18 billion. Science fiction weapons, $431 million, got nothing for it over the last 10 years, nothing for it, and we spent $431 million and got nothing.

The Coast Guard lengthened eight patrol boats through an earmark. It cost $100 million. They are all worthless now. We have to buy eight patrol boats. Somebody had a good idea.

How about excessive fuel costs? At minimum, $35 million a year, and what we know now looks like in Iraq another $12 million worth of fraud occurring in the fuel depots inside Baghdad. Another $40 million, $50 million on fuel.

How about improper travel payments at the Defense Department, $4 million a year? Security clearances—it costs us half a billion dollars a year to do security clearances because we are doing it in the Dark Ages when, in fact, for almost every other thing around this country we have developed modern systems, computer-aided IT to develop how fast and how often we can clear security items. Yet we spend half a billion, and it takes a year to get somebody cleared. We could cut that in half.

We had a wonderful earmark for polyester t-shirts for our marines. The only problem is, if their MRAP or humvee has a fire, it sticks to their skin. But we still spend $3 million on them.

How about a ferry to nowhere, 84 million bucks? We rejected the developmental boat proposed from a defense contractor in 2002, and the U.S. Navy was required to accept the project and the bid and deploy it to the seas for field engagement, even though it never proved economically worthwhile.

How about a James Bond boat, $4.5 million, three of them?

A high-altitude airship. The President knows something about this. The Missile Defense Agency did not request funding for this program. As a matter of fact, they said they canceled the program called the high-altitude airship because of capability limitations. Yet we continue to spend at least $1 million a year every year on that program because somebody wants it. Some constituent, some moneyed interest, somebody who might employ 20 or 30 people wants it. Somebody wants it, so we have to look good.

How about the American Embassy in Iraq, $592 million? We know a good 20 percent of it is pure waste. We have seen the fraud. We have seen the reports. We know what is going on there. Have we cut back the amount of money? Have we limited the amount of money on it? No. We offered an amendment and couldn't get it done.

How about USAID in Afghanistan, $5.68 billion spent for schools. In the first snow, the roofs collapsed on them. Did we do anything about it? No, we hired the contractor to do more stuff on a cost-plus basis.

How about hospital clinics that were supposedly built, except after we paid for them, the Afghanistan Government told us they didn't build them. How do we let that happen? That is us. That isn't the bureaucracy; that is us. We are letting it happen. We are allowing it.

We spend $20 billion on Federal AIDS programs and what we know is lots of it gets wasted. We know there is widespread deficiencies within the Centers for Disease Control and Prevention in the HIV prevention program. Those are not my words; that is the HHS inspector general.

Two million dollars was embezzled at the San Juan AIDS Institute. NIH is spending $120 million right now on a vaccine program. The starter of that program and the major scientists who started it said it will not work, and they are not contributing, but we continue to spend $120 million on a program everybody in science knows is not going to work, but we are doing it.

By the way, we spent $300,000 or $400,000 on HIV Vaccine Awareness Day, and we don't even have a vaccine. It is important we spend it, but we cannot get rid of it because somebody objects.

AIDS housing, millions of dollars wasted.

Here is my favorite. How about $1 million paid to dead farmers? A billion, I am sorry, a billion dollars paid to dead farmers for their crops. They are dead. We are continuing to pay them, up to 15 years some of them. It is the only program you can continue to collect after you are dead, and yet we have an Agriculture Department that allows that to happen.

How about this—this is great—the National Park Service centennial celebration. We are going to spend $100 million in a time when our deficit is $607 billion, our debt $10 trillion, and our unfunded liabilities are $7 trillion, and we are going to spend $100 million to celebrate our national parks? That doesn't pass the smell test. Nobody is sitting around their dinner table tonight saying if we are ever in the kind of shape we are in, we ought to be doing that.

How about $100 million for the conventions that we did under emergency funding? We spent $100 million, everybody's money, for each city so we could have the conventions in Denver and Minneapolis.

The other interesting thing about the national parks is it doesn't turn 100 until 2016, 8 years from now, but we are going to spend the money.

How about a $30 billion subsidy to Amtrak? Amtrak started with a subsidy and was supposed to get better. We continue to not hold them accountable. How about a $244 million subsidy for food on Amtrak? Maybe we want to continue to have Amtrak. Maybe it is worth it to us to have a $1.5 billion subsidy every year on Amtrak. I would agree with that. Maybe that is the right priority. But should we be subsidizing a quarter of a million dollars a year for people's food on Amtrak? But we are.

Other items—essential air service to small communities that are within driving distance of another community, we are going to spend $110 million this year. How about the fact that we are going to pay Federal employees $250 million to ride the transit? Nobody else in this country gets paid to ride the transit. Nobody else gets their transit bills paid. But Federal employees, we are going to take a quarter of a billion dollars every year, and we are going to say to some of the best paid, best benefited workers in the country that we are going to give you a quarter of a billion dollars in subsidy so you will ride the transit. Well, economics will tell them to ride the transit. The American taxpayer shouldn't do that.

Well, I am wearing thin, I know, my colleagues, and so I will stop and enter into the RECORD the remaining 50 pages of examples I have of stupidity for which we are responsible. The real important thing to keep in mind, if you have been listening to this, is that we are on an unsustainable course, that, in fact, a child born today is going to inherit something different from what we did. We inherited opportunity. They are going to inherit debt. We inherited a leadership and a heritage that says you sacrifice for the next generation. They are going to inherit a legacy that says you kick the next generation in the teeth.

Everything I have outlined today is something we could have controlled, we as Members of the Senate, but we are so busy doing earmarks that we don't do any oversight. Now, what I just outlined to this body is what my staff has discovered in 3 years. Think what would happen if all of us were aggressively oversighting every agency of the Federal Government. Think how efficient it would be. Think how much waste wouldn't be there. Think about what a great deal we would be doing for these kids.

America expects us to tighten our belt. They expect us to do what they are having to do right now. They are tired of our wasteful spending, they are tired of our earmarks, and they are tired of our bridges to nowhere. We better listen. There is a rumble, and if we don't listen, it is our own fault that we will continue to decline in esteem in front of the American people. We will have well earned it.

So the next time somebody says they want to raise your taxes, ask them how much of that they got rid of before they do it. We don't have a shortage of money. We have a shortage of courage. We have a shortage of character. We have a shortage of intensity to solve the real problems that are facing this country. And until we tackle this, we should not say one thing to anybody in this country about increased taxes. It is morally reprehensible, it violates our oath, and most of all, it does great damage to our country.

I ask unanimous consent that the examples that I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Homeland Security Funds for Fish Fries and Spaghetti Dinners

Indiana homeland security officials warned one county in 2006 to stop using electronic emergency message boards to advertise fish fries, spaghetti dinners and other events. Homeland Security, which bought the 11 signs for $300,000, said the county could risk losing Federal money. The Newport Chemical Depot, which is considered a potential terrorist target, is located in the same county in western Indiana. In the case of an evacuation, the signs could flash routes for drivers to take. The message boards also could be used during floods or other natural disasters. Using them for ads violates federal rules and could dull the public's attentiveness to the boards, said the executive director of the Indiana Department of Homeland Security.

Department of Homeland Security Grants

There isn't a training program out there that DHS doesn't like to fund. Overlap and duplication abounds within FEMA's office of Grants and Training and the multiple grant programs it manages that fund counter-terrorism training for State and local first responders. One of these programs, the Demonstration, Training, Grant Program, has received $63.6 million from 2004 to 2007 and has awarded 29 grants ranging from $750,000 to $6.5 million. However, despite this considerable investment by the American taxpayers, as of 2007, none of the training programs developed using Demonstration Training Grant funding have been deployed for use. In addition, some of the programs appear to duplicate other training programs provided both within DHS and with counter-terrorism training programs provided through other Federal agencies. Even the Administration saw that continuing to fund this program was a waste of money. The President did not request funding for the Demonstration Training Program in fiscal years 2007 and 2008 yet Congress chose to continue funding the program, giving it $30 million in 2007 and $28 million in 2008.

DHS—Customs and Border Protection Request a Shopping Trip

The Department of Homeland Security recently requested that a training conference be located within walking distance of a major shopping center. According to a solicitation notice from the Department of Homeland Security Customs and Border Protection (CBP), the federal agency ''desires a hotel located within walking distance of (or short courtesy van trip) a major shopping mall which includes multiple significant department stores and/or the Tanger Outlet mall (near exit 213), for the convenience of the participants/guests'' of an upcoming training conference. The notice also states that ''Contractor shall provide/or assist with local transportation to/from local eateries and shopping, within the surrounding areas of Contractor's establishment, to include major mall and/or Tanger Outlet Mall.''

Interoperable Communications Grant Programs

There are currently two identical grant programs in the federal government that fund interoperable communications, with one housed at the Federal Emergency Management Agency within DHS, and the other at the Department of Commerce. The Interoperable, Communications Grant Program operated by FEMA was created in 2007 and authorized to spend 3.3 billion, while the Public Safety Interoperable Communications Grant Program at Commerce was created in 2005 and authorized to distribute $1 billion. Both programs are identical in every possible way except for their authorized funding levels and the Departments in which they are located. To further highlight the duplication, it should be noted that the Department of Commerce contracted with FEMA to administer its program, meaning both identical programs are being administered by the same agency. Various public safety organizations commented that having two identical programs simply created confusion and wasted resources. A Coburn amendment was filed last year to combine both programs by eliminating the Commerce program and adding it's funding to the FEMA program, but the amendment was voted down by the full Senate.

KATRINA

Katrina Waste

FEMA's Individuals and Households Program (IHP), provides direct assistance (temporary housing units) and financial assistance (grant funding for temporary housing and other disaster-related needs) to eligible individuals affected by disasters. A September 2006 Government Accountability Report found that management of the IHP program in response to Hurricanes Katrina and Rita resulted in as much as $1.4 billion in improper and potentially fraudulent payments due to invalid registration data. In addition, duplicate payments were made and FEMA lacked accountability for the debit cards (each with a $2,000 spending amount) that were given to disaster victims. Examples of abuse included the purchase of a $200 bottle of Dom Perignon champagne at a San Antonio Hooters restaurant, payment for divorces, a sex changes operation, luxury handbags, a Caribbean vacation, professional football tickets, and adult entertainment. And because of FEMA's notoriously bad financial controls and reporting after Hurricanes Katrina and Rita, these are likely only a fraction of the total cost of mismanaging this program.

MISCELLANEOUS

Abraham Lincoln Bicentennial Commission

The Commission was authorized in FY 2002 to create education programs, public forums and arts projects to provide an opportunity to re-examine what it means to be American

in the 21st century finding unity in our diversity. ''The Bicentennial commemoration of his [Lincoln's] life and legacy will be a bright beacon to completing our nation's 'unfinished work.''' The Bicentennial celebration will culminate in a Washington DC ''Bicentennial Birthday Gala'' with a ''world class concert and entertainment special'' in DC with ''nineteenth century popular and patriotic music'' being performed by ''outstanding military bands.'' The Birthday Gala will be followed by a Lincoln Memorial Rededication with a ''memorable public program.'' Additionally, a Joint Meeting of Congress will take place in the U.S. Capitol's Statuary Hall. After a keynote address by a political leader or ''senior Lincoln historian'', guests will proceed to lunch at the library. So far, all the planning and arranging of these and other national activities has cost the American taxpayer $2.95 million.

Inspector General Investigation of an Employment Training Grant

The inspector general for the Department of Labor issued a scathing report in February 28 highlighting more than $11 million in improper expenditures by the Consortium for Worker Education (CWE). The grant for CWE was issued to provide employment services to participants and employers impacted by the events of September 11, 2001. According to the inspector general, ''CWE reported it registered 24,195 enrolled participants, but only documented 20,513 registered participants of which 366 were ineligible and 115 were missing support documentation.'' Labor department investigators also found that ''Federal requirements were not followed when charging costs to the grant'' and that four out of five of the program's reported outcome measures could not even be audited. The inspector general also noted that it may be forced to recover $13 million from the grant if CWE does not adequately justify its expenditures and accounting methods.

NOAA's Totally Bogus Taxpayer Funded Birthday Bash

In June 2007, the National Oceanic and Atmospheric Administration (NOAA) announced that it planned to spend scarce taxpayer resources on a ''200 year anniversary celebration.'' The announcement was especially odd given that NOAA was only 37 years old at the time. According to the department's website, ''[T]hroughout the year, NOAA will be hosting an array of events around the country to celebrate the agency's 200-year history.'' Events listed included a Washington, D.C. gala, a reception for .members of Congress, a festival and concert at Hawaii's Waikiki beach park, outreach at the Iowa State Fair, and other activities. Oddly enough, the department's website also stated that ''during 2000, NOAA celebrated its 30th anniversary as a federal agency[.]'' A series of costly celebrations were also held that year in honor of the ''anniversary.'' According to NOAA, the total cost of the bogus 200th birthday bash was nearly $1.6 million.

Low-Income Legal Aid Wasted on Chauffeurs, Lavish Meals and Foreign Trips

A 2006 investigation of the Legal Services Corporation by the Associated Press found that the agency's executives wasted taxpayer money on chocolate desserts, $400 chauffeured rides to locations within cab distance from their offices, and luxury office space in ''Washington's tony Georgetown district.'' Although the Legal Services Corporation, which was created to provide legal assistance to low-income Americans, turns away half its applicants for lack of resources, it still found plenty of ways to spend money on lavish items. In one instance, the agency's board members even gave themselves meal allowances that doubled the amounts given to other staff. Other extravagant expenditures found by the Associated Press include a $59 three-entrée buffet, an $18 breakfast featuring scrambled eggs with chives, a $28 deli buffet, and $14 ''Death by Chocolate'' desserts. Total cost?

EPA Grant for a Caribbean Shopping Trip

In 2007, the inspector general for the Environmental Protection Agency (EPA) found that the agency spent $356,012 to send Philadelphia high school students on a shopping trip to the U.S. Virgin Islands. According to the trip agendas, the U.S. students were to take a kayak tour, attend a lecture, and visit a camp in the Virgin Islands. The agency spent $261,590 to pay for students in the Virgin Islands to travel to Philadelphia. The inspector general wrote in its report on the grant that ''[t]he U.S. students also visited Coral World Ocean Park and resort locations, while both groups took shopping trips.'' Although the grant was supposed to promote environmental stewardship, a majority of money for the grant (52 percent) was spent on travel, and less than half the time of the trips was spent on environmental-related activities. The grant was also used to purchase 128 computers that met only general education needs that were not even part of EPA's mission.

Smithsonian Director

According to an investigation by the Washington Post, the director of the Smithsonian Museum of the American Indian spent $250,000 in taxpayer money on ''first-class transportation and plush lodging in hotels all around the world, including more than a dozen trips to Paris.'' A separate investigation found that another top Smithsonian official accumulated nearly $90,000 in unauthorized expenses between 2000 and 2005. His expenses included ''charges for jet travel, his wife's trip to Cambodia, hotel rooms, luxury car service, catered staff meals and expensive gifts.'' The Smithsonian inspector general found that a few months after this Smithsonian head took office, he stopped filing the required monthly documentation ''for administrative ease.''

Government Printing Office, Daily Printing of the Congressional Record

The Government Printing Office prints approximately 5,600 copies of the Congressional Record for each day Congress is in session. This cost the American taxpayer over $6.5 million annually. Of the 5,600 copies printed daily, over 1,400 are distributed to House offices, Committees and post offices, over 1,500 are distributed to Senate offices and Committees, and the remaining copies are distributed to various sources, including federal agencies and federal depository libraries all at the taxpayers' expense. The daily Congressional Record is available online and previous Congressional Records are available online dating back to 1989. Instead of accepting that we live in an increasingly paperless world and stopping the wasteful printing of the Congressional Record, we would rather just continue big spending as usual by throwing millions of dollars and tons of paper in the waste basket.

ECHO Center

$97,000 was appropriated in the 2008 Omnibus for the ECHO Center in Burlington, VT, for education regarding the Lake Champlain Quadracentennial. According to its Website, the ECHO Center, also known as the Ecology, Culture, History, and Opportunity at the Leahy Center, is a lake aquarium, science center, and community resource. Its purpose is to ''educate and delight people about the Ecology, Culture, History, and Opportunities for stewardship of the Lake Champlain Basin.'' To complete the ECHO center, a $14.5 million ten-year fundraising campaign was necessary. According to its Website, more than half of the funds for this campaign came from the federal government. The Lake Champlain Basin Science Center—the non-profit organization that runs ECHO—listed a total of more than $12 million in assets at the close of the 2005 fiscal year and has received more than $4.4 million in federal grants since 2000—including more than $600,000 last year. It is expected that the quadracentennial will bring in revenues of up to $133 million. In light of these estimates why is further federal investment outside of the competitive bidding process for an educational exhibit regarding this special event necessary? The fact that numerous other educational and heritage-related initiatives already exist, or are being pursued on the state and local level makes this request for additional federal funds unnecessary and duplicative. Given that the ECHO center has already spent over $7 million in federal taxpayer funds on national priorities such as becoming the first LEED-certified building in Vermont, and offering a water-play space for kids to build dams and float boats, and that its net assets total more than $12 million, the federal taxpayer may be forgiven for thinking this is a poor investment of federal funds.

DOT—Museum of Glass

In FY 2006, Congress gave $500,000 to the Museum of Glass in Tacoma, Washington. The mission of the museum is to provide a dynamic learning environment to appreciate the medium of glass through creative experiences, collections and exhibitions. The museum showcases works by internationally known artists who illuminate trends in contemporary art, highlighting glass within a full range of media. The Museum of Glass has featured exhibits in Mining Glass, which showcases the work of eight internationally distinguished contemporary artists working with glass, as well as Czech Glass from the 1945–1980 period. The museum also features live glassmaking in the Hot Shop Amphitheater and dining in the Gallucci's Glass Café.

Beach Nourishment for Imperial Beach and other Beaches

An earmark included in the Water Resources Development Act of 2007 authorized $8.5 million for current beach nourishment for Imperial Beach in Southern California and federal funding for periodic beach nourishment every ten years for a period of 50 years for an estimated cost of $20,550,000 in federal funds. Such ''nourishment,'' however, is not essential and does not merit siphoning funds away from higher priority Corps projects, such as protecting the thousands living in the Sacramento valley who are still at risk of catastrophic flooding. The White House Statement of Administration Policy urged eliminating funding for beach nourishment in WRDA and President Clinton also sought to discourage federal beach nourishment projects. Adding sand to beaches, at best, provides a temporary fix to local erosion concerns that could potentially lead to property damage and encourages risky development and construction along shorelines at federal taxpayer expense. The $1.2 billion wasted through beach restoration federal appropriations from 1995–2005 could have been

spent on other federal priorities or gone to pay off our growing national debt.

Wake Ferry, WA

$1.54 million was appropriated in the 2008 Omnibus for the Kitsap Transit, Rich-Passage Wake Impact Study. ''[This] study . . . is working to finalize the design plans and specifications for a high speed passenger ferry service between Bremerton and Seattle. The funding will be used to study the response of the sands and gravels on the beaches along the route through Rich Passage, biological monitoring and analysis, financial feasibility analysis and public outreach including a website and newsletter. The funds will also include the use of an existing foil assisted catamaran to simulate actual operating conditions of a designed boat so that potential impacts, if any, can be assessed and appropriate measures can be taken to protect the shoreline.'' In total $7.79 million has been appropriated for this study along with $4 million for earmarks for a ''low-wake, passenger-only ferry.'' Both of these projects have been almost entirely federally-funded during a time when the Kitsap Transit Authority moved into a new 45,000 sq. ft office and retail complex that offers stunning water and mountain views. Not to worry, though, they can be assured that their taxpayer dollars have created the ''lowest-wake boat in the world'' when it hits the water. While environmentally-friendly high-speed ferries may be convenient and provide greater economic opportunities for certain communities, they are not national priorities and should not be funded by federal taxpayer dollars until more pressing national infrastructure concerns are addressed.

Bangor Waterfront, ME

$262,500 was earmarked in the 2008 Omnibus for development of the Bangor Waterfront Park on the Penobscot River for the city of Bangor, ME. Federal funding for developing this waterfront exceeds $4.5 million through various earmarks, grants, and contracts. ''The park will be the centerpiece of Bangor's waterfront destination for local and regional populations and out-of-state tourists alike. It will provide several venues for outdoor performances including the American Folk Festival. The park will complete long-term efforts to acquire, clear, remediate, and redevelop Bangor's historic waterfront.'' Playgrounds, a fitness area for adults, a trail system, and a picnic area are things that the community is expecting to see on the waterfront. These regional desires, however, should not be prioritized over national infrastructure needs like deficient federal bridges.

Chesapeake Buoy

$446,500 was appropriated in the 2008 omnibus for an interpretive buoy system along the Captain John Smith Chesapeake National Historic Trail. The purpose of the buoys is to ''promote awareness of the Bay's condition, and to support the stewardship efforts of educators, trail users, government, and civic organizations dedicated to the preservation of the Bay and its natural environment.'' This buoy system will ''mark'' the newly created John Smith National Water Trail on the Chesapeake Bay. The ''water trail'' is the first entirely water-based National Historic Trail. The recipient of this earmark is the Conservation Fund of Arlington, Virginia; and other partners of this project include the National Geographic Society, the Chesapeake Bay Foundation, Sultana, Verizon, and others. The Conservation Fund is listed as having net assets totaling more than $275 million and has received over $23 million in federal funds since 2000, according to FedSpending.org. The Chesapeake Bay Foundation, which has encouraged the creation of this NPS trail, boasts just under $70 million in net assets and had a revenue surplus of $7 million in 2005 alone. The National Geographic Society reported an income of $531,595,929 with over $45,000,000 in profits and total assets of $1,127,705,462 in 2005. Promoting tourism in the Chesapeake Bay and increasing understanding of the historic voyages of Captain Smith are well intentioned goals but are clearly not urgent, federal priorities. Likewise interactive buoys may be innovative ways to educate tourists and visitors about the Bay and Captain Smith's voyages, but they are inessential extravagances. Fortunately, the organizations that are heading up this effort, including the recipient of the earmark, have sufficient financial assets to ensure the continuation of this project.

Earmarks for relatives

According to a recent investigation by USA Today, in 2006 ''lobbying groups employed 30 family members to influence spending bills that their relatives with ties to the House and Senate appropriations committees oversaw or helped write.'' 2006 appropriations bills contained $750 million for projects championed by these lobbyists. Of the 53 relatives or former top aides to lawmakers on the powerful appropriations committees working at lobbying firms last year, 30 lobbied the legislator or the legislator's top aide for appropriations that the Member oversaw. Of those 30, 22 succeeded in their quest to insert specific earmarks in appropriations bills. That incredible rate of success—almost 75 percent—explains why lobbyists with personal ties to Members have been in high demand. Projects procured with the help of such lobbyists have included $1.5 million for an underground facility in a cavern that would be used to protect financial information, $2 million for an earmark not requested by the Department of Defense for a company that produces armor products that gave nearly $11,000 to the sponsor of the earmark, $1.28 million to widen a road near an upscale shopping center the earmark's sponsor helped to develop, and the creation of a fish marketing board that has received tens of millions in federal earmarks and whose initial chairman was related to the earmark sponsor. Ethics rules that do not prohibit this clear conflict of interest that borders on the corrupt enable such wasteful and inappropriate spending to occur at the cost of the American taxpayer.

ITBC

The InterTribal Bison Cooperative's (ITBC) bison restoration program has received $8.2 million in federal earmarks since 2000. ITBC seeks to ''restor[e] buffalo to Indian Country, to preserve [the Indian] historical, cultural, traditional and spiritual relationship for future generations.'' ITBC members also claim that ITBC enables Native Americans to eat more buffalo meet, which is healthier than other forms of meat. President Bush has repeatedly attempted to eliminate this program because it is not central to the Bureau of Indian Affairs (BIA) core missions or responsibilities. BIA has concerns with the management of the program, as of the roughly $4 million in funding appropriated in 2006, less than $1 million was directed to individual tribal projects. Specifically, out of the almost $4 million funded by taxpayers, only $859,180 was distributed to 15 tribes for bison projects. A total of $3,127,782 was left for ITBC administration and technical assistance; meaning that for every one dollar allocated to the ITBC, 27 cents went to bison projects. Furthermore, despite an increase in funding of $1,786,962 in for fiscal year 2006, only an additional $30 was allocated to bison projects (previously spread among 21 tribes). These funds would be better spent on providing necessary Indian health services. More than $8 million has been wasted on this program.

HUD—International Peace Garden

The Fiscal Year 2008 appropriations bill for the Department of Housing and Urban Development (HUD) included a provision directing $450,000 to renovate facilities at the International Peace Garden in Dunseith, ND. The International Peace Garden is a 2,339 acre botanical garden on the U.S. and Canadian borders of North Dakota and Manitoba, created in 1932 as a symbol of friendship between the two nations. According to the garden's website, ''Reflecting pools and dazzling colorful floral displays of over 150,000 flowers splash across the grounds of the Formal Garden's terraced walkways.'' While the International Peace Garden center may stand a symbol of the friendship between the United States and Canada, renovation is not essential, especially when it is estimated there are 700,000 homeless persons living in the U.S. According to HUD's website: ''HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination.'' Nearly half a million dollars for facility renovations to the International Peace Garden does not appear to advance this mission.

Cleveland-based Head Start provider accused of pocketing $7.5 million for poor children it did not serve

Head Start is a national program that promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social and other services to enrolled children and families. A recent state audit accused a Cleveland-based Head Start provider of pocketing $7.5 million for poor children it did not serve. The audit, says the Ministerial Day Care Association was paid for 5,162 children in 1998 through 2000, but could only document serving 3,415 youngsters. It's the second major finding against the Ministerial Day Care Association, which was accused in a 2002 state audit of wrongly collecting $3.8 million in taxpayer dollars. The State no longer funds the agency, but the group still collects Federal Head Start money as well as funding from the Council for Economic Opportunity in Cleveland, Ohio.

Duplication—Early Education

In 2000, the Government Accountability Office published a report titled, ''Early Education and Care: Overlap Indicates Need to Assess Crosscutting Programs.'' The report identified duplicative programs providing education or care for children under the age of 5. The GAO report found 69 early education programs administered by 9 different agencies. GAO revisited this report in 2005, and found that the landscape of federal programs remained largely the same as in 2000. Five years after the original GAO report warned that a large number of programs creates the potential for inefficient service and difficulty accessing services, GAO found 69 early education programs exist, the same number as in 2000, but the programs are now administered by 10 different agencies. During the 5 years between GAO reports, 16 programs were removed from the list, and 16 were added back.

HHS—Four Federal Agencies Sponsor Conference at Walt Disney World

A three-day, expense-paid trip to Walt Disney World Resorts sound like a dream vacation—but it's not. It's research, according to four federal agencies who sponsored a conference in Orlando, Florida. The 2007 Academy Health Research Meeting was held at the Walt Disney World Swan and Dolphin resort in Orlando, Florida. The posh resort boasts ''an environment of elegance and opulence'' featuring ''the beauty and tranquility of waterways and tropical landscaping.'' Federal sponsors included the Agency for Healthcare Research and Quality (AHRQ), the Centers for Medicare and Medicaid Services, the National Center for Health Statistics, and the Health Services Research and Development Service of the Department of Veterans Affairs.

USDA—Goose Poop Cleanup

For 3 consecutive years (Fiscal Years 2004 through 2006) Congress has appropriated money for the ''Goose Control Program.'' The Goose Control Program uses humane methods to stop Canadian geese from ruining parks and fields in New York. Canadian geese in Long Island, NY pose a year- round problem, destroying golf courses, parks and fields at important public facilities. The Goose Control Program partners with ''GeesePeace,'' an organization using environmentally-safe and non-lethal methods to reduce the number of geese and redirect them away from public places.

USDA—Imiloa Astronomy Center in Hawaii

Last year, Congress gave NASA $1.5 million to fund the Imiloa Astronomy Center. The Imiloa Astronomy Center is located on a nine-acre campus above the University of Hawaii-Hilo, and according to the website, features interactive exhibits, planetarium shows, group tours, a store and a cafe for visitors to explore the connections between Hawaiian cultural traditions and the science of astronomy. The center was formerly called the ''Mauna Kea Astronomy Education Center'' and has received more than $30 million in federal funding since FY 1999.

USDA—Subterranean Termite Research

The Department of Agriculture gives funding to scientists to develop and implement alternative methods to control and prevent termite damage to homes and other structures. The scientists devise and test control methods that are consistent with public health and environmental safety in warm weather states. Supporters argue that with increasing environmental concerns, especially ozone depletion due to fumigation control methods, as well as concerns for public health and safety, there is a continuing need to develop safe methods to control this devastating pest.

The National Science Foundation

The National Science Foundation is an independent federal agency created by Congress in 1950 to promote the progress of science. With an annual budget of about $6.06 billion, NSF is the major source of federal backing in many fields such as mathematics, computer science and the social sciences. The NSF website features the ''Discoveries'' made possible with NSF funding and support, including:

Helpful Robot Alters Family Life: Robotic vacuums are warming their way into homes and even taking on a personality for some families.

The Smell of Money: Research suggests an absence of metallic chemicals in the strong metallic odors that result from people handling coins and other metals.

Company Name Influences Stock Performance: Easy to pronounce names perform better in stock markets.

Monkey Business: The discovery of capuchin monkeys in the wild using stones as nutcrackers may tell us something about the monkeys' ingenuity, and more about ourselves.

The Implications of Making Care-Giving Robots Lifelike: Robots designed to help the elderly may be given the ability to interact in human-like ways but what are the implications of doing this?

Advanced Technology Program

The Advanced Technology Program (ATP) was created in 1988 to increase our country's global competitiveness by investing in businesses and ideas that could not attract private investment. Instead of promoting successful business initiatives, however, the program quickly became a vehicle for wasteful corporate welfare. For example, such struggling small businesses as GE, IBM, and Motorola have received hundreds of millions of dollars from this federal program. A Government Accountability Office study of the program even found it ''unlikely that ATP can avoid funding research already being pursued by the private sector[.]'' And according to the Program Assessment Rating Tool developed by the Office of Management and Budget, ATP does not address a specific need and is not even designed to make a unique contribution. Between 1990 and 2004, the program spent over $2 billion on various investments of dubious value. Last year, instead of addressing the core problems within the federal program, Congress just chose to tinker around its edges and give it a new name.

HHS—Head Start

The Head Start program was established in 1965 to promote the school readiness of low-income children. In 2005, GAO issued a report that raised concerns about the effectiveness of the Department of Health and Human Services (HHS) Administration for Children and Families' (ACF) oversight of about 1,600 local organizations that receive nearly $7 billion in Head Start grants. The report found that among other program risks, ACF made limited use of financial reports and audits to ensure that all grantees effectively resolved financial management problems. ACF had also made little use of its authority to terminate grantees that did not meet program requirements and fund new grantees to replace them. A GAO report released just last month found that ACF has not undertaken a comprehensive assessment of risks to the federal Head Start program, despite the 2005 recommendation. The report stated, ''In light of federal budget limitations and increasing expectations for program accountability, ACF's ability to demonstrate effective stewardship over billions of dollars in Head Start grants has never been more critical.''

Working for America Institute

The Department of Labor's Working for America Institute (WFA) was originally funded through the Workforce Investment Act in 1998 which revised job training laws and set up systems of local and state ''Workforce Investment Boards.'' WFA and other organizations were funded across the country to help the new Boards develop their capacity to implement WIA. The Department of Labor phased out the capacity building programs in 2003 after they determined that the Boards had enough capacity and experience with WIA implementation and that funding should instead go to actual service delivery for job training programs. DOL also found that the assistance provided by WFA was duplicative and less effective than similar programs already funded through DOL's Employment and Training Administration which has the primary mission of administering federal job training programs. Despite the duplication and ineffectiveness, WFA received $3.5 million in Congressional funding from 2004–2007.

Small Business Child Care Grants

This brand new program directs the Secretary of Health and Human Services to establish grants to assist states in providing funds to encourage the establishment and operation of employer-operated child-care programs. The program is unnecessary and duplicative. HHS already administers the Child Care and Development Fund which consists of two block grants totaling more than $5 billion annually available to States for providing child care to low income workers. Additionally, states can transfer funds from their TANF block grants for child care assistance. In FY06 States transferred more than $1.8 billion from TANF for child care and could have transferred even more since States left $2.15 billion unspent in their TANF accounts. Another HHS program available to states for various purposes including child care assistance is the Social Services Block Grant. Child care assistance routinely ranks in the top 5 uses for the grant with states spending about $1.7 billion annually on child care assistance. Despite the billions of HHS grant dollars already available and utilized by States for child care assistance, the Small Business Child Care Grant program was funded by Congress at $5 million in 2007.

Dwight D. Eisenhower Memorial Commission

The Commission was authorized in FY2000 to create an enduring Eisenhower National Memorial in the nation's capital. The Commission selected a site for the Memorial and won Congressional approval in 2006. The memorial site is near the Department of Education which was originally created by Ike within the ''Department of Health, Education and Welfare'' which later split into HHS and Department of Education. The Commission's next step is to select a design for the memorial. Since 2000, Congress has allocated $6.35 million to the still unfinished project.

Community Development Block Grants. The Community Development Block Grant, or CDBG, program is a $3.87 billion program housed at the Department of Housing and Urban Development. CDBG transfers federal funds to certain local governments for broad uses such as housing, so-called ''economic development'' activities, social services, and infrastructure. CDBG has insufficient accountability, ambiguous goals, untargeted funding and no standardized outcome indicators. The CDBG formulas used to disperse the funding have not been updated since the late 1970's. As a result, many wealthy communities receive 3–4 times more CDBG funds per capita than many poor communities. As one example of unfair targeting, in 2005, Temple, TX had an average $20,000 per capita income and received $15 per capita in CDBG funds. Meanwhile, wealthy Oak Park, IL averaged $36,000 per capita income and received $39 per capita from the program. Portions of CDBG are used by Appropriators to carve out earmarks for things like aquariums, speed skating rinks, ski chalets, white-water rapid training centers, boat houses and parking garages. Since 2005, the total cost of these earmarks ranged from $180 to $350 million. During the past 3 years, the Inspector General has audited a miniscule

number of CDBG grantees and yet found more than $100 million in waste, fraud and abuse of CDBG funds. If the Inspector General had the resources to comprehensively audit the program, the total waste and abuse of funds could be many times greater.

TV Converter Box Coupon Program. The Department of Commerce TV Converter Box Coupon Program was established in 2005 to help people pay for the equipment they would need to keep their televisions working once all broadcast signals convert to a digital format next year. Starting in January of this year, every household in America became eligible to request up to two $40 coupons from the Dept. of Commerce to pay for converter boxes for their televisions. Columnist George Will, outraged by Congress' willingness to turn television into an entitlement, dubbed the provision that created this program the ''No Couch Potato Left Behind Act.'' Ironically, the $3 billion that was authorized for this program came out of the ''Deficit Reduction Act,'' though it will do nothing but add to the deficit. Even though the administration is only requesting $130 million for FY2009, this program is wasteful in any amount because it uses taxpayer money to pay for private television use at a time of deficit spending.

Official Time for Unions. Federal employees are allowed under current law to do union work while on the clock for their federal government job—this is known as ''official time.'' Between 2002–2004 federal employees consumed 13.6 million hours of official time to do union work, which is equivalent to more than 6,500 full-time work years over that time. Incidentally, there are numerous reports of federal employees who do no work for their employing agencies at all, but are paid entirely to work on behalf of their union. The estimated cost of paying federal employees to do union work over just those three years is about $300–$400 million. This means that taxpayers who might not support the political aims of federal unions are being forced to subsidize their operations on a massive scale. While the Administration started collecting government-wide statistics for official time in 2004, official time has remained stubbornly in place and is badly in need of being addressed by the Congress. Ideally, federal employees would be limited in their ability to do union work no more than 10% of the time, though even that seems far higher than is reasonable.

Additional Examples of Fraud Waste and Abuse of Taxpayer Dollars 2008

National Science Foundation grant money misspent to purchase Waverunner, Widescreen TV, season tickets to football games, a $1,900 frozen-drink-machine, and holographic lighted palm trees. Federal agents recently searched the home of a former Georgia Tech employee who is accused of ringing up more than $316,000 in personal charges on her state-issued credit card, using grant money from the National Science Foundation, federal documents charge. The former administrative coordinator bought more than 3,800 items, including a Waverunner personal watercraft, a wide-screen television, and items ranging from season tickets to Auburn University football games in Alabama to a $1,900 frozen drink machine and holographic lighted palm trees. She also bought an electric double wall oven, dishwasher and high priced Henckel knives for her kitchen. She charged air conditioning units for her RV and had hundreds of packages shipped to her Marietta home, charging thousands of dollars at Web sites such as Amazon.com and Nordstrom. The staggering number of purchases went unnoticed until August 2007, when a tipster contacted the Georgia Tech Department of Internal Auditing, according to the search warrant.''

Local and national taxpayers suffer due to poor oversight over DC Health Safety network $129 million annual program. The District of Columbia launched the DC Healthcare Alliance in 2001. The program, which faced a $40 million deficit last year, provides free care to DC residents who earn too little to afford private insurance but too much to qualify for Medicaid benefits, and has a budget this year of $129 million. Lax oversight over the program has opened the door to costly fraud, critics of the program have said. A new audit details the complete failure of the DC government to prevent outsiders from ripping off a health care program financed by city taxpayers that is designed to provide a safety net for the city's poorest. One audit finding showed that eleven District addresses, not including homeless shelters, accounted for 271 Alliance members, and another 216 addresses accounted for 1,866 members. The auditor also found that 16,720 of 63,167 Alliance data records contained no Social Security number, which may be explained by a large number of illegal immigrants in the program. The alliance costs the District $212.21 per member per month, meaning local and federal taxpayers are out 1 million a year for every 400 people who scam it. In 2008, $3.9 million come from federal tax dollars.

Ohio Association of Chiefs of Police unit told to halt spending association misspent tens of thousands of Homeland Security grant dollars on services such as lawn care, window washing and pest control. Taxpayers have a right to expect that the millions of dollars from their pockets spent to bolster state's homeland security efforts will have concrete results. Instead, one state agency misspent more than $182,000 in 2005. According to a recent Inspector General report, ''A state agency has ordered the Ohio Association of Chiefs of Police to stop spending homeland security money while a federal auditor reviews allegations of misspending.'' A state audit found the chiefs association has misspent tens of thousands of federal dollars on such services as lawn care, window washing and pest control, and has continued to fail to document hundreds of other costs. The chiefs association was awarded $7 million a year in 2004, 2005 and 2006, tripling a budget that had been used to train officers and develop crime-fighting programs. The state Emergency Management Agency found incomplete records and irregularities for each of the three years the unit was awarded funds.

2007

Centers for Disease Control (CDC) can't find $22 million in equipment. More than $22 million worth of scientific equipment and other items is missing from the CDC, raising ''troubling issues'' about the Atlanta-based agency's ability to manage its property, according to members of a congressional oversight committee. There were 5,547 items of property, worth more than $22 million, unaccounted for at CDC as of February 22, 2007.

CDC funded Hollywood to help write TV Shows with millions from taxpayexs.

CDC has spent $2.01 million—and plans to spend up to $250,000 in FY08—to fund a Hollywood liaison to help TV shows like ''General Hospital,'' ''The Young & The Restless,'' and ''24'' with their fictitious storylines. CDC used $51,500 in CDC terrorism funds for the Hollywood liaison program. Based on CDC data, the agency spent approximately $6,000 per TV episode consultation. CDC's media affairs office could field questions from the entertainment industry and free up millions in CDC funds for health and biosecurity needs.

NIH paying $1.3 million monthly for unused lab as vibrations still an issue at new Baltimore facility. The federal government has begun paying millions of dollars in rent for a new medical laboratory facility in Southeast Baltimore, but federal scientists, who were supposed to relocate there a year ago, are still months away from moving in. The National Institutes of Health expects it will take three more months to determine whether vibration problems with the building have been fixed and whether all scientists who were supposed to transfer there will be able to. The Sun reported last year that the agency and many researchers feared the vibrations would skew results of sensitive microscopes and other lab equipment. The $250 million building, called the Biomedical Research Center, is on the Johns Hopkins Bayview Medical Center campus. The building has been promoted as a state-of-the-art facility for research programs on aging and drug abuse, and is a cornerstone for redevelopment in the Southeast Baltimore neighborhood. Last month, NIH began paying more than $1.3 million a month in rent and upkeep.

Feds Spending Thousands of Taxpayer Dollars on Social Networking Sites.

Most federal agencies maintain websites publicizing their mission, work and outreach. Some press reports estimate the number of federal websites to be in the range of 20,000. Apparently the proliferation of websites promoting U.S. government federal agencies and their work is not enough. Some agencies, such as the Centers for Disease Control (CDC) at the Department of Health and Human Services, the National Aeronautic and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) at the Department of Commerce are looking towards social networking sites as a new publicity front. NOAA has spent 25,000 for publicity on Care2 networking site to promote 2008 as the ''International Year of the Reef'' and hosts ''virtual island'' on the Second Life site.

Over $100 million in fraud is found in the Federal Employee Health Program.

The Inspector General for the Office of Personnel Management (OPM), the federal agency that administers health benefits for government employees, found that the health benefits program was defrauded of $106 million by participating providers. According to the OIG report, the fraudulent spending came as the result of medical companies overcharging the government or arranging kickback schemes to promote the use of their products. OPM recovered $97 million from a large settlement with one such company, and the largest case resulted in a $155 million settlement from Medco Health Solutions, which provides mail order prescriptions and related benefits to federal employees. The company settled a complaint that it paid kickbacks to health plans to gain their business, took money from drug manufacturers to favor their drugs and destroyed prescriptions to avoid penalties for delays in filling them.

NASA's 4-Star parties cost taxpayers millions as agency pays $4 million a year for resort parties to honor some employees and lots of NASA contractors. On the same day NASA got an emergency $1 billion in extra appropriations from the Senate, and former

astronaut and Senator Ben Nelson (D–NE) said, ''Right now we're at a critical point because NASA has been starved of funds,'' NASA put out a bid request for a four-star hotel for its December awards ceremony that will cost taxpayers between $400,0001 and $500,000. A NASA spokesman sat down with CBS News and didn't think the event was frivolous or extravagant. In fact, instead of asking taxpayers if the resort parties should be a priority, he told CBS, ''I think what I would do is ask the people who we have honored to give me an idea if they think this thing was reasonable, if they felt they were honored properly.'' NASA holds such a party every time there's a shuttle launch, for what CBS estimates is about $4 million a year. This December's event will be the third of 2007. Amazingly, when asked by CBS News if NASA was told to cut their party money in half, its spokesman said, ''If we were told that we had to reduce it I think we would reduce the number of honorees rather than trying to go to a poor place or a place that doesn't have good service.''

Snacks Take Big Bite Out of DOJ Budget.—''double-dipping'' for meal reimbursement by DOJ employees increases cost to taxpayers. An internal Justice audit showed the department spent nearly $7 million to plan, host, or send employees to 10 conferences over the last two years. This included paying $4 per meatball at one lavish dinner and spreading an average of $25 worth of snacks around to each participant at a movie- themed party. The report, which looked at the 10 priciest Justice Department conferences between October 2004 and September 2006, was ordered by the Senate Appropriations Committee. It also found that three-quarters of the employees who attended the conferences demanded daily reimbursement for the cost of meals while traveling—effectively double-dipping into government funds. The audit did not compare Justice's conference costs to those at other government agencies.

Pentagon paid $998,798 to ship two 19-cent washers as little oversight lead to blatant abuse of system. A small South Carolina parts supplier collected about $20.5 million over, six years from the Pentagon for fraudulent shipping costs, including $998,798 for sending two 19-cent washers to an Army base in Texas, U.S. officials said. The company also billed and was paid $455,009 to ship three machine screws costing $1.31 each to Marines in Habbaniyah, Iraq, and $293,451 to ship an 89-cent split washer to Patrick Air Force Base in Cape Canaveral, Florida, Pentagon records show.

Untold Millions, Spent on Repetitive ''Bullying'' Programs in Multiple Federal Agencies? One program, HRSA's ''Stop Bullying Now'' was estimated to cost $6.5 million in 2 years. In 2004, the Health Resources and Service's Administration (HRSA) through the Health and Human Services Administration (HHS) launched the program Stop Bullying Now. The extensive website includes a ''stop bullying now jingle,'' 12 games (''Bully-wood Squares,'' connect the dots to reveal the bully, (etc), 12 ''animated webisodes'' featuring characters that ''just might remind you of people you know.'' (see illustration) along with a promise to ''post a new one every couple of weeks,'' along with advice and letters from HRSA's bullying ''experts,'' Senorita Ortega and Mr. Bittner. CNN reported in 2003 that HRSA's bullying program would cost $3.4 million. However, in a response to a July 2006 congressional request, HRSA reported that $6.2 million had been spent since the establishment of the program, almost double the amount of the original estimation. The program was not enumerated in HRSA's 2007 or 2008 budget justifications submitted by the agency to Congress.

Comic Capers at NIH. Congress doubled funding for the National Institutes of Health (NIH) over the past decade. While we haven't discovered a cure for cancer yet, the agency does provide you the opportunity to create and print your very own Garfield comic strips.

$61.7 million in federal AIDS funds went unspent that could have been used to treat patients on AIDS drug waiting lists. An HHS OIG report reveals that bureaucratic inaction at the Health Resources and Services Administration (HRSA), not a lack of federal resources, has contributed to the patient waiting lists for AIDS drugs. ''HRSA did not use the offset authority provided by the CARE Act and HHS grants policy to manage States' unobligated balances. . . . By doing so, HRSA would have had available a larger amount of current-year funding to address program needs. For example, the offsetting option might have been useful in grant year 2002, when 10 States had unobligated Title II balances totaling $61.7 million and 8 States had no balances or small balances and a documented need for additional resources. HRSA stated that it had opted against using the offset authority provided by the CARE Act.

Over $45 million in Title I Ryan White CARE Act funds unspent over 5 year period while AIDS patients wait for drug assistance. The Health and Human Services Inspector General issued a review of unspent Ryan White CARE Act Title I funds (AIDS care grants provided to 51 metropolitan areas in the U.S.) and found that 46 eligible areas carried over more than $45 million in unspent federal funds from two to five years beyond the original budget period between 1999 and 2003. During this period, there were hundreds of patients on waiting lists for AIDS Drug Assistance Programs throughout the country. A number of patients on these waiting lists died in South Carolina, Kentucky and West Virginia.

The Washington Post reported that NIH was paying an employee $100,000 a year to do nothing. According to the article, ''NIH Scientist Says He's Paid To Do Nothing: Agency Denies Administrator's Surreal Situation of Collecting $100,000 Salary for No Work,'' every weekday at 6.30 a.m., Edward McSweegan climbs into his Volkswagen Passat for the hour-long commute to the National Institutes of Health. He has an office in Bethesda, a job title—health scientist administrator—and an annual salary of about $100,000. What McSweegan says he does not have—and has not had for the last seven years—is any real work. He was hired by the National Institute of Allergy and Infectious Diseases in 1988, but says his bosses transferred the research grants he administered to other workers eight years later, leaving him with occasional tasks more suitable for a typist or ''gofer.''

Letter for Stimulus Rebate Checks. The recently passed stimulus package will provide rebate checks to 130 million households. Before those checks are issued, though, the Internal Revenue Service will send a letter out to each household that will get a rebate check to inform them that the check is on the way. Unfortunately, the cost of sending these pre-rebate letters will be $42 million once the costs are tallied for postage and printing. The letter will not contain the actual rebate, but will merely explain that the stimulus package was passed and what a citizen should do with the check once they receive it. It is not clear why this information could not be provided with the actual check at its time of arrival, leading some to think that the letter serves no higher purpose than to give Congress and the President a pat on the back. Surely, there could be a better use for the $42 million—like giving it back to taxpayers.

Senate Restaurants. The Senate Restaurants, which is overseen by the Architect of the Capitol, operates the Senate cafeterias, catering services, snack shops, vending machine, and the Senate Members Dining Room. A recently GAO audit found that the American taxpayers have covered the Senate restaurants' $2.36 million operating losses during the last two combined fiscal years. The operating loss rose from $1.02 million in 2006 to $1.34 million in 2007. After taking in just over $10 million of revenues in 2007, being $1.34 million in the red translates into a 13.4% operating loss for the Senate Restaurants. No business could operate in the private sector with these kinds of losses but this is the kind of waste that we are seeing all throughout the federal government. Prompted, the recent GAO audit, the Senate Committee on Rules and Administration is now seeking an outside vendor to take over operations of the Senate Restaurants.

Unneeded Federal Buildings. The federal government currently owns 21,000 buildings that it says it no longer needs, which are all together worth $18 billion. At the Department of Energy alone, the unneeded property is equivalent to three times the amount of square footage in the Pentagon—the largest building in the world. Unfortunately, the rules and regulations in place make it nearly impossible for federal agencies to sell these buildings in a timely manner on the open market. According to the rules, before an agency sells a property it is required to conduct extensive reviews to determine if the property could be used to meet some public benefit, such as a homeless shelter, school, airport runway or path for telephone wires. If a determination is made that the property could be used in this way, after a process that can take years, it is then available to be given away at no cost to an applicant. In the years that these rules have been in place, 30,000 properties have been required to undergo these reviews, but only a fraction of a percent of have ever been given away. Unfortunately, because all properties are required to undergo this process there is a tremendous bottle-necking effect, preventing agencies from selling unneeded properties. This hurts agencies in two ways: first, it means that agencies are deprived of the money that they could earn by selling the property, and second, it means that agencies are required to pay for upkeep of buildings they don't need. Instead of allowing these properties to be sold on behalf of taxpayers, Congress has chosen to keep the rules in place and wasted the opportunity to make $18 billion.

2010 Decennial Census. The 2010 Decennial Census will use a six-question survey to count every person in the country, as required by the Constitution for apportioning the House of Representatives. The Census Bureau has recently estimated that the overall cost of the census would be $11.8 billion, which is nearly double what was spent to conduct operations in 2000. More recently, though, we have found out that the Bureau has so grossly mismanaged a $600 million contract for handheld computers that cost overruns as high as $2 billion are possible. Most of this cost would be the result of needing to abandon the handheld computers in

favor of conducting the census entirely by paper. Due to the recent revelations, the Government Accountability Office has placed the 2010 Census on its High Risk List, which is reserved only for the most problematic programs in the federal government.

Mr. COBURN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by commending my friend from Oklahoma, who I think makes some very important points. There is no question that there is an enormous amount of waste and fraud and abuse in this Government. There is no question, in my mind, that Congress has not been vigilant enough in rooting out that waste and fraud to the tune of billions and billions of dollars.

I would simply say that while it is absolutely appropriate to condemn the Congress, it is also important to note that we have an administration in this city, in Washington, DC, and the function of an administration is to administer. That means that when there is waste and fraud, you have an administration that should also be on top of that situation. And I think of the many failings of the Bush administration, which, in my view, will go down in history as one of the worst in our country's history—clearly their overall incompetence will be one of those areas people will focus on.

The second point I would make—and I see my friend from Oklahoma has left—is that he is absolutely right that a $9.2 trillion national debt is unsustainable. But one of the areas I don't believe he mentioned in terms of driving up that national debt is the war in Iraq.

Now, we can have a great debate about the wisdom of that war. I voted against it when I was in the House. I think we should bring our troops home as soon as possible. But right now, we are not on the war, we are on the budget. And the question regarding the budget is, For all those people who support the war, why don't you pay for the war now rather than forcing our kids and grandchildren to pay to the tune of $150 billion a year? And some say the cost of this war eventually will run into the trillions of dollars. So all of those people who talk about fiscal irresponsibility refuse not to pay for the war.

I was reading a book about Dwight David Eisenhower, and in the book it points out that during the Korean war, Truman imposed a surtax on people's personal income tax and an excess-profits tax in order to pay for the war. I don't see the advocates of the war in Iraq coming forward and saying: We don't want to leave that burden of $150 billion a year to our kids and grandchildren, so we are going to come up and pay for it now. I didn't hear my friend from Oklahoma raise that issue.

I hear other people coming to the floor and they say: Well, we have this tremendous national debt, and they have pictures of the kids, and yet they propose to completely eliminate the estate tax, which over the course of 20 years will cause us a loss of $1 trillion. How is that going to be paid for? Oh, I guess we don't have to pay for it. I guess we can just pass that on to the kids. So I think that some of our friends who talk about fiscal responsibility might, in fact, want to pay for this war today, not pass it on to future generations. And when they are talking about giving huge tax breaks to the wealthiest people in this country, let them understand that is all they are doing, is driving up the national debt so that our kids and grandchildren will be forced to pay for that.

We are in the midst of a debate about the budget, and as you know a budget is a lot more than just numbers; it reflects the values and the priorities of our Nation. And when we look at what is going on in this country, as important as a $9.2 trillion national debt is, it is not the only issue of importance. What is also important is to understand today what is going on in terms of the needs and the lives of middle-class and working people.

One of the realities we do not talk about very much today is that poverty in America is increasing. In fact, since President Bush has been in office, almost 5 million more Americans have joined the ranks of the poor. That is part of the Bush economy. We now have almost 36.5 million Americans who are living in poverty. Many of these people are working, and they are working 40 or 50 hours a week, but they are making 8 bucks an hour, they are making 7 bucks an hour, and they are just not making enough money in order to lift themselves out of poverty. In fact, the United States of America today has the highest rate of poverty of any major nation on Earth, and that is an issue which we should address here in the Senate.

When we are talking about Americans living in poverty, we are not, of course, just talking about adults. Tragically, we are also talking about children. I know our President and many others talk about family values. Well, this is not a family value. Under President Bush's administration, since he has been in office, 1.2 million more children are now living in poverty, and we have almost 13 million kids in this country who live in poverty. That is not a family value. That is a national disgrace. As a matter of fact, the United States has the dubious distinction of having the highest childhood poverty rate in the industrialized world.

I hear some of my friends coming to the floor to compare this or that aspect of American society or our tax policy with Europe and other countries. Well, I think it is important that we look at this chart—how we treat our children.

What this chart shows is that Finland, Norway, and Sweden all have childhood poverty rates of less than 5 percent. Switzerland, Belgium, Austria, France, Denmark, and Germany all have childhood poverty rates of less than 10 percent. The Netherlands has a childhood poverty rate of slightly more than 10 percent. But in the United States of America, the childhood poverty rate is 21.9 percent, or more than double that of France, Germany, Austria, or the Netherlands.

Now, why is that an important fact? It is important, obviously, that the children are vulnerable; that as adults, we are responsible for the children and we are failing those children. But it is also important to note that we have, as a nation, more people behind bars, incarcerated, than any other nation on Earth, including China. And if anyone thinks there is not a direct correlation between high poverty rates for kids and kids who mentally drop out of society, get involved in self-destructive activity at young ages, and then end up in jail, you would be kidding yourself. And the issue here is whether we address this crisis of 21 percent of our kids living in poverty, whether we provide for those kids or, 15 or 18 or 20 years later, whether we lock them up at $50,000 a pop.

There have been recent discussions about the economy, whether we are in a recession or entering a recession. But the truth is, despite President Bush's assertions, this economy has been a disaster for middle-income and working families from day one. Since President Bush took office in 2001, median household income for working-aged Americans has declined by almost $2,500. That is what we call the collapse of the middle class. Over 8½ million Americans have lost their health insurance. That is what we call the disintegration of the health care system in America. Three million workers have lost their pensions. And the idea of a defined pension program is increasingly becoming ancient history. More and more workers are wondering what is going to happen to them when they retire, and the idea that there will really be a defined pension program for them when they retire, that is not something most workers, especially younger workers, believe.

The annual trade deficit since President Bush has been in office has more than doubled, and over 3 million good-paying manufacturing jobs have been lost. The price of gas at the pump and home heating oil has more than doubled, while ExxonMobil made $40 billion in profits last year—more than any company in the history of the world. That is $3.20 for a gallon of gas, which working people in Vermont can't afford. Workers in Vermont often travel long-distance to and from work. And $40 billion in profit for ExxonMobil. Home foreclosures, of course, are now

the highest on record. Meanwhile, while the middle class is shrinking and poverty is increasing, the wealthiest people in this country have not had it so good since the 1920s.

My friend from Oklahoma mentioned that there are issues we just don't talk about, and he has a point. But one of the issues we don't talk about in this body—for pretty obvious reasons, to my mind, because who pays for the campaigns around here—is the growing disparity, the outrageous disparity of income and wealth in this country.

What this chart shows is that the wealthiest 1 percent of the population now owns 34 percent of the Nation's wealth, while the bottom 90 percent owns only 29 percent of our wealth. That is here.

So what you see is the richest 1 percent owns more wealth than the bottom 90 percent. Is that what America is supposed to be about? Is that the kind of society we want? There is a lot of discussion that takes place on the floor of the Senate, in the House, about the economy. But at the end of the day, when you look at the economy, what is important, most important, is not economic growth, not GDP, what really is most important is what is happening to the average person.

You can have all of the growth you want, and you can see ordinary working people experiencing a decline in their real wages. You can see a lot of wealth being created, but it does not mean a whole lot to ordinary people if most of that income and wealth is going to the people on top.

The bottom line is that in the economy there are winners and losers. It is very clear that in the economy today, the middle class is losing. Lower income people are being decimated while the upper income people have never had it so good.

I know my friends in the Senate on both sides of the aisle—I speak as an Independent—hesitate to talk about that issue. But it is imperative that we do talk about it. Let me go to another chart.

This chart talks about the economy in terms of how different groups are doing. This chart shows that the wealthiest 1 percent saw its total income rise by $180,000 in 2005 or more than what the average middle-class family makes in 3 years. This is the rise in income, not what they make; this is just their increase.

So the wealthiest 1 percent are doing phenomenally well. That is on average. That is a pretty good year, on average, seeing an increase of $180,000 in the year 2005. This is according to the Congressional Budget Office.

Meanwhile, the average middle-class family received a $400 increase. That is that small little box down here, an increase in annual income in 2005.

CBO also found that the total share of aftertax income going to the top 1 percent hit the highest level on record, while the middle-class and working families received the smallest share of aftertax incomes on record.

So when people understand in their gut that what is happening is the middle class is shrinking and the rich are getting richer, well, that is what it is about. That is the fact. That is precisely what is happening in America.

In addition, according to Forbes magazine, the collective net worth of the wealthiest 400 Americans—400 Americans, that is not a lot of people—increased by $290 billion last year, increased by $290 billion to a total of $1.5 trillion. Not only have the wealthiest 400 families, the richest 400, seen an increase in their wealth, their combined income has more than doubled from 2002 to 2005.

At the same time, the average income tax paid by the wealthiest 400 Americans has fallen from 30 percent to 18 percent. That is not BERNIE SANDERS, that is according to the Wall Street Journal. The reason the average income tax for the wealthiest people who are making astronomical sums of money, why that has been cut in half, is mainly due to Bush's tax cuts, according to the Wall Street Journal.

The middle class is shrinking, poverty is increasing, and the wealthiest people have not had it so good since the 1920s. That is an overview of the state of our economy.

Now, why do I raise these issues? I raise these issues because if we truly do not understand what is going on around our country in the lives of ordinary people, people who cannot afford to fill up their gas tank, cannot afford a college education for their kids, cannot afford childcare, cannot afford to take care of their parents, if we do not understand that reality, it is pretty hard for this body to make good public policy.

The question then is, what do we do? What do we do? Well, President Bush gave us his answer in his budget. What President Bush, in his budget, said is, at a time when the richest people in America are becoming richer, what should we do? Well, let's give them even more tax breaks. That makes a lot of sense to the richest people in America and George W. Bush.

And what did he say to the poorest people in America? Well, poverty is increasing. There is a level of desperation going on in this country that we have not seen in many years. So at a time when poverty is increasing, what do we do? Well, according to George W. Bush, you cut back on the aid and programs that help low-income and middle-income people. That is precisely what Bush's budget was about; one of the more absurd documents that I have ever seen in my life.

Fortunately, that budget has been placed where it belongs; that is, in the garbage can. We are now debating a much different budget, a budget that is far better, the budget that we have before us. I am proud to be a member of the Budget Committee, working with Chairman CONRAD, on a far better budget than the President's budget.

But, in my view, we can make improvements on it. We can do better than the budget we are now debating. To that regard, I will be introducing an amendment, and I want to thank the Presiding Officer for being one of the cosponsors of that amendment.

Let me very briefly talk about that. It seems to me, as we look at some of the trends that we should be addressing in this budget, at least three come to mind. No. 1 is the middle class is declining, No. 2 is our children are suffering, and No. 3 is that we have, among other things, a major infrastructural crisis in this country.

It is my view that we need a budget which will address some of those issues. I am very proud I will soon be introducing an amendment which is being cosponsored by Senators CLINTON, DURBIN, KENNEDY, HARKIN, SCHUMER, MIKULSKI, and BROWN.

This amendment is a pretty simple one. It puts the needs of our children, it puts the needs of our working families and people with disabilities and senior citizens ahead of the wealthy few.

At a time when our Presidential candidates in both parties are talking about change, change, and change, at a time when the American people overwhelming understand that it is imperative that we move this country in a different direction, this amendment can begin the process of change right here in the Senate, and, in fact, change our national priorities.

The choice the Senate will have in terms of this amendment is a pretty simple one: Do we continue to give tax breaks to the very wealthiest people in this country, people who have never had it so good, or do we invest in our children, our working families, and those people who are in need?

What this would do is restore the top income tax bracket to 39.6 percent for households earning more than $1 million per year. Those are the only people who would be affected. And we would use that revenue to begin to address some of the most urgent, unmet needs of our children. We would address the issue of job creation; we would address the issue of deficit reduction.

Now, 99.7 percent of Americans would not be impacted by this tax change, only the top three-tenths of 1 percent would see their income tax rates go back to where they were during the Clinton Administration when few would deny that the economy was far stronger than it currently is.

According to the Joint Tax Committee, restoring the top income tax brackets for people making more than $1 million to what it was in 2000 would

increase revenue by about $32.5 billion over the next 3 years, including $10.8 billion in 2009 alone.

So here is the choice. We can continue over a 3-year period to give $32.5 billion in tax breaks to the top three-tenths of 1 percent, people who economically are doing phenomenally well today, or we can invest it in the people in our country and use some of that for deficit reduction.

What could we do with $32.5 billion? Well, let me tell you. We could, as our amendment does, expend $10 billion for the Individuals with Disabilities Education Act; that is, special education.

Over 30 years ago, the Federal Government made a promise that it would fund 40 percent of the cost of special education. Unfortunately, today we only spend about 17 percent of the cost of special ed. I know in Vermont—I do not know about Ohio, but I can tell you that in Vermont, in school district after school district, property taxes are going up. And one of the reasons is the very high cost of special ed. You are seeing more and more kids coming into the system who have special ed needs.

Educating those kids is very expensive. The Federal Government has not kept its promise in adequately funding special ed. So it is the local property tax payers who have to pick up the cost. By putting $10 billion more into special ed, not only can we help people stabilize their property taxes, but we can pay more attention to the kids with special ed needs. And both of those goals, to my mind, are goals that we should strive for.

This amendment would also increase Head Start funding by $5 billion over the next 3 years. After adjusting for inflation, Head Start has been cut by over 11 percent compared to fiscal year 2002. Meanwhile, less than half of all eligible children are enrolled in Head Start, and only about 3 percent of eligible children are enrolled in Early Head Start. This amendment would begin to correct this situation.

What Head Start is about is what its title indicates. What we have known for a very long time is the most important intellectual and emotional years of a human being's life are their earliest years. If kids are not exposed to books and they are not exposed to ideas and they are not learning how to socialize and they do not have good emotional development, those kids are going to go off in a bad direction. And what Head Start was about, and what Head Start has been successful about, is giving kids the opportunity so that when they get into kindergarten and first grade, those kids will then be in a position in which they can learn effectively and can socialize well with their peers.

Head Start works. The problem right now is that it is inadequately funded, and millions of families simply cannot get into this very good program.

In addition to funding special education and Head Start, my amendment would also provide a $4 billion increase for the childcare development block grant. One of the issues that we very rarely discuss in the Senate but that every working family with young children knows is a major crisis in America is the lack of availability of childcare, affordable, quality childcare.

How many millions of kids are now being minded by untrained people and being stuck in front of a television set for 8 hours a day? And what an unfortunate circumstance that is for our little kids, especially at a time when most women work and are entitled to good quality childcare. This amendment would provide funding to help do that.

This amendment would also provide a $3.5 billion increase to the Food Stamp Program. Hunger in America—I know you know, Mr. President, because you and I are working on an issue to address this—is increasing. Food pantries are running out of food. That should not be taking place in this country. So what we do is add $3.5 billion more to the Food Stamp Program.

In my State of Vermont, it gets pretty cold. That is true in many other States. Meanwhile, the price of home heating oil is soaring. You have many people who are having a difficult time paying their heating bills. This amendment would increase the very successful Low-Income Home Energy Assistance Program, often called LIHEAP, by $4 billion.

The bottom line is nobody in America should go cold in the winter.

Furthermore, this amendment would provide $3 billion for school construction. There are kids who are going to schools that are outmoded. They are decrepit. They are not energy efficient. We can create a lot of good jobs. We can improve the quality of education by building modern schools and upgrading the schools that currently exist. We put $3 billion into that.

Finally, at a time of record-breaking deficits, this amendment would reduce the deficit by $3 billion.

I am happy to inform my colleagues that this amendment has been endorsed by over 50 groups, including the AFL–CIO, AFSCME, the National Education Association, Children's Defense Fund, the American Federation of Teachers, Easter Seals, the YWCA, the National Head Start Association, the SEIU, and the National Organization for Women.

Let me quote from a letter I received from all of these groups:

The economic downturn is creating crisis for parents who work hard but struggle to afford nutritious meals as food prices escalate; to pay for energy for their homes and fuel for their cars; to pay for child care so that they can work; and to assure that their young children receive the building blocks of a solid education to prepare them for the future. Programs that assist in meeting these needs have been cut significantly in recent years, while tax breaks for millionaires have soared. Your amendment addresses these needs. . . . We are urging the Senate to adopt your fiscally responsible amendment to address the pressing needs of working families while restoring greater progressivity to the tax system.

The choice is clear. We can provide $32.5 billion in tax breaks to millionaires and billionaires who don't need it or we can begin to meet the unmet needs of our children. That is what this amendment is about. I look forward to the support of my colleagues, not just in passing this amendment but in beginning the process of moving this great country in a very different direction.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Wednesday, March 12, 2008.

Thereupon, the Senate, at 8:52 p.m., adjourned until Wednesday, March 12, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

MISSISSIPPI RIVER COMMISSION

WILLIAM CLIFFORD SMITH, OF LOUISIANA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

REAR ADMIRAL JONATHAN W. BAILEY, NOAA, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

AFRICAN DEVELOPMENT BANK

MIMI ALEMAYEHOU, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE CYNTHIA SHEPARD PERRY, TERM EXPIRED.

THE JUDICIARY

KIYO A. MATSUMOTO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE EDWARD R. KORMAN, RETIRED.

CATHY SEIBEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE RICHARD CONWAY CASEY, DECEASED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MITCHELL H. STEVENSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SCOTT A. WEIKERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BRUCE A. DOLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEVEN M. TALSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARK J. BELTON

CAPT. NICHOLAS T. KALATHAS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LONNIE B. BARKER
GERALD S. HENRY
HARRY P. MATHIS III
SCOTT A. OFSDAHL
JERRY P. PITTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

SUSAN S. BAKER
DONALD COLE
JOHN L. FLYNN
DAVID W. GARRISON
LORN W. HEYNE
JOSEPH C. KENNEDY
RACHEL H. LEFEBVRE
JOHN M. LOPARDI
DONALD T. MOLNAR
WILLIAM D. PARKER
DAVID W. PFAFFENBICHLER
PORTIA A. PRIOLEAU
ROBERT F. ROCCO
JAIME L. ROSADO, JR.
JIMMY L. STERLING
RICHARD N. TERRY
TIMOTHY VALLADARES
KIRSTEN F. WATKINS
JON C. WELCH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID A. BARGATZE
GWENDOLYN M. BEITZ
VICKI A. BELLEAU
JOHN W. BELLFLOWER, JR.
ROBERT E. BEYLER
MICHAEL R. BIBBO
MICHAEL A. BURNAT
MECHEL A. CAMPBELL
MICHAEL D. CARSON
THOMAS P. CONDIE
GARRETT M. CONDON
CHAD W. COWAN
TIMOTHY M. COX
JEREMIAH P. CROWLEY
SUANNE M. CROWLEY
JUSTIN R. DALTON
DEANNA DALY
JOHN A. DANIELS
JEREMY K. DAVIS
JOSEPH E. FOURNIER
COREY G. FULLMER
BRYON T. GLEISNER
JEFFREY L. GREEN
JARED L. GRIMMER
TROY D. HAMMON
JOHN C. HARWOOD
TROY S. HEAVENER
CHRISTINA M. JIMENEZ
ERIC M. JOHNSON
MICHELLE M. KASPEREKSAID
CYNTHIA T. KEARLEY
CHRISTY J. KISNER
LAURA L. LAMPMAN
STEVEN G. LOERTSCHER
JEFFERSON E. MCBRIDE
MICHAEL D. MCCOY
ROGER A. MCILLECE
ERIC P. MERRIAM
RYAN D. OAKLEY
RICHARD S. OBRIEN
ANTHONY D. ORTIZ
LYN T. PATYSKIWHITE
KRISTINA D. PENTA
TRINH W. PETERSON
DERIC W. PRESCOTT
ELIZABETH D. PULLIN
BRYAN O. RAMOS
THEODORE T. RICHARD
ASHLEY K. RICHARDS
CLAYTON D. RICHTER
JASON S. ROBERTSON
ELLIOT R. SELLE
TODD I. SHUGART
JEANETTE E. SKOW
STEVEN J. SMART
MICHAEL R. SUBERLY
SHAWN C. TABOR
LAUREN M. TORCZYNSKI
DAVID M. TUCKER
JAMES D. VOLTZ
PATRICIA S. WIEGMANLENZ
RICHARD A. WILLIAMS
MATTHEW D. WINFREY
LANCE J. WOOD
AARON E. WOODWARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHRISTIAN L. BISCOTTI
RICHARD B. BLACK
KIM L. BOWEN
MICHAEL R. CURTIS
STEVEN T. DABBS
JEFFREY D. GRANGER
JAMES A. HAMEL
RANDALL W. JAMIESON
SCOTT A. JOBE
DWAYNE A. JONES
DAVID W. KELLEY
MARTIN L. KING
ALAN G. MADERA
BRIAN E. MCCORMACK
ANDREW G. MCINTOSH
MICHAEL D. MYERS
MICHAEL S. NEWTON
ARTHUR T. PAINE
JAMES L. PARRISH
JASON E. PETERS
JAMES F. RICHEY
TIMOTHY S. ROSENTHAL
JOHN W. SHIPMAN
ROBERT A. SUGG
DANIEL W. THOMPSON
WILLIAM K. THORNTON
JONATHAN H. WADE
DANIEL K. WATERMAN
BARRY K. WELLS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARK E. ALLEN
TERESA H. BARNES
ROBERT F. BOOTH
JEFFREY BRANSTETTER
ROBERT C. BURTON
DAVID M. CUNNINGHAM
BRETT W. DOWNEY
JEFFREY A. FERGUSON
MICHAEL W. GOLDMAN
DARREN C. HUSKISSON
DIANA L. JOHNSON
JOSHUA E. KASTENBERG
MICHAEL A. LEWIS
CHARLOTTE M. LIEGLPAUL
TRACEY Y. MADSEN
BRYAN T. MARTIN
TODD E. MCDOWELL
MARTIN T. MITCHELL
IRA PERKINS
DEAN N. REINHARDT
NATALIE D. RICHARDSON
THOMAS A. ROGERS, JR.
DEREK S. SHERRILL
JOHN D. SMITH
CYNTHIA B. STANLEY
ERIK A. TROFF
RACHEL E. VANLANDINGHAM
REBECCA R. VERNON
MATTHEW S. WARD
BRYAN D. WATSON
PATRICK J. WELLS
ERIC J. WERNER
LYNNE A. WHITTLER
CHARLES E. WIEDIE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

KERRY M. ABBOTT
WALTER W. BEAN
KEVIN W. CODY
KENNETH G. CROOKS
KELVIN G. GARDNER
MICHAEL W. HUSFELT
RANDALL E. KITCHENS
KEITH D. MUSCHINSKE
RICHARD P. NOVOTNY
KENNETH A. REYES
SAMUEL T. RORER III
JERRY E. SATHER
DENNIS A. SAUCIER
JAMES D. TIMS
TIMOTHY T. ULLMANN
RICHARD M. WARNER
CARL W. WRIGHT
WILLIAM F. ZIEGLER III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD T. BROYER
MELANIE C. CARINO
MELISSA L. CHECOTAH
JASON D. EITUTIS
PATRICIA D. FOWLER
SABINA C. GARRETT
JOHN F. GINNITY, JR.
KEITH A. HIGLEY
MICHAEL R. HOLMES
RANDALL C. LAMBERT
PATRICK A. MARTINEZ
MARK R. MEERSMAN
JOSELITO C. MENESES
SEAN P. MURPHY
ROBERT M. PAZ
KATHY PFLANZ
RICHARD K. SMITH
SCOT S. SPANN
MARVIN W. TODD
ANDREA C. VINYARD
THOMAS E. WILLIFORD
BRYAN E. WOOLLEY
BRIAN K. WYRICK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN T. AALBORG, JR.
DAVID W. ABBA
SHANE L. ABRAHAMSON
TERRENCE A. ADAMS
LANCE K. ADKINS
TIMOTHY W. ALBRECHT
MARSHA L. ALEEM
KRISTAL L. ALFONSO
PAUL A. ALFONSO, JR.
ROBERT E. ALLARD
GREGORY S. ALLEN
DAVID W. ALLGOOD
LUCIANO H. AMUTAN
STACEY L. ANASON
BRET D. ANDERSON
CAROL D. ANDERSON
GREGORY J. ANDERSON
JASON ANDERSON
MARK C. ANDERSON
RESTI Z. ANDIN
THOMAS P. ANGELO
RONJON ANNABALLI
BRIAN S. ARMSTRONG
SERENA A. ARMSTRONG
BRIDGETT S. ARNOLD
SAM ARWOOD
WILLIAM B. ASHWORTH
MATTHEW D. ATKINS
JAMES B. AUSTIN
JOHN C. AYRES IV
ROY C. BACOT
EWING M. BAILEY
TIMOTHY D. BAILEY
GREGORY C. BAINUM
DONALD E. BAKER III
JARVIS R. BAKER
VALERIE K. BAKER
KENNETH E. BALKCUM
JAMES G. BANDS V
RAYMOND M. BARBEN
ZACHERY C. BARBER
ROBERT S. BARKER
THOMAS E. BARNETT
MARK A. BARRERA
SHANE A. BARRETT
KEVIN J. BASIK
CURTIS R. BASS
BRADLEY S. BAUGH
BRIAN M. BAUMANN
MICHAEL J. BEACH
W. B. BEAUMONT
BARRY N. BEHNKEN
WILLIAM D. BELEI
BRENT D. BELL
WILLIAM S. BELL
KENNETH J. BELMEAR
MATTHEW P. BENIVEGNA
CHRISTOPHER L. BENNETT
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TIMOTHY M. BENNETT
SHERI G. BENNINGTON
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CAROL A. BEVERLY
MICHAEL D. BIORN
WENDY S. BIRCH
BRADLEY C. BIRD
BYRON K. BIROTTE
ARNO J. BISCHOFF
DAVID M. BISSONNETTE
JEFFREY A. BLACKMAN
STEVEN R. BLAIR
JONATHAN N. BLAND
RAYMOND W. BLANEY
DEBORA L. BLOOD
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UNES A. BOOTH
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MICHAEL BORYS

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WILLIAM D. BOWMAN
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BRADLEY E. BRIDGES
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TAB A. BRINKMAN
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DALE L. COFFMAN
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CHRISTOPHER S. DESLONGCHAMP
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JOHN R. DEYONKE
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TIMOTHY T. GILLESPIE
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VICTOR A. HAMMOCK
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GEORGE B. HANSSON III
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MICHAEL D. HARM
JON M. HARRINGTON
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SEAN Q. HARRIS
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KELLY L. HARSHBARGER
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WILLIAM A. HASTINGS
BRADY P. HAUBOLDT
DAVID P. HAWORTH
MICHAEL S. HAYES
SCOTT E. HAYFORD
TERRENCE G. HEDLEY
STEVEN R. HEFFINGTON
AHREN D. HEIDT
JOSEPH W. HEILHECKER
SHARON G. HEILMANN
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ALLEN R. HENDERSON, JR.
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BRENT A. HEPNER
THOMAS L. HERMEL
JAMES L. HERRICK
BRUCE P. HESELTINE, JR.
TIMOTHY S. HESS
KAREN J. HIBBARD
PAUL A. HIBBARD
JUSTIN L. HICKMAN
KEVIN D. HICKMAN
HAROLD C. HICKS II
PHILIP C. HICKS
LESLIE E. HIGER
MATTHEW W. HIGER
DAVID L. HIGGINBOTHAM
BRANDON R. HILEMAN
GINA L. HILGER
LANCE E. HILL
WILLIAM R. HILL II
MICHAEL C. HINDLEY
JAMES S. HINDS
NATHAN S. HOBBS
ALLAN M. HODGE
STEPHEN L. HODGE
JUSTIN R. HOFFMAN
TODD C. HOGAN
TODD A. HOHN
KELLY R. HOLBERT
TRAE D. HOLCOMB

MICHAL D. HOLLIDAY
CRAIG M. HOLLIS
JEFFREY D. HOLT
DAVID A. HOLZ
DAVID W. HONCHUL
CHRISTOPHER M. HORGAN
STEVEN P. HORTON
EDWARD J. HOSPODAR, JR.
CHAUNCEY J. HOUSTON
ERIC P. HOVERSTEN
JOHN O. HOWARD
MICHAEL B. HOWARD
JAMES J. HOWELL
HEINZ H. HUESTER
JERRY A. HUFFMAN, JR.
BART M. HUGHES
CHRISTOPHER R. HUISMAN
MICHAEL C. HULIN
TYSON W. HUMMEL
FREDERICK J. HUMPHREY III
BERNARD P. HUND
BRITT K. HURST
CARL D. HUTCHERSON
GREGORY E. HUTSON
JOSEPH H. IMWALLE
CURTIS B. ISZARD
GRANT L. IZZI
ERIC J. JACHIMOWICZ
ROBERT W. JACKSON
PETER D. JACOB
ROBERT A. JAKCSY
DAVID E. JAMES
TODD N. JAMES
WALTER A. JAMES
CLIFTON G. JANNEY
STEVEN J. JANTZ
JENNIFER K. JENKINS
CHRISTOPHER E. JENSEN
MICHAEL R. JESSON
JAMES D. JETER
ROBERT S. JOBE
MATTHEW G. JOGANICH
RICK T. JOHNS
CHRISTOPHER A. JOHNSON
VANESSA S. JOHNSON
RICHARD W. JONES II
ROBERT D. JONES
ROY A. JONES III
ERICK A. JORDAN
WISTARIA J. JOSEPH
KELLY S. JOST
SEAN M. JUDGE
CURTIS G. JUELL
JON T. JULIAN
WILLIAM H. KALE
JOHN M. KANUCH
KEITH J. KEANA
JAMES R. KEEN
BRENT E. KEENAN
GREGORY S. KEETON
PETER J. KELLEY
BRIAN W. KELLY
EARL J. KELLY
ROBERT D. KELLY
MICHAEL E. KENSICK
AARON G. KERKMAN
HAIDER A. KHAN
MATTHEW A. KILGORE
JONATHAN H. KIM
JASON W. KIMBEL
THOMAS C. KIRKHAM
DAVID D. KITCHEN
BRANDON W. KNAPP
ERIC V. KNIGHT
CHRISTIAN J. KNUTSON
ERIC C. KOE
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GREGG A. KOPECK
MICHAEL R. KOSTER
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MICHAEL W. KRAM
BRIAN C. KRAVITZ
GREGORY KREUDER
JENNIFER J. KRISCHER
BENJAMIN R. KROOP
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MATTHEW W. LACY
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ANDREW J. LAFFELY
ERIK J. LAGERQUIST
TREVOR I. LAINE
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SCOTT A. ROBINSON
THOMAS R. ROCK, JR.

STEPHEN C. RODRIGUEZ
GLENN D. ROETTGER
CHARLES M. ROGERS
HENRY T. ROGERS III
KAREN L. ROLIRAD
MATTHEW J. ROLLER
JAMES S. ROMASZ
JENNIFFER F. ROMERO
JOSE M. ROODETTES
MICHAEL S. ROSE
MARI D. ROSS
JONATHAN K. ROSSOW
CHAD L. RUBINO
SEAN P. RUCKER
MICHAEL W. RUE
RICHARD A. RUPANOVIC
JEFFREY C. RUSSELL
ROBERT L. RUSSELL IV
NICHOLAS E. RUSSO
DAVID J. RUTH
JAY A. SABIA
DARREN R. SABO
KURT M. SAFFER
JEFFREY B. SALTER
STEVEN D. SAMPSON
MELISSA D. SANDBERG
RICHARD T. SANDERS
DAVID J. SANFORD
ARNOLD T. SAUNDERS
JOHN W. SAWYER
MICHAEL G. SAWYER
JAMES R. SAYRES III
KURT M. SCHENDZIELOS
STEPHEN C. SCHERZER
PATRICK L. SCHLICHENMEYER
KARL C. SCHLOER
MICHAEL K. SCHNABEL
EDWARD J. SCHNEIDER
JASON R. SCHOTT
DAVID M. SCHRADER
JOHN H. SCHRIMPF
ERIC A. SCHROEDER
TAMARA B. SCHWARTZ
RONALD W. SCHWING
VINCENT J. SEI
ANDREW J. SELLBERG
JEFFREY A. SEMINARO
CHRISTOPHER G. SENKBEIL
DOMINIC A. SETKA
ERIC K. SHAFA
ANDREW R. SHANAHAN
RICHARD C. SHEFFE
THERESA L. SHEPPARD
MICHAEL T. SHEREDY
ROGER A. SHERMAN
THOMAS P. SHERMAN
BETHANN SHICK
ROBERT J. SHINDEL, JR.
MILDRED L. SHINGLER
ANDREW S. SHOBE
EDWARD T. SHOLTIS
MARK J. SHOVIAK
LOUISE A. SHUMATE
VINCENT J. SIERRA
JAMES R. SIEVERS
EDUARDO J. SILVA
MITCHELL E. SIMMONS
RODNEY L. SIMPSON
THOMAS G. SINGLE
DOUGLAS S. SIRK
WILLIAM E. SITZABEE
PATRICH M. SKENDZIEL
JONAS S. SKINNER
MARK B. SKOUSON
DWAIN A. SLAUGHTER
JOSEPH P. SLAVICK
BILLIE A. SMITH, JR.
BRIAN M. SMITH
KEVIN B. SMITH
SHANE A. SMITH
STACEY L. SMITH
THOMAS S. SMITH
MICHAEL G. SNELL
SCOTT E. SOLOMON
DAREN S. SORENSON
ERIC J. SOTO
JAMES S. SPARROW
LEE A. SPECHLER
JOSEPH B. SPEED
BENJAMIN W. SPENCER
RUTH C. SPENCER
STANLEY A. SPRINGER
TODD A. SRIVER
DAVID R. STONGE
PETER J. STAPLETON
CEDRIC D. STARK
DANIEL L. STEELE
TRAVIS A. STEEN
EUGENE E. STEIN
CHARLES W. STEVENS
JAY L. STEWART
MELANIE J. STEWART
GARY W. STILES
KILEY F. STINSON
MICHAEL S. STOHLER
CHRISTOPHER D. STOIK
JON D. STRIZZI
SHELLEY R. STRONG
AMIE C. STRYKER
DIANA L. STUART
EARL D. STULLER
PAUL W. STURGES
JAMES M. SUHR
JAMES A. SUKENIK
PATRICK G. SULLIVAN
RICHARD J. SUMNER
MICHAEL D. SUNDSTED
MICHAEL R. SUTHERLAND
KEVIN L. SUTTON
JONATHAN J. SWALL
MICHAEL T. SWART
JOCELYN R. SWAYZE
DENISE L. SWEENEY
TIMOTHY J. SWEENEY
MICHAEL A. SWEETLAND
ERIC D. SWENSON
JOHN D. SWIFT
DANIEL E. SZARKE
JONATHAN D. TAMBLYN
RAINIER TANGLAO
FRED H. TAYLOR
RUSSELL F. TEEHAN
TIMOTHY M. TELEGA
DAVID M. TENENBAUM
TIMOTHY T. TENNE
ROBERT C. TESCHNER
JAMES A. THEISS
KIRABETH THERRIEN
JOHN R. THOMAS
CHRISTOPHER M. THOMPSON
JAMES E. THOMPSON
MICHAEL E. THOMPSON
PATRICK W. THOMPSON
STEVEN NEAL THORSEN
LORI A. THORSON
ROBERT T. TIBBETTS
CHRISTOPHER F. TINGLEY
CHARLES P. TOBIA
RANDOLPH B. TORIS
MARTIN J. TOWEY
OLIVER D. TOWNS, JR.
KEVIN J. TRAW
ALICE W. TREVINO
JOHN A. TRINGALI
CLORINDA TRUJILLO
PAUL M. TRUJILLO
GEORGE H. TRUMAN III
TAMMY M. TRYCHON
PHILLIP C. TUCKER
DEREK W. TUPPER
JAMES E. TURNBULL
JASON M. TURNER
JEREMEY D. TURNER
REGINALD J. TURNER
TRENT C. TUTHILL
SEAN K. TYLER
VOLODJA A. TYMOSCHENKO
KRISTIN S. UCHIMURA
THOMAS J. VAIL
DANETTE D. VANDALEN
KELLEY M. VANDERBILT
JOHN H. VANHUFFEL
MATTHEW J. VANPARYS
JAMES B. VARITZ
CURTIS E. VELASQUEZ
JEFFREY R. VENT
MICHAEL J. VETH
JANELLE K. VIERA
KEVIN M. VIRTS
HENRY R. VOEGTLE
JEFFREY W. VOETBERG
KEVIN P. VOGT
CHARLES W. WAHL
JAMES K. WAKEFIELD IV
JOHN C. WALKER
RANDAL D. WALKER
SCOTT T. WALLACE
RICHARD S. WARD
DOUGLAS W. WARNOCK, JR.
RANDALL E. WARRING
ERIC W. WATERS
DANIEL J. WATOLA
EDWARD D. WATSON
DAVID A. WEAS
JAMES F. WEAVER
RICHARD H. WEAVER
ROBERT V. WEAVER III
SCOTT J. WEBER
JOHN A. WEBSTER
PATRICK N. WEEKS
DAVID WEISSMILLER
TED E. WELCH
TIMOTHY G. WELDE
GRANT T. WELLER
DYLAN T. WELLS
RICHARD E. WELLS
KEVIN M. WENKS
ANDREW J. WERNER
CHARLES E. WESTBROOK III
MATTHEW J. WHIAT
EUGENE F. WHITE
TODD L. WIESER
TODD E. WIEST
JOHN B. WILBOURNE
PETER R. WILKIE
DAVID M. WILLCOX
JAMES D. WILLIAMS
KEVIN S. WILLIAMS
MICHAEL R. WILLIAMS
JAMES C. WILLIAMSON
JOSEPH C. WILLOUGHBY
CHRISTOPHER W. WILSON
GEORGE S. WILSON
JACQUE J. WILSON
EMMETT L. WINGFIELD III
JASON M. WINSLOW
ANDREW K. WOLCOTT
TIMOTHY W. WOLF
CYRIL T. WOLFF
DENNIS J. WOLSTENHOLME
BRYAN M. WOOD
GREGORY E. WOOD
PAMELA L. WOOLLEY
CARL D. WOOTEN
DAVID F. WRIGHT
THOMAS W. WRIGHT
TODD E. WRIGHT
MICHAEL A. WULFESTIEG
MATTHEW L. WURST
CHRISTOPHER A. WYCKOFF
DEREK R. WYLER
ALBERT K. YATES
ROBERT B. YBARRA
JEFFREY L. YORK
AMY S. YOUNG
CHARLES P. YOUNG
RANDY J. YOVANOVICH
BRIAN F. ZANE
ANDREW J. ZEIGLER, JR.
DEBRA A. ZIDES
MICHAEL A. ZROSTLIK

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARIO AGUIRRE III
PHILLIP C. ANDREWS
LISA D. BAILEY
JOSEPH A. BARTASIUS
DAVID J. BARTOO
RONALD A. BASSFORD
VICKI J. BAXTER
ALAN K. BOLTON
GREGORY L. BONNER
ANDREA M. BREYTON
SCOTT G. BROWN
JEFFREY B. BURBACH
ALVIN W. BURGUESS
MILTON S. BUSBY, JR.
TEDDY J. BYRD
CLIFFORD L. CADLE
GARY S. CARLSON
JAMES P. CARROLL
WILLIAM A. CARROLL
DANIEL F. CHACHAKIS
ROBERT P. CHAPPELL, JR.
STEVEN C. CHIMCHIRIAN
JOSEPH A. CHIRICO
SHELLEY A. CHISHOLM
DANIEL J. CHRISTIAN
BRIAN M. CLARK
ELLIOT E. COLEY
TIMOTHY M. CONNOR
JOHN P. CONSTABLE
CHRISTOPHER CORKERY
CRAIG D. COTTER
JOSEPH P. CREEKMORE, JR.
ANNMARIE N. DALKIEWICZ
DAVID J. DANIELS
LOUIS A. DELLORCO
JAN K. DEMARTINI
CALVIN C. DEWITT
JUAN A. DIAZ
JAMES V. DICROCCO
MARK C. DITROLIO
WALTER D. DODD
KEITH A. DONAHOE
DAVID A. DYKES
FRANK A. EARNEST
BRADLEY G. EATON
GRANT EDWARDS
MARK R. ELLSON
NORMA J. ELY
CYNTHIA A. ERNST
FRANK D. EUBANKS
STEVEN T. EVEKER
GREGORY S. FORD
RICHARD T. FORREN
PHILIP C. FOSTER
DAVID F. FRANKENHAUSER
GREGORY T. FROHBIETER
CHARLES E. FROST, JR.
TIMOTHY H. GARTH
GREGORY C. GAWEDA
JOY A. GIBBON
DEBBIE L. GIBBS
PETER K. GOEBEL
MICHAEL L. GOEDRICH
DAVID H. GOERES
MICHAEL R. GOETZ
GREGORY GRIMES
GLENDA B. GUILLORY
JANICE M. HAIGLER
JOHN H. HANDY
ROBERT G. HARTLEY
MARK O. HARVEY
ROBERT G. HASTE
STEVEN L. HEGGEN
MARK J. HICKEY
MARTIN J. HICKEY
CHARLES P. HINER
PETER J. HIRAI
TED HODGSON

LAWRENCE E. HOWARD III
JOHN M. HUGHES
GREGORY S. IHLI
CURTIS M. INMAN
LEWIS G. IRWIN
RALPH A. JAMES
SALVADOR JIMENEZ
PHILLIP S. JOLLY
MELVIN JONES, JR.
JOHN I. KAMINAR
PAUL J. KARWEIK
STEVEN D. KATZ
ROBERT A. KAY
MICHAEL J. KELLER
MICHAEL D. KENNEDY
ROBERT C. KERECZ
THOMAS J. KIENLEN
KENNETH M. KIRKPATRICK
RICHARD A. LAMB
RAMON LLUVERAS
COLBERT K. LOW
MICHAEL D. MANTEY
ROBERT M. MARCHI
SHAWN P. MARCOTTE, SR.
GARY J. MARTEL
COLLEEN M. MARTIN
WILLIAM B. MASON
CURTIS D. MATTISON
CATHERINE P. MEADOWS
GARY W. MILLER
RICHARD F. MONCZYNSKI
NICHOLAS A. MOORE
KEITH A. MORRISON
MARTY W. NELSON
KEVIN S. NYKANEN
LARRY S. OAKES
TODD OBRADOVICH
DWIGHT D. ORTIZ
WILLIAM K. PAAPE
ROBERT R. PADGETT
JOHN S. PAJAK
ERIC J. PALM
CATHERINE C. PATTERSON
ROBERT M. PELLETIER
VICENTE PEREZ
KELLY K. PETERS
ROBERT A. PIAZZA
RAY A. PLAGENS, JR.
BRUCE E. POLLARD
WARNER B. PRESCOTT
SHERYL A. RAFFERTY
RAUL E. RAMIREZ, JR.
SHAWN A. RASMUSSEN
ROBERT W. RAUCHLE
PAUL D. RAUH
GORDON L. RAWLINSON
SANDRA L. RAYNOR
RICHARD A. REICHARDT
DANIEL E. REID
BRENDA M. REINHART
GERARD RIDEAUX
EDWIN RODRIGUEZ
JOHN F. RONEY, JR.
JEFFREY L. SCOTT
RICHARD W. SELLNER
ANTHONY D. SHAFFER
BRIAN M. SHEA
KEITH D. SIMONSON
THOMAS W. SISINYAK
BRIAN L. SMITH
TIMOTHY K. SMITH
SHAWN J. SNAREY
JAMES J. SOLANO
DONALD D. STENZEL
ROBERT J. STEVENS
KENNETH P. STORZ
BART E. STOVICEK
DANIEL H. THOMAS
GEORGE R. THOMPSON
TRACY A. THOMPSON
LAWRENCE F. THOMS
TERRY G. TOLER
MARK A. VALERI
MARC W. VANOENE
KENNETH J. VAUGHN
DONALD H. WEDEWER, JR.
BRENTLY F. WHITE
THOMAS M. WILLIAMS
CHARLES J. WOGAN
WHITNEY K. WOLF
PAUL W. WOOD, JR.
WILLIAM A. WOODS
DAVID C. WYLIE
HARRY O. YATES
PHILIP W. YOUNG
SCOTT B. ZIMA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BARRY L. ADAMS
WILLIAM H. ADAMS
JOHN T. AKERS
FRED W. ALLEN
GREGORY J. ALLEN
WALTER L. ALVARADO
HENRY J. AMATO, JR.
JEANNE A. ARNOLD
DALLEN S. ATACK
MICHAEL S. ATWELL
STEVEN E. BAPP
PAUL D. BARBEE
JOE G. BARNARD, JR.
DON B. BEARD
JAMES P. BEGLEY III
MICHAEL R. BERRY
WAYNE L. BLACK
LEO D. BLUNCK
JOSEPH M. BONGIOVANNI
RICHARD J. BORKOWSKI
GREGORY S. BOWEN
ROBERT A. BOYETTE
DAVID L. BOYLE
KENNETH C. BRADDOCK
THOMAS R. BREWER
DENNIS J. BUTTERS
MICHAEL A. CALHOUN
JAMES D. CAMPBELL
MIKE A. CANZONERI
PERRY C. CHAPPELL, JR.
KIT L. CLINE
RICHARD D. COLE
MARTIN J. COMES
LORENZA COOPER
TRIS T. COOPER
JOY L. CRAFT
JAMES D. CRAIG
ROBERT J. CROW
JOHN F. CUDDY
SCOT H. CUTHBERTSON
WILLIAM A. DENNY
WADE H. DESMOND
JOHN P. DOLAN
DARRYL J. DUCHARME
JOHN B. DUNLAP III
ROBERT T. DUNTON
MARK G. DYKES
GRACE E. EDINBORO
GEORGE L. EDMONDS
CINDY A. ESKRIDGE
GEORGE L. FISHER
MATTHEW J. FITZGERALD
WILLIAM D. FITZPATRICK, JR.
JOHN R. FORTUNE, JR.
CHRISTOPHER J. FOWLER
ARTHUR K. FRACKER
JOHN P. FRANK
WILLIAM J. FREIDEL
JOHN M. GALUSKY
ROBERT B. GASTON
DAVID N. GERESKI
NICHOLAS L. GODDARD
ALBERTO C. GONZALEZ
HARRY GONZALEZ
KEVIN M. GOUVEIA
KEVIN R. GRIESE
PAUL J. GRUBE
KENNETH S. GULLY
BARBARA L. GUNNING
FRANCISCO GUZMAN
MICHAEL W. HAERR
CHRISTOPHER J. HALL
DONALD N. HAM
LAWRENCE E. HANNAN
JOHN N. HARAMALIS
WILLIAM M. HART
PAUL C. HASTINGS
MATTHEW J. HEARON
ANDREW R. HERNANDEZ
MARK J. HODD
SHARON R. HORTON
JULIE A. HOSMER
TIMOTHY P. HOUSER
DANNY R. HUGHES
KEVIN M. HULETT
EUGENE R. INGRAO
MARK C. JACKSON
JAY L. JERRILS
RICHARD A. JOHNSON
CHRISTOPHER G. JONES
PATRICIA M. JONES
JAMES A. JUNOT
SHAWN A. KARVELIS
RICHARD C. KNOWLTON
BRADLEY J. KOHN
MICHAEL A. KONZMAN
DONALD Y. KWAN
DAVID M. LAHM
RICHARD E. LAROSSA
WILLIAM E. LEFEVRE
LORIS F. LEPRI
WILLIAM J. LIEDER
ALOYSIUS G. LINGG
ROBERT P. LINNAN
STEPHEN B. LONDON
JERRY F. MADISON
ZACHARY E. MANER
TIMOTHY L. MANTZ
TARRY L. MARLAR
ARNOLD R. MARQUART
JERRY H. MARTIN
ANGELA E. MAXNER
ROBERT B. MCCASTLAIN
GREGORY T. MCDONALD
LAURA J. MCKNIGHT
JUDITH H. MCLAUGHLIN
DANIEL C. MCMILLEN
ROBERT E. MCMILLIN II
RICHARD G. MILLER
MATTHEW P. MITCHELL
DANIEL C. MOLIND
LESLIE R. MONTGOMERY
DAVID L. MURPHY
ROBERTA NIEDT
JOSEPH F. NOONAN
RICHARD G. NORD
TERRY J. OMMEN
CHARLIE C. OSBORNE, JR.
KARLAS OWENS
THOMAS P. PALLADINO
GREGG L. PARKS
RALPH R. PECINA
CHRISTOPHER J. PETTY
ROBERT L. PHILLIPS
STANLEY W. POE
DANE W. POWELL
DAVID M. POWELL
JEFFREY S. RADKE
GEORGE J. RAKERS
MARK L. RATHBURN
WILLIAM L. RATLIFF, JR.
JEFFERY S. REICHMAN
JOHN M. RHODES
ALBERT J. RICCI
ROBERT A. RIGSBY
GREGORY W. ROBINETTE
GEORGE F. ROBINSON III
RODNEY S. ROBINSON
JOHN P. RUDIO
MARCUS R. SANDERS
BENJAMIN E. SARTAIN
JOHN L. SAUFLEY
PAUL J. SAUSVILLE
KENNETH S. SCHECHTER
MICHAEL J. SCHLORHOLTZ
CHARLES M. SCHNEIDER
BENNETT E. SINGER
MICHAEL C. SLUSHER
DAVID O. SMITH
JEFFREY E. SMITHERMAN
JOHN F. SNEED
JEFFREY M. SOELLNER
PAUL O. SOMERSALL
NANCY A. SOUZA
STEPHEN L. SOWELL
WILLIAM R. SPENGLER
JIMMY D. STRINGER
ROCH A. SWITLIK
STEVEN A. TABOR
KEITH Y. TAMASHIRO
RODNEY D. TANSILL
PETER J. TETRICK
TODD D. TOWNSEND
JOHN M. VALENTINE
JAMES M. VARTANIAN
CLINT E. WALKER
TIMOTHY K. WALKER
DANIEL E. WEBER
JAMES B. WEBSTER, JR.
MARK A. WEEKS
ALAN V. WILCOXSON
ALEX WILLIAMS
GISELLE M. WILZ
ROBERT A. WOODMANSEE
ROY C. WORRALL
JANE F. ZAK
TIMOTHY M. ZEGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEVIN S. ANDERSON
SANFORD P. ARTMAN
JEFFREY B. BAKER
JOHN W. BRAU, JR.
SYLVESTER H. BROWN
GARY U. BULLARD
ANDREW A. BURNS
RUDOLPH L. BURWELL, JR.
CHARLES E. COURSEY
KRISTEN L. COX
KELLIE M. CRESPO
DONALD R. DUNNE
DAVID L. EGBERT
TIMOTHY FLANAGAN
JAMES A. GRAY
MICHAEL S. HEALY
LITTLE R. HERSEY
DAVID L. JESSOP
DARRY C. JOHNSON
THOMAS J. KALLMAN
MARY K. LEAHY
JOHN A. LEGGIERI
CAROL W. LEIGHTON
JEFFREY J. LEPAK
J M. LISSNER
ALICIA K. LYNCH
FRANCIS S. MAIN
BENJAMIN J. MCDONALD
KENNETH H. MOORE
TERRELL E. PARKER II
MICHAEL A. PHIPPS
JOSEPH POTH
JIMMY A. RANKIN
ASDRUBAL RIVERA
JEFFERY P. ROBINSON
EDDIE ROSADO
JAMES W. RUF
FRANK E. SKIRLO
JOSEPH L. SMITH
TAMMY S. SMITH
ANN STAFFORD

WAYNE A. TASLER
JOHN M. TRAYLOR
JOSEPH E. WHITLOCK
RUFUS WOODS III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROBERT B. ALLMAN III
STEVEN D. ASHBROOK
DAVID K. BEAVERS
RONALD A. BELTZ, JR.
JOSEPH K. BLAY
BYRON V. BRIDGES
RICHARD E. BROWN
HOWARD F. CANTRELL
SUSAN D. CASWELL
RAYNARD J. CHURCHWELL
THOMAS G. CONNER
RONALD E. COOPER, JR.
SCOTT A. DANIEL
CHRISTOPHER W. DEGN
DOUGLAS T. DOWNS
DANIEL C. FINKHOUSEN
LESLIE J. FORBESMARIANI
JAMES J. FOSTER
EVERETT J. FRANKLIN
BRET J. GILMORE
ROBERT C. GRESSER
KEVIN L. GUTHRIE
LADISLAO HERNANDEZ, JR.
ERNEST M. IBANGA
JEFFREY L. JAY
MICHAEL L. JEFFRIES
CRAIG M. JOHNSON
CARRON A. JONES
TERRELL L. JONES
PALMA N. JUAREZ
WAYNE A. KEAST
MARTIN S. KENDRICK
SUNG N. KIM
SUNGJEAN P. KIM
JAMES M. LESTER
BRAD P. LEWIS
KEVIN B. MATEER
GUY R. MCBRIDE
ERIC R. MEYNERS
BYUNG K. MIN
JOHN J. MIN
MICHAEL W. PATTERSON
MARK W. PERKINS
FLORIO F. PIERRE
KELLY D. PORTER
STEVE W. PROST
MICHAEL T. SHELLMAN
MARK A. SHELTON
ROBERT R. STEVENSON
MARK A. STEWART
TIMOTHY G. STIERS
JEFFERY D. STRUECKER
RODERICK D. SWANSON
ANTHONY L. TAYLOR, SR.
DOUGLAS S. THOMISON
SCOTT W. THOMPSON
STANTON D. TROTTER
RICKY A. WAY
SEAN S. WEAD
RONALD F. WEBB
RICHARD F. WINCHESTER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

THERESA A. FRASER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JOHN M. MARMOLEJO
JEFFREY R. MCCUNE
GREGORY R. OSTROWSKI
LEE R. RAS
JOHN F. TAFT

To be commander

ROBERT P. GORMLEY
STEVEN W. HARRIS
WILLIAM L. HENDRICKSON
HENRY L. MCHUGH

To be lieutenant commander

JAMES I. BOYD
BRANDON J. BRYANT
ANDREW P. DOAN
LEWIS J. FERMAGLICH
MARK W. GESELL
HORACE E. GILCHRIST II
KARISSA L. HACKELTON
PETER M. HAMMER
CHRISTOPHER M. HARRIS
CHAD R. HOULLIS
SUE A. HOWELL
BRADLEY L. KINKEAD
MICHAEL J. LOOMIS, JR.
MARCEL A. MACGILVRAY
CYNTHIA J. MOORE
ERIC E. PERCIVAL
OBIE M. POWELL
CHAD E. SIMPSON
ELIZABETH M. SOLZE
SUSANN M. TROJAN

EXTENSIONS OF REMARKS

CONGRATULATING THOMAS G. GALLAGHER JR. ON THE OCCASION OF BEING RECOGNIZED FOR 25 YEARS OF SERVICE BY THE FRIENDLY SONS OF ST. PATRICK OF LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Thomas G. Gallagher Jr. who is being honored by the Friendly Sons of St. Patrick of Lackawanna County, Pennsylvania, for 25 years of faithful service.

Mr. Gallagher has a long and distinguished history of service to his northeastern Pennsylvania community.

Mr. Gallagher was the President of the United Way of Lackawanna County from 1986 until his retirement in June of 2002.

A graduate of Scranton Preparatory School, Mr. Gallagher received a Bachelor of Arts degree from the University of Notre Dame and a masters of social work degree from Fordham University. He also completed post graduate work at the National Academy of Volunteerism in Alexandria, Virginia.

Prior to his work with the United Way, Mr. Gallagher served as a caseworker for the Lackawanna County Institution District's Bureau of Aging and Bureau of Children's Services.

He also served as assistant director of the Planning Council for Social Services and Associate Director of the United Way of Lackawanna County,

In addition, he also served as a lieutenant senior grade in the United States Public Health Service at the National Institute of Health.

Mr. Gallagher serves on the board of directors of St. Francis Kitchen and the Margaret Briggs Foundation. He is also a member of the Rotary Club of Scranton and he is a past president of the Friendly Sons of St. Patrick of Lackawanna County.

Madam Speaker, please join me in congratulating Mr. Gallagher on this special occasion. His exemplary performance in the area of community service has improved the quality of life for all and is well deserving of this honor. Indeed, his example is an inspiration for future generations to emulate.

CONGRATULATING THE HIGHLAND PARK GIRLS SWIMMING AND DIVING TEAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SESSIONS. Madam Speaker, it is with great pleasure that I rise today to congratulate the Highland Park Girls Swimming and Diving Team on winning the title of UIL 4A State Champions.

In his first year coaching at Highland Park, Jess Cole led the girls to their eighth consecutive win in the UIL Texas State Championship on Saturday, February 23, 2008. Those who competed at the state meet include Allison Arnold, Megan Arnold, Hannah Ferrin, Bolton Harris, Delaney Rolfe, Katy Streepey, Katy Tye, and Alex Weber. Their continued success can be attributed to their hard work, dedication, passion for swimming and a strong sense of team spirit. In addition to claiming the title of State Champions, the Highland Park Girls Swimming and Diving Team now holds the longest state record in UIL swimming and diving, matching Class A Booker's record in girls golf as the longest in Texas high school sports since record keeping began in 1910.

Madam Speaker, I ask my esteemed colleagues to join me in congratulating the members of the Highland Park Girls Swimming and Diving Team for their well-deserved victory and wish them all the best in future endeavors.

MR. CARL FISHER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I pay tribute to one of the most caring, dedicated, and selfless citizens of Indiana's First Congressional District, Mr. Carl Fisher, longtime superintendent of the Portage Parks Department. After serving the people of Portage, IN, in this capacity for the past 24 years, Carl announced his retirement from this position. In honor of Carl, a retirement party will be held by friends and members of his staff on Friday, March 14, 2008, at Sycamore Hall of Woodland Park in Portage, IN.

Following his graduation in 1964 from Grace College in Winona Lake, IN, Carl, an avid nature enthusiast, eventually went on to pursue his master's degree in recreation park administration at Indiana University. After completing his master's degree in 1975, he was hired as the district recreation supervisor for the Montgomery County Recreation and Parks Department. Carl held this position until 1977, at which time he took over as the park supervisor for the Goshen Park and Recreation Department. Carl remained in this capacity until 1983 before relocating to Northwest Indiana, where he took over as superintendent of the Portage Parks Department, a position he would faithfully serve for the next 24 years.

Since taking over at the Portage Parks Department, Carl's contributions to Northwest Indiana have stretched far beyond his everyday responsibilities as superintendent. It was in large part through his efforts that the Portage Township Community Historical Society was created. This led to the acquisition and development of Countryside Park as a historical attraction for the City of Portage.

In addition, Carl's vision and constant efforts to improving outdoor recreation, and more specifically, trail development, in Northwest Indiana have been unparalleled. Carl was a catalyst in the formation of the Northwestern Indiana Regional Planning Commission's Regional Bikeways Committee, which would later become the Ped and Pedal Committee. Under his vision and leadership, which includes the establishment of the Portage Parks and Recreation Foundation, Northwest Indiana has seen a vast increase in acreage and funding obtained for the development of its parks and trails. Astonishingly, during Carl's tenure as superintendent, Portage has seen the establishment of 11 parks and 2 city-wide trails.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Carl Fisher for his lifetime of leadership, service, and dedication to the residents of Portage, IN. He has touched the lives of many residents and visitors in Northwest Indiana. While we will all miss Carl's true service and uncompromising dedication, I ask that you join me in wishing him well upon his retirement.

A PROCLAMATION HONORING THE 200TH ANNIVERSARY OF THE FOUNDING OF BARNESVILLE, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of Barnesville, Ohio celebrate the 200th anniversary of the found of Barnesville, Ohio with great joy; and

Whereas, this occasion is a time to look back at the origins of the town and appreciate how much it has grown from its first days as a hunting and trapping community in an infant country; and

Whereas, occasions such as these illustrate to us that love mixed with hard work and perseverance will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this town as a beacon of light in the representation of America and maintain your stand as a symbol to this generation that our strength lies in your gracious commitment in unity to stand as a model community; now, therefore, be it

Resolved, That along with its friends, family, and the residents of the 18th Congressional District, I commend Barnesville for your hard work and perseverance, recognizing that all great communities come from great people. With great appreciation and respect, we recognize the tremendous impact this town has had in Ohio and in the lives of those people you have touched.

HONORING ARBELLA PERKINS EWING

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to Arbella Perkins Ewing in celebration of her 114th birthday on Thursday, March 13, 2008.

As the third-oldest living person in the world and the second-oldest living American, Ms. Ewing is a fixture of the Dallas community.

Born in 1894 on a farm in Freestone County, Mississippi, as one of 12 children and the great-granddaughter of Mississippi slaves, Ms. Ewing endured continual racial problems that eventually led to her move to Dallas. In 1936, she and her husband Frank settled into a house in South Dallas, where she lived until she was 106.

As a wife and a mother to one daughter, Ms. Ewing not only made sure to keep a clean house for her own family, but extended her charity beyond her own home, often cooking for her sick neighbors.

Known as a God-fearing woman, her faith has greatly contributed to her way of life. I am reminded of a quote by the late Dr. Martin Luther King, Jr., ''The quality, not the longevity, of one's life is what is important.'' I can truly say that the quality of Ms. Ewing's life extends past even her longevity. Her reputation for ''good living'' includes not smoking or drinking, eating healthily, and not staying out late. She serves as an example for all of us to honor our bodies and cherish our health.

After her husband and daughter passed away in the 1970s, Ms. Ewing lived an independent and self-sufficient life until a fall that broke her hip in 2007 at the age of 113. Ms. Ewing's strength and resolve has seen her though this rough time of surgery into recovery much as it saw her through the years of the Great Depression, Jim Crow segregation and the Civil Rights Era.

Ms. Ewing stands as a beacon of will and determination. She makes us all mindful that a life well spent is a life worth living.

Madam Speaker, I ask that my colleagues join me in honoring Arbella Perkins Ewing on reaching the monumental age of 114. I wish her continued life, good health and strength.

INTRODUCTION OF THE CONGRESSIONAL REVIEW ACT IMPROVEMENT ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Congressional Review Act Improvement Act.

This legislation would cut government waste by reducing duplicative paperwork and relieving some of the administrative burdens that are currently mandated by the Congressional Review Act, the congressional review mechanism of agency rules. The Congressional Review Act requires that all agencies promulgating a rule must submit to both Houses of Congress, and to the Comptroller General at the Government Accountability Office, a report that contains a copy of the rule, a concise general statement describing the rule, and the proposed effective date of the rule. Thus, under current law, the same material is submitted, housed, and printed at four different governmental entities.

Specifically, this legislation would eliminate the requirement that agencies submit their rules that are printed in the Federal Register to each House of Congress. Instead of receiving the full submission of each individual rule, the House and Senate would receive a weekly list of all rules from the Comptroller General. The House and Senate would then enter that list into the CONGRESSIONAL RECORD with a statement of referral for each rule. Under these revisions, agencies would still be required to submit rules and reports to each House of Congress that were not printed in the Federal Register, and Congress could still employ the procedures in the Congressional Review Act to disapprove agency rules.

I urge my colleagues to join as cosponsors to this legislation that makes commonsense modifications of the Congressional Review Act.

A TRIBUTE TO DONALD S. LOPEZ

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SKELTON. Madam Speaker, I rise today to honor the life of LTC Donald S. Lopez, a military aviation pioneer and decorated hero who recently passed away at the age of 84.

Colonel Lopez was born on July 15, 1923, in Brooklyn, New York. He graduated from the Air Force Institute of Technology with a bachelor's degree in aeronautical engineering and a master's degree in aeronautics from the California Institute of Technology.

In preparation for World War II, Colonel Lopez enlisted and received his pilot's license in 1943. He was promptly sent to China and served with many veterans of the legendary American Flying Tigers, flying 101 missions and recording five victories, qualifying him to be recognized as an ''ace.''

Upon his return from China, Colonel Lopez was an Air Force test pilot for 6 years and went on to fly F–86s in Korea. During the next 6 years, he taught aeronautics at the Air Force Academy. During his military career, Colonel Lopez earned the Silver Star, two awards of the Distinguished Flying Cross, and three awards of the Air Medal.

Following his retirement from the Air Force in 1964, Colonel Lopez worked as a systems engineer on the Apollo-Saturn Launch Vehicle and the Skylab Orbital Workshop.

Colonel Lopez joined the Smithsonian in 1972 and was instrumental in planning the National Air and Space Museum. He served as deputy director of the museum from 1983 until 1990 and returned to the position in 1996.

I had the honor of meeting with Colonel Lopez while preparing to lead a congressional delegation to China last August. Colonel Lopez provided me with valuable insight into the experiences of the American Flying Tigers who worked with the Chinese military during World War II and the courageous pilots who flew supplies to them over the treacherous Hump Route from India at great peril.

Our visit to Kunming, China for a memorial ceremony and meeting with Chinese World War II veterans was an unforgettable and powerful reminder of the extraordinary service provided to our country by patriots such as Colonel Lopez.

Madam Speaker, Colonel Lopez served our Nation with the utmost dedication and is a true American hero. I know the Members of the House will join me in extending heartfelt condolences to Glindal Lopez; their two children, Don and Joy; and Laura, his granddaughter.

IN RECOGNITION OF THE STATE COLLEGE AREA HIGH SCHOOL MASTER SINGERS PERFORMANCE AT CARNEGIE HALL

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. PETERSON of Pennsylvania. Madam Speaker, I rise today in honor of a talented high school choir in my district, the State College Area High School Master Singers of State College, PA, which was chosen to perform at New York City's world-renowned Carnegie Hall on March 10, 2008.

The State College Area High School Master Singers were selected out of dozens of high schools across the country to perform in this concert. The event featured 200 students from four States, and was the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert was conducted by Dr. Craig Jessop, esteemed music director of the Mormon Tabernacle Choir, who was working with the choirs and their conductors throughout the year. Known best for their legendary musical performances, Carnegie Hall is also a pioneer of music education, and I am thrilled that these students were given such a remarkable opportunity to showcase their talent.

Led by Robert Drafall, the Master Singers is comprised of sophomores, juniors and seniors, and performs in a variety of venues as well as

performing at the Heinz Chapel Chamber Choir Invitational, The Central Pennsylvania Festival of the Arts, and The Celebration of African American Spirituals. The Master Singers have distinguished themselves in earning superior ratings at adjudicated festivals in New York City, Toronto, Virginia Beach, and Chicago. They were invited to participate in a master class with the famed a cappella ensemble Chanticleer, and they have collaborated with the Central Pennsylvania Youth Orchestra and with the State College Choral Society and Orchestra in a performance featuring Metropolitan Opera Audition winners.

I am privileged to have one of the four schools in the Nation chosen for the Carnegie Hall National High School Choral Festival residing in my Pennsylvania district. I commend these students and their leaders for their accomplishment, and congratulate them for representing the State of Pennsylvania in their performance at the famed Carnegie Hall on March 10th.

RECOGNIZING THE HURLBURT AFA CHAPTER 398 TEACHER OF THE YEAR SELECTIONS FOR 2007–2008

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the Hurlburt Air Force Association Chapter 398 Teachers of the Year.

First, I would like to congratulate, Mr. Leo F. Murphy, who received the High School and Overall Teacher of the Year award. A teacher at Choctawhatchee High School, Mr. Murphy is deeply passionate about aviation and aerospace education. He began the first aviation and aerospace education program in the Okaloosa County School District and is the driving force behind its success. A retired U.S. naval officer, Mr. Murphy has over 4,000 hours flying time earned in his 30-year career. He instructs at both Choctawhatchee and Crestview High Schools, and Hurlburt AFA Chapter 398 is proud to recognize him.

Second, I would like to honor Ms. Shannon E. Farrell, the AFA Chapter's selection for the Middle School Teacher of the Year. Ms. Farrell teaches eighth-grade Physical Science at Woodlawn Beach Middle School. She incorporates engineering, science and technology into her classroom. Ms. Farrell also sponsors the school's Boosting Engineering Science and Technology, BEST, Robotics Club. The 60 students in her club have competed at local and regional events, and are now preparing to compete in the Physics Olympics at the University of West Florida.

It is also with great honor for me to recognize the co-winners of the Hurlburt AFA Chapter 398 selections for the Elementary School Teacher of the Year. Ms. Megan L. Tucker teaches fourth-grade students at Kenwood Elementary School and was named her school's teacher of the year for 2006–2007. She augments the discussion of aviation in the classroom with guest speakers. Ms. Tucker has teamed with the USAF Armament Museum to assist in the development of the ''Engineers for America'' initiative, which incorporates science, technology, engineering, and mathematics, STEM, into various activities. She has also coordinated with the Choctawhatchee Aviation Institute, Bob Skies Airport, and the Experimental Aircraft Association to introduce her students to the thrill of flight.

Lastly, it is with honor for me to recognize another outstanding teacher, Mr. Scott Erickson. He is a fourth-grade teacher at the W.H. Rhodes Elementary School. Since 2005, he has taught math, reading, writing, science and social studies. To engage his students in learning he has incorporated a variety of aviation related items into all facets of his teaching. He integrated items gleaned from a Hurlburt Chapter Teacher Workshops to improve reading skills and institute a rocket building program for his students. His latest endeavor is integrating reading, math, technology, geometry, and engineering procedures into a dynamic lesson involving simulated flight from point to point using sectional charts, videos, and written instruction. During this lesson, students measure angles, figure area of a triangle and circle, compute speed, figure averages, record data, and work as a team to achieve a final answer. Mr. Erickson is using the science, technology, engineering and mathematics aspects of aerospace and aviation to motivate his students to learn, explore, and discover.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the Hurlburt Field AFA Chapter 398 Teacher of the Year selections.

A PROCLAMATION HONORING ERNEST L. TODD AND LENA M. TODD ON THEIR 75TH WEDDING ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, March 11, 2008, marks the day Ernest and Lena Todd have been lovingly married for 75 years; and

Whereas, their marriage represents the true spirit of love, compromise and support; and

Whereas, their life together from humble beginnings as a coal mining family in Tennessee have prospered into a loving extended family in Ohio consisting of 260 children, grandchildren, great-grandchildren, and great-great-grandchildren; and

Whereas, Ernest and Lena Todd represent the belief that love is eternal and will overcome all obstacles, for richer, for poorer, for better, for worse—forever; now, therefore, be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I wish Ernest and Lena Todd a happy and healthy 75th wedding anniversary. We recognize the amazing commitment of love, friendship, and support these two people have made to each other and their family and the brightness and hope they have brought to those they have touched.

HONORING CALIFORNIA STATE UNIVERSITY

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. ROYCE. Madam Speaker, I would like to take this opportunity to recognize my alma mater, California State University, Fullerton, as it celebrates its 50th anniversary.

In 1957, California State University, Fullerton, was founded by an act of the California Legislature. The enrollment consisted of 452 students when the first classes were offered in leased quarters at Sunny Hills High School, prior to the College moving to temporary buildings on a permanent site in 1960.

Half a century after its founding, more than 185,000 graduates have successfully developed careers in hundreds of industries.

Each year, more than 36,000 students attend classes at Cal State Fullerton, choosing from among 105 different degree programs including 55 undergraduate, 49 graduate and a doctorate in education, at eight distinct colleges: arts, business and economics, communications, education, engineering and computer science, health and human development, humanities and social sciences, and natural sciences and mathematics, all of which provide an outstanding education to the students.

Its studies have led students to careers in teaching, nursing, business, the arts, communications, health care, engineering, sports, the sciences and more. Cal State Fullerton graduates have gone on to successful careers and community-building, and their impact is felt not only in the State of California and the Nation, but throughout the world. Among these graduates are Academy Award-winning actors and screenwriters, television news reporters, Pulitzer Prize-winning journalists, successful novelists, doctors, lawyers, judges, teachers, professional athletes, entrepreneurs, legislators, scientists and business leaders and even a NASA astronaut who served on the crew of the Space Shuttle Endeavor that launched into space in August 2007.

Cal State Fullerton's student body also reflects the diversity of the State of California. As one of the most diverse campuses in the State, the university welcomes students of different ethnic groups, cultures and religions. In fact, many of these students are the first in their families to earn a university diploma.

The university received full accreditation from the Western College Association, later known as Western Association of Schools and Colleges, in 1961 and Cal State Fullerton now holds 14 national accreditations and associations.

In addition, ''Titan Pride'' has been the rallying cry for 12 national team championships in seven different sports.

Finally, Cal State Fullerton is known for its distinguished faculty, many of whom have garnered international and national reputations in their respective fields.

It is with great pride that I recognize Cal State Fullerton for 50 wonderful years.

RECOGNITION OF ANNA ROSE LIVINGSTON

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize the generous spirit of third grader Anna Rose Livingston, a resident of my hometown of Syracuse, New York.

Approximately 2 months ago, Anna Rose viewed a film on the life of Mother Teresa during her Sunday school class at Bellevue Heights United Methodist Church. Moved by the work of the Catholic missionary to combat poverty and suffering in India and around the world, Miss Livingston developed a plan with the encouragement of her mother Sharon to gather and collect outdoor winter clothing for needy families in central New York.

The following week during the announcement portion of Sunday services at Bellevue Heights, 8-year-old Anna Rose stood to address the congregation and ask for their assistance in her developing effort. Later that week, she petitioned her teacher and principal at the Bishop's Academy at Most Holy Rosary to have the school's third graders join in her service project.

Today, three large parcels of hats, gloves, and coats have been assembled for delivery to families struggling to combat Syracuse's harsh winter weather, and Anna Rose has secured Brown Memorial United Methodist Church and its neighborhood missions on Syracuse near westside to assist in distribution.

Anna Rose Livingston's initiative and effort is a fine example of the compassion and giving spirit that exists in so many Americans, but Anna Rose's age and lack of prior experience in such a large service initiative make her motivation and success that much more remarkable.

On behalf of the people of New York's 25th Congressional District, I proudly recognize Anna Rose for her community service and express great hope that her selflessness and success will motivate similar efforts of charity throughout my hometown community and across this great nation by people of all ages.

INTRODUCTION OF CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2008

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, today, I am proud to introduce the Chemical Facility Anti-Terrorism Act of 2008, which was marked up and reported favorably by the Committee on Homeland Security on March 6, 2008.

This bill will extend and strengthen the Department of Homeland Security's current authority to regulate security practices at our Nation's chemical facilities. This legislation must be enacted to ensure that there is no lapse in our efforts to protect the Nation's chemical infrastructure from the threat of terrorism. The Chemical Facility Anti-Terrorism Standards regulations currently in effect will sunset in October 2009. The passage of this legislation is needed to update and improve those regulations and to make them permanent.

Shielding the Nation's critical infrastructure from foreign and domestic terrorism is one of my eight goals in charting the course toward freedom from fear. As I see it, extending DHS's authority to regulate chemical security is the right thing to do, and this legislation does it the right way.

For 4 months, the committee undertook a bipartisan effort to develop this legislation. There were extensive discussions with the Department, the chemical industry, including both large and small chemical manufacturers, fertilizer manufacturers, petroleum and propane manufacturers and distributors, water and wastewater facilities, environmental groups, labor organizations, State Governments, and academic and independent experts. The legislation I am introducing today with every Democratic Member of the Committee on Homeland Security is the product of this open, bipartisan process.

Given this effort, where the ranking member of the full committee and Transportation Security and Infrastructure Protection were involved in every aspect of this legislation, I was very disappointed that the Republican Members, with few exceptions, chose partisanship over progress and voted against the bill. The disagreement that was cited was over whether all regulated chemical facilities, or just a subset, should be required to assess whether or not they could incorporate practices to reduce the consequences of a terrorist attack in their processes. For the record, the bill requires only facilities assigned to a risk-based tier to undertake such an assessment. This is done to decrease the likelihood of a potential attack in the first place. That's just plain sensible.

This legislation does not seek to reinvent the wheel, as the Democratic Members of this committee believe that the fundamental approach taken under the existing chemical security regulations is the correct one. At the same time, the bill seeks to make several improvements to the program after the sunset expires. For instance, the current chemical security regulations exempt water treatment facilities regulated under the Safe Drinking Water Act and port facilities regulated under the Maritime Transportation Security Act. This bill does not have such an exemption and calls for the CFATS to work smoothly with the existing authorities. Testimony by the Department at previous hearings before this committee demonstrated that facilities with the exemption possess the same chemicals and are as proximate to major metropolitan areas as the currently regulated facilities. The testimony revealed there is no rational public policy reason to exempt them from the chemical security regime.

The bill also recognizes that water facilities need to be treated differently than other facilities. That is why we included provisions to require that the Secretary must provide funding for those that are required to implement inherently safer technology, IST. The bill also bars the Secretary from issuing any order or guidance under these regulations that contravenes laws, such as the Safe Drinking Water Act, and restricts the Secretary from enforcing "cease operations" orders against water facilities unless their operation represents a clear and present danger to homeland security. The provisions are intended to ensure that this legislation will not cause water to be less safe for communities.

The bill also protects the rights of States to pass their own regulations to secure chemical facilities so long as they do not directly conflict with this legislation; requires employee training and involvement of employees and their representatives in creating vulnerability assessments and security plans; creates strong whistleblower protections, and protects against illegitimate use of background checks.

I know that once this bill leaves this committee, there will be an effort to weaken it. I hope, however, that Congress will not allow narrow interests to interfere with the national security imperative of securing our chemical sector from terrorists. Only through the comprehensive approach laid out in this bill will we address our Nation's current vulnerability to a massive chemical attack using our own infrastructure against us. Exempting some facilities will make us less safe because those facilities, by their exemption, could become more likely to be attacked.

I hope that Congress will do the right thing to deliver to the American people freedom from fear of such a chemical attack by moving forward expeditiously to pass this legislation and make it law.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. COHEN. Madam Speaker, please excuse my absence from votes on Monday, March 10, 2008. My flight was delayed due to mechanical problems. Had I been present, I would have voted "aye" on each rollcall vote: 108, 109, and 110.

INTRODUCTION OF BILL ON OIL LEASE SALE IN THE CHUKCHI SEA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MARKEY. Madam Speaker, the Interior Department is currently considering whether to list the polar bear under the Endangered Species Act as a result of the impacts of global warming. While this decision has been nearly 3 years in the making, the Fish and Wildlife Service has now missed deadline after deadline for finalizing a decision on the future of the polar bear. On January 9, the Interior Department missed its statutorily required deadline for a decision, as required under the Act. Then, 1 month later, it missed its self-imposed deadline. Now, the decision on listing the polar bear, and the survival of this iconic species, is hanging in limbo.

Meanwhile, Secretary Kempthorne decided to move forward with an oil and gas lease sale in 30 million acres of sensitive polar bear habitat in Alaska's Chukchi Sea last month rather than wait until after a decision on the polar bear had been made.

The bulk of this legislation that I am introducing today is identical to H.R. 5058, which already has wide support from Members of the House. H.R. 5058 would have required the Interior Department to delay the oil lease sale in the Chukchi Sea until it had made a decision on listing the polar bear under the Endangered Species Act. The legislation that I am introducing today would delay the next steps in the oil leasing process until after the Interior Department makes decisions on the polar bear and on establishing the bear's ''critical habitat.'' This legislation would not prevent the next steps in the oil drilling process from ever occurring, but rather simply ensure that the Department first decides how to protect the polar bear.

It is disappointing that Secretary Kempthorne chose not to delay the lease sale until after the polar bear listing decision had been made. The legislation that I am introducing today would restore common sense to this regulatory lunacy by ensuring that we figure out how to protect the polar bear before taking any additional steps towards allowing oil drilling in key polar bear habitat. Secretary Kempthorne and his agency must not move any farther down the path they are taking of drill first and ask questions later—a well-worn path in this administration. If this administration refuses to stop the oil drilling process until after it figures out how to protect the polar bear from global warming, then the Congress must step in to protect the polar bear and the taxpayers.

A PROCLAMATION HONORING GENE MACDONALD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, Gene MacDonald is the founding president of the Appalachia Development District and served admirably with that association, the Ohio Mid-Eastern Governments Association for 30 years; and

Whereas, he is a 30-year board member of the Muskingum Area Technical College/Zane State College; and

Whereas, Gene MacDonald worked as the Zanesville Industrial Program Executive for 14 years; and

Whereas, he served as the director of planning and physician recruitment at Bethesda Hospital/Genesis Health Care System for 21 years; therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Gene MacDonald for his contributions to his community and country.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. WOOLSEY. Madam Speaker, on March 10, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 108–110. Had I been present I would have voted: rollcall No. 108—''yea''—National 9–1–1 Education Month; rollcall No. 109—''yea''—E. Arthur Gray Post Office Building; rollcall No. 110—''yea''—Steve W. Allee Carrier Annex Post Office Building.

INTRODUCTION OF THE MEDICARE ORAL HEALTH REHABILITATIVE ENHANCEMENT ACT OF 2008

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. PASCRELL. Madam Speaker, I rise today with my colleague Congressman CANTOR (R–VA) to introduce budget neutral legislation that will strengthen and enhance the Medicare program by allowing dentists and the surgical arm of dentistry to refer their patients directly to physical therapy, PT, services. This necessary legislation will save significant time and Medicare resources by allowing qualified dental professionals to directly refer and establish their patient's rehabilitative process.

This simple yet necessary legislative fix will permit physical therapy services to be furnished under the Medicare program to individuals under the care of a dentist. Current Medicare statute prohibits the direct referral of patients for PT under the care of dentists as well as oral and maxillofacial surgeons, OMS.

Oral and maxillofacial surgeons, the surgical arm of dentistry, regularly treat patients with medical conditions that require physical therapy. These conditions include, but are not limited to, facial trauma such as jaw fractures, temporomandibular joint disorder, TMJ, and reconstruction procedures subsequent to pathological and/or congenital anomalies. Oral and maxillofacial surgeons undergo rigorous hospital-based education and training that allows them to perform complex surgical procedures of the head and neck. Nationally, they treat thousands of patients each year.

Unfortunately, current Medicare law prohibits an oral and maxillofacial surgeon from directly referring their patients for physical therapy services. Instead, a dentist or OMS must first refer their patients back to an allopathic or osteopathic physician and work with such a physician to establish a therapy plan when an OMS believes physical therapy should be part of their patient's treatment. Such consultation has proven to be inefficient, unnecessary and cumbersome, and it ultimately delays patient treatment and the continuum of care.

Congressman CANTOR and I are proud to have crafted a budget neutral bill that will allow patients to access necessary PT services, restore their oral health and quality of life, and reduce unnecessary bureaucracy and cost that currently slow the rehabilitative process.

My colleague and I would like to thank our local New Jersey and Virginia oral and maxillofacial surgical communities as well as the American Association of Oral and Maxillofacial Surgeons, AAOMS, for supporting this legislation and working closely with us to improve patient access to oral health physical therapy services.

IN HONOR OF DR. W. JOE LEWIS

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MARSHALL. Madam Speaker, it is with great pleasure that I rise today to honor Dr. W. Joe Lewis of Tifton, GA, on the occasion of his selection as a recipient of the 2008 Wolf Foundation Prize in Agriculture. This prize is given annually to recognize the achievements of outstanding scientists in six fields and comes with a $100,000 award.

Dr. Lewis is being honored by the Wolf Foundation for his key role in discovering mechanisms governing plant-insect and plant-plant interactions. His scientific contributions have greatly assisted the development of an ecologically sound approach to integrated pest management and have helped to advance agricultural sustainability worldwide.

Madam Speaker, this award is just one example of Dr. Lewis's scientific contributions. Long recognized as a leader in the field of research entomology, his work has been featured in more than 200 scientific publications and highlighted on a number of broadcast programs. Dr. Lewis is often sought out by others for his knowledge and experience, and has mentored numerous students and scientists who are now making their mark on the world through their own scientific contributions.

Although recognized for his achievements, Dr. Lewis began life humbly as a sharecropper's son in Mississippi. His college studies led him into entomology and eventually brought him to Georgia.

From 1967 until his retirement in 2006, Dr. Lewis was a researcher with the U.S. Department of Agriculture in Tifton, Georgia, and also held adjunct faculty positions with both the University of Georgia and the University of Florida. In his time with the USDA, the Secretary of Agriculture promoted him to supergrade rank, and his numerous grant awards included $4.3 million to explore the possibility of training insects as biological detectors.

Dr. Lewis has also been active in civic and community affairs. For more than a decade, he has served as the vice mayor of Tifton, GA. Previously, he served as a member of the city council and was involved with his community's downtown development and historic preservation. He also served on the board of elections, planning and zoning, and mental health services.

Madam Speaker, I am confident my colleagues will join me in recognizing the scientific and civic achievements of this great Georgian and American.

TRIBUTE TO THOMAS J. GRAFF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. GEORGE MILLER of California. Madam Speaker, tonight many of Tom Graff's friends and associates will be honoring his career and accomplishments at a dinner in California. Because I can't make it to Sacramento for tonight's dinner, I rise today to pay tribute to one of the great leaders, strategists, and intellectual engines of the environmental movement of the last several decades.

Tom Graff founded Environmental Defense Fund's California office in 1971, and he has been one of the most influential, effective, and important voices in California environmental policy—and especially in the water world—ever since. Indeed, Tom has been deeply involved in the messy and fascinating world of water politics and policy since before I came to Congress. Not many people can say that.

Over our decades of friendship, Tom has frequently been a lifesaver to me, to my staff, and frankly to the people of California. He always looks for solutions, even to the most intractable problems, and whenever we've needed to get the latest thinking on environmental policy water policy, the first call we make is to Tom.

Now, despite his genius, he hasn't always seen the wisdom of my approach to every specific issue, so from time to time, I have been on the receiving end of his strong—even passionate—views. But every interaction with Tom is educational, and leaves you wiser at the end of the day.

Among many other accomplishments, Tom's negotiating prowess and his wisdom were critical to the passage of legislation that I authored in 1992 to protect the Bay-Delta of California: the Central Valley Project Improvement Act.

The CVPIA took us many years to put together, and Tom's hard work is visible throughout the statute. One of Tom's great insights was in advocating for, and helping to develop, the water-marketing agreements that helped bring the business world and the urban water community on board. His work on water marketing has always been ahead of his time: he was early to the idea that market forces can be brought to bear on conservation and the protection of water and other public goods.

This is a great example of Tom's ability to look at new ideas and adapt them to environmental improvements, which has always been an incredible strength, one matched by very few people—too few, really—in the world of environmental policymaking.

Nothing in California water politics is easy, as the people gathered in Sacramento tonight can attest, and Tom is one of the very few people who can broker an agreement between the north and the south, between State and Federal politicians, between Democrats and Republicans, and of course, between Democrats and other Democrats.

Tom is a great friend, and a great ally. I have relied on his counsel for 30 years, and whenever a new issue crops up that requires an innovative strategy, I turn to him—and so do many, many others.

Madam Speaker, on behalf of myself, my staff, and all of our colleagues in Congress who have benefited from his guidance and advice, it is my honor to recognize Tom Graff.

HONORING GAIL SWARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Gail Nanette Sward for her dedication to her family, business and community. Mrs. Sward passed away at her home in Oakdale CA, surrounded by her family on Sunday, March 2, 2008.

Gail Sward was bom and raised in Stanislaus County; she attended Turlock schools and graduated from Turlock High School in 1959. On March 1, 1966, Sward Trucking began operating out of Oakdale, as a sole proprietorship and became a California Corporation on September 1, 1977. Mrs. Sward was the co-founder of Sward Trucking and helped to build it from the ground up. Today Sward Trucking operates 50 tractors and 100 trailer units to transport a number of commodities including: lumber, roofing, insulation and related building materials, corrugated paper, waste paper, glass containers, empty cans, plastic bottles, case goods and plastic pipe. The company transports goods throughout California, Arizona, Nevada, Oregon and Washington. Mrs. Sward was only more dedicated to one other thing in her life, her family.

Mrs. Sward was a mother, a businesswoman, a community advocate and leader. She was a past president of the Oak Valley Hospital Foundation, past president of OLGA, director and past president of the Stanislaus County Fair Board. She was also a board member of Private Industry Council and past president of the Oak Valley Hospital Board. She has been honored for her services in a number of ways. In 1996 Mrs. Sward was a delegate to the Republican Convention. In 1998 she was named the Stanislaus County Outstanding Woman of the Year and the 1999 Legislative Woman of the Year.

Mrs. Sward is survived by her husband of 47 years, Vic Sward, her children; Saundra West and Eric Sward; her grandchildren; Sara Shipman, Nic West and her great grandchildren; Cameron, Kaidyn, Cole and Case.

Madam Speaker, I rise today to posthumously honor Gail Sward for her dedication to her family, her business and her community. I invite my colleagues to join me in honoring her life and wishing the best for her family.

A PROCLAMATION HONORING ZANE STATE COLLEGE FOR ITS NO. 9 RANKING OF BEST 2-YEAR COLLEGES IN THE NATION, AS REPORTED BY WASHINGTON MONTHLY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, Zane State College in Zanesville, Ohio, has achieved the distinction of being ranked the 9th Best 2-Year College in the Nation, as reported by Washington Monthly magazine.

Whereas, this ranking is based on Zane State College's graduation rates that are approaching three times the national average and on student feedback as collected in the Community College Survey of Student Engagement, which measures how well the Nation's 2-year colleges use teaching techniques that lead to better learning; and

Whereas, 43 percent of all college freshmen begin their education at 2-year institutions, which is an important reason for comparing effectiveness and student experiences at 2-year colleges; and

Whereas, Zane State College's academic challenge, high student-faculty interaction, support for learners, and above-average graduation rates are testaments to Zane State College's impressive ability to meet the needs of its students, many of whom are the first in their families to ever attend college; and

Whereas, collaborative support from the community surrounding Zane State College has played an important role in the success of these students as well; and

Whereas, Zane State College's well-deserved ranking is also due to the highly effective leadership demonstrated by its president and its supportive boards. Thanks to this leadership, and to a philosophy of "personal touch" demonstrated by faculty and staff, Zane State College has rightfully earned its rank as one of the best 2-year colleges in America; and be it

Resolved, that along with its friends, family, and the residents of the 18th Congressional District, I commend and thank Zane State College for its outstanding service to students, families, and the Zanesville community. Congratulations to Zane State College on its ranking as number 9 among 2-year colleges in the U.S.

PERSONAL EXPLANATION

HON. RIC KELLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. KELLER of Florida. Madam Speaker, I have remained in Orlando, with my wife and our new daughter who was born on Monday, March 3. If I had been present yesterday, I would have voted in the following manner: Rollcall 103: "nay"; Rollcall No. 104: "nay"; Rollcall No. 105: "yea"; Rollcall No. 106: "nay"; Rollcall No. 107: "nay."

WOMEN'S HERITAGE MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in honor of Women's Heritage Month to commend the accomplishments of two astonishing black women, Dr. Beverly Mitchell Brooks and Ms. Nellie Ruth Riley Lewis of Dallas, Texas.

Born, raised and educated in south Dallas, Ms. Mitchell-Brooks received a master's degree in genetics from Texas Woman's University in Denton, Texas, becoming the first African-American to achieve the degree in pure science from the school. In 1990, she became the first woman to head the Urban League of Greater Dallas, which has set the path for future generations of young women. Under her leadership, the Urban League built its first permanent headquarters and state of the art technology center in the heart of Oak Cliff.

Currently serving as president and CEO of the Urban League of Greater Dallas, Dr. Brooks has also served as executive director of the Greater Dallas Community Relations Commission, director of public affairs for Dallas Area Rapid Transit, and director of the Martin Luther King Center.

I pay tribute to another prominent Dallas community leader, my dear friend who left us on March 1, 2008, Nellie Ruth Riley Lewis. Throughout her life, Nellie Lewis was a well-known, respected figure in Dallas who leaves behind a legacy of accomplishments that will be remembered for years to come.

Mrs. Lewis moved to Dallas in 1977 with her late husband Dr. Lewis, where they were both employed with the Dallas Independent School District. During her 20 years with DISD, Mrs. Lewis' duties included serving as an instructional specialist, a curriculum coordinator and an area director. She also served as director of learning services, the administrative assistant to four superintendents and supervisor to a group of 10 elementary school principals.

In 1997, Mrs. Lewis received the Charles D. Moody Founder's Award, presented by the National Alliance of Black School Educators. As our Nation experiences great technological innovation and success in the global market, the value of an education takes on even greater importance. Mrs. Lewis has exhibited the characteristics we seek in our educators, school administrators, and community activists.

On behalf of the 30th Congressional District of Texas, I am honored to recognize and commend these two prominent women Dr. Beverly Mitchell Brooks and Ms. Nellie Ruth Riley Lewis of Dallas, Texas.

HONORING TANYA MARTIN OUBRE PEKEL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Tanya Martin Oubre Pekel of Miami, Florida.

On Monday, May 22, 2006, this great pioneering young woman succumbed to a nearly 3-year battle with breast cancer at the age of 41. Her untimely passing will truly leave a deep void in our midst.

A native of Miami, Mrs. Martin Pekel was born on October 3, 1964. She graduated with honors from North Miami Senior High School. During that time she served as a page for U.S. Representative William Lehman and worked as a clerk for attorney H.T. Smith. Later, she earned a bachelor's degree from Duke University, and in 1989 she received her juris doctorate from Duke's School of Law.

Mrs. Martin Pekel continued on to work as a corporate attorney before being appointed a White House Fellow by President Clinton in 1995. Under this appointment, she became an associate director of Education and Policy Planning in the White House. In 1999, she accepted the position of Chief of Staff to Superintendent Patricia Harvey of Saint Paul Public Schools in St. Paul, Minnesota and served in the position for 6 years. In 2003, she was named one of that city's up and coming leaders.

Her commitment to public service and her community was evident from a young age. Throughout her life, she taught music, drama, dance, and Sunday school to children in an inner-city ministry. In addition, she volunteered as a tutor and mentor for at-risk youth.

Tanya Martin Oubre Pekel's life was a triumph. She was blessed with a loving family who took pleasure in every aspect of her life and her interests. Though she was taken from them far too early in her life, memories of her will live on in the heart of her family forever.

I pay tribute to Mrs. Martin Pekel, and I mourn her loss. She will be missed by all who knew her. I offer my heartfelt condolences to her family—her mother, Marcia Saunders; father, Montez Martin Jr.; husband, Kent; daughters, Lauren and Victoria; son, Adam; sisters, Terrie Rayburn and Emily Martin; brother, Montez C. Martin III; and grandmother, Elise Martin.

TRIBUTE TO JOHN M. ''TERRY'' MYLNE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California, are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. John ''Terry'' Mylne is one of these individuals. On December 30, 2007, John's term representing Western Municipal Water District on the Metropolitan Water District board of directors ended. He was recently recognized for his dedicated service and retirement at a December board meeting of the Western Municipal Water District.

A fourth generation Riverside native, Terry Mylne represented the District for 29 years. He served as a Western board member from 1978 to 1995 and was on the Metropolitan board representing Western since 1993.

Prior to and during his tenure with the District, Terry excelled in every endeavor. He obtained his bachelor's degree in engineering and master's degree in business administration from Stanford University, before beginning his career as manager of irrigation science for the Toro Company. He was elected to serve as a Western board member from 1978 to 1995, and served as Western's representative on the board for the Metropolitan Water District of Southern California since 1993.

Terry was appointed to many Metropolitan committees during his years representing Western's interests, including serving as chairman of the finance and insurance committee, engineering and operations committee, land committee, committee on legislation, subcommittee on annexations, the facility naming ad hoc committee, and the electric industry restructuring ad hoc committee.

Terry is an active member of the Association of California Water Agencies; he has also served as director of its municipal water district section, its Joint Powers Insurance Authority board, its executive committee, and as a member of its directors and building committee.

Terry's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call John a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he ends his term.

A PROCLAMATION HONORING HOCKING COLLEGE FOR THE RECEIPT OF THE 2008 COUNCIL FOR HIGHER EDUCATION ACCREDITATION AWARD

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, Hocking College celebrates its receipt of the 2008 Council for Higher Education Accreditation Award with great joy; and

Whereas, this recognition is the result of what a hard-working people began in 1969; and

Whereas, Hocking College has unwaveringly served Ohio, its citizens, and the higher education community by providing higher education within the State of Ohio; and

Whereas, Hocking College has availed itself to prepare students in a more comprehensive manner to adapt to the needs of an increasingly technical and communicably diverse working society by voluntarily incorporating communications requirements into its curriculum; and

Whereas, Hocking College looks forward to continuing service to the citizens of Ohio and providing outstanding examples of higher education; be it

Resolved, that along with its friends, family, and the residents of the 18th Congressional District, I congratulate Hocking College for its service, dedication and award.

HONORING THE VERY REVEREND VENSESLAV DIMITROFF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize the Very Reverend Father Venseslav Dimitroff of Toledo, Ohio.

The Very Reverend Father Venseslav Dimitroff, a wise and faithful servant who shepherded his family and his community around the world, departed this life on Wednesday, February 27, 2008. A beacon of hope and service to his Toledo community, he will be sincerely missed by all. He was born on July 12, 1923, in Bourgas, Bulgaria. He spent his early childhood in Edirne, Turkey where his late father, the Very Reverend Mihail Dimitroff was the principal of the former ''Peter Beron'' Bulgarian high school and his mother, the late Ekaterina, a teacher. His family moved to Plovdiv, Bulgaria, when he was 7 years old and he stayed there until 1944, few days before the Communist takeover of the country. He had to leave his homeland again and move to Istanbul, Turkey. He served in the Turkish Military for 4 years. He married Marina Veneziani on November 7, 1955, at Sveti Stefan Bulgarian Church where his father had become an Orthodox priest. He was ordained to the priesthood himself in March of 1961 by the Greek Orthodox Patriarchate of Constantinople. He was elevated to Cross-bearing Archpriest in May of 1973 by the Patriarch Maxim of Bulgaria. He served at St. John of Rila Church in the Bulgarian Exarchate in Istanbul until July of 1975.

At the invitation of the late Archbishop Kyrill Yonchev and the late Mrs. Pena Evanoff, one of the founders of the St. George Bulgarian Church in Toledo, Ohio, he immigrated to the United States in August of 1975. He served the small immigrant church community until his retirement in August of 1995. Father Dimitroff was a very friendly person who enjoyed talking to people from all walks of life. He loved reading, especially Balkan history and politics, and was an avid soccer fan who loved watching all kinds of sports on television. He beautified his home and community by being a masterful gardener. His church housed a lush gorgeous garden full of flowers, especially tulips and roses.

In the summer of 1992 he fulfilled a dream to return to Bulgaria for a visit to his brother after a 48-year separation. Four years later, in 1996, through the generous hospitality of Mr. and Mrs. George Lutikoff, he was able to revisit his family in his beloved Istanbul to spend a wonderful vacation among the members of the Bulgarian community residing there.

It is with the deepest appreciation that I pay tribute to the long life of a good, patient and kind man, the Very Reverend Father Venseslav Dimitroff. He lived his years in service to his family, friends, and our Toledo community. May God welcome ''Ven'' home; a good and faithful servant. May He shower him royally with blessings into eternity and bestow upon him a loving peace.

PAYING TRIBUTE TO ''COOGAN'S ANNUAL SALSA, BLUES & SHAMROCKS 5K RUN'' ON ITS 10TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to join me in recognizing Coogan's Restaurant's 10th Annual Salsa, Blues & Shamrocks 5K Run, a local institution in my district that was founded on the premise that ''kids who run, do better in school.''

Coogan's Annual Salsa, Blues & Shamrocks 5K Run is a celebration of the strong community ties and rich cultural diversity of northern Manhattan. The scenic route circles the historic Cloisters and returns to 169th Street. The New York City Road Runners Organization, organizers of the New York City Marathon, calls this ''the best road race outside of Central Park.''

More than 2,500 runners of all ages including world class competitors along with local celebrities participate in the race. A collage of over 20 different musical groups including gospel, bagpipes, meringue, salsa, and brass bands will serenade the runners along the route. Hundreds of kids running their hearts out all receive their Olympic style medals awarded by local firefighters and policemen.

Races ''within the race'' include the Captain Frederick III, Jr. Uniform Services Race created in memory of a local firefighter who lost his life in the World Trade Center attacks on September 11, 2001. Participants from the Fire Department, Police Department, and Uniformed Services will compete for the Captain Frederic III, Jr. FDNY Victory Cup.

Another race within the race is the Norbert Sander High School Open named after Dr. Norbert Sanders, M.D., founder of the Armory Foundation. This race features teams of high school students competing for trophies and awards. Winners receive $500, to be donated to their high school sports programs.

Coogan's Annual Salsa, Blues & Shamrocks 5K Run was founded in 1998 by the managing partners of Coogan's Restaurant: David Hunt, Peter Walsh, and Tess O'Connor McDade. This five kilometer running party has been an extraordinary event ever since, packed with the pulse and flavors of one of New York City's most diverse neighborhoods.

On the 10th anniversary of this momentous race, I congratulate and offer my best wishes for the continued success of the race and its organizers. What began as a run to help children do better in school has become a remarkable accomplishment that should inspire other communities across our great Nation to pursue similar goals with devoted persistence.

IN HONOR OF REGINA WERDER O'CONNOR

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. BLUNT. Madam Speaker, I rise today to honor Regina Werder O'Connor on her 90th birthday. It has been my pleasure to know and work with her granddaughter, Kathleen O'Connor, who has told me about her grandmother's wonderful 90 years.

It's important in this day and age for children to grow up in a strong family environment. Gina made sure that her four children grew up in a home that valued hard work, devotion to their Faith, and love for the Buffalo Bills. Her children have now passed these values on to her many grandchildren, and now great-grandchildren.

Gina has also been a blessing to her community. She sacrificed many hours in service to the high schools her children attended. She has been a devoted and faithful parishioner of her beloved St. Mark's Parish for which, over the past several decades, she has sent out weekly parish bulletins to shut-in parishioners. She has also been a long-time volunteer at Sister's Hospital where she finds time to not only help those at the ''Welcome'' desk but also to help ''the old people'' she sees there.

Gina is a true pillar in the community. Her devotion to her family and commitment to helping others are examples to us all.

I would like to ask this House to extend best wishes for her upcoming birthday on March 21st and for many, many more. May her coming year be filled with happiness and good health.

A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE JOHN McINTIRE LIBRARY CARNEGIE BUILDING

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the John McIntire Library Carnegie Building celebrate the 100th anniversary with great joy; and

Whereas, occasions such as these illustrate to us the dedication and the support of the many in preserving history and information for the public; and

Whereas, it is the fond wish of this body that you will continue to preserve this history in its State memorial to demonstrate the importance of knowledge, freedom of information, and education. It is also the wish of this body that you maintain your stand as a symbol to this generation that our strength lies in our knowledge and history and the entwinement therefore, so that we may never forget the past; be it

Resolved, That along with the residents of the 18th Congressional District, I commend the Friends of the Library for your unwavering commitment, recognizing that all great

achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this library has had in the community and in the lives of those people you have touched.

CONGRATULATING THE TEHACHAPI HIGH SCHOOL WARRIORS VARSITY FOOTBALL TEAM

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. McCARTHY of California. Madam Speaker, I rise today to honor the Tehachapi High School Warriors varsity football team. The Warriors have won the 2007 California Interscholastic Federation Central Section Division III championship, also known as the Valley Championship.

The championship game took place on Friday, November 30, 2007. The Warriors defeated Foothill High School, 33–28, in its last game of the season to win the championship. Victory wasn't sealed until the final minutes of the fourth quarter. The Warriors, finishing the season with a record of 12–1, won their ninth CIF championship averaging 33 points per game, giving this year's team the fourth highest alltime points per game in the 78-year history of Mountain Football. Additionally, in its 13 games, the team completed 4,443 yards of offense and scored 62 touchdowns.

I want to extend my congratulations to the Tehachapi High School Warriors student athletes for their impressive championship win and their strong 2007 season. The 2007 roster included Justin Hansen, Kurtis Knudson, Franky Rodriguez, Ehren Ochsenrider, Dan Rakowski, Garrett Coontz, Josh Schulgen, Nick Howell, Derek Lange, Neal Herman, Jesse Olofson, Tyler Hack, Steve Miller, Zach Maravigli, Zeke Saavedra, Chris Marsik, J.J. Balkar, Will Clark, Adam Mullen, Richie Meister, Josh Strauss, Kelly Lorenz, Jeff Waldram, Austin Herman, Angelo Loli, Matt Henry, Louie Olofson, Byron Herman, Jason Hail, Marshall Pearson, John Cramer, Damian Rodriguez, Joey Hack, Alek Taliulu, Matt Santos, Jonathan Perrien, Vince Ortiz, Cameron Hood, Dominic Chavarria, Cody Rogers, Eric Harroun, Kevin Ruiz, Brent Hanes, Humberto Silva, John King, Jimmy Lopez, Marcus Abarquez, Ryan Rubi, Drew Howell, Steve Brass, Luke Papac, Geo Higareda, Mike Gonzalez, Tucker Kill, Phil Smith, Chris Fimbres, Shawn Pimentel, and Jon Castelblanco.

The coaching staff of the Tehachapi High School Warriors helped to lead the team throughout this incredible season. The Warrior head coach is Steve Denman. In the playoffs, Coach Denman claimed the distinction of having the most wins of any head coach in the history of football in Kern County with 223 victories. The Warriors' assistant coaching staff included Bill Carll, Pat Snyder, Dennis Ruggles, and Chris Olofson. Roger Davis and Derek Thompson were the medical staff for the team, and team videos were handled by Larry Campbell.

All of the components of the Tehachapi High School Warriors varsity football team came together in this championship season. Their stellar teamwork, combined with months of physical and mental training, enabled the Warriors to win this Valley Championship. I am sure that this experience will benefit these young men long after their high school graduation.

On behalf of the residents of the 22nd Congressional District, I commend the Tehachapi High School Warriors on winning the 2007 Valley Championship. I know the parents, teachers, neighbors, and fans in our community will remember this season for many years to come.

105TH ANNIVERSARY OF SANDOVAL COUNTY, NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mrs. WILSON of New Mexico. Madam Speaker, Sandoval County, New Mexico celebrated its 105th anniversary yesterday, March 10, 2008. Please join me in recognizing the historical importance and many achievements and contributions the residents of this county have provided the State of New Mexico.

Sandoval County was a thriving area centuries before Don Francisco de Coronado explored the area and first made camp near present-day Bernalillo in 1540 A.D. Prehistoric artifacts in many areas of the county date back thousands of years, with archaeological finds suggesting that Sandía Man lived and hunted in the area thousands of years ago.

The area, consisting of modern-day Sandoval County, was included in one of two partidos, or districts, created in the New Mexico territory. It became part of Santa Ana County. One of seven political subdivisions created in 1852, Sandoval County was first established as a separate entity on March 10, 1903, nine years before New Mexico's statehood. The area that forms Los Alamos County was separated from Sandoval County in 1949.

Sandoval County boasts historical sites such as Coronado State Park, Bandalier National Monument, the Ceremonial Caves Trail, Jemez Springs, Casa San Ysidro, the historic Delavy House, the Vintage Auto Museum, and the Intel Museum.

Sandoval County is one of the most geographically and culturally diverse areas in the Nation. Congratulations on your 105th anniversary.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. POE. Madam Speaker, due to other congressional business, I unfortunately missed recorded votes on the House floor on Wednesday, March 5 and Thursday, March 6, 2008.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "nay" on rollcall votes Nos. 94, 95, 96, 99, 101, 103, 104, 106, and 107 and "yea" on rollcall votes Nos. 97, 98, 100, 102, and 105.

RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT (H.R. 5351)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today to urge my colleagues to join me in supporting the long overdue Renewable Energy and Energy Conservation Tax Act. The American people have demanded that Congress change our national energy policy; we must prioritize clean energy over greenhouse gas emitting fuels, and support entrepreneurial American energy producers over oil companies posting record profits.

H.R. 5351 extends tax credits for renewable energy production and pays for them by repealing large subsidies for oil and gas corporations. The domestic green energy sector creates thousands of high-paying jobs each year and has seen tremendous growth recently except when Congress has let these incentives expire. Congress must provide this industry the support and consistency it needs to become a major supplier of both energy and jobs.

This legislation also gives a tax break to consumers who purchase a hybrid vehicle and ends the perverse incentive to purchase gas-guzzling SUVs. If our Nation's automakers are to remain competitive, we must end the policies that encourage production of the cars of yesterday—cars that cost more to own and take a higher toll on our planet.

Many on the other side of the aisle have decried this legislation under the false assumption that it will raise gas prices at the pump, that it will discourage domestic exploration and production. They say this even though President Bush—at a time when the cost of oil was half of what it is today—asserted that such subsidies were not necessary to spur domestic oil and gas exploration and production. The record oil prices of over $100 per barrel—leading to gas prices headed toward $4 per gallon—are more than enough of an incentive. In fact, these tax breaks for big-oil take money, even failed to lower gas prices when they were implemented, and today serve only to redistribute billions of dollars from hard-working American families to literally five corporations, including Exxon, which recently reported higher profits than any other company in history.

In a time of an uncertain economic outlook, it is more critical than ever that we invest in the energy sources and industries of tomorrow, and address the realities of climate change, rather than continue down the misguided path of President Bush and the previous Republican Congresses—a path that has led us to an unprecedented dependence on foreign oil, skyrocketing gas prices, and economic recession.

Once again, I urge passage of this legislation—legislation with broad support from industry, the environmental community, and

even power companies—and I thank Speaker PELOSI and Chairman RANGEL for making energy security a priority for the 110th Congress.

RALPH TEMPLE TO RECEIVE ACLU–NCA BARTH AWARD

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. BUTTERFIELD. Madam Speaker, the American Civil Liberties Union of the National Capital Area on March 18, 2008, will present to Attorney Ralph J. Temple their Annual Alan and Adrienne Barth Award for exemplary volunteer service. Alan Barth was a founder of the ACLU–NCA, and Adrienne Barth was an ACLU activist in her own right, a regular weekly legal intake volunteer for decades.

Legions of friends, fellow lawyers, past clients and others, who have been so inspired, over the years, by the bold, trailblazing and trend-setting efforts of Ralph Temple are expected to gather at the luncheon. His defense in particular of matters involving the first amendment is noteworthy and typified his tenure with the ACLU and in other venues.

In April 2000 in connection with DC police mass arrests of World Trade protesters, Ralph prepared a series of memoranda presenting a strategy for challenging mass arrests, based on ACLU–NCA's 1960s and 1970s victories against the mass arrests of anti-Vietnam war protesters. Those memoranda were supportive of litigation culminating in the unprecedented 2004 settlement in Abbate v. Ramsey, requiring across the board reform in DC police mass demonstration policies and practices. In December 2003 Ralph wrote the ACLU–NCA's report, "The Policing of Demonstrations in the Nation's Capital: A Misconception of Mission and a Failure of Leadership." On December 17, 2003, his report was presented to the District of Columbia Council along with Ralph's 1½ hours of testimony as a special witness, and significantly contributed to the council's enactment of the Police Standards Act of 2004, the Nation's most profound legislation restricting police conduct during mass demonstrations, legislation that has helped to illuminate the vital importance of free speech to our constitutional Government.

In 1975, he was involved in A Quaker Action Group v. Morton, 7-year litigation, that produced five opinions by the U.S. Court of Appeals and culminated in invalidating restrictions the Government tried to impose on demonstrations at the White House. In 1972, he was involved in Jeannette Rankin Brigade v. Chief of the Capitol Police, wherein the Court invalidated a statute prohibiting demonstrations at the U.S. Capitol, based on the record established by the ACLU in U.S. v. Nicholson. He was involved in Women Strike for Peace v. Morton, a case that forced the Government to allow protest activities and displays in Federal parks on the same basis that civic or religious activities and displays are allowed, and in Sullivan v. Murphy, another of Ralph's cases, the Court enjoined prosecution of 14,517 people arrested during anti-Vietnam war protests during May Week 1971, the largest mass arrests in American history, and ordered expungement of arrest records.

In 1971, he was involved in Dellums v. Powell, McCarthy v. Kleindienst, Knable v. Wilson and Tatum v. Wilson, wherein the ACLU won a class action jury verdict in Dellums, judge verdict in Tatum, and obtained settlements in the other cases, recovering over $5 million in damages for the wrongful arrests in May Week 1971; and in Washington Mobilization v. Cullinane, another of Ralph's cases, a three-judge panel of the Court of Appeals reversed an injunction against police sweep arrests, indiscriminate violence, and protracted booking procedures.

Madam Speaker, censorship has never been the best answer to bad speech. The best answer is more speech, good speech, free speech. Throughout his illustrious career, Ralph Temple has been a steadfast defender of the Constitution, the Bill of Rights and especially our First Amendment Freedoms, even when the causes he defended may not have been popular. It is fitting, therefore, that the ACLU of the National Capital Area recognize Ralph with the Barth Award. There are many wonderful things about America.

CONGRATULATING THE BAKERSFIELD HIGH SCHOOL DRILLERS VARSITY FOOTBALL TEAM

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor the student athletes and coaches of the Bakersfield High School Drillers varsity football team on winning the 2007 California Interscholastic Federation Central Section Division I title.

On Friday, November 30, 2007, the Drillers defeated Clovis West High School 19–16 in its last game of the season to win the title. This was truly an outstanding achievement to wrap up a near perfect season, a season where the Drillers finished with a record of 13–1. The Driller victory marked the 34th Central Section football championship for Bakersfield High School. Driller football fans, students and the Bakersfield community were treated to an exciting championship game where in the fourth quarter with a tied score and 25 seconds left, the Drillers' skill, training, hard work, and athleticism paid off with an emotional 43-yard field goal victory.

I want to extend my congratulations to the Bakersfield High School Drillers student athletes for their impressive championship win and 2007 season. The 2007 roster included Tim Etcheverry, Emanuel Turner, Matthew Varvel, Alfonso Jackson, Marcus Nelson, Alex Mitchell, George Ming, Craig McMahon, Donovan Littles, Peter Mitchell, Mark Durando, Cooper Damron, Jerek Johnson, James Diaz, Jesus Mora, Emmanuel Ojeriakhi, Vince Van Horne, Demitri Katsantonis, Criston Moore, Irving Gant, Johnny Noorwood, Kenneth Wallace, Anthony Padilla, Sean Andrew, Louie Miranda, Emilio Cantu, Tevin Jackson, Johnny DePina, Kyle Billington, Collin Ellis, Mitch Knoy, Joel Turrubiates, Johnny Ghilarducci, Peter Welsh, Jake Hunt, Vincent Morales, Jacob Miller, Jason Erickson, Blake Pursel, Joe Benyon, Jamaal Littles, Patrick Parker, Saige White, Charles Anderson, Keith Fingers, Christian Selby, Stephen Schroeter, Chris Landa, Gabriel Cardenes, Mark Van Kopp, Joshua Rojas, Max Heflin, Dakota Velasquez and Jeovany Nunez.

I also want to congratulate the coaching and support staff who helped lead the team to its championship season. The Driller head coach is Paul Golla and his coaching team includes Sean McKeown, Chris Rzewuski, Lance McCullah, Kirk Erickson, Josh Canales, Clint Tobias, Gus Theodore, Pete Mitchell, John Bumerts, Chad Stoner, and Adam Levinson. Supporting the team is Dean of Athletics Jeff Scott, Physical Therapist Kurt Wingate, Dr. Nick Valos, Trainer Big Joe and Trainer Steve Johns.

Participation in athletics is a wonderful component of a high school education because it provides opportunities for leadership, teamwork and competition. The months of physical and mental training and the teamwork that was required to win this Central Section Division I title will benefit these young men long after their high school graduation.

On behalf of the residents of the 22nd Congressional District, I once again commend the Bakersfield High School Drillers on winning the 2007 Central Section Division I title. I am very proud of the accomplishments of the 2007 Drillers football team, and I know the parents, teachers, neighbors and fans in our community will remember this season for many years to come.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. ALLEN. Madam Speaker, on March 11, 2008, I was unavoidably absent from the House due to a family illness.

If I had been present, I would have voted "nay" on rollcall vote No. 111, a motion by Mr. GOHMERT of Texas that the House do now adjourn.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is March 11, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,832 days since the travesty called Roe v. Wade was handed

down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion Declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been given them.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,832 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 11, 2008—12,832 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of the free and the home of the brave.

HONORING KIDS AGAINST HUNGER—FOX VALLEY

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. ROSKAM. Madam Speaker, I rise today to honor the Fox Valley Chapter of Kids Against Hunger, located in Roselle, Illinois.

Kids Against Hunger is a non-profit organization with a mission to provide nutritious food to impoverished children around the world.

The Fox Valley chapter of Kids Against Hunger located in my district focuses on providing meals to impoverished families in Nicaragua. As the second poorest nation in its hemisphere, 80 percent of Nicaragua's population lives on less than $2 a day.

In 2007, 140 youth and adult volunteers at the Fox Valley Chapter of Kids Against Hunger packaged and provided more than 108,440 meals.

Pastor Darrel Malcom, from Poplar Creek Church in Bartlett, Illinois, recently traveled to Nicaragua to observe the food being received. He visited the Casa Bernabe Orphanage, where several hundred of the Kids Against Hunger meals were distributed. Pastor Malcom had an opportunity to see firsthand the incredible impact Kids Against Hunger is having.

In addition to serving the needy in Nicaragua, Kids Against Hunger serves individuals right here in our own communities, including Streamwood, Illinois. More than 110 seniors in DuPage and Kane Counties have received humanitarian services through the Fox Valley Chapter.

Currently, the Kids Against Hunger—Fox Valley Chapter, is looking for volunteers and funds to continue the production of meals. Additionally, they are looking for areas to host "packaging events" so that they can continue to expand their services.

Madam Speaker and Distinguished Colleagues, please join me in honoring the Fox Valley Chapter of Kids Against Hunger for their outstanding work to date, and wishing them all the best in their future endeavors.

HONORING BRODES H. HARTLEY, JR.

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to acknowledge the work and accomplishments of a distinguished community leader and true humanitarian, Brodes H. Hartley, Jr. For over two decades Mr. Hartley has done an outstanding job maintaining a high level of care to the nearly 40,000 patients of Community Health of South Dade, Inc.

The "Patient Care Comes First" motto he developed, demonstrates that he puts patient's interests above those of the organization, creating an environment in which those in need receive the best possible care. His willingness to take time for concerned patients, as well as to help shape the next generation in healthcare providers, through mentoring, has established him as a community leader.

Brodes H. Hartley, Jr., has accomplished the goal he set out from the beginning, to deliver safe, compassionate, accessible, and culturally competent quality health care service to the people of South Florida. I am very grateful for his contribution to our community and honored to call him my friend.

HOUSE OF REPRESENTATIVES—*Wednesday, March 12, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TIERNEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 2008.

I hereby appoint the Honorable JOHN F. TIERNEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend W. James Thomas, II, Shiloh Church of Memphis, Memphis, Tennessee, offered the following prayer:

Gracious God, we come before You today to praise You for Your goodness to our Nation and for blessing us in ways we do not deserve. We celebrate the diversity of languages and cultures that have shaped and enriched our national life. With the many problems we face in our Nation, we thank You for leaders who are passionate about our Nation's future.

And now, dear God, give us Your light and Your truth to guide us. Keep our faces toward You and our feet in paths of righteousness. Give our Nation's leaders the fortitude to stand strong for what is right. Keep us, sustain us, and do not allow us to lose sight of You. Deliver us from sin, pardon our offenses, and absolve us from all wickedness. Grant us the highest joy, that of glorifying and enjoying You.

This we pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WESTMORELAND. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WESTMORELAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CUELLAR) come forward and lead the House in the Pledge of Allegiance.

Mr. CUELLAR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

The message also announced that the Senate has agreed to without amendment in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 270. Concurrent resolution to make corrections in the enrollment of the bill H.R. 1593.

H. Con. Res. 306. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2516. An act to assist members of the Armed forces in obtaining United States citizenship, and for other purposes.

WELCOMING REV. W. JAMES THOMAS, II

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee (Mr. COHEN) is recognized for 1 minute.

There was no objection.

Mr. COHEN. Mr. Speaker, our pastor today was Pastor W. James Thomas, II.

Pastor Thomas is God's visionary for Shiloh Church of Memphis, located in Memphis, Tennessee. Serving as pastor since 1994, his consistent obedience to God has taken the Shiloh congregation from glory to glory. The membership has grown from 75 to 600 and counting. During these years, Pastor Thomas has been preaching and teaching God's uncompromising Word with a boldness that has changed the lives of the people at Shiloh and throughout the country.

To accommodate the vision and growth of the church membership, Pastor Thomas led the congregation in the acquisition of a 19,000 square foot worship and educational facility in 1998. In 2003, the sanctuary was completely renovated and office complex expanded.

Spiritually, Pastor Thomas was saved and received much of his spiritual development in the Church of God in Christ. He was called to the ministry at the age of 14 and began pastoring at the age of 18 in Knoxville, Tennessee. He graduated cum laude from Crichton College in Memphis with a bachelor of science degree in Biblical studies and is currently a candidate for the master of divinity degree. He has also attended and received degrees from Harvard University and Yale University, where he had completed the first Graduate School of Theological Studies' special intensive course at Harvard Divinity School in Cambridge and the Yale School of Divinity in September 2006.

He's very active in our community in Memphis, Tennessee. He is married to Minister Antonia R. Thomas, who serves alongside him in the ministry. And even possibly as important or more important than this congregation, he has two children. One is Private First Class Reginald Cleveland, who is an officer and security person for this Chamber, from Memphis, Tennessee, who is here today; and he has a daughter in middle school.

I appreciate Pastor Thomas serving the United States House of Representatives as our pastor this morning.

CALENDAR WEDNESDAY

The SPEAKER pro tempore (Mr. KIND). Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the committees.

PARLIAMENTARY INQUIRY

Mr. SESSIONS (during the call). I have a point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas may state his inquiry.

Mr. SESSIONS. I understand that the procedure that the Chair just went through is known as Calendar Wednesday. Is it correct that any bill reported by a committee and placed on the Union or House Calendar could have been called up by the chairman as the committee name was read?

The SPEAKER pro tempore. Calendar Wednesday business may be called up only on formal authorization by the reporting committee.

Mr. SESSIONS. A further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SESSIONS. On February 12, a bipartisan majority in the Senate passed S. 2248, a responsible bill to provide long-term authority for our intelligence community to help detect and prevent acts of terrorism. For a month now, it has been sitting at the desk in the House awaiting action. Would it have been in order for the chairman of the House Permanent Select Committee on Intelligence or the chairman of the Judiciary Committee or their designee to call up S. 2248 at this time?

The SPEAKER pro tempore. No.

Mr. SESSIONS. Further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SESSIONS. H.R. 5440, the House counterpart to this bipartisan Senate legislation, was introduced by Congressman FOSSELLA on February 14. Would it be possible for Mr. HOEKSTRA, the ranking member of the Permanent Select Committee on Intelligence, to call up this bill under his committee's jurisdiction or for any of the 21 members of the Democrat majority who signed a letter to Speaker PELOSI on January 28 asking her to move this legislation to ''ensure a strong national security apparatus that can thwart terrorist attacks across the globe and to save American lives here in this country,'' for them to call up this bill?

The SPEAKER pro tempore. A committee member other than the chairman must have specific authorization of the committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. Further point of inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SESSIONS. Is it in order for any member of the minority to call up a long-term FISA modernization bill that would strengthen the Nation's intelligence capacities while protecting the civil liberties of Americans during the call of the committees?

The SPEAKER pro tempore. Again, a committee member other than the chairman must have specific authorization of the committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. I thank the gentleman for letting us know that it's up to the chairman or the Speaker.

The SPEAKER pro tempore. The Clerk will continue.

The Clerk called the committees.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TIERNEY). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

MOTION TO ADJOURN

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 5, nays 375, not voting 49, as follows:

[Roll No. 124]

YEAS—5

Davis, Lincoln
Honda
Johnson (IL)
Kingston
Miller, George

NAYS—375

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—49

Bachus
Baird
Bishop (UT)
Boucher
Brown, Corrine
Burgess
Cardoza
Carnahan
Clay
Costello
Cubin
Culberson
Cummings
Dicks
Doolittle
Fossella
Gilchrest
Gingrey
Gordon
Grijalva
Hall (TX)

Hinchey
Hooley
Jefferson
Johnson (GA)
Jones (OH)
Kaptur
Marchant
Markey
McCaul (TX)
Meek (FL)
Murtha
Oberstar
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Rush
Ryan (OH)
Sali
Simpson
Sutton
Tancredo
Thompson (MS)
Udall (CO)
Wexler
Woolsey
Wynn
Young (AK)

□ 1040

Ms. KILPATRICK, Mrs. GILLIBRAND and Messrs. DUNCAN, PENCE, LINDER, PASTOR, BARTON of Texas, LEWIS of Georgia and SESTAK changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1039

Whereas on January 5, 2007, the House of Representatives adopted a rule of the House amending clause 2(a) of rule XX to include that, ''A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.'';

Whereas on the evening of March 11, 2008, the Speaker pro tempore repeated an annoucement regarding enforcement of such rule, stating ''An alleged violation of clause 2(a) of rule XX may subject the vote to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.'';

Whereas a press release dated October 7, 2005 from then Minority Leader Nancy Pelosi stated, ''Democrats have proposed guidelines for how we think the House of Representatives should operate, a Minority Bill of Rights.'' Included in this document is the declaration that ''No vote shall be held open in order to manipulate the outcome. When we take back the People's House, we will heed that declaration.'',

Whereas H. Res. 1031 provided that ''House Resolution 895, amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.''

Whereas on March 11, 2008 the publication Roll Call reported, ''Republicans nearly defeated the measure on a procedural maneuver, but House leaders held the vote open for at least 10 additional minutes to turn a handful of Democrats—sealing the win with the votes of Reps. Emanuel Cleaver (D–Mo.), Sanford Bishop (D–Ga.), G.K. Butterfield (D–N.C.) and Bart Stupak (D–Mich.). With their support, the bill was allowed to come to the floor.'' (''House Passes Ethics Bill; Pelosi Hails Victory,'' Roll Call, March 11, 2008.);

Whereas on March 11, 2008 the publication The Politico reported, ''Republicans, backed by 18 Democrats, thought they had won a parliamentary vote prior to consideration of the new ethics office, a victory that would have derailed [sic] But Speaker Nancy Pelosi (D–Calif.) and the Democratic leadership held the vote open for 16 minutes beyond the alloted 15-minute deadline, and in that period, convinced several Democrats to switch their votes.'' (''New Ethics Office Approved by House After Controversial Quote,'' The Politico, March 11, 2008.);

Whereas on March 11, 2008 The Politico further reported, ''In response to GOP manipulation of votes during their years of control, Pelosi promised at the beginning of the 110th Congress that floor votes would only last 15 minutes, and 'no vote shall be held open to manipulate the outcome.' Pelosi, however, appeared to go back on that promise during the previous question vote, which was open for a total of 31 minutes before it was gaveled closed.'' (''New Ethics Office Approved by House After Controversial Quote,'' The Politico, March 11, 2008);

Whereas on March 11, 2008 The Politico further reported, ''The most vocal Democratic opponent of the OCE, Rep. Neil Abercrombie (D–Hawaii), who made an impassioned speech on the floor urging his colleagues to vote against the measure, insisted that the opposition had actually won the parliamentary vote, regardless of the final outcome. 'We did win,' Abercrombie declared afterwards. 'This thing is totally discredited.' '' (''New Ethics Office Approved by House After Controversial Quote,'' The Politico, March 11, 2008.);

Whereas on March 12, 2008 Associated Press reported, ''Republicans yelled in protest as Democrats held the 15-minute vote open for 27 minutes while Democratic leaders urged holdouts in the party to support the party position.'' (''House Approves Ethics Panel,'' Associated Press, March 12, 2008.);

Whereas on March 11, 2008, Roll Call reported, '' 'There are still plenty of people trying to keep it from coming to the floor,' said one Democratic lawmaker, who spoke in advance of the vote on the condition of anonymity, fearing reprisals from party leadership. The Member added that colleagues expressed a 'lot of unhappiness', as many acknowledged they would have to vote for the bill once it reached the floor.'';

Whereas at 9:31 p.m. the vote on Ordering the Previous Question on H. Res. 1031, was ordered and was to be a 15-minute vote;

Whereas that vote was held open for 27 total minutes;

Whereas 413 Members of the House, which was the total number of Members present and voting, had registered their votes after 21 minutes had elapsed;

Whereas no new Member of the House voted after 21 minutes into the vote who had not previously recorded their vote;

Whereas at 21 minutes elapsed, the vote was 204 yeas and 209 nays, the motion failing;

Whereas for approximately the next 5 minutes, no further votes were cast or changed and the previous question vote was held open for the sole purpose of changing the outcome of the vote;

Whereas during the final moments of Roll Call Vote 121, after conversing with Democratic leaders in full view of the House, three Democratic Members changed their votes from Nay to Aye;

Whereas Speaker Nancy Pelosi left the floor during this time and returned with Representative Bart Stupak who changed his vote from a no to a yes;

Whereas Speaker Nancy Pelosi and Majority Whip James Clyburn approached Representatives Sanford Bishop and Emanuel Cleaver on the Democratic side of the aisle and had them change their votes from a no to a yes;

Whereas according to Speaker Nancy Pelosi's document entitled ''A New Direction for America,'' page 24 states that ''floor votes should be completed within 15 minutes with the customary 2 minute extension to accommodate members' ability to reach the House Chamber to cast their votes. No vote shall be held open in order to manipulate the outcome.'';

Whereas the result of the 3 Democratic vote changes, after 12 minutes of extended vote time and pressure from Democratic leadership, manipulated the outcome and changed the result from 204 yeas and 209 nays, the motion failing, to 207 yeas and 206 nays, the motion passing; and

Whereas a Democratic Member approached Members and staff of the minority following the announced outcome of the vote and revealed that, ''Deals were made to get Cleaver and Bishop;'': Now, therefore, be it

Resolved, That

(1) the House denounces this action in the strongest terms possible, rejects the practice of holding votes open beyond a reasonable period of time for the sole purpose of circumventing the will of the House, and directs the Speaker to take such steps as necessary to prevent any further abuse;

(2) The votes on ordering the previous question and adoption of House Resolution 1031 are hereby vacated;

(3) the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Speaker Nancy Pelosi and other Members of the Democratic leadership and report its findings and recommendations to the House, including a recommendation regarding the appropriate actions for the Speaker's activities; and,

(4) The Select Committee to Investigate the Voting Irregularities of August 2, 2007, is hereby directed to investigate and include in the report its findings and resulting recommendations concerning the actions of the Speaker, concerning the time the vote was held open and the changes in votes cast by members, resulting in passage of the previous question vote to H. Res. 1031 on March 11, 2008.

□ 1045

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. McGOVERN. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BOEHNER. As the gentleman called the vote, I couldn't hear, Mr. Speaker.

The SPEAKER pro tempore. The Chair noted that the ayes had it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 193, not voting 21, as follows:

[Roll No. 125]

YEAS—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—21

Boswell
Cardoza
Costello
Cubin
Ehlers
Engel
Gingrey
Gordon
Hooley
Johnson (GA)
Maloney (NY)
Oberstar
Rangel
Renzi
Rothman
Rush
Tancredo
Taylor
Thompson (MS)
Woolsey
Young (AK)

□ 1122

Mr. McCAUL of Texas changed his vote from ''yea'' to ''nay.''

Messrs. ALTMIRE, WEXLER, BERMAN, COHEN and HILL changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Please state your inquiry.

Mr. DANIEL E. LUNGREN of California. Is it true that the rule that was the subject of the motion of the gentleman from Ohio with respect to not holding a vote open for the purpose of changing votes was adopted by this Congress at the beginning of this Congress?

The SPEAKER pro tempore. That is correct.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, further parliamentary inquiry. Is it true that that rule was, in fact, a separate title and voted separately by this House by a vote of 430–0?

The SPEAKER pro tempore. The Chair is not currently aware of the exact vote on that.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, further parliamentary inquiry. Consistent with the rulings of the Chair last night, is it true that the only enforcement mechanism of that rule adopted by this House is a privileged resolution such as offered by the gentleman from Ohio?

The SPEAKER pro tempore. That is correct.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Mr. Speaker. If such a privileged resolution is tabled, as was just done by this body, is it true that there is no alternative enforcement mechanism?

The SPEAKER pro tempore. The minority leader's resolution, House Resolution 1039, was held to present a question of privilege and was considered as such. The will of the House was that it be laid on the table.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Mr. Speaker. Is it available to other Members of this House who feel aggrieved by the vote last night to bring a privileged resolution similar to that brought by the gentleman from Ohio?

The SPEAKER pro tempore. Yes, it is.

Mr. DANIEL E. LUNGREN of California. Is it true, Mr. Speaker, that if individual Members brought such motion seriatim that that would not be considered dilatory but, rather, within the authority of each Member of this House as a separate and individual Member of this House?

The SPEAKER pro tempore. The Chair cannot render such an advisory opinion.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, further parliamentary inquiry. Is the enforcement mechanism referred to previously, exercised by the gentleman from Ohio, also available to other individual Members of this House?

The SPEAKER pro tempore. Rule IX may be invoked by any Member of the House.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. SHADEGG. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. SHADEGG. Is it correct that the motion just brought by the gentleman from Ohio was brought pursuant to rule IX and was on a question of the privileges of the House?

The SPEAKER pro tempore. That is correct.

Mr. SHADEGG. And is it correct that that motion was then tabled and that was the action the House just took?

The SPEAKER pro tempore. The minority leader's resolution (H. Res. 1039) was held to present a question of privilege and was considered as such. The will of the House was that it be laid on the table.

Mr. SHADEGG. Further parliamentary inquiry. If it had not been tabled, then it would have been debatable for 1 hour, is that correct?

The SPEAKER pro tempore. The Chair will not answer a hypothetical question. The majority leader's resolution was held to present a question of privilege and was considered as such. The will of the House was that it be laid on the table.

Mr. SHADEGG. Is it not true that earlier this year there have been questions of the privileges of the House where they have not been tabled and they have been debated for an hour?

The SPEAKER pro tempore. The Chair cannot serve as historian for the House, but the gentleman is correct that a question of privilege could be considered by the House.

Mr. SHADEGG. And could be debated for an hour?

The SPEAKER pro tempore. And could be debated.

Mr. SHADEGG. Is it not true that in the last Congress, the then minority leader and the now Speaker raised a similar question of the privileges of the House pursuant to rule IX after a vote was held open and that on that question of privileges of the House, in fact, the majority, the then majority, now minority, allowed a debate of an hour and that the conduct of the House in holding a vote open to change the result of the vote was debated for an hour?

The SPEAKER pro tempore. It is not the function of the Chair to render historical perspectives. The Member will have to look to the RECORD for that.

Mr. SHADEGG. I'm sorry. The gentleman is correct?

The SPEAKER pro tempore. The Chair is not prepared to render historical perspectives. The Member will have to look at the RECORD for that answer.

Mr. SHADEGG. So the effect of immediately tabling the question of privileges raised by the gentleman from Ohio was to deny the minority the ability to debate that issue for an hour as was done when the same thing happened last Congress, is that correct?

The SPEAKER pro tempore. It is a summary, adverse disposition.

Mr. SHADEGG. I thank the gentleman.

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Please state your inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that the last vote was called at 10:52?

The SPEAKER pro tempore. The Chair is not prepared to give exact figures. The gentleman can look at the RECORD for that.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. Please state your inquiry.

Mr. WESTMORELAND. Is it not true that the vote was closed at 11:22, which is approximately 30 minutes?

The SPEAKER pro tempore. The Chair is not prepared to render an historical perspective. The gentleman can look to the RECORD for that.

Mr. WESTMORELAND. Further parliamentary inquiry. According to the Democrats' election manifesto, floor votes should be completed within 15 minutes with a customary 2-minute extension to accommodate Members' ability to reach the House Chamber to cast a vote. No vote shall be held open in order to manipulate the outcome.

Was that the rule that we passed on January 5, 2007?

The SPEAKER pro tempore. It is not appropriate for the Chair to render an opinion on a document of the nature cited by the Member.

MOTION TO ADJOURN

Mr. SHADEGG. Mr. Speaker, I move the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHADEGG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 14, noes 384, not voting 31, as follows:

[Roll No. 126]

AYES—14

Campbell (CA)
Carter
Cole (OK)
Hulshof
Johnson (IL)
Lewis (CA)
Lewis (KY)
Linder
Marchant
Regula
Sessions
Shadegg
Sullivan
Whitfield (KY)

NOES—384

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson

Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—31

Abercrombie
Bachus
Baird
Blumenauer
Cardoza
Castor
Cohen
Costello
Cubin
Dicks
Engel
Frank (MA)
Gingrey
Gordon
Hooley
Israel
Johnson (GA)
McCollum (MN)
Miller, George
Oberstar
Pascrell
Peterson (PA)
Rangel
Renzi
Rothman
Rush
Tancredo
Thompson (MS)
Weldon (FL)
Woolsey
Young (AK)

□ 1150

Ms. SHEA-PORTER changed her vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF PERSONAL PRIVILEGE

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to clause 1 of rule IX, I rise to a question of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from Washington is recognized for 1 hour.

Mr. HASTINGS of Washington. Thank you, Mr. Speaker.

Mr. Speaker, no one in this House takes more seriously than I do the rules governing confidentiality of matters before the House Ethics Committee.

Each of us privileged to serve on the committee signs an oath pledging not to disclose information related to our work in the committee except as authorized under our committee rules.

During nearly 8 years of service on the Ethics Committee, including 2 years as the chairman, I have never found it necessary to disclose committee documents or any other privileged information. Mr. Speaker, that changed yesterday when it became clear that the Democrat leadership would, indeed, force Members to vote on a proposed independent ethics entity.

You see, I knew, and Chairwoman STEPHANIE TUBBS JONES knew, something that the other Members of this House did not know. Several months ago, we had been advised by the nonpartisan, professional attorneys at the Ethics Committee that they believed the proposed independent ethics entity would infringe upon Members' due process protections under the rules of the House and that it would seriously hamper the Ethics Committee's ability to carry out its important responsibilities.

When the ranking member of the bipartisan task force, Mr. SMITH of Texas, sent a letter asking for our committee's official comments on Representative CAPUANO's proposal, I took his request to Chairwoman TUBBS JONES and asked her to prepare a formal response with me to the ranking member of that task force. I did so because I felt strongly that the proposed entity would so greatly impact the work of the Ethics Committee that it would be irresponsible, Mr. Speaker, irresponsible not to share with task force members our official views of this plan.

Last night, in a Dear Colleague letter to every Member of this House, that was printed in the CONGRESSIONAL RECORD, it was printed in Roll Call, it was printed in other publications, Representative TUBBS JONES has attempted to rewrite the history on this issue.

For reasons that I have trouble fathoming, she now claims, and I quote, Mr. Speaker, ''Both Representative HASTINGS and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House leadership with reviewing the ethics process itself.''

Mr. Speaker, nothing could be further from the truth. I could not possibly have stated more clearly to Mrs. TUBBS JONES my desire to respond fully and jointly to Ranking Member SMITH's request for guidance on how the task force proposal would affect our committee.

Now I recognize the difficulty that she must have explaining to her colleagues why she did not believe that they should be made aware of the concerns expressed by our nonpartisan attorneys on the committee. But, Mr. Speaker, those attorneys don't work for her and they don't work for me. They work for every Member of this House. So, I don't understand, I didn't understand then and I don't understand now, why my distinguished colleague, the gentlelady from Ohio, sought to keep that information from every Member of the House, but she did. And I do not stand by and permit her to call into question my integrity on setting that record straight, as I did so with a letter I sent out to every Member, along with the e-mail of the attorneys on their advice on that issue.

Now, Mr. Speaker, Members should be advised that this is not the first time that I have had to set the record straight following ill-considered public comments by Representative TUBBS JONES. Last June, she issued a press release declaring that the Ethics Committee would empanel an investigative subcommittee into the matter of Representative WILLIAM JEFFERSON. Under the committee's rules, Representative TUBBS JONES had no authority to issue such a statement and lacked the authority to establish such a subcommittee. She not only knew that such an action would require a bipartisan vote of the committee, but she also knew that the committee had never voted on the matter. And she knew, Mr. Speaker, that I had pressed her for months to reestablish the Jefferson subcommittee which had lapsed at the end of the last Congress before it completed its work. And I said so, Mr. Speaker, when she issued that because she did not consult with me and ask me to give permission for her to release that statement. She simply did not do so. So, once again, I cannot fathom her reason for making such an inaccurate and irresponsible statement as I mentioned earlier.

Mr. Speaker, I make no apology to this House for insisting that Members benefit from the advice and counsel of the skilled attorneys at the Ethics Committee before voting on a proposed independent entity. After all, Mr. Speaker, this affects them. I'm a Member, also, of the Rules Committee. And at the Rules Committee 2 weeks ago, when we had testimony on this issue, I expressed my concern then as to what would come of this outside entity.

So, Mr. Speaker, I resent the claim by Representative TUBBS JONES that I have violated the rules of the House and the Ethics Committee in this manner. As she no doubt intended, Representative TUBBS JONES' false allegations have now made their way into the news, bringing further discredit to the House. But most disturbing, Mr. Speaker, is her public threat to use her position as chairman of the House Ethics Committee to bring sanctions against me. Such a threat can only be motivated by a desire to intimidate and embarrass, while distracting attention from her decision to keep every Member of this House from receiving information that I think every Member deserved to have before we voted on that proposal last night.

Mr. Speaker, I think her action in calling into question and impugning my reputation, and what she did last night, is wrong, and I think she failed in her effort of trying to do that.

So I rise today, point of personal privilege, to point out the history of this, and my position, and the reason why I felt that every Member of this House had to have this important information, notwithstanding the fact that we had a very short time frame to even debate the matter at hand.

So, Mr. Speaker, with that, I appreciate your indulgence. And I would like

to yield time to my friend from Missouri (Mr. HULSHOF).

Mr. HULSHOF. I thank the gentleman for yielding.

I haven't had the privilege of meeting the newest Member of this body who took the oath of office yesterday, Mr. FOSTER, but I, as everyone did, rose to my feet and applauded as he swore to protect this country. And I'm mindful of what was said last night on the floor of the House, that I wonder what's passing through his mind as the first vote he cast as we all became caught up in this maelstrom of ethics discussion. And I would say to him, I know he's not in the Chamber, but perhaps as he reviews the RECORD, as an incoming freshman in January of 1997, as we commenced the 105th Congress, and I see some of my classmates here on the floor, I remember the first vote I cast was for the Speaker of the House, Newt Gingrich, who was then under a cloud of ethics. And I remember the last vote I cast as a freshman Member was whether or not to impeach a sitting President of the United States.

□ 1200

So my freshman term began and ended with this issue of ethics.

Ironically, as my days in this Chamber wind down, we are embroiled once again in a partisan struggle about the integrity of this institution. I was on the floor last night during the debate, and many who spoke don't even know where the Ethics Committee is located in the Capitol. That's a good thing. That means, then, that you've never had the occasion to be called in front of the committee or to render testimony or to provide some information. And yet it is so vitally important to the integrity of this institution.

My bona fides, again, I listened with some interest to incoming freshmen Members who debated this last night, that the Ethics Committee has been broken, hasn't worked for however many years, and yet I beg to differ in the sense that I was tapped as a noncommittee member to sit on an investigative subcommittee, and we sat and we resolved, appropriately, I think, the matter with a former Member from Alabama. I don't need to name his party. It's irrelevant. The House rules apply to everyone equally. Whether you're a backbencher or whether you're one of the most powerful members of leadership, it doesn't matter. But I participated in that investigative subcommittee and then was actually appointed to the committee itself.

I remember standing right here in this very spot as this body voted to expel a Member from Ohio, that extraordinary remedy of substituting the will of this House for the will of the voters of then the 17th District of Ohio. And we did that. And the process worked.

The Ethics Committee continued to handle many sensitive matters, many of those never seeing the light of day, appropriately, because when a baseless or meritless claim is brought against one of the number of this House, it shouldn't be debated or discussed on the front pages of the newspaper but should be dealt with down in the basement and, as appropriate, then brought to the attention of the American public. So those confidentiality rules are important and necessary.

I objected to the rules changes that were made, my friend from Tennessee mentioned that as well last night, that unilaterally forced upon then the minority, and I objected to those. And let me point out again, as my friend from Tennessee did, that we changed those rules because it was a unilateral action, and that was appropriate for our majority at the time then to say we should redo this in a bipartisan fashion.

And then, of course, may I claim, the ''infamous'' vote on Medicare part D and allegations that were made. And then suddenly in my time on the committee, I was the chairman of the investigative subcommittee to investigate allegations. We didn't know where the allegations were going to lead us. I issued the report and admonished publicly the then-majority leader on our side of the aisle. I was removed from the committee because of that. More disturbing was the fact that there were professional staff that were fired as a result of that, good, decent, honorable professionals who were fired as a result of that report. Certainly not our finest hour. And there are still some relationships on our side of the aisle that have been strained personally to this day because of those actions.

But the wisest man I ever knew, my father, he never finished college. May he rest in peace. He had a single mantra that I remember from a kid growing up on the farm to those hallowed Halls, and that mantra was simply: The only thing worth keeping in life is keeping your good name, and you keep your good name by standing up and doing what's right. And I will leave this body with that name intact.

I used to believe that an outside entity had no place in the ethics process. But after this renewed partisanship on a committee that should not be partisan, I came to a different conclusion, and I voted with the majority last night as one of the handful on our side that believed that perhaps this might be the way out. And as I leave this august body, I hope and pray that I have not damaged the institution by my vote, but that will be for a future Congress and future Congresses to determine.

The former chairman of the committee, my friend from Washington's predecessor, Mr. Hefley of Colorado, he and I used to believe that if we simply provided the resources for the committee to reward staff, not punish them for doing their jobs, to provide some subpoena power, that the committee itself could continue to hold up the integrity of this institution. But again, seemingly, that is not the way forward as far as it relates to ethics, and so last night I crossed the aisle and voted for this.

But we are here today for a further purpose. A good and decent, honorable man who has the integrity of this institution at stake has been impugned, in my view; so, unfortunately, we then come to this point of personal privilege.

I have reviewed the letter from my friend, and she is my friend, the March 11 letter that suggests that rules have been violated by the disclosure of a professional opinion about the merits or lack of merits of the proposal we voted on last night. And I will say again for the purpose of the RECORD that, in my view, rule 7, subparagraph d, and the subparagraphs beneath that rule, that there has been no violation of those matters as it relates to the disclosure. This was not the disclosure of any fact or nature of a complaint. This was not the disclosure of any executive session proceedings. It was not the disclosure of any report, study, or document that expresses views, findings, or recommendations in connection with activities of ethics investigation. So as I go through those subparagraphs, those words are important, as we know, not just legally but ethically to determine whether or not this disclosure by Mr. Kellner, who I know personally, having worked with him on the committee, is a very professional, capable individual. I do not find as a sitting Member that anything of the disclosure of Mr. Kellner's letter has violated House rules.

Having said that, I am mindful again of what the gentleman from Illinois (Mr. FOSTER) had to remind us of, and it, hopefully, was a reminder, that we have a privilege to serve here. This is a privilege granted to us. Each of us has taken the same oath of office that Mr. FOSTER took in the well yesterday. And inherent in that oath of office is the belief that the integrity of this institution is more important than any single Member serving here. To think that these same feet that used to walk barefoot down our cotton rows have had the privilege of walking the marble Halls of Congress for the last, now, 12 years, this is something that the integrity of the institution is more important than a single Member. And I can only wonder about those who are here witnessing today, as they excitedly have come to Washington, DC, maybe for their first-ever visit, and they come to the House Gallery, and there must be thrust upon them this discussion about whether Members of Congress are ethical or not, and it saddens me.

So I implore simply all that are here and those that aren't here and for

those that are going to come to this body, in order to bring about and reinforce the trust that the 300 million people across the country from sea to shining sea have in this institution, we must have a functioning ethics process. We don't. And when there are charges and countercharges that, unfortunately, necessitate bringing a point of personal privilege, we do not serve this institution well.

And so I tell the gentleman, with whom I have occasionally disagreed as it relates to ethics, that I think you are an honorable, decent man who has the integrity of this institution deeply in your heart, and I support you and urge all colleagues to consider the institution and the damage that we perhaps are doing by this partisan warfare.

Mr. HASTINGS of Washington. Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATOURETTE), one of my classmates.

Mr. LATOURETTE. I thank Mr. HASTINGS for yielding.

Mr. Speaker, I am not happy to have the opportunity to speak today. The gentleman from Washington is my classmate. We were both elected in 1994. The distinguished chairwoman of the Ethics Committee I've known for 25 years. I served on the Ethics Committee for 4 years, had some of the same circumstances that Mr. HULSHOF was previously talking about at the time. Mr. HASTINGS and Mrs. TUBBS JONES were also members of the Ethics Committee.

And there's a reason that we take that oath of secrecy, and it's why, unlike Mr. HULSHOF, I voted ''no'' last night. My belief has always been that the ethics process here has worked when left to its own devices, and by ''left to its own devices,'' when leadership on either side stays out of it and permits five good Democrats and five good Republicans to consider what is sometimes a messy business. But it needs to be not aired in public as, sadly, this new whatever we did last night will do, because, and I used to be a prosecuting attorney, as did the chairwoman of the committee, there are many times when a case is brought to you and there are no facts to support that case, but you will be accused on page 1 and the case will be dismissed on page 45, and when you're in public life, by the time you get to the retraction on page 45, your career is ruined.

So every Member that embarks upon the ethics process takes the oath that we will hold close to us and not discuss with our colleagues, not discuss with the press, not discuss with others if we have a Member under investigation, if allegations are made against a Member, not to protect a Member, not to shield that Member from scrutiny, but so that we don't shoot the Member until there has been an adjudication that he or she has done something wrong. I took that oath. Every member of the committee takes that oath. We take that seriously.

Now, yesterday evening when I was preparing to make a determination as to how to vote, I received a memo from DOC HASTINGS, Representative HASTINGS, that had included in it the opinion of the nonpartisan, bipartisan professional staff of the Ethics Committee where they opined on how, if at all, what was being done last night would impact upon the ethics process of this House. I have to tell you that the memorandum wasn't written for Republicans. It wasn't written for Democrats. It was nonpartisan, bipartisan, and I found a lot in it that I thought that's an interesting point and I hadn't actually thought about it. I was grateful to receive that memorandum from DOC HASTINGS, not knowing how it came to my possession or attention other than DOC HASTINGS provided it.

I'm dismayed on this point of personal privilege, however, to then be in receipt of a letter written by my friend the chairwoman of the committee that, in my opinion, has a tortured construction of rule 7 of the committee. It correctly indicates that we take the oath of secrecy and matters should only be discussed in accordance with the rules of the House. Mr. HULSHOF, I think, has adequately talked about 7(d), and what that indicates is that we're not supposed to talk about if Representative Y is under investigation until that matter moves to the public phase, that being the adjudicatory hearing, which we achieved against the gentleman from Ohio a number of years ago and which we were all involved in.

□ 1215

It does not, in my opinion, indicate that when a memorandum that might be instructive to the other Members of the House on a matter before the House should remain secret. And I would just say that we would then read paragraph 7(g) that indicates that, ''Unless otherwise determined by a vote of the committee, only the chairman or ranking minority member of the committee, after consultation with each other, may make public statements regarding matters before the committee of any subcommittee.''

The gentleman from Washington says that is what he did. And if the gentleman from Washington did that, I find no violation of the committee rules. I find no violation of the House rules. And I think what is most unfortunate, and it really goes into why the matters before the Ethics Committee need to remain secret, the letter suggests, it doesn't suggest, it says that Representative HASTINGS has broken the rules of the House, and if he does it again, there is going to be a complaint. Well, if someone feels that way, then file a complaint. But it is entitled to the confidentiality which it is now indicated has somehow been broken.

And I want to indicate that besides my disappointment, that what is roiling this House, and I think those of us that are centrists, moderates, those of us that are institutionalists, we now are roiled in the House because the rules don't seem to be the rules. The rules apply when people think they should apply. And if the rules don't apply, well, then we will make a new rule.

And last night's example, and it ties in directly to this point of personal privilege, couldn't be any clearer. The new majority, because of the Medicare part D vote that Representative HULSHOF talked about that we wrongly held open for 3 hours to achieve a certain result, in outrage in response to the culture of corruption that permeated this place until 2007, led to a rule change. And the rule change was that we will hold no vote open in this House for the sole purpose of affecting the outcome or changing the outcome.

Well, that is just what we did last night, sadly, Mr. Speaker. For 12 minutes, 12 minutes after the final vote was cast, the vote was held open. It was 204–209. And during those 12 minutes, four Members of the majority party were persuaded to switch their votes. There is no other explanation. But where we find ourselves, and why this point of personal privilege is so important, where we find ourselves is that the rule is written in such a way that says you can't hold the vote open for the sole purpose of affecting or changing the outcome.

Now, we are going to have to bring in Kreskin. We are going to have to have ESP to climb into the mind of the presiding officer. And unless the presiding officer says, do you know what, I know what the rule is, I know what clause 9 of rule XX says, but I kept the vote open to affect the outcome. Short of that, there is no way to enforce the rule. And it puts us in a very difficult place. And I would ask my friends that are today in the majority to remember the 12 years that they were in the minority that they felt so oppressed, and in many cases had the right to feel oppressed, by some of the heavy-handed tactics that were employed on the conduct of this floor.

When you have a rule that can never be enforced, when you have rules that you don't pay attention to, it leads to discontent. It destroys the fabric of the institution. The minority serves an important purpose in the House of Representatives. It is the loyal dissent. It is to make sure that the majority just can't run roughshod and do what they choose to do in violation of rules, practices, precedents and procedures.

I fear, Mr. Speaker, that last night the rules were once again broken. I believe that the totality of the circumstances will demonstrate that. But

what I do not find is that my friend and classmate from the State of Washington violated rule 7 of the Ethics Committee.

Mr. HASTINGS of Washington. I thank the gentleman.

Mr. Speaker, I want to yield now to the minority Republican whip, Mr. BLUNT of Missouri.

Mr. BLUNT. I thank the gentleman for yielding.

I come today to express my great appreciation for him, the work he has done in this and past Congresses, the work he has done as part of our whip team, the consistent good judgment I think he shows as a Member of this body. And I was surprised last night with the letter that appeared on the floor. I was surprised yesterday, frankly, that there could have been information available to the Members of this House from the staff of the Ethics Committee that deals with the proper work of the internal committee that has overseen the ethics of this House for a long time that that information would be out there and not made available to us, and frankly pleased that Mr. HASTINGS followed the procedure that the rules call for and let that information be available to Members.

And then, on the floor of the House last night, I received a letter from the chairman of the committee. And I appreciate her work too. The Ethics Committee is not an easy committee to serve on. Being the chairman is not an easy role to fill in this Congress, and I think Members of the House should be and are grateful to their colleagues who are willing to serve on the Ethics Committee.

But when I saw this letter last night, I was particularly taken by a paragraph, the third paragraph from the end which says, ''Representative Hastings' reliance on rule 7(g) which states 'Unless otherwise determined by a vote of the committee, only the chairman or ranking minority member of the committee, after consultation with each other, may make public statements regarding matters before the committee of any subcommittee.' '' And then it went on to say after it quotes that rule, that that rule ''does not relieve him of the obligation to comply with the rules of confidentiality.''

First of all, I don't know what purpose that rule would serve if it doesn't allow the ranking member and the chairman to tell the other person, as the rule says, here is something that I have decided is important to the Members of the House to understand or important for others to understand. That is what the rule is for. The rules of confidentiality as I read them, appear to clearly be talking about investigation, not opinions of outside ethics efforts that may or may not impede the work of the Ethics Committee. And that was important for us to have. It went on in the last sentence to say, the last two sentences to say, ''I do however want to make it clear that if he continues to release confidential communication, I will seek to have him sanctioned for violations of the Code of Official Conduct.''

The relationship here may be such that this is not intimidating, but it certainly seems intimidating to me. And I join my good friend in rising to this moment of personal privilege to explain how he was working within the rules, how he is a long-term member of this committee, understood the rules, and how he properly, in my opinion, arrived at the conclusion that if we are voting on the floor on something that is likely to impede the efforts of the internal Ethics Committee as the bipartisan, nonpartisan staff of the committee said it would, that that is something that Members had a right to know, and I rise in support of my friend and the actions he has taken.

Mrs. JONES of Ohio. Would the gentleman yield?

Mr. HASTINGS of Washington. I have other Members that wish to speak, and I will call on them at this point.

Mrs. JONES of Ohio. My question is will the gentleman yield at some point?

Mr. HASTINGS of Washington. I will not yield at this point.

Mrs. JONES of Ohio. At any time during the hour?

Mr. HASTINGS of Washington. Mr. Speaker, it is my time, and I will decide.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from Washington controls the time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield to Mr. LAHOOD from Illinois, another one of my classmates.

Mr. LAHOOD. I thank my friend for yielding.

Congressman DOC HASTINGS is one of the most respected Members of the House of Representatives. And RAY LAHOOD doesn't have to say that. I am saying it. But the people of his district have said it on seven different occasions. It is called an election. An election is a referendum on one's service. And no one has served for the last 14 years in his district better than he has. And the people have said that.

When a letter like this from the chairman of the Ethics Committee is disclosed publicly, it gets on the front page of DOC HASTINGS' hometown newspaper. And it plants a seed in the minds of the people who have sent him here on seven different occasions that he may have done something wrong, that he may have violated the rules.

And the truth is DOC HASTINGS has violated no rules. He has done nothing wrong. He hasn't violated any rules of the House. He has been on the Ethics Committee, when I asked him how long he has been on, he said too long, but I believe he has been on 6 years. It's the hardest committee to serve on. It's the hardest committee to find Members to serve on, because of decisions you have to make against your colleagues.

And for one member, particularly the Chair of the committee, to try and impugn his motives or to suggest that he violated the rules is simply wrong. And hopefully that wrong can be righted today during this 1 hour of his opportunity to try and regain his reputation in the House of Representatives.

There's a saying where I come from, once you tar and feather someone, you can never get the tar off. What happened here with the disclosure of this letter, made public in DOC's district, is that he will always have a little bit of this tar on him, that somehow he might have violated the rules. That's wrong, folks. What good is it for us to trash one another? What good is it for the institution to try and criticize someone for no other good than to try and make a point on a piece of legislation that your side of the aisle wanted to pass.

I believe that the chairwoman of the Ethics Committee owes DOC HASTINGS an apology for trying to besmirch and impugn his integrity and his honesty and his service on the Ethics Committee and in the House of Representatives. If the chairwoman, Mr. Speaker, would be willing to do that, it might get on page 40 of his local newspaper. It won't be on page 1 the way the headlines read today. We owe it to DOC HASTINGS, to the people that sent him here, to do this for him.

And if I can be so bold, Mr. Speaker, I would also suggest that because of the threat that was made in the last paragraph of the letter, that perhaps the chairwoman, in the event that Representative HASTINGS would do this again that she might file charges against him, that we need a new chairperson of the Ethics Committee. Because I think when you use your position as the Chair of the Ethics Committee to threaten a member of the committee, you not only owe that member an apology, you need to take a different place on that committee. You can't use that kind of power against a member of the committee. That is wrong, Mr. Speaker. That hurts the whole House. It hurts Congressman HASTINGS. It hurts the people that sent him here. We need to do better in this House. We do no good by trashing one another, by besmirching and trying to discredit people who come here to serve honestly, with integrity, by the rules. The rules have not been broken. There is nothing in the memo that was disclosed that has anything to do with another Member, anything to do with any investigation. It was information to be shared with Members about a piece of legislation that some of us thought was pretty bad. And apparently people on that side of the aisle

didn't want your Members to have it. So you put out a letter discrediting the ranking member of the committee. That is wrong.

And so I encourage, Mr. Speaker, the Speaker of the House to find a different place for the Chair of the Committee on Ethics and to ask the Chair of the Committee on Ethics to apologize to Mr. HASTINGS so he can have some semblance of his reputation, one of honesty and integrity and hard work for 14 years on behalf of the people of the State of Washington.

Mr. HASTINGS of Washington. I thank the gentleman very much for his sentiments.

I yield to the gentleman from California (Mr. DANIEL E. LUNGREN), the former attorney general.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

I've served in this body for 14 years stretched over 30. Twenty-nine years ago, I think it was the first official action I took on this floor, was to bring a resolution to expel a Member. It was not something I wanted to do as a freshman. But we had a true ethics problem at the time. And frankly, I didn't think we were dealing with it in the appropriate way. That was sort of my baptism of fire here.

Since I returned to Congress 4 years ago after an absence of 16 years, I have applauded the work of the Ethics Committee because often I and my staff consult with the staff of the Ethics Committee to ensure that we are acting within the rules of this House. And I must say the return that we have received in terms of information, advice and counsel from the Ethics Committee staff has been professional, exceptional and helpful. And so, when I see memos or letters that are addressed to the membership from the Ethics Committee, I pay attention to it.

□ 1230

I try and incorporate that information in my decisionmaking. So when I received the letter from Congressman HASTINGS with the memo enclosed, I thought it was a benefit to me as an individual Member of this House in making my decision.

I came to the floor, frankly, not knowing what I was going to do on that ethics package. I sat with the gentleman from Missouri and went over it. We, in fact, went over the memo that was given to us by DOC HASTINGS, not just because it was given to us by DOC HASTINGS, but because it was a professional opinion of those on the staff of the Ethics Committee that I have learned to trust. It doesn't mean that I follow blindly their opinion, but it does mean that I am educated by that information.

For the life of me, I could not understand any rule adopted by this House or the committee that would deny me, as an individual Member, the benefit of that information when, in the judgment of the ranking member, he thought it might help me and others make a decision. And when you review the rules cited by the gentlewoman in the letter that contained the threat of a complaint to be filed against the gentleman from Washington, I cannot find the basis for a complaint.

Now, I have not served on the Ethics Committee, I will admit. I have practiced law for 30-some years. I have been the attorney general of the State of California. I have prosecuted people. I have put people in prison. I have done investigations of other elected officials.

I have had to compartmentalize, and understand that when you do a criminal investigation and it doesn't rise to the level of a complaint or an indictment, you cannot, as a matter of honor, as a matter of ethics, use that information in debate, in informing the public, even though you may find that the individual that was under investigation happened to be stupid, happened to be unethical, because you got that information by way of an investigation of a criminal matter.

So, while I haven't served on the Ethics Committee, I believe I have over the course of my political and legal career been able to read legislation, read rules, and not only find out what the spirit of the law is, but the letter of the law. And I cannot find in the citation by the gentlelady from Ohio any basis for making a claim against the gentleman from Washington.

Now, we can disagree on that. I am not on that committee. She is the Chair. However, the thing that troubles me perhaps the most is that this was made public. A complaint about the gentleman breaching confidentiality about a matter that was not of interest to an individual Member, that is, was not directed at a Member in terms of an investigation, that alleged breach is revealed by a breach of confidentiality that gives the gentleman from Washington very little opportunity to defend himself. And that is part of the crux of the debate last night.

Yes, as the Speaker said, we all are subject to criticism, some fair, some unfair. That is part of the business of being in politics. But the fact of the matter is, we here should not enhance that kind of platform for irresponsible allegations against one another. And one of the ways we ensure that we don't do that is the confidentiality with respect to complaints against somebody.

So, I would just hope that the people of the gentleman's district in Washington would understand that in the judgment of many, I would say most in this body, virtually universal, there is no basis for a claim of complaint against the gentleman from Washington. He did nothing to reveal anything with respect to an investigation, anything with respect to the business of the Ethics Committee. What he did was give us the benefit of judgment of professionals on that committee pertaining to an upcoming legislative debate.

Have we gone so far in this House that we deny ourselves of information that would inform the debate? Is that what we are talking about? Talk about turning the first amendment on its head, saying that the House of Representatives, which is supposed to be the great debating society of this institution, ought to be denied an opportunity to debate when informed.

I love this House. I came back to this House. I may die in this House. I love the institution, this House. And I think we who believe this institution is important to the American people believe it is also important to those who have been privileged to serve here. If we do not have respect for ourselves, how can we ask the public to have respect for us? If we do not have respect for ourselves, how can we have respect for this institution?

So, Mr. Speaker, I rise in sorrow about the accusations made against my friend from Washington and want to stand here and say I have found him in every way to be an honorable man, and that his actions over this last week were anything but dishonorable, were in fact efforts to inform this House, which is what we all ought to be about when we vote.

I thank the gentleman.

Mr. HASTINGS of Washington. I would like to yield to my friend from the neighboring State of Idaho, Mr. SIMPSON.

Mr. SIMPSON. I thank the gentleman from Washington for yielding.

I have known DOC HASTINGS since I came here in 1999. He has always been kind of a mentor of mine, because we come from adjacent States, and a lot of the issues we deal with are similar. So I have consulted with him and sought his advice on many of the issues that affect our two States. We have done things together. I have known that he has served on the Ethics Committee, has been an honorable member of the Ethics Committee.

In fact, at times, we have been out doing a variety of things, whether it is out to dinner or out playing golf or something together, and there is always a case before the Ethics Committee which sometimes is of interest to other Members of the House. And I have inquired of him, how is that going, what is going on there in that case, or whatever. DOC has never failed to look at me and say, I can't talk about that. He has always kept the confidentiality of that committee on everything that has proceeded before it, and I respect him for that, even though many of us would like to know what is going on behind the closed doors.

Now, I am not an attorney, but I will tell you, I have been, when I served in the Idaho legislature as Speaker of the House, I care an awful lot about the institution. That is some of the debates we are currently having between the administration and the legislative branch and the rights and privileges of the institution in maintaining the rights and privileges of this institution.

So I care deeply about this institution and its future. It is one of the reasons that I had a problem with the legislation that was proposed last night on the ethics reform. As I said, I am not an attorney. What I rely on, and all of us become specialists in some areas when we come here, things that interest us, but what I rely on is the advice of other people.

When it comes to the advice of the Ethics Committee and what they do and the role they play and the impact that the legislation that was presented to us last night has, the impact that would have on the way our Ethics Committee works and the ethics of the House, I thought the information that was presented by DOC HASTINGS was not only important, it was vital to me being able to make a decision. And I think that type of information, as the gentleman from California (Mr. DANIEL E. LUNGREN) said, is vital to the debate on any issue that comes before the House.

How can we deny Members opinions from people who are experts in the area, whether we agree with them or not? I might have read all that and said, you know, that is interesting; I hadn't thought about that, but I disagree with that. But Members rely on other people's and experts' opinions on issues that come before the House. We have not only a right, we have an obligation to have that information if we are going to make informed decisions about issues that come before us. And certainly the ethics of this House and how we proceed is an issue for this House to deal with.

So, to suggest that somehow the information that DOC HASTINGS gave to the Members of this House so that they could weigh it in making a decision on the legislation presented to us last night was vital.

I was very, very disappointed to read what I took to be a threatening letter from the chairwoman of the Ethics Committee suggesting that Mr. HASTINGS had done something improper. I can find nothing improper that he did. In fact, what he did I thought was advance the debate. We happened to lose that debate last night. That is okay. That is the way the process worked. But to suggest that Members shouldn't have that information is a joke. And to then put out a letter saying that Congressman HASTINGS did something wrong, as has been mentioned several times, stains the reputation of this good man, and he deserves an apology from the Chair. And to suggest that if this happened again the chairwoman would sanction him brings into question her objectivity in judging him in the future, particularly if an ethics charge were charged against him. I agree with those who suggest that it may have placed in jeopardy her position as chairwoman of the committee.

So, I think at the very least she owes this good man from Washington, who has served us and those Members that serve on the Ethics Committee, an apology, and I hope that she would be big enough to apologize.

I thank the gentleman for yielding, and I thank him for the time that he has served on the Ethics Committee. It is kind of a standard joke around here that, yes, I am on the Ethics Committee. Do you want to be on it, because it is not one of those thankful positions to serve on in this House.

I thank you for the time you have served on that committee. It is a service to all of us and to this institution.

Mr. HASTINGS of Washington. I thank the gentleman very much for his very kind remarks.

I am happy to yield to the distinguished chairwoman of the Ethics Committee, if she would acknowledge that I did consult with her on this matter.

Mrs. JONES of Ohio. Thank you, but I won't.

Mr. HASTINGS of Washington. Mr. Speaker, I am disappointed that that was the response, because let me go back and again review this, at least chronologically on the issue that we debated last night and my involvement with that and my involvement with the professional attorneys that wrote their opinion on the impact this would have on the ethics process.

I was sent a letter by the ranking member, Mr. SMITH of Texas, the first part of November. It was addressed to me. It was also addressed to the committee. We had our regularly scheduled meetings at that time, and I asked the chairwoman that I think that we should respond to this in a way, and in further fact, would you be interested, and she said no. I said okay, I respect that. But the attorneys went about their business, as was asked, and rendered their thoughts on what this would do to the whole committee process.

Now, this was in November, Mr. Speaker. That plan of this outside group was not made public until the end of December. There was time, I am not sure of the exact time frame, when those attorneys went down and consulted with the task force. There is a bipartisan group there, at least from a staff standpoint, I am not sure, because I wasn't a member of that task force, but I was advised that they went down and shared their concerns. So there was some involvement from our staff attorneys with the task force on the issue and the policy, and I want to emphasize this, Mr. Speaker, on the policy that would confront the House later on.

Now, two weeks ago when I was in the Rules Committee, I am a member of the Rules Committee, we had what I thought was a very, very good discussion when Mr. CAPUANO and Mr. SMITH came up and testified on the merits or demerits of this outside bill. There was a lot of angst on the other side, I have to say. The distinguished chairwoman of the Rules Committee expressed her displeasure at that time, and my other colleagues on the Rules Committee did too. But we had a very, very open discussion. And I expressed at that time, Mr. Speaker, what I thought would be at least a partial remedy for the ethics process.

□ 1245

I felt that there needs to be more transparency some way while still keeping and not violating confidentiality. I thought that Mr. SMITH's position was a very, very good position the way it was set up, and I felt that should have at least been debated on the floor. That's probably another issue.

But as this process moved forward, and the fact that, I believe it was 2 weeks ago the issue was pulled from the floor, the distinguished majority leader said new information has come to us. That information came in Mr. SMITH's proposal. He said it deserves looking into.

At that time, if my memory serves me correctly, Mr. WAMP and Mr. HILL, Republican and Democrat, both stood up and announced that they too had a bipartisan suggestion that should be looked at. So I thought, well, okay, maybe this will go in a way that I think is very beneficial.

I have long felt, and I said at that Rules Committee meeting before, that when you do ethics you need to do it in a bipartisan way. It has been alluded to. My friend, Mr. HULSHOF, made this observation earlier on.

I am absolutely convinced in this body you cannot, you cannot make ethics legislation unilaterally. It comes back to bite you because of the nature, I guess, of the issue. We painfully learned that, as Mr. HULSHOF pointed out in his remarks. I have stated this a number of times upstairs in the Rules Committee when this issue has come up.

I thought this task force, frankly, moving forward, would be a way to settle that. But as we know, we had a great deal of problems on our side of the aisle with an outside group. It apparently couldn't come to an agreement on that. As a result it went forward unilaterally.

At that time, I felt that the information, the information that our professional attorneys downstairs had come

up with the proposal, was worthy to be shared by everybody in this House so that we could make a determination as to what is the best course for the institution. Sometimes I truly believe that we think too much in 2-year cycles, which coincides with our term. I think we ought to think longer term. I really think that the rules change that we made last night was the wrong rules change, but that will be judged, I suppose in the future.

I came to the conclusion, knowing that this memo was there, and so I went, had a meeting with the distinguished chairwoman and, again, consulted with her. She, of course, disagreed with my position, and I said that I was going to do so, and I did. Now, before I released that, I might say, I asked my staff to contact the chairwoman's staff to let her know that I was going to go forward with this, which, of course, I did.

I was very surprised when I came to the floor and saw this letter that was sent out. Thus I felt that I needed to rise today on a point of personal privilege to explain my position.

I suppose, like all positions that we have, and positions that we take in this body, there is always more than what is on the surface. I felt that needed to be explained as fully as I possibly could. But I have to say if I am guilty of anything, that my motivation was to allow the Members of this body to get as much information as possible. I have had Members from the other side of the aisle last night and this morning who came up to me and said I wonder why this information didn't want to be shared. Well, I don't know that. I don't have the answer to that.

But I felt absolutely within my rights, without violating the rules of the committee or the House, to share that with all of my colleagues. I did so, and I did so in a way that I think is in the best tradition of this House for as much openness as we can possibly have.

Mr. Speaker, I have no more requests for time. I thank the House for its indulgence, and I yield back the balance of my time.

MOTION TO ADJOURN

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 3, nays 382, not voting 44, as follows:

[Roll No. 127]

YEAS—3

Johnson (IL)
McNerney
Paul

NAYS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—44

Bachus
Barton (TX)
Boucher
Brown, Corrine
Clay
Cole (OK)
Cubin
Davis, Lincoln
Deal (GA)
DeGette
Doyle
Emanuel
Frank (MA)
Herger
Hinchey
Hinojosa
Hooley
Hunter
Issa
Manzullo
Marchant
Melancon
Mollohan
Moran (VA)
Oberstar
Perlmutter
Peterson (PA)
Pickering
Rangel
Renzi
Rush
Schakowsky
Shimkus
Smith (NJ)
Stupak
Sullivan
Tancredo
Thompson (MS)
Towns
Udall (CO)
Weldon (FL)
Westmoreland
Woolsey
Young (AK)

□ 1313

Messrs. INSLEE, KUCINICH, and LATHAM changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1040

Whereas on June 13, 2007, the publication The Politico reported, ''Democratic leaders gave in to Republican demands that lawmakers be allowed to challenge individual member-requested projects from the final version of each appropriations bill.''

Whereas on November 15, 2007, Representatives Jack Kingston and Frank Wolf introduced H. Con. Res. 263, to establish a Joint Select Committee on Earmark Reform, and for other purposes;

Whereas on March 6, 2008, The Hill reports in ''Obey Criticizes Kingston on earmarks'' that ''Kingston said Obey has been 'very irritated' with his push for reform.'';

Whereas on March 5, 2008, House Appropriations Chairman David Obey sent a Dear Colleague to Republican Members stating ''In light of the continuing discussion on earmarks in the Republican Conference, the Appropriations Committee needs to determine how it would proceed.''

Whereas on March 6, 2008, The Hill reports in ''Task Force Looking Beyond Earmarks'' that ''Obey issued a memo to Republicans in multiple-choice format asking them to check one of two boxes, stating whether they believed in a one-year moratorium and therefore would not be submitting earmark requests, or did not believe in a moratorium and would be submitting requests. Obey spokeswoman Kristin Brost said Obey called the memo his 'anti-hypocrisy memo, aimed at House Minority Leader John Boehner's (R–Ohio) repeated calls for a moratorium.' '';

Whereas the Chairman of the Appropriations Committee Dave Obey stated in said letter: ''Because it is important for the Committee to move ahead with bills in a timely fashion, I will assume that any Member not returning this form by March 19, 2008 wishes to see Congressional earmarks discontinued and will therefore be submitting no request for fiscal year 2009.''

Whereas House Rule XXIII Clause 16, states that a Member may not condition the inclusion of language to provide funding for a congressional earmark on any vote cast by another Member.

Whereas the Chairman of the Appropriations Committee, Dave Obey, has conditioned the receipt of an earmark from the Committee on Appropriations on a Member's opposition to a moratorium on earmarks: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Representative Dave Obey and report its findings and recommendations to the House, including a recommendation regarding the appropriate action for Representative Obey's violations.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 193, not voting 17, as follows:

[Roll No. 128]

YEAS—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—17

Bachus
Boucher
Clyburn
Gutierrez
Hall (TX)
Hinchey
Hooley
Oberstar
Rangel
Renzi
Rothman
Rush
Spratt
Tancredo
Thompson (MS)
Woolsey
Young (AK)

□ 1342

Ms. MOORE of Wisconsin, Messrs. PAYNE, MARKEY, Ms. LINDA T. SÁNCHEZ of California, Messrs. CLEAVER, MELANCON, Ms. KAPTUR, Mr. ENGEL, Ms. RICHARDSON, Messrs. HOLT, LYNCH, SKELTON and MCNERNEY changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 312, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1036 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1036

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional

budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Representative Maloney of New York and Representative Saxton of New Jersey or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on the Budget or the Majority Leader or a designee. After a motion to strike out the resolving words of the concurrent resolution (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the concurrent resolution.

SEC. 3. During consideration in the House of House Concurrent Resolution 312 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the concurrent resolution to such time as may be designated by the Speaker.

SEC. 4. After adoption of House Concurrent Resolution 312, it shall be in order to take from the Speaker's table Senate Concurrent Resolution 70 and to consider the Senate concurrent resolution in the House. All points of order against the Senate concurrent resolution and against its consideration are waived. It shall be in order to move to strike all after the resolving clause of the Senate concurrent resolution and to insert in lieu thereof the provisions of House Concurrent Resolution 312 as adopted by the House. All points of order against that motion are waived.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1036.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1036 provides for consideration of House Concurrent Resolution 312, the Concurrent Resolution on the Budget for FY 2009, under a structured rule.

The rule provides a total of 4 hours of general debate, 3 hours to be controlled by the chairman and ranking minority member of the Committee on the Budget and 1 hour on the subject of economic goals and policies to be controlled by Representative MALONEY of New York and Representative SAXTON of New Jersey.

The rule makes in order the three substitute amendments: one by Representative KILPATRICK of Michigan; one by Representative LEE of California; and a final substitute by Representative RYAN of Wisconsin. Each amendment is debatable for 60 minutes. The rule also permits the chairman of the Budget Committee to offer amendments in the House to achieve mathematical consistency. Finally, the rule provides that the concurrent resolution shall not be subject to a demand for division of the question of its adoption.

Mr. Speaker, this is the traditional rule for consideration of the budget resolution, and I welcome today's debate on the alternative budgets that will be presented by the Republican leadership, the Congressional Black Caucus and the Congressional Progressive Caucus.

Mr. Speaker, I want to begin by expressing my thanks and appreciation to Budget Committee Chairman SPRATT and Ranking Member RYAN for their leadership and hard work on the House Budget Committee. Although they hold very different points of view, the committee always operates in a cordial and collegial manner. I have served on the Budget Committee for 2 years, and it has been a privilege to learn from two such distinguished Members how to work in a bipartisan way despite sharp philosophical differences. And all of us are supported, Mr. Speaker, by a superb and dedicated committee staff.

Mr. Speaker, budgets are moral documents. They reflect our priorities. And for too long, this Congress passed budgets with the wrong priorities. For too long, our budgets put the desires of the powerful before the needs of the poor. For too long, our budgets pretended that people who were struggling didn't even exist, let alone matter. That has begun to change. The Democratic budget before us today is a budget with a conscience.

Today, we continue the new direction set last year to bring the Federal budget back to fiscal health and responsibility. As we begin this debate, our country faces major challenges: a looming recession, a crisis in the credit markets, a plunging housing market, rising unemployment, declining family income, skyrocketing costs in health care, aging infrastructure, and a safety net struggling to keep up with the growing number of Americans unable to meet their basic needs.

Faced with these challenges, President Bush proposed the same tired, worn-out, failed fiscal and economic policies. After 7 years, the Bush legacy is the highest deficits in our Nation's history. Let us remember, Mr. Speaker, when President Bush took office, when the Republicans had total control over the White House, the Senate and this House, they were welcomed with a $5.6 trillion projected 10-year budget surplus, the financial gift of the last Democrat to sit in the White House. That has been completely squandered, resulting in the largest fiscal deterioration in American history. And the President's FY 2009 budget proposed only more of the same.

The national debt exploded under President Bush and his Republican rubber-stamp Congress. At the end of 2008, CBO projects a $9.6 trillion debt, an increase of nearly $4 trillion, brought to you courtesy of George Bush. Future generations, our children and our grandchildren, will be forced to pay the price for this unprecedented rise in debt thanks to the Republicans' fiscally reckless and irresponsible policies.

And to top it off, the President's budget continues the Bush legacy of deep cuts in many of the most important programs and services for the American people:

$500 billion in cuts to Medicare.

$100 billion in cuts to Medicaid, which serves the poorest Americans, including families with children.

The elimination of the Community Services Block Grant and the Social Services Block Grant, and deep cuts in the Community Development Block Grant, which provides nearly every city and town in America with Federal support for basic services.

Elimination of the Community Oriented Policing grants, the COPS

grants, and deep cuts for State and local law enforcement at a time when States and local communities are finding it hard to meet the needs of their first responders.

And deep cuts in many other vital programs that provide health care, infrastructure, environmental protection, and other services to our States and to our neighborhoods.

Let me give but one example, Mr. Speaker, the Low-Income Home Energy Assistance Program, or LIHEAP. Last week, the worst snow storm in a century hit the people of Ohio and the Midwest. Two weeks ago, the people of central Massachusetts were facing over three feet of snow. Across the country, people are suffering in the cold. Home heating costs have gone up by 80 percent under George Bush. A barrel of oil now costs $108. But President Bush decided to cut $570 million out of the LIHEAP program. The President decided to turn off the heat for 1.2 million households, forcing families to choose either to heat or to eat. And why? So we could continue tax cuts for the wealthiest, most fortunate billionaires in America.

Mr. Speaker, the Democratic budget rejects the President's priorities. It rejects the callous view of the Republican Party that tens of millions of American families are expendable, that our communities can manage without basic services, that our roads, bridges and water systems should be allowed to crumble and fail, and that we can run up America's credit card without costs or consequences.

Instead, the Democratic budget restores fiscal responsibility to the Federal budget, returning it to balance in the year 2012. It rejects the President's harmful cuts to basic services, and invests in proven programs that boost economic growth, create jobs, and make America safer.

The Democratic budget helps families struggling to make ends meet in this economic downturn, and provides fiscally responsible tax relief to millions and millions of households.

Finally, the Democratic budget remembers those who serve at home and abroad. It provides strong and substantial funding for national defense, including quality of life for our troops and our families.

It provides more funding for homeland security programs, including first responders, than the President would. And finally, it takes care of our veterans and rejects President Bush's cynical new fees for veterans health care. Instead, the Democratic budget increases health care funding for our veterans well above current services, enough to allow the VA to treat 5.8 million patients in 2009, including over 333,000 Iraq and Afghanistan war veterans.

Mr. Speaker, the underlying legislation, House Concurrent Resolution 312, the fiscal year 2009 budget resolution, is a budget all Americans who believe in fiscal responsibility and the common good can support.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, there are only two ways to balance a budget, whether it's your family budget or the Federal budget. You can either spend less, or you can increase the amount of money coming in. The majority, as reflected in their budget, have flat out rejected option one and have chosen higher spending, higher taxes, and an ever-growing Federal Government.

The Republicans have chosen what I believe is a more responsible approach by committing to spending less and letting workers, families and small businesses keep more of their hard-earned income to save, invest, and spend as they see fit.

While Republicans have faith in the ability of families and workers to decide how best to use their paychecks, the majority budget reflects their belief that the Federal Government can make better choices at spending money than individual Americans. And that's really a fundamental difference between Democrats and Republicans.

In order for the majority to fund their government spending, their budget raises taxes, Mr. Speaker, by two-thirds of a trillion dollars over the next 5 years. Let me repeat that, two-thirds of a trillion dollars.

Now, you can call this a tax increase or you can call it letting tax cuts expire, but the bottom line is that under the Democrats' budget every American will pay more of their paycheck to the Federal Government.

Although the majority will try to claim otherwise, the numbers in their own budget document show that taxes will increase nearly three times more under their budget than the largest enacted tax increase to date in history, making this the largest tax increase in American history.

While the majority claims that their budget will protect middle-class families, their budget numbers tell a different story. Under the massive tax increases in the majority's budget, the average taxpayer in the State of Florida, for example, will see their annual tax bill rise over $3,000.

The majority's budget does not extend tax relief from the marriage tax penalty. This means approximately 48 million married couples will face an average tax increase of $3,000 a year. It does not extend the $1,000 tax credit that many young families use. The majority's budget would cut that credit in half. It doesn't extend the State sales tax deductibility fairness. The majority's budget, Mr. Speaker, even manages to resurrect the death tax. It doesn't fix the alternative minimum tax for middle-class families. It does not protect those who pay the lowest tax rate either. It would again impose taxes on six million lower income Americans who now pay no taxes thanks to the 2001 tax relief law passed by Congress.

Mr. Speaker, in order to boost our economy to incentivize growth, increase investment in the United States and create jobs, Congress should not be raising taxes by the largest amount in history. This critically important tax relief should not be repealed or allowed to expire to pay for the majority's spending plan. It should be made permanent.

Mr. Speaker, I reserve the balance of my time.

□ 1400

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I will insert into the RECORD letters from The Hamilton Project and the Center on Budget and Policy Priorities, which state clearly and unequivocally that the Democratic budget resolution does not raise taxes.

THE HAMILTON PROJECT,
Washington, DC, March 7, 2008.

Congressman JOHN SPRATT,
Longworth Bldg.,
Washington, DC.

DEAR CONGRESSMAN SPRATT: Per your request, I have analyzed the House Budget Committee's budget resolution. The budget would not raise taxes. The revenue levels in the budget are, in net total, the same as the baseline revenue levels projected by the Congressional Budget Office. These revenue levels are consistent with continuing current law, not with changes to the law that would raise or lower taxes.

The purpose of a budget baseline is to establish a neutral starting point to debate and evaluate alternative priorities for spending, taxes, and the debt. The budget resolution adopts the baseline recommended by several respected, non-partisan groups including the Concord Coalition, the Committee for a Responsible Federal Budget, the Center on Budget and Policy Priorities, and the Committee for Economic Development.

But the choice of a baseline does not commit policymakers to any specific tax or spending policy. Instead a baseline, in conjunction with the restoration of the pay-as-you-go rules, would provide a framework for making tradeoffs between different priorities. Indeed, your budget indicates that one of your priorities is making up-front cuts in taxes for alternative minimum tax relief that would ultimately be paid for without increasing the budget deficit.

The founding strategy paper of The Hamilton Project states that one of the greatest economic risks our nation faces today is our country's large fiscal imbalance. The papers notes that "the decisions necessary to restore fiscal balance might be easier to enact and to enforce if policymakers reinstated credible budget rules governing both spending and taxes." The pay-as-you-go proposal in the budget resolution will hopefully help policymakers make the tough choices required to put America on a path to a balanced budget.

I hope this analysis is helpful and please do not hesitate if you have any follow-up questions.

Thank you,

JASON FURMAN.

CENTER ON BUDGET AND POLICY PRIORITIES,
Washington, DC, March 7, 2008.

CLAIM THAT CONGRESSIONAL BUDGET PLANS CALL FOR ''LARGEST TAX INCREASE IN HISTORY'' IS INACCURATE

Some are claiming that the budget plans adopted this week by the House and Senate Budget Committees—the full House and Senate are scheduled to consider their respective committee's plan next week—would constitute ''the largest tax increase in history.'' This claim is inaccurate, just as the same claim was inaccurate with regard to the budget resolution the Congress adopted last year. Neither of the plans recommended this week by the budget committees include a tax increase. The House plan simply assumes the same level of revenues over the 2008–2013 period as projected by the Congressional Budget Office under its current policy baseline, which essentially assumes no change in current laws governing taxes. The Senate plan actually calls for a small reduction in revenues, reflecting its assumption that Alternative Minimum Tax relief will be extended for one year without any offset of the revenues that will be lost as a result of that extension and that a second stimulus bill this year may include a small tax cut.

The charge that the budget plans proposed by the House and Senate Budget Committees include a large tax increase arises not from any policy changes proposed in those plans, but instead from policies enacted in 2001 and 2003. Legislation enacted in those years put in place tax cuts proposed by President Bush but provided for those tax cuts to expire at the end of 2010, unless current law is changed. Both the House and Senate Budget Committee plans assume that current law will be amended to extend some of the expiring tax cuts (especially those affecting middle-class families) and make other changes in tax policy, but they assume (except in the case of temporary AMT relief and stimulus legislation in the Senate plan) that the cost of such changes will he offset by other changes in policy. They do not assume that total revenues will be increased above what is expected to be collected under current policies.

It should be recalled that the President's tax cuts expire in 2010 because their supporters deliberately designed them that way, in order to fit the tax cuts within the cost constraints imposed by the Congressional budget resolutions adopted in 2001 and 2003. While acknowledging that their real goal was to make the tax cuts permanent, supporters of those measures opted to ''sunset'' the tax cuts before the end of the ten-year budget window, partly in order to avoid recognizing the cost of permanent tax cuts. Now, a few years from the tax cuts' expiration, some of these same supporters are trying to act as though the tax cuts are already permanent and any proposal to offset the cost of extending them is a ''tax increase.''

To extend the tax cuts without paying for them—and to attack those who simply seek to require that any extension of the tax cuts be paid for—further heightens the irresponsible fiscal nature of the original actions.

Mr. Speaker, I'd also like to point out to the gentleman that in the budget resolution it is specifically mentioned that we endorse the extension of the middle class tax cuts, including things like the marriage penalty relief, the child tax credit, and the 10 percent tax bracket. Our budget also provides paid-for relief from the alternative minimum tax.

I think the difference between the Democrats and Republicans is we believe in paying for these tax cuts so that we don't add to the debt and further burden our kids and our grandkids.

At this point, Mr. Speaker, I would like to yield 4 minutes to the gentleman from Texas, a member of the Budget Committee, (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman for yielding.

Mr. Speaker, some folks think that President Bush's term ends on January 20, 2009. Many Americans have a big red circle or a happy face on their calendar already on that date, or perhaps on their key chains, and their watches that tick down ever so slowly, backwards toward that happy time.

But while President Bush may be gone from the White House in 314 days, this administration and its congressional enablers have done so much damage that generations of American families will be footing the bill for their fiscal recklessness, with compounded interest, long, long after President Bush retires to Texas. This administration has consistently chosen to sacrifice long-term fiscal stability on the altar of political expediency. They have offered the ''free lunch'' plan, the ''pain-free'' solution to almost every challenge that our country has encountered. And the greatest sacrifice that they have demanded at a time of national peril for most Americans is to tell them to ''go shopping''.

Well, this administration has now created a record $3 trillion of additional national debt on its own during the Bush years. What would even just one of those trillions of dollars of debt have accomplished had it been expended in a more appropriate manner?

One trillion, that's millions of public school teachers; that's health care for hundreds of million children; that's university scholarships for millions of students. And in Iraq, this administration this week, every week, week after week, month after month, year after year, $3 billion. With the cost of the war in Iraq in 2 weeks, we could pay for the entire cancer budget of the National Institutes of Health for a year. Showering tax breaks on the richest, the most privileged few, while hemorrhaging $12 billion every month in Iraq, this administration has created more than a Federal deficit; it has created deficits, opportunity deficits, for millions of American families.

The administration's failure to address our educational needs means that there's an opportunity deficit, that millions of young people are not able to achieve their full God-given potential because of the lack of support at both the public education level and for student financial assistance.

The failure of the Bush administration to address our health care problems means a health care deficit for millions of American families, the largest single cause of personal bankruptcy in America today, the health care crisis.

And the failure of the Bush administration to address our energy deficit, that is a deficit that every American feels at the pump when they get all their money taken out of their pocket and shifted over to some tyrant in an oil-producing area. The cost of the Bush administration's budget approach, their fiscal failure, is felt the most by those, who are least able to bear it: our students, our uninsured, our minimum wage workers, the elderly, and small business owners.

This Democratic budget attempts to bail out, to bail us all out. But it's mighty hard to keep this country afloat and keep our families afloat when the administration is still so busy drilling holes in the bottom of the boat.

I urge support for the rule and support for the Democratic budget as the best hope we have to do that in this difficult time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 7 minutes to the distinguished gentleman from Wisconsin, ranking member of the Budget Committee, in my view, the premier economic mind in the Congress of the United States (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, we are about to decide which path we want to take in America. We are about to decide what budget is right for Americans. Well, let's think about what Americans are facing today as we consider their budget for the next 5 years. What's happening in America today?

Well, joblessness is up. The economy is in a downturn. It may be going into a recession. Prices are up. People are having a hard time to afford the cost of living. Gas prices are at an all-time high. Health care costs are at an all-time high and growing very fast. Home heating costs are very high. And it's a lot more expensive just to pay for food today because food prices are up. So the question is, as we debate the values that are underneath this budget, can the American people afford this Democratic budget?

Now, my friends on the other side of the aisle are going to try to say all day today they're not raising taxes. We really aren't, believe us, trust us.

Well, my friends, numbers don't lie. And this budget is a series of numbers. And the numbers they're bringing before this House in their budget resolution requires, assumes, banks, plans on

the largest tax increase in American history.

When we looked at the 1993 budget that passed last decade, even then Senator Patrick Moynihan, a Democrat, a very, very wise man, a statesman, adored by both sides, said at that time that that was the largest tax increase in history. That tax increase was $241 billion. Under the same logic, under the same math, under the same process that we have here today, the tax increase in this budget is $683 billion.

But let's look at what kinds of taxes we're talking about. And this begs the question, can the American people afford this budget? This increases the marriage penalty in 2½ years. Can the American people afford that? It cuts the $1,000 child tax credit in half. It eliminates the marriage penalty tax relief and increases marginal tax rates. It eliminates capital gains and dividends relief, and it brings back the death tax.

Let's take a look at what the numbers are. Income tax rates go up across the board to the top rate of almost 40 percent. Capital gains and dividends, which are the taxes on our pensions and our savings and our 401(k)s, go up across the board as high as 40 percent. The death tax comes back in to 55 percent. The marriage penalty comes and hits an average of $1,400 per couple. The child tax credit goes from $1,000 down to $500. And the lowest tax bracket goes from 10 percent up to 15 percent.

Let me just give you some numbers of what this will mean to average Americans. Roughly 116 million taxpayers will see their taxes increase, on average, by $1,833. An estimated 84 million women would sustain, on average, a tax increase of $2,121. Approximately 48 million married couples would incur an average tax increase of over $3,000. Taxes would increase by an average of $2,323 for 43 million families with children. Some 12 million single women with children would see their taxes increase, on average, by $1,091. For 18 million elderly individuals, taxes would increase, on average, $2,181. And the tax bills for 27 million small business owners would rise, on average, by more than $4,000. More than 6 million taxpayers who previously owed no taxes at all would become subject to the individual income tax as a consequence of the tax increase in this budget.

These aren't rich people. These are ordinary Americans working paycheck to paycheck trying to get by. The problem we have today is our paychecks aren't going as far as they did before because we have rising gas prices, high home heating costs, high health care costs.

So the question is, can the American people afford this budget?

I ask people watching this to send us your e-mail. Give us a call. Call your Member of Congress and tell us, is that what you want us to do?

And the more important question is, should we balance the budget? Yes. Both Republicans and Democrats say we ought to balance the budget. Here's the difference: We believe we ought to balance the budget by controlling spending, not by raising taxes. And, unfortunately, what the Democrats choose to do is increase spending and taxes.

So their budget will show, by the Congressional Budget Office in their numbers, they will achieve balance. The way they achieve balance is they spend an extra $280 billion over 5 years, but they increase taxes a whole lot more than that to get to a balanced budget.

What's more important about this budget for our children and grandchildren is not the economic damage that would be done by this budget with these huge tax increases for every income taxpayer, for married people, for people with children, for small businesses, for farmers, for investors. What really is troubling about this budget is not as much as what is in this budget, the largest tax increase in history. What's really almost the most troubling about this budget is doing nothing, doing nothing to save money, doing nothing to reform our entitlement programs. We just heard my friend from Texas. I'm on two committees with the gentleman. He said a $3 trillion increase in debt over the last 5 years. This budget proposes, in just two programs, to increase the debt by $14 trillion.

Let me go through that again. By doing nothing to rescue and save Social Security and Medicare, this budget proposes, by its own virtue, to increase the debt to those two programs by $14 trillion.

We have an obligation to the next generation to be good stewards of taxpayer dollars. We have an obligation to the next generation to leave them with a better fiscal state.

Our friends on the other side of the aisle have chosen to walk away from that responsibility. They have chosen to have more money to spend today, to raise taxes, and to make matters worse for the next generation.

We think that's the wrong way to go. We don't think the American people at this time of economic downturn, at this time of high prices, we can afford a tax increase of all times. We don't think there ever should be a time where we increase taxes, because you know what, Mr. Speaker? Washington doesn't have a tax revenue problem; Washington has a spending problem. And our friends on the other side of the aisle are making it worse by not only increasing spending but even increasing taxes.

That's the wrong recipe for this Congress. That's the wrong message to send our children and grandchildren. And that's the dead wrong thing to do at a time of high prices and economic downturn.

I think we should vote this budget down and do so on behalf of our children and our grandchildren and the American taxpayer so we can give a chance to our economy to actually grow. You're not going to grow an economy by giving us the largest tax increase in American history. That's for certain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). Members are reminded to address their remarks to the Chair.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman asked the right question: What are American families facing? What are American families facing after 7 years of Bush budgets and Republican budgets? What they're facing are challenges like never before.

According to the U.S. Census Bureau, the real income of a typical family has fallen by almost $1,000 since George Bush became President. The Democratic budget provides funds to keep up with rising food, housing, and heating and transportation costs.

In the area of education, the Democratic budget provides $7.1 billion more for education and job training than the Bush budget. It increases funding for Head Start, special education, No Child Left Behind, and title I. Under George Bush, only four out of 10 children eligible for Head Start received services. The Democratic budget increases funding for Head Start so that more children will enter school ready to learn.

And, again, let me repeat, Mr. Speaker. The Hamilton Project of the Brookings Institution, the Center on Budget and Policy Priorities, and the Concord Coalition have all sent Members of Congress letters stating emphatically that the Democratic budget does not increase taxes.

Let me say one thing the Democratic budget does do, and that is it relieves the burden of debt that has been thrust upon our kids and our grandkids. The Republicans, during these last several years, have increased the debt to historic highs, and in doing so, they have created a debt tax on our kids and our grandkids. We want to remove that tax burden from future generations.

With that, Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, a member of the Budget Committee (Mr. SCOTT).

□ 1415

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the rule because it makes in order the Congressional Black Caucus alternative. The Congressional Black Caucus budget offers this Congress and the American people the choice between fiscal and moral responsibility and tax cuts for the

wealthy. Under the stewardship of the Congressional Black Caucus alternative, the Federal budget returns to balance, as this chart show, in the fourth year and the fifth year. The President's budget is in red, in deficit, all the way through. It even returns to deficit in the fifth year.

If compared to the President's budget, we save $564 billion better on the bottom line. In fact, we save so much that we save $48 billion in interest compared to the President's budget. At the same time, we provide significant funding for essential priorities, for example, education, health care, veterans, justice programs, all much better funded under the Congressional Black Caucus budget than the President's budget.

Mr. Speaker, we have heard that we do this by canceling the tax cuts that got us in the fiscal mess that we are in today, except for those tax cuts that primarily affect that portion of your income under $200,000. Now, canceling those tax cuts has been called the greatest tax increase or whatever they want to call it. Mr. Speaker, all we are doing is canceling the tax cuts that got us in the ditch. When these tax cuts first passed, we had a projected surplus of $5.5 trillion for a 10-year budget. Those 10 years look like they are going to come in at a $3 trillion deficit.

We haven't created jobs at the same time. We have a choice. We can have fiscal responsibility and address our important needs, or we can fund those tax cuts for the wealthy. The Congressional Black Caucus chooses fiscal responsibility and a morally supportable budget addressing our priorities. And therefore, I support the rule that makes the Congressional Black Caucus budget in order.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would ask Mr. MCGOVERN if he has any additional speakers.

Mr. MCGOVERN. I am the last speaker.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

On February 14, the majority decided to leave Washington to take a Presidents Day recess and allowed the Protect America Act to expire 2 days later, rendering U.S. intelligence officials unable to begin new terrorist surveillance without cumbersome bureaucratic hurdles. At the end of this week, the House and Senate plan to adjourn for a 2-week district work period. Therefore, we only have a few days left to address one very important issue, and that is taking action on permanently modernizing the Foreign Intelligence Surveillance Act.

This didn't have to happen, Mr. Speaker. In February, the Senate passed, by a bipartisan vote of 68–29, legislation updating the Foreign Intelligence Surveillance Act, FISA, a bill that the chairman of the Senate Intelligence Committee said ''is the right way to go, in terms of the security of the Nation.''

We could have easily considered that legislation. But the majority, instead, decided to head home. And they may just do that again this week. The House should vote on the Senate measure, and we should do it now. We must always stay one step ahead of those who wish harm on Americans. Now is not the time to, in any way, tie the hands of our intelligence community. The modernization of foreign intelligence surveillance into the 21st century is a critical national security priority.

I am pleased that several of my colleagues on the other side of the aisle agree. On January 28, 21 members of the Blue Dog Coalition sent a letter to the Speaker in support of the Senate FISA legislation. The letter states, ''The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism around the globe and save American lives here in our country.''

Today, I will give all Members of the House an opportunity to vote on the bipartisan, long-term modernization of FISA. I call on all my colleagues, including members of the Blue Dog Coalition that signed the letter to the Speaker, to join with me in defeating the previous question so that we can immediately move to concur in the Senate amendment and send the bill to the President to be signed into law.

I will remind my colleagues that defeating the previous question will not prohibit consideration of the budget, but would merely require that we first take a vote on FISA.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I urge my colleagues to vote ''no'' on the previous question and in favor of a bipartisan permanent solution that helps protect American lives from international terrorism.

With that, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me say to my colleagues that security also means the economic well-being of our citizens. And because of Republican priorities over the last 7 years, record numbers of our citizens are struggling like never before. The very rich have done very well. And the rest have not. Those are the facts.

The Democratic budget that has been put forward restores fiscal responsibility. It rejects the President's harmful cuts in programs like Medicare and Medicaid. It rejects the President's proposal to impose new fees for our veterans and our military retirees. It strengthens our economy. It invests more in innovation. It invests more in energy, renewable and clean energy. It invests more in education and in our infrastructure. It also provides tax relief to help struggling families. It accommodates the tax relief from the alternative minimum tax for more than 20 million households, as well as middle income tax cuts and other tax relief so long as they comply with the pay-as-you-go rule.

It invests more in children's health. It provides more funding for safety net programs. Record numbers of our citizens are literally falling through the cracks in our country. It invests in defense, in veterans, and in homeland security.

The facts are, Mr. Speaker, that for years we have been forced to accept the priorities of George Bush and his Republican colleagues who have controlled the Congress. That is now changing. For nearly 7 years, we have watched as they have accumulated huge debt, historical debt. We have watched as they have chipped away at some of the most important programs that help some of the most desperate people in our country. The American people have had enough. That is what the last election was about. They have had their chance. They have shown us their priorities. And the American people have rejected them. It is now time to create a budget that has a conscience that responds to the needs of the struggling middle class in this country. The Democratic budget that will be offered today will do that and change the course of this country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 1036, the Concurrent Resolution on the Budget for FY 2009, introduced by my distinguished colleague from South Carolina, Chairman SPRATT.

This Rule will allow this body to debate the economic goals and policies of this great Nation. At a time, when this country is on the verge of a recession and the housing market is at one of its worst points in history, there is little else that is as important as our Nation's fiscal security.

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of historically Black Colleges and Universities. This budget provides greater funding to our Nation's schools and colleges.

We must not only be economically healthy, but assist in the physical health of our citizens. This budget will properly fund SCHIP, to help one of our most vulnerable populations—children. Our President proclaims his support for

securing our Nation's current and future economic success. However, it is our children that will bring forth a successful future. We need to invest in tomorrow by investing in them today. This starts with their physical well-being. Children, who cannot see the doctor when they are sick, will not be in anyone's classroom.

For African Americans, health and education concerns spill beyond budgetary issues into the criminal justice consequences. In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university.

The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities.

Under the Republican Budget the national debt continues to explode. The gross federal debt reached $9.0 trillion at the end of 2007. The CBO projects that the debt will rise by a total of $3.9 trillion at the end of 2008. This unprecedented rise in debt puts our President in the history books. During the seven years of the current Administration, the government has posted the highest deficits in this Nation's history.The President's 2009 Budget continues the failed policies that brought us to this point.

The amount of foreign debt has doubled since 2001, with most of this increased debt purchased by foreign lenders. Since 2001, the increases in foreign holdings of Treasury securities account for over 80 percent of the newly accumulated public debt—a trend that has more than doubled foreign holding of Treasury securities.

This high level of indebtedness to foreign investors heightens the economy's exposure to potential instability with additional burdens on our children and grandchildren.

Our colleagues on the other side of the aisle continue to claim that the budget resolution being considered on the floor this week raises taxes, when in fact, the budget resolution does not raise taxes by one penny. The budget resolution accommodates tax cuts and indeed prioritizes tax cuts that would benefit middle-income families, while ensuring that the burden of paying for the tax cuts will not fall undeservedly on our future generations.

Section 501 of the budget resolution specifically calls for additional middle-income tax relief subject to the pay-as-you-go rule, including but not limited to:

AMT relief (both immediate/temporary, and more permanent reform measures);

Extension of "middle-class" elements of 2001 tax cuts: child tax credit, marriage penalty relief, and 10 percent bracket;

Eliminating the estate tax on all but a minute fraction of estates;

Extension of the research and experimentation tax credit;

Extension of the deduction for state and local taxes;

Extension of small business expensing;

Enactment of a tax credit for school construction bonds; and

Tax incentives for energy efficiency and renewable energy which are accommodated in a separate deficit-neutral reserve fund.

The budget resolution honors PAYGO and the new House rules on using reconciliation in a fiscally responsible way. By abiding by the pay-as-you-go principle, we immediately begin digging our way out of the mountains of debt that have accumulated as a result of the Bush Administration's fiscal policies.

The President's budget and the Republican alternatives violate PAYGO and the fiscal responsibility that reconciliation is intended to achieve, by proposing tax cuts that are not offset.

The sunsets for the 2001 and 2003 tax cuts were part of the tax legislation which Republicans voted for and passed. The expiration of the tax cuts is their policy. The Democratic budget actually calls for the extension of many of these tax cuts, but responsibly requires that tax cut extensions, like other policies, must be fiscally sound, and not make the deficit worse.

This important piece of legislation gives us a budget that is balanced fiscally and morally. It does not sacrifice the many programs and services that this Nation needs for a war that the President seems never to end.

Defense of our Nation is important; however, we must not support only one portion of the budget to the detriment of everything else. I urge my colleagues to join me in supporting H. Res. 1036 and the Democratic Budget for FY2009.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1036 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 5. "That upon adoption of this resolution, before consideration of any order of business other than one motion that the House adjourn, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with Senate amendment thereto, shall be considered to have been taken from the Speaker's table. A motion that the House concur in the Senate amendment shall be considered as pending in the House without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on adoption, if ordered; and the motion to suspend the rules on H.R. 5563.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 11, as follows:

[Roll No. 129]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—11

Cannon
Gutierrez
Hooley
Oberstar
Rangel
Renzi
Rush
Tancredo
Terry
Woolsey
Young (AK)

□ 1448

Mr. PICKERING changed his vote from ''yea'' to ''nay.''

Ms. CORRINE BROWN of Florida, Ms. ESHOO, and Messrs. HILL, JOHNSON of Georgia and DELAHUNT changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 195, not voting 11, as follows:

[Roll No. 130]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin

Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—11

Gutierrez
Hastings (FL)
Hooley
Linder
Oberstar
Rangel
Renzi
Rush
Tancredo
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1458

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 5563, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 5563.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 140, not voting 12, as follows:

[Roll No. 131]

YEAS—277

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth

NAYS—140

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (FL)

NOT VOTING—12

Gutierrez
Hooley
Linder
McKeon
Oberstar
Rangel
Renzi
Rush
Tancredo
Waters
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

□ 1507

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, before we resolve into the Committee of the Whole, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks, and submit matters relevant to consideration of H. Con. Res. 312, Concurrent Resolution on the Budget for Fiscal Year 2009.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1036 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution, H. Con. Res. 312.

□ 1511

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 4 hours, with 3 hours confined to the congressional budget, equally divided and controlled by the chairman and ranking member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New Jersey (Mr. SAXTON). The gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 90 minutes on the congressional budget.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Madam Chairman, I yield myself 14 minutes.

Madam Chairman, today we take up the budget resolution. Passing it, like many things in this House, is never easy, and sometimes contentious. But it is crucially important if we care about fiscal soundness and the future of our country.

Our country faces right now a host of different challenges: the specter of recession, a crunch in the credit markets, rising unemployment, declining family income, constant inflation in the cost of health care, aging infrastructure, and a porous safety net. And that is not to mention the wars in Iraq and Afghanistan, costing us close to $200 billion this year, and even more dearly in human lives and wounded.

The President's budget for 2009 does little to turn this tide. In fact, the policies of the last 7 years have created some of these problems and compounded others. Eight short years ago, in 2000, our budget was in surplus, big-time surplus. In that year, we had a surplus of $236 billion. Having worked for years to bring the budget to this status, we warned the President and our colleagues across the aisle not to bet it all on a blue-sky forecast; but it was to no avail.

The President's economists looked out 10 years and saw nothing but surpluses, $5.6 trillion in all. We worried that if these rosy projections didn't pan out, we would be right back where we had been, deep in deficit.

□ 1515

Well, the President told the country, in effect, that we could have it all, guns, butter and tax cuts, too, and never mind the deficits.

I'll have to admit it looked as though we were sitting on an island of surpluses, but, in truth, we were surrounded by a sea of debt, of long-term unfunded liabilities for Social Security and Medicare, coming due just over the horizon.

Seven years later, under this administration's policies, those surpluses are history. They're gone, vanished, replaced with record deficits and mounting debt.

This one chart here which shows in tabular form the increase in the debt over the last 8 years, says it as simply as we can on one piece of paper. When the President came to office, the debt of this country was $5.7 trillion. When he leaves in a few months, it will probably be close to $10 trillion, more than $4 trillion in debt accumulation on the watch of the Bush administration.

The budget we take up today is no grand solution, I'll grant you that, but it moves us in the right direction. It restores fiscal responsibility, but not to the exclusion of other values that we hold dear such as our children's education and their good health care. And that's why, right off the bat, we part company with the President's budget and with Mr. RYAN's substitute.

We think Medicare is one of our country's crowning achievements, so we reject his cuts that would emasculate Medicare, in the President's budget, $556 billion over 10 years, and we reject his cuts in Medicaid, $118 billion over 10 years.

The Ryan substitute over 5 years would cut Medicare by $253 billion by our calculation, and Medicaid by $116 billion. We can't vote for that.

We would not wipe out the Social Services Block Grant or cripple the Community Services Block Grants as the President proposes, because we have seen in our own communities the roles they play. They hold up the safety net in an economy where it's sorely needed. And with fuel prices at record highs, the last thing we would slash is LIHEAP and low-income home weatherization. These are minimum benefits for Americans with maximum needs.

Ten years ago when we first ran a surplus, we resolved in both Houses to use some of that surplus each year to double the resources of the National Institutes of Health, the NIH, over a period of 5 years. We reached that goal in a bipartisan way, only to backslide year by year in this administration. In our budget this year we stop the backsliding at NIH, and we restore the President's cuts at the equally important Centers For Disease Control.

Our budget targets other resources to strengthen our economy and our society. We invest more in innovation, more in energy, more in infrastructure, and we provide $7.1 billion more than the President for education.

To move our country one step closer to health care for all, we facilitate up to $50 billion to expand SCHIP, the children's health insurance program, consistent with PAYGO, requiring that the costs be fully offset. We also accommodate fiscally responsible relief from the alternative minimum tax in order to shelter those middle-income taxpayers for whom it was never intended.

To make America safe, we fully fund defense, and we keep our promises to those who have fought for our defense, providing $3.6 billion above current services for veterans health care.

Now Mr. RYAN puts another billion on top of that in his budget, but he also puts in function 920, this is budget esoterica, but he puts in function 920 a call for $400 billion in undistributed cuts. One of those cuts would likely be that apparent increase in veterans health care.

Although we fix the AMT for another year, providing a tax cut of $70 billion to middle-income Americans, our Republican colleagues will accuse us of raising taxes. You've already heard it. The fact is, our budget doesn't raise taxes by one penny. But don't take my word for it. Stop by the manager's table right here on the House floor and read the letters that we've received from groups like the Concord Coalition, or look at the posters that we just posted here.

Here's what the Concord Coalition says: ''Allowing some or all of the tax cuts to expire would not be the result of Congress raising taxes; it would be the result of sunsets that were included when these tax cuts were originally enacted to avoid the level of fiscal scrutiny that PAYGO is designed to ensure.'' That's what the Concord Coalition has to say about our resolution.

If you want to see more, turn to section 501 in our budget resolution, title 5, section 501, and we enumerate, from item A through H, child tax credit, marital penalty relief, the 10 percent bracket, estate taxes, extension of research experimentation tax credit, extension of the State and local sales tax deduction, extension of the deduction for small business expenses and it goes on. These are the tax cuts that we embrace and commit ourselves to seeing

renewed when they do eventually expire.

We believe that tax relief can come in a deficit-neutral tax bill in some cases, and we offer the AMT as an example. On more than one occasion, high-ranking officials in the Bush administration have testified before our committee, and when they're asked about the AMT and its impact on middle-income taxpayers, they've insisted that they could fix the AMT with changes in the Tax Code so that there would be no net loss of revenues.

For example, in February 2006 Josh Bolten was the director of OMB. He told our committee that the AMT could be corrected in the context of overall deficit-neutral tax reform, his words.

In February 2007, his successor, Rob Portman, told the Budget Committee, ''Our budget assumes it will have a revenue-neutral correction to the AMT.''

The chairman of the Ways and Means Committee, Mr. RANGEL, has taken the same stance, but Mr. RANGEL has delivered. He's put a revenue-neutral bill on the table to kindle the debate. The Bush administration asserts it too has a plan, but has failed to follow through by disclosing any plan of its own.

One of the first steps that we took in the 110th Congress was to restore the pay-as-you-go rules that had helped us in the 1990s turn record deficits into record surpluses. This resolution fully complies with the PAYGO rule.

Partly because we've held mandatory spending in check with PAYGO and, at the same time, kept domestic discretionary spending close to the rate of inflation, this budget returns to surplus in 2012. Our bottom line beats the President's budget going away. Between 2009 and 2013, our net deficits are $262 billion. Over the same period the President's net deficits are $674 billion. And using CBO's latest forecast, our budget should be in surplus by 2012 in the amount of $178 billion. And from 2012 through 2018 our cumulative surplus should reach $1.4 trillion, all told.

Now we could have used the lion's share of those surpluses to offset the revenues lost to renewal of expiring tax cuts, and surpluses of $1.4 trillion would indeed offset a huge amount of revenues forgone. We chose instead to leave those decisions to a time closer to December 31, 2010, when the 2001 and 2003 tax cuts expire. But when the time is right, if those surpluses materialize, they can be used to offset the renewal of numerous expiring tax cuts, disproving our opponents' claim that we don't intend to renew and extend any of the expiring cuts.

In our resolution we also provide $940 million for program integrity, much of it going to the Internal Revenue Service for audits and compliance. The Commissioner told us not so many months ago that there's a huge tax gap, maybe $500 billion, between taxes owed and taxes paid, the so-called tax gap. If we can close that gap just a bit, we can raise tax revenues without raising tax rates. These funds can likewise be used as offsets.

So there are many ways to look at tax cuts in the code. And what we are saying here is that we should use the next several years, before the tax cuts expire, to do all of the above so that we will have the revenues to renew many of these tax cuts and restructure the AMT in keeping with PAYGO principles. That's simply what we are proposing.

Our budget parallels the President's budget with respect to national defense. It funds the basic defense budget at the levels the President requested for 5 years, but does not include supplemental funds beyond the $700 billion sought by the President. The President's budget for 2009 does include a $70 billion item which the Pentagon calls a placeholder. To compare our budget to the President's budget, apples to apples, our resolution includes a $70 billion placeholder equal to the President's request for overseas deployments and activities in theaters that include Afghanistan and Iraq. This budget resolution is not an authorization bill. It's not an appropriations bill, and therefore, it cannot prescribe how much should be spent for these activities or specify where the funds should be spent. Those decisions are left to the authorization and appropriation process, in committee and on this floor. These funds, however, can be used for whatever purpose the Congress eventually chooses in authorizing and appropriating legislation.

When we set out to do this budget, our overriding objective, Madam Chairman, was a balanced budget, because we're appalled at the amount of debt being left our children, and at our stature in the world as the greatest debtor nation. But we want more than arithmetic balance; we want our priorities balanced; we want a budget that does more for our children's education and their health care as well, a budget that makes our workers more competitive and our scientists more innovative.

We want to revive America, restore our fiscal soundness, reclaim our future. This budget is just one step, but it's one step in the right direction.

Madam Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Chairman, I yield myself 12½ minutes.

Madam Chairman, in many ways I believe our two parties agree on many things. We both agree on the need to balance the budget. We agree on the need for solid, sustained economic growth that produces an abundance of good-paying American jobs. And we agree that the looming entitlement crisis is the greatest threat to our Nation's economic and budgetary future.

But as this budget makes clear, there is a glaring disagreement on how best to achieve these goals, or as in the case of entitlements, even to address this challenge.

Republicans believe that the best America is an America free from the burden of Big Government. We believe that the nucleus of our society, the engine of economic growth in this country, is the individual, the family, the entrepreneur, not the government. And we believe that the more the Federal Government expands demands and takes from these citizens, the less freedom they will have and the less opportunity to realize their own potential.

Clearly, the Democrats have a much different philosophy. They believe that bigger government is better government, and they believe that the best way, the only way to meet our Nation's myriad challenges is with an ever larger Federal Government fueled by even higher spending, financed by ever higher taxes. With this budget, the Democrats have proven their commitment to this philosophy. And as it did last year, the first thing this budget does is tout a whole lot of new spending for, as we heard in last week's speeches and press conferences and as we heard today, for everyone and everything.

But right next to this budget's much hyped new spending priorities and promises are somewhat less advertised big new tax hikes on American workers, families and small businesses, many of whom are already struggling to make ends meet.

In recent months, we've seen a whole host of legitimate concerns in the economy. Growth and job creation are slowing, and many Americans are seeing their home values falling. At the same time their food, energy and health care bills are going up. The worst thing we could do to these families or the struggling economy is raise taxes. But if we pass this budget, that's exactly what we will be doing. Passing this budget means imposing on the economy and on our constituents the largest tax increase in American history.

One of the most ironic things about the Democrats' tax increase is that it comes on the heels of this bipartisan economic stimulus plan. Just last month, Congress passed a stimulus package to give struggling families some of their tax dollars back and provide incentives for businesses to expand and create jobs. But before we could even get these checks out the door, the Democrats unveiled this budget that will take all that money back plus demand hundreds of billions more new higher taxes. Far from consistent tax policy, that's not even coherent tax policy. Is $600 really going to make a difference to somebody in Janesville, Wisconsin with a tax increase of nearly $3,000 per year looming on the horizon? Does a one-time check of $1,200 really make up for later raising taxes on that same family of four by $6,000 each and every year?

This budget will raise marginal tax rates on all income taxpayers, including low-income individuals who are benefiting from the 10 percent bracket. This budget will slash the $1,000 per child tax credit in half. It will reinstate the marriage tax penalty. It will make it that much harder for families to pay their mortgages, pay their grocery bills and send their kids to college.

□ 1530

Unlike the Democrats' rhetoric would have you believe, we are not just talking about hurting rich people. I know a whole lot of people back in Wisconsin who paid taxes, who are married and who have kids who do not consider themselves anything close to rich. But this budget's tax cuts will hit every single American taxpayer, whether or not they checked some imaginary ''rich'' box on their tax form.

Now, again, my friends on the other side of the aisle insist this isn't their plan, that they're really not going to raise your taxes. They've got all of these groups from the left saying that's not happening. But yet they keep writing those tax hikes in their budget. Why? Because their numbers would never work. Their budget would never show balance. And without those massive tax hikes, this budget requires, includes, assumes, mandates a $683 billion tax increase over just 5 years.

First, because it exhumes the complete expiration of the 2001 and 2003 tax laws. And because of their own PAYGO rule, just to continue those same laws which are already in place, they're required to offset those current provisions with an equal tax increase of $683 billion. So whatever way you cut it, you can't avoid it. It is a tax increase, a big one, the biggest we've ever seen.

And second, because they're already committed, every one of those tax dollars, to pay for their new spending. Beyond admitting the burden these tax hikes will put on our constituents and the economy, this Congress has got to understand that we will never rid our government of deficits and debt by simply raising taxes.

Our problem has never been that Americans aren't sending enough of their taxpayer dollars to Washington. Our problem has always been, and is clearly today, that Washington is spending too much money and far too quickly to be sustained.

But for all of the Democrats' purported concern about the deficit, all they've chosen to do since they came into the majority is spend more and more money. This year's budget would certainly continue that trend. The Democrats' budget proposes to increase entitlement spending by untold amounts of the use of numerous reserve funds. At the same time, they want to increase nonsecurity discretionary spending by more than $22 billion over the President's request.

But even while demanding billings and new spending, they fail to do anything to reduce the wasteful spending already included in these budgets. In fact, last year, the majority's appropriations bill included over 11,000 earmarks at a cost of nearly $15 billion to taxpayers.

This year, the majority has already rejected Republican calls for an earmark moratorium or even earmark reform to reduce the wasteful, self-serving spending. In this regard, we can expect more of the same: another year and another choice by the majority of pork over paychecks. But for all of the additional spending, the worst thing that is not in this budget is not what it does, but the many things it fails to do.

First, I think it's fair to note that if we apply the Democrats' own standards, this budget doesn't even achieve balance. That's because this budget suffers from the same shortcomings that the Democrats criticized the President's budget for doing just weeks ago.

This budget doesn't pay for the AMT fix and it doesn't pay for the war, as the chairman so eloquently criticized the Bush budget just a couple weeks ago. As a result, this chart shows that this budget doesn't really balance in 2012; instead, it remains in the red for as far as the eye can see.

Finally, for the second straight year, the majority budget fails to include even one meaningful reform to address our entitlement crisis. This means that even if this budget were to balance in 2012, it would be quickly driven right back into deficit by these programs' current path of growth. By ignoring this problem, this budget ignores every one of the witnesses we've called before the Budget Committee who have warned that our largest entitlement programs, particularly Medicare and Medicaid and Social Security, simply cannot be sustained as currently structured.

These experts have told us unequivocally that if we fail to reform these programs, not only will they grow themselves right into extinction, they will impose a crushing burden on our debt, on our budget, and all but eliminate our Nation's ability to compete in the global marketplace.

Our Nation's chief accountant, GAO Comptroller General Walker, recently testified that the long-term fiscal obligation of the U.S. Government is $53 trillion, or about $180,000 in unfunded liability for every man, woman, and child in the United States. It is $180,000 per person. You can buy really nice homes in Wisconsin for $180,000.

And we know that this problem, once dismissed as somewhere off in the future, is already upon us. On February 12 of this year, last month, the first baby boomer, a retired teacher from Maryland, received her first Social Security check. And right on her heels are over 80 million other baby boomers who will qualify for both Social Security and Medicare right after her. And just last month, the Medicare trigger was set off sending a clear warning shot to Congress that we must act immediately to get this program on a sustainable path.

In fact, by doing nothing, by ignoring this problem for another 5 years, the Democrats' budget will add another $14 trillion in unfunded liability for future generations. And this is just in the next 5 years. Over the long run, the problem will grow much worse than that.

As this chart shows, by the year 2040, our three largest entitlement programs alone will consume 20 percent of our economy, equivalent to the cost of the entire Federal Government today. By this time, the overall size of government will consume 40 percent of our Nation's GDP, more than double the historic average of 18.3 percent.

What that means in real life is my three children, who are 3, 4, and 6 years old, by the time they are exactly my age, they will have to pay twice the level of taxes we pay today just to keep today's Federal Government afloat for them at that time. Add no new programs and take none away, for my three kids, when they are my age, they will have to bear twice the burden we bear today just to pay the bills of the Federal Government before they can keep any money left in their own paychecks.

The only choice we would leave them would be to pay the crippling tax burden or simply accept the fact that their Nation can no longer afford health care, education, or even defense or national security. I can't imagine any one of us who finds that kind of future acceptable, but this is exactly what this budget confines them to do.

Everyone talks about this common entitlement as our greatest challenge, and rightfully so, but it is also our greatest opportunity. Today, with this budget, we have an opportunity to save our largest retirement and health safety net programs from financial ruin. We can make these programs better, stronger, more responsive, more resilient, more sustainable, and more in line with the way our economy works today.

And if we act now, we have the opportunity to make these reforms in a rational, well-thought-out way. We don't have to wait for the crisis to hit. But regrettably, that's exactly what the Democratic majority would have us do. With this budget, they are simply accepting that we are going to continue to pile up massive amounts of debt for our children and we are going to force them to pay double what we do in taxes to keep these programs afloat in the future.

In closing, let me say that I have come to know and respect many of my

colleagues on the other side of the aisle. In particular, I think the gentleman from South Carolina is the definition of a true Southern gentlemen. He's a class-act man, and I don't have any doubt in my mind that every one of them on the other side of the aisle are just as well intentioned and just as concerned about our Nation's future as anyone is on this side of the aisle.

Every one of us wants our Nation to remain strong, safe, prosperous, and free today and well into the future. Every one of us wants to pass on to the next generation a world that is even better than the one our parents gave us. By giving us these jobs, by sending us to Congress, that's exactly what our constituents entrusted us to do.

With that great responsibility in mind, I will be opposing this budget that we are considering today. This budget misses an historic opportunity to put our Nation on a better path. Instead, they choose the path of Big Government, higher spending, higher taxes, higher debt. I can only hope that this Congress will choose to change its course before it's too late, because if we fail, we may be the first generation to sever that precious, fragile American legacy of leaving a better standard of living for future generations.

With that, Madam Chairman, I reserve the balance of my time.

Mr. SPRATT. Madam Chairman, I yield 14 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Chairman, before I talk about how this budget will help keep America secure, let me just respond by saying I'm glad we live in a country where speech is free. But when I hear my Republican colleagues talk about the burden of crushing debt as they try to attack our budget this year, I would remind the American people that these were the architects of $4 trillion in national debt over the last 8 years; $4 trillion of national debt that will lead to an annual tax of $188 billion on my children until the day they die just to pay interest on the debt they created in the last 4 years with their partisan budgets.

Madam Chairman, keeping America safe and secure should always be a top national priority. That's why, with this budget, House Democrats provide for a strong national defense and invest billions more on homeland security, veterans health care than the President's budget request.

Here are 10 reasons why this budget helps keep America safe and secure:

First, it increases the national defense budget by $37.5 billion over last year to a 7.5 percent increase, excluding costs for wars in Iraq and Afghanistan;

Second, this budget will improve military readiness, especially for the National Guard and Reserves;

Third, we say ''no'' to the administration's ill-advised cuts of $430 million in programs to protect Americans from the threat of nuclear terrorism;

Fourth, this budget provides funds to implement the 9/11 Commission recommendations, such as better screening of cargo and passenger aircraft and ship containers coming from foreign seaports;

Fifth, we say ''no'' to the administration's proposed billion dollars in cuts for first responders such as firefighters and police officers;

Sixth, the Democratic budget rejects the administration's proposal to cut $705 million from the State's Homeland Security grant program;

Seventh, we actually fund the State Criminal Alien Assistance Program, in contrast to the administration, which zeroes out this program which helps communities incarcerate illegal criminal aliens;

Eighth, the Democratic budget increases veterans health care and benefits by $3.2 billion above the President's request. We believe our Nation should keep its promises to those who've kept their promise to serve. The fact is, with this budget, in 2 years, the Democratic-led Congress will have increased veterans funding by more than the Republican-led Congress did in 12 years;

Ninth, the Military Officers Association of America, MOAA, applauds this bill for honoring our military troops and retirees by replacing the administration's $1.2 billion shortfall in defense health care and for rejecting massive fee increases to the military TRICARE health program;

Tenth, and finally, the DAV, American Legion, AMVETS, Paralyzed Veterans of America, and numerous other veterans organizations respected across our land have applauded what this bill does for veterans. Listen to what the executive director of the Veterans for Foreign Wars said about the budget bill we passed last year and this one: It is an unparalleled commitment to veterans service and sacrifice.

Madam Chairman, I think that says it well.

At this time, I would like to recognize and yield to the chairman of the Veterans' Affairs Committee, the gentleman from California (Mr. FILNER), who's been a tireless champion of America's veterans.

Mr. FILNER. Madam Chairman, we have an administration that says support the troops, support the troops, support the troops. Then they give us the budget that cuts support for veterans over the next 5 years, year by year by year, and with a modest increase for health care that barely covers inflation. It cut every single account in the veterans budget, including construction, including research, all of the way through. So we restore, if I'm correct, Mr. EDWARDS, we restore all of those cuts.

And for the seventh year in a row, the President said, Let's increase enrollment fees. Let's double the pharmaceutical copays, and we, for the seventh year in a row are saying ''no.'' But not only did they increase the fees, they made a calculation that several hundred thousand veterans would not be able to pay those fees and be thrown out of the health care system. That, in a time of war where we got our troops fighting, they're going to throw veterans out of the VA health care system. That is disgraceful, and we said ''no'' to that.

And I thank the gentleman for making sure that we respected these warriors. It's part of the cost of war to treat the veterans correctly. Mr. EDWARDS and Mr. SPRATT, you provided for those veterans. The whole country thanks you.

Mr. EDWARDS. Madam Chairman, at this point, for engaging in a colloquy, I would like to yield to the gentleman from Pennsylvania (Mr. ALTMIRE.)

Mr. ALTMIRE. Madam Chairman, I'm proud of this budget because it continues on the great work that we did last year after years and years of chronic underfunding of the veterans health care system. We added $13 billion in funding for the VA, which is the largest increase in the 77-year history of the VA, and that was great work. And we are following that up this year by adding $4.9 billion in increased funding and including steady increases over each of the next 5 years.

□ 1545

This budget is true to our American veterans.

In contrast, the President's budget, which does include a modest $1.7 billion increase this year, it decreases funding in real dollars over the next 4 years, and over the 5-year period, contains a cut in veterans health care spending. And there are 120,000 new veterans entering the system this year. Is there anyone in this body that thinks that health care costs aren't going to go up, that the number of veterans isn't going to go up, people entering the VA health care system? And instead of following the President's lead and cutting veterans health care spending, we're increasing spending to the largest levels in history.

It's endorsed by the VFW, the American Legion, the Vietnam Veterans of America, just to name a few. And this funding means that we're going to clear up the 500,000 case backlog that currently exists in the VA due to that chronic underfunding that took place over the past several years before we increased funding last year. It's going to make improvements at VA clinics, help keep up with growing populations of veterans, including in my home district a $180 million expansion of the VA health care facility.

It's going to increase research on traumatic brain injury and prosthetics to help our wounded warriors and our

wounded veterans. It's going to help us recruit and retain the highest quality health care professionals to ensure that our veterans get nothing less than the highest quality health care available anywhere in the country right at our VA centers.

So, lastly I would say to the gentleman, we have stepped up to the plate. We are going to support our veterans not just with our words, but with our actions. We're going to continue the great work we did last year with a $4.9 billion increase this year.

I thank the gentleman for his leadership.

Mr. EDWARDS. I thank the gentleman for his words and his actions in this Congress on behalf of our Nation's veterans and veterans in your district.

It is now my privilege to yield to Congresswoman BOYDA, the gentlelady from Kansas, for purposes of a colloquy. And I want to thank her for working so hard on behalf of our troops, their families, and our veterans and their families.

Mrs. BOYDA of Kansas. Thank you very much, Mr. Chairman. It has been a pleasure to work with you on behalf of our active duty military and the two VA hospitals that we have in the Second District of Kansas. It's such an important issue for so many people in my district, and they want to know that somebody is fighting for them.

I would just say that it's almost laughable if it weren't so sad to hear the gentleman from Wisconsin talk about this debt as if for the last 7 years we haven't seen a tremendous increase in our national debt.

I, too, am absolutely worried sick about the fact that my children are going to have to pay the $4 trillion of debt that we've incurred since they've been in the majority, or actually, in the last 7 years. But Mr. Chairman, let me just say that what makes me feel so good about this new majority and this budget that we've brought forward, in those years since we've seen that increase in debt that's going to be so devastating to us, what have we gotten for it? In 12 years, we've seen the debt double, and yet we only saw $16 billion go into veterans benefits at a time when they needed them so badly. In the last year, with our fiscally responsible budget, we will have added in the last 2 years $17 billion. It's just a matter of priorities.

We all are very concerned about the budget deficit that the Republicans have just escalated beyond control. You and I are working together to make sure that we have priorities that reflect the priorities of the American people. Since 2003, the backlog has increased by 50 percent. We have cut so much funding out. And so, thank God that we have put some of this money back in.

And I know the people of Kansas want to make sure that the money they are sending to Washington, D.C. is used well and is used for the veterans that have gone out and fought so bravely for our country.

Mr. Chairman, I am so pleased to be a strong supporter of this budget and a strong supporter of the veterans. It's easy, very easy to put a yellow ribbon on your car. And I agree with the gentleman from Pennsylvania who just spoke, we need to have action, not just words.

Mr. EDWARDS. I thank the gentlelady from Kansas for your powerful advocacy on behalf of our veterans and our military.

I would now like to recognize and yield for the purpose of engaging in a colloquy to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. I would like to thank the gentleman from Texas for the opportunity to engage in this colloquy. Thank you, Mr. EDWARDS.

It is sort of ironic that under the previous Congresses, their idea of fiscal discipline was to raise the debt ceiling to $9 trillion, I find that interesting, while at the same time we have seen homeland security funding only being paid lip service to and not really being taken care of.

As you know, nine out of 10 Americans live in areas that are prone to natural disasters, and of course we're not prepared to take care of them. The Coast Guard itself said that we are only 25 percent along the way to meeting the needs to protect our ports, that 75 percent of those needs have gone unmet in homeland security.

We can fulfill the 9/11 Commission requests here, H.R. 1, take care of those funding priorities that make us all safer.

The cuts to first responders I can't believe. I worked my way through college, actually, as a paramedic/EMT back in Cedar Rapids, Iowa. It's unconscionable the kinds of cuts that have been done. The State Homeland Security grants, I just want to make a quick list here, the administration cut it by $705 million. The Urban Area Security Initiative, cut by $9 million. Fire grants, the very grants that protect us in the rural areas, cut by $463 million by the administration. The Byrne Justice Assistance Grants, zeroed out, eliminated entirely. The COPS program, cut by $599 million. We make sure we put $417 million back into the State Criminal Alien Assistance Program, the administration zeroed that out, the very program that enables local communities to handle undocumented criminals that they capture.

Finally, the President's budget only funds $210 million of the $400 million authorized to make sure the Coast Guard takes care of our ports. This is irresponsible, never mind unconscionable.

I'm proud of this budget. This budget goes a long way towards protecting this country, a lot further than previous budgets.

Thank you, Mr. EDWARDS.

Mr. EDWARDS. I thank the gentleman for pointing out that it takes budgets to defend our Nation, our communities and our families, not just rhetoric.

At this time I would like to recognize the gentleman from Texas (Mr. RODRIGUEZ) for a colloquy. And I want to thank the gentleman for his year-in, year-out work on behalf of our servicemen and -women, their families and our veterans.

Mr. RODRIGUEZ. I want to personally thank you, Mr. Chairman, for your leadership throughout the country and your efforts in providing for our veterans.

I know I had the pleasure of serving on the Veterans Committee, and nothing was more frustrating than during the period of time that I served to just give nothing but lip service, and at the same time see the major cuts of the administration when it came to our veterans after having served our country. When I saw the budgets of the administration continuously bring forth additional fees and copayments on our veterans when both sides were saying that that was not appropriate, he continues to do that with this present budget. And if that was not enough, I know that he cut priority 8 veterans. And I'm glad to see that this budget includes that on there, so I want to personally thank you for that.

In addition, the Democratic budget calls for advance pay and benefits to improve the quality of life of our troops and their families, including the emphasis on providing support and assistance to our troops and their families while they are deployed. And that is essential. It's unfortunate, and we cannot even comprehend how this has come about.

Let me just say, this budget also calls for a $15.9 billion cut for the next 5 years on our soldiers, on TRICARE. As it is, the reimbursements on TRICARE are real low, to the point that some of our doctors are not going to take some of those soldiers and provide access to health care that they need.

But I want to take this opportunity to thank the chairman and the leadership on this budget effort for making sure that our troops have the resources that are necessary, and to make sure that our veterans, after they come back, have the services that they're entitled to. We need to push forth on making sure those polytrauma centers get built so that access to health care is essential.

Thank you very much for this colloquy.

Madam Chairman, I rise in strong support of this Budget resolution. This budget provides for among many other elements the much needed resources for our country's defense needs.

As you know, I represent a very large district that spans from San Antonio in the east to El Paso County in the west and south to the Mexico border. The U.S. military is very important to my district as evidenced by the BRAC decisions that centralize military medical training in San Antonio and bring soldiers from Europe back to Fort Bliss in El Paso. While the defense budget is important to the Nation as a whole, it has a particularly strong significance to my constituents.

EXCELLENT AND AFFORDABLE HEALTHCARE

San Antonio is poised to be the military center of excellence for medical issues with the completion of the current BRAC construction.

The President's budget calls for increases in Tri-care fees for military retirees under the age of 65 by $15.9 billion over five years.

The military's own have opposed these fees as evidenced by the Military Offices' Association of America's rejection of the fee increases.

MOAA supports the Democratic budget that avoids Tri-care fee hikes and places a continued emphasis on addressing problems such as those identified at Walter Reed Medical Center.

READINESS

The Commission on the Guard and Reserve issued a report on January 30, 2008 citing a lack of readiness to respond to a catastrophic attack on the United States.

A major reason for this is the Administration budget that continually prioritizes funding wars in Iraq and Afghanistan while leaving the defense of our homeland at risk.

The Democratic Budget provides greater attention to improving military readiness, in particular for the National Guard and Reserve.

ADDITIONAL PAY AND BENEFITS TO THE TROOPS

The Democratic Budget calls for advanced pay and benefits to improve the quality of life of the troops and their families, including an emphasis on providing support and assistance to troops and their families while they are deployed and when they return from deployments to readjust to civilian life.

This is what we owe the Soldiers, Sailors, Airmen, and Marines who have so selflessly fought for our Nation's freedom.

Mr. EDWARDS. I thank the gentleman.

I will conclude by saying that this is a solid budget that defends our Nation, supports a strong national defense, and just as importantly, honors in a meaningful way those who have risked their lives to defend our Nation, our veterans and our military retirees.

Mr. RYAN of Wisconsin. Madam Chairman, I yield myself 10 seconds only to say that this budget that's before us raises the national debt by $646 billion this year, the largest annual increase ever. And that's $14 trillion of unfunded debt to just two programs, Medicare and Social Security.

With that, I would like to yield 2 minutes to the distinguished gentleman from South Carolina, the vice ranking member of the Budget Committee, Mr. BARRETT.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Madam Chairman, our friends on the other side of the aisle have spent a great deal of time over the past few years railing against deficits and railing against the debt. And last year, their first time in the majority in over a decade, the Democrats finally got their chance to show their version of what a fiscally responsible Congress should actually look like. But all they've done since they've come into power is mismanage the fiscal situation.

The key to managing and to budgeting is to set priorities, and everyone who has ever had a family or run a business knows this. You have to make difficult choices, and you can't always have everything you want right when you want it.

But the Democrats have refused to set priorities. They simply want to spend more on everything and everyone within the reach of the Federal Government. And we've even seen things that they spend money on that the Federal Government has absolutely nothing to do with.

And to pay for all this new spending? Well, they're simply going to raise taxes, this time by $683 billion. That tax hike lets them show balance, at least on paper, for this round of spending. But their plan to chase ever-higher spending with ever-higher taxes can only work for so long. Pretty soon, as their spending continues to spiral out of control without any priorities, without any effort to cut waste, and without any effort to reform entitlements, they're simply going to run out of people to pay for it all. Then what?

Again, budgeting is about setting priorities and making decisions. But the decisions this budget makes, and perhaps more importantly, those that it fails to make, sets up a vicious cycle of tax and spend that neither the budget nor the American taxpayer can sustain for long.

Mr. RYAN of Wisconsin. At this time, Madam Chairman, I will yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the Budget Committee.

Mr. CONAWAY. I thank the ranking member.

The Democrats' budget clearly shows, and depends on collecting, the largest increase in taxes in our Nation's history.

Most tax experts agree that one of the hallmarks of good tax policy is consistency and stability in that code. A high degree of uncertainty about future tax policy makes long-term planning difficult for both families and businesses, and that uncertainty can have a negative impact on economic growth, yet this majority continues to actively foster that uncertainty, again producing a budget that depends on the collection of the largest increase in taxes in American history.

Congress recently passed a bipartisan stimulus package that will give struggling families some of their tax dollars back with the hopes that they will spend this money and bolster our economy. But before they can even get these checks out the door, the Democrats have unveiled a budget that will take back all of that money, plus billions of dollars more. Do we really expect families to go out and spend money when they've got a host of new income taxes that will dramatically decrease their discretionary income hanging over their heads?

Last year, the new Congress waited until the 11th hour to pass a 1-year AMT patch, in effect threatening more than 20 million Americans with an average tax hike of $2,000. This AMT slow walk, according to the Treasury, has now forced 3 million taxpayers to delay filing their tax returns to collect child care, education, and energy credits.

If, as the Democrats claim, they actually intend to stick to their PAYGO rule from now on, and as an aside, last night's ethics bill completely ignored the PAYGO impact, Americans can expect to see their tax burdens rise to a level never seen before in our Nation. But just whose tax bills are going to explode, and when, we're not sure.

My point here is that, beyond the damage they will do when taxes actually go up in 2011, 2012 and 2013, the majority is doing a great disservice to American workers and businesses and our economy as a whole by maintaining this tax uncertainty. As a result, we have a whole Nation of workers and businesses with no idea of what their tax burden will look like in the future, let alone in this coming year. And I can't imagine too many folks going out and buying new refrigerators, or too many businesses investing, expanding and the creating new jobs necessary to get our economy back on track with that kind of uncertainty hanging over their heads.

Mr. RYAN of Wisconsin. At this time, Madam Chairman, I would like to yield 4 minutes to the distinguished gentleman from Texas, a member of the Budget Committee, Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Chairman, for as many shortcomings as this budget has for what it contains, the largest single tax increase in American history threatening, over the next few years, an increase in family taxes of over $3,000 a year, an explosion of new government spending in bureaucracy, the largest Federal budget ever, earmarks as far as the eye can see, taking money out of paychecks so some Member of Congress can keep their paycheck, for as bad as this budget is for what it contains, it's even worse for what it doesn't contain.

□ 1600

There is nothing, nothing in this budget that will reform out-of-control

entitlement spending. This budget, this Democrat budget, threatens the retirement security of future generations.

And don't take my word for it. Go to the Social Security and Medicare Trustees Report. It's going broke. It is going broke. The Nation can't afford all of the spending that the Democrats are putting forth. Already these programs are threatening future generations with an unconscionable tax hike. We are looking at a fiscal fork in the road already so that future generations are either, A, going to have to have their taxes doubled, or there will be no Federal Government to speak of except Medicare, Medicaid, and Social Security.

Now, our friends on the other side of the aisle say, well, give us a few years and maybe we'll get around to doing something about it. Well, we don't have a few years. We don't have a few years, Mr. Chairman, because every single year that the Democrats choose to kick the can down the road, every single year they choose to ignore the problem, an extra $2 trillion of debt that they decry is put on our children and our grandchildren.

Mr. Chairman, I got into the parent business 6 years ago. I have a 6-year-old daughter and a 4-year-old son. I know many on that side of the aisle have children and grandchildren. So I'm so perplexed that they don't care about this problem. Every year they ignore it, it's an extra $8,000 of debt or taxes that are going to be placed on our children and our grandchildren.

But don't take my word for it. Listen to the Federal Reserve: ''Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be seriously weakened with future generations bearing much of the cost.''

Comptroller General Walker: ''The rising cost of government entitlements are a fiscal cancer, a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.''

Those aren't my words, Mr. Chairman. Those are the words of the Comptroller General. Those are the words of the Chairman of the Federal Reserve.

So right now already as the Democrats decry the current debt, do they not believe that Medicare is a debt of the government? Do they not believe Medicaid is a debt of the government? Do they not believe Social Security is a debt of the government? And if so, it is their budget, their budget that is increasing debt and heaping it upon future generations.

This $8,000 a year that they are putting on future generations, that's enough money for every family in my district to send two children to Texas A&M University for 4 years. It will pay an average mortgage for 2 years. And yet, again, the Democrats know about this problem, Mr. Chairman; they just don't do anything about it.

Now, somebody who grew up listening to a lot of rock and roll, there's a song that I'm very fond of called ''Ohio'' by Neil Young, and there's a line in that song that says, ''How can you run when you know?'' And that's what I ask about this budget. How can the Democrats run when they know what they are doing to future generations?

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I would like to yield 2 minutes to the distinguished gentleman from California, the ranking member of the Appropriations Committee (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, our friends on the other side of the aisle are fond of saying that a budget is a moral document. It shows what we care about. I couldn't agree more.

The majority's bloated budget blueprint is a clear demonstration to families across America that the Democratic majority in Congress is intently focused on dipping its fingers into their pockets to take more and more of their hard-earned money. It shows that the Democratic majority will raise taxes, without hesitation, to support its addiction to spending. And it shows that Democrats in Congress are not interested in making difficult choices, setting priorities, or rooting out waste in government spending.

What we are considering today is the Democrat majority's ''more, more, more resolution.'' More spending, more budget gimmicks, and more taxes.

As my colleagues well remember, we held the line on spending last year thanks solely to the President and Republicans in Congress. The President's budget requested this year $59 billion, or a 6.3 percent increase, in discretionary spending over the present fiscal year. Most people would think $59 billion is plenty, but it's not enough for the ''more, more, more budget.''

We hear our Democrat colleagues pay a great deal of lip service to the poor. But here's what failing to extend these tax cuts in the years ahead will do to the poor:

Six million low-income American families will no longer qualify for earned income tax credits;

Low-income families with one or two children will no longer be eligible for the refundable child tax credit;

Roughly 12 million single women with children will see their taxes increase by $1,100 a year.

As disconcerting as all of this may be, the real 800-pound gorilla sitting in the corner of the room is the problem, and that is entitlement spending. Presently, mandatory spending and interest on the national debt consumes nearly two-thirds of the Federal budget, and it is rising at an alarming and unsustainable pace.

If we ignore the 800-pound gorilla, we are walking away from the dire needs, desperate needs, of the American public.

Mr. Chairman, our friends on the other side of the aisle are fond of saying that a budget is a moral document—it shows what we care about. I couldn't agree more.

The majority's bloated budget blueprint is a clear demonstration to families across America that the Democrat majority in Congress is intently focused on dipping its fingers into their pockets to take more and more of their hard-earned money. It shows that the Democrat majority will raise taxes—without hesitation—to support its addiction to spending. And, it shows that Democrats in Congress are not interested in making difficult choices, setting priorities, or rooting out waste in government spending.

What we are considering today is the Democrat majority's ''More, More, More Budget Resolution''—more spending, more budget gimmicks, more taxes. For the first time in history, the discretionary budget that is being proposed by this majority will exceed one trillion dollars.

As my colleagues well remember, we held the line on spending last year thanks solely to the President and Republicans in Congress. In spite of the desire of our Democrat colleagues to spend far more, this Congress passed appropriations bills that totaled roughly $933 billion in discretionary funding.

The President's budget requested a $59 billion, or 6.3 percent, increase in discretionary spending over the present fiscal year. Most people would think that a $59 billion increase in spending would be enough. But not this majority. They are proposing a whopping $82 billion, or nine percent, increase over current year levels.

In addition to the tens of billions of additional taxpayer funds they're proposing to spend next year, this majority intends to play budget games and increase advance appropriations by another $2 billion above what was provided this year.

The notion of advance appropriations is arcane budget talk so I'll try to break it down into real English. The majority is committing an additional $2 billion in funding for next year—remember, we don't pay for it this year, we pay for it next year.

My colleague from New York, Mr. WALSH, correctly pointed out during consideration of the fiscal year 2008 Labor/HHS bill that advance funding is a dangerous proposition because if Congress does not keep providing at least the same level of advance funding year after year, drastic cuts will be needed to live within the allocations each appropriations subcommittee receives.

I want to address another troubling aspect of this budget proposal. We have heard—and will continue to hear—our friends on the other side of the aisle talk about how this budget cuts taxes. Nothing could be further from the truth. By failing to make permanent the 2001 and 2003 tax cuts, this budget actually increases the tax burden on American citizens by $683 billion over the next five years.

That's a pretty big number, but let me break this number down in a manner that makes sense to the average family sitting around their kitchen table. Under this budget, the average American family of four that earns

$50,000 per year will send an additional $2,100 to Washington in 2011.

We hear our Democratic colleagues pay a great deal of lip service to the poor, but here's what failing to extend these tax cuts does to low-income Americans: 6 million low-income Americans will no longer qualify for the Earned Income Tax Credit; low-income families with one or two children will no longer be eligible for the refundable child tax credit; roughly 12 million single women with children will see their taxes increase by $1,100 per year; and about 18 million seniors living on fixed incomes will be subjected to tax increases of more than $2,100 per year.

As disconcerting as the rampant spending is, let's not lose sight of the fact that this budget ignores the 800–pound gorilla sitting in the corner of the room—entitlement spending. Presently, mandatory spending and interest on the national debt consumes nearly two-thirds of the Federal budget and it is rising at an alarming, unsustainable pace.

In 1990, we spent the equivalent of $893 billion of today's dollars on entitlement programs—mostly Social Security, Medicare and Medicaid. Today we are poised to spend $1.6 trillion on those same entitlements. For those who like to talk in percentages, that represents a 74 percent increase in inflation adjusted dollars. We ignore this sleeping giant at our own peril.

So my friends, let's ask ourselves this question: who will pay for this budget? The simple answer is our children and our grandchildren.

They will pay for it in the form of higher taxes because this budget refuses to make permanent the tax cuts enacted in 2001 and 2003 that spurred roughly 6 years of economic growth.

They will pay for it in the form of reduced future prosperity because Government will continue to spend and spend and spend.

They will pay for it because their Government would consume more and more of what they earn rather than allowing them to invest, create jobs, and improve their quality of life.

In short, Mr. Chairman, this "big government, Washington-knows-best" budget suggests that politicians and bureaucrats in Washington are better stewards of the public's money than the very families who send it here.

My advice to the American taxpayer is this: Hold onto your wallet because the big spenders in Congress are coming to take more of what you can earn.

Mr. Speaker, I strongly urge my colleagues to reject the majority's bloated budget resolution. It's time to put Uncle Sam on a diet.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I would like to yield 2 minutes to the newest member of the Budget Committee, the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Chairman, for those Americans brave enough to be watching this proceeding right now on TV, I'd ask them to sit down because I have some shocking news to share with them. And here it is: The Federal Government spends a lot of money.

Big surprise; right?

How much money are we talking here? How about $23,000 per year per household.

My guess is that with the exception of our military, it's tough for the average American to name one thing the Federal Government does well.

This budget proposes to spend more than $3.1 trillion. That, Mr. Chairman, is not an easy thing to do. To reach $3.1 trillion, the Federal Government will have to spend $100,000 a second, 6 million bucks a minute, over 350 million bucks an hour every day for the next year. Whoever thought that Senator Dirksen's line about "a billion here, a billion there" would become outdated?

Mr. Chairman, we've heard of tax-and-spend politicians, but I believe it's spending that drives taxes. And reckless out-of-control spending has put us on a path for economic disaster.

And don't take my word for it. Ask outgoing Comptroller General David Walker, who is sounding the alarm across the country about the unsustainable rate at which Congress is spending.

The American people instinctively know that Congress has an insatiable appetite for spending. They can see it. In terms of real dollars, Congress has quadrupled spending over my lifetime.

The question is, for what? Why do we need four times more Federal Government today than we did in 1964? It's not the military. Defense spending's impact on the budget has decreased by almost two-thirds in real dollars. This, while earmarks have skyrocketed and mandatory spending has grown tenfold.

The real change has been in the mindset. Simply put, Congress has grown to accept the "nanny state." Some Members of this body have grown accustomed to the numbers in this budget. But believe me, they are staggering to the American people, and the people of the Fourth District of Ohio. How staggering? What if, instead of spending $23,000 per family, the Federal Government spent only $20,000 per family? We could jump-start this economy with $400 billion in tax cuts, and we could balance our budget virtually in 1 year.

Mr. Chairman, the sirens are blaring. The alarms are ringing. We need to answer the call and put our fiscal house in order. And we can start by voting "no" on the Democrat budget.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I would like to yield 3 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, 25 years ago I stood on this floor and didn't quote rock and roll but quoted a country singer called Johnny Paycheck and his famous song "Take This Job and Shove It." It was the lament of the working man imposed upon by many outside forces but predominantly the government's telling him what to do and taking his money. And here I am 25 years later, now a member of the Budget Committee, once again in the minority, and I hear the same thing from my good friends across the aisle: tax and spend, tax and spend, tax and spend, and pretend you're not doing it.

Let's be very clear about this budget. You can talk about everything else, but I would like to talk about one thing: taxes. Taxes. I didn't think you would be able to do it.

Mr. Chairman, last year we had the largest tax increase in the history of the United States, which means the largest tax increase in the history of the world, by the way. But they did themselves one better. This is even larger. This tax increase is $683 billion. Now, that's not the total tax. That's the tax increase we're talking about. I really thought last year we would never see that topped, but we almost double it this year.

Now, what does this mean? When we were debating in the committee, I said, and I must apologize for this to my constituents in California, that if adopted and implemented, the Democratic budget would impose on my California constituents an increase, average tax hike, of $3,000. Well, I am corrected. I am corrected. It will actually give an increase, average tax hike, to Californians of $3,331.

Luckily, my constituents don't live in Connecticut, because there they would get an average tax hike of $4,311. This is the gift that keeps on giving, or I guess we should say keeps on taking.

So if you want to know if you can stand on the floor of the House and set a record, if you want to be the Olympic champion on steroids of taxes, vote for this budget. Vote for this budget.

Now, I understand if you're an adherent of Big Government, you need big taxes. So if you do believe that we don't have a large enough government, then vote for this budget, because it will increase the size of the Federal Government relative to local government, relative to State government, relative to the average taxpayer, relative to the rest of the world. It will break all records. The largest single tax increase in the history of the world, $683 billion. Remember that number: $683 billion.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I would like to yield 2 minutes to the distinguished gentleman from California, a member of the Budget Committee (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman from Wisconsin for yielding.

Mr. Chairman, we have heard and we know this budget has the largest tax increase in American history and it also doubles the deficit from what the last Republican budget was. But somehow the majority seems to want to convince us all that this is good for America.

Well, in considering that, I'm reminded of this commercial I see on TV, this guy named Matthew Lesko. Have you seen it? He wears this funny suit with these symbols on it, and they film it right out here on the west side of the Capitol. And he clearly makes a great living. He publishes books to tell people how to get their hands on government money. He says in the commercial: ''Let Matthew Lesko be your guide to join the millions each year who get free money, grants, loans, giant contracts, and free assistance from the Federal Government.''

Here are some of his book titles: ''Free Money for Business''; ''Free Money for a Better Home''; ''Free Money to Pay Your Bills''; and, my personal favorite, ''Free Money to Quit Your Job.''

Now, the Democrats would have you believe that they're perpetuating with this budget the concept put forward in this commercial, that government money is free. But you know what? It's not. Because every dollar that the government sends out in free money to somebody is a dollar they took, this government took, from some American who earned it or that this government borrowed from some American who has yet to earn it but will have to pay it back, plus interest, in the future.

The majority in this budget has refused to set priorities and, instead, is just spending everybody's money on everything and demanding more and more of that money that they would like to think of as free. But we all know every single dollar will eventually come from us.

□ 1615

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me first thank Chairman SPRATT for his leadership and for his work on this budget. And I want to also thank his staff and my staff for really helping us put together I think a very good budget that we support.

This is a budget that, as compared to the Bush budget, I think the Bush budget is really the worst that we have seen in his long line of bad budgets. And with the staggering $12 billion a month with regard to the cost of the occupation of Iraq, I think it is about $3 trillion being projected, this is dragging our economy further into what we are calling an ''Iraq recession.''

It is particularly shameful that the administration would cut programs at this point in health care, in food assistance and in education which would help so many people who desperately need it right now.

That is why I am pleased that the Democratic budget before us rejects those draconian cuts. And I am also pleased that this budget is really war neutral. In fact, as the chairman stated earlier, the $70 billion placeholder in this budget can be used for whatever policy the Congress eventually chooses in authorizing and appropriating legislation, including redeployment of our troops. Now, over 90 Members of Congress signed a letter to President Bush and said that we would not vote for one more dime for combat operations. Only we will vote for money to redeploy our young men and women and bring them home. So as we approach this fifth anniversary of the invasion and occupation of Iraq, it is far past time that we act on the will of the American people by doing exactly that.

So I want to thank the chairman for this budget. And I urge my colleagues to support this budget and to work quickly toward redeploying our troops, toward addressing the waste, fraud and abuse in the Pentagon budget and begin to bring our troops and our military contractors out of Iraq and refocus our efforts and our budget on the many domestic needs here at home, which this budget does.

Mr. RYAN of Wisconsin. May I inquire how much time remains between the two sides.

The Acting CHAIRMAN (Mr. WEINER). The gentleman from Wisconsin has 60½ minutes remaining.

The gentleman from South Carolina has 62 minutes remaining.

Mr. RYAN of Wisconsin. I will reserve.

Mr. SPRATT. Mr. Chairman, I yield 12½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of this budget, which represents a down payment on our commitment to restore middle class prosperity. It offers a clear and practical approach to strengthen our economy in a way that helps our workforce thrive. It allows families to reach for that American Dream.

Today, the Bush economy continues to weigh heavily on America's families and businesses. Our Republican colleagues call for fiscal responsibility. That call is a sham. George Bush has added more to the Federal debt than every single President from George Washington to Ronald Reagan. And at the same time, median household income has dropped $1,000. In the Clinton years, median income rose to $6,100. Poor economic growth has left nearly 1.6 million more workers unemployed, and long-term unemployment is up by 62 percent. There are over 3.3 million fewer manufacturing jobs today than at the start of this administration. Incomes are flat while everything else goes up, gas prices, food prices, the cost of health care and education.

This is a budget that is strong. It gets us back to basics. It maintains fiscal discipline while making strong economic growth possible, benefiting all American families. It means crucial funding for the Democratic Innovation Agenda and reforms for our tax policy to reduce burdens on middle class families. It means rejecting the President's cuts to critical unemployment programs. Now is not the time to undermine already vulnerable communities. We can act to rebuild crumbling bridges, fix our roads, reduce congestion and make a serious investment in our infrastructure, paving the way for new growth and opportunity.

This budget makes real investments to help workers and create jobs in a fiscally responsible way. It is a budget that reaches balance in 2012. It reflects our priorities as a Nation and our belief that government has a commitment to its citizens to make critical investments in efficient and renewable energy sources, education, job training and health care, the foundation of a strong economy and future growth. It is about making our workforce more productive and making opportunity real. It is about staying competitive. And we share a mutual obligation to get it right.

Now, Mr. Chairman, I would like to yield to the gentleman from North Carolina (Mr. ETHERIDGE) for the purposes of engaging in a colloquy.

Mr. ETHERIDGE. I thank the gentlewoman for yielding.

Mr. Chairman, I am pleased to note that this budget resolution rejects the many proposed cuts in public education by the President. The President proposes in his budget to eliminate a total of 47 programs. They are vocational education programs. They are programs for people who repair our plumbing in our homes, who build our houses, who build our roads, who supply the electrical work that gets done, programs like the Perkins Loan cancellations, Even Start, mentoring efforts, and the Reading is Fundamental initiative.

The Spratt budget would also restore initiatives designed to improve teacher quality like Teachers for a Competitive Tomorrow, Advanced Credentialing, and the Teacher Quality Enhancement initiative. If we are going to teach our children, let's have qualified people in the classroom. And it doesn't just automatically happen. It takes money. Industry will tell you that for every person they have, they spend a lot of money in investing in those people. And as the only former State school chief serving in this body, I am particularly pleased about the provision for education initiatives and innovations that have been included in the Spratt resolution.

I thank you, Mr. Chairman.

This resolution provides greater investment in our Nation's schools, including school construction bonds. I have been working on this with Congressman RANGEL for almost 10 years. We need quality places for our children to go to school. And there's important investments in things like Head Start,

special education for those who really have needs, and to provide more money to fully fund secondary education.

The chairman's mark also provides for funding for America COMPETES Act. What is this? It expands math and science education at the secondary level. That is in high school. We can't get them in the universities if we can't them get them through high school. And Lord knows that in this economy, we need them. Education is the single most important investment that we can make in our future.

I support this budget resolution. I urge my colleagues to vote for it and support it.

I thank the gentlelady for this opportunity to speak.

Ms. DELAURO. I thank the gentleman. You are right in terms of the resolution and its reflection on our priorities. Nothing could be more important than access to education and ensuring that our schools and our students have the resources to succeed.

I would now like to yield to the gentleman from New York (Mr. BISHOP) for engaging in a colloquy.

Mr. BISHOP of New York. I thank the gentlelady for yielding.

The chairman's mark is $6.9 billion above the fiscal year 2008 enacted level for education and $7.1 billion above the President's request for education. And as a member of both the Budget Committee and the Education Committee, I am proud of that. And I think all of our colleagues should be proud of that. Mr. ETHERIDGE just talked about the 47 programs that the President's budget cuts but that this budget resolution restores. I want to talk about just three of them.

The President's budget resolution or proposal cuts $750 million out of the SEOG program, the Supplemental Education Opportunity Grant, fully eliminating the program. And it also eliminates the Perkins Loan revolving fund another $750 million. That is $1.5 billion on an annual basis taken out of the student loan delivery system. And that completely undercuts what this Congress, on a bipartisan basis, passed and enacted into law this fall when we passed the College Cost Reduction Act. So the Congress has gone on record as saying that the Federal Government needs to take a larger role in supporting student financial aid programs. And the President is ignoring that and, in fact, pushing us in the opposite direction. We need to push back and continue to fund those programs.

And the other is the Perkins Vocational Education program, $1.2 billion, that the President again recommends be eliminated. These are job training programs. And at a time when we are hemorrhaging jobs, and at a time when we need to remain competitive globally, to take away job training programs makes absolutely no sense.

So I am proud that the budget resolution addresses these three vital areas. I am hopeful we will be able to appropriate the moneys to keep these funds going. And I thank the chairman for his leadership on this and many other important issues.

Ms. DELAURO. I thank the gentleman from New York, and I thank him for his commitment.

You've said it well when you talk about investing in the next generation and you talk about our children being in a competitive marketplace and in a global economy. And what this budget does, as you actually stated, is it gives them the skills to compete in that competitive world. And again I thank the gentleman.

Mr. Chairman, I would like to yield now to the gentleman from Washington (Mr. BAIRD) for the purposes of engaging in a colloquy.

Mr. BAIRD. I thank the gentlelady.

One of the things I am most proud of about this budget, and I want to commend Chairman SPRATT for his work on, is his emphasis on keeping America competitive. And I want to talk about two ways it does that.

First of all, as my colleagues have mentioned, it fully funds the America COMPETES Act. It provides funding allowances to make sure that we have adequately trained teachers in science and mathematics to make sure that we have research investments.

This morning, on the 50th anniversary of the creation of the Science Committee, we heard from Bill Gates, the CEO of Microsoft. Chairman Gates spoke about the absolutely essential importance of training the next generation of scientists and engineers and of funding critical basic research in applied sciences. If we want our economies to be strong, we must invest in science. This budget provides for that.

The other side, which my colleagues have also mentioned, is career and technical education. I am proud to have cofounded the Career and Technical Education Caucus in this Congress. And I can tell you if you talk to business people throughout this country, they will tell you they desperately need trained and skilled workers. The President's budget would zero out the Perkins grant program, which provides essential resources for our career and technical education programs. Our Democratic budget restores that funding. If you or your child want a job in a highly skilled profession, career and technical education can provide that. Our budget makes sure those programs have the resources needed.

I am proud to support this budget.

Ms. DELAURO. I thank the gentleman.

And I just will reiterate that I think Mr. Gates has it right, and you have it right. It is about an innovation agenda, innovation and what our future is. We can't be stuck where we are. We need to deal with the resources that allow us to compete in a global economy, to have a competitive edge and look at the technology for the future, as well.

Mr. Chairman, I would now like to yield to the gentleman from Oregon (Mr. BLUMENAUER) for the purposes of engaging in a colloquy.

Mr. BLUMENAUER. Thank you. I appreciate the gentlelady's courtesy.

It is a little frustrating to listen to our friends repudiate the legacy of Ronald Reagan and Dick Darman who believed in the PAYGO philosophy. These people feel that they cannot balance revenue and spending, and they don't even want to try. We heard them in our committee propose adjustments that would have added over $1 trillion to the deficit.

This budget demonstrates the Democratic commitment to the environment, public health and livable communities in a fiscally sustainable fashion. This budget addresses the 7 years of cutting environmental programs and failing to address our energy needs and challenges of this country.

We reject the President's cuts to these programs and begin to reinvest in our public lands and domestic economy. This President's budget severely cuts important core environmental programs at a time when a third of our Nation's waters don't meet water quality standards and 150 million people live in areas that exceed EPA's air pollution standards. And the President's budget would provide some of the lowest levels of funding for clean water and drinking water revolving funds in their history, hurting communities' ability to meet their water infrastructure needs, which the EPA of the administration has estimated to be over a quarter of a billion dollars.

Finally, the President's budget cuts the USDA farm bill conservation programs which provide farmers with critical technical and financial assistance to reduce erosion, protect wildlife habitat and limit adverse impacts from agriculture on land and water.

Our budget rejects those cuts to natural resources environmental program. This provides 10 percent more to discretionary funding than the President's budget.

On the environment, over 5 years the chairman's mark is more than $26 billion higher than the President's budget.

This budget accommodates the legislation that the House has passed three times to increase tax incentives for renewable energy and conservation. It rejects the President's cuts to research as well as weatherization assistance for low-income families to cut down on energy bills. Instead, this bill increases funding for energy efficient and renewable energy programs and vehicle technologies that move our economies forward.

□ 1630

Ms. DELAURO. Just to conclude, I do want to say a thank you to the gentleman from Oregon. The real progress

that we can make in this budget does require the critical long-term investments in our local communities in energy and in infrastructure, in which the gentleman has been a leader, and that is all contained in this budget proposed by Chairman JOHN SPRATT. I thank the gentleman, and I urge my colleagues to vote for the Spratt budget.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to a senior member of the Budget Committee, the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, the Democrats' leadership may not want to admit that they are going to impose on our Nation's workers, on our taxpayers, on the small and mid-sized businesses of this country the largest tax increase in American history. But, regrettably, as this Democratic budget again proves, raising taxes is exactly not only what they have planned, but what they are doing in this budget, and it is important that taxpayers know what these massive tax hikes will mean to them, to you, to the American people. So, let's take a look at how this budget impacts the American people, the American family, the American taxpayer.

A family of four with $50,000 in annual income would see a tax increase of over $2,100, $2,100 by 2011, as a result of this budget. That is a tax increase of 191 percent.

Forty-eight million married couples. So listen up, if you are one of those 48 million. Chances are you are. Forty-eight million married couples will see their tax bills rise by an average of $3,000.

Twelve million single women with dependents will face a tax increase of nearly $1,100.

Eighteen million seniors, 18 million seniors, will see a tax increase of more than $2,100 by 2011.

Twenty-seven million small business owners, who are the backbone of our national economy that create the jobs, will see their taxes increase by over $4,000.

More than 6 million low-income taxpayers, yes, 6 million low-income taxpayers who previously paid no Federal income tax, because of the changes in the Tax Code due to the elimination of the 10 percent tax rate, will see a huge tax increase.

These are just a few of the examples of what this budget does. I respectfully ask Members to oppose this budget.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY), a member of the budget committee.

Mr. MCHENRY. I thank my colleague for yielding.

Last year our friends on the other side of the aisle declared that they were going to ''clean up the swamp'' and get rid of the budget and its rampant waste, fraud, and abuse. In December of 2005, Speaker PELOSI proudly said, ''The budget is a statement of national priorities and our values as a Nation.''

Well, sadly, the Democrat values represented in this budget are waste, fraud, and abuse. It is very sad. But for my district, Mr. Chairman, this budget represents an average tax increase per taxpayer of $2,631 per year. Additional loss of income in a number of studies, because rising taxes will curb economic growth, an additional loss of $1,600. This budget is harmful to American values and American families.

I asked my Democrat colleagues to justify this for me. Why must we raise taxes by this rate? And yet nothing. I would be happy to yield to my colleagues to answer that question, why rising taxes are good for the American people. I hear nothing. I am willing to yield, but they have nothing. And what for? Waste, fraud, and abuse. Rising taxes. A government that is so large, and yet nothing is done to reform.

There are thousands of ways that we can eliminate this rampant growth of government. There are 91 programs that the administration targeted for elimination; 85 of them continue to be funded. In fact, half of them had increased funding last year under this Democratic Congress.

But what else is egregious, if you look at a Treasury Department report, you will find a section called ''Unreconciled Transactions.'' Well, they account for $25 billion worth of taxpayer funding that they know it was spent, but they don't know who, what, when, where, how, or why it was spent. This is rather disturbing.

We have the opportunity to right-size government, to reform government. When the U.S. Department of Education bureaucrats in these beautiful buildings down the street here, when they have an average wage of $93,000 a year, yet our average teacher in America only makes $47,000 a year, we know these values are wrong in this Democrat budget. I asked my Democrat colleagues to justify this. Yet nothing. I hear nothing.

Mr. SPRATT. If the gentleman wants to yield, I will gladly respond to his question. The gentleman keeps throwing these rhetorical questions.

The Acting CHAIRMAN. The gentleman from North Carolina controls the time.

Mr. MCHENRY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman has 30 seconds remaining.

Mr. MCHENRY. Instead of making the government bigger, we need to right-size government and reform government. Rather, this Democrat budget represents the efficiency and effectiveness of FEMA, the customer service of the IRS, and the real thoughtful approach of our immigration policy. And they want to expand these things. We need immigration reform. We need to reform government. We need to make sure we right-size government rather than expand this and grow it, which is what this Democrat budget does.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the distinguished ranking member of the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I rise today in support of the Republican alternative budget for fiscal year 2009. Overall, the Republican budget is $95.6 billion, the Democratic budget is $94.6 billion, and the President's mark is $93.6 billion.

Our budget will provide $49.2 billion in discretionary funding for veterans health care and programs. This is $2 billion above the administration's overall request and it is $1 billion over the Democrats' budget, and we do all of this without a $683 billion tax hike.

Out of the $49.2 billion in discretionary, $44.2 billion is medical care for FY 09. The House Republicans would provide nearly $1 billion more than the President's request. Included in that: We have about $213 million for mental health care; we increase $200 million more for improving health care to rural veterans; $150 million more on long-term care; $50 million more on medical care for veterans for OEF and OIF; we have $50 million more on dental care, which we also ought to be billing the Army for providing a lot of this. We also have $50 million more than the administration for polytrauma care and for caring for veterans with brain injury, i.e., traumatic or mild.

Republicans would also provide nearly $100 million more than the administration's request for medical and prosthetic research. We also add an additional $300 million for medical facilities and nonrecurring maintenance.

Mr. Chairman, to assist in the decreasing of the claims backlog and increased cybersecurity, we increase $200 million for the Office of Information Technology. Part of this money we are investing in funding to create rules-based adjudication systems for the veterans disability compensation claims.

The alternative also includes increases over the President's level in all funding categories, including the Office of Inspector General, grants for State cemeteries and extended care facilities and the National Cemetery Administration, among others.

Now, when we look at what the Democrat budget is doing, we have got a tax increase. This tax increase would hit middle-income veterans and their families, veterans who are low-income earners, and veterans who own small businesses. However, the Republican alternative would increase spending for veterans by $1 billion more than the

Democrat budget, and we do this without increasing taxes on veterans.

I also would like everyone to note that I noticed, when I was back in my office watching the floor debate, there was a lot of waving going around of VSO letters. Well, the VSO letters, I think they would also love this Republican budget, because we increased veterans spending $1 billion more than the Democrats.

We also need to remember this: The very same Democrat majority this past year in the committee voted to cut $1 billion in veterans benefits. They did this on a party-line vote. They voted to cut $1 billion of veterans benefits, from who? From wartime disabled, elderly, and indigent veterans. So if you want to talk about who is going to stand for veterans, just go look at the vote in the House Veterans' Affairs Committee. They cut $1 billion.

Chet, that hurts. I know it is tough for you to defend. You didn't do it, and I know you will not stand for it.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair will remind all Members to address their remarks to the Chair.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to a senior Member of the Budget Committee, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise today to voice my strong opposition to this, the largest tax increase on the American family in history. The average New Jersey taxpayer under this plan will see their tax increase by over $3,700. That is the second highest increase of any State in the Union under this budget. With property taxes in my State soaring out of control and the high cost of living in New Jersey, the last thing any member from the New Jersey delegation should want to do is to drastically increase the Federal taxes on New Jersey families, as the Democrat budget now does.

What about jobs? In an independent analysis by the Heritage Foundation for the Fifth District that I represent, we will lose 2,000 jobs due to this tax increase.

So I hope that everyone who is watching this debate will pay attention very closely to see how their Member from their State will vote, because if they vote in favor of this, they will see their taxes go up by around four grand in the future.

Last week, the day this budget was passed in committee, we had one of those late nights. It began around 10:30 in the morning; it ended a little after midnight. During that time, almost 30 amendments were tried by our side of the aisle, and almost every one of them was voted ''no'' and defeated by the Democrat side of the aisle.

Now, because that debate went so late in the evening, let me recap some of those, which I think was an intriguing debate that we had. I would like to go through and highlight a number of commonsense, good government initiatives that the Democrats voted against on every one.

One, Democrats unanimously voted against totally repealing the AMT.

Two, Democrats unanimously voted against all attempts to rescue Social Security and Medicare and make these and other programs sustainable for future generations.

Third, Democrats unanimously voted against eliminating air-drop earmarks and dedicating $1 billion, that was just indicated, for veterans programs.

Democrats also remain committed, apparently, to eliminating the 10 percent bracket for low-income individuals and raising taxes on families by $500 per child and reinstating the marriage penalty and reimposing the death tax.

The Democrats also unanimously voted against protecting the Social Security surplus. Instead, what they did, they chose to raid that fund simply to pay for more of their earmarks.

Democrats also unanimously voted against strengthening PAYGO. Instead, they preserved gaping holes that allow them to scam the system with the rules that maintain the guise of fiscal responsibility.

Democrats also unanimously voted against putting the House Members on record every time they vote to increase the debt.

Even more astoundingly, Democrats unanimously voted against their own legislation, a leading Blue Dog reform bill that would have required greater transparency and accountability in the budget process. Instead, what do they do, as with so many other good things, they put this commonsense idea off to another day.

Mr. Chairman, in conclusion, I want the American people to realize and understand that the Democrat members of the committee unanimously voted against all the proposals I just mentioned. They had the chance to improve this legislation. They refused to do so. And I encourage all of my colleagues to vote against this terrible budget and the largest tax increase burden on the American family.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I would like to yield 3 minutes to the distinguished gentleman from Texas, a senior member of the Ways and Means Committee, Mr. JOHNSON.

Mr. SAM JOHNSON of Texas. Thank you, Mr. Chairman. I support the priorities of the Republican budget to control spending and keep taxes low. I commend the Budget Committee ranking member, PAUL RYAN, for putting together a budget alternative that prevents expansion of the alternative minimum tax for 3 years and then achieves repeal of this tax system in 2013.

This is a huge step in modernizing the Tax Code, and it will give Americans certainty about their tax situation. The Democrat budget only puts the AMT on a leash for 1 year before allowing it to ravage more American families.

□ 1645

Our Republican budget would also ensure that American families continue to be free of the stupidity of the marriage penalty and that families get to keep tax credits for children. Finally, our budget would continue to help make sure that investment in American capitalism and jobs will continue to thrive by allowing the tax rate on dividends and long-term capital gains to stay at the 15 percent rate.

The Democrat budget would raise taxes on my constituents by $2,669. I don't see how we can support that. We balance the budget by 2012 by putting spending under control. It's important to know that total government spending does rise every year of the American budget, but there will be a lot of people claiming that we are actually cutting spending. Only in Washington can more spending be translated as a cut.

We pick and choose programs to cut by millions of dollars, and there are spending priorities that would get more money. That's what we are paid to do here in the Capitol, set priorities for what's important to the Nation.

Republicans in our budget take on the big issue of entitlement reform. I am very disappointed that the Democrat budget fails to seriously address the pending crisis in our country's entitlement programs. Congress has been warned many times that an entitlement reform is needed now. You would think the countless reports, testimonies and letters sent to Congress would get the attention of the majority. But if you look at their budget, you will see only the real action on reforming Social Security, Medicare or Medicaid is to kick the can down the road.

The cost is roughly $14 trillion. By refusing to make the tough decisions on how to resolve the serious financial trouble these programs are facing, the Democrats have decided to leave those decisions to someone else.

Medicare and Medicaid need real reform to stop the slippery slope these programs are currently on. We cannot tweak the edges and make small changes and expect dramatic results. We need to take a look at some real success stories in Medicare and Medicaid and see how we can apply the lessons.

For example, independent actuaries again this year have announced that the projected costs for Medicare part D will be lower than expected. Beneficiaries have enjoyed premiums that are 40 percent lower than original estimates. Compare that to the fact that part B premiums have doubled in price over the last 6 years.

The Republican budget is a better proposal. I suggest you vote for it.

Mr. SPRATT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. LORETTA SANCHEZ of California) having assumed the chair, Mr. WEINER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, had come to no resolution thereon.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. SPRATT. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration in the House.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 316

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 13, 2008, or Friday, March 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, March 31, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 13, 2008, through Friday, March 28, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 31, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RYAN of Wisconsin. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the concurrent resolution will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 936 and S. 2733.

The vote was taken by electronic device, and there were—yeas 211, nays 204, not voting 14, as follows:

[Roll No. 132]

YEAS—211

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—14

Carnahan
Gutierrez
Hooley
Issa
Kennedy
Marshall
Oberstar
Rangel
Renzi
Rush
Tancredo
Udall (CO)
Woolsey
Young (AK)

□ 1715

Messrs. DOOLITTLE and KIRK changed their vote from ''yea'' to ''nay.''

Messrs. WYNN, CARDOZA, JONES of North Carolina and GENE GREEN of Texas changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING 200TH ANNIVERSARY OF GALLATIN REPORT ON ROADS AND CANALS, AND RECOGNIZING THE VAST CONTRIBUTIONS NATIONAL PLANNING EFFORTS HAVE PROVIDED

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 936, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 936, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 18, as follows:

[Roll No. 133]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—18

Becerra
Bono Mack
Courtney
Frelinghuysen
Gutierrez
Hooley
Hunter
Issa
Kennedy
Mack
Oberstar
Rangel
Renzi
Rush
Tancredo
Udall (CO)
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1723

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Resolution reaffirming the goals and ideals that formed the impetus for Albert Gallatin's national plan for transportation improvements 200 years ago, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY. Madam Speaker, on rollcall Nos. 132 and 133, I was speaking at the National Press Club on the National Neurotechnology Initiative Act. Had I been present, I would have voted "yea."

HIGHER EDUCATION EXTENSION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2733, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 2733.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 4, not voting 14, as follows:

[Roll No. 134]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)

Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—4

Doolittle
Flake
Linder
Paul

NOT VOTING—14

Davis, Tom
Gutierrez
Hooley
Issa
Oberstar
Rangel
Renzi
Roskam
Rush
Sestak
Tancredo
Udall (CO)
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1730

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Pursuant to House Resolution 1036 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution, H. Con. Res. 312.

□ 1730

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, with Ms. LORETTA SANCHEZ (Acting Chairman) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, 96 minutes of debate remained on the concurrent resolution.

The gentleman from South Carolina (Mr. SPRATT) has 49½ minutes remaining and the gentleman from Wisconsin (Mr. RYAN) has 46½ minutes remaining.

Sixty minutes remain on the subject of economic goals and policies.

Who yields time?

Mr. SPRATT. Madam Chairman, I yield 17 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD of Florida. Madam Chairman, I appreciate the gentleman, my friend, Chairman SPRATT, for yielding the time.

I rise today to speak in support of the budget resolution that Chairman SPRATT and his committee have crafted and brought to the House floor. Madam Chairman, in 2001, January of 2001, when this Republican administration came into office, and since that time, the 47-strong Blue Dog Coalition, fiscally conservative Blue Dog Coalition, has been sounding the alarm about the terrible financial management of our country's resources and financial resources, and we have been calling for fiscal sanity in terms of how we perform our duties as a government and how we pay for those duties.

Unfortunately, for the first 6 years of this administration, those calls fell on deaf ears of this Republican administration and in the Republican Congress. Since last January, a year ago, there has been a change in course in how this country, this government, this Congress does its business as it relates to managing the fiscal resources that our citizens here in the United States of America give to us to perform our community functions and our government functions.

And so we have before us today a budget resolution which meets the guiding principles that the Blue Dogs have laid out over the last 2 years in how we should manage ourselves fiscally.

And so I am extremely delighted to be here today to support the budget resolution that Chairman SPRATT brings and tell you that those guiding principles of having a balanced budget by 2012, an AMT fix that's paid for, abide by PAYGO rules, which is a very important tool, providing for the resources for the defense of our country. As a matter of fact, we used the President's defense number. All of those principles have been met in this budget, and I'm delighted to support that budget.

At this time, I would like to recognize the gentleman from Tennessee (Mr. TANNER) to address the budget resolution.

Mr. TANNER. Madam Chairman, we have seen, as Mr. BOYD pointed out, an unprecedented amount of borrowing take place since 2001. No political leadership in this country has borrowed as much money as quickly as we have seen over the last 80 months or so. That's just part of the story. Let me tell you the other part of the story.

This administration has borrowed more money from foreign sources than all 42 administrations before it put together. And apparently, some here on

the floor want to keep doing what we've been doing.

This budget resolution is like an aircraft carrier. It takes seven miles to turn an aircraft carrier. This starts the turn back toward some degree of fiscal sanity. Let me tell you what the consequences of what we have witnessed are with this foreign borrowing.

Today, because of these practices, we are borrowing. Remember, now, we are in war in Iraq and Afghanistan. We are borrowing from foreign sources $505 million a day, $21 million an hour, which means we've borrowed probably close to $80 million since we started this debate, $351,000 a minute, $5,852 a second, for a total a year of $182 billion a year that everybody around the world is letting us have so that we can maintain, as some would suggest, our standard of living.

All of you know that when you degrade your financial base to the extent that we have and that we are continuing to do unless we begin to change courses, as this budget does, this country is going to wind up in the trash bin of history. No country can continue to do this. You would be interested to know that we owe China almost half a billion dollars. We owe Mexico $35 billion. We owe Taiwan $38 billion. Maybe Taiwan will give us a loan so we can defend them against China if that ever occurs. We owe Switzerland $39 billion, Japan over a half a trillion, the UK, Brazil, Caribbean Banking. We owe Luxembourg $70 billion, and it's going up every day to the tune of $500 million a year.

This budget starts to turn back toward some degree of fiscal sanity. Everybody in this country knows we can't continue to do what these people want to continue to do without bankrupting ourselves and our children.

Mr. BOYD of Florida. Madam Chairman, I thank the gentleman from Tennessee. He's been a leader on this issue for a long time and the leader of the Blue Dogs.

And at this time, I would like to recognize another one of our leaders from Arkansas (Mr. ROSS).

Mr. ROSS. Madam Chairman, earlier today my Blue Dog colleagues and I stood together to offer our official endorsement of Chairman SPRATT's budget because it is clear that we share the common goal of eliminating wasteful government spending, adhering to strict PAYGO principles, and finally addressing the long-term fiscal challenges facing this country. Not only does this budget resolution begin to address our long-term fiscal challenges, it also includes measures that crack down on wasteful government spending so that no tax dollar is wasted.

This budget continues to take steps to reverse the reckless fiscal policies of the past 7 years of Republican rule by incorporating strict PAYGO rules. It does this in two ways: First, it provides for fiscally responsible tax relief for 23 million middle-income Americans by including a fully offset fix to the alternative minimum tax; second, Chairman SPRATT's budget resolution includes a commitment to the extension of the same statutory PAYGO requirements which proved instrumental in turning the large deficits of the early 1990s under a Republican into record-budget surpluses under a Democrat for the first time in over 40 years.

The Blue Dogs are committed to addressing the serious long-term fiscal challenges facing the United States, and we should confront these challenges earlier rather than later so that we do not pass the burden of unmanageable debt on to our children and grandchildren.

This administration, this Republican administration, has borrowed more money from foreigners in the past 7 years than the previous 42 Presidents combined. It is time to restore common sense and fiscal discipline and accountability to our government. That's what this budget resolution does, and I'm pleased to stand and speak in support of it.

Mr. BOYD of Florida. Madam Chairman, it's my privilege to recognize at this time one of what we call our ''Blue Puppies,'' the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Madam Chairman, I rise today to enter into this colloquy with Mr. BOYD to express my support for the House budget resolution for fiscal year 2009. A budget is a reflection of our national priorities. For far too long, the administration's priorities have been misplaced. In fact, the budget submitted by the President earlier this year makes cuts to Medicaid, Medicare, and the environment. In addition, it taxes our veterans by requiring them to pay new fees for health care.

As a result of this administration's misplaced priorities, the $5.6 trillion projected 10-year surplus that they have inherited has been squandered. As a result, our children and grandchildren are confronted with the challenge of paying back a $9.3 trillion debt.

This budget before us today, however, is a good budget for Florida and the Nation. The House budget protects our homeland by rejecting the President's cuts to first responder programs, reinstates funding for the COPS program, and that will put 247 more police on the street in Florida. This budget helps Florida's kids. It provides substantially more money for schools and education than the President's budget. It will allow our schools to hire the highly skilled teachers that over 25,000 Florida children need desperately to help them grow up and compete in the global economy. It rejects the President's irresponsible new fees that he wants to put on the backs of our veterans. It increases health care funding to allow our Veterans Administration to treat the 5.8 million more patients, including 333,000 from the Iraq and Afghanistan wars.

I support this budget because it is fiscally responsible, it balances the budget by 2012, and it adheres to all of the PAYGO rules. Finally, I support this budget because it protects the most vulnerable among us: our Nation's seniors. Specifically, the budget resolution improves support of housing for the elderly.

I would like to thank Chairman SPRATT for working with me to ensure that the Section 202 Housing for the Elderly program is adequately funded. I urge my colleagues to support this bill.

Mr. BOYD of Florida. Madam Chairman, I thank the gentleman from Florida (Mr. MAHONEY). He's been a great leader, and he's been successful before he got here, and he's going to be a successful Member of Congress.

I will call at this time on really the fiscal conscience of this House of Representatives, the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Madam Chairman, I'm happy to support this budget. One of the reasons is the extraordinary leadership of the chairman of the House Budget Committee, JOHN SPRATT from South Carolina. A true gentleman, a man of wisdom, he has done the difficult work of pulling a very diverse caucus together, and we appreciate his listening to Blue Dog concerns.

We are proud of our role as Blue Dogs as having pulled the Democratic Caucus towards the middle. That's a good thing and help make the Democratic Party the party of fiscal responsibility in America.

People who know me know that I am not a very partisan person. I admire greatly the ranking member, Mr. RYAN. I think he has done a great job in his conference of pulling the many diverse elements together. It is a tough job. My primary concern is actually the long-term, reforming entitlement programs. Sadly, there's very little of that in either of the budgets. There needs to be a lot more.

I'm championing a bill right now called H.R. 3654, the Cooper-Wolf bill, and I appreciate very much Chairman SPRATT allowing us to have hearings on that measure. I'm hoping those hearings will allow this Congress to focus attention on the need to have an expert bipartisan commission that will advise the new President, because problems of this dimension will take Presidential leadership to help work on making sure that Medicare and Social Security and Medicaid are solvent for the next generation.

So I'm excited about the prospect of those hearings. I think it is a real opportunity for this Congress to take a long-term view and to make sure that the next President is successful in addressing these problems. My friend

from Wisconsin knows the dimension of these things. These are not easily tackled, but they can and must be addressed in a prompt fashion.

So I think that slowly but surely we are turning the ship of state here in the right direction. The statistics that my colleague from Tennessee mentioned about President George W. Bush having borrowed more money from foreign nations than every previous President in American history, that's an amazing thing. That's George Washington through Bill Clinton. To have borrowed more money from foreigners, all of them put together, is truly an astonishing fact.

□ 1745

We've got to change the course of this Nation. The American people are demanding change. I'm hoping that we'll get change in this election. And this budget is one way to start demonstrating that change.

I thank my friend from Florida for yielding and for his important work in leading the Blue Dog Coalition in this Congress.

Mr. BOYD of Florida. I thank the gentleman from Tennessee.

May I inquire of the Chair how much time we have left.

The Acting CHAIRMAN. The gentleman from Florida has 3½ minutes left.

Mr. BOYD of Florida. Let me simply close, Madam Chairman, by saying that there is always a lot of rhetoric and accusations flying around at budget time in the House of Representatives, and you will hear much talk about this budget raising taxes. Let me tell you, this budget does not raise taxes. The independent, nonpartisan groups outside of this body say that. Listen to them. They certainly would come at this in an objective manner.

What this budget does do is it sticks to the principles that the Blue Dogs have laid out. It adheres strictly to the PAYGO principle, a principle that helped us get the Federal Government budget back in balance in the nineties that this Congress in 2002 allowed to expire, the PAYGO principle.

This budget also provides for a fully offset AMT fix, fully offset. What does that mean? It's paid for. You either find spending cuts or other revenue sources to do it.

This budget also provides for adequate defense funding. One of the things that we said is let's not have the debate in this budget about the war. We know what the policy is now of this administration; let's provide the funds for our troops overseas and not have that debate here. This budget does that.

And most importantly, Madam Chairman, it provides a glide path for balance, gets this Nation's fiscal issues back into balance by 2012.

If I could, Madam Chairman, the gentlelady from South Dakota (Ms. HERSETH SANDLIN) has just arrived and I would like to yield to her.

Ms. HERSETH SANDLIN. I thank the gentleman. And I thank Chairman SPRATT and Mr. BOYD for their leadership on the Budget Committee in fashioning a budget resolution for fiscal year 2009 that is putting our fiscal condition on a course toward far better health than we've seen in the first 6 years of the Bush administration and the continued proposals that we've seen from the administration in the substantial cuts, but also the imbalance that we've been experiencing and adding to the national debt.

I am proud, as a member of the Blue Dog Coalition, to support this resolution because of so many of the core principles of our organization and fiscal responsibility that Mr. BOYD and Mr. COOPER and others have identified here in our endorsement, our strong and enthusiastic endorsement of this budget resolution that will bring us to balance by 2012, that will include in reconciliation instructions in light of what happened to us last year, the full offsets to pay for alternative minimum tax relief for middle-class families across the country, and that also maintains the principle of PAYGO, but also recognizes the importance of a strong national defense in accepting the President's number, as well as increasing the amount of money we are spending on veterans health care, because ongoing costs of national security include taking care of our Nation's fighting men and women.

I applaud Chairman SPRATT for his great work and encourage my colleagues to support this important budget resolution.

Mr. RYAN of Wisconsin. Madam Chairman, I yield myself 2 minutes, 2 minutes to say, ''wow.'' We just heard from the sort of self-proclaimed fiscal conservative wing of the Democratic Party talking about, while it's wrong to increase debt, it's bad to send this to future generations, and then to have all of them come here and say how great it is that they're spending so much more money on all these new programs in their budget.

We've also heard another claim, that there are no tax increases in this budget. Well, I've got the budget right here. The budget is a series of numbers, and the numbers are crystal clear. The numbers raise taxes.

We heard from two gentlemen from Florida, two gentlemen from Tennessee and the gentlelady from South Dakota. The average annual tax increase on the average taxpayer in Arkansas is $2,462 per year. The average tax increase for the taxpayer under this budget in Florida is $3,040. The average annual tax increase for the average taxpayer in South Dakota is $2,596. And the average tax increase for the average taxpayer in Tennessee is $2,611.

Now there is this thing at the end of this budget resolution in section 5, and it's a policy title. And it says, basically, we don't want to raise these taxes, we hope not to do it, but this resolution, Madam Chairman, is worth no more than the paper it's printed on. It's simply a sense of the Congress resolution. It's the legislative equivalent of passing a bill and saying, ''Have a nice day.''

This budget unequivocally, extremely clearly, relies on, depends on the largest tax increase in American history. Repealing the marriage tax penalty relief, raising income tax rates across the board, cutting in half the marriage tax penalty, bringing back the death tax in full force, raising the dividends in the capital gains tax. Real taxpayers paying really high taxes, about $3,000 on average: $2,400 in Arkansas, $3,000 in Florida, $2,600 in South Dakota, $2,600 in Tennessee. That's real money.

With that, Madam Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana, the ranking member of the Ways and Means Committee, Mr. MCCRERY.

Mr. MCCRERY. Madam Chairman, the speakers from the majority side for the last 15 minutes or so are among the Members of the House that I have the most respect for, Mr. COOPER, Mr. TANNER, Mr. BOYD. I have watched them over the last few years show courage when it comes to fiscal discipline, when it comes to entitlement reform and suggesting a need for entitlement reform. So it was with some surprise that I heard them today endorse the majority's budget as crafted by the majority on the Budget Committee.

And the reason I say I was somewhat surprised is that I believe those gentlemen over the years have talked about the need to constrain spending at the Federal level, to restrain spending. That's the whole point of talking about entitlement reform. They know that the entitlement programs, Social Security, Medicare, Medicaid, are unsustainable as currently structured. And with some courage, they have talked over the last few years about the need to tackle those problems and get this spending under control.

And so when my friend, Mr. TANNER, talked about turning this ship, and it takes so many miles and so long to turn a ship and this budget starts the turn and that's a great thing, well, the minority budget does the same thing. It starts to turn that ship in the right direction, also, toward a balanced budget. The difference is the majority's budget turns that ship with the energy source of higher taxes, whereas our ship, the minority ship, is being turned with the energy source of restrained spending.

So I hope, Madam Chairman, that my good friends, for whom I have much respect, will see the light before the vote comes and join us in supporting a budget that does what they want to do, that

gets the ship of state turned in the right direction, but does it through what they have advocated very soundly over the last few years, which is spending restraint, not increases in taxes.

Mr. RYAN of Wisconsin. Madam Chairman, at this time, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, we are now in year two of the Democrat majority. For the second year in a row they're proposing a budget that calls for the largest tax increase in American history, $683 billion significantly more than last year's budget. For our constituents, this means eliminating the lower marginal tax rates, a new penalty on marriage, a lower child tax credit, and new taxes on investment and retirement savings.

In California, taxpayers can look forward to an additional $3,331 in taxes. Meanwhile, anticipating a tax hike, our Nation's employers would think twice before hiring that next worker or investing in new infrastructure. Madam Chairman, we need permanent tax relief, not higher taxes. What's more, this Democrat budget fails to address the long-term solvency of Social Security and Medicare.

Every year we do nothing, as prescribed in the budget before us, our future debt goes up by another $2 trillion. Without reform, our three largest entitlement programs will keep growing until they crowd out everything else in the Federal budget, from national defense to transportation, to assistance for the poor. Ignoring the problem will not make it go away.

I urge my colleagues to vote ''no'' on this budget and support our more responsible Republican alternative.

Mr. RYAN of Wisconsin. Madam Chairman, at this time, I yield 2 minutes to a senior member of the Ways and Means Committee, the ranking member of the Health Subcommittee, Mr. CAMP from Michigan.

Mr. CAMP of Michigan. I thank the gentleman for yielding.

Under the budget resolution put forth by the majority, every American should be aware that their wallets are going to get a lot lighter. As the economy softens and we lose jobs, the Democrat budget resolution prescribes an overpowering combination of tax hikes and wasteful spending that will have our economy reeling.

The one positive thing I will say about this budget resolution is that it provides Americans with an excellent glimpse into the future under a Democrat majority; more spending, more taxes, and more of Washington telling you what to do.

The majority has written a budget blueprint that imposes a massive, unheard of $3.9 trillion tax hike that will cause the average American household to pay $3,000 extra in Federal taxes next year. Washington doesn't need this money. Washington doesn't need to spend an extra $3.9 trillion of the American people's money on redundant wasteful government programs.

The bureaucracy is far from being starved of revenue. Especially under these economic circumstances, it is wrong for this House, for this Congress, for this government to raise taxes.

Under the Democrats' budget resolution Washington spending will increase because 44 million children will no longer qualify for the $1,000 child tax credit. It will increase because American couples will be hit by the marriage penalty.

Don't believe these taxes will just be on the rich. Under this budget, low-income Americans will be forced into a higher tax bracket. Worse yet, Federal spending will increase because Americans will no longer be able to pass on a lifetime of dedication, devotion and hard work to the next generation. Instead, Uncle Sam will reap a whopping 55 percent death tax. Taxing the living isn't enough for the Democrats; under this budget resolution, they even go after the dearly departed.

We should be cutting spending to balance our budget, not raising taxes. With rising food prices, energy costs, health care spending and other everyday bills going up, this is no time for Congress to ask Americans to pay more and make do with less.

I urge my colleagues to reject this massive tax hike and vote ''no'' on the budget resolution.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I yield 2 minutes to the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman from Wisconsin, who is doing a wonderful job presenting this today on the budget.

Mr. Chairman, it was about this time last year that we came to the House floor, I was a brand new freshman, and I have to say my jaw dropped when I looked at the budget proposal. Being a mom of five kids, 23 foster kids, just an average family, we know what it is to balance a budget just in our own home. And I saw the Democrats lay out their budget proposal which was the largest tax increase in American history.

And here we are, it's deja vu all over again because we see the Democrats are now having a tax increase that's even higher than last year, $683 billion. It's hard to count that high, Mr. Chairman, $683 billion in tax increases, hitting Americans at the most inauspicious time when we're in an uncertain economy, when families clearly across the Nation are paying more for health care, for education, certainly for gas, certainly for groceries.

□ 1800

And in Minnesota in particular, this means an average individual tax increase of $3,088.

Yes, Minnesotans, this means an average tax increase for you of $3,088. I know you have many other places where you could use $3,088.

And it's an average loss in income for people in my district, Mr. Chairman, of $1,609.

Unfortunately, it gets worse. It means over 2,665 fewer jobs for people in Minnesota, $292 million less in our local economy.

Those are real people's lives that are impacted by those figures. They aren't just numbers. They're real people's lives. And it's pain and it's suffering that this Congress does not have to deliver to normal average American taxpayers. In total, this budget increases our Federal tax burden, unbelievably, from 18 percent of GDP to over 20 percent of GDP in 2013.

Mr. RYAN of Wisconsin. I thank the gentlewoman for her comments.

At this time, Mr. Chairman, I would like to yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in support of fiscal responsibility, and, therefore, conscience demands that I rise in opposition to the budget of the liberal Democratic majority in Congress.

The American people deserve to know. We have a $9.3 trillion national debt. They also deserve to know that there are some $53 trillion in unfunded obligations that this government has committed to in Social Security, Medicare, and Medicaid that our children and grandchildren will have to find some way to resolve and to fund. Frankly, if this government was a business back in Indiana, we'd have to file bankruptcy.

Now, tomorrow Republicans will offer a budget to deal with this fiscal crisis at the national level that's based on spending restraint, entitlement reform. It balances the Federal budget without taxes and without earmarks.

But the answer from the Democrat majority in Congress: The largest budget in American history, $3.1 trillion. The largest 1-year increase in public debt in American history, some $646 billion. More earmarks, higher taxes, and nothing to reform the entitlement spending that threatens the vitality of our economy and the very future of our children and grandchildren.

In 2006, the American people voted for change in Washington, D.C., but they weren't referring to what would be left in their pockets after the Democrats took control. We must balance the Federal budget with fiscal discipline and reform, not with more spending and more taxes. We must reject the policies of the new liberal Democrat majority in Congress and reject this budget.

I urge my colleagues to vote for fiscal discipline and reform and join me in voting against the budget priorities of the liberal Democrat majority in Congress.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I would like to yield 2 minutes to the distinguished ranking member of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the ranking member for yielding me this time.

Mr. Chairman, I rise today in opposition to this bloated budget resolution.

Facing a slowing economy and an increased cost of living, Americans have to tighten their belts and carefully budget their hard-earned money. It's time the Federal Government did the same.

Instead, the budget proposed by the majority exceeds the President's spending levels by $276 billion over 5 years. This budget increases discretionary spending and fails to touch entitlement reform.

To pay for the massive spending increases, the bill passes the cost on to lower and middle class American taxpayers. This budget resolution calls for the largest tax increase in American history, $683 billion over the next 5 years, which means 116 million taxpayers will face an average tax hike of more than $1,800. Worst of all, it raises the debt by $646 billion.

Mr. Chairman, Washington has a spending problem, not a revenue problem. This budget makes no attempt to rein in wasteful government spending or balance our Federal budget. I believe it should be the highest priority in this House to balance the budget, which is why, on the first day of this Congress, I introduced House Joint Resolution 1, a constitutional amendment to require that the Federal budget be balanced, with 160 bipartisan cosponsors.

When families across the country are preparing their budget, they know that they can't spend more than they take in. It's a simple concept but one that Congress has not adhered to for far too long. We must balance the budget and cut the national debt, not by raising taxes but by being good stewards of taxpayer money.

Mr. Chairman, I urge my colleagues to join me in rejecting this fiscally irresponsible budget and rein in wasteful spending.

Mr. RYAN of Wisconsin. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 17 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

Mr. Chairman, I'd first like to begin by sincerely congratulating the chairman of the committee and the ranking member from Wisconsin for, I think, a very thoughtful and substantive approach to a very serious set of problems. I think that the tone and quality of the debate on the House floor this afternoon has served the country well and has served the institution well, and it is entirely owing to the leadership of the chairman and ranking member and the men and women who serve the Members' committee so well, and I appreciate that.

I strongly support the gentleman from South Carolina's (Mr. SPRATT) budget. I think it's the right thing for the country based upon an analysis of facts, choices, and consequences. The most important factual reason that the gentleman from South Carolina's (Mr. SPRATT) budget benefits and strengthens families in our country is it operates on the principle that American families operate under, which is you can't live on borrowed money forever. You can't run your credit card up forever and hope that you win the lottery someday to get yourself out of that mess. The gentleman from South Carolina's (Mr. SPRATT) budget, just as American families do across this country, recognizes the reality that you have to make choices.

Now, the other fact that I think is very important that Members realize is that this budget does not have a tax increase for anyone this year or anyone next year or anyone last year. One of our friends on the other side, Mr. Chairman, said that this was deja vu, this budget. She was exactly right because most of us were here almost exactly a year ago and heard a ritualistic incantation from the minority side that this was the largest tax increase in American history, the largest tax increase in the history of the world, the largest tax increase in the history of the universe, the largest tax increase in whatever's larger than the universe.

Mr. Chairman, I'd just invite the people of this country to evaluate the validity of that claim. When they sit down and fill out their tax return this year, they should ask themselves the question, did my income tax rates go up? No, they didn't. Did the capital gains tax rates go up? No, they didn't. Did the excise taxes go up? No, they didn't. And the same answer would be true for this year and the year after that.

Now, I am sure, Mr. Chairman, that people listen to this debate and they say, how can this be that the Democrats get up and say there are no tax increases in this budget and the Republicans get up and say it's the largest tax increase in the history of civilization or whatever the latest version of it is? Here's the answer:

In 2010 the tax cuts enacted earlier in this decade expire, and the Congress will have to make a choice. Until then, there is no tax raised on anyone for anything. When that day occurs, this budget contemplates that we will do what families across the country do and make an intelligent decision. If the economy bounces back and grows, there's a very good chance there will be plenty of revenue to renew all of those tax cuts. If it doesn't, then the Congress has the choice of reducing spending in given areas to finance tax cuts for all or some of the people who would be affected.

But what we will not do is what the erstwhile majority elevated to an art form during its reign, which is to borrow the money to pay the bills. We won't indebt the children of this country to the People's Republic of China and our other creditors because we don't have the discipline to make a decision here.

There's a big choice. Our budget believes that the economy grows and American families prosper by stopping the practice of borrowing money to run the government, by investing in the education and health care and development of our people, and by expanding economic opportunity. We believe that works.

The other side, with great sincerity, believes that massive tax breaks for the wealthiest people will trickle down to the rest of us and that will work.

This is the big choice we have to make, but there is a record for this choice. We do not have to make this choice in the empty vacuum of political theory. You see, because we tried their way for 6 years when they had control of both Chambers and the White House, and our strategy of stopping the practice of borrowing money, investing in people, expanding economic opportunity is what we tried for most of the 1990s, and there's a record. They created some jobs through their strategy. But for every one job they created, we created five. There was some economic growth under their strategy, but for every dollar of economic growth they created or facilitated, we created a dollar and a half.

What was the impact of their strategy on the American families that this budget supports? Well, over a 6-year period, the purchasing power of a typical middle class American family shrunk by $1,100. During the years in which our strategy was the policy of this country, the purchasing power of a middle class family increased by $6,000.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield briefly to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Isn't it the case that the Republicans controlled Congress from 1995 on?

Mr. ANDREWS. Yes.

Reclaiming my time, it's also the case that every single Republican there in 1993 voted against the plan that put that into effect and, therefore, they have no ownership.

So I would say the record is very, very clear, that I think our friend from Wisconsin and his fellow colleagues on the committee are very well intentioned about the policy they followed to help American families. I just think they're wrong, and I think the record shows that they're wrong.

Now, what are some of the consequences in this budget between their way and our way? Well, one of them is the issue of middle class tax cuts. Now, they are going to say that all these middle class taxes are going to go up.

Here's the reality: The budget contains what we call a reserve fund for the purpose of financing middle class tax cuts. And, again, when we reach that point, we will make a decision as to how best to preserve those, either based upon growth in the economy, which we certainly hope will occur, in offsets in spending, which we are prepared to make, or in other sources of revenue which we have brought to this floor before.

□ 1815

Look at the issue of children's health care. Last year, we attempted to provide health insurance for 5 million additional children. These are the children of people that work in convenience stores, gas stations and retail stores. These are very hardworking people who are struggling to get ahead. And there is a program that has worked very well since 1997 to help those families and their children. Now, we wanted to expand that coverage to 5 million more children, and we paid for it. A great number of Members on their side voted for this, and a great number of Members of the other body on their side voted for this, but not quite enough, because we ran into a Presidential veto, and we couldn't quite override it here.

Our budget will do the same thing. It will say let's find health insurance for 5 million more children who do not have it, and let's pay for it. Let's not pay for it by borrowed money.

For those who are trying to live by collecting child support enforcement, there are more resources for it. For those women who are pregnant or have small children and want to promote their well-being, there is more money for it. For Americans struggling to deal with getting by and paying the grocery bills on food stamps, there is more resources for this. Public health issues, whether it is the spread of disease or the prevention of disease, there is more resources for this, as well.

This budget proceeds on the powerful principle on which American families proceed. Don't try to survive on borrowed money forever. It puts us in position to make difficult and sometimes unpopular choices. It does not raise taxes on anyone in the fiscal year that is in front of us, and it makes investments in the strategy for economic growth that has worked in the past and we believe will work again.

I know that the gentlelady from Massachusetts (Ms. TSONGAS) who is new to the institution, but in no way new to serving her constituents, has a special concern about block grants. I would like to encourage her to engage in a colloquy at this time.

Ms. TSONGAS. I would like to thank the gentleman from New Jersey.

Like my colleagues, I was disappointed that the President's budget made such a poor investment in the health of our Nation's cities and communities at a time when strong action is necessary to stave off economic ruin for many hardworking Americans. Our cities are our Nation's economic engines, providing vital infrastructure, the foundation for an educated workforce, and for the health of our communities.

For any of us who represents a city of any size, we know what a challenge it is, and yet how important it is that the Federal Government be a strategic partner with them. When I asked leaders in the cities of my district how the Federal Government could best help, the answer was unhesitating and unequivocal: Community Development Block Grant funding. CDBG funding has improved the quality of life in the cities of the Merrimack Valley in my district and in thousands of other cities across the country by helping to improve parks, add green space, and create affordable housing.

In Lowell, CDBG funds were used to reclaim a contaminated site creating the potential to attract new companies to employ city residents. And they are not alone in putting these funds to such good use. Most recently, the City of Lawrence suffered a devastating fire which destroyed businesses and homes downtown. CDBG funding has been critical for razing and rebuilding these destroyed properties.

If CDBG funding is not adequately in place, communities like this, faced with disaster, would have few alternatives to help finance their recovery effort, not to mention the loss of support for vital housing and community and economic development activities that States and local governments have come to rely on.

I would like to confirm with the gentleman from New Jersey that the budget resolution before us today thankfully rejects the President's cuts to the grant programs that have proven so critical to helping our communities and provide additional funding for CBDG and other economic development and affordable housing priorities.

I would also like to confirm that the budget before us today rejects the President's proposal to eliminate the Social Services Block Grant. Cities in my district rely on social service and community service grants to carry out programs ranging from parenting classes and consumer and tax counseling to child enrichment and adult literacy classes. Without these funds, critical elements of our social safety net will be lost exactly when American families need them most.

I thank the gentleman for engaging in a colloquy and for presenting us with a budget that makes both a moral statement about our priorities and a reality-driven investment in the continued growth and vitality of our communities.

Mr. SPRATT. I can assure the gentlelady that the programs that are of concern to her from the Community Development Block Grant, the Social Services Block Grant and the Community Services Block Grant are all accommodated in this budget resolution, and we definitely oppose certainly the repeal of the Social Services Block Grant.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MOORE of Wisconsin) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3773, FISA AMENDMENTS ACT OF 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–549) on the resolution (H. Res. 1041) providing for the consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1036 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution, H. Con. Res. 312.

□ 1822

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008,

establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, with Mr. ALTMIRE (Acting Chairman) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from South Carolina (Mr. SPRATT) had 23 minutes remaining and the gentleman from Wisconsin (Mr. RYAN) had 32½ minutes remaining.

Mr. SPRATT. Could the Chair please inform us of the time allotted to the gentleman from New Jersey (Mr. ANDREWS), how much remains available.

The Acting CHAIRMAN. The gentleman from New Jersey has 4½ minutes remaining.

Mr. SPRATT. I yield to the gentleman the balance of his time.

Mr. ANDREWS. At this time I am pleased to yield to the gentlewoman who has been a leader on child support efforts for purpose of a colloquy, the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I thank the gentleman from New Jersey.

The Democratic budget resolution is a lifeline to families during this economic downturn. One aspect of the chairman's mark before us calls on Congress to restore the harmful cuts made to the Child Support Enforcement program, and as a result of the only bipartisan amendment brought forth by the ranking member and me, it restores the ability of States to pass along every cent of child support collected to families rather than nickeling and diming them out of this child support to make repayments to government bureaucracies.

Since we have demanded that parents move off welfare and take financial responsibility for their families, child support has become the premier safety net for children. Therefore, Congress should make every effort to ensure that child support is collected and that all of it goes to families.

The Child Support Enforcement program collected more than $24 billion for 17 million children participating in the program in 2006. The Child Support Enforcement program doubled its collection rate in the past 10 years and is consistently among the Office of Management and Budget's top-rated government programs. Why? Because research has shown that it is a very cost-effective program, that for every $1 spent on child support enforcement, $6.50 of child support is collected.

With this budget resolution, which restores the Child Support Enforcement cuts, the Congressional Budget Office estimates that $11 billion in child support payments would go uncollected over the next 10 years, even if States backfilled half of the lost Federal funds.

Additionally, Child Support Enforcement supports domestic violence services and initiatives to help fathers work, support their children and stay out of prison. Families need their child support payments to pay for their children's basic needs because children represent a disproportionate share of the poor in the United States. While they are only 25 percent of the population, they represent 35 percent of the poor. Loss of child support income could not come at a worse time for families. Their ability to make ends meet has already been battered by unemployment, rising gas and home energy costs and rising food costs.

Mr. RYAN of Wisconsin. If the gentleman would yield, I simply wanted to chime in and compliment the gentlelady as well, my friend from Wisconsin. She and I coauthored an amendment to this budget resolution on this issue.

It makes no sense for child support payments not to go to the children. That is unfortunately what is happening today. And I would very much like to work with the gentlelady and anybody who is interested in coming up with the offsets in the Ways and Means Committee, from which this jurisdiction derives, to find a way to fix this problem. I think this is an area that has wide bipartisan support. And this is one of those areas where I surely would like to think we can come up with the savings to fix this injustice.

I appreciate the gentleman yielding.

Mr. SPRATT. That was one amendment that was agreed to in the markup, and I think it would behoove us all, the gentlelady particularly, if we get together and see if we couldn't move the legislation. That would be great.

Mr. ANDREWS. I thank the gentlelady for her contribution.

Ms. MOORE of Wisconsin. And I thank the ranking member, the chairman and all of the members of the Budget Committee for looking at this very serious issue.

Mr. ANDREWS. At this time I would like to engage in colloquy the gentlelady from New Hampshire who has seen firsthand the ravages of neglect of people out in the community when you don't fund important programs, and I know she supports this budget because it does, Ms. SHEA-PORTER.

Ms. SHEA-PORTER. Thank you for the time, and I thank Chairman SPRATT and the Budget Committee for producing a fair and responsible budget, a moral document that is fiscally responsible.

Mr. Chairman, I have been deeply concerned about the President's proposed cuts to the Low-Income Home Energy Assistance Program known as LIHEAP. LIHEAP provides critical assistance to millions of families in America. Every winter, tens of thousands of families in New Hampshire rely on this program to heat their homes. Over 40,000 members each year for the past 2 years have applied to the fuel assistance program for help with heating bills. This winter, the average cost of heating a home with heating oil is expected to climb to over $2,000 per family, more than three times the $627 that it cost just 6 years ago. But LIHEAP has not failed to keep pace with the dramatic cost. It has actually dropped.

The Acting CHAIRMAN. The gentleman from New Jersey's time has expired.

The gentleman from South Carolina has 18½ minutes remaining.

Mr. SPRATT. Does the gentlewoman require further time?

Ms. SHEA-PORTER. Yes.

Mr. SPRATT. I yield to the gentlewoman 1 additional minute.

Ms. SHEA-PORTER. For fiscal year 2009, the President proposed just $2 billion for LIHEAP, a $570 million painful cut from what Congress provided for 2008. This irresponsible cut could force New Hampshire to lose over $2.5 million in funding next year.

I applaud the committee for rejecting these proposed cuts and for increasing funding for LIHEAP and other programs that will help the middle-income and lower-income families in New Hampshire and across the country. And I thank you.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to how much time remains between the two sides.

The Acting CHAIRMAN. The gentleman from South Carolina has 17½ minutes remaining. The gentleman from Wisconsin has 32½ minutes remaining.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I would like to yield 6 minutes to the gentleman from Texas (Mr. HENSARLING), a senior member of the Budget Committee.

□ 1830

Mr. HENSARLING. I thank the ranking member for yielding, and I am sorry that my friend from New Jersey has apparently left the floor. No, I see him there. We had the occasion to debate this budget earlier today. I believe that he just said every Republican voted against OBRA in 1993 and that is what unleashed economic growth, but if I did my homework correctly, I think the gentleman from New Jersey voted against it as well. I would be happy to yield to the gentleman if I was incorrect in my assertion.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I mostly certainly did, and I am about to say something that I think the chairman can confirm we very rarely hear around here. I was

wrong. You see, I thought what you guys now think. I thought that an increase in the top marginal rates would, as the former Speaker at the time said, cause a recession in the country, and the evidence showed it didn't happen. And I am willing to admit that that is a vote I should have cast the other way, and I was wrong to do it, and so were all your guys.

Mr. RYAN of Wisconsin. If the gentleman would yield, it is also interesting that after that tax increase, from that tax bracket, the Federal Government actually brought in less money under those higher tax rates.

Mr. HENSARLING. Well, I thank the gentleman once again for yielding.

There is a big question again about tax increases, and I have heard many of my friends on the other side of the aisle argue that there is no tax increase included in their budget; yet, Mr. Chairman, they claim that they are going to balance the budget in 2012. Well, the only way they can do that is by capturing all these tax revenues.

Now, some of them use very clever Washington language. They say, well, we are not raising taxes on working men and women in America. We are just letting tax relief expire.

Well, that is a very fine distinction that is lost upon the working men and women of America. I mean, there is this odd quirk in Washington that somehow spending is forever and it grows exponentially at the expense of the family budget, and yet tax relief somehow is temporary.

The bottom line is that very soon, within two budget years, there is going to be a massive tax increase upon the American people. There will be, again, the largest single tax increase in American history. Now, we were just talking about the earlier record when the Democrats were in control of Congress of $241 billion. The tax increase they are proposing now will dwarf that, $683 billion, the largest tax increase in American history.

Again, they want to claim credit for balancing the budget, and I certainly salute their goal. The Republican budget, it balances the budget without tax increases. But if you look and actually read the numbers, and ultimately the numbers are the only thing you can count on in a budget, well, Mr. Chairman, this is their budget right here. That is them taking in all of these tax increases. That is how they claim to balance the budget. So, again, there is going to be huge, massive tax increases, scheduled, automatic tax increases. The Republican budget prevents those tax increases from coming into fruition.

Now, I have heard our chairman, and I have the greatest amount of respect for the chairman, say on many occasions, well, you know, this is the way the law was written. But, Mr. Chairman, if I did my homework correctly, there have been at least 21 different occasions over the last 5 years to make sure that these automatic tax increases on hardworking American people didn't take place. And as I look at the voting record, the overwhelming majority of Democrats voted to make sure that these tax increases do take place, so I am sure they don't want to admit to the American people that they are raising taxes. But they are.

So, Mr. Chairman, what is going to happen? Well, let me tell you what is going to happen under this Democrat budget.

Number one, 116 million taxpayers will see an average tax increase of more than $1,800 per year.

More than 6 million low-income individuals and couples who currently pay no taxes, no taxes, will no longer be exempt and will have to start paying income taxes.

A family of four earning $50,000 will see their taxes increase by $2,100.

Low-income families with one or two children will no longer be eligible for the refundable child tax credit in 2011.

Tax bills for an estimated 27 million small business owners will increase by more than $4,000 each.

Mr. Chairman, I was a small businessman before I came to Congress, and let me tell you, excess taxation prevents small businesses from creating jobs. A job is the greatest housing program, nutritional program, and educational program in the history of mankind. It is a paycheck, not a welfare check. Yet the Democrat tax increase is a dagger aimed at the heart of small business throughout our Nation.

The capital gains tax is going to go up 33 percent, the capital of capitalism. If you want to be able to have job growth, you have to have capital. Taxes on dividends go up 164 percent under their plan.

Mr. Chairman, the death tax, that is a tax that is immoral. It ought to be illegal. It goes away, and under this Democrat budget, it comes back as high as 55 percent.

The child tax credit is cut in half. The lowest tax bracket is increased 50 percent.

These are just the tax increases that have been passed into law. How about the others that the Democrats attempted to pass? H.R. 6 attempted to increase taxes $7.7 billion. H.R. 976 attempted to raise taxes $1.4 billion; H.R. 3963 tried to raise taxes $71.5 billion.

Now we have Chairman RANGEL of the Ways and Means Committee wanting to raise taxes trillions of dollars in the years to come for the AMT. We have a 50 cent increase in gasoline tax recommended by the Energy and Commerce chairman, Mr. DINGELL of Michigan, and an additional 5 cent increase per gallon gas hike proposed by Representative JAMES OBERSTAR, chairman of the Transportation and Infrastructure Committee.

There is no getting around it. This is the largest single tax increase on American history. It is going to cost American families an average of $3,000 a year as they try to educate their children, as they try to keep a roof over their head, as they try to realize their American Dream.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I would like to yield 4 minutes to the gentleman from Michigan (Mr. MCCOTTER), the chairman of the Republican Policy Committee.

Mr. MCCOTTER. Mr. Chairman, I come from Michigan, a State that respects honesty, even when one is in error, so I must admit that I was pleasantly surprised by the integrity, if not the ultimate decision, that we heard from the gentleman from New Jersey.

We heard a lot about change over the course of a year or two, and I too must be honest. We have seen change in how Washington budgets. We have seen change. We have gone from bad to worse.

Now, as I recall sitting in Michigan, living there with my wife and children, I have seen a similar instance out of my State government which, in a one-State depression, faced the choice of allowing working families to keep their money and protect their budgets or raising taxes and protecting the State budget.

They started with the smokers. They went after them. They took their money. Nobody likes smokers. Who cares? Then they had a one-time-only property tax advance. They never did tell us when the property tax relief comes, but I am sure one day it will. It is only once. And then they raised our income taxes. They raised our income taxes because by then it was for the greater good. And whose family budget wants to stay in the way of the greater good? Certainly not somebody like me, somebody whose children are looking at college, somebody whose mother may be getting older and may need care, somebody who worries that their dreams of their future for their children might go up in ashes in a State that is mismanaged by a government that cares more about itself than it cares about the sovereign citizens who elected it.

And then I come out here to do their work as their servant and I see the same thing. I see the same thing. I hear the same talk. I see the change that was promised and delivered. The sad part is the promise was implied.

I remember hearing the government spent too much. Got to stop. The government spent too much. We are going to change that. I didn't hear the part where you said the government spends too much. We are going to spend more.

I heard people talk about working families struggling, and we are only going to tax the rich. We are only going to tax the rich. Evidently we

must not be doing too well. There is not enough rich to back up the promises. So what do we do? The largest tax increase in American history on everybody. Well, that is a change. I concede the point. It is a change.

But I was shocked again with both the honor and the erroneous conclusion of the gentleman from New Jersey. I never in my life expected to see a Member of Congress apologize for not raising taxes on the American people. That is a change. I grant you that.

The question is then, if the American people need to have their taxes raised to come into prosperity, surely you know what the ultimate number is. How high, how fast until we get to prosperity? How much more of my money has to go the Federal Government before I can dream for my family and feed them? Surely somebody must know that number.

Is this largest tax increase in American history going to be the last? Are we then going to reach the American Dream? Are we going to have our liberty and economics to pursue that dream through our own works, or will government have to do that for us? Are we going to get bureaucrats as life coaches? What is going to be necessary? Give me a number. I haven't heard that number. I haven't heard that percent.

I think the one thing that we do need to change immediately right now in rejecting this budget scheme to bloat, to soak your family budget, to bloat the Federal Government's budget, is I want to hear somebody admit that America's economic prosperity comes from our free people, not from the growth of government, for that is a truth to hear that would be a refreshing change of late.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in opposition to the budget resolution. We have received repeated warnings about Medicare and Social Security, that they are on their way to insolvency. I think we all know that. In fact, CBO recently projected that Social Security will begin to pay out more than it takes in by the year 2020, and at the same time Medicare spending will likely double over the next 10 years.

But inexplicably, this budget does nothing. It contains no action over the next 5 years to change this course. Instead, it would allow the unfunded liabilities of both of these programs to grow from almost $39 trillion today to about $52 trillion by 2013. That is a 2 to $3 trillion increase every year. This means that over the next 5 years alone, every American household will be responsible for more than $450,000 to keep these programs functioning as is.

We can't ignore this ever-increasing, this massive problem. I have seen reports, press reports, that Medicare and Social Security aren't the priorities anymore. I would submit that, if we don't start working on a real solution, the taxpayers will quickly see either drastic cuts to their benefits or a spike in their taxes, unless we change the trend that we have.

Mr. Chairman, I am disappointed that instead of confronting this issue, we are again burying our heads in the sand. It is not realistic. We can't continue to do this. It is a huge disservice to everyone in this country. I must oppose this budget.

Also let me say, it is not just the level of spending that is problematic; it is the type of spending. We have had a lot of arguments lately about earmarking. This budget, the Democratic budget, does nothing to change the practice. Last year we had some $15 billion spent on earmarks, and a lot of those earmarks were never vetted on the House floor. In fact, the vast majority of them, 99 percent of them, were never given a thorough vetting on the House floor, and, in fact, about a billion dollars, just under a billion dollars was spent on earmarks that were airdropped into the conference reports that never got any vetting at all, that was never subject to any House decision. That is nearly $1 billion. But what do we have in this budget to prevent that? Nothing. Nothing. We are on track to do it again or perhaps even worse.

We have got to do better, both on the level of spending and the type of spending that we are doing. In Congress, we have had a process for centuries called authorization, appropriation, and oversight, and over the past several years we have gotten away from that. Instead, we do very little authorizing, a lot of appropriating, and very, very little oversight.

There is nothing in this budget to change that process. We are doing the same. And the Democrats will say, hey, over the past several years you Republicans have done wrong as well. And we have. That is the biggest reason we are here in the minority today. But at least you could say it took Republicans awhile to get to this point. In the meantime, there were balanced budgets. There was the reformation of welfare. There were some good things that happened. Then we got fiscally lazy and we started having budgets much like this, and the voters turned us out, as I would suggest they will do to the majority party, who got into this much more quickly than Republicans did.

I hope that they change. I would like nothing more than to support a good budget here, but this is not, and I would urge my colleagues to reject it.

□ 1845

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to yield 3 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Thank you, Mr. RYAN.

Mr. Chairman, the American people face the greatest financial challenge we have ever encountered in the history of the Nation. The free people of Great Britain overcame the greatest challenge they ever faced in their history during the early days of the Second World War because Winston Churchill told them the truth.

They won the Battle of Britain because they were told by their leaders the truth, and they could deal with the truth as Americans can deal with the truth, but we have got to be told the truth. Today at 5 o'clock, unfortunately, one of our great public servants retired, the Comptroller General of the United States. David Walker, when he left work today, has moved on to the private sector.

David Walker is a great public servant who has told the truth, and I want to reiterate it here on this House floor, how urgently important it is for the majority that now that controls this House to step up and accept responsibility for dealing with this great financial challenge that David Walker has laid out for us that we in the old Republican majority lost the majority because we did not deal with it.

That's why you saw conservatives like me and many of my colleagues here today vote against Medicare prescription drugs, vote against the farm bill, vote against all the expansions of the government that took place over the last 7 years because we saw this challenge.

Mr. Chairman, I have a letter from David Walker, Comptroller General of the United States, dated March 13, 2008, which I would enter into the RECORD.

U.S. GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, March 13, 2008.

Hon. JOHN CULBERSON,
House of Representatives.

DEAR MR. CULBERSON: Per our conversation, this letter discusses our nation's deteriorating financial condition and the need for timely action to turn things around.

Our real fiscal problem is not our current deficit and debt levels but where we are headed absent meaningful reforms. Given the retirement of the baby boomers and soaring health care costs, government outlays are set to rise dramatically. The federal government's liabilities and current unfunded commitments for future spending on Social Security and Medicare are now estimated at $53 trillion and are growing by $2 to $3 trillion a year. This effectively translates into an IOU of around $455,000 per American household. Clearly, our government has already made a range of promises that it is unlikely to be able to keep.

Because the personal savings rate in this country is so low, we have been turning to overseas investors to finance our nation's debt. Foreign investors, particularly foreign governments, have greatly increased their holdings of U.S. Treasury securities, and some of these government lenders may, either today or over time, have political and economic interests that diverge from our own. The risk is that some of them may

eventually use their U.S. financial holdings as leverage against us.

If we continue as we have, policymakers will eventually have two options: slash government programs and services that the American people depend upon or raise taxes to levels that would seriously harm America's economic growth and competitiveness. In my view, we probably have at most a 5- to 10-year window of opportunity to act. Inaction comes with a steep price tag. Recent projections from Moody's and an analyst at Standard & Poor's suggest that, absent policy changes, our nation is heading toward ''junk bond'' status as early as 2020. By 2030, without reforms to entitlement programs and spending or tax policies, income tax rates would have to more than double to prevent a continued erosion of our financial position.

Fortunately, by facing facts and making meaningful changes to the budgetary process, entitlement programs, other spending, and tax policies, we can avoid this fiscal train wreck and ensure that America's future is better than its past. Our fiscal clock is ticking, however, and the time for action is now.

I appreciate the opportunity to express my thoughts on this important subject.

Sincerely yours,

DAVID M. WALKER,
Comptroller General of the United States.

David Walker wrote me a letter explaining in a one-pager the financial challenge facing America. David Walker points out that America's real financial challenge is not our current deficit and debt levels, but where we are headed without meaningful reform.

Given the retirement of the baby boomers and soaring health care costs, David Walker has certified that the Federal Government's liabilities, the current financial obligations that all of us must pay, are so massive that we are now in a $53-trillion hole, America. That means every household needs to write a check today to pay this off. Every household would have to write a $455,000 check to pay off that financial obligation, $175,000 a head.

Every American would have to write a check today for $175,000 to pay off this liability. It's unsupportable, it's inexcusable. We have got to deal with it because David Walker also points out that we have about 5 to 10 years to deal with it.

Now that's critically important information. Everyone says this election is the most important in our lifetime. We can say that truly this year. We know we will need a conservative anchor in Congress here to restrain spending. We need to get these entitlement programs, Federal spending under control, which David Walker estimates is 5 to 10 years, a window of opportunity to act, or he points out that Moody's and Standard & Poor's have already warned the U.S. Treasury that by the year 2020, U.S. Treasury bonds will be rated as junk bonds.

Let me reiterate that, folks. If we don't get our financial house in order, the Comptroller of the United States has already pointed out that Moody's and Standard & Poor's have already warned us that our Nation is heading toward junk bond status for Treasury bills.

It's outrageous. It's unacceptable. We need to reject this budget. We need to stop spending money and stop raising taxes on Americans by rejecting this irresponsible Democrat budget.

Mr. RYAN of Wisconsin. Mr. Chairman, let me inquire as to how much time is remaining for each side.

The Acting CHAIRMAN. The gentleman from Wisconsin has 16 minutes remaining. The gentleman from South Carolina has 17 minutes remaining.

Mr. SPRATT. Mr. Chairman, I have sat here all afternoon, and last week through the markup, listening to this mantra about tax increases, all of which is a fabricated argument, and could not and cannot avoid the conclusion that to some extent this is a red herring.

It's a way of distracting attention from the real problems at hand, a way of avoiding discussion of a $236-billion surplus, which is where our economy and our budget stood in the year 2000, the year before Mr. Bush came to office, the $4 trillion in debt added by the Bush administration over the last 7 years, over median family income which has fallen under the Bush administration, avoiding discussion about a debt-burdened economy, which is losing steam near a recession and a dollar, a mighty dollar, which is plummeting, avoiding all of that so that we can talk about something that is not going to happen.

First of all, we made it as clear as we possibly could that we have endorsed, embraced and pledged to see continued the middle-income tax cuts which are included in the 2001–2003 tax cuts. They add up for the renewal over a 5-year period of time to $230 billion. If we follow our budget resolutions we have laid out, we will have a surplus in 2012 of $178 billion.

By 2018 the cumulative surfaces will be at $1.4 trillion. If we choose then, and we are not making the decision now, but if we choose then that will offset the extension of most of the taxes, most of the tax cuts that were adopted in 2001 and 2003.

We have put that in black and white, title V policy, policy on middle income tax relief, and we have laid out from item A through item H the different tax cuts that we support and are pledged or seeing renewed and extended. We can't make it any clearer than this.

Let me say something else for anybody listening wondering whether or not his taxes are about to shoot up and whether he should go cash in some stocks and bonds and get ready for this huge tax increase, it's not coming. Even if we adopted something that called for it to happen, it would have to go through Ways and Means. It would have to go through Senate Finance. It's a long way from ever being passed.

We simply say in our budget resolution, as we get ready for 2010, let's see if we can't have a conservative budget that will move us toward surplus so that some of that surplus, at least, can be used to offset some of these tax cuts. Let's see if we can't put some money into program integrity with the Internal Revenue Service and shrink the tax gap so we can use some of the money there, raise tax revenues without raising tax rates, use some of the money thus gained to offset some of these tax cuts when they come up for renewal.

Go through the code as we did in 1986, give it a good closet cleaning. It needs a scrub down as an accretion of the deductions and credits and exemptions and preferences, all of these things. If we muster our efforts, if we marshal our efforts, we can do and lay the basis for the renewal of many of these tax cuts in 2010.

But we primarily delayed the decision about those tax cuts in 2010 on the basis that we need to know more. What will be the state of the economy? Will we still be in two different theaters, Afghanistan and Iraq, fighting a war that is costing $12 billion a month? Will we still have an enormous deficit or will we be in surplus?

Better that we determine it than guess at it now. We are simply saying we would lay the basis. First of all, we would lay down the principle that we would protect these middle income tax cuts. Second, we will put the budget in place to begin generating surpluses so that they can afford the renewal of some of these tax cuts.

That can be done in this budget resolution. We are not pushing the biggest tax increase in American history. I don't know even where the numbers arrived from in the first place. I don't think it's supportable, but it is totally fantastic. It's an argument that is a complete red herring and a complete deviation from what we are all about today.

We should be talking about the savings rate in this country, about what deficits are doing to our economy, our country, and our standing in the world. There is plenty to talk about that is relevant. This subject is not because it's not about something that is about to happen.

Mr. Chairman, I now yield 3½ minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Chairman, I believe you spoke for all of us on our side in putting in context the basis of this budget and the arguments of our friends on the other side.

I want to just add a few things about what this budget really is ultimately about. It's about real people, with real lives and real challenges, and the fundamental responsibilities of a governing body are to meet a budget and present a budget that meets the needs

of its people. I want to tell a couple of stories about folks from Vermont.

Scott West, a veteran, of the National Guard, he lives in the town of Albany, in the Northeast Kingdom of Vermont. He used to drive a truck for a living before he went to Iraq. While he was deployed over in Kuwait in support of Operation Iraqi Freedom he suffered very serious injuries to his shoulder, back and wrist.

In May the pain from his injuries got so bad he was no longer able to do his job as a truck driver. Nearly 9 months ago, Mr. West filed a claim for increased disability compensation from the VA. As of today, he has yet to have a hearing.

Now, the budget that we presented last year and passed, because you had foresight, has finally put in place new people to adjust these claims. We have got 1,800 new claims processors who are now going to help ensure that veterans like Scott will receive the support that they deserve in a timely manner.

I thank you for your leadership. That's the meaning of this budget to a man from Albany, and it's going to make a real difference to his family.

Peter and Irma McShane, they live in the southern Vermont town of Pownal. They are senior citizens. They live on $1,452 a month, so you can imagine how hard it is for them to make ends meet. Now it turns out that's $22 more than would be available if they were going to be eligible for food stamps.

So they have to scrimp and save every way they can. They get hit with this huge fuel bill. We have had a cold winter in Vermont. The budget presented by the administration cut low-income heating assistance. The budget that the committee is presenting tries to protect that, and it is absolutely indispensable to families like Peter and Irma McShane that they have the ability to heat their homes and not have to make a choice between medication and heat, between food and heat. This budget recognizes that.

I want to also share a letter I received from a couple from Fletcher, Vermont, in northern Vermont. Margaret Kinne and her husband. They are talking about the rising cost of health care.

They have worked in a woodworking business for 13 years, often 6 or 7 days a week. They don't complain about that. They like to work hard. But their insurance has gotten increasingly expensive and now their deductibles have gone from $5,000 to $10,000 to $25,000. What they wrote to me is this, this translates to me to no insurance. The administration budget would cause over a half a trillion dollars in cuts to Medicare and Medicaid that would increase the cost shift and make that unaffordable insurance even more out of reach of this family.

I thank you, Mr. Chairman, for the tremendous work that you have done in putting together a very good budget in very tough times.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington, Dr. MCDERMOTT.

Mr. MCDERMOTT. Mr. Chairman, the President's proposed budget can mean only one thing, the lights are on down at the White House but nobody's home. He has the House Republicans carrying the water, but their budget is his will, make no mistake about it. If the President gets his way, lights will go off across America and people will suffer because of the President's complete disregard of the state of the economy, the plight of the American middle class and the domestic casualty from his irresponsible war in Iraq, that is, meeting the critical, unmet social needs of this country.

For instance, the President proposes slashing the Social Services Block Grant Program by $500 million this year and eliminating it altogether next year. In my home State of Washington, these funds are critical for providing child care for vulnerable families, Meals On Wheels and services to prevent child abuse.

But the President is more interested in helping the rich get richer and leaving the rest of America down and out. The President is willing to feed their greed by starving the U.S. economy and hurting the American people.

The American people deserve a budget that recognizes reality, and that's what the Democrats have offered. We provide tax relief to the middle class by demanding tax fairness for everyone. We include extended unemployment benefits, but I proposed a separate legislation this year because the American people expect their government to respond when an economic downturn hits and hurts them. They don't want any more New Orleans experiences.

We provide a budget based on reality, meeting the defense needs of the Nation, and meeting the unmet social needs of the American people.

In other words, the lights are on here, and the Democrats are home working for the American people.

The President has offered a budget that shouts it's all about funding a hopeless Iraq war while the Democrats have offered a budget that says it's about the economy and hope and help for the American people.

Vote for the American people and vote for the Democratic budget.

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Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from South Carolina, and I particularly thank him for his work and for the work of the Budget Committee and I look forward to a bipartisan, cooperative effort towards the agenda that all of us are committed to, and that is a budget that responds to the needs of the American people.

And so I think it is important to at least address what I think as a member of the Homeland Security Committee and the committees dealing with our judiciary issues in this Nation and foreign affairs to be able to at least assess what I think the Budget Committee attempted to do, and that is to cure the ills here in America.

One of the ills is to highlight where we are today with this number one issue that I hear about in my district in Houston and all over America which is the loss of jobs. And 63,000 jobs were lost last month. When we look at the analysis, we can see that, unfortunately, the present administration is number two in the infusion into the job market. And that is the testimony that Americans will make about when they think the economy is churning. This administration falls as number two in the lack of job creation. So this budget attempts to be a job creator, and I think it does it very well. How does it do that? It does it by giving relief to the middle class, so even as they are struggling with loss of jobs, we are recognizing there is a value to giving tax relief.

So someone got up on the floor and talked about we are, in essence, spending dollars. I must say that I hope we can find a way to bring our troops home. That is $120 billion. But this budget is the kind of tax cut that I want to endorse. It is, of course, AMT relief. Let me find out my friends on the other side of the aisle that want to get rid of the alternative minimum tax relief that is given and don't want to give it to those middle class, hardworking Americans.

An extension of the child tax credit which benefits, again, working Americans. The marriage penalty relief, 10 percent bracket, estate tax relief, research and experimentation tax credit. I believe that today Bill Gates was indicating how many jobs are generated as we promote R&D research.

Deduction for State and local sales tax. States like the State of Texas, how many of you want to reject that kind of relief for hardworking Texans and others who have State and local sales tax and cannot get deductions? This is what the Democratic budget stands for.

Small business expensing. I consider small businesses the backbone of America. They create jobs. They created jobs in Houston. They created jobs in Jackson, Mississippi. They created jobs in Utah and South Carolina and New York and California. That is the crux of what this budget stands for.

At the same time, of course, let me suggest to my colleagues that it does not ignore the relief that we need in education and infrastructure. It invests

in highways, water, and other infrastructure. It protects concerns that I have like NASA and the Children's Health Insurance Program and like the relief for education and many of the programs that provide relief for poor and minority children.

Let me conclude by saying this is the kind of budget that I want to affirm, a working America budget, a middle class budget. This is a good budget. I know we can do this in a bipartisan way. Support this budget and support America.

Mr. Chairman, I rise today in support of H. Con. Res. 312, the Concurrent Resolution on the Budget for FY 2009, introduced by my distinguished colleague from South Carolina, Chairman SPRATT.

I wish to thank our great Speaker, Ms. PELOSI, for never letting us forget that we are here for one reason only, and that is to address the real needs and priorities of Americans.

Finally, let me thank the remarkable leadership team which has worked long, hard, and tireless to keep us informed, cooperative, and united in our resolve to do the necessary work to make America better.

Our Republican colleagues ask if we can afford the Democratic budget . . . and I ask—How we can afford to continue to cheat the American people? What we can not afford is to continue with the Bush Administration's fiscal irresponsibility which has led us to almost $9.6 trillion dollar deficit. What we can not afford is to hear rhetoric from the other side of the aisle about balancing the debt and curbing taxes while the administration they support continues to dig deeper and deeper into the deficit. Let's not ask how we can afford to support the Democratic budget, let's ask how we can not afford to support it.

EDUCATION

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This budget provides greater funding to our nation's schools and colleges. The increased spending can and should be used for several purposes, including Head Start, Title I Compensatory Education program, and job training and national service programs. It could also be used to increase the Federal share of the cost for educating handicapped children, and to help improve access to colleges, and broadening access to Hispanic Serving and Historically Black Colleges and Universities.

SCHIP

We must not only be economically healthy, but assist in the physical health of our citizens. This budget will properly fund SCHIP, to help one of our most vulnerable populations—children. Our President proclaims his support for securing our nation's current and future economic success. However, it is our children that will bring forth a successful future. We need to invest in tomorrow by investing in them today. This starts with their physical well-being. Children, who cannot see the doctor when they are sick, will not be in anyone's classroom.

AFRICAN-AMERICANS—HEALTH AND EDUCATION IN TEXAS

For African Americans, health and education concerns spill beyond budgetary issues into the criminal justice consequences. In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university.

The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities.

REPUBLICAN BUDGET ALTERNATIVE

Under the Republican Budget the national debt continues to explode. The gross federal debt reached $9.0 trillion at the end of 2007. The CBO projects that the debt will rise by a total of $3.9 trillion at the end of 2008. This unprecedented rise in debt puts our President in the history books. During the seven years of the current Administration, the government has posted the highest deficits in this nation's history. The President's 2009 Budget continues the failed policies that brought us to this point.

Our colleagues on the other side of the aisle continue to claim that the budget resolution being considered on the floor this week raises taxes. In fact, the budget resolution does not raise taxes by one penny. The budget resolution accommodates tax cuts and indeed prioritizes tax cuts that would benefit middle-income families, while ensuring that the burden of paying for the tax cuts will not fall undeservedly on our future generations.

FOREIGN DEBT

The amount of foreign debt has doubled since 2001, with most of this increased debt purchased by foreign lenders. Since 2001, the increases in foreign holdings of Treasury securities account for over 80 percent of the newly accumulated public debt—a trend that has more than doubled foreign holding of Treasury securities.

This high level of indebtedness to foreign investors heightens the economy's exposure to potential instability with additional burdens on our children and grandchildren.

SECTION 501—STATISTICS

Section 501 of the budget resolution specifically calls for additional middle-income tax relief subject to the pay-as-you-go rule, including but not limited to: AMT relief (both immediate/temporary, and more permanent reform measures); Extension of ''middle-class'' elements of 2001 tax cuts: child tax credit, marriage penalty relief, and 10 percent bracket; Eliminating the estate tax on all but a minute fraction of estates; Extension of the research and experimentation tax credit; Extension of the deduction for State and local taxes; Extension of small business expensing; Enactment of a tax credit for school construction bonds; and tax incentives for energy efficiency and renewable energy which are accommodated in a separate deficit-neutral reserve fund.

The budget resolution honors PAYGO and the new House rules on using reconciliation in a fiscally responsible way. By abiding by the pay as you go principle, we immediately begin digging our way out of the mountains of debt that has accumulated as a result of the Bush Administration's fiscal policies.

REPUBLICANS AND TAXES

The President's budget and the Republican alternatives violate pay-go and the fiscal responsibility that reconciliation is intended to achieve, by proposing tax cuts that are not offset.

The sunsets for the 2001 and 2003 tax cuts were part of the tax legislation which Republicans voted for and passed. The expiration of the tax cuts is their policy. The Democratic budget actually calls for the extension of many of these tax cuts, but responsibly requires that tax cut extensions, like other policies, must be fiscally sound, and not make the deficit worse.

SUPPORT FOR THE DEMOCRATIC BUDGET BASED ON THE AMERICAN VALUES

This important piece of legislation gives us a budget that is balanced fiscally and morally. It does not sacrifice the many programs and services that this nation needs for a War that the President seems never to end.

Mr. Chairman, this budget better reflects the priorities and values of the American people. After all, a budget is much more than a balance sheet, an income statement, a financial scorecard. Rather, it the expression in fiscal terms of who we are and what we believe. In short, a budget is a financial reflection of our national character. And as it is by a person's character that you know her, so too it is with a nation.

Look at a nation's budget and you will see how it treats its children in the dawn of life; its elderly in the twilight of life; its poor and disabled and helpless in the shadows of life; and the earth, the sustainer of life. Look closely at the choices it makes regarding the neediest and most vulnerable of its people, and you will know the true character of a nation.

Mr. Chairman, America and the world can be proud of the choices we make in this budget resolution. Unlike the budgets of the last seven years, the budget brought to the floor by the new House majority reflects the best angels of our nature. This budget expands health care for our children. It provides our soldiers and veterans with the care worthy of their sacrifice; it is faithful to President Lincoln's injunction ''to care for him who has borne the battle and for his widow and his orphan.''

This budget resolution supports education for a 21st century workforce and a growing economy. It invests in renewable energy for an energy independent America that faces up to the challenge of global warming.

Equally important, Mr. Chairman, the majority's budget resolution represents a return to fiscal responsibility and budgetary accountability. I am proud to support a budget that reflects the care and fidelity of a wise steward of the taxpayers' hard-earned money. The American people can be assured that the new majority in Congress will not be profligate with the public treasury.

Mr. Chairman, this budget resolution correctly assumes that substantial savings can be realized from more vigorous efforts by Defense Department (with increased Congressional oversight) to root out fraud, abuse, and wasteful spending. It is totally unacceptable that unlike the typical taxpayer, small business, or large corporation, the Defense Department still cannot pass a standard audit.

The Pentagon cannot adequately track what it owns or spends. We just know that it's a lot.

Mr. Chairman, the new House majority pledged that we would work together to restore our economic health, reclaim our leadership position in the world, advance our national security, and invest in the future. We promised to restore fiscal responsibility and began by instituting tough pay-as-you-go rules. And we have been delivering.

For example, in the first 100 hours of the 110th Congress, we passed with bipartisan support procedures imposing discipline and transparency in congressional spending. With bipartisan support, we also passed legislation to implement recommendations of the 9/11 Commission, increased the minimum wage, paved the way for lower prescription drug costs, cut student loan costs, and redirected oil subsidies towards investments in renewable energy. We did all of this while maintaining our commitment to fiscal discipline.

The 2009 budget resolution advances these priorities. It begins to reverse seven years of disinvestment in education, infrastructure, and innovation. The budget resolution is the crucial next step to realizing the initiatives we have developed to move the country forward and to set us on a course to build the future we want for our children and grandchildren.

Mr. Chairman, we reject the President's proposed cuts to education programs, including rejection of his proposals to eliminate many education programs. We also reject the president's proposed steep cuts in job training and social service programs, including the Community Services Block Grant and the Social Services Block Grant.

COMMUNITY AND REGIONAL DEVELOPMENT

The community and regional development function includes programs that provide Federal funding for economic and community development in both urban and rural areas, including Community Development Block Grants, CDBG, and the non-power-related activities of the Tennessee Valley Authority, TVA.

INTERNATIONAL AFFAIRS

The international affairs function includes international development and humanitarian assistance, international security assistance, the conduct of foreign affairs, foreign information and exchange activities, and international financial programs.

CONCLUSION

Mr. Chairman, correcting the fiscal course of the country cannot be achieved overnight. The fiscal outlook we are confronting has deteriorated dramatically over the past seven years. In 2001, the Administration inherited a projected ten-year, 2002–2011, budget surplus of $5.6 trillion. Within two years, that surplus was gone and the United States began accumulating a mountain of national debt. Most of this debt has been purchased by foreign investors, making the U.S. economy more susceptible to economic and political pressure from abroad.

Mr. Chairman, we have a responsibility to clean up the fiscal mess that we have inherited. The choice to live beyond our means comes at the expense of future generations, who will bear the weight of the fiscal irresponsibility of our current administration.

Large deficits also hurt economic growth by depressing national saving, generating less capital for investment for the future. This leads to lower productivity and wages.

The President's budget continues the fiscal approach that has brought us large deficits and growing debt. In comparison, our budget resolution takes the necessary steps toward eliminating our long-term budget deficit by adhering to the pay-as-you-go principle.

But a balanced budget must be accompanied by balanced priorities. While regaining control over our economic future is critical, we must do so within the context of honoring our obligations. This budget is a critical first step toward fulfilling our commitments to the American people. We will balance the budget. We will be fiscally responsible. We will defend our country. We will put children and families first. We will grow the economy. We will cherish and protect our environment. We will conduct the Nation's affairs in an accountable and efficient manner.

Mr. Chairman, the people have asked for change. They have asked for greater accountability, they have asked for a balance of defense and sustaining programs. The American people entrusted us with the responsibility of leading our country in a new direction. The part we have charted in this budget resolution will lead to a brighter future for children and better America for generations to come. It reflects very well on our national character. For all these reasons, I stand in strong support of H. Con. Res. 312. I urge all members to support the resolution.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time to close.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), a senior member of the Budget Committee.

Mr. HENSARLING. Mr. Chairman, I thank the ranking member for yielding to me. I have listened with great interest as my friends from the other side of the aisle, the Democrats, attempted to do everything they could to distance themselves from their single largest tax increase in American history contained in their budget.

Again, Mr. Chairman, here are $683 billion worth of tax increases. This is what we call the CBO baseline, the Congressional Budget Office, which assumes that, as current law says, we are going to have huge automatic tax increases, most of which kick in in 2011. That is this red line.

Well, our friends on the other side of the aisle claim they are balancing the budget in 2012, but they can only do it through these huge, automatic tax increases. And this isn't my baseline. They appointed the Director of the Congressional Budget Office, so if they have some problem with this particular revenue curve, they need to take it up with him. You can't have it both ways. You can't claim you are not increasing taxes and at the same time claim, claim that you are balancing the budget in 2012.

Now, I listened very carefully when my distinguished chairman said that he wants to prevent these tax increases. I know he wants to prevent it. And I listened to the gentlelady from Texas saying that she endorses middle income tax relief. But they just don't seem willing to vote that way, Mr. Chairman.

If I did the math correctly, there have been at least 21 occasions over the last 6 years when Democrats could have voted to prevent these huge, automatic tax increases, which will amount to an average tax increase on the American family of $3,000 a year. So the rhetoric is nice. The language is comforting. But when will somebody on that side of the aisle put their vote where their rhetoric is? I don't see it, Mr. Chairman. It reminds me of the old adage that your actions are so loud I can hardly hear your words.

Now I hear a lot of talk on the other side of the aisle about how compassionate their budget is and somehow our budget is not compassionate. I'm not sure what is really compassionate about raising taxes on hardworking American families because, Mr. Chairman, every time you plus-up the Federal budget, guess what, it comes out of some family budget. And I hear from those families. I hear from the families in the Fifth Congressional District of Texas that I have the honor of representing.

I heard from the White family of Mesquite, Texas: ''Regarding the news that the average Texas family may soon be burdened with extra taxes, it is not good news to a family with $24,000 a year in income and two expensive stroke-prevention medications, among other critical medications to maintain.'' Their $3,000 a year tax increase, the largest tax increase in American history, is going to decimate the family health care budget.

Now, I heard from the Sessions family in Quitman, Texas, also in my district: ''Any increase in income taxes would cut into my Social Security money so much, to such an extent I would not be able to purchase my medications.'' Again, their single largest tax increase in American history is going to decimate the family health care budget.

Mr. Chairman, I heard from the Swanson family from Wills Point, Texas: ''A tax increase of that size will prevent me from receiving the medications necessary to prolong my life.''

Once again, the single largest tax increase in American history are decimating, will decimate families, not just in the Fifth Congressional District of Texas, but all over America. I wish that my friends on the other side of the aisle would just take a moment and think about who has to pay all of these taxes while Americans are struggling to pay for their health care bills and to make sure that they keep a roof over their head, to send their children to college, to fill up their cars and pickup trucks, to try to start small businesses.

How are they going to be able to afford the single largest tax increase in history? Where is the compassion in taking money away from these hardworking families?

What does it do to their housing? Well, I heard from the Stevens family in Mesquite, Texas: ''I wanted to let you know that I am a single mom that does not receive any type of child support, and an increase of this amount would break me. I would be at risk of losing my home with this type of increase.''

The single largest tax increase in American history, an average of $3,000 per American family, most of it due to hit right there, 2011, coming very soon to a neighborhood near you. It is going to decimate the housing budget. It is going to decimate the health care budget. It is going to decimate the education budget of hardworking American families all across the Nation.

Where is the compassion there? There is no compassion there.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, I first want to start off by congratulating the chairman of the Budget Committee, a good man, a man I have a lot of respect for who has a hardworking staff and a diligent staff. I want to compliment them. These budget resolutions are not easy to write.

He has a tough job because he has to defend this budget. This is a budget I wouldn't want to come to the floor to defend. I just have to bring one point to bear, and I do so respectfully. You cannot say that you are balancing the budget and not raising taxes. It is illogical and axiomatically impossible. Let me explain why.

This red line is the baseline that the Democrats are using for their budget. It is what we also refer to as the CBO baseline. This green line is the baseline minus the tax increases. They are using the red line, not the green line. This means in order for them to achieve a balanced budget, what must happen, what is required to happen, what has to happen, all of these taxes have to be raised, specifically by $683 billion over the next 5 years.

Now, my friend from New Jersey, another very conscientious, skillful Member, said that was a tax vote he regretted not taking. And the Senator from New York at that time, Senator Moynihan, said that was the largest tax increase in American history. That was $240 billion. This one is $683 billion. This is the largest tax increase in American history.

The point is this: You cannot claim you are balancing the budget and not raising taxes because you are relying on these very tax increases to balance the budget. That is what this budget does. Now, no amount of reserve funds, no amount of senses of Congress, no amounts of ''we have delayed the decision on the tax cuts for now'' gets them out of this bind. They can't. It is impossible. You have to have it one way or the other. Either you are not balancing the budget or you are not raising these taxes because, Mr. Chairman, they are not saving any money. There is no savings in this budget.

The piece of paper I have in my hand is more valuable than the amount of savings they have in this budget. This paper, may it cost 1, 2 pennies. That is more money than they are saving in this budget over the next 5 years. In fact, they are expanding spending. They are increasing discretionary spending by $280 billion. What is worse is they are going to add, in just two programs, an unfunded liability of $14 trillion, to just two programs, Medicare and Social Security.

Let's look at the Medicare program. Today, the Medicare unfunded liability, according to David Walker, our GAO Comptroller General, is at $34 trillion. That is an average per household bill of $300,050. Every household in America right now, if we want to make Medicare whole for my children when they need it, 300 grand.

Under this budget, because they do nothing, they are adding $11 trillion to that liability. That is $395,650, almost $400,000 for one household to cover Medicare so my children can maybe get it. That's for our kids. That is wrong.

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We have got to address these issues.

Now, Mr. Chairman, surely, there's waste in government. Surely, there's efficiencies we can get. But this budget concludes that there is not. This budget is basically saying, Washington's not wasting any money. All of these earmarks, the 11,000 we passed last year, are perfect, they're justified; we should do 11,000 more. And there's no waste, fraud or abuse anywhere in the Federal Government. In fact, they're doing such a good job in Washington spending our tax dollars, let's give them $280 billion more to spend. And on top of it, given the fact that our entitlements are going bankrupt, given the fact that we have an unsustainable course, let's just add more to the debt; and we're going to raise taxes while we do it. But we won't tell people. We'll pass this kind of cute reserve fund, sense of the Congress that says we really don't want to raise those taxes, but we're balancing the budget. That means you're raising taxes if you're going to balance the budget.

But let's look at the brass tacks. And this is what I want to ask the American people. Can you afford this budget?

People are struggling right now. People are losing jobs. We just finished 52 consecutive months of positive job growth, very impressive growth. Finished, I said. The last couple of months they've been bad months.

Also, prices; the cost of living is going up to America, the cost of health insurance, the cost of food, the cost of filling your gas tank when you take your kids to school, the cost of sending your kids to college. The cost of living is higher and higher, and people's pay checks are not getting as far along as they used to.

And so what does this budget do? It raises their taxes. It says you're going to have to send, on average, three more grand per person to Washington because we don't think Washington has enough of your money. We think Washington's great. There's no waste, there's no inefficiency, no fraud. We, in fact, need more of your taxpayer dollars, you, American men and women of America.

So I'd like to know, is that what America wants? Tell us. Call us, e-mail us. Call your Congressman. Because here's what this bill will do specifically. 116 million taxpayers will see their taxes on average go up $1,800; 84 million women will sustain, on average, a tax increase of $2,121; 48 million married couples will incur an average tax increase of over $3,000. Taxes will increase by an average of $2,323 for 43 million families with children. Some 12 million single women with children will see their taxes increase on average by $1,091. For 18 million elderly individuals taxes will increase by an average of $2,181. Tax bills for 27 million small business owners will rise on average by more than $4,000. And more than 6 million taxpayers who previously owed no taxes at all will become subject to the individual income tax as consequence of these tax increases.

Mr. Chairman, we had an opportunity here. We had an opportunity to do something that I felt would be good and bipartisan. I've heard my colleagues on the other side talk about the need to do this.

We had all these witnesses come to the Budget Committee, saying we've got to get our fiscal house in order, that we owe the next generation a debt-free Nation, that we owe them the mission of health and retirement being fulfilled, which means reforming our entitlement programs.

This budget says for the next 5 years, let's not do any of it. Let's make sure that we're on the glide path so that our kids will pay literally twice what we pay today in taxes, just for our Federal Government today to be there for them when they're our age.

This is a lost opportunity. Under this budget, the unfunded obligation that are Medicare and Social Security themselves go up 37 percent, $14 trillion. I'm upset at the debt that was racked up lately, but it pales in comparison to the debt that this budget proposes to rack up.

So what we really ought to be doing, Mr. Chairman, is we ought to be fixing this budget process, having real budget

discipline, real spending caps. We ought to be making reform decisions. And the last thing we ought to be doing in this time of high prices, a tough standard of living to maintain, in this time of economic downturn which quite possibly could come into recession, the last thing we ought to be doing is raising taxes. That is what this budget does.

We will propose a different alternative tomorrow. We will propose a budget that balances the budget without raising taxes by controlling spending. And even in doing that, spending will still go up one year after the other. Instead of spending $15.8 trillion over the next 5 years, we're going to propose to spend $15.3 trillion. And by simply doing that, by simply exerting a little bit of discipline, we're going to make sure that we're not raising these taxes, and we're going to repeal the alternative minimum tax.

One more thing, Mr. Chairman. This earmark problem is getting out of control. Earmarks are an abuse. Some are worthy, some are right, but a lot of them aren't. We've got to control this. We are proposing a real earmark moratorium.

More importantly, we are saying let's take a timeout from earmarks and let's save that money. Our proposal tomorrow will not only have an earmark moratorium, it will save the money from an earmark moratorium. And if Congress just says no to earmarks for 1 year, you know what we can do? We can make permanent the child tax credit and the repeal of the marriage tax penalty. We can say, pass up your earmarks for a year in Congress and don't tax people for getting married. Pass up your earmarks for a year in Congress and don't cut the child tax credit in half.

These are the choices we are being confronted with. These are the choices that we must make. These are the values that we believe. We believe we owe our children a growing economy, a future of a higher prosperity, of a higher standard of living, and one in which the promise of health and retirement security is actually sustainable, is actually made good upon.

That's not what this budget does. There's no way you can split these hairs with the reserve funds, senses of Congress, flowery Washington rhetoric. This budget contains the largest tax increase in American history, not just on wealthy people, on all people. That's wrong. It's not right. We shouldn't do it because Washington doesn't have a tax revenue problem, Washington has a spending problem. Unfortunately, the Democrat budget makes it worse by spending even more money.

There is waste in Washington. There is waste in earmarks. There are entitlements that are out of control. We should confront those, instead of just throwing more money at Washington, because you know where that money comes from? It comes from the hard working men and women of America. It comes from families, it comes from entrepreneurs, it comes from small businesses, it comes from the individual of this country. That's wrong. They should be able to keep more of their own money and we should be able to clean up government.

I urge a ''no'' vote on this budget.

Mr. Chairman, I yield back the balance of my time.

Mr. SPRATT. Mr. Chairman, I can return all the compliments that Mr. RYAN paid to me. He's a pleasure to work with, and I have great respect for him.

But there's one thing he didn't mention at all in his presentation all afternoon and that is his budget substitute. And I think one of the reasons he didn't do it is that it won't bear scrutiny.

If you look at the Ryan substitute, the Republican minority substitute, you'll find, if you look very closely and know where to look, something called function 920. Now, function 920 is the catch-all. When you can't assign some expenditure or revenue raiser somewhere else, you put it in function 920. It means really we haven't yet completed the job.

When you look at 920 in this case, the minority has assigned $817 billion in undefined savings or at least $405 billion in discretionary spending cuts which are undistributed. They haven't been assigned to the Veterans Administration or to the Defense Department or to the Transportation Department. They are undistributed cuts, $405 billion. I've never seen in all my years in the Budget Committee, anything that has a function 920, this catch-all in cuts of $405 billion.

But in addition to that, it calls for $412 billion in mandatory savings. Now, we don't know for sure where mandatory savings are coming from, which programs are in jeopardy. But when Ways and Means is directed to reconcile $253 billion over 5 years, the Energy and Commerce Committee is directed to reconcile $116 billion over 5 years, we know the resolution has Medicare and Medicaid in its bore sights and the likely cuts are substantial. $368 billion. We've never done anything that approaches that magnitude at Medicaid and Medicare cost reduction. Indeed, during the Gingrich era, Republicans were pushing something of that size. It never got off the ground, and it wouldn't here either, let me tell you. So that's unrealistic. And the 405 is unrealistic because the work hasn't been done.

And then finally Mr. RYAN calls for, in his resolution, $1.2 trillion in tax cuts over the next 5 years. If you extend these tax cuts out, and you consider what he's doing, he wants to extend all the expiring tax cuts and, on top of that, also repeal the alternative minimum tax, just repeal it. The likely impact on revenues is about $2.5 trillion over 10 years, which blows a big hole in the bottom of the budget. And I don't think that's realistic either. It certainly isn't realistic if we're in earnest about seeking a budget that will balance. And so here, buried in the budget resolution, which he's not mentioned all afternoon, are three major problems with his budget resolution. He hasn't done his work. He hasn't distributed the cuts. And I'll tell you what that does. When you have $405 billion in function 920 undistributed, you can say to the veterans who come to you, we've got $1 billion covered for you. You can say to others, with plausible deniability, oh, you won't be cut, you won't be cut. But in truth, $405 billion is 20 percent of nondefense discretionary spending. That's where the cuts are going to fall every year at 20 percent. I don't believe it's going to happen. I don't think therefore that what he's presented is a valid, reasonable, defensible alternative to the budget resolution, and it strikes me as passing strange that we haven't discussed it all afternoon.

Now one final shot across the bow, one final statement about the mantra we've heard all afternoon. We do not propose to implement, in this budget resolution, any tax cuts whatsoever. We're laying down the policy as clearly as we know how in title V on middle-income tax relief, and specifying very clearly and pledging ourselves very, very committedly to the enactment, preservation and extension of these tax cuts. That's the policy of this budget resolution. Everyone should bear it in mind.

The Acting CHAIRMAN (Mr. WALZ of Minnesota). The gentlewoman from New York (Mrs. MALONEY) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, as Vice Chair of the Joint Economic Committee, I am pleased to speak in the time reserved by the Budget Act for a discussion of economic goals.

America has the strongest and wealthiest economy in the world. When government makes the right choices, economic growth helps all Americans live a better life today and provides a good future for our children tomorrow. Unfortunately, the Bush administration has not been making responsible choices over the past 7 years. We must chart a more sensible course for economic policy than has been pursued by this administration. Our Democratic majority has made important progress, but there is still much more to do.

President Bush was once fond of saying that his policies were working to

make the economy strong. But the economy is now teetering on the brink of what may be the second recession of the Bush Presidency.

It is now clear that even the relatively weak economic growth experienced earlier in this administration was built on an unstable foundation.

The soaring housing prices that helped fuel our economic recovery now appear to have been a classic asset bubble. The collapse of that bubble is spreading throughout our entire financial and credit system.

American families are optimistic, by nature, but they are understandably worried about the future. Most American families have struggled just to hold their economic ground.

Under President Bush's management, our economy has set record after record, but they have been the wrong kinds of records, historically, poor levels of job growth, the greatest gap between the haves and the have not since the 1920s, record numbers of uninsured Americans. Over 47 million Americans lack health insurance.

□ 1930

A record $9 trillion Federal debt, the largest in our history, and the largest single-year deficit in U.S. history. Record oil prices, record declines in the value of the dollar, record trade deficits that are the largest in history, record declines in housing prices and home equity that are leaving families owing more than their homes are worth.

Bush's job growth record is among the worst of any President since Hoover. As this chart shows, since the Great Depression, only his father has presided over a slower rate of job growth. As you see, the rate of job growth under President Clinton was four times higher than President Bush or Bush's father.

Wage growth has been even slower. Wages are up less than 4 percent in real terms since President Bush came into office. This chart shows the contrast between sluggish wage growth and soaring prices for such basic needs as education, health care, and gasoline. These basic costs of living have grown over 10 times faster than wages.

Look at this chart. The average wages are up 3.8 percent; public university tuition, 40 percent. Family health insurance premiums are up 46 percent, and a gallon of gas is up 87 percent. Middle class workers are being left behind because their hard work has not translated into bigger paychecks.

This chart shows the divergence between strong productivity growth, shown on the top blue line, and much weaker growth in real compensation for ordinary workers, shown in the bottom red line.

Workers' productivity and their compensation used to grow together, but now they grow apart, as this chart shows. This was still true as recently as the late 1990s, but it is not true today. So here you see that for decades the productivity per hour and real compensation per hour basically grew together at the same time, at the same rate. But now look at the great difference between the productivity per hour, the output per an average worker, and the real compensation that the average worker takes home.

If our increased wealth has not gone to ordinary workers, then where has it gone? One answer is that it has gone to a very few at the top of our economy. The divide between the haves and the have-nots is reaching yet another record, a poor record level. We have the largest gap between the haves and the have-nots in many a long time. This chart shows that the share of income held by the top 1 percent of taxpayers is not at the highest level, 19.4 percent, since the Roaring 20s.

The compensation growth that the middle class has received came much more from benefits than from wages. Benefit costs have been increasing because health insurance costs are increasing, are rising up 47 percent in inflation-adjusted terms since 2007.

As this chart shows, rising health costs have driven the number and percentage of uninsured Americans to record levels; 47 million Americans are uninsured today, up 8.6 million since President Bush took office. Yet again another unfortunate record from this administration.

Slow job growth and stagnant wages during much of the Bush administration have depressed families' real incomes. The typical American family is earning almost $1,000 less than they did when the President took office and after taking inflation into account. As families struggle to make ends meet, they borrowed more and more from their major source of wealth and savings: the equity in their homes.

Under the Bush administration, families' equities stake in their homes has declined to the lowest level ever recorded. As housing prices drop, families will no longer be able to draw on this source of income to make up for slow wage and job growth. Yet, the President and his supporters react to these disturbing trends by pressing tax cuts that largely benefit our most fortunate families.

This chart shows the distribution of the benefits received from the tax cuts. The tall bar on the right shows that households earning $1 million or more in 2007 income received over 100 times more money in these tax cuts than middle income families did. Incredibly, one-fifth of tax benefits went to these few families who make up just three-tenths of 1 percent of taxpayers.

The Bush administration claimed that these tax cuts would drive investment creating growth in wages and employment, but these claims have proven to be false.

To make matters worse, the tax cuts have been funded using borrowed money. According to the Brookings Institution, the Federal Government has already borrowed some $1.6 trillion to fund the tax cuts.

When President Bush came into office in 2001, he inherited a projected 10-year budget surplus of $5.6 trillion. He inherited a government in good financial shape prepared to deal with the budget challenges posed by the retirement of the baby boomer generation and prepared to invest in improving the future standard of living of all of our children and our grandchildren. But this administration has presided over a stunning reversal of fortune.

This year our gross Federal debt will top $9.6 trillion, the largest in history, or more. That means that every American owes $30,000 per person to pay off this staggering debt. As a share of our economy, that's the highest level since 1955 when we were paying off debts from World War II. This is the financial mess that we have to clean up.

Thanks to the President's policies, we are now a nation of debtors relying on the rest of the world to finance our budget deficits and the cost of the war in Iraq. As former Secretary of the Treasury Larry Summers has said: There is something very odd about the world's greatest power being the world's greatest debtor.

Our current account deficit, which is the broadest measure of our trade deficit with the rest of the world, rose to yet another record, a record smashing $857 billion in 2006. And last year was likely even worse. The amount of Federal debt owned by foreigners has more than doubled under Bush's watch, rising to nearly $2.4 trillion, with Japan and China alone holding more than $1 trillion of our debt.

How does the administration address our financial problems? They turn to cuts and benefits from middle and working-class families. The President's proposed some $30 billion in cuts to the Medicaid program. That's a program that provides health care for some 27 percent of our Nation's children. These cuts couldn't come at a worse time. A recent study by the staff of the Joint Economic Committee estimated that should the economy enter into even a mild recession, some 1 million additional children per year would require Medicaid benefits. So these cuts are especially cruel.

Even while proposing these cuts and benefits, the administration wishes to continue massive levels of spending on the misguided priorities that landed us in this fiscal mess. The President's budget calls for all of the 2001 and 2006 tax cuts to be made permanent. But Democrats are not about to mortgage anymore of our children's future for all of these irresponsible tax breaks.

What is more, we have heard no plans for lessening the enormous fiscal and

economic drain created by the mismanaged war in Iraq. This chart shows the steady upward march in the administration's requested spending for the war. That's over $600 billion just so far, with no end in sight. In fact, in this year's 2009 budget, the administration even refuses to tell us what the full-year cost for the war might be. Future costs will be truly massive if the Nation does not change course.

The Joint Economic Committee has submitted that over the next decade, a continued presence in Iraq will cost us a total of $1.9 trillion in Federal spending and $2.8 trillion in total impacts on the economy. You can find this report on my Web site.

But the good news is that we have a choice. We don't have to continue spending on the misguided priorities of the last 7 years. If we make responsible choices, our government can once again help middle class families improve their quality of life while saving and investing to improve the lives of future generations.

Our Democratic Congress has made important progress on this agenda. We have worked with the President to increase the minimum wage, expand Head Start, assist struggling homeowners, and increase opportunities in higher education. We've expanded investments in energy independence, green technology, and America's future competitiveness in science and technology.

What is more, we have paid for it all in a fiscally responsible manner. We've also worked with the President to pass an economic stimulus package that was truly targeted to middle class families who needed the assistance most.

Unfortunately, the President has blocked progress on many other initiatives. He has vetoed health insurance for America's uninsured kids, a change of course in Iraq he vetoed, and dozens of other bills. We must turn away from the failed policies of the past which has given us record levels of debt, trade deficit, and deficits of the highest records in history and an order to fully deliver on what the economy can do for all Americans.

Mr. Chairman, I reserve my time.

Mr. BRADY of Texas. Mr. Chairman, as a member of the Joint Economic Committee on behalf of our senior ranking Republican, the Honorable JIM SAXTON, I rise today to oppose the Democrats' irresponsible budget resolution that will only pave the way for major tax increases and hurt the economy.

You may recall that 15 months ago, Democrats took over the control of the House and the Senate vowing a new direction for America, and in truth, we've experienced that. Since Democrats took control of both Chambers, food prices are up, college tuition is up, health care costs are up, fuel prices are way up, unemployment is up, the deficit is up.

They vowed that they would do three things: They would pay every dime of this war, not mortgage the future. How much have they paid? Zero. They vowed they would not raise the debt limit. In fact, they called it immoral when we did it. So they did it very quietly without a vote in the first 60 days they were in control. And they vowed that they would pay as you go, that they would not allow any tax increases or relief to go forward without paying for them, and, of course, they failed at that as well.

And now we are at a time when the economy is on the brink of a severe downturn. The last thing we should be doing is telling Americans to expect to pay billions more in taxes in just 2 short years; $683 billion worth, the largest single tax increase in American history. That averages out to almost $3,000 per family every year. And I know $3,000 doesn't sound like a lot in Washington, DC, where we squander billions, but for families back in Texas, and I think most middle class families, that is far too much to bear, especially with prices being what they are.

I guess the question we always have, those of us who believe we ought to have lower taxes and less spending, is why does the Democrat budget insist that families tighten their belt but they don't do anything to tighten the belt up here in Washington?

Our public wants us to spend more wisely, not more. And they believe tax is too high. This budget is just the opposite.

□ 1945

I don't know of any economist that thinks tax increases are good for an economy in an economic slowdown, and the timing now is particularly bad. Our economy has suffered some serious shocks: Skyrocketing oil prices, the housing meltdown and mortgage crisis. We certainly don't need another one from here in the Halls of Congress.

And I have to tell you, too, I enjoy hearing about all the class warfare issues. So, we just asked an independent source, the Congressional Budget Office, are the rich getting richer under President Bush? They say the facts are just the opposite. Quoting from them, the period between 2000 and 2005 has not been a time of surging income inequality. Instead, the income gains of the top wealthy 1 percent actually slowed during this period. In contrast, between 1992 and 2000, President Clinton's years, the average income of the top 1 percent skyrocketed by 84 percent. So the king of inequality is President Clinton. They just want to try to hang it on President Bush.

And if you look at the charts, again by the independent Congressional Budget Office, it shows that for middle-class America, aftertax household income actually increased, the highest level since they've been recording these values.

And if you take a look at the total effective tax rate, what we've seen as well is that the tax rates and the cost for middle-class Americans has gone down to a historic rate as well. So, they are earning a record amount of income. They are paying a record fewer amount of taxes. And so middle-class families in America are trying to battle these high prices that this new Democratic Congress is bringing us by trying to keep just a little more of what they earn.

A major tax increase now, when Americans are planning for the future, will only add fuel to the fire and threaten to throw us deep into a recession. You only have to take out a history book to remember the tax increases imposed during the 1930s worked to worsen economic conditions during that time. And the economic growth in the 1990s came about because of spending restraint, and then what turned out to be an artificial economy. But Democrats, as I've said, would like the American public to believe that these tax hikes will only affect the wealthy. Let me tell you, it's going to affect middle-class America. They are dead wrong.

These tax increases the Democrats propose, the largest tax increase in American history, will affect real working families. Any individual that gets married, that has children, that receives maybe a nest egg from their small business or the family farm, maybe makes a good investment, saves for retirement, all of them, all of you will pay more in taxes. Is this what the American people want or deserve? And the answer is no.

Today, while we have Democrats say they are shooting at the wealthy 1 percent, what they are really hitting is middle class America because, as I said before, the rate of taxes paid for by the wealthy 1 percent is actually growing. What we need to do is keep taxes low for middle-class America. Those tax hikes will hurt workers and small businesses, the very people we need investing and growing, by taxing them an average of 12 percent more than we do now. That's 12 percent less money that they can keep to grow their business or invest in their company or maybe create another new job here in America. And unfortunately, raising those taxes is a big incentive for companies to move investments overseas instead of here at home. It's bad enough this Congress has tried to outsource U.S. energy jobs, now we're trying to outsource the rest of America's jobs as well.

And this Democrat budget, I can tell you, does not provide funding to keep the State and local sales tax deduction in place. They don't have any money for the research and development tax credit. They don't even have any money for the college tuition tax credit. What they say is, we endorse this

tax relief. We endorse it. That's like having your son come to you and ask for allowance and you tell him, I don't have any money, but I endorse your idea of an allowance.

The Republican budget actually budgets for that tax relief to make sure that families aren't punished, middle-class families aren't hurt by $3,000 more every year of new taxes. And what we say is Washington ought to tighten its belt before we ask American families to tighten theirs.

And I'll tell you, too, not only does the Democrat budget raise the deficit, but this budget fails greatly and does not address serious entitlement reform, which is critically needed if we are to sustain Medicare and Social Security for future generations.

It ignores the inevitable and punts the problem down the road. Instead of making the tough choices today, which is what the American public wants, their budget is long on words, but short on action. They call on experts to develop ''options'' and saying that action is ''needed.'' More words, no action, and the problem gets bigger.

In just 7 short years, entitlement spending on Medicare, Medicaid and Social Security will consume nearly two-thirds of our entire Federal budget, and then it gets worse. These programs will grow to such a size that they will be equal to the cost of the entire Federal Government today, and Americans will have to pay twice the taxes just to keep it in place.

Our economic growth is at risk in this Democrat budget. It makes it more unfair for middle class America; it ignores Social Security and Medicare, which we need to make solvent and preserve once and for all; it raises the deficit; and it basically turns a blind eye to American families who are struggling to make ends meet with rising costs the way they are.

And they all say, well, we endorse the tax relief you have today. Well, Republicans don't endorse it, we embrace it. We include it. We pay for it. And we do balance the budget. And you know what we do? We make a huge sacrifice. We ask Washington to just slow spending by 3 percent. That's all we do. We're not asking to cut major programs. We're not asking for major sacrifices. We're saying, before you force our families to pay $3,000 more a year, why don't you just tighten your belt just a little, just 3 percent over the next 5 years. That's all we do to balance this budget. That's the smart way to balance the budget. That's the fair way, especially for middle class families. And for our economy, it's the smart way to revive jobs, to create a strong economy, and keep jobs growing in America.

And with that, Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY of New York. I thank the gentleman for his testimony, but I want to point out that you have to remember that the Republican Congress and President Bush have been in charge of this economy for 7 years. And when President Bush came into office in 2001, he inherited a projected 10-year budget surplus of $5.6 trillion. And he inherited a government in good financial shape, prepared to deal with the budget challenges that the country confronts. And yet under his tenure, under his leadership and a Republican Congress, they turned this surplus into an $8.8 trillion hole, the biggest reversal in history.

And we have to remember that President Bush gave us a series of records, but they're the wrong kinds of records. This country now has the largest debt in the history of our country, $9.6 trillion. Each American owes $30,000 of this debt. And we have the largest trade deficit. They have dug us into an $8.8 trillion reversal, and this was given to us by the Bush administration and the Republican Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I am pleased to address the House tonight about the budget because there has been a lot of concern expressed here today on both sides of the aisle about the kind of financial trouble we're in. And there's no doubt about that. But sometimes I think we go back and forth spending more time blaming each other rather than dealing with the real problem.

One of the contentions I've had about the budget is that we look at it as an accounting problem rather than a philosophy problem because the spending occurs because of what we accept as the proper role of government. And right now, it's assumed by the country as well as the Congress that the proper role of government is to run our lives, run the economy, run the welfare state, and police the world. And all of a sudden, it puts a lot of pressure on the budget.

Today, the national debt is going up almost $600 billion. And the economy is getting weaker, there's no doubt about it. We're in a recession, it's going to get much worse, which means that the deficit is going to get a lot worse. And I'm predicting within a couple of years, it will not surprise me one bit to see the national debt, the national obligation for future generations to rise in 1 year three-quarters of $1 trillion. And that is a very possible number.

And like it has been expressed so often today, we need to do something about it. The question is, what are we going to do about it? One side, it seems like, well, if we just raise taxes, we're going to solve the problem. The other side says, well, all we have to do is get rid of the earmarks. Well, that argument, I think, falls short, too, because you can vote to cut all the earmarks, but it doesn't cut any spending, it just delivers the authority to spend the money to the executive branch. I think the job of the Congress is to earmark the money. It's our obligation to tell people how the money is spent.

And those who think that we can solve this problem by just getting rid of earmarks, they never talk about the earmarks overseas, the hundreds of millions, if not billions, of dollars we spend overseas. We earmark them to certain countries, into building military buildings overseas. What about the earmark for the embassy in Iraq? It has cost $1 billion. That's an earmark. But the side that said that we can solve this problem by cutting earmarks never talks about these earmarks.

Just think of the earmarks in the military budget. I mean, billions. And what do we do? We finally elect a different Congress to deal with some of these supplementals and emergency spending that we don't have the guts to put on the budget, so we elect a new Congress. And what do we do? We have the continuation, in all the budgets presented today, we're still going to finance the war as an off-budget emergency item. We're not being honest with ourselves. And we pretend that the problem is there, and that if you talk about it, it's going to go away.

The way I see it is there's only one way that we're going to attack this, and that is, decide what our government ought to be doing. And the Constitution is very clear, the government ought to preserve our liberties and give us a strong national defense. It shouldn't run our lives, it shouldn't run the economy, it shouldn't police the world. We're not supposed to be the policemen of the world. But everybody talks about it.

And both sides of the aisle have no hesitation to spend every cent the executive branch asked for to run a war that was never declared. We now spend $1 trillion a year going up, this year it's going to go over $1 trillion to run the operations overseas. That means all the foreign aid and all the military, $1 trillion to do things we shouldn't be doing.

They interviewed 3,400 military personnel just recently, military leaders, and 82 percent of them said our military is weaker today than it was 5 years ago. So, all of this money spent and all this policing in the world, and all this deficit.

And financially we're coming down. I mean, just today the dollar went down 1.2 percent in one day, after this steady erosion. It comes from the fact of deficits. And why does that hurt the dollar? Because we don't have enough money. We don't tax enough. We can't tax anymore. People are overtaxed. We can't borrow anymore because interest rates will go up. So, we print the

money. And the more money you print, the further the dollar goes down, and then everything goes up in price. So it's a cycle that's coming to an end.

The value of the dollar is really telling the whole story. We've overextended ourselves because we do not challenge the whole notion of what we ought to be doing here and what our government ought to be all about because we have drifted so far from the original intent of the Constitution. There is no hesitation, there are debates that go on here endlessly. One side of the aisle says, well, we need more and more money for the military; we can't cut one single cent on overseas expenditure. And the other side says, oh, no, we can't cut the entitlements. And then there's an agreement, we raise both.

My idea is to have a strong national defense and to get this budget under control. Reject the notion that we need to run an empire; we can't afford it, it's going to come down, it always comes down. It has come down all throughout history because eventually the currency is destroyed.

□ 2000

We're in 130 countries. We have 700 bases. Our military now is in worse shape than it was 5 years ago, according to our military. So it's time we look at the strategic, the philosophic problems. And I will say, unless we do this, this will end badly. It's going to end with a major economic crisis. It's going to be worldwide, and we here at home will suffer, not only economically but inevitably. Under these conditions the people lose their liberty, and our liberties are being eroded every single day that we're here.

So, yes, we take an oath to obey and uphold the Constitution against foreign and domestic. But we're domestic, and we should protect our rights and our budget and the greatness of this country.

Mr. BRADY of Texas. Mr. Chairman, I would yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), one of our leaders in this conference and one of our most distinguished leaders.

Mr. KNOLLENBERG. Mr. BRADY, thank you very kindly for yielding. I appreciate that very much.

Mr. Chairman, I rise tonight on behalf of the hardworking men and women of Michigan and particularly of my Ninth District.

It will come as no surprise to most to hear me say that Michigan has been struggling mightily of late. For the past 6 years, we have suffered from incomparable job losses throughout Michigan. In fact, Michigan was the only State in the Union to have lost jobs in each and every year of that time frame. Our unemployment rate has been the Nation's highest, or close to it, for longer than anyone can remember. Home foreclosures are up. Wages are down. Costs seem to be rising at every turn. To put it lightly, the people of Michigan are facing some tough times.

Not too long ago, the Governor of Michigan proposed an income tax increase. The citizens were on the verge of revolt. The State government actually shut down for a bit. As Michigan families struggled, the last thing they thought they deserved from their government was a bigger tax bill. But, sadly, they got one anyway.

Now the leadership of this body wants to send the good people of Michigan and the people across the country another tax increase. In fact, they want to send, as has been said before, the biggest tax increase in American history.

Well, I'm here to say, and to say strongly, enough is enough. Enough with higher taxes. Enough with wasteful spending. Enough.

Analysts have calculated that the average family in my district would see their taxes go up by more than $4,100 if this budget were to be enacted. That's $4,100 that families in Oakland County simply cannot afford. Worse yet, we know that a tax increase this big would do serious harm to the economy, costing even more jobs and putting more people out of work.

The other problem is, and some have told me that my district alone would lose some 2,000 jobs in the wake of this scale of tax increase. I do not want to let that happen.

Many are concerned that the national economy is showing signs of weakness. I submit to my colleagues the weakness you may be seeing is just a common cold compared to the prolonged pneumonia Michigan has suffered from during its single-State recession.

I'm going to fight and fight hard to protect Michigan's families, as every Member here I know would protect the people from their own States, protect them from higher taxes. Taking more of their hard-earned money from their pockets will only lead to more problems, more job losses, and more hardships.

So I repeat: Enough with higher taxes. Enough with wasteful spending. Simply, enough.

If you're thinking of voting for a tax increase this big, I'd invite you to come to see me in Michigan. There you can see firsthand what higher taxes do to an economy. Higher taxes shutter factory doors. They close small businesses, and they hurt families right to the core. This budget, and the $4,000 increase that comes with it for Oakland County's families, is simply unacceptable.

Instead of raising taxes, we should be focused on solutions that will strengthen the economy, create jobs, encourage investment, and foster innovation. Raising taxes would do the exact polar opposite.

So I strongly urge my colleagues, Mr. Chairman, to reject this massive tax increase on average Americans. I know firsthand how much harm it would do to Michigan's families, and I have every reason to believe it would do the same to families across America.

Mrs. MALONEY of New York. May I inquire of the Chair how much time remains on the Democratic side and how much remains on the Republican side.

The Acting CHAIRMAN. The gentlewoman from New York has 13½ minutes. The gentleman from Texas (Mr. BRADY) has 10½ minutes.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

To respond to some of the points made by the gentleman from Texas on the high cost of the war, the gentleman from Texas has pointed out that the war is not paid for, that it's off budget, and I support his recommendation that it should not be in a supplemental emergency spending bill.

This chart here shows the Federal spending on the Iraq war versus other priorities in the 2008 budget authorization. The Iraq war is costing, the request, twice as much as is in the Federal budget for transportation for the entire country, and it is five times more than what is in the budget now for the National Institutes of Health. It is seven times more than the college tuition assistance. So this is really costing Americans a great deal of money that could be spent on other priorities.

This chart here shows that the administration wants to spend $435 million on Iraq every day. And each year that money could be used to enroll for an entire year 57,000 children in Head Start, fund an additional 150,000 Pell Grants for low-income students for an entire year, save 290,000 families from losing their homes. It could hire for an entire year an additional 10,000 Border Patrol agents. It could hire more than 9,000 police officers for a year, and provide health insurance for 330,000 low-income children through the SCHIP program. So, for $435 million that they are requesting for Iraq every day, you could provide for an entire year health insurance for over 330,000 low-income children.

So I really want to join my colleague from Texas in his comments on the spending on the war.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Chairman, I yield myself 20 seconds.

I would make the point that this new Democrat leadership promised to pay for this war. They vowed riding into office that's what they would do. They had three opportunities last year and this year to fund that war. The budget of last year, the emergency spending,

and the budget again for this year. Guess how much is paid for? Zero. Zero money.

It's one thing to make promises to be fiscally responsible. It's another thing not to be fiscally responsible.

Mr. Chairman, with that, I would yield 5 minutes to one of our conservative leaders in Congress, a woman who has fought very hard for middle class families in Tennessee and this country, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from Texas for yielding.

And, Mr. Chairman, I am so pleased to come to the floor and participate in this debate. I think it's one of the most important debates that we have every single year.

And listening to all the comments that are taking place here this evening, Mr. Chairman, it is not lost on me. Budgets are supposed to be about priorities. Budgets should reflect the priorities of a nation, and they should lay out the funding for what we think is important, where we should spend the taxpayers' money.

And I think we have to stop there and pause just a moment because, Mr. Chairman, when I listen to some of our colleagues make comments, as my dear friend from New York just made, talking about all the good things that could be done with money, this is not our money. I do admit that the Federal Government has first right of refusal on the taxpayers' paycheck. I recognize they do that. I don't agree with that. But I think what we have to do is say having first right of refusal isn't right, but the taxpayer turns that money over willingly, and they have the right to know how we spend their money. They have the right to know what those priorities are going to be. So all the functions of the budget are supposed to lay those priorities out.

Now, Mr. Chairman, when I have talked with my constituents about this budget, the number one thing that they have said is this: With the way the taxes are going up, with the way the spending is going up in Washington, I am having too much month left over at the end of my money. And they think the priority reflected in this budget ought not to be the Federal Government's having first right of refusal on that paycheck. The first priority ought to be leaving that paycheck with the person that earned it. Well, what a novel idea. What a novel idea.

Well, let's just look at what we see in the Democrat leadership's budget. Well, the largest tax increase in American history. Here it is. And you can see previously we had $241 billion in 1993. That was President Clinton's tax increase. But now look at the number over there: $683 billion in tax increases over a 5-year period of time to pay for the spending that this House wants to participate in.

Well, we know this is going to be costly. So when you look at a chart of what it's going to cost every State, $2,611 is what it will cost the average Tennessean. In my district in Tennessee, that number is $2,668.

Well, taxes seem to be a priority, enough of a priority that this Democrat leadership wants to increase taxes on my constituents in the Seventh District of Tennessee $2,668. But, Mr. Chairman, they had the opportunity to extend sales tax deductibility, which those of us in Tennessee have enjoyed because we don't have a State income tax. And every Democrat on the Budget Committee voted against giving that tax relief to my constituents in Tennessee because they wanted higher taxes.

Well, the question is, what are they going to do with this tax money once they get it? And here is a chart that shows their discretionary increases. Well, we see $23 billion above the request in fiscal 2009. And, whoops, look at what's going to happen over there: $280 billion. And what does that discretionary spending buy the taxpayer? Well, Mr. Chairman, there are $280 billion worth of earmarks. We're going to have another $280 billion, not hundred, not thousand, not million, but billion with a ''b,'' $280 billion worth of earmarks that we are going to see over a 5-year period of time.

The American people have said enough is enough. They want that discretionary spending to come down. They want the earmark spending to come down.

Well, let's take a look at one more thing, and that is entitlements. And we don't even have enough time, obviously, to address that. This House has chosen not to address it. This leadership has chosen not to address it. And look at this chart. By the time we get to 2030, it is going to take every tax dollar coming in to pay for the entitlements of Medicare, Medicaid, and Social Security.

□ 2015

We know there is a crisis coming with entitlements. We know that we are going to see earmarks increase. And my constituents are telling me they've had enough of it. They've got too much month left over at the end of that money, and they want to keep more of that money in their pocket.

Mr. BRADY of Texas. At this time, I would reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Chairman, how much time is left on the Democratic and Republican sides?

The Acting CHAIRMAN (Mr. WILSON of Ohio). The gentlewoman from New York has 11 minutes remaining. The gentleman from Texas has 5¼ minutes remaining.

Mrs. MALONEY of New York. Mr. Chairman, I would like to comment on the statement that my good friend and colleague from the State of Tennessee claims that this is the largest tax increase in history. But all we are doing as Democrats is applying the basic rules of fiscal responsibility to expiring tax provisions.

Tax cuts should not be financed with borrowing. Tax cuts are not true tax cuts if they are not paid for. We have committed to preserve middle-class tax cuts if they can be properly paid for in 2010.

And if I could, Mr. Chairman, I will quote from nonpartisan budget groups that agree that the House budget resolution does not raise taxes. These are nonpartisan groups, The Hamilton Project of the Brookings Institute, ''The House Budget Committee's budget resolution would not raise taxes.'' The Center on Budget and Policy Priorities, ''Neither of the plans that the House and the Senate recommended this week by the Budget Committees include a tax increase.'' The Concord Coalition, ''Applying PAYGO, pay-as-you-go, rules to expiring tax cuts does not constitute a tax increase. It constitutes a policy decision requiring a balancing of priorities. That is what budgeting is all about.''

I reserve the balance of my time. I yield to my colleague, Congressman BRADY. And we have no other speakers on my side. So after you close, I then will close for my side.

Mr. BRADY of Texas. I thank the gentlelady.

I yield myself such time as I may consume to close.

I don't know where those fairy tales come from, I don't mean from the gentlelady, but some of these special interest groups. But I'm looking at the budget, page 37, I look at this title III called ''reserve funds.'' It doesn't have any money in it, but it is called ''reserve funds.'' It is empty. It says they have all these reserve funds for tax relief, middle-income tax relief, alternative minimum tax relief, higher education, and sales tax deduction.

Here is the problem: I then turn to the page where the line item is for these reserve funds, and it is zero. It is zero in the budget. All these tax cuts that are so important for families and small businesses will go away. In fact, if you ask the question, will those taxes increase in order to balance the Democrat budget? The answer is absolutely yes. Absolutely yes.

And the reason you know this is that every independent organization from government who has examined this budget knows and states, we will see the largest tax increase in American history.

Let us get down to this point, though. We do have common ground, the Republicans and the Democrats, on balancing the budget. There is no question about it. We believe it needs to be done. Here is the difference between the two parties. Republicans believe

that we should not raise taxes on families and small businesses, that we should have spending restraint, just a small amount, 3 percent, Washington tighten its budget belt before families do, we tackle Social Security and Medicare in a meaningful way to preserve it, and we enact a 1-year moratorium on frivolous earmarks so we can stop using those hippie museums and the bridges to nowhere and those just embarrassments of spending, that we can go back and come up with a commonsense way of do it in moderation.

The Democrat budget has a different approach. You may like it. They raise taxes about $3,000 on every family every year in America. They have higher spending, the largest spending budgets in American history. There is no action to preserve Social Security or Medicare, and earmarks continue unabated. And we have already seen the results of this in the past year. When Republicans held control of Congress, we spent too much. We spent too much, and the deficit got as high as $412 billion in 2004. It was wrong. Every year we have whittled it down, until the last Republican budget was $162 billion deficit. That is better than half, but that is not good enough. And in the 1-year budget Democrats have had, they have more than doubled, $357 billion deficit projection according to the Congressional Budget Office, and this year's deficit may be larger than that. The compass is going in the wrong direction. America doesn't need to have their taxes raised. Washington needs to tighten its belt, especially before we ask our families to tighten their belt. We need to tackle Social Security and Medicare. We need to call a time-out on these frivolous earmarks. And we need some spending restraint that the American people believe that we can do.

This is a bad budget for the values and the future of America. It harms our families and small businesses and resorts to budget gimmicks. It will never be a balanced budget. The Republican alternative is a sensible one that will do that the right way. The right choice is the Republican budget.

With that, I yield back my time.

Mrs. MALONEY of New York. I thank the gentleman for his participation tonight.

And I just would like to respond that the Republican budget proposal claims to pay for tax cuts with enormous, but unspecified, cuts in government spending. But when my Republican colleagues were in charge of Congress, along with the President, they did not cut spending. Instead, spending and earmarks grew massively. And so did the Federal debt.

My Republican colleagues and the President gave this country a series of records, but they were the wrong kinds of records. They gave us record debt, $9.6 trillion, the largest in the history of this country. So when they talk about financial responsibility, this is what they gave this country when they inherited a surplus. They gave us the largest debt in history. Every American owes $30,000 to this debt. They also gave us the largest trade deficit in history. And they also gave us the largest deficit in history.

So what we have before us, Mr. Chairman, is a responsible budget put forward by the Democratic leadership. And, Mr. Chairman, the challenge for this Congress is to return to the fiscal discipline that has been squandered by the President and his party over the past 7 years giving us the largest debt in history.

Today, Democrats in Congress present a realistic budget plan that adheres to PAYGO principles. We eliminate President Bush's deficits by 2012 and make the investments necessary to strengthen our economy and make Americans safer.

I want to remind my colleagues that under the Clinton administration, every year the deficits got smaller. But under the Bush administration, every year they have gotten larger. Our budget, the Democratic budget, provides health care for millions of additional uninsured children. We make critical investments in defense and our veterans health care. We also restore crucial funding for Medicare and Medicaid, as well as State and local law enforcement programs.

In order to spur innovation that will keep America number one, we provide increased funding for math and science education and research. We also expand renewable energy and energy efficiency programs to reduce global warming and our dependence on foreign oil. And we provide new training opportunities to prepare workers for green collar jobs. Our budget makes important investments in infrastructure to begin to rebuild our crumbling bridges and levees.

Democrats target tax relief to families struggling to make ends meet in the face of an economic downturn. Our plan extends middle-income tax breaks, including the child tax credit and marriage penalty relief, and we protect 20 million middle-income American families from being snagged by the alternative minimum tax.

Mr. Chairman, this budget resolution is an important step towards putting our financial fiscal house back in order and creating greater economic opportunities and prosperity for all American families.

Mr. SMITH of Nebraska. Mr. Chairman, when I'm back in Nebraska, I take the opportunity to listen to my constituents about the challenges they face in their day-to-day life.

The high cost of fuel, rising energy prices, and the overall strength of the American economy are all concerns for Nebraskans and all Americans.

Now is the time for Congress to step up to the plate and act with common-sense and fiscal responsibility.

The budget resolution we are debating, however, lets the American people down on those two fronts.

Instead of supporting common-sense budget process controls and responsible spending levels, this budget systematically guts a range of budget process tools, from the Majority's own PAYGO rule to abandoning any criteria for emergency spending.

In other words, the policies which make it easiest to tax-and-spend.

This budget hikes discretionary spending by $204 billion over 5-years on top of the Administration's proposed increase, the Majority loaded up their resolution with over 20 so-called spending "reserve funds," and increased reliance on budget gimmicks, such as advance appropriations.

Unfortunately, this budget increases spending, raises taxes to historic levels, refuses to fix the AMT—which will hit millions of middle-class taxpayers if nothing is done.

It does nothing to rescue Social Security, Medicare or Medicaid despite the fact the Budget Committee has heard time and time again that something must be done about entitlement spending.

Regrettably, the budget we will consider today appears to simply underscore this Majority's insistence on reckless spending, chased by record tax hikes on American workers and businesses, and massive debt burdens for future generations.

Nebraskans—and all Americans—have called for Congress to live up to its fiscal responsibilities.

Today, however, we are debating a bill which badly misses the mark.

I urge my colleagues to take a stand against this budget—which proposes hundreds of billions of dollars in new government spending paid for with the largest tax hike in American history.

Mr. WOLF. Mr. Chairman, I am deeply disappointed that the FY 2009 budget resolution we are considering today continues business as usual in the House. This resolution is another missed opportunity to come to grips with the financial crisis looming on the horizon for our Nation. We face enormous fiscal challenges and addressing them will take bipartisan commitment. The budget resolution—and all of the substitutes—fail to address the long-term spending crisis staring us right in the face.

JIM COOPER and I have been working together with almost 70 cosponsors from both sides of the aisle ii offering a solution—the Cooper-Wolf SAFE Commission Act—to respond to what outgoing U.S. Comptroller David Walker characterizes as a "tsunami of spending and debt levels that could swamp our ship of state."

At the Government Accountability Office, Mr. Walker has coordinated the country-wide "Fiscal Wake Up Tour" and has done a tremendous job of working to educate the American people on the grave condition of our country's fiscal health. I salute David Walker for the yeoman work he has done in bringing this issue to the front burner. He is leaving GAO this week, but he is not abandoning the cause in which he believes and into which he has poured his heart and soul over the past few years. He was quoted as saying, "I love my job. I love GAO. But I love my country more."

Republicans and Democrats must take to heart David Walker's words—for the love of country—and come together to avert the financial tsunami coming closer and closer to our Nation's shores. It doesn't take an expert to understand that this nation is teetering on the edge of a financial crisis like no other time in our history.

We had the opportunity in this year's budget process to take the initial steps to get our financial house in order. But again this budget cycle, the House is choosing to look the other way and continue business as usual.

If we don't get our country's financial house in order and make the sacrifices necessary today, the future for our children and grandchildren will be bleak. Our economic growth will come to a grinding halt, our standard of living and even our national security will be at risk if we don't start actively working to change our current course. We cannot continue to keep borrowing and mortgaging our future to countries like China and Saudi Arabia that carry obscene amounts of our debt.

This issue is an economic and moral issue that hangs like an ominous cloud over everything we do as public servants, yet many ignore it. I understand we won't be able to fix our financial woes overnight, but we must come together across the aisle if there is ever to be any hope of ensuring that our Nation's future is strong.

That's why Representative JIM COOPER and I joined efforts and have been calling for a national bipartisan commission that will put everything—entitlement spending, other Federal program spending and tax policy—on the table and come up with recommendations to halt the mounting debt.

Nothing would be off limits for discussion by the commission members.

A critical component of the commission's work will be to engage the American people in a national dialogue about the scope of the country's financial conditions and solutions to the problem. After spending 6 months conducting townhall-style meetings around the country, the commission will present a report to Congress describing the long-term fiscal problems, public suggestions and views, and policy options available to get us back on the right track.

Modeled after the Federal base-closing process, Congress would be required to vote up or down on the plan in its entirety. Mandating congressional action is what makes the SAFE Commission unique. If other viable bipartisan solutions are presented, I think we should look at those, too.

The Cooper-Wolf SAFE Commission legislation has been endorsed by groups across a wide political spectrum—groups who usually disagree more than they agree on policy issues—the Brookings Institution, the Heritage Foundation, the Concord Coalition, and the Committee for a Responsible Federal Budget. The Business Roundtable and National Federation of Independent Business are also on board. National columnists David Brooks, David Broder, and Robert Samuelson all have written about the entitlement crisis facing our country and the SAFE Commission as a potential way forward. Senators CONRAD and GREGG have introduced similar legislation in the Senate.

The financial tsunami is moving closer to our shores and the longer we wait to act, the harder it will be to stop the tidal wave of red ink. If our children and grandchildren were on the beach with an actual tsunami off the coast, we would do everything we could to help them. We must move beyond politics and come to grips with the fact that the financial future of our country is an American issue and it's on our watch to fix.

How can this Congress sit by knowing full well that our financial woes will haunt generations to come?

I could easily use all the time for general debate today providing the evidence to support the critical need to address the nation's financial future. This should be the number one budget priority for this Congress. Let me give an example. In January, Moody's Investors Service released its annual report which concluded that the United States triple-A bond rating is at risk. The United States could lose its triple-A bond rating as early as 2012. What does that mean?

That means that respected credit-rating agencies are projecting that the United States will be on par with Greece and Estonia by 2015, Poland and Mexico by 2020, and below investment grade—junk debt—by 2025.

Here's more evidence: the retirement of the baby boomers started this year and presents a demographic challenge that is unprecedented. In 2006, Medicare, Medicaid, and Social Security consumed 40 percent of the budget. That percentage is expected to jump to 51 percent in less than 10 years. It may be out of sight, out of mind for now, but it's simple math. As the number of Americans aged 65 and up rises, and the working population shrinks, more Americans will draw on promised benefits. The rubber will meet the road, and we will have done nothing to cushion the blow.

We cannot continue to avoid our responsibility to future generations of Americans by passing on a broken system in the form of unfunded Social Security and Medicare obligations and unsustainable spending.

Simply put, the budget resolution set forth this year represents a missed opportunity. We need to follow the example of David Walker and for the love of our country, and for our children and grandchildren, do what it will take to protect our Nation's future. The SAFE Commission is the bipartisan way forward. Mr. Speaker, I would like to insert for the RECORD a letter I received from U.S. Comptroller General David Walker, a recent Financial Times article about our Nation's triple-A bond rating, and a Robert Samuelson op-ed from The Washington Post.

[From the Washington Post, October 3, 2007]

ESCAPING THE BUDGET IMPASSE

(By Robert J. Samuelson)

Almost everyone knows that the next president will have to wrestle with the immense costs of retiring baby boomers. Comes now a small band of Democrats and Republicans who want to do the new president a giant favor. They want to force the new administration to face the problem in early 2009. Why is this a favor? Because dealing with this issue is so politically unsavory that resolving it quickly would be a godsend. Otherwise, it could haunt the White House for four years.

Let's review the problem (again). From 2000 to 2030, the 65-and-over population will roughly double, from 35 million to 72 million, or from about 12 percent of the population to nearly 20 percent. Spending on Social Security, Medicare, and Medicaid—three big programs that serve the elderly—already represents more than 40 percent of the federal budget. In 2006, these three programs cost $1.1 trillion, more than twice defense spending. Left on automatic pilot, these programs are plausibly projected to grow to about 75 percent of the present budget by 2030.

Stalemate results because all the ways of dealing with these pressures are controversial. There are only four: (a) massive tax increases—on the order of 30 to 50 percent by 2030; (b) draconian cuts in other government programs (note that the projected increases in Social Security and Medicare, as a share of national income, are more than all of today's domestic discretionary programs); (c) cuts in Social Security, Medicare and Medicaid—higher eligibility ages or lower benefits for wealthier retirees; or (d) undesirably large budget deficits.

The proposed escape seems at first so drearily familiar and demonstrably ineffective that it's hardly worth discussing: a bipartisan commission. But what would distinguish this commission from its many predecessors is that Congress would have to vote on its recommendations. The political theory is that, presented with a bipartisan package that cannot be amended, most politicians would do what they believe (privately) ought to be done rather than allow pressure groups, including retirees, to paralyze the process.

There is precedent for this approach. Since 1988, Congress has allowed more than 600 military bases and facilities to be closed or streamlined using a similar arrangement. An independent Base Realignment and Closure Commission evaluates the Pentagon's proposed closings and listens to objections. With the president's approval, it then submits its own list, which goes into effect unless vetoed by both houses of Congress. This process provides members of Congress bipartisan ''cover'' and prevents amendments from weakening the package.

Two prominent proposals would adapt this approach to the budget. The first, offered by Sens. Kent Conrad (D–N.D.) and Judd Gregg (R–N.H.), the chairman and ranking minority member of the Budget Committee, would create a 16-member commission, evenly divided between Democrats and Republicans. All eight Democrats would be from Congress, as would six Republicans. The administration would have two members, including the secretary of the Treasury.

Conrad's notion is that the impasse is political and that only practicing politicians—people with ''skin in the game''—can craft a compromise that can be sold to their peers. The commission would report in December 2008. Twelve of its 16 members would have to support the plan, with congressional passage needing 60 percent approval (60 senators, 261 representatives). These requirements, Conrad and Gregg argue, would ensure bipartisan support.

The other proposal comes from Reps. Jim Cooper (D–Tenn.) and Frank Wolf (R–VA.) It would also create a 16-member commission, with two major differences. First, only four of its members would be from Congress. Second, though Congress would have to vote on the commission's proposal, there would be some leeway for others—including the president—to present alternatives as long as they had the same long-term budget impact. Any

proposal, however, would have to be voted on as a package without amendments.

A combination of these plans might work best. A 20-member group would be manageable and should include four outsiders to provide different perspectives and, possibly, to build public support. Perhaps the head of AARP should be included. And it would be a mistake to present the next president with a take-it-or-leave-it package. The Cooper-Wolf plan would allow a new administration to make changes—and get credit—without being able to start from scratch.

This commission approach has potential pitfalls: It might create a face-saving package that does little. But everything else has failed. The main political beneficiary would be the next president. It would be revealing if some of the hopefuls—Democrats and Republicans—would show that they grasp this by providing their endorsements. Otherwise, the odds that Congress will even create the commission are slim.

U.S. GOVERNMENT ACCOUNTABILITY OFFICE,
Washington, DC, January 22, 2008.

Hon. FRANK R. WOLF,
House of Representatives.

DEAR MR. WOLF: As we discussed by phone this morning, while it is understandable that many in Congress are rightfully concerned about our current economic slowdown and recent market declines, it is important that the Congress not forget about our much larger structural challenge. Specifically, we must not forget our large and growing fiscal gap which now totals approximately $53 trillion ($53,000,000,000,000) and it is growing by $2 to $3 trillion a year absent any meaningful reforms.

Approximately three years ago Standard and Poor's issued a publication stating that, absent policy changes, the U.S. Government's debt to GDP ratio was on track to mirror ratios associated with speculative-grade sovereigns. Within the last month, Moody's Investors Service issued its annual report on the United States. In that report they noted their concern that, absent Medicare and Social Security reforms, the long-term fiscal health of the United States and our current Aaa bond rating were at risk. These not too veiled comments serve to note the significant longer-term interest rate risk that we face absent meaningful action of our longer range challenge as well. Higher longer-term interest costs would only serve to complicate our fiscal, economic and other challenges in future years.

I believe that it is critically important that this Congress not just address our short-term economic challenge but also our longer-range fiscal gap. The consequences of failing to do so will over time be much more dire than the current economic and market disruptions we are experiencing.

As you may know, while our annual deficits have declined for three straight years, our total fiscal imbalance has continued to grow. Absent meaningful budget, entitlement, spending and tax reforms, this imbalance, which is driven primarily by rising health care costs and known demographic trends, will result in a tsunami of spending and debt levels that could swamp our ship of state.

[From the Financial Times, Jan. 11, 2008]

UNITED STATES' TRIPLE-A CREDIT RATING 'UNDER THREAT'

(By Francesco Guerrera, Aline van Duyn and Daniel Pimlott)

The U.S. is at risk of losing its top-notch triple-A credit rating within a decade unless it takes radical action to curb soaring healthcare and social security spending, Moody's, the credit rating agency, said yesterday.

The warning over the future of the triple-A rating—granted to U.S. government debt since it was first assessed in 1917—reflects growing concerns over the country's ability to retain its financial and economic supremacy.

It could also put further pressure on candidates from both the Republican and Democratic parties to sharpen their focus on healthcare and pensions in the run-up to November's presidential election.

Most analysts expect future administrations to deal with the costs of healthcare and social security and there is no reflection of any long-term concern about the U.S.'s financial health in the value of its debt.

But Moody's warning comes at a time when U.S. confidence in its economic prowess has been challenged by the rising threat of a recession, a weak dollar and the credit crunch.

In its annual report on the U.S., Moody's signalled increased concern that rapid rises in Medicare and Medicaid—the government-funded healthcare programmes for the old and the poor—would "cause major fiscal pressures" in years to come.

Unlike Moody's previous assessment of U.S. government debt in 2005, yesterday's report specifically links rises in healthcare and social security spending to the credit rating.

"The combination of the medical programmes and social security is the most important threat to the triple-A rating over the long term," it said.

Steven Hess, Moody's lead analyst for the U.S., told the Financial Times that in order to protect the country's top rating, future administrations would have to rein in healthcare and social security costs.

"If no policy changes are made, in 10 years from now we would have to look very seriously at whether the U.S. is still a triple-A credit," he said.

Mr. Hess said any downgrade in the U.S. rating would have serious consequences for the global economy. "The U.S. rating is the anchor of the world's financial system. If you have a downgrade, you have a problem," he said.

Moody's did once threaten to cut the rating of some of the U.S. Treasury's debt when Congress refused to pass the president's budget in the mid-1990s. Other large economies, notably Japan in the 1990s, have had to suffer the symbolic blow of losing their top-notch credit rating.

Last year, David Walker, comptroller general of the U.S., caused controversy when he compared America's current situation with the dying days of the Roman empire and warned the country was on "a burning platform" of unsustainable policies.

Medicare and Medicaid spending, which has risen sharply over the past few decades and now accounts for about 45 percent of total Federal spending, up from about 25 percent in 1975, has long been a source of concern.

Mr. BOUSTANY. Mr. Chairman, I rise today to argue against this proposed Democratic budget that would raise taxes on Louisiana taxpayers by an average of $2,642 and contains egregious wasteful spending.

Extra money for tax hikes might be in the family budget for people in San Francisco, but families in southwest Louisiana do not have extra room in their budgets. Wasteful spending and tax hikes are irresponsible. The Democratic House leadership must understand that American families are facing higher costs at the pump, higher costs for healthcare and education, and more money to pay Federal taxes simply isn't there.

The Democratic budget proposal includes a massive $683 billion tax increase spread over five years in order to finance wasteful Washington spending according to the Congressional Budget Office. Taxpayers in Louisiana face average tax increases of $2,642. While failing to address growing entitlement programs, House Democrats are proposing tens of billions more in new Federal spending facilitated by the tax increase.

In addition, the Democratic budget contains the following: Cuts to the child tax credit, from $1,000 to $500 per child; Decreases to the adoption tax credit; Decreases in tax-free 401(k) and IRA contributions; Tax increases for small businesses averaging more than $4,000 per business.

Mr. Chairman, I cannot in good conscience support a budget that is as irresponsible as this one. It is a hamper to American entrepreneurs, small businesses and economic growth. Additionally, it hurts American families who struggle to pay higher energy prices, healthcare costs, housing costs and education costs.

Our budget is a statement of priorities. Lowering taxes, growing our economy and providing for families are my priorities. This Democratic budget falls well short.

Mrs. MALONEY of New York. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETERSON of Minnesota) having assumed the chair, Mr. WILSON of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WILSON of Ohio). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SHORT-TERM FARM BILL EXTENSION

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules

and pass the Senate bill (S. 2745) to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AGRICULTURAL PROGRAMS.

(a) EXTENSION.—Except as otherwise provided in this section and notwithstanding any other provision of law, the authorities provided under the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 7 U.S.C. 7901 et seq.) and each amendment made by that Act (and for mandatory programs at such funding levels), as in effect on September 30, 2007, shall continue, and the Secretary of Agriculture shall carry out the authorities, until April 18, 2008.

(b) CONSERVATION PROGRAMS.—

(1) FARMLAND PROTECTION PROGRAM.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this subsection as the ''Secretary'') shall continue the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) at a funding level of $97,000,000 per year.

(2) GROUND AND SURFACE WATER CONSERVATION.—Notwithstanding any other provision of law, the Secretary shall continue the ground and surface water conservation program established under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) at a funding level of $60,000,000 per year.

(3) WILDLIFE HABITAT INCENTIVES PROGRAM.—Notwithstanding any other provision of law, the Secretary shall continue the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) at a funding level of $85,000,000 per year.

(c) EXCEPTIONS.—This section does not apply with respect to the following provisions of law:

(1) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)).

(2) Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

(3) Section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034).

(4) Section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

(5) Section 231(b)(4) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621note; Public Law 106–224).

(6) Section 9002(k)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(k)(2)).

(7) Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)).

(8) Section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

(9) Subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.), with respect to the 2008 crops (other than the 2008 crop of a loan commodity described in paragraph (11), (12), (13), or (14) of section 1202(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932(b))).

(d) SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.—The provisions of law specified in subsections (a) through (c) of section 1602 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992) shall be suspended through April 18, 2008.

(e) RELATION TO CONSOLIDATED APPROPRIATIONS ACT, 2008.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section does not apply to the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008 (division A of Public Law 110–161; 121 Stat. 1846).

(2) REPEAL OF SUPERSEDED EXTENSION.—Section 751 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008 (division A of Public Law 110–161; 121 Stat. 1883) is repealed.

(f) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on March 15, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 2745, a bill to extend current farm programs until April 18, 2008. Mr. Speaker, our farm policies ensure that all Americans have access to safe, secure and abundant food supply while providing a safety net for American farmers and ranchers. It also authorizes important nutrition programs for our country's neediest citizens, encourages vital conservation programs and supports the development of agriculturally based renewable energy.

Mr. Speaker, all of us on the Agriculture Committee would rather have a new farm bill signed into law rather than be here today asking for an extension.

After hearing about the popularity of the 2002 farm bill from farmers and ranchers nationwide in a series of field hearings our committee held in 2006, we set out last year to build on a strong farm safety net while making new investments in rural America and for our Nation's neediest citizens who depend on Federal food programs for a square meal.

The new farm bill that this House passed last July makes those investments in nutrition, fruits and vegetable production and farm-based renewable energy. It reforms our farm programs and reinforces the strong farm safety net. It includes an agreement between industry and consumer groups on mandatory country-of-origin labeling for meat. All that progress will be lost if we do not get this bill finished and signed into law.

Nevertheless, Mr. Speaker, we are taking steps toward a bipartisan, bicameral bill that Members can support. And I believe we have made enough progress in that endeavor to support a 1-month extension.

So, in closing, I would like to thank my friend and the ranking member, Mr. GOODLATTE from Virginia, for his work over the last few months and for standing alongside me in working with the Senate and the administration in order to get this farm bill to a conclusion.

Mr. Speaker, I urge passage of this bill.

Mr. Speaker, I rise today in support of S. 2745, a bill to extend current farm programs until April 18, 2008.

Mr. Speaker, our farm policies ensure that all Americans have access to a safe, secure and abundant food supply while providing a safety net for America's farmers and ranchers. Farm bills also authorize important nutrition programs for our country's neediest citizens, encourage vital conservation programs, and increasingly support the development of agriculturally based renewable energy, which will help reduce our dependence on foreign oil.

Mr. Speaker, all of us on the Agriculture Committee would rather have a new Farm Bill signed into law rather than to be here today to ask for an extension. When the House Agriculture Committee kicked off the Farm Bill process in 2006 with Farm Bill field hearings all across America, we hoped a new Farm Bill for American agriculture would have been signed into law by now. Even though the farmers and ranchers we heard from in those hearings were strongly supportive of the farm safety net of the 2002 law, we knew passing a new Farm Bill would not be easy in this kind of budget environment.

Mr. Speaker, the Farm Bill has been a victim of its own success. The 2002 law saved taxpayers billions but resulted in a 60 percent cut in budget authority for traditional farm programs when budget baselines were released a year ago.

Nevertheless, the Agriculture Committee wrote a Farm Bill from the ground up; a new Farm Bill that makes historic investments in fruit and vegetable production, conservation, nutrition, and renewable energy while reinforcing the strong safety net for America's farmers. The House-passed bill institutes mandatory country-of-origin labeling for meat. And despite what is said by editorial boards in big cities, this Farm Bill contains significant reforms that just a few years ago many people thought would be impossible to pass. We have eliminated the three-entity rule. We have implemented direct attribution of payments for transparency. And thanks to a hard cap on eligibility, millionaires will no longer be receiving farm payments.

The Senate passed their Farm Bill in late December, and staffs have been working hard ever since the New Year to work out many of the policy issues we will face once an overall funding level is reached.

Mr. Speaker, we are taking gradual steps to reaching a bipartisan, bicameral bill that everyone can support, and I believe we have made enough progress to support a 1-month extension.

Many people would like to see different things with this Farm Bill, but the truth is, Mr. Speaker, that all of the advances we have made in fruit and vegetable production, nutrition, conservation, reforming farm programs,

and encouraging farm-based renewable energy will go out the window if we do not get this bill done and signed into law. The forward progress we have made over the last few weeks lead me to believe that we can get this done. Our farmers and ranchers expect us to finish a new farm bill for a new age of agriculture.

In closing, I would like to thank my friend and Ranking Member Mr. BOB GOODLATTE of Virginia for his work over the last few months and for standing alongside me in working with the Senate and the Administration in order to get this Farm Bill to a conclusion.

Mr. Speaker, I urge passage of this bill.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I rise in support of S. 2745, the short-term farm bill extension that will extend some provisions of the 2002 farm bill until April 18. The other body passed the same provision this morning, and this body must pass this bill so both bodies can continue to work on conference negotiations.

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Mr. Speaker, I would like nothing more than to stand before you today and report that we are on the brink of an agreement on the farm bill. However, progress on a new farm bill agreement has been painfully slow, and this process has become a source of frustration for me and my colleagues, and the chairman I know as well, as well as millions of rural Americans awaiting a new farm bill.

If we do not seek prompt and substantive action on the farm bill, I believe we must pursue a different course of action, because our farmers and ranchers have already waited too long. Interminable delays in implementing a new farm bill may not have real ramifications in Washington, but in rural America the effects are real, and they are substantial.

I appreciate the efforts of our committee chairman to try to keep this process moving. I know at times he has shared my frustrations. We all recognize the need for a new farm bill, and we continue to work toward completing a farm bill and getting it to the President for him to sign into law by April 18.

I urge my colleagues to support this farm bill extension to give us a little more time to try to overcome the budget obstacles that have been standing in the way of the farm bill finish line since last year.

We started this process together in a bipartisan fashion more than 2 years ago. We worked together in the committee to move a farm bill forward, but we have been hindered time and time again outside the committee by the fact that others in the Congress have failed to recognize the fact that this farm bill starts out $58 billion below the last farm bill in terms of what it will cost to continue the farm legislation forward. That is a great thing. That is a tremendous savings for the American taxpayer. But when we are trying to write a modern, forward-looking farm bill that encompasses changes in conservation, in nutrition, in energy, in specialty crops, and we are trying to reform the commodity title of the farm bill, we needed to have some additional resources.

The chairman and I went to the Budget Committee last year in a bipartisan fashion and asked for some money above the baseline, not $58 billion coming back to us, but $5 billion, $10 billion above that baseline, which still would have been a huge savings for the taxpayers and allowed us to write a farm bill inside the committee and bring it to the floor of the House without being dependent on another committee or another source. The same problem existed in the Senate.

The outcome has been that we have been spinning our wheels having to deal with other outside influences rather than getting the job done in the committee because of this funding not being available. We are going to have to look at some new alternatives if we don't get a breakthrough here in the next couple of days, because even this extension will expire very, very soon, and the time it takes to write a farm bill that encompasses a whole host of issues, from what goes on on the farm to all of our nutrition programs, to our environmental and conservation programs, to research programs for agriculture, to a whole host of other areas that are very, very important, not just to America's farmers and ranchers, not just to people living in rural America, but to every American consumer who depends upon our farm community to continue to provide the safest, most abundant, most affordable food supply in the world, and we will be working together.

I appreciate the chairman's working with me and with other Members on this side of the aisle to accomplish that goal. He has been tenacious in that effort. But we need to either move on, or we need to get the help that was promised a year ago to finally come to the committee so we can get the job done.

Mr. Speaker, I yield back the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the Senate bill, S. 2745.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials thereon on S. 2745.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PENSION PROTECTION TECHNICAL CORRECTIONS ACT OF 2008

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3361) to make technical corrections related to the Pension Protection Act of 2006, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the ''Pension Protection Technical Corrections Act of 2008''.

(b) REFERENCES TO ACTS.—For purposes of this Act—

(1) AMENDMENT OF 1986 CODE.—The term ''1986 Code'' means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term ''ERISA'' means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term ''2006 Act'' means the Pension Protection Act of 2006.

SEC. 2. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 302(c)(7) of ERISA is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking '', the valuation date,''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 412(c)(7) of the 1986 Code is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking '', the valuation date,''.

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 303(f)(4)(A) of ERISA is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking ''section 205(g)(3)(B)(iii)(I)) for such month'' and inserting ''section 205(g)(3)(B)(iii)(I) for such month)'', and

(ii) by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.'',

(ii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iii) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 303(k)(6)(B) of ERISA is amended by striking '', except'' and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking ''as of the first day of the plan year'' the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking ''paragraph (2)'' in paragraph (4)(A) and inserting ''paragraph (3)'',

(iii) by striking ''paragraph (1), (2), or (4) of section 206(g)'' in paragraph (6)(B)(iii) and inserting ''subsection (b), (c), or (e) of section 436'',

(iv) by striking ''the sum of'' in paragraph (6)(C), and

(v) by striking ''of the Treasury'' in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting ''and target normal cost'' after ''funding target'' in subparagraph (B),

(ii) by striking ''liabilities'' and inserting ''benefits'' in subparagraph (B),

(iii) by striking ''section 417(e)(3)(D)(i)) for such month'' in subparagraph (F) and inserting ''section 417(e)(3)(D)(i) for such month)'', and

(iv) by striking ''subparagraph (B)'' in subparagraph (F) and inserting ''subparagraph (C)''.

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.'',

(ii) by striking ''section 302(c)'' in subparagraph (D)(ii)(II) and inserting ''section 412(c)'',

(iii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iv) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting ''(as provided under paragraph (2))'' after ''applies'' in paragraph (1), and

(ii) by striking '', except'' and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking ''section 206(g)(4)(B)'' and inserting ''section 206(g)(4)(A)''; and

(ii) by adding at the end the following: ''The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.''.

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking ''a funding'' and inserting ''an adjusted funding''.

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting ''BENEFIT'' after ''EVENT''.

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.''.

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting ''adjusted'' before ''funding''.

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking ''without regard to this subparagraph and'' in clause (i), and

(ii) in clause (iii)—

(I) by striking ''without regard to this subparagraph'' and inserting ''without regard to the reduction in the value of assets under section 303(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.''.

(H) Section 502(c)(4) of ERISA is amended by striking ''by any person'' and all that follows through the period and inserting ''by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking ''section 303'' and inserting ''section 430'' in the matter preceding subparagraph (A), and

(ii) by striking ''a funding'' and inserting ''an adjusted funding'' in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting ''BENEFIT'' after ''EVENT'' in the heading, and

(ii) by striking ''any event'' in subparagraph (B) and inserting ''an event''.

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.''.

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting ''adjusted'' before ''funding'' in paragraph (1)(D), and

(ii) by striking ''prefunding balance under section 430(f) or funding standard carryover balance'' in paragraph (2) and inserting ''prefunding balance or funding standard carryover balance under section 430(f)''.

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking ''without regard to this paragraph and'',

(II) by striking ''section 430(f)(4)(A)'' and inserting ''section 430(f)(4)'', and

(III) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'', and

(ii) in subparagraph (C)—

(I) by striking ''without regard to this paragraph'' and inserting ''without regard to the reduction in the value of assets under section 430(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

''(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

''(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.''.

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking ''subsection'' and inserting ''section'', and

(B) by striking ''subparagraph'' and inserting ''paragraph''.

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking ''the normal costs, the accrued liabilities'' and inserting ''the normal costs or target normal costs, the accrued liabilities or funding target'', and

(ii) by striking paragraph (7) and inserting the following new paragraph:

''(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.''.

(B) Section 4071 of ERISA is amended by striking ''as section 303(k)(4) or 307(e)'' and inserting ''or section 303(k)(4),''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking ''ON PLANS IN AT-RISK STATUS'' in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking ''section 430(j)'' and inserting ''section 430(j)(3)'', and

(ii) by striking ''paragraph (5)(A)'' and inserting ''section 430(j)(4)(A)''.

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subparagraph (B)(iii) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(b)(2) (without regard to subparagraph (B) thereof)'' in subparagraph (D) and inserting ''section 412(b)(1), without regard to section 412(b)(2)''.

(D) Section 411 of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subsection (a)(3)(C) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(e)(2)'' in subsection (d)(6)(A) and inserting ''section 412(d)(2)''.

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

''(I) the sum of the funding target and target normal cost determined under section 430, over''.

(F) Section 4971 of the 1986 Code is amended—

(i) by striking ''required minimum'' in subsection (b)(1) and inserting ''minimum required'',

(ii) by inserting ''or unpaid minimum required contribution, whichever is applicable'' after ''accumulated funding deficiency'' each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking ''section 412(a)(1)(A)'' in subsection (e)(1) and inserting ''section 412(a)(2)''.

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

''(g) EFFECTIVE DATES.—

''(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

''(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.''.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting ''to an applicable covered employee'' after ''under the plan''.

SEC. 3. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking ''has not used'' and inserting ''has not adopted, or ceased using,''.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 302(b)(3) of ERISA is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(B) Section 305(b)(3)(C) of ERISA is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(C) Section 305(b)(3)(D) of ERISA is amended by striking ''The Secretary'' in clause (iii) and inserting ''The Secretary of the Treasury, in consultation with the Secretary''.

(D) Section 305(c)(7) of ERISA is amended—

(i) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.'', and

(iii) by adding at the end the following new subparagraph:

''(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.''.

(E) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'',

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'', and

(III) by adding at the end the following new clause:

''(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)(C)(iii)—

(I) by striking ''the Secretary'' in subclause (I) and inserting ''the Secretary of the Treasury, in consultation with the Secretary'', and

(II) by striking ''Secretary'' in the last sentence and inserting ''Secretary of the Treasury'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(F) Section 305(f)(2)(A)(i) of ERISA is amended by adding at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs after the date such notice is sent,''.

(G) Section 305(g) of ERISA is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(H) Section 502(c)(2) of ERISA is amended by striking ''101(b)(4)'' and inserting ''101(b)(1)''.

(I) Section 502(c)(8)(A) of ERISA is amended by inserting ''plan'' after ''multiemployer''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking ''The Secretary of Labor'' and inserting ''The Secretary, in consultation with the Secretary of Labor''.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking ''section 304(d)'' in subparagraph (A)(ii) and inserting ''section 431(d)'', and

(ii) in paragraph (7)—

(I) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.''.

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'', and

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)—

(I) by striking ''section 204(g)'' in subparagraph (A)(i) and inserting ''section 411(d)(6)'',

(II) by inserting ''of the Employee Retirement Income Security Act of 1974'' after ''4212(a)'' in subparagraph (C)(i)(II),

(III) by striking ''the Secretary of Labor'' in subparagraph (C)(iii)(I) and inserting ''the Secretary, in consultation with the Secretary of Labor'', and

(IV) by striking ''the Secretary of Labor'' in the last sentence of subparagraph (C)(iii) and inserting ''the Secretary'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended—

(i) by striking ''section 411(b)(1)(A)'' and inserting ''section 411(a)(9)''; and

(ii) by inserting at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs after the date such notice is sent,''.

(F) Section 432(g) of the 1986 Code is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking ''section 412(a)'' in paragraph (3) and inserting ''section 431(a)'', and

(ii) by striking paragraph (9) and inserting the following new paragraph:

''(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g)—

''(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

''(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).''.

(H) Section 412(b)(3) of the 1986 Code is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking ''first day of'' and inserting ''day following the close of'', and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

''(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking ''Section 4971(c)(2) of such Code'' and inserting ''Section 4971(e)(2) of such Code''.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting '', except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year'' before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking ''section 305(b)(3) of the Employee Retirement Income Security Act of 1974'' and inserting ''section 432(b)(3) of the Internal Revenue Code of 1986''.

SEC. 4. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking ''2008'' and inserting ''2009''.

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking ''section 205(g)(3)(B)(iii)(II)'' and inserting ''section 205(g)(3)(A)(ii)(II)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking ''clause (ii)'' and inserting ''subparagraph (C)''.

(B)(i) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

''(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).''.

(ii)(I) Except as provided in subclause (II), the amendment made by clause (i) shall apply to years beginning after December 31, 2008.

(II) A plan sponsor may elect to have the amendment made by clause (i) apply to any year beginning after December 31, 2007, and before January 1, 2009, or to any portion of any such year.

SEC. 5. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking ''1990'' and inserting ''2005''.

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking ''commercial airline'' and inserting ''commercial''.

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''.

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking ''and'' at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

''(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

''(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and''.

SEC. 6. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking ''for which the latest annual report filed under section 104(a) was filed'' in subclause (I)(aa) and inserting ''to which the notice relates'', and

(2) by striking subclause (II) and inserting the following new subclause:

''(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),''.

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

''Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).''.

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking ''section 103(f)'' and inserting ''section 101(f)'', and

(ii) striking ''the administrators'' and inserting ''the administrator''.

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting ''funding'' after ''plan's''.

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking ''section 101(f)'' and inserting ''section 104(d)''.

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking ''section 302(d)(2)'' and inserting ''section 303(d)(2)''.

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking ''subsection (a)(2)'' the second place it appears and inserting ''subparagraph (A) or the regulations under subsection (a)(2)''.

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking ''and plan sponsor'' and inserting '', the plan sponsor, or the corporation'', and

(B) by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking ''regulations prescribed by the Secretary'' and inserting ''such regulations as the Secretary may prescribe'', and

(B) by striking the last sentence and inserting ''The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).'', and

(2) by striking paragraph (2) and inserting the following:

''(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).''

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

''(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

SEC. 7. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking ''subsection (b)(14)(B)(ii)'' and inserting ''subsection (b)(14)(A)(ii)''.

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking ''financial adviser'' and inserting ''fiduciary adviser''.

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking ''the participant'' each place it appears and inserting ''a participant'', and

(ii) by striking ''section 408(b)(4)'' in clause (ii) and inserting ''subsection (b)(4)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking ''and that permits'' and inserting ''that permits''.

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking ''subsection (b)(14)'' and inserting ''subsection (d)(17)'',

(ii) in subparagraph (C)(iv)(II), by striking ''subsection (b)(14)(B)(ii)'' and inserting ''(d)(17)(A)(ii)'',

(iii) in subparagraph (F)(i)(I), by striking ''financial adviser'' and inserting ''fiduciary adviser,'',

(iv) in subparagraph (I), by striking ''section 406'' and inserting ''subsection (c)'', and

(v) in subparagraph (J)(i)—

(I) by striking ''the participant'' each place it appears and inserting ''a participant'',

(II) in the matter preceding subclause (I), by inserting ''referred to in subsection (e)(3)(B)'' after ''investment advice'', and

(III) in subclause (II), by striking ''section 408(b)(4)'' and inserting ''subsection (d)(4)''.

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking ''section 4975(c)(3)(B)'' and inserting ''section 4975(e)(3)(B)''.

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking ''or less''.

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking ''party in interest'' and inserting ''disqualified person'', and

(ii) by striking ''subsection (e)(3)(B)'' and inserting ''subsection (e)(3)'',

(B) in paragraphs (19), (20), and (21), by striking ''party in interest'' each place it appears and inserting ''disqualified person'', and

(C) by striking ''or less'' in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting ''of the Employee Retirement Income Security Act of 1974'' after ''section 407(d)(1)'', and

(2) inserting ''of such Act'' after ''section 407(d)(2)''.

(d) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking ''participant'' each place it appears and inserting ''participant or beneficiary''.

SEC. 8. AMENDMENTS RELATED TO TITLE VII.

(a) AMENDMENTS TO ERISA.—

(1) Section 203(f)(1)(B) of ERISA is amended to read as follows:

''(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,''.

(2) Section 204(b)(5) of ERISA is amended—

(A) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(B) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(3) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(b) AMENDMENTS TO 1986 CODE.—

(1) Section 411(b)(5) of the 1986 Code is amended—

(A) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(B) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(2) Section 411(a)(13)(A) of the 1986 Code is amended—

(A) by striking ''paragraph (2)'' in clause (i) and inserting ''subparagraph (B)'',

(B) by striking clause (ii) and inserting the following new clause:

''(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,'', and

(C) by striking ''paragraph (3)'' in the matter following clause (ii) and inserting ''subparagraph (C)''.

(3) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(c) AMENDMENTS TO 2006 ACT.—

(1) Section 701(d)(2) of the 2006 Act is amended by striking ''204(g)'' and inserting ''205(g)''.

(2) Section 701(e) of the 2006 Act is amended—

(A) by inserting ''on or'' after ''period'' in paragraph (3),

(B) in paragraph (4)—

(i) by inserting ''the earlier of'' after ''before'' in the matter preceding subparagraph (A), and

(ii) by striking ''earlier'' and inserting ''later'' in subparagraph (A),

(C) by inserting ''on or'' before ''after'' each place it appears in paragraph (5), and

(D) by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

''(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

''(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.''.

(d) AMENDMENT OF ADEA.—Section 4(i)(10)(B)(i)(III) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(i)(10)(B)(i)(III)) is amended by adding at the end the following: ''In the case of a governmental plan (as defined in the first sentence of section 414(d) of the Internal Revenue Code of 1986), a rate of return or a method of crediting interest established pursuant to any provision of Federal, State, or local law (including any administrative rule or policy adopted in accordance with any such law) shall be treated as a market rate of return for purposes of subclause (I) and a permissible method of crediting interest for purposes of meeting the requirements of subclause (I), except that this sentence shall only apply to a rate of return or method of crediting interest if such rate or method does not violate any other requirement of this Act.''.

SEC. 9. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking ''430(g)(2)'' in paragraph (2)(A)(ii) and inserting ''430(g)(3)'', and

(B) by striking ''412(f)(4)'' in paragraph (4)(B) and inserting ''412(d)(3)''.

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking ''the plan's funding shortfall determined under section 430'' in the last sentence and inserting ''the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))''.

(b) AMENDMENT RELATED TO SECTION 802.—Section 404(a)(1)(D)(i) of the 1986 Code is amended by striking ''431(c)(6)(C)'' and inserting ''431(c)(6)(D)''.

(c) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

''(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

''(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

''(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.''.

(d) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second ''an'' before ''eligible'',

(B) by striking ''other than a Roth IRA'', and

(C) by adding at the end the following new flush sentence:

''This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).''

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking ''(other than a Roth IRA)'' and by inserting at the end the following new sentence: ''This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)''.

(e) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting ''on or'' before ''before''.

(f) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting ''described in paragraph (8)(B)(iii)'' after ''eligible retirement plan'' in subparagraph (A), and

(B) by striking ''trust'' before ''designated beneficiary'' in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''Such term shall include any distribution to a designated beneficiary which would be treated as an eligible rollover distribution by reason of subsection (c)(11), or section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B), if the requirements of subsection (c)(11) were satisfied.''

(B) Clause (i) of section 402(c)(11)(A) of the 1986 Code is amended by striking ''for purposes of this subsection''.

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(g) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(h) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking ''subparagraph (C)(ii)'' and inserting ''subparagraph (B)(ii)''.

(i) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C).''

(2) Section 420(f)(2) of the 1986 Code is amended by striking ''such'' before ''the applicable'' in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) any transfer described in section 420(f)(2)(B)(ii)(II).''.

(j) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting ''maintained by the employer described in paragraph (4)(B)'' after ''an eligible retirement plan'', and

(ii) by striking ''of the employee, his spouse, or dependents (as defined in section 152)'' ,

(B) in paragraph (4)(D), by—

(i) inserting ''(as defined in section 152)'' after ''dependents'', and

(ii) striking ''health insurance plan'' and inserting ''health plan'', and

(C) in paragraph (5)(A), by striking ''health insurance plan'' and inserting ''health plan''.

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking ''all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(k) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking ''or special trial judge''.

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking ''or special trial judge''.

(l) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(m) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking ''Reconciliation''.

SEC. 10. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

''(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking ''such compensation as exceeds 1 percent but does not'' and inserting ''such contributions as exceed 1 percent but do not''.

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking ''an erroneous automatic contribution'' and inserting ''a permissible withdrawal'', and

(B) by striking ''ERRONEOUS AUTOMATIC CONTRIBUTION'' in the heading and inserting ''PERMISSIBLE WITHDRAWAL''.

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting ''through the end of such taxable year'' after ''such amount''.

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting ''and'' after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

''(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

''(E) a simple retirement account (as defined in section 408(p)).''.

(6) Section 414(w)(6) of the 1986 Code is amended by inserting ''or for purposes of applying the limitation under section 402(g)(1)'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.''

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.'', and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking ''paragraph (1)'' and inserting ''paragraph (10)''.

(2) Section 4021(b) of ERISA is amended by inserting ''or'' at the end of paragraph (12), by striking ''; or'' at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 11. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

''(3)(i) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

''(A) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

''(B) The spouse or former spouse attains age 62.

''(C) The employee attains age 62 (or if deceased, would have attained age 62).

''(ii) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

''(iii) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.''.

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 12. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking ''Act'' the first place it appears and inserting ''section''.

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting '', and'',

(D) by striking ''(15)'' and inserting ''(15)(A) subject to subparagraph (B),'', and

(E) by adding at the end the following:

''(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;'', and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking ''paragraph'' each place it appears in clauses (ii), (iii), and (v)(I) and inserting ''subparagraph'',

(2) striking ''subclause (i)(II)'' in clause (iii) and inserting ''clause (i)(II)'',

(3) striking ''subparagraph'' in clause (v)(II) and inserting ''clause'', and

(4) by striking ''section 101(b)(4)'' in clause (v)(III) and inserting ''section 101(b)(1)''.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Wisconsin (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in favor of moving the Pension Technical Corrections Act of 2008 forward in an expedited manner. The bill is most needed by employers who are committed to providing their employees with a financially secure retirement through a defined benefit plan.

Why do we need this bill? Why do we need to act this quickly? Let me just break it down for you.

On August 17, 2006, the President signed into law the Pension Protection Act. This bill imposed sweeping reform affecting how employers fund their defined benefits plans maintained for their employees. In addition, the bill imposed significant reforms for pension plans offered to many union workers who participated in multi-employer plans.

However, many provisions in the PPA became effective on January 1 of this year. The Treasury Department and the Internal Revenue Service cannot implement many of these provisions because they need further clarification of congressional intent. This bill provides the needed clarification for the Treasury Department, Internal Revenue Service, corporations and other businesses who sponsor retirement plans, as well as working families who contribute to and benefit from 401(k) plans or defined contribution plans.

For the employers who have weathered the storm and are persistently committed to providing a secured retirement for their workers, this bill is for you. For the beneficiary of a 401(k) plan who wants to keep money in a retirement plan savings vehicle to finance retirement rather than being forced to spend it currently, this bill is for you. This bill provides clarification for the correct application of the nonspousal rollover provision.

For the construction worker whose plan may be experiencing underfunding and could be subject to a benefit reduction, this bill will make it clear when the plan must provide you with the notice alerting you of the plan's funding status. It would also clarify whether you are subject to such a reduction in pension benefits.

You see, Mr. Speaker, we are talking about quality-of-life issues for working families and about helping those employers who want to help their employees provide for a financially secure retirement.

I encourage my colleagues in this body and in the Senate to keep this bill clean and move it quickly. I encourage them to join me in doing what we were sent here by our constituents to do, provide legislation to help improve their lives. Let's pass this bill and get it to the President before the end of the month, because people are waiting. We have kept them waiting long enough.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3361, the Pension Protection Technical Corrections Act. Given the complexity and broad reach of the Tax Code and ERISA, and the difficult interactions between them, the measure before us is necessary to correct drafting and other errors in the Pension Protection Act of 2006.

Passage of the legislation will give certainty to plan administrators, individuals, as well as government regulators and ensure the intent of Congress is fully reflected in the governing statutes.

The technical corrections process is a complicated one which ensures all views are heard and which brings in experts from the relevant committees and Federal agencies.

In this case, it means that bipartisan staff from both the Ways & Means Committee and the Education & Labor Committee were joined by their counterparts from the Senate Finance Committee and the Senate HELP Committee as well as representatives from the Treasury and Labor Departments and the Pension Benefit Guaranty Corporation.

Led by the staff of the Joint Tax Committee, the technical corrections process gives all participants a chance to review proposed changes to ensure they reflect the intent of Congress and do not change the substance of the law itself.

There can be disagreements about what should and should not be considered technical. Each participant in the process has a veto. Thus, only items that were unanimously viewed as correcting a drafting mistake are included in the measure being debated today.

There is one item, called smoothing, that we viewed as a particularly important technical correction but is not included in this bill because one of the parties to the process said it was not technical. Regardless of whether smoothing is technical, it is extremely important and must be passed quickly. Given that smoothing was excluded from this bill, I urge that we take up a smoothing-only bill on suspension this week.

It is my understanding that the Joint Tax Committee will be publishing on their web page a complete summary of these items, and I encourage interested individuals to review it.

Two final observations, Mr. Speaker, on the differences between this bill and the version passed by the Senate in December.

First, since the Senate bill was passed, several additional technical items were identified, reviewed by the participants, and agreed to as being technical and conforming changes.

Second, the Senate-passed bill included smoothing and a second provision that is no longer relevant.

I hope that the Senate takes up the bill that we are passing today so that it can go to the President and be signed into law. I also hope that both houses quickly pass a smoothing-only bill.

Mr. Speaker, while hardly glamorous, the technical corrections process is an important one, providing clarity and certainty to plan administrators and the millions of Americans who rely on these plans to help provide a secure retirement.

I support passage of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

As we have just made formally a matter of record, the Pension Protection Act was an imperfect piece of legislation. This technically corrects, not substantively changes, but technically corrects an imperfect bill. It should go forward.

We should be doing more, Mr. Speaker, and this is where I want to spend the balance of my time tonight. I am almost shaking with anger at what we are not doing to correct the Pension Protection Act before it will have a very negative impact on the very working people that we talk so much about trying to help. I will give you a couple of examples.

There is a provision in the bill, never discussed, that inadvertently changes funding requirements for public pension plans. A plan like the State of North Dakota offers for its employees has a rate of 7.5 percent. Well, the Pension Protection Act in its present form requires them to credit interest at no greater than market rate. Without correction, we are going to have State legislatures reducing the interest credited for their public employees under fully funded public plans. It makes no sense. It needs fixing. It is a mistake. But we can't get the critical people in the critical committees to agree to fixing this.

Let's make no mistake about who we are talking about. We are talking about the Education and Labor Committee and we are talking about the Ways and Means Committee. Those are the committees of jurisdiction. We have not been able to get critical an agreement between the leadership of those committees and ranking members on fixing this public provision. And, as a result, for no reason whatsoever, other than an act of Congress that wasn't meant to have this impact, people may have their pensions reduced by Federal requirement.

I want those workers to know, Congress didn't mean to do this. But Congress knows that that is the effect of the law we passed, and this is a Congress that can't fix it in a timely fashion because we haven't had the will, we haven't had the time to think about it. We don't care enough. Because of the inattention of this body, if workers are forced to take lower credited interest in these public plans, these workers get less of a pension, and for no reason whatsoever.

There is another provision we should be fixing. These provisions are a little more than technical, so maybe should have been another bill, maybe not under the technical corrections act, but a bill we could have brought like tonight under the suspension calendar, a bill to address funding in a reasonable way.

You know, a pension is paid over many, many years. Yet the funding balance is determined by things that capture where the stock market is today, what the interest rate is today. Now, that can give you a pretty dire picture if you have got a stock market that is tanking and a low interest rate environment. It may look suddenly like forevermore the plan isn't going to earn much money on its assets.

Now, we know that the interest rate is going to change and we know the stock market valuation is going to change. So if you project 30 years based on today's picture, you are going to be coming up with a wrong number. There is something called asset smoothing that lets you basically average a bit so that a bad picture today doesn't mean a draconian funding requirement upon the employer to meet what looks like a funding requirement that is not in fact reality.

□ 2045

Now, some might think, well, gosh, if the employer has to put in more money than is really needed that just is a good thing for workers because that means there will be a lot of money in there, and in no way will that solve it. There is a hitch to this. Employers do not have to fund pension plans. Employers can freeze pension plans. They can get out of the pension business. In fact, my friends, 43 pensions have frozen since we passed the Pension Protection Act.

Here in a recession, where we have got businesses struggling, they are going to have to pony up on their pensions beyond what they ever have before because in the pension protection act we have got much stiffer funding requirements. Smoothing, which many of us intended to be in this bill, is not in the bill, and we need to add it to the bill.

But this Congress, failing to act, is going to leave employers to pay the full bill, no smoothing help. I truly believe, just as I stand here, that there will be plans deciding to freeze, workers losing their pensions because in this time, before we go out on break, we don't address smoothing.

Mr. RYAN of Wisconsin. Will the gentleman yield for a minute?

Mr. POMEROY. I will yield for a minute.

Mr. RYAN of Wisconsin. Just to be clear, it's my understanding that the minority side agrees with fixing the public pension problem along with the smoothing problem and consented to putting both of those in the bill, but the majority had rejected that offer.

Mr. POMEROY. Reclaiming my time, I am not putting this responsibility on the minority.

What the gentleman has alleged, I am not currently informed of. I don't dispute it, but I don't know it, but I do know that others that were needed to address this issue, others on the majority side did not act.

In the end, the majority has responsibility for what we bring in a suspension calendar like this. This majority didn't get the job done.

Mr. RYAN of Wisconsin. If the gentleman would further yield, I would simply like to say that we in the minority are more than willing to work with the gentleman in the majority to include the smoothing in the public pension provision.

Mr. POMEROY. Reclaiming my time, I welcome that, because when the Pension Protection Act passed in the last Congress when the minority was the majority, I did not find that willingness to work with me. The legislation, I believe, needed correcting. This is a pox on both parties.

Mr. RYAN of Wisconsin. Just one more friendly view. If you recall, this was a bipartisan bill when this passed when we were in the majority.

Mr. POMEROY. Reclaiming my time before I run out of time, this is a pox on both parties. Both parties passed it, and both parties have failed to fix it.

I believe the failure, relative to getting this fixed, is on both parties. But the majority party carries a disproportionate burden because we are the majority party.

I could not be more disappointed.

Getting back to the point I was making about frozen plans, I believe plans will freeze and workers will lose their pensions because asset smoothing is not addressed on the suspension calendar before we go out, before this critical April 15 deadline for pension funding.

This is completely unacceptable. It's incompetent, and I am ashamed of this House in failing to address this before we leave. I hope that I have made some people angry by these comments. I have intended to.

We need to get after this, and we need to get after it when we are back. If we don't get after it, I assure you, I will be having more of these speeches, because those who pretend to protect the world, the world's workers, when what they are doing is protecting these workers out of their very pensions, the

very thing they need for retirement, income security. They are not doing anybody any favors. The games have got to end. The posture has got to end. We have got to fix problems and fix them in a timely way and shame on us if we have fallen short.

Let me get back to the bill before us, because it's important. The bill before us is a technical corrections act. This one needs to pass. This is fine.

The problem is, there is so much more that needed to be done, that could have been done on a suspension calendar tonight and tomorrow. We didn't do it, and we need to do it in short order when we get back.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 3361, the Pension Protection Technical Corrections Act of 2008, and I urge all of my colleagues to support this measure.

Mr. Speaker, in 2006, the Republican-led Congress passed, and President Bush signed into law, the Pension Protection Act of 2006, which represented the most comprehensive reform of our Nation's private pension system in a generation. After years of thorough examination, thoughtful legislative development, and careful coalition-building, we finally restored common sense to our Nation's pension system through enactment of this landmark law. Thanks to those reforms, today's retirement security laws match the new realities of the 21st century economy, meaning that more U.S. workers will be able to count on their retirement savings being there for them when they need it.

The Pension Protection Act included tough new funding requirements to ensure employers adequately and consistently fund their pension plans, provided workers with meaningful disclosure about the financial status of their benefits, and protected taxpayers from a possible multi-billion dollar bailout of the Pension Benefit Guaranty Corporation (PBGC).

The Pension Protection Act's reforms were built on six fundamental principles that helped ensure a stronger, more secure retirement for millions of American workers. Those principles were: certainty, with a permanent and more accurate calculation of employers' pension liabilities; common sense, which enabled employers to build up a cushion in their pension plans during good economic times; stability, achieved by closing funding loopholes and ensuring employers make adequate and consistent cash payments to their plans; transparency through timely and straightforward information given to employees about the health of their retirement plans; honesty from employers and union leaders, who are no longer permitted to make hollow promises of extra benefits that will never materialize because a plan is severely underfunded; and portability, established by ensuring that hybrid plans, such as cash balance pensions—which offer portable, more generous worker benefits—remain a viable part of the defined benefit system. Having served as the Chairman of the House Committee on Education and the Workforce during this process, I am pleased to have been part of this effort.

Of course, it is to be expected that in legislation of that magnitude, we did not get every word perfect, or every provision as clear as it could be. That is the point of the bill before us today—H.R. 3361 is a narrow, technical bill that corrects inadvertent errors in drafting contained in the original law, and provides necessary clarification and focus, to ensure that the law is administered as Congress intended. For that reason, I support the bill before us today, and hope that it will quickly be enacted into law.

I must note for the record, however, that more remains to be done. The bill before us is very narrow in scope, and addresses only those issues that are considered purely technical on a consensus basis. There are other issues that remain to be addressed.

For example, late last year, the Senate passed by unanimous consent its own version of a technical corrections bill, which included critical clarifications with respect to the issue of asset smoothing. I would hope that this issue is addressed in any final technical correction package that we consider.

Also, there are numerous provisions which Members and staff have discussed since enactment of the 2006 law, which enjoy broad, bipartisan support, but which did not fall within the scope of this narrow package of technical corrections. Going forward, it will be necessary for us to address these items, and I stand ready to work with my Chairman, Mr. MILLER, and the distinguished Chairman and Ranking Member of the Ways and Means Committee in doing so.

Mr. Speaker, with that, I reiterate my support for this narrow legislation.

Mr. POMEROY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, H.R. 3361, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3361.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

RECOGNIZING THE EXCEPTIONAL SACRIFICE OF THE 69TH INFANTRY REGIMENT, KNOWN AS THE FIGHTING 69TH

Mr. MCINTYRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 991) recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 991

Whereas the 69th Infantry Regiment, or the Fighting 69th, with citizen-soldiers from Brooklyn, Queens, Manhattan, the Bronx, Staten Island, and Long Island, has faithfully answered America's call to arms since its formation in 1851;

Whereas the Fighting 69th was one of the first units to assist in the recovery effort at the World Trade Center in New York following the September 11, 2001, terrorist attack, where they lost a comrade, a firefighter;

Whereas the 69th Infantry Regiment, while deployed to Iraq as ''Task Force Wolfhound'', its first overseas combat since World War II, fought to defend the city of Al Taji against al-Qaeda terrorists, protected Iraq's first free elections, and secured the infamous ''Route Irish'', the most dangerous road in Baghdad;

Whereas 19 members of the Fighting 69th were killed in action and over 78 were wounded in Operation Wolfhound; and

Whereas the Fighting 69th has now served the Nation in 5 wars and over 20 campaigns, and Congress has awarded 6 members with the Congressional Medal of Honor: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 69th Infantry Regiment, or the Fighting 69th, as one of the great regiments in American military history;

(2) recognizes that America owes a tremendous debt for the exceptional service, patriotism, and fidelity of the soldiers of the Fighting 69th;

(3) recognizes that the Fighting 69th has continually participated in the Global War on Terror since the attack on September 11, 2001; and

(4) acknowledges that as the 69th Infantry Regiment deploys to Afghanistan to fight in the central front in the Global War on Terror, that the proud traditions of the regiment will be respected and that the sacrifices of one of America's most storied combat units will not go unnoticed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCINTYRE) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCINTYRE. Mr. Speaker, I would ask that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MCINTYRE. Mr. Speaker, I yield myself such time as I might consume.

I rise today in support of H. Res. 991 which recognizes the exceptional service of the 69th Infantry Regiment known as the Fighting 69th in support of the conflicts that they have been involved in around the world. The 69th Infantry Regiment has a proud and strong history dating back to 1851 when it was created as the 69th New York Militia.

The regiment has an Irish heritage because at its inception it was made up entirely of Irish Americans. Not only is it to honor for their current contributions to this country, but also it is only fitting that with the approach of St. Patrick's Day this coming Monday, when we honor our country's Irish heritage, it is also equally important to recognize that based upon this unit's history and its Irish heritage that we recognize this unit at this time.

This unit, while deployed to Iraq as Task Force Wolfhound, secured the infamous Route Irish, which was one of the most dangerous roads in Baghdad. With that said, the Fighting 69th has now served our Nation in five wars and in over 20 campaigns. They are made up of New Yorkers from Brooklyn, Queens, Manhattan, the Bronx, Staten Island and Long Island. These servicemembers are a tremendous credit to themselves, to their country and their unit.

Those individuals who have previously served in the Fighting 69th would be proud of those that are currently serving and who are now carrying the mantle and battle colors of one of the greatest regiments in American history. The actions of the Fighting 69th, both after 9/11, to include their assistance and recovery efforts of the World Trade Center in New York, and their deployment now to Iraq, show the tremendous service and sacrifices this regiment has made, and that these servicemembers have individually, and, of course, collectively given their country. When the call to serve and fight has come, the Fighting 69th continues to answer that call.

I would like to thank my colleague and my friend and fellow member of the Blue Dog Coalition, Congressman STEVE ISRAEL of New York, who is a former member of the House Armed Services Committee and who now currently serves on the House Appropriations Committee and who was also a cochairman of both the Center Aisle Caucus and the Democrat Study Group on national security, for bringing this resolution to the floor at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 991, which recognizes the continuing service of the 69th Infantry Regiment, New York National Guard, whose citizen soldiers have faithfully answered America's call to arms since the regiment's formation back in 1851.

Today, the 69th Infantry Regiment is again deploying to Afghanistan to continue America's fight in the global war on terror.

In this most recent of American wars, the 69th has borne already a distinguished part. It was one of the first units to assist, as was mentioned, in the recovery effort at the World Trade Center in New York following the September 11, 2001 terrorist attack. It subsequently deployed to Iraq as Task Force Wolfhound where it fought to defend the City of al Taji against al Qaeda terrorists, protected Iraq's free elections, first free elections, and secured the infamous Route Irish, the most dangerous road in Baghdad. During that service in Iraq, 19 members of the Fighting 69th were killed in action and 78 were wounded.

In its history, the regiment has served the Nation, and as was mentioned also, in five wars and 20 campaigns and six of its members have been awarded the Medal of Honor. It is fitting that this resolution recognizes not only the historic contributions of the 69th Infantry Regiment, but also the depth America owes the soldiers of the unit for their exceptional service, patriotism and fidelity in fighting in all fronts of the global war on terror since the attack on September 11, 2001.

Mr. Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. MCINTYRE. Mr. Speaker, I yield as much time as he may consume to my friend, the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished gentleman, my very good friend from North Carolina, who has always been a tenacious advocate for the needs of the military and military families at Fort Bragg. I don't reside in North Carolina, but I do know from our friendship and our many conversations that no one fights harder and more effectively to represent the interests of those who are at Fort Bragg, including many of my constituents, who are there now waiting to deploy to Afghanistan.

I am very proud to stand here as a sponsor of this bill to honor New York's 69th Infantry Regiment, known as the Fighting 69th, once fought as part of the Irish Brigade.

I also want to acknowledge my cosponsor, Congressman PETER KING, the gentleman from New York, one of the earliest Republican sponsors of this measure which I have drafted.

Soon we will celebrate St. Patrick's day. That is a day when we will commemorate the enduring contributions of Irish Americans to the founding and development of this Nation.

In fact, if you read a book by Tom Cahill called ''How the Irish Saved Civilization,'' you would know that not only have the Irish made an enduring contribution to the founding and development of our country, but that their contribution transcends our country. When the world was a dark place, when the Roman Empire fell, when barbarians ruled, they tore down libraries, they destroyed all literature.

But it was the Irish who built monasteries. It was the Irish who brought scribes in who literally copied all of the great works of civilization. They preserved it. They handed it down from one generation to the next so that we would have it today.

In fact, it was Irish who did save civilization and similarly, it is the Fighting Irish, the 69th Infantry, that has saved America time after time after time and always answered their country's call.

Tonight, we put aside whatever political differences many of us have had in the past with respect to whether we should go to war in Iraq or not have gone to war in Iraq. That's not what this is about. Because, together, every Member of this House, Democrats and Republicans, support those who are fighting for our country and have answered the country's call.

We support men and women when they are in battle. We support them when they come home. I have always said thank God we live in a country that gives us the right to agree with the decision to go to war, the right to disagree with that decision, the right to remain silent. But no one has any right at all to forget the contributions that servicemembers make when they are called into duty. That is what this resolution is about.

Tonight there are a group of men who are in my friend from North Carolina's district who are at Fort Bragg. They are waiting to deploy to Afghanistan with the Fighting 69th. They are continuing the proudest traditions of being deployed to some of the most dangerous places around the world.

In the French campaigns of World War I, the island-hopping battles of World War II, in Iraq. That has been the history of the Fighting 69th since 1851.

□ 2100

In fact, it is safe to say that it was the 69th that saved the Union during the Civil War. And I would say, with apologies to my friend from North Carolina, the fact of the matter is that those of us on the north side of the Mason-Dixon Line recognize the fact that had it not been for the Fighting 69th, that we might have lost. Why is that? Because in 1861 there was a rumor that the British were going to assist and aid the Confederacy because the British needed cotton and textiles. Had they done that, that would have tilted the balance. That would have ended the cause for those of us north of the Mason-Dixon Line.

But you know what? President Lincoln did something very, very smart. Knowing that we could not afford for that to happen, he rallied the Irish boys. He went into New York City, and he mobilized many brand-new Irish American citizens in New York City and asked them to fight for freedom and to fight for the Union. And they fought. They fought at Malvern Hill in

Virginia, not very far away from here. They fought against the dreaded and omnipotent Louisiana Tigers. And they won that battle. It was one of the first battles that the Union won. We were getting beaten in many of the early battles. And when Robert E. Lee asked his staff, Who beat us? Who did we just fight? His staff said, General, it was the 69th New York, to which Robert E. Lee, said, Ah, the Fighting 69th. And that is how they got their name, and they have carried that tradition with them ever since, through four wars and a fight to come in Afghanistan, 19 campaigns, six medals of honor.

On 9/11, many of them went to the Lexington Avenue Armory. I was there just a few weeks ago. And then they went to Ground Zero. One lost his life, Firefighter Gerard Batpees, a first lieutenant in the 69th. And then they went to Iraq, men like Chris Daniels from Centerport, Lou Delapizi from Bay Shore, and Col. Charles T. Crosby, the commander of the 69th in New York City.

Mr. Speaker, I want to wrap up by telling my colleagues that a few weeks ago I visited with men of the Fighting 69th at the Bay Shore Armory on Long Island, and we had some good old New York pizza together, and I plan to visit with them in Afghanistan this July.

Many of us marched in St. Patrick's Day parades last week. Many of us will march again in St. Patrick's Day parades this weekend. And as we do, I hope we will remember the marches of the Fighting 69th, on Malvern Hill, in France, on Okinawa, where Private Ruiz won a Congressional Medal of Honor for single handedly destroying a Japanese pillbox. Private Ruiz, not exactly an Irish name, but the courage was Irish. On Route Irish in Baghdad, in Kabul and Jalalabad within weeks, that is where they marched and will continue to march. When they visit Afghanistan, they will be on some high mountains and in some very rainy and windy places, and I know we will think of them and apply to them this Irish blessing:

''May you always have walls for the wind,
a roof for the rain,
tea beside the fire,
laughter to cheer you on,
those you love near you,
and all your heart may desire.''

Mr. Speaker, may they come home soon to a country safer and sounder because of their courage.

I want to again thank the gentleman from North Carolina for his leadership. I also want to thank Major John Mark Pierre, an Army Fellow assigned to my office. He understood how important this bill was to me and his assistance was invaluable. I want to also thank Chairman SKELTON and Ranking Member HUNTER for allowing this resolution to come to this floor.

Mr. KING of New York. Mr. Speaker, I am proud to rise in support of this important legislation, H. Res. 991, honoring New York's famed 69th Infantry Regiment for its dedication and valorous service in the war against terror, particularly in Iraq and Afghanistan.

The Fighting 69th has been engaged in the war against terrorism since the very onset of the war, having been deployed to secure Ground Zero in the immediate aftermath of the terrorist attacks of September 11, 2001.

The 69th was deployed to Iraq in ''Operation Wolfhound'' and served with great distinction, defending the city of Al Taji, protecting Iraq's first free elections and, most significantly, securing ''Route Irish'' which had been the most dangerous travel route in Baghdad. Tragically the 69th had 19 troops killed in ''Operation Wolfhound'' and 78 wounded. At no time, however, did the Fighting 69th ever waver in its mission. The Fighting 69th is now being deployed to Afghanistan where it will once more take the fight to our enemy.

Having served in the Fighting 69th and being an active member of the 69th Infantry Veterans' Corps, I take particular pride in this regiment's achievements.

The Fighting 69th has served in five wars and six of its members have been awarded the Congressional Medal of Honor. Its courageous service in Iraq and Afghanistan is adding new chapters to the regiment's historic and noble history.

I urge adoption of the resolution.

Mr. KNOLLENBERG. Mr. Speaker, I have no other speakers that are available, and I yield back the balance of my time.

Mr. MCINTYRE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCINTYRE) that the House suspend the rules and agree to the resolution, H. Res. 991.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCINTYRE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF THE HOUSE OF REPRESENTATIVES THAT ALL AMERICANS SHOULD PARTICIPATE IN MOMENT OF SILENCE TO REFLECT UPON SERVICE AND SACRIFICE OF MEMBERS OF THE UNITED STATES ARMED FORCES

Mr. MCINTYRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 953) expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad, and their families, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 953

Whereas it was through the brave and noble efforts of the Nation's forefathers that the United States first gained freedom and became a sovereign nation;

Whereas there are more than 1,354,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all Americans cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of their fellow Americans for putting their lives in danger for the sake of the freedoms enjoyed by all Americans;

Whereas the families of members of the Armed Forces make sacrifices commensurate with the men and women of the Armed Forces;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all Americans;

Whereas the Nation officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, this resolution pays tribute to those who currently serve in the Armed Forces;

Whereas all Americans should participate in a moment of silence to support our troops and their families; and

Whereas March 26th, 2008, is designated as ''National Support Our Troops Day'': Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad, and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCINTYRE) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCINTRYE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MCINTYRE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in support of H. Res. 953 honoring the service and sacrifice of the members of the United States Armed Forces, both at home and abroad, as well as their families.

Every day we have servicemembers who volunteer to serve in harm's way. They have volunteered to serve our great country and protect its citizens

from threats to liberty and our way of life.

Indeed, by God's grace, our Nation now celebrates 232 years of freedom this year, and it is due to the service and sacrifices that have been made throughout our history by the men and women of this country who have served in its military.

This evening, it is no different. Just like in the past when young men and women stepped forward to serve, they continue to do so. However, the difference now of course is our Nation is at war. And today, these men and women are joining the military knowing they will be headed overseas, knowing they will be put in harm's way, knowing that they will be sent away from their families and their loved ones and their communities.

It takes tremendous courage, Mr. Speaker, and intestinal fortitude to come forward and wear the uniform, especially in today's environment where we are fighting conflicts literally all around the world. I have spent time with many of our men and women in uniform, both at home and abroad, in many different countries and on different continents, and I have seen it in their eyes and heard it from the deepest part of their hearts as they have expressed their commitment, as I have seen their courage, and I have understood their conviction to serve our country and to honor it, putting their very lives on the line. Their unselfish service and their sacrifice is quite evident.

Whether it is our active duty personnel who have heard the call to duty or our Reserve component members who are our citizen soldiers who stand up to be counted to go out and serve and defend our values and freedom whenever called upon, we all are so appreciative of the service that our men and women in uniform give.

And we realize it is not just the servicemembers themselves, but also their families who are making sacrifices. The parents, the spouses, the children who go many months, a year, and sometimes even longer without seeing their loved ones. It is they who are constantly concerned, and have to go about life here without their son or daughter or husband or wife or mother or father or brother or sister. It is they who also sacrifice for this great country by yielding up a family member to go and serve on behalf of all of us.

Whether it is missing the birth of a child or the first steps of a newborn, whether it is watching their child in a baseball game, as we approach the spring of the year, or missing a birthday or an anniversary, these are times that we know our families always cherish and that families are sacrificing, to give up, in order to allow their loved ones to go and serve our country and protect all of our citizens so that all of us, from whatever background, whatever calling we may be answering in life, have the freedom to go about our daily lives and the businesses and other events in which we are involved.

Our servicemembers are defending freedom and democracy around the world, and they are playing a vital role in protecting the safety and security of all Americans.

This moment of silence this resolution puts forth will take place on March 26, 2008, to celebrate the National Support Our Troops Day. It is just a small way that we as Americans can all show our pride and thanks for the many sacrifices made by our servicemembers and their families both at home and abroad.

Although words are not enough to show how truly grateful we are to these families and to those in harm's way, it is one way that we can say thank you. It is one way we can say Godspeed. It is one way that we can show that we are praying for their safety and for their guidance and their wisdom.

I can tell you, as a member of the Armed Services Committee and as one who serves on the Subcommittee on Air and Land Forces and also on the Subcommittee on Terrorism, how indeed we truly do respect and are grateful for our troops and what they are doing.

As one who also represents a district that is sandwiched between Fort Bragg and Camp Lejeune, which is the home of many Reservists as well as National Guardsmen, we are very, very grateful for the service of all of those who are going forth on behalf of our country.

Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak to an issue very dear to me and very important to our Nation. In this country, we use holidays to remember the heroes of our past. We have among them Memorial Day, Veteran's Day, Columbus Day, Martin Luther King Day, and President's Day. These are fitting tributes for worthy heroes, but what of today's living heroes, our brave men and women on the front lines fighting in defense of our freedom?

I believe that they, too, deserve special recognition and praise. Our very ability to assemble here today is a direct result of their actions.

Two years ago, a young constituent of mine, Alexandra McGregor, presented me with the idea of a ''National Support the Troops Day.'' Alexandra had seen a news account of a fallen soldier, and she had the idea that we should set aside a day to honor our great American heroes fighting on the front lines.

I couldn't agree with her more.

Mr. Speaker, I stand here today, as I have before, because of Alexandra and others like her who believe we should and we must show our appreciation for the troops.

This resolution calls for Americans to participate in a moment of silence on March 26 to recognize all of our active duty troops. Alexandra chose this date for a very personal reason. It is the birth date of her grandfather, a World War II veteran who helped instill in her such a deep love of country.

I might add, Alexandra was just 16 years old. To this day, I'm moved to think that someone so young could have her priorities so straight.

She put in a considerable amount of time and personal effort to see her idea become a reality. She went as far as to call a high school in each and every State to convince them of the importance of this issue.

Such dedication only serves to underscore the very reason for that resolution. American families strongly support our troops, and while so many of them fight abroad on our behalf, we should do everything we can to show our appreciation and thanks. I hope you will all join with me in support of this resolution and in support of the more than 1.5 million active duty troops who defend our freedoms each and every day.

Mr. Speaker, I yield back the balance of my time.

Mr. MCINTYRE. Mr. Speaker, my thanks to Mr. KNOLLENBERG for his gracious comments.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 953 "Expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad," introduced by my distinguished colleague from Michigan, Representative JOE KNOLLENBERG. This praiseworthy legislation will honor the lives, the work, and the memory of the countless men and women who everyday sacrifice their lives for our freedom.

Our great Nation officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, but does not yet officially pay tribute to those who currently serve in the Armed Forces.

Accordingly, I praise those individuals who currently continue to accept the challenges posed by fighting for our liberty. Let us look to the sky to honor the memory of these heroes who give their lives for the foundations of our democracy. These individuals represent the best in all of us and it is in their memory that we should devote ourselves to continuing what they began. By humbling ourselves and reserving a moment of silence, we give reverence and recognition for those who make the ultimate sacrifice. Everyday, the men and women of our Armed Forces commence on a risky journey that many brave ones travel. In passing this important legislation, we effectively recall the purpose for which our elite Armed Forces are so dedicated.

Mr. Speaker, there are currently more than 1,500,000 active and reserve component

members of the Armed Forces serving the United States in support and defense of the values and freedom that all Americans cherish. Our Nation's brave men and women in uniform are willing to give the ultimate sacrifice in order to ensure the freedoms enjoyed by every American remain intact. The debt we owe our Nation's armed services cannot be quantified, the respect and admiration felt by all Americans hardly expressed; it is imperative that we show the men and women who offer their lives each day to protect our own just how much their courage means to us.

Mr. Speaker, words cannot convey or adequately repay the debt that is owed. We cannot sufficiently articulate the feelings of sorrow that are universally felt; however, we can pay those men and women of the Armed Forces no greater tribute than to honor their sacrifice with a moment of silence. The service that these brave individuals provide is priceless and will never go unrecognized.

I strongly urge my colleagues to join me in supporting this important legislation, and, in so doing, giving our men and women in uniform the respect and recognition they deserve.

Mr. MCINTYRE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCINTYRE) that the House suspend the rules and agree to the resolution, H. Res. 953, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–101)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Iran remains the world's most active state sponsor of terrorism, and continues to provide lethal support to Lebanese Hizballah, HAMAS, Palestinian Islamic Jihad and numerous other terrorist organizations in the region, as well as to the Taliban in Afghanistan and various Iraqi militant groups. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 11, 2008*.

□ 2115

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SOMETHING WE CAN ALL AGREE ON: OUR TAX SYSTEM NEEDS HELP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, it's springtime in Washington. We're all anxiously awaiting the start of the spring baseball season, cherry blossoms, and of course April 15 when we all face the deadline for filing our Federal income tax.

Now questions are often asked, paper or plastic, regular or decaf, conservative or liberal. Americans don't always agree and don't always see eye to eye. But there is one thing which a majority of us do agree on and agree on hands down, that our Federal tax system needs serious help. According to a 2007 Tax Foundation Study, 78 percent of Americans think the tax system needs a major overhaul.

Everyone knows the problem. Each year Americans dedicate billions of hours and billions of dollars complying with a very complex Tax Code. In fact, in 2005, the average taxpayer paid almost $1,900 per household in compliance costs. That means a taxpayer must work 6 days each year just to pay for the cost of preparing his or her Federal taxes for that year.

Time is precious. Time is money. Time is fleeting. Time is precious, and we never have enough for raising our families. Time is money, and valuable resources are lost that could be spent on productive activities such as growing the economy and creating jobs. Time is fleeting. And we can never reclaim those hours that we have spent complying with our very complex Tax Code.

We all complain about paying taxes. We all complain about navigating the complex code. And the fact is, if the system was fair and simple, it would be a lot easier to follow and a lot easier to swallow. Americans don't mind paying for roads, for a strong defense, or even for health care for your grandmother.

The fact is, right now, we have a situation where two families can be living side by side, earn exactly identical incomes and face a very different tax liability on April 15. The Smith family makes the same amount as the Jones family, and they're forced to pay a higher share of the tax burden.

The Declaration of Independence states that all men are created equal. Maybe it also should say all taxpayers should be created equal, and it should apply to the tax burden.

Changes could be made within our existing system to improve it in the short term. Full expensing of business capital, permanently repealing the estate tax, abolishing the alternative minimum tax are a few of the possibilities. But fundamental tax reform would pay larger dividends. Just think of the jobs and economic growth that resulted when President Ronald Reagan cut the code in half back in 1986. Let's apply some of that same common sense that President Reagan used back in 1986 to streamlining today's unruly code in the 21st century.

Simplicity and fairness demand that we replace our current system with a single rate system that taxes income only one time. Even the National Taxpayer Advocate, Nina Olsen, recommended that lawmakers simplify the tax code. That was one of her recommendations in the 2007 annual report to Congress.

A faster, a flatter, a fairer tax structure would work and it's pretty simple. Tax returns could be done on a single page, maybe even on a postcard. It could be accomplished in just a few steps.

Time me now. Multiply your income by a fixed percentage, subtract a standard deduction, and the process is over. Fourteen seconds. Gone will be the stressful hours figuring out whether your military service or your marital status will adversely affect your return. No more headaches trying to determine where the estimated tax payments go. Tax prep fees might be money spent on, I don't know, something more rewarding. Maybe a vacation, maybe a personal day off, maybe even creating a new job.

A single tax rate structure would eliminate taxes on capital gains, taxes

and dividends and taxes on savings because again, remember, we're going to tax income only one time. Businesses could expand and create jobs. Personal savings would increase.

How many times we hear it said over and over again, Americans don't save enough money. Americans don't save enough money because when they put some of their hard-earned money into savings, half of the interest earned goes away to Federal income tax. It's taxed as ordinary income. Where's the incentive in that? We ought to incent savings in this country, not punish it, not grind the saver into the dust when, in reality, if we increase savings in this country we might not face some of the problems that we face today.

Without the heavy corporate income tax which is currently the second highest in the industrialized world; let me say that again, the second highest in the industrialized world, companies would have less incentive to move their headquarters out of the United States and, more importantly, less incentive to offshore their earnings.

Recent polling by American Solutions show that 80 percent of Americans favor an optional one page tax return with one rate. After all, who could complain about making something easier, especially a process that comes at a high cost.

Former Speaker Gingrich said in this body over and over again, real change requires real change. Americans agree the Tax Code is unfair and should go. Let's take a cue and translate this agreement into real change. After all, fundamental tax reform is a worthwhile goal, and this Congress, this Congress should take it up and pursue it for the benefit of the American people.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to be before the House once again. As you know, the 30-Something Working Group, we have been coming to the floor now for some 5 years to not only share with the Members but also with the American people on what's happening here in the Capitol.

I'm going to do a short segment because we have other Members that need to come to the floor. And the hour is late, and tomorrow we're going to be working pretty hard past this hour tomorrow, I'm pretty sure. And we want to make sure that everyone is able to make it home and do the things that they need to do to prepare for that day.

Mr. Speaker, with that, I just would like to say that we've been in debate now for a couple of hours on the budget, the 2009 budget. And I can tell you, Federal budget, as it relates to the House version, I can tell you what I've read and seen of the President's budget, we have a lot of patching up to do in that budget.

Tomorrow we will have a number of different caucuses coming to the floor presenting their budget, their ideas. Some of them came before us today to talk about some of those issues to be considered before the full House, and I'm glad that we are providing that opportunity for the Members to participate in that process; also, to be in debate with the Republicans on Democratic new ideas, moving in a new direction. And I think it's so very, very important not only for the Members of the House to be a part of that exercise, but also for the American people to witness that exercise so that they will know, firsthand, who has the best priorities for the working American people that are out there, and those that are retired and those that are yet unborn, preparing this Nation to be able to bring them up in a way and to be able to have the resources in place so that they can see the kind of strong America that I witnessed when I came about.

Now, let me just share a little bit about this budget. And it supports fiscal responsibility and also accountability on government. I think a lot of the frustration with so many Americans right now is based upon a lack of accountability, a lack of oversight, a lack of restraint as it relates to spending. And I think when you have accountability, you're going to save money. I don't think it, I know it.

Now, 13 years in public service, and 8 years at the State level, I think it's important that we embody that. And this budget, it brings the budget back to balance by 2010, and our House budget, unlike the President's budget that he has proposed, not only to the House, but to the Senate, also the budget follows PAYGO rules which you say pay as you go, something that we adopted in our rules to say if we're going to spend it, we're going to show how we're going to pay for it. And I'm glad to see that we're still embracing not only that rule, but also that philosophy as it relates to the American people, of what they ask for.

The administration also continues in the fiscally irresponsible practices. And in this budget we bring it back to being responsible. And it's a real contrast, because since January 2001, a $5.6 trillion, 10-year surplus has been converted into a record deficit. And as you know, Mr. Speaker, I come to the floor almost every night to share how that deficit has crippled America and hasn't allowed us to be able to do the things that we need to do back in our districts.

I think we look at the wasteful spending; this administration is littered with examples of wasted spending and lack of accountability. And I'm glad that Chairman SPRATT of South Carolina has embraced that in his budget that he's bringing to the floor. Our budget that we're bringing on the Democratic side, we're looking at not only strengthening the economy, but creating jobs and at the same time energy, education, jobs, infrastructure and innovation will be the watchwords as we move through this process as basic principles. And so many Americans can, and also the Members, can go on www.budget.house.gov to look at the Democratic budget because I think it's important that we have that level of transparency so that they can take a look at the proposals that we are going to put forward.

So many of my constituents and so many Americans are challenged by the cost of energy. And we do know on January 22 of 2001, gas prices were at $1.47. And now, today it's at $3.13 per gallon. And I know many of my constituents and many of the Americans that are paying attention to the proceedings here on the floor, they're saying, well, Congressman, you're a little bit off of that $3.13, because as I moved around Washington, D.C. today I saw it as a lot greater.

□ 2130

We provide, with our budget, as it relates to dealing with some of these gas issues, it provides a $6.1 billion funding for renewable energy and energy efficiency and other energy programs, which is $1.1 billion, 21 percent more than the 2008 level.

So we are moving in that direction making those kinds of investments, and some may translate that into saying that we are pulling ourselves out of Iraq, out of the Middle East and investing in the Midwest and trying to not only push private sector but also Americans in the direction of being more energy efficient so that we don't find ourselves continuing to depend on the big oil companies.

If I can have my big oil company chart, I would appreciate it, because I think it's important to be able to reflect on it. Also, it rejects President Bush's budget cuts of energy efficiency and renewable energy programs, including the cuts to solar energy power, and also what the President did in terminating the weatherization-assistance program. We are replacing all of that, and I think it's important for Americans to understand what is happening here.

These big oil companies have reaped record profits under the Bush administration, and as you can see here in 2002, it was first $30 billion in record-breaking profits. It then kicked over $59 billion, $82 billion, $109 billion, $118 billion and $123.3 billion of these oil companies raking in these profits. And as you know, Mr. Speaker, we have moved legislatively to make sure that we call

back some of those giveaways that the Republican Congress gave these oil companies.

And this has resulted in what I talked about a little earlier, $1.47 when the Bush administration started in January 22, 2001, and it almost sounds like an inauguration date, and what we face now at $3.13. The barrel of oil continues to go up.

So this energy investment and being efficient is very, very important to the country, also very, very important to national security.

We also invest in hundreds of billions of dollars in new investment and green jobs, green-collar jobs. These are jobs, Mr. Speaker, that we can't ship overseas. When we make our building greener, when we make our homes greener, these are jobs that anyone who can even be a high school dropout with a skill would be able to participate in to that individual that became an engineer.

These are jobs that you just can't send overseas. And this is a real economy and not a credit card economy, not a second mortgage economy, or not an economy where one has to go out and continue to borrow to live. This is real money coming in for real working Americans that are here so that we can put folks to work and get them off the unemployment role.

I'm going to end right there, Mr. Speaker, as it relates to the energy investment because there are so many other investments in here as we look at education, transportation, and infrastructure. And today, just today, the Speaker had an infrastructure meeting in the Speaker's office with many individuals that felt that they had a way to not only incentivize an economy but also build on the infrastructure of America.

So many of my constituents and so many Americans are very concerned about the investment that's going on in Iraq right now. Crumbling bridges, railways are not what they should be as it relates to moving transportation. We have trains that can move freight almost 430 miles on one gallon of diesel fuel. I mean, these are things that we have to continue to work on to not only save our environment but also create American jobs.

And that's what I'm very excited about in this budget that we are putting forward, to give us the guideposts that we need in this country to not only do away with the debt by 2010 but also get the country moving in a direction so that it can be a safer place for our children and grandchildren.

With that, Mr. Speaker, we always want in the 30-Somethings to not only hear from the Members but also hear from the American people on various issues that are facing the Congress. Next week we are going to be on Easter break for the next couple of weeks once we finish our business this week, But the 30-Something staff continues to work to come up with the great ideas that we put forth on behalf of the American people. And we are talking about Democrat and Republican, Independent, those that are thinking about voting and those that can't even vote yet.

Our e-mail address is 30-SomethingDems@mail.house.gov. Again, 30-SomethingDems@mail.house.gov. Or if you want any of the information that we shared with you tonight about the budget, we know that you can go on www.budget.house.gov. Again, www.budget.house.gov. And any general information that you may want, what Democrats are doing here in Congress, www.speaker.gov, and I think that's easy enough to remember.

CHANGING THE DIRECTION OF THE COUNTRY'S BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Kentucky (Mr. YARMUTH) is recognized for the remainder of the hour.

Mr. YARMUTH. Mr. Speaker, it is a great pleasure to be here speaking on behalf of the American people and the class of 2006, the class that was elected to Congress to change the direction of the country, and that's what we've been set upon to do during these last 14 months.

And I appreciate very much the comments of my distinguished colleague from Florida (Mr. MEEK) and the great efforts he has made week after week to address the American people on the issues that are of critical importance to them.

We are going to talk tonight about the budget resolution as well because this is, above all things, the fundamental responsibility of the House of Representatives, the United States Congress. This is how we deal with all of the tax revenue that we generate in this country and how we essentially steward the funds of the population that depend on us to make good judgements for them.

And I'm joined tonight by my distinguished colleague from Wisconsin (Mr. KAGEN) who has been a frequent participant in these sessions and someone who joins with us in our commitment to making life better for all Americans, making this an economy and a society that works for everyone and not just for the wealthiest.

There are lots of ways to frame budget debates, and there's always a risk that we get much too deep in numbers and we get way too deep in the weeds, and we don't talk about the big picture because the big picture is what most Americans want to deal with. They want the small picture of how it affects their daily lives. But they also want to know what we're about here, what our goals are, what our ambitions are for the American people, what we are trying to do as we work through this $3 trillion budget that we have to do each Congress.

And it's been interesting to sit and to stand and to listen to our colleagues on the other side of the aisle, those Members who have been in charge of this body and in charge of the Federal budget essentially for the last 6 years and even in the Congress before that for another 6 years, and listen to them try to frame the issues in ways that understandably try to benefit their position.

But it's fascinating to listen as they talk about our budget, and somehow, because we don't plan to keep all of the Bush tax cuts in effect ad infinitum, that that somehow represents a tax increase.

And I have to remind everyone when I talk about issues that you remember what the Bush administration did and this Congress did when they enacted these tax cuts. They basically provided a sunset. They provided in the legislation that these tax cuts would end, and the reason they did that was because they wanted to be able to project somewhere out in the future that there would be a balanced budget in spite of the fact that they knew they were destined for huge deficits.

So they put a sunset, they put an end on those dates. Just as if you were in a business and you say, Okay, for 2 days only we are going to have a sale. We are going to give you 30 percent off. And that's the terms of the deal. So you come in on the fourth day and you say, Wait a minute. I want to pay that lower price. And the store says, Wait a minute. No. This was two days only 30 percent off. So you didn't raise the prices. You can't argue that we raised the prices. This was the way the deal was set up.

So now they're trying to have it both ways. They're trying to say we provided a tax cut, most of which went to the very wealthiest Americans, and now we are going to, because you are not willing to extend that tax cut, you are going to raise our taxes. No. We are going to end that two-day sale.

But what is really more disturbing than anything else, and I listened earlier to one of our colleagues from Wisconsin, one of your colleagues, Mr. KAGEN, that when he was talking about what this budget would mean if we did not extend the Bush tax cuts, it said the average American would have their taxes raised by $1,000 or $1,200 or $3,000 when, in fact, that is kind of the magic of numbers and what you can do with them. Because if you take someone who is making $10 million a year and you raise that person's taxes by 4 percent, which would be essentially restoring the maximum tax rate, pre-Bush tax cut rate to that person, and then you average it over thousands of people, yes, you are going to get an average tax hike of $1,000 per person. But

the average American, the average person who is making $30,000 a year is not going to see his or her taxes increased at all under this budget.

But you put that person with the person who's making $10 million a year whose taxes might go up a couple hundred thousand dollars, you average all of that in, yeah, you can come up with an average tax increase on all Americans. But that's not the way it works, because the average American will not have his or her taxes increased under this budget. The average very wealthy American will have his or her taxes increased.

But that's the way we play games with numbers around here, and it's very disturbing.

So it's important that when we discuss these important issues, $3 trillion worth of Federal budget, $1 trillion dollars, essentially, that this Congress has to deal with in discretionary funding, that we be honest, that we be candid, that we paint the accurate picture for the American people and what it means to them.

And I would like now to yield to my distinguished colleague from Wisconsin who I know is very much focused on what this budget does and every budget does for the people he represents, everyday Americans in his district. So I'm proud to yield to my distinguished colleague from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, I thank Mr. YARMUTH from the great State of Kentucky. And I thought what I would do is I'd share with you some of my feelings about how things are going here in Washington.

We were presented with Bush's proposal, which, medically speaking, is dead on arrival. It just doesn't face up to and it doesn't really reflect our traditional American values of putting people before things. People ought to come first.

I am very much opposed to the President's budget which seeks to really destroy Medicare and take away Medicaid, which is the health care access for those of us who are in the greatest need. And so I think we have to take a look at the numbers. When the President suggested $497 billion cut from Medicare, nearly $100 billion cut from Medicaid, how are these people going to get the essential medical care that they need?

I look at it, in the big picture, as this way: We've been elected to change the direction of the country and to do four essential things: First, defend America. We have to enact, as we did, the 9/11 recommendations. We have to begin to move our troops away from Iraq and back after our real enemies, Osama bin Laden and his followers. And they weren't in Iraq when we went there; they were in Afghanistan. But we cannot remain in a hundred-year war and continue to borrow money from China and spend it in the sands of Iraq.

Everywhere I go in Wisconsin, my good friend, people are telling me, Look, you have got our hard-earned tax dollars. Spend it here at home. Build our roads. Build our bridges. Rebuild America. Let's not rebuild another country. Let's rebuild our own lands. This budget does not reflect our values. It doesn't protect anyone except corporate greed and those at the very top of the ladder. It doesn't do what we should be doing: educating our children, caring for our veterans.

The Democratic budget seeks to put in over $3 billion above what we did last year because we have 330,000-plus soldiers coming back from Iraq and Afghanistan.

□ 2145

And they need help now more than ever, not just before and during their service in harm's way, but when they come home with PTSD and other injuries that you may not see that are mental, and also those physical injuries. We have to have a budget that makes sense not just for us here, but also for people at home.

I have here a chart that shows you the change in real median, which is like your average household income, by Presidential term. If you look over here right by the right, this is something people in Wisconsin understand straight away. We are not better off today than we were before President Bush took office. And this Republican policy of borrow and spend and borrow and spend has put us in the drink.

There is a difference between Republicans and Democrats. Right now, the difference is about $33 trillion of debt on an accrual basis. When President Bush took office, we had a debt of about $20 trillion on an accrual basis. We are now up to $53 trillion of debt. We have obligations we have to meet to those people that we serve and represent.

During the Clinton Presidency, there was an increase of $6,100 of median household income; with Bush I, a decline of $1,000. So we have to return and get back to the basics of balancing our budget, and most importantly, balancing our trade as well. We cannot continue to have a negative trade deficit with our partners overseas and have any kind of economy left at all.

This budget does not make sense. I thought I would go through with you, since you are from Kentucky, some of the things that might be happening if we followed President Bush's and the Republicans' budget. Homeland security grants. In the State of Kentucky, well, you would lose $7 million. In Wisconsin, $9 million. Homeland security grants are important sources of revenue for small governments and cities and towns to help defend America on the local level.

Assistance to firefighter grants, the AFG grants, puts valuable equipment into volunteer fire departments across the country, giving them communication gear so we can communicate during an emergency. Well, in Kentucky, oh, my poor friend, you're not even on the list. Let's go to Wisconsin. We're losing $13 million. And Kentucky, $12.5 million with the President's budget.

What about the Clean Water State Revolving Fund? This is an essential source of revenue for guaranteeing that we have infrastructure that makes sense, that functions as it should, wastewater treatment plants and the like. In Wisconsin, under President Bush's budget, we would lose $4 million. In Kentucky, you would lose almost $2 million. It goes on and on.

Community Development Block Grants, Dislocated Worker programs. These are people-oriented programs that need to have financing to make sure that people have a safety net that they can count on.

If you want it in general terms, you used the analogy about a sale, you know, 2 days only, or should we say, ''to the rich only.'' That sale, that tax break, that has to end because otherwise we're passing the buck. We're passing our debt on not to our generation, but to our children and our grandchildren because sooner or later these debts must be paid.

We're seeing it now with the decline of the dollar. The decline of the dollar has caused what? The oil hasn't changed for 1 million years, but its value has gone up because our purchasing power for the dollar has gone down. The gold hasn't changed, but it now might take $1,000 someday soon, real soon, to get 1 ounce of gold. So your purchasing power of the dollar has declined. Interest rates are going down, making your investments, if you saved any money at all and you're on fixed income, it's much harder for you now to make it through the week.

As we look at the budgeting process here in Washington, the essential difference is there are debt lovers and debt haters. We want to pay our bills. We want to be fiscally responsible and socially progressive to guarantee that people are more important than things and people are more important than corporations.

And I yield back.

Mr. YARMUTH. I thank my distinguished colleague.

He raises an important point because there are two different types of expenditures that we make in this Congress and that everyone makes. You can spend money that basically goes down the drain and never yields any kind of positive return, or you can invest money that pays back in manifold times over the years.

I know that I call my colleague Mr. KAGEN; in fact, he is a physician. I should say Dr. KAGEN. I raise that because one of the things that the President's budget did, it would do if we

were to enact it, which of course we won't, but is to cut funding for the National Institutes of Health. It seems to me that we're facing, as a country, this enormous exposure financially over the next several generations because of health care costs. We can try to tax our way out of it, raise more money to pay for it; we can try to use cost containment measures, which probably are not going to be that effective because every time you try to cut down on what you spend for health care, you reduce access to it; or we can invest money now in the type of research that will cure the very diseases that are going to cost us the most down the road. So if we spent $20 billion and we're able to cure cancer within the next 5 years, that would save us trillions of dollars long term as a society. The same with diabetes, the same with almost every disease we can mention. Yet the President's budget reduces funding on an inflation basis from the last year's budget. This is the type of thing where we should be investing more money because down the road these will pay off, not necessarily for us, in fact, but for our children and future generations.

It's the same way with energy and it's the same way with infrastructure. These are the types of investments and expenditures which this budget, the Democratic budget, emphasizes. This is our focus. And this is the type of expenditure that the President's budget ignores. And that represents a very fundamental difference in our approaches.

Clearly, we have one big elephant in the room. I don't say that in partisan terms. I will use gorilla. We have one big object in the room, and that is our expenditure in Iraq. If we continue to spend $150, $170, $200 billion a year in Iraq, that is money that doesn't represent an investment. It represents money being flushed down the drain. That's something that we have a serious policy dispute with and that's a very controversial subject around the country, but it's the type of expenditure that is keeping us from doing the type of investment that will yield returns down the road.

I'm very happy that my colleague mentioned infrastructure and investment because that is where we're going to have to focus our activity, our attention. Because unless we do that, we are destined for the same type of borrow-and-spend society and economy as opposed to an invest-and-reap-the-reward society that we can have otherwise.

We have a fundamental debate with our colleagues from across the aisle and with the administration in the White House and we're going to have to continue to fight this until we can convince the American people that the long-term approach, investing in people and infrastructure and research, are the answers to our long-range problems. And the Republican budget, the President's budget, is something that takes us in the wrong direction.

With that, I would ask my colleague to respond to or react to those comments.

Mr. KAGEN. I couldn't agree with you more, and I appreciate your yielding.

Think about it. I'll ask it rhetorically: Can you name one thing that President Bush has done to help us become an energy independent Nation? Just one thing. I can't think of a thing that he has done. There is so much that we could be doing to become energy independent.

But let's look at taxes just for a minute. I can lower your taxes by investing in people, by having healthier children who will have healthier lives. They will get a better education if we educate them and invest in education. I can lower your taxes. I can lower the taxes of every city, every county and every State in this country if we would invest in a health care system that makes sense, that's affordable, and guarantees access to affordable care for everyone, especially our children on whose future we all depend. We can lower our taxes by having healthy senior citizens who walk straight, who don't need canes, who actually have access to the essential services that they require.

We have to invest in people, their education, their health care, and especially our veterans. And it's going to cost more and more and more the longer we remain in a religious civil war in Iraq. We're spending $12 billion of our tax money that we have to pay back sometime. Now 80 cents on the dollar that we're borrowing from foreign countries, 80 cents on the dollar we're taking from foreign countries right now. So who owns America? Who are we? And in which direction are we going to turn? We have become a debtor country.

Let's take a look at some of the numbers that are a bit frightening. I'm going to scare you for a reason. This is the way it is: 2.8 million homes are going to go through foreclosure in a short time through the subprime mortgage crisis. But the number at the end of the day, when this recession is done in 2011 or 2012, may be 20 million homes. Now if you have three people per home, that's 60 million American citizens. Sixty million people might have to lose their home. If I came up to you and said, hey, you know, 20 percent of the population in Cuba is homeless, you would say, well, yeah, it's a Third World country. We're already getting there.

Now 10 years ago, in conversations with my physician colleagues, we would have an agreement that we were doing fine in America so long as the value of the dollar was upheld and so long as Arabians took our dollar in payment for their oil. Well, last year, the Japanese started buying their oil and paying in the yen. Germany is now paying in the euro because they get more for their money. So our dollar has been devalued because of these failed and losing economic policies that we're now underneath because of President Bush.

We must turn a page. We must come back to the basics of being fiscally responsible and paying as we go as we've done in this House in the 110th Congress.

Now if we don't invest in our children's education, where are we going to get? We're getting nowhere. If we don't invest in our children's health care early on, we'll never be able to afford their expensive care later on. Remember the old tire commercial, ''You can pay me now or you can pay me later''? That's true in the health care field as well.

I feel very strongly that we have to take on all of these issues. We have to have a fiscally responsible budget. And the very first thing we have to address is our skyrocketing, impossible costs for health care, which are a drag on every small business I get to meet with. I don't care if you're in farming or if you're a shoe salesman or if you're a small manufacturer, the number one cost you have of running your overhead is your health expense for your employees, if you're fortunate enough to have the money to pay for it.

Today, the average cost for a family of four is $14,000 for health insurance, on average. If you're making $50,000 annually, how can you afford to give $14,000 to the insurance industry? You can't afford it. That's why we have 47 million United States citizens with no health care coverage at all. I think we have to become fiscally responsible. This Congress will do it.

I yield back.

Mr. YARMUTH. Thank you. This is kind of a tangent, but it's important to mention because we hear from the other side so many times, I think from the Presidential candidate as well as so many Members, that the answer to the health care crisis is to give families a $5,000 or so tax credit so they can pay for their health insurance. You've framed the issue extremely well; how many families of moderate income can afford to pay? The $5,000 tax credit doesn't mean anything when their health insurance is costing them $14,000 a year. First of all, they don't have the money to spend, so they probably are not paying a lot of tax to begin with. A tax credit is kind of a myth. It's just something that maybe sounds good, but in the real world doesn't work.

But you also mentioned a very important element to this, and that's the issue of education. The President and the Republicans have continued to

underfund education in this country at almost negligent amounts for a number of years now.

We just had a press conference a few weeks ago in my district because we were able to get enough money, a Federal grant to provide scholarships for 500 citizens of my district that would enable them to get an associate's degree. We calculated the amount of increased earning capacity based on that $1 million worth of scholarships and it ended up being $13 million worth of increased revenue earning capacity based on a $1 million investment. Because if you take somebody from a high school degree and you give him or her an associate's degree, all of a sudden their income potential increases by 50 to 100 percent. You're talking about over a lifetime of earning capacity, $250,000 to $300,000 just for that small investment.

These are the types of decisions that we have to make, that we're called on to make in these budgeting processes. And I think that represents the real distinction between our party and the party that has controlled this House up until 2007. They want to spend money in very different ways. We want to invest tax dollars to improve the lives of those people who can really generate increased activity in the economy, increased earning.

□ 2200

Just on the basis of the question of stabilizing Social Security and Medicare, if you increase somebody's salary from $25,000 a year to $50,000 a year, you've doubled their contribution to Social Security. You've doubled their contribution to Medicare. This is the way we dig ourselves out of the hole that we have been in. It's to make sure that every American is earning a decent living and, therefore, can contribute to these programs. It's not to sit there and say we're going to continue to give Warren Buffett and Bill Gates and many of the wealthiest Americans in this country tax breaks and hope that somehow that results in a better way of life for every other American.

I think we have seen enough of trickle-down economics. They tried to sell us that under the Reagan revolution. They've tried to sell us that under two Bush administrations. I think the American people finally realized that that's not the answer to our economic problems and that's not the answer to our economic future.

We have seen, and not just in New Orleans with Katrina, that when you have trickle down, unfortunately, it doesn't lift all boats. It drowns a lot of people. And that chart demonstrates, as vividly as it can be demonstrated, what has happened in this country under trickle-down economics. We have drowned those people who are represented in red. Their boats didn't float. Our position is we want to make sure that everybody has the right kind of boat so that when the storms come, they're floating with everybody else.

And I think that is something that the American people are catching on to. I think that's why every survey of American attitudes, when you ask people, Who do you trust more to handle the economy, taxes, education, health care? they have said, We prefer the Democrats by substantial margins now.

That doesn't mean we're off the hook. That doesn't mean just because people think we have the right answers that we don't have to respond and that we don't have to perform. But I think they have recognized that the other answer is empty, and they have said, we put our faith in your philosophy. We put our stock in you. Now perform for us. That's what we're trying to do with this budget. That's what we hope to do as we move forward into the 111th and 112th and 113th Congresses.

I'll yield to my colleague on that.

Mr. KAGEN. Thank you for yielding. You bring up an interesting point about paying taxes. Do you really believe that people who are going down can pay more? It doesn't make any sense at all. Let's take a look at some of the numbers.

Twenty-five percent of all workers in the United States earn less than $8.70 per hour. One half of all women working earn less than $8.70 an hour. That's about $18,000 in a year. One-fifth of all children in America are living in poverty, which is the highest among the 17 industrialized nations, and we are the only industrialized nation that doesn't have guaranteed access to health care for everyone. So who is going to end up paying?

Well, we had dinner tonight. Somebody has to pay the bill; right? So we can't just get up and turn it over to somebody else. Our kids aren't there. Our grandchildren aren't there. We had to come up with the money to pay for our bills. But if you don't have any money, and I'm not accusing you, but if you don't have the money, I'm going to have to cover you.

Now, who has benefited from all these tax cuts? It's the people at the top of the income scale. It should be no surprise who is going to have to pay the bills when they come due. It's not going to be people that don't have any money. They're going to the banks now looking for money.

I was in a diner in Oconto, Wisconsin, Northeast Wisconsin, having a bite to eat on my way to an event. And I asked the guys who were working there that are city workers how I could help them with an economic stimulus package.

And they said, Doc, look out the window. It's right there. There's the price of gas. If you want to put more money in my pocket, cut the cost of gasoline.

Well, we haven't done it yet because we have got an oil Vice President and an oil President. We can't do it while they're in office.

The second thing he said was, look, the other thing you can do is knock down the cost when I go to the pharmacy to get my medication. I think I'm paying too much.

And let me share with you some reality. In the State of Wisconsin, we have a program for senior citizens who are in need of assistance in paying for their prescription drugs. So if you can't afford your prescription drugs and you're in need and you're lower income status, you will qualify for senior care, and by buying into it with $30 a year, you get this kind of a benefit. Virginia, for her medications, pays over $330 per month at the pharmacy for her medications. On senior care it's $89. The same pharmacy, the same prescription drugs, the same drug makers. The only difference is the State of Wisconsin formed a purchasing pool.

I will give you a second example. The Veterans Administration has negotiated steep discounts for a vast number of very effective and therapeutic prescription drugs. And, on average, if you're a veteran getting your prescription drugs from the VA, you're paying 46 percent less than a Medicare part D patient. But, my friend, the veterans who fought for this country, for our freedom, for the right not just for themselves to get a discount, they fought for everybody. Don't you think it's only right but that everybody be able to get those same medications at that same steep discount? They didn't fight a war—they didn't defend America—for themselves. They did it for every citizen across this land. If the VA can use its resources to leverage down and purchase prescription drugs at a steep discount, shouldn't everyone benefit from that steep discount?

So we have to begin to think differently in America, about us. Not me, about all of us. We have to begin to return to the days when health insurance was sold to an entire community. You know those letters u-n-i-t-y, unity? We have got to put ''unity'' back into ''community.'' We have to return to community-based ratings so we can insure everyone in the community without any discrimination. And when we do that, we can leverage down the cost of prescription drugs and insurance coverage for everyone. So I think this is our time when we can begin to have a discussion with the American people about what's important to them.

In Wisconsin paying your bills is just the way of life. So is working. Two feet of snow, three feet of snow, we're still there on time. So from our Wisconsin point of view, and I am certain it's true in Kentucky as well, people want to pay their bills. But what's happening today in households across my district is people are running faster to stand still. They are working harder to make a little bit more. But their energy

costs for their gasoline, for the diesel; for the farmers, for their fertilizers, their feed, for their cows, the energy cost is escalating. That's called inflation. And on top of that, they can't buy as much with their hard-earned dollar. So what good does it do if you're milking cows and you're getting $20 per hundred weight and your overhead is eating it up? The margin, your profit, is almost the same as when it was $12 per hundred.

So we have to begin to change our Federal policies, and our budget must reflect not just our Nation's values but our true American traditional family values of pay-as-you-go.

Now, when I was just 12 years old, my grandmother from Poland taught me, Steve, if you see something you like and you've got the money, go ahead and buy it. If you see something you like and you don't have the money, don't buy it. And that's all you need to know about money.

We have to take that idea here in Washington as well and say, look, there are things we must do. We must defend our country. We must grow our economy, expand the middle class. At the same time, we have to protect our planet from global climate change and global warming. All of these are very complex issues, but it begins with money.

Now, my friend, I look at money as a problem solver. If you've got money in your pocket, you can solve some problems. And this government has built up such debts that we are now getting handcuffs on us, monetary handcuffs. Our debt load is so heavy, we are having more and more restrictions on what problems we can solve. So I think we have to get our financial House of Representatives in order, not just our congressional House but our financial house.

Mr. YARMUTH. I thank my colleague. And as we wind down, I want to do two things. One is to thank him for dinner, because that was very nice of him to be willing to stand in for me, not that I couldn't have paid, but he was generous enough to treat tonight; and, secondly, to talk about the concept of unity and community.

And on the dais to my colleague's right, there are several terms inscribed in that dais, but on my far left the term ''union'' is inscribed. And that's really what I think we have lost track of and lost awareness of in this country, that we are part of something that is very special. But it is a union. It's not 300 million individuals out on their own.

And we had an interesting hearing the other day in the Committee on Oversight and Government Reform, and basically the subject was on the subprime mortgage crisis, but it was also related to CEOs' salaries. And I'm not sure it was quite a good idea to combine the two, although they do provide kind of a stark contrast in which many of these companies, namely, Countrywide, had lost lots of money, and yet the CEO had left the company and was still making millions of dollars, $37 million he left the company with.

But we also had the former chairman of Citigroup, the CEO of Time Warner, the former CEO of Merrill Lynch; so we had some of the giants of American industry there. And the topic of discussion kept alternating between the subprime mortgage crisis and also the question of CEOs' salaries. And it occurred to me, as we went through this discussion, that many of these CEOs make tens of millions of dollars a year in compensation, much of it related to stock options that they are given, so their compensation ultimately is related to their stock price.

And as the conversation went on, it finally came my turn to ask questions. And I addressed these giants of American industry, and I said, I can see how in a comparative market situation that the CEO of Citigroup, which is a $35 billion company, may be worth $10 million a year in salary. I don't have any complaint about that. And even if you lose money in a particular year, I mean if it hadn't been for the talents of the CEO, you might have lost more money; so maybe that was justified.

But what the American people see is CEOs making tens of millions of dollars, at the same time feeling, if not knowing explicitly what's on that chart, that their standard of living, even though they are working as hard as they have ever worked, is not improving. And if they are working for one of those companies at a relatively average position, while they are working hard, their standard of living is staying the same and the CEO's salary is increasing.

And we all know the data about the disparity between CEOs' salaries and their employees' salaries. It's gone from an average of 30 times in the early 1970s to now 400 or 500 times. And it doesn't matter whether you lose money; they still make these huge salaries. And I asked them, When you have these meetings in your compensation committees and you're deciding and discussing the salaries of your CEO and your upper management, is there ever a conversation or have you ever heard of a conversation that related to how you might improve the lives of your employees, how you might stabilize the communities where your businesses are, how you might help to make this country a better place, or is all the conversation related to how you get the stock price up?

And the retired chairman of Citigroup said, very candidly and honestly, No, we only talk about share price. I said, That's a very unfortunate disconnect between what I think we all think is the objective, the ambition of this country, this Union, which is to make life better for everybody, to create jobs, to have everybody realize the American Dream, and yet our largest corporate citizens are only thinking about how they raise their stock price.

And I wonder, and I hope to be able to pursue this conversation with other CEOs of big corporations as I serve my terms in Congress, Do you ever talk about raising your standard of living of your employees? How do we get their wages up? How do we improve their benefits? How do we improve their health care situation? How do we stabilize that community and what can we do? And I know there are companies out there who are great corporate citizens. I have some in my own district who do that.

□ 2215

But if you don't have the corporate mentality that thinks about the same goals that the American people have, then we have a problem in this country. And I am not exactly sure how to go about it. But I know that the policies that are represented by our colleagues on the Republican side and by this been White House have been ones that say, we're going to do everything we can to facility that strategy of letting those companies do whatever they need to do to jack their stock prices up, and meanwhile we hope that it helps everybody else.

And I think that our budget says that we are not going to rely on just an abstract hope. We are going to take steps to invest in the American people, to put money in education, to put money in health care and to put money in infrastructure that will allow those people to make sure they improve their own standard of living.

So, we are going to have this debate for a long time. We will have it in this particular context in this budget debate, but as we go forward in this Congress, and in future Congresses. And I look forward to it because I think that the American people want us to do everything we can to help them realize their individual ambitions, and, again, to make ourselves a better Union.

So with that, I would just like to ask my colleague if he has any closing remarks, and then we will let everyone go home.

Mr. KAGEN. I appreciate your comments. And I have learned a great deal just working with you here in Congress. And I appreciate your sacrifice of leaving your business and your life in Kentucky to work here in Washington even as you live back in Kentucky, as I work here in Washington and live in Wisconsin.

I will just remind you what we both agree on. We need to have not just a budget policy, but a tax policy that rewards work more so than wealth. Because what you see with this graph is that the people that are being rewarded

are the wealthy who are not necessarily working as hard as people.

Now whose side are we on? We do not sit in a boardroom. We are standing on the workplace floor. We understand the pain and feel the stress that ordinary Americans are going through and families are making it just a tough time every single day. The policies that we are putting forward have to be people first, and our budget must not only be balanced, but we have to balance the other deficits that we face. We have a budget deficit, and we have a savings deficit. We have to become, once again, a Nation that saves money and not just spends money. We have to lead the way here in Congress.

And I look forward to working with you in the years to come and certainly in the next several weeks as we pass a budget here.

Mr. YARMUTH. I thank my colleague. And as I close, I just what to repeat what I have said to many people, and that is that it is such a great honor to be in this wonderful group of people, men and women, elected in 2006, because most of us came to Congress well past the age of 50. We came because we had done what we wanted to do in our professional lives or our business careers, and we said we wanted to make a difference.

We weren't here because we expected to spend 25 or 30 years in Congress. We didn't want to be professional politicians. We came because we wanted to see what we could do to change the direction of the country. And nobody is a better example of that than my colleague from Wisconsin, and I thank him for joining me tonight. I look forward to further discussions as we move forward.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MITCHELL (at the request of Mr. HOYER) for March 10 and 11 on account of family obligations.

Mr. YOUNG of Alaska (at the request of Mr. BOEHNER) for today and the balance of the week on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today, March 13 and 14.

Mr. PETERSON of Pennsylvania, for 5 minutes, today and March 13.

Mr. BONNER, for 5 minutes, March 13.

Mr. DENT, for 5 minutes, March 13.

Mr. PAUL, for 5 minutes, today and March 13.

Mr. BURGESS, for 5 minutes, March 13.

ADJOURNMENT

Mr. YARMUTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 13, 2008, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5689. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]—, monosodium salt, polymer with ethenol and ethenyl acetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0223; FRL-8344-7] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5690. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerance and Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2007-0495; FRL-8352-2] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5691. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetic acid, [5-chloro-8-quinolinyl) oxy]—, 1-methylhexyl ester (Cloquintocet-mexyl); Pesticide Tolerance [EPA-HQ-OPP-2007-0555; FRL-8350-8] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5692. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Formetanate Hydrochloride; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0916; FRL-8343-6] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5693. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerance [EPA-HQ-OPP-2007-0030; FRL-8349-7] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Vitamin E, d-alpha tocopheryl, dl-alpha tocopherol acetate, and dl-alpha tocopheryl acetate; Inert Ingredients; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0306; FRL-8347-8] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carfentrazone-ethyl; Pesticide Tolerance [EPA-HQ-OPP-2007-0193; FRL-8349-4] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2007-0621; FRL-8530-7] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio [EPA-R05-OAR-2006-0879; FRL-8533-8] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2007-1180; FRL-8535-9] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations [EPA-R05-OAR-2007-0293; FRL-8529-8] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction [EPA-R03-OAR-2007-0324; EPA-R03-OAR-2007-0476; EPA-R03-OAR-2007-0344; FRL-8536-6] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5701. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Allentown-Bethlehem-Easton 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0606; FRL-8536-5] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5702. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and Nox RACT Determination for Merck and Co., Inc. [EPA-R09-OAR-2007-0534; FRL-8536-4] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5703. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-289, as amended by Section 1308 of Pub. L.

110-28 and Section 1224 of Pub. L. 110-181; to the Committee on Foreign Affairs.

5704. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-23; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 9] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5705. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-016, Performance-Based Payments [FAC 2005-23; FAR Case 2005-016; Item III; Docket 2007-0001; Sequence 13] (RIN: 9000-AK64) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also: Part 1, 280F; 1.280F-7.) (Rev. Proc. 2008-22) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5707. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Alternative Disability Mortality Tables — Continued Reliance on Revenue Ruling 96-7 [Notice 2008-29] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5708. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-37] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5709. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part 1, 446; 472; 1.446-1; 1.472-1; 1.472-8) (Rev. Proc. 2008-23) received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 1041. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–549). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CARNEY (for himself and Mr. KIRK):

H.R. 5595. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide dental care to veterans with service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CALVERT:

H.R. 5596. A bill to extend the basic pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN:

H.R. 5597. A bill to amend the Internal Revenue Code of 1986 to modify the new energy efficient home credit and to provide a credit against tax for the purchase of certain energy efficient homes; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 5598. A bill to establish a program under which employing offices of the House of Representatives may agree to reimburse employees for child care expenses, and for other purposes; to the Committee on House Administration.

By Mrs. MALONEY of New York (for herself, Mr. WYNN, Mr. HOYER, Ms. NORTON, Mr. DAVIS of Virginia, Mr. TURNER, Mr. HONDA, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. COHEN, and Mr. CANNON):

H.R. 5599. A bill to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the ''Thomas Jefferson Census Bureau Headquarters Building''; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself and Mr. DAVIS of Virginia):

H.R. 5600. A bill to permit nonjudicial employees of the District of Columbia courts, employees transferred to the Pretrial Services, Parole, Adult Probation, and Offender Supervision Trustee, and employees of the District of Columbia Public Defender Service to have periods of service performed prior to the enactment of the Balanced Budget Act of 1997 included as part of the years of service used to determine the time at which such employees are eligible to retire under chapter 84 of title 5, United States Code, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PORTER (for himself and Ms. BERKLEY):

H.R. 5601. A bill to designate the facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, as the ''Sergeant Irving Joseph Schwartz Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GINGREY (for himself, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. BURGESS, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. PAUL, and Mr. SIMPSON):

H.J. Res. 77. A joint resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H. Con. Res. 316. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. BOEHNER:

H. Res. 1039. A resolution raising a question of the privileges of the House.

By Mr. BOEHNER:

H. Res. 1040. A resolution raising a question of the privileges of the House.

By Mrs. BONO MACK (for herself and Ms. ROYBAL-ALLARD):

H. Res. 1042. A resolution supporting the We Don't Serve Teens campaign; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY (for himself, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. WAMP, Mr. LAHOOD, Mr. JONES of North Carolina, Mr. SMITH of Nebraska, Mr. MORAN of Kansas, Mr. DELAHUNT, Mr. WALZ of Minnesota, Mr. BRALEY of Iowa, Mr. HELLER, Mr. EHLERS, Mr. MCCAUL of Texas, Mr. BUCHANAN, Mr. TIM MURPHY of Pennsylvania, Mr. FRANKS of Arizona, Mr. KIND, Mr. BLUMENAUER, Mr. LEWIS of Kentucky, Mr. SCOTT of Georgia, Mr. KUHL of New York, Mr. BURGESS, Mrs. NAPOLITANO, Mr. ISSA, Mr. MCCOTTER, Mr. SULLIVAN, Mrs. MCMORRIS RODGERS, Mr. COLE of Oklahoma, Mr. GILCHREST, Mr. KING of Iowa, Mr. INGLIS of South Carolina, Mr. WELCH of Vermont, Mr. CHABOT, Mr. FERGUSON, Mr. WALDEN of Oregon, Mr. PITTS, Mr. BARRETT of South Carolina, Mr. KINGSTON, Mr. RAMSTAD, Mr. REHBERG, Mr. ALEXANDER, Mr. MOORE of Kansas, Mr. SHULER, Mr. DAVIS of Virginia, Mr. BOREN, and Mr. WAXMAN):

H. Res. 1043. A resolution honoring the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans, on the 100th anniversary of Chief Standing Bear's death; to the Committee on Natural Resources.

By Ms. ZOE LOFGREN of California (for herself and Mr. DELAHUNT):

H. Res. 1044. A resolution condemning the dismissal of the Supreme Court in Pakistan and calling for their reinstatement by the Government of Pakistan; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. BISHOP of Utah and Mr. HILL.

H.R. 281: Mr. PALLONE.

H.R. 402: Mrs. WILSON of New Mexico.

H.R. 406: Ms. BALDWIN, Mr. SHIMKUS, Mr. KAGEN, Mr. FILNER, Mr. ETHERIDGE, Mrs. CAPITO, Mrs. BIGGERT, Mrs. BONO MACK, Mr. ISSA, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. TIAHRT, Mr. POMEROY, and Mr. FURTUÑO.

H.R. 522: Mr. ENGLISH of Pennsylvania and Mr. SIRES.

H.R. 594: Mr. SKELTON.

H.R. 685: Mr. CHABOT.

H.R. 715: Mr. CONYERS and Mr. CARNEY.

H.R. 782: Ms. MATSUI.

H.R. 861: Mr. PENCE.

H.R. 1000: Mr. KANJORSKI, Mr. ALLEN, Ms. HERSETH SANDLIN, and Mr. ISRAEL.

H.R. 1032: Mr. KING of New York.

H.R. 1074: Mrs. CAPPS.

H.R. 1110: Mr. WITTMAN of Virginia and Mr. HOEKSTRA.

H.R. 1134: Mr. TERRY and Mr. WALBERG.

H.R. 1142: Mr. JEFFERSON, Mr. SIRES, Mr. ENGLISH of Pennsylvania, Mr. JONES of North Carolina, Mr. GONZALEZ, Mr. LOBIONDO, Mr. ELLISON, Mrs. MALONEY of New York, Mr. SHULER, Mr. WALZ of Minnesota, Mr. ROSS, Mr. WITTMAN of Virginia, and Mr. COOPER.

H.R. 1198: Mr. WYNN.

H.R. 1264: Mr. BROWN of South Carolina.

H.R. 1273: Mr. TOWNS.

H.R. 1369: Ms. NORTON.
H.R. 1439: Mr. GALLEGLY and Mr. TERRY.
H.R. 1474: Ms. DEGETTE.
H.R. 1542: Mr. SIRES, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Ms. CLARKE, Ms. SCHWARTZ, and Ms. CORRINE BROWN of Florida.
H.R. 1584: Mr. UDALL of Colorado, Mrs. WILSON of New Mexico, and Mr. FORTENBERRY.
H.R. 2208: Mr. TIM MURPHY of Pennsylvania.
H.R. 2370: Mr. KNOLLENBERG and Mr. HAYES.
H.R. 2458: Mr. STARK.
H.R. 2564: Mr. TIM MURPHY of Pennsylvania.
H.R. 2588: Mr. TERRY.
H.R. 2702: Mr. ISRAEL.
H.R. 2744: Mr. CARNEY, Mr. JEFFERSON, Mr. SIRES, Mr. BERRY, and Mr. KENNEDY.
H.R. 2833: Mr. DEFAZIO.
H.R. 2922: Ms. SOLIS, Ms. SHEA-PORTER, and Mr. PASTOR.
H.R. 2958: Mr. SOUDER.
H.R. 3005: Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. BACA, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. SOLIS, Mr. REYES, Ms. ROYBAL-ALLARD, and Mr. SIRES.
H.R. 3036: Ms. LEE.
H.R. 3088: Mr. SMITH of Nebraska.
H.R. 3173: Ms. NORTON.
H.R. 3337: Mr. PASTOR.
H.R. 3452: Ms. RICHARDSON.
H.R. 3635: Mr. COHEN.
H.R. 3652: Mr. BRALEY of Iowa.
H.R. 3660: Mrs. CAPITO.
H.R. 3681: Mr. FILNER.
H.R. 3811: Mr. UDALL of Colorado.
H.R. 3842: Ms. CLARKE.
H.R. 3892: Mr. CONYERS.
H.R. 4044: Mr. DOYLE, Mr. ENGLISH of Pennsylvania, and Mr. SHAYS.
H.R. 4048: Mr. STARK.
H.R. 4055: Mr. WAXMAN and Mr. COHEN.
H.R. 4065: Mr. GOODE.
H.R. 4089: Mr. YOUNG of Alaska, Ms. CORRINE BROWN of Florida, Mr. LOEBSACK, Ms. MCCOLLUM of Minnesota, and Mr. COURTNEY.
H.R. 4105: Mr. MILLER of Florida and Mr. FEENEY.
H.R. 4116: Ms. ESHOO and Mr. WITTMAN of Virginia.
H.R. 4138: Mr. DOYLE.
H.R. 4206: Mr. CONYERS.
H.R. 4218: Mr. ELLISON and Ms. CLARKE.
H.R. 4236: Mr. CONYERS and Mr. WELCH of Vermont.
H.R. 4460: Mr. KELLER.
H.R. 4544: Mr. TERRY.
H.R. 4900: Mr. EVERETT, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. GOODE, Mr. BUCHANAN, Mr. ALTMIRE, Mr. PENCE, Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mrs. CUBIN, Mr. BILBRAY, and Mr. BISHOP of Georgia.
H.R. 4930: Mr. LATOURETTE.
H.R. 5035: Mr. WATT.
H.R. 5038: Ms. MCCOLLUM of Minnesota.
H.R. 5102: Mr. BACA, Mrs. BONO MACK, and Mr. ENGLISH of Pennsylvania.
H.R. 5109: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5161: Mr. COHEN.
H.R. 5233: Mr. GARRETT of New Jersey and Mrs. BIGGERT.
H.R. 5244: Ms. JACKSON-LEE of Texas and Mr. RYAN of Ohio.
H.R. 5312: Mr. FATTAH.
H.R. 5440: Mrs. BLACKBURN.
H.R. 5442: Mr. DOGGETT.
H.R. 5443: Mr. SMITH of Washington, Mr. FORTUÑO, and Mr. ACKERMAN.
H.R. 5447: Mr. CONYERS and Mr. CLAY.
H.R. 5454: Mr. MCCOTTER.
H.R. 5489: Mr. DAVIS of Kentucky, Mr. FALEOMAVAEGA, and Mrs. MYRICK.
H.R. 5534: Mr. FARR.
H.R. 5546: Mr. CARNEY.
H.R. 5561: Mr. BROWN of South Carolina and Mr. BOOZMAN.
H.R. 5580: Mr. HINCHEY.
H.R. 5587: Mr. BISHOP of Georgia.
H.J. Res. 68: Mr. MOORE of Kansas.
H. Con. Res. 280: Ms. RICHARDSON.
H. Con. Res. 295: Mr. MARSHALL and Mr. TERRY.
H. Con. Res. 302: Mr. CLAY and Mrs. EMERSON.
H. Con. Res. 315: Mr. HUNTER, Mr. FEENEY, Mr. BOUSTANY, Mr. KING of New York, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BILBRAY, Mr. BURGESS, Mrs. DRAKE, Mr. FOSSELLA, Mr. GOODE, Mr. HALL of Texas, Mr. KELLER, Mr. MCCOTTER, Mr. WAMP, Mr. WELDON of Florida, Mr. YOUNG of Alaska, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 105: Ms. HERSETH SANDLIN.
H. Res. 146: Mr. FARR.
H. Res. 169: Mr. UDALL of Colorado.
H. Res. 424: Mr. HOLDEN, Mr. TOWNS, Mr. DAVIS of Illinois, and Mr. KENNEDY.
H. Res. 705: Mr. SAM JOHNSON of Texas.
H. Res. 896: Mr. GONZALEZ, Mr. ELLISON, Mr. GUTIERREZ, and Mr. SIRES.
H. Res. 937: Mr. HAYES and Ms. ZOE LOFGREN of California.
H. Res. 959: Mr. TOWNS.
H. Res. 970: Mrs. MILLER of Michigan, Mr. SOUDER, Mr. ROGERS of Kentucky, and Mr. BURGESS.
H. Res. 973: Mr. TOWNS.
H. Res. 990: Mr. ENGLISH of Pennsylvania.
H. Res. 997: Mr. LEVIN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RYAN of Ohio, Mr. GERLACH, and Mr. ENGLISH of Pennsylvania.
H. Res. 1005: Mrs. NAPOLITANO.
H. Res. 1008: Mr. INGLIS of South Carolina.
H. Res. 1018: Mr. KUCINICH.
H. Res. 1021: Mrs. DRAKE and Mr. BLUMENAUER.
H. Res. 1026: Mr. MELANCON, Mr. TOWNS, and Mr. KILDEE.

SENATE—*Wednesday, March 12, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, how great You are. You have created the heavens and the Earth. You can't be contained in temples made with hands.

Make Your presence felt in the Senate today. Expand the horizons of our Senators and their staffs until they see things that are not and ask, why not. Intensify their consciousness of Your love and speak clearly to them of Your will. Lift them beyond the power of sin and establish them with righteousness.

Fill us all with the gratitude that befits Your wondrous deeds, as You bring our lives into line with Your purposes. Lord, clear away the cobwebs of complacency, empowering us to be Your ambassadors in these challenging times.

We pray in the Name of Him in whom is all power in heaven and on Earth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following my remarks and those of the Republican leader, the Senate will resume consideration of S. Con. Res. 70, the concurrent resolution on the budget.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WHO IS RICH

Mr. MCCONNELL. Democrats have campaigned hard on the promise of tax relief for the ''middle class.'' They say any tax hikes they propose would only affect ''the rich.''

This, of course, raises a question. Who exactly are Democrats calling rich? Let's take a look.

According to Democrats, the ''rich'' include single workers who earn $34,000 a year. First year schoolteachers in Jefferson County, KY, earn $35,982 a year. I don't think they are rich.

According to Democrats, couples are rich if they earn $63,000 a year. I doubt that couples with children who make $63,000 a year think that they are rich.

The fact is, under the Democratic plan, a lot of people will wake up happy to hear they are rich, only to realize the only change in their lives is a hefty tax sock to their wallets. So much for the good news. It is what Patrick Moynihan might have called ''defining wealthy down''.

But there is a purpose behind the rhetoric. Democrats couldn't support their $1.2 trillion in spending—and the largest tax hike in history—unless they cast their tax hike nets far and wide.

So they have proposed to raise taxes on tens of millions of individuals and families that they call ''rich.''

Under the Democratic plan for taxing the ''rich,'' a single mother who earns $45,000 a year would see her taxes go up.

Under the Democratic plan for taxing the ''rich,'' 7.8 million low-wage earners will be added, back to the tax rolls, workers who are now considered too low-income to pay any income tax at all.

Under the Democratic plan for taxing the ''rich'', 43 million families would be hit with an average tax increase of $2,300 next year.

These are the people that Democrats in Washington are calling ''rich''—folks who would laugh if you told them that after a monthly budgeting session around the kitchen table.

One would think that as the economy slows and fears spread about the cost of fuel, health care and food rising even higher, our friends on the other side could resist reverting to type.

The last thing middle-class families can afford is a higher tax bill this year.

So as the debate over the budget continues, let's be clear about who will be picking up the tab for the largest tax hike in U.S. history. It is not just the rich.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

DEMOCRATIC BUDGET

Mr. REID. Mr. President, the only thing we haven't heard about the Republicans' plan to take care of the world is tort reform. That is usually part of the mantra. We have a situation where everything that should be going up is going down. We have an economy that is spiraling down. We have a housing market that is in crisis. We have gas prices that are predicted, by early summer, to be an average of over $4 a gallon. We have a war that is now starting its sixth year, and it is costing us $420 million a day. We have an economy that has gone from good to terrible. And we have a budget that has been put together with a tremendous soft touch. What does that mean? It means we are recognizing the problems we have in our economy, and we want to return to those days where we were paying down the national debt.

This isn't pie in the sky. We have actually done it. This is a blueprint for how we need to proceed with our economy. I commend and applaud Senator CONRAD for putting this budget together. There is nothing in this budget that talks about increasing taxes. In fact, what this budget does is decrease taxes for the middle class. In fact, that is what the Baucus amendment which is now pending is all about.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of S. Con. Res. 70, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

Pending:

Baucus amendment No. 4160, to provide tax relief to middle-class families and small businesses, property tax relief to homeowners, relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita, and tax relief to America's troops and veterans.

Graham amendment No. 4170, to protect families, family farms, and small businesses by extending the income tax rate structure, raising the death tax exemption to $5 million, and reducing the maximum death tax rate to no more than 35 percent; to keep education affordable by extending the college tuition deduction; and to protect senior citizens from higher taxes on their retirement income, maintain U.S. financial market competitiveness, and promote economic growth by extending the lower tax rates on dividends and capital gains.

The ACTING PRESIDENT pro tempore. The majority leader.

TO EXTEND AGRICULTURAL PROGRAMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. 2745.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2745) to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2745) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 2745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AGRICULTURAL PROGRAMS.

(a) EXTENSION.—Except as otherwise provided in this section and notwithstanding any other provision of law, the authorities provided under the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 7 U.S.C. 7901 et seq.) and each amendment made by that Act (and for mandatory programs at such funding levels), as in effect on September 30, 2007, shall continue, and the Secretary of Agriculture shall carry out the authorities, until April 18, 2008.

(b) CONSERVATION PROGRAMS.—

(1) FARMLAND PROTECTION PROGRAM.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this subsection as the ''Secretary'') shall continue the farmland protection program established under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838h et seq.) at a funding level of $97,000,000 per year.

(2) GROUND AND SURFACE WATER CONSERVATION.—Notwithstanding any other provision of law, the Secretary shall continue the ground and surface water conservation program established under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) at a funding level of $60,000,000 per year.

(3) WILDLIFE HABITAT INCENTIVES PROGRAM.—Notwithstanding any other provision of law, the Secretary shall continue the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) at a funding level of $85,000,000 per year.

(c) EXCEPTIONS.—This section does not apply with respect to the following provisions of law:

(1) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)).

(2) Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

(3) Section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034).

(4) Section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

(5) Section 231(b)(4) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621note; Public Law 106–224).

(6) Section 9002(k)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(k)(2)).

(7) Section 9004(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)).

(8) Section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

(9) Subtitles A through C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.), with respect to the 2008 crops (other than the 2008 crop of a loan commodity described in paragraph (11), (12), (13), or (14) of section 1202(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932(b))).

(d) SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.—The provisions of law specified in subsections (a) through (c) of section 1602 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7992) shall be suspended through April 18, 2008.

(e) RELATION TO CONSOLIDATED APPROPRIATIONS ACT, 2008.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section does not apply to the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008 (division A of Public Law 110–161; 121 Stat. 1846).

(2) REPEAL OF SUPERSEDED EXTENSION.—Section 751 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008 (division A of Public Law 110–161; 121 Stat. 1883) is repealed.

(f) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect on March 15, 2008.

Mr. REID. Mr. President, there has been progress made on a farm bill. We can't leave here without doing a farm bill. I think it is something we need to do. We worked hard. We have agreed on how much money it is going to take. I had a meeting yesterday with Senator HARKIN and Senator BAUCUS on our side. They have had good working relationships with their counterparts, Senators GRASSLEY and CHAMBLISS. They are working well with their House counterparts. We have had a little setback because Chairman RANGEL has been hospitalized. We were hopeful that he would be out today. In fact, we had a meeting scheduled today. But he is not going to be back to work today. That has slowed us up a little bit. But we all look toward doing a farm bill. It is something we need to do, and we are going to work very hard on a bipartisan basis, which is the only way we can have a farm bill.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, let me add to the remarks of the majority leader that I, too, believe it is important to have a farm bill. It has been a challenging process, to say the least, for our negotiators, but they continue to make progress. I, too, am optimistic that we can get there. I think it is important to the country that we do get there. This extension we just passed was regretfully necessary, but it doesn't lessen in any way the need to get a farm bill, a 5- or 6-year extension, depending upon what is negotiated. We are continuing to work along those lines and hope to get there.

I yield the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the leaders for the action they have taken for a short-term extension of the farm bill so that we can conclude action on it. It has been a negotiation that has gone on well over a year. That is not unusual for a farm bill which is extremely contentious.

I wanted to comment briefly on the Republican leader's statements this morning about our budget. As I was driving in this morning, I heard another Republican on the air saying that we have a trillion-dollar tax increase in this budget. I don't know what budget they are talking about because it certainly is not the budget we have presented here. There is no trillion-dollar tax increase here. There is no tax increase assumed here. Honestly, if I would go down to the Senate dining room and come to this floor and introduce the dining room menu as the budget for the United States, our Republican colleagues would say it was a trillion-dollar tax increase.

This is what they said last year, and we hear the same mantra again this year: It is a trillion-dollar tax increase. When they said it last year, we didn't have a record of a Democratic Congress to refute their claim. Now we do. We can look back and see precisely what happened with Democrats in control. How much did taxes increase after the Republicans asserted repeatedly we were going to increase taxes a trillion dollars? What happened? What happened on the record, not a projection, not a forecast, not rhetorical, what is the fact? It is very interesting. Democrats controlling the House, controlling the Senate, cut taxes $194 billion—not a tax increase, a tax cut that overwhelmingly has gone to the middle class. That is the Democratic record.

Let me say about this budget, we don't have the vast spending increases they are talking about. For this year, if you look at total spending, we have 1 percent more than the President's budget. Where is that money going? We put it into energy, to reduce our dependence on foreign oil. We put it into education, and we put it into infrastructure because we don't want any more bridges, like the one in Minnesota last year, collapsing into the river with people driving home from work. That is a fact.

In terms of revenue, the truth is that over the 5 years, we have 2.6 percent more revenue than in the President's budget. We believe that can be obtained not with a tax increase—don't need a tax increase to get it—you can go after the tax gap, the difference between what companies and people owe versus what they are actually paying. You can go after these offshore tax havens which the Permanent Subcommittee on Investigations has told us are costing this country $100 billion a year. You can go after these abusive tax shelters where we have the spectacle of companies in the United States, banks buying foreign sewer systems and depreciating them on their books in the United States to reduce their tax bill here, and then they lease the sewer systems back to the European cities that built them. My goodness. We are better than that as a nation, better than letting people abuse the vast majority of us who are honest. That is not right. That is not fair.

I have shown on this floor many times a picture of a five-story office building in the Cayman Islands called Ugland House. That 5-story building is home to 12,800 companies. I would say that is the most efficient building in the world.

Mr. President, 12,800 companies claim they are doing business out of this little five-story building in the Cayman Islands. They are not doing business there. The only business they are doing is monkey business. What they are doing is evading their taxes.

Now we have seen, according to the Boston Globe, another building down in the Cayman Islands—this time a four- or five-story building too—and we know KBR, who is the biggest contractor for security forces in Iraq and additional workers in Iraq for the U.S. military effort there, is running an operation out of that building to evade the Social Security taxes and the Medicare taxes of thousands and thousands of workers they have employed for Iraq—another tax scam.

It is exactly the kind of thing we on this side think should be closed down. Over and over, when we have tried, this President said: No, you can't do that. That would be a tax increase. Really? Is that a tax increase? I do not think so. Making people pay their fair share, like the vast majority of Americans already do—I do not think that is a tax increase. I think that is making those folks pay like all the rest of us do. That is fair.

Mr. President, we have Senators on the floor ready to offer an amendment. I want to go to that at this moment.

I ask Senator BINGAMAN, how much time——

Mr. GREGG addressed the Chair.

Mr. CONRAD. Mr. President, I will withhold. Senator GREGG is seeking recognition.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

SENATOR CONRAD'S 60TH BIRTHDAY

Mr. GREGG. Mr. President, I rise this morning to say this is a big, big, big day for the chairman of the committee, and I know he would not want this day to go unacknowledged after having made such an eloquent statement. But it is the chairman's 60th birthday today. So I congratulate him and say, on his 60th birthday, we appreciate all he has done for the last 60 years, and we hope he will be here for another 60 years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the ranking member for his continuing courtesy and graciousness. This is my 60th. As I left the house this morning, I told my wife and our son, who is there visiting, I have to question: What have I done wrong in my life to have my 60th birthday spent here managing the budget? But I will get over it.

I appreciate the many courtesies of the ranking member. This is a special day for me, and I am looking forward to a good debate.

With that, we want to go to the next amendment, unless the Senator—

Mr. GREGG. Mr. President, I ask unanimous consent that after Senator BINGAMAN has spoken on his amendment, and to the extent Senator ALEXANDER wishes to speak, that we then, after that, go to our side for the next amendment.

Mr. CONRAD. Fair enough.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I say to the Senator, if you can give us a heads up at some point what your next amendment will be, that would be helpful as well.

Now we will turn to Senator BINGAMAN and Senator ALEXANDER, who I think have a very constructive amendment. We welcome their description of it.

I ask unanimous consent that the time come off the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank the managers of the bill and all colleagues. Let me mention, I believe Senator KENNEDY wishes to speak in favor of the amendment after Senator ALEXANDER speaks. So I believe he will be coming to the floor. I hope there is an opportunity for him to do that before we proceed too far this morning.

AMENDMENT NO. 4173

Mr. President, I call up amendment No. 4173 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. ALEXANDER, Mr. KENNEDY, Mr. DOMENICI, Ms. MIKULSKI, Mr. ENSIGN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. LIEBERMAN, Mr. SCHUMER, Mr. BIDEN, and Mr. KERRY, proposes an amendment numbered 4173.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding resources in FY2009 for investments in innovation and education in order to improve the competitiveness of the United States)

On page 11, line 13, increase the amount by $600,000,000.

On page 11, line 14, increase the amount by $306,000,000.

On page 11, line 18, increase the amount by $210,000,000.

On page 11, line 22, increase the amount by $60,000,000.

On page 12, line 1, increase the amount by $12,000,000.

On page 12, line 5, increase the amount by $12,000,000.

On page 27, line 16, decrease the amount by $600,000,000.

On page 27, line 17, decrease the amount by $306,000,000.

On page 27, line 21, decrease the amount by $210,000,000.

On page 27, line 25, decrease the amount by $60,000,000.

On page 28, line 4, decrease the amount by $12,000,000.

On page 28, line 8, decrease the amount by $12,000,000.

Mr. BINGAMAN. Mr. President, this is an amendment I am offering on behalf of myself, Senator ALEXANDER, Senator KENNEDY, Senator DOMENICI, Senator MIKULSKI, Senator ENSIGN, and others to offer an amendment to the budget resolution to do two things: to fund the Office of Science within the Department of Energy and also to fund the National Science Foundation at the fiscal year 2009 funding levels that have been proposed in the President's budget.

Last year, on a bipartisan basis, Congress passed the COMPETES Act. I compliment my colleague, who is here on the floor with me today, Senator ALEXANDER, for his leadership in that legislation. This was bipartisan legislation. It was strongly endorsed by Members of the Senate. It authorized a number of programs based upon the recommendations that came from the National Academies report entitled ''Rising Above the Gathering Storm.''

Specifically, the COMPETES Act authorized a doubling of the budgets for the National Science Foundation and the Department of Energy's Office of Science over a period of 7 years. The Office of Science and the National Science Foundation are the two principal agencies charged with maintaining the nondefense basic science enterprise of our Nation, which serves as the wellspring for future innovation and for our global competitiveness.

For the Office of Science, the America COMPETES Act authorized a 12-percent increase relative to fiscal year 2007. The President's Advanced Competitiveness Initiative would have increased the Office of Science by 7.2 percent. For the National Science Foundation, the COMPETES Act authorized a 12-percent increase as compared to the President's Advanced Competitiveness Initiative proposed increase of 9.3 percent.

The COMPETES Act was passed into law last August. At that time, the appropriations bills in both Chambers kept the funding levels for both offices I am speaking about here at or above the President's request. But by the time the Congress made the deep cuts that were required by the administration in order to get an omnibus spending bill passed in December, all of the gains that had earlier been in appropriations bills for the Office of Science and for the National Science Foundation were lost, and both of those offices were flat funded when you account for inflation.

Let me talk a few minutes about why these two programs are so important to our ability to compete globally. As noticed in the President's budget, the National Science Foundation is the principal source of Federal support for strengthening science and math education. Education and human resource programs at the National Science Foundation support technological innovation to enhance economic competitiveness and new job growth. They address the workforce needs of the country. They help to ensure a pool of talented experts. Many of these programs are critical to developing and advancing the knowledge of our country's K through 12 math and science teachers as well.

When we passed the America COMPETES Act, we recognized that this country is facing a critical shortage in well-prepared math and science teachers. Accordingly, we significantly expanded the Robert Noyce Scholarship program, which prepares science, technology, engineering, and mathematics undergraduate students and professionals to become math and science teachers. Among a number of changes, we required increased collaboration between science and education faculty to establish STEM teacher education programs—STEM, of course, refers to science, technology, engineering, and math teachers—and increased scholarships and stipends to at least $10,000 per year, for up to 3 years of scholarship support, beginning with the junior year.

We also increased funding significantly in order to meet these objectives. Congress anticipated that the Noyce program would grow to become a major source of effective training for our science, technology, engineering, and mathematics teachers. Research shows that students' performance on annual math and science assessments improved in almost every age group when their schools were involved in a program that linked K through 12 teachers with their colleagues in higher education.

The Math and Science Partnership I am referring to helps forge these connections between K through 12 and higher education to strengthen math and science teaching skills, improve curriculum, and provide college preparatory programs for students.

The Office of Science at the Department of Energy also makes significant contributions to math and science education. Among the things the America COMPETES Act authorizes for the Department of Science are: to help establish statewide specialty schools in math and science; to get middle and high school students around the State involved in national laboratories through internship programs; and to require the national laboratories to partner with local school districts and to adopt at least one high-need high school and transform these schools into centers of excellence in mathematics and science.

This is only a small part of what the Office of Science does. Simply put, it provides the support for much of the basic scientific research that will drive the industries of the future. It funds facilities that help us understand the basics of materials, funds research into such critical areas as biogenetic sequencing, and provides support for much of the physical sciences enterprise in this country.

Once again, for fiscal year 2009, the President has come forward proposing increases for both the National Science Foundation and the Office of Science. Relative to fiscal year 2008, the President's proposed budget increase for these two agencies amounts to $1.4 billion. This amount would not bring the levels for these two agencies to the full level we authorized in the America COMPETES Act for fiscal year 2009, but they are a substantial step in the right direction, and I strongly support these increases.

So the amendment my cosponsors and I are offering today adds another $600 million to the budget resolution, as reported by the Committee on the Budget, to at least meet the level the President has indicated he is willing to support. I believe this addition to the budget resolution can and should command broad bipartisan support in the Senate, just as the America COMPETES Act was broadly supported on a bipartisan basis here in the Senate.

I urge my colleagues to support the amendment. I know my colleague from Tennessee is here to speak in favor of it as well. I again compliment him for his leadership on the issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, the Senator from New Mexico, Mr. BINGAMAN, has been tireless in helping to create the America COMPETES Act, which passed unanimously here. But even more important than that, he did not walk away from it once it became law. He has attended to the details of trying to make sure we implement it. One of those details is what we are doing today.

I wish to, in support of what he has said so eloquently—and I also commend Senator DOMENICI from New Mexico, who has had such a key role in this effort—I wish to tell a story that helps put in perspective what we are talking about.

Two years ago, a group of Senators traveled to China, led by Senator STEVENS and Senator INOUYE. We were received very well because Senator STEVENS had flown with the Flying Tigers. He flew the first plane to land in Beijing after World War II, and the top Chinese leaders had not forgotten. And, of course, Senator INOUYE is a Congressional Medal of Honor winner for his heroic service to our country in World War II.

So we saw President Hu, and the No. 2 man in China, Mr. Wu. What struck me about those two meetings—which were about an hour long, and during which we could have talked about Taiwan or Iraq or Iran or China's military

buildup or America's intelligence system—the subject about which they wanted to talk the most and which animated them the most in their conversation was the subject Senator BINGAMAN just discussed: how China can use its brainpower to create a higher standard of living for the people of China.

We are in an economic slowdown in America today, and we are debating and talking here about how we restore our level of progress economically. We are talking not only about the Federal budget, we are talking about the family budget. We are talking about family incomes. We are talking about jobs. That was the same subject the No. 1 and No. 2 men in China wanted to talk about as well. What were they focusing on? The fact of trying to give to China the same kind of brainpower advantage in creating a high standard of living we have had in America, since World War II especially. This year, despite the economic slowdown, the United States of America will create about 30 percent of all the world's wealth for 5 percent of the world's people, who are those of us who live in the United States. That is an astonishing fact. There are many reasons for it, including our free market system, our geography, our character, the immigration that has brought talented people from all over the world who are entrepreneurial in their spirit. But most people agree that the major fact in the high standard of living for this country since World War II has been our brainpower advantage. We have not only some of the best universities in the world, we have almost all of them. We have a set of national laboratories that is unequaled in the world. Until recently, at least, our system of kindergarten through the 12th grade education has been the envy of the world. As a result of all that brainpower, we have created a lot of jobs and a high standard of living. Increasingly, that is where the new jobs come from. That is why we like to have foreign students come here, because they become educated in our universities and we are, in effect, insourcing brainpower, so they create Google in the United States of America rather than in India or in China, and the jobs are here in the United States of America.

So the America COMPETES Act, to which Senator BINGAMAN referred, had broad support here. It is the only legislation we have had in the last 4 years that I remember was supported by Senator FRIST and Senator REID. Then, when the Senate changed hands and the Democrats were in the majority, it was sponsored by Senator REID and Senator MCCONNELL. At one point, it had 70 Members of the Senate backing it, 35 Senators who are Democrats and 35 Republicans. It all came from a request that Senator BINGAMAN and I and others—including House Member BART GORDON of Tennessee, the chairman of the Science Committee now—made of the National Academy of Sciences: Please tell us, in priority order, what are the 10 things we in Congress ought to do to help keep our brainpower advantage so our jobs will not go overseas. Norm Augustine, the former chairman of Lockheed Martin, a member of the National Academy of Engineering, assembled a group of Nobel laureates, university presidents, and others, and they came back with 20 specific recommendations in the Augustine report. There was also other important work being done by the Council on Competitiveness. We put all that together over 2 years. The President weighed in, in a big way, in two straight State of the Union Addresses and budgets. The Speaker of the House also weighed in, in an important way. So in this endeavor, on this important issue, we are all on the same team. But what we are doing today with this amendment is making sure we get where we have agreed we want to go.

Now, for President Hu in China, all he had to do was walk over to their National Academy of Sciences in China, he convened them all in the Great Hall—and said: This is what we will do over the next 10 years. We are going to increase support for our universities and research through a percent of our domestic product. We are going to recruit from American universities talented Chinese professors who have distinguished themselves in the United States and they are going to come back and help improve Chinese universities. So, in China, the top man gave the order and they are on their way. Here, a lot more of us have to be involved, but we are all involved. The President has said we need an 18-percent increase for Fiscal Year 2009 to stay on a track to double funding for the physical sciences over the next 10 years; 18 percent for the Office of Science, which is our principal funder of our national laboratories and science programs, and 13 percent in the National Science Foundation. That is bigger than it normally would be because of the way the appropriations process worked last year. We didn't do what we all agreed we wanted to be able to do.

So the Budget Committee did a pretty good job in reporting to the floor a budget resolution with sufficient provisions to fund this year's version of the America COMPETES Act. There are a wide range of those programs. There are opportunities for low-income children to take advanced placement courses which they now can't afford and to train the teachers who need to be trained to teach those courses. There are opportunities for summer academies at our laboratories and at universities to interest our students in math and sciences. The Augustine Commission reviewed programs all over America and recommended only a handful that ought to be emulated, and they included programs such as the UTeach program in Texas at the University of Texas which attracts outstanding students in chemistry and physics, for example, and gives them scholarships if they will agree to become teachers of chemistry and physics.

Former Gov. Jim Hunt of North Carolina told me the University of North Carolina only graduated one physics teacher in one recent year. We are not going to learn much physics in America, to keep up with the Chinese and Indians and Irish and all the others who are trying to increase their brainpower to increase their jobs if we don't graduate physics teachers. So the Budget Committee did a good and important job.

What we are trying to do is to get back on track to double funding for the physical sciences over 10 years, which is what we all agreed we should try to do. That was our goal. A huge majority in the House, the Senate, and the President himself, we are asking that the Senate make room in the budget for the President's number for the America COMPETES Act. That is what this amendment does.

So I feel confident we will have substantial support, because so many of us worked so hard for so long on this idea.

We Republicans are talking these days in unflattering ways about the Democratic budget. Senator REID, the majority leader, said he hadn't heard about tort reform yet. Well, he will, before we are through. One way to help the family budget is to make it easier for pregnant women in rural areas to get medical care without driving 60 miles, and one way to do that is to put some limits on medical malpractice suits. That is tort reform. That will help the family budget. Lower taxes help the family budget. Lower energy costs help the family budget. But on this side of the aisle, we also believe that better schools and investments in science and technology, so we can keep our brainpower advantage and keep our jobs from going overseas, is an important part of a pro-growth plan.

When I was Governor of Tennessee, Tennessee's taxes were the lowest in the country. I say this with great respect to the Senator from New Hampshire, who is also here. I double checked this fact when I came in. But we were the third poorest State. So we kept our taxes low, but we also had to enact some other pro-growth policies, which included getting rid of a usury limit, preserving the right to work law, reducing the number of employees in government, but it also included building highways. Eventually, I came to the conclusion that the single most important thing we could do to improve family incomes in our State was to focus on improving the quality of schools, colleges, universities, and research, so we began to pay teachers

more for teaching well. We created chairs of excellence at the universities and centers of excellence at the universities. I believe that partly because of all those things together, our State began to increase its family incomes at a rate that was faster than any other part of our—any other State in the country during the 1980s. It was no coincidence we were also increasing funding for our education during that time at a rate faster than any other State.

So an important part of a pro-growth plan—a Republican pro-growth plan, but obviously many Democrats agree with this as well—is fully funding the America COMPETES Act, making sure we keep our brainpower advantage so we can keep our jobs.

I congratulate the Senator from New Mexico, Mr. BINGAMAN, for his leadership on this, and the senior Senator from New Mexico, Mr. DOMENICI, for his leadership on this. I thank the majority leader and the Republican leader for their co-sponsorship of this act.

I say to Senators CONRAD and GREGG, I am glad you made room in the budget for much of the America COMPETES Act. I hope we can complete the job with the Bingaman amendment so we can keep those jobs from going overseas. That is one good way to help advance a pro-growth plan that will help balance the family budget.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I welcome the fact that at the real start of this debate on the Budget Act, we have an amendment that reflects the best judgment of Republicans and Democrats alike in the Senate, which is so key to the future of our country, and to listen to our colleagues on both sides of the aisle at a time when, on so many issues, there is divisiveness, but on this issue, there is a real coming together in the Senate on this item for the support of the America COMPETES Act.

I wish to commend those who have been a part of this process over recent years. It has been truly a bipartisan effort. We have listened to Senator BINGAMAN, Senator ALEXANDER, and others who have been a part of this whole process, and it was an enormous achievement this last year when the bill passed the Senate. Now, we are impressed by the fact that those who were involved in making sure this was going to be achieved are committed to making sure we are going to have muscle and bones on this project in the form of providing the resources which are necessary to make it effective. This is, I think, one of the most important undertakings we will have in this debate and discussion on the budget, and I am very hopeful we will get a strong vote in support of this amendment.

Very briefly, I think all of us understand the average family in this country is exceedingly hard-pressed at this time. They are wondering whether they are going to be able to pay their mortgages, and we are finding out that many are unable to pay their mortgages and they are losing their homes, or they have the threat of losing their homes. It is difficult to imagine, I think, for many of us, when parents go to bed at night and wonder whether they are going to be able to afford their mortgages and maintain their home for themselves, their families, and for their children, but it is happening in too many parts of this country. At the same time, those same parents are wondering if they are going to be able to heat their homes, at least in my part of the country. With the fact of the extraordinary explosion of the cost of home heating oil, we find so many families are hard-pressed to be able to provide heating for their homes.

These are families who have worked hard, who have played by the rules all their lives, and they are wondering now about what the future will hold for themselves and for their parents and for their children. Are they going to be able to make sure their parents are going to be able to live their golden years in peace and dignity? They are hard-pressed to provide the extra help and assistance to them so they can afford their prescription drugs. They have seen the cost of tuition go up and continue to go up, and they wonder if they will be able to educate their children; while fuel and gas go up, whether they will be able to fill the gas tank to get to their jobs where they are working. There is enormous anxiety. There is also the concern about rising health care costs. There is enormous rising anxiety out in the country. People are wondering: Why should my job be at risk? I have worked hard. I have played by the rules. I have done everything I possibly can, and still I wonder whether in a few years, the opportunities for my children are going to be as great as opportunities were for me. I know my parents sacrificed so I would be able to make progress, and now I wonder whether my children are going to be better off than I was. That is going on in home after home across this country.

It is as a result of the failure of economic policy. It is a failure of fiscal and monetary policy over the period of recent years. It is not the fault of these particular families; it is the fault of economic policy and giving the kinds of investments in our country and investments in individuals that are necessary in order to have a strong economy. We know how to do it. We have seen it done. I am not going to take the time of the Senate to go back over the history where it has been done and it should be done.

So we are faced with where we are today, and this calls for immediate assistance for these families. We have seen the efforts that have been made in terms of housing and in terms of the unemployment, the help and assistance of fuel assistance and food stamps and others to try to address the immediate kinds of problems families are facing.

We also have to look at where we are going to be as a country in terms of the future, where we are going to be in 3 to 5 years as we are seeing this whole global economy challenge the United States. One overarching fact is that the future is going to be the knowledge economy, the economy that puts the premise on knowledge and information and education. That is where the future is going to lie. That will be the great competition between the countries of Asia and the United States. We are thinking about how we are going to address that, and the COMPETES Act is one of the important solutions to this challenge.

Mr. President, if we look at this chart here, it is interesting in terms of U.S. students. To be globally competitive, we need to tackle the achievement gaps. U.S. students from high-income families outperform students in other countries in math, while U.S. students from low-income families lag behind. When you are talking about international competitiveness, we find that U.S. students who come from higher income families are able to go to schools that are able to afford the good teachers, are able to out-compete the students in other parts of the world. It is no mystery about how that should be done. But students who come from lower income families are not able to keep pace. This legislation is designed to, among other things, reduce this gap that exists now in our country.

Look at this chart. We have more math classes in high-poverty schools that are taught by teachers without a major in that subject. You have low-poverty secondary schools where the percentage of secondary school math classes taught by teachers without that major is 26 percent. In the high-poverty schools, it is 56 percent. Much of it comes down to teachers and the importance of investing in them, to make sure they are going to have the skills to serve in communities and in school districts all over the country, and so they are going to have the competency. If you are not going to have the high-quality teachers in underserved areas, then you are going to have those kinds of results we saw with the other chart where American children are going to fall further and further behind. It is in this very area that the COMPETES Act is directed.

That is one of the important reasons why this legislation is so important and why the resources and the investment are so much in the interest of this country and its future in terms of the ability to be able to compete.

Mr. President, this is a sound amendment that makes a great deal of sense for the reasons I have mentioned here and other reasons as well. I am hopeful that the Senate will accept it with an overwhelming vote.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 4189

Mr. GREGG. Mr. President, I ask unanimous consent that the present amendment be set aside, and on behalf of Senator SPECTER, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SPECTER, for himself and Mr. CRAIG, proposes an amendment numbered 4189.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto)

On page 3, line 10, decrease the amount by $4,700,000,000.

On page 3, line 11, decrease the amount by $25,600,000,000.

On page 3, line 12, decrease the amount by $51,000,000,000.

On page 3, line 13, decrease the amount by $47,300,000,000.

On page 3, line 14, decrease the amount by $26,100,000,000.

On page 3, line 15, decrease the amount by $30,500,000,000.

On page 3, line 19, decrease the amount by $4,700,000,000.

On page 3, line 20, decrease the amount by $25,600,000,000.

On page 3, line 21, decrease the amount by $51,000,000,000.

On page 3, line 22, decrease the amount by $47,300,000,000.

On page 3, line 23, decrease the amount by $26,100,000,000.

On page 3, line 24, decrease the amount by $30,500,000,000.

On page 4, line 4, increase the amount by $36,190,000.

On page 4, line 5, increase the amount by $441,680,000.

On page 4, line 6, increase the amount by $2,133,860,000.

On page 4, line 7, increase the amount by $4,798,780,000.

On page 4, line 8, increase the amount by $6,988,760,000.

On page 4, line 9, increase the amount by $8,794,210,000.

On page 4, line 13, increase the amount by $36,190,000.

On page 4, line 14, increase the amount by $441,680,000.

On page 4, line 15, increase the amount by $2,133,860,000.

On page 4, line 16, increase the amount by $4,798,780,000.

On page 4, line 17, increase the amount by $6,988,760,000.

On page 4, line 18, increase the amount by $8,794,210,000.

On page 4, line 22, increase the amount by $4,736,190,000.

On page 4, line 23, increase the amount by $26,041,680,000.

On page 4, line 24, increase the amount by $53,133,860,000.

On page 4, line 25, increase the amount by $52,098,780,000.

On page 5, line 1, increase the amount by $33,088,760,000.

On page 5, line 2, increase the amount by $39,294,210,000.

On page 5, line 7, increase the amount by $4,736,190,000.

On page 5, line 8, increase the amount by $30,777,870,000.

On page 5, line 9, increase the amount by $83,911,730,000.

On page 5, line 10, increase the amount by $136,010,510,000.

On page 5, line 11, increase the amount by $169,099,270,000.

On page 5, line 12, increase the amount by $208,393,480,000.

On page 5, line 15, increase the amount by $4,736,190,000.

On page 5, line 16, increase the amount by $30,777,870,000.

On page 5, line 17, increase the amount by $83,911,730.000.

On page 5, line 18, increase the amount by $136,010,510,000.

On page 5, line 19, increase the amount by $169,099,270,000.

On page 5, line 20, increase the amount by $208,393,480,000.

On page 26, line 12, increase the amount by $36,190,000.

On page 26, line 13, increase the amount by $36,190,000.

On page 26, line 16, increase the amount by $441,680,000.

On page 26, line 17, increase the amount by $441,680,000.

On page 26, line 20 increase the amount by $2,133,860,000.

On page 26, line 21, increase the amount by $2,133,860,000.

On page 26, line 24, increase the amount by $4,798,780,000.

On page 26, line 25, increase the amount by $4,798,780,000.

On page 27, line 3, increase the amount by $6,988,760,000.

On page 27, line 4, increase the amount by $6,988,760,000.

On page 27, line 7, increase the amount by $8,794,210,000.

On page 27, line 8, increase the amount by $8,794,210,000.

Mr. GREGG. Mr. President, Senator SPECTER will talk about this amendment. Essentially, this amendment would repeal the AMT permanently, as it relates to middle-income Americans. It is currently wrong that we have this tax. It was never intended to be a tax that would cover 20 million Americans. It was supposed to hit high-income individuals who were avoiding taxes, using legal tax vehicles but basically avoiding paying any income tax. It has turned into a monster where literally 20 million Americans would be subject to the tax unless it is adjusted.

This budget presumes that it will be abated for this year. There is no reason to keep these revenues in the baseline because we know we will do this again next year and the year after that. It is time to correct this permanently and stop having these illusory revenues, which we turn around and spend, and it creates inappropriate expectations and leads to less fiscal discipline here.

This is an attempt to address the issue by essentially repealing the AMT and addressing the fact that if we don't do this, 20 million Americans will be hit with this tax, and that was never the intention of the Federal Government, to get revenues from them. It is wrong to have it on the books.

The Senator from Pennsylvania will come over to speak to this around 11:30 or so. The Democratic side may have another amendment relative to this issue.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I think the amendment the ranking member has set up for Senator SPECTER doesn't actually have full repeal. Instead, what it does is change the individual alternative minimum tax from its current two-rate structure of 26 percent and 28 percent to the single 24-percent rate that was in effect prior to 1993. I believe that is what the Specter amendment does.

The first priority, of course, for dealing with the AMT is to protect families who have not been subject to it previously. So our resolution acknowledges this priority and provides a 1-year patch to prevent the alternative minimum tax from affecting another 20 million American households. That is at a cost of $62 billion.

I would prefer that cost be offset, but last year that was not the will of the body. It was not the will of the body in the very clear and compelling vote. So we don't have it offset in our resolution this year.

Our resolution acknowledges the political reality that the will of this body is to extend alternative minimum tax relief without paying for it. Restructuring the AMT, as Senator SPECTER proposes, is even more expensive. The Specter amendment would lose $185 billion in revenue, and it is not paid for in any way—by spending reductions or other revenue—and therefore it simply gets added to the deficit and debt. If it were adopted as is, the resolution would be in deficit in every year of the budget window.

Mr. President, I don't think that is fiscally responsible, so I am offering an amendment that accomplishes the

same policy purpose but requires that it be offset, paid for, so that it is not added to the deficit and is not added to the debt.

I inquire of the Senator, did he send up the Specter amendment?

Mr. GREGG. I did.

AMENDMENT NO. 4190

Mr. CONRAD. Mr. President, I send the Conrad amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment so the Senator from North Dakota may submit his amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 4190.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund for repealing the 1993 rate increase for the alternative minimum tax for individuals)

At the end of Title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR REFORMING THE ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reinstate the pre-1993 rates for the alternative minimum tax for individuals, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. Mr. President, I think it might be useful here that we enter into a unanimous consent agreement that when we go to a fuller debate, the debate on the Specter and Conrad amendments be limited to 1 hour. Is that acceptable?

Mr. GREGG. I don't see why we cannot put the Kyl amendment in there also.

Mr. CONRAD. Mr. President, I ask unanimous consent that there be a half hour each on the Specter and Conrad amendments, a total of 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Then we will go to the Kyl amendment, and there would also be a side-by-side for that amendment. That would be, at this point, an amendment in my name or by my designee.

I also ask unanimous consent that there be a half hour on each for those amendments.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, just to clarify this, other Members may come in and talk during this time. The concept is that this hour is fluid. If other Senators show up and talk, it will not be off of these amendments.

Mr. CONRAD. Our understanding is the same. Look, we are going to have to be flexible. We have other committees that are meeting, and other Members who are involved in these amendments are at other meetings. They won't be here until later. It is our intention to have that amount of time on these specific amendments, but it may not occur all at once.

Mr. GREGG. Mr. President, the understanding is that these are the amendments that are actually in line: Specter and Conrad, and Kyl and Conrad. Those are the amendments actually in the queue.

Mr. CONRAD. Correct. Our amendments are side-by-sides. Our amendments would normally be second-degree amendments. They are not being offered as second-degree amendments here because we don't do that on the budget resolution. But those amendments that are the side-by-sides would be in the regular order. That means they would be voted on first.

We also have the Bunning amendment. Do we want to put that into the queue?

Mr. GREGG. Mr. President, the regular order would not be that they would be—we understood that you could offer them as second degrees if you put them in that position.

Mr. CONRAD. Maybe we should have a discussion and make sure we are on the same page with respect to that. Do we want to have the Bunning amendment next?

Mr. GREGG. I believe so. We don't know when he will be available. I would like the Bunning amendment to be after these. So the next amendment would be the Bunning amendment.

Mr. CONRAD. All right. That is an amendment that involves Social Security, correct?

Mr. GREGG. Correct.

Mr. CONRAD. There would be a side-by-side on our side. Would we want to limit debate on those to a half hour each?

Mr. GREGG. I have not spoken to Senator BUNNING yet, so we will reserve on that.

Mr. CONRAD. All right. That will be the order. The colleagues who want to offer amendments and want to have floor time, it is a very good time to contact us to get time allocated because time is going to go very quickly. Please don't come tomorrow and say: Gee, where is our floor time? This is the time, this is the moment. If you want floor time, we urge you to come now.

AMENDMENT NO. 4191

Mr. KYL. I have an amendment I would like to send to the desk and ask that it be read.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment so that the Senator may offer his amendment?

Hearing no objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 4191.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect small businesses, family ranches and farms from the Death Tax by providing a $5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35%)

On page 3, line 12, decrease the amount by $500,000,000.

On page 3, line 13, decrease the amount by $19,500,000,000.

On page 3, line 14, decrease the amount by $18,600,000,000.

On page 3, line 15, decrease the amount by $19,900,000,000.

On page 3, line 21, decrease the amount by $500,000,000.

On page 3, line 22, decrease the amount by $19,500,000,000.

On page 3, line 23, decrease the amount by $18,600,000,000.

On page 3, line 24, decrease the amount by $19,900,000,000.

On page 4, line 6, increase the amount by $11,000,000.

On page 4, line 7, increase the amount by $499,000,000.

On page 4, line 8, increase the amount by $1,453,000,000.

On page 4, line 9, increase the amount by $2,468,000,000.

On page 4, line 15, increase the amount by $11,000,000.

On page 4, line 16, increase the amount by $499,000,000.

On page 4, line 17, increase the amount by $1,453,000,000.

On page 4, line 18, increase the amount by $2,468,000,000.

On page 4, line 24, increase the amount by $511,000,000.

On page 4, line 25, increase the amount by $19,999,000,000.

On page 5, line 1, increase the amount by $20,053,000,000.

On page 5, line 2, increase the amount by $22,368,000,000.

On page 5, line 9, increase the amount by $511,000,000.

On page 5, line 10, increase the amount by $20,509,000,000.

On page 5, line 11, increase the amount by $40,563,000,000.

On page 5, line 12, increase the amount by $62,930,000,000.

On page 5, line 17, increase the amount by $511,000,000.

On page 5, line 18, increase the amount by $20,509,000,000.

On page 5, line 19, increase the amount by $40,563,000,000.

On page 5, line 20, increase the amount by $62,930,000,000.

On page 26, line 20, increase the amount by $11,000,000.

On page 26, line 21, increase the amount by $11,000,000.

On page 26, line 24, increase the amount by $499,000,000.

On page 26, line 25, increase the amount by $499,000,000.

On page 27, line 3, increase the amount by $1,453,000,000.

On page 27, line 4, increase the amount by $1,453,000,000.

On page 27, line 7, increase the amount by $2,468,000,000.

On page 27, line 8, increase the amount by $2,468,000,000.

Mr. KYL. Mr. President, this amendment is a reprise of what we did last year in offering to reform the estate tax, sometimes referred to as the death tax.

Now, in the budget itself, and in an amendment that has been offered by the other side, there is a provision to allow the death tax to be changed from the current law to a top rate of 45 percent and an exempted amount of $3.5 million, and there are some other features. My amendment, as with the proposal that had significant support last year, would reduce that top rate to no higher than 35 percent so that if you had more than one rate, at least the top rate could not exceed 35 percent, and both of the two spouses would have a $5 million exempted amount before the estate tax would kick in.

In addition, this provides for a step-up in the basis of the property. It would enable the estate tax to be paid over the current period of time, and the amounts of money in the exempted amount, or unified credit of the estate gift tax, would be indexed for inflation.

Now, the reason for my amendment is, I think most agree even in this body, either allowing the estate tax to continue under current law—getting up to a high rate of 55 percent and an exempted amount of either $2 million or $1 million, probably $1 million—or the proposal of the Democratic chairman of the committee would result in a continued unfair burden on primarily America's small businesses and farms, but, in any event, anyone subject to the potential liability of estate tax for which there is a tremendous amount of money spent in attempting to get around the obligations of the tax or to plan against its eventual required payments.

As a result, we look for ways to further reform the estate tax so that burden would be limited to only a few estates—the very highest estates—and that most people without a huge estate would not have the burden of trying to plan around it—to buy expensive insurance and hire lawyers and accountants and estate planners and the like.

The object, in other words, is not simply to limit the estate tax liability but provide some certainty in the Tax Code so that most people realize, as their homes have gotten more valuable simply because of the increased value with inflation, and as their businesses have accumulated some capital wealth even though it may not be disposable in the sense of liquid income, they are not going to have to worry that their estate is going to be subject to a tax and so they are not going to have to worry about spending this money to deal with the tax.

That is why we need to increase the total for a couple that would be exempted from the tax to $10 million and provide that the upper rate, if that rate kicks in, could be no higher than 35 percent. Above that, you are going to find people feeling that they have to try to prepare for or to get around the payment of the tax. And the irony is, Mr. President, those we are most concerned about really don't have the assets to try to spend a lot of money, whereas those who have enormous wealth can hire all the accountants, estate planners, and lawyers they want and buy insurance so that the ultimate impact of the tax does not hit them.

Last year, when we proposed this same proposal of the 35-percent highest rate or an amount of $5 million exempted for both spouses in a motion to instruct conferees, 56 Senators, obviously both Democrats and Republicans, voted for that motion to instruct. Now, it was never carried out, but I think it demonstrates the will of this body that we want to have some reform that is more realistic and that exempts more estates from the payment of the tax and the consideration of the tax.

According to the Joint Tax Committee, in the tax year 2011, 131,000 estates alone will be subject to the estate tax—131,000. Mr. President, that is too much of a burden on too many people in this country who are not extremely wealthy. By 2015, that number goes up to 177,000 estates. The advantage of my amendment is that it would protect approximately 119,200 family businesses and family farms from the estate tax each year. It would dramatically reduce the number of estates that have to worry about paying the tax.

If we fail to act, in other words, about 131,000 families and family businesses and farms will be subjected to the tax in the year 2011 and thereafter. Under our proposal, we would, according to the Joint Committee on Taxation, reduce the impact of the tax so that only 11,800 estates would be required to file estate tax returns each year, if the exemption is set at $5 million each. So, that is a huge change. It is necessary to protect the folks I think everybody in this body would like to protect from having to worry about the estate tax.

Now, it is interesting that when public opinion surveys ask people what they think about the tax, almost uniformly the results come back that the majority of Americans believe the estate tax is unfair and it ought to be eliminated. I remember a Gallup poll, now 3 or 4 years old, that said 60 percent of Americans believed it should be repealed. That is my preference, to repeal it. We haven't been able to get enough votes in this body to repeal it, but that is where the American people think it should be.

Interestingly, there was a survey conducted after the last Presidential election, and people who supported both Senator KERRY and President Bush were asked what they thought about the estate tax. The interesting thing is that while 70-some percent of the people who voted said they thought the tax should be repealed, roughly 80-some percent of the people who voted for President Bush thought it should be repealed and 60-some percent of the people who voted for Senator KERRY thought it should be repealed.

So this is not a partisan matter among the American people. They believe, whether they supported Senator KERRY or President Bush in the last Presidential election, that the estate tax should be repealed. I daresay surveys even now, to this time, demonstrate the American public opinion remains the same. The interesting thing is even those who understand they will never be subject to the tax because their incomes are simply not such that they will accumulate the wealth necessary to have to worry about the tax believe the tax to be unfair and believe it should be repealed.

But even if you leave aside the issue of the morality of the tax and people's understanding that it is not a fair tax, it hits people at the absolute worst time—when a loved one in their family has passed away and they are having to consider whether pieces of the business or farm may have to be sold off to pay the tax—they recognize that, at a minimum, it should be reformed and that is all we are trying to do.

For years, we have been trying to get a reform that basically accomplishes two objectives: It would increase the amount of the estate that is exempt from the tax so you don't have to worry about filing forms or having to try to plan around it; and for those who would still be subject to the tax above that amount, it would at least put a lid on it at a maximum of 35 percent.

Now, again, the numbers in the current law, if we don't do anything, go up to 55 percent. And under the proposal of the chairman of the committee on the other side of the aisle, that would be reduced to 45 percent. That is still way too high, and the exempted amount would be $1 million, which is way too low. Because of inflation today, there are a lot of homes that have a value of over $1 million, especially in places such as California, New York, and some other places. So, clearly, an amendment along the lines that I will be introducing to make room in the budget for this kind of reform is necessary.

I would like to make just about three other quick points.

Last year, even though the budget could accommodate estate tax reform,

the majority did not bring a bill to the Senate. And despite my best efforts, it wasn't possible to get anybody to allow consideration of a bill to reform the estate tax. As a result, in the Finance Committee at the end of last year, I asked that the chairman hold hearings and seek to have a markup this spring so we could actually pass a bill and not simply deal with it in the budget that we pass each year.

The American people need to understand what is really going on. Each year we pass a budget that, theoretically, allows for a reform of the estate tax, but then we don't do anything about it. And the budget itself isn't law. The budget is merely a goal, a blueprint of where we want to go for the year. If you don't follow it up with a bill, you haven't done anything. But Members here pat themselves on the back and go back home and tell their constituents that they voted to cut the estate tax. Oh, that is wonderful, people say. But it is never followed up with an actual bill.

So the chairman of the Finance Committee said: Well, he would have the goal of marking up a bill this spring. He has since advised me he has no plans whatsoever for a real bill on estate tax, and said: It won't happen.

It is going to be in the budget. His amendment will provide for an estate tax reform in the budget, but he has advised that he has no plans to allow that to happen, to make it, in reality, a bill that would pass and become law. So all of this is an exercise in show, with apparently no real intent to follow through and provide relief for America's families and small businesses and farms and the like.

What I would like to do, Mr. President, with my amendment, is not only demonstrate in the budget that this is the level that we want to set it, at a $5 million exempted amount per spouse and no higher than a 35-percent rate, but also ensure that the rules of the budget enable us to consider the bill during the year and not have it subject to some point of order that would enable people on the other side to say: Gee, we wish we could do it, but we just can't do it under the budget rules.

My amendment will make it possible to consider such an amendment, and I serve notice on my colleagues that I intend to try to bring it up. We are not going to sweep this under the rug year after year. If we are honest with the American people about putting it in the budget, we ought to be honest about bringing it to the floor for a vote so that we can actually pass a bill, send it to the President, and get this job done.

It is interesting that compared to other countries the United States is one of the worst in terms of the amount of money it takes from estates. The rate in the Democratic version would be 45 percent. The average around the world is 13 percent. There are a lot of countries that don't have an estate tax, and they understand why.

The irony is, I had to leave a hearing of the Finance Committee just now, Mr. President, where an individual was testifying about countries such as Canada, Australia, New Zealand, and places such as that, where people have decided it is not a good idea to have an estate tax, and it has been repealed in many of these countries. The United States should take a leaf out the book of some of these countries that have found it is inimical to their development and their ability to compete with other countries.

We know it is not good in terms of savings. The irony is that a lot of my colleagues are concerned about reducing the fact that our savings rate in this country is too low and are concerned about the fact that as a result we have to end up borrowing from countries such as China, for example. Yet having a big estate tax is exactly what is allowing that to happen because it discourages savings. If you save the money, you are just going to get taxed on it when you die, so why not just spend it?

Incidentally, the Treasury Department estimates the estate tax reduces the amount of money that we contribute to charity. Treasury estimates that the estate tax reduces bequests by about 14 percent. Individuals are either choosing to save less or rely heavily on estate planning which, of course, is a deadweight loss to the economy unless you are in the insurance business, in which case you think it is a real nifty idea because people have to buy insurance against the estate tax obligation that they otherwise would have.

Finally, it is an irony that the amount of money the Treasury collects—something over 1 percent of our revenue comes from the estate tax—is actually an equivalent amount of money to what is spent by people to try to avoid paying the estate tax. So, in effect, the money is paid twice. People buy insurance, they hire accountants and lawyers, and they try to find ways to get around the payment of the estate tax, and the amount of money that costs each year is almost exactly the same as what we pay in the estate tax to the Federal Government. This was according to a study by Henry Aaron and Alicia Munnell who are economists who have made this point over and over.

The other interesting aspect of the cost of the estate tax is the amount of money it costs to try to plan around it. If you are a closely held business, the estate planning is estimated to range anywhere from $5,000 to $1 million. Again, if you are a lawyer or estate planner or you are selling insurance, that is probably a great thing. But it is not great for the people who have to pay the money, and it is not the best use of the money for the economy. The IRS estimates it takes 38 hours to complete the form, which is form 706. You may have an obligation, you may not, but you still have to fill out the form. The tax preparation fees can range from $5,000 to $50,000, and 52 percent of the estates that filed a return were required to incur a sizable legal and accounting expense and other expenses even though they owed no tax. Bear in mind, over half of the people who have to file the forms end up with no obligation.

What we should do is have a tax that is predictable and clear with a large enough amount exempted so you know whether you are going to have to file the form. Hopefully, you would realize you don't have to file it because we have adopted the reforms I am talking about. We would go from something over 130,000 filers down to something over 11,000 filers. You would be catching the people with the big estates, those people who can really afford to pay the estate tax, but you would not be requiring everybody else to have to engage in this expensive planning and have the potential of having to pay part of the tax.

Again, the summary numbers to remember are, under the amendment that will be filed—or has been filed, I gather—it would freeze the rates where they will be at the end of 2011, at 45 percent. That is only 10 percent less than the top rate of 55 percent under the previous law. And it will provide an exempted amount of $3.5 million. Far more estates will be caught in the estate tax trap with the amount at that level than they will be if both spouses subject to the tax have $5 million exempted as part of the unified gift and estate tax credit.

I hope as with last year when 56 of our colleagues, both Democrats and Republicans, supported instructing conferees to include in the budget the precise proposal on estate tax reform that I have identified, we will get that kind of support out of this budget as well.

The last thing I want to say is, I think it would be better for the debate and discussion if we had followed past practices and actually offered amendments and had debate on those amendments and then voted on those amendments. Instead, what is happening this year is the majority is not allowing any votes on any amendments until tomorrow, when we get into what we affectionately refer to around here as the vote-athon, when every 10 or 12 minutes we have a vote after 1 minute of discussion of the amendment, 1 or 2 minutes. I think it is 30 seconds per side, 1 minute equally divided. Great debate. Great debate.

We have time to talk about these things now, but what you can't do is offer an amendment, have a vote on it,

and know whether you have won or lost so you can determine what you want to do next. If you win, then you don't have to do two or three other amendments. If you lose, you may have to do those amendments. But we are not going to do that because the majority decided it would like to put pressure on the Members of this body to offer fewer amendments because they will have to all be voted on on Thursday and, of course, everybody knows the Easter recess begins as soon as we finish our business. So there is great pressure to offer fewer amendments, to hurry up and get out of town, rather than, in my view, spending the time necessary to do the people's business.

One of the first things we ought to be willing to do is do what is necessary to both debate and vote on an estate tax reform that would be meaningful for literally hundreds of thousands of American citizens.

Mr. CONRAD. Will the Senator yield on that point?

Mr. KYL. I will. I will conclude saying, I hope my colleagues will in a bipartisan way, as they did last year, support the proposal I have just laid down. And while we will be doing it on Thursday, I gather, they will be able to listen to a little of the debate if they are listening now.

I am happy to yield.

Mr. CONRAD. If I can address one of the concerns of the Senator, when we vote—this is a very awkward question, I say to my colleague. Let me be very direct about what it is. We are missing two of our votes. We have a third Member who is ill. So what we have said is we would defer votes on these major matters until at least some of our Members are back. The body is very closely divided. We are completely ready to have votes on other matters throughout this day. The problem is, with the major votes on these consequential issues where we are missing two of our Presidential candidates until tomorrow—they will be here Thursday and Friday—and we are missing Senator BYRD who, as you know, is ill, that is the reason we have asked to defer votes on these major amendments until tomorrow. It is a difficult situation. It has been throughout.

I do thank the Republican caucus for the extraordinary courtesy they extended to the Budget Committee by allowing Senator BYRD to vote—to allow proxy voting in our committee. Our committee does not allow proxy voting, and for a very good reason. We are the only committee that can report a fast-track vehicle to the Senate floor directly. But I do thank the Republican side for doing that. It was very gracious. I think it was in the best tradition of the Senate.

Here on the Senate floor, of course, there is no ability to allow that accommodation to a colleague who is ill. That is the circumstance. I regret it. I just say to my colleague, we are happy to have as many votes as you want to have. The reason we have deferred these major votes until tomorrow is for the reason I have given.

Mr. KYL. Mr. President, I appreciate that. In suggesting another reason for this, I do not think I am wrong in that, but I do acknowledge that certainly what the chairman of the Budget Committee has said is true. I appreciate his acknowledgment of our courtesy with respect to Senator BYRD. I know the Democratic side would do the same thing. That was done on a previous occasion last year as well. It is one of the better traditions of the Senate.

It is also true probably this is not the first time this year because, for the first time in the history of the United States, I am informed, two Senators will be running against each other for the Presidency so that there may be other occasions where, when there are very close votes, our schedule may to some extent need to accommodate their schedules. Of course, as Members of this body they need to be here to do business as well, but we understand that is not always possible. If we could adhere to a slightly more set schedule that might be possible, but since we don't and it is almost impossible to have that kind of schedule, that issue is one that has to be accommodated, and I appreciate what the chairman said.

I do hope the trend we have seen from 2 years ago to last year to this year of not having votes early on during the week that we consider the budget, but bunching them all at the end, a process which I don't think anybody in this body really likes, would not continue; that certainly the reason the chairman indicated will not pertain next year and that we can revert to the practice next year that we have traditionally followed, which is to try to have debate on amendments, votes, and then debate and then votes, and so on, hopefully, thereby minimizing the number of votes that we consider in this so-called vote-athon that, as I said, nobody in this body likes very much.

Mr. CONRAD. Mr. President, I would just say to my colleague, last year we did much better.

Mr. KYL. Than this year.

Mr. CONRAD. You remember last year we did more votes earlier. Just in line with what the Senator is thinking because that is the best way. I think all of us would agree that is the best way to do our business, to do the votes earlier. You will recall on the vote-arama on that Friday we actually finished at 2 o'clock in the afternoon because we did have more votes earlier. I am entirely, 100 percent in agreement with the Senator. I would far prefer to do it that way. I think it is easier to follow the debate and to have the votes then coincident with the debate.

(Mr. DURBIN assumed the Chair.)

Mr. CONRAD. Mr. President, if I might, just on the underlying amendment offered by the Senator, this amendment as we understand it—we have just seen it—would virtually eliminate the estate tax. Let me say why. Let me first say there is no death tax in the country. Of course, if you poll people and you ask them: Do you want to eliminate the death tax? they will say sure. I had a baggage handler stop a colleague of mine, and he said: My No. 1 priority is to eliminate that death tax. My colleague, who is the current occupant of the chair, told him there is no death tax here. You are not going to pay any tax when you die unless you have $2 million.

The guy was very surprised about that because he heard all this talk about a death tax. There is no death tax in America. There is a tax on estates. At today's level you would have to have $2 million to be taxed. That affects only one-half of 1 percent of estates. When the exemption increases, as it does under current law, and reaches $3.5 million per individual, $7 million a couple in 2009, which is next year, only two-tenths of estates will be taxed.

If you are out there and you are hearing about this death tax, don't worry. It does not apply, next year, to 99.8 percent of people who pass away. It only applies to two-tenths of 1 percent of estates.

We already have a tax structure that has overwhelmingly benefited the wealthiest among us. The amendment by the Senator would cost an additional $478 billion over 10 years, and none of it is paid for. That means it goes on the debt. That means we have to borrow that amount of money, and where are we going to borrow it? We are now borrowing over half the money at our bond auctions from abroad—most of it from the Chinese and the Japanese. So we would have, if the amendment of the Senator is agreed to as is, the unusual situation of borrowing this money primarily from China and Japan to give a tax advantage to two-tenths of 1 percent of the people, but the borrowing would be in the name of all of the American people. So 99.8 percent of the American people would be borrowing this money, primarily from China and Japan, to give it to the Warren Buffets, the Paris Hiltons, and others of enormous wealth in this country.

I do not think that is a good policy. In the underlying budget, we have improved the estate tax situation, reformed it in what is, I think, a reasonable way. This is the bizarre circumstance that is in current law. The exemption now, in 2008, is $4 million—$2 million a person. OK? So if you are a husband or wife and you pass away at the same time, you have $4 million of exemption that applies today. You

don't pay anything if you have estates of less than $4 million.

In 2009 that will go up to $7 million. Then in 2010, under current law, there is no estate tax, it is repealed. Then, in 2011—it is utterly bizarre—it goes down to $2 million per couple, $1 million a person.

In the underlying budget we are saying, no, that makes no sense at all to go back down to $2 million a couple, $1 million a person. It should be at $7 million a couple, as it is in 2009. If, in fact, we adopt those levels, virtually no one will pay the estate tax. That is a fact.

Here is what has happened under current law: The number of estates that are taxed is falling very dramatically. In 2000, there were 50,000 taxable estates. In 2006, that has been reduced to 13,000. In 2009, we are now expecting there will only be 7,000 estates that will pay anything. As I indicated, that is two-tenths of 1 percent; 99.8 percent of estates are completely exempt. That is a fact.

Now I am going to lay down an amendment.

Mr. GREGG. Would the Senator yield for a question?

Mr. CONRAD. I would be happy to yield.

Mr. GREGG. Is it my understanding you are telling us how many people are going to die in 2009 in this part of the Democratic budget; that you are projecting deaths in 2009 to be 7,000?

Mr. CONRAD. No, this is this Tax Policy Center, I say to my colleague, and they estimate the number of estates in any year, and then they do a further analysis of how many would actually pay an estate tax, and what they have concluded is two-tenths of 1 percent.

Mr. GREGG. If the Senator would yield further, I wanted to clarify where the number came from. I did not know if the Senator, as chairman of the Budget Committee, was calling on this number of people to die during 2009 for the chart?

Mr. CONRAD. I know the Senator is pulling my chain. Even as slow witted as I am, I can recognize when a Senator is pulling my chain, and here on my birthday, my friend and my colleague is doing that.

What we have tried to do is come up with an alternative. I will send this amendment to the desk to provide an alternative approach to that which the Senator from Arizona is offering, to go over and above what is in the Baucus amendment.

I say to my colleague, it provides another $45 billion, so that in addition to extending the estate tax exemptions of 2009, $7 million a couple, $3.5 million an individual, instead of dropping down to $2 million a couple or $1 million, we stay at the $7 million; index it for inflation.

But in this amendment I am sending to the desk, I say to my colleague, it also provides another $45 billion in a reserve fund, which means it would have to be offset either by a spending reduction or other revenue to further close the gap between what Senator BAUCUS provided in his amendment the other day, and the amendment Senator KYL has laid down here.

That would be $45 billion in additional room in order to further reform the estate tax. I want to make clear that would be in a reserve fund, so it would have to be offset, it would have to be paid for.

Mr. KYL. I ask the chairman to yield for a question. The additional $45 billion, would you have an estimate as to—well, first, what policy in the estate tax would be attached to that? And if it is to add to the exempted amount, what would that take the exempted amount up to?

Mr. CONRAD. I do not know. This is not my amendment. This is an amendment Senator BAUCUS and others have crafted. So I apologize to the Senator, I do not know how much more of an exemption that would permit. But others who have crafted this amendment hopefully will have an answer that can be provided when they are available.

Mr. KYL. Mr. President, if I might further, I had understood an amendment such as this might be offered. My understanding was it would accommodate both an increase in the exempted amount to $5 million per spouse, and I also believe to reduce the rate further from 45 down to 35, which would make it identical to my amendment. I might be wrong on that. If you can ask the author of the amendment here if that is true, it would conform it to the levels set in the amendment I have laid down as well.

I wonder, as long as I have interrupted the chairman, if I might make one or two other points.

Mr. CONRAD. Maybe I can conclude this part and go back to the Senator from Illinois who is also inquiring and answer his question.

Mr. DURBIN. If the Senator would yield. I wish to ask the Senator a question. I do not know if you want to offer your amendment first.

AMENDMENT NO. 4196

Mr. CONRAD. Mr. President, I send this amendment to the desk. I have styled it Conrad No. 2. In fact, it is not my amendment. It is the amendment of the chairman of the Senate Finance Committee, who is at this very moment chairing a hearing on this subject, so he could not be here. That is why I am sending it to the desk.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. BAUCUS, proposes an amendment numbered 4196.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4196) is as follows:

(Purpose: To reform the estate tax to avoid subjecting thousands of families, family businesses, and family farms and ranches to the estate tax)

At the end of Title III, insert the following:

SEC. ___. ESTATE TAX REFORM INITIATIVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $45,000,000,000 in tax relief over the period of the total of the fiscal years 2008 through 2013 for additional estate tax reforms that address the current flaws in the estate tax law, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. I ask that Senator BAUCUS be permitted, when he is able, to further discuss his amendment. I know we have got time reserved for that purpose.

Mr. DURBIN. If the Senator from North Dakota would further yield, I was listening carefully to his debate as I presided. It is my understanding that he says under current law, two-tenths of 1 percent of the people who die in the United States each year might be subject to liability to pay the estate tax or, as the Republicans called it, the so-called death tax.

Mr. CONRAD. Yes, that is true, under the exemption rates for next year. Under the exemption rates for next year, it will be two-tenths of 1 percent. I believe this year it is five-tenths of 1 percent; there are 99.5 percent this year that are exempt. Next year it will be 99.8 percent exempt, as the rate goes up.

Mr. DURBIN. I tried to do a quick calculation on the .2 percent. I think I have come to the conclusion that each year in America, 3.5 million Americans die. Of that number, you are projecting that 7,000 out of 3.5 million might have some estate tax liability next year?

Mr. CONRAD. That is the correct math.

Mr. DURBIN. It is my understanding the proposal by the Senator from Arizona is to further enlarge the exemption of those who pay this tax, so that even fewer than 7,000 will actually pay. Is that correct?

Mr. CONRAD. My understanding is—and the Senator might correct me—that under the Kyl proposal the cost would be approaching $200 billion over—$458 billion over 10 years.

Mr. DURBIN. So the Senator from North Dakota, as chairman of the Budget Committee, has come to the floor repeatedly with a chart which he can get his hands on in a moment that

talks about the accumulation of debt in America under the Bush administration compared to the accumulation of debt in America under all previous Presidents. Does the Senator recall the numbers that were involved in that chart?

Mr. CONRAD. Well, first, in terms of the gross debt of the United States, under this President's watch, the gross debt has nearly doubled. The foreign holding of U.S. debt has more than doubled.

This is it. It took 42 Presidents 224 years to run up $1 trillion of external debt. Perhaps this is the chart the Senator is referring to. It took 42 Presidents, all of these Presidents pictured, 224 years to run up $1 trillion of debt, U.S. debt held abroad. This President, as you can see, has far more than doubled that amount in 7 years.

Mr. DURBIN. Let me, through the Chair, ask the Senator from North Dakota a question. The pending amendment by the Senator from Arizona is not paid for, which means he has not suggested increasing some other tax to set it off or cutting spending to offset it; it is simply added to the debt of America. And if that debt the Senator from Arizona wants to add to our national debt over the next 10 years is funded from foreign sources, how much more is going to be added to this figure by the amendment of the Senator from Arizona?

Mr. CONRAD. Well, if his amendment costs another $458 billion, it is not offset. And in a typical bond auction now conducted by the United States, over half of the money, well over half now, is money from abroad. So you can take well over half of the $458 billion, and it would be added to this external debt.

Mr. DURBIN. I wish to ask the Senator, who is going to pay this debt?

Mr. CONRAD. Well, that is the unfortunate part of, as I see it, the amendment of the Senator from Arizona. What he is doing is saying—he is asking all of us, all Americans, to put our name on the bill. But the money is only going to two-tenths of 1 percent of us. I think that is unfortunate.

Mr. KYL. Will the Senator yield?

Mr. DURBIN. I will yield when I am done.

Mr. KYL. I think it would be fair to let me answer.

Mr. DURBIN. I think the Senator from North Dakota has the floor. I am sure he will yield to the Senator from Arizona.

So that I understand this—I want to make it clear—in order to spare, at a maximum, 7,000 of the wealthiest people in America who may die in the outgoing years, in order to spare them estate tax liability, even though America has been very kind to them and they have lived very comfortable lives because of this great Nation, to spare them the possibility of paying back to this country for having lived and enjoyed this great Nation, we are going to add some $400 billion plus in debt to Americans. And over half of that will end up being debt we owe to foreign countries, as I understand the Senator from North Dakota. Is that correct?

Mr. CONRAD. I think that is clearly correct.

Mr. DURBIN. So for those who are so-called fiscal conservatives, we are going to cut taxes for the wealthiest people in America, and add debt for everyone else in America, an added debt we are going to borrow from overseas and ask our children to pay for it. It sounds like a great idea if you happen to be in the lucky 7,000 club. This lucky 7,000 club that will be benefitted by Senator KYL's amendment will have a great outcome. It appears that everyone loses—I take that back. Everyone but China and Japan and other countries will be losers in this proposal by the Senator from Arizona. Is that correct?

Mr. CONRAD. Yes, I think that is undeniably the case. The problem this country confronts now is we have massive deficits and, under this President, a dramatic increase in the debt. So all of these provisions are based on borrowed money. So why would we go borrow this amount of money, which is increasingly from foreign countries, in order to give a benefit to two-tenths of 1 percent of the American people, when 99.8 percent of the estates in this country are already exempted from the taxation? That is lost on me.

Mr. DURBIN. If I can ask one more question—I know the Senator from Arizona wishes to speak—aside from the lucky 7,000 club the Senator from Arizona is taking care of, the wealthiest people in America—nothing but good luck, they have lived comfortable lives in a great democratic, free nation with the protection of our laws, and now, as they leave and go to perhaps a better place, they want to make sure they do not pay back to this Nation, aside from the lucky 7,000 club.

I wish to ask the Senator from North Dakota, I have heard this concept, talking about pay as you go, that the Democrats, when they came to control the Congress, would pay for any tax cuts or any spending increases so it would not add to the national debt. So I wish to ask the Senator from North Dakota, I know he believes in it very passionately: Is this a pay-as-you-go proposal from the Republican side so that there is no net loss to future generations? Is this being taken care of by the Senator from Arizona offsetting it, for example, with an increase in taxes on maybe working people of this country or some other group or cutting spending in some other area?

Mr. CONRAD. No, this is all put on the tab. This is all borrowed money.

Mr. DURBIN. I thank the Senator.

Mr. GREGG. Will the Senator yield?

Mr. CONRAD. I still have the floor. The Senator from Arizona was seeking to ask me a question.

Mr. KYL. Mr. President, I would be happy to have the ranking member of the committee make a comment. But I wish to correct some of the facts. I can do that either on the Senator's time or on our time.

Mr. CONRAD. I am happy to yield to the Senator from New Hampshire if the Senator wishes to engage in this debate or any other debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I wish to note the Senator from Illinois described these people as the lucky 7,000. They are dead. I guess only if you are from Chicago do you consider it lucky to be dead. They can still vote.

I understand the Senator from Arizona feels these numbers are inaccurate. I know they are inaccurate. I wish to comment further on the Senator's amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the fact that the chairman of the Budget Committee and the majority whip have done some extrapolation from the number of people who die and two-tenths of a percent of this and that and, therefore, they have come up with a number. Why don't I quote the actual numbers according to the Joint Tax Committee. These are the officials numbers we deal with every year when calculating the effect of our legislation. According to the Joint Committee on Taxation, if my amendment were to be adopted, 11,800 estates each year would be required to file at the exempted levels that are set forth in my amendment. If we fail to act, 131,000 families, not 7,000—family businesses, farms and so on—will be subjected to the death tax each year, starting in the year 2011.

The point is, these are not individuals. These are families or businesses with a lot more people affected by the tax than the number of filers. The filer represents all the members of the family or the employer of a company. That may be 50 or 60 or 200 people who may be out of a job. But that is how many will be subjected to filing this, 131,000.

You might make fun of this and say it is a small percentage of the number of people in the United States. If you are unfortunate enough to die and your heirs have to deal with this problem, it is a very real problem to every single one of them. Over a 10-year period, obviously, you are talking about way more than a million people. You may say that is not a significant enough number to worry about, but it is enough. We worry about a few people who suffer from all kinds of things that we try to deal with. If you have a million Americans over a 10-year period

subjected to an unfair tax, it is a problem we ought to address and not just make fun of the fact that it is only a million instead of 50 or 60,000. So let's get the numbers right. You can argue, if it is only 131,000 people, should we be worried about it. I say yes, somebody on the other side might say no, but at least let's get the numbers right.

Mr. GREGG. Will the Senator yield?

Mr. KYL. Yes.

Mr. GREGG. As I understand your proposal, which, if I recall correctly, got 56 votes in this body last year

Mr. KYL. That is correct, on the motion to instruct conferees, 56 Democrats and Republicans voted for this identical proposal.

Mr. GREGG. I wish to ask the Senator further, through the Chair: As I understand the proposal, estates over $10 million would continue to be subject to full estate tax obligation; is that correct?

Mr. KYL. That is correct. The rate would be reduced from 55 percent, if we don't do anything, to 35. I believe the majority proposal is 45. This would make the top rate no higher than 35 percent.

Mr. GREGG. So we aren't talking about the wealthiest Americans. We are talking about people with significant wealth, up to $10 million. But a family farm can easily be valued at $10 million. A small business, a restaurant could easily be valued at $10 million. A small software company could easily be valued at $10 million. So we are talking about continuing, without major tax consequences, small businesses and farms that otherwise would be subjected to a very onerous tax which might put them out of business; is that not correct?

Mr. KYL. The answer is yes. If I could expand on that with a true story, some friends of my wife and mine in Phoenix had a printing business. The head of the household came out from New York in the late 1940s and from scratch built this business which, at the time he died, employed about 200 people. They didn't take a great deal of money home because in this business, you have to plow all your profits back into buying the very latest laser printers and all the other equipment to keep it competitive. But they did all right as a family, well enough to be a major giver in the community. That is how we became friends with them because they were contributing to charities significant amounts, probably more than they could afford, boys and girls clubs and a variety of other charities. They were great contributors to the community, both in terms of their business, the people they employed, what they did, and how they supported the community. He died. When he died, his family found that despite the fact that they had spent millions on insurance and other ways to try to plan for his eventual death and the estate planning, in order to pay the tax, they had to sell the business. They did, and they got enough money to pay the tax. The company that bought it, to my knowledge, never contributed a dime to any charity in Arizona. It eventually closed the operation. So all the people who worked there no longer had a job, no contribution to the community. The family literally had to sell the business to pay the tax. While they were well off in terms of the average American, they were exactly the kind of people you want in your community to provide employment. That is the real story.

We can make fun by saying: Well, it is only 131,000 each year in that category. But these are real families who are contributors to the economy and to our communities, and we ought to give them a break. Most people, even though they know they are not subjected to the tax, still, when you ask them the questions in public opinion surveys, say they know it is not fair. They like families such as the one I mentioned and would like to see this tax either reformed or repealed.

Mr. GREGG. If I may ask a further question, I think the Senator's anecdotal story is one everybody has seen innumerable times in their home States: Small businesses put out of business or put under distress as a result of the death of a principal in the small business due to the estate tax, the death tax. After finishing law school, I went back for 3 years and got a master's degree in taxation, which was one of the most foolish things I ever did. It only proved to me the tax law is totally inane. But I don't believe in the tax law there is any other place where there is such a penalty of tax assessment for an act which has occurred without any economic event. In other words, the only thing that generates this tax is not that you sold a business or built a business or that you were involved in some transaction. It is that you got hit by a truck crossing the street, which is not an economic act. Isn't that why this tax makes no sense on the face of it, especially for smaller estates that involve small businesses? It is a noneconomic event. It is a ''comes out of the blue'' type of an event. You die, unfortunately. If you get hit by a truck, you get sick, any number of events can cause that event to occur, but it is not something you have control over and, therefore, you can't create economic activity around it which is going to give you the wherewithal to pay the tax. Is that not true?

Mr. KYL. If I may respond, as an expert in the Tax Code, the Senator from New Hampshire knows the technical name of the doctrine which applies in this case, except we have made an exception in the case of death. If you are robbed or if your house burns down and you collect insurance to pay for that unanticipated loss—not an economic activity; you didn't decide to invest and get a return on the investment when your house burned down—that is something you did not anticipate. It is noneconomic. The Tax Code treats that in a very good way for people, as one would expect. You get the insurance on it. You are not taxed on all that as income.

Mr. GREGG. It is called casualty loss.

Mr. KYL. This is the third. Of the three areas that apply here of noneconomic activity with a tax consequence, this is the only place where we don't give people a break for these unanticipated activities, these noneconomic activities such as death. No, you do get taxed. And, yes, the Senator from North Dakota is absolutely correct. The dead person is not the person——

The PRESIDING OFFICER. The time of the Senator from Arizona on this amendment has expired.

Mr. KYL. Mr. President, if I may conclude, I am answering a question of the Senator from New Hampshire.

The PRESIDING OFFICER. Time is being charged on the amendment.

Mr. GREGG. I ask unanimous consent that the Senator be allowed to continue and the time come off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. My train of thought with regard to the answer to the question was interrupted.

Mr. GREGG. The Senator was pointing out that there are three elements of casualty loss. Two of them you are not taxed on and this one you are. And it is the ultimate casualty, dying.

Mr. KYL. As a matter of tax policy, I will answer my colleague, we can differ about the kind of taxes that should apply to economic activity, but we do agree that is the kind of activity that should be taxed, if it is on a sale, if it is on income, if it is on a return such as capital gains or dividends. But where the American people draw the line is with regard to death. I recall now the final point I wished to make. It is true the dead person doesn't pay the tax, but the people who are left to deal with his affairs at the worst time in their life do have to deal with this. What we are suggesting is, we ought to make it a little bit easier on these folks and not impose the kind of penalties that the current Tax Code, if it reverts to this because we don't act, goes to the 55 percent tax rate. I am talking about 131,000. According to the Joint Tax Committee, the number by the year 2015 will be 177,000. So this keeps increasing with respect to the number of estates each year that will have to be concerned about the tax.

Mr. GREGG. As a final question—I think it needs to be emphasized—is it not true that this doesn't exempt all estates? This exempts estates up to $10 million, which are probably going to be small businesses or small farms?

Mr. KYL. It is actually not quite that. It is $5 million. The way this is written, if one spouse, let's say, the person who is not running the business, dies first, you can plan so you can get most of the effect of $10 million in the unified credit between the estate and the gift tax, but it is actually a $5 million exempted amount. So, for example, if a single person owns a business, it is only $5 million. It is not the amount that would relate to a couple of $10 million.

Mr. CONRAD. Will the Senator yield for a question?

Mr. KYL. Of course.

Mr. CONRAD. I would like to try to harmonize the numbers because I don't want to leave people with the misimpression that we have some difference on the numbers because I don't think we do. The Senator is talking about 131,000 estates possibly being affected. But that would be at the million-dollar-a-person exemption level; is that not the case?

Mr. KYL. I believe that is exactly the case. By the year 2015, it would be 177,000 estates.

Mr. CONRAD. But that is assuming we have a million-dollar-per-person exemption. Under what is in the budget, we would have $3.5 million per person—$7 million a couple—which, according to our figures, would give only 7,000 estates out of 3.5 million any tax. I think the difference between your 11,000 and my 7,000 was, you are talking about estates that have a filing responsibility. I am talking about estates that would actually have a tax liability. As the Senator well knows, there are some additional people who have a filing obligation even though they don't have a liability.

The numbers the Senator and I are using are actually quite close. We are using somewhat different assumptions. He is talking about if we went down, which current law does, to a million dollar exemption in 2011, 131,000 estates would be affected. What we are seeking to do is to make certain that does not occur, that the exemption amount be $3.5 million a person, $7 million a couple, which would exempt 99.8 percent of estates.

Mr. KYL. Mr. President, I would say to the chairman he is correct. I cannot verify the number 7,000 the chairman is talking about, but I can verify the number I am talking about. The Joint Committee on Taxation projects that 11,800 estates would be required to file estate tax returns each year. So that is a correct statement.

Of course, the additional point I made earlier was that not everybody knows exactly what their liability is and, therefore, you have about 10 times as many people who have to end up filling out the forms, going to the expense of anywhere between $5,000 and $1 million to complete the forms, the 38 hours it takes to do it, only to find some of them do have a tax liability at the end of the day. Some of them do not. The fact that you may not be subject to the tax does not diminish the fact that you will be obligated to spend the money to file a return and do all the work to try to figure out that, in fact, you don't owe the tax.

Mr. CONRAD. That is absolutely fair. I didn't want to leave some impression that you and I had some great difference on the numbers. I think our numbers are actually very close.

Mr. KYL. Mr. President, if I might respond with one final point, when you got to calculating how many—the lucky 7,000, and all that—I think there was some extrapolation going on, and I think the chairman is right, we should stick to the numbers from Joint Tax. That way at least we know exactly what we are talking about.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. CONRAD. Mr. President, I say to the Senator, may I be recognized for a moment? I have a housekeeping item we need to address.

Mr. President, I ask unanimous consent that amendment No. 4196, which I sent to the desk, be restyled as being offered on behalf of Senator SALAZAR. I sent it to the desk in the name of Senator BAUCUS.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. That should be in the name of Senator SALAZAR. He is the mover of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire has the floor.

Mr. GREGG. Well, Mr. President, Senator CONRAD, I think, was going to straighten this out. But I think the plan now is to go to Senator DEMINT. He needs approximately 20 minutes. Then there would be whatever time the Senator from North Dakota plans to respond. Then we will go to Senator BUNNING.

Mr. CONRAD. Mr. President, why don't we do this out of courtesy to Senator BUNNING, who is already here: If we could go to Senator DEMINT—how much time would Senator DEMINT require?

Mr. DEMINT. About 20 minutes or so.

Mr. CONRAD. Could we reach an agreement on up to 25 minutes?

Mr. DEMINT. Exactly.

Mr. CONRAD. Because Senator BUNNING was put on notice earlier he could come at roughly this time. I would be happy to withhold on Senator DEMINT's amendment.

Mr. GREGG. I see Senator SPECTER who also has an amendment. Maybe he wants to speak.

Mr. CONRAD. Maybe we could get him in the train as well so he would know when he was up.

Mr. SPECTER. Fine.

Mr. CONRAD. How much time would the Senator from Kentucky require?

Mr. BUNNING. No more than 15 minutes.

Mr. CONRAD. Well, shall we enter into an agreement: up to 25 minutes for Senator DEMINT, followed by Senator BUNNING for up to 15 minutes. And then, I say to Senator SPECTER, how much time would you like?

Mr. SPECTER. Fifteen minutes.

Mr. CONRAD. Up to 15 minutes there. That would take us another hour down the road. We will do it off the resolution. Is that fair?

Mr. GREGG. Senator BUNNING is going to be offering an amendment, so we can do his off his amendment.

Mr. CONRAD. OK.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Carolina.

Mr. DEMINT. Thank you, Mr. President. I wish to make sure my time is counted against the resolution and not the amendment that was just brought up.

The PRESIDING OFFICER. It will be counted against the resolution.

Mr. DEMINT. Thank you, Mr. President.

I rise this morning to speak on an amendment I will offer to the 2009 budget resolution on behalf of myself and a bipartisan group of reformers in the Senate.

This amendment creates a 1-year moratorium on all earmarks. It does so by establishing a 67-vote point of order against bills, joint resolutions, conference reports, and messages between Houses that contain congressional earmarks for the fiscal year 2009.

This is very important to the budget debate. As we look at this budget, with planned spending over the next 10 years, we have clearly—both parties—helped to wreck the budget at the Federal level, while every month we expect families across this country to balance their budget.

I would like to start with a little background. Before I came to Congress, one of my jobs was training quality development people in organizations. We worked on quality improvement—quality process improvement—for a number of years. One of the great consultants in that field, Tom Peters, wrote a book ''In Search of Excellence.''

One of the examples he gave in the book, related to improving quality, was a person who got on an airplane and pulled down their tray and saw a coffee stain there. People could say a coffee stain on a tray in an airplane is not a big deal. But many times we get our cues about quality, or about whom we can trust and why, from things that are different than the real substance.

But his point was, if you see a coffee stain, you not only are concerned about how the cleaning service does in that airplane, you wonder: If they are not able to clean up a coffee stain, are they maintaining the engines? Is this a safe plane to fly in?

For us in Congress, our coffee stain is earmarks. Earmarks tell Americans we cannot be trusted to spend their money in a way that is efficient and for the good of our country. Americans know if we continue to throw their tax dollars at bridges to nowhere or hippie museums—or a number of things I will talk about today—that if we cannot be trusted to do those things, certainly how can we be trusted to do the big things in this country.

We have lost our moral authority. We have undermined the trust of the American people. A lot of that goes right back to our coffee stain, which is earmarks.

In 2006, many in this body, particularly my friends on the other side, promised to clean up earmarks in Washington. But after 1 year, things have gone back to business as usual. The number of earmarks had fallen to 2,600 in 2007 because we were able to stop this huge omnibus spending bill that was going through. But now earmarks are back up to all-time highs. This year, there are 11,612 earmarks, costing $17.2 billion, according to Citizens Against Government Waste. It is the highest level of earmarks in history.

It came through in this Omnibus appropriations bill, which we were given less than 48 hours to review. No one read it. It was full of earmarks, full of wasteful earmarks and wasteful Government spending.

We still expect the American family to balance their budget while we continue to wreck the budget at the Federal level.

Last year, we worked together to pass earmark reforms, but, unfortunately, many of these reforms have been gutted or ignored. As many of my colleagues know, the earmark rule we passed 98 to 0 was watered down behind closed doors and then passed despite our objections. Those in this body who oppose change insisted on continuing business as usual.

I would like to review a little bit the history of the debate so everyone knows how we got to this place. For Americans who may be looking in and still wondering what earmarks are—and I, frankly, confess when I came to Congress I did not know what an earmark was—it is when every Member of Congress and the Senate feel like it is their responsibility to take a piece of taxpayer money and designate it to a particular favorite project or cause or organization back in their congressional district or State. Instead of doing what is good for the country, we do what is good for our next election, and we use taxpayer dollars to enhance our image back home.

Mr. President, 2007 started off with a pretty hopeful note. I actually offered Speaker PELOSI's earmark transparency measure as an amendment to the Senate ethics bill. But, unfortunately, the leadership on the other side tried to kill the Pelosi transparency language which would have required disclosure of all earmarks instead of 5 percent, as we had on the Senate side. But the effort to kill my amendment failed, and we won the day.

Republicans voted with me and a few brave Democrats—CLAIRE MCCASKILL and some others—joined us in saying: Enough is enough; America needs to know what we are spending. We were able to pass that transparency bill. But the original Pelosi-DeMint transparency rule that was part of Senate bill No. 1 last year, and agreed to unanimously, said authorization earmarks could not be added or airdropped into conference reports with the House. But that provision has been gutted and ignored.

The original Pelosi-DeMint transparency rule gave Senators the right to force a vote on individual earmarks that were added into conference reports in the dark of night. But that provision was secretly gutted.

The original Pelosi-DeMint transparency rule said bills containing earmarks could not be brought to the floor until we had at least 48 hours to read the bill online in an easily searchable format. That was not easily searchable with this bill you are looking at on the table. But that provision, too, has been gutted and ignored.

In fact, in less than 24 hours we brought this bill to the Senate floor—the largest appropriations bill in our history—that contained over 11,000 earmarks, and it passed in less than 48 hours. No one read that bill.

We are wrecking the Federal budget, and we still expect Americans to balance their family budget.

The original Pelosi-DeMint transparency rule said neither the Senator nor his or her family could financially benefit from an earmark, but that provision has been changed to the point where it is almost meaningless.

The original Pelosi-DeMint transparency rule said the Parliamentarian, who is nonpartisan and whose job is to make impartial rulings, would be responsible for determining if bills brought to the floor complied with earmark transparency rules. That was a good rule, but that has been gutted. The provision has been changed so that now the majority leader and the chairman of Appropriations verify if it has met the rules.

The list goes on and on.

The Senate also passed legislation last year to ban the practice of what we call phone-marking or letter-marking, which occurs when Senators secretly request earmarks by pressuring agencies with phone calls or letters without complying with the earmark disclosure rules. That provision has been gutted.

Last year, the majority promised to cut the number of earmarks in half. But they did not. Instead, we passed the second highest level of earmarks in history. You can see from this chart, Republicans did a lousy job containing the number of earmarks, but we were able—by stopping an Omnibus appropriations bill before we left the majority—to reduce the number to 2,600. But last year it went back up to the second highest level in history—a lot of broken promises.

I also wish to review some things about the earmark system and why it is broken. In the last 20 years, porkbarrel earmarks have exploded. In 1987, Ronald Reagan vetoed a bill that had only 121 earmarks. Here is what he said:

> I haven't seen this much lard since I handed out blue ribbons at the Iowa State Fair.

Mr. President, 121 earmarks. We are dealing with tens of thousands of earmarks now every year. By 2005, earmarks had skyrocketed to about 14,000 wasteful earmarks into our spending bills. In fact, since 2000, Congress has spent more than $188 billion of Americans' taxpayer dollars on over 77,000 porkbarrel projects.

Americans are outraged about a system that hands out their tax dollars based on political influence and congressional seniority instead of on the merit of the projects. Here are a few examples of the results of the earmark favor factory over the last several years. Keep in mind as I read these earmarks, this is hard-working American tax dollars coming to us. We are expecting the family to use their money responsibly to balance their checkbook. Here is what we are doing with their tax dollars:

The International Fund for Ireland, funding the World Toilet Summit, $13.5 million; Richard Steele Boxing Club, $100,000—this is at a time we are creating debt and waste every year—animal waste research and management, $4.75 million; a study to determine if poultry litter can generate electricity, $225,000; the Tiger Woods Foundation—he is hurting for money—$100,000; golf charity, $3 million taken out of the Department of Defense budget for a golf charity; Museum of Glass, $550,000; a fake prison museum, $100,000; the Rock and Roll Hall of Fame—a clear national priority—$200,000; The Historic Coal Library, $800,000; wine research, $11 million; Baseball Hall of Fame, $750,000; the National Wild Turkey Federation, $500,000; grasshopper research, $775,000; bike paths, $6.8 million; Montana Sheep Institute, $400,000; National Peanut Festival, $200,000; ornamental fish research, $600,000; Grammy Institute, $800,000; the American Film Institute, $90,000; DNA study of bears, $1 million; study to analyze bear fur, $300,000; wood research, $9.5 million; Cowgirl Hall of Fame, $90,000; Indoor Rain Forest, $50 million; water-free men's urinals, $2 million; Charlie Rangel Monument, $2 million; Teapot Museum, $500,000; an 85-foot speedboat the

Navy didn't want and refused to use, $4.5 million; Woodstock Hippie Museum, $1 million; Coconut Road highway project that was unwanted by the city it was sent to, $10 million; shirts for the U.S. Marine Corps that were found to melt in battle and caused severe disfiguring burns, $2 million; National Drug Intelligence Center that duplicates work already done by 19 other Federal agencies and which the OMB asked to be shut down—we still gave them $400 million; and, of course, the Bridge to Nowhere in Alaska, $320 million.

Folks, there are people who come to this floor during this debate and cite earmarks that they say are good, and certainly we can find some. But for every one earmark that could be justified, we could find hundreds that sound just like the ones I read today. At a time when our country is in severe deficit, when we are at war and the American family is straining every month in their budget, we are throwing their money away—coffee stain after coffee stain, demonstrating to the American people that we don't have the commitment to do what is best for this country.

This is just scratching the surface. Did I read a couple of dozen? There are almost 12,000 right here that Americans will never know how their money is spent.

Besides the waste, earmarks have also led to corruption. Let me say that I have spent enough time working with my colleagues to know that most are not corrupt. They love their country, and they want to make it a better place. But the system of earmarking has taken our energy and diverted it away from solving national problems and wasted it on the task of steering tax dollars back home. This perversion of purpose has undoubtedly led to real corruption scandals that have caused the American people to lose trust in Congress.

In 2006, former Congressman Duke Cunningham was sentenced to 8 years in prison for trading earmarks for over $2.4 million in personal bribes. As reported by ABC News at the time, Cunningham actually kept a bribe menu where he listed what payments he demanded in return for earmarks from Government. This card here shows an escalating scale for bribes, starting at $140,000 and a luxury yacht for a $16 million Defense Department contract. Each additional $1 million in contract value required $50,000 in bribes. The rate dropped to $25,000 per additional million once the contract went over $20 million.

Also in 2006, former lobbyist Jack Abramoff was sentenced to nearly 6 years in prison for corruption and fraud. Abramoff pleaded guilty to defrauding numerous Indian tribes for which he helped secure earmarks. It was Jack Abramoff who called the congressional appropriations process the ''earmark favor factory'' for his ability to secure millions in taxpayer funds for his clients.

There are thousands of lobbyists who are sent here by towns and universities, small colleges, organizations that are up here trying to get a piece of these Federal handouts that we call earmarks. It is corrupting the whole process.

Why is it so easy for this earmarking system to lead to corruption? It is because there is so little oversight. Rather than being funded based on merit, they are chosen based on political influence and congressional seniority. Is a sewer or a highway project in West Virginia more worthy than one in Wyoming simply because the State's Senator holds a high-ranking appropriations seat? I don't think so.

Americans are frustrated with Congress. Congressional approval is at all-time historic lows. Voters threw out the Republicans in 2006 hoping for a change, but not much has changed. Wasteful Washington spending hasn't stopped. We continue to wreck the Federal budget as Americans are struggling to balance theirs. The congressional favor factory hasn't been closed; it is just under new management.

When Members of Congress are sworn into office, we take an oath to support and defend the Constitution of the United States. This Constitution prescribes a limited role for the Federal Government, whose purpose is to ''form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of Liberty.''

This purpose statement should give Congress a clear focus on national priorities and the good of the Nation as a whole. Unfortunately, many in Congress have forgotten that oath and lost sight of our congressional purpose. I did not raise my hand and swear allegiance to the State of South Carolina and promise to get them as much Federal money as I could. Those who say it is a constitutional responsibility to earmark are not using quotes from this document, the Constitution. In fact, everything in here suggests a national priority. It suggests a uniform way in collecting taxes. It says: No preference should be given to a State when money is appropriated, and it says this, which is key: that no money shall be drawn from the Treasury but in consequence of appropriation made by law.

Over 95 percent of the earmarks we produce here in this Congress are not law, they are not constitutional, and there is no excuse for them at all. We can't hide behind this Constitution. It does not give us the authority, explicitly or implicitly, to take on a local and State role, decide where water and sewer plants go, where bike paths go, which local museum should be funded. That is not our job, but that is a reason we are not dealing with a broken Tax Code, a broken Social Security system, a broken Medicare system, how we deal with keeping jobs in this country, because we are spending most of our time trying to figure out what needs to be done back in our local communities.

The primary culprit of most of the problems we are dealing with here is the addictive power of congressional earmarks that we are trying to stop today. My objection to earmarks is not to specific Members. The requirement that earmarks now have names on them makes them more personal, but it is really the earmarking system that is the problem.

When Members of Congress invest their time in securing Federal funds for sewer plants and bike paths, as I have mentioned, they are doing more than assuming a Federal role for a local responsibility; they are locking themselves into voting for whatever bill contains their projects. That is how leadership here in Congress gets us to vote for bills that are billions over budget and contain lots of bad policy—they cram in their projects that make it very difficult for us to vote against. For this reason, Congress has repeatedly, regardless of which party is in charge, demonstrated an inability to curb out-of-control spending. Members who may otherwise vote against a massive, wasteful spending bill end up voting aye because it contains a project for a special interest back home.

In January, the first baby boomer received her first Social Security check. In just 3 years, she will qualify for Medicare. With 77 million Americans in line right now behind her, now is the time for Congress to address the long-term fiscal crisis that lies ahead. Social Security and Medicare are trillions of dollars underfunded. Yet we are focused on using earmarks to deal with local issues such as determining the location of local parks and community centers, and we are failing to address these serious national problems. We are wrecking the Federal budget while Americans are struggling to meet their family budget.

I didn't come to Washington to fight against earmarks. I didn't even know what they were when I got here. I came here to work on tax reform and fixing Social Security and Medicare. But the culture of earmarks is distracting the attention of Congress from much needed national reforms. So I have made eliminating earmarks an urgent and immediate goal.

One of the things I found out in trying to improve the quality culture in organizations is you have to understand the root causes of problems and not spend your time treating symptoms. The root cause of many of the problems, particularly the wasteful spending in this Congress, is earmarks.

Already in this new Congress, which promised to be more transparent and

to cut earmarks in half, we have seen many shameless requests for pork projects, including taxpayer-funded monuments to individual Members of Congress. Worse, Members of Congress insist on hiding these wasteful pork projects behind some of our Nation's most important priorities. We have held hostage health care for poor children, veterans benefits, and funding for our troops in order to sneak through porkbarrel projects.

We have basically made human shields of our most vulnerable Americans, giving Members of Congress two bad choices: Either we vote for bloated bills that are billions over budget and full of wasteful earmarks or we vote against national priorities and needy constituents. This is no way to run the most important Government in the world.

So we ended another year with a lot more debt and a lot more broken promises. We have not helped Americans buy health insurance; in fact, we have made it harder. We haven't cut spending; we have raised it. Our antiquated Tax Code continues to chase jobs overseas, and we have not addressed the huge entitlement crisis. Meanwhile, we increased the number of special interests and wasteful earmarks from last year, and both parties are bragging that we did better than expected. Instead of keeping promises, we have let the earmarking system pervert our purpose as Members of Congress.

The purpose of the amendment that I have with the budget is to take a timeout. When you have a problem, when you have an addiction, you have to agree you have a problem and you have to get into rehab. Congress needs to get into rehab. We need to stop earmarking this year, take a timeout, and figure out how to reform the system. Those who continue to give excuses, who say: No, we don't need a timeout, we will fix it, I have been listening to for 8 years. They keep saying there is a problem we need to fix, but they never do. It is time to take this issue seriously, to get earmarks off the table so that we can look at it objectively.

I would encourage all of my colleagues to join me, the Republican nominee for President, JOHN MCCAIN; the two Democratic possibilities for President, BARACK OBAMA and HILLARY CLINTON; and CLAIRE MCCASKILL and vote for this amendment and show America we can be trusted.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. DORGAN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. BUNNING. I will yield.

Mr. DORGAN. Mr. President, I ask unanimous consent that following the Senator from Kentucky and the Senator from Pennsylvania, both of whom I think are to be recognized, I be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, I ask that the unanimous consent request be modified as recognized for the purpose of speaking but not for the purpose of offering an amendment.

Mr. DORGAN. Mr. President, I ask that the request be so modified. I do want to talk to the two Senators about being able to offer the amendment about which I will speak, but I will do that at another time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

AMENDMENT NO. 4192

Mr. BUNNING. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 4192 at the desk be called up for consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 4192.

Mr. BUNNING. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the tax increase on Social Security benefits imposed by the Omnibus Budget Reconciliation Act of 1993)

On page 3, line 11, decrease the amount by $14,300,000,000.

On page 3, line 12, decrease the amount by $15,600,000,000.

On page 3, line 13, decrease the amount by $17,500,000,000.

On page 3, line 14, decrease the amount by $19,800,000,000.

On page 3, line 15, decrease the amount by $21,600,000,000.

On page 3, line 20, decrease the amount by $14,300,000,000.

On page 3, line 21, decrease the amount by $15,600,000,000.

On page 3, line 22, decrease the amount by $17,500,000,000.

On page 3, line 23, decrease the amount by $19,800,000,000.

On page 3, line 24, decrease the amount by $21,600,000,000.

On page 4, line 5, decrease the amount by $14,300,000,000

On page 4, line 6, decrease the amount by $15,600,000,000

On page 4, line 7, decrease the amount by $17,500,000,000

On page 4, line 8, decrease the amount by $19,800,000,000

On page 4, line 9, decrease the amount by $21,600,000,000

On page 4, line 14, decrease the amount by $14,300,000,000

On page 4, line 15, decrease the amount by $15,600,000,000

On page 4, line 16, decrease the amount by $17,500,000,000

On page 4, line 17, decrease the amount by $19,800,000,000

On page 4, line 18, decrease the amount by $21,600,000,000

On page 27, line 16, decrease the amount by $14,300,000,000.

On page 27, line 17, decrease the amount by $14,300,000,000.

On page 27, line 20, decrease the amount by $15,600,000,000.

On page 27, line 21, decrease the amount by $15,600,000,000.

On page 27, line 24, decrease the amount by $17,500,000,000.

On page 27, line 25, decrease the amount by $17,500,000,000.

On page 28, line 3, decrease the amount by $19,800,000,000.

On page 28, line 4, decrease the amount by $19,800,000,000.

On page 28, line 7, decrease the amount by $21,600,000,000.

On page 28, line 8, decrease the amount by $21,600,000,000.

Mr. BUNNING. Mr. President, I spoke about this yesterday, and I have brought it to this Chamber before on numerous occasions. In fact, the Senate adopted a very similar amendment by unanimous consent last year, and it passed on a recorded vote 2 years earlier.

My amendment would repeal an unfair tax that Congress enacted in 1993. The Congressional Budget Office has said that over 15 million senior citizens are affected by the taxation of Social Security benefits. When Congress created the Social Security Program to provide income security for seniors, part of the structure of that program, and one of the reasons for its popularity, was that benefits were not taxed. I will say that again.

Social Security benefits were not taxed when the program was created. In 1983, the Greenspan Commission and Congress decided that half of the benefits of some seniors should be subject to taxation and, in 1993, raised that amount to 85 percent of the Social Security benefits that a senior citizen receives.

This tax affected supposedly ''wealthy'' seniors, with incomes above $34,000 for single seniors, and $44,000 for a couple. Those are supposedly wealthy senior citizens. The goal of this seemed to be to impose a type of means testing on Social Security beneficiaries—in other words, tilting the benefit structure in favor of low-income seniors, making it more like a welfare program.

This is the kind of change Senator Patrick Moynihan often warned Congress about. But the Ways and Means Committee and the President ignored his warnings. If that was the goal, the legislation was fundamentally flawed. The $34,000 and $44,000 amounts were not indexed for inflation. I can assure you that seniors earning these amounts do not consider themselves wealthy at all—particularly with the increased cost of prescription drugs, rent, or mortgage payments, gasoline, particularly with unleaded regular being $3.20 a gallon now, heating oil, and even food prices that seniors are experiencing today.

My amendment is fairly simple. It drops the tax back to the pre-1993 level,

starting in 2008, this year, in this budget. This means the 85 percent tax would be eliminated, and the maximum amount of Social Security benefits that could be taxed would be 50 percent. The revenue from the 1993 tax was applied to the Medicare trust fund.

My amendment would make the trust fund whole by offsetting the cost of the tax rollback by $89 billion over 5 years, with an adjustment to function 920 of the budget.

The inspector general's and the CBO's budget operation report identified over $300 billion in potential savings on Government programs over the next 5 years. I believe the committee of jurisdiction can review wasteful Government spending in order to offset this extremely important tax cut for America's seniors. This was an unfair tax on our seniors when it was enacted, and it is time we repeal it.

Think of this now. A senior citizen, single, with an income of $34,000 receiving maybe $36,000 from Social Security and other income, and they have to pay 85 percent tax on that Social Security benefit—85 percent. That is the largest, highest taxation of any benefit we receive from the Federal Government—85 percent of anything. Say I receive $36,000 from the Federal Government in Social Security benefits and other income. On the $34,000 I receive from Social Security, 85 percent of that is taxed at the normal rate that I would pay in whatever tax bracket I fall under. The same goes with a married couple. Married couples, both seniors, both have unusual expenses as far as prescription drugs, and some have prescription drugs amounting to maybe $1,000 each per month—maybe $1,000 each per month, home heating oil, gas and electric to heat their homes or cool their homes, groceries—all these things add up for our seniors today. This tax is completely and totally unfair to the senior citizens we have today.

I urge my colleagues to support this amendment, as many have in the past. This is something that should have been done a long time ago. I have tried, since its inception in 1993, to get this repealed back to the 50-percent level. I have not been successful. The majority, last year, accepted this amendment by unanimous consent. It went to the conference committee and was kicked out. They accepted it, said they would try to do it, and then because of the cost it was kicked out.

What does that tell our senior citizens in the United States—that they are second-class citizens; they have to pay more on their Social Security benefits than anybody else. I don't think that is fair. I think it is time that we did something about it.

So, please, I ask my colleagues on the Senate floor, help us this year finally repeal this unfair tax that we added to our seniors in 1993.

Mr. President, I will ask for the yeas and nays when the amendment comes up.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator for his courtesy and for his work on the Budget Committee. Senator MARTINEZ would like time on a separate matter, not a budget-related matter. This might be a very good time to do that. We hate to have dead time on the floor. How much time would the Senator need?

Mr. MARTINEZ. About 10 or 15 minutes.

Mr. CONRAD. Mr. President, we will give him up to 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Florida is recognized.

HONORING DR. OSCAR ELIAS BISCET

Mr. MARTINEZ. Mr. President, I thank the chairman of the Budget Committee. I appreciate this opportunity. It is something that I am doing in conjunction with Senator MENENDEZ. Senator MENENDEZ is at a Banking Committee hearing and will be here shortly to participate.

Today, I rise to speak about a man who is best described as a defender of freedom and human rights, a consistent voice for change, and a shining point of defiance within a country rife with oppression.

This man is Dr. Oscar Elias Biscet—a Cuban who has made his life's work being an advocate for democracy and a defender of human rights. This individual risked jail time for publicly denouncing the countless human rights violations performed by the Cuban regime.

As a result, Dr. Biscet is today locked in a jail cell as one of Cuba's hundreds of political prisoners—people held for crimes not against society but for speaking out against the systematic repression of the regime. What was Dr. Biscet's crime? He called for freedom.

I bring attention to Dr. Biscet because I believe, even in his relatively young life, he has exhibited actions that rise to the level of the extraordinary and worthy of our recognition.

This is why today I, along with my colleagues, Senators BOB MENENDEZ, BILL NELSON, JOHN ENSIGN, and NORM COLEMAN, will introduce a measure to award the Congressional Gold Medal to Dr. Oscar Elias Biscet. This is in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba.

Over time, Congress has recognized many individuals who have made contributions to advancing freedom around the world.

Among these individuals are proponents of peace and liberty, including Nelson Mandela, Pope John Paul II, the Dalai Lama, and Dr. Martin Luther King, Jr. All have been awarded the highest award bestowed to civilians by Congress. Dr. Biscet is equally worthy of this distinction. In fact, he has modeled his efforts after those of Dr. King, the Dalai Lama, Thoreau, and Gandhi.

We should recognize him for speaking out, even though he knew he risked the regime's harassment, censure, and incarceration, and for drawing the world's attention to the regime's horrific record of human rights and disregard for human dignity and for always conducting his work through peaceful means.

He is a hero among his people and deserves Congress's recognition for his courageous commitment to the principles we hold dear: democracy, human rights, and freedom for all.

Throughout his life, Dr. Biscet has served others and has helped to bring the regime's injustices to light.

As a physician, he provided care to those living in his hometown of Havana, doing his best to practice in the poor conditions that are common in Cuba's hospitals and state-run health care facilities.

In 1997, Dr. Biscet founded the Lawton Foundation for Human Rights—a group named for the neighborhood in Havana in which he lived, and an organization whose main objective is to establish in Cuba a state based on the rule of law.

In the talks he gave before being imprisoned and in his letters smuggled out of prison these last few years remains a common theme involving the intrinsic value of liberty and human rights.

In establishing the Lawton Foundation, Dr. Biscet wrote that the purpose of it is ''to defend the inalienable rights of the human race we understand the need to put limits on government to prevent the undermining of those rights. It is because of this that we have become activists in this organization—to establish in our country the rule of law, so that each man and woman may be fulfilled as complete human beings.''

And for defending these universal principles of freedom, the foundation's members are often harassed, censured, and incarcerated.

The foundation's mission and objective may be simple; yet it is so important. ''It promotes the defense of all Cubans through nonviolent civil disobedience''—a practice set forth by Henry David Thoreau, who wrote that ''the individual is [a higher and independent power] from which the state obtains its power.''

This is Dr. Biscet's belief; it is his guide; it is a truth he continues to promote today—even from the confines of a Cuban prison.

In 1998, after publicly criticizing the quality of the Cuban national health care system, the doctor was summarily thrown in jail and forbidden from practicing medicine anywhere in the country.

Even though he has been publicly disparaged and ostracized by the regime, he has always remained committed to advancing a message of peaceful political change and nonviolent disobedience.

In 1999, he was arrested for displaying the Cuban flag upside down at a political rally and, as punishment, he was again thrown into a prison and savagely beaten, kicked, and burned.

For his work, he was arbitrarily detained 26 times in 18 months. This is without the benefit of a grand jury, an indictment, or counsel, and without the benefit of the types of protections that are commonly afforded to prisoners in most anyplace in the world, or certainly the kind of opportunity that those detained in Guantanamo had to have: the Red Cross visit and view and examine their conditions. None of these things are permitted in Cuba's gulag of prisons. After his most recent arrest in 2003, following a peaceful protest in Havana, Dr. Biscet is now serving the fifth year of what is called a 25-year sentence. There was no fair trial, there was no counsel. This was a sentence issued by nothing more than one of those courts that the Castro regime has utilized now for almost half a century.

The Castro brothers have described Dr. Biscet as a ringleader of counterrevolutionary activities. The reality is Dr. Biscet wants his people to be free. Amnesty International has declared Dr. Biscet a prisoner of conscience—someone who has been imprisoned solely for the peaceful expression of their beliefs.

The Cuban regime has put Dr. Biscet and his family through the kind of anguish few in this country could ever imagine. He has committed no crimes, and yet he sits in prison fighting for a freedom he and most of the island's 11 million Cubans have never known.

As a human rights activist, Dr. Biscet finds inspiration in the words of many men who share his desire to achieve peaceful change. He speaks of the Dalai Lama's message of peace, Martin Luther King, Jr.'s mission of tolerance, and Mahatma Gandhi's lifetime of unwavering faith.

This is a picture of Dr. Biscet. It is a picture before the last 5 years have transpired, because now we cannot obtain a picture of him. He is given very few visits, and those visits are closely monitored. It would be unthinkable to have the opportunity to take a picture of him. I will speak a little more about his confinement in a moment.

We both share a passion to one day see a free and peaceful Cuba, one where the people can hold free and fair elections so they might choose their own leaders, so they will not live in fear under an oppressive and illegitimate dictatorship.

The Cuban regime, sensing the hope brought about by Dr. Biscet's efforts, sought to make him a tool of the regime. The regime offered him a choice: He could stay in prison or he could leave Cuba and never return. He could leave the country or he could remain behind. Instead of leaving his jail cell, Dr. Biscet has courageously pleaded to stay and sacrifice his own well-being so he might continue providing hope and encouragement to the Cuban people.

This is a replica of the cell Dr. Biscet is in today. It is a mock-up because we could not take pictures of that cell, but it is faithfully drawn from the types of cells the regime commonly holds prisoners in. As you can see, it is completely closed. There is no light when that door is closed inside, the 3-foot-by-4-foot space that is provided for a prisoner.

As a result of his refusal to abandon the cause he so dearly believes in, Dr. Biscet remains in deplorable conditions, in a rat-infested cellblock, and in fact is needing medical care and getting none. This replica of the cell was described by Dr. Biscet in a letter to his wife. He once described the conditions he lives in today. This is what he wrote:

> I'm arbitrarily confined in a cell with characteristics that violate the law; there are no windows, only walls; a gloomy space lacking sunlight and the sky's visibility. This is humiliating and illegal. Of the 8 months I have been in prison in Pinar del Rio, I have seen my family only once, during 2 hours, in the month of August. I am not allowed to have any type of communication with my son and daughter who live abroad.

These are conditions no one should ever have to endure.

In his most recent letter, dated March 1, 2008, a few weeks ago—and, by the way, he writes on whatever he can find, toilet paper or any other means, because he is not provided paper and pencil to write—he again called on the regime to change. He called for:

> Freedom of all political prisoners and prisoners of conscience without deportation; participation with the same rights for all Cubans; allowing the legalization of all political parties, to revoke the absolute rule of the Communist party over society and a commitment to carry out free and democratic elections.

Mr. President, I ask unanimous consent to have Dr. Biscet's full letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Message sent by Dr. Biscet on March 1, 2008 to his wife from the ''Combinado del Este'' jail in Havana, Cuba where he is currently imprisoned:

Fidel Castro has left power. He should have done it 20 years ago when Mikhail Gorbachev traveled to the island. He wisely recommended it to him, that way it would have reduced the years of misery, lack of freedom and cruel suffering of the Cuban people under a prolonged, unnecessary and poorly run government.

His brother, Raul, inherited his job and his Communist party maintains a totalitarian, one party system, with the only change being that of imposing more laws on the population during his short time in office.

The Cuban people and their opposition leaders should fast and pray to God and demand that the authorities of the country sign and carry out the International Covenants of Human, Civil, Political, Cultural and Social Rights.

Thanks to the support from the Cuban exile community and of the governments of free and democratic countries, after a year and five months of demands, the regime in Havana promised to carry out these objectives, although they have yet to materialize. When the previously issued complaints are addressed and the following rights are granted:

1. Freedom of all the political prisoners and prisoners of conscience without deportation.
2. Participation with the same rights for all Cubans, including the exiles, without exception, in the political and economic life of the country.
3. To allow the legalization of various political parties in accordance with the interests of the Cuban people.
4. To revoke the constitution and the absolute rule of the communist party over society.
5. Commitment to carrying out free and democratic elections.

then we will be able to say that the period of democratic transition has begun in Cuba.

Gorbachev in the former Soviet Union, Pinochet in Chile, and DeClercq in South Africa, had the courage and the pragmatism to make democratic reforms. The goals of the Cuban people are to live in peace, well-being, happiness, and to achieve the goals, freedom is needed.

The current government should make openings to reach these objectives and the citizens should continue to search for them by means of civil disobedience.

''Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people, making widows their prey and robbing the fatherless. What will you do on the day of reckoning, when disaster comes from afar? To whom will you run for help? Where will you leave your riches? Nothing will remain but to cringe among the captives or fall among the slain. Yet for all this, his anger is not turned away, his hand is still upraised.''—Isaiah Chapter 10, v. 1–4.

Mr. NELSON of Florida, Mr. President, I join today with Senators MARTINEZ and MENENDEZ, and other colleagues, to highlight the ongoing struggle for freedom being waged by a people oppressed by their own government, and to honor the struggle of one particular individual whose commitment to bringing that freedom has never wavered, even in the face of overwhelming oppression.

Dr. Oscar Elias Biscet is a Cuban physician and human rights activist who has dedicated himself to the struggle to bring democracy, justice and freedom to Cuba.

Dr. Biscet was unjustly sent to prison by a regime scared of the truth that his activities threatened to unveil—the truth that dissent in Cuba is regularly and brutally repressed; that political prisoners are regularly incarcerated in institutions that deprive them and

their fellow inmates of basic life necessities; and most importantly, that the people of Cuba, like all people, long for liberty and the opportunity to take care of their families and loved ones free from repression by their own government.

Dr. Biscet embodies the hopes and dreams of 11 million Cubans; we are here today to honor his efforts and his fellow Cubans' hopes and dreams by introducing this bill, which would award Dr. Biscet a Congressional Gold Medal for his tireless work on behalf of the Cuban people.

It is our desire that this gesture will serve not only as a signal of hope to Dr. Biscet, who—charged with ''insulting symbols of the fatherland,'' ''public disorder'' and ''instigation to commit crimes''—sits today in the notorious ''Cuba Si'' prison as a symbol of the Cuban regime's oppression, but also as a signal to that government and those like it around the world that we are watching, and that liberty ultimately always prevails.

Mr. MARTINEZ. Mr. President, in a recent column discussing the disaster that the Castro regime has visited upon Cuba, columnist George Will wrote about another Cuban, Armando Valladares, who withstood the regime's brutal prison system for 22 years. Of the prison's conditions, Will wrote:

> Some doors are welded shut and prisoners are fed watery soup sometimes laced with glass, or dead rats, or half a cow's intestine, rectum included, containing feces.

This is the ugly reality of what speaking openly against the Castro regime gets you in Cuba. Today there are hundreds of political prisoners in the many prisons that have cropped up since the Castro regime took power. Dr. Biscet is one of those prisoners, a noble and decent man choosing to fight for a cause greater than his own, risking everything in the process.

Throughout U.S. history, Congress, as an institution, has recognized those who stand up for democracy, the rule of law, and human rights. We owe Dr. Biscet and those he inspires the honor of knowing that we support his worthy efforts and that Americans share his desire for seeing freedom take root in a country plagued by oppression for far too long.

Awarding this honor to a man with such courage and conviction will strengthen his cause and the cause of all Cubans and send a message to the Cuban regime that they are on the wrong side of history, and they are on the wrong side of what is good and is right.

I urge my colleagues to support this man who seeks democratic change and the recognition of human rights by bestowing this honor of a Congressional Gold Medal to Dr. Oscar Elias Biscet.

Mr. President, I appreciate the indulgence of time on this busy day on the floor. I know Senator MENENDEZ wishes to speak on this issue, but at this time I yield the floor, and I thank the chairman for the time allowed.

Mr. MENENDEZ. Mr. President, I rise with my colleague and friend, Senator MARTINEZ, in strong support of our resolution to recommend Cuban dissident and political prisoner Dr. Oscar Elias Biscet for the Congressional Gold Medal. This medal is the Nation's highest and most distinguished civilian award, and I can think of few who are more deserving than this man. For his courageous commitment to democracy, for his unwavering defense of human rights, for his lifetime of working for peaceful change on an island where freedom dares not speak its name, Dr. Biscet has earned the admiration of his community, and he has earned the recognition of this Congress.

Just over 4 months ago, both Senator MARTINEZ and I, along with Senators NELSON and SALAZAR, stood on this floor and declared our solidarity with about 70 Cuban youths who had just been thrown in jail. Their crime was nothing more than wearing this simple white bracelet that says one word, ''cambio,'' change.

This one simple gesture was strong enough to have them held as prisoners. This one simple gesture was strong enough to have them detained and harassed. But as I said on the floor 4 months ago, I also hoped this one gesture would be strong enough to inspire us and to inspire those who love freedom and democracy and have respect for human rights around the globe.

Today we stand here once again, in solidarity, to recognize someone who has shown courage over and over again—courage in defense of human rights and democracy courage to speak out about the future he wants to see on the island of Cuba.

When I last came to the floor to speak of Dr. Biscet, it was 1 week before he received the Presidential Medal Freedom, the highest civilian award bestowed by the President. Unfortunately, he received the award in absentia. He received it this way because has been languishing in the jails of the Castro regime, serving a 25-year prison sentence.

And he continues to languish there today. His crime? Seeking peaceful change in his country. His crime? Hanging a flag sideways. His crime? Fighting against a repressive regime.

By awarding the Congressional Gold Medal to Dr. Biscet, we would create a physical representation of so many years of political bravery.

In that medal, we will see a shining image of his courage and accomplishments.

In that medal, we will see the patient suffering of Dr. Biscet's wife, the fellow democracy advocate, Elsa Morjeon Hernandez, and the patient suffering of his two children who have had to grow up with their father in jail.

In that medal, we will see the 3 years Dr. Biscet spent in prison, 3 years, after hanging the national flag sideways at a press conference.

In that medal, we will see that once he was released, Dr. Biscet organized engaged organizing seminars on the Universal Declaration of Human Rights and continued to fight every day to bring democracy and justice to Cuba.

And in that medal, we will see a solid beacon of hope for the people of that island, recognition that people inspired by Dr. Biscet will eventually bring democracy and justice to Cuba.

What Dr. Biscet and those young people arrested 4 months ago show us is inspiring: Cuba can change and will change. And this change will come from within Cuba, from the Cuban people themselves.

Raul Castro has said, ''Fidel is irreplaceable, unless we all replace him together.'' Now is the time to show that this can happen, that Fidel can, in fact, be replaced not by one man but by a government of, by, and for the people of Cuba. Dr. Biscet himself in a letter 10 days ago said, ''Fidel Castro has left power. He should have done it 20 years ago when Mikhail Gorbachev traveled to the island. He wisely recommended it to him, that way it would have reduced the years of misery, lack of freedom and cruel suffering of the Cuban people under a prolonged, unnecessary and poorly run government . . . ''

The Cuban people can bring change. But they need our help. We must continue to fight here to do what we can to empower them and to support them when they empower themselves as the United States did with dissidents from Lech Walesa to Vaclav Havel to Aleksandr Solzhenitsyn, so should it do with Oscar Elias Biscet. Here in the United States, this is a time to further nurture the human rights activists, political dissidents, and independent-minded journalists inside of Cuba who have the capability to stoke the movement toward freedom.

The Cuban people are speaking. In America, this is not the time for silence. This is the time to speak out. Awarding the Congressional Gold Medal to Dr. Biscet will allow the American people to speak out, not only to condemn the dark injustices of the Cuban regime but, more importantly, to praise the efforts of one hero who has spent his life standing for the values that unite the free peoples of the world, values that we know are more precious than gold.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from North Dakota for permitting me to intervene for 10 minutes. I had been on the list, but previous speakers ended, I believe earlier than anticipated, so we have worked out the scheduling on that basis.

Mr. DORGAN. If the Senator will yield, let me ask unanimous consent that I be recognized following his completion of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, might I thank both Senators for their courtesy and their graciousness.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to offer two amendments, one amendment which will add $2.1 billion for the National Institutes of Health, and the same amendment which will increase the funding on LIHEAP. I offer this amendment on behalf of myself, Senators HARKIN, SNOWE, COLLINS, CASEY, KENNEDY, DOLE, MIKULSKI, CLINTON, LEVIN, SUNUNU, DODD, INOUYE, BROWN, MENENDEZ, STABENOW, COLEMAN, KERRY, DURBIN, STEVENS, SMITH, BINGAMAN, COCHRAN, CARDIN, and ROCKEFELLER.

The funding for the National Institutes of Health is grossly insufficient. For a period of time, in the range of 1999 through 2003, funding for the National Institutes of Health has been increased very materially, with the increase on an annual basis rising as high in the year 2003 to $3.77 billion. That increase in funding has produced remarkable results in scientific advances in many lines. The cancer rate has declined 2 percent for the last 2 years. The increase in treatment for Alzheimer's, Parkinson's, autism, and heart disease, has shown remarkable achievements. And with a budget of $3.1 trillion, I suggest it is totally insufficient to have a budget for the National Institutes of Health which would be projected at $29.2 billion.

In 1970, President Nixon declared war on cancer, and had that war been prosecuted with the same intensity as other wars, I wouldn't have gotten Hodgkin's. My good friend, Judge Edward R. Becker, Chief Judge of the Court of Appeals for the Third Circuit, would not have died prematurely of prostate cancer. My Chief of Staff, Carey Lackman, a beautiful young woman of 48, would not have died from breast cancer.

On a daily basis, I have people come to see me from all over the United States who are urging increased funding on these very important lines: autism, prostate cancer, breast cancer, Parkinson's, Alzheimer's, scleroderma, and heart disease. And with the capacity in the United States to have cures for these ailments with sufficient funding, I believe this should be a much higher priority than it is at the present time. These ailments are curable.

As a footnote, one day we will recognize the availability of Federal funding for embryonic stem cell research. Embryonic stem cell research has enormous potential—enormous potential—to conquer these maladies. If these embryonic stem cells were to be used to create life, there is no doubt that would have a higher call. But there is also no doubt that with some 400,000 of these embryonic stem cells in storage, if they are not going to be used for that purpose, it is a matter of either using them or losing them.

This amendment also adds one billion to the funding for low-income energy assistance for the people who are facing enormous increases in costs. The escalating price of oil has produced a very heavy drain, especially on our senior citizens, with so many faced with the prospect of either heating or eating. So this amendment will add materially to that very important fund.

A second amendment which I am offering would repeal the 1993 increase of the alternative minimum tax. The alternative minimum tax was expanded in 1993 when the tax rate was increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000, without those limits being indexed for inflation. The AMT now has the potential for capturing some 23 million people, 20 million more than anticipated when it was increased in 1993. There may be an amendment offered to eliminate the AMT permanently, and I would be prepared to support that, but in the absence of such an amendment, I believe it would be useful to propose this cure.

This differs from another amendment which may be offered on the AMT which would seek to have an offset. I believe that an offset is not appropriate, because this AMT was never intended to catch this number of people. So when you have a tax which was not intended to reach some 23 million people, it ought to be eliminated; it ought to be not effectuated without having an offset.

I ask unanimous consent that the full text of my prepared statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LACK OF FUNDING WILL RESULT IN LOST OPPORTUNITIES

The National Institute of Neurological Disorders and Stroke will be unable to implement fully the planned network of 10 centers in the Special Program of Translational Research in Acute Stroke—Funding is only available for 7 centers.

The National Institute of Child Health and Human Development will be unable to launch a study to treat children with critical asthma.

The National Eye Institute will be unable to fund several clinical studies in minority populations, including Asian Americans and Native Americans.

The National Institute of Deafness and Communication Disorders will be unable to fund an initiative in Noise-Induced Hearing Loss.

The National Institute of Mental Health will be able to support only one clinical trial in the Bipolar Trials Network.

The National Institute of Alcohol Abuse and Alcoholism will be unable to conduct a Phase III clinical trial in medications development. In addition, clinical trials in alcoholic liver and pancreatic diseases will go undone.

The National Institute of Diabetes, Digestive and Kidney Disease will eliminate a training program for pediatric diabetes researchers.

The National Institute of Biomedical Imaging and Bioengineering will be unable to pursue opportunities in advanced imaging, which are crucial to early diagnosis and treatment.

The flat funding of NIH will affect an entire generation of young researchers. Many of this Nation's best and brightest scientists are seeking opportunities outside of the lab or in other countries because of lack of grant support.

NIH funded biomedical research has raised life expectancy, improved the quality of life, and strengthened our economy. If the United States is to continue its leadership role in providing the medical breakthroughs to treat disease, the Congress must commit to adequately supporting the funding of the National Institutes of Health.

FLOOR SPEECH—SENATOR ARLEN SPECTER
NIH/LIHEAP/MENTORING AMENDMENT TO THE BUDGET RESOLUTION

NATIONAL INSTITUTES OF HEALTH

The budget resolution currently recommends $30 billion for the NIH in FY09, which is $950 million over the FY08 appropriation. This $2.1 billion amendment, along with the $950 million already contained in the resolution would provide NIH with an increase of $3 billion or 10.3 percent over the FY08 appropriation.

When I came to the Senate in 1981, NIH spending totaled $3.6 billion. The FY 2003 omnibus appropriations bill contained $27.2 billion for the NIH which completed the doubling begun in FY 1998. However, since the doubling took place, NIH has failed to keep pace with biomedical inflation and as a result has lost 15 percent of its purchasing power. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, HIV–AIDS, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS and many others. It is clear that Congress' commitment to the NIH is paying off. Now it is crucial that increased funding be continued in order to translate these advances into additional treatments and cures. Our investment has resulted in new generations of AIDS drugs which are reducing the presence of the AIDS virus in HIV infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. Stem cell research could result in replacing diseased or damaged cells. I anxiously await the results of all of these avenues of remarkable research. This is the time to seize the scientific opportunities that lie before us.

On May 21, 1997, the Senate passed a Sense of the Senate resolution stating that funding for the NIH should be doubled over 5 years. Regrettably, even though the resolution was passed by an overwhelming vote of 98 to nothing, the Budget Resolution contained a $100 million reduction for health programs. That prompted Senator HARKIN and myself to offer an amendment to the budget resolution to add $1.1 billion to carry out the expressed sense of the Senate to increase NIH funding. Unfortunately, our amendment was

tabled by a vote of 63–37. We were extremely disappointed that, while the Senate had expressed its druthers on a resolution, it was simply unwilling to put up the actual dollars to accomplish this vital goal.

The following year, Senator HARKIN and I again introduced an amendment to the Budget Resolution which called for a $2 billion increase for the NIH. While we gained more support on this vote than in the previous year, our amendment was again tabled by a vote of 57–41. Not to be deterred, Senator HARKIN and I again went to work with our Subcommittee and we were able to add an additional $2 billion to the NIH account for fiscal year 1999.

For fiscal year 2000, Senator HARKIN and I offered another amendment to the Budget Resolution to add $1.4 billion to the health accounts, over and above the $600 million increase which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47–52, we were able to provide a $2.3 billion increase for NIH in the fiscal year 2000 appropriation's bill.

For fiscal year 2001, Senator HARKIN and I again offered an amendment to the Budget Resolution to increase funding for health programs by $1.6 billion. This amendment passed by a vote of 55–45. This victory brought the NIH increase to $2.7 billion for fiscal year 2001. However, after late night conference negotiations with the House, the funding for NIH was cut by $200 million below that amount.

For fiscal year 2002, the budget resolution once again fell short of the amount necessary to achieve the NIH doubling. Senator HARKIN and I, along with nine other Senators offered an amendment to add an additional $700 million to the resolution to achieve our goal. The vote was 96–4. The Senate Labor-HHS Subcommittee reported a bill recommending $23.7 billion, an increase of $3.4 billion over the previous year's funding. But during conference negotiations with the House, we once again fell short by $410 million.

In order to stay on a path to double NIH, an increase of $3.7 billion was needed in fiscal year 2003. The fiscal year 2003 omnibus appropriations bill contained the additional $3.7 billion, which achieved the doubling effort.

For FY04, I and Senator HARKIN offered an amendment to add an additional $2.8 billion to the budget resolution to ensure that the momentum achieved by the doubling could be maintained and translated into cures. The vote was 96–1. Unfortunately, the amendment was dropped in conference. We worked hard to find enough funding for a $1 billion increase in FY04. We fought long and hard to make the doubling of funding a reality, but until treatments and cures are found for the many maladies that continue to plague our society, we must continue our fight.

For FY05, Senator HARKIN, COLLINS and I offered an amendment to add $2 billion to discretionary health spending, including NIH. The amendment passed 72–24. However, the Subcommittee's allocation did not reflect this increase. The final conference agreement contained an increase of $800 million over the FY04 funding level.

For FY06, the Senate voted 63–37 to accept the Specter/Harkin budget resolution amendment to add $1.5 billion for NIH and $500 million for education, but again, the funding was dropped in conference with the House. With overall funding for the Labor-HHS-Education Subcommittee cut $1.9 billion below the FY05 enacted level, NIH did not receive an increase over the previous fiscal year.

For FY07, Senator HARKIN and I along with 28 others, offered an amendment to the budget resolution to add $7 billion to discretionary spending for Labor, Health and Education programs offset by an increase in advance appropriations. The amendment passed 73–27. Unfortunately, the continuing resolution for FY07 did not realize the goal set by the budget amendment. The continuing resolution contained $28.9 billion, an increase of $636.7 million.

For FY08, once again Senator HARKIN and I offered an amendment, which the Senate adopted by unanimous consent, which added $2.2 billion to NIH, CDC and Health Professions programs. However, the FY08 appropriations bill only provided increases of $328.6 million for NIH, $112.4 million for CDC and only $15.5 million for health professions training over the FY07 level.

I, like millions of Americans, have benefited tremendously from the investment we have made in the National Institutes of Health and the amendment that we offer today will continue to carry forward the important research work of the world's premier medical research facility.

LOW INCOME HOME ENERGY ASSISTANCE

Paying heating and cooling bills for low-income households throughout this Nation has always been a struggle, but never more so than today with the soaring energy costs. The inability to pay for heating and cooling homes, or having to make decisions to forgo other needs such as food and medicine pose health and safety hazards—especially to the elderly, the disabled and children. This winter, Americans will spend $977 to heat their homes which is 10 percent higher than last winter. Nationwide average oil heating bills are expected to be 22 percent higher than in the previous year. The $1 billion amendment that I am offering today would help defray some of the costs energy costs for next year.

MENTORING

In this Nation it is estimated that more than 772,500 juveniles are members of gangs, dropouts rates in some school districts exceed 60 percent and the direct and indirect cost of youth violence exceeds $158 billion a year. Mentoring programs have proven to steer children away from gangs violence and crime. Mentored youth are 46 percent less likely to start using drugs and alcohol, 33 percent less likely to act violently, and significantly more likely to graduate from high school and go on to college, making mentoring highly cost-effective. There are approximately 17.6 million children nationwide who need or want a mentor. Yet only three million children have been paired with a mentor—resulting in a mentoring ''gap'' of approximately 14.6 million children. I am pleased to see that the resolution contains an increase of $5.5 billion above the FY08 appropriation for education and training programs, and restores funds for the mentoring program and the 47 other education programs slated for elimination in the FY09 budget.

The increase provided for education and training programs will help address juvenile crime, violence, delinquency, and high dropout rates.

OFFSET

The $3.1 billion amendment would be offset by an across-the-board reduction of less than 0.3 percent in Function 920—Allowances. The across-the-board reduction would not result in any program reductions, but would reduce travel and administrative expenses throughout the Federal government, including domestic agencies, homeland security, and defense.

CONCLUSION

In summary, this amendment would provide funding to continue the advances in medical research and help states assist low-income households in meeting the cost of home heating and cooling. The amendment is fully offset and does not break the cap on discretionary spending.

Mr. President, I urge adoption of this amendment.

STATEMENT OF SENATOR ARLEN SPECTER

AMT

Mr. SPECTER. Mr. President, I have sought recognition to discuss an amendment that I intend to offer to S. Con. Res. 70, the Fiscal Year 2009 Concurrent Budget Resolution. My amendment seeks to repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax (AMT) rates that had previously been in effect.

The AMT is a flawed income tax system and should be repealed. It is important to keep in mind that the first version of the AMT was created in 1969 in response to a small number of high-income individuals who had paid little or no federal income taxes. Because of a series of changes made to the AMT over the years, the AMT now affects over three million taxpayers annually. Each year we are forced to take legislative action to prevent massive expansion where over 20 million individuals pay this burdensome tax. Today, between a lack of indexing for inflation and higher AMT tax rates relative to the regular income tax system, we have a tax system which has grown far beyond its intended result. Both problems are worthy of analysis and legislative action.

The AMT is not indexed for inflation and taxpayers are ''pushed'' into the AMT through so-called ''bracket creep.'' Last year, Congress was late to enact a temporary increase in the AMT exemption amount and millions of tax refunds will be delayed this year as a result. I am pleased to see that this Budget on the floor assumes a one-year ''patch'' without offsets to prevent inflation from harming taxpayers. It is my hope that Congress will not again wait until December to address this problem.

Even with enactment of the ''patch,'' 3.5 million taxpayers are still impacted, far more than what was originally intended. The AMT tax rate relative to the regular income tax impacts taxpayers who were never intended to pay the AMT. In 1993, President Clinton and a Democrat-controlled Congress imposed a significant tax hike on Americans. The AMT tax rate was increased from 24 percent to 26 percent for taxable income under $175,000 and from 24 percent to 28 percent for taxable income that exceeds $175,000.

My amendment cures this 2nd problem by repealing the 1993 AMT tax increase and brings the AMT tax rate back to 24 percent. During the course of this Budget debate, it is my understanding that we will also vote on whether to repeal the AMT altogether, without offsets. Clearly, the best option is for the AMT to be repealed. However, if my colleagues cannot support that approach, then I would urge them to vote for this more modest approach which rolls back one of the many changes that has brought millions of taxpayers under the grasp of the AMT. This amendment, combined with the AMT ''patch'' brings the AMT closer to its intended purpose.

This amendment would reduce revenues by $185.3 billion over the five-year budget window. No offsets are included because it is highly questionable to justify raising taxes

elsewhere to account for lost revenue that was never intended to be collected. The Senate agreed with this philosophy last year when it ''patched'' the AMT without offsets.

I urge my colleagues to support this amendment.

Mr. SPECTER. Mr. President, I again thank my distinguished colleague from North Dakota, the chairman of the Budget Committee, and I yield the floor.

Mr. CONRAD. Mr. President, I thank the Senator from Pennsylvania.

Next, we have the Senator from North Dakota, Mr. DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I will want to visit with Senator CONRAD and Senator GREGG, the chair and ranking member, to try to determine when I will be able to offer my amendment. I wish to speak about the amendment. My understanding is I am not yet able to offer it because of an objection, but my hope is we will be able to work this amendment into the list of amendments very soon.

I have often described this budget process. One hundred years from now, we will all be dead—not a pleasant thought—but historians will look back at what we did and who we were and could evaluate a little something about us and our value systems by looking at how we spent our money. What did we think was important? What did we invest in? What did we spend our money on? That is true for families and individuals, and it is especially true for governments—what the Federal Government thinks is important. What is its value system in this budget document? It will tell historians a lot about who we were, the kind of people we were.

I want to talk about an amendment I am offering to provide funding for the Indian health care system. I am going to tell you why I am doing that. American Indians were here first. We all came later. They were the first Americans. Because we took their land, in most instances, and put them on reservations, we signed treaties with them. Our Government said to them: Here is what we are going to do. Yes, we are taking your land, but we are going to have a trust responsibility for certain things we are going to do for you, and we will even put it in treaties and sign the treaties. We are going to provide for your health care. So we have a responsibility here in the Federal Government to provide for Indian health care. If someone wondered why that is the case—we promised. We signed treaties, we signed up, we said we will do it.

So we have a couple of million American Indians in this country who rely on the Indian health care system. Guess what. We do a pretty miserable job. We spend half as much money providing health care to American Indians, per person, as we do to those who serve in Federal prisons. When we incarcerate someone in a Federal prison, we are responsible for their health care. We spend twice as much more on Federal prisoners' health care per person than we do for American Indians. We are not nearly meeting our responsibility. We are not even close to keeping our promise, and nobody seems to care very much. There are people dying as a result of it, and still nobody seems to care very much.

We passed the Indian Health Care Improvement Act on the floor of the Senate recently. I am proud of that because it has been many years since this Congress has addressed the issue of Indian health care. If the funding available for Indian health care had kept pace with inflation, here on this chart is where we would be. Instead, we are down here, dramatically underfunding the health care system for American Indians, and as a result, we have full-scale health care rationing. It ought to be a scandal. It ought to be on the front page of the Washington Post, but it is not. It is a scandal, as far as I am concerned. Health care rationing? That is unbelievable to me.

Let me describe this health care rationing, if I might. My colleagues have heard me speak about this before when I talked about the Indian Health Care Improvement Act, but repetition is fine, as far as I am concerned, when you are talking about something this important.

Ardel Hale Baker was having a heart attack. She was a member of the three affiliated tribes, the Mandan, Hidatsa, and Arikara Tribes. She is a member. She was having a heart attack. They put her in an ambulance and sent her to a hospital 85 miles away. When she got to the hospital, they pulled her off of the ambulance gurney to put her in a gurney for the emergency room, and they found a piece of paper taped to her thigh. The piece of paper taped to her thigh said this, it said to the hospital: This is Ardel Hale Baker. If you admit this patient to the hospital, who is having a heart attack, by the way, understand you probably will not be paid for it because there is no contract health funding left for this individual Indian.

So Ardel Hale Baker is having a heart attack, and she is wheeled into an emergency room with a piece of paper taped to her thigh that says: Oh, by the way, hospital, admit this woman, and you may not be paid.

I described the need for Indian health care in the names of two children, one 5, one age 14, both dead. Let me tell my colleagues about them, as I have before. If, after we understand these issues that are going on all around the country in Indian Country, we still say there is no need here and it doesn't matter, then there is something cold-hearted about this institution.

Let me describe Ta'shon Rain Littlelight. This beautiful young girl loved to dance, as you can see from the costume. She used to go to the powwows and dance. She was 5 years old and very sick. She was taken to the Indian health clinic again and again and again and again. They diagnosed her illness; depression, they said. So this 5-year-old girl was treated for depression. Then one day she could not bear the pain any longer. They took her to Billings, MT.

By the way, she was on the Crow Reservation in Montana. The way I know about this young girl is her grandmother came to a hearing I held with Senator TESTER on the Crow Indian Reservation in Montana, and she held up a poster this big with a picture of her grandchild, and she described her death.

After being treated for depression, after going to the clinic time and time again and being treated for depression, one day she couldn't bear the pain, and they rushed her to Billings, MT, to a hospital there, and then they rushed her to Denver, CO, to a hospital there, and they said she had 4 months to live because she had terminal cancer—this, after having been treated for depression for so many months.

Ta'shon Rain Littlelight said to her mom when they were in Denver that the one thing she wanted to do was to go see Cinderella's Castle at Disney World. The Make A Wish Foundation took this little girl and her mother to Disney World in Orlando, FL, to see Cinderella's Castle. The night before, in the hotel, as they arrived in Orlando, the night before visiting Cinderella's Castle, Ta'shon Rain Littlelight said to her mother: Mommy, I am sorry I am sick. Mother, I am going to try to get better. She cuddled up in her mom's arms and never again woke up. She died in her mother's arms the night before she was to see Cinderella's Castle.

Her family told me this little girl spent the last 3 months of her life in unmedicated pain with a terminal illness, diagnosed as having depression. Her grandmother and her parents wonder, with decent health care, would this young girl have died? Would Ta'shon Rain Littlelight perhaps have lived? Maybe so.

Does it matter that a 5-year-old girl dies because she doesn't get the health care most all of us would expect? It does to me.

There was a 14-year-old girl named Avis Littlewind. She was on the Spirit Lake Nation Reservation. I talked to her family. I talked to her classmates in school. I talked to the Indian tribal council. I did that because Avis Littlewind was a 14-year-old girl who spent the last 3 months of her life curled up in her bed in a fetal position, desperately ill, desperately emotionally ill, with no treatment whatsoever. At the end of that 90 days, she took her own life in her bedroom.

Her sister had taken her own life 2 years prior. Her father had taken his life. She came from a very dysfunctional situation. But somehow a 14-year-old girl is not missed for 90 days? Not in school? On that reservation, they didn't have any mental health treatment capability. They told me they would have had to borrow—had someone known that Avis Littlewind, this child, was lying in bed for 90 days feeling hopeless and helpless, before she took her life—had they been able to find some mental health treatment somewhere, they would have had to borrow a car because there is no vehicle to take someone to treatment. It is a completely dysfunctional system.

These are two children who should not have died among us, but they did, and others will—perhaps today—because we have a health care system in the Indian Health Service that is not working. It is dramatically underfunded.

My colleagues who oppose the bill on the floor of the Senate recently, the Indian Health Care Improvement Act—a couple of my colleagues who voted against the act said we need reform but we are going to vote for additional funding. We are at least $2 billion short of just providing the kind of thing we would expect for us and our family.

Let me ask you this: If your aunt or your grandmother went to a doctor with bone-on-bone in a knee, so she couldn't even walk, it was so painful, a knee condition that was so unbelievably painful she could hardly move, what would we expect? Our families would expect she would get a knee operation and perhaps a new knee joint, have a replacement with a new knee.

I will tell you what happened to a woman who contacted me from the Indian Health Service. She went to the doctor with this unbelievable pain and the inability to move. She was told to wrap that knee in cabbage leaves for 4 days and it would be fine. That is not medicine, that is malpractice. What we would expect for our family would be to have a knee replacement. That is the kind of medicine we would expect. It is not the kind of medicine that is now being delivered.

Yes, there are some good people in the Indian Health Service. There are some who should not be there as well. There are people who work hard and long hours and do a great job, and my hat is off to them. There are some who, long ago, should have been fired, and no one seems willing or able to do it.

In this case, I say people are dying because we are rationing health care. That is a scandal.

I have offered an amendment that would restore $1 billion to this account. The money would be paid for by—I believe it is function 920 that will provide the payment for this. The question is, Will we decide this is a requirement, this is a responsibility? I don't know the answer to that. I have tried before. I guess some are willing to just blithely go along and act as if this doesn't exist, people are not dying, people are not suffering, or if they believe it exists, to say: You know what, it is a tough life out there, it happens. We don't have the funding.

It would have been nice, perhaps, to have told those first Americans, the American Indians, when they sat down at the table and signed the treaty and expected the Federal Government, the United States of America, to keep its promise—it would have been nice, perhaps, when the American Government signed it if they had just said: Look, we are going to try really hard, but we are not sure we can do what we are promising you we will do. We will do our best, but we are not sure we can do that.

We don't have the money, apparently, to help Ta'shon Rain Littlelight or Avis Littlewind, and we don't have the resources or the will, I guess. That is what we are told. I happen to know how much money we have to build health clinics in Iraq. I happen to know we are building 950 water projects in Iraq right now. I know how many electricity projects we are building in the country of Iraq. I know how much we are spending on road projects in the country of Iraq right now.

I went to a hearing yesterday and heard that $18 billion, most of it American money, is unaccounted for in Iraq and wasted. I went to a hearing yesterday to hear that $4 billion, most of it American money in Iraq to provide for additional equipment for Iraq's armed forces, is unaccounted for, and the head of their military who could not account for $4 million is now living in London, a big property holder. So don't tell me there is not money. How about taking some of that money and investing it here at home? How about taking some of that money and deciding to take care of our obligations and our commitments and our promises in this country?

We are going to have a long, tortured trail over this budget. I understand it. Everybody has their own sense of what is important and what is not. But if the health care for children and elders on our Indian reservations, for whom we have a trust responsibility for health care, with whom we have treaties—if that is not an urgency, if that is not something we are willing to commit to do, then, in my judgment, there is something wrong with the value system here.

I know there are so many other priorities. I look at this S. Con. Res. 70. It doesn't contain much but numbers. It is 69 pages of numbers. There are no jobs in here. There is no blood here. There is no health care here. It is just numbers. But all of these numbers mean something in a profound way. These numbers tell the American people what our priorities are and whether we are willing to keep our promises. I hope the answer from the Senate at last, at long, long last, is we will begin—at least begin to keep our promises.

If you few decide you want health care to continue as it is with respect to Indian Health Services, then you must stand up for saying: I believe in health care rationing; we are going to make a decision to withhold health care from people who need it.

The Indian Health Service—let me give an example, on the Fort Berthold Reservation, you go to a clinic that is open from 9 to 5 o'clock 5 days a week. You get sick on Saturday at 6 o'clock, or at night on a weekday, you are in trouble. You are 85 miles from the hospital.

So you go to the hospital in an ambulance that is paid for with contract health care, because they do not have that kind of capability on the reservation. So contract health care. What do they say on Indian reservations? Do not get sick after June, because there is no contract health money. If you are going to get sick, it has got to be before June. If you get sick, otherwise you end up on a gurney with a heart attack with a piece of paper attached to your leg. And the paper says: By the way, hospital, admit this woman and you may not get paid.

That is an unbelievable way for us to meet our obligations. The fact is, we are not keeping our promises. I hope somewhere in the long trail of paper, somewhere in the deep abyss of all of these numbers, perhaps there is a value system, somewhere there is a value system deep in the recesses that will get people here in the Senate to say: You know what, one of the first obligations of this country is to keep its promises. One of the first obligations of the Senate is to stand up. It is too late for Ta'shon Rain Littlelight, it is too late for Avis Littlewind, but other children will survive and other children will live if we decide to do the right thing.

Now, I wish to say to my colleagues that I would like to offer this amendment. I am told that at some point I will be able to. If I can have a dialog with them, I wish to find out——

Mr. CONRAD. We can do that perhaps momentarily. We have worked out what we would like to be the order.

AMENDMENT NO. 4204

I send an amendment that is the side by side to the Bunning amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 4204.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. MENENDEZ.) Without objection, it is so ordered.

The amendment (No. 4204) is as follows:

(Purpose: To add a deficit-neutral reserve fund for repealing the 1993 increase in the income tax on Social Security benefits)

At the end of Title III, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR REPEALING THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would repeal the 1993 increase in the income tax on Social Security benefits, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. Next, Senator GREGG will have an opportunity to send up Senator SPECTER's amendment.

AMENDMENT NO. 4203

Mr. GREGG. Mr. President, I ask that the amendment for Senator SPECTER be called up. It is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SPECTER, for himself, Mr. HARKIN, Ms. SNOWE, Ms. COLLINS, Mr. CASEY, Mr. KENNEDY, Mrs. DOLE, Ms. MIKULSKI, Mrs. CLINTON, Mr. LEVIN, Mr. SUNUNU, Mr. DODD, Mr. INOUYE, Mr. BROWN, Mr. MENENDEZ, Ms. STABENOW, Mr. COLEMAN, Mr. KERRY, Mr. DURBIN, Mr. STEVENS, Mr. SMITH, Mr. BINGAMAN, Mr. COCHRAN, Mr. CARDIN, and Mr. ROCKEFELLER, proposes an amendment numbered 4203.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4203) is as follows:

(Purpose: To increase funding for the National Institutes of Health and the Low Income Home Energy Assistance Program)

On page 19, line 16, increase the amount by $2,100,000,000.

On page 19, line 17, increase the amount by $2,100,000,000.

On page 21, line 16, increase the amount by $1,000,000,000.

On page 21, line 17, increase the amount by $700,000,000.

On page 21, line 21, increase the amount by $280,000,000.

On page 21, line 25, increase the amount by $20,000,000.

On page 27, line 16, decrease the amount by $3,100,000,000.

On page 27, line 17, decrease the amount by $2,800,000,000.

On page 27, line 21, decrease the amount by $280,000,000.

On page 27, line 25, decrease the amount by $20,000,000.

Mr. GREGG. I ask unanimous consent that after Senator DORGAN sends his amendment to the desk, that then Senator ALEXANDER will be recognized to offer an amendment.

Mr. CONRAD. With one alteration, if I could, that we would—if you recall, we talked about this—I would then discuss the side by side to Bunning, then the Alexander group would be recognized.

Mr. GREGG. Then the next amendment would be Senator ALEXANDER.

Mr. CONRAD. After I give brief remarks on the side by side I have sent up. Senator DORGAN can offer his amendment.

AMENDMENT NO. 4198

Mr. DORGAN. I have an amendment I have filed. It is amendment No. 4198. It is at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. BINGAMAN, and Mr. JOHNSON, proposes an amendment numbered 4198.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4198) is as follows:

(Purpose: To increase the Indian Health Service by $1 billion in FY 2009)

On page 19, line 16, increase the amount by $1,000,000,000.

On page 19, line 17, increase the amount by $915,000,000.

On page 19, line 21, increase the amount by $70,000,000.

On page 19, line 25, increase the amount by $10,000,000.

On page 20, line 4, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $1,000,000,000.

On page 27, line 17, decrease the amount by $915,000,000.

On page 27, line 21, decrease the amount by $70,000,000.

On page 27, line 25, decrease the amount by $10,000,000.

On page 28, line 4, decrease the amount by $5,000,000.

Mr. DORGAN. Mr. President, I have described my amendment at some length. I shall not do so again. But I do appreciate the courtesy of my colleagues, Senator CONRAD and Senator GREGG.

I ask that as you consider what you would intend to vote on as we move along this process, that you will give me the opportunity to have a recorded vote as early as is possible.

Mr. CONRAD. By the sequence we have gone through, we have gotten you in the queue. And so that will be—as we work down the amendments that have already been in order, yours is now in order. And that will be the order that is followed. So the Senator can expect when we turn to amendments, yours will be in line. We very much appreciate the extraordinary courtesy of the Senator from North Dakota, who, as I know, has had to wait a couple of times here because of various snafus. We apologize to him and thank him.

The PRESIDING OFFICER. The Chair would ask the Senator from North Dakota or New Hampshire to restate what his unanimous consent request is of the order to be pursued.

Mr. GREGG. Mr. President, as I understand it, the sequence would be, of the amendments just offered, that the side by side for Senator BUNNING of Senator CONRAD, followed by Senator SPECTER, followed by Senator DORGAN, followed by Senator ALEXANDER, who has not yet sent his to the desk.

In the intervening period, I understand the chairman wishes to take some time. That is my understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. That is precisely correct. I thank my colleague. I will take a few minutes to describe the side by side to the Bunning amendment earlier offered.

The Bunning amendment would repeal the 1993 increases on Social Security benefits—tax increases on Social Security benefits. The amendment would offset the $89 billion 5-year cost with reductions to function 920. What does that mean? Mandatory 920 offsets would lead to an across-the-board cut in all mandatory programs, programs such as Social Security and Medicare. I do not think that is the intention of the Senator.

If discretionary 920s were offset, it would reduce programs affecting education, veterans health, homeland security, and law enforcement. In addition, the amendment would remove a dedicated source of revenue through the Medicare trust funds, adding to the financial problems of that key program.

Our alternative, the alternative I have sent to the desk, would provide for a reserve fund that would allow for the repeal of the 1993 increase on Social Security benefits in a way that would protect Social Security and Medicare, and not increase the deficit over the period of the resolution.

The budget resolution already includes a reserve fund with the primary purpose of providing a mechanism for enacting tax relief, provided it is paid for. This alternative would establish a new deficit-neutral reserve fund that specifically highlights repeal of the 1993 tax increase on Social Security benefits.

Over the 5-year period covered by this resolution, the cost of repealing

the 1993 tax increase is about $89 billion as I earlier referenced. We have already acknowledged in the course of the debate on the resolution we have to limit ourselves when it comes to additional spending or additional tax cuts, because we need to balance the budget.

There are places we can go to cut spending or to raise revenue. I have addressed those repeatedly in terms of the tax gap, the offshore tax havens, and abusive tax shelters.

I ask my colleagues to support the alternative that I have sent to the desk that would not lead to a cut in Medicare or Social Security or other elements I identified.

With that, we would be prepared to go to Senator ALEXANDER for the presentation of his amendment. I see Senator ALEXANDER is in the Chamber. Would the Senator like a moment, or would the Senator prefer to proceed?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I would be happy to proceed. Senator DOMENICI is going to join me in making our presentation.

Mr. CONRAD. I thank the Senator and indicate that the intention would be, after Senator ALEXANDER and Senator DOMENICI—Senator ALEXANDER, do you have anyone else whom you wish to speak on your amendment?

Mr. ALEXANDER. Mr. President, there is no other Senator whom I know wishes to speak at this moment. Senator DOMENICI will be to the floor shortly.

Mr. CONRAD. I wish to indicate that after you have presented, the intention was to go to Senator KENNEDY for the purposes of offering an amendment. Senator SALAZAR is here.

Mr. SALAZAR. Mr. President, if the Senator will yield, I was going to speak in connection with the estate tax amendment the Senator offered.

Mr. CONRAD. Very well. I offered it in the Senator's name. It is very appropriate that he is here to speak on it.

Senator ALEXANDER, could you tell us how much time you and Senator DOMENICI may consume?

Mr. ALEXANDER. I will consume not more than 20 minutes. I would assume Senator DOMENICI would consume not more than 20 minutes.

Mr. CONRAD. Could we then have an agreement that those two Senators have up to 40 minutes combined, 20 minutes to Senator ALEXANDER, 20 minutes to Senator DOMENICI; at the end of that time, which would be at 1:40, that Senator SALAZAR be recognized.

How much time does the Senator want?

Mr. SALAZAR. Fifteen minutes.

Mr. CONRAD. Yes, so that the Senator from Colorado be recognized for 15 minutes at that time. That would take us to roughly 1:55, and Senator KENNEDY be recognized for 15 minutes at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Let me add to that, after Senator KENNEDY, then Senator BIDEN be recognized for 10 minutes, not to offer an amendment but to talk about an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AMENDMENT NO. 4207

Mr. ALEXANDER. Mr. President, I thank the Senator from North Dakota for his courtesy. Senator DOMENICI is here and Senator SALAZAR is here.

I send to the desk an amendment and ask for its immediate consideration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 4207.

The amendment (No. 4207) is as follows:

(Purpose: To establish a deficit-neutral reserve fund to improve energy efficiency and production)

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects;

(4) the development of oil and natural gas resources beneath the outer Continental Shelf; and

(5) the development of oil shale resources on public land pursuant to section 369(d) of the Energy Policy Act of 2005 (42 U.S.C. 15927(d)), without regard to section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. Might I ask the Senator to withhold for 1 moment for a unanimous consent request?

Mr. ALEXANDER. I will be happy to.

AMENDMENT NO. 4196, AS MODIFIED

Mr. CONRAD. I appreciate the Senator's courtesy.

Senator SALAZAR's amendment was earlier sent to the desk. He wishes to modify his amendment. It has no effect on the policy, on the numbers, or the effect of the amendment. It is just language. I wonder if we would allow that to go forward?

The PRESIDING OFFICER. Is this amendment No. 4196?

Mr. CONRAD. That is correct. He is asking unanimous consent to modify the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of Title III, insert the following:

SEC. ___. ESTATE TAX REFORM INITIATIVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $45,000,000,000 in tax relief over the period of the total of the fiscal years 2008 through 2013 for additional estate tax reforms that address the current flaws in the estate tax law in order to protect families, family businesses, and family farms and ranches from the estate tax, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. I thank my colleagues. I again thank Senator ALEXANDER for his courtesy.

Mr. ALEXANDER. Mr. President, we are talking this week about the Federal budget. Senator GREGG, Senator GRASSLEY, and others have pointed out, with appropriate response from the Senator from North Dakota, that in our belief we will wreck the Federal budget by raising taxes and increasing debt.

At the same time we have an obligation on our side to say what our plan is, and we have a progrowth Republican plan which we have been detailing this week which focuses on lower taxes, less government, lower energy costs, making health insurance affordable for every American, without the Government choosing your doctor, support for better schools, the support for the kind of investments it takes to increase science and technology. That has been our plan. That has been our progrowth economic plan to help balance the family budget.

So while they would wreck the Federal budget, we would help balance the family budget, and no part of that would be more important than dealing with energy costs. Energy costs to most American families worried about the family budget come down to $3.50 gasoline or electric bills that might be

constantly rising. We have the goal of making sure that in this Nation, which consumes 25 percent of all the energy in the world, that we have a realistic policy for making sure we have a low-cost supply of clean electricity, dealing with the clean air issues—nitrogen, sulfur, and mercury—and with the climate change issue, carbon, that we have a low-cost supply of clean electricity and that we gradually begin to reduce our dependence on foreign oil so we can clean up our environment, No. 1, and so we can stop shipping billions of dollars to people who are not friends of the United States, and so we can lower the price of gasoline over time to help balance the family budget.

We will have other opportunities during this year to offer proposals for keeping energy costs low, realistic proposals, not proposals that fit some desert island which uses electricity occasionally but for the United States which uses 25 percent of all the energy in the world and whose demand for energy is growing, not declining.

For example, in my part of the country, in Tennessee, we have the Tennessee Valley Authority, which is the largest utility in the country. It covers several States. They operate at about 27,000 megawatts all the time. Sometimes they go as high as 33,000 megawatts. That is 33 big, new nuclear powerplants and twice that many gas or coal plants. All that electricity for our local region is supplied by the Tennessee Valley Authority.

So we have selected five different proposals which would create a deficit-neutral reserve fund to lower energy costs for families by encouraging energy efficiency on the one hand and increasing oil and natural gas supply on the other. There are only two ways we can reduce the price of gasoline or electricity. One is to increase the supply and the other is to reduce the demand. There are other ideas, but particularly in a big economy, that is what we need to do.

No. 1, the Senator from Maine, Ms. COLLINS, has suggested one way to increase the supply of clean electricity would be to allow the Finance Committee or the Energy Committee to encourage the use of biomass by enacting legislation that would encourage the replacement of old, pre-1920s wood stoves with new EPA-certified wood pellet or corn stoves, Environmental Protection Agency certified. These new EPA-certified stoves will help families save money on heating bills because the new stoves are up to 50 percent more fuel efficient than the old stoves. Given the rise of oil and natural gas prices, this idea would produce savings that would be much appreciated by families in Maine, all of New England, and in much of America.

Secondly, the amendment allows the Finance Committee or the Energy Committee to encourage energy efficiency by enacting legislation that rewards the installation of smart electricity meters in homes and businesses. Let me give an example of what I mean by that. With this chart, we see how electricity is generated in America today. This is the reality. Half of it comes from coal, 19 percent from nuclear power, 7 from hydroelectric, 1.4 from biomass—that is what Senator COLLINS is talking about—and 20 percent from gas. We don't want the gas to go up because when it does, the price of natural gas goes up, and our chemical companies move to other parts of the world. Farmers pay four times as much for fertilizer. So we need to look for another way to create clean electricity. The first way to do that is through conservation.

Let me take the hometown example of Tennessee. The TVA is a big utility, maybe the biggest in the country, $10 billion of revenue a year. I saw an article in the newspaper that said if we have plug-in hybrid cars, we will create a lot more pollution because we will have to build new plants such as coal plants. That is dead wrong because the Tennessee Valley Authority, even though it operates at 27,000 megawatts on the average every day, that is between 3 and 7 o'clock when we are all turning on lights, coming home from work, using our electricity. The TVA has lots of spare electricity to use at night, 7 or 8,000 megawatts. That is 7 or 8 nuclear plants for the Tennessee Valley Authority. We could plug in our hybrid cars in the middle of the night without building another new nuclear plant, another new coal plant, another new any kind of plant because we have excess capacity in our region and so does virtually every other part of the country. We encourage consumers to use smart meters so they know that electricity is going to cost more between 4 and 7 o'clock and less at night.

Then if the car companies wanted to develop a plug-in hybrid car with advanced battery technology, we can operate on that electricity and reduce our dependence on foreign oil without building any new plants for that purpose. So that is the second proposal we have. The same applies to water heaters. People have their water heaters on at all times. Any utility should be able to make an agreement with the Senator from New Jersey or the Senator from Tennessee or from Colorado to say: Turn your water heater over to me and some of your other appliances, and I will turn them off and on at peak hours so your electric bill will stay flat or go down. We could save enormous amounts of electricity and avoid building new plants. That is what this amendment would do.

This would permit us to clean up existing coal plants. Here is how we would propose to do that. Forty-nine percent of our electricity is produced by coal. We are the Saudi Arabia of coal. Other countries in the world are building coal plants because it is the technology they know how to build. Some people are putting up large wind turbines. We are spending $11 billion of taxpayer money on wind turbines, but it is hard to find wind turbines on this list for the United States because it doesn't produce much energy. But coal does. What we need to do is clean up the coal production. This amendment would allow the relevant committees of Congress to give tax credits to recapture the carbon that comes from coal. A great many people are concerned about climate change and the use of carbon. This would help meet that demand in a realistic way in the near term.

A fourth idea: I said earlier there are two ways to lower the price of $3.50 gasoline. One is more supply, and one is less demand. The advanced battery technology car, the plug-in hybrid car that runs more on electricity than it does on oil, will help reduce demand. We have a proposal for that direction. Another proposal—and I am sure the Senator from New Mexico will want to say something about this—is the idea of, in appropriate places, using our existing oil and gas that exists offshore. Two years ago, the Senator from New Mexico, then chairman of the Energy Committee, pushed through legislation that permitted us to expand drilling in lease 181 in the Gulf of Mexico for oil and gas. We took some of those revenues and helped mitigate some of the problems that exist on the coast; in other words, used it for conservation purposes. For the first time, we put some of those revenues into the land and water conservation fund on a permanent basis, which has been a 40-year goal of the conservation community.

The Senator from Colorado, Mr. SALAZAR, was key to that effort. I am proud of that bipartisan effort. We could do more of that. This amendment doesn't specify exactly what we would do. That would be up to the authorizing committees. But an example of the next step might be to allow the State of Virginia, as it has asked Congress to permit it to do, to go 50 miles out and look for gas and then take half the revenue and put it in a trust fund for the State of Virginia to improve beach nourishment or to keep taxes down or to have a trust fund so the already excellent higher education system can be among the best in the world. If I were Governor of Virginia, I would want to do that. I was Governor of Tennessee, and we don't have an ocean. But many States do. If they asked for that and if they can produce more oil and gas, which will lower the price of $3.50 gasoline, then they ought to be allowed to do so.

Finally, oil shale development—the Senator from New Mexico will direct more of his attention to the oil shale development issue—the amendment

would allow the Energy Committee to enact legislation that would increase domestic oil supplies by allowing the development of oil shale deposits in green basins in Colorado, Utah, and Wyoming.

So what we have suggested is an amendment that is sponsored by Republicans, but we hope it is compelling enough to attract a great many Democrats to support it. It is an amendment that will help balance the family budget by lowering the cost of energy. It would be the Collins amendment to help use biomass—wood pellets, corn—in more efficient stoves in New England and other parts of America. It would be to create incentives for electricity meters, smart meters which could make more effective use of hybrid cars or water heaters and avoid building dozens of new powerplants. It would create room for the creation of incentives to allow existing coal plants to deal with carbon. If we want to deal with climate change in this generation, we have to deal realistically with the coal plants we have today which are producing one-half of the electricity we use in this country or 12.5 percent of all the electricity that is used in the world. To lower the cost of gasoline and natural gas or to stabilize it, we want to create new supply in two ways: By, in appropriate instances, allowing offshore drilling. We would suggest, not in this legislation but as the committee works on it, that it be offshore 30 or 50 miles and that the royalties go to conservation purposes or to the States. The final idea was to use our oil in shale.

In conclusion, there is one glaring omission in this set of five recommendations that we have made, and we need to work on it. The Senator from New Mexico is the leading Senator on this subject, but we don't have anything in our amendment about nuclear energy. I believe it is important to repeat, every time we talk about electricity, if we want to talk about realism, the United States, in the next 10 years, having control of mercury, having control of sulfur and nitrogen so it doesn't create health problems, and dealing with climate change in this generation, that after conservation, nuclear power is the only real technology we have today for that purpose.

We do want to recapture carbon from coal, but we cannot do that in a wholesale way yet. We will never be able to put up enough wind turbines to make much of a difference. Someday maybe solar thermal powerplants may make a difference. But if we are talking about the next 10 or 12 years, nuclear power will make the difference.

Here is why I am saying that. As shown on this chart, this is the clean electricity generated in the United States of America last year. Sixty-six percent of the clean electricity—meaning electricity with no sulfur, no nitrogen, no mercury, and no carbon—came from nuclear power, a technology we invented in the United States in the 1950s, that our Navy has used without one single incident in submarines since the 1950s; nuclear power that has now been adopted by France: 80 percent of their electricity is nuclear power; nuclear power that has been adopted by Japan: They build a new nuclear plant every year or so.

We appropriated $5 billion to lend to Westinghouse in this body to help China build nuclear powerplants. When are we going to get serious about cleaning up the air?

So we have ideas about that—not in this proposal. One would be to reprocess the waste, reduce it by 95 percent, so we can store it more safely. That is one idea. Another idea would be giving increased credits for the production of nuclear power. If we were to subsidize nuclear power by the kilowatt hour in way proportional to how we subsidize wind, we would be subsidizing nuclear power with about $340 billion a year.

So the Republican proposal to help balance the family budget on lower energy costs has five general areas as part of a reserve fund the appropriate committees can make a difference with. They have to do with conservation, and they have to do with increasing this supply. But what it means is, these are realistic ways to deal with the $3.50-a-gallon gas price and realistic ways to make sure we have large amounts of clean electricity, so we can deal with clean air as well as climate change in the near term instead of some later time.

This is a real proposal and not a fairytale. This is for the country that produces 25 percent of all the energy in the world and not for some desert island. This will help balance the family budget. We hope it earns strong Democratic support as well as Republican support.

Mr. President, I yield the floor. The next speaker is the Senator from New Mexico, the long-time chairman of the Energy Committee as well as the Budget Committee and the leading spokesman for nuclear power in the Senate.

Thank you.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Senator.

I wish to correct the record, if the Senator from Tennessee has no objection. The lease we modified, which had a moratorium on it in the offshore, was lease 181. I believe the Senator said: 187. I would not correct it, but it is commonly known as 181, so I thought we should fix it.

I am not going to speak very long because the truth of the matter is, the distinguished Senator, Mr. ALEXANDER, has done a marvelous job explaining this package. Everybody should know we Republicans tried, on a budget resolution, to come up with some ideas. Some of them are simple, but all of them are good. All of them will do some significant good for the energy problems that confront everyday people and that confront the budgets of everyday people.

It is good we sit down and say: Well, even though this is a budget resolution, can we come up with some things that will be helpful? I think we have. This amendment he has put in will attempt to bring down the price of gasoline, which would have the biggest effect on family budgets. As he says, we are looking at ways to help the family budget, while the Democratic budget we are on is going to wreck the Federal budget.

What I am going to do is talk about, quickly, things I see in this amendment that are important. First of all, as the price of gasoline at the pump continues to rise, and our level of dependence on unstable foreign regions continues to rise, we must take action every opportunity we get. But instead, when the majority has chosen to take action on their own—and they had a chance a couple months ago—they have taken action that moves things in the wrong direction.

Consider the Omnibus appropriations bill from last year. Hidden within those hundreds of pages, without transparency, were provisions that could have a profound negative effect on the Nation's energy security.

First, it contained a 1-year moratorium on final regulations on oil shale. This little amendment my good friend Senator ALEXANDER has offered says that regulation change—which was made in the back room, not open to daylight, not part of debate—be removed.

I suggest we have already, in the Omnibus Energy bill, provided whatever the citizens of this country need as protection—environmental protection and the like—for this shale development. We have a company, Shell Oil, that is spending a huge amount of money onsite to see if they can find a way to convert this shale oil so it can be used as part of America's ever-growing need for oil and related products. We should not have put a moratorium on final regulations in an appropriations bill. So it takes that away.

Secondly, in that same appropriations bill—in the dark of night, without being open to public discussion—a $4,000 fee was added to permits for drilling for oil. The Senate did not know anything about it. We have not debated it. It is the wrong direction. When you are producing something, you do not add more cost to the production and hope to get more. When you add a secret $4,000 fee, you cause less production, not more. This amendment does the right thing and says,

openly and publicly: We want to address it. We take that $4,000 fee off because it never should have been there. It is moving in the wrong direction.

According to the Department of Interior, the oil shale in the United States is the equivalent of 1.23 trillion barrels of oil. As we import millions of barrels of oil and send $400 billion this year to unstable regions of the world, the majority chooses to make it more difficult to produce American resources.

With the second provision, the majority chooses to increase the costs on small producers in my home State and others by putting this $4,000 permit fee on the drilling using ordinary rigs to drill for oil. That should not have been done, and we fix that.

The Alexander amendment takes a better approach than the majority did. It removes the impediments to producing more of the subject matter that will help us out of our dependence and makes things better for the average American in due course.

One last thing I would mention as my last observation: In this bill, we considered that on the Atlantic and Pacific side of the offshore waters, we are leaving over 15 billion barrels of oil and over 50 trillion cubic feet of natural gas in the ground. As we debate about the price impact of 60,000 barrels per day being put in the strategic petroleum reserve—our Nation's energy security asset—we leave over 1 million barrels per day locked up underground in Arctic Alaska, and we have allowed about 15 billion barrels of oil to remain locked up under our ocean.

The Alexander amendment does only what it can do, but it seeks to revisit the debate on domestic production in light of these new facts and new costs facing Americans.

The amendment also seeks to improve the efficiency and cleanliness of the way we produce and use electricity. The Senator has explained that as much as it needs to be, and better than I can, so I will say no more.

This amendment overall does not do all that we need to do to strengthen our Nation's energy security, but it is a vast progrowth improvement over the approach laid out by the majority in two provisions which I have talked about, and then we have added an additional three that are good and will help the American people.

I wish to close by saying, I am firmly convinced the American people are being hurt every day. We are being made poorer—day by day, week by week, month by month, year by year—because the cost of oil has gone up so high. Yet we have not been able to minimize our dependence, although we passed some very formidable laws to address it in time, in due course. But for now we continue to use more than we did last year and more than we did the year before. At $100-plus a barrel, there is no question we are not adjusting to that very well.

We must do everything we can to avoid that continued use. This amendment will do a little bit. If the committees that are charged with and given jurisdiction were to pass it, it would help. In the meantime, there is no question we should seek every opportunity to minimize our dependence upon foreign oil so as to permit our economy to grow again and become powerful again. This Senator is fearful we are going in the wrong direction, principally because oil is too expensive, and we must import too much of it.

Mr. President, I yield the floor and thank the Senator for permitting me to join him in his amendment today.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 4196, AS MODIFIED

Mr. SALAZAR. Mr. President, I ask unanimous consent to speak on amendment No. 4196, as modified, which Senator CONRAD offered for me earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, my amendment is a very simple amendment. It deals with the estate tax. What it does is set aside a deficit reserve fund that will protect family businesses and family farms and ranches from the estate tax. It is a straightforward amendment that will address the complexity of the changing estate tax law that we currently face.

Let me say at the outset that when one looks at what we are facing with respect to the estate tax in the years ahead, I think it is clear we must act to provide certainty to people with respect to their estates and to deal with issues that have been raised by Senators on the Democratic side of the aisle as well as Senators on the Republican side of the aisle.

It is clear, when you look at what is happening now with respect to current law—in 2007 and 2008, you have an effective exemption of $2 million and a top tax rate of 45 percent. When you look at the year 2009, under current law, we are looking at an effective exemption of $3.5 million and a 45-percent top tax rate. Then, in 2010, for that year, it is completely repealed, so there is no estate tax. Then, in 2011 and thereafter, you are looking at a framework of law that will effectively provide a $1 million exemption, and then we will have what is a 55-percent taxable rate, plus a potential 5-percent surtax, with respect to estates.

The reality of it is, no one knows when they are going to die. We do not know whether it is a 2008 event—2009, 2010, 2011, 2012 or 2013. So this is an area of the law which we must fix.

I am proud of the fact that our chairman of the Finance Committee, Senator BAUCUS, has started to hold hearings on the estate tax. We had one this morning in which we heard different concepts of how estates are taxed in places such as Canada, Australia, and New Zealand and different approaches to dealing with this issue. So I am hopeful as we move forward in the year ahead, we can find a bipartisan solution to deal with the estate tax issue that faces us.

For me, as one Senator, there are three principles that I will keep in mind, and I hope we all will keep in mind. First is fiscal responsibility. We have, in fact, as the chairman of the Budget Committee has so often stated over the last 7 years, created this huge mountain of debt. I think it is important for us to abide by the pay-go principles which we have adopted in this Chamber so that as we are creating new programs or as we are creating new tax cuts and we are finding ways of paying for those deficits or for those programs that we are creating, this will all become part of, hopefully, what will be a new wind that will blow upon Washington—that has started to blow upon Washington—as we need to be responsible with the fiscal resources of the Government.

The second imperative for me as we move forward with the estate tax is that we deal with those estates that don't have liquidity, as happens in the case of farmers and ranchers who sometimes have to split up their estates because of the fact that they can't find the money to be able to pay off their estate tax. That does, in fact, happen. It happens from time to time in my own State of Colorado. So I am hopeful we will be able to create a law that will allow farmers and ranchers to stay on their land.

Thirdly, as I said at the beginning, there is no way anybody can predict when they are going to die. It is important for those looking ahead at their own estates that there be some certainty with respect to the law that will apply to their assets and to their estate. Our amendment addresses all of those issues.

The estate tax is a complicated and intimidating law. It does need, in my view, serious reform. The Finance Committee will hold a number of hearings on this issue. The first amendment which Senator BAUCUS offered on a variety of middle-class tax cuts for Americans provides some relief and some certainty to American families and small businesses by ensuring that there will be no increase in the estate tax through a permanent extension of the 2009 estate tax law. I am a proud cosponsor of that amendment. I believe the manner in which we address the estate tax in that amendment is a minimal level of reform that the Congress can accomplish.

That is why I have introduced the amendment before us, which has created a deficit-neutral reserve fund for the purposes of providing additional estate tax relief. The reserve fund will

provide sufficient funds to accommodate a proposal to raise the estate tax exemption to $5 million, indexed for inflation, and to lower the tax rate to 35 percent. But my amendment will not lock in the structure of the estate tax reform. It may be that we will need to provide additional relief and tailor the legislation in the Finance Committee in a manner that effectively addresses the needs of family farmers and ranchers and family businesses.

We also learned this morning in a hearing of the Senate Finance Committee there are many options for us to consider as we move forward with fixing the estate tax law. There are many options to estate tax reform, and we should continue to work our way through the process to identify the most appropriate way to move forward on a bipartisan basis. This morning's hearing was the second estate tax hearing we have held in the Finance Committee, and we will hold a third hearing on this matter in early April. We are working through the process. We are examining the challenges posed by the current estate tax system, and we are considering a wide range of proposals to provide comprehensive, permanent, and fiscally responsible reform.

I remain committed to working with Chairman BAUCUS, Senator CONRAD, and other colleagues on the Finance Committee and in the Senate for achieving meaningful reform in the near term. My amendment and the amendment by Senator BAUCUS will help pave the way for that reform, and I urge my colleagues to support it.

I also wish to spend a few minutes speaking to the Baucus amendment, of which I am an original cosponsor. That amendment by Senator BAUCUS will take surplus funds in the budget resolution to make sure that we are taking care of the middle class of America as we move forward. What that amendment does again is, it makes the permanent extension of the 10-percent income tax bracket permanent. It addresses the extension of the increased refundable child tax credit with additional eligibility for lower income Americans and makes that permanent. It addresses the marriage penalty tax relief provisions and makes that tax relief provision permanent. It addresses the extension of the tax credit for childcare expenses, and it makes that credit a permanent credit. It addresses the increased adoption tax credit and makes that permanent, and it also addresses the estate tax issues, as I mentioned earlier.

I am hopeful that my colleagues will support both the Baucus amendment as well as the Salazar amendment.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, is Senator KYL seeking recognition?

Mr. KYL. Mr. President, I thought I would like to respond to Senator SALAZAR while he is here, and I ask unanimous consent to have my time taken off the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me speak for just a few minutes in response to my colleague from Colorado because earlier today I offered an amendment which, as I gather, it would accomplish essentially the same thing as the amendment of the Senator from Colorado.

My amendment explicitly would provide in the budget an accommodation for an exempted amount of $5 million per spouse, for a total of $10 million, as part of the unified gift and estate tax exemption, and a top rate not to exceed 35 percent. As I understand it, the amendment of the Senator from Colorado would accommodate that same relief. I noted that with my amendment we also ensured that the $5 million per person exempted amount was indexed for inflation. We provide a step up in basis, the existing period of time to pay the tax. I presume, or I would gather, that those same items are included in the Senator's amendment, but he can respond to that.

I guess my point is that we have a difference between the amendment I have offered and the amendment of the Senator from Colorado. There is one difference between them, and that is this: Last year, we passed a similar amendment to the budget. No legislation was ever brought forward. Last year, the 10-percent tax bracket renewal or extension was passed unanimously, I believe, as part of the budget. The chairman of the Finance Committee never brought forth legislation to deal with that. He has advised me this year there will be no action on the death tax. We are going to have hearings, but there is not going to be any action on the Senate floor. I suspect that one of the reasons is because of the way he has approached it, the way the Senator from Colorado has approached it, which is to put the Government before the taxpayers; to say that before we can do any of this, we have to make sure the Government is made whole, which means we have to find a way to ''pay for'' the tax. That is the language that has been used. We have to ''pay for'' the tax.

I ask, why should the American taxpayers have to pay for a reduction in their own taxes, if you start with the premise that the American worker earns money, and we want the American family to keep as much money as possible in their own pockets so they can provide for the needs of their families? Also, in this time of economic downturn, we even decided we would try to put more money in their pockets, urging them to spend it as a way to try to stimulate the economy. I would think we would start from the premise that the money belongs to the taxpayers, and we want to allow taxpayers to keep as much of that money as possible.

If we are going to do taxes on one side, then we ought to hold them harmless; that is to say, if we believe their tax liability is too much or that a particular tax is wrong, as we believe that the estate tax is, that it is in desperate need of, if not repeal, at least significant reform, that the point is to reduce that estate tax burden and not to reduce it with one hand and then require a tax increase to ''pay for'' it on the other hand. How have you helped the American taxpayer if you say: We will reduce your taxes over here, but in order to keep the Government whole, we need to somehow make up the revenue for the Government because it matters more than you do, and therefore we are going to have to raise taxes on you someplace else in order to ''pay for'' this tax relief. We don't do that when we pass a farm bill around here.

The baseline for the farm bill, what we spent this year, is something just under $600 billion. If we spent the same amount of money on the farm bill next year, we would not have to ''pay for'' any of that. We would only have to ''pay for'' an increase. Yet if we are going to extend an existing tax rate, say, the 10-percent bracket of the amendment of the Senator from Colorado, the idea is somehow we have to pay for that, even though it is exactly the same bracket it is today. If we are going to extend the capital gains rate or the dividends rate or any other marginal rates, keep them exactly the same as they are today, why should we have to raise taxes permanently someplace else in order to ''pay for'' that? You only get to that conclusion if you think the Federal Government is more important than taxpayers.

Well, the way our country was founded is based on, ''We, the people.'' We created the Government. The Government is supposed to serve us, not the other way around. So you don't start from the premise that somehow, the Government has an amount of money today and no matter what happens, no matter how much we want to provide tax relief for people, the Government still has to have the same amount of money. So if we are going to provide tax relief for people, somehow we have to make up the money that we give back to the people.

If you want to provide tax relief for people, the whole idea is that they don't have to pay for it in some other way. They get to keep the money. We trust them to spend it. That is the fundamental difference I have with the amendment of the Senator from Colorado.

If the terms with respect to the amount exempted and the rate is the same—and I presume it would be—the question is, are we ever going to act on it?

My amendment will be acted on this year one way or another. We are not just going to pass it in the budget as we have in the past. This isn't just going to be a show exercise where we all vote on the budget to cut taxes, but the cuts never really materialize. Why don't they ever materialize? Because the majority doesn't bring a bill to the Senate floor and try to get the bill passed. If the bill doesn't pass, the President doesn't sign it, and there is no tax relief.

The budget is merely like the family budget. It is a goal. It is a blueprint. It is something you want to try to follow if at all possible. Yet when we pass tax relief in the budget, we are not really passing tax relief. We are just saying: This is something we would like to do. We would like to accommodate this in the budget. But if you never follow through with any action, what have you done except to fool the American people, make them think you are going to reduce taxes but you never, ever get around to actually doing it.

My amendment will be brought to the Senate floor. It doesn't have to put the Government first. We don't have to pay for it by increasing the taxes on you over here so we can cut your taxes here.

Now, my colleagues can either vote for it or against it, but we are going to get a vote on the floor of the Senate on reform for the death tax, and it will be very much along the lines of the amendment I introduced and the Senator from Colorado introduced. It will have a $5 million exemption per person, a step-up in basis for the property. It will be indexed to inflation, and it will either have one rate or two, but the top rate will not exceed 35 percent.

The difference will be we will either give tax relief to people or we won't. If we give tax relief to people, we are not going to then have to ''pay for'' it in order to keep the Federal Government whole. Government gets about a little over 1 percent of its revenues from the estate tax. This reform would still allow a huge amount of revenue to come in because there are still a lot of estates that will pay that 35 percent rate on amounts above $5 million or $10 million.

What it will do is take about 130,000 people who otherwise would have to file an estate tax return off of the rolls. They would not have to worry about it. They are the smaller businesses, the smaller farms—not the big estates but the smaller ones—that have to pay anywhere from $5,000 to $1 million to just plan around the eventuality of death, which, unfortunately, comes to all of us. So they buy insurance. They hire lawyers and accountants, and they pay a lot of money. In fact, in the aggregate, Americans pay as much money to avoid paying the tax as they pay to the Federal Government in the tax itself.

What we want to do is to get most of those people off of the rolls so they don't have to worry about it.

I certainly agree with my colleague from Colorado when he said the first principle should be certainty. We should know—especially with the death tax there should be some certainty. Well, you don't have any certainty if you don't know whether you are going to have to pay the tax. Unfortunately, the way it is right now, the way it is under the budget that has been brought before us is, you have at least 130,000 people who are going to have to file a return.

You don't know how many are going to have to actually pay the tax. What our amendment does is reduce that number to a little over 11,000, so that people don't have to spend a lot of money hiring lawyers and accountants and buying insurance on the off chance they are going to have to pay for it; nor do they have to expend large amounts of money in tax preparation—38 hours, on average, per tax form filed.

We don't want people to have to pay that amount of money. That is why we hope to get the number of filers down to something like 11,000. Then if they have to pay the tax, so be it. But the majority of Americans would be spared the tax.

Mr. SALAZAR. Will the Senator yield?

Mr. KYL. Yes.

Mr. SALAZAR. The Senator from Arizona is correct that this is a problem we have to deal with, and there are very significant similarities between our two amendments. In fact, the $45 billion fund we have created will allow for indexing and for a stepped-up basis. The key difference between the Senator's amendment and mine is that his is not paid for. The reality is we in this Congress and in the Senate and in the White House need to understand we need to be fiscally responsible. That is a debate we have had here with respect to pay-go. It is my view, given the fact we already have a $10 trillion national debt that continues to grow, we have a war that now is projected to cost over $2 trillion that we have not funded, but we have allowed that credit card debt to basically be passed on to our children, we need to be fiscally responsible.

So while we both recognize—the Senator from Arizona and I—that we need to have certainty with respect to estate tax reform—and I think we both recognize the Senator from Montana, the chairman of the Finance Committee, is doing his best to get ideas from around the country and the world on how to deal with this issue and move forward in a good-faith effort—the distinction here is whether you pay for this change.

My question to my good friend from Arizona, with whom I enjoy working on the Finance Committee, is: How would he propose that we pay for this $10 trillion mountain of debt, built up largely over the last 7 years?

Mr. KYL. Mr. President, I am happy to respond to my colleague. The debate now is not how to pay for a $10 trillion debt. We have a deficit of around $400 billion. We need to focus on not increasing the debt by increasing the amount of the deficit more than we have to. I share the Senator's goal for that.

There are three fundamental ways you can reduce the deficit. You can reduce spending—and I am going to pick two out of the three. First, you can reduce spending. I will vote for that. I have a good record around here on trying to reduce spending. Yet there isn't anything in this budget that reduces spending.

If we have a cost, the automatic action under the budget is to increase taxes, which is the second way you can do it. I reject that for the reasons I have pointed out. You don't help people by cutting their taxes here and raising their taxes over there. At best, you have created a neutral situation.

The third way, of course, is to ensure that our economic policies are progrowth policies. We don't have too much in the way of regulation, too much in the way of taxation, that the Government basically tries to get out of the way of our economy so it can grow, produce jobs, create more wealth and, with that wealth, by the way, pay more taxes, which is a good thing. One of the reasons why we are collecting today in Federal revenues above the 40-year average in tax collections, with our Federal tax policy—we are collecting roughly 18.8 percent of GDP, more than the 40-year average. The reason is we have a growing economy, although it is slowing right now, to be sure. But because that economy has been robust, even at slightly lower tax rates, we are paying more in taxes, tax revenue, because the economy has grown. So the textbook answer to my friend is you can reduce the deficit, and ultimately the debt, in one of three ways: reduce spending, increasing taxes—though it has diminishing returns; if you do it too much, you don't get revenue, you can promote economic growth and you can bring the debt down.

The last point. My colleague pointed out we were having hearings in the Finance Committee this morning and one of the witnesses there, as mentioned by my colleague, talked about what countries such as Canada, New Zealand, and Australia are doing. Do you know what they are doing? They are repealing their estate taxes. Why would they be repealing their estate taxes? This gets to the third way you make money. You grow. What happened in Australia is they found toward the end of life people with any means were moving to New Zealand, because they didn't have an estate tax. They wanted to keep

them in Australia, so they decided, for competitive reasons, that they would eliminate the estate tax. So they stayed in Australia rather than moving to New Zealand. Canada and others are doing the same thing.

Our rate, now at 43 percent, which would be locked in by the budget, is far above the worldwide average, which is an 18-percent rate. A lot of countries don't have an estate tax. My answer is that our better response is, if we are not going to repeal the estate tax, reform it in a way that doesn't inhibit economic growth and enables us to compete, enables our economy to produce revenue, even at a slightly lower tax rate because, at the end of the day, that will do us all more good than trying to do what my colleague would do—raise taxes as the way to pay for a tax reduction. To me, that doesn't make the kind of sense I would want to be associated with in promoting legislation.

Let me simply yield the floor so my colleague can respond and not have to pose a question in order to make the point.

Mr. SALAZAR. Mr. President, I respect the Senator from Arizona and his raising the issue of the estate tax and its need to be reformed, as well as the fiscal crisis we face. Obviously, it will be a debate that will consume a tremendous amount of time on the part of the Senate and the Congress and, hopefully, an administration that helps us get back on a line of fiscal integrity and honesty for the people of America.

Mr. President, I note that my friend from Massachusetts is on the floor. He has a very tight schedule. I will yield the floor. I ask unanimous consent that the Senator from Massachusetts be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 4151

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4151.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 4151.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund for increasing federal student loan limits to protect students against disruptions in the private credit markets)

On page 55, line 18, after the word ''program'' insert ''or increasing Federal student loan limits''.

Mr. KENNEDY. Mr. President, the amendment I am offering is intended to give additional protections for students and families struggling to pay for college.

Americans are anxious about the slumping economy and how it affects their families. They are losing their homes. They are seeing skyrocketing health costs. They wonder if they can afford today's gas prices to drive to work every day. The cost of heating their homes has jumped at least 50 percent in the last 2 years. And now they are hearing that the loans they rely on to afford the high cost of college may be at risk. Financial aid officers in some colleges are telling them that loans may not be available when the school year starts this fall.

What we are seeing is that the credit crunch that is affecting the mortgage industry and many banks and corporations may affect the ability of families to secure student loans at fair rates so their children can go to the college of their choice.

We are here today to say that we cannot allow the credit crunch to prevent our young people from going to college. The ability of young Americans to pay the high cost of college should not be determined by the quarterly earnings of banks.

There are three steps we must take to help families cope with the cost of college education. First, we must increase our commitment to Pell grants and other aid. We do that in this budget. This budget meets our promise to increase the maximum goal to $5,400 by the year 2012.

This chart represents the legislation that was passed last year where we provided additional funding for the Pell grants. The budget resolution showed that help is on the way for more than 5 million Pell grant recipients across the country. This chart illustrates how the budget resolution will help hard-pressed young people, who are in the educational system.

Second, we should make sure that secure loan options are available to students in case the market collapses. We have programs now that are backed up by the Federal Government that are not affected by the market. Those are the direct loan programs in which the Federal Government makes the loans and not the banks—and the lender of last resort program that allows guaranty agencies to become lenders with the backing of the Federal Government.

Congressman GEORGE MILLER, the chairman of the House Education Committee, and I have urged the Secretary of Education to make sure these two options are fully available to students and colleges should they be needed.

Third, we should strengthen the federally subsidized student loan program, and my amendment does that. We all know that student loans are indispensable for millions of students and parents struggling to pay for college. In the last 20 years, the cost of college has tripled, and more and more students are forced to rely on student loans to pay the high costs of a college education. In 1993, less than half of all students had to take out loans. But in 2004, nearly two-thirds had to take out loans to finance their education. This chart illustrates this point, showing the increase in students taking out loans from 1993 to 2004.

The average student now graduates with more than $19,000 in debt—a dramatic increase on the financial burden on the students and their families.

In Massachusetts, the cost of attending a 4-year public college increased 59 percent between 2001 and 2005, while family incomes only went up 20 percent. This chart illustrates where the family income increased and where the cost of attending college has increased even more.

The best way to help students and families afford college is to increase grant aid. More aid up front means fewer loans and less debt on graduation day.

Last year, the new Democratic Congress delivered on a 7-year old promise by President Bush to raise Pell grants. The maximum grant will increase to $5,400 by 2012—an increase of $1,350 over the level at which it had stagnated under this administration. This increase means that students eligible for the maximum Pell grant will have to borrow $6,000 less in loans over the course of their college career.

The effect of borrowing less saves the average student about $6,000 in a reduction of their debt. The legislation enacted last year also makes Federal loans less costly for students by reducing interest rates. These benefits, however, will be meaningless if students cannot obtain the loans to pay for the college of their choice.

The current crisis in the credit market is making it more difficult for student lenders to obtain capital. This has cut into the lenders' profit margins, causing some lenders to pull out of the student loan market and causing those operating outside the Federal loan program to cut back on lending to high-risk borrowers.

So far, the attractiveness of the guarantee in the federally subsidized program is encouraging other lenders to fill in the gaps in that program. Since interest rates in the Federal program are capped, students are protected from exorbitant interest payments.

But many families need additional loans beyond Federal loans while they are in college. We have a responsibility to ensure they can obtain the loans at affordable rates.

One step we can take is to increase the amount that students can borrow in low-interest, federally backed student loans, which means they won't

have to rely on the higher cost, riskier private loan market.

The amendment I am offering today expands the deficit-neutral reserve funds for higher education in the budget resolution so that Congress can take whatever action is needed to increase the amount students can borrow under the Federal programs.

Over the last 20 years, as the cost of college has continued to skyrocket, Federal student aid has essentially remained flat. As this chart shows, the cost of attending a 4-year college has tripled—from about $4,000 in 1987 to $12,000 today. Over the same period, the amount of Federal assistance available to students in grants or loans has been essentially flat.

This goes back, if you extend these lines to 1965, to when they passed the Higher Education Act. The basis for passing the Higher Education Act in 1965 was a national commitment, which was debated in the 1960 campaign, heavily debated, that this Nation was making a commitment to the young people of this country. Any young person who was able to gain entrance into a school or college of their choice would be able to, on the basis of academic merit, put together sufficient grants and loans—and what they were able to earn themselves—to be able to go to any school or college in this country and come out relatively free from indebtedness. That was what the debate was at that time.

But look how we have betrayed that commitment.

We have seen that assistance to the students has become basically flat, but the extraordinary increase we have seen in college costs has had a dramatic impact, obviously, on the students and their ability to go to school and on their income.

I wish to illustrate the point we are trying to make with this chart.

This is a typical family in my State of Massachusetts. Let's say the median family income is $68,000 which is higher than the national average but not by much, maybe $10,000 or so. Now, the expected family contribution is $8,000 to $10,000. The median cost of college is $17,000. So after all of the grants and loans, the family still has to make up $2,675 in unmet need. This assumes they can even, with this amount, put up the $8,000 to $10,000. Many of these families have two, three, four, or five children and are hard-pressed even to meet this kind of commitment, but they still have this to pay.

If a member of this family misses a payment, a car payment or some other credit card payment, they will be forced to pay the most exorbitant high interest rates, which will result in paying thousands and tens of thousands of dollars more in interest costs.

We address this very important point right here with this legislation. It might not seem like a very considerable amount, but it is the difference between a student going on to college or not attending college.

Mr. President, we have talked to the Budget chair on this issue, and we understand we will be moving on to other amendments. This is a very important area. The impact of the economic challenge we are facing is reflected most particularly in housing but spills over in terms of students and their families. This will only be used if we have the kind of emergency we hope will not take place, but it will ensure that this Senate is going on record to say to families in this country that we are aware of the challenges they may very well be facing, and if those develop, we are going to have some assistance for them and for their family so that the value and worthwhile effort to continue the education of their children in the family will be able to continue.

Mr. President, I thank the chairman of the committee for the opportunity to present this, and hopefully later in the discussion there might be an opportunity to have this favorably considered.

Mr. CONRAD. Mr. President, I thank Chairman KENNEDY especially for his passion and commitment to educating the children of our country.

I was raised by my grandparents. My grandmother was a schoolteacher and was only 5 feet tall. We called her Little Chief. She told us, as we were growing up, there were three priorities in our household: Education was No. 1, No. 2 was education, and No. 3 was education. We got the message.

I deeply appreciate the absolute passion and commitment that the Senator from Massachusetts shows to the education issues. It is inspiring that he is able to maintain this level of commitment over these many years and has achieved such extraordinary results, including last year.

I thought one of the greatest accomplishments of the budget resolution was the education package that Senator KENNEDY brought before the body and that passed and became law. It increased Pell grants, which reduced the cost of getting a college education by enhancing and improving the loan program. I thought it was one of the two most significant accomplishments of last year. I thought the other one was the expansion of assistance for veterans health care. That, too, became law, and it did so because it was included in the budget resolution. No one had more to do with that package than the Senator from Massachusetts, and we thank him for his leadership.

Mr. KENNEDY. Mr. President, I thank the Senator, and if he will yield for a moment, I want to thank him for his comments.

As he has mentioned, we had the opportunity to follow the rules of the Senate in getting the final resolution and judgment, which was basically supported in a very strong bipartisan way, ultimately, to move in that direction. But, as the Senator pointed out, we have provided increased opportunities to more than 5 million of the children of hard-working Americans who are hard-pressed trying to go on to continue their education with the enhanced Pell grants.

Included in that legislation was the loan forgiveness program that said: If you work in a public service profession, if you work with special needs children, if you work as an assistant district attorney, if you work as a legal aid officer, or if you work in areas of education, you will be able to get your loan forgiven.

We also, as the Senator knows, put the limitation on monthly repayment amounts, so that individuals, idealistic young people in America who want to go into some form of public service, would not pay more than 15 percent of their income to pay off their debt. This gives a pathway to millions of young people in this country who want to give something back to their local community or their State or their country through some form of public service. This will enhance their opportunity to do so.

I must say, of course, that we would not have been able to do that had we not had the chance through the Budget Committee, in compliance with the rules of the Budget Committee, to ensure that we were able to save hundreds of millions of dollars that went to deficit reduction. As a result of the leadership of the Budget chair, we were able to do something good for students but also to do something valuable and worthwhile in terms of the budget. So I thank the chairman of the committee for the opportunity and for all his cooperation and help.

Mr. President, I yield the floor.

Mr. CONRAD. I thank the Senator very much.

Next, we have Senator LINCOLN, and I would just like to ask Senator LINCOLN how much time she would seek.

Mrs. LINCOLN. No more than 10 minutes, or less.

Mr. CONRAD. We will provide up to 15 minutes off the resolution, and whatever the Senator consumes.

I would say to the Senator, at the end of her remarks, if she would withhold actually sending the amendment to the desk, that will allow Senator SUNUNU to come to the floor so that we maintain the back-and-forth order. Then, if the Senator is not here after her remarks, I will just enter her amendment so that it will be in the queue, but we will do this in a way that is fair to both sides.

Mrs. LINCOLN. Absolutely.

Mr. CONRAD. I thank the Senator very much. I thank her for all she has done to help us form this budget. I very much appreciate the effort and the energy she has brought to it.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I, too, wish to thank the Budget Committee chairman and express my appreciation for his hard work and that of the ranking member for their diligence throughout this budget process.

I would also like to thank my colleague from Massachusetts for the many ways that he affects the lives of Americans all across this great Nation in support of a multitude of things but without a doubt in terms of higher education and in making that opportunity available to young adults across this country who want to reach their potential, who want to give back to their country, and through reaching that potential are able to add more of the gift they have to give this world and certainly to our Nation. His tireless work in those areas has been unbelievably important to students in Arkansas—I know myself, having gone to school with a student loan—but without a doubt realizing that potential, realizing that opportunity, and making it available for Americans all across this country. Senator KENNEDY has done tremendous work, and we applaud that.

I also again want to applaud Chairman CONRAD, who has done a phenomenal job in bringing together a budget that I believe truly reflects the values of this country and the values of the American people. The budget is a blueprint document. It is a place for us to really express our priorities as a Congress. We move forward with a budget that we hope reflects the things we hear from our constituencies and the ways they want to see their Nation, their Government, investing in this country.

They want to see us investing in the education, the human capital that is going to continue to make this country great. They want to see us investing in infrastructure and in children, in health care and in opportunity, where we can improve on all of these many things; investments in rural America as well as the needs that exist in our urban areas.

It is a tough job to balance all of that and truly reflect our values as Americans, because we are diverse. It is one of the greatest things about being a part of this Nation, to know that region upon region is different, and individuals in those regions are different. But the fact is, we are all under one common denominator—Americans. As a country and as a government, we want to see that investment in who we all are. I think the chairman has painstakingly looked at how we combine in this budget the values, the morals, and the issues of who we are and the investments we want to make and setting those as priorities as we move forward in the process we have.

My purpose for rising today is a simple one, and that is to better ensure that the men and women who have courageously served our Nation in uniform receive the benefits to which they are entitled in a more timely manner.

Last year, we came before the Budget Committee and set forth our priorities. One was very similar to what Senator KENNEDY was just visiting about, and that was to ensure that our Guard and Reserve are going to get the educational benefits they deserve, the ones they had earned.

Our Guard and Reserve have been called to duty in a much different way in the conflict in Iraq and Afghanistan than we have seen ever before, and making sure their rewards and their incentives for education are commensurate with the Active-Duty members they are fighting alongside is important. We were successful with that, we were successful in ensuring their ability to access those benefits in a timely way, because before they only had 1 year. Now we have given them more time to be able to access those benefits when they return home out of theater and out of Active Duty.

This, again, is another issue in terms of timeliness, in how we respond to our veterans and the courageous men and women who serve us. The amendment that will be offered on my behalf momentarily—and I will be offering it with my friend and colleague from Maine, Senator OLYMPIA SNOWE—would do just that on timeliness. We are joined by Senators BIDEN, CLINTON, MIKULSKI, and PRYOR.

Mr. President, I would also like to ask unanimous consent that my colleague, Senator LIEBERMAN, be added as a cosponsor as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. I would also note that we had 25 Senators who joined us in a letter to the Budget Committee recently requesting this as a priority in the budget, and I would encourage my colleagues to take a look at this amendment and join us because it is truly the right thing to do. This amendment would provide an additional $50 million for the Veterans Benefits Administration.

In the scheme of things, and how we talk about things in Washington, $50 million is not a great deal. It is not a huge amount in the overall scheme of the dollars we talk about in our Nation's budget. But we believe it can truly make a difference in providing the Veterans Benefits Administration with the additional resources it desperately needs to more effectively meet its increasing workload and its unacceptability in terms of the large backlog of pending claims.

In recent years, Congress has taken the lead in tackling the claims backlog and improving the management of the VBA. In last year's budget, much needed resources were provided to increase the number of claims processing staff essential to reducing the pending claims backlog and improving the timeliness of that claims process.

There is not a Member in this body, I am sure, who has not dealt with, in their constituent services and their casework, the issues of veterans' benefits that have been backlogged, the time it takes to get these veterans the benefits they deserve. They have fought hard for this country and need and deserve those benefits.

The leadership and guidance of Chairman AKAKA and Chairman CONRAD and their staffs certainly made all of this possible. Today we seek to invest further in the commitment we already made in last year's budget and what we were pushing forward and were successful in, in terms of additional funding for the VBA dealing with that backlog of cases.

According to the Veterans Benefits Administration's Workload Report from March 8, 2008, the total number of pending compensation and pension claims was 666,710. That was up from 627,429 this time last year. So we are seeing an increase in our caseload while all the while we still have a backlog in those cases that are pending.

The amount that has been pending for more than 180 days is nearly 27 percent. Additionally, claims requiring a disability rating determination, which are the most time consuming and resource intensive to the process, have increased more than 50 percent since 2003.

This is inexcusable—veterans who return home from Iraq and Afghanistan, veterans who are out there with disability claims from other circumstances, who have been put into these backlogs. It is continuing to grow. We are only asking for $50 million to be able to improve upon that situation for these veterans.

Between the fiscal year 2000 and fiscal year 2007, the number of filed claims increased 45 percent, from almost 579,000 to 838,000. For fiscal year 2009, the VA, which has consistently underestimated its workload in the past, projects the number to increase to approximately 872,000. These numbers are increasing and we have to get a handle on it so we can stop those overloads and certainly the workloads that are backlogged.

Further, the VA cautions that ongoing hostilities in Iraq and Afghanistan could increase its workload even further. So we know unfortunately there is not going to be a lessening. There is only, more than likely, going to be an increase. We have to make sure we have the resources there.

In light of all these mounting challenges, this amendment would provide an additional $50 million to the VBA's general administration account so it would have the flexibility to explore

pilot programs and invest more in training or technology initiatives to help tackle the claims backlog. This is not a process that is going to go away if we do not address it. It is simply not fair to our veterans.

It complements the recommendations that are provided in the Budget Views and Estimates from both the House and Senate Committees on Veterans' Affairs. As discussed in those documents——

(Disturbance in the Visitors' Gallery.)

The ACTING PRESIDENT pro tempore. The Senator will suspend. The Sergeant at Arms will restore order.

Mr. CONRAD. I ask for a recess subject to the call of the Chair.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. The Senate will stand in recess while the Sergeant at Arms clears the gallery.

Thereupon, the Senate, at 2:21 p.m., recessed until 2:22 p.m. and reassembled when called to order by the Acting President pro tempore (Mr. CARDIN).

The ACTING PRESIDENT pro tempore. The Senator from Arkansas may continue.

Mrs. LINCOLN. Mr. President, there are many passionate pleas we hear across our country. Hopefully, the passionate pleas we make here on the floor of the Senate on behalf of our constituents can be seen as passionate as many we witness—some here today, and certainly others. I continue with my passionate plea on behalf of the soldiers, the brave American men and women who serve this great country. In what we have seen in the backlog, through the Veterans' Administration, certainly it is an indication that we can do a better job in providing those benefits to the service men and women who have done such a courageous job on behalf of this great Nation and all of us.

What I recommended in my amendment are recommendations that I think complement the recommendations provided in the Budget Views and Estimates from both the House and Senate Committees on Veterans' Affairs. Again, I thank Chairman AKAKA for all of his hard work and Chairman CONRAD for working with us on this issue.

Our veterans are a very passionate issue to many of us, coming from a family where my dad was an infantryman in Korea. We talked earlier about the impression our families leave on us. Senator CONRAD mentioned his grandmother who believed in education. I grew up in a household very much like that. My husband did as well. My husband's grandmother is going to be 111 this year and she is still preaching education. She is still on her own, still out there making sure that every child who got her Christmas letter this year knew the importance of education. Certainly, without a doubt, those of us who grew up in households that had tremendous respect for the patriots, the brave and courageous men and women who serve this country in the Armed Forces, deserve that same kind of passion.

We discussed in those documents, coming to a close here, that it is imperative for the Veterans Benefits Administration to make greater investments in the training programs to prepare new hires for the complicated process of compensation claims adjudication.

Additionally, workload production initiatives such as technological improvements offer the hope of reducing additionally the average time for a claims decision. The brave men and women who have served our Nation in uniform should be a priority for each one of us. As we hear all kinds of conversation and talk about people's positions on whether we should be in conflict, whether we should be engaged in war, there should be no debate, there should be no conflict, in whether those who are serving this country in uniform deserve to be sure that the benefits they have earned and they deserve are rightly in place for them, and something they can use, not set about waiting 180 days to hear back from somebody to tell them they have yet another 180 days to wait until they actually get those benefits. The number of veterans who contact my office for help grows each year, and I am sure it does in the offices of many of my colleagues. Unfortunately, the backlog is often denying them the benefits they desperately need for years; not just weeks or days, but years. It is simply unacceptable.

The lessons ingrained in me since childhood have taught me that after a person has served in the military, we should make absolutely every effort, not just priority but every effort, to fund and make real their benefits and to honor those individuals who have earned them and care for them and their families, those who have served this great country. It is the least we can do for those to whom we owe so much. It is the least we can do to reassure future generations, and those who are serving in the field today, that a grateful nation will not forget them when their military service is complete.

Mr. President, I thank the chairmen for working with us, hopefully, again, as passionately as the passion that has been displayed in this Chamber today about people's views on military service and certainly the conflict in Iraq. We can make good on the promise we made to our soldiers who have served so courageously and bravely.

I thank the Chair, and I yield back the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, under the agreed upon order, Senator SUNUNU was to be next. Do we know if Senator SUNUNU is on his way? Under the agreed upon order, Senator SUNUNU was to be next. He was to be here at 2:30.

The plan is this. I should do this through the Chair. I say to the Chair, the intention is, the agreement was Senator SUNUNU—we are running a little bit ahead of schedule, but Senator SUNUNU will be here shortly. He will go for approximately 15 minutes. Then we will come back.

Mr. GREGG. Then we will call up Senator LINCOLN's amendment?

Mr. CONRAD. Yes, we will call up Senator LINCOLN's amendment. So we will be back and forth.

Mr. GREGG. Then we are supposed to go to Senator ALEXANDER.

Mr. CONRAD. We will then go to Senator SANDERS for 15 minutes?

Mr. SANDERS. Twenty.

Mr. CONRAD. Then we will come back to Senator ALEXANDER and then we will come back to Senator NELSON.

Mr. GREGG. If the Senator will yield, then we will be out of order.

Mr. CONRAD. We will not let people send up their amendments. We will make sure that we maintain the order as we have previously, so that we will keep going back and forth.

Senator SUNUNU will send up his amendment; then we will send up Senator LINCOLN's amendment; Senator SANDERS, we will ask him to withhold so we are not out of order, we ask him to withhold; Senator ALEXANDER could send up his amendment; then we will enter Senator SANDER's amendment.

Mr. GREGG. Senator SUNUNU tells me he only needs 5 to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

AMENDMENT NO. 4221

Mr. SUNUNU. Mr. President, I certainly wish to thank the Chairman of the Budget Committee for recognizing the frugality of us from the Granite State. Whether it is money or time, we try to be concise, try to be direct, and try to use what resources we have very wisely.

(Purpose: To save lives, promote overall health care efficiency, and lower the cost for the delivery of health care services by facilitating the deployment and use of electronic prescribing technologies by physicians)

I ask unanimous consent that any pending amendments be set aside and I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 4221.

The amendment (No. 4221) is as follows:

On page 62, between lines 3 and 4, insert the following:

(3) ELECTRONIC PRESCRIBING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote the deployment and use of electronic prescribing technologies through financial incentives, including grants and bonus payments, and potential adjustments in the Medicare reimbursement mechanisms for physicians, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. SUNUNU. In calling up this amendment, I wish to make sure this budget resolution effectively addresses the issue of health information technology. I know the issue was addressed, in part, in the construction of the budget resolution, but I think we have a historic opportunity to enact legislation this year that makes a difference, and the kind of technology available to providers, to doctors and nurses, to patients, technology that improves efficiency, reduces medical errors, and improves the quality of care, not for thousands but for millions of Americans, especially older Americans on Medicare.

A lot of these benefits were recognized in the resolution, but I think we need to go further. We need to make sure this budget resolution, and the health care fund that was established in it, focuses on electronic prescribing in particular.

While there are a number of areas of health care information technology that have great potential, this is an area of health care IT, electronic prescriptions, whose time is now. In hundreds of thousands of places around the country, electronic prescribing systems are being used, being used effectively, to save time, to save money, to reduce unnecessary errors in the dispensing of medicine, ultimately improving the quality of care and reducing costs.

I think it is essential that this budget resolution focus on electronic prescribing and legislation to expand the use and access of electronic prescriptions because it is something we can get done this year. There is a lot of partisanship, a lot of differences of opinion on many different parts of this budget resolution. But in this particular area, we have a bipartisan approach. This has been introduced, and Senator KERRY, Senator ENSIGN, Senator STABENOW, and I have crafted electronic prescribing legislation that will do all these things and I think more.

It reduces the number of errors, it increases the usage of electronic prescriptions. As I say, in the end, I think it significantly improves the Medicare Program for all our seniors. It is legislation that is ready to go. It is legislation that can be enacted today. It is legislation that has bipartisan support.

The way we make this difference, the way we improve the acceptance of electronic prescribing is, first and foremost, by providing some incentives, some costs and funding to physicians to purchase the systems, to purchase the software, to fund the hand-held units that are especially valuable in remote locations or rural areas.

So we have grants to make those systems available. Second, we provide a bonus, Medicare provides reimbursement to physicians who are using an electronic prescription system. We give them a 1-percent bonus in their reimbursement rate. We do this over a 3-year period. Then, at the end of that period, grants and incentives for those who have not been able to or have not been willing to use electronic prescription systems, we have a penalty.

Even with that penalty provision, we do allow the head of Health and Human Services to make exceptions because there are some underserved parts of the country, rural parts of the country, where such a system might not be as effective or as feasible. But in the vast majority of networks and provider systems and parts of the country, this is a technology whose time has come.

There are over 1 million cases a year where a mistake is made, where there is an adverse reaction because of a mistake in issuing a prescription. If this legislation can even reduce a fraction of those errors, we will have done a great deal to improve the health care system under Medicare for our seniors.

Because of the impact this legislation has, it has actually been evaluated as saving Medicare money in the near term, saving Medicare between $1 and $3 billion a year in the long term. There are not many pieces of legislation where you can say we are reducing the cost of the program for the taxpayers and improving the quality of care and the options available to the beneficiaries, to the seniors, and the retirees who depend on Medicare every day.

So this amendment would add to the language that establishes a health care technology fund to make clear that our priority within that fund needs to be on legislation to improve access to electronic prescriptions; that such legislation should use financial incentives; it should provide grants to purchase equipment; it should include bonus payments; in the long run it should even consider changing the allocations of those who are not willing to use this incredibly valuable technology that is available today.

I think this is an amendment that makes the reserve fund for health information technology even stronger. It sets the priorities in the right way. I urge my colleagues to support its adoption.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Washington.

AMENDMENT NO. 4194

(Purpose: To provide the Veterans Benefits Administration with additional resources to more effectively meet their increasing workload and to better address the unacceptably large claims backlog)

Mrs. MURRAY. Mr. President, before my colleague speaks, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside in order for the Senator to offer the amendment.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. LINCOLN, Ms. SNOWE, Ms. MIKULSKI, Mr. PRYOR, Mr. BIDEN, Mrs. CLINTON, and Mr. LIEBERMAN, proposes an amendment numbered 4194.

The amendment (No. 4194) is as follows:

On page 23, line 16, increase the amount by $50,000,000.

On page 23, line 17, increase the amount by $44,000,000.

On page 23, line 21, increase the amount by $5,000,000.

On page 23, line 25, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $44,000,000.

On page 27, line 21, decrease the amount by $5,000,000.

On page 27, line 25, decrease the amount by $1,000,000.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. My understanding, I ask Senator MURRAY, is that my amendment will be called up later this afternoon; is that correct?

Mrs. MURRAY. The Senator is correct. We will be offering his amendment later.

Mr. SANDERS. I thank the Senator very much.

Mr. President, I find it interesting that almost every candidate for President today is talking about change. It is not only the candidates for President. For candidates at every level across this country, the mantra out there is: change, change, change.

And the reason the candidates at all levels are talking about change is they understand something. They understand that from one end of our country to the other, by vast majority, the American people want to move America in a new direction. They want a new set of national priorities.

The American people are angry. They are frustrated with the status quo, with politics as usual, and they want action not talk. They want action from their elected officials.

The American people are tired of paying $3.20 for a gallon of gas, when ExxonMobil is enjoying recordbreaking profits. The American people are tired of paying more and more for health

care, and over 8 million Americans have lost their health insurance since President Bush has been in office, while the insurance companies and the pharmaceutical industry continues to rip them off.

The American people are tired of seeing their good-paying jobs go to China or the other low-wage countries while they work 50 or 60 hours a week to pay the bills. When we talk about the economy today, let's not forget the American people now work the longest hours of any people in the industrialized world. People are working incredibly long hours, two or three jobs, to pay the bills.

Most importantly, the American people are deeply worried that the American dream is disappearing, that no matter how hard they work, no matter how many hours they spend on the job, that for the first time in the modern history of the United States, their kids will likely have a lower standard of living than they do.

From a values perspective, I believe the American people are tired of the culture of greed which has been so pervasive in recent years, a culture which says: Yes, I am rich and I am powerful and I have billions and I want billions more. I do not care about anybody else in our society; I have got it; I want more.

That is the culture of greed which is so pervasive in our society today. The amendment that will be offered today, that I am offering, is cosponsored by Senators KENNEDY, DURBIN, CLINTON, HARKIN, SCHUMER, BROWN, and MIKULSKI. I am quite confident that if this amendment is adopted, it will not be solving all the problems facing our country.

But on the other hand, if this amendment is passed, it will begin to move America in a very different direction, with a very different set of moral and economic values. This amendment will tell the American people we understand that Washington must adopt a new set of national priorities, that we must be concerned not with the wealthy and the powerful who have so much influence over what goes on in Congress but that the time is long overdue for Congress to begin paying attention to the needs of the middle class and low-income people who have been ignored and left behind year after year after year.

I am very proud to tell you my amendment has been endorsed by over 50 groups representing tens of millions of Americans. These groups include the AFL–CIO, AFCSME, the National Education Association, the Children's Defense Fund, the American Federation of Teachers, the YWCA, and the National Organization of Women, among many other groups.

The budget President Bush recently sent to Congress was nothing less than a disaster. It gave much to those who did not need any help, while it took from those who need help, including those living in desperation.

As I mentioned to the people in my home State of Vermont, it was a Robin Hood proposal in reverse. It took from the poor and it gave to the rich. As a member of the Budget Committee, I am happy to say that under Chairman CONRAD's leadership and hard work, the budget we passed out of committee was far superior to what the President proposed and is quite a reasonable document.

I think we can improve upon that document. We can improve upon that budget. That is why I am offering this amendment today with my colleagues who are cosponsoring it.

This amendment addresses three major trends in American society that we must deal with in the budget process.

First, the United States has the most unequal distribution of wealth and income of any major nation in the industrialized world; and the gap between the very rich and everyone else is growing wider.

Secondly, it is a national disgrace that here in the United States of America, this great Nation we are so proud of, that we have by far the highest rate of childhood poverty of any major country on Earth.

And third, year after year, we have had recordbreaking deficits, and our national debt is now approaching $10 trillion, a grossly unfair burden to leave to our children and grandchildren and, in fact, a staggering sum of money which is economically unsustainable.

This amendment addresses all three of those issues.

The amendment I am offering today puts the needs of our children, working families, seniors on fixed incomes, persons with disabilities, and the middle class ahead of the needs of the wealthy.

It says to the wealthy: You do not need any more tax relief when the middle class is shrinking, when poverty is increasing, and when the top 1-percent level has never had it so good since the 1920s.

It says to my colleagues in the Senate, let's get our priorities right. Specifically, this amendment simply restores the top income tax bracket to 39.6 percent for households earning more than $1 million per year and uses that revenue to address the most urgent unmet needs of our children, for job creation, and for deficit reduction.

Mr. President, 99.7 percent of Americans would not be impacted by this amendment. The only families that would be impacted are those earning at least $1 million a year. That is the top three-tenths of 1 percent. What we are simply doing is asking that the upper tax rates go back to where they were during the Clinton administration when, I remind my colleagues, the economy was far stronger.

According to the Joint Tax Committee, restoring the top income tax bracket for people making more than $1 million to what it was in 2000 would increase revenue by $32.5 billion over the next 3 years, including $10.8 billion in fiscal year 2009 alone. Instead of giving $32.5 billion in tax breaks to the very wealthiest people, including people who have billions and billions of dollars, people who really don't need any more tax breaks, this amendment would invest money in the following areas over the next 3 years.

It would put $10 billion into special education, into the Individuals with Disabilities Education Act. Over 30 years ago, the Federal Government made a promise that it would fund 40 percent of the cost of special education. Unfortunately, the Federal Government—shock of all shocks—has not kept its promise. Today we only spend about 17 percent of the cost of special ed. What does this mean? I can tell you what it means in Vermont and I am sure it is the same all over the country. School districts are faced with growing costs regarding an influx of special ed kids. Property taxes are going up to accommodate those increased costs, and kids with special ed needs do not get the attention they deserve. This amendment begins to reverse that process, begins to tell school districts all over America that we are going to keep our promise. We will begin adequately funding special education.

Secondly, this amendment increases Head Start funding by $5 billion over the next 3 years. The simple truth is, Head Start works. Its goal is to make sure that when low-income kids get into kindergarten or the first grade, they are not already far behind everybody else so that by the time they are in the fourth or fifth grade, they have given up, they have dropped out intellectually. Head Start works. The problem is, there are many families who want to take advantage of Head Start, but communities don't have the resources to open the doors for those kids. After adjusting for inflation, Head Start has been cut by 11 percent compared to fiscal year 2002. Boy, is that moving in the wrong direction. Meanwhile, less than half of all eligible kids are enrolled in Head Start and only 3 percent of eligible children are enrolled in Early Head Start.

This amendment will not solve all of those problems, but $5 billion will help open the doors to large numbers of kids who desperately need Head Start education.

This amendment would also provide $4 billion for the Child Care Development Block Grant Program. I can tell you the issue of childcare is one of those issues that we have managed in Congress to sweep under the rug, from one end of this country to the other. Where you have mom and dad both

working, where is that working family going to find the affordable, quality childcare they desperately need? We tell single moms, go out and work, but we forgot to tell them where they are going to find the childcare they need to take care of their kids. This amendment begins to do that with a $4 billion increase for the Child Care Development Block Grant Program.

This amendment would provide $3.5 billion more for the Food Stamp Program. I don't have to tell my colleagues that in the United States, shamefully, disgracefully, we are seeing more and more of our citizens go hungry. I know in Vermont, and I expect in communities all over the country, we are seeing working people, not unemployed people, working people going to food shelves to get the food they need to take care of their families. That is not the way it should be. This $3.5 billion increase for food stamps is a step forward.

This amendment would also increase funding for LIHEAP, the Low-Income Home Energy Assistance Program, by $4 billion. In Vermont and other States, it gets very cold in the winter. We have seniors living on fixed incomes who cannot pay the rapidly escalating cost of home heating oil. LIHEAP is a successful program. It is underfunded. Nobody should go cold, and we put $4 billion into LIHEAP.

We also provide more for school construction. Not only is it terribly important that our kids study in decent schools, schools that are not falling apart, schools which are energy efficient, but by putting money into school construction, we create a lot of good-paying jobs, and that is what that provision does.

Finally, last but certainly not least, this amendment would also reduce the deficit by $3 billion. In other words, at a time when we have seen record-breaking deficits, we are now closing in on a $10 trillion national debt. This amendment takes a small step forward in lowering this year's deficit.

Let me quote from a letter I received in support of this amendment from over 50 groups across the country, including the AFL–CIO, AFSCME, the NEA, the Children's Defense Fund, the American Federation of Teachers, the WYCA, the National Head Start Organization, SEIU, and the National Organization for Women, among others:

> The economic downturn is creating a crisis for parents who work hard but struggle to afford nutritious meals as food prices escalate; to pay for energy for their homes and fuel for their cars; to pay for child care so that they can work; and to assure that their young children receive the building blocks of a solid education to prepare them for the future. Programs that assist in meeting these needs have been cut significantly in recent years, while tax breaks for millionaires have soared. Your amendment addresses these needs. . . .We are urging the Senate to adopt your fiscally responsible amendment to address the pressing needs of working families while restoring greater progressivity to the tax system.

I thank these organizations that represent tens and tens of millions of working Americans.

The choice we face is simple. A lot of rhetoric goes on around here. It is pretty warm in this Chamber, and it is not only from the heat. It is from a lot of hot air from all of us. The time for talk is over and the time for action is now. This amendment will not solve all the problems, but it does say to the American people that the time is long overdue for us to move in a new direction. It is a very simple choice we have to make. The richest people in this country have not had it so good since the 1920s. Frankly, they do not need any more tax breaks. They are doing just fine. But our children are not doing just fine. Senior citizens on fixed incomes are not doing just fine. What this amendment begins to do is to develop a new set of priorities for our Nation. It tells the people we understand that working people are in trouble, they need assistance, and that the time is now to ask the wealthiest people to rejoin the United States and to help us address some of our major social needs.

My understanding is that later this afternoon this amendment will be offered.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the game plan, as the Presiding Officer laid out, is to go to Senator ALEXANDER and then come back. We will go to the Sanders amendment and then come back. I am not sure which is next, but there will be another amendment from our side.

I wanted to respond briefly to Senator SANDERS. I respect Senator SANDERS because he believes fervently in his view of the way Government should work, which is, we should keep making it bigger and keep raising taxes to accomplish that. I have to disagree with the basic philosophy that the present tax law isn't effectively raising taxes from high-income Americans. The simple fact is, over the last 4 years especially, we have seen a higher growth in revenues than we have ever seen before. That growth in revenues has come from wealthy, high-income Americans.

Today under this tax law, we have a more progressive tax system than was in place under President Clinton. The lowest 40 percent of wage earners who don't pay income taxes, for all intents and purposes—some pay, but the majority do not; they actually get money back under the earned income tax credit—are getting about twice as much back today under our tax laws than they got back under President Clinton's term. The highest percentage income earners, the top 20 percent, are paying more into the Federal Government than they were paying into the Federal Government under the Clinton years. I think it was 82 percent of Federal revenues came from the top 20 percent of income tax payers under President Clinton. Today almost 85 percent of revenues come from the top 20 percent of income earners. That is a progressive system—lower income people getting more back; higher income people paying more of the burden.

The reason it works this way under our tax laws is that we have created a fair and level playing field where people are willing to do taxable investment. Somebody who has income of significant levels has two options. They can take action to invest in a way which takes risks and generates jobs and also is taxable, or they can take action which takes risks, hopefully generates jobs, and probably isn't taxable because they use our tax laws in order to legally position their money so they don't have to pay the tax burden. It is only human nature, as has been proven over and over again, that if you get the tax rates up too high, higher income people start to use legal means to reduce their tax burden. But if you get the tax burden set correctly, then higher income people take the risk, pursue entrepreneurship, and create jobs, all of which generates income to the Federal Government. That is what is happening today.

Mr. SANDERS. Will the Senator yield?

Mr. GREGG. I will yield after I finish making my comment.

The point is, what is the right tax burden. If you have a progressive system where 85 percent of your revenue is coming from one group, the high-income people, and the bottom income folks are getting much more back than they got back historically, you have a progressive system. If you are generating more revenue than you have ever historically generated over a 4-year period, and you are well above the average amount the Federal Government receives, then you have a pretty reasonable tax structure which is giving a fair amount of revenue to the Federal Government. In fact, as a percent, we are well over what is the norm over the last 20 years.

I argue that the tax structure which we presently have in place is working to the benefit of the Federal Government in getting more revenue which is being spent rather aggressively by the other side of the aisle. The Senator from Vermont says: Let's just raise it some more. Raise that tax some more, and we will get even more revenue. I would argue that when you start to jump those rates back up, you will probably not get more revenue. You will dampen economic activity. You will cause people to take action which causes them to invest in a way which reduces their tax liability. You will

probably end up reducing revenues with that type of action. It is human nature, and human nature in a capitalist system tends to produce revenues when you have fair taxes and tends to reduce revenues when you have an overly burdened tax system.

I am happy to yield.

Mr. SANDERS. I don't know if it is a New England characteristic that I share, but we make the same points over and over again. The Senator is the ranking member of the Budget Committee. He has heard my point. Let me make it again.

My friend from New Hampshire, from the other side of the Connecticut River, says we have a progressive system. My God, those rich people are paying a fortune. Well, wealthy people do pay a lot. Do you know why? The richest people in this country are earning far more than they used to, while the middle class is shrinking and poverty is increasing. For example, according to Forbes magazine, the collective net worth of the wealthiest 400 Americans increased by $290 billion last year—400 families, $290 billion. The wealthiest 1 percent earn more income than the bottom 50 percent. Yes, my friend from New Hampshire, I do know they pay more in taxes. The reason is, they get all of the money.

Every economist understands that in recent years what has been going on is the middle class is shrinking, real income is going down, and poverty is increasing. The rich are making out like bandits. Yes, they are paying more in taxes because they are making a huge amount more. That is not progressive taxation. What that is about is the fact that we have the most unfair distribution of wealth and income of any major nation on Earth.

I ask my friend, don't you agree with me? That is my question. Of course, you do.

Mr. GREGG. My answer to the Senator from Vermont is, we get two things from Vermont and New Hampshire: bad weather and bad economics.

At this point, I will yield the floor and allow the Senator from Tennessee to pursue his amendment.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I wonder if I might ask the Senator from New Hampshire a question before he leaves the floor.

Mr. GREGG. Madam President, if the Senator has time, I will be happy to try to respond to a question.

Mr. ALEXANDER. Madam President, I have some vague memory in my mind that in the late 1960s, or some time in that time period, a millionaire's tax was proposed. I am wondering if the Senator from New Hampshire remembers that and remembers how many millionaires it was to apply to, how many rich people was it whose money they were going to get?

Mr. GREGG. Madam President, if the Senator will yield, it is the Senator's time, so let me put it in the form of a question to ask him back.

It is my understanding—and I believe the Senator would agree with this—at the time it was supposed to be the top 1 percent of taxpayers. It turned out it exploded over the years. It was supposed to apply to 1 million people. It has ended up applying to potentially 20 million people.

Mr. ALEXANDER. Madam President, the great danger with these conversations about ''let's get the rich'' is, we got 115 of them, I think, with the so-called AMT tax. Today it traps, according to the Senator from New Hampshire, 20 million Americans. That seems to be the way things go.

So I thank the Senator for his time, and I wish to move on to a different subject. We are talking really—it is the same subject—about the Federal budget and how to fix the family budget. The Senator from New Hampshire has eloquently described how the Democratic budget will wreck the Federal budget by raising taxes—which we have just had a beautiful speech about the need for higher taxes—more debt, and more spending. That is one view of how we move ahead in this country.

The view on this side is that we wish to help balance the family budget.

Now, the subject I wish to talk about has to do with where most families get their jobs. We balance the family budget by lower energy prices, which we talked about earlier, by lower taxes—that is one way to do that—by helping every American have access to health insurance without the Government picking their doctor.

Another way is to make sure the small businesses of America have the opportunity to make a profit, to create jobs, to take some money home, and to avoid unnecessary costs.

AMENDMENT NO. 4222

Madam President, I wish to speak for a moment about an amendment I propose to send to the desk in a moment that relates to keeping the family budget in balance by reducing the costs of small businesses, and it has the even more important advantage of helping to unify our country. The subject is the same subject that is chiseled into stone there: e pluribus unum—the motto of our country, what has been the motto of our country: one, from many.

Let me begin with this story.

In March of 2007, the Equal Employment Opportunity Commission, a Federal agency, sued the Salvation Army for allegedly discriminating against two of the Salvation Army's employees in a Boston area thrift store. What had the Salvation Army done to earn this lawsuit from the Federal Government? Well, it had required its employees to speak English on the job.

The English rule was clearly posted, and the employees were given a year to learn it. But this lawsuit, in plain English, means that a shoe shop in Tennessee or a small business in Missouri or in Washington State would have to hire a lawyer in order to make sure they have a clear business reason to require their employees to speak our common language on the job. So I have an amendment to bring some common sense to this subject. It would be to take $670,000 used by the Equal Employment Opportunity Commission, which it is using to bring actions against employers who require their employees to speak English, and instead uses the money to help teach English to adults through the Department of Education's English Literacy/Civics Education State Grant program, which is one of the principal ways we help American adults learn our common language.

So, Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 4222.

Mr. ALEXANDER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To take $670,000 used by the EEOC in bringing actions against employers that require their employees to speak English, and instead use the money to teach English to adults through the Department of Education's English Literacy/Civics Education State Grant nrogram)

On page 4, line 14, decrease the amount by $583,000.

On page 4, line 15, increase the amount by $415,000.

On page 4, line 16, increase the amount by $134,000.

On page 4, line 17, increase the amount by $34,000.

On page 4, line 23, decrease the amount by $583,000.

On page 4, line 24, increase the amount by $415,000.

On page 4, line 25, increase the amount by $134,000.

On page 5, line 1, increase the amount by $34,000.

On page 5, line 8, decrease the amount by $583,000.

On page 5, line 9, decrease the amount by $168,000.

On page 5, line 10, decrease the amount by $34,000.

On page 5, line 16, decrease the amount by $583,000.

On page 5, line 17, decrease the amount by $168,000.

On page 5, line 18, decrease the amount by $34,000.

On page 18, line 16, increase the amount by $670,000.

On page 18, line 17, increase the amount by $20,000.

On page 18, line 21, increase the amount by $482,000.

On page 18, line 25, increase the amount by $134,000.

On page 19, line 4, increase the amount by $34,000.

On page 24, line 16, decrease the amount by $670,000.

On page 24, line 17, decrease the amount by $603,000.

On page 24, line 21, decrease the amount by $67,000.

Mr. ALEXANDER. Madam President, this is not the first time I have offered this amendment. I offered it in the Appropriations Committee of the Senate in June of 2007. Enough Democrats as well as Republicans voted for it to be reported to the Senate floor as a part of the Commerce, Justice, Science appropriations bill.

On October 16, 2007, the full Senate voted 75 to 19 to approve that appropriations bill, containing similar language to the amendment I have just sent to the desk.

On November 8, 2007, the House of Representatives, with the support of 36 Democrats, voted 218 to 186 to instruct its appropriations conferees to recede to the Senate position on the EEOC.

However, the Speaker of the House canceled the conference of the Commerce, Justice, Science Appropriations Subcommittees over this issue, even though the Senate and the House both voted that a Federal agency should not be suing businesses that ask their employees to speak English on the job. The Speaker of the House, for some reason, thought it was so important that she canceled the entire appropriations bill rather than accept this language. So it must be a matter of great significance. I hope the Senate, having already passed this language before in the appropriations bill, as I have said by a vote of 75 to 19, will do it again when the opportunity comes tomorrow.

Madam president, there are thousands of small businesses across America. They may be a Japanese restaurant where the owner may say: I would like for my employees all to speak Japanese. That is fine. They might be an Irish pub, and the owner might say: I would like for them all to speak with an Irish lilt. Or it might be a Chinese restaurant, and for a whole variety of reasons, the owner of the restaurant might say: We would like for all our employees to speak Chinese. That's fine. But in America, if the owner of a business wants to ask his or her employees to speak English on the job, that ought to not be an issue. You shouldn't have to go ask a lawyer to come up with a business reason why you can tell some Federal agency why you asked your employees to speak English on the job. There are practical reasons for it. There are safety reasons for it. There are communications reasons for it. There may be customer reasons for it. But it is a bigger picture than that.

We have, in this country, valued English as our common language for a long time, and let me go back to the reasons why. One of our country's greatest characteristics is its diversity. But diversity is not our greatest characteristic. Our greatest accomplishment as a country may be that we've taken all that diversity and molded it into one common country. It is a source of our great strength. No other country has been able to do it as well. We see many European and Asian countries that wish they had our practice in inviting people from all over the world to come to their country and becoming one country. How do we do it? Because we say at the beginning in our Constitution that we do not make any distinctions based on race or gender or where your grandparents came from.

We say to anyone who wants to become a citizen here: You must become an American. You have to raise your right hand. You have to say essentially the same oath that George Washington and his officers said at Valley Forge, and you basically renounce where you came from. You prove you are of good character. You wait for 5 years. You learn our history. You must learn our common language. Then we are all Americans.

We are proud of where we came from, but we are prouder to be Americans. We have made that a great part of our tradition.

The late Albert Shanker, the head of the American Federation of Teachers for many years, felt passionately about the importance of helping children and new Americans learn what it means to be an American. Once he was asked the rationale for a public school. He said the rationale of a public school is to help children learn English, to learn the ''three Rs,'' and what it means to be an American. The hope was that these students would then go home and teach their parents.

Since 1906, we have required every new citizen to learn English. Federal law requires that all children learn English in public school. We have programs to help adults learn English—including the program I wish to put the EEOC's lawsuit money into. We have in No Child Left Behind, passed not long ago by this Congress, programs to help children learn English, and schools are held accountable for students learning our common language.

When the Senate has recently debated immigration, it has passed two amendments to help value our common language. One was that by 64 to 33 we declared English as our national language. Another, I introduced, was to say that if a new citizen or an applicant for citizenship learned English to a proficient level, that person would be able to wait only 4 years instead of 5 years to become a citizen—a way of valuing our common language. We even said we will give a $500 scholarship to any applicant for citizenship who wishes to learn English, helping them learn English. So in many ways through the last century we have asserted the importance of our common language.

I am sure many of us in the Senate—and many Americans—saw Ken Burns' epic series on World War II. My wife and I went to see a preview of that series last fall, and we were struck by how magnificent it was. Ken Burns said he felt, after doing years of work on World War II, the war was the period of the greatest unity in our country's history. Quoting a book by the late Arthur Schlesinger, ''The Disuniting of America,'' which was written in the 1990s, Ken Burns said: Maybe what we need is a little less pluribus and a little more unum.

Where do we get our unum? We do not get it from race. We do not get it from gender. We get it from learning American history, and we get it from our common language.

The reason we learn American history is so we can understand and learn the principles that unite us. It is those principles and that language which makes it possible for us to say we are all Americans.

So the Equal Employment Opportunity Commission has turned the civil rights laws upside down when it sues the Salvation Army and says: You cannot ask your employees to speak America's common language on the job.

The purpose of the civil rights laws is to unify us, to say no distinctions based on race. We want to be one country. Well, if we want to be one country, we need to have a common language, and in this country that language is English.

It was my hope when I was Education Secretary that every child would grow up to speak at least two languages well. One of them would be English. That is still my hope today.

As I look at the motto above the Presiding Officer's desk, and I think about whose century this is going to be—is it going to be a Chinese century, a Japanese century, an Indian century, a European century, an American century?—part of it has to do with our economy, part of it has to do with our military strength, a big part of it is whether we can stay one country or whether we become just another version of the United Nations—the United States of America or the United Nations; whether we can say we are all Americans or whether we can't. One way to help us be able to say we are all Americans, one way to unite us is to value, not devalue, our common language.

So in some ways this is a very small and simple amendment, taking the approximate amount of money that a Federal agency is using to sue the Salvation Army and other businesses to say: You can't require your employees to speak English on the job, and let's instead use that amount of money to help adults who want to learn English.

We have been sacrificing our unity in the name of diversity for too long. Diversity is a great strength, but our most magnificent accomplishment is our unity. You can't become German, you can't become Japanese, you can't become French very easily, but in order to be a citizen of this country, you must become an American. The way you become an American is by showing good character, waiting 5 years, learning our history, and speaking our common language. The Federal Government ought to be consistently on the side of valuing that common language and not on the side of devaluing it.

So I hope the Senate, when it has the opportunity, will find the same sort of bipartisan support that it had last year, October 16, 2007, when the Senate voted 75 to 19 to approve the Commerce-Justice-Science appropriations bill containing substantially the language in this amendment. We will then be able to say to American small businesses, of which there are hundreds of thousands: No, you don't have to go hire a lawyer to come up with some business reason why you need to ask your employees to speak English on the job.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the order is that we will go to Senator NELSON of Nebraska, and we will reserve the side-by-side for Senator ALEXANDER that I will offer on behalf of others at a subsequent moment. We will go to Senator NELSON, and I will ask Senator NELSON not to send his amendment up because in order to maintain the back-and-forth, we need to send a Republican amendment up next. Then, if the Senator from Nebraska is not here, I will send his amendment up so that it is in the queue.

How much time does the Senator require?

Mr. NELSON of Nebraska. Four or 5 minutes.

Mr. CONRAD. I yield up to 5 minutes off the resolution, and if the Senator needs more, we will provide it.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

AMENDMENT NO. 4212

Mr. NELSON of Nebraska. Madam President, I am here to speak about amendment No. 4212. It is already at the desk, and as Senator CONRAD said, he will call it up at the appropriate point. But I rise today to speak about this amendment to the budget resolution that will create jobs and make a lasting investment in our national infrastructure. I ask unanimous consent to add Senator CONRAD and Senator STABENOW to the amendment as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Let me thank as well the current cosponsors of the amendment: Senator BAUCUS, Senator VOINOVICH, Senator KLOBUCHAR, Senator DURBIN, Senator BILL NELSON of Florida, and Senator SCHUMER. I am pleased to work with my colleagues to increase our investment in infrastructure to help create jobs. I also wish to thank the National Conference of State Legislatures for supporting my amendment. I believe that as more information is developed about this amendment, others will seek to join as well.

This amendment is very straightforward. It says that if we are going to do additional economic stimulus, then we should invest, not simply spend, taxpayer dollars.

My amendment doubles the amount in the stimulus in the budget for ''ready-to-go'' infrastructure projects from $3.5 billion to $7 billion. It is fully paid for and does not increase the deficit compared to the underlying resolution.

The budget resolution before us sets aside $35 billion over 2008 and 2009 for a second economic stimulus package, if necessary, as we continue to keep a close eye on the economy. Included in this stimulus at the present time is $3.5 billion for these ''ready-to-go'' infrastructure projects—projects that can be up and running in a matter of weeks. My amendment would increase this amount to $7 billion and is paid for by reallocating a portion of the $30 billion of stimulus resources to transportation infrastructure.

If Congress decides that additional stimulus is necessary, we need to ensure that we make a real investment in the economy. Including infrastructure investment will create jobs and make a lasting investment in infrastructure that is so desperately needed. These are projects that will go wanting without the necessary financial support to have them concluded, but they won't go away. Infrastructure needs will continue, and the only way to reduce the need is by investing in them.

This amendment in effect kills two birds with one stone: We get the immediate boost to the economy by investment in job creation, and when the economy recovers, the roads we pave and the infrastructure improvements we make will last for years. They are truly, in that sense, an investment.

When the initial stimulus package was under consideration, the States identified nearly $18 billion in projects that would be classified as ready to go within 3 months. These are projects that are waiting for only one thing, and that is funding.

This amendment does, in fact, create jobs. According to a U.S. Department of Transportation study, over 40,000 jobs are created for each $1 billion we spend on roads and infrastructure. This amendment will create jobs in Nebraska and in all 50 States and will provide an important boost to the economy at the same time.

I also want to be clear what this money is intended for: projects that are ready to go, as I have said, projects that can begin nearly immediately and certainly as soon as funding is available. There are already ready-to-go projects in Nebraska and in all 50 States, as we have been able to determine.

States are crying out for help in this area. The National Conference of State Legislatures supports this amendment. Our Nation's infrastructure needs are immense and are continuing to the point of being staggering. We have an opportunity to stimulate the economy, make lasting improvements to our infrastructure, and assist in more job creation. We can invest more in this area, and we should invest more in this area. So I urge the adoption of this amendment by my colleagues. I ask that their support continue as others will join in over the next day or so.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, if I could ask a question of the Senator from Nebraska, this is $3.5 billion in spending which would occur in this budget year, not over the 5 years; is that correct?

Mr. NELSON of Nebraska. That is correct.

Mr. GREGG. This is not offset in any way, so it would just be added to the deficit; is that correct?

Mr. NELSON of Nebraska. This is part of the allocating, part of the stimulus package as it is right now for emergency spending. What it would do is it would allocate part of the $35 billion already set aside in the budget to be added to the $3.5 billion to make a total of $7 billion. It doesn't add any more to the deficit or outside of the deficit than is currently indicated in the current budget resolution. In other words, of the $35 billion right now, only $3.5 billion is allocated to infrastructure. With this amendment, $7 billion would be allocated to infrastructure.

Mr. GREGG. So if I could ask the Senator another question, the Senator from Nebraska is saying that his amendment simply reallocates the $35 billion——

Mr. NELSON of Nebraska. The $3.5 billion.

Mr. GREGG. But there was $35 billion put in the mark that was available for stimulus. Is the Senator reallocating those dollars or is the Senator putting $3.5 billion on top of those dollars?

Mr. NELSON of Nebraska. Not on top. We are reallocating, of that $35 billion, an additional $3.5 billion within the $35 billion to infrastructure, making a total of $7 billion within the $35 billion.

Mr. GREGG. And if I could ask further, where is the Senator taking the money from?

Mr. NELSON of Nebraska. It wouldn't be taking money from, it would be allocating money that has not yet been allocated. So there would be other projects that would not be funded because of this, but it wouldn't be taking any money away from anything already allocated because the balance of it is unallocated.

Mr. GREGG. So this is not a 920—this is not offset with a cut in the 920?

Mr. NELSON of Nebraska. It moved from function 820 over to 400.

Mr. GREGG. I am not sure I understand how this is paid for, to be honest. Maybe the chairman can help.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, the Senator from Nebraska is exactly right. What he is doing with this amendment, which I support, is of the $35 billion which is unallocated, the second stimulus package, an insurance policy against further economic downturn, he doesn't add any money. What he does is of the $3.5 billion that was reserved for infrastructure in the $35 billion, he is doubling that amount to $7 billion of the $35 billion for infrastructure.

I think that is a wise thing to do because I frankly think the infrastructure projects are the most stimulative. We know for every $1 billion spent on highways and bridges, 45,000 jobs are created, and those are jobs in America. As my colleague knows, the money is reserved—the Budget Committee doesn't have the ability to dictate at the end of the day how it is used. Committees of jurisdiction will do that. But what the Senator from Nebraska is doing is sending a message that of this $35 billion, instead of $3.5 billion dedicated for infrastructure projects that are ready to go—and, in fact, we know there are more than $3.5 billion of infrastructure projects ready to fund.

Mr. GREGG. Madam President, if I could reclaim my time, I think the explanation is that this is a reallocation within the $35 billion which was in the original budget, which basically was added to the deficit.

Mr. CONRAD. That is true.

Mr. GREGG. Thank you. I think Senator SESSIONS is ready to proceed.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 4231

Mr. SESSIONS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. VITTER and Mr. DEMINT, proposes an amendment numbered 4231.

Mr. SESSIONS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs)

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as ''Operation Streamline'') to all 20 border sectors;

(2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the appropriations in the legislation described in subsection (a) would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

Mr. SESSIONS. Madam President, we are dealing with an important issue; that is, the budget of the United States. Under the Budget Act and rules we have established, a budget can be passed without a 60-vote margin, a supermajority. Only a simple majority is required. I think that is a healthy rule because for years there were so many difficulties in creating a budget. So it really gives the majority party the power to pass a budget.

The power of a majority party alone to pass a budget means that document is a defining document, and it defines the agenda for that party. It tells where they stand on matters of taxing, spending, deficits, and the like.

I say that my colleagues on the other side of the aisle, who promoted their move to majority status—and I certainly understand that goal—indicated over the last several years President Bush was spending too much, they would be more responsible when given the control of the Congress and they would produce a better budget for working families in America.

I note that this budget has a major increase in spending—as did last year's—over the President's request for domestic discretionary spending. It contemplates a major tax increase and it will, fairly and objectively stated, increase the deficit. I am concerned about that and I wished to make that statement.

Chairman CONRAD is a wonderful gentlemen, a fabulous leader of the committee. He asked that I offer the amendment on the floor and not in the committee, and I agreed to do that.

I would like to explain the amendment I have offered. It creates a deficit-neutral reserve fund for border security, immigration enforcement, and a criminal alien removal program. It sets aside room in the budget to fully fund existing border security and immigration enforcement programs. It is another statement. Also, the members of this Congress meant what we said when we said we wanted border security and to complete the fence and many other immigration reform measures that we voted on last year. I will talk about that later. We voted on those things. One of the things that is eroding public confidence in this Congress is that we vote for things and we say we are for things and some of them pass and some of them are blocked, but even those that pass don't get carried out. So a Congressman or Senator can say I voted to build a fence, whereas, they may not at all be taking the necessary steps to fund or otherwise ensure that the fence gets built. There are other items that are necessary to create a lawful form of immigration, but that is where we are.

This amendment, I think, is another opportunity for the Members of our body to say we are prepared to move forward and do the things that are necessary to follow through on what we promised when we cast votes previously. My amendment is broad. It covers all border security and immigration enforcement programs. But, specifically, it highlights six programs that will need special attention in this year's budget cycle.

Those programs are: Operation Streamline, the so-called ''zero tolerance'' prosecution policy for illegal entry now in place and being utilized by the Department of Justice and Homeland Security in 4 of the 20 border sectors. I will go into detail about these later. Then there is the border fence construction amendment that would complete the 700 miles that we voted on. It would maintain the presence of a National Guard at the border. It would provide help and assets to effectively execute the criminal alien removal program, to remove those who have been convicted of crimes, as it is supposed to be. The section 287(g) program, which trains State and local officers, would be expanded, as we voted

before to do. And the US–VISIT exit portion of the immigration law that was supposed to have been completed in 2005 yet remains uncompleted.

I offered this amendment earlier, but I think some objected that the amendment would create open-ended funding for immigration programs. But this money is not free to be spent. It is not open-ended in reality. It has to be paid for. Full funding for each of these items can only be approved if the proper committees come up with the proper funds.

Simply put, my amendment gives Congress budget flexibility to fund these immigration enforcement programs if we can find a way to pay for them. And we certainly can. These are not that expensive in the scheme of things. They are matters our constituents care about and that we have voted for on a number of occasions.

Also, I note the budget resolution our Democratic colleagues have passed includes at least 35 of these reserve funds, and only 4 of them have any limitation on funding. The other 31—88 percent—are drafted just like my amendment.

So here are the proposals. First, it would allow for funding to expand the zero tolerance prosecution policy for illegal entry. Until recently, only the most serious illegal entries and reentries were ever prosecuted. Routine offenders caught by the Border Patrol were processed in a matter of hours and, if they were from Mexico, they were simply returned to Mexico. If they were not from Mexico, they were released on bail and asked to come back so they could be shipped back to South America or the Middle East or wherever, and we would send them back to those locations. Of course, 90 percent never showed up once they were released because their goal was to get in illegally from the beginning. That has been improved a good bit. We are still, in most of our border sectors, releasing people immediately to return to Mexico. There was a CNN report on this recently. I saw the video. Within hours of two individuals being arrested, they videoed the Border Patrol agent walking them, escorting them, back to the middle of the bridge that divides our countries and basically sending them off back to Mexico. The conclusion of the program was that these individuals, probably the next day, again commenced their effort to enter illegally. Since they weren't recorded as being apprehended, the program indicated they probably successfully made it into the United States. The result has been a ''revolving door'' at the southern border.

According to the Department of Homeland Security, between 20 and 30 percent of all illegal immigrants physically removed from the United States will return within the same year. So a third of them come back, we know, the same year. In 2004, of the 169,000 illegal immigrants removed from the United States, 65,000 returned illegally. In 2006, 37,000 out of 195,000 returned.

In recent months, however, progress has been made. The new zero tolerance prosecution policy, called ''Operation Streamline'' by the Department of Homeland Security, has been put into place in 4 of the 20 border sectors—Del Rio, Yuma, Laredo, and Tucson.

In just over a year, the guaranteed jail time given under this program, the conviction process—instead of escorting them back but having an actual prosecution because it is a crime to enter illegally in that manner—has resulted in a 50-percent decrease in the number of arrests in Del Rio and a 68-percent decrease in the arrests in Yuma, proving, I think, with certainty that this kind of consistent prosecution and conviction is a critical factor in deterring illegal entry.

In fact, Secretary Chertoff, a former Federal prosecutor I served with and have known for some time, was in my office last week. I have been a critic of some of the things he has done, and I have admired some of the things he has done. Secretary Chertoff believes this prosecution sends a different kind of message—and I believe it, too—that the United States of America is serious about deterring illegal entry into our country. When you are simply escorted back to the border and turned loose, that sends a pretty clear message it is not a big deal to enter illegally. These people are not serving long periods of time in jail, but they are prosecuted. A record is made of it, they serve some time in jail and a second offense can lead to a higher punishment.

So I am strongly encouraging DHS and the Department of Justice to expand the zero tolerance policy to the entire southern border by the end of the year 2009. Their efforts ought to be praised. In fact, their success in deterring illegal entry exceeded what most people would have ever expected. It is a proven technique that ought to be replicated across the border. It would need extra funding to make this happen. This amendment would allow for that. I will note, parenthetically, does it cost us more as taxpayers to prosecute everybody who comes across the border when, in fact, you see a 68-percent reduction in the number who come? I suspect that maintaining a clear message that our borders are not open will cause the number to reduce, and the number of illegal entries is what drives up our costs. If you reduce the number who attempt to come illegally, you reduce costs at the same time.

No. 2, the Secure Fence Act of 2006 required the construction of 700 miles of fencing on the southern border. Eighty Senators voted for the Secure Fence Act. 26 were Democrats. In the House, the bill passed 283 to 138. We know the fence construction, combined with other border enforcement increases, is already having some deterrent effect.

Last year, illegal entries at the border, across the entire border fell by 20 percent. Let me ask—I like to ask this question—how many people were arrested last year? That is how we determine basically what is happening. The number of arrests fell 20 percent. Well, last year we arrested, even after a 20-percent drop, 877,000 people trying to enter this country illegally. It was over a million the year before—1.1 million.

A survey conducted by the Mexican Government, released in November, showed a 30-percent drop since 2005 in the number of Mexican nationals ''looking for a job in another country, or preparing to cross the border.''

In other words, the message is getting out. The National Guard increased border patrol, fencing, and prosecution, but people will follow what reality tells them.

In San Diego, where the first 14 miles of fencing were built years ago, the results were significant and immediate. Crime rates fell dramatically. According to the FBI crime index, crime in San Diego County dropped 56 percent. Vehicle drive-throughs fell from between 6 to 10 per day, to only 4 drive-throughs in a year. Those occurred only where the secondary fence was incomplete.

It does make a difference. Good barriers make a difference. Good borders make good neighbors. If you want to enforce your immigration laws, you have a million people a year coming illegally, and if you are not prepared to build some sort of barrier that is effective, you are fooling yourself and attempting to fool the American people. That is the fact.

Drug trafficking dropped in the area—marijuana smuggling by 38 percent and cocaine smuggling by 88 percent. These new miles of fences along the other parts of the border are expected to mirror the San Diego success. There are news articles already describing the deterrent effect of the new fencing in Arizona. This is new fencing. On November 4 of last year, an article in the Houston Chronicle, titled ''Fences Presence Felt: Residents on both sides of one border crossing say barrier is doing what it was intended to do'' stated these things:

> The fence works, residents north and south of it say.
>
> ''From a law enforcement perspective, it's curtailed a lot of our problems,'' said Sharon Mitamura, a deputy sheriff who patrols the border on either side of Columbus.
>
> ''That fence, I love it,'' Robinson, a Minuteman in New Mexico said. ''But being a Minuteman in New Mexico is getting pretty boring. There's no illegals here to be found,'' he said wistfully.

The bottom line is, the message is being heard: Our borders are no longer open in certain areas. And to continue

sending that message we must complete the 700 miles of fencing the Secured Fence Act of 2006 requires.

By the end of 2008, the administration, unfortunately, plans on completing only 370 miles of actual fencing. We need to ensure that funding for the construction of the remaining 330 miles are included in the budget. This amendment will help ensure that occurs.

Now, No. 3. This amendment would allow funding for the National Guard. In May of 2006, the President announced the deployment of 6,000 Guard members to assist Customs and Border Control with surveillance, installing fences, and vehicle barriers.

Since June 15 of 2006, the National Guard units have assisted the Border Patrol by executing logistical and administrative support, operating detection systems, providing mobile communications, and augmenting border-related intelligence.

Operational successes made possible with the National Guard members include direct assistance in 88,000 apprehensions. They cannot themselves apprehend because of the Posse Comitatus Act, but they are able to provide intelligence and surveillance. They accounted for increases in the amount of drugs seized. Marijuana seizures went up by 309,000 pounds, with the National Guard locating 201,000 pounds of that. There have been 91 aliens rescued from being in trouble in the desert. So they even help save lives in the desert.

Although Operation Jump Start has been effective, it is currently scheduled to end. Guardsmen currently stationed on the border number around 3,000. By this summer, the number will be zero—zero. The Senate has already voted twice that the Guard should stay on the border through the end of this calendar year at a minimum.

The Ensign amendment offered during comprehensive reform authorized Governors to deploy Guard troops through 2008 to engage in border control activities to meet training requirements. That was agreed to 83 to 10. My amendment, offered to the DOD appropriations bill, funded Operation Jump Start through the end of fiscal year 2008. It was agreed to by unanimous consent but was stripped from the conference committee.

See, we all agree to it. Everybody is for the Sessions amendment. Yes, we should keep the National Guard longer. But it goes off to a conference committee because we have a bill and the House Members have a bill and the conference committee meets—sometimes I refer to them as masters of the universe—and they just take them out, so the bill comes back to the floor and passes and funding for the National Guard on the border doesn't become law.

So I, along with the majority of the Senate, do not believe Operation Jump Start should end before operational control of the border has been achieved, as required by the Secured Fence Act, which 80 Senators voted for. If we want to continue stationing Guardsmen on the border in 2009, we must make sure the budget resolution permits funding for the continuation of Operation Jump Start.

The mission of the Department of Homeland Security's Criminal Alien Program is to identify criminal aliens—criminal aliens—who are incarcerated in Federal, State, and local facilities, evaluate whether they should be removed at the end of their sentences, and to coordinate a seamless transition from prison to DHS deportation proceedings. A perfectly logical thing. Despite this important mission, DHS is only just beginning to effectively implement the Criminal Alien Program. Congress provided $400 million in 2008 for this program.

The Director of the Bureau of Prisons, Harry Lapin, testified before the Senate Judiciary Committee that 27 percent of the entire Federal prison population is composed of non-citizens—individuals who committed crimes after they entered the country. They are not in jail for immigration offenses. I am not talking about that. We are talking about assault, robbery, drug trafficking, murder, and the like. That is a dramatic number.

We don't know the exact percentages for all State and local prison facilities, but we do have some snapshot statistics. These statistics illustrate that the percentage of State and local jail populations made up of illegal aliens is likely to be similar to Federal prison percentages in a number of areas.

According to a February 2008 California Public Policy Institute report titled ''Crime, Corrections, and California,'' 17 percent of California's jail population was born outside the United States. The New York Times reported that the Los Angeles County Sheriff has reported that 23 percent of inmates in county jails were deportable.

A Center for Immigration Studies study, authored by Manhattan Institute Scholar Heather McDonald, states that:

> In Los Angeles, 95 percent of all outstanding warrants for homicide (which total 1,200 to 1,500) target illegal aliens. Up to two-thirds of all fugitive felony warrants (17,000) are for illegal aliens.

A 2007 DOJ report indicates that 73 of 100 criminal aliens are rearrested at least once, and that the average criminal alien is rearrested six times before deportation. A 2005 GAO report found the average arrest rate for a sample population of aliens incarcerated in Federal, State, and local jails to be even higher, an average of eight arrests per illegal alien.

In 2009, we have the opportunity to expand and carry out effectively the existing Criminal Alien Removal Program and to fully evaluate all non-citizens in Federal, State, and local prison populations. It would ensure that criminal aliens are deported to their home countries at the end of their sentences and that they are not released back into society first.

This is the problem. What if a person is in jail serving a sentence, is going to be released, and is an illegal who, by law, must be deported as a result of being convicted of a crime in this country. If you allow them to be released from the State or Federal jail before you set up the procedure to have them deported, how many do you think are showing up to be deported? They are not showing up. It completely eviscerates the whole concept of the system.

Of course, if we are going to have a deportation system, we need to be evaluating those persons who appropriately and lawfully should be deported as a result of their convictions for crimes—drugs, assaults, murder—and they ought to be deported. It is just not happening effectively, and it indicates to me that our Government still does not get it—about the things necessary to create a lawful system of immigration that we can be proud of. We ought to be encouraging law-abiding people to come here—people with skills, people who speak English, people who are going to contribute to our society—and not allowing our immigration slots to be filled with persons who come and commit crimes. How logical is that?

The success of any nationwide law enforcement effort depends on effective partnerships with all levels of law enforcement. Federal immigration agents alone—there are less than 20,000 in the interior of the United States—will not solve our interior enforcement problem. It is just a fact. A partnership with the 700,000 State and local law enforcement officers is essential if we want to make this system work. And everybody knows that, frankly. Some who don't want the system to work know it too, and that is why they oppose any effort to give any increased ability of local law enforcement to supplement our effort.

To achieve that partnership, cross-designation of State and local officers as Federal agents through the 287(g) program, as done in my home State of Alabama and some other States, should and can occur throughout the country.

We talked about this for years. The program was on the books. We had to push the Department of Homeland Security to partner with Alabama's State troopers to create these cross-designated officers, and it was not easy, but we finally got it done. It has worked exceedingly well and it should be done around the country.

The latest reported figures show that 34 law enforcement agencies in Alabama, Arizona, California, Colorado, Florida,—which has a pretty good program, I know—Georgia—and SAXBY

CHAMBLISS and Senator JOHNNY ISAKSON have sponsored this legislation because it was first championed by Congressman Charlie Norwood from Georgia, now deceased, and they became interested in this—Massachusetts, North Carolina, New Hampshire, Oklahoma, Tennessee, and Virginia—have all signed memorandums of understanding with the ICE agencies, and nearly 600 officers have been trained.

But that is just a small fraction of the potential that is out there. Over the past 2 years, these officers have been credited with identifying more than 37,000 people with possible immigration violations. State and local law enforcement agencies that voluntarily—nobody is mandated under this—offer their services to help enforce Federal laws should be supported and affirmed. The training we require them to receive should be paid for, and the expenses they incur while assisting the Federal Government in enforcing our immigration laws should be reimbursed. So increasing this funding would be helpful.

My final point would be to the US–VISIT system. Researchers at the Pew Hispanic Center estimate that as much as one-half of the illegal alien population was admitted legally. Other numbers are about 40 percent. They come here on some sort of visa or legitimate crossing card but they just stay and do not return.

We don't know who the visa overstayers are because we don't record when visa holders leave or even if they do ever leave. Until the US–VISIT exit system is put into place, we are never going to be able to identify visa overstays. This system was first required 10 years ago. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 required an automated entry and exit data system that would track the arrival and departure of every illegal alien as they crossed our borders.

Following the September 11 attacks, Congress repeated the mandate. Several provisions in the USA PATRIOT Act, the Border Security Act of 2002, and the Intelligence Reform and Terrorism Prevention Act of 2004 require the immediate implementation of the automated entry and exit data system and call for enhancements in its development.

On September 2005, DHS announced that it would have the entry portion of the US–VISIT system installed at the land border ports of entry by December 31, 2005. Implementation of the exit portion at our land borders has yet to occur. Only pilot programs now exist at airports and seaports—this despite the fact that deadlines for US–VISIT exit completion are in current existing law. Are people upset about this? No doubt. We have passed law after law. They are just not getting executed. For example, December 31, 2003, was the deadline for exit system implementation at airports and seaports. December 31, 2004, was the deadline for exit system implementation at the 50 busiest land ports of entry. December 31, 2005, was the deadline for the exit system implementation at all ports of entry—land, air, and sea.

Failure to complete this system, I am sad to say, is an indication of a lack of seriousness about immigration reform by the executive branch, and it is an affront to Congress and to the rule of law. Until its completion, Congress cannot move forward responsibly on a myriad of other immigration-related issues, such as expanding a temporary worker program to meet domestic labor needs that may be critical.

How can you have a strong entry and exit system when you can't even know whether somebody leaves the country when they promised to leave or they exceeded their time limit? This is not impossible to do. Workers all over America clock in and clock out when they go to work every day with some card that is computerized. Americans can place their card in a bank machine in France or Brazil or anywhere else and get money from their banks in the United States. Surely we can clock out people who leave this country.

My amendment makes sure there is room in the budget resolution to fund the completion of the US–VISIT exit system and the other important components of a legitimate, workable, lawful system of immigration that we in this Nation should have.

The American peoples' instincts on this are absolutely right. We allow a million people to enter our country legally every year. We ought to improve that system in a lot of different ways, but we cannot allow large numbers of people to enter our country unlawfully because it makes a mockery of law. It breeds disrespect and anger in people who wait for months or years to be chosen to enter the country when somebody they know enters illegally.

It is the right thing for us to do, to create a lawful system of immigration that meets our highest standards as Americans. It is time to get that done. Each one of these things I have mentioned in this legislation is a critical component of creating that lawful system. It cannot be done without these. More needs to be done than these, but these are critical.

I hope my colleagues will support this amendment as they have supported most of these matters already that are referred to in the amendment.

I yield the floor.

Mr. CONRAD. Madam President, I thank the Senator from Alabama publicly for the courtesy he showed in the Budget Committee markup. We had a circumstance where he offered an amendment. I asked him to withhold a vote on the amendment until we had a chance to see if we could work out the amendment. It turns out we kind of ran out of time, so we were not able to work out the amendment.

Another Senator wanted to have an alternative amendment offered, but Senator GREGG and I had already agreed that we would not have additional amendments.

The Senator from Alabama was a consummate gentleman and agreed to withhold his amendment until we got to the floor so as not to disadvantage a colleague, although he would have had the right to do so. I want to say how much I admire that. That, again, is in the best traditions of the Senate and I think reflects well on the whole body. Certainly it reflects well on the Senator from Alabama.

Mr. SESSIONS. Madam President, I thank the chairman. Senator GREGG and he have alternated chairmanships of the Budget Committee. It is a contentious committee, there is just no doubt about it, because we have things about which we disagree that are important to our members and our constituents. But I think both of them have done a really good job of conducting the committee with grace, gentility and courtesy, so it was not at all unusual that I would agree with that request, and I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I think the key to what the Senator from Alabama said is that we alternate chairmanships, and it is my turn.

Mr. CONRAD. You know, at about this stage, you might be careful what you ask for.

I ask Senator PRYOR if he would not send his amendment up at the end of his remarks about his amendment so we can maintain the going back and forth? We will slot it in as soon as we can.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 4181

Mr. PRYOR. Madam President, I rise today to talk about amendment No. 4181 which, at the appropriate time, I would like to call up but not right now. I will defer to the wisdom of the bill managers and their protocol and procedure they have set up.

This is a deficit-neutral reserve fund amendment. Even though it is deficit-neutral and only a reserve fund, I do think it is important for this country that we agree to this amendment. It deals with science parks. Science parks provide a launch pad that startup companies need when they are spun out of a university or a company. Many are affiliated with a university. They do not have to be. I have legislation I will talk about in a minute that makes it clear that they do not have to be, but nonetheless one of the patterns we see is that they oftentimes are affiliated with a university and that becomes a

symbiotic and very productive relationship.

Science parks go by many names. They are also called research parks, technology parks, incubators or business incubators, and technopoles. Whatever we call them, they are good at doing one thing; that is, creating jobs and spurring innovation. That has really been their hallmark, that they create jobs and they spur innovation. At a time when our economy is slowing and international competition is growing, we need to do everything we can in this country to spur innovation and create jobs. These are not just any jobs, these are good-paying jobs, oftentimes high-tech jobs.

Earlier this year, I introduced a bill called Building a Stronger America Act, along with Senators SNOWE, BINGAMAN, and seven other cosponsors. Many countries, including China, Hong Kong, Singapore, India, Japan, and the European Union, are investing heavily in science parks in order to attract a talented and educated workforce. America should too.

My amendment builds on a commitment we made through the America COMPETES Act to develop an infrastructure that will again enhance innovation and competitiveness in the United States. We see that things here in this country are undergoing a dramatic transformation. Our economy is changing. Now our economy is really based on knowledge and technology.

The world's first science park was started in the 1950s and led to what we now call Silicon Valley. Another park that was early on in this was designed in North Carolina to stop the brain drain in that State. Today, it is the Research Triangle Park, and it is home to many of the world's most advanced high-tech businesses, and they employ over 40,000 people.

Science parks are often recognized as the gold standard of technology-led economic development. These are formats, these are venues where smart people, scientists, innovators, and entrepreneurs can collaborate, come together and not just come up with ideas but actually come through with the commercialization of new products and new technology.

Last year in the Commerce Committee we had a hearing on science parks, and Dr. Randall Kempner of the Council on Competitiveness said:

> American job growth will come primarily from small- and medium-size businesses and science parks will play a critical role in accelerating entrepreneurship and innovation.

According to a study by Battelle, the typical North American science park is located in a suburban community with a population of less than a half million. Most parks are operated by university or university-affiliated nonprofits. More than 30,000 workers in North America work in a university science park. Every job in a science park generates an average of 2.57 jobs in the economy. Most of these parks were built in the 1980s and 1990s and really have outgrown their original space. Madam President, 78 percent of science parks expanded beyond their physical presence after they were created.

In Arkansas, we have two excellent examples of successful science parks, first with the Arkansas Research and Technology Park, which is affiliated with the University of Arkansas and within the city limits of Fayetteville. That park today has 27 companies. The average salary for the people who work in that park is $81,000. It is the home of GENESIS Technology Incubator, the Innovation Center, the Engineering Research Center, the High Density Electronics Center, and National Center for Reliable Electric Power Transmission. That is at the University of Arkansas in Fayetteville. At Arkansas State University at Jonesboro, AR, the Arkansas Bioscience Institute is focused on plant biotechnology and is completing its Commercial Innovation Center as we speak.

Last year, the Arkansas General Assembly established a research park authority to facilitate the development of research parks. The authority and the Little Rock Regional Chamber of Commerce are looking at establishing new science parks to leverage the basic research being done at the University of Arkansas at Little Rock and the University of Arkansas for Medical Sciences, which is also in Little Rock. All three of these groups have told me they need additional funding to meet the growing demand of companies that want to locate in their science parks.

Here again we see an opportunity for the Senate to spur innovation and create jobs for the U.S. economy. This is not a short-term game. But for a small financial commitment from the Congress, we can really spur innovation over the next several decades.

Again, I mentioned Silicon Valley. I mentioned the Research Triangle in North Carolina. Those are two great examples. There is no reason we cannot start this phenomenon all over the country and really build on this knowledge-based and technology-based economy we have today.

I am offering this amendment to try to build in the right budget room. Hopefully, what we will do is later this year, in the coming months—at some point we will pass the broader authorization bill, and then, of course, we will fight the fight when it comes to appropriations at the appropriate time. But I believe strongly this will be a very positive thing for the U.S. economy.

I ask my colleagues to consider this amendment and consider the bill. I definitely ask their support for this amendment today.

Madam President, I yield the floor.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. CONRAD. Madam President, I yield 5 minutes off the resolution to the Senator.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Madam President, I will speak for a few minutes about the amendment I have cosponsored with Senator DEMINT concerning the earmarking process in Congress.

It is very unusual that a problem is as bipartisan as this problem is. Spending public money is something we should take very seriously. It is one of the most important things we do. We all have to remember, it is not our money. This spending of public money should be done on merit; it should be done on a cost-benefit basis; it should be done on getting the most bang for our buck.

Spending public money should not be based on your political party. It should not be based on what State you come from. It should not be based on which committee you are assigned to. And it should certainly not be based on how politically vulnerable you might be in the next election.

If you look at the numbers, for example, the minority Members of the House of Representatives who represent primarily African-American districts, it is frankly hard to explain that they get less in earmarking money than even the Republican Members of the House. Why is that? Many of them are in politically safe seats.

In other words, what happens around here sometimes is you get more money if everyone thinks you need to be able to spend more money because that will help you get reelected.

Well, that is a goofy way to spend public money. That is not the way we should be spending public money. Many of these projects that are funded are great projects. Many of them I support. But distribution is not done on merit.

I have heard over and over again the arguments about the power of the purse, and that somehow if we do not do earmarking we are ceding congressional authority to the executive branch. Well, with all due respect, for 200 years we did fine without earmarking. I do not recall President Lincoln or Thomas Jefferson or FDR or LBJ saying it was essential for the balance of power in our constitutional form of Government to make sure that individual Members of Congress have the ability to personally decide how to spend public money.

So I think the idea that this practice, which started in the 1980s, late 1980s, and did not become an art form until the last 5 or 6 years, is kind of a hollow argument to say somehow this building is going to shake and lightning is going to strike and our power is going to dissipate.

We are debating this week all the power we have. The power of the purse is reflected in our budget amendments and is reflected in the appropriations. We continue to make the decisions. We will always continue to make the decisions about the priorities of the way our Government should spend its money. That is the way the Constitution was designed.

Finally, there are practices that continue to occur that hurt many States and hurt many citizens in terms of the way we are sacrificing the formula grants and the competitive grants in order to fund earmarks.

We give haircut after haircut after haircut to our formula grants and to our other grants. If you look at the Byrne grants, if you look at the violence against women grants, if you look at the COPS Program, all of these were based on merit. I know, because I used to apply for them when I was a prosecutor. They have been cut and cut and cut while earmarks have gone up and up and up. We are still air-dropping. We are continuing to fund private companies for projects not even requested by the Government.

It is time for, as I would say to my kids when they were young, a time-out. We need to take a deep breath, see if we can take another run at more reform and see if we cannot get to the business of spending public money based on merit and getting the best value for the dollar, not on the power of an individual Member or who you know.

I yield the floor and I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I thank the Senator from Missouri for her remarks.

Next up is Senator CORNYN. Could the Senator give us a rough idea of how long he will require?

Mr. CORNYN. Madam President, I should not take more than 10 minutes, perhaps as few as 5.

Mr. CONRAD. I thank the Senator, who is always a gentleman.

Then Senator REED wishes to speak or offer an amendment?

Mr. REED. I would offer an amendment. I need 5 minutes.

Mr. CONRAD. We will have to ask the Senator to speak on the amendment but to reserve sending it up, because we have this order where we have to go back and forth. If you are not here, I will send up your amendment when your slot arrives. It may be a while before your slot arrives. We are going to go back and forth. It requires a delicate balance. Is that okay with the ranking member?

Mr. GREGG. We wish to see the amendment.

Mr. CONRAD. If you could share the amendment with the Republican side so they have a chance. They give us their amendments, we give them ours.

I yield to Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 4242

Mr. CORNYN. Madam President, I have an amendment that will create a 60-vote point of order against any legislation that raises income tax rates on the American people.

If this sounds familiar, it is. Last year the Senate voted, by a vote of 63 to 35, to pass this particular amendment. In a time when there is precious little bipartisan cooperation in the Senate on important matters, this is a list of the Senators on the other side of the aisle who, on March 21, 2007, voted in favor of this point of order that would require a vote of at least 60 Senators in order to raise income tax rates on the American taxpayer.

Now I know the distinguished chairman of the Budget Committee and others have claimed that this budget does not contemplate an increase in taxes for the American people. I frankly do not understand that, because I do not know how you raise the kind of revenue that is necessary in order to make this budget balance without raising taxes dramatically on the American people.

But I believe this point of order is an insurance policy, so when Congress decides to look into the pocketbook of taxpayers for more revenue, we ought to look first to eliminate Government waste, fraud, and abuse.

What concerns families and small businesses have about the economy is now is not the time to think about raising taxes. Of course, this amendment will not hinder our efforts to close down illegal tax shelters or close perceived loopholes in the Internal Revenue Service Code.

The amendment deals with the tax tables contained in 1040 forms that the IRS annually sends to every American taxpayer. Nor will it hinder efforts to overhaul the Tax Code. I believe the Tax Code is way too Byzantine and complex. We need to make our Tax Code fairer, simpler, and our tax rates flatter. But any tax simplification and reform effort will need bipartisan support from the Senate.

I believe the support for the amendment as we had last year would demonstrate a strong bipartisan commitment not to raise taxes at a time particularly when our economy is starting to show some softness.

As former Chief Justice John Marshall once said:

The power to tax is the power to destroy.

The power to tax is indeed one of the most powerful tools available to the Congress. My amendment puts in place safeguards that will protect the pocketbooks of middle-class families, college students, and hard-working American taxpayers, put a safeguard in place that will protect them.

I know there will be strong bipartisan support for this amendment when it is offered. I believe it is important that the American people hear the Senate's voice that now is not the time to raise income tax rates. I ask my colleagues once again to support this strong bipartisan protection for American taxpayers.

I yield the floor.

Mr. CONRAD. Madam President, I would ask the Parliamentarian, through the Chair, a series of questions, if I could, about the Cornyn amendment.

Does the Parliamentarian have the Cornyn amendment?

The PRESIDING OFFICER. The amendment has not been proposed.

Mr. CORNYN. The amendment has not been called up. I would be happy to do so, but I was told that is not possible; that there was an objection to calling up the amendment at this time.

Mr. CONRAD. Actually, I would ask the Senator—we are in this situation in which we try to go back and forth on both sides. There are a number of other Senators who have preceded you in presenting the argument for their amendment, but they have had to withhold actually sending it up so we can go back and forth. I do not know if we are at the point where Senator CORNYN can send his amendment to the desk.

Mr. CORNYN. Madam President, I am happy to wait for my turn in line.

Mr. CONRAD. The Senator is next. The amendment can be sent to the desk.

Mr. CORNYN. Madam President, I certainly do not want to cut in line ahead of my other colleagues who have already talked about their amendments. I will patiently wait my place in line and then call it up.

Mr. CONRAD. It is OK. You would not be going out of line. We have cleared the others who are before you. It would be OK for you to send yours up.

AMENDMENT NO. 4242

Mr. CORNYN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4242.

Mr. CONRAD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4242) is as follows:

(Purpose: To protect the family budget by providing for a budget point of order against legislation that increases income taxes on taxpayers, including hard-working middle-income families, entrepreneurs, and college students)

At the end of title II, insert the following:

SEC. ___. POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that includes a Federal income tax rate increase.

(2) DEFINITION.—In this subsection the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, dully chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CONRAD. While we are giving a chance for the Parliamentarian to review this amendment, maybe we can go to Senator REED for discussion of his amendment.

How much time does the Senator require?

Mr. REED. About 5 minutes.

Mr. CONRAD. I yield up to 10 minutes to the Senator from Rhode Island off the resolution.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from New Hampshire is recognized.

Mr. GREGG. I am not sure the Senator from Texas heard that discussion.

Mr. CORNYN. I thought I had the floor, Madam President.

Mr. GREGG. If I could interject, what has happened is the Parliamentarian desires a few minutes to look at the amendment of the Senator from Texas. We thought we could grant him that and then during that period have Senator REED speak for 5 minutes and then come back to the amendment of the Senator from Texas, which would remain pending.

Mr. CORNYN. I have no objection.

Mr. CONRAD. I thank the Senator from Texas for his courtesy. We are trying to use the floor time as efficiently as possible. The Parliamentarian needs a chance to review the Senator's amendment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I thank Senators CONRAD and GREGG for graciously allowing me to speak.

We are debating the Federal budget today. While we do that, thousands of families in my State of Rhode Island and across the country are struggling to balance their household budgets. They are, in many cases, in dire circumstances. They are dealing with the effects of failed economic policies. Over the last several years, wages have been stagnant for most Americans. There has been no real increase in family income for almost a decade. In addition to a stagnant income, they have been assaulted by extraordinarily high prices. I had bakers in my office today whose bakeries in Rhode Island have to pay 100 percent more for wheat. What is staggering today is a fact my colleagues are probably aware of. The price of a barrel of oil is exceeding $110. That is the highest price ever for oil. It is even higher in real terms than we saw in the wake of the oil embargo of the 1970s. So wage growth and skyrocketing costs, particularly energy costs, are crushing and squeezing families. I regret that the President's budget proposal does not respond realistically to these current challenges. Instead, it offers more of the same.

Since he took office, President Bush and his allies in Congress have increased our national debt to over $9 trillion, which is roughly $30,000 for every man, woman, and child in America. They have also made it harder for working families to make ends meet. In contrast, the resolution advanced by Senator CONRAD and the majority would provide much-needed relief for millions of Americans and begin to reverse some of the negative trends that have accelerated with President Bush's term of office.

I am pleased, for example, that the Budget Committee has increased the fiscal year 2009 authorization for low-income home heating energy assistance to $2.5 billion, $500 million more than the President's request. But I believe we need to do more. We certainly need to do more when the price of oil is soaring above $110 a barrel. That cost will quickly translate into heating oil costs, increased prices at the pump, and other energy costs throughout the economy and will have dire impacts on families.

I will, at the appropriate moment, offer an amendment, along with Senator COLLINS, to provide an additional $2.6 billion for LIHEAP for a total level of $5.1 billion, the fully authorized amount. As my colleagues know, LIHEAP helps low-income families, seniors, and individuals with disabilities with their heating and cooling bills, bills that have become unmanageable, and with the skyrocketing price of oil, will become even more so. Family budgets have been squeezed. We have to do something to help them out.

For example, heating oil prices have increased 138 percent from January 2000 to January 2008. Paychecks for working families have not increased 138 percent and neither has LIHEAP funding. We are not even keeping pace with the acceleration in the cost of energy. LIHEAP helps these households avoid making the tough choices between paying their energy bill or putting food on the table or also, in this environment, paying their mortgage. So we have to increase, not cut, LIHEAP funding. Funding LIHEAP at $5.1 billion would help literally millions of families cope with high energy prices during bitter cold winters and accelerating costs of energy and hot summers for those who live in the Southeast and Southwest and other parts of the country.

I urge all my colleagues to join with me and Senator COLLINS in supporting this vital amendment to the budget. At this juncture, I ask unanimous consent that in addition to the 16 cosponsors listed on amendment 4154, as submitted, further, Senators COLEMAN, KOHL, LEAHY, LIEBERMAN, LINCOLN, and SCHUMER be added as original cosponsors as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. In conclusion, this budget resolution and the amendment I have offered provide a blueprint for legislative action. The amendment that will be offered in its appropriate turn by Senator CONRAD will address the critical issue of helping families make ends meet by helping them with their energy costs, both in severe winters and scalding summers.

However, we have to do much more than this. We have to help people with mortgage bills, the rising cost of food and energy and stagnant wages. I hope the administration and my colleagues on the other side of the aisle will join us in the coming months to enact legislation that will make a huge difference for Americans in all phases of the economic issues that challenge them—paying the mortgage, feeding the family, heating their home, paying the health care bills, getting jobs in the United States that pay wages with which they can support their families. We could do that. We have done it in the past. There is no reason we cannot work together to make it happen now.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 4181

Mr. CONRAD. I send the Pryor amendment to the desk to be in order after the Cornyn amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. PRYOR, for himself, Ms.

SNOWE, and Mr. BINGAMAN, proposes an amendment numbered 4181.

Mr. CONRAD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund for Science Parks)

At the end of Title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. Maybe we should thank the desk crew for working under very challenging circumstances because we know we are sending them a tremendous flood of amendments and paper. They are having to keep it straight, and we very much appreciate their diligent work.

AMENDMENT NO. 4242

Mr. GREGG. I was wondering if we could set the order here before we go back to the Cornyn amendment.

Mr. CONRAD. I think we could.

Mr. GREGG. If the order is now, the Cornyn amendment is the regular order, that would be followed by the Pryor amendment in the voting sequence, followed by the Allard amendment, followed by a side-by-side to the Allard amendment.

Mr. CONRAD. Yes, we may have a side-by-side for the Allard amendment. We have reserved that slot at least.

Mr. GREGG. And then after this discussion, we would turn to Senator BIDEN.

Mr. CONRAD. After I ask the Parliamentarian a number of questions with respect to the Cornyn amendment, which we set aside so the Parliamentarian could study it.

I ask, through the Chair, the Parliamentarian if the Cornyn amendment is germane to the budget resolution.

The PRESIDING OFFICER. The amendment is not germane.

Mr. CONRAD. I ask further if this amendment was accepted on the floor, if that would be corrosive to the privileged nature of a budget resolution?

The PRESIDING OFFICER. It would be.

Mr. CONRAD. I ask further if the Cornyn amendment came back from conference committee, if that would be fatal to the privileged nature of the budget conference report?

The PRESIDING OFFICER. It would be.

Mr. CONRAD. Therefore, I have no choice but to raise a point of order on germaneness on the Cornyn amendment at the appropriate time. I will not do that now, but I wished to have this conversation in the presence of the Senator from Texas. We had this conversation last year. I alerted him that this issue was raised with us afterwards, and I wanted him to hear for himself the answers of the Parliamentarian.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I understand the concerns of the Senator. It will take 60 votes to waive the point of order. Sixty-three Senators voted for the amendment last year. My hope would be they would vote with me to waive the point of order. Unfortunately, the Senator is correct. After 63 Senators voted on a bipartisan basis for this amendment last year, it was stripped in the conference. Unfortunately, this is the kind of thing that tends to undermine public confidence in what we are doing, when we see a strong bipartisan show of support for a commonsense amendment and then, behind closed doors, it is later stripped from the legislation. I respect and understand the concerns of the Senator. I will move to waive the budget point of order at the appropriate time.

I thank the Chair.

Mr. CONRAD. I thank the Senator. Now we have time for Mr. BIDEN, the senior Senator from Delaware. Would 15 minutes be plenty?

Mr. GREGG. Madam President, I ask if the chairman would be agreeable to recognizing Senator ALLARD around 5:15 and that debate on his amendment and any substitute to his amendment be for 1 hour, up to an hour equally divided.

Mr. CONRAD. One understanding we might have, if that amendment consumes less time or the side-by-side consumes less time, that we go on to other business.

Mr. GREGG. Absolutely.

Mr. CONRAD. All right. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

AMENDMENT NO. 4164

Mr. BIDEN. Madam President, I thank the chairman of the Budget Committee. It is a job I don't envy.

Let me say at the outset, I have two purposes in rising today. One is, I am going to, at the end of my comments, introduce an amendment that restores full funding for the 150 function, the State Department budget, cosponsored by Senators FEINSTEIN, SMITH, DURBIN, SUNUNU, DODD, MARTINEZ, MENENDEZ, SNOWE, KERRY, COLLINS, LEVIN, VOINOVICH, OBAMA, CORKER, LEAHY, and HAGEL.

What I rise to speak to now is an amendment already at the desk, amendment No. 4164. That amendment will add $551 million to the $599 million already provided in the budget resolution for the COPS Program for a total funding of $1.15 billion. I thank the Budget Committee for allocating the $599 million to the COPS Program in this resolution. That is a significant increase from the President's priorities. In fact, for the first time since its inception in 1994, the President's budget proposes to eliminate the COPS Program entirely. I am offering my amendment to get us closer to full funding of the level of $1.15 billion that proved successful in driving down crime in the 1990s.

I realize I am a broken record on this issue. Each year my colleagues hear me come down and talk about the COPS Program, the fact that we have to fully fund the program. Why am I such an advocate for the COPS Program? Mostly because I wrote the original legislation. There is a tendency around here, if you write something, you hang onto it, even if it no longer functions. But that is not the reason. It is not pride of authorship. I support it because it works. It worked. It continues to work. And it will work even better if we fund it.

In the 8 years following the creation of the COPS Program, we have driven down violent crime by 30 percent in the United States. Cops and sheriffs themselves have told us the COPS Program works and is critical to their ability to keep communities safe. In addition, we have one dozen academic studies showing that COPS grants help reduce crimes in cities of all sizes.

If it ain't broke, as Ronald Reagan used to say, why fix it? I have never heard the other side argue that this program does not work. They all agree it works. But they choose not to fund it because they think funding of local law enforcement is not a Federal responsibility or that we need to defund the program to be fiscally responsible. The truth is, this devolution of Government argument I find not very compelling. The argument that the Federal Government has no responsibility for local crime would be true if the Federal Government had no responsibility, if the States were able to do something about the drugs pouring across our international borders, if, in fact, States were able to affect crime coming across their borders from some other States, if, in fact, they had jurisdiction to reach out and deal with 60 percent of the crime that occurs in their communities because of drug abuse and drug trafficking. So there is an overwhelming Federal responsibility here.

My view is that allowing crime rates to grow and not doing everything in our power to protect our constituents is irresponsible. It is not that we are being fiscally responsible, we are being

irresponsible by not funding programs we know work.

I should point out, the COPS Program actually saves money in the long run. I hear from some of my neoconservative friends, who are big on the devolution of Government and fiscal responsibility, as they talk about it. I also hear them use phrases as businesspeople: You have to spend money to make money. Well, we should, as I say, change the paradigm here.

Last March, the Brookings Institute issued a study showing that the COPS Program greatly benefits society as a whole. The study found that every $1.4 billion invested in COPS generates a benefit to society of between $6 billion and $12 billion by reducing crime. According to Brookings scholars:

> COPS appears to be one of the most cost-effective options available for fighting crime.

That is because when you prevent a crime or you fight crime, you do not pay for the cost of the injury, you do not pay for the cost of the physical damage done to the community, you do not pay for all the ancillary costs that are associated with high crime rates. You actually save money by spending money on COPS.

The Bush administration argues that because crime is lower than it was in the early 1990s, we can afford to slash crime-fighting assistance. Well, I find that striking. I start with the basic premise that if we do not see a drop in crime rates each year, then we failed. The fact is, we talk about the number of crimes, violent crimes being committed in America. If you take the total number of crimes being committed, even though they have leveled out or are only slightly increasing, they are down from the high points in the mid 1980s and the early 1990s. The fact is, there are still over 1,400,000 of those crimes being committed. Is that OK? Should we not spend money to deal with what is still an incredible number of crimes committed in America—17,000-plus murders this year? We need to get back on track now.

Our law enforcement agencies are facing a perfect storm. Let me explain why I mean by that.

Since he took office, the President has cut annual funding to COPS and Byrne Justice Assistance Grant Programs by $1.7 billion. The President's budget proposes now to eliminate these programs entirely. At the same time, he asks State and local law enforcement to take on new responsibilities—new responsibilities—relating to counterterrorism, homeland security, and immigration duties. The President is asking cops to do much more and giving them considerably less.

The FBI agents reassigned away from fighting crime to terrorism—and they must do that—have not been replaced. One investigative report last year stated that the number of criminal cases investigated by the FBI has dropped by 34 percent. I am not being critical of the FBI, nor critical of the commitment to counterterrorism. But in our effort to protect America from terrorism, we cannot leave them vulnerable to violent crime on their streets. It does not matter if you get blown up by a terrorist or shot by a drug thug on the street, you are dead. You are dead. Family members do not make a distinction between how you die. We have to protect them from both the crime on the street and from terrorism. That takes a commitment of resources that has been lacking in recent years.

Finally, the economy has slowed down. The Washington Post reported recently that next year 20 States expect their budgets to be in the red. As State governments are forced to tighten their belts and cut back on critical law enforcement funding, as they do that, Federal assistance is going to become even more important.

Many of you have heard me say this before: Fighting crime is like cutting grass. This spring, when the grass begins to grow, you go out and cut it. For 1 week, it is going to look great. Don't cut it for 2 weeks, it looks a little ragged. Don't cut it for a month, it is really ragged. Don't cut it for the summer, and you have a jungle in your front yard.

Ralph Waldo Emerson once said in another context: Society is like a wave. The wave moves on, but the particles remain the same.

God hasn't made a new brand of man in a millennia. As long as there are people and the population is increasing, there is going to be continued crime. The idea that we can spend less money one year than the year before in fighting crime I find preposterous because you do not change human nature.

Many of you have, as I have said, heard me say this for a long, long time. But the fact is, we have neglected State and local law enforcement for much too long, and we have an increasing problem on our hands.

A recent poll published by the nonpartisan Third Way indicates that 94 percent of Americans view crime as a ''very serious'' or ''fairly serious'' problem. Sixty-nine percent of Americans think violent crime is a bigger threat to them than the possibility of terrorist attacks. It is sort of a self-evident proposition, but it is interesting to know they feel that way.

The concerns of these Americans are serious, and they are real. Last year, 1.4 million Americans were victims of violent crime. Now, if crime is down from what it was a decade ago, is that an acceptable rate? Is it acceptable to say we do not have to spend any more money, we can level off violent crime at 1.4 million violent crimes a year? Are we doing our job? Are we winning the war? Are we protecting Americans? How can we justify spending less money when there are still 1.4 million violent crimes in America? More than 445,000 Americans were robbed. More than 17,000 were murdered. Is there anyone in this body who does not think these numbers are unacceptably high for a civilized nation? We know what the solution is. We know how to make American communities safer. But we know it takes a commitment, and it takes a financial commitment.

In all my years dealing with this issue of crime and the criminal justice system, there are only a few things we know for sure. One is, the older you get, the less violent crimes you commit because it is harder to run down the street being chased by a cop and to jump a chain-link fence when you are 50 years old. So violent crime decreases as you get older. The other thing we know for sure is that cops matter. If there is going to be a crime committed at an intersection and there are three cops at that intersection, the crime is going to be committed on the corner of the intersection where the cops are not standing. Cops matter.

So I find it preposterous that no one has argued against the merits—the merits—of the COPS Program and the crime bill originally written. No one argues that it does not work, but they argue we fiscally cannot afford it. Can we afford 17,000 murders in this civilized country? Can we afford 1.4 million violent acts against our fellow citizens? Can we afford 445,000 robberies, for which we know if we commit these resources of $1.15 billion a year we can significantly reduce the number of people being victims of violent crime?

My amendment will add $551 million for the COPS Program to support the local law enforcement officials on the front lines, and it is fully offset by an across-the-board cut to nondefense, discretionary spending.

So when the appropriate time comes, I will urge my colleagues to vote for this amendment. I might add, it passed last year. It passed, and it passed the appropriations process until we ended up with a continuing resolution. So there has been overwhelming support for this, and I think it is needed.

Now, Madam President, I would like to turn, in the moments I have left, to an amendment I would like to offer at this time for myself and Senator LUGAR. We are joined by a number of our colleagues whom I mentioned earlier. Our amendment builds on similar work done by Senator FEINSTEIN. We all share the same goal.

My amendment restores the full amount of the President's requested $39.5 billion to the international affairs budget. To put this in perspective, for every $19 we spend on the military, we spend $1—$1—on diplomacy and development.

Last week, two distinguished former senior military officers, GEN Anthony Zinni and Admiral Smith, came before the Foreign Relations Committee to tell us that we must reorder our Nation's priorities in order to protect our national security. With more than 50 of their fellow former flag officers behind them, they are calling for a new emphasis on smart power—using our Nation's diplomatic and economic resources to protect our interests.

Secretary of Defense Gates has made the same point absolutely clear. He said:

> Having robust civilian capabilities could make it less likely that military force will have to be used in the first place.

We can all see the results in both Iraq and Afghanistan of not having those capabilities, the resources, or the plan to turn military action into a sustainable peace.

But Secretary Gates was also perfectly clear about the real issue. In his words:

> Sometimes there is no substitute for money.

He was talking about the need for an international affairs budget that can do the jobs that are now increasingly shifted onto our overburdened military or simply are not being done at all. The way we do things now, we have, in his words, ''field artillerymen and tankers building schools and mentoring city councils—usually in a language they don't speak.''

We have to do better. We face many challenges around the world in the rise of religious fundamentalism, the proliferation of weapons of mass destruction, the spread of disease, and failed states. They are all vectors that, in fact, intersect and cause great threats to us. Not one of them can be met solely or even primarily with military force. No one knows that better than our men and women in uniform.

The message we heard in our committee last week was: ''We cannot rely on military power alone to make our nation secure.'' Yet, as I said, for every $19 we spend on military resources, barely $1 goes toward civilian programs that can prevent military action, support a balanced response to security threats, or secure the peace once the shooting stops. We spend more in 3 weeks on military operations in Iraq, for example, than we have spent since 9/11 to rebuild and secure Afghanistan—the total amount of money spent in Afghanistan, which is one end of the superhighway of terrorism between Afghanistan and Pakistan. We have spent less money, since 9/11, in Afghanistan defeating the Taliban and dealing with its civilian as well as military needs than we spend for 3 weeks in Iraq. This amendment will not fix that problem, but it will keep us from making it worse.

Last month, I wrote to my colleagues on the Budget Committee asking them to treat the President's budget for international operations ''as a floor, not a ceiling.'' I ask unanimous consent, Madam President, to have a copy of my views printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 26, 2008.

Hon. KENT CONRAD, *Chairman,*
Hon. JUDD GREGG, *Ranking Member,*
Committee on the Budget, U.S. Senate,
Washington, DC.

DEAR CHAIRMAN CONRAD AND SENATOR GREGG: I write in response to your request for the views and estimates of the Committee on Foreign Relations, as required by Section 301(d) of the Congressional Budget Act of 1974, regarding the budget for programs under the jurisdiction of the Committee. Most, but not all, of the programs within function 150 are under the jurisdiction of the Committee on Foreign Relations.

At the outset, I repeat my suggestion made in years past that the Committee consider functions 050 and 150 as part of a ''national security budget.'' Both national defense and international affairs programs are essential to the security of the country, and we should fund both adequately. This was true before the attacks on the United States in September 2001, and is even more so today.

International affairs funding is the ''first line of defense,'' and the request should be treated as a floor, not a ceiling. The international affairs agencies remain underfunded and understaffed, in spite of increases in the last decade. That is not my conclusion alone, but that of several recent studies performed within and without the government. Therefore, in preparing the budget resolution, I urge you not to reduce the money allocated to function 150 under the President's request.

I also urge the Committee to bear in mind the difficulty of estimating foreign affairs funding over the duration of the budget resolution. Predicting the future in foreign policy can be difficult, because so many events outside the control of the United States can affect the course of American policy. I think it safe to say, however, that our international interests are unlikely to diminish over this period; the opposite is true. In the age of globalization, with ever-increasing links in commerce, travel, and communications, it is more likely that our interests will increase. Most important, we face a continuing threat of attack by international terrorist organizations. The unclassified portions of a National Intelligence Estimate, issued in July 2007 (entitled ''The Terrorist Threat to the U.S. Homeland''), stated that the ''U.S. Homeland will face a persistent and evolving terrorist threat over the next three years.'' The main terrorist organization threatening the United States—al Qaeda—has its base of operations overseas. Our foreign policy institutions devote substantial resources to combating al Qaeda and its affiliates in numerous countries overseas. In sum, our security and economic interests dictate that we continue to provide adequate funding for the international activities of our government.

Against this background, let me discuss several specific items that your Committee should consider in preparing the budget resolution.

Funding for Iraq and Afghanistan

The President has requested a relatively small amount of foreign affairs funding for Iraq in the FY 2009 budget—$397 million in foreign assistance funds, and $65 million for State Department operations. But this modest request obscures a much larger supplemental request of over $2 billion for State Department operations in FY 2008. I would expect additional supplemental funds to be requested in FY 2009. This continues an objectionable practice of treating these costs as somehow unforeseen and worthy of exemption from the normal budget discipline. We should not force the taxpayers of tomorrow to bear the costs of today's military and foreign policy priorities.

I am pleased that the President's budget contains over $1 billion in additional assistance for Afghanistan, but I remain concerned that the level of commitment falls far short of the President's pledge, made in 2002, of a reconstruction program modeled on the Marshall Plan. In fact, over the past six years the funds spent on Afghanistan's reconstruction equal what we spend on military operations in Iraq every three weeks. The budget presents little cause for optimism that the Administration will adopt a coherent plan for combating the illicit narcotics trade, which remains a major threat to the objective of establishing a secure and stable society. We, and the Afghan people, have waited half a decade for the President's promises to be fulfilled for Afghanistan. It is in our vital national interest to see that this budget funds a new strategy for success rather than a continuation of the failing policies of the past. Accordingly, I expect that the Committee on Foreign Relations will closely review the ongoing programs in Afghanistan and will reauthorize the Afghan Freedom Support Act (P.L. 107–327) at levels higher than those in the President's budget.

Non-proliferation programs

An ongoing priority of the Committee will be to improve the non-proliferation and counterterrorism posture of the United States. The Administration has emphasized military action against states, but has paid insufficient attention to. non-military efforts to keep the world's deadliest weapons, materials, and technology out of the hands of the world's most dangerous people.

Committee priorities in this area will include: ensuring that sufficient resources and authority are available to take advantage of opportunities to verifiably disable and dismantle sensitive nuclear facilities in North Korea and, if possible, Iran (additional resources will be of particular importance if Congress is unable to enact a budget-neutral Glenn Amendment waiver for disablement, dismantlement, and verification activities related to North Korea's nuclear programs, a proposal that is supported by the Administration, Senator Lugar and me); providing robust funding in a timely manner to key international organizations carrying out critical nonproliferation tasks, such as the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons; funding new State Department efforts to promote biosecurity worldwide; and enacting the Global Pathogen Surveillance Act to strengthen the ability of developing countries to detect and combat bioterrorism threats and infectious diseases. I first developed this legislation in 2002, and it has been approved by the Senate twice (most recently in December 2005 as S. 2170, a Frist-Biden-Lugar bill). The authorization of appropriations for these initiatives is expected to be $150 million in FY 2009 and $180 million in each of the out years.

Lastly, I would highlight a need that Senator Lugar has rightly raised in the past.

The Department's Directorate of Defense Trade Controls (DDTC) is seriously understaffed and in need of funds to hire more full-time personnel to process munitions license applications. Without an increase in funds for the activities of DDTC, license applications for critical arms sales to support our allies and their activities in Afghanistan and Iraq will continue to be processed far more slowly than we believe would be the case if more funds were available. Last year, for instance, DDTC had to process more than 40,000 cases with only 34 licensing officer positions filled. By comparison, the Bureau of Industry and Security at the Department of Commerce has far more staff to process far fewer cases involving dual-use export licenses. Yet the President's budget request for FY 2009 includes no funding for additional staff at the Licensing Office at the Directorate of Defense Trade Controls. The Foreign Relations Authorization Act for Fiscal Year 2003 (P.L. 107–228) authorized $10 million to be available in FY 2003 for DDTC salaries and expenses. Six years later, the Administration's request for FY 2009 is only $6.9 million. A doubling of that figure is warranted, to ensure that DDTC has sufficient funding to hire additional licensing officers.

Reconstruction and stabilization assistance

A priority for Senator Lugar and me continues to be to significantly improve the U.S. civilian capacity to undertake stabilization and reconstruction missions in countries that are recovering from War or conflict. I am encouraged that the President has requested $248 million for the Civilian Stabilization Initiative (CSI), and I urge your Committee to assume funding for this initiative. The request level for the CSI would support a civilian active response corps of 250 personnel, a standby response corps of 2,000, and a civilian reserve of 2,000 drawn from the general U.S. workforce. This capacity is the core of legislation which Senator Lugar and I have introduced in every Congress since the 108th Congress. The Senate approved our bill in the 109th Congress and, with strong support from the Administration, we are working for enactment of the current version (S. 613).

Global health

Progress in the battle against HIV/AIDS constitutes one of the leading accomplishments of this administration and U.S. foreign policy in recent years, but the President's request for global health funding, including HIV/AIDS, will fail to build on those achievements. The request includes a very small increase for HIV/AIDS funding overall, but it cuts funding for the multilateral Global Fund to Fight AIDS, Tuberculosis, and Malaria by $340 million from the enacted funding level for FY 2008, requesting only $200 million within State and Foreign Operations and $300 million within the Health and Human Services budget. In keeping with Congress's strong support of the Global Fund, I urge that the budget resolution assume additional funds for a U.S. contribution that will be provided within the 150 account. The President's budget request also significantly reduces funding for Child Survival and Health, including a substantial cut in bilateral funding to combat tuberculosis, despite the fact that drug resistant strains of tuberculosis are growing increasingly common and more dangerous.

Additionally, I would note that the authorization period for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 will expire at the end of FY 2008, unless extended by Congress. I believe that a strong, bipartisan majority in Congress is committed to the reauthorization of these important and successful programs. I expect that the Committee will initiate and Congress will pass reauthorization legislation. Therefore, the budget resolution should assume the continuation and, I hope, expansion of these programs.

International Violence Against Women

Current U.S. efforts to address violence against women are well intentioned, but fragmented and piecemeal, and lack systemic integration into current U.S. foreign assistance programs. Our approach to this issue can, and needs to be, more effective. Senator Lugar and I recently introduced comprehensive legislation to address the issue, entitled the International Violence Against Women Act (S. 2279). The bill contains three primary components: First, it reorganizes and rejuvenates the gender-related efforts of the State Department by creating one central office, directed by a Senate-confirmed Ambassador who reports directly to the Secretary. The Coordinator will be charged with monitoring, coordinating, and organizing all U.S. resources, programs and aid abroad that deals with gender-based violence. Second, we know that in humanitarian crises, conflict and post-conflict environments, women and girls are even more vulnerable to horrific acts of violence. The legislation requires training, reporting mechanisms and other emergency measures for those who are working directly with or protecting refugees and other vulnerable populations. Finally, the Act mandates a 5-year, comprehensive strategy, with coordinated programming, to prevent and respond to violence against women in 10 to 20 targeted countries. The Act authorizes $175 million a year to support programs to prevent and address violence. against women in areas such as strengthening criminal and civil justice systems, enhancing women's access to property and inheritance rights, improving access to health care and education, and supporting public awareness campaigns to change social norms. I urge your support for the additional funding contemplated by this bill.

Millennium Challenge Corporation

The President has requested $2.225 billion to fund the Millennium Challenge Corporation (MCC) in FY 2009, which is significantly below the FY 2008 request of $3 billion. I remain concerned about the lack of funds disbursed by MCC and delays in implementing its Compacts. Of the nearly $7.6 billion appropriated to MCC since 2004, only $145 million has been disbursed to date. At the same time, MCC enjoys the continued support of the development community and represents one of the few institutions in the U.S. Government dedicated to providing longterm development funding. Given the slow pace of disbursements, Congress has continued to reduce the President's requests. This year, he has scaled back his budget request to an appropriate level. Therefore, I request the Committee assume MCC will receive its full funding request.

Development Assistance funding

The President requests an increase in funding for the Development Assistance account to over $1.6 billion, reversing a declining trend in this account as well. I have watched with increasing concern as the Administration has diverted funds from the development assistance account to the shorter-term Economic Support Funds. I believe adequately funding both accounts is critical to supporting a multi-faceted and balanced foreign policy. The programs supported by Development Assistance funds—basic education, water and sanitation, agriculture and trade capacity building—are essential building blocks for developing countries. I support the request level for this account.

Humanitarian assistance

I am concerned by the President's reduced request for humanitarian assistance funding, especially funds for the International Disaster and Famine Assistance account. The Administration has conveyed that it intends to request additional funds for this account through a budget supplemental. I do not believe this represents the best approach for dealing with emergencies as they arise. In each of FY 2004 through FY 2007, the total appropriation for the International Disaster and Famine Assistance account has exceeded $500 million. There is little reason to expect this year to be any different, yet the President's request stands at $298 million. As a result, humanitarian agencies working on the ground are forced to plan in a vacuum, leading to lives lost and inefficient expenditure of taxpayer funds. I believe it is much more sensible to fully fund these accounts in the regular budget.

Contributions for International Peacekeeping Activities

The President's request for Contributions for International Peacekeeping Activities—the account through which we pay the U.S. share of United Nations peacekeeping operations—significantly underestimates the amount that we will be required to pay for the United States' proportionate share of assessments in 2009. The estimate of U.S. payments for fiscal year 2008 was $2.3 billion; the budget request for fiscal year 2009 is $1.5 billion. We know that the need for peacekeepers in Africa alone is immense, and projected to remain the same, if not grow. Darfur, Chad, and Somalia are still in the grips of terrible conflicts. The Democratic Republic of Congo, which has seen horrendous violence in recent years and contains the largest of the U.N. peacekeeping missions, may be on the verge of a breakthrough toward genuine peace and needs a stable environment to support such a breakthrough. The President's budget request, however, would effectively cut funding for nearly all of the U.N. peacekeeping operations from estimated 2008 levels, and in particular a cut of $75 million for the Congo mission, a $56 million cut for the mission in Liberia, and a cut of $39 million in the Cote d'Ivoire mission. No justification for these reductions is provided in the budget request; the budget resolution should assume that these projections are inadequate.

Migration and Refugee Assistance

The request for $764 million for the Department of State's Migration and Refugee Assistance (MRA) account represents deep cuts from the Fiscal Year 2008 appropriation of $1.023 billion. These cuts are most troubling at a time when significant refugee crises continue in nations such as Thailand and Chad. and where refugees remain in camps for a decade or more in some regions of the world. Of greater concern is that the President's request makes these cuts following a year where up to two million Iraqis have now sought refuge in neighboring countries in the Middle East, millions more Iraqis are internally displaced within Iraq, and at a time when the world community is struggling to address the needs of these populations. The budget resolution should assume a higher level of funding, at least consistent with last year's level.

USAID operating expenses

The President reverses a declining trend of funding towards USAID's operating expenses by increasing its FY 2009 funding request to over $767 million. This will cover critical salary, operational, administrative, IT and central support costs. I believe it is a well-needed and much delayed step in the right direction. In particular, this request will allow the Agency to recruit, hire and train 300 new Foreign Service Officers, barely covering attrition rates. We have asked the Agency to expand its mission and operations into new theaters like Iraq and Afghanistan. We cannot expect it to achieve U.S. foreign policy objectives if we do not provide appropriate resources. I view this request as just the first step in a comprehensive reform and overhaul of how USAID operates.

State Department operations

The President has requested a 6.5 percent increase in the operating budget of the Department of State. Much of this is devoted to addressing personnel shortfalls and the need for more officers trained in difficult languages. The lack of experienced officers with adequate language skills in languages such as Arabic or Chinese is well known. In addition, several studies in the past few years—including by the Government Accountability Office and the Center for Strategic and International Studies—have noted that the Department suffers from serious personnel shortages. Altogether, the budget requests 1,543 new positions in the Department, of which 448 would be funded by fees in the Border Security program (i.e., visa and passport fees). I support this increase in personnel.

Extension of Overseas Private Investment Corporation

The basic authorities of the Overseas Private Investment Corporation (OPIC), set forth in Section 234(a), (b), and (c) of the Foreign Assistance Act of 1961, expired at the end of FY 2007, but have been extended by Congress to April 1. The House has approved a four year reauthorization (H.R. 2798); the Committee on Foreign Relations ordered reported a substitute version of this bill on February 13. I believe a majority of the Senate supports OPIC programs. Therefore, the budget resolution should assume the continuation of OPIC operations.

Direct spending

I request that the Committee provide the Committee on Foreign Relations with a small allocation (not more than $10 million) for direct spending for Fiscal Year 2009. In recent authorization legislation for the Department of State, the Committee has approved provisions related to management and personnel in the Department that have resulted in small amounts of direct spending, though most of these provisions affect direct spending and revenues by less than $500,000 annually.

I appreciate your consideration of these views and look forward to working with you on the budget resolution.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Chairman.

Mr. BIDEN. Madam President, working under tight constraints, the committee reduced the President's budget request by $4.1 billion. I understand they have a difficult task and a great staff, but I believe we have to do a lot better.

I ask my colleagues today to join me, when this amendment comes forward, in restoring the full $39.5 billion the President requested. That will allow us to at least continue the work now underway to help rebuild Iraq and Afghanistan, to support our ongoing nonproliferation programs, to provide the manpower and skills for our Civilian Stabilization Initiative, to fight AIDS, and to do all the things that reduce threats, relieve human suffering, and help to rebuild the moral stature of the United States in the world.

Our amendment is supported by the One Campaign, Interaction, the U.S. Global Leadership Campaign, and many other groups, many of whom are men and women who have worn the uniform their whole life.

The money we are asking for is less than a couple weeks of military operations in Iraq. It is an absolutely essential investment in our national security. So at the appropriate time, I will urge my colleagues to support this amendment.

Madam President, I thank my colleagues for the time on the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to enter a plea to my colleagues: We need an attitude adjustment around here. We need an attitude adjustment around here. Here it looks pretty placid. Underneath all of this, there is a great deal of turmoil. If we are going to complete this in any reasonable way, we have to have people be more cooperative, less confrontational, less insistent on side-by-side amendments for even minor matters. I plead with my colleagues. I have a feeling what we have here is a lot of staff members who have gone into hyperactive mode, insisting on things in the name of their boss, and I bet their boss doesn't even know. I bet a lot of bosses would be a little embarrassed, frankly, about the insistence being made here from their staffs about how they have to have this and they have to have that, no matter how minor, no matter how insignificant, no matter how petty. I will tell my colleagues, it is wearing pretty thin with me. It is wearing real thin with me. I want to send that message.

Senator GREGG and I have been here for hours, we will be here hours more. We were here all day yesterday. Let's get serious. If we want to get done, then everybody is going to have to start getting a little better attitude about getting done. I hope people think very carefully about what I have said.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. What is the regular order?

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLARD. What is the regular order?

The PRESIDING OFFICER. The pending amendment is the Conrad-Pryor amendment.

AMENDMENT NO. 4246

(Purpose: To raise taxes by an unprecedented $1.4 trillion for the purpose of fully funding 111 new or expanded Federal programs)

Mr. ALLARD. Mr. President, I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk has not yet reported the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 4246.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GREGG. Mr. President, I simply ask—we have an order to go through. We will protect the rights of the Senator from Colorado to have it voted on and he is actually in the queue to come after Senator PRYOR at this point. So I don't think the Senator from Colorado needs to ask for the yeas and nays right now.

Mr. ALLARD. I thank the Senator from New Hampshire, and I will respect those wishes. I will move right to the debate on the amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, one of my goals for this debate is to fight what I see as an erosion of fiscal discipline in the budget. I have offered an amendment to fully—I planned on offering an amendment to fully budget for the war, a war we know we are going to pay for but we are underbudgeting for by about $100 billion. I had planned on offering an amendment to tighten the requirements on reserve funds so they cannot be gimmicked into adding billions of dollars in spending. I plan on offering an amendment to curb the use of time shifts to allow budgets to falsely make claims on spending levels when the true picture is unchanged. I had planned on offering an amendment to allow authority to fight Medicaid waste, fraud, and abuse to be extended.

I am offering another ''truth in budgeting'' amendment now. I think we need to work harder to tie what is in this budget with what is actually going to be spent by the U.S. Government.

As a component of that work, I want to add an amendment—an amendment I intend to vote against, but an amendment I think needs to be a part of this process—that will budget for some of the rhetoric we are hearing on the campaign trail. Three of these amendments could be offered, but I am going to offer only one.

Senator OBAMA has offered 188 campaign proposals that would add up to at least $300 billion in new annual spending. That has a 5-year cost of more than $1.4 trillion. Of the 188 new spending proposals, the $300 billion pricetag only covers 111 proposals. There are another 77 proposals with unknown cost estimates that will add billions to this number. This new spending, if enacted, would represent an almost 10-percent increase over the President's budget for fiscal year 2009.

To put this in perspective, this $300 billion spending proposal would cost more than 42 States' budgets combined when we look at their general fund expenditures. It is more than the United States spent last year on imported oil, and it is more than 60 percent larger than any 1-year Federal spending increase ever.

Who will pay for the proposed $300 billion increase in spending? The middle-class American taxpayers and small businesses, which are the engine of growth for our economy, that is who. Raising taxes on just the rich simply won't cover it.

Under pay-go budget rules, new spending or tax cuts are paid for by spending cuts or tax hikes. The CBO budget baseline already incorporates the extra revenue due to higher tax rates, so the end of the Bush tax cuts won't pay for the proposed spending and still satisfy our pay-go requirements.

Senator OBAMA has promised to pay for his record new spending increases with a tax increase on families making $250,000 and over. However, this increase would only yield $225 billion over 5 years. Now, that is a far cry short of the $1.4 trillion required under his new spending plan. So we will need to raise taxes on the middle class and small businesses or deficit spend. Those are the choices we have.

According to CBO, President Clinton's 1993 tax increase raised taxes $240.6 billion over 5 years. The late Senator Patrick Moynihan called it the ''largest tax increase in the history of public finance in the United States or anywhere else in the world.'' This proposal will increase spending $300 billion in a single year.

To finance the first year of this proposed spending—the $300 billion—Congress would need to increase taxes on the top 1 percent of taxpayers by 57 percent. Under that scenario, taxpayers with incomes over $365,000 would see a tax hike of at least $40,300 on top of what they are currently paying. That is simply not realistic. So if Congress decides to widen the pool of taxpayers footing the bill, it would have to raise taxes on the top 5 percent by 38 percent. It would have to raise—the top 10 percent of taxpayers, it would have to raise their tax rates by 32 percent; or the top 25 percent by raising their tax rates 26 percent; or the top 50 percent of taxpayers by raising their tax rates 23 percent.

The top 50 percent of American taxpayers, who already pay 96.9 percent of all Federal income taxes, are those who earn $31,000 of adjusted gross income or more.

To translate this point into language everyone can understand, if you have an income of $104,000 or more, the plan would cause your tax bill to go up at least an additional $5,300 a year. If you have an income of $62,000 or more, the plan will cause your tax bill to go up at least—at least—$2,300 a year. This is on top of the $2,300 increase already assumed by the failure to extend the current tax policy that was put in place by this President and a Republican Congress. But we are not just looking at new spending. He also wants to balance the budget and stop spending the Social Security surplus. If he follows through with these promises, it would mean the average taxpayer earning $62,000 would see their income tax bill rise 5,300 or 61 percent, or the average taxpayer earning $104,000 would see their income tax bill rise by 12,300, or 74 percent. The average taxpayer earning $365,000 would see their income tax bill rise by an astounding $93,500. That is a 132-percent increase.

Keep in mind that all these tax increases would be on top of the $2,300 tax increase 43 million families will feel, when the current tax policy expires; the $2,200 tax increase seniors will experience, when the current tax policy expires; and the $4,000 tax increase small business will have to pay, when the current tax policy expires.

If such a massive hike is deemed politically undoable, all of this staggering spending would simply be added to the Federal debt each year, to the tune of over $1.4 trillion over 5 years. That debt would be passed along to our children and grandchildren, with interest.

I will oppose this amendment. But I think we need to include these proposals in our budget debate. I refer to, and other Members have referred to, this as the ''Obama spend-orama.'' It is a huge spending proposal that he is talking about in the campaign, which we can expect him to present to Congress if he is elected President. The consequences are a huge increase. When you pay for that, he is going to have to implement a huge tax increase. That is on top of the expiring taxes that will be taking place in the next 2 or 3 years.

So we have a tax increase built into current law that will be compounded by this type of spending plan.

My point is that the taxpayers of this country simply cannot afford this kind of budgeting. Their taxes are too high. They are going to be too high in the next 2 or 3 years. We are going to have tax increases when our economy can least afford to deal with them.

So I ask my colleagues to join me in voting against this ''Obama spend-orama'' amendment. I think it is the wrong answer in today's world. We need to have the American people keep their money in their own pockets so they can spend it on their own family needs, so it can be used in their local communities to take care of the needs of those communities in which they live. Sending it to Washington and sending it back in some type of programmatic dollars simply will not do the trick to keep our economy growing, and that is certainly not what I want to see.

I came to Washington to make sure we kept power at the State and family level. So I am proposing this amendment so we can have this debate and move forward with this budget policy, which we may have to deal with after this particular Presidential election.

Mr. President, I see Senator BURR. I will yield the floor so he can raise his concerns.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I thank my colleague for his amendment. I want to make it clear to my colleagues in the Senate that you should not vote for this amendment. I will say that again. You should not vote for the Allard amendment.

The amendment reflects the proposals that one candidate made in the Presidential race to, in a blanket way, spend $300 billion a year—the first year. We all know if you have 1 year of spending up here, all you need to do is multiply it by how many years you are going to watch it because you will end up close to what the total is. If you look at over a 5-year period, you are looking at a tremendous growth in spending.

Now, this may be considered by some an economic stimulus package—I think that is probably the only way it could be billed—and that we are going to grow the size of the Federal Government through what they spend. That is not how I envision economic growth. I envision that when you fuel, through policies, the commitment by the private sector to invest in bricks and mortar and buy new equipment, to create jobs and hire our children and grandchildren, to continue to innovate to bring new resources to the marketplace and make sure the U.S. economy grows—not the U.S. Government—I think if the American people wish for anything today, they wish we would

slash the size of the Federal Government. They wish we would cut the number of employees and that we would actually take a look at the programs that the Federal Government has that we have funded—and that we created many times—that don't work today, and actually fix them and make them work or get rid of them. But, no, in typical fashion, every election year we say the Government is broken, this or that doesn't work, so let's create new programs. Let's not try to fix the ones that are there. Maybe they will just go away on their own. But they never do. Spending piles up and piles up.

So there is a big difference as we go into this budget debate, and as we go into this election year. The question is, are you going to ask the private sector to fuel the economic growth? Are you going to ask the private sector to invest in bricks and mortar and job creation or are you going to let the Federal Government do it? Our track record in the Federal Government is not too good.

Senator OBAMA's $300 billion spending proposal—in one year, again—would cost more than 42 State budgets combined; 42 of the States in this country, in total, have a smaller budget than the $300 billion that Senator OBAMA is proposing to spend in the first year of his administration.

Quite frankly, who will pay for the $300 billion increase in the size of the Federal Government, the spending and the number of employees in the Federal Government? The American people will, the middle class will. I think my colleague from Colorado said it very well—that even though the rhetoric says we are going to target those people at just the top of the income level, that Congress would need to increase taxes on the top 1 percent of taxpayers 57 percent, which would be a $40,000 increase, if you want to try to raise it just on the backs of the wealthiest or highest taxpayers. In all likelihood, the average taxpayer earning $62,000 a year would see their income tax rise $5,300 or 61 percent. That is how low you would have to go on the taxable scale to be able to raise the money you need to fund the $300 billion increase in the Federal Government.

Let me put things into perspective. CBO said that President Clinton, in 1993, raised taxes in this country $240.6 billion over 5 years. The late Senator Moynihan, from New York, called it the ''largest tax increase in the history of public financing in the United States or anywhere else in the world.'' Now, what Senator OBAMA is proposing for a spending increase in 1 year is bigger than the 5-year increase that President Clinton imposed on the American taxpayer, which was the largest in the history of the country or, as Senator Moynihan said, anywhere else in the world. Senator OBAMA has promised to pay for this new record spending with tax increases on families making over $250,000 a year. That is a pretty attractive target, as we have learned. I think more Americans aspire to get there than worry about getting there.

However, as my dear friend from Colorado points out, this increase would only yield $225 billion over 5 years, which is a far cry from what the amount is that we will need, which is $1.4 trillion. I will say that again. It is $1.4 trillion, which is required under the new spending program.

So in typical Washington fashion, we have a proposal by somebody to spend $1.4 trillion and to pay for it in total with the taxes on just families making over $250,000 in income, which would equal $225 billion over 5 years. Somehow in Washington that is understood as a promise to pay for it in total—$225 billion collected in taxes and $1.4 trillion spent.

I don't need to belabor the point. I am here to beg my colleagues to vote against this amendment. Vote against my friend from Colorado. Turn him down. America doesn't need us to spend more money. They need us to fix the programs designed to affect the American people today. We don't need to tax the American people more. We need to tax them less. We need to look at corporate taxes in this country and we need to reduce them. We need to look at health care and fix it. We need to look at education and we need to figure out how every child crosses the goal line of graduation on time. Government is not going to do that. Communities and the private sector are the ones that will invest in bricks and mortar and will create the jobs. If we create them here, it is not the job most Americans want. If we allow the private sector to create those jobs, the future of every child in this country is unlimited, only controlled by their commitment and their willingness.

Let's make sure our investment is to make sure our policies support the private sector, our programs help the American people, and that we don't fuel the economy fictitiously by proposing that the Federal Government can increase spending and, in fact, balance it on the backs of a select few. It will be like every other tax increase. We will balance it on the backs of Americans who cannot afford any more taxes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank the Senator from North Carolina for his comments. He is entirely right. This is an appropriate time to consider this because we are talking about the budget of 2009. Whoever is going to be the next President, we are talking about his or her budget. We are talking about the same year he or she will be in his or her first year in office.

There is a debate going on out on the campaign trail for President, and I think we need to seriously look at the proposals that are being put forward on the campaign trail. This particular amendment looks at, right now, the leading Democrat candidate for President, the proposal he is going to be making, with the 188 programs he is promoting out there. We have done an analysis on 111 of them. Spending just goes through the roof. Consequently, taxes will go through the roof. If you don't raise taxes to take care of the spending program, then your deficit spending is going to go through the roof.

I think this is a meaningful amendment. I urge my colleagues to vote no, and my view is that, if you make this argument that you are going to make the rich pay for all these programs, that just cannot happen. It will filter down, and the middle class and small businesses are the ones that will carry most of it.

I have mentioned this before on the Senate floor, and I will say it again. If you want economic growth in this country, it comes out of the small business sector. When you raise their taxes markedly, it is going to have an adverse effect on the economy. So this is the wrong solution at the wrong time. I ask my colleagues to vote no on this important amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, how is the time being charged now?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. Then I ask that the time I am on the floor and the time going forward be charged against the bill.

The PRESIDING OFFICER. That is the order. Time is being charged against the resolution.

Mr. GREGG. Mr. President, if I might have the floor, there are a number of folks who wish to speak to this bill and have amendments relative to the bill. I strongly urge them to wander over here in the next few hours and give their talks and talk about their amendments. It is possible that we will start the vote-arama tomorrow. Once we start, there is not going to be any discussion. There will be one vote after another, with a very brief time period in between equally divided. If people want a substantive discussion on their amendments, now is the time to come over and make their presentation.

Taking my own advice, I will mention an amendment I intend to offer which deals with the H–1B issue. H–1Bs are visas which go to people who can contribute immensely to our economy. We have an economy that depends on value added—smart people creating ideas which create jobs. A lot of those

smart people come from overseas, and we should take advantage of them wanting to come to the United States. One of our great strengths as a nation is people want to come here, and we should take advantage of that strength and convert it to an economic engine.

The way to do that, of course, is to encourage people who want to come here and who are going to contribute to the economy by being job creators—rather than taking jobs, they will be actually job creators—to come to the United States. So I will have an amendment to expand the H–1B program. This is critical to the high-technology industry especially.

I expect that this amendment will be strongly supported by those who wish to expand our economy, especially by advancing our leadership in the area of technology, and I know it will be strongly supported by everybody——

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. GREGG. I am happy to yield to the Senator from Illinois for a question. There will be no dead people brought over to the United States.

Mr. DURBIN. Lucky 7,000.

I would like to ask the Senator from New Hampshire, if I might, is he aware of the companies that took advantage of the H–1B visas in 2006, which companies led in the number of H–1B visa awards?

Mr. GREGG. Well, I know the Senator from Illinois doesn't like the H–1B visa program, doesn't desire it to be expanded. I appreciate that and I understand we have a difference of opinion on that, and when he wants time, I will be happy to listen to his views again. But the fact is I happen to think, even though there may have been abuses in the program, I don't think they were at the core of the problem; that the primary energy of this program has been to create jobs in the United States by bringing smart people here.

We should be going across the world and saying to the best and the brightest——

Mr. DURBIN. Will the Senator yield?

Mr. GREGG. I will in a second—and saying to the best and the brightest in the world, if you want to come to the United States and be a job center that adds to the value of our economy, we would like to have you come. We would like to consider you as being a participant under an H–1B visa program.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GREGG. Yes.

Mr. DURBIN. The Senator inadvertently misstated my position. I know it was an accident. We are good friends. He is probably not aware I do support the H–1B.

But is the Senator aware that out of the top 10 companies that secured H–1B visas, 6 of those companies were Indian corporations; 5,000 visas to Infosys, an Indian corporation which is a body shop which moves H–1B engineers from India to the United States for a fee and then back to India to compete with American companies; WoodPro, which is the second largest company, 4,000 visas; and the first American company on the list for H–1B visas was Microsoft, with 3,000. So 9,000 had already been awarded to Indian companies, and the Government of India has said the H–1B is what they consider their outsourcing visa so they can send engineers to the United States to learn how to compete against American companies.

Does the Senator believe that is an abuse which should be addressed?

Mr. GREGG. Well, I would say to the Senator from Illinois that when you bring a person here who has the capacity to add to the strength of a Microsoft, for example, which is probably our single biggest international producer of economic activity for us as a nation, after maybe, I don't know, Wal-Mart, but it is a value-added company of the first level, and that when you bring somebody here who Microsoft feels adds to their ability to be more competitive, if that person decides to go back to India or back to China, well, that will be a choice they make.

But I suspect the odds are pretty good if that person has the opportunity to stay here under an H–1B visa program, they will probably end up staying here, or at least a large enough percentage of them will stay to add to our economy.

Now, what my amendment does——

Mr. DURBIN. Will the Senator yield?

Mr. GREGG. I will in a second. What my amendment does, to make it clear, is it recaptures visas that are unused and it uses those visas now. It also specifically targets bringing in high-skilled nursing, people who are trained in the nursing facility area, which is very much in demand right now.

Mr. DURBIN. Will the Senator yield?

Mr. GREGG. Certainly. Of course.

Mr. DURBIN. Does the Senator feel the option of job vacancies that may be filled by H–1B visa holders should first be offered to Americans to fill those jobs before an H–1B visa is given to a person coming from another country?

Mr. GREGG. I happen to believe the H–1B program is one of those programs that expands jobs in the United States, and by getting people here, you actually create jobs and you will create more jobs for Americans rather than lose jobs.

So, no, I don't happen to think you create a uniform rule that says nobody can come here if somebody else can take the job because then you are going to get the bureaucracy behind that which would basically bar those people from ever getting here. That becomes then a bureaucratic nightmare for building those jobs. It makes much more sense to bring these smart, intelligent people here, have them create jobs here, rather than leave them creating jobs in China and India.

Bill Gates speaks to this far more eloquently than I do. He speaks to most things more eloquently than I can because he can pronounce the words. But as a practical matter, he says these people are centers for the energy that creates the ideas, that creates the jobs that drive the economy. And if you leave them in China, if you leave them in India, as those types of individuals creating jobs, they become huge competitors to the entrepreneurship of America. If you bring them here, they become adjuncts to our economy.

I think the proposal makes a lot of sense from the standpoint of job creation and from the standpoint of making our economy stronger, so I will be offering it later in the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. REID. Mr. President, if I can ask my friend to withhold for a minute.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I have had a conversation with Senator MCCONNELL, and he and I have had a discussion as to what is going on here and what needs to go on. We believe we should start voting about 11 o'clock tomorrow, or maybe a half-hour earlier. We have an event in the Rotunda that he and I have to attend, and there is a moment of silence for our troops, so we can start about 10:30 or 11 o'clock.

Tonight, Members should offer any amendments they want, talk as long as they want. But it appears, based on my conversation with the Republican leader, it will not be necessary that we be in all night. So that would be all I have to say, and that is also based on the conversation we had with the two managers of the bill earlier in the evening.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would ask the leader, for the purposes of clarification, if Members would be permitted to speak tonight on their amendments but to call them up tomorrow. We already have a very long line of amendments in the queue. I think the ranking member would probably agree that we would permit Members to speak tonight, but they would have to sequence their amendments tomorrow because we already have a long line of amendments in the queue. I think that would provide a better discipline for the process tomorrow.

Mr. REID. I would say to my friend, if the managers of the bill agree to that, I am sure Senator MCCONNELL would agree to that. So unless we hear from the Republican leader to the contrary, I would say, based on that, there will be no rollcall votes tonight and that we will proceed along that line. Staff will draw up a consent agreement

the two of you can take a look at and make sure it is in order.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I take it the Senator from North Dakota is suggesting we will continue this evening, but in debate only, unless the chairman and the ranking member of the committee agree to put an amendment in order.

Mr. CONRAD. I think that would be the best way to proceed, don't you, to maintain some discipline for what is to come tomorrow?

Mr. GREGG. I agree. I wished to make certain.

Mr. REID. Mr. President, I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I understand that Senator DODD is going to speak for 20 minutes. At the end of Senator DODD's presentation, I ask unanimous consent that Senator ENSIGN be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I would not object, but if Senator ENSIGN can give an idea, for the knowledge of other Members, how long he will take. An approximation.

Mr. ENSIGN. About 20 minutes.

Mr. CONRAD. That might be helpful to our colleagues who might be listening, in knowing how much time it would take.

The PRESIDING OFFICER. So the order will be the Senator from Connecticut for 20 minutes and the Senator from Nevada for 20 minutes?

Mr. CONRAD. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator the Connecticut is recognized.

Mr. DODD. Mr. President, I wish to talk about a couple amendments I will be offering, but let me inquire, if I may, of the chairman of the Budget Committee, if it would be appropriate for us to submit our amendments this evening. I understand the sequence will be left to the committee, but I am not sure whether I should be submitting an amendment or whether we can do that tomorrow.

Mr. GREGG. If the Senator will yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I think you can file one, but it can't be called up.

Mr. DODD. I understand that. That is the point.

Well, Mr. President, what I will do, then, is I would like to file two amendments, and I send them to the desk and ask they be filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me discuss these two amendments, and I will reserve about 5 or 6 minutes at the end to talk about the present housing issue that is critical to all of us. I wish to take a few minutes, which is far more than I will probably get tomorrow with the 1 minute allocated to talk about these amendments that are important in a number of aspects.

I wish to thank Senator ORRIN HATCH of Utah, Senator SCHUMER, the Presiding Officer, and Senator DURBIN for joining me in the first amendment I will be offering to increase funding for the Maternal and Child Health Block Grant. This amendment that I will be calling up is supported by a large coalition of organizations, and I ask unanimous consent that the list of organizations and letter from the organizations be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FRIENDS OF THE TITLE V MATERNAL AND CHILD HEALTH PROGRAM,

DEAR SENATOR: As organizations committed to improving the health of America's women, children, and families, we urge you to support full funding for the Title V Maternal and Child Health (MCH) Services Block Grant. Full funding at the authorized level of $850 million will enable all states and territories to provide vital public health and health care services to millions of women, infants and children, including children and youth with special health care needs.

The MCH Block Grant is the only Federal program that focuses solely on improving the health of all of our nation's mothers and children. State and territorial health agencies and their partners use MCH Block Grant resources to reduce infant mortality, deliver services to children and youth with special health care needs, support prenatal and postnatal care, screen newborns for genetic and hereditary health conditions, deliver childhood immunizations, and prevent childhood injuries. MCH Block Grant funding assists states in addressing critical health workforce needs, including the training of health professionals, and supports the development and testing of innovative public health practices.

State and territorial MCH programs coordinate their work with Medicaid agencies, state Special Supplemental Nutrition Programs for Women, Infants and Children (WIC) and other programs serving vulnerable and at-risk populations. This collaborative work assures that every dollar is used to provide necessary services without duplication to underserved mothers, children, and families in your state.

Six years ago, funding for the MCH Block Grant was $731 million and has remained flat or has decreased ever since. The FY 2008 omnibus appropriations bill cut MCH Block Grant funding to $666 million, the lowest level since 1993. Five years of cuts have curtailed progress in improving the health of mothers, children, and families. Full funding for the MCH Block Grant will allow states to efficiently meet increased demand for public health and health care services in their communities.

We strongly urge you to fully fund the Title V MCH Block Grant at $850 million. Your support of this vital program is appreciated.

Sincerely,

Association of Maternal and Child Health Programs; American Academy of Pediatrics; American College of Obstetricians and Gynecologists; American Public Health Association; Association of Public Health Laboratories; Association of State & Territorial Health Officials; Association of University Centers on Disabilities; Autism Society of America; CityMatCH; Children's Dental Health Project; Division for Early Childhood of the Council for Exceptional Children; Epilepsy Foundation; Family Voices; Families USA; First Focus; IDEA Infant Toddler Coordinators Association (ITCA) March of Dimes Foundation National Association of County and City Health Officials; National Assembly on School-Based Health Care; National Center for Children in Poverty; National Healthy Start Association; National Hispanic Medical Association; Prevent Blindness America; The Arc of the United States; The Children's Defense Fund; The Children's Health Fund; United Cerebral Palsy.

SUPPORT FOR DODD AMENDMENT ON MATERNAL AND CHILD HEALTH BLOCK GRANT

Association of Maternal and Child Health Programs; American Public Health Association; Association of Public Health Labs; Association of State & Territorial Health Officials; Autism Society of America; AFSCME; Child FIRST, Bridgeport Hospital, Yale New-Haven Health System; Child Welfare League of America; CityMatCH; Division for Early Childhood of the Council for Exceptional Children (DEC); Easter Seals; Epilepsy Foundation; Family Voices; First Focus; IDEA Infant Toddler Coordinators Association (ITCA) March of Dimes Foundation; National Assembly on School-Based Health Care; National Center for Children in Poverty Mailman School of Public Health, Columbia University; National Center for Learning Disabilities; National Child Abuse Coalition; National Healthy Start Association; Prevent Blindness America; SEIU; Voices for America's Children.

Mr. DODD. Mr. President, among the associations and organizations that are supporting this amendment is the Association of Maternal and Child Health Programs, the American Academy of Pediatrics, the March of Dimes, and many others.

In a minute, I will speak to the second amendment I am offering relating to autism funding.

Under the President's budget, the Maternal and Child Health Block Grant will be funded at $666 million for the second consecutive year. This amount represents a cut of $65 million from 5 years ago, when funding peaked at $731 million. These persistent cuts and flat funding have a real impact on the services States are able to offer to nearly 35 million women, children, and youth affected by maternal and child health programs.

The Maternal and Child Health programs include direct health care for children with special needs, preventive and primary care for children and youth, integration of health care with other child and family services, newborn screening for genetic disorders, lead poisoning prevention, injury prevention, and public education.

We must ensure that the States are able to continue to offer these services to those in need. That is why I am offering this amendment, which will increase the funding of this block grant by $184 million to the authorized level of $850 million.

Again, I wish to thank Senators HATCH, SCHUMER, and DURBIN for supporting this effort in a bipartisan way. The Maternal and Child Health Block Grant services act as a critical source of care for many of our Nation's uninsured children. Of the more than 23 million children receiving services in 2006, 6.8 percent, or nearly 1.8 million children, had no known source of health insurance at all.

More than a third of MCH funds are used to provide primary and preventive health care services to children—including immunization clinics, outreach to enroll eligible children in Medicaid and the State Children's Health Insurance Program, SCHIP, and funding and technical assistance to school based health centers, that serve adolescents.

In other words, MCH funds are used to ensure that mothers and children in traditionally underserved populations receive absolutely necessary care.

Yet, despite this important mission, we continue to ask State MCH programs to do more with less. According to the Association of Maternal and Child Health Programs, the purchasing power of the MCH block grant has decreased close to 24 percent since 2003.

Consider this: at present, low birth weight and preterm births are increasing, the U.S. ranks 32nd out of 33rd of the world's industrialized nations in the rate of infant deaths with African American infants in the United States more than twice as likely as white infants to die before their first birthday, and childhood obesity rates for some age groups representing a three-fold increase in rates over the past two decades. We can do much better. This program has proven it works. Thus you have the support of Senator HATCH and others who know that this program has made a difference in the lives of millions.

Nearly one-half of all preterm births have no known cause but what we do know is that by reducing certain risk factors in the mother such as cigarette smoking and obesity, we can help reduce rates of prematurity.

I chair the Children and Families Subcommittee of the HELP Committee and authored the Newborn Screening Saves Lives Act with Senator HATCH—passed the Senate unanimously last December—and the Preventing Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, better known as the PREEMIE Act with Senator ALEXANDER, enacted into law. These initiatives have made important steps toward giving children a healthy start at life. But now it's time for us to ensure that the money will be there to continue the success of these vital programs.

The MCH block grant is a proven success for helping ensure a healthy future for our Nation's children. States are required to match $3 for every $4 of Federal funds provided by the block grant. The MCH block grant has performance measures and evaluations that document the effective impact of this modest investment. To quote the Bush administration:

> The program is well designed. The [MCH Block Grant] serves as a safety net to help improve the health of mothers and children and has a positive impact on their health.

The MCH program is critical to the health and well-being of millions of families across this country, including some of the most vulnerable members of our society. Years of funding cuts and level funding have stretched maternal and child health programs to their limits. I urge my colleagues to support my amendment to increase MCH block grant funding to $850 million in this year's budget resolution. On behalf of Senators HATCH, SCHUMER, DURBIN and others, we hope that members will be in favor of something that has enjoyed broad support.

Mr. President, I would now like to speak on an amendment I will be offering with Senators COLLINS and KENNEDY. I thank Senator COLLINS and Senator KENNEDY, the distinguished Chairman of the Health, Education, Labor and Pensions Committee for their support for this amendment. I would also like to thank Autism Speaks for their support for this amendment.

The amendment increases funding for autism in the fiscal year 2009 budget by $197 million in a budget-neutral manner, bringing autism funding up to its authorized level and then doubling our commitment to funding research into the causes of and treatments for autism.

In 2006, the Congress unanimously passed the Combating Autism Act, which my colleague from Pennsylvania former Senator Rick Santorum and I authored along with the strong support of Senators KENNEDY and ENZI. This initiative was the largest Federal expansion of funding and programs for children and families with autism spectrum disorder. It authorizes $800 million to find the causes and decide how to treat the myriad of problems faced by families of children with autism.

At the time the bill passed, the Centers for Disease Control and Prevention, CDC, estimated that 1 in 166 children were diagnosed with autism. Today the CDC estimates that number to be 1 in 150. In fact, 67 children are diagnosed with autism spectrum disorder per day. A new case is diagnosed almost every 20 minutes.

It continues to be a challenge to determine how much Federal funding is actually going to study the causes of and treatments for autism. In fact, some estimates are that actual NIH funding for research specific to autism is less than half of what is being reported.

That is why this amendment is so critical. It will redouble our Federal commitment to funding autism, the fastest-growing developmental disability in the U.S.

At a time when the number of children and families living with autism has grown exponentially, the President's budget proposes to freeze Federal spending on autism at levels that are insufficient to make the kind of discoveries in autism that are needed.

Many of my colleagues no doubt have been visited by children and their families with autism. Autism is a complex neurological disorder, which manifests itself differently in each individual but occurs in all racial, ethnic and socioeconomic groups. It is a lifelong condition that affects not only the individual with the disability, but impacts the entire family, often requiring intensive levels of support and intervention.

There are so many unanswered questions about autism. And it will require a major scale-up in funding to bring us closer to answering them. We should close no doors on promising avenues of research into the causes of autism and my amendment allows all biomedical research opportunities on autism to be pursued.

The amendment I am offering would enable us to redouble our efforts on autism research and treatment services by increasing funding for research, treatments, education and interventions by $197 million in fiscal year 2009 and I urge my colleagues to support the amendment.

Again, I emphasize it is the fastest growing developmental disability in our country. The number of children who will be born with autism is increasing every day in this country. Again, on behalf of Senator COLLINS and myself, Senator KENNEDY and others, we urge you to be supportive of this amendment when it comes up. It is deficit neutral, which ought to make it easier for Members to support this amendment.

Lastly, I want to take a couple of minutes, to commend the chairman of the Budget Committee, Senator CONRAD and Senator JUDD GREGG, the ranking member as well, and the other members of the Budget Committee. I served on that committee for many years and have nothing but admiration and respect for those going through this process. This budget is a positive step to address the serious challenges our economy is facing today. Having just spoken on the specific issues regarding the resolution, on autism and maternal and child health, I want to take a moment to again address some

of the problems that are plaguing our economy.

I have been coming to the floor with some regularity in recent weeks to speak on economic issues. I do not wish to test the patience of our colleagues. But I believe that these issues are of such paramount importance at this point in our national life that they merit the consideration of our colleagues.

Just yesterday the Federal Reserve announced a significant new action that attempts to address the liquidity lock-down that has spread through our credit markets and crippled the ability of lenders to lend and borrowers to borrow. The announcement by the Fed is a significant measure that is intended to address this very serious situation. The markets' strong positive reaction to the Fed's action demonstrates that policymakers can undertake actions which have the potential to improve our situation. However, I do not believe that the Fed's action alone will be enough to right our Nation's economic ship. Additional steps should also be considered to address the root cause of the present market turmoil—namely, the housing market and specifically the foreclosure crisis.

New data was released last week regarding the condition of America's homeowners. It is stark, even alarming in certain respects. Foreclosures have hit a new all-time record, according to the Mortgage Banker's Association, MBA. This data shows that more than 1 in every 50 homes with a mortgage in the country is in foreclosure, as of the end of last year. Foreclosure rates have been growing at record levels for some time. Foreclosures are increasing because people are continuing to struggle to make their payments, and because those payments are increasing for millions of Americans. The report tells us that 1 in every 13 homeowners with a mortgage has fallen behind on their mortgage.

The Federal Reserve also released new data, which shows that Americans' equity in their homes is at a record low. Home equity has fallen for three straight quarters and now, for the first time in recorded history, which dates back to the end of the Second World War, Americans own less than 50 percent of the value of their home. By virtually all estimates, the housing problem is getting worse, not better.

Congress can and in my opinion, must, address the situation. There are several pieces of legislation that I, along with others, am working to do just that. I am working with my ranking member, Senator SHELBY and our colleagues in the House on legislation to reform the Federal Housing Administration. I remain committed to creating a world-class regulator for the GSEs. I also believe that we need to expand the community development block grant program to enable cities and localities with the tools and funding they will need to address the foreclosure crisis which is upon us. I have worked with Senators SCHUMER, the Presiding Officer BOND and others to make sure that high-quality counseling is available to homeowners who are facing the brunt of the storm, and I remain committed to this important program.

Congress should consider creating a home ownership preservation entity that can help restore stability and liquidity to the mortgage market and credit markets generally. Fed Chairman Bernanke called for such an entity in an important address last week.

In addition to addressing the problems in the housing market, which are at the epicenter of our current economic crisis, we also need to make sure that our economy is fundamentally strong for the future. One of the most effective ways to do that is to invest in our Nation's infrastructure. Just yesterday, I chaired a hearing of the Senate Banking Committee on the condition of our Nation's infrastructure and on ideas as to how to improve it. The hearing generated some good ideas that I believe we need to act on. One such idea is contained in legislation written by Senator HAGEL and myself to establish a national infrastructure bank.

I commend Senator RON WYDEN of Oregon and Senator JOHN THUNE for their efforts as well, on a similar idea which we intend to incorporate with our idea that can help us in this effort as well.

The budget resolution before allows for such action. It establishes a reserve fund for the specific purpose of meeting our infrastructure needs. The fund could encompass the legislation Senator HAGEL and I have introduced. I appreciate the willingness of the Budget Committee to work with us on this issue. I commend Chairman CONRAD and Senator GREGG for establishing this fund. It is evidence of a growing consensus in Congress and the country that complacency can no longer substitute for action.

From the days of the Roman aqueducts to the present, a nation's ability to grow and prosper rests upon its success at effectively moving people, goods, and information. Ask any American today how we are doing in achieving this objective, and chances are the response would be the same: we can do better. When the average American spends 51.5 hours a year in traffic congestion, we can do better. When 33 percent of all urban and rural roads are in poor, mediocre, or fair condition, we can do better. When the United States invests less than 2 percent of its gross domestic product on infrastructure while countries like China and India invest between 7 and 12 percent, we can do better.

Economist Stephen Roach, in a recent op-ed in the New York Times, suggests that investing in infrastructure would be an effective strategy for dealing with the current economic slowdown. Specifically, he recommends that:

> Fiscal initiatives should be directed at laying the groundwork for future growth, especially by upgrading the nation's antiquated highways, bridges, and ports.

I have been working closely with Senator SHELBY on these issues and remain hopeful that when the Senate returns after the Easter recess, we can get back to working on cost-effective approaches to allow people to keep their homes and bring liquidity to the housing market.

Lastly, the budget resolution was a good step to address the problems before us by allocating funds to existing programs, such as the Community Development Block Grant Program, as well as, of course, I mentioned the reserve account here to deal with infrastructure needs.

I commend the authors of this resolution. I urge my colleagues to consider the two amendments I will be offering dealing with maternal and general health offered by myself, Senators HATCH, SCHUMER, DURBIN, and others.

Dealing with autism, Senator COLLINS and I will be offering two critical issues. We are accounting for them here in the budget resolution, so they are budget neutral but also making a difference in the lives of people in the kinds of proper investments we may have.

I thank the chair for the time. I thank my colleague from Nevada.

I yield the floor.

Mr. CONRAD. Would the Senator from Nevada wait to proceed for one moment for a unanimous consent request?

Mr. ENSIGN. I would.

Mr. CONRAD. Madam President, I ask unanimous consent that this appear before the gentleman's remarks so his remarks are not interrupted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I have talked with Senator GREGG about this matter. The one thing we did not agree to formally that needs to be agreed to is that Senator MENENDEZ would have a right to offer the side-by-side amendment to Senator SESSIONS' this evening. That would be the only thing that would be permitted tonight, other than additional agreements between the ranking member and the chairman.

But that is one piece of business we previously agreed to informally but have not done formally. We should do that at this moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the gentleman for his courtesy.

Madam President, to modify that request, there are a number of Senators wanting to know what the order would

be following the Senator from Nevada. I see Senator GREGG here. We have Senator AKAKA, Senator CORKER, Senator CHAMBLISS. How much time will the Senator from Georgia seek?

Mr. CHAMBLISS. No more than 10 minutes, probably less.

Mr. CONRAD. The Senator from Tennessee?

Mr. CORKER. Six or seven.

Mr. GREGG. Senator GRASSLEY is here.

Mr. GRASSLEY. May I speak at 8:05?

Mr. CONRAD. Yes. For how long at 8:05?

Mr. GRASSLEY. Six minutes.

Mr. CONRAD. Would you be again praising the resolution and the chairman of the Budget Committee or would it not be so favorable?

Mr. GRASSLEY. I know you will not believe it, but I will not have anything negative to say.

Mr. CONRAD. It is my birthday. I wonder if we can agree, after the Senator from Nevada, that Senator CHAMBLISS be recognized for 10 minutes, Senator AKAKA for 10 minutes, then come back to Senator CORKER for up to 10 minutes.

Mr. CORKER. Six will work for me.

Mr. GREGG. And that Senator GRASSLEY be recognized at 8:05.

Mr. CONRAD. After Senator CORKER, then Senator MENENDEZ have his opportunity for 15 minutes, Senator GRASSLEY at 8:05.

I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

AMENDMENT NO. 4240

Mr. ENSIGN. I wish to speak on two amendments I will be offering to the budget. The first amendment has to do with means testing Medicare Part D, the new prescription drug benefit, by making sure that seniors who are wealthier pay a little more so that middle-class Americans are not subsidizing their prescription drug benefits to the extent they do today.

As Members of Congress, we have an obligation to all Americans to ensure that senior citizens and individuals with disabilities have access to medical care. We must maintain that commitment by strengthening the program and controlling costs. We already means test Medicare Part B, which helps cover doctor services and outpatient care.

Today, I am proposing that we finish the job. In order to put the Medicare Program on better financial footing, we should means test the Medicare prescription drug program so that beneficiaries with higher incomes pay higher Part D premiums.

Five short years ago, many of my colleagues, both Democrats and Republicans, voted with me in support of a Feinstein amendment to require high-income Medicare beneficiaries pay a greater share of their Medicare Part B premiums. Many of these Senators are still with us in the Senate today. In fact, the current chairman of the Senate Budget Committee, Senator CONRAD, supported an amendment to means test Medicare Part B. Other Democrats who supported the measure include Senators BIDEN, CARPER, DODD, FEINGOLD, KOHL, LANDRIEU, and WYDEN.

I hope my colleagues on both sides of the aisle recognize that our entitlement programs are in serious danger. As our Nation grows older, these programs will only devour more and more of our Federal budget. Without reform, our entitlement programs will consume our entire Federal budget somewhere around 20 years from now, leaving no funds for national security, education, transportation, or anything else.

Unfortunately, the Democrats are not proposing anything to solve the problem of entitlements in this budget.

Today, I am asking my colleagues to again show the courage to make tough choices and to take our lead from American families across the country who make hard choices each and every day.

My amendment would impose an income test on the wealthiest seniors to ensure that they pay their fair share for prescription drug coverage. This amendment will extend the existing Medicare Part B income test to the Medicare Part D program, the prescription drug part of the program. By doing so, we will save almost $2 billion over the next 5 years.

Under the proposal, single Medicare patients with an adjusted gross income over $82,000 and couples with incomes of more than $164,000 will be responsible for a greater share of their Medicare Part D premium based on a sliding scale. For example, a single Medicare beneficiary with an adjusted gross income between $82,001 and $102,000 a year will see an increase of only about $10.41 in the monthly Medicare premiums they pay. These income levels will be adjusted in the future for inflation.

The vast majority of Medicare beneficiaries will not be impacted by this proposal. This chart shows the percentage of Medicare beneficiaries who are impacted: 96.6 percent of all seniors enrolled in Medicare Part D will not be affected by my amendment. Almost 3.5 percent of seniors will be affected, just the wealthiest of those seniors.

This proposal does not deprive senior citizens of the Medicare prescription drug benefit. What it does say is that if you can afford to pay a little more, then you should pay a little more. I believe it is wrong for the retired CEO of a Fortune 500 company not to pay a little more so that middle-income taxpayers are not subsidizing their prescription drug benefits. It really makes no sense for someone like Bill Gates' father to have his prescription drugs subsidized by a waitress in Las Vegas or a truck driver in Elko, NV. I strongly believe that American taxpayers, struggling to make ends meet, certainly should not be subsidizing, to the current extent, the Medicare Part D premiums of those seniors who can afford to pay for the cost of premiums themselves.

In this instance, means testing is fair. Remember, this prescription drug benefit is a new benefit. It is not something seniors paid for through their taxes, it is a new entitlement benefit that current taxpayers are subsidizing. I think it is only fair to the school teacher, the firefighter, the police officer, and the small businessperson who is struggling to make ends meet, that wealthy seniors pay a little more per month for this new prescription drug benefit.

Madam President, the second amendment I am going to be offering has to do with an issue that is fundamental to our country, the right of employees to have a secret-ballot election for determining whether you are going to have a union represent you in the workplace. This issue is also known as ''card check.'' We need to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board. My amendment will create a reserve fund to ensure that the National Labor Relations Board has sufficient resources to conduct secret-ballot elections.

The NLRB is a Federal agency that was created by Congress in 1935. It is responsible for administering the Labor Relations Act, which is the primary law governing relations between unions and employers in the private sector. The NLRB works to protect the rights of employees to organize and collectively bargain with or without a union.

We need to ask a fundamental question: Should Americans have the right to a secret ballot in choosing whether to have a union represent them?

The Democrats offered a bill last year, that passed in the House, which was filibustered by Republicans in the Senate. Their bill would say: No longer are we going to allow employees the ability to have a secret ballot on whether to have a union represent them. Instead, they say: We are going to have a card check.

The Democrats have offered something they deceptively title the Employee Free Choice Act. As I was saying, instead of secret ballot elections to determine whether or not to be represented by a union, they would pass out cards, have employees sign them, and as long as they get 50 percent of the employees, plus one, to sign a card saying they wanted a union, they automatically have a union.

The problem is that when you use these cards, instead of a secret-ballot election, coercion and intimidation can take place. That is why we have secret-ballot elections to elect our representatives virtually everywhere. Right here in the Senate, when we elect our leaders in each party, we do secret-ballot elections. This reduces the opportunity for intimidation.

People want secret-ballots so that they are free to exercise their right and their conscience while voting. In whatever they do, whether it is a union or electing somebody to represent them in the Halls of Congress, they elect them through the use of a secret ballot. It is fundamental to the American system of government and the American way of life.

Unfortunately, the Democrats have sided with the big labor bosses on this, and not with the union members. If you read the polling data, 80 percent of union members want to maintain their right to secret ballot elections. As a matter of fact, that number is pretty consistent whether you are in a labor union or not. Eighty percent of the American people support the right to secret ballot elections to decide whether or not to have a union represent them.

We have had actual experiences with this in my hometown of Las Vegas.

Bruce Esgar, then an employee at the MGM, testified in front of a House Committee about his experience. He talked about how, when the union wanted to come into his workplace, he and others asked for a secret ballot vote. They were labeled ''anti-union.'' And when the card check campaign began, they were threatened that if they did not sign the card and the union came in, they would lose their jobs and their benefits.

He said that employees were harassed in the dressing rooms before shifts, and that these tactics worked. Employees got tired of being harassed all the time so they signed the cards. Mr. Esgar testified about a coworker whose wife was the union at another casino, and that the union threatened to fire her if her husband did not sign the card at MGM. Another coworker was told that the union knew where his wife worked and where his kids went to school. He was told, ''accidents happen.'' I wonder which of these workers feels that the union is standing up for them?

Bruce summed it up pretty well. He said:

> These are the things that the employees put up with. We did it for two years. And all we were asking for was our right to vote. In America, you vote for your future.

My amendment is fundamental. It says, let's preserve the secret ballot right that Americans have in choosing whether to have a union represent them in the workplace. This is a critical issue facing our country today. It literally goes to the very fabric of our society. I realize that labor unions are big supporters of the Democratic Party across the country. I realize this is their No. 1 issue, the labor unions' No. 1 issue. It is and the labor union bosses No. 1 issue, but it is not for the labor union members. We need to make sure we are standing up for the rights of American workers everywhere, of union workers everywhere and make sure that we preserve their right to a secret ballot in the workplace.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that after Senator MENENDEZ speaks, Senator ENZI be recognized for 10 minutes, then Senator CASEY for 15 minutes, and then if Senator CARDIN seeks time, he be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

AMENDMENT NO. 4230

Mr. CHAMBLISS. Madam President, I rise to discuss and support amendment No. 4230 which has been filed by Senator FEINSTEIN and myself. While this amendment is identical to amendments Senator FEINSTEIN and I have offered previously to budget resolutions and that have been adopted by unanimous consent, Senator FEINSTEIN has been an excellent partner and colleague in developing this amendment. She has been a strong supporter not just of this particular provision but of law enforcement in general. It has been a pleasure to work with her.

What this amendment does is to provide for an increase in the funding level for the Edward Byrne Memorial Justice Assistance Grant Program, which we commonly refer to as the Byrne/JAG provision, to a total of $906 million. This amendment is fully offset, and I am pleased to say that the following Senators have asked to be added as cosponsors in addition to myself and Senator FEINSTEIN: Senators BOND, HARKIN, CANTWELL, BIDEN, INHOFE, BROWN, COLEMAN, CLINTON, BINGAMAN, OBAMA, COLLINS, DURBIN, ISAKSON, KERRY, BURR, LINCOLN, FEINGOLD, and DOLE.

The Byrne/JAG program is the primary provider of Federal criminal justice funding to State and local jurisdictions, and the funding supports all components of the criminal justice system—multijurisdictional drug and gang task forces, community crime prevention programs, substance abuse programs, prosecution initiatives, domestic violence programs, and information-sharing initiatives. Our law enforcement officials, our sheriffs, prosecutors, and drug court professionals, and many other public servants in the law enforcement community, rely on these particular grants to fight the drug issue in their particular jurisdictions. They are making their communities safer because of the awarding of these grants over the years.

According to a survey conducted by the Iowa Governor's Office of Drug Policy, in the 2004 grant year, multijurisdictional drug enforcement task forces, funded by the Byrne/JAG program, made more than 221,000 drug arrests. Almost 18,000 kilograms of cocaine was seized, with an estimated consumer street value of $1.6 billion. Almost 5,500 kilograms of methamphetamine was seized, with an estimated street value of $518 million. The total value of drugs seized was over $12 billion, representing $63 in seized drugs for every $1 spent on drug task forces.

I know the results our law enforcement community gets with Byrne/JAG funding are tangible and real. In my State of Georgia, we have used this program extensively. It has been essential to fighting crime, drugs, and gangs across the State. Last year in Georgia, with Byrne/JAG funding, the following successes were achieved: Multijurisdictional task forces were able to make 5,600 drug arrests and seize almost $50 million in drugs; 2,500 law enforcement officers were trained in more than 100 different classes offered by the Georgia Public Safety Training Center through its drug enforcement training program; the Georgia Bureau of Investigation's State drug task force led a cooperative investigation resulting in an interstate drug enforcement effort with Alabama that received national recognition. The Georgia Information Sharing and Analysis Center is Georgia's Homeland Security State-level fusion intelligence center. The center expanded its Southern Shield initiative and widened the focus for intelligence integration in the region by coordinating with 12 other States within the Southeast on intelligence collection and dissemination. Nine drug court programs were supported, as was a mental health court diversion program.

One great thing about this Byrne/JAG program is that the money is allocated so that 40 percent of the funding is distributed to local governments. In many cases, grants from the Byrne/JAG program are the only source of Federal funding for sheriffs and police in smaller communities. I hope all of my colleagues will join me in supporting this amendment.

The former president of the National Sheriffs Association happens to be a good friend and constituent of mine, Sheriff John Cary Bittick in Forsyth County, GA. Sheriff Bittick was here recently when Senator FEINSTEIN, Senator HARKIN, Senator BIDEN and I, along with Senator BOND, talked about the Byrne/JAG program. During that conversation, my friend Sheriff Bittick related the fact that there are a number of joint programs in our State that, due to the decrease in the funding last year in the omnibus bill, were having to eliminate their programs. If we eliminate these programs in small rural communities around my home

State and the other 49 States, what we are going to see is certainly an increase in drug and illegal trafficking activities in those rural areas. This program is essential to fighting the drug problem in rural America.

Our amendment is supported by the following organizations: the National Criminal Justice Association, the National Sheriffs Association, the American Correctional Association, the American Probation and Patrol Association, the National Narcotic Officers' Coalition, the National Association of Drug Court Professionals, the National Association of Police Organizations, International Association of Chiefs of Police, Major County Sheriffs' Association, National Center for Victims of Crime, National Association of Counties, International Community Corrections Association, and Boys and Girls Clubs of America.

It is pretty obvious that this program is very popular in the law enforcement community. The reason is because it works. Lives are being saved. More drugs are being confiscated. More bad guys who are manufacturing and distributing drugs around America are being locked up and put away because of this program.

I urge my colleagues to support amendment No. 4230 sponsored initially by Senator FEINSTEIN and myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I am pleased to discuss funding for VA in the budget resolution for fiscal year 2009. Chairman CONRAD and his colleagues on the Budget Committee have done impressive work on this resolution.

They have demonstrated sound judgment in their funding recommendation to address the needs of our country.

Service members returning from Iraq and Afghanistan, like those who returned from Vietnam, Korea, World War II and all previous wars, bear the effects of their service.

They show us that the costs of war do not end on the battlefield. In crafting this budget, we are in a position to ensure that care for returning service members, of every war, is a top priority.

The Department of Veterans Affairs provides superior health care to millions of veterans every year.

It is widely regarded as one of the top health care systems in America. Today, VA faces a growing wave of new demands—veterans of past wars are aging and making greater use of the system, and younger veterans of the current conflicts require a new range of services from VA.

Congress must provide the resources for VA to meet all of these demands.

This budget resolution acknowledges the challenges facing VA. It meets our responsibility of caring for our Nation's service members and veterans.

In recent years, VA and Congress have made a tremendous investment in mental health services. I am pleased that this budget reflects an ongoing commitment to better serve the needs of veterans with mental health concerns.

Madam President, I remind my colleagues that battle wounds frequently manifest themselves as invisible wounds. These wounds can be just as devastating as physical wounds. Indeed, many mental health disorders, including substance use disorder and PTSD, have both physical and mental manifestations.

They impact the veteran's relationships and his or her ability to work and to interact in society. The effects of many mental health disorders can be limited or even avoided if they are caught and treated promptly, before long-term disabilities develop.

This budget resolution provides the funds to continue the essential task of providing timely access to mental health care for all veterans.

Families play a critical role in the well-being of veterans. As chairman of the Committee on Veterans' Affairs, I held a hearing yesterday on the role of families in veterans' lives, and on the support VA and DoD provides them.

Families are often the primary caregivers for injured veterans, and provide essential assistance in recovery and rehabilitation through reintegration into civilian life. The degree of support provided by family members is directly related to a veteran's ability to deal effectively with readjustment and mental health concerns.

Providing support to veterans' families is in VA's vital interest.

One of the harshest realities of the wars in Iraq and Afghanistan is the number of soldiers who have sustained complex and multiple injuries in combat.

Significant improvements in battlefield medicine have enabled many seriously wounded servicemembers to survive their injuries. These men and women are coming home with extraordinarily complex health care needs.

VA and Congress have focused on addressing the needs of these veterans. There have been improvements in screening and care for service members with traumatic brain injury, but much remains to be done.

In addition, Congress directed VA to establish specialized centers for rehabilitative care in response to the challenging medical and rehabilitative needs of veterans with multiple and complex injuries.

VA's four lead polytrauma rehabilitation centers are essential to meeting the needs of the most severely injured veterans and their families.

As we work to meet the needs of all returning servicemembers, we must pay close attention to the full range of war wounds—from eye trauma and damage to servicemembers' hearing, to PTSD and depression, to burn injuries.

Another important tool which VA is still developing is comprehensive health screening for returning servicemembers. This is absolutely essential. Without effective screening for mental health disorders, traumatic brain injury, hearing and vision loss and other injuries or disorders, VA will miss opportunities to help veterans in need of services.

Further, I believe comprehensive health screening before deployment is essential to help with the evaluation and understanding of the effects of combat on servicemembers. As chairman of the Committee on Veterans' Affairs, I have worked to ensure that all veterans receive appropriate health screenings. I will continue to advocate for these screenings.

On the benefits side of the ledger, in the last year, Congress has provided a significant amount of funding to VA for much-needed staffing to adjudicate claims. Our Nation's veterans deserve nothing less than having their claims rated accurately and in a reasonable period of time. Now, the American people, especially veterans, will expect to see a decreasing backlog and increased timeliness and quality.

I pledge my continuing support to get veterans the benefits they need in an appropriate amount of time. Congress must now assure that VA has sufficient funding for technology and training initiatives to aid in its endeavor to reduce the backlog of claims. This budget resolution is certainly a step in the right direction.

The entitlement funding provided to veterans in this budget resolution reflects the Nation's continuing responsibility to care for he who has borne the battle, long after the last shots of war have been fired. Indeed, I view funding for veterans' entitlements as a continuing cost of war.

The administration's VA budget request proposed severe cuts to many essential programs and accounts. Research, the inspector general, the National Cemetery Administration, and grants for State home construction would all be unnecessarily cut.

I am particularly troubled by the proposed cuts of nearly 50 percent to the VA construction accounts. Over the past year, internal reviews identified widespread maintenance concerns, in addition to already planned construction projects. I find it unconscionable that in the face of the pressing demands across the country, the President would suggest such cuts. The budget proposal advanced by Chairman CONRAD and his colleagues rectifies these mistakes in the President's request, and I appreciate their foresight on these issues.

I am pleased with the investment in veterans programs that is made in this budget resolution. I again commend

Chairman CONRAD and the Budget Committee for their thoughtful and responsible work. Care for our Nation's veterans is truly a cost of war, and it is our responsibility to meet their needs.

I urge my colleagues to support swift passage of the resolution before us.

I thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I know Senator CORKER is next. I ask unanimous consent that Senator VOINOVICH be recognized for up to 10 minutes at the conclusion of Senator CARDIN's remarks and that Senator BARRASSO be recognized at 8:45 for 15 minutes and that after Senator VOINOVICH, Senator BROWN be recognized for 10 minutes.

So the order, as it presently stands, is: Senator CORKER, Senator MENENDEZ, Senator ENZI, Senator CASEY, Senator CARDIN, Senator VOINOVICH, Senator BROWN, then Senator GRASSLEY, who would like his time to be expanded to 20 minutes, and then Senator BARRASSO at 8:45. Senator GRASSLEY is recognized at 8:05.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. CORKER. Madam President, it sounds like it is going to be a long night. I hope you have some relief coming. But I wish to thank the Senator from New Hampshire.

I rise today to talk about the budget that is getting ready to be put forth. I do not wish to talk specifically about this budget. But having gone through this process once before, it is obviously a very undignified process we are getting ready to enter into tomorrow, where we will have 30, 40, 50, maybe 60 amendments to a budget, many of which are set up solely to send messages, cause people to vote on things that might make them look good in the next election so that 30-second ads might be generated. I do wish to say I have tremendous respect for our budget chairman and ranking member. I think they are outstanding leaders in the Senate. I realize they are dealing, if you will, with the process that has been set forth in the Senate. I think they both exercise their duties very diligently.

I know there are differing points of view as to how we might deal with this next year's budget. Let me say in general I think this entire process is not what it ought to be. It is, to me, a great disservice to our country the way we handle our budgeting, and appropriations processes that follow. I wish to talk about a couple things as it relates to this issue.

First of all, I know one of the amendments that will come up tomorrow will be the DeMint amendment relating to earmarks. It is an amendment I will support because I do believe earmarks have gotten way out of control in the Senate. I do not believe people who earmark necessarily in any way are doing bad things. I think it is actually an outcome that has been generated due to processes breaking down in the Senate.

When various Senators want to see road projects go forward or other things that are needed, they have now sort of sidelined the processes we ought to be going through, which requires planning and responsibility on our part—a little bit of discipline. Instead, now we have moved to this very cumbersome and, I will say, most inefficient earmarking process. I think that is not a good thing.

I realize, in essence, in the Appropriations Committees earmarking pots are set up and allocated based on numbers of things, in most cases having nothing to do with the priorities of our country. I do wish to say that while I support this amendment in the hopes that together somehow or another through a moratorium this year on earmarks we will begin to look responsibly at ways of funding—funding infrastructure, funding projects that are very needed in our country—that is done so on merit and with oversight, I do not believe that solving the earmark problem in any way is going to deal with our overall budgetary process, nor with the appropriations process that follows that.

As a matter of fact, I worry sometimes that we talk so much about earmarks that we feel like if we were to solve this earmark issue—and the American public, I think, is beginning to buy into this—we would solve all the financial woes this country has. Earmarks—as bad as I think they have gotten out of control and need to stop—do nothing of that sort. It is a small piece, very small piece, in a bigger picture that needs to be solved. As a matter of fact, I hope at some point all of us in this body will realize how ridiculous the processes are that we go through and realize we are not in any way dealing with the longer term issues our country faces. One of those things I would like to see us do—I know there is an amendment that has been brought forth before: the biennial budgeting process, where we would actually look at the budget in a 2-year process.

I know Ranking Member JUDD GREGG has brought forth such an amendment—I am a cosponsor of that amendment—so that in the odd years we are actually allocating resources and in the even years—election years—we are actually doing oversight and making sure we are spending money wisely.

One of the things in the process we go through right now that I think we are totally blind to is the tremendous entitlement tsunami that is getting ready to face our country. I think most people realize we as a body are not dealing with that issue. For us to even be down here passionately debating amendments over a budget and not dealing with that, again, does not serve the country well. I think everybody knows we have huge problems that are coming up in the future. Let me give a little bit of a picture of that.

Today, if you took in all the money we have set to come in over the next 75 years and then looked at the liabilities we have toward Social Security, Medicare, and Medicaid, we have $66 trillion in unfunded liabilities. Yet tomorrow you are going to see us on the floor haggling over amendments that, at the end of the day, will have no effect whatsoever on this huge problem we have to deal with in the very near future.

To put that in perspective, today if you looked at the entire net worth of our country, it is only $57 trillion. So because of the Social Security, Medicare, and Medicaid entitlement issues, we have a greater unfunded liability than the entire net worth of our country. I think that is a pretty big issue.

To put that in perspective, since our Government was formed a couple hundred years ago, we have taken in during that entire time only $42.7 trillion in revenues.

So, Madam President, I look forward to coming tomorrow and going through an exercise—an exercise that I realize will have some impact, if you will, on the amount of money we spend on various programs. Then I realize at the end of the year we will have an appropriations process. Then, during that period, unless we are able to have a moratorium on earmarks, we will have another 10,000 or 15,000 earmarks that direct money out in various places. But I know in the process of all that occurring, we still will not have dealt with the major issues this country has to deal with. I hope somehow this body will have the courage, in a bipartisan way, to come together and deal with this issue.

I strongly support the Gregg-Conrad amendment that would cause this body, in a bipartisan way, to bring forth solutions to this problem—to this entitlement problem—in a manner that can only be voted on up and down, with no amendments, so we as a body, hopefully, will have the courage to deal with the real issues our country has to face as it relates to fiscal issues.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 4259

Mr. MENENDEZ. Madam President, pursuant to a previous unanimous consent agreement, I ask that the pending amendment be set aside and that amendment No. 4259, which is at the desk, be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 4259.

Mr. MENENDEZ. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund for immigration reform and enforcement)

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM AND ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in paragraphs (1) through (7), that—

(1) provide for increased border security, enforcement of immigration laws, greater staffing, and immigration reform measures;

(2) increase criminal and civil penalties against employers who hire undocumented immigrants;

(3) prohibit employers who hire undocumented immigrants from receiving Federal contracts;

(4) provide funding for the enforcement of the employer sanctions described in paragraphs (2) and (3) and other employer sanctions for hiring undocumented immigrants;

(5) deploy an appropriate number of National Guard troops to the southern or northern border of the United States provided that—

(A) the Secretary of Defense certifies that the deployment would not negatively impact the safety of American forces in Iraq and Afghanistan; and

(B) the Governor of the National Guard's home State certifies that the deployment would not have a negative impact on the safety and security of that State;

(6) evaluate the Federal, State, and local prison populations that are noncitizens in order to identify removable criminal aliens; or

(7) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

Mr. MENENDEZ. Madam President, I rise today to offer an amendment, an alternative to the amendment offered by Senator SESSIONS, an alternative that I think actually has a chance to help fix our broken immigration system.

My amendment would increase border security and enforce immigration laws without wasting our resources in unnecessary and potentially even dangerous ways. We have to be smart when we think about solutions to the immigration problem. We have to enact measures that do more than sound tough. They have to be tough. We have to consider the impact our legislation will have on other programs and other priorities, and we cannot just throw money and personnel at the border without thinking carefully about the consequences.

My amendment gets to the real heart of the problem. It provides for increased border security and increased enforcement of immigration laws. It gives us the manpower we need to address our immigration problems by providing for greater staffing for the Department of Homeland Security because the Department can't do its job if it simply doesn't have sufficient staff.

My amendment addresses the real root of the immigration problem: the incentive—the incentive for crossing the border without a visa. It helps eliminate this incentive by getting tough on employers who hire undocumented immigrants. We know undocumented immigrants come to the United States—for what? They come looking for a job. They want a better life. They see an American paycheck as the means to get it. Well, without the draw of the job, without the draw of income, the motivation to risk it all to cross the border illegally dries up. Building a bigger, stronger, taller fence simply doesn't cut it because, as we all know, if there is a will, there is generally a way. Rather than create new obstacles that undocumented immigrants are going to try to figure out how to get around, we need to address the underlying motivation that is the magnet that drives them to migrate in the first place. The way to do this is to come down harder on the employers who provide them the incentive.

My amendment would do this by increasing criminal and civil penalties against employers who hire undocumented immigrants. It seems clear that today's penalties are not a sufficient deterrent for these companies. So my amendment sends them a clear message: we are going to hold you accountable for your actions. There are going to be real consequences for breaking the law.

My amendment would also prohibit employers who hire undocumented immigrants from receiving Federal contracts. There is simply no reason any company that receives a Federal contract should be breaking the law by hiring undocumented immigrants. It is interesting that there are some news stories about those who are actually building the wall doing exactly that. Isn't that ironic? The amendment I am offering isn't just about getting tough; it is about getting smart.

Senator SESSIONS and others on the other side of the aisle would not only build a bigger, longer, taller fence along the border—something we have seen which simply will not work on its own—they also want to deploy a significant number of our National Guard to help support the Border Patrol.

Let me say from the outset I am not at all opposed to sending reinforcements for the Border Patrol. I voted for those increases in the Border Patrol agents. They are understaffed and underfunded, and they need all the help they can get. What I am opposed to is taking one resource away from a desperate situation in order to give that resource to another allegedly desperate situation. Just like our Border Patrol, our National Guard is stretched thin. Right now, there are over 15,500 members of the National Guard deployed in Iraq and Afghanistan. In the time between September of 2001 and November 30, 2007, close to 255,000 National Guard troops have been deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom. This year, my home State of New Jersey, by way of example, will witness the largest deployment of National Guard personnel since World War II.

So before we rush to act, we should know what the impact of moving the National Guard would have on the safety of our troops in Iraq and Afghanistan in terms of those needs. That is why my amendment would prohibit deployment of the National Guard—would ensure, I shouldn't say prohibit—would ensure that deployment of the National Guard to the borders could take place, but two important things would have to happen first. First, the Secretary of Defense would have to certify that the deployment would not negatively impact the safety of our troops in Iraq and Afghanistan. Second, the Governor of the home State of the National Guard must certify that the deployment would not have a negative impact on the safety and security of that home State. After all, protecting the people of the home State is the whole reason States have National Guard units in the first place.

We cannot endorse a policy that robs Peter to pay Paul. We have to think long and hard about the impact of taking resources away from Iraq or Afghanistan, taking resources away from the States that face the risk of natural disasters as big and as devastating as Hurricane Katrina. We have to know that taking these resources away will not hurt us more than it helps us. My amendment makes sure that before we act, we know what we are getting into.

Now, I do not disagree with every aspect of my colleague's amendments. In fact, there are two provisions in the Sessions amendment that I wholeheartedly support and they are in my amendment as well. I, as Senator SESSIONS, believe we can do more to remove those undocumented immigrants in our prison system who should be removed. That is why my amendment would evaluate the Federal, State, and local prison populations that are noncitizens in order to identify removable, undocumented immigrants.

I also believe, as Senator SESSIONS does, that we need to do more to implement the US–VISIT entry and exit data

system to make sure we are keeping track of those who actually exit our country once their visas expire. That is why my amendment would help to implement the exit data portion of that program.

So I will close on this issue by simply saying it is interesting to see some of those who have some of the harshest rhetoric, as well as some of the harshest legislative initiatives, then come and say: But while I am doing this, we need ag workers, we need H–1B high-tech workers, or we need H–2B lower skilled workers. So they want their piece of the immigration pie, but they also want to portray themselves as sentries at the border. It just doesn't quite work that way. It just doesn't quite work that way.

Immigration is a difficult problem to tackle. That is something I think we can all agree on. Any solution needs to be smart, it needs to be tough, and it needs to be effective. That is what my amendment is—smart, tough, and effective. It provides for enhanced, improved border security and enhanced enforcement of immigration laws, while allowing the Department of Homeland Security and the States to determine how best to use Federal resources. It provides support for our Border Patrol without threatening the safety or security of our troops serving overseas, or for that matter, people of our States. It gets to the root of the immigration problem by beefing up enforcement against employers acting illegally by hiring undocumented immigrants, the very essence—the magnet—of what drives people to this country.

So I urge my colleagues to vote for this amendment when we have the opportunity tomorrow rather than the amendment offered by Senator SESSIONS. I think it gets to the heart of the problem that all of us are challenged to achieve.

Very briefly, let me move to one other issue while I still have time. I have said before that our debate over this budget is a fight for the economic future of America. The core of our economy is America's middle class: How productively they work, how much they save, how much they spend. It is clear as day, clear from the tsunami of foreclosures, clear from the reports that are coming in about thousands of people losing their jobs, clear from rising gas prices and health care bills and college tuition, it is clear that the middle class needs help.

What the middle class does not need is another round of tax giveaways for some of the richest members of our society in which their collective taxes are being used in a way that is disproportionate to those who least need it.

Budgets are about priorities; they are about choices. We have to choose. Are we going to do what many of my colleagues on the Republican side of the aisle are advocating and spend the people's money helping a billionaire avoid taxes when he bequeaths his mansion to his child or are we going to help out two parents who are struggling with the mortgage payments on a house for them and their children?

When Senate Democrats put together this budget, we made the choice to put middle-class families first. I am proud to join Senator BAUCUS in offering a responsible plan for expanded middle-class tax relief.

The amendment he is offering will take some of the pressure off the families who are most in need of help by providing $300 billion in tax relief for working families.

First, it provides tax benefits to members of America's armed services. It is up to us to make sure that when our men and women in uniform risk their lives overseas, they have some measure of financial security at home. This amendment would help those servicemembers in need by allowing combat pay to count toward eligibility for the earned income tax credit. It would also provide additional relief to small businesses that continue to pay the salaries of National Guard and Reserve members who are called to duty.

The amendment extends relief to parents and married couples. It would expand the child tax credit to provide relief to more families, provide permanent relief for married couples from the marriage penalty, and make the 10-percent tax bracket permanent.

I am also especially pleased that this amendment includes a provision that I have worked closely in the past with Senator BAUCUS on expanding Federal tax relief for property taxes. It is a provision that would be welcome news to thousands of New Jersey families since property taxes are always a top concern. We would create a new standard deduction for property taxes that could benefit more than a half million New Jersey taxpayers alone, and could send $86 million to the people across the State. So that is only one example of how it is replicated across the country.

So I say to my colleagues: remember that American families are all watching us right now to see what we are going to do. Are we going to spend $51 billion to hand out tax breaks to Americans who are earning over $1 million a year? Or are we going to focus our resources, spend them wisely, to put tax breaks in the hands of those who need it: families, service men and women, and Americans who are working hard every day to achieve the American dream? Are we going to do the same on the amendment on immigration? Are we going to focus our resources against the very essence—the magnet—of what drives people to come to this country in an undocumented fashion and to make sure that our National Guard and Reserves are used the right way and to pursue the assistance of the Border Patrol where they ultimately need the help? Those are our choices. That is what we will have tomorrow.

I hope we will join together to give this responsible tax relief to middle-class families in America who need it most.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I am here today to explain the three amendments I have filed to the fiscal year 2009 budget resolution.

The Federal Government is now telling a majority of the States, which of course includes Wyoming, Montana, Colorado, New Mexico, and other States that allow for the production of minerals in their State, that an even split is not enough for the Federal Government, even though the law—the agreement in effect for years—says there will be a split. So in an attempt to satisfy an insatiable appetite for money, the administration's budget is to take more of it away from these States—$40 million more every year. I am referring to net receipt sharing. That title kind of gives you an idea that these Federal mineral royalties are divided in half—net—that is after expenses—the sharing of receipts from mineral leasing activities on public lands. This is money that our State governments actually use for roads, for health care, for residents of our States, for education for our children, and more efficient and environmentally friendly development of our energy resources. It is money that finds its way directly to the people, not down in some bureaucratic black hole. Similar policy that was implemented in 1991 was repealed in 2000. At that time, they were stealing 1 percent after the net receipts. That led to a loss of nearly $250 million in State revenues. Now they are back again, trying to take more money away from the States. This time they said 2 percent is better. The Federal Government has maneuvered itself to be in a position where it can take an even higher percentage of our mineral royalty money.

Last year, the fiscal year 2008 Consolidated Appropriations Act took 2 percent of the net receipt sharing of Federal mineral royalties from the States. Furthermore, the administration's budget includes a plan to make permanent a 2-percent net royalty receipt sharing provision in fiscal year 2009.

I ask my colleagues now whether your State is being taken advantage of, whether you are a Democrat or a Republican, I am asking you to stand with us and support this amendment, amendment No. 4214, to restore the 2-percent net receipt sharing of Federal mineral royalties lost to the States in last year's appropriations bill. You know as well as I do that your State's money could be next.

The Federal Government collects mineral royalties from States that allow for energy production on lands in their State. Under the law, the States are entitled to half of the loyalties collected. To distribute the State share, the law intends for the Minerals Management Service to divide the amount of mineral royalties collected by two, write a check for that amount, and mail it to the States. That is all it entails. But the Federal Government's feeble excuse was that it needed an extra 2 percent share for ''administrative costs.'' Now, they have been doing this for years without the administrative costs, but they remembered there was this time they were able to steal it before, so now they are trying to steal it again and decided to double the amount. It is not anything that is done from an accounting standpoint. It is a Washington shakedown.

As an accountant, I can tell you that dividing by two and writing a check doesn't take a significant amount of time. Somehow the administration believes it deserves approximately $40 million per year to do this activity. This is logic that only happens inside the beltway, and I am telling you that it is patently unfair. If they can do it here, they will do it on other things. It drastically affects my State of Wyoming, which supplies a disproportionate share of energy to our country. Yet the Federal Government still wants more.

We need to pass my amendment not only to keep the mineral royalty system fair and equal, not only to ensure that more money is used directly to help people rather than for trumped-up administrative charges, but also to ensure that a few States aren't trapped in a corner by the administration and some in Congress who have their ideas for the money.

Unlike bureaucrats, we answer to our constituents. Mine are telling me they don't want the Federal Government to take anymore of the State's money. I am sure yours will tell you the same thing, either now or later. Think about that and support my amendment, which will help ensure the Federal Government gets a fair share but just a fair share.

I also want to speak about two amendments I filed earlier today and I will offer at a later time. One amendment, No. 4215, is designed to ensure that our States continue to receive formula funding for animal health research and disease programming. It is administered by the Cooperative State Research, Education, and Extension Service in the Department of Agriculture. This assistance allows State research institutions to carry out critical animal health research that is used in our communities.

We know that animal health is one of the greatest threats to the animal agriculture in our Nation. Recent experiences in other countries with foot-and-mouth disease, avian flu, and mad cow disease bring home the importance of how animal diseases can affect the food supply, human health, and even national economies.

In Wyoming, these funds have been used to help State officials and researchers respond to outbreaks of brucellosis in cattle and help stop incidences of blue tongue in livestock. This Animal Health Research and Disease program is an excellent investment in American agriculture. This amendment seeks to ensure that animal health formula funding is fully funded so our Nation can continue to enjoy the benefits of healthy animals and a safe food system.

The third amendment, No. 4216, concerns Ryan White CARE Act funding. Some have wondered why we need to discuss this issue. The answer is simple: We need to ensure that the authorization process and the appropriations process work in sync with each other. The budget is the first step in doing that.

I worked diligently with Senator KENNEDY and others for over a year to retool our discretionary domestic HIV/AIDS care program—the Ryan White CARE Act. In putting that reauthorization together, Senator KENNEDY and I did some background research. We learned that more African Americans, more women, and more individuals in rural areas—especially in the South—are infected and dying from HIV than ever before. We learned that the old Ryan White formulas didn't count someone until they had AIDS, instead of trying to help them when they had HIV only—that is ''only'' with a very small ''o.'' We learned that the funding formulas hurt areas where most African Americans lived because they were more likely to have HIV and not AIDS. Given what we learned, Senator KENNEDY and I had a principle that the money should follow the person. We realized the program had to be fairer, the money had to follow the person.

The Senate passed the revised Ryan White funding formulas by unanimous consent on December 6, 2006. A few days later, the House also passed the Ryan White program unanimously. We were all pleased when the President signed that bill and that formula into law a week or so later. Then, of course, we all worked to ensure that the Ryan White program received the appropriate funding for those newly revised funding formulas. You can imagine my dismay when, during the appropriations process last year, the Ryan White funding formulas were hijacked for other purposes. As noted by the GAO, one provision, which was called on the Senate floor a ''Pelosi fix,'' funneled $4.8 million away to the San Francisco metropolitan area, or EMA, from all of the other cities receiving funding. In other words, one city changed the formula in appropriations, as opposed to authorization, and stole money from the other cities to give themselves a level of funding that was not related to the people who had HIV. GAO also noted that ''the San Francisco EMA continues to be the only urban area whose formula funding is based on both living and deceased AIDS cases.'' I will repeat that—''deceased AIDS cases.'' San Francisco continues to receive funding for dead people.

So, in effect, this misguided appropriations process took money from the growing population of individuals infected with HIV, including African Americans, women, and people living in rural areas, so that San Francisco could receive more dollars. This is further infuriating because a recent report by the HHS Office of the Inspector General noted that in the last 5 years, San Francisco has been unable to spend all of the funds it has received. This simply doesn't make sense.

Therefore, I hope this year we will start the debate off right and reaffirm our commitment to those who have the HIV domestically by standing by our newly revised Ryan White funding formulas, which passed by unanimous consent in both Houses, and were addressed in an amendment referred to the budget where, again, those people objected to having money stolen from their funds to go to a community that didn't follow the authorization funding. So we don't want it funneled off for inappropriate purposes. That is why I will be offering this amendment, and I hope the Senate will be able to accept it.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, the next speaker in order is in the chair. When somebody replaces him, I will yield the floor. I rise to say a couple of words about what I consider to be a very dangerous precedent that appears about to be reset through the House resolution on the budget. There is something called reconciliation, which is the true hammer in the budget resolution. It allows changes in things such as Medicare, Medicaid, entitlement programs, or tax policy to be passed under an expedited procedure here in the Senate with only 51 votes. It is at the essence of the Budget Act.

Its whole purpose, and the reason it was created, was in order to discipline the rate of growth of entitlement programs as its primary cause and to address tax policy.

Last year, there was a token reconciliation instruction given of $750 million. I say that because reconciliations passed always have been used to save considerable sums of money, or reduce the rate of growth of programs by considerable sums.

When I chaired this committee, we reconciled primarily Medicare, but

other spending accounts, including agriculture, to the tune of almost $40 billion. In 1996, reconciliation was used for, I believe, $96 billion of savings and reductions in the rate of growth of programs. So this $750 million alleged savings put in the House vehicle last year was essentially a fig leaf to cover up not a use of reconciliation for the purpose it was originally designed, which is to control the rate of growth of spending, but to actually use it as a stalkinghorse to radically expand programmatic activity, with the protection of a 51-vote procedure that is basically not amendable.

What happened last year was that under that $750 million of savings, almost $19.2 billion of new spending occurred—new spending, new programs, expanded programs.

As a result of that, the Government grew by $19.2 billion in the long run. Yes, there were savings taken from other accounts, basically reducing the reimbursement to student lenders, but those savings pale compared to the outyear costs of what the programmatic activity that was added under reconciliation will be in last year's bill. Now we see this game being played again.

This is a cynical game, because reconciliation applies only to the Senate. The House doesn't need reconciliation protection. They have a House Rules Committee. No bill in the House can come to the floor without a rule, and the Rules Committee has the ability to enforce the will of the majority—without the filibuster.

In the Senate, of course, there is the filibuster. Reconciliation was designed for the sole purpose of addressing these very significant programmatic activities, and trying to control their rate of growth in a way that would not have the filibuster applied, because these programs were so significant and because making progress on controlling the rate of growth is always a challenge.

So reconciliation is a vehicle that only disciplines the Senate activity. It doesn't discipline House activity. What it does in the Senate is denies the minority rights, because it basically eliminates the filibuster, as things are put under reconciliation.

Why would the House of Representatives include reconciliation instructions? The Senate bill doesn't have any reconciliation instructions—none. Well, there is a game going on. As I said, it is cynical, and it is a game that undermines the basic purpose of the Budget Act. This is a direct attack on the rights of the Budget Act and the rights given under that act. When the House puts in that reconciliation instruction for a token amount of money—it is a lot of money, but under the terms of this budget, it is a fig leaf event—$750 million. What happens is when they go to conference, they will claim they have the right to pursue reconciliation instructions, which will not affect the House's ability to pass a bill, but it will affect the Senate's bill and how the Senate proceeds. We may see that reconciliation instruction—in fact, I almost guarantee we will see it in conference balloon into a massive programmatic expansion of some nature, and it could be two or three different programs, protected by reconciliation, and then passed in the Senate under a procedure of reconciliation; and while the savings may be a token amount that is put forward in the House bill, the expansion in the size of the Government will be extraordinary.

The whole purpose of the Budget Act, which is to discipline the rate of growth of the Federal Government and put some discipline into the process of budgeting, will have been made a farce by this procedure. It truly damages and destroys the Budget Act, in my humble opinion, for this process to go forward. It is also an incredibly cynical act.

If the Senate leadership wants to expand programs in the Senate with reconciliation protection, have the courage to bring the language to the floor of the Senate and let us vote on it during the budget process. Don't use this backdoor procedure of having the House Budget Committee do your dirty work, which is what is happening in this situation.

So this, regrettably, appears to be the game that is about to be played. I happen to think it violates the privilege of the budget resolution. I think when something like this happens, which is such a clear and obvious affront to the process of the budget and is so outside the scope of what was originally considered as the purpose of reconciliation, that basically undermines the privilege of the budget resolution. Clearly, if it does not do it from a standpoint of a parliamentary situation, it does it from a standpoint of what is fair play around here and what is a proper procedure and the proper way to budget.

Mr. President, I yield the floor, and whoever is in order next I guess will be recognized.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 4238

Mr. VOINOVICH. Mr. President, I have an amendment at the desk, amendment 4238, which I will call up at the appropriate time, but for now I would like to explain to my colleagues what this amendment is about.

This amendment is very similar to a provision Senator GREGG included in the Fiscal Year 2007 Budget resolution. It would stop Congress's addiction to emergency spending. It would create a point of order against any spending over a designated amount set aside for emergencies—called an ''emergency reserve fund.'' By now Congress knows that we will have emergencies every year.

We should, therefore, set aside a designated amount for true emergencies to meet that obligation and try to stick to it, rather than continuing on with an unlimited emergency designation that just invites abuse and irresponsible budgeting.

When I was Governor of Ohio I had a rainy day fund, or a savings account, for those economic downturns or unforeseen events beyond the control of even the best money managers. Soon after I arrived at the statehouse, I discovered that Ohio's rainy day fund was at 14 cents, but by the end of my eight years as Governor, I had increased the rainy day fund balance to $906.9 million.

Again and again, the United States Congress has abused the emergency designation to skirt around budget limits and pay-go. We all understand that on occasion we face natural disasters or unanticipated crises such as Hurricane Katrina and 9/11 that require emergency resources. For this reason, we cannot estimate all of our emergency spending in the budget each year.

But I am extremely concerned that Congress has abused the emergency designation in recent years to spend large sums of money outside the budget for purposes that are not true emergencies. Congress doesn't even count the money as spending. If spending is designated as ''emergency,'' it is exempted from budget controls and spending limits. Congress doesn't even count the money on spending.

An example of the sort of abuse of emergency spending that concerns me is the designation of funding for the 2000 Census as an emergency, even though the U.S. Constitution has required a census be conducted every 10 years since 1790. The definition of ''emergency'' uses words like ''sudden'' and ''unforeseen.'' But in 2000 we had known about the census for 210 years. This is absurd.

As part of my effort to rein in wasteful spending and conduct meaningful oversight of government programs, I asked the GAO to review trends in so-called ''emergency'' and ''supplemental'' spending over the decade stretching from 1997 through 2006, as well as propose reforms to ensure that emergency funding truly is for real emergencies and not simply a way to camouflage spending that is driving up the national debt.

GAO found that $31 billion over a 10-year period did not fit the definition of an ''emergency,'' 35 spending accounts received emergency funding in at least six out of 10 years, and over one-third of emergency spending has no time limit on when agencies can spend the money.

My amendment would state that the fiscal year 2009 emergency designation can only be used for $65 billion worth of spending-reserving $50 billion for the

global war on terror and leaving another 15 billion for any legitimate emergencies. Of course, this $50 billion would be in addition to the $70 billion already in the Budget for Iraq and Afghanistan-and so my amendment would allow $120 billion total for the global war on terror outside the discretionary spending limits.

This point of order could be raised against any spending over the designated amount set aside for emergencies and would make clear that this increase in spending would have to bust through the regular budget. Of course, the Senate could still bust the budget with 60 votes, but at least someone would be throwing a penalty flag so that we are being honest about it, instead of using the emergency label to claim we are staying within the budget when we are not.

Mr. President, $50 billion is based on the 5-year average for emergency defense spending and $15 billion is based on the 10-year average for certain other types of emergencies, as estimated by the GAO. These levels are based on a recent study conducted at my request by the Government Accountability Office evaluating recent trends in emergency spending.

I hope that my amendment can find broad bipartisan support, and that we can begin to eliminate some of the outright abuses of the emergency designation.

It is time for us to be honest with the American people about the true state of our nation's fiscal health and stop relying on smoke and mirrors. The longer Congress waits before it gets serious about fiscal responsibility, the heavier the burden will be for our kids and grandkids. And it all starts with honest and transparent budgeting.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the fact that the Presiding Officer has the right to the floor as soon as someone comes over and helps him out. Pending him being relieved of his duties as the Presiding Officer, I ask unanimous consent that we yield to Senator COLLINS 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine.

AMENDMENT NO. 4209

Ms. COLLINS. Mr. President, this is the only time I am happy that a Democratic Senator is in the chair. It actually worked out well tonight. I thank Senator GREGG for his courtesy as well and also for his tremendous leadership on budget issues.

Senator LEVIN and I have filed an amendment, No. 4209, that will help set us on a path toward energy independence, as well as provide a more sensible and balanced energy tax policy.

This has been a very long, hard, cold, and snowy winter in the State of Maine. As I have visited communities across the State, I hear time and again that the high cost of energy is imposing such a burden on our citizens.

My hometown of Caribou, ME, saw 17 days of at or below zero temperatures in February. Caribou is only inches short of setting a record for snowfall in the winter. The previous record was 181 inches of snow. It is clear that record is going to be broken. In fact, more snow and cold weather is forecast for this weekend. It takes a great deal of energy to heat a home under such conditions.

Rapidly increasing prices for home heating oil, gasoline, diesel fuel, and other products refined from fuel are a huge burden for most Maine families, for our truckdrivers, for our small businesses, for so many people. High oil prices affect virtually every corner of our economy in Maine and throughout the Nation, and they are a significant cause of the current economic downturn.

With net profits of a single oil company reaching almost $10 billion in a single quarter, I believe we should not expect taxpayers struggling to pay their bills to continue to subsidize the oil industry through tax incentives.

Last year, I introduced a bill that would take away needless tax breaks for the oil industry, and along with my colleague, Senator LEVIN, I am proposing much the same approach today with the Collins-Levin energy independence amendment. These are the very tax breaks that at a hearing in November of 2005 executives of the big oil companies themselves conceded are not necessary. I simply see no justification to continue to provide reduced tax rates for one of the world's most profitable industries at a time when so many families and small businesses are struggling due to the high cost of oil.

Mr. President, does it not make sense for us to take a look at these tax subsidies which the oil companies themselves have admitted they do not need as incentives? In fact, obviously, with oil over $100 a barrel, it is difficult to think that price alone is not a sufficient incentive for exploration and drilling to find additional supplies.

We also must embrace the goal of energy independence. I think we should establish the year 2020 as the date by which we want to be energy independent. We need to pursue this goal of energy independence with just as much fervor and commitment as we pursued the goal of landing a man on the Moon in the 1960s.

I am pleased that the Budget Committee included provisions to extend the renewable energy production credit, the clean renewable energy bonds, and provisions for energy-efficient buildings, products, and powerplants in section 304 of the budget resolution. But we need to do more. We need to develop policies that are all aimed toward the goal of freeing us from our dependence on imported oil.

I know it must trouble you, Mr. President, as much as it does me when I hear the dictator in Venezuela threatening to shut off oil to this country. The fact is, with 12 percent of our oil coming from Venezuela, that would hurt our economy. I don't think we should be dependent on Middle East oil given the instability of that region as well.

So we can embrace the goal of energy independence by the year 2020. We have taken a step toward that goal by increasing the fuel-efficiency standards for our cars, light trucks, and SUVs. That will help save a million barrels of oil a day. But there is more we can do.

In addition to the energy tax credits that I have mentioned that are in the budget resolution, the Collins-Levin amendment would provide for a tax credit for replacing old, inefficient wood stoves with clean-burning, more efficient wood stoves and pellet stoves that can provide much more heat for far less fuel than was once the case.

In addition, we should provide a production tax credit for cellulosic ethanol and a vehicle tax credit for plug-in hybrid electric drive vehicles. I know that has been a goal of the Senator from Utah for many years as well.

Unlike the current language in the budget resolution, the Collins-Levin amendment also proposes offsetting some of the costs of these renewable energy credits and other kinds of conservation credits by pulling back some of the tax breaks for the large oil companies. Estimates of savings from this proposal range up to $6.4 billion over 5 years. I think that is reasonable, and that will help shift our tax policy toward credits and other incentives that will help us reach the goal of energy independence.

Let me describe a little bit more the provisions having to do with a tax credit for clean-burning wood stoves or for wood pellet stoves.

During the height of the oil crisis in the 1970s, many families throughout the country turned to wood as an affordable way to heat their homes. With oil prices soaring once again, wood is the fuel of choice for an increasing number of households, particularly in a heavily forested State such as the State of Maine. But, unfortunately, many of the wood stoves purchased decades ago are outdated, inefficient, and are contributing to both indoor and outdoor air pollution. The emissions from these old-style wood-burning stoves present a serious health concern, contributing to respiratory ailments such as asthma.

There have been great, exciting advances in wood stove technology. I saw them personally at a Jotul plant in Gorham, ME. They now have a second burn of the emissions, which makes them far more efficient and also far

cleaner burning. New EPA-certified wood and wood pellet stoves can cut emissions by more than 70 percent and use as much as a third less firewood for the same amount of heat.

But it is expensive to make that transition from the old, dirty, inefficient wood stove to the clean-burning stove. That is why our amendment includes a $500 tax credit to help consumers purchase and install these new clean-burning stoves as well as the efficient, clean wood pellet stoves.

We also provide a tax credit for the production of cellulosic ethanol. While there has been a great deal of focus on corn-based ethanol in order to decrease our reliance on foreign oil, there are other renewable plant-based energy sources.

Mr. President, I ask unanimous consent to have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, the University of Maine is doing exciting work in this area.

In addition and finally, our proposal would provide a tax credit for plug-in hybrid vehicles. That, too, would help reduce our reliance on foreign oil.

This amendment takes a balanced approach toward our tax policy, and it will help advance us toward the goal of energy independence.

The Collins-Levin amendment would provide for a tax credit for production of cellulosic ethanol. While there has been a great deal of focus on using corn-based ethanol in order to decrease our reliance upon foreign oil, there are other renewable, plant-based energy sources that are more environmentally friendly and have greater potential to reduce greenhouse gas emissions. These technologies will help move our petroleum-based economy toward a renewable, sustainable forest bio-economy. In fact, researchers at the University of Maine recently teamed up with a local pulp mill to demonstrate cellulosic ethanol production at a commercial scale. It is an exciting time for this new technology.

Finally, the Collins-Levin amendment would provide for a tax credit for plug-in hybrid vehicles. If all new vehicles added to the U.S. fleet for 10 years were plug-in hybrids, an additional 80 billion gallons of gasoline could be saved each year. Obviously, we won't be replacing all new vehicles with plug-in hybrids, but that statistic illustrates the large impact plug-in hybrids can have on reducing our use of oil.

The provisions in our amendment are in addition to renewable energy production and energy efficiency provisions already in section 304.

Section 304 would allow for extension of the renewable electricity production tax credit. I believe it is important to give companies certainty now to plan investments in renewable electricity generation for the near future. These efforts represent a large up-front capital investment. Thus, companies will not continue to expand renewable energy production in the absence of this credit, which makes such projects cost competitive with traditional energy sources.

Section 304 also would allow for legislation to encourage energy efficient buildings, products, and powerplants. Making buildings more energy efficient can dramatically reduce our use of oil and save money for consumers at the same time. For example, on average, weatherizing a home reduces heating bills by 31 percent and overall energy bills by $358 per year.

Mr. President, as I mentioned at the beginning of my remarks, this amendment provides for the rescission of tax breaks that the oil companies themselves testified they do not need. It uses that revenue for additional renewable energy and energy efficiency initiatives. I urge my colleagues to support the Collins-Levin energy independence amendment.

Mr. President, I urge my colleagues to support the Collins-Levin amendment when it is voted on.

Mr. GREGG. Mr. President, I ask unanimous consent that at the close of business tonight, all statutory time be yielded back, except for 30 minutes to be equally divided and controlled between the chair and the ranking member for their use when the Senate resumes consideration of the concurrent resolution on Thursday, March 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I compliment my distinguished colleague from Maine. She does such a great job around here, and we all respect her and know how hard she works. She has terrific ideas, so we are very grateful to have her as a colleague.

Mr. President, I rise to offer an amendment designed to protect Medicare beneficiaries' coverage choices. It will protect beneficiaries living in rural areas. It will protect beneficiaries with chronic conditions such as diabetes, congestive heart failure, and even cancer. It will protect beneficiaries who use preventive health screening benefits. It will protect low-income Medicare beneficiaries from high out-of-pocket costs.

Simply put, my amendment creates a budget-neutral reserve fund so that if Congress takes action to improve the Medicare, Medicaid, or CHIP Programs, it may not limit coverage choices for Medicare beneficiaries. It also may not reduce the benefits of those who are enrolled in Medicare Advantage Plans.

The Medicare Advantage Program was established by the 2003 Medicare Modernization Act. I know; I was on the conference committee and one of the key people in helping to pass that bill. Through the Medicare Advantage Program, health plans receive a monthly payment to provide beneficiaries at least all of the health benefits covered by traditional Medicare.

Prior to the MMA, these plans had difficulty existing in rural areas, such as Utah, due to very low monthly payments. In fact, Utah did not have Medicare Plus Choice Programs for any length of time because the plans simply could not exist due to low reimbursement rates, and that was true in almost every rural area in the country. The Medicare Modernization Act of 2003 increased payments to these plans, and as a result, every State now has Medicare Advantage Plans that are offered to its residents, and each State's residents are benefiting greatly from this.

Medicare Advantage Plans provide a lot more to beneficiaries than traditional Medicare. Medicare Advantage Plans provide a range of additional benefits not available in traditional Medicare, such as vision and dental care, annual physical exams, and hearing aids. Medicare Advantage Plans also have chronic-care programs for beneficiaries with chronic diseases, such as diabetes or congestive heart failure. Through chronic-care plans, these beneficiaries are able to manage their illnesses because their doctors provide a coordinated care approach to their conditions. That is why these plans work. That is why they are so much appreciated by seniors, especially, all over this country. In other words, health care providers actually talk to each other under Medicare Advantage, and they try to figure out the best course of action so that the patients will stay healthier longer.

This is not the case in traditional Medicare. A beneficiary in traditional Medicare may see as many as five or six physicians for various health problems—a nephrologist for kidney failure, an orthopedic surgeon for a broken ankle, an endocrinologist for an underactive thyroid, and an internist for general health issues. In addition, medicines are prescribed by each of these physicians without consultation, which sometimes may have disastrous results, all maybe not even understanding the others in the picture. Would these physicians talk to each other when the beneficiary is covered by traditional Medicare? Chances are very high that they would not. That is why Medicare Advantage Plans are so good for beneficiaries. These plans encourage providers to approach health care collaboratively—something that I believe is in the beneficiary's best interest.

Health plans have been covering Medicare beneficiaries for many years through programs authorized by Congress. However, these Medicare health plans were typically limited to beneficiaries living in urban areas. The Balanced Budget Act of 1997 prompted

Congress to take action to provide more coverage choices for beneficiaries living in rural areas.

Mr. President, in Pennsylvania, in your State, there are a lot of rural areas. In fact, I remember my good friend, Senator CHUCK GRASSLEY, the ranking Republican of the Senate Finance Committee, pushing for equitable payments in rural areas so that plans could be offered to beneficiaries living in areas such as Pennsylvania, Utah, and Iowa. At that time, payment rates to plans offered in urban areas were higher—in some cases, a lot higher—than payments in rural areas. Unfortunately, we didn't quite get it right in the BBA 1997, the Balanced Budget Act of 1997. We should have listened to Senator GRASSLEY because he was right. In fact, my home State of Utah could not keep Medicare Plus Choice plans in the State primarily because the payment rates were too low, and that is true of every rural State. Ironically, many Utahns wanted to participate in these plans because they were the only ones offering the supplemental benefits such as vision care, preventive benefits, and prescription drugs to Medicare beneficiaries at that time.

Now, let me go to chart one here. We finally were able to achieve the appropriate payment rates for both rural and urban parts of the country through the Medicare Modernization Act of 2003. In fact, this chart shows how many Medicare Advantage Plans are available throughout the country since its passage. While this chart illustrates the different payment levels of Medicare Advantage Plans across the country, it also shows that many Medicare Advantage Plans are available in every county in every State in this country. Think about that. In other words, all Medicare beneficiaries have access to at least one Medicare Advantage Plan, but every part of the United States of America is covered by Medicare Advantage. It has been a terrific thing for our people who have suffered in these areas and who now are covered under Medicare Advantage.

Now, these people may choose between traditional Medicare or a Medicare Advantage plan. They can make the choice of whatever plan they want. The primary goal of the Medicare Modernization Act was to give beneficiaries a choice of coverage.

Now, again, when we first established ceilings for Medicare Plus Choice plans, we discovered that our floor payments for rural areas were too low. Medicare Plus Choice plans simply could not exist in rural areas.

Congress learned an important message from that experience, and that is why we adjusted the payment ceilings and floors for Medicare Advantage Plans in the Medicare Modernization Act, to ensure access to Medicare Advantage Plans in both rural and urban parts of the country. They are in all parts of the country today because of the changes we made in that bill. This chart proves that we accomplished that goal.

Now, let me go to chart two. This next chart will give my colleagues and everybody in America who is watching an idea of what could happen if Congress eliminates the rural and urban floor payments for Medicare Advantage Plans. The white parts of this map highlight the regions of the country where Medicare Advantage Plans may no longer be offered. It is the vast majority of America, if we do what some are saying we should do. It is very disconcerting to me that my very home State of Utah is almost completely white—right over there. There is only one little yellow spot and one dark-blue spot. In other words, we would decimate one of the programs that has worked so doggone well.

In essence, if we eliminate these payments from Medicare Advantage Plans, we will have a repeat of what happened with Medicare Plus Choice. Plans will pull out of the rural parts of the country, and beneficiaries will be left without any choice at all. It will be deja vu all over again. I, for one, do not want to see that happen again.

Now, let me go to chart three. This is important because another interesting point about the Medicare Advantage Plans is that beneficiaries are less likely to have problems accessing care compared to beneficiaries enrolled in traditional Medicare.

This chart shows that Medicare Advantage beneficiaries, as represented by the light blue on the left—there is light blue, green, then dark blue—Medicare Advantage beneficiaries have an easier time accessing care compared to those in traditional Medicare with and without supplemental health care. The light blue are Medicare Advantage enrollees, the green are all fee-for-service enrollees, and the dark blue are all fee-for-service who get supplemental coverage. When we were creating the Medicare Advantage Program, we strongly believed that beneficiaries should be able to have access to health care similar to the health care plans of Members of Congress.

Now, let's take a couple of minutes to go through this chart. It is an important chart. Only 2.8 percent of Medicare Advantage beneficiaries have no usual source of care, compared to 11.8 percent of those beneficiaries in traditional Medicare who do not have supplemental health coverage. Only 7.7 percent of Medicare Advantage beneficiaries do not have a usual doctor, compared to 24.6 percent of beneficiaries in traditional Medicare without supplemental coverage. Only 4.5 percent of Medicare Advantage beneficiaries had trouble getting care, compared to 8.4 percent of those beneficiaries in traditional Medicare without supplemental health coverage. Only 6.5 percent of Medicare Advantage beneficiaries delayed getting their care due to costs, compared to 18.6 percent of those beneficiaries in traditional Medicare without supplemental coverage. Only 7.5 percent of Medicare Advantage beneficiaries needed to see a doctor but didn't, compared to 14.3 percent of those beneficiaries in traditional Medicare who do not have supplemental coverage.

Look at it, starting on the left. No usual source of care—the light blue shows that they do have care compared to the other two. No usual doctor—the light blue again shows that they have their doctors. The third one over in from the left had trouble getting care, and you can see the light blue had less trouble than the other two. Then you go to delayed care because of cost. The light blue again was not delayed, compared to the green and the dark blue. Needed to see a doctor but didn't—the light blue, compared to green, compared to the dark blue didn't see the doctor and saved money over that time.

These statistics, based on the 2006 Medicare Current Beneficiary Survey, make one point very clear: Beneficiaries in Medicare Advantage Plans have been getting better care.

So let me conclude by urging my colleagues to keep in mind the following:

Today, beneficiaries across the country, whether they live in a rural State, such as Pennsylvania, Iowa, Utah, or in almost every State in the Union, or urban areas such as Boston, they have better coverage choices.

Today, beneficiaries are offered more choices in Medicare Advantage, more benefits, and lower out-of-pocket costs. Today, most beneficiaries are satisfied. Over 90 percent of beneficiaries are satisfied with their Medicare Advantage plans. That is historically an astounding success story. We all need to remember that these policy decisions, in creating the Medicare Modernization Act, were created on a bipartisan basis. I was there.

These bipartisan decisions helped achieve these impressive results, and these results should be protected. This is really important, and unfortunately we have people who want to get money out of Medicare Advantage and take away these benefits that have helped so many people in our country today, especially in the rural areas. We just cannot let that happen. I urge my colleagues to support my amendment to protect these Medicare Advantage plans and to quit playing with something that is working so wonderfully well.

I hope my colleagues on the other side will listen to these remarks I have been making. I know some of them know this is true, and the others, who have not studied it, ought to study it. They should not carve money out of a

program that is as effective as is this one. It has exceeded the expectations we had when we were negotiating the Medicare Modernization Act by far. It is one of the most successful Federal programs. Frankly, it has done an awful lot of good to bring health care to those throughout our country and all of those States where plans have proliferated because they work.

I hope everybody will vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 4268

Mr. THUNE. Mr. President, I rise to speak to amendment No. 4268. This amendment would provide for a total of $200 million over the next 5 fiscal years for tribal justice and law enforcement. Specifically, this amendment would do two things in a fiscally responsible way. First, it would increase the BIA's public safety and justice account, which funds tribal law enforcement, tribal court systems, and tribal detention centers by $25 million a year for the next 5 years. Second, it would increase funding for U.S. attorneys to prosecute crimes in Indian Country by $15 million a year for the next 5 years. The need for this amendment on our Nation's reservations cannot be overstated, as the absence of basic levels of public safety is reaching a crisis point.

The statistics are startling. Nationally, studies show that one of every three Native American women will be raped in their lifetime. Crime rates on remote reservations are an average of 10 times higher than the rest of the Nation. The Department of Justice has found that American Indian women are 2½ times more likely to be raped or sexually assaulted than women throughout the rest of the country.

In my home State of South Dakota, homicide rates within reservations are almost 10 times higher than those found in the rest of South Dakota. According to the BIA, Standing Rock Sioux Tribe has the second highest rate of crime of all the reservations in the Nation.

In order to start to help improve public safety on our Nation's reservations, there needs to be a two-part solution. First, we have to ensure there are adequate law enforcement personnel on the reservations to respond to, to investigate, and to deter crime—something that is not currently happening. For example, again, my home State of South Dakota, the Standing Rock Sioux Tribe, which sits on the border of North and South Dakota and occupies over 2 million acres of land, currently has only 16 commissioned police officers. That works out to no more than three officers a shift for over 2 million acres of land.

To put that in perspective, the Standing Rock Sioux Tribe land is more than two times larger than the State of Rhode Island, which has 200 sworn State troopers plus additional county, city, and Federal officers. That means Rhode Island has 12 times as many State troopers as the Standing Rock Sioux Tribe has law enforcement officers, to police half the land.

Rhode Island also has 10 State trooper police dogs, meaning that at any given time, Rhode Island has more canine officers patrolling than Standing Rock Indian Reservation has human law enforcement officers. While there are population discrepancies between the Standing Rock Sioux Tribe and Rhode Island, the differences between the two are still startling. My amendment addresses this need to increase the number of law enforcement officers on reservations by increasing funding for the BIA's public safety and justice account.

Second, there has to be some assurance that those who have been arrested, especially those arrested for violent crimes, are prosecuted to the fullest extent of the law. Over the past two decades, only 30 percent of tribal land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. This compares with 56 percent of all other cases.

My amendment addresses this need with an increase in the BIA's Public Safety and Justice Account, which also funds tribal courts, and an increase for U.S. attorneys to prosecute crimes in Indian country.

The bottom line is that violent crime has become a serious problem on our reservations, particularly on our reservations in South Dakota, and I am determined to help reduce it. This $20 million increase in spending in fiscal year 2009 is small, less than 4/1000 of 1 percent of the total discretionary spending in fiscal year 2009 in this budget resolution, but it will have a big impact on the reservations that are truly in need.

I hope my colleagues will support this amendment so we can start restoring basic public safety to our Nation's Indian reservations.

METH HOT SPOTS BUDGET AMENDMENT

Mr. President, I would also like to speak about an amendment that I filed earlier this afternoon, amendment No. 4269.

This amendment, which would provide for a total of $99 million in COPS meth hot spots funding for fiscal year 2009.

The underlying budget resolution assumes $70 million for this program, and my amendment simply provides the additional funds needed for a total of $99 million, as authorized by the Combat Meth Act. This important program trains State and local law enforcement to investigate and lock up meth offenders.

In 2006, we passed the Combat Meth Act, which authorizes an additional $99 million per year for 5 years under the COPS Meth Hot Spots Program. During the budget debate last year, I offered a similar amendment that was accepted by unanimous consent.

Like last year, my amendment this year would simply provide, in a fiscally responsible way, the authorized $99 million for fiscal year 2009.

Meth abuse has become one of the most dangerous problems impacting small-town rural America and our Indian reservations.

As the Department of Justice's 2007 National Drug Assessment notes, Mexican criminal groups have expanded direct distribution of methamphetamine, targeting smaller communities across the Midwest as new markets.

Young people, ages 12–14, who live in small towns, like those across South Dakota, are 104 percent more likely to use meth than those living in large cities.

Sadly, hundreds of young children are brought up in households every year by parents who are hooked on meth. Studies show that children were present in more than 20 percent of the meth labs seized.

In addition to the costs associated with investigating, locking up, and prosecuting meth offenders, there are significant environmental clean-up costs involved.

The chemicals used to make meth are toxic, and meth producers and users often dump waste into our streams, rivers, fields, and sewage systems. Cleaning up these sites requires specialized training and costs an average of $2,000–$4,000 per site. My amendment would not only provide much-needed funding for law enforcement expenses associated with meth, but also for environmental clean-up to protect our lands and water systems from the harmful effects of this toxic drug.

I strongly urge the adoption of this amendment, so we can continue to crack down on the growing meth abuse problem in rural States like South Dakota and other states across the country.

Mr. President, I would like to speak, if I might, as well, to the broader issue of the budget resolution. There has been a lot of debate about it. We are in the 50 hours leading up to tomorrow when we have the so-called vote-arama when many of the amendments that have been filed will ultimately be voted on, but I want to make some observations about this budget because I think it is important.

I think the American people derive from this an idea about where the political parties in Washington want to take the country, what their priorities are in this budgeting process. Of course this is now a $3 trillion budget that we deal with every single year. The budget resolution is a statement of priorities. In many respects, because it is nonbinding, it doesn't have the force of

law. Sometimes it seems this whole exercise would appear at times, perhaps, to the watching public, to be somewhat more symbolic than anything else. But I do think it is important in that it does set the direction, the tone, the agendas in Washington, DC. It is a statement of priorities, and it is a blueprint for how the two respective political parties in the Senate would govern the country.

If you look at where we are in terms of the economy today, and you look at where we have come from in the last 7 years, we did enact over the past several years some historic tax reductions for all Americans. Despite a recession, terrorist attacks, corporate scandals, the collapse of the Internet bubble, these tax cuts have resulted in 52 consecutive months of job growth, the second longest period of job growth on record. Thanks to the progrowth tax policies that were put in place by previous Congresses, unemployment remains relatively low and productivity is higher than the previous three decades. Additionally, significant job growth followed the 2001 and 2003 tax cuts. Since 2003, nonfarm employment has increased by 8.3 million jobs, including 1.7 million new jobs last year alone.

There is a simple fact of fiscal policy: reducing taxes, reducing marginal income tax rates and capital tax gains rates puts more money back into the economy, encourages investment, and creates jobs.

On the other hand, tax increases drag the economy down and discourage job creation.

Unfortunately, on account of high energy prices and falling home values, our economy faces several short- and long-term challenges. In the fourth quarter of 2007 gross domestic product only increased by .6 percent. Payroll employment declined in January and February. Oil traded for almost $110 per barrel this week. Subprime mortgage foreclosures are at an all-time high, and the dollar is at an all-time low.

In response to these economic challenges, the budget resolution put forth by the majority in the Senate calls for a dangerous combination of larger Government bureaucracies and higher taxes. In total, the Democratic budget includes a $1.2 trillion tax increase on over 116 million families and 27 million small businesses.

Under the Democratic budget, the reduced individual tax rates are set to expire within 20 months. As millions of families prepare their taxes ahead of the April 15 deadline, I think it is important to point out that this deadline will be even more painful in future years under the Democrat budget resolution, if it is ultimately here adopted.

On January 1 of 2011, the 10-percent tax bracket would expire; the 25-percent tax bracket would increase to 28 percent; the 28-percent tax bracket would go up to 31 percent; the 33-percent tax bracket would go up to 36 percent; and the 35-percent tax bracket would increase to 39.9 percent.

On top of the increased tax rates, the increased child tax credit will expire. In other words, in the tax cuts of 2001 and 2003, the per-child tax credit was increased to $1,000 per child. Under this budget, if the tax cuts are allowed to expire, that would fall back down to $500. Families with children would see their tax burden increase substantially when that $1,000 tax credit is reduced to $500 after the year 2010.

Additionally, the marriage penalty is reinstated and the 31 million filers who report dividend income, and the 26 million filers who report capital gains income, would see taxes on their investments go up as well. That impacts, significantly, senior citizens. We have a lot of senior citizens around the country who have investments that they live on—dividend income, capitol gains income. So these particular tax increases are going to strike disproportionately harshly on those senior citizens across the country who depend on investment income.

Finally, the death tax is reinstated at pre-2001 levels. If you took a look at the 2001 levels, it allows a $1 million exemption and a maximum statutory level of taxation of 55 percent, which is one of the highest death tax rates in the world.

Ironically, under the current law, in the year 2010, the death tax would completely disappear, which has prompted a lot of people who do estate planning to suggest that, if somebody wants to be able to pass on their earnings and their lifetime of assets tax free to the next generation, it would behoove them to decease or to pass away in the year 2010. But the bad news is in 2011, if you are still around, the death tax kicks back in and it kicks in at enormously high levels: 55 percent maximum tax rate and a $1 million exemption. In a State such as mine, South Dakota, where you have a lot of farm and ranch families who are asset rich but cash poor, in many cases it causes them to liquidate their assets; in other words, to sell the farm in order to pay the IRS.

That is something that makes absolutely no sense. I hope we can avoid that happening. There is going to be an amendment offered by some of my colleagues that would reform the death tax and reform it in a way so that in 2011 we don't go back to the old law, which is incredibly restrictive in terms of the way it takes the money away from those who have accumulated it and worked hard, including a lot of hard-working farmers and ranchers in South Dakota, over the course of their lifetime putting away some of their investments and acquiring land and farm equipment and that sort of thing.

They want to pass it on to the next generation. The next generation wants to stay on the farm. But, unfortunately, in many cases, as I said, they have to sell their assets in order to pay the IRS. In total, the average family is going to see their taxes increase by approximately $2,300 per year, which is enough to buy 8 months of groceries for the average family or a year's worth of health care.

Over the past few years, there have been a lot of misconceptions about the tax cuts that were enacted in 2001 and 2003. The first misconception is that the tax cuts are too expensive and cost the Federal Government too much in terms of lost revenue. If you look at what has happened in terms of Federal receipts, Federal receipts have dramatically increased since we enacted the 2001 and 2003 tax cuts. In fact, in 2000, the Federal Government raised $1.99 trillion in revenue. In 2007, after those historic tax cuts had spurred increased economic growth, the Federal Government collected an all-time record of $2.57 trillion. So, from the year 2000, where it was just a little under $2 trillion, to the year 2007, where $2.57 trillion was collected, over a half trillion dollars additional revenue is now coming into the Treasury on an annual basis as a result of the tax cuts that were enacted in 2001 and 2003.

So for somehow to believe for a moment that the Federal Government has been deprived of revenue as a result of tax rates being reduced does not at all jibe with the facts.

The first misconception, I would argue, is the one that is held around here and often used in debates around here, and is very misguided because tax rates, when they were cut, actually led not to less Government revenue but to more Government revenue, and not only that but dramatically more Government revenue.

The second misconception is tax cuts created an overly regressive tax structure that only benefits the wealthy. But if you look at recent data from the Congressional Budget Office, the effective Federal tax rate for middle-income households is the lowest it has been in the past 25 years, thanks to the 2001 and 2003 tax cuts.

For the bottom 20 percent of U.S. households, the total effective Federal tax rate fell by nearly a third from the year 2000 to the year 2005.

According to the Tax Foundation, approximately 30 million tax returns had no income tax liability in 2000. After enactment of the historic tax cuts, an additional 13 million returns had no income tax liability. So now there are 43 million tax returns in this country where there is no income tax liability, as I said, an increase of 13 million returns from the year 2000.

Add that to the 15 million households and individuals who do not file tax returns at all, and you have 41 percent of

the U.S. population completely outside the Federal tax system as a result of the tax cuts that were enacted in 2001 and 2003.

Now, under the Democratic budget plan, millions of low-income Americans are going to be put back on those tax rolls. My colleagues on the other side of the aisle will claim they are extending middle-class tax cuts by voting for the Baucus amendment.

I wish to make a couple of points about the Baucus amendment. First, we heard this very same claim last year. This is the same song that we heard last year, that the Senate is going to pass an amendment that addresses some of these, or puts back or restores some of these tax cuts.

We passed an amendment on the budget resolution last year, a similar Baucus amendment, as part of the fiscal year 2008 budget resolution. But we were falsely promised action to extend selected tax cuts as part of that budget process.

Here we are a year later, the same promises are being made, and the same wall of tax increases is 1 year closer. Now, second, the Baucus amendment excludes a whole lot of tax cuts that are absolutely critical to the well-being of the middle class. Even after the $320 billion Baucus amendment, if it is adopted on the budget resolution tomorrow, Americans are still faced with one of the largest tax increases in American history.

Now, those taxpayers who are following this year's budget process are probably asking themselves: If the Democrats in Congress are going to raise taxes by $1.2 trillion, certainly they are going to bring stability and solvency to entitlement programs and reduce the Federal debt.

Unfortunately, the answer to both those questions is no. The Democratic budget does nothing to rein in out-of-control entitlement spending. Rather than enact meaningful reform, the Democratic budget resolution leaves our children and grandchildren with $66 trillion worth of unfunded Government liabilities.

The baby boom generation has already started to retire this year. And the over-65 population will nearly double by the year 2035 to 75 million people. These demographics, coupled with increasing health care costs, create a $34 trillion unfunded Medicare liability and a $4.7 trillion Social Security liability over the next 75 years.

The spiraling cost of entitlement spending is the single greatest threat to the long-term health of our economy, and under the Democratic budget, entitlement spending grows by $488 billion over 5 years. If left unchecked, entitlement spending will account for 70 percent of our Federal budget by the year 2017.

Under the Democratic budget resolution, the gross Federal debt climbs by $2 trillion by 2013. Every American child will owe an additional $27,000 to pay down the national debt on account of this budget. This debt will create an economic drag on our Nation for generations to come.

The bottom line, the budget resolution that will be voted on tomorrow, offered by the majority in the Senate, raises taxes. The largest tax increase in American history we had was back in the 1990s, when taxes went up about $250 billion under the Clinton administration.

At that time, Senator Patrick Moynihan described it as the largest tax increase in American history. This will be four times that level of tax increase. It increases spending, discretionary spending, increases mandatory spending dramatically and does nothing to curb entitlement spending to reform entitlements or reduce our Federal debt.

In the coming days, Senators are going to have several opportunities to correct the shortfalls in this budget. There are going to be a number of amendments offered tomorrow. I encourage my colleagues to take a good look at these amendments and take advantage of the opportunity they have to do what is right for the Federal budget and for hard-working taxpayers across this country and to hopefully adopt some amendments that will make this budget better.

But, in the end, I am afraid that in light of the fact that it is going to increase taxes by $1.2 trillion and increase spending and do nothing to reduce the Federal debt, this is a budget I do not think many right-thinking people in the Senate are going to be able to vote for.

I would close by noting that as you listen to the Presidential campaign this year, it has been a great experience in democracy. You have seen candidates running out there holding townhall meetings, listening to constituents. It is a wonderful example I think of our Democracy at work and in action.

But as typically happens during the course of Presidential campaigns, there are lots of promises that get made on the campaign trial. And in many cases, the other side of the story does not get told; that is, how are those programs going to be funded? How are they going to be paid for?

That is the side of the story I hope that at some point in the campaign we are going to hear, because if you add up all the new programs that were gathered together into one Cabinet-level department, these programs, posed by our colleague, the Senator from Illinois, you could call it the Department of Unfunded Campaign Promises. There are 188 new Federal programs that add up to $300 billion a year in new Federal spending—$300 billion a year. And that is only 111 programs added up. The other programs they have not been able to score yet.

But of those they have been able to attach a cost to, $300 billion a year in new spending. That would constitute the third largest Federal department in our entire Federal Government, behind only the Department of Defense and the Department of Health and Human Services.

That new department, consisting of 111 new programs, would have a larger budget than the Department of Housing and Urban Development, the Department of Commerce, the Department of the Interior, the Department of State, the Department of Homeland Security, the Department of Labor, the Department of Energy, and the Department of Justice combined.

To look at it another way, this new Department of Unfunded Campaign Promises would cost more than 42 States' budgets combined. Not only do we have a budget in front of us today that leads to higher taxes, more spending, more debt, we have a lot of obligations that are being promised out there on the campaign trail.

It seems to me at least that we ought to start tomorrow by defeating this budget that takes us down the wrong path of more Government, higher taxes, and does not do the right thing for the taxpayers of this country.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Pennsylvania.

AMENDMENT NO. 4171

Mr. CASEY. Mr. President, I am going to speak to two amendments that I have at the desk that I will be able to talk more about tomorrow. But I wished to describe them tonight.

First of all, amendment No. 4171 is an amendment that focuses on a problem we see all around us. It seems we cannot go too long in a week when we do not pick up a newspaper that talks about the safety of the food we eat. It has been an issue of concern for Americans and certainly from people in my home State of Pennsylvania.

Over the past year, there have been a steady stream of news reports on countless incidents of recalled or otherwise contaminated food products.

To mention a few: Spinach contaminated with E. coli; peanut butter contaminated with salmonella; imported fish containing high levels of antibiotics; and, finally, culminating last month with the largest meat recall in the history of the United States, 143 million pounds of ground beef.

The safety of our food supply is an issue we can no longer afford to ignore. My amendment would expand the deficit-neutral reserve fund to allow for legislation that enhances the protection and safety of the Nation's food supply.

The funds of this legislation would allow for congressional action. It would

do the following: First of all, expand Federal food inspection field forces; second, develop risk-based approaches to inspecting the food supply; third, develop the infrastructure to ensure a coordinated Federal food safety approach; No. 4, we would enhance the Food and Drug Administration's recall authority; and, finally, expand foodborne illness awareness and education programs.

This is a critically important issue, and I know the current cosponsors include Senator GRASSLEY, who is on the floor with us tonight; Senators DURBIN, BROWN, SCHUMER, LAUTENBERG. So that is the food safety amendment No. 4171. I would urge my colleagues to support that amendment.

AMENDMENT NO. 4172

The second amendment is No. 4172, the Wounded Warriors Bonus Equity Act. I am proud to introduce this bipartisan amendment to the budget resolution calling for payment of bonuses to troops who have retired or separated for combat-related injuries.

I wish to thank Senator CLINTON and Senator SESSIONS for agreeing to be original cosponsors on this amendment. The three of us introduced legislation in December of last year in response to reports that wounded troops were asked by the Department of Defense to return their enlistment bonus. I will say that again. These were troops asked by the Department of Defense to return their enlistment bonuses after they retired or separated from the Armed Services due to combat-related injuries.

These troops and tens of thousands of others across the country that were injured in Iraq are struggling to support themselves and their families. We owe them what we promised, and we must not drop our commitment to our troops at the shoreline of the United States.

The Senate passed our bill, S. 2400, the Wounded Warriors Bonus Equity Act, last year by unanimous consent. But we have not reconciled our version with that of the House of Representatives which does not require retroactive payment of the bonus that has already been withheld or returned.

I wished to commend Congressman JASON ALTMIRE from my home State of Pennsylvania, in the Fourth District, who helped bring this problem to light when one of our constituents faced the loss of his enlistment bonus.

I am hopeful that expanding the deficit-neutral reserve fund for veterans and wounded servicemembers will include legislation that will require the Department of Defense to return promised bonus payments and conduct an audit to identify any servicemembers who are owed payments.

This will pave the way for signing this legislation into law. We have often heard the words of Abraham Lincoln when he talked about those who perished in war, those who gave the last full measure of devotion.

He also spoke, in his Presidency, of those who have been injured in war. He talked about those who have borne the battle and what we owe them. Abraham Lincoln was right. We owe them much. The least we can say is we owe them, to fulfill the promise we made to them for those who have indeed borne the battle.

I would urge all my colleagues to support this amendment as well, amendment No. 4172, the Wounded Warriors Bonus Equity Act.

Mr. KENNEDY. Mr. President, as we all know, the Federal budget is a statement of the Nation's priorities. I want to commend my good friend from North Dakota who chairs the Budget Committee for setting the right priorities for America in this budget resolution.

Our Nation is enduring profound changes as we adapt to the global economy. It seems like every day there is more bad economic news. Savings are falling and debt is rising. Americans now collectively owe more than $900 billion in credit card debt.

Foreclosures are skyrocketing: 200,000 families each month are at risk of losing their homes. Bankruptcies soared by 40 percent last year, and are expected to rise even more this year. Entire industries are disappearing, leaving workers and communities devastated in their wake. And unemployment is up and going higher.

And there is more bad news for America's working families. Now, for the first time in 5 years, we have seen job losses for 2 months in a row, a sure sign that the economy is headed for a recession. Employers cut 63,000 jobs in February, the worst job losses since March 2003. And it is only likely to get worse.

Economists foresee a significant unemployment problem for at least the next 2 years. Goldman Sachs has predicted that the national unemployment rate will rise to 6.5 percent by the end of 2009. Many States around the country are already struggling with high unemployment. Michigan's unemployment rate is 7.6 percent. South Carolina's is 6.6 percent. Ohio just hit the 6 percent mark as well.

And workers who lose their jobs are having more and more trouble finding work. Today, roughly 18 percent of unemployed workers have been looking for a job for more than 26 weeks, compared to only 11 percent before the last recession. That is a dramatically higher level of long-term unemployment, and it is a deeply troubling sign.

These aren't just statistical trends or indicators. Every bad number reflects a real hardship in people's lives. For these workers and their families, a recession isn't just part of the business cycle; it is a life-altering event from which they may never recover.

With this kind of uncertain economic future, we need a budget that puts a priority on stimulating the economy and giving hardworking Americans the support they need to weather the storm. If we want an economic recovery that works—if we want real opportunity and sustainable growth—that effort must start and end with working families.

This budget sets the right priorities to address these challenges. I commend Senator CONRAD for including room in the budget for a second stimulus package. This will allow us to take what Democrats know is the right path during a recession, putting working people's needs first. That means extending unemployment insurance benefits for the long-term unemployed, increasing food stamp benefits, and providing State fiscal relief.

This budget further aids those caught up in the economic downturn by setting aside funds that can be used for unemployment insurance modernization, a much needed reform to our social safety net. Many workers who lose their jobs today are finding our unemployment insurance system leaves them out because federal laws haven't changed since the 1960s, even though the American workforce has changed dramatically since then. In 2006, only one third of unemployed Americans received unemployment benefits.

These workers have paid into the system for years and it is wrong to leave them out when they need help the most. This budget will help us to give States the resources and flexibility they need to serve working families more effectively.

These are all important measures, but strengthening the safety net during a crisis is not enough. We need to redouble our efforts to restore economic opportunity for working families. This budget looks beyond the short term. It makes a priority of investing in the preparation workers need to compete in the 21st century global economy. Comprehensive education and job training programs are the keys to that preparation.

At times like this, we have turned to education to help strengthen the Nation. We did so when developing and expanding the Nation in the early 1800s, when transitioning World War II veterans back into society, when launching the war on poverty.

We have seen time and again that education is one of the best investments we can make in the Nation's economic strength. For every dollar invested in the GI bill, the Nation reaped $7 in return. Research from the OECD shows that when we increase the average number of years of education by just 1 year, we can increase our GDP by 3 to 6 percent. For every $1 invested in high quality early preschool programs, our society benefits from a $13 return.

The Nation's prosperity depends on our ability to prepare our citizens to face a changing economy. But as other

nations modernize their education system, America must also break free of the shackles of a school system designed for the industrial age, not the information age.

We know the school model of centuries past doesn't cut it in today's economy:

A single, isolated teacher lecturing to a class of 30 students reflects the production-line model of the Industrial Age. Today, our knowledge economy demands smaller classes with individualized instruction and a focus on more advanced skills.

Fifty years ago, only one-third of mothers worked outside the home. Today, twice as many do, which means nearly 7 million children are left without adequate supervision after school.

High schools were designed in the last century with the goal of graduating only 20 percent of students. A 16-year-old could drop out of school, get a job, and support a family. Today, over 60 percent of jobs require not only a diploma, but postsecondary skills—either a college education or advanced career and technical education. We need high schools graduating all students with college- and work-ready skills.

We wouldn't think of sending our astronauts to Mars in the same spaceship in which President Kennedy sent them to the Moon.

We wouldn't think of defending our troops with the armor they used in World War I.

Why do we teach our students using outdated schools?

This budget provides investments critical to ensuring that we have an education system compatible with the 21st century knowledge economy.

The resolution increases funds for education programs by $6 billion.

It provides $3.5 billion for our public schools, the largest increase in funding for K–12 education since 2002.

This increase can put us on track to double title I funding in 5 years.

With those funds, our schools can:

Hire 35,000 new teachers to reduce class sizes and provide students with individualized attention; provide high quality professional development for 100,000 teachers to assist them in teaching 21st century skills; and enroll 1 million more children in high quality afterschool programs.

This is a real investment of new resources to help struggling schools. The funding for K–12 education will enable schools to implement needed reforms to turn around. It will allow states, districts, and schools to improve middle and high schools, so that students will stay in school and graduate.

The budget resolution also provides $424 million for Head Start, which will provide more children with the services they need to ensure they start school ready to learn.

It increases funding for the Individuals with Disabilities Education Act by $340 million, so that students with disabilities have the support and opportunities they deserve.

It also provides needed increases in funds for higher education. Last year, we passed a historic student aid bill and, with the Budget Committee's efforts and leadership, we were able to chart a course to increase the maximum Pell grant to $5,400 in 5 years. This budget resolution helps fulfill that promise by providing funds for a $4,800 maximum Pell grant in fiscal year 2009.

This budget also includes $414 million more for job training programs, which is greatly needed after years of cuts in job training programs under this administration. This funding will allow 165,000 more workers to retool their skills for 21st century jobs.

We know job training helps workers learn new skills, become better equipped for jobs in demand, and earn higher wages. As families across America struggle to make ends meet, and watch as foreclosures increase, jobs go oversees, and benefits vanish, job training can help provide real security for workers.

The Senate budget resolution makes key investments in strengthening our economy and provides the building blocks for a prosperous future. It supports good schools for our children, good jobs for workers, and a fair shot at the American dream. It puts the Nation on a path to reinventing our public schools and strengthening our education system so that we are competitive in today's knowledge economy.

Unlike the budget before us, the President's budget ignores the demands of today's economy and the needs of our students, our teachers, and our schools.

In his message to Congress, the President said his budget was based on ''clear priorities that will help us meet our Nation's most pressing needs while addressing the long-term challenges ahead.''

But those priorities are not reflected in the numbers I see in the President's budget proposal for the Department of Education.

For too many years under a Republican Congress and administration, we have seen a great contradiction between the administration's rhetoric on education and their budgets.

They say that education is the cornerstone of our competitiveness in the global economy, but then they underfund the No Child Left Behind Act by $14.7 billion this year alone—leaving 3 million children without needed services.

They say that education levels the playing field for disadvantaged students, but then they deny a million poor students the ability to come to school ready to learn by flat funding Head Start.

They say that education is the key to America's future, but then they allow children to attend crumbling schools by blocking funding for school construction.

They say that a good teacher can erase the harmful effects of poverty, but then they cut funding for teacher preparation and support.

They say that education is the gateway to the American dream, but then, with 7,000 students dropping out of school each day, they cut a $1.3 billion program to provide career and technical education for at-risk high school students.

They say that the good jobs of the future require a college education, but then they cut campus-based grant and loan programs and eliminate programs that ensure that low income, first generation students are prepared for and successful in college.

We must do better than this. The Nation, and the Nation's children, deserve better than this.

It is time to stop making empty promises. It is time to act.

It is time for a new, bold commitment to investing in education, to give teachers the support they need and the opportunity to go further in their careers, to support schools that need to turnaround, to help every student reach graduation day, to open the gates to college for all students, regardless of family income.

When a student walks through the doors of a public school, they should be opening the doors to opportunity, to higher education, to a good job, to a better life.

The Senate budget resolution puts an end to the empty promises. By making education a priority, it takes bold action to address the mounting economic concerns and it is about time.

Likewise, this budget takes action to address the growing health concerns that threaten the not only the health of our families, but also our economic well-being. It rejects the irresponsible budget cuts for NIH included within the administration's proposals, which would result in NIH being funded at $1 billion less than is needed just to keep pace with inflation. The budget resolution is a good basis for further strengthening of the NIH budget, and I look forward to working to see that NIH has the support it deserves.

Investment in NIH is essential not just for medical progress, but for our economic security too. The United States has a long tradition of being a global innovative leader but we can't take our leadership for granted. Today, it's at risk. Thirty years ago, U.S. researchers published 90 percent of all scientific literature on information technology. Today, it's less than half. Unless we invest in the life sciences, the story will soon be the same for biotechnology.

The budget also includes an important reserve fund for the millions of Americans suffering from mental illness whose insurance does not cover

their treatment. Lack of equitable insurance coverage for mental illness is not only a civil rights issue, but it's also an economic issue with serious consequences. Recently, the National Institute of Mental Health revealed that mental and addictive disorders cost our country more than $300 billion annually. This includes productivity losses of $150 billion and $70 billion in healthcare costs. The reserve fund provided in this budget is a major step forward in end insurance discrimination and making our country more productive.

The budget before us today also makes a commitment to our elderly and disabled citizens who are capable of living in their community, but are denied the supports they need. With the proper support, these Americans are able to live and flourish in the community. But too often they have to give up the dignity of a job, a home, and a family so they can qualify for Medicaid, the only program that will support them. That is why we introduced the CLASS Act last summer, so citizens get the services they need so they can remain in their community and lead a full life. This budget includes a reserve fund to support the infrastructure necessary to save Medicaid over the next decade and help all our citizens have a chance realize the American dream. It also will allow the parents and children of these citizens who have had to quit their jobs to care for a loved one to reenter the workforce.

I commend my colleagues on the Budget Committee, and all their staff, for their hard work in recent months. The Senate budget resolution represents a strong commitment to American families across this country in this time of economic uncertainty, and I strongly urge my colleagues to support it.

Mr. COCHRAN. Mr. President, I am opposed to the amendment offered by the Senator from South Carolina that would create a point of order against consideration of any legislation that contains an earmark.

Since the earliest days of our country's existence there has been tension between the executive and the legislative branches. Each has attempted continually to gain power at the expense of the other. The balance of power has tended to ebb and flow over time. The instances where one branch gets absolute advantage over the other are rare. That is the fundamental genius of the system created by our Nation's Founding Fathers. It is a system that is unique because of the balance of power that exists between the Congress and the Chief Executive. We should honor this unique relationship that has made our country the envy of the world for stability, and fairness for our citizens.

The President has said that he believes earmarking has gotten out of control, notwithstanding the many pieces of legislation containing earmarks that he has signed into law over the last 7 years. The President has further stated that he will now veto any fiscal year 2009 appropriations bill if the number and cost of earmarks isn't cut in half.

It is the President's right to veto bills. I don't deny that the practice of earmarking should be the subject of review and debate and I don't deny the right of the President to express his views on the subject and to use his veto pen if he feels that it is justified.

What I cannot understand is why the legislative branch would unilaterally relinquish a fundamental power granted to it in article I of the Constitution; the power of the purse.

This debate is not about the level of Federal spending, the size of the deficit, or the national debt. Nothing in this amendment would change the level of discretionary spending called for in the budget resolution. Nothing in this amendment issues reconciliation instructions to committees that might begin to address the entitlement crisis that faces our Nation. This debate instead is about who decides how Federal dollars are spent, and where?

Proponents of this amendment apparently are content for Congress to provide large sums of money to Federal agencies for general purposes, either to be distributed by a formula or by some sort of executive branch allocation process. Congress's only input would be after the fact. I fundamentally disagree. Congress is well within its rights to target spending for purposes that the legislative branch concludes are in the public interest.

Senators and Members of Congress represent the several States and the American people. While some funding formulas or agency-run processes may have their rightful place in the allocation of Federal dollars, there should be an opportunity for Congress to identify its own priorities, as the Constitution contemplates.

There have been cases where the power of the purse has been abused for personal or political gain, just as other aspects of the legislative process have been abused. That is an unfortunate truth. But it is also true that nearly all earmarked projects are put forth by Members with honorable intentions. Nearly all earmarked projects match the general purposes of the programs within which they are funded. The question is, who decides how the people's money is spent. I think it is the people's representation in Congress.

I am aware that my own party's nominee for President, the Senator from Arizona, supports this amendment. I am also aware that Senator MCCAIN has stated that, if elected President, he would veto any bill that includes an earmark. Even though I disagree with him on this issue, I understand he thinks the executive branch of government should decide how taxpayers' money is spent.

It doesn't surprise me that the other Presidential candidates in this body support this amendment. Any President would want the ability to allocate Federal funding as he or she sees fit.

Why would the Senate assume it would be preferable for the executive branch to allocate funds based on the whims of an assistant secretary, or on the political pressures that can influence the White House or the Office of Management and Budget? Do we have faith that executive branch agencies will not embarrass themselves with inappropriate grants for art exhibits, overpriced hammers for the Pentagon, or million dollar outhouses in our national parks? History tells us otherwise.

I think Congress should continue to hold the purse strings as the Founders of our great country contemplated. We should not shirk our duty to make spending decisions. If the President disapproves, he can veto the bill.

This amendment doesn't fix anything. It doesn't save any money. It doesn't propose any reforms. And in spite of its supposed 1-year duration, the amendment will do nothing to mollify those who wish to put Congress permanently on the sidelines of the process of allocating Federal dollars.

This amendment will most assuredly do nothing to help Congress and the next President of the United States address the budgetary challenges facing our country in Medicare, Social Security, and tax policy. We shouldn't be seduced into thinking that a 'timeout' on Congressionally directed spending will somehow help us deal with those issues. What we should do instead is stay in the game, consider spending bills on a timely basis, and carefully scrutinize the spending in those bills. Then we need to engage the President on those proposals through established, constitutional processes and determine the collective will of the people as determined by all of their elected officials.

I urge my colleagues to oppose the amendment offered by the Senator from South Carolina.

AMENDMENT NO. 4233

Mr. ALLARD. Mr. President, I come to the floor today to discuss my amendment to codify the unborn child rule in the pending budget resolution, by modifying the SCHIP reserve fund.

This needs to be done, and it needs to be done during this budget year.

I am not here to argue SCHIP. There is a SCHIP reserve fund already in the budget. I am merely seeking to ensure that since it looks like we are going to pass this reserve fund, we make sure to address the unborn child as a patient.

We attempted to codify the unborn child rule during the SCHIP debate,

but unfortunately we were not successful. I am hopeful that we will be successful on this attempt.

The unborn child rule is a regulation that, since 2002, has allowed States to provide prenatal care to unborn children and their mothers. It recognizes the basic fact that the child in the womb is a child.

When a pregnancy is involved there are at least two patients—mother and baby.

It only makes sense to cover the unborn child under a children's health program.

We have previously modified the SCHIP statute to allow States to cover ''pregnant women'' of any age.

My amendment would codify the principle of the rule, by amending the SCHIP reserve fund to codify the current unborn child rule to clarify that a covered child includes ''the period from conception to birth.''

Many States' definition of coverage for a pregnant woman leads to the strange legal fiction that the adult pregnant woman is a ''child.''

Surely it was not the intent of anyone who developed the State Children's Health Insurance Program to allow a loophole for States to define a woman as a child.

Surely we can agree that the child who receives health care in the womb is a child receiving care along with his or her mother.

There are many conditions that can affect a mother's health during pregnancy that are not related to her pregnancy.

Under current statute pregnant mother could not get coverage for any condition that isn't related to her pregnancy. Without a codification of the unborn child rule, we cannot guarantee that these services continue.

Many medical advances, such as surgeries, have allowed for the unborn child to be treated as a patient separate from the pregnant mother. They should therefore be able receive coverage as a patient.

We should be allowing mothers to stay healthy, so that they will have healthy babies.

This also leads to reduced costs associated with premature or low-birth weight babies.

Eleven states are already using this option to provide such care through the State Children's Health Insurance Program.

If the intent of the Senate is to provide coverage for the pregnant woman and her unborn child, then there should be no problem in supporting my amendment.

We should ensure that pregnant women and their unborn child are both treated as patients.

This is a matter of common sense.

Every obstetrician knows that in treating a pregnant woman he is treating two patients, the mother and her unborn child.

Keeping this coverage in the name of the adult pregnant woman alone is bad for the integrity of a children's health program, bad for the child, and even bad for some of the neediest of pregnant women.

I urge my colleagues to support my amendment.

AMENDMENTS NOS. 4234 AND 4235

Mr. President, unfortunately, the resolution before us continues the erosion of fiscally responsible budget processes. I have offered four amendments to this budget that will, I believe, increase economic discipline.

I joined the Budget Committee because I believed the best way to enforce fiscal responsibility and guarantee appropriate Federal spending was to have a rigid and meaningful budget. Fiscal discipline begins in the planning—the budgeting—stage. This is where the choices are made, and the decisions are reached, that will ensure that the income matches the spending and that taxpayers dollars are used wisely. But the budget has been moving away from this. Our discipline has been eroding.

We have seen increases in ''reserve fund'' shenanigans, we have seen the use of reconciliation—a process originated to cut government spending for spending increases, and we have seen a mockery of the pay go rules; there was $143 billion in pay-go violations last year.

I believe this Budget Committee should be committed to rigid budget discipline, not politically expedient gamesmanship.

One of my amendments is to fully budget for the expected costs of the war. I know there will be those who say that they are just following the President in allocating $70 billion in fiscal year 2009. But the budget is a congressional document. Say what you want about the genesis of the ideas in this document, but let me repeat—it was written and prepared on the sixth floor of Dirksen, not in the White House.

We know the war is expected to cost $170 billion this year. Everyone knows this. We had testimony in committee supporting this number. And so we have an obligation to budget for that amount.

If we are going to pay for this war, fiscal discipline and legitimate budgeting requirements demand that we include those costs. There is no legitimate reason to fail to include the known estimates of the war into our budget. Failure to do so is gimmickry, and devalues the budget exercise we are engaged in. Hiding the war costs from view, when every Member knows we will be spending, is ridiculous.

On another matter, this budget resolution has an increase in ''reserve funds.'' There are 37 this year, up from 24 last year. They contain up to $300 billion in spending that hangs over our treasury and taxpayers as a threat. I have heard them referred to as harmless, but any device that serves to weaken the authority and legitimateness of our budget is not harmless.

Many feel that these reserve funds have become an over complicated type of sense of the Senate, but I feel they weave weakness into what should be a rigid and honest document. I have offered an amendment that will prohibit time shifting tax receipts or spending levels to exploit the reserve fund language. If these reserve funds and their spending assumptions are going to be included, we need to see that they are fully walled off and under strong restrictions that will prohibit them from being realized without proper spending reductions.

I have also offered an amendment to prohibit time shifts on a larger scale, not just in reserve funds but in the budget itself. Time-shifting incomes and spending to change where they impact the budget cycle produces no real economic effect, except allowing more spending by evading limits. This practice needs to end.

The last amendment I have offered will ensure the ability of the Secretary of HHS to combat waste, fraud and abuse in Medicaid and SCHIP.

My amendment is very simple. It will make sure that the Secretary of Health and Human Services has continued authority to prevent fraud and protect the integrity of the Medicaid Program and SCHIP and to reduce inappropriate spending under these programs.

This should be a very bipartisan amendment. Waste, fraud and abuse should not consume even $1 of taxpayer's money.

The Secretary should have the ability to see that tax dollars are being spent appropriately.

As long as providers are acting appropriately my amendment would have no affect on them. Good actors in the Medicaid Program and SCHIP will feel no impact by my amendment.

My amendment would guarantee the Secretary's ability to enforce any anti-fraud provisions of law in effect as of the date of enactment of the budget with respect to the Medicaid Program or the State Children's Health Insurance Program, and would allow the Secretary to develop new proposals during such period to eliminate fraud in such programs.

My amendment would not harm beneficiaries' access to health care under such programs, and only states that the Secretary has the ability to seek out bad actors.

Combating waste, fraud, and abuse in any program should be a bipartisan issue. Combating waste, fraud, and abuse to ensure the integrity of the Medicaid Program and SCHIP is a necessary objective to so that taxpayer dollars are being spent appropriately to provide patients with access to care.

I urge my colleagues to support my amendments, and help move the budget

back towards fiscal discipline, improving our financial standards and accountability for taxpayer's dollars.

AMENDMENT NO. 4232

Mr. President, my amendment will pay down the Federal debt and eliminate government waste by reducing spending 5 percent on programs rated ineffective by the OMB Program Assessment Rating Tool.

Some of my colleagues may be unaware that the PART reviews were mandated under the Government Performance and Results Act, Public Law No: 103–62. This law was written by Senator Roth of Delaware and sponsored by 20 of his then-colleagues, 10 of whom are still here.

I mention this only to make sure that my colleagues are aware of the fact that the PART Program was not invented whole cloth by the current administration. OMB is under mandate from Congress to review and make budget recommendations on all Federal programs. Let me read from the purposes of that act:

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

(5) improve congressional decision-making by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and

(6) improve internal management of the Federal Government.

So, again, 15 years ago Congress demanded that the Office of Management and Budget review Federal spending programs with a nonpartisan analysis to determine if taxpayers are receiving value for their tax dollars. The Clinton administration worked on this, and the current administration developed their plan as well.

The current implementation of this is the Program Assessment Rating Tool, or PART. You can go on line and see these reviews at www.expectmore.gov.

I use this Web site with every meeting I have with Federal agencies, with every appropriations hearing, every Federal appointee. I ask constituents, when they come in to share their support for a certain program, to look at that program's PART review and hold the programs accountable for it.

A small percentage of programs receive an ''ineffective'' rating. Programs receiving this rating are not using your tax dollars effectively. As they elaborate on the Web site, ''ineffective programs have been unable to achieve results due to a lack of clarity regarding the program's purpose or goals, poor management, or some other significant weakness.''

I hold no ill will towards any specific program, I just believe in accountability for Federal spending. Everyone agrees we have to start somewhere, and the nonpartisan, agenda-free and mutually-conducted PART Program seems to me to be the best place.

My amendment cuts 5 percent of the funding under this bill for programs labeled ''ineffective'' under the OMB PART Program and uses that funding to cut the deficit. This is about the amount that these programs will see in increases under this budget. They won't face cuts, but given the failure to pass a mutually conducted performance review with OMB I don't think they should see an increase.

We are not ending any programs or zeroing out any agencies. All we are doing is taking 1 dollar in 20 under this budget from programs that cannot justify their effectiveness and using it to begin to address our over $9 trillion national debt.

I understand many people have fond thoughts for some of these programs, but fond thoughts and good intentions do not equal good government. This is the barest babystep forward for good government and fiscal responsibility.

So I urge my colleagues to join me in voting for this amendment. I believe it is a commonsense amendment to a problem we need to address. We wish to make sure our taxpayer dollars are being used in a way that can be described as effective. That is the ideal situation.

Certainly for those programs that are classified as ''ineffective'' we can at least question their budget. Even though they may have a mission statement drawn up that may be somewhat appealing, when OMB gets right down into the workings of the agency and finds nothing much is happening to accomplish the goals and objectives the Congress had in mind at the time it passed the legislation, how can we consider increasing their budget?

I think this is a commonsense amendment that brings some fiscal sanity to the process. I urge my colleagues to join me in voting for the amendment.

AMENDMENT NO. 4247

Mr. President, I rise today to talk about the importance of making permanent a progrowth tax cut passed and signed into law earlier this decade.

I was proud to join my colleagues in passing and implementing landmark tax legislation. Unfortunately, if Congress does not act soon to make this critical tax cut permanent, I believe that we will see the upcoming economic downtime be worse than it should be.

Small business expensing is a key component of the progrowth tax legislation. It played a vital role in promoting economic growth and raising revenues.

As a former small business owner, I know and understand the hardships of running a small business. That is why I strongly supported and continue to support the small business expensing provisions of the Jobs and Growth Act of 2003. The small business expensing provisions in this bill increased the amount small businesses can expense from $25,000 to $100,000.

I have had occasion to discuss this small business expensing with former Fed Chairman Alan Greenspan.

Small business expensing lowers the cost of capital for small businesses and helps them expand, which in turn helps the Nation's economic growth. Encouraging new business purchasing has helped kick-start certain sectors of the economy, created new jobs, and helped to increase productivity.

Congress has increased the amount a small business can expense in the Jobs and Growth Act of 2003, and just recently in the economic stimulus package last month, but these increased expensing levels are set to expire. Unless Congress acts to make these provisions permanent, expensing levels will revert back to $25,000, with a phase-out cap of $200,000, in 2011.

Allowing small business owners to keep more of their hard-earned profits will enable them to hire new employees and buy the technology and equipment needed to expand their business. By relieving the tax burden placed on small business owners, all Americans will benefit.

I call on my colleagues today to work together on implementing legislation that would make permanent this progrowth tax cut.

AMENDMENT NO. 4194

Ms. SNOWE. Mr. President, I rise today in strong support of an amendment that my friend and colleague from Arkansas, Senator LINCOLN, and I have offered to the budget resolution, which would provide an additional $50 million to the Veterans Benefits Administration, VBA, allowing our Nation to continue investing in the programs and resources necessary so that our courageous veterans may receive the benefits that they have earned in a timely and efficient manner.

Every year, hundreds of thousands of America's finest look to the VBA to

process their claims for disability compensation, pensions, and other entitlements due them as a result of their unselfish and steadfast service to our Nation. However, according to a VBA Workload Report from February 16, 2008, the total number of pending compensation and pension claims once again increased to 663,319, up from 626,429 this time last year and 517,574 from 2006.Additionally, the VA is currently projecting claims receipts to increase to approximately 872,000 in fiscal year 2009 and cautions that ongoing hostilities in both Iraq and Afghanistan may further burden the workload.

Furthermore, although the VA attempted to reduce the average number of days that claims were pending from a high of 182 days at the end of fiscal year 2001 to 111 days at the end of fiscal year 2003, the average age of pending claims has crept back up to 132 days by the end of fiscal year 2007.

Despite this unfortunate trend, we must not discount the initial steps that Congress has taken in order to alleviate many of the challenges facing our Nation's veterans within the VBA system. The first crucial step over the past year was to improve the management of the VBA, by providing welcome resources to boost the number of claims-processing staff, essential to curbing the backlog and improving the timeliness of the claims process. In fact, at this time last year, Senator LINCOLN and I introduced an amendment to the fiscal year 2008 Budget resolution to address staff and resource shortages at the VBA by providing $64.5 million in order to hire an additional 600 disability claims processors and $4.1 million to hire an additional 32 processors at the Board of Veterans Appeals, BVA, to expedite the adjudication process to acceptable levels.

Overall, the President's fiscal year 2009 budget request funds nearly 11,000 full-time equivalent employees working on compensation and pension claims, and represents an additional 2,600 positions, or 32 percent above fiscal year 2007.

Notwithstanding the recent actions that I have outlined and the VA's expectation that productivity will expand in the long term, veterans continue to endure lengthy delays in order to receive their benefits from the VA—and this is simply unacceptable. Therefore, I believe it is vital for the VBA to maintain the resources necessary to seek and implement fundamental reforms that will help bolster recent gains in manpower in order to enhance both productivity and efficiency throughout the disability claims process. That is why Senator LINCOLN and I have introduced an amendment that will provide the VBA with an additional $50 million in funding to initiate innovative pilot programs that will decrease this unprecedented backlog of disability claims.

Given how integral disability payments are for veterans and their families, especially in a lagging economy, the VA has an undeniable responsibility to sustain an effective delivery system and look for solutions that honor our veterans' service. The funding provided within the Snowe-Lincoln amendment would allow the VBA to build upon recent efforts to streamline the claims process through such initiatives as amplifying staff training, improving data collection, or streamlining data transmission.

As we continue to debate this year's budget resolution, I applaud the Senate Committee on the Budget and its strong commitment to veterans, by providing $48.2 billion in discretionary funding within the budget resolution for fiscal year 2009, which is equal to $3.2 billion above the President's request and $5.2 billion more from fiscal year 2008 budget levels. Certainly, this increase in veterans' health care funding is timely as Congress strives to address an ever-growing contingency of new veterans, who will transition from active duty into the VA system during the upcoming year, while an aging general veteran population continues its increased demand for acute medical and long-term-care services.

It is profoundly imperative that we in Congress fulfill our obligation to America's best and bravest, whose selfless sacrifices on behalf of us and the freedoms we cherish are immeasurable. I urge my colleagues to support the Snowe-Lincoln amendment, which will help the VBA take the additional steps towards realizing our nation's pledge to give our veterans the compensation and benefits they have rightfully earned.

Mr. KOHL. Mr. President, this amendment to S. Con. Res. 70 requests the Senate to take action to stop the abuse, neglect, and exploitation of vulnerable individuals who reside in the Nation's 17,000 nursing homes and receive services in thousands of other long-term care facilities.

It proposes that the Senate reserve $160 million over 3 years in a deficit-neutral reserve fund to pay for a nationwide expansion of a successful background check pilot program enacted as part of the Medicare Modernization Act, MMA, of 2003. This seven-State pilot program has already prevented more than 7,200 people with records of substantiated abuse or a violent criminal record from working with and preying upon frail elders and individuals with disabilities.

The amendment's reserve fund would be triggered only if the Finance Committee reported out legislation or submitted a conference report providing for a nationwide expansion of the MMA pilot program. If this occurred, the reserve fund amount would be offset by the Finance Committee.

Today, abuse, neglect, and exploitation of vulnerable individuals within long-term care facilities result in costly consequences or elderly or disabled victims, their families, and society as a whole. Numerous reports issued by GAO, the HHS Office of Inspector General, and State governments have recommended that comprehensive background checks should be a routine part of preemployment screening for all workers serving vulnerable populations, including frail elders and individuals with disabilities.

A nationwide system of background checks for long-term care workers would offer greater protection to seniors across the country in a wide variety of settings s—including the home. The policy would decrease not only physical abuse but also financial exploitation of vulnerable home-dwelling seniors, and would produce significant crime prevention savings.

The policy has broad-based support from outside groups, including the National Association of State Attorneys General, the National Association of Medicaid Fraud Control Units, the Elder Justice Coalition, the nursing home industry, and eldercare advocates in States and communities across the country.

Mr. LIEBERMAN. Mr. President, I rise to commend the Budget Committee for its efforts to fund a strong homeland defense, and to introduce an amendment with my friend Senator COLLINS on one issue where we think additional work is needed—funding to continue building the new Federal Emergency Management Agency.

First, I want to praise the Budget Committee for working within our difficult budget environment to find adequate funding for critical homeland security needs, especially support to our State and local partners in homeland security.

The President's fiscal year 2009 budget request for the Department of Homeland Security, DHS, includes some useful increases for targeted programs, but comes up short overall. It is basically a steady State budget with the glaring exception of homeland security grants, where the administration has once again proposed aggressive and unwise cuts to core Federal grant programs that States, tribes, cities, and towns rely on to keep their citizens safe.

If the President's budget were enacted, it would mean a 48-percent drop in overall grant funding—seriously limiting the ability of State and local officials to prevent, prepare for, and respond to acts of terrorism and natural disasters and to protect their communities the way they should be protected. The threats we face have not diminished over the years and neither should the funding to combat those threats.

Most dramatically, the fiscal year 2009 budget request cuts the State homeland security grant program,

SHSGP, from $950 million to $200 million—a whopping 79-percent reduction from fiscal year 2008. SHSGP grants are basic preparedness grants to States, and the failure to fund them would significantly undermine national preparedness efforts.

I am pleased that the budget resolution before us rejects those proposed cuts and funds SHSGP at its current level of $950 million, which also happens to be the level we authorized in the Implementing the 9/11 Commission Recommendations Act of 2007, which for the first time set forth statutory requirements for the grants' allocation and use.

The budget resolution also rejects proposed cuts to other vital grant programs including grants to firefighters, for emergency management, and for port and transit security. All of these important programs are restored to fiscal year 2008 levels, adjusted for inflation, in the pending budget resolution, and I thank the Budget Committee for that.

On the critical matter of interoperable communications, the Budget Committee has done better still—increasing funding for the interoperable emergency communications grant program, IECGP, from $50 million this year to $200 million in fiscal year 2009. State homeland security directors recently identified the development of interoperable communications as their top priority, and it is a complex problem that will be resolved only through strong—Federal leadership, coordination at all levels of government, and a substantial commitment of dedicated funding. This grant program, which was authorized in the recent 9/11 Act, will help achieve this critical goal.

I also want to thank the Budget Committee for providing funds to begin building a new DHS headquarters at the St. Elizabeths West Campus. We cannot expect DHS to succeed at its many challenging missions without the fundamental management tools that are taken for granted by much smaller organizations. Today, DHS is spread throughout 70 buildings across the national capital region making communication, coordination, and cooperation between DHS components a significant challenge. A unified headquarters, which would bring together many of the Department's components into a single facility and allow employees to work more efficiently and interactively. I believe it is a critical cornerstone of the efforts to improve management at the Department of Homeland Security.

I am concerned, however, that the budget resolution does not provide enough to continue reforms underway to strengthen and rebuild FEMA, which is why Senator COLLINS and I are offering this amendment today, to increase FEMA's operations, management and administration account by $141 million.

Following Hurricane Katrina, the Homeland Security and Governmental Affairs Committee conducted an extensive bipartisan investigation into the failed response at all levels of government, especially and including FEMA's response. We found that FEMA was woefully unprepared—and in fact had never been prepared—to deal with a catastrophe on the magnitude of Hurricane Katrina, lacking essential capabilities and resources. Our committee subsequently made significant recommendations to strengthen FEMA's capabilities and resources. Congress implemented many of those recommendations in the Post-Katrina Emergency Management Reform Act, which was intended to recreate FEMA into a stronger, more robust agency that would, for the first time, be equipped to prepare for and respond to a true catastrophe. The legislation also reunited the agency's preparedness and response functions; strengthened FEMA's regional offices and emergency response teams; and fortified its emergency planning and preparedness responsibilities.

Last year, FEMA received a much needed funding increase, enabling it to take the essential first step in the long process of rebuilding. While the budget resolution would sustain FEMA operations at current levels, it does not include the increases needed for it to continue strengthening its core capabilities. Our amendment proposes an additional $141 million to fully fund the Administration's requested increase to pay for modernizing the agency's IT systems; strengthening and expanding key teams and other personnel that handle disaster operations, logistics and other vital capabilities; and converting certain temporary disaster support employees to permanent staff, which should help provide a more stable and professional workforce for this program. The cost of the amendment would be offset by reductions in a government-wide, general account.

The President's request does not provide enough to strengthen these core FEMA capabilities, and I would readily support a larger increase. But at a minimum, we should all be able to agree on the administration's proposed figure to correct the significant deficiencies we witnessed during the response to Hurricane Katrina. Therefore, Senator COLLINS and I are offering this amendment to ensure that FEMA continues its transformation into the agency envisioned by the Post-Katrina Emergency Management Reform Act, which is an agency prepared to respond to the many potential catastrophes—from natural disasters to manmade terrorists acts—that we face today. Without additional funds, significant deficiencies exposed by Hurricane Katrina will persist and FEMA simply will not be able to protect the American people the way we want it to.

I ask my Senate colleagues to join me in supporting this amendment to improve our homeland security.

MORNING BUSINESS

BIRTHDAY TRIBUTE TO GENE SEGERBLOM

Mr. REID. Mr. President, it is my great pleasure to extend the best wishes of the United States Senate to Genevieve ''Gene'' Segerblom on the occasion of her 90th birthday.

Born, raised and educated in Nevada, Gene is one of our State's most treasured citizens. She served the public as a nurturing teacher, a Boulder City councilwoman, and a State assemblywoman. Throughout her career, she has been a tireless leader in the fields of historic preservation, sustainable development, cultural affairs, and ethical government practices.

Those familiar only with Gene's family tree might assume that a political career was her destiny. After all, she followed in the footsteps of her mother, Hazel Bell Wines, and her grandfather, William J. Bell, both of whom served in the State legislature. But anyone who knows Gene sees her not as a politician, but as a mother, wife and teacher who took her passion and wisdom into the realm of public service.

A few of the things I treasure are paintings I own, painted by Gene's husband Cliff. He was one of Nevada's all-time great painters. Cliff was also a judge of quality, serving the people of Boulder City and other places where he was called upon to render justice.

Gene's son Tick Segerblom is now serving with distinction as a Nevada State assemblyman.

Gene Segerblom has enriched countless lives, including mine. Landra and I are proud to call her a friend, and I wish her health, happiness, and joy as she celebrates this milestone birthday.

THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On the morning of February 23, 2008, Melbourne Brunner and his partner were eating at the Floridian restaurant in Fort Lauderdale, FL, when they were verbally and physically assaulted. According to Brunner, a man at the restaurant began calling the couple antigay slurs, threatening to break their necks and kill them. After a few

moments of suffering the man's insults, Brunner and his partner decided to leave. When Brunner attempted to enter his car, the man came from behind him, blocked his path, and struck Brunner in the face, causing him to hit his head on the pavement. The assailant then reportedly walked back to his car, covered up the license plate with his shirt so that his tags would not be identified, and sped away. The owner of the Floridian restaurant is offering a $5,000 reward for any information leading to the capture of this suspect. Brunner was treated at a local hospital for severe bruising around his eyes.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PASSAGE OF THE SECOND CHANCE ACT

Mr. SPECTER. Mr. President, I seek recognition to comment on the passage of the Second Chance Act. I thank my colleagues Senators BROWNBACK, BIDEN, and LEAHY, who are original cosponsors of this bill, for their tireless advocacy for this long-needed legislation and my other colleagues for their support of the bill, which passed the Senate by unanimous consent.

Each year, as many as 700,000 offenders will be released from prison or jail. Unfortunately, approximately two-thirds of those individuals will be rearrested within 3 years of their release. The consequences of such high recidivism rates are disastrous for our Nation. Each year, approximately 1.5 million Americans become victims of violent crime. The total pecuniary and non-pecuniary cost of crime has been estimated to be as much as $2 trillion annually—or 17 percent of the gross domestic product. Much of this cost comes directly out of taxpayers' pockets—the cost of keeping a prisoner in jail is as high as $30,000 per year. The cumulative cost to the Federal Government is approximately $60 billion annually. High crime and recidivism rates have also proven cyclical in nature: with 2.3 million of offenders in prison and jail, nearly 2 million American children spend part of the year without their parent—a factor known to put those children at risk of later committing crimes themselves.

The likelihood that a prisoner will leave prison or jail, return to their family and community, obtain a job, and lead a productive and law-abiding life increases dramatically with increasing levels of education, job training, and substance abuse treatment. Yet, a few basic statistics demonstrate just how ill-equipped the 650,000 prisoners who will return to our neighborhoods and communities are to accomplish these basic objectives. Seventy percent of ex-offenders operate at the lowest levels of literacy. The majority struggle with drug and alcohol addiction—as many as 70 percent of prisoners were regular drug users prior to being convicted. Nearly 60 percent of ex-offenders will be unemployed a year after they are released from prison.

The Second Chance Act will help break this dangerous cycle of recidivism. The bill will encourage realistic rehabilitation by providing prisoners who seek to turn their lives around with the education, literacy training, job training, employment assistance and substance abuse treatment they need to do so. The Second Chance Act will also enhance the proven-effective prison mentoring programs through which church members and community members provide individualized mentoring to prisoners who want to turn their lives around. The Second Chance Act draws on the experiences of many governmental, community, and nonprofit organizations that are operating successful reentry programs around the country. For example, Pennsylvania's Community Orientation and Reintegration project, the Boston Reentry Initiative, and the Kansas Reentry Program have shepherded the way toward achieving lasting reductions in recidivism rates through innovative approaches to job training and education, family reunification, and public safety.

The Second Chance Act that will be signed by the President represents the tireless efforts of a tremendous bipartisan coalition from both houses of Congress. I am particularly thankful for the leadership of Senator BROWNBACK, Senator BIDEN, and Senator LEAHY who have worked with me for years to negotiate the bill's final language. As a result of these negotiations, the grant programs in the bill are focused and streamlined, and provide for the kind of accountability we need to ensure that the programs operated under the bill meet their goal of achieving real reductions in recidivism rates. I am pleased that the bill has the support of over 200 organizations from both ends of the ideological spectrum and is supported by the Department of Justice and the Department of Labor.

I thank my colleagues for their support of this important legislation. The Second Chance Act takes an important step toward closing the revolving doors of our prisons and keeping our neighborhoods and communities safe.

I yield the floor.

TRIBUTE TO POPE AIR FORCE BASE

Mr. SHELBY. Mr. President, I rise before you today to express my sincere appreciation for the men and women of a C–130 Hercules crew out of Pope Air Force Base, NC.

MAJ Paul Pepe, 1LT Robert Davidson, 1LT Robert Gillis, Staff Sergeant Adam Monroy, Captain Kaly Godfrey, SSgt Kyle Anderson, SSgt Charles Jones, and CPT Jessica Kehren were responsible for transporting me and three of my congressional colleagues from Baghdad, Iraq, to Amman, Jordan, the night of August 30, 2007.

Approximately 5 minutes into the flight, I looked out of my window and noticed flashes of light coming from the ground—our aircraft was taking on surface-to-air rocket fire. The C–130 Hercules crew immediately began taking evasive maneuvers to successfully defeat the three rockets fired at the aircraft.

Throughout the incident, our crew remained calm and professional. I could not have been prouder of the way they worked together to safely avoid a very dangerous situation. Our warfighters face threats in Iraq and Afghanistan every day. While I know this type of danger was not new to them, the incident enhanced my already deep appreciation for the danger they face on a daily basis.

For their actions, the crew was recently awarded the Air Mobility Command's 2007 Field of Aeronautics and Astronautics Aviator Valor Award. The award is given for a conspicuous act of courage or valor performed during aerial flight during either combat or noncombat. Without question, the C–130 Hercules crew is most deserving of this high honor.

The training and extensive preparation that our crew undoubtedly went through at Pope Air Force Base has paid dividends. These men and women performed a stellar job without showing even the slightest bit of apprehension. I know my colleagues on the flight would agree; our military is fortunate to have this crew serving our nation in such a fine manner.

COMMEMORATING THE 40TH ANNIVERSARY OF THE DEATH OF THE REV. DR. MARTIN LUTHER KING, JR.

Mr. CARDIN. Mr. President, I wish today to commemorate the 40th anniversary of the death of the Rev. Martin Luther King, Jr. April 4, 2008, marks the 40th anniversary of the assassination of the Rev. Dr. Martin Luther King, Jr., an iconic leader of the American civil rights movement. In death, the legacy of Dr. King continues and so does his call for tolerance, justice, and equality.

April 1968 was a tragic time for the King family and for our Nation. Our

cities erupted as people were overcome by rage and horror at his assassination. We all suffered in the knowledge that someone who had been an inspiration to millions had been taken from us by an assassin's bullet.

It has been 40 years since his murder, but his legacy remains with us as we continue to pursue his vision of equality, fairness, and justice. Today, we are a nation of 300 million people; a nation in which one out of three Americans is a member of a minority group. His vision is just as important and inspirational today as it was 40 years ago.

We must never forget that our diversity is one of our greatest strengths and one of our most important challenges. We must find a way to work and live together and to respect each other. Dr. King's legacy of social justice charted the path for us. As he once said: ''We must learn to live together as brothers or perish together as fools.''

We have not always succeeded in achieving that goal. Dr. King's work remains unfinished as we witness a resurgence of hate crimes and injustice and inequality still exist. We must always remain vigilant against those who preach hate and intolerance and believe that it is acceptable to deny others the rights that are guaranteed under the U.S. Constitution and bill of rights.

Dr. King stood up to violence, bigotry, and intolerance in our country to ensure that all of us can live free of prejudice and hatred. Today, on the 40th anniversary of his death, it is important that we remember his sacrifice and pledge to continue his fight for greater opportunities for all.

NATIONAL EYE DONOR MONTH

Mr. BROWN. Mr. President, March is National Eye Donor Month. In fact, it's the 25th anniversary of that proud tradition.

Each March since 1983, the eye donor community has gathered to celebrate the gift of sight, to honor past donors and their families, and to raise awareness about eye donation.

I want to thank those who have given this amazing gift and to encourage more Americans to become eye donors.

Eye donation is an incredible thing. Precious corneas harvested from donated eyes can restore vision that's been lost to disease or injury or infection. Most of us take our vision for granted.

We read our books, watch our children grow, and find our loved ones in a crowded room—and don't give it a second thought. But what if you lost that ability, that gift of sight—or never had it at all. An estimated 11.4 million people have severe visual problems that are not correctable by glasses.

Eighty million people suffer from potentially blinding eye disease; 1.1 million people are legally blind. But there is hope. Through the miracle of transplantation, it is possible to restore sight.

Each year, 44,000 sight-restoring corneal transplants are performed.

Eye banks like the Central Ohio Lions Eye Bank change people's lives. Shirley Jacobs knows this first hand. Shirley was living with Fuchs dystrophy, a genetic degenerative corneal disease. The disease robbed her of clear vision. It limited her independence and her ability to do her job. Then she received a corneal transplant at the Central Ohio Lions Eye Bank. Her first words after the surgery were, ''This is a miracle! I can see you, I can see you!''

That is amazing. But so many more people are waiting.

In Ohio alone, 1,600 people each year could have their sight restored through corneal transplants. But there aren't enough organs available. We need to get the word out and reach people who would donate if given the choice. We must raise public awareness of the need for eye donors and the ways to sign up.

I encourage my colleagues to work with their local eye banks and the Eye Bank Association of America to promote the precious gift of eye donation. I also encourage Americans to consider designating themselves as organ donors on their driver's licenses. It is the best way to make your end-of-life wishes known and to give the gift of sight. I urge my colleagues and fellow citizens to consider becoming an eye donor. Thousands of people around the country are waiting for it.

PRESIDENT'S VETO OF THE INTELLIGENCE AUTHORIZATION ACT

Mr. LEAHY. Mr. President, America is a great and good Nation that has been a beacon to the world on human rights. Nothing should be simpler than for a President of the United States to stand up and say, clearly, that this country does not engage in cruel and abusive interrogation practices such as waterboarding; that those practices are abhorrent and illegal. It saddens me greatly—but does not surprise me—that this President has, once again, refused to make that simple statement. By vetoing the intelligence authorization bill because of a provision that would reemphasize that waterboarding and other forms of torture are illegal, he has added to the shameful legacy of this administration.

Let me be clear. This provision should not have been necessary. Waterboarding and other forms of torture are already clearly illegal. Waterboarding has been recognized as torture for the last 500 years. President Teddy Roosevelt prosecuted American soldiers for waterboarding more than 100 years ago. We prosecuted Japanese soldiers for waterboarding Americans during World War II.

I supported this provision, despite the fact that there is no question that waterboarding is already illegal, because this administration has chosen to flout the rule of law. They have admitted they have engaged in waterboarding, otherwise known as water torture, and they refuse to say they will not do it again. The positions they have taken publicly on this subject are so destructive to the core values of this Nation and our standing in the world that both Houses of this Congress have chosen to emphasize, again, that our Government is not permitted to use these shameful techniques. His veto, while another in a series of self-interested acts, does nothing to make waterboarding any less illegal and abhorrent.

Waterboarding is torture. It always has been torture. William Safire in a recent article in The New York Times Magazine traced the derivation of the term ''waterboarding.'' It was a chilling history, but most disturbing was this recitation of how it was performed on our own servicemembers:

> [I]n 1953, a U.S. fighter pilot told United Press that North Korean captors gave him the 'water treatment' in which 'they would bend my head back, put a towel over my face and pour water over the towel. I could not breathe. . . . When I would pass out, they would shake me and begin again.'

The greatest tragedy of the President's veto is that he has made it harder to protect Americans and our own servicemembers from this form of torture. This administration has so twisted America's role, law, and values that our own State Department and high-ranking officials in our Department of Defense, and even our Attorney General, are not permitted to say that the waterboarding of an American is illegal. Only our enemies can take comfort in the President's veto. It sacrifices America's high moral ground and the force of international standards and says that high-ranking American officials agree with them that waterboarding is a legal and a useful interrogation ''technique.'' It sends the signal that they are as free to use the ''technique'' as the Bush administration was, if they determine it to be in their best interest. That is how low we have sunk.

I confirmed in questioning the Director of the FBI just last week that in its counterterrorism efforts, the FBI continues to follow proscriptions against coercive interrogations. Our top military lawyers and our generals and admirals also understand this issue. They have said consistently that waterboarding is torture and is illegal. They have told us again and again at hearings and in letters that intelligence gathered through cruel techniques like waterboarding is not reliable and that our use and endorsement of these techniques puts our brave men and women serving in the Armed

Forces at risk. That is why they have so explicitly prohibited such techniques in their own Army Field Manual, and it is an example that the rest of the Government and the rest of the country should follow.

Yet it is a provision that would have required compliance with the Army Field Manual that caused the President to veto this bill. He said it would ''harm our national security.'' He could not be more wrong.

When the Senate was considering the nomination of the current Attorney General, I read in The Washington Post and heard from some Members of this body that we could ignore the nominee's refusal to recognize that waterboarding is illegal because he had assured us that he would enforce a new law against waterboarding if Congress were to pass one. I said then that we needed no such law because waterboarding was already illegal. I said then that such an assurance was hollow and dangerous because this President would surely veto any such prohibition. Now he has.

This is about core American values, the things that make our country great. America does not torture. It should always stand against torture. This veto is another sad moment for America. America is better than this.

TRIBUTE TO GLEN GOODALL

Mr. LEAHY. Mr. President, one of the advantages of growing up in Montpelier, VT, is that I still see friends of mine and my family when I am back home. Glen and Esther Goodall were dear friends of my parents, Howard and Alba Leahy, and it is always nice to catch up with them, especially at the farmers' market in Montpelier in the summer.

Recently, Glen Goodall wrote a superb article for the Times Argus newspaper, and I ask unanimous consent that it be printed in the RECORD. In the article, he tells what happened when the USS *President Coolidge* struck antisubmarine mines and sank. Glen is one of those unsung heroes of World War II, and it is an honor to know him.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FROM THE BIG SWIM TO MAIN STREET

VETERAN RECOUNTS FIGHTS IN PACIFIC THEATER

Sixty-six years ago, at the age of 23, I was headed for Camp Blanding in Florida with the Vermont National Guard 172nd Infantry regiment of the 43rd Division. Our division was inducted into federal service on Feb. 24, 1941. After 18 months of training at Camp Blanding in Florida and Camp Shelby in Mississippi, plus maneuvers in Louisiana and North Carolina, we received orders to Fort Ord, Calif., where we were to embark shortly for the Pacific Theater.

The 172nd Combat team set sail on the U.S.S. President Coolidge. As we arrived at Espiritu Santo, an island of the New Hebrides group, on Oct. 26, 1942, the Coolidge accidentally struck and detonated friendly anti-submarine mines and sank. About 95 percent of the men on ship swam the 800 to 1,000 yards to shore through heavy oil, as lifeboats milled about to take others to shore. Brigadier Gen. Rose, the island commander, simply stated: ''Without discipline of a superior kind, the feat of abandoning a rapidly sinking ship by some 4,000 men in less than an hour could never have been accomplished. Coolness which forestalled panic, trust in their leader, considering the safety of others, agility in scrambling down nets and ropes, all revealed the quality of their training and what soldiers call 'what it takes'.''

After five months on Espiritu Santo, our supply ship from the states arrived to re-equip the regiment with all the supplies we lost when the Coolidge went down. We left then for Guadalcanal for a mopping-up operation and jungle training to help us for our drive toward the homeland of Japan. Those orders arrived in May 1943 to invade the New Georgia group of islands. We landed on Rendova Island, from there to Munda, fighting along the Munda Trail to Arundel along the Diamond Narrows.

On Aug. 2, 1943, Brigadier Gen. Leonard F. Wing of Rutland became the commanding general of the 43rd Division. Because of his red hair, he became known as ''Red Wing'' and his division known as the famous Red Wing Victory Division.

We landed in Luzon on the Philippine Islands on Jan. 9, 1945. The battle lasted 175 days. During that time we lost 965 men, 2,988 wounded and 11 missing. In the rest area in Luzon we trained to invade the homeland of Japan, and while we were training the atomic bomb was dropped on Hiroshima and Nagasaki on Aug. 7, 1945, and the Japanese surrendered. We left for Japan as occupational troops and saw the horrific devastation of the atomic bombs as well as the earlier fire bombing of Tokyo and Yokohama.

Two weeks later, we were relieved and headed back to the states, arriving on Oct. 6, 1945 where three years earlier we had embarked for combat on Oct. 6, 1941. Peace at last had cost us 1,561 killed, 6,049 wounded, a total of 7,610. A lot of soldiers were returning to 3-year-old children they had never seen.

I left for duty with the 172nd Infantry Regiment on Feb. 14, 1941 as a supply sergeant and ended my military career as a warrant officer on Jan. 6, 1946. I returned to Vermont and my wife on Oct. 6, 1945. I was in fairly good health but continued to have malaria for a few years.

Major Gen. Wing was the only National Guard commander to stay with the same division from the beginning to the end of the war. The 43rd Infantry (Winged Victory) Division was the only division privileged to participate in the South Pacific, Southwest Pacific and the Philippines Campaign and continue on to the Japanese homeland.

As I reflect back on my World War II memories it was always meaningful to me to be a member of the Vermont 172nd Infantry Regiment of the 43rd Division. I was born in Vermont and it has been my home for 89½ years. Some of the other Montpelier National Guard friends were Harry Seivwright, Olisse Melada, Tom Guare, Francis Carey and Ernest Gibson, who later became governor of Vermont. Some of these friends, Harry Seivwright and Tom Guare, went into the European theater and left us after training. Ernest Gibson was wounded on one of the islands we invaded in the Pacific.

My wife and new bride, Esther, anxiously waited three years for my safe return, and we were writing and exchanging letters daily. Our local post service was super and a blessing when even on a Sunday afternoon a letter from the Pacific would be delivered to her personally sometimes by the Postmaster Ed Henry or our local carrier, Stan Fournier. Esther worked for the war effort the first year I was away, making her home with her sister in Connecticut. She worked for an industry that made fine glassware but had converted to making bomb site lenses for planes and she rode a victory bike to work daily. The last two years she returned to Montpelier and worked in the state Education Department and after working hours rolled and knitted bandages, sold war bonds, mixed the coloring in the margarine, grocery shopped with meat coupons, continued her daily letter to me and bonded with other Army wives and friends.

Vermont celebrated the victory of World War II in November and the celebration and parade were held in Montpelier marching down Main and State Street. Col. Jim Walsh of St. Albans from my outfit and I were asked to lead the parade. For Esther and me, the memories and the celebration of that day are the fondest, most emotional, happiest and proudest moments of our lives. War is a bittersweet experience.

TRIBUTE TO STEPHEN AND GWEN HUNECK

Mr. LEAHY. Mr. President, recently the Associated Press wrote a great article about Stephen and Gwen Huneck and their Dog Mountain studio. I have seen this article reprinted throughout the country.

If one goes into my office in Washington, my office in Vermont, my home in Vermont, or my home here, one would see many pieces of Stephen's artwork. Both Marcelle and I are great fans of his.

One of the pleasures of living in a small State like ours is that we had the opportunity to get to know Stephen and Gwen and realize what real human beings they are. They are among our valued friends, and I want the Senate to have the opportunity to read this article as part of an insight into why we think so highly of them. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(By John Curran)

Degas had his ballerinas, Monet his water lilies. For Stephen Huneck, inspiration comes on four legs—its teeth dug into a stick, or tugging on a piece of rope, or playing on a beach.

The eclectic Vermont folk artist, who started out whittling wooden sculptures of dogs and now specializes in dog-themed furniture, woodcut paintings and children's books, has carved out a unique niche with his whimsical reproductions of Labrador retrievers and other dogs.

And his Dog Mountain studio and dog chapel—on a picturesque 175–acre hillside farm in rural northern Vermont—have evolved into a kind of doggy Disneyland, drawing animal lovers and their pets from all over, and some to mourn.

To Huneck, dogs are more than man's best friend.

''I really believe they're the great spirit's special gift to mankind,'' said Huneck, 59. ''Dogs teach us more than we teach them.''

But his first lessons were tough ones.

He was bitten by a German shepherd as a toddler, terrorized by a St. Bernard on his newspaper route as a teenager and left heartbroken once when his father bought a puppy for the family—but took it back to the pound the next day.

''Through it all, I just loved dogs,'' he said.

A longtime antique collector, the Sudbury, Mass. native turned to art professionally in the early 1980s, using old-fashioned chisels, saws and planes to hand carve his first few canine creations. Much of the basswood, cherry, maple and pine he works with comes from his farm.

His woodcuts—dogs with halos, dogs peaking out from under bedcovers, dogs sniffing each other—brim with the playfulness of a 6-week-old puppy. His sculptures and furniture, meanwhile, range from his Angel Dog statues— a black lab with golden wings—to coffee tables with sculpted dog likeness legs, from night tables with dog head handles to rocking dogs.

Dog lovers fairly hound him for commissioned works. His client list includes actress Sandra Bullock (a dog sculpture wedding present for her husband), Dr. Phil McGraw of TV talk show fame (a drawing of his dog) and U.S. Sen. Patrick Leahy, whose Washington, D.C., office is decorated with Huneck art.

''I think, to describe his work to someone who has never seen it, you simply say 'You have to see it, I can't describe it to give it the credit it deserves,''' said R. Scudder Smith, publisher of Antiques and The Arts Weekly, in Newtown, Conn. ''It is too full of fun, imagination and talent to put into words.''

His books, including ''Sally Goes to the Beach,'' ''Sally Goes to the Farm'' and the new ''Sally Gets a Job,'' feature woodcut prints accompanied by simple, pithy captions that celebrate man's unique relationship with dogs.

''Like a dog, he has no inhibitions,'' said Rob Hunter, gallery manager for Frog Hollow Vermont State Craft Center. ''He goes all over the place with his work. He has tapped into that playfulness you get with a dog.''

The dog chapel grew out of a bit of inspiration after his 1994 hospitalization with Adult Respiratory Distress Syndrome, which nearly killed him. When he came out of it, he says, he had a vision.

''I kept thinking what a great thing it could be, for people not only to mourn the loss of a dog but to celebrate nature and their relationships with their dogs,'' he said.

Using wood harvested from his own property, Huneck modeled the one-room chapel after 19th-century Vermont churches, with vaulted ceilings, stained glass windows and wooden pews.

Built at a cost of ''several hundred thousand dollars'' and completed in 2000, it has stained glass windows with images of dogs pieced into them.

The wooden pew-style benches in the 30-by-22 foot main room have one-dimension dog likenesses at either end that are so realistic, Huneck says, that live dogs sniff their bottoms.

Outside, a sign welcomes all: ''Welcome all creeds, all breeds. No dogmas allowed.''

''I wanted the dogs to know this is their place,'' he says.

It's also a place for their owners—many of them still grieving over their loss, years later.

The walls are covered in handwritten remembrances and photographs left by owners. It's no accident: Paper and pencils are stocked on a door near the entrance, next to the statue of Artie the angel dog, a black Labrador with golden wings.

''We came with Webster, to remember Boris,'' reads one. ''He passed this week. He was a good dog and we will miss him. Webster will miss him too. But our visit today will help us all. Thanks. Cambridge, Mass.''

Another: ''Roxie: you are the dog of my heart. You taught me so much about life and love. Always, N.''

Another: ''In memory of Rebel, our beautiful greyhound, who died when I was giving birth to my daughter, Kyra.''

''I got this idea that I wanted people to be able to put up pictures of their dogs and put up a short paragraph about their dogs and that they could share that with other people and that it would always be there,'' said Huneck. ''To my great surprise, the place is almost completely, totally full of photographs.

''It brings tears to your eyes, or you could start laughing. It's just incredible insight,'' he said.

Weddings and civil union ceremonies have been held in it, although whenever someone makes such a request, Huneck and his wife, Gwen, explain that the chapel has to remain open for others while the ceremony is being held.

The chapel, which is unheated and never closes, is busy and full of life in summer and fall, but quiet, empty and solemn on most winter days.

''It's just so unique,'' said Jennifer Goodman, 29, of Boston, who made the three-hour drive to it last month, accompanied by her boyfriend and her 7-year-old basset hound, Beans.

''My friends were like 'You're going to Vermont? Are you going to go skiing?' I'm like, 'No, we're going to a dog mountain,' and no one quite understands it. We literally just got here, checked into a hotel.''

Twice a year, Huneck and his wife throw outdoor barbecues—with food for everyone, two legs or four.

''When dogs pull up in here, they may never have been here before, but it's like they saw the 'Disneyland' sign. They just get so excited, so happy,'' he said.

ADDITIONAL STATEMENTS

TRIBUTE TO TEMPLE EMANU-EL

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD Temple Emanu-El in Dunwoody, Georgia.

On March 29, 2008, Temple Emanu-El will celebrate its 30th anniversary with a black tie gala. This traditional reform synagogue was founded in 1978 by a small group of families determined to create a spiritual home where they and their children could live and grow in the Jewish faith, and they certainly have grown. Temple Emanu-El now serves over 800 Jewish families in the metro Atlanta area. The members of this thriving and vibrant congregation should be commended for their dedication to their faith as well as their community.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the Senate the contributions of Temple Emanu-El. I congratulate Rabbi Julie Schwartz and the entire congregation on its 30th anniversary and its bright future.•

TRIBUTE TO SHANNON HARPS

• Mrs. MURRAY. Mr. President, I would like to express my sorrow regarding the tragic death of one of Washington's finest young environmental advocates Shannon Harps on December 31, 2007. She was killed by an unknown assailant as she was returning to her Capitol Hill apartment in Seattle from the grocery store. Shannon's death is a tremendous loss to our community and the many issues to which she devoted her life. I join with Shannon's family, friends, and colleagues in the Sierra Club in mourning the loss of this wonderful person and fine community organizer. Though her life was cut short, she was able to make a large impact on the quality of the Northwest environment.

Shannon came from her home State of Ohio to Seattle, WA, in February 2004 to join the staff of the northwest office of the Sierra Club. This move joined two of Shannon's strongest desires to work to protect our environment and to live in the Northwest where she could more vigorously pursue her strong love for the outdoors.

Shannon had a wonderful sense of humor and a style of working with people that immediately put them at ease and made it easy for them to join her in protecting our environment and quality of life. Shannon particularly enjoyed working with high school and college students to help them develop their interests and talents in working to create a better world. While Shannon's work was directly focused on protecting our environment, from wilderness to global warming, her values were deeply embedded in a strong sense of fairness and justice for all people.

In the 4 years that Shannon lived in Washington State she helped to protect some of our finest lands. Shannon worked with Sierra Club volunteers and staff from the many groups to help move the Wild Sky Wilderness proposal through the various steps of its arduous journey through the congressional process. She spent countless hours on the phone, in meetings, and on the trail helping to bring people together to advocate for protection of these spectacular wild lands. Shannon believed that people were better advocates if they had firsthand knowledge of the places they were advocating for. As part of this belief she led countless hikes into some of Washington's wildest lands.

Shannon's was a natural leader in the State of Washington and worked with colleagues around the country to help thwart the various efforts to open up America's Arctic Coastal Plain to

oil and gas drilling. She was a lead organizer in the successful effort in 2006 to pass the renewable energy portfolio standard for Washington State. And, in the recent 2 years, much of her work focused on building relationships with local officials and creating public support so they would endorse the mayor's Climate Protection Agreement.

In her all-too-short life, she made contributions that benefited our community, State, and the world. She lived her life as an example of living lightly on the planet and engaged the people and world around her with grace, humor, kindness, and respect. Everyone who worked with her admired her style, tenacity, and sense of purpose, along with her sparkling smile and laugh.

Shannon loved living and working in the Northwest. She reveled in the outdoors and nothing made her happier than to participate in a competitive run, or hike our high mountain trails. Her death is a loss for us all. But her spirit still resides with all of those with whom she worked and walked the trails, and those who continue the struggle to protect our lands and environment and create a more just and fair world for us all.●

TRIBUTE TO MARC HERSHMAN

● Mrs. MURRAY. Mr. President, today I honor Marc Hershman, a professor and former director of the University of Washington School of Marine Affairs and adjunct professor at the school of law, for his exceptional public service to our country. Since 1972, Professor Hershman has been a valued leader, colleague, and mentor in the fields of marine policy, coastal zone management, marine ports and transportation, and law.

Mr. President, it is my sad duty today to report that Professor Hershman passed away on Monday, February 18. Today, I want to extend my condolences to his entire family, including his wife Carol, his daughter Carla, his son Jordan, and his sister Susan.

Professor Hershman led faculty and students engaged in teaching and research on integrated coastal zone management, ports and transportation, living marine resource management, marine protected areas, impacts of climate change, and other ocean issues. He had more than 30 years of experience in the study of ocean and coastal law and policy. In 1972, he founded the Coastal Management Journal and served as its editor in chief. He served as president of The Coastal Society, was a cofounder of the Marine Affairs and Policy Association, and was an active member of the nationwide Ocean Governance Study Group. He was the founder and a board member of Odyssey Maritime Discovery Center on Seattle's central waterfront.

Over the years, Professor Hershman was the recipient of several awards in the marine policy field. As voted by his peers, he was the first to receive the biennial Orville T. Magoon Service Award, which recognized his long-time Achievement Award and was twice presented with the Distinguished Service Award from the Coastal Society. In 2001, at the recommendation of U.S. House Minority Leader Richard A. Gephardt, Professor Hershman was selected by President George W. Bush to serve on the U.S. Commission on Ocean Policy.

Recently, Professor Hershman was working on ocean policy in Washington State. He led 25 students in preparing ocean policy recommendations to the Governor's Ocean Policy Working Group. In collaboration with NOAA's Sea Grant Program and various State agencies, Professor Hershman developed the groundwork for a marine policy fellowship program in the State government, to be called the Hershman Fellowship.

I extend my condolences to Professor Hershman's family and friends. His passing is a loss not only to his family and those who knew him but to academia and the entire field of marine policy.●

HONORING KAREN HONTZ

● Ms. SNOWE. Mr. President, I wish to recognize the outstanding service Karen Hontz has provided to the Senate Committee on Small Business and Entrepreneurship in her capacity as a detailee from the Small Business Administration, SBA. Karen came to the Senate last June and quickly established herself as an invaluable asset from her first days on the job when the committee held a roundtable and subsequent markup on venture capital legislation. As Congress prepares to take a short recess, Karen will begin her transition back to the SBA, as well as her 20th year of distinguished service to the Federal Government. This will certainly be SBA Administrator Preston's gain and my and my staff's loss. Thank you Administrator Preston for allowing us to work with Karen over the last 9 months.

As I reflect on Karen's tenure, I will always remember how she far exceeded all expectations, working long hours to provide me with clear and succinct materials about critical issues facing America's small businesses. This was particularly impressive given the volume of activity before the committee and the fact that Karen was new to the Senate. Indeed, since Karen came to Capitol Hill, the committee held seven oversight hearings on issues ranging from Government contracting, to women's business ownership and grant programs, to the SBA's budget. The committee also held two markups, sending venture capital, entrepreneurial development, and contracting legislation to the Senate floor. My staff and I could not have navigated these committee actions without Karen's sage counsel and invaluable insight gained from years of experience at the SBA.

Not only was Karen extremely helpful in assisting me with committee hearings and markups, but she also played an integral role in moving legislation on the Senate floor, a rare feat for a new employee. For example, Karen, together with other members of my staff, successfully negotiated with House and Senate committee, floor, and leadership staff with respect to controversial provisions in the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007, H.R. 4253, critical legislation that will expand business opportunities for veterans and help reservists keep their businesses afloat during and after deployment. Karen was instrumental in helping the Senate to clear this bill by unanimous consent in late January before President Bush signed it into law in mid-February. Karen was also pivotal in helping to include a bipartisan and bicameral small business title to the energy bill that was signed into law last December. In addition, Karen also helped the Disaster Response and Loan Improvement Act, S. 163, to pass the Senate last August. It was her political savvy and innovative thinking that helped produce a less costly bill that met both the Senate's and the administration's objectives and was able to garner the support of the entire Senate Chamber.

Finally, I would also be remiss in not pointing out that there are often concerns when an executive branch employee comes to the Senate for a work assignment, as Congress and the administration sometimes approach issues from differing viewpoints. Karen carefully and gracefully fulfilled her fiduciary duties relating to confidential information received from the two branches of Government, which could not be shared between those entities. She was also able to give fair and balanced advice, explaining in an unbiased manner both sides of an issue. In addition to Karen's in-depth knowledge of the SBA, she also provided broader insight into executive branch operations, including the Federal rulemaking and administrative processes, as well as the Office of Management and Budget's role in the budget and appropriations process.

Karen has truly been a vital part of my team and has provided a unique viewpoint and voice that has truly broadened this committee's grasp on the SBA and small business issues. Karen's extraordinary performance has far exceeded my expectations, and she will be greatly missed. I wish Karen and her husband Stephen all the best as she returns to the SBA.●

RECOGNIZING THOS. MOSER CABINETMAKERS

• Ms. SNOWE. Mr. President, I congratulate Thos. Moser Cabinetmakers, a family-oriented business from my home State of Maine that continues to thrive after 36 years of producing extraordinary furniture. With galleries open in nine locations, including one in South Korea and its newest in Los Angeles, Thos. Moser Cabinetmakers has truly exceeded expectations while staying true to its Maine roots.

Thos. Moser Cabinetmakers' founder, Thomas Moser, began his professional career as a professor both throughout the United States as well as in Saudi Arabia. Shortly after getting married in 1957, Mr. Moser and his wife began purchasing old furniture, refurbishing it, and then reselling it to supplement their income. Realizing how passionately he enjoyed woodworking, Mr. Moser gave up teaching to pursue the legacy that has now propelled his product into a household name. Working with his sons, Mr. Moser is dedicated to maintaining a family business for years to come and credits his success to his partnership with his wife.

What has always stood out about Thos. Moser is that the company adheres to a creed that stresses function over fashion, creating beautiful works for everyday living. From dining tables and stools to beds, benches, and rocking chairs, Thos. Moser's furniture belies a unique and timeless quality. The company's various collections and pieces have frequently resulted from Mr. Moser's worldwide travels and experiences. The inspiration of Danish furnituremaking provided the impetus for the curved Astral Bench while the Eastward Stool pays tribute to the famed Japanese-American woodworker George Nakashima. Mr. Moser's furniture additionally celebrates places of natural beauty in Maine, from its largest peak, Mount Katahdin, to the island-laden coastal town of Harpswell, to farm-draped New Gloucester, the placid town where Thos. Moser Cabinetmakers got its start. One of the company's most admirable aspects is its warranty. Guaranteed for life, Thos. Moser furniture is ensured to be replaced if it is ever found to be faulty.

To continue constructing such superb furniture, and to stay competitive in the woodworking industry, Thos. Moser recently teamed up with the Maine Manufacturing Extension Partnership to incorporate the Lean manufacturing program into its regular business practices. This program helps workers and management alike think in an innovative, goal-oriented manner, and as a result, many employees at Thos. Moser have taken up leadership positions they never would have attempted otherwise. In all, 35 employees were trained through the program, but the benefits were far-reaching.

Thos. Moser Cabinetmakers grew out of a passion for woodwork, and the current operation has sacrificed none of that early fervor. The company is a strong example of Mainers' determined entrepreneurial spirit, and it shows no signs of letting up. I congratulate Thos. Moser Cabinetmakers and its over 200 employees for their steadfast enthusiasm and committed work ethic, and wish them much continued success.•

MESSAGES FROM THE HOUSE

At 2:46 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5492. An act to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 290. Concurrent commemmorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand.

At 5:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 316. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 6:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2733. An act to temporarily extend the programs under the Higher Education Act of 1965.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 290. Concurrent resolution commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Relations.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 12, 2008, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act (Rept. No. 110–274).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 980. A bill to amend the Controlled Substances Act to address online pharmacies.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 2745. A bill to extend agricultural programs beyond March 15, 2008 , to suspend permanent price support authorities beyond that date, and for other purposes; considered and passed.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2746. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON:

S. 2747. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. BROWNBACK):

S. 2748. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. COBURN (for himself, Mr. BURR, and Mr. KYL):

S. 2749. A bill to ensure that the highest priority for HIV/AIDS-related funding is saving lives most immediately and urgently threatened by HIV-AIDS, including babies at risk of being infected at birth; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN:

S. 2750. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2751. A bill to facilitate foreign investment by permanently reauthorizing the EB-5 regional center program, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. DURBIN):

S. 2752. A bill to authorize the President to award grants to improve the capacity of nongovernmental organizations and individuals

in foreign countries to provide appropriate mental disability and mental trauma care training, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ:

S. 2753. A bill to protect consumers, and especially young consumers, from skyrocketing credit card debt, unfair credit card practices, and deceptive credit offers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself, Mr. ENZI, Mr. WICKER, Mr. WARNER, and Mr. WHITEHOUSE):

S.J. Res. 29. A joint resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself, Mr. MARTINEZ, Mr. BROWNBACK, Mr. HAGEL, Mr. ALLARD, Mr. ISAKSON, Mr. WARNER, Mr. VOINOVICH, Mr. HATCH, Mrs. DOLE, and Mr. CHAMBLISS):

S. Res. 480. A resolution recognizing the strategic importance of the African continent and welcoming the establishment of AFRICOM, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. CHAMBLISS, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 356

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 356, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 772

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 772, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1166

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain zone compensation of civilian employees of the United States.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2002

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2075

At the request of Mr. BROWNBACK, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2075, a bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2577

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2577, a bill to establish background check procedures for gun shows.

S. 2586

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2586, a bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States.

S. 2598

At the request of Mr. DORGAN, the names of the Senator from Montana (Mr. TESTER), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2606

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2687

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a

cosponsor of S. 2687, a bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare program.

S. 2717

At the request of Mr. CHAMBLISS, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2717, a bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2718

At the request of Mr. BARRASSO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2718, a bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2731

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

AMENDMENT NO. 4148

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 4148 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4153

At the request of Mr. BURR, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. GREGG) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 4153 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4154

At the request of Mr. REED, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 4154 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4160

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4160 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4171

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 4171 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4173

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. OBAMA), the Senator from Florida (Mr. MARTINEZ), the Senator from Hawaii (Mr. INOUYE) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 4173 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4182

At the request of Mr. PRYOR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 4182 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4183

At the request of Mr. PRYOR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 4183 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4185

At the request of Mr. PRYOR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 4185 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 2746. A bill to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, as we approach the national celebration of Sunshine Week 2008, I am pleased to join with Senator CORNYN to introduce the OPEN FOIA Act of 2008, a concise and straightforward bill to further strengthen the Freedom of Information Act, FOIA. This bill is the next step in the important work that Senator CORNYN and I have undertaken to reinvigorate and strengthen FOIA, and it follows the enactment late last year of the Leahy-Cornyn OPEN Government Act, a law which made the first major reforms to FOIA in more than a decade.

The OPEN FOIA Act simply requires that when Congress provides for a statutory exemption to FOIA in new legislation, Congress must state its intention to do so explicitly and clearly in that bill. This commonsense bill mirrors bipartisan legislation that unanimously passed the Senate during the

last Congress, S.1181. I hope that the Senate will once again promptly and unanimously pass this good-government bill.

While no one can fairly question the need to keep certain government information secret to ensure the public good, excessive government secrecy is a constant temptation and the enemy of a vibrant democracy. For more than 4 decades, FOIA has served as perhaps the most important Federal law to ensure the public's right to know and to balance the government's power with the need for government accountability.

FOIA contains a number of exemptions to its disclosure requirements for national security, law enforcement, confidential business information, personal privacy and other circumstances. The FOIA exemption commonly known as the ''(b)(3) exemption,'' requires that Government records that are specifically exempted from FOIA by statute may be withheld from the public. Of course, neither I nor Senator CORNYN would quibble with the notion that some Government information is appropriately kept from public view. But in recent years we have witnessed an alarming number of FOIA (b)(3) exemptions being offered in legislation—often in very ambiguous terms—to the detriment of the American people's right to know.

The bedrock principles of open government lead me to believe that (b)(3) statutory exemptions should be clear and unambiguous, and vigorously debated before they are enacted into law. Of course, sometimes this does happen. But more and more often, legislative exemptions to FOIA are buried within a few lines of very complex and lengthy bills, which are never debated openly and publicly before becoming law. The consequence of this troubling practice is the erosion of the public's right to know and the shirking of Congress' duty to fully consider these exemptions.

Senator CORNYN and I both believe that Congress must be diligent in reviewing any new exemptions to FOIA, to prevent possible abuses and a situation where the exceptions to disclosure under FOIA swallow this important disclosure rule. The OPEN FOIA Act will ensure openness and clarity about how we treat one of our most important open Government laws. Our bill will also shine more light into the process of creating legislative exemptions to FOIA—which is the best antidote to exemption creep.

Democratic and Republican Senators alike have rightly supported and voted for this bill in the past. As I have said many times before, open Government is not a Democratic issue, nor a Republican issue. It is an American value and a virtue that all Americans can embrace. I urge all Members to support this bipartisan good-government bill to strengthen the public's right to know.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''OPEN FOIA Act of 2008''.

SEC. 2. SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2008, specifically cites to this paragraph.''.

By Mr. HARKIN (for himself and Mr. BROWNBACK):

S. 2748. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, some time back, a principal of a school in Atlanta, GA, explained why his school had eliminated recess from its school day, and why new elementary schools in Atlanta were being built without playgrounds: He told The New York Times: ''We are intent on improving academic performance. You don't do that by having kids hanging on the monkey bars.''

Now, there is no reason to pick on Atlanta alone. Nationwide, only 8 percent of elementary schools provide daily physical education or its equivalent for all students.

We are building schools without playgrounds, subdivisions without sidewalks, roads without bicycle lanes. The average American spends more than 4 hours each day sitting passively in front of the TV set—that is equal to 2 months of nonstop TV-watching per year.

Then we are shocked, shocked to find that rates of overweight, obesity and diabetes are skyrocketing, and cardiovascular disease remains the No. 1 cause of death in our country. Among children, we have what the Centers for Disease Control describes as an ''epidemic'' of obesity and juvenile diabetes.

The shame is that so much of this is entirely preventable. Americans are suffering from a range of diseases and conditions—obesity, heart disease, diabetes, stress, and depression. All of these are largely preventable by changes in diet and lifestyle; specifically, by increasing the amount of physical activity in our lives.

I am a firm believer that people want to stay healthy, and that Government can help out by giving Americans the tools they need to take charge of their own health.

But, right now, individuals do not know how much physical activity they should be getting daily. They don't have a target to shoot for.

That is why, today, I am joining with Senator SAM BROWNBACK, Congressman MARK UDALL, and Congressman ZACH WAMP to introduce the Physical Activities Guidelines for Americans Act of 2008.

Our bill would direct the Department of Health and Human Services to prepare and promote science-based physical activity guidelines for Americans, similar to the dietary and nutritional guidelines, commonly known as the Food Pyramid. Our bill also would require that the guidelines be updated every 5 years.

I believe that the Physical Activity Guidelines will assist many Americans in living longer, healthier, and more active lives.

By Mrs. FEINSTEIN:

S. 2750. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help address a troublesome byproduct of our Nation's mining history: abandoned mines.

The 1872 Mining Law created national standards to regulate gold and silver mining operations on Federal lands. Since then, hundreds of thousands of gold and silver mines have been abandoned.

There are roughly 500,000 abandoned mines across the U.S., and nearly 47,000 abandoned mines in my home State of California.

According to the California Department of Conservation, all but two of California's 58 counties have abandoned mines; and close to 70 percent of California's abandoned mines are located in the ''Mother Lode'' area in the Northern Sierra or San Bernardino, Inyo and Kern Counties in the southeastern part of the State.

Because the 1872 Mining Law is so outdated, we have been unable to adequately clean up and remediate these abandoned mines.

The need for action is great.

The bill that I am introducing today, is not intended to be a comprehensive hardrock mining reform bill, but it is an important piece of the reform that is needed in hardrock mining.

The Abandoned Mine Reclamation Act of 2008, will reform the 1872 Mining Law by: establishing fees to support abandoned mine cleanup; establishing a royalty payment system; and creating an Abandoned Mine Cleanup Fund.

Unlike the coal industry, the metal mining industry does not pay to clean up its legacy of abandoned mines, making lack of funding the primary obstacle to abandoned hardrock mine cleanup.

This legislation would help fund the cleanup of abandoned mines by placing an Abandoned Mine Reclamation fee on all hardrock minerals, using the underground coal industry fee program as a model.

Here is why—the condition of abandoned coal mines has greatly improved since the Surface Mining Control and Reclamation Act of 1977 established a fee to finance restoration of land abandoned or inadequately restored by coal mining companies.

This fund has been able to raise billions of dollars for coal mine reclamation—and I believe that a similar program could be part of the solution to the hardrock abandoned mine cleanup.

This legislation also establishes a royalty on Hardrock Mining Claims.

Companies that mine for gold and silver on Federal lands are not currently required to pay any royalties to the Federal Government—even though we are experiencing near record high gold prices, around $900 an ounce.

These companies should be required to pay their fair share.

The Abandoned Mine Reclamation Act establishes an 8 percent royalty on new mining operations located on Federal lands, and a 4 percent royalty for existing operations.

These royalties are at the same level as the Hardrock Mining and Reclamation Act, H.R. 2262, which was passed by the House late last year.

The legislation I am introducing today also creates an Abandoned Mine Fund.

In these times of budget deficits, it's clear that we will not be able to simply appropriate the funds necessary to clean up the hundreds of thousands of abandoned hard rock mines.

So, this legislation will create an abandoned mine cleanup fund to ensure that we have a lasting source of funding for this critical cleanup effort.

Specifically, the fund will direct the royalties, as well as other payments collected from mining operations, and dedicate them to the cleanup of abandoned hardrock mines.

Now I would like to take a moment to talk more about why abandoned mines are so problematic.

First, members of the public are in danger of getting seriously hurt or killed by falling down old mine shafts.

In the past 2 years, eight accidents at abandoned mine sites were reported in California. These accidents resulted in four fatalities and seven others were injured and/or required rescuing.

But the even greater threat from abandoned mines comes from the danger of groundwater pollution.

Environmental impact studies have shown that important watersheds are being polluted by high levels of mercury or increased sedimentation.

This in turn exposes people who drink this water to harmful minerals like mercury, chromium and asbestos and the fish who swim in streams fed by these waters are likewise contaminated.

The Bureau of Land Management reports that abandoned mines have contaminated 17 major watersheds in California, which supply water for millions of people and provide habitat for important species like salmon and other fish that are caught and consumed by the public.

So, the threat to public health is critical.

Mining has played in California's history. The discovery of gold at Sutter Mill near Placerville, California in 1848 was a defining moment for California and the U.S.

It is fair to say that without mining and the Gold Rush, California and the entire country would be a far different place than it is today.

The great history of mining in California, however, is tarnished by the legacy of tens of thousands of abandoned mines. In particular, abandoned mine sites on Federal lands.

Let me illustrate a few examples of abandoned mine sites located on Federal land in California.

These sites are causing serious public safety and environmental problems: Rand Historic Mining Complex located on BLM land in eastern Kern County and northwestern San Bernardino County.

This area includes the Kelly Silver Mine and the Yellow Aster Gold Mine near the communities of Johannesburg, Randsburg, and Red Mountain.

The problem is this: The sites contain extensive arsenic-bearing mine waste and numerous open mine shafts that could cause safety hazards.

The Pond Gold Mine Site located in Placer County on BLM land.

This mine site consists of an extensive network of sluice tunnels and a large waste rock pile.

Here's the problem: The Pond Mine has been determined to be a source of mercury to Pond Creek and the Middle Fork of the American River.

The Golinsky Mine located on Forest Service land located in Shasta County.

The Golinsky mine is an abandoned copper mine that is releasing acid mine drainage into Shasta Lake.

The responsible party has been identified, but has declared bankruptcy. This has forced the Forest Service to spend more than $2.2 million dollars investigating and mitigating the environmental problems while they try to recoup the costs.

There are numerous abandoned mine sites that may not yet have been discovered all across California.

One place where we expect the problem to grow is in Joshua Tree National Park.

Joshua Tree has numerous former mine sites that contain a series of shafts near trails and roads. These mine shafts vary in size and the depth ranges from 20 to 200 feet deep—and are extremely dangerous, potentially causing people to fall into them.

So, these abandoned mines are a serious problem throughout the State. We need to take action soon to clean them up.

The problems caused by abandoned mines are not going away—and with each passing day, the health danger will continue to rise.

It is important to our children and grandchildren that we start the process of cleaning up the abandoned mines that were left to us. But we cannot do it without a substantial and reliable source of funding.

Here is the key: this legislation doesn't reinvent the wheel. It implements solutions that have been working for a similar problem. It uses many of the ideas that have helped the coal industry to raise over seven billion dollars for abandoned mines.

It is time to expect the same from the hardrock mining industry.

Though this legislation is a significant step forward for the funding of abandoned mines, I know that there is much more mining reform to be done.

I look forward to working with my colleagues to ensure that the 1872 Mining Law is reformed—so that 21st Century mining regulations will be applied to 21st Century mining operations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Abandoned Mine Reclamation Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions and references.
Sec. 3. Application rules.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

Sec. 101. Royalty.
Sec. 102. Hardrock mining claim maintenance fee.
Sec. 103. Reclamation fee.
Sec. 104. Effect of payments for use and occupancy of claims.

TITLE II—ABANDONED MINE CLEANUP FUND

Sec. 201. Establishment of Fund.

Sec. 202. Contents of Fund.
Sec. 203. Use and objectives of the Fund.
Sec. 204. Eligible lands and waters.
Sec. 205. Expenditures.
Sec. 206. Availability of amounts.
TITLE III—EFFECTIVE DATE
Sec. 301. Effective date.

SEC. 2. DEFINITIONS AND REFERENCES.

(a) IN GENERAL.—As used in this Act:

(1) The term ''affiliate'' means with respect to any person, any of the following:

(A) Any person who controls, is controlled by, or is under common control with such person.

(B) Any partner of such person.

(C) Any person owning at least 10 percent of the voting shares of such person.

(2) The term ''applicant'' means any person applying for a permit under this Act or a modification to or a renewal of a permit under this Act.

(3) The term ''beneficiation'' means the crushing and grinding of locatable mineral ore and such processes as are employed to free the mineral from other constituents, including but not necessarily limited to, physical and chemical separation techniques.

(4) The term ''claim holder'' means a person holding a mining claim, millsite claim, or tunnel site claim located under the general mining laws and maintained in compliance with such laws and this Act. Such term may include an agent of a claim holder.

(5) The term ''control'' means having the ability, directly or indirectly, to determine (without regard to whether exercised through one or more corporate structures) the manner in which an entity conducts mineral activities, through any means, including without limitation, ownership interest, authority to commit the entity's real or financial assets, position as a director, officer, or partner of the entity, or contractual arrangement.

(6) The term ''exploration''—

(A) subject to subparagraphs (B) and (C), means creating surface disturbance other than casual use, to evaluate the type, extent, quantity, or quality of minerals present;

(B) includes mineral activities associated with sampling, drilling, and analyzing locatable mineral values; and

(C) does not include extraction of mineral material for commercial use or sale.

(7) The term ''Federal land'' means any land, and any interest in land, that is owned by the United States and open to location of mining claims under the general mining laws.

(8) The term ''hardrock mineral'' has the meaning given the term ''locatable mineral'' except that legal and beneficial title to the mineral need not be held by the United States.

(9) The term ''Indian lands'' means lands held in trust for the benefit of an Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(10) The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) The term ''locatable mineral''—

(A) subject to subparagraph (B), means any mineral, the legal and beneficial title to which remains in the United States and that is not subject to disposition under any of—

(i) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(ii) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(iii) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 et seq.); or

(iv) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 et seq.); and

(B) does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

(i) held in trust by the United States for any Indian or Indian tribe, as defined in section 2 of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101); or

(ii) owned by any Indian or Indian tribe, as defined in that section.

(12) The term ''mineral activities'' means any activity on a mining claim, millsite claim, or tunnel site claim for, related to, or incidental to, mineral exploration, mining, beneficiation, processing, or reclamation activities for any locatable mineral.

(13) The term ''operator'' means any person proposing or authorized by a permit issued under this Act to conduct mineral activities and any agent of such person.

(14) The term ''person'' means an individual, Indian tribe, partnership, association, society, joint venture, joint stock company, firm, company, corporation, cooperative, or other organization and any instrumentality of State or local government including any publicly owned utility or publicly owned corporation of State or local government.

(15) The term ''processing'' means processes downstream of beneficiation employed to prepare locatable mineral ore into the final marketable product, including but not limited to smelting and electrolytic refining.

(16) The term ''Secretary'' means the Secretary of the Interior, unless otherwise specified.

(17) The term ''temporary cessation'' means a halt in mine-related production activities for a continuous period of no longer than 5 years.

(b) REFERENCES TO OTHER LAWS.—(1) Any reference in this Act to the term general mining laws is a reference to those Acts that generally comprise chapters 2, 12A, and 16, and sections 161 and 162, of title 30, United States Code.

(2) Any reference in this Act to the Act of July 23, 1955, is a reference to the Act entitled ''An Act to amend the Act of July 31, 1947 (61 Stat. 681) and the mining laws to provide for multiple use of the surface of the same tracts of the public lands, and for other purposes'' (30 U.S.C. 601 et seq.).

SEC. 3. APPLICATION RULES.

(a) IN GENERAL.—This Act applies to any mining claim, millsite claim, or tunnel site claim located under the general mining laws, before, on, or after the date of enactment of this Act, except as provided in subsection (b).

(b) PREEXISTING CLAIMS.—(1) Any unpatented mining claim or millsite claim located under the general mining laws before the date of enactment of this Act for which a plan of operation has not been approved or a notice filed prior to the date of enactment shall, upon the effective date of this Act, be subject to the requirements of this Act, except as provided in paragraph (2).

(2)(A) If a plan of operations is approved for mineral activities on any claim or site referred to in paragraph (1) prior to the date of enactment of this Act but such operations have not commenced prior to the date of enactment of this Act—

(i) during the 10-year period beginning on the date of enactment of this Act, mineral activities at such claim or site shall be subject to such plan of operations;

(ii) during such 10-year period, modifications of any such plan may be made in accordance with the provisions of law applicable prior to the enactment of this Act if such modifications are deemed minor by the Secretary concerned; and

(iii) the operator shall bring such mineral activities into compliance with this Act by the end of such 10-year period.

(B) Where an application for modification of a plan of operations referred to in subparagraph (A)(ii) has been timely submitted and an approved plan expires prior to Secretarial action on the application, mineral activities and reclamation may continue in accordance with the terms of the expired plan until the Secretary makes an administrative decision on the application.

(c) FEDERAL LANDS SUBJECT TO EXISTING PERMIT.—(1) Any Federal land shall be subject to the requirements of section 101(a)(2) if the land is—

(A) subject to an operations permit; and

(B) producing valuable locatable minerals in commercial quantities prior to the date of enactment of this Act.

(2) Any Federal land added through a plan modification to an operations permit on Federal land that is submitted after the date of enactment of this Act shall be subject to the terms of section 101(a)(3).

(d) APPLICATION OF ACT TO BENEFICIATION AND PROCESSING OF NON-FEDERAL MINERALS ON FEDERAL LANDS.—The provisions of this Act shall apply in the same manner and to the same extent to mining claims, millsite claims, and tunnel site claims used for beneficiation or processing activities for any mineral without regard to whether or not the legal and beneficial title to the mineral is held by the United States. This subsection applies only to minerals that are locatable minerals or minerals that would be locatable minerals if the legal and beneficial title to such minerals were held by the United States.

TITLE I—MINERAL EXPLORATION AND DEVELOPMENT

SEC. 101. ROYALTY.

(a) RESERVATION OF ROYALTY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), production of all locatable minerals from any mining claim located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining. The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim and any person who controls such claim holder or operator shall be liable for payment of such royalties.

(2) ROYALTY FOR FEDERAL LANDS SUBJECT TO EXISTING PERMIT.—The royalty under paragraph (1) shall be 4 percent in the case of any Federal land that—

(A) is subject to an operations permit on the date of the enactment of this Act; and

(B) produces valuable locatable minerals in commercial quantities on the date of enactment of this Act.

(3) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this Act shall be subject to the

royalty that applies to Federal land under paragraph (1).

(4) DEPOSIT.—Amounts received by the United States as royalties under this subsection shall be deposited into the Abandoned Mine Cleanup Fund established by section 201(a).

(b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is responsible for making proper payments for all amounts due for all time periods for which such person has a payment responsibility. Such responsibility for the periods referred to in the preceding sentence shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in the operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) RECORDKEEPING AND REPORTING REQUIREMENTS.—A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information that may be required by this section shall be made available for inspection and duplication by such officer or employee. Failure by a claim holder, operator, or other person referred to in the first sentence to cooperate with such an audit, provide data required by the Secretary, or grant access to information may, at the discretion of the Secretary, result in involuntary forfeiture of the claim.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this Act, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (3) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under this Act.

(3) Trade secrets, proprietary, and other confidential information protected from disclosure under section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, shall be made available by the Secretary to other Federal agencies as necessary to assure compliance with this Act and other Federal laws. The Secretary, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and other Federal officials shall ensure that such information is provided protection in accordance with the requirements of that section.

(f) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—(1) In the case of mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as the rate applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty payments under this section, the Secretary shall assess a penalty of not greater than 25 percent of the amount of that underreporting.

(3) For the purposes of this subsection, the term ''underreporting'' means the difference between the royalty on the value of the production that should have been reported and the royalty on the value of the production which was reported, if the value that should have been reported is greater than the value that was reported.

(4) The Secretary may waive or reduce the assessment provided in paragraph (2) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(5) The Secretary shall waive any portion of an assessment under paragraph (2) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported;

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported;

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting; or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(6) All penalties collected under this subsection shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(g) DELEGATION.—For the purposes of this section, the term ''Secretary'' means the Secretary of the Interior acting through the Director of the Minerals Management Service.

(h) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located under the general mining laws and maintained in compliance with this Act when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(i) GROSS INCOME FROM MINING DEFINED.—For the purposes of this section, for any locatable mineral, the term ''gross income from mining'' has the same meaning as the term ''gross income'' in section 613(c) of the Internal Revenue Code of 1986.

(j) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

(k) FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719) to

the same extent as if the claim located under the general mining laws and maintained in compliance with this Act were a lease under that Act.

SEC. 102. HARDROCK MINING CLAIM MAINTENANCE FEE.

(a) FEE.—

(1) Except as provided in section 2511(e)(2) of the Energy Policy Act of 1992 (relating to oil shale claims), for each unpatented mining claim, mill or tunnel site on federally owned lands, whether located before, on, or after enactment of this Act, each claimant shall pay to the Secretary, on or before August 31 of each year, a claim maintenance fee of $300 per claim to hold such unpatented mining claim, mill or tunnel site for the assessment year beginning at noon on the next day, September 1. Such claim maintenance fee shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28 et seq.) and the related filing requirements contained in section 314(a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a) and (c)).

(2)(A) The claim maintenance fee required under this subsection shall be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(i) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(ii) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28 et seq.) to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(B) For purposes of subparagraph (A), with respect to any claimant, the term ''all related parties'' means—

(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claimant; or

(ii) a person affiliated with the claimant, including—

(I) a person controlled by, controlling, or under common control with the claimant; or

(II) a subsidiary or parent company or corporation of the claimant.

(3)(A) The Secretary shall adjust the fees required by this subsection to reflect changes in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor every 5 years after the date of enactment of this Act, or more frequently if the Secretary determines an adjustment to be reasonable.

(B) The Secretary shall provide claimants notice of any adjustment made under this paragraph not later than July 1 of any year in which the adjustment is made.

(C) A fee adjustment under this paragraph shall begin to apply the calendar year following the calendar year in which it is made.

(4) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(b) LOCATION.—

(1) Notwithstanding any provision of law, for every unpatented mining claim, mill or tunnel site located after the date of enactment of this Act and before September 30, 1998, the locator shall, at the time the location notice is recorded with the Bureau of Land Management, pay to the Secretary a location fee, in addition to the fee required by subsection (a) of $50 per claim.

(2) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(c) TRANSFER.—

(1) Notwithstanding any provision of law, for every unpatented mining claim, mill, or tunnel site the ownership interest of which is transferred after the date of enactment of this Act, the transferee shall, at the time the transfer document is recorded with the Bureau of Land Management, pay to the Secretary a transfer fee, in addition to the fee required by subsection (a) of $100 per claim.

(2) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Abandoned Mine Cleanup Fund established by section 201(a).

(d) CO-OWNERSHIP.—The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28 et seq.) will remain in effect except that the annual claim maintenance fee, where applicable, shall replace applicable assessment requirements and expenditures.

(e) FAILURE TO PAY.—Failure to pay the claim maintenance fee as required by subsection (a) shall conclusively constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

(f) OTHER REQUIREMENTS.—

(1) Nothing in this section shall change or modify the requirements of section 314(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(b)), or the requirements of section 314(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(c)) related to filings required by section 314(b) of that Act, which remain in effect.

(2) Section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) is amended by inserting ''or section 102 of the Abandoned Mine Reclamation Act of 2008'' after ''Act of 1993,''.

SEC. 103. RECLAMATION FEE.

(a) IMPOSITION OF FEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), each operator of a hardrock minerals mining operation shall pay to the Secretary, for deposit in the Abandoned Mine Cleanup Fund established by section 201(a), a reclamation fee of 0.3 percent of the gross income of the hardrock minerals mining operation for each calendar year.

(2) EXCEPTION.—With respect to any calendar year required under subsection (b), an operator of a hardrock minerals mining operation shall not be required to pay the reclamation fee under paragraph (1) if—

(A) the gross annual income of the hardrock minerals mining operation for the calendar year is an amount less than $500,000; and

(B) the hardrock minerals mining operation is comprised of—

(i) 1 or more hardrock mineral mines located in a single patented claim; or

(ii) 2 or more contiguous patented claims.

(b) PAYMENT DEADLINE.—The reclamation fee shall be paid not later than 60 days after the end of each calendar year beginning with the first calendar year occurring after the date of enactment of this Act.

(c) DEPOSIT OF REVENUES.—Amounts received by the Secretary under subsection (a)(1) shall be deposited into the Abandoned Mine Cleanup Fund established by section 201(a).

(d) EFFECT.—Nothing in this section requires a reduction in, or otherwise affects, any similar fee required under any law (including regulations) of any State.

SEC. 104. EFFECT OF PAYMENTS FOR USE AND OCCUPANCY OF CLAIMS.

Timely payment of the claim maintenance fee required by section 102(a) of this Act or any related law relating to the use of Federal land, asserts the claimant's authority to use and occupy the Federal land concerned for prospecting and exploration, consistent with the requirements of this Act and other applicable law.

TITLE II—ABANDONED MINE CLEANUP FUND

SEC. 201. ESTABLISHMENT OF FUND.

(a) ESTABLISHMENT.—There is established on the books of the Treasury of the United States a separate account to be known as the Abandoned Mine Cleanup Fund (hereinafter in this title referred to as the ''Fund'').

(b) INVESTMENT.—The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in the Secretary's judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities.

SEC. 202. CONTENTS OF FUND.

The following amounts shall be credited to the Fund:

(1) All donations by persons, corporations, associations, and foundations for the purposes of this title.

(2) All amounts deposited in the Fund under section 101 (relating to royalties and penalties for underreporting).

(3) All amounts received by the United States pursuant to section 102 as claim maintenance, location, and transfer fees minus the moneys allocated for administration of the mining laws by the Department of the Interior.

(4) All amounts received by the Secretary in accordance with section 103(a).

(5) All income on investments under section 201(b).

SEC. 203. USE AND OBJECTIVES OF THE FUND.

(a) IN GENERAL.—The Secretary is authorized, without further appropriation, to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral activities on lands the legal and beneficial title to which resides in the United States, land within the exterior boundary of any national forest system unit, or other lands described in subsection (d), including any of the following:

(1) Protecting public health and safety.

(2) Preventing, abating, treating, and controlling water pollution created by abandoned mine drainage, including in river watershed areas.

(3) Reclaiming and restoring abandoned surface and underground mined areas.

(4) Reclaiming and restoring abandoned milling and processing areas.

(5) Backfilling, sealing, or otherwise controlling, abandoned underground mine entries.

(6) Revegetating land adversely affected by past mineral activities in order to prevent erosion and sedimentation, to enhance wildlife habitat, and for any other reclamation purpose.

(7) Controlling of surface subsidence due to abandoned underground mines.

(b) ALLOCATION.—Expenditures of moneys from the Fund shall reflect the following priorities in the order stated:

(1) The protection of public health and safety, from extreme danger from the adverse effects of past mineral activities, especially as relates to surface water and groundwater contaminants.

(2) The protection of public health and safety, from the adverse effects of past mineral activities.

(3) The restoration of land, water, and fish and wildlife resources previously degraded by the adverse effects of past mineral activities, which may include restoration activities in river watershed areas.

(c) HABITAT.—Reclamation and restoration activities under this title, particularly those identified under subsection (a)(4), shall include appropriate mitigation measures to provide for the continuation of any established habitat for wildlife in existence prior to the commencement of such activities.

(d) OTHER AFFECTED LANDS.—Where mineral exploration, mining, beneficiation, processing, or reclamation activities have been carried out with respect to any mineral which would be a locatable mineral if the legal and beneficial title to the mineral were in the United States, if such activities directly affect lands managed by the Bureau of Land Management as well as other lands and if the legal and beneficial title to more than 50 percent of the affected lands resides in the United States, the Secretary is authorized, subject to appropriations, to use moneys in the Fund for reclamation and restoration under subsection (a) for all directly affected lands.

(e) RESPONSE OR REMOVAL ACTIONS.—Reclamation and restoration activities under this title which constitute a removal or remedial action under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), shall be conducted with the concurrence of the Administrator of the Environmental Protection Agency. The Secretary and the Administrator shall enter into a Memorandum of Understanding to establish procedures for consultation, concurrence, training, exchange of technical expertise and joint activities under the appropriate circumstances, that provide assurances that reclamation or restoration activities under this title shall not be conducted in a manner that increases the costs or likelihood of removal or remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and that avoid oversight by multiple agencies to the maximum extent practicable.

SEC. 204. ELIGIBLE LANDS AND WATERS.

(a) ELIGIBILITY.—Reclamation expenditures under this title may be made with respect to Federal, State, local, tribal, and private land or water resources that traverse or are contiguous to Federal, State, local, tribal, or private land where such lands or water resources have been affected by past mineral activities, including any of the following:

(1) Lands and water resources which were used for, or affected by, mineral activities and abandoned or left in an inadequate reclamation status before the effective date of this Act.

(2) Lands for which the Secretary makes a determination that there is no continuing reclamation responsibility of a claim holder, operator, or other person who abandoned the site prior to completion of required reclamation under State or other Federal laws.

(b) SPECIFIC SITES AND AREAS NOT ELIGIBLE.—The provisions of section 411(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(d)) shall apply to expenditures made from the Fund.

(c) INVENTORY.—

(1) IN GENERAL.—The Secretary shall prepare and maintain a publicly available inventory of abandoned locatable minerals mines on public lands and any abandoned mine on Indian lands that may be eligible for expenditures under this title, and shall deliver a yearly report to the Congress on the progress in cleanup of such sites.

(2) PRIORITY.—In preparing and maintaining the inventory described in paragraph (1), the Secretary shall give priority to abandoned locatable minerals mines in accordance with section 203(b).

(3) PERIODIC UPDATES.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall update the inventory described in paragraph (1).

SEC. 205. EXPENDITURES.

Moneys available from the Fund may be expended for the purposes specified in section 203 directly by the Director of the Office of Surface Mining Reclamation and Enforcement. The Director may also make such money available for such purposes to the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the Director of the National Park Service, or Director of the United States Fish and Wildlife Service, to any other agency of the United States, to an Indian tribe, or to any public entity that volunteers to develop and implement, and that has the ability to carry out, all or a significant portion of a reclamation program under this title.

SEC. 206. AVAILABILITY OF AMOUNTS.

Amounts credited to the Fund shall—

(1) be available, without further appropriation, for obligation and expenditure; and

(2) remain available until expended.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except as otherwise provided in this Act.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2751. A bill to facilitate foreign investment by permanently reauthorizing the EB–5 regional center program, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am introducing legislation to strengthen and make permanent the Regional Center pilot program at the U.S. Citizenship and Immigration Services, USCIS. I am pleased that Senator SPECTER has joined me in this effort, and I commend him for his recognition of this program's importance. The Regional Center program has had tremendous success in creating American jobs and infusing investment capital into many economically challenged areas across the country, and I urge all Senators to join us in building upon this success.

The Regional Center pilot program was created in 1993 by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act. In 1993, I worked to reauthorize the program for an additional five years as part of the Basic Pilot Program Extension and Expansion Act. The Regional Center pilot program is set to expire in September of 2008. Should Congress fail to act before then, millions of dollars in capital and thousands of potential American jobs will be forfeited. The legislation I introduce today would make this pilot program permanent, and would make other important changes to strengthen its solid foundation.

The Regional Center program allows a regional governmental agency or private enterprise within a State to apply for designation as a Regional Center through USCIS. This designation allows the enterprise to recruit foreign investors to a discrete project or projects, and provides USCIS with an additional layer of screening against immigration fraud. The process for a foreign citizen to gain legal permanent residence through the Regional Center program is a rigorous one. Prior to applying to invest in a Regional Center, a foreign investor must pledge a minimum of $500,000 and independently apply for an EB–5 visa through USCIS, which solely determines the potential investor's eligibility for a visa. If approved, the investor is given a 2-year conditional green card. At the end of the conditional period and in order to continue legal residence in the United States, the investor must demonstrate that his or her investment created a minimum of 10 jobs within the Regional Center, and that his or her investment was fully obligated to the targeted project.

This program's continuation promises a bright future for job creation and capital investment in participating communities. The Regional Center program has resulted in millions of dollars of direct investment and the creation of thousands of jobs in the U.S. Moreover, foreign investment serves to attract additional domestic private sector capital, further increasing the program's beneficial economic effects. There are 17 Regional Centers across the country—and several more with pending applications—which manage investments in a diverse range of projects from energy production to resort development. Making this successful program permanent will provide significant economic benefits to participating States at no cost to the taxpayer.

My home State of Vermont has benefited tremendously from this program, with foreign investments committed to local projects ranging in the millions of dollars. As a result of these ongoing developments, many new jobs are being created for Vermont's residents. For example, two of Vermont's premier ski resorts are active participants in this program, and have been successful in attracting foreign investment to help make ambitious development projects a reality. In a rural State like Vermont, which depends heavily on

tourism and its natural resources, the Regional Center program has been instrumental in supporting projects that take advantage of Vermont's natural beauty and outdoor recreation opportunities.

In addition to making the Regional Center program permanent, the bill also makes a number of other improvements to ensure its efficiency and to accommodate expected expansion. The bill provides a premium processing option for potential investors, allowing expedited processing for an additional fee to USCIS, as well as concurrent processing of a potential investor's application for designation as an immigrant investor and his or her adjustment of status application to obtain conditional permanent residency. Finally, the bill creates a $2,500 fee for those domestic entities applying for Regional Center status, and directs USCIS to re-invest this additional revenue back into the Regional Center program to allow the agency to accommodate future growth in the program.

Because the pilot program is set to expire in 2008, potential investors are feeling a chill stemming from uncertainty about the Regional Center Program's future. Permanently authorizing this program will create certainty and predictability for potential investors interested in the numerous projects currently in development across the country. This non-controversial program has enjoyed broad bipartisan support, and I strongly believe that we would do well to increase American job creation and capital investment by matching American ingenuity with the desire of those who seek not only to invest in the U.S., but who seek to share in our country's promise as eventual citizens.

In a time of severe economic turbulence, and in an era where Americans are witnessing the outsourcing of too many good jobs overseas, this bill builds upon a proven record of success and encourages investment and job creation in the States and local communities of our Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''State Foreign Investment Improvement Act''.

SEC. 2. PERMANENT REAUTHORIZATION OF EB–5 REGIONAL CENTER PROGRAM; APPLICATION FEE.

(a) IN GENERAL.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place it appears;

(2) in subsection (b), by striking ''for 15 years''; and

(3) by adding at the end the following:

''(e) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fee of $2,500 to apply for designation as a regional center under this section. Fees collected under this subsection shall be deposited in the Treasury in accordance with section 286(w) of the Immigration and Nationality Act (8 U.S.C. 1356(w)).''.

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) IMMIGRANT ENTREPRENEUR REGIONAL CENTER ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Immigrant Entrepreneur Regional Center Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note).

''(2) USE OF FEES.—Fees collected under this section may only be used by the Secretary of Homeland Security to administer and operate the EB–5 immigrant investor program.''.

(c) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations to implement the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by subsections (a)(3) and (b) shall take effect on the effective date of the regulations prescribed pursuant to subsection (c).

SEC. 3. PREMIUM PROCESSING FEE FOR EB–5 IMMIGRANT INVESTORS.

(a) IN GENERAL.—Section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)) is amended by striking ''$1,000,'' and inserting ''$1,000 per petition. If the petition is filed under section 203(b)(5), the fee shall be set at $2,000 and may only be used by the Secretary of Homeland Security to administer and operate the EB–5 immigrant investor program. Fees collected under this subsection''.

(b) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prescribe regulations to implement the amendment made by subsection (a).

SEC. 4. CONCURRENT FILING OF EB–5 PETITIONS AND APPLICATIONS FOR ADJUSTMENT OF STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) If, at the time a petition is filed for classification through a regional center under section 203(b)(5), approval of the petition would make a visa immediately available to the alien beneficiary, the alien beneficiary's adjustment application under this section shall be considered to be properly filed whether the application is submitted concurrently with, or subsequent to, the visa petition.''.

Mr. SPECTER. Mr. President, I seek recognition to speak on the State Foreign Investment Improvement Act, which I am cosponsoring with Senator LEAHY. This bill will make permanent the Immigrant Investor Pilot Program, an innovative and successful program which has been in existence for 15 years. Under this program, State and local governments, and private entities, are able to apply to the U.S. Citizenship and Immigration Service for ''regional center'' status which enables them to attract the job-creating dollars of immigrant investor visa holders.

The immigrant investor visa—known as the EB–5 visa—was created in 1990 and grants lawful permanent residency to individuals willing to invest at least $1 million in an enterprise that directly employs at least 10 legal workers in the United States. In certain rural or high-unemployment areas, however, the dollar amount is reduced to at least $500,000, though the job-creation requirements remain the same.

In 1992, to stimulate interest in these immigrant investor visas, Congress created the Immigrant Investor Pilot Program. By investing in the designated ''regional centers'' instead of creating their own enterprises or partnerships, immigrant investors can meet the job-creation requirements of their visas more easily, since they need only show the indirect creation of 10 jobs through a ''regional center.'' Otherwise, an immigrant investor would have to show that his or her investment directly created the jobs.

The Immigrant Investor Pilot Program has proven to be an attractive option for potential immigrant investors, being chosen by an estimated 75 percent to 80 percent of all immigrant investors since its inception. Indeed, in my home state of Pennsylvania, the two regional centers—one in western Pennsylvania and one in Philadelphia—have generated millions of dollars in foreign investment. However, this program is set to expire at the end of the 2008 fiscal year.

The Immigrant Investor Pilot Program has thus become a vital component of the immigrant investor visa, a category of visa whose benefits are difficult to overstate. The Government Accountability Office estimates that immigrant investors were responsible for over $1 billion in job-creating investments between 1992 and mid-2004. These investments have aided enterprises as diverse as the growth of dairy and meat-packing industries in South Dakota and improvements to the shipyard in Philadelphia. However, the most important contribution of the immigrant investor visa has been the creation of jobs within the United States. And in this aim, the immigrant investor visa has been very successful, creating jobs in the thousands.

In addition to preserving the current successful status quo of the Immigrant Investor Pilot Program by making it permanent, this bill makes minor improvements to the immigrant investor visa application procedure. It establishes an application fee for entities seeking designation as a ''regional center'' under the Pilot Program, and it

provides premium processing fees for immigrant investor applications. Both of these fees will enable the U.S. Citizenship and Immigration Service to devote more resources to adjudicating these applications rapidly. Finally, this bill allows for concurrent filing of the immigrant investor petition and application for adjustment to lawful permanent resident, thereby providing for a shorter processing time for ''regional center'' applicants.

Last November, the Wall Street Journal stated that the immigrant investor visa is ''pumping millions of dollars from foreign investors into dilapidated inner cities and employment-starved rural areas across the U.S.'' At a time when Congress is weighing how it will address economic instability, it would be unwise to neglect such an economically beneficial program. Accordingly, I am pleased to co-sponsor this piece of legislation with Senator LEAHY and I urge my colleagues to support it.

By Mr. SMITH (for himself and Mr. DURBIN):

S. 2752. A bill to authorize the President to award grants to improve the capacity of nongovernmental organizations and individuals in foreign countries to provide appropriate mental disability and mental trauma care training, and for other purposes; to the Committee on Foreign Relations.

Mr. SMITH. Mr. President, I rise today to congratulate an inspiring young man, Brian McCarthy. Brian is a student at Liberty High School in Hillsboro, Oregon, and was this year's third place finalist in the prestigious Intel Science Talent Search. He was selected from over 1600 students and is the recipient of a $50,000 scholarship. The Science Talent Search is lauded as the ''junior Nobel Prize'' and America's oldest and most prestigious research competition for high school seniors.

Brian's award winning chemistry project focused on solar cells. During his lab work, Brian synthesized extremely thin and fragile films of plant-like materials found in nature. What he discovered is a polymer that could potentially act as a less expensive option to today's silicon-based solar cell technology.

It is no surprise that Brian is first in his class of 293. However, his interests and abilities span a wide gamut, including being a member of the varsity track and field team, volunteering with the community emergency response team, and studying aviation history.

Brian and his peers from the Science Talent Search are an inspiration and give me hope for the future of our country. Congratulations to the McCarthy family. I can only imagine what heights this young Oregonian will reach.

By Mr. WYDEN (for himself, Mr. ENZI, Mr. WICKER, Mr. WARNER, and Mr. WHITEHOUSE):

S.J. Res. 29. A joint resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, it is not easy talking to a family member or loved one about what kind of medical care you'd want or not want at the end of your life. Yet every day family members are making medical care decisions for seriously ill people who cannot speak for themselves. Most family members with relatives who had executed advance directives find comfort in knowing that the hard decisions they may need to make about end-of-life care will reflect the wishes of the ill relative. End-of-life planning is a gift to the people who are important to you and to yourself.

Americans are talking a lot more about the topic of advance directives than they used to and are also doing something about it by preparing written advance directives. Advance directives come in two main forms. The first is a ''health care power of attorney'' in which someone is designated to be your voice in health decisions if you can not speak for yourself. The second is a ''living will'' which states what types of medical care you would want or not want at the end of life. Most married people have had a conversation with a husband or wife about end of life medical care and most people have spoken with one or both older parents about the topic. Research has found that people who have had to make decisions about medical care at the end of life for others are more likely to make end of life plans for themselves. They have learned how important it is to make a plan. Congress helped to get the advance directives conversation going with the Patient Self-Determination Act. This law directed Medicare-participating health care facilities to engage patient and staff in a discussion of end of life wishes. Since 1990 when the Patient Self-Determination Act was passed, the percentage of Americans who have made a living will has more than doubled from 12 percent to 29 percent.

Yet more conversation is needed. The National Health Care Decisions Day will help promote that conversation. National Health Care Decisions Day will be a 50-state annual event to increase knowledge and awareness of the importance of advance directives for all Americans. At this year's annual event on April 16, 2008, a coordinated series of activities across the U.S. will encourage Americans to discuss their wishes for end-of-life care and then fill out documents that reflect those wishes. The National Heath Care Decisions Day is supported by many of our distinguished local, state, and national health care organizations.

This joint Senate-House resolution: supports the goals and ideals of National Health Care Decisions Day and the importance of advance care planning, encourages health care, civic, educational, religious and other organizations to encourage individuals to use advance directives, and asks all Americans, including members of Congress, to prepare advance directives for themselves. The Senate resolution is cosponsored by Senators ENZI, WICKER, WARNER, and WHITEHOUSE. A companion House resolution will be introduced by Congressman PHIL GINGREY, M.D. I encourage my congressional colleagues to support this resolution. I also ask you to begin or continue the dialogue about end-of-life issues with family members and to complete written advance directives.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 29

Whereas National Health Care Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions;

Whereas the Patient Self-Determination Act (42 U.S.C. 1395cc(f) et seq.) guarantees patients the right to information about their rights under State law regarding accepting or refusing medical treatment;

Whereas it is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses;

Whereas advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas, the preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care;

Whereas, to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive;

Whereas the Conditions of Participation in Medicare and Medicaid, section 489.102 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this resolution), require all participating facilities to provide information to patients and the public on the topic of advance directives;

Whereas the Centers for Medicare & Medicaid Services has recognized that the use of advance directives is tied to quality health care and has included discussions of advance directives in the criteria of the Physician Quality Reporting Initiative;

Whereas establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives; and

Whereas as a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decisions, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) supports the goals and ideals of National Health Care Decisions Day;

(2) supports the goals and ideals of advance care planning for all adult Americans;

(3) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her loved ones, health care providers, and others as they honor his or her wishes;

(4) calls upon all members of Congress to execute such documents and discussions for themselves; and

(5) encourages health care, civic, educational, religious, and for- and non-profit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to health care are protected.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 480—RECOGNIZING THE STRATEGIC IMPORTANCE OF THE AFRICAN CONTINENT AND WELCOMING THE ESTABLISHMENT OF AFRICOM, AND FOR OTHER PURPOSES

Mr. INHOFE (for himself, Mr. MARTINEZ, Mr. BROWNBACK, Mr. HAGEL, Mr. ALLARD, Mr. ISAKSON, Mr. WARNER, Mr. VOINOVICH, Mr. HATCH, Mrs. DOLE, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 480

Whereas the United States provides nearly $9 billion in assistance to Africa each year, with programs ranging from providing humanitarian relief to strengthening health and education systems, breaking down trade barriers and promoting economic development, combating corruption and other illicit activities, and promoting critical democratic, judicial, and human rights reforms;

Whereas the United States also provides significant resources to promote security on the African continent, particularly through programs such as the Global Peace Operations Initiative (GPOI), the African Contingency Operations Training and Assistance (ACOTA) program, the Trans-Sahara Counter-Terrorism Partnership (TSCTP), Anti-Terrorism Assistance (ATA), International Military Education and Training (IMET) and Enhanced International Military and Training (E–IMET) programs, Foreign Military Financing (FMF), Contributions to International Peacekeeping (CIPA), International Narcotics Control and Law Enforcement programs, and Non-Proliferation Antiterrorism, Demining, and related programs;

Whereas United States military and security assistance programs in Africa represent approximately 3 percent of the United States' total $9 billion aid and development package for Africa;

Whereas in 2003, the Armed Forces of the United States were instrumental in helping to bring stability to war-torn Liberia;

Whereas roughly 2,000 members of the United States Armed Forces currently are stationed at Camp Lemonier in Djibouti as part of the Combined Joint Task Force—Horn of Africa (CJTF–HOA) to promote regional stability and prevent conflict in the region;

Whereas the African continent faces unique development and security challenges requiring unique United States policy approaches;

Whereas development and prosperity in Africa are inextricably linked to peace and stability;

Whereas the Department of Defense historically has divided Africa among three separate combatant commands: the U.S. European Command, the U.S. Central Command and the U.S. Pacific Command;

Whereas in February 2007, the President announced his decision to create a unified command for Africa, the U.S. Africa Command, or ''AFRICOM'', to provide a more holistic approach toward United States military relations, programs, and activities on the continent under a single headquarters staff;

Whereas the stated purpose of AFRICOM is to ''promote U.S. National Security objectives by working with African states and regional organizations to help strengthen stability and security,'' while simultaneously streamlining United States security assistance programs and eliminating bureaucratic divisions;

Whereas pursuant to that objective, AFRICOM will seek to ''[build] partnership capacities, [conduct] theater security cooperation, [build] important counter-terrorism skills and, as appropriate, [support] U.S. Government agencies in implementing other programs that promote regional stability'';

Whereas unlike other commands, AFRICOM's structure will include a military commander and a civilian deputy, and is expected to include civilian personnel from a variety of Federal departments and agencies, including staff detailed from the Department of State and the United States Agency for International Development (USAID) to contribute to the command's planning and to ensure that its activities are ''compatible and integrated'' with other United States Government efforts;

Whereas AFRICOM is expected to support, not shape, United States foreign policy in Africa;

Whereas AFRICOM serves as an important acknowledgment of the strategic importance of the African continent, as well as an opportunity to help African nations and regional institutions build a safe and secure environment in which they can prosper;

Whereas communicating the purposes of AFRICOM to African governments and citizens is an important challenge;

Whereas AFRICOM was formally established in Stuttgart, Germany, on October 1, 2007; and

Whereas AFRICOM is expected to reach full operating capacity by October 1, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the strategic importance of the African continent and welcomes the establishment of the U.S. Africa Command (AFRICOM) in Stuttgart, Germany, on October 1, 2007, toward that end;

(2) urges the Department of Defense, the Department of State, and USAID to work collaboratively and consult with African partners to address any concerns regarding conception or implementation of AFRICOM's mandate, including through rigorous public diplomacy; and

(3) encourages African nations to take advantage of the opportunity which AFRICOM represents to collaborate in promoting peace and stability on the continent.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4186. Mr. BUNNING (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table.

SA 4187. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4188. Mr. BUNNING (for himself, Mr. NELSON, of Nebraska, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4189. Mr. GREGG (for Mr. SPECTER (for himself and Mr. CRAIG)) proposed an amendment to the concurrent resolution S. Con . Res. 70, supra.

SA 4190. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4191. Mr. KYL (for himself and Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4192. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4193. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4194. Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. MIKULSKI, Mr. PRYOR, Mr. BIDEN, Mrs. CLINTON , Mr. LIEBERMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the concurrent resolution S . Con. Res. 70, supra.

SA 4195. Mrs. LINCOLN (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4196. Mr. CONRAD (for Mr. SALAZAR) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4197. Mr. KOHL (for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. CLINTON, Mr. COLEMAN, Ms. STABENOW, Mr. LEVIN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4198. Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. JOHNSON, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4199. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4200. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4201. Mr. DODD (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4202. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4203. Mr. GREGG (for Mr. SPECTER (for himself, Mr. HARKIN, Ms. SNOWE, Ms. COLLINS, Mr. CASEY, Mr. KENNEDY, Mrs. DOLE, Ms. MIKULSKI, Mrs. CLINTON, Mr. LEVIN, Mr. SUNUNU, Mr. DODD, Mr . INOUYE, Mr. BROWN, Mr. MENENDEZ, Ms. STABENOW, Mr. COLEMAN, Mr. KERRY, Mr. DURBIN , Mr. STEVENS, Mr. SMITH, Mr. BINGAMAN, Mr. COCHRAN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. OBAMA, Mrs. LINCOLN, and Mr. LAUTENBERG)) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4204. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4205. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4206. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4207. Mr. ALEXANDER (for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4208. Mrs. DOLE (for herself, Mr. GRASSLEY, and Mr. VITTER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4209. Ms. COLLINS (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4210. Mr. LAUTENBERG (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4211. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4212. Mr. NELSON, of Nebraska (for himself, Mr. VOINOVICH, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. DURBIN, Mr. NELSON, of Florida, Mr. SCHUMER, Mr. CONRAD, Ms. STABENOW, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 70, supra; which was ordered to lie on the table.

SA 4213. Mr. ISAKSON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4214. Mr. ENZI (for himself, Mr. BARRASSO, Mr. BINGAMAN, Mr. DOMENICI, Mr. BAUCUS, Mr. TESTER, Mr. SALAZAR, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 70, supra; which was ordered to lie on the table.

SA 4215. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4216. Mr. ENZI (for himself, Mr. BURR, and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4217. Mr. BUNNING (for himself, Mr. NELSON, of Nebraska, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4218. Mr. SANDERS (for himself, Mrs. CLINTON, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. BROWN, Mr. DURBIN, Mr. LEVIN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4219. Ms. STABENOW (for herself and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4220. Mr. CARDIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4221. Mr. SUNUNU proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4222. Mr. ALEXANDER (for himself and Mr. INHOFE) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4223. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4224. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4225. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4226. Mr. PRYOR (for himself, Ms. COLLINS, Mr. INOUYE, Mr. OBAMA, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, Mr. DURBIN, Mr. NELSON, of Florida, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 70, supra; which was ordered to lie on the table.

SA 4227. Mr. REID (for Mrs. CLINTON (for herself and Mr. WARNER)) submitted an amendment intended to be proposed by Mr. Reid to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4228. Mr. MARTINEZ (for himself, Mr. INHOFE, Mr. BARRASSO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4229. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4230. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, Mr. HARKIN, Mr. BOND, Ms. CANTWELL, Mr. BIDEN, Mr. BROWN, Mrs. CLINTON, Mr. BINGAMAN, Mr. INHOFE, Mr. OBAMA, Mr. COLEMAN, Ms. COLLINS, Mr. DURBIN, Mr. ISAKSON, Mr. KERRY, Mrs. LINCOLN, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed by him to the concurrent resolution S . Con. Res. 70, supra; which was ordered to lie on the table.

SA 4231. Mr. SESSIONS (for himself, Mr. VITTER, Mr. DEMINT, and Mrs. DOLE) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4232. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4233. Mr. ALLARD (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4234. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4235. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4236. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4237. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4238. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4239. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4240. Mr. ENSIGN (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. ENZI, Mr. DEMINT, and Mr. GREGG) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4241. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4242. Mr. CORNYN (for himself and Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4243. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4244. Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4245. Mr. BIDEN (for himself, Mr. LUGAR, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD, Mr. MARTINEZ, Mr. MENENDEZ, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. LEVIN, Mr. VOINOVICH, Mr. OBAMA, Mr. CORKER, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4246. Mr. ALLARD proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4247. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4248. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4249. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4250. Mr. KOHL (for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. CLINTON, Mr. COLEMAN, Ms. STABENOW, Mr. LEVIN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S.

Con. Res. 70, supra; which was ordered to lie on the table.

SA 4251. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4252. Mr. BROWN (for himself, Mr. CASEY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4253. Mr. DODD (for himself, Mr. HATCH, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4254. Mr. DODD (for himself, Ms. COLLINS, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4255. Mr. KOHL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4256. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4257. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4258. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4259. Mr. MENENDEZ proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4260. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4261. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4262. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4263. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4264. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4265. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4266. Ms. SNOWE (for herself, Ms. COLLINS, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4267. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4268. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4269. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4270. Mr. LEAHY (for himself, Mr. KENNEDY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4271. Mr. KENNEDY (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4272. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4273. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4274. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4275. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4276. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4277. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4278. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4279. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4280. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4281. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4282. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4283. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4284. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4186. Mr. BUNNING (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ___. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by the real gross domestic product) for each of the most recently reported quarter and the immediately preceding quarter is less than zero percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(e) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) BUDGET YEAR.—In this section, the term ''budget year'' shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 4187. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States

Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $0.
On page 3, line 11, decrease the amount by $14,300,000,000.
On page 3, line 12, decrease the amount by $15,600,000,000.
On page 3, line 13, decrease the amount by $17,500,000,000.
On page 3, line 14, decrease the amount by $19,800,000,000.
On page 3, line 15, decrease the amount by $21,600,000,000.
On page 3, line 19, decrease the amount by $0.
On page 3, line 20, decrease the amount by $14,300,000,000.
On page 3, line 21, decrease the amount by $15,600,000,000.
On page 3, line 22, decrease the amount by $17,500,000,000.
On page 3, line 23, decrease the amount by $19,800,000,000.
On page 3, line 24, decrease the amount by $21,600,000,000.
On page 27, line 12, decrease the amount by $0.
On page 27, line 13, decrease the amount by $0.
On page 27, line 16, decrease the amount by $14,300,000,000.
On page 27, line 17, decrease the amount by $14,300,000,000.
On page 27, line 20, decrease the amount by $15,600,000,000.
On page 27, line 21, decrease the amount by $15,600,000,000.
On page 27, line 24, decrease the amount by $17,500,000,000.
On page 27, line 25, decrease the amount by $17,500,000,000.
On page 28, line 3, decrease the amount by $19,800,000,000.
On page 28, line 4, decrease the amount by $19,800,000,000.
On page 28, line 7, decrease the amount by $21,600,000,000.
On page 28, line 8, decrease the amount by $21,600,000,000.

SA 4188. Mr. BUNNING (for himself, Mr. NELSON of Nebraska, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $0.
On page 3, line 11, decrease the amount by $0.
On page 3, line 12, decrease the amount by $0.
On page 3, line 13, decrease the amount by $200,000,000.
On page 3, line 14, decrease the amount by $700,000,000.
On page 3, line 15, decrease the amount by $700,000,000.
On page 3, line 19, decrease the amount by $0.
On page 3, line 20, decrease the amount by $0.
On page 3, line 21, decrease the amount by $0.
On page 3, line 22, decrease the amount by $200,000,000.
On page 3, line 23, decrease the amount by $700,000,000.
On page 3, line 24, decrease the amount by $700,000,000.
On page 27, line 12, decrease the amount by $0.
On page 27, line 13, decrease the amount by $0.
On page 27, line 16, decrease the amount by $0.
On page 27, line 17, decrease the amount by $0.
On page 27, line 20, decrease the amount by $0.
On page 27, line 21, decrease the amount by $0.
On page 27, line 24, decrease the amount by $200,000,000.
On page 27, line 25, decrease the amount by $200,000,000.
On page 28, line 3, decrease the amount by $700,000,000.
On page 28, line 4, decrease the amount by $700,000,000.
On page 28, line 7, decrease the amount by $700,000,000.
On page 28, line 8, decrease the amount by $700,000,000.

SA 4189. Mr. GREGG (for Mr. SPECTER (for himself and Mr. CRAIG)) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 3, line 10, decrease the amount by $4,700,000,000.
On page 3, line 11, decrease the amount by $25,600,000,000.
On page 3, line 12, decrease the amount by $51,000,000,000.
On page 3, line 13, decrease the amount by $47,300,000,000.
On page 3, line 14, decrease the amount by $26,100,000,000.
On page 3, line 15, decrease the amount by $30,500,000,000.
On page 3, line 19, decrease the amount by $4,700,000,000.
On page 3, line 20, decrease the amount by $25,600,000,000.
On page 3, line 21, decrease the amount by $51,000,000,000.
On page 3, line 22, decrease the amount by $47,300,000,000.
On page 3, line 23, decrease the amount by $26,100,000,000.
On page 3, line 24, decrease the amount by $30,500,000,000.
On page 4, line 4, increase the amount by $36,190,000.
On page 4, line 5, increase the amount by $441,680,000.
On page 4, line 6, increase the amount by $2,133,860,000.
On page 4, line 7, increase the amount by $4,798,780,000.
On page 4, line 8, increase the amount by $6,988,760,000.
On page 4, line 9, increase the amount by $8,794,210,000.
On page 4, line 13, increase the amount by $36,190,000.
On page 4, line 14, increase the amount by $441,680,000.
On page 4, line 15, increase the amount by $2,133,860,000.
On page 4, line 16, increase the amount by $4,798,780,000.
On page 4, line 17, increase the amount by $6,988,760,000.
On page 4, line 18, increase the amount by $8,794,210,000.
On page 4, line 22, increase the amount by $4,736,190,000.
On page 4, line 23, increase the amount by $26,041,680,000.
On page 4, line 24, increase the amount by $53,133,860,000.
On page 4, line 25, increase the amount by $52,098,780,000.
On page 5, line 1, increase the amount by $33,088,760,000.
On page 5, line 2, increase the amount by $39,294,210,000.
On page 5, line 7, increase the amount by $4,736,190,000.
On page 5, line 8, increase the amount by $30,777,870,000.
On page 5, line 9, increase the amount by $83,911,730,000.
On page 5, line 10, increase the amount by $136,010,510,000.
On page 5, line 11, increase the amount by $169,099,270,000.
On page 5, line 12, increase the amount by $208,393,480,000.
On page 5, line 15, increase the amount by $4,736,190,000.
On page 5, line 16, increase the amount by $30,777,870,000.
On page 5, line 17, increase the amount by $83,911,730,000.
On page 5, line 18, increase the amount by $136,010,510,000.
On page 5, line 19, increase the amount by $169,099,270,000.
On page 5, line 20, increase the amount by $208,393,480,000.
On page 26, line 12, increase the amount by $36,190,000.
On page 26, line 13, increase the amount by $36,190,000.
On page 26, line 16, increase the amount by $441,680,000.
On page 26, line 17, increase the amount by $441,680,000.
On page 26, line 20, increase the amount by $2,133,860,000.
On page 26, line 21, increase the amount by $2,133,860,000.
On page 26, line 24, increase the amount by $4,798,780,000.
On page 26, line 25, increase the amount by $4,798,780,000.
On page 27, line 3, increase the amount by $6,988,760,000.
On page 27, line 4, increase the amount by $6,988,760,000.
On page 27, line 7, increase the amount by $8,794,210,000.
On page 27, line 8, increase the amount by $8,794,210,000.

SA 4190. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the end of Title III, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR REFORMING THE ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or

more bills, joint resolutions, amendments, motions, or conference reports that would reinstate the pre-1993 rates for the alternative minimum tax for individuals, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4191. Mr. KYL (for himself and Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 3, line 12, decrease the amount by $500,000,000.
On page 3, line 13, decrease the amount by $19,500,000,000.
On page 3, line 14, decrease the amount by $18,600,000,000.
On page 3, line 15, decrease the amount by $19,900,000,000.
On page 3, line 21, decrease the amount by $500,000,000.
On page 3, line 22, decrease the amount by $19,500,000,000.
On page 3, line 23, decrease the amount by $18,600,000,000.
On page 3, line 24, decrease the amount by $19,900,000,000.
On page 4, line 6, increase the amount by $11,000,000.
On page 4, line 7, increase the amount by $499,000,000.
On page 4, line 8, increase the amount by $1,453,000,000.
On page 4, line 9, increase the amount by $2,468,000,000.
On page 4, line 15, increase the amount by $11,000,000.
On page 4, line 16, increase the amount by $499,000,000.
On page 4, line 17, increase the amount by $1,453,000,000.
On page 4, line 18, increase the amount by $2,468,000,000.
On page 4, line 24, increase the amount by $511,000,000.
On page 4, line 25, increase the amount by $19,999,000,000.
On page 5, line 1, increase the amount by $20,053,000,000.
On page 5, line 2, increase the amount by $22,368,000,000.
On page 5, line 9, increase the amount by $511,000,000.
On page 5, line 10, increase the amount by $20,509,000,000.
On page 5, line 11, increase the amount by $40,563,000,000.
On page 5, line 12, increase the amount by $62,930,000,000.
On page 5, line 17, increase the amount by $511,000,000.
On page 5, line 18, increase the amount by $20,509,000,000.
On page 5, line 19, increase the amount by $40,563,000,000.
On page 5, line 20, increase the amount by $62,930,000,000.
On page 26, line 20, increase the amount by $11,000,000.
On page 26, line 21, increase the amount by $11,000,000.
On page 26, line 24, increase the amount by $499,000,000.
On page 26, line 25, increase the amount by $499,000,000.
On page 27, line 3, increase the amount by $1,453,000,000.
On page 27, line 4, increase the amount by $1,453,000,000.
On page 27, line 7, increase the amount by $2,468,000,000.
On page 27, line 8, increase the amount by $2,468,000,000.

SA 4192. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; as follows:

On page 3, line 11, decrease the amount by $14,300,000,000.
On page 3, line 12, decrease the amount by $15,600,000,000.
On page 3, line 13, decrease the amount by $17,500,000,000.
On page 3, line 14, decrease the amount by $19,800,000,000.
On page 3, line 15, decrease the amount by $21,600,000,000.
On page 3, line 20, decrease the amount by $14,300,000,000.
On page 3, line 21, decrease the amount by $15,600,000,000.
On page 3, line 22, decrease the amount by $17,500,000,000.
On page 3, line 23, decrease the amount by $19,800,000,000.
On page 3, line 24, decrease the amount by $21,600,000,000.
On page 4, line 5, decrease the amount by $14,300,000,000.
On page 4, line 6, decrease the amount by $15,600,000,000.
On page 4, line 7, decrease the amount by $17,500,000,000.
On page 4, line 8, decrease the amount by $19,800,000,000.
On page 4, line 9, decrease the amount by $21,600,000,000.
On page 4, line 14, decrease the amount by $14,300,000,000.
On page 4, line 15, decrease the amount by $15,600,000,000.
On page 4, line 16, decrease the amount by $17,500,000,000.
On page 4, line 17, decrease the amount by $19,800,000,000.
On page 4, line 18, decrease the amount by $21,600,000,000.
On page 27, line 16, decrease the amount by $14,300,000,000.
On page 27, line 17, decrease the amount by $14,300,000,000.
On page 27, line 20, decrease the amount by $15,600,000,000.
On page 27, line 21, decrease the amount by $15,600,000,000.
On page 27, line 24, decrease the amount by $17,500,000,000.
On page 27, line 25, decrease the amount by $17,500,000,000.
On page 28, line 3, decrease the amount by $19,800,000,000.
On page 28, line 4, decrease the amount by $19,800,000,000.
On page 28, line 7, decrease the amount by $21,600,000,000.
On page 28, line 8, decrease the amount by $21,600,000,000.

SA 4193. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $2,000,000.
On page 19, line 17, increase the amount by $1,000,000.
On page 19, line 21, increase the amount by $1,000,000.
On page 27, line 16, decrease the amount by $2,000,000.
On page 27, line 17, decrease the amount by $1,000,000.
On page 27, line 21, decrease the amount by $1,000,000.

SA 4194. Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. MIKULSKI, Mr. PRYOR, Mr. BIDEN, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. VOINOVICH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; as follows:

On page 23, line 16, increase the amount by $50,000,000.
On page 23, line 17, increase the amount by $44,000,000.
On page 23, line 21, increase the amount by $5,000,000.
On page 23, line 25, increase the amount by $1,000,000.
On page 27, line 16, decrease the amount by $50,000,000.
On page 27, line 17, decrease the amount by $44,000,000.
On page 27, line 21, decrease the amount by $5,000,000.
On page 27, line 25, decrease the amount by $1,000,000.

SA 4195. Mrs. LINCOLN (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING INCOME THRESHOLD FOR REFUNDABLE CHILD TAX CREDIT TO $10,000 WITH NO INFLATION ADJUSTMENT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4196. Mr. CONRAD (for Mr. SALAZAR) proposed an amendment to

the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the end of Title III, insert the following:

SEC. . ESTATE TAX REFORM INITIATIVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $45,000,000,000 in tax relief over the period of the total of the fiscal years 2008 through 2013 for additional estate tax reforms that address the current flaws in the estate tax law, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4197. Mr. KOHL (for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. CLINTON, Mr. COLEMAN, Ms. STABENOW, Mr. LEVIN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to $160,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4198. Mr. DORGAN (for himself, Mr. BINGAMAN, Mr. JOHNSON, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 19, line 16, increase the amount by $1,000,000,000.

On page 19, line 17, increase the amount by $915,000,000.

On page 19, line 21, increase the amount by $70,000,000.

On page 19, line 25, increase the amount by $10,000,000.

On page 20, line 4, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $1,000,000,000.

On page 27, line 17, decrease the amount by $915,000,000.

On page 27, line 21, decrease the amount by $70,000,000.

On page 27, line 25, decrease the amount by $10,000,000.

On page 28, line 4, decrease the amount by $5,000,000.

SA 4199. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 50, line 20, insert ‘‘, reinstatement of expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts,’’ after ‘‘expiring tax relief’’.

SA 4200. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 57, line 12, insert ‘‘for 5 years’’ after ‘‘to extend’’.

SA 4201. Mr. DODD (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 255, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4202. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE CONSOLIDATION OF HIGHER EDUCATION TAX BENEFITS INTO A NEW HIGHER EDUCATION OPPORTUNITY CREDIT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would consolidate higher education tax benefits into a new higher education opportunity credit which is allowed for up to 3 students per taxpayer for any year, which is allowed with respect to 4 years of education, and a portion of which is refundable for individuals serving in the Armed Forces after September 11, 2001, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4203. Mr. GREGG (for Mr. SPECTER (for himself, Mr. HARKIN, Ms. COLLINS, Ms. SNOWE, Mr. CASEY, Mr. KENNEDY, Mrs. DOLE, Ms. MIKULSKI, Mrs. CLINTON, Mr. LEVIN, Mr. SUNUNU, Mr. DODD, Mr. INOUYE, Mr. BROWN, Mr. MENENDEZ, Ms. STABENOW, Mr. COLEMAN, Mr. KERRY, Mr. DURBIN, Mr. STEVENS, Mr. SMITH, Mr. BINGAMAN, Mr. COCHRAN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. OBAMA, Mrs. LINCOLN, and Mr. LAUTENBERG)) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 19, line 16, increase the amount by $2,100,000,000.

On page 19, line 17, increase the amount by $2,100,000,000.

On page 21, line 16, increase the amount by $1,000,000,000.

On page 21, line 17, increase the amount by $700,000,000.

On page 21, line 21, increase the amount by $280,000,000.

On page 21, line 25, increase the amount by $20,000,000.

On page 27, line 16, decrease the amount by $3,100,000,000.

On page 27, line 17, decrease the amount by $2,800,000,000.

On page 27, line 21, decrease the amount by $280,000,000.

On page 27, line 25, decrease the amount by $20,000,000.

SA 4204. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the

congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the end of Title III, insert the following:

SEC. . DEFICIT–NEUTRAL RESERVE FUND FOR REPEALING THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would repeal the 1993 increase in the income tax on Social Security benefits, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4205. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $5,000,000.

On page 13, line 14, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $5,000,000.

SA 4206. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $50,000,000.

On page 13, line 14, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

SA 4207. Mr. ALEXANDER (for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects;

(4) the development of oil and natural gas resources beneath the outer Continental Shelf; and

(5) the development of oil shale resources on public land pursuant to section 369(d) of the Energy Policy Act of 2005 (42 U.S.C. 15927(d)), without regard to section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4208. Mr. DOLE (for herself, Mr. GRASSLEY, and Mr. VITTER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $75,000,000.

On page 24, line 17, increase the amount by $60,000,000.

On page 24, line 21, increase the amount by $7,500,000.

On page 24, line 25, increase the amount by $7,500,000.

On page 27, line 16, decrease the amount by $75,000,000.

On page 27, line 17, decrease the amount by $60,000,000.

On page 27, line 21, decrease the amount by $7,500,000.

On page 27, line 25, decrease the amount by $7,500,000.

SA 4209. Ms. COLLINS (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 57, line 13, after ''resources,'' insert ''the biodiesel production tax credit, or''

On page 57, line 14, after ''program,'' insert ''to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles,''

On page 57, line 16, after ''plants'' insert ''Tax legislation under this section may be paid for by adjustments to Sections 167(h) and 263(c) of the Internal Revenue Code of 1986 as it relates to major integrated oil companies.''

SA 4210. Mr. LAUTENBERG (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 56, line 12, insert ''rail (including high-speed passenger rail), airport, seaport,'' after ''transit''.

SA 4211. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 17, line 14, increase the amount by $141,000,000.

On page 17, line 15, increase the amount by $92,000,000.

On page 17, line 19, increase the amount by $24,000,000.

On page 17, line 23, increase the amount by $20,000,000.

On page 18, line 3, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $141,000,000.

On page 27, line 17, decrease the amount by $92,000,000.

On page 27, line 21, decrease the amount by $24,000,000.

On page 27, line 25, decrease the amount by $20,000,000.

On page 28, line 4, decrease the amount by $5,000,000.

SA 4212. Mr. NELSON of Nebraska (for himself, Mr. VOINOVICH, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. DURBIN, Mr. NELSON of Florida, Mr. SCHUMER, Mr. CONRAD, Ms. STABENOW, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 16, line 9, increase the amount by $3,500,000,000.

On page 16, line 10, increase the amount by $3,500,000,000.

On page 27, line 12, decrease the amount by $3,500,000,000.

On page 27, line 13, decrease the amount by $3,500,000,000.

SA 4213. Mr. ISAKSON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010

through 2013; which was ordered to lie on the table; as follows:

On page 52, strike line 3 through line 7, and insert the following:

or other sources, or provide a Federal income tax credit in an amount not to exceed $15,000 equally divided among 3 taxable years to the purchaser of a qualified principal residence that is—

(1) a new previously unoccupied residence for which the building permit is issued and construction begins on or before September 1, 2007, but only if such residence is purchased by the taxpayer directly from the person to whom such building permit was issued;

(2) an owner-occupied residence with respect to which the owner's acquisition indebtedness is in default on or before March 1, 2008; or

(3) a single-family residence with respect to which a foreclosure event has taken place and which is owned by the mortgagor or the mortgagor's agent, but only if such residence was occupied as a principal residence by the mortgagee for at least 1 year prior to the foreclosure event;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4214. Mr. ENZI (for himself, Mr. BARRASSO, Mr. BINGAMAN, Mr. DOMENICI, Mr. BAUCUS, Mr. TESTER, Mr. SALAZAR, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4215. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4216. Mr. ENZI (for himself, Mr. BURR, and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING UNITED STATES HIV TREATMENT PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) it has been over 25 years since AIDS was first recognized as an epidemic in the United States;

(2) since we first recognized AIDS, it has become the greatest public health challenge of the last two decades;

(3) globally there have been more than 22,000,000 AIDS related deaths, 500,000 in the United States alone;

(4) today in America, there are 1,000,000 individuals living with HIV/AIDS, according to the Centers for Disease Control and Prevention;

(5) more African Americans, women, and individuals in rural areas (especially in the South) are infected and dying from HIV than ever before;

(6) according to the Centers for Disease Control and Prevention, African Americans account for more AIDS diagnoses, individuals estimated to be living with AIDS, and HIV-related deaths than any other racial or ethnic group in the United States;

(7) the percentage of AIDS diagnoses occurring among African Americans has risen from 25 percent in 1985 to approximately 50 percent in 2004 according to the Centers for Disease Control and Prevention;

(8) according to the Centers for Disease Control and Prevention, the rate of AIDS diagnoses for black adults and adolescents was 10 times the rate for whites and nearly 3 times the rate for Hispanics;

(9) the rate of AIDS diagnoses for black men was 8 times the rate for white men according to the Centers for Disease Control and Prevention;

(10) early in the epidemic, HIV infection and AIDS were diagnosed for relatively few women;

(11) today, the HIV/AIDS epidemic represents a growing and persistent health threat to women in the United States, especially young women and women of color, according to the Centers for Disease Control and Prevention;

(12) according to the Centers for Disease Control and Prevention, women accounted for 27 percent of new AIDS cases in 2004;

(13) of these women newly diagnosed with AIDS, 67 percent were African Americans and 15 percent were Latin;

(14) the only diseases causing more deaths of women were cancer and heart disease, according to the Centers for Disease Control and Prevention;

(15) according to a recent Centers for Disease Control and Prevention study, women were slightly less likely than men to receive prescriptions for the most effective treatments for HIV infection;

(16) an estimated 4,128 women with AIDS died, representing 25 percent of individuals with AIDS who died in the United States, according to the Centers for Disease Control and Prevention;

(17) according to the Centers for Disease Control and Prevention, women with AIDS made up an increasing part of the epidemic;

(18) in 1992, women accounted for an estimated 14 percent of adults and adolescents living with AIDS in the United States;

(19) by the end of 2005, the proportion described in paragraph (18) had grown to 23 percent;

(20) women of color are particularly at risk for AIDS, according to the Centers for Disease Control and Prevention;

(21) data from the 2005 census show that together, black and Hispanic women represent 24 percent of all United States women with AIDS;

(22) however, black and Hispanic women accounted for 82 percent of the estimated total of AIDS diagnoses for women in 2005;

(23) the rate of AIDS diagnoses for black women was nearly 23 times the rate for white women, according to the Centers for Disease Control and Prevention;

(24) the HIV epidemic is moving to the South, with seven of the States with the 10 highest AIDS case rates now located in the South;

(25) in the Government Accountability Office's analysis of the Ryan White formulas, the Office determined that counting HIV cases would mean that Southern grantees would generally have received more funding;

(26) the Kaiser Family Foundation recently reported that the number of AIDS cases in the United States rose by 1 percent between 2000 and 2001 and 9 percent in the South, while AIDS cases fell by 8 percent in the Northeast;

(27) while only 36 percent of the United States population lives in the South, 40 percent of all people living with AIDS and 46 percent of new AIDS cases live in the Southern region;

(28) according to the Health Resources and Services Administration, 531,000 individuals each year receive at least one medical, health, or related support service from a Ryan White HIV/AIDS Program provider;

(29) in recognition of the changing face of AIDS in the United States, after deliberation for more a year, the Committee on Health, Education, Labor, and Pensions of the Senate reported out a bill to revamp the funding formulas for the domestic care program (Ryan White) on December 6, 2006, by a unanimous vote;

(30) the Senate passed the Ryan White revised funding formula changes by unanimous consent on December 6, 2006, and in doing so, the Senate reaffirmed that Federal resources for HIV/AIDS should go to where the epidemic is today and will be tomorrow, not where it was a decade ago;

(31) the House of Representatives passed the Ryan White revised funding changes on December 9, 2006, unanimously;

(32) the President reaffirmed his commitment to providing care for those with HIV when he signed the newly revised funding formulas to Ryan White on December 19, 2006;

(33) the Senate reaffirmed its commitment to the Ryan White funding formulas with an amendment to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (H.R. 3043, 110th Congress) on October 23, 2007;

(34) the Ryan White amendment referred to in paragraph (33) was accepted by the Senate by a roll call vote of 65-28; and

(35) that amendment stated that ''[n]otwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate acknowledges that the face of HIV is changing and that funding formulas for care programs should recognize the changing demographics of the disease domestically;

(2) the Senate supports the Ryan White program, authorized under title XXVI of the Public Health Service Act, and reaffirms that this program makes the right care and treatment possible for low-income, uninsured and under-insured men, women, children, and youth with no other way to meet their medical care and support needs; and

(3) the Senate reaffirms that Federal resources for HIV/AIDS should go to where the epidemic is today and will be tomorrow, not where it was a decade ago, by following the newly authorized Ryan White funding formulas.

SA 4217. Mr. BUNNING (for himself, Mr. NELSON of Nebraska, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by $200,000,000.

On page 3, line 14, decrease the amount by $700,000,000.

On page 3, line 15, decrease the amount by $700,000,000.

On page 3, line 22, decrease the amount by $200,000,000.

On page 3, line 23, decrease the amount by $700,000,000.

On page 3, line 24, decrease the amount by $700,000,000.

On page 4, line 7, decrease the amount by $200,000,000.

On page 4, line 8, decrease the amount by $700,000,000.

On page 4, line 9, decrease the amount by $700,000,000.

On page 4, line 16, decrease the amount by $200,000,000.

On page 4, line 17, decrease the amount by $700,000,000.

On page 4, line 18, decrease the amount by $700,000,000.

On page 27, line 24, decrease the amount by $200,000,000.

On page 27, line 25, decrease the amount by $200,000,000.

On page 28, line 3, decrease the amount by $700,000,000.

On page 28, line 4, decrease the amount by $700,000,000.

On page 28, line 7, decrease the amount by $700,000,000.

On page 28, line 8, decrease the amount by $700,000,000.

SA 4218. Mr. SANDERS (for himself, Mrs. CLINTON, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. BROWN, Mr. DURBIN, Mr. LEVIN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, increase the amount by $10,800,000,000.

On page 3, line 12, increase the amount by $16,600,000,000.

On page 3, line 13, increase the amount by $5,100,000,000.

On page 3, line 20, increase the amount by $10,800,000,000.

On page 3, line 21, increase the amount by $16,600,000,000.

On page 3, line 22, increase the amount by $5,100,000,000.

On page 4, line 5, increase the amount by $9,800,000,000.

On page 4, line 6, increase the amount by $15,600,000,000.

On page 4, line 7, increase the amount by $4,100,000,000.

On page 4, line 14, increase the amount by $4,196,000,000.

On page 4, line 15, increase the amount by $11,966,000,000.

On page 4, line 16, increase the amount by $9,443,000,000.

On page 4, line 17, increase the amount by $3,187,000,000.

On page 4, line 18, increase the amount by $708,000,000.

On page 4, line 23, decrease the amount by $6,604,000,000.

On page 4, line 24, decrease the amount by $4,634,000,000.

On page 4, line 25, increase the amount by $4,343,000,000.

On page 5, line 1, increase the amount by $3,187,000,000.

On page 5, line 2, increase the amount by $708,000,000.

On page 5, line 8, decrease the amount by $6,604,000,000.

On page 5, line 9, decrease the amount by $11,238,000,000.

On page 5, line 10, decrease the amount by $6,895,000,000.

On page 5, line 11, decrease the amount by $3,708,000,000.

On page 5, line 12, decrease the amount by $3,000,000,000.

On page 5, line 16, decrease the amount by $6,604,000,000.

On page 5, line 17, decrease the amount by $11,238,000,000.

On page 5, line 18, decrease the amount by $6,895,000,000.

On page 5, line 19, decrease the amount by $3,708,000,000.

On page 5, line 20, decrease the amount by $3,000,000,000.

On page 18, line 16, increase the amount by $6,200,000,000.

On page 18, line 17, increase the amount by $1,244,000,000.

On page 18, line 20, increase the amount by $9,800,000,000.

On page 18, line 21, increase the amount by $6,766,000,000.

On page 18, line 24, increase the amount by $2,000,000,000.

On page 18, line 25, increase the amount by $6,459,000,000.

On page 19, line 4, increase the amount by $2,843,000,000.

On page 19, line 8, increase the amount by $688,000,000.

On page 21, line 16, increase the amount by $3,600,000,000.

On page 21, line 17, increase the amount by $2,952,000,000.

On page 21, line 20, increase the amount by $5,800,000,000.

On page 21, line 21, increase the amount by $5,200,000,000.

On page 21, line 24, increase the amount by $2,100,000,000.

On page 21, line 25, increase the amount by $2,984,000,000.

On page 22, line 4, increase the amount by $344,000,000.

On page 22, line 8, increase the amount by $20,000,000.

On page 32, line 10, increase the amount by $8,600,000,000.

On page 32, line 11, increase the amount by $2,996,000,000.

SA 4219. Ms. STABENOW (for herself and Mr. VOINOVICH)) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 50, line 21, insert ''and incentivizing utilization of accumulated alternative minimum tax and research and development credits'' after ''refundable tax relief''.

SA 4220. Mr. CARDIN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $12,000,000.

On page 13, line 14, increase the amount by $11,000,000.

On page 13, line 18, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $12,000,000.

On page 27, line 17, decrease the amount by $11,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

SA 4221. Mr. SUNUNU proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 62, between lines 3 and 4, insert the following:

(3) ELECTRONIC PRESCRIBING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote the deployment and use of electronic prescribing technologies through financial incentives, including grants and bonus payments, and potential adjustments in the Medicare reimbursement mechanisms for physicians, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4222. Mr. ALEXANDER (for himself and Mr. INHOFE) proposed an amendment to the concurren resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 4, line 14, decrease the amount by $583,000.
On page 4, line 15, increase the amount by $415,000.
On page 4, line 16, increase the amount by $134,000.
On page 4, line 17, increase the amount by $34,000.
On page 4, line 23, decrease the amount by $583,000.
On page 4, line 24, increase the amount by $415,000.
On page 4, line 25, increase the amount by $134,000.
On page 5, line 1, increase the amount by $34,000.
On page 5, line 8, decrease the amount by $583,000.
On page 5, line 9, decrease the amount by $168,000.
On page 5, line 10, decrease the amount by $34,000.
On page 5, line 16, decrease the amount by $583,000.
On page 5, line 17, decrease the amount by $168,000.
On page 5, line 18, decrease the amount by $34,000.
On page 18, line 16, increase the amount by $670,000.
On page 18, line 17, increase the amount by $20,000.
On page 18, line 21, increase the amount by $482,000.
On page 18, line 25, increase the amount by $134,000.
On page 19, line 4, increase the amount by $34,000.
On page 24, line 16, decrease the amount by $670,000.
On page 24, line 17, decrease the amount by $603,000.
On page 24, line 21, decrease the amount by $67,000.

SA 4223. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $15,000,000.
On page 13, line 14, increase the amount by $4,000,000.
On page 13, line 18, increase the amount by $5,000,000.
On page 13, line 22, increase the amount by $3,000,000.
On page 14, line 1, increase the amount by $2,000,000.
On page 14, line 5, increase the amount by $1,000,000.
On page 27, line 16, decrease the amount by $15,000,000.
On page 27, line 17, decrease the amount by $4,000,000.
On page 27, line 21, decrease the amount by $5,000,000.
On page 27, line 25, decrease the amount by $3,000,000.
On page 28, line 4, decrease the amount by $2,000,000.
On page 28, line 8, decrease the amount by $1,000,000.

SA 4224. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $314,000,000.
On page 13, line 14, increase the amount by $79,000,000.
On page 13, line 18, increase the amount by $110,000,000.
On page 13, line 22, increase the amount by $63,000,000.
On page 14, line 1, increase the amount by $31,000,000.
On page 14, line 5, increase the amount by $16,000,000.
On page 27, line 16, decrease the amount by $314,000,000.
On page 27, line 17, decrease the amount by $79,000,000.
On page 27, line 21, decrease the amount by $110,000,000.
On page 27, line 25, decrease the amount by $63,000,000.
On page 28, line 4, decrease the amount by $31,000,000.
On page 28, line 8, decrease the amount by $16,000,000.

SA 4225. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mr. SCHUMER, Mrs. CLINTON, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $533,000,000.
On page 24, line 17, increase the amount by $117,000,000.
On page 24, line 21, increase the amount by $160,000,000.
On page 24, line 25, increase the amount by $107,000,000.
On page 25, line 4, increase the amount by $80,000,000.
On page 25, line 8, increase the amount by $69,000,000.
On page 27, line 16, decrease the amount by $533,000,000.
On page 27, line 17 decrease the amount by $117,000,000.
On page 27, line 21, decrease the amount by $160,000,000.
On page 27, line 25, decrease the amount by $107,000,000.
On page 28, line 4, decrease the amount by $80,000,000.
On page 28, line 8, decrease the amount by $69,000,000.
At the end of the resolution, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR REIMBURSING STATES FOR THE COSTS OF HOUSING UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that would reimburse States and units of local government for costs incurred to house undocumented criminal aliens, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4226. Mr. PRYOR (for himself, Ms. COLLINS, Mr. INOUYE, Mr. OBAMA, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. SCHUMER, Mr. DURBIN, Mr. NELSON of Florida, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, $10,000,000.
On page 19, line 17, $9,000,000.
On page 19, line 21, $1,000,000.
On page 27, line 16, $10,000,000.
On page 27, line 17, $9,000,000.
On page 27, line 21, $1,000,000.

SA 4227. Mr. REID (for Mrs. CLINTON (for herself and Mr. WARNER)) submitted an amendment intended to be proposed by Mr. Reid to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 18, line 16, increase the amount by $53,000,000.

On page 18, line 17, increase the amount by $34,000,000.

On page 18, line 21, increase the amount by $17,000,000.

On page 18, line 25, increase the amount by $2,000,000.

On page 27, line 16, decrease the amount by $53,000,000.

On page 27, line 17, decrease the amount by $34,000,000.

On page 27, line 21, decrease the amount by $17,000,000.

On page 27, line 25, decrease the amount by $2,000,000.

SA 4228. Mr. MARTINEZ (for himself, Mr. INHOFE, Mr. BARRASSO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by $63,000,000.

On page 3, line 12, decrease the amount by $239,000,000.

On page 3, line 13, decrease the amount by $484,000,000.

On page 3, line 14, decrease the amount by $687,000,000.

On page 3, line 15, decrease the amount by $780,000,000.

On page 3, line 20, decrease the amount by $63,000,000.

On page 3, line 21, decrease the amount by $239,000,000.

On page 3, line 22, decrease the amount by $484,000,000.

On page 3, line 23, decrease the amount by $687,000,000.

On page 3, line 24, decrease the amount by $780,000,000.

On page 4, line 5, decrease the amount by $63,000,000.

On page 4, line 6, decrease the amount by $239,000,000.

On page 4, line 7, decrease the amount by $484,000,000.

On page 4, line 8, decrease the amount by $687,000,000.

On page 4, line 9, decrease the amount by $780,000,000.

On page 4, line 14, decrease the amount by $63,000,000.

On page 4, line 15, decrease the amount by $239,000,000.

On page 4, line 16, decrease the amount by $484,000,000.

On page 4, line 17, decrease the amount by $687,000,000.

On page 4, line 18, decrease the amount by $780,000,000.

On page 27, line 16, decrease the amount by $63,000,000.

On page 27, line 17, decrease the amount by $63,000,000.

On page 27, line 20, decrease the amount by $239,000,000.

On page 27, line 21, decrease the amount by $239,000,000.

On page 27, line 24, decrease the amount by $484,000,000.

On page 27, line 25, decrease the amount by $484,000,000.

On page 28, line 3, decrease the amount by $687,000,000.

On page 28, line 4, decrease the amount by $687,000,000.

On page 28, line 7, decrease the amount by $780,000,000.

On page 28, line 8, decrease the amount by $780,000,000.

SA 4229. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR THE ESTABLISHMENT OF STATE INTERNET SITES FOR THE DISCLOSURE OF INFORMATION RELATING TO PAYMENTS MADE UNDER THE STATE MEDICAID PROGRAM.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for States to disclose, through a publicly accessible Internet site, each hospital, nursing facility, outpatient surgery center, intermediate care facility for the mentally retarded, institution for mental diseases, or other institutional provider that receives payment under the State Medicaid program, the total amount paid to each such provider each fiscal year, the number of patients treated by each such provider, and the amount of dollars paid per patient to each such provider, and provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect such legislation if any such measure would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4230. Mr. CHAMBLISS (for himself, Mrs. FEINSTEIN, Mr. HARKIN, Mr. BOND, Ms. CANTWELL, Mr. BIDEN, Mr. BROWN, Mrs. CLINTON, Mr. BINGAMAN, Mr. INHOFE, Mr. OBAMA, Mr. COLEMAN, Ms. COLLINS, Mr. DURBIN, Mr. ISAKSON, Mr. KERRY, Mrs. LINCOLN, Mr. FEINGOLD, and Mr. BURR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $386,000,000.

On page 24, line 17, increase the amount by $85,000,000.

On page 24, line 21, increase the amount by $116,000,000.

On page 24, line 25, increase the amount by $77,000,000.

On page 25, line 4, increase the amount by $58,000,000.

On page 25, line 8, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $386,000,000.

On page 27, line 17, decrease the amount by $85,000,000.

On page 27, line 21, decrease the amount by $116,000,000.

On page 27, line 25, decrease the amount by $77,000,000.

On page 28, line 4, decrease the amount by $58,000,000.

On page 28, line 8, decrease the amount by $50,000,000.

SA 4231. Mr. SESSIONS (for himself, Mr. VITTER, Mr. DEMINT, and Mrs. DOLE) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as ''Operation Streamline'') to all 20 border sectors;

(2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the appropriations in the legislation described in subsection (a) would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

SA 4232. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010

through 2013; which was ordered to lie on the table; as follows:

On page 4, line 5, decrease the amount by $750,000,000.

On page 4, line 14, decrease the amount by $375,000,000.

On page 4, line 15, decrease the amount by $225,000,000.

On page 4, line 16, decrease the amount by $150,000,000.

On page 4, line 23, decrease the amount by $375,000,000.

On page 4, line 24, decrease the amount by $225,000,000.

On page 4, line 25, decrease the amount by $150,000,000.

On page 5, line 8, decrease the amount by $375,000,000.

On page 5, line 9, decrease the amount by $600,000,000.

On page 5, line 10, decrease the amount by $750,000,000.

On page 5, line 11, decrease the amount by $750,000,000.

On page 5, line 12, decrease the amount by $750,000,000.

On page 5, line 16, decrease the amount by $375,000,000.

On page 5, line 17, decrease the amount by $600,000,000.

On page 5, line 18, decrease the amount by $750,000,000.

On page 5, line 19, decrease the amount by $750,000,000.

On page 5, line 20, decrease the amount by $750,000,000.

On page 27, line 16, decrease the amount by $750,000,000.

On page 27, line 17, decrease the amount by $375,000,000.

On page 27, line 21, decrease the amount by $225,000,000.

On page 27, line 25, decrease the amount by $150,000,000.

On page 32, line 10, decrease the amount by $750,000,000.

On page 32, line 11, decrease the amount by $375,000,000.

SA 4233. Mr. ALLARD (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 60, line 8, insert ''and amends the definition of the term 'targeted low-income child' under title XXI of the Social Security Act to provide that such term means an individual under age 19, including the period from conception to birth, who is eligible for child health assistance under such title XXI by virtue of the definition of the term 'child' under section 457.10 of title 42, Code of Federal Regulations'' after ''children,''.

SA 4234. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ___. PROHIBITION ON USE OF PAYMENT OR TIMING SHIFTS TO SATISFY CONDITIONS FOR BUDGET POINTS OF ORDER.

(a) IN GENERAL.—In the Senate, for purposes of determining budgetary impacts to evaluate points of order set out under this resolution, any previous budget resolution, and the Congressional Budget Act of 1974, provisions contained in any bill, resolution, amendment, motion, or conference report that result in the shift of equal and offsetting amounts of tax revenue or equal and offsetting amounts of direct spending from 1 fiscal year into another shall not be scored.

(b) DEFINITION.—In this section, provisions described in subsection (a) include shifting corporate estimated tax payments between fiscal years and moving pay dates for Federal Government salaried or Federal Government benefits from 1 fiscal year into another.

SA 4235. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ___. PROHIBITION ON USE OF PAYMENT OR TIMING SHIFTS TO SATISFY CONDITIONS FOR BUDGET POINTS OF ORDER.

(a) IN GENERAL.—In the Senate, for purposes of determining budgetary impacts to evaluate points of order set out under this resolution with respect to the scoring of a reserve fund established in this resolution, provisions contained in any bill, resolution, amendment, motion, or conference report that result in the shift of equal and offsetting amounts of tax revenue or equal and offsetting amounts of direct spending from 1 fiscal year into another shall not be scored.

(b) DEFINITION.—In this section, provisions described in subsection (a) include shifting corporate estimated tax payments between fiscal years and moving pay dates for Federal Government salaried or Federal Government benefits from 1 fiscal year into another.

SA 4236. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 49, strike line 24 and insert the following:

SEC. 225. DISCLOSURE OF INTEREST COSTS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any direct spending or revenue bill, resolution, amendment, motion, or conference report that is required to contain the statement described in section 308(a) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)), unless such statement contains a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such a bill, resolution, amendment, motion, or conference report for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 226. EXERCISE OF RULEMAKING POWERS.

SA 4237. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 37, between lines 11 and 12, insert the following:

(G) TAX AND ENTITLEMENT REFORM COMMISSION LEGISLATION.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $1,000,000 for a bipartisan commission that will transmit to Congress a legislative proposal designed to address the long-term fiscal imbalance, and provides for expedited procedures to guarantee a vote on final passage of the recommendations of the commission, the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $1,000,000 in budget authority for fiscal year 2009 and the outlays flowing therefrom.

SA 4238. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 30, after line 23, add the following:

SEC. 202. EMERGENCY LEGISLATION.

Section 204(a) of S. Con. Res. 21 (110th Congress), is amended by adding at the end the following:

''(8) FISCAL YEAR 2009.—

''(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made against an emergency designation in that measure if that emergency designation would cause the total amount of all new budget authority or outlays for fiscal year 2009 designated as an emergency requirement under paragraph (2) in the Senate to be more than—

''(i) $65,000,000,000; or

''(ii) $15,000,000,000 for purposes other than overseas contingency operations.

''(B) POINT OF ORDER.—If a point of order is made under subparagraph (A), the provision making the emergency designation in excess of the amount described in that subparagraph shall be stricken from the measure and may not be offered as an amendment from the floor.

''(C) NO WAIVER.—A point of order under subparagraph (A) may not be waived.''.

SA 4239. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON FUNDING FOR NATIONAL DEFENSE IN FUTURE FISCAL YEARS.

(a) FINDING.—The Senate finds that the budget of the President for fiscal year 2009 requests funds for national defense, exclusive of wartime costs and supplemental appropriations, that constitute an amount equal to approximately 3.3 percent of the current gross domestic product of the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the amount of funds for national defense, exclusive of wartime costs and supplemental appropriations, for fiscal year 2010 should be not less than an amount equal to 3.7 percent of the then-current gross domestic product of the United States;

(2) it should be the policy of the United States to fund national defense, exclusive of such costs and appropriations, for fiscal year 2011 in an amount equal to not less than 4 percent of the then-current gross domestic product of the United States; and

(3) the amount of funding for national defense, exclusive of such costs and appropriations, for each fiscal year after fiscal year 2011 should be the amount of funds for national defense for the preceding fiscal year as adjusted pursuant to the most appropriate cost adjustment index.

SA 4240. Mr. ENSIGN (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. ENZI, Mr. DEMINT, and Mr. GREGG) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 4, line 5, decrease the amount by $125,000,000.

On page 4, line 6, decrease the amount by $300,000,000.

On page 4, line 7, decrease the amount by $375,000,000.

On page 4, line 8, decrease the amount by $450,000,000.

On page 4, line 9, decrease the amount by $550,000,000.

On page 4, line 14, decrease the amount by $125,000,000.

On page 4, line 15, decrease the amount by $300,000,000.

On page 4, line 16, decrease the amount by $375,000,000.

On page 4, line 17, decrease the amount by $450,000,000.

On page 4, line 18, decrease the amount by $550,000,000.

On page 4, line 23, decrease the amount by $125,000,000.

On page 4, line 24, decrease the amount by $300,000,000.

On page 4, line 25, decrease the amount by $375,000,000.

On page 5, line 1, decrease the amount by $450,000,000.

On page 5, line 2, decrease the amount by $550,000,000.

On page 5, line 8, decrease the amount by $125,000,000.

On page 5, line 9, decrease the amount by $425,000,000.

On page 5, line 10, decrease the amount by $800,000,000.

On page 5, line 11, decrease the amount by $1,250,000,000.

On page 5, line 12, decrease the amount by $1,800,000,000.

On page 5, line 16, decrease the amount by $125,000,000.

On page 5, line 17, decrease the amount by $425,000,000.

On page 5, line 18, decrease the amount by $800,000,000.

On page 5, line 19, decrease the amount by $1,250,000,000.

On page 5, line 20, decrease the amount by $1,800,000,000.

On page 20, line 16, decrease the amount by $125,000,000.

On page 20, line 17, decrease the amount by $125,000,000.

On page 20, line 20, decrease the amount by $300,000,000.

On page 20, line 21, decrease the amount by $300,000,000.

On page 20, line 24, decrease the amount by $375,000,000.

On page 20, line 25, decrease the amount by $375,000,000.

On page 21, line 3, decrease the amount by $450,000,000.

On page 21, line 4, decrease the amount by $450,000,000.

On page 21, line 7, decrease the amount by $550,000,000.

On page 21, line 8, decrease the amount by $550,000,000.

SA 4241. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR ALLOWING TAXPAYERS PURCHASING HIGH-DEDUCTIBLE HEALTH INSURANCE IN THE INDIVIDUAL MARKET TO USE AMOUNTS FROM A HEALTH SAVINGS ACCOUNT TO PAY PLAN PREMIUMS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would amend the Internal Revenue Code of 1986 to expand the definition of qualified medical expenses under section 223 of such Code to allow taxpayers purchasing high-deductible health insurance in the individual market to use amounts from a health savings account (including employer contributions) to pay plan premiums, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4242. Mr. CORNYN (for himself and Mr. HATCH) proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the end of title II, insert the following:

SEC. ___. POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that includes a Federal income tax rate increase.

(2) DEFINITION.—In this subsection the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, dully chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4243. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $26,000,000.

On page 24, line 17, increase the amount by $26,000,000.

On page 24, line 20, increase the amount by $26,000,000.

On page 24, line 21, increase the amount by $26,000,000.

On page 24, line 24, increase the amount by $26,000,000.

On page 24, line 25, increase the amount by $26,000,000.

On page 25, line 3, increase the amount by $26,000,000.

On page 25, line 4, increase the amount by $26,000,000.

On page 25, line 7, increase the amount by $26,000,000.

On page 25, line 8, increase the amount by $26,000,000.

On page 27, line 16, decrease the amount by $26,000,000.

On page 27, line 17, decrease the amount by $26,000,000.

On page 27, line 20, decrease the amount by $26,000,000.

On page 27, line 21, decrease the amount by $26,000,000.

On page 27, line 24, decrease the amount by $26,000,000.

On page 27, line 25, decrease the amount by $26,000,000.

On page 28, line 3, decrease the amount by $26,000,000.

On page 28, line 4, decrease the amount by $26,000,000.

On page 28, line 7, decrease the amount by $26,000,000.

On page 28, line 8, decrease the amount by $26,000,000.

SA 4244. Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 21, line 16, increase the amount by $20,000,000.

On page 21, line 17, increase the amount by $15,200,000.

On page 21, line 20, increase the amount by $10,000,000.

On page 21, line 21, increase the amount by $12,200,000.

On page 21, line 24, increase the amount by $10,000,000.

On page 21, line 25, increase the amount by $10,100,000.

On page 22, line 3, increase the amount by $10,000,000.

On page 22, line 4, increase the amount by $10,000,000.

On page 22, line 8, increase the amount by $2,400,000.

On page 27, line 16, decrease the amount by $20,000,000.

On page 27, line 17, decrease the amount by $15,200,000.

On page 27, line 20, decrease the amount by $10,000,000.

On page 27, line 21, decrease the amount by $12,200,000.

On page 27, line 24, decrease the amount by $10,000,000.

On page 27, line 25, decrease the amount by $10,100,000.

On page 28, line 3, decrease the amount by $10,000,000.

On page 28, line 4, decrease the amount by $10,000,000.

On page 28, line 8, decrease the amount by $2,400,000.

SA 4245. Mr. BIDEN (for himself, Mr. LUGAR, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD, Mr. MARTINEZ, Mr. MENENDEZ, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. LEVIN, Mr. VOINOVICH, Mr. OBAMA, Mr. CORKER, Mr. LEAHY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 12, increase the amount by $4,139,000,000.

On page 10, line 13, increase the amount by $2,127,000,000.

On page 10, line 17, increase the amount by $1,142,000,000.

On page 10, line 21, increase the amount by $418,000,000.

On page 10, line 25, increase the amount by $290,000,000.

On page 11, line 4, increase the amount by $161,000,000.

On page 27, line 16, decrease the amount by $4,139,000,000.

On page 27, line 17, decrease the amount by $2,127,000,000.

On page 27, line 21, decrease the amount by $1,142,000,000.

On page 27, line 25, decrease the amount by $418,000,000.

On page 28, line 4, decrease the amount by $290,000,000.

On page 28, line 8, decrease the amount by $161,000,000.

SA 4246. Mr. ALLARD proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 3, line 11, increase the amount by $291,630,000,000.

On page 3, line 12, increase the amount by $275,801,000,000.

On page 3, line 13, increase the amount $278,191,000,000.

On page 3, line 14, increase the amount by $282,588,000,000.

On page 3, line 15, increase the amount by $288,168,000,000.

On page 3, line 20, increase the amount by $291,630,000,000.

On page 3, line 21, increase the amount by $275,801,000,000.

On page 3, line 22, increase the amount by $278,191,000,000.

On page 3, line 23, increase the amount by $282,588,000,000.

On page 3, line 24, increase the amount by $288,168,000,000.

On page 4, line 5, increase the amount by $291,630,000,000.

On page 4, line 6, increase the amount by $275,801,000,000.

On page 4, line 7, increase the amount by $278,191,000,000.

On page 4, line 8, increase the amount by $282,588,000,000.

On page 4, line 9, increase the amount by $288,168,000,000.

On page 4, line 14, increase the amount by $291,630,000,000.

On page 4, line 15, increase the amount by $275,801,000,000.

On page 4, line 16, increase the amount by $278,191,000,000.

On page 4, line 17, increase the amount by $282,588,000,000.

On page 4, line 18, increase the amount by $288,168,000,000.

On page 9, line 13, increase the amount by $6,624,000,000.

On page 9, line 1, increase the amount by $6,624,000,000.

On page 9, line 21, increase the amount by $6,624,000,000.

On page 9, line 25, increase the amount by $6,624,000,000.

On page 10, line 3, increase the amount by $6,624,000,000.

On page 9, line 14, increase the amount by $6,624,000,000.

On page 9, line 18, increase the amount by $6,624,000,000.

On page 9, line 22, increase the amount by $6,624,000,000.

On page 9, line 26, increase the amount by $6,624,000,000.

On page 10, line 4, increase the amount by $6,624,000,000.

On page 10, line 12, increase the amount by $7,184,000,000.

On page 10, line 16, increase the amount by $5,120,000,000.

On page 10, line 20, increase the amount by $5,120,000,000.

On page 10, line 24, increase the amount by $5,120,000,000.

On page 11, line 3, increase the amount by $5,120,000,000.

On page 10, line 13, increase the amount by $7,184,000,000.

On page 10, line 17, increase the amount by $5,120,000,000.

On page 10, line 21, increase the amount by $5,120,000,000.

On page 10, line 25, increase the amount by $5,120,000,000.

On page 11, line 4, increase the amount by $5,120,000,000.

On page 12, line 13, increase the amount by $15,000,000,000.

On page 12, line 17, increase the amount by $15,000,000,000.

On page 12, line 21, increase the amount by $15,000,000,000.

On page 12, line 25, increase the amount by $15,000,000,000.

On page 13, line 4, increase the amount by $15,000,000,000.

On page 12, line 14, increase the amount by $15,000,000,000.

On page 12, line 18, increase the amount by $15,000,000,000.

On page 12, line 22, increase the amount by $15,000,000,000.

On page 13, line 1, increase the amount by $15,000,000,000.

On page 13, line 5, increase the amount by $15,000,000,000.

On page 13, line 13, increase the amount by $9,000,000.

On page 13, line 17, increase the amount by $9,000,000.

On page 13, line 21, increase the amount by $9,000,000.

On page 13, line 25, increase the amount by $9,000,000.

On page 14, line 4, increase the amount by $9,000,000.

On page 13, line 14, increase the amount by $9,000,000.

On page 13, line 18, increase the amount by $9,000,000.

On page 13, line 22, increase the amount by $9,000,000.

On page 14, line 1, increase the amount by $9,000,000.

On page 14, line 5, increase the amount by $9,000,000.

On page 15, line 13, increase the amount by $5,302,000,000.

On page 15, line 17, increase the amount by $5,252,000,000.

On page 15, line 21, increase the amount by $5,252,000,000.

On page 15, line 25, increase the amount by $5,252,000,000.

On page 16, line 4, increase the amount by $5,252,000,000.

On page 15, line 14, increase the amount by $5,302,000,000.

On page 15, line 18, increase the amount by $5,252,000,000.

On page 15, line 22, increase the amount by $5,252,000,000.

On page 16, line 1, increase the amount by $5,252,000,000.

On page 16, line 5, increase the amount by $5,252,000,000.

On page 16, line 13, increase the amount by $6,021,000,000

On page 16, line 17, increase the amount by $6,021,000,000.

On page 16, line 21, increase the amount by $6,021,000,000.

On page 16, line 25, increase the amount by $6,021,000,000.
On page 17, line 4, increase the amount by $6,021,000,000.
On page 16, line 14, increase the amount by $6,021,000,000.
On page 16, line 18, increase the amount by $6,021,000,000.
On page 16, line 22, increase the amount by $6,021,000,000.
On page 17, line 1, increase the amount by $6,021,000,000.
On page 17, line 5, increase the amount by $6,021,000,000.
On page 17, line 14, increase the amount by $4,036,000,000.
On page 17, line 18, increase the amount by $4,036,000,000.
On page 17, line 22, increase the amount by $4,036,000,000.
On page 18, line 2, increase the amount by $4,036,000,000.
On page 18, line 6, increase the amount by $4,036,000,000.
On page 17, line 15, increase the amount by $4,036,000,000.
On page 17, line 19, increase the amount by $4,036,000,000.
On page 17, line 23, increase the amount by $4,036,000,000.
On page 18, line 3, increase the amount by $4,036,000,000.
On page 18, line 7, increase the amount by $4,036,000,000.
On page 18, line 16, increase the amount by $41,165,000,000.
On page 18, line 20, increase the amount by $41,115,000,000.
On page 18, line 24, increase the amount by $41,115,000,000.
On page 19, line 3, increase the amount by $41,038,000,000.
On page 19, line 7, increase the amount by $41,038,000,000.
On page 18, line 17, increase the amount by $41,165,000,000.
On page 18, line 21, increase the amount by $41,115,000,000.
On page 18, line 25, increase the amount by $41,115,000,000.
On page 19, line 4, increase the amount by $41,038,000,000.
On page 19, line 8, increase the amount by $41,038,000,000.
On page 19, line 16, increase the amount by $70,650,000,000.
On page 19, line 20, increase the amount by $70,425,000,000.
On page 19, line 24, increase the amount by $70,425,000,000.
On page 20, line 3, increase the amount by $70,425,000,000.
On page 20, line 7, increase the amount by $70,425,000,000.
On page 19, line 17, increase the amount by $70,650,000,000.
On page 19, line 21, increase the amount by $70,425,000,000.
On page 19, line 25, increase the amount by $70,425,000,000.
On page 20, line 4, increase the amount by $70,425,000,000.
On page 20, line 8, increase the amount by $70,425,000,000.
On page 20, line 20, increase the amount by $16,560,000,000.
On page 20, line 24, increase the amount by $28,950,000,000.
On page 21, line 3, increase the amount by $33,600,000,000.
On page 21, line 7, increase the amount by $39,180,000,000.
On page 20, line 21, increase the amount by $16,560,000,000.
On page 20, line 25, increase the amount by $28,950,000,000.
On page 21, line 4, increase the amount by $33,600,000,000.
On page 21, line 8, increase the amount by $39,180,000,000.
On page 21, line 16, increase the amount by $118,016,000,000.
On page 21, line 20, increase the amount by $88,016,000,000.
On page 21, line 24, increase the amount by $78,016,000,000.
On page 22, line 3, increase the amount by $77,840,000,000.
On page 22, line 7, increase the amount by $77,840,000,000.
On page 21, line 17, increase the amount by $118,016,000,000.
On page 21, line 21, increase the amount by $88,016,000,000.
On page 21, line 25, increase the amount by $78,016,000,000.
On page 22, line 4, increase the amount by $77,840,000,000.
On page 22, line 8, increase the amount by $77,840,000,000.
On page 27, line 16, increase the amount by $5,170,000,000.
On page 27, line 20, increase the amount by $5,170,000,000.
On page 27, line 24, increase the amount by $5,170,000,000.
On page 28, line 3, increase the amount by $5,170,000,000.
On page 28, line 7, increase the amount by $5,170,000,000.
On page 27, line 17 increase the amount by $5,170,000,000.
On page 27, line 21, increase the amount by $5,170,000,000.
On page 27, line 25, increase the amount by $5,170,000,000.
On page 28, line 4, increase the amount by $5,170,000,000.
On page 28, line 8, increase the amount by $5,170,000,000.
On page 23, line 16, increase the amount by $2,650,000,000.
On page 23, line 20, increase the amount by $2,650,000,000.
On page 23, line 24, increase the amount by $2,650,000,000.
On page 24, line 3, increase the amount by $2,650,000,000.
On page 24, line 7, increase the amount by $2,650,000,000.
On page 23, line 17, increase the amount by $2,650,000,000.
On page 23, line 21, increase the amount by $2,650,000,000.
On page 23, line 25, increase the amount by $2,650,000,000.
On page 24, line 4, increase the amount by $2,650,000,000.
On page 24, line 8, increase the amount by $2,650,000,000.
On page 24, line 16, increase the amount by $9,800,000,000.
On page 24, line 20, increase the amount by $9,800,000,000.
On page 24, line 24, increase the amount by $9,800,000,000.
On page 25, line 3, increase the amount by $9,800,000,000.
On page 25, line 7, increase the amount by $9,800,000,000.
On page 24, line 17, increase the amount by $9,800,000,000.
On page 24, line 21, increase the amount by $9,800,000,000.
On page 24, line 25, increase the amount by $9,800,000,000.
On page 25, line 4, increase the amount by $9,800,000,000.
On page 25, line 8, increase the amount by $9,800,000,000.
On page 25, line 16, increase the amount by $3,000,000.
On page 25, line 20, increase the amount by $3,000,000.
On page 25, line 24, increase the amount by $3,000,000.
On page 26, line 3, increase the amount by $3,000,000.
On page 26, line 7, increase the amount by $3,000,000.
On page 25, line 17, increase the amount by $3,000,000.
On page 25, line 21, increase the amount by $3,000,000.
On page 25, line 25, increase the amount by $3,000,000.
On page 26, line 4, increase the amount by $3,000,000.
On page 26, line 8, increase the amount by $3,000,000.

SA 4247. Mr. ALLARD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by $678,000,000.
On page 3, line 12, decrease the amount by $1,158,000,000.
On page 13, line 13, decrease the amount by $862,000,000.
On page 3, line 14, decrease the amount by $689,000,000.
On page 3, line 15, decrease the amount by $540,000,000.
On page 27, line 16, decrease the amount by $678,000,000.
On page 27, line 17, decrease the amount by $678,000,000.
On page 27, line 20, decrease the amount by $1,158,000,000.
On page 27, line 21, decrease the amount by $1,158,000,000.
On page 27, line 24, decrease the amount by $862,000,000.
On page 27, line 25, decrease the amount by $862,000,000.
On page 28, line 3, decrease the amount by $689,000,000.
On page 28, line 4, decrease the amount by $689,000,000.
On page 28, line 7, decrease the amount by $540,000,000.
On page 28, line 8, decrease the amount by $540,000,000.

SA 4248. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 62, between lines 3 and 4, insert the following:

(3) RURAL EQUITY PAYMENT POLICIES.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(A) preserves existing Medicare payment provisions supporting America's rural health care delivery system; and

(B) promotes Medicare payment policies that increase access to quality health care in isolated and underserved rural areas,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4249. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $5,000,000.

On page 19, line 17, increase the amount by $2,000,000.

On page 19, line 21, increase the amount by $2,000,000.

On page 19, line 25, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $2,000,000.

On page 27, line 21, decrease the amount by $2,000,000.

On page 27, line 25, decrease the amount by $1,000,000.

SA 4250. Mr. KOHL (for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. CLINTON, Mr. COLEMAN, Ms. STABENOW, Mr. LEVIN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to $160,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4251. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 18, line 12, increase the amount by $250,000,000.

On page 18, line 13, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $110,000,000.

On page 18, line 21, increase the amount by $29,000,000.

On page 18, line 25, increase the amount by $8,000,000.

On page 19, line 4, increase the amount by $3,000,000.

On page 27, line 12, decrease the amount by $250,000,000.

On page 27, line 13, decrease the amount by $100,000,000.

On page 27, line 17, decrease the amount by $110,000,000.

On page 27, line 21, decrease the amount by $29,000,000.

On page 27, line 25, decrease the amount by $8,000,000.

On page 28, line 4, decrease the amount by $3,000,000.

SA 4252. Mr. BROWN (for himself, Mr. CASEY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 53, between line 16 and 17, insert the following:

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

SA 4253. Mr. DODD (for himself, Mr. HATCH, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $184,000,000.

On page 19, line 17, increase the amount by $96,000,000.

On page 19, line 21, increase the amount by $70,000,000.

On page 19, line 25, increase the amount by $9,000,000.

On page 20, line 4, increase the amount by $9,000,000.

On page 27, line 16, decrease the amount by $184,000,000.

On page 27, line 17, decrease the amount by $96,000,000.

On page 27, line 21, decrease the amount by $70,000,000.

On page 27, line 25, decrease the amount by $9,000,000.

On page 28, line 4, decrease the amount by $9,000,000.

SA 4254. Mr. DODD (for himself, Ms. COLLINS, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $197,000,000.

On page 19, line 17, increase the amount by $73,000,000.

On page 19, line 21, increase the amount by $93,000,000.

On page 19, line 25, increase the amount by $22,000,000.

On page 20, line 4, increase the amount by $4,000,000.

On page 27, line 16, decrease the amount by $197,000,000.

On page 27, line 17, decrease the amount by $73,000,000.

On page 27, line 21, decrease the amount by $93,000,000.

On page 27, line 25, decrease the amount by $22,000,000.

On page 28, line 4, decrease the amount by $4,000,000.

SA 4255. Mr. KOHL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $170,000,000.

On page 24, line 17, increase the amount by $20,000,000.

On page 24, line 21, increase the amount by $48,000,000.

On page 24, line 25, increase the amount by $43,000,000.

On page 25, line 4, increase the amount by $34,000,000.

On page 25, line 8, increase the amount by $25,000,000.

On page 27, line 16, decrease the amount by $170,000,000.

On page 27, line 17, decrease the amount by $20,000,000.

On page 27, line 21, decrease the amount by $48,000,000.

On page 27, line 25, decrease the amount by $43,000,000.

On page 28, line 4, decrease the amount by $34,000,000.

On page 28, line 8, decrease the amount by $25,000,000.

SA 4256. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States

Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. 308. DEFICIT-REDUCTION RESERVE FUND.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by reducing funding for non-competitive Federal media contracts or Federal public relations campaigns and better regulates the use of such contracts and campaigns to prevent political or other abuses, and uses such savings to reduce the deficit provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4257. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 60, line 22, insert after ''family members'' the following: ''or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation)''.

SA 4258. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 53, line 16, insert '', provided that a State may receive funds for such child care entitlement only if beneficiaries of assistance under the Temporary Assistance for Needy Families program in the State are required to participate in 40 hours per week of work activities (as defined in section 407(d) of the Social Security Act)'' after ''States''.

SA 4259. Mr. MENENDEZ proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM AND ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in paragraphs (1) through (7), that—

(1) provide for increased border security, enforcement of immigration laws, greater staffing, and immigration reform measures;

(2) increase criminal and civil penalties against employers who hire undocumented immigrants;

(3) prohibit employers who hire undocumented immigrants from receiving Federal contracts;

(4) provide funding for the enforcement of the employer sanctions described in paragraphs (2) and (3) and other employer sanctions for hiring undocumented immigrants;

(5) deploy an appropriate number of National Guard troops to the southern or northern border of the United States provided that—

(A) the Secretary of Defense certifies that the deployment would not negatively impact the safety of American forces in Iraq and Afghanistan; and

(B) the Governor of the National Guard's home State certifies that the deployment would not have a negative impact on the safety and security of that State;

(6) evaluate the Federal, State, and local prison populations that are noncitizens in order to identify removable criminal aliens; or

(7) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SA 4260. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 45, after line 25, add the following:

SEC. 215. FISCAL YEAR 2009 MORATORIUM ON ABUSIVE AND UNCHECKED NO BID CONTRACTS.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to consider—

(A) a bill or joint resolution reported by any committee that includes authorized or appropriated funds and does not include the provisions described under subsection (e); or

(B) a Senate bill or joint resolution not reported by committee that includes authorized or appropriated funds and does not include the provisions described under subsection (e).

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference that includes authorized or appropriated funds and does not include the provisions described under subsection (e).

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar until compliance with this subsection has been achieved.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment includes authorized or appropriated funds and does not include the provisions described under subsection (e).

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses that includes authorized or appropriated funds and does not include the provisions described under subsection (e).

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) REQUIRED CONTRACTING PROVISIONS.—The required provisions referred to in subsections (a) through (d) are as follows:

(1) A prohibition on the award by an executive agency of a contract for the procurement of property or services that is not subject to full and open competition, except for a contract awarded—

(A) under section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) or section 2304(c) of title 10, United States Code, as applicable;

(B) under section 32A of the Office of Federal Procurement Policy Act (41 U.S.C. 428a), provided that the head of the executive agency notifies the committees of Congress of jurisdiction not later than 15 days after the award of the contract, including an explanation of the justifications for such award; or

(C) in accordance with contracting and subcontracting goals for small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals under sections 8(d) and 15(g) of the Small Business Act (15 U.S.C. 637(d) and 644(g)), provided that the head of the executive agency notifies the committees of Congress of jurisdiction not later than 15 days after the award of the contract, including an explanation of the justifications for such award.

(2) The following reporting requirements:

(A) The head of each executive agency for which funds are authorized or appropriated shall submit to the Office of Management and Budget and the chairmen and ranking members of the committees of Congress of jurisdiction a biannual report detailing the number of, amount of, and purpose for all contracts awarded during the current fiscal year, including all ongoing sole source, no bid, and limited bid contracts. The report shall be accompanied by a sworn affidavit of such head of an executive agency.

(B) The Inspector General of each executive agency for which funds are authorized or appropriated shall submit to the chairmen and ranking members of the committees of Congress of jurisdiction at the end of each fiscal year a report on the efforts of the executive agency to comply with competitive contracting requirements during such fiscal year.

(f) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(g) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(h) FISCAL YEAR 2009.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority in fiscal year 2009.

SA 4261. Mr. GRASSLEY (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal year 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 37, line 4, strike ''spare parts,'' and insert ''spare parts; subject contracts performed outside the United States to the same ethics, control, and reporting requirements as those performed domestically,''.

SA 4262. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. ___. EXCLUSION OF POINTS OF ORDER AGAINST TAX RELIEF FOR DOMESTIC PRODUCERS AND MANUFACTURERS.

In the case of any bill, joint resolution, amendment, motion, or conference report that repeals the phasein of the deduction allowed under section 199 of the Internal Revenue Code of 1986, or otherwise accelerates the amount of such deduction, the following provisions shall not apply:

(1) Section 201.

(2) Sections 201 and 202 of S. Con. Res. 21 (110th Congress).

(3) Sections 302, 302(a)(2)(B), and 317 of the Congressional Budget Act of 1974.

SA 4263. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $20,000,000.

On page 24, line 17, increase the amount by $2,000,000.

On page 24, line 21, increase the amount by $6,000,000.

On page 24, line 25, increase the amount by $5,000,000.

On page 25, line 4, increase the amount by $4,000,000.

On page 25, line 8, increase the amount by $3,000,000.

On page 27, line 16, decrease the amount by $20,000,000.

On page 27, line 17, decrease the amount by $2,000,000.

On page 27, line 21, decrease the amount by $6,000,000.

On page 27, line 25, decrease the amount by $5,000,000.

On page 28, line 4, decrease the amount by $4,000,000.

On page 28, line 8, decrease the amount by $3,000,000.

SA 4264. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 12, decrease the amount by $1,584,000.

On page 10, line 13, decrease the amount by $1,584,000.

On page 23, line 16, increase the amount by $1,584,000.

On page 23, line 17, increase the amount by $1,584,000.

SA 4265. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 68, line 4, insert '', and through the creation of SIMPLE cafeteria plans as provided in section 2 of S. 555 of the 110th Congress'' after ''consumer protections''.

SA 4266. Ms. SNOWE (for herself, Ms. COLLINS, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 50, line 20, insert ''the permanent extension of expensing under section 179 of the Internal Revenue Code of 1986 with an increase in the expensing limit to $200,000 and the phaseout threshold to $800,000 and other'' after ''including''.

SA 4267. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 50, line 21, insert ''and including the reauthorization of the new markets tax credit under section 45D of the Internal Revenue Code of 1986 for an additional 5 years and $17,000,000,000 in tax credit authority'' after ''refundable tax relief''.

SA 4268. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 13, line 13, increase the amount by $25,000,000.

On page 13, line 14, increase the amount by $18,500,000.

On page 13, line 17, increase the amount by $25,000,000.

On page 13, line 18, increase the amount by $24,000,000.

On page 13, line 21, increase the amount by $25,000,000.

On page 13, line 22, increase the amount by $24,875,000.

On page 13, line 25, increase the amount by $25,000,000.

On page 14, line 1, increase the amount by $24,875,000.

On page 14, line 4, increase the amount by $25,000,000.

On page 14, line 51, increase the amount by $24,875,000.

On page 24, line 16, increase the amount by $15,000,000.

On page 24, line 17, increase the amount by $13,800,000.

On page 24, line 20, increase the amount by $15,000,000.

On page 24, line 21, increase the amount by $15,000,000.

On page 24, line 24, increase the amount by $15,000,000.

On page 24, line 25, increase the amount by $15,000,000.

On page 25, line 3, increase the amount by $15,000,000.

On page 25, line 4, increase the amount by $15,000,000.

On page 25, line 7, increase the amount by $15,000,000.

On page 25, line 8, increase the amount by $15,000,000.

On page 27, line 16, decrease the amount by $40,000,000.

On page 27, line 17, decrease the amount by $32,300,000.

On page 27, line 20, decrease the amount by $40,000,000.

On page 27, line 21, decrease the amount by $39,000,000.

On page 27, line 24, decrease the amount by $40,000,000.

On page 27, line 25, decrease the amount by $38,875,000.

On page 28, line 3, decrease the amount by $40,000,000.

On page 28, line 4, decrease the amount by $39,875,000.

On page 28, line 7, decrease the amount by $40,000,000.

On page 28, line 8, decrease the amount by $39,875,000.

SA 4269. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $29,000,000.

On page 24, line 17, increase the amount by $26,100,000.

On page 24, line 21, increase the amount by $2,900,000.

On page 27, line 16, decrease the amount by $29,000,000.

On page 27, line 17, decrease the amount by $26,100,000.

On page 27, line 21, decrease the amount by $2,900,000.

SA 4270. Mr. LEAHY (for himself, Mr. KENNEDY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROCESSING NATURALIZATION APPLICATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the adjudication of name check and security clearances by October 1, 2008 by the Federal Bureau of Investigations for individuals who have submitted or submit applications for naturalization before May 1, 2008 or provide for the adjudication of applications, including the interviewing and swearing-in of applicants, by October 1, 2008 by the Department of Homeland Security/U.S. Citizenship and Immigration Services for individuals who apply or have applied for naturalization before May 1, 2008, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4271. Mr. KENNEDY (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 19, line 16, increase the amount by $2,000,000.

On page 19, line 17, increase the amount by $1,000,000.

On page 19, line 21, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $2,000,000.

On page 27, line 17, decrease the amount by $1,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

SA 4272. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON FUNDING OF FAMILY ADVOCACY PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the 2007 American Psychological Association Presidential Task Force on Military Deployment Services for Youth, Families and Service Members—

(A) Members of the United States Armed Forces and their families face challenges and stressful conditions that are unprecedented in recent history, including unrelenting operational demands and recurring deployments in combat zones;

(B) having a primary caretaker deployed to a war zone for an indeterminate period is among the more stressful events a child can experience; and

(C) hardships for military families may include marital problems, financial difficulties, destabilization of family relationships, potential infidelity, mental health issues, academic problems for their children, and substandard communications conditions during deployment.

(2) A study sponsored by the Army and published in the August 2007 Journal of the American Medical Association—

(A) reports that rates of child abuse and neglect increase when a parent is deployed with the Armed Forces, and calls for increased services for families of deployed members of the Armed Forces; and

(B) reports that, during the period in which a parent is deployed with the Armed Forces, rates of child maltreatment increase by 42 percent over the rate when parents are not so deployed, to a rate that exceeds child abuse rates among civilians.

(3) Increased numbers of members of the Armed Forces and their families are making use of nonmedical counseling services provided by the Family Advocacy Program of the Department of Defense.

(4) Programs such as the Family Advocacy Program directly affect military retention and are essential to the health and welfare of the members of the Armed Forces, their families, and the communities in which they live.

(b) SENSE OF SENATE.—It is the sense of the Senate that the funding levels in this resolution for fiscal year 2009 for national defense (050) assume that not less than $401,000,000 should be made available for the Family Advocacy Program of the Department of Defense.

SA 4273. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $10,000,000.

On page 24, line 17, increase the amount by $8,000,000.

On page 24, line 21, increase the amount by $1,000,000.

On page 24, line 25, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $10,000,000.

On page 27, line 17, decrease the amount by $8,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

On page 27, line 25, decrease the amount by $1,000,000.

SA 4274. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 12, increase the amount by $5,000,000.

On page 10, line 13, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $5,000,000.

SA 4275. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. RESERVE FUND FOR FUNDAMENTAL TAX REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide for fundamental tax reform, provided that such legislation does not increase the tax burden on taxpayers for fiscal year 2011 and succeeding fiscal years. For purposes of the preceding sentence, the burden on taxpayers shall be measured by comparing the post-World War II average of the ratio of Federal revenues to gross domestic product, as determined by the historical tables of the Office of Management and Budget, to the estimated average of the ratio of Federal revenues to gross domestic product after such legislation takes effect, as determined by the Congressional Budget Office in consultation with the Joint Committee on Taxation.

SA 4276. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 30 after line 23, insert the following:

SEC. ___. TO EXEMPT MODIFICATIONS TO THE INDIVIDUAL ALTERNATIVE MINIMUM TAX (AMT) FROM PAY-AS-YOU-GO ENFORCEMENT.

Section 201 of S. Con. Res. 21 (110th Congress) is amended by—

striking the period at the end of section (a)(4)(B) and inserting:

or;

(C) any provision of legislation that affects the individual alternative minimum tax exemption amount for taxable years beginning after 2007; or

(D) any provision of legislation that affects the extension of alternative minimum tax relief for non-refundable personal credits for taxable years beginning after 2007.

SA 4277. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING COVERAGE CHOICES, ADDITIONAL BENEFITS, AND LOWER COST-SHARING FOR MEDICARE BENEFICIARIES.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) implements improvements to the Medicare or Medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, or the State Children's Health Insurance program under title XXI of such Act; and

(B) does not lead to fewer coverage choices for Medicare beneficiaries, especially for those beneficiaries in rural areas; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2009, or over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4278. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING COVERAGE CHOICES, ADDITIONAL BENEFITS, AND LOWER COST-SHARING FOR MEDICARE BENEFICIARIES.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) implements improvements to the Medicare or Medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, or the State Children's Health Insurance program under title XXI of such Act; and

(B) does not result in reduced benefits or increased cost-sharing for Medicare beneficiaries who choose a Medicare Advantage plan under part C of such title XVIII, especially for low-income beneficiaries who depend on their Medicare Advantage plan for protection from high out-of-pocket cost-sharing; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2009, or over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4279. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING COVERAGE CHOICES, ADDITIONAL BENEFITS, AND LOWER COST-SHARING FOR MEDICARE BENEFICIARIES.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) implements improvements to the Medicare or Medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, or the State Children's Health Insurance program under title XXI of such Act; and

(B) does not result in reduced benefits for preventive care for Medicare beneficiaries who choose a Medicare Advantage plan under part C of such title XVIII; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2009, or over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4280. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING COVERAGE CHOICES, ADDITIONAL BENEFITS, AND LOWER COST-SHARING FOR MEDICARE BENEFICIARIES.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) implements improvements to the Medicare or Medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, or the State Children's Health Insurance program under title XXI of such Act; and

(B) does not—

(i) lead to fewer coverage choices for Medicare beneficiaries, especially for those beneficiaries in rural areas;

(ii) result in reduced benefits or increased cost-sharing for Medicare beneficiaries who choose a Medicare Advantage plan under part C of such title XVIII, especially for low-income beneficiaries who depend on their Medicare Advantage plan for protection from high out-of-pocket cost-sharing;

(iii) result in reduced benefits for preventive care for Medicare beneficiaries who choose such a Medicare Advantage plan; or

(iv) result in reduced benefits for chronic care for Medicare beneficiaries who choose such a Medicare Advantage plan; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2009, or over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4281. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROTECTING COVERAGE CHOICES, ADDITIONAL BENEFITS, AND LOWER COST-SHARING FOR MEDICARE BENEFICIARIES.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) implements improvements to the Medicare or Medicaid programs under titles XVIII and XIX of the Social Security Act, respectively, or the State Children's Health Insurance program under title XXI of such Act; and

(B) does not result in reduced benefits for chronic care for Medicare beneficiaries who choose a Medicare Advantage plan under part C of such title XVIII; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2009, or over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4282. Mr. HATCH submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 52, line 23, insert ''(including the United States-Colombia Trade Promotion Agreement)'' after ''trade agreements''.

SA 4283. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. 308. SENSE OF THE SENATE REGARDING THE DIVERSION OF FUNDS SET ASIDE FOR USPTO.

It is the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the United States Patent and Trademark Office shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

SA 4284. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 25, line 16, increase the amount by $3,000,000.

On page 25, line 17, increase the amount by $3,000,000.

On page 25, line 20, increase the amount by $6,000,000.

On page 25, line 21, increase the amount by $6,000,000.

On page 25, line 24, increase the amount by $8,000,000.

On page 25, line 25, increase the amount by $8,000,000.

On page 26, line 3, increase the amount by $8,000,000.

On page 26, line 4, increase the amount by $8,000,000.

On page 26, line 7, increase the amount by $4,000,000.

On page 26, line 8, increase the amount by $4,000,000.

On page 27, line 16, decrease the amount by $3,000,000.

On page 27, line 17, decrease the amount by $3,000,000.

On page 27, line 20, decrease the amount by $6,000,000.

On page 27, line 21, decrease the amount by $6,000,000.

On page 27, line 24, decrease the amount by $8,000,000.

On page 27, line 25, decrease the amount by $8,000,000.

On page 28, line 3, decrease the amount by $8,000,000.

On page 28, line 4, decrease the amount by $8,000,000.

On page 28, line 7, decrease the amount by $4,000,000.

On page 28, line 8, decrease the amount by $4,000,000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 1, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider S. 2593, a bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Rachel Pasternack at (202) 224–0883 or Scott Miller at (202) 224–5488.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 12, 2008, at 10 a.m., to conduct a hearing entitled ''Oversight of HUD and Its Fiscal Year 2009 Budget.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 1:30 p.m., in room 253 of the Russell Senate Office Building, to conduct a hearing.

At this hearing, the subcommittee will examine whether the Gross Domestic Product, GDP, constitutes an accurate reflection of economic growth and social well-being, which factors are included in and excluded from the calculation of the GDP, and how national policy and decisionmaking are impacted by emphasis placed on the GDP.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, March 12, 2008, at 2:15 p.m., in room SD 366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding Hardrock Mining: Issues Relating to Abandoned Mine Lands and Uranium Mining.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Alternatives to the Current Federal Estate Tax System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 10:15 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 10 a.m., to hear testimony on ''In Person Voter Fraud: Myth and Trigger for Disenfranchisement?''

The PRESIDING OFFICER. Without objection, it is so ordered.

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 9:30 a.m., in closed session to receive a briefing on the current readiness of the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 2:30 p.m., in open

session to receive testimony on military installation, environmental, and base closure programs in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 12, 2008, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CONRAD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, March 12, 2008 from 10:30 a.m.–12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Generation Rx: The Abuse of Prescription and Over-the-Counter Drugs'' on Wednesday, March 12, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

Witness list

Len Paulozzi, M.D., Medical Epidemiologist, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, U.S. Department of Health & Human Services, Atlanta, GA; Nora Volkow, M.D., Director, National Institute on Drug Abuse, U.S. Department of Health & Human Services, Washington, DC; Steve Pasierb, President and CEO, The Partnership for a Drug-Free America, New York, NY; Derek Clark, Director, Clinton Substance Abuse Council, Clinton, IA; and Misty Fetko, RN, Parent of Carl Hennon, New Albany, OH.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 2 p.m. in open session to receive testimony on technologies to combat weapons of mass destruction.

The PRESIDING OFFICER. Without objection. it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 2:30 p.m. to conduct a hearing entitled, ''Agencies in Peril: Are We Doing Enough to Protect Federal IT and Secure Sensitive Information?''

The PRESIDING OFFICER. without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 2 p.m., in open session to receive testimony on strategic lift programs in review of the defense authorization request for fiscal year 2009 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 12, 2008, at 10 a.m., in open session to receive testimony on strategic forces programs in review of the Defense authorization request for fiscal year 2009 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jack Wells, a fellow on my staff, be granted floor privileges for the duration of the debate on the budget resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 13, 2008

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:15 a.m. tomorrow, Thursday, March 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the leader time be reserved for their use later in the day, and that there be a moment of silence to honor the 5 years of service and sacrifice of our troops and their families for the war in Iraq and also to remember those who are serving our Nation in Afghanistan and throughout the world; that following the moment of silence, the Senate resume consideration of S. Con. Res. 70, the concurrent resolution on the budget, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, tomorrow, following the moment of silence, the Senate will resume consideration of the budget resolution. Senators should be prepared to begin the so-called vote-arama as early as 11 a.m. tomorrow. Rollcall votes are expected to occur throughout the day.

ORDER OF PROCEDURE

Mr. CASEY. I now ask unanimous consent that morning business be closed, the Senate resume consideration of S. Con. Res. 70, and that it stand adjourned under the previous order, following the remarks of Senators GRASSLEY and BARRASSO.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—Continued

Mr. GRASSLEY. Mr. President, I rise for two purposes: one, to speak about an amendment that will come up tomorrow dealing with the alternative minimum tax and, on a second point, to speak against an amendment that will be offered tomorrow on the H–1B program. First, I will discuss the amendments I intend to pursue on the budget resolution.

The first is similar to the amendment I offered in committee markup. Unfortunately, the committee did not adopt the amendment. The amendment is very straightforward. The amendment would exempt from the pay-go requirements an extension of relief from the alternative minimum tax. I want to explain the term pay-go. It means if you are going to offer something that has less income coming in from taxes, you have to offset it someplace else. Pay-go is a rule that applies to both taxes as well as expenditures. It is pay as you go.

I want to make sure this doesn't apply to the AMT because, quite frankly, it is silly to talk about offsetting revenue from middle-class Americans from whom it was never intended to be collected in the first place. And the alternative minimum tax, if we don't do something about it, has that negative impact. As everyone knows, if we do

not act this year, about 25 million families, most of them middle-income families, will be faced with an alternative minimum tax increase of over $2,000 per family. The alternative minimum tax, which was meant to hit high-income people, filthy rich people, it now could happen that middle-income people would pay an increase in taxes of more than $2,000 per family. We cannot let that happen. It is a result no one in Congress can defend.

The alternative minimum tax was meant to apply, as I have said so many times, to a small group of high-income taxpayers who use tax preferences, legal ways of not paying taxes. There is nothing illegal about it.

The chairman of the Budget Committee has wisely recognized the reality and the importance of shielding these 25 million families from the unintended reach of the alternative minimum tax. To that end, then, his budget resolution has revenue room, about $62 billion worth, for an AMT hold harmless for the current year. Unfortunately, though the budget revenue baseline is adjusted for the AMT for this year, action on an AMT patch faces pay-go points of order unless offset. So my amendment would clear away the hurdle for this year as well as for future years.

My amendment would ensure that delivering relief from the AMT would trump an obsession with a tax increase notion of pay as you go. It is as simple as that.

My second amendment deals with fundamental tax reform. Everyone knows our tax system could be improved. The alternative minimum tax monster I just referred to is only one of the major reasons we need to undertake tax reform. Senator WYDEN, a Democrat from Oregon, has been very articulate on that point. So this is a bipartisan statement as well as a partisan statement. If we undertake fundamental tax reform on a revenue-neutral basis under the current revenue baseline, we could be backing into a major tax increase on virtually every taxpayer.

In 2011, the bipartisan tax relief bills of 2001 and 2003 expire or to use the terminology in Congress, they sunset. If we allow current law to continue—in other words, current law so that you have tax increases automatically without a vote of Congress—the tax burden on the American people as a group could be up to 10 percent higher than it is today. That would be well into the future after 2010, until Congress would reduce taxes. We should not have a tax increase without a vote of Congress, No. 1. But also we should keep taxes where they are now because it has been so good to the economy. You should not have a tax increase on the American people. That is what is going to happen if we don't make changes between now and the end of 2010.

Tax reform should not be a stealthy method, then, to raise taxes on the American people. When I say ''raise taxes on the American people,'' let me repeat, the biggest tax increase in the history of the country is going to happen without even a vote of Congress. The amendment from my friend from Montana, the chairman of the Finance Committee, with whom I have the privilege of working closely, makes the point that current law levels of taxation set to spring into effect in 2011 are intolerable on both sides of the aisle. My amendment seeks the same assurances, though in a complete manner, if we hopefully enter into a real legislative effort on fundamental tax reform.

Those are my remarks in regard to two amendments that are going to be voted upon tomorrow.

Tomorrow my friend, the ranking Republican on the Senate Budget Committee, Senator GREGG, is going to offer an amendment or maybe has offered the amendment already to expand the H–1B visa program. I have nothing against the H–1B visa program. In fact, I value it as a legal channel for U.S. companies to bring in workers they need. That is under the assumption that we don't have workers in the United States to fill those slots. But I have to say, increasing the H–1B visa cap, which is the proposal, if we do that without reform, will only hurt U.S. taxpayers and American workers. The solution to increasing our global position in science and technology is, obviously, from the ground up, investing in American workers. We must strengthen educational opportunities for our American students, particularly in the areas of math and science. Such an investment will help reduce the trend in which 60 percent of the students in our U.S. STEM doctoral programs are foreign born.

According to recent statistics released by the Department of Homeland Security, foreign outsourcers top the list of companies bringing foreign workers to the United States under the H–1B program. In fact, it is this overwhelming—6 of the top 10 visa recipients in 2007 are based in the country of India. Senator DURBIN and I made the same point about the visa approvals during debate in the year 2006. We found that the top 9 foreign-based companies in 2006 used nearly 20,000 of the total availability of H–1B visas, and there is a cap on the number of H–1B visas. It seems to me that that 20,000 is close to a third of all. They are used by nine foreign-based companies. You would think, of the thousands and thousands of companies we have in America, that you would not have H–1Bs clustered to such a great extent around nine companies and nine foreign-based companies.

We heard today that Microsoft, in testimony before the House of Representatives, wants an unlimited supply of H–1B visas. However, that company's visa approvals declined in 2007 from 2006. In 2006, Microsoft was approved for 3,117 H–1B visas. In 2007, it dropped from third to fifth place and only approved 959 visas compared to over 3,000 visas the year before.

This very day, as I have indicated, Bill Gates said that Microsoft was ''unable to obtain H–1B visas for one-third of the highly qualified foreign-born job candidates that it wanted to hire.''

It makes me question, then, why visa approvals decreased very dramatically for Microsoft, from 3,000 in 2006, down to 900 plus in 2007. I think the statistics are very clear. Thousands of visas are going to foreign-based companies, leaving U.S. companies such as Microsoft scrambling for qualified workers. How can one explain the fact that most H–1B visas are going to companies based outside the United States? Do you think that increasing the cap, then, increasing the cap we have in current law, would actually benefit Microsoft and other companies? Answering these questions should lead one to the conclusion that the H–1B visa program is not working as originally intended. We need reform, even in conjunction with increasing the numbers.

I am not opposed to increasing the numbers if they need to be increased. But it won't do any good if we don't have reform, and not just the so-called reform, then, of increasing the visa supply, as proposed by the high-tech industry. Reforms are needed so that U.S. businesses, both large and small, can find, recruit, and hire the workers they need.

One of the major reforms needed to protect American workers is to require employers to make good-faith efforts to recruit U.S. citizens before hiring an H–1B visa holder. Only a small group of employers have to make this good-faith effort. We need to require all users of the visa program to first recruit Americans for these highly skilled, high-paying jobs, or at least attempt to find if American workers are available, because Americans should come first.

Another reform needed is to increase the investigative power of the Department of Labor over this program. The program is full of bad actors. Companies are using ruthless tactics to undermine the system and to pay lower salaries and benefits to foreign workers. Current law is handicapping Federal officials from rooting out more fraud. We need to give them the power to audit and the power to investigate abuse.

In addition to those two major reforms, we need to increase transparency for U.S. taxpayers to view job openings that are filled by H–1B visa workers. We should require employers to better advertise job openings so American workers have a chance at the

jobs before they are taken by foreign workers.

If we do not make changes in the H–1B program, foreign outsourcers will continue to import thousands of foreign workers to the detriment of U.S. businesses and opportunities for American workers to be hired first.

So I want my colleagues to know I cannot support an increase in the visa supply without reform—and I mean real reform or drastic reform—to the program. I have suggested some of those reforms. Like I said, raising the H–1B cap without reforms will only hurt American companies and American workers. American workers should come first.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I rise today to discuss my concerns with the fiscal year 2009 budget resolution. This is a budget that says tax revenue will go up by $1.2 trillion. Most of this is going to come by eliminating tax relief, commonly known as the Bush tax cuts.

Let me be clear: The people of Wyoming do not believe eliminating the President's tax cuts and dramatically increasing Federal spending is the right prescription for our economy. I would go so far as to say this budget does exactly the opposite of what is needed. This budget will send the wrong signal to small investors. The budget will send the wrong signal to ranchers. This budget will send the wrong signal to farmers. This budget will send the wrong signal to small business owners all across Wyoming.

This budget sends a message the Federal Government is going to take more from them. It will take more from them at a time when they believe—rightly so—that they have already been hit too hard. In fact, 43 million American families with children will pay an additional $2,300 out of their pockets each year if these tax cuts are eliminated. Twenty-three hundred dollars is not a small amount of money—not a small amount at all to the working families of Casper or Cheyenne or Rock Springs or Cody or Sundance. Twenty-three hundred dollars goes a long way in Wyoming, a long way toward paying a year's tuition at the University of Wyoming. Eliminating the tax cuts would cost 27 million small business owners $4,100 a year. Now, that is money that could be used for Christmas bonuses or well-deserved raises.

In Wyoming, we believe the best way to achieve economic progress is to have the Government get out of the way. That is the spirit that powers Wyoming.

In Wyoming, there is a monument to President Abraham Lincoln. It is on Route I–80, between Cheyenne and Laramie, and there is a plaque on the monument. The plaque says: ''It is time to think anew and act anew.'' That is what I believe is needed to reform the way Washington works.

In Wyoming, where I served as a State senator, we had a budget session every 2 years. It is another area where Wyoming gets it right and Washington gets it wrong. In Wyoming, it works so well that the budget session lasts only 20 days. The Wyoming way is a much better way to deal with government spending.

In Wyoming, we actually balance our budget every year. The Wyoming way would free up Congress to work on things such as making Washington work better for our country. The Wyoming way would make Washington work on finding solutions to problems, rather than always reaching into people's wallets and pocketbooks.

It is time for Washington to get its house in order. This means extending the President's tax cuts. This is the way to actually bring in more revenue to the Treasury. To get Washington's fiscal house in order also means addressing spending on entitlements. This budget not only fails to do that, it actually makes matters worse. This budget allows entitlement spending to grow by $488 billion over 5 years. This is leveraging our children's future, young men and women of America, such as the pages who work in this very room. We are leveraging this on their future. Now, I do not wish to stifle the progress of future generations, such as these fine individuals, because of the mistakes of this Congress. Let us get Government out of the way so we can unlock the American entrepreneurial spirit. It is that spirit that made this country an economic leader in the first place.

I would also like to take a few moments to discuss three amendments that have been filed. Two amendments have been filed by me, and the third is an amendment filed by Senator MIKE ENZI, my colleague from Wyoming, and it is an amendment which I have cosponsored.

My first amendment relates to the issue of Federal mandates. This amendment would provide $50 million to help States comply with regulations of the Endangered Species Act. It is my hope these funds could be distributed to the cities, the counties, to ranchers, to small business owners, all who have to comply with the ever-increasing, unfunded Federal mandates of the Endangered Species Act. The offset is provided through an across-the-board budget cut through function 920.

A vast array of species can be found in my home State of Wyoming. Among these are the sage-grouse, the grizzly bear, the pygmy rabbit, the Preble's meadow jumping mouse, the white and black tail prairie dogs, the black-footed ferret, and the Canadian grey wolf. Many of these species are in the process of either being listed or delisted under the Endangered Species Act. But we have found there is one resource Wyoming doesn't have enough of, and that is Federal funds to protect, to manage, and to recover these species as is required by Federal law.

Trust me when I say the people of Wyoming love our State's natural heritage. We believe we are in the best position to manage and protect our resources without the redtape and the regulations of the Federal Government. But that is not the reality we and other States face today. The Federal Government often, as a result of Federal lawsuits, is placing even additional new mandates on the States. As long as they are, the Federal Government has an obligation to provide funds with those mandates.

I am pleased my good friend, Senator ENZI, is cosponsoring this amendment with me, and I urge its adoption.

My second amendment would provide funding for salt cedar and Russian olive removal along America's rivers, streams, and tributaries. These two plants are nonnative, invasive species that are destroying riparian ecosystems across vast areas of the West. As the arid West continues to struggle with ongoing drought, salt cedar and Russian olive are invading the land and they are replacing native species all along the West's watershed. Entire ecosystems are being dramatically altered. Salt cedar and Russian olive drain valuable water flow from rivers and from streams. It is estimated that one Russian olive tree can use 500 gallons of water a day, while some estimates place water use by a mature salt cedar plant at more than 200 gallons a day.

The Presiding Officer knows that one of the West's most important natural resources—water—is under attack. Removal of these species to protect our water is a monumental undertaking but one we can no longer afford to avoid. Private landowners, local and State officials, as well as Federal agencies have an interest in addressing the problem. Recent pilot projects to eliminate these species on watersheds in eastern Wyoming and western Nebraska have been underway for a few years. Improvements in waterflow and the overall ecosystem and the quality of those areas have been dramatic. Success, however, can only be achieved if all interests in the watershed participate in eliminating these species.

My amendment is simple. Congress has already authorized a program to fight this battle. My amendment would direct money within that program to improve the ecosystem and waterflow along the Platte River. Wyoming is under a Federal decree to provide more acre feet of water from the Platte River to help wildlife in Nebraska. By removing these invasive species that capture so much water from the river, we can help alleviate this Federal obligation on Wyoming's residents.

Water is a precious resource. It is time we begin reclaiming our watersheds from the invasion of nonnatural species. I would encourage all Members of this body to support the amendment.

Finally, I wish to discuss a Federal budget issue about which I am deeply passionate, as are all the people across the State of Wyoming. The Federal Government should not be picking the pockets of States to balance the Federal budget. I am not talking about Federal commitments to spending programs; I am talking about a Federal commitment to share revenue; specifically, revenue generated from mineral resource development.

The Presiding Officer is very familiar with this. He knows, as do I, that States with Federal mineral extraction benefit from economic development. He also knows these benefits are not generated without significant impacts to local infrastructure and to public services. These revenues pay for vital State and local government services. Revenue sharing has traditionally been a clear 50–50 division. It is a division between the States and the Federal Government. In fact, current Federal law prohibits Federal administrative deductions.

Apparently, that prohibition is not enough. In the fiscal year 2008 omnibus bill, Congress included a 1-year formula change, reducing the amount paid to the States and increasing the amount flowing to the Federal Treasury. The lost revenue for the States came at the expense of funding for local schools, roads, water systems, and other basic services provided by the States.

I am pleased to join my colleague from Wyoming, Senator MIKE ENZI, in cosponsoring his budget amendment that addresses this Federal grab. I urge my colleagues from both sides of the aisle to join me in this as a matter of principle. I have listened to speeches on this floor all week advocating for increases for one program or for another. Senator ENZI's amendment simply recognizes that States—not Washington—are capable and are well suited to make spending decisions.

State legislatures can provide, if they want to, more for education, highways, and law enforcement. But they cannot make these decisions if the Federal Government continues to withhold the State's share of these revenues.

Mr. President, I urge my colleagues to support Senator ENZI's amendment.

I yield the floor.

ADJOURNMENT UNTIL 10:15 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 10:15 a.m. tomorrow.

Thereupon, the Senate, at 9 p.m., adjourned until Thursday, March 13, 2008, at 10:15 a.m.

EXTENSIONS OF REMARKS

HONORING PAMELA BONNETT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize Pamela Bonnett, who immigrated from British Guiana, South America to the United States in 1969 when there was an urgent need for Registered Professional Nurses. She graduated from St. Joseph's College with a bachelor of science in health administration and a masters degree in public health education from Hunter College, City University of New York.

Currently a patient service manager at the Visiting Nurse Service of New York, Inc., she is responsible for a team of registered professional nurses providing care to the chronically ill and the geriatric community. Prior to holding this position, Ms. Bonnett was an administrator/associate administrator with Nurse Referrals Inc., responsible for their license program, professional development, utilization and standards of care, to ensure agency compliance with the New York State Department of Health Regulations. She chaired the Quality Assurance Committee of Certified Home Health Care Agencies and other professional staff. Moreover she evaluated contract compliance and made recommendations to the NYC Health and Hospital Corporation and acted as a liaison and marketing agent between the Nurse Referrals Inc., and NYC Health and Hospital Certified Home Care Agencies.

Among other positions held were assistant director of nursing/director of in service education at the Woodland Rehabilitation Center, New Rochelle; executive director, Bushwick Stuyvesant Heights Home Attendant Agency; community health nurse, Beth Israel Hospital and; clinical manager of the Community Geriatric Clinic at the Brookdale Hospital Medical Center.

Pamela Bonnett is currently a member of the National Coalition of 100 Black Women, Inc., Member of the Chi Eta Phi Sorority, Inc., past member of the board of directors for the Boys and Girls of America, Hempstead Boys and Girls Club, and a past member of the community board of St. John's Episcopal Hospital in Brooklyn.

Madam Speaker, Pamela Bonnett epitomizes what is good about public health service and we should recognize her for being a role model to young boys and girls in the community. She is a person who is making a difference in people's lives.

HONORING KYLE E. BOWMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle E. Bowman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and by earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Kyle started his journey with the Boy Scouts seven years ago earning 28 merit badges. Over the years Kyle has been involved in scouting, he has held many leadership positions such as historian, librarian, patrol and assistant patrol leader. Kyle is an Ordeal in the Order of the Arrow and is a Foxman in the Tribe of Mic-O-Say. Kyle has attended H. Roe Bartle Reservation for three years and has also camped at Camp Nash on four separate occasions. For his Eagle Scout project, Kyle designed and constructed two horse mounting platforms for Heartland Presbyterian Center.

Madam Speaker, I would be remiss if I did not mention the strong family foundation Kyle has supporting him. His proud parents Mark and Britt Bowman, as well as his sister, Amanda.

Madam Speaker, I proudly ask you to join me in commending Kyle E. Bowman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING DR. MARK KUSHNER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Dr. Mark Kushner, a distinguished professor and Dean of the College of Engineering at Iowa State University on winning the Semiconductor Industry Association annual award for outstanding work and exemplary leadership by university researchers.

Dr. Kushner received his BA in Astronomy and BS in Engineering from the University of California at Los Angeles in 1976 and earned his MS and PhD in Applied Physics from the California Institute of Technology in 1977 and 1979. From 1986 to 2005, Dr. Kushner was the Founder Professor of Engineering in the Department of Electrical and Computer Engineering at the University of Illinois at Urbana-Champaign. In 2005, Dr. Kushner became the Dean of Engineering and the James Melsa Professor at Iowa State University with appointments in the departments of Electrical and Computer Engineering, Materials Science and Engineering, and Chemical Engineering.

For 18 years, Dr. Kushner has worked with the Semiconductor Research Corporation, and his work is widely recognized as the "Gold Standard" for the semiconductor industry. He has published more than 210 journal articles and delivered more than 170 invited symposia presentations on topics related to plasma and thermal materials processing, gas and solid state lasers, pulse power plasmas, chemical lasers, and laser spectroscopy. Dr. Kushner has also trained dozens of Ph.D.s who continue to drive innovation and progress in microelectronics.

Dr. Kushner's efforts in research and training play a crucial role in expanding horizons in semiconductors and the field of engineering for the benefit of society. I consider it an honor to represent Dr. Kushner in Congress, and I wish him continued success in his groundbreaking efforts in the semiconductor industry and his academic work in the field of engineering.

HONORING LORNA MULLINGS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Lorna Mullings, a remarkable woman who after a 13-year career in banking, pursued her real passion of nursing. So in 1986, as a new immigrant, an active church worker, a wife and mother of two small children, Lorna Mullings decided to return to school and become a Registered Nurse.

In June of 1992, she graduated from St. Joseph College with a bachelors degree in nursing, Amid the cheers of her now teenage children, she graduated Hunter College with a double masters in nursing and public health in 2002. However, midway through pursuing her masters degree which was focusing on HIV/AIDS, she was doing course work on health disparities among developed and developing countries when "something hit home." There was a definite connection with a previous paper in her undergraduate studies in which she documented her life's goal to work among the poor people of Somalia. This was also a time of defining professional and personal dreams and because her belief in God was so strong, she knew that becoming a missionary nurse was her special calling.

With her pastor's/husband's approval, blessing, and backing, she formed the Dorcas Medical Mission in 1999. In 2000, Lorna planned and implemented the mission's first outreach to Kingston, Jamaica. Since that time, she has led 15 medical missions to nine countries, bringing free dental, medical, surgical, food

and clothing to thousands of needy families worldwide. In addition to these missions, she is currently in the process of opening an orphanage in Alexandria, South Africa for the caring of children left orphaned by parents who were victims of HIV/AIDS.

Lorna Mullings has worked as a nurse for over 15 years in the areas of medical, surgical, endoscopy, recovery, psychiatry, administration and community health. Today, she works as a nurse manager at the Interfaith Medical Center, managing the pediatric and medical surgical units.

Madam Speaker, Ms. Mullings is well deserving of our respect for her humanitarian works and charitable outreach—she went on to initiate the Rugby Feeding Program, which now feeds over 70 homeless people with hot meals 4 days a week and heads the Rugby Family Services. Her compassion for the less fortunate is indeed noteworthy, and I am proud to recognize her today.

KATHERINE HOFFMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Katherine Hoffman of Trenton, Missouri. Katherine is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Katherine has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Katherine has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Katherine Hoffman for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

HONORING CORN BELT POWER COOPERATIVE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Corn Belt Power Cooperative of Humboldt, Iowa, on the occasion of their 60th anniversary.

Before 1947, electric cooperatives were unable to keep up with farmers' additional need of electricity to power their homes and farms, and power companies in the cities were wary of selling electricity to rural Iowa. As a result of the increased demand, two smaller power cooperatives merged to create a partnership that could build a larger coal-fired generation, thus forming Corn Belt Power.

In the early years, Corn Belt Power was a source for electric lights, storing and preparing food in rural homes, pumping water, and bringing ease to daily farm chores. Today Corn Belt Power is a source of power for sophisticated livestock systems and computers, heat pumps and efficient heating and cooling systems for homes. Corn Belt Power has withstood many ups and downs, including the energy crisis in the 1970s, the farm crisis of the 1980s, and our need for energy efficiency today.

Corn Belt Power Cooperative of Humboldt is dedicated to benefiting rural Iowa and the agricultural community, and for this I offer them my utmost congratulations and thanks. It is an honor to represent the employees of Corn Belt Power, the board of directors, and President Donald Feldman in the U.S. Congress, and I wish them continued success in serving the people of rural Iowa.

HONORING GEORGIA MILLER-McCORKLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Georgia Miller-McCorkle, who immigrated to the United States in 1980 from Trinidad, West Indies, where as a child she always excelled in school, getting merit cards along with excellent report cards. As a child, she was asked, ''What do you want to be when you grow up?'' Her answer was always, ''I want to be a teacher.''

At first, Ms. McCorkle settled in this country, got married, and raised five children: Sherwin, Vonetta, Fredericka, Tristan, and Robmesh. During that time, she worked at jobs fulfilling the basic home needs and helping to pay the bills, but something was missing.

Subsequently, she attended Brooklyn College, receiving her bachelor of arts, BA, degree in special education and her master's degree in special education from Long Island University. She joined the Department of Education in 1989, where her teaching skills included student-centered instruction, educational technology, parental involvement in student learning, critical thinking, individual learning plans, student motivation strategies, and active and meaningful learning activities.

Georgia Miller-McCorkle has worked with students from kindergarten through 12th grades, teaching science, music, and art, and was dean of students for 6 years. Further, she counseled mild to profoundly mentally challenged young adults, supervising their daily activities and developing long- and short-term goals at a group home for mentally challenged adults for 3 years.

She provides cognitive and motor development skills for babies with developmental delays from birth to 3 years old in the Early Intervention Program and has been doing so for almost 12 years.

This remarkable woman is certified in: LSCI, Life Space Crisis Intervention; TCI, Therapeutic Crisis Intervention; FBA, Functional Behavioral Assessment; CPR, Cardio-Pulmonary Resuscitation; beginning sign language; and first aid.

Madam Speaker, it behooves us to recognize this woman who exhibits such passion for the teaching profession and still teaches the early childhood grades, K–2, enjoying her job to the fullest. She is indeed living out her dream.

MELISSA FUERST

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Melissa Fuerst of Blue Springs, Missouri. Melissa is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Melissa has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Melissa has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Melissa Fuerst for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

HONORING DONNA EASTMAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Donna Eastman for reaching an important milestone as a public servant to the citizens of Callender, Iowa.

For the past 25 years, Donna, a life-long resident of Callender, has served as the city clerk. As city clerk of a small town, Donna performs many diverse tasks for the community. She handles the utilities, budget, public records, city water, sewer, garbage and electric fees. Donna also files information for the mayor and city council and serves as a liaison between city residents and their elected officials. She has a strong understanding of the needs and desires of the community. With her experience and knowledge of the town she has become the town's unofficial ambassador.

I know that my colleagues in the United States Congress join me in commending Donna Eastman for her years of leadership and service to the people of Callender. I consider it an honor to represent her in the United States Congress and I wish her the best in her future endeavors.

HONORING TWO-TIME STATE CHAMPION IOTA LADY BULLDOGS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to congratulate the Iota Lady Bulldogs basketball team, who again finished their season with a state championship alter defeating Capitol 60–49 in strong fashion.

The March 1st win capped the season for Iota, who finished with an impressive 36–4 record. Even more remarkable, the Lady Bulldogs competed in the larger Class AAA for the first time. Capitol had previously dominated the class with five championships in the past 7 years. Over the course of their career, Iota's senior class won an impressive 225 games.

Madam Speaker, as a member of the House Education and Labor Committee, I applaud these student athletes who demonstrated a strong work ethic, determination, and teamwork. The people of Iota share their pride in this team and each of these girls who continue to play so admirably.

Madam Speaker, I ask that my colleagues join me in congratulating the two-time champion Iota Lady Bulldogs for their latest achievement.

CALLING FOR PASSAGE OF THE FREE FLOW OF INFORMATION ACT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PENCE. Madam Speaker, two recent events make it clear—the time has come for Congress to enact a Federal media shield.

Yesterday, the House passed legislation to create an independent ethics panel with the stated purpose of holding Members of Congress accountable to the highest ethical standard. Our Founders would have scoffed at the notion that a political panel, appointed by politicians, could hold the national legislature accountable. Our Founders knew the only agency in society with the power to hold the national government accountable is a free and independent press.

Last year, the House acknowledged this fact and passed the Free Flow of Information Act, creating a Federal media shield, with overwhelming bipartisan support. That bill now awaits action by the full Senate. The need for action by the Senate is also evident with the news that another reporter is facing court sanctions based on her unwillingness to disclose confidential sources.

Former USA Today reporter Toni Locy is facing financial ruin as the result of a ruling that she must pay fines that will escalate to up to $5,000 per day unless she discloses her confidential sources for stories she wrote about the 2001 anthrax attacks. Her case and the need for greater ethics scrutiny in Congress argue forcefully for the need for a Federal media shield statute.

The one, time-tested way of holding the Government accountable is ensuring the free flow of information to the American people. Threatening reporters or creating an ethics panel of politicians to police politicians will not do it.

Congress must enact a Federal media shield to ensure that those charged with the duty of holding Government accountable have the freedom and independence to do just that.

It is time for the Senate to vote on the Free Flow of Information Act.

HONORING THE OCCASION OF THE 50TH ANNIVERSARY OF THE EUROPEAN PARLIAMENT

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Ms. BERKLEY. Madam Speaker, I rise today to acknowledge the 50th anniversary of the creation of the European Parliament.

As chair of the U.S. delegation of the Transatlantic Legislators' Dialogue, I would like to congratulate the European Parliament on its remarkable evolution. Fifty years ago, it was a small assembly with non-elected members, just four official languages, and only consultative powers; today it is a directly elected parliament with members speaking 23 languages, wide decisionmaking powers over legislation and budgeting, as well as control and scrutiny of the European Commission. The Lisbon Treaty, which is currently awaiting ratification, could enlarge the powers of the European Parliament even further.

Members of the European Parliament have also broadened their sphere of influence beyond domestic European affairs, engaging vigorously in our Transatlantic Legislators' Dialogue. That dialogue has contributed to bringing the European Union and the United States closer together and continues to be of utmost importance, enhancing national security and stimulating economic growth on both sides of the Atlantic. The Transatlantic Legislators' Dialogue has held bi-annual interparliamentary meetings since 1972, when a U.S. congressional delegation visited the European Parliament for the first time. Over 60 meetings later, I am proud to have played a role in enhancing and strengthening the ties between the European Union and the United States.

As a long-time advocate of transatlantic relations, I was delighted to host our latest interparliamentary meeting this past October in Las Vegas. During our meeting, we discussed a number of important transatlantic issues, including regulatory initiatives under the Transatlantic Economic Council, the rise of global anti-Semitism. and foreign policy challenges, such as the Middle East, Kosovo, Russia, and China.

I look forward to continuing our transatlantic dialogue at the next TLD meeting—in Ljubljana, Slovenia in May—and to continue following the future development of the European Union. Fifty years after its birth, the European Parliament is growing stronger each year, and I once again congratulate the Parliament and the European Union as a whole on its achievements.

HONORING TERESA KAY-ABA KENNEDY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognizing Teresa Kay-Aba Kennedy, a business and lifestyle expert who holds certifications in yoga, fitness, weight management and offers unique multidisciplinary approaches to an authentic, healthy and successful life. She has a dual B.A. magna cum laude in Sociology and Design from Wellesley College, an MBA from Harvard Business School, and a Ph.D. in World Religions. Born in Ghana, schooled in Australia and Italy, she comes from a family of high achievers. Her parents Janie Sykes-Kennedy and Dr. James Scott Kennedy were international media pioneers. Her great uncle, James Atkins, was a member of President Franklin D. Roosevelt's "Black Cabinet."

Nationally recognized as a motivational speaker and leader in wellness and empowerment, Dr. Kennedy is on the faculty of the Institute of Integrative Nutrition and is Chair of the Board and Interim President/CEO of Yoga Alliance—the non-profit organization that sets standards for yoga teaching in the United States and offers support to its registry of over 18,000 yoga teachers and almost 800 yoga studios.

After almost dying from Crohn's Disease ten years ago, she has personal experience with transformation serving as a role model for healthy living. Her mission is to help people from all walks of life live better lives and has worked with a variety of clients from senior executives and entrepreneurs to people with specific ailments, ranging from Asthma, Anorexia, Diabetes, Hypertension, Obesity, Adult ADD and Leukemia.

Dr. Kennedy has a long record of success in both the business and creative worlds consulting and writing case studies on Fortune 500 companies for Harvard Business School, working as a creative consultant for Universal Studios, and spending seven years as an executive at MTV Networks.

Her wellness and empowerment work has been featured in media around the world from CNN, NBC, Martha Steward Living Radio, ARD TV in Germany to The New York Times, Yoga Journal, and O: The Oprah Magazine. Dr. Kennedy is the producer of the Power Living: Mini-Escapes relaxation CD, author of "40 Days to Power Living: Think Eat and Live on Purpose", "The Power Living Pledge: An Affirmation for a Purposeful and Powerful Life" as well as three case studies published under the Harvard Business School. She has received a number of awards, including The Network Journal's 40 Under Forty Achievement Award.

Madam Speaker, it is an honor to pay tribute to this outstanding woman who has an unparalleled career of leadership, motivation and dedication on behalf of others, Dr. Teresa Kay-Aba Kennedy deserves our profound thanks.

STACEY ELLIOTT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stacey Elliott of Liberty, Missouri. Stacey is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Stacey has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Stacey has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Stacey Elliott for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

TRIBUTE TO THE WURZER FAMILY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate and recognize Duane, Joann, Kelli, Staci, Amy, Brooke and Andy Wurzer of Chickasaw County, Iowa for being named the 2007 Outstanding 4–11 Family.

Duane has been involved with the local 4–11 club by coaching softball, conducting service projects and helping with livestock projects. Joann has been a leader of the Lawler Lassies and Lads club for 16 years. All five of their children started in 4–11 as Little Clovers in the second grade. They have all held various leadership positions, earned awards for their efforts in a variety of areas, volunteered in numerous service projects and have had many projects selected at the Iowa State Fair.

4–H's mission is to ''empower youth to reach their full potential, working and learning in partnership with caring adults.'' Duane and Joann have been compassionate adults who continue to strive to empower more children to reach their goals each day. As parents and mentors they have touched the lives of many children who have then gone on to inspire others, to continue the cycle for generations to come.

I know that my colleagues in the United States Congress join me in commending the Wurzer family's leadership and donation of time and talent for the benefit of Chickasaw County's youth. I consider it an honor to represent Duane, Joann, Kelli, Staci, Amy, Brooke, and Andy Wurzer in Congress and I wish them the best in their future endeavors.

PERSONAL EXPLANATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. MITCHELL. Madam Speaker, due to family obligations in Arizona that required my attention, I missed the following votes and had I been present, I would have voted against rollcall vote No. 111, the Motion to Adjourn; rollcall vote No. 112, the Motion to Adjourn; rollcall vote No. 113, the Motion to Adjourn; and rollcall vote No. 114, the Motion to Adjourn.

I would have voted in favor of rollcall vote No. 115, H. Res. 924; rollcall vote No. 116, the Motion to Table the Appeal of the Ruling of the Chair; rollcall vote No. 117, the Vote to Override the President's Veto of H.R. 2082; rollcall vote No. 118, H. Res. 948; and rollcall vote No. 119, H. Res. 493.

I would have voted againat rollcall vote No. 120, the Motion To Adjourn.

I would have voted in favor of rollcall vote No. 121, on Ordering the Previous Question; rollcall vote No. 122, H. Res. 1031; and rollcall vote No. 123, the Motion to Adjourn.

IN COMMEMORATION OF WOMEN'S HISTORY MONTH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. AL GREEN of Texas. Madam Speaker, I wish to commemorate the month of March 2008 as Women's History Month in honor of the female trailblazers and unsung heroes in American history.

Historically, women have contributed significantly to the greatness of our Nation. American women from diverse origins have transformed and revolutionized politics, law, business, social service, civil rights, education, music, athletics, science and technology, as well as the military. Together, their dedication, perseverance and courage has generated a wave of opportunities for entire generations of women. The contributions of notable women such as Susan B. Anthony, Clara Barton, Harriet Tubman, Dorothy Height, Coretta Scott King, Sally Ride and many others have sparked an unstoppable momentum for women's rights and others.

In government, trailblazers such as Hattie Wyatt Caraway, the first woman elected to the U.S. Senate (1932), and Jeannette Rankin, the first woman in Congress (1917), paved the way for 16 female Senators and 70 female Representatives to be elected to the 110th Congress, which is the highest number ever in congressional history. More importantly, the House of Representatives elected Nancy Pelosi, the first woman to serve as the third most powerful official in America. In the legal sector, women such as Arabella Mansfield Babb, the first woman admitted to the bar (1869), and Belva Ann Lockwood, the first woman to practice law before the U.S. Supreme Court (1879), have opened doors for women to enter the professional workforce as legal experts. Similarly, Lucy Brewer, the first woman marine (1812), inspired her predecessors to defend their Nation with pride and valor.

These women and many others are legends today. Therefore, it is essential that all Americans acknowledge and celebrate the contributions of women throughout our Nation's history. In addition, as America's arms stretch out across the seas, we must honor women in the international community that have challenged, changed and improved the condition of women and others in their native countries. That is why on March 8, 2008, America celebrated International Women's Day.

I urge my colleagues and all Americans to commemorate women for their contributions to the advancement of our great Nation.

RECOGNIZING THE 50TH ANNIVERSARY OF THE EUROPEAN PARLIAMENT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. BERMAN. Madam Speaker, I rise today to call to the attention of my colleagues the 50th anniversary of the European Parliament—the legislative body of the European Union. It is a great pleasure to celebrate this very special day in the history of the European Union. Seldom in so short a period as 50 years do we have the opportunity to witness the birth and evolution of such an important democratic institution.

In the 25 years that I have served as a Member of the United States Congress, the European Parliament has undergone a dramatic transformation. It began as an institution whose members were appointed by national parliaments, and it played a minor role in the policy-making process. Today. the European Parliament is a truly democratic legislature whose members are elected by the popular vote of the people in all member states of the European Union. Furthermore, it has a key role in approving the members of the European Commission and in adopting the EU budget. As the United States Congress, the European Parliament also has significant responsibility for conducting oversight of EU executive governmental institutions.

Madam Speaker, the first half of the 20th century was marked by two bloody World Wars that devastated the European continent and produced deep divisions between European countries. World War I produced sharp national differences among the Europeans, which continued to fester even after that war was concluded. At the end of World War II. Europe was divided by the ''Iron Curtain,'' which ideologically, and politically separated the continent's peoples. During the era of the Cold War, the unification of the Western and Eastern Germany seemed like an impossible dream let alone the unification of Western and I astern Europe. however, the last half-century has seen the remarkable growth of an ever closer union of people and states.

Indeed, the success of the European Union has produced significant changes in the make

up of Europe. The European Union began as an institution for economic cooperation among six Western European nations in 1951, but it has evoked into a political and economic union that now embraces 27 European nations, including 10 former communist states of Central and Eastern Europe. The European Union has brought peace, stability and prosperity to almost 500 million people.

In 1951, Madam Speaker, the Treaty of Paris, which created the European Coal and Steel Community provided a minor rule for a Parliamentary Assembly. This body evolved and was institutionalized as the European Parliamentary Assembly in the Treat of Rome that was signed seven years later. the Assembly held its first meeting on March 19, 1951, under the leadership of its first president and one of Europe's great visionaries, Robert Schuman. At that time the parliament was only a consultative body composed of 142 members appointed by the national parliaments of the member states. The members conducted their business in four official languages.

In 1962, the body became the European Parliament, and in 1979, its members were chosen for the first time through direct elections. Over time, treaty revisions have expanded the powers of the European Parliament over legislation, the budget and executive oversight. The European Parliament now has 785 members who work in 23 official languages, and it represents the 492 million citizens of the 27 member states of the European Union.

Madam Speaker, I am delighted that the United States House of Representatives has a cooperative working relationship with the European Parliament. For the last three decades. delegations of our respective legislatures have met twice a year to discuss our common goals and have endeavored to bring the United States and the European Union ever closer together. Currently this exchange—the Trans-Atlantic Legislators Dialog, TLD—is led on the United States side by Chairwoman SHELLY BERKLEY of Nevada and Vice Chairmen CLIFF STEARNS of Florida and JIM COSTA of Californina. The European Parliament delegation is ably led by Jonathan Evans, a member of the European Parliament from the United Kingdom.

Over the last half-century, Madam Speaker, the United States has worked with our European allies to promote democracy, the rule of law, free market economies and human rights around the world. The 50th anniversary of the European Parliament provides an excellent occasion for all of us to reflect upon our friendship with our colleagues in the European Parliament and to celebrate with them this successful trans-Atlantic cooperation. The ratification of the Treaty of Lisbon and the parliamentary elections in June 2009 should further reinforce the European Parliament's critical role in the European Union decision-making process. I congratulate the European Parliament on its first half-century and look forward to continued collaboration in the future.

RECOGNIZING THE HONORABLE LAURA HILL UPON BEING NAMED CITIZEN OF THE YEAR BY THE SOUTHLAKE CHAMBER OF COMMERCE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. MARCHANT. Madam Speaker, I rise today to pay tribute to the Honorable Laura Hill, a Southlake City Councilwoman, community and civic leader, as recipient of the Citizen of the Year Award presented by the Southlake Chamber of Commerce.

Laura Hill has been a tireless public servant with a strong sense of stewardship to the entire Southlake community. Ms. Hill's public service truly speaks for itself. She is not only a City Councilwoman, but the Founder and President of SPARKS (Students and Parents Against Risks to Kids in Southlake), Co-founder and Vice President of the Southlake Angel Society, a member of the Southlake Historical Society, and a graduate of Southlake's DPS Citizens Academy and Southlake's fire rehab team. Somehow, she finds additional time for involvement in numerous other community organizations, as well.

Of the many examples of Ms. Hill's selfless service, one story in particular stands out. Not long ago, a Southlake firefighter had a baby with significant medical problems. Due to the high medical costs, the firefighter's family was struggling to keep up. Upon hearing about the situation Laura immediately volunteered and created a fund raiser with her friends. The event raised approximately $16,000 entirely for the family of the Southlake firefighter.

Whether it is creating fund raisers for those in need, preserving the city's history, solving zoning problems, caring for the children in the community, or volunteering for the city's emergency response team, Ms. Hill is always willing to go above and beyond to serve her community.

I proudly commend the Honorable Laura Hill for her tireless passion and commitment to the betterment of Southlake, Texas. Many community members are grateful for her service and I congratulate her for receiving this prestigious award.

TAMARA CASH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tamara Cash of Kansas City, Missouri. Tamara is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Tamara has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Tamara has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Tamara Cash for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

HONORING SHEILA JOSEPH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize Sheila Joseph, a native New Yorker, daughter of Haitian immigrant parents and raised in public housing, Ms. Joseph conducted her undergraduate studies at the University of California at Berkley where she double majored in psychology and legal studies, with a minor in education, earning her Bachelor of Arts degree in just three years. After graduating from Berkley in 1994, Sheila began her legal studies at Georgetown University Law School in Washington, DC. While a student at Georgetown, she worked as a student attorney handling juvenile delinquency cases in the District of Columbia Superior Court.

Upon completing her legal studies in 1997, Ms. Joseph returned to her native New York and spent the next four years working as an attorney for indigent clients, first as a staff attorney with the Neighborhood Defender Service of Harlem, then as a law guardian with The Children's Law Center of New York. Based on her experiences as a law student and lawyer, she became increasingly frustrated by the limitations of the law as an instrument for empowering young people and communities. She determined that the best long term course was to be an educator and have a positive impact on children and impoverished communities.

In 2001, Sheila Joseph applied for, and was accepted into, the New York City Teaching Fellows Program and taught math and science at P.S. 40 in Queens while earning a Master of Science degree in Elementary and Early Childhood Education from Queens College. In September 2004, Ms. Joseph began a one-year residency with Building Excellent Schools, a prestigious and rigorous Boston-based program that trains and supports aspiring charter school founders. She founded the East New York Preparatory Charter School in August 2005.

East New York Prep, ENYP, opened its doors to 100 kindergarten and first grade students in September 2006 to ensure that boys and girls growing up in East New York would have the same opportunity for a good life as children in wealthier communities. ENYP's mission is to address the specific needs and challenges of children in East New York to ensure that students achieve or exceed grade-level mastery of academic content, knowledge and skills.

Madam Speaker, I am pleased to recognize Sheila Joseph and her impressive accomplishments in academia. Her passion and concern for inner-city children's educational needs is noteworthy indeed.

HONORING 60TH ANNIVERSARY OF HARRISVILLE LIONS CLUB

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. ENGLISH of Pennsylvania. Madam Speaker, today I rise to congratulate the members of the Harrisville Lions Club as they celebrate their 60th Anniversary this year.

For over half a century, the Harrisville Lions Club has been dedicated to helping the less fortunate. As a Lions Club, the organization is part of the world's largest service organization with over 1.3 million members worldwide.

They have provided aid for those in need, whether it is helping local residents obtain eyeglasses or assisting families after disasters. The Club has been involved in several children's programs, including supporting a camp for local blind children and sponsoring a drug poster program aimed to raise awareness among elementary students of the problems associated with drug use.

I commend Harrisville club president, Lion Connie Rider, for her leadership and dedication to the organization. I'd also like to recognize Lion Leroy Montgomery, who at the age of 99, remains a very active member of the Harrisville Lions Club. I applaud Mr. Montgomery for his lifetime of dedication to helping the less fortunate in his community. His efforts have certainly not gone unnoticed.

I hope my colleagues will join me at this time in recognizing the accomplishments of these individuals as well as all of the other members of the Harrisville Lions Club. Congratulations on 60 years of service.

TRIBUTE TO THE LEE COUNTY COALITION FOR A DRUG-FREE SOUTHWEST FLORIDA

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. MACK. Madam Speaker, I rise today to honor the Lee County Coalition for a Drug-Free Southwest Florida for spreading awareness about the dangers of drug use and underage drinking at its second annual Drug House Odyssey. Over 10 community agencies have partnered with the Coalition to infirm children, teenagers and parents about substance abuse at this year's event. Last year's Drug House Odyssey attracted over 3,000 students, teachers, and parents, and I'm confident that this year's event in Cape Coral will be an even bigger success.

For nearly 20 years, the Lee County Coalition has educated tons of thousands of students in Southwest Florida about substance abuse. From school visits to conferences, community celebrations to professional counselor training, the Lee County Coalition has been empowering teenagers and families to make the right choices about drug and alcohol use. Their work is just a vital part of what makes Southwest Florida a great place to live, work and visit.

The focus of the Lee County Coalition's annual Drug House Odyssey is prevention: teaching children and teenagers about the dangers of drugs and alcohol and encouraging them to make smart decisions about their health. It's appropriate that this year's event will be held during National Alcohol Awareness Month. The facts are staggering: according to a recent Florida Youth Substance Abuse survey, over 35 percent of teenagers in Lee County have reported using alcohol in the last 30 days; nationally, the average is 16 percent.

That's why the good work that the Lee County Coalition performs every day to help children and teenagers make smart decisions about drugs and alcohol is so important, and why I ardently support their mission.

Madam Speaker, it is an honor and a privilege to represent the staff and volunteers of the Lee County Coalition for a Drug-Free Southwest Florida in Congress, and I wish them all the best at their second annual Drug House Odyssey.

HONORING DENISE JONES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Denise Jones who was born and raised in Brooklyn. Ms. Jones' commitment to public service originated from her mother and role model, Rosalie Jones, who showed her the benevolence of charitable kindness to others. Her mother is currently a retired New York City public school teacher who served her community for dedicated thirty-five years.

Denise Jones started her career in human services seventeen years ago working with MRDD at Catholic Charities as a per diem weekend counselor. Even though she held a printing job, she went to work at the Odyssey House as a counselor making half the salary. She remembers saying that the moment she took that job, she knew It was her life's work.

Ms. Jones has worked with the following agencies: Project Return now known as Padilla; FEGS; The Fortune Society; AHRC; PSI Samaritan; The Partnership for the Homeless with the United Way of New York City; Innerforce; CAMBA and Ella Place. Denise has worked with youth at risk for incarceration, substance abuse MICA patients, mentally-challenged and ill, ex-offenders, senior citizens, homeless, people that suffer with HIV and AIDS.

She has been honored in the New York Nonprofit Press May 2007 issue as ''Hero of the Year'' and by the Elliot Tomlin Foundation with the vision award for outstanding community service. Denise Jones has marched on Washington to represent all the people that has died from lack of funding for HIV and AIDS research for a cure. Moreover, she is a certified rapid HIV tester and has completed a WORC program at Columbia University that addresses the delivery of vocational services for consumers with serious mental health conditions.

Denise attends a food and hunger conference to support world food aid once a year and currently serves Community Board #5 as a cabinet member. Dedicating her life to addressing social problems and assisting in reconstructing individual lives is Denise Jones' life's work and even now, she is working as a project coordinator on a SPICE pilot program to reduce disparities in childbirth through education and support services.

Madam Speaker, it is incumbent upon this body to acknowledge Denise Jones' achievements and her spirit of volunteerism on behalf of the betterment of our community.

EMILY BUNGE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Emily Bunge of Saint Joseph, Missouri. Emily is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Emily has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Emily has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Emily Bunge for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

TRIBUTE TO JO ANN FORNEY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PAYNE. Madam Speaker, I am proud to rise today to honor an extraordinary public servant, Jo Ann Forney. Ms. Forney has contributed thirty plus years of love and concern to her community in East Orange, New Jersey. Prior to attending Rutgers University, Ms. Forney worked at Western Electric and at the Conmar Zippers Factory as an assembler. She also worked at Bell Telephone as a toll operator.

After graduating from Rutgers, Ms. Forney became a Family Enabler for Family Life Education Center. There she became a substance abuse counselor and worked part-time on weekends and holidays at Orange Memorial Hospital as a switchboard operator.

Finally, Ms. Forney worked as a social worker at United Hospitals and later she became a valued employee of the East Orange Board of Education at the Enrollment Center for the past 10 years.

Madam Speaker, I invite my colleagues here in the U.S. House of Representatives to

join me in honoring Ms. Forney as she leaves the East Orange Board of Education, and in expressing appreciation for her hard work and dedication. I am proud to honor Ms. Forney and I wish her never-ending success in her future endeavors.

TRIBUTE TO BUSINESS EXECUTIVES FOR NATIONAL SECURITY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to publicly recognize the contributions of Business Executives for National Security (BENS). Founded in 1982 by business executive and entrepreneur Stanley A. Weiss, BENS is guided by the simple notion that America's security is everybody's business. BENS has become a highly respected national, nonpartisan organization of senior executives dedicated to enhancing our national security using the successful models of the private sector.

The innovative business-government partnerships that BENS has fostered over the past two decades are uniquely positioned to help meet the new challenges of the 21st century. BENS is expanding these public-private partnerships into all aspects of homeland security—tracking terrorists' financial assets, securing the Nation's ports, and preparing State and local governments to deal with catastrophic events or terrorist attacks.

Business Executives for National Security has provided decades of distinguished service to the Nation through a variety of programs. These include advocating for a more modern and agile fighting force, safeguarding and destroying nuclear, chemical, and biological weapons in the former Soviet Union, and creating innovative partnerships around the country in which civic-minded companies volunteer their assets and employees to assist local and state governments in responding quickly and efficiently during an emergency or terrorist attack.

Madam Speaker, I know the Members of the House will join me in commending Business Executives for National Security for their commitment in support of our national security interests.

SALUTING PHIL COHEN, ''MR. BROOKLYN CENTER,'' ON A LIFETIME OF PUBLIC SERVICE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. RAMSTAD. Madam Speaker, I rise today to pay tribute to a very special government, business and civic leader in Brooklyn Center. Minnesota, Phil Cohen.

Phil's long career in public service has been guided by former Vice President Hubert Humphrey's fundamental principle: ''The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.''

Phil has truly lived up to those lofty aspirations. I want to thank Phil Cohen for his many decades of public service to the people of our area—and wish him a happy 80th birthday.

Phil Cohen, ''Mr. Brooklyn Center,'' is one of a kind—a friend to all and a dynamic whirlwind of economic, civic and charitable activity. His personal motto is: ''It's important for each generation to leave society in a better state than they found it.'' Madam Speaker, Phil Cohen has done that and then some.

He is truly an inspiration. The Philip Q. Cohen Room at the Brooklyn Center Community Center attests to the magnitude of his giving.

There are many reasons Phil is known as ''Mr. Brooklyn Center,'' From 1960 to 1990, at various times he served as Mayor and on the City Council and School Board. He has held leadership positions with the Metropolitan Council, the League of Minnesota Cities and many more community organizations.

There is no cause or community organization, from the Lions and Rotary to the North Metro Mayors Association, Chamber of Commerce and Babe Ruth Baseball, which has not been touched by his energy and his heart. Phil helped create the Brooklyn Center Crime Prevention Association and the Brooklyn Center Charitable Foundation.

Whether it is helping the Brooklyn Center Police Department obtain life-saving equipment; rescuing the Brooklyn Center High School Band program, which includes many students from disadvantaged families; helping local youth baseball; making every imaginable non-profit and civic group more viable and effective; mentoring a young person in leadership and public service; or just being there for someone in need, Phil Cohen has done it all.

I have personally long relied on Phil's wise counsel. As a young Congressman arriving in Washington. I appreciated Phil's guidance on the ways of our Nation's Capitol. Phil was always there to counsel. As Legislative Assistant to former U.S. Senator Dave Durenberger for a decade. Phil shared his expertise with me, and my constituents have been the beneficiaries.

Madam Speaker, I want to wish Phil Cohen a most joyous 80th birthday for his inexhaustible spirit of public service and all the good he has done for the people of Brooklyn Center. Phil truly is ''Mr. Brooklyn Center.''

HONORING YVONNE GRAHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Brooklyn's Deputy Borough President, Yvonne Graham who has been a pioneer in the area of public health for over 20 years. As Brooklyn's Deputy Borough President, Ms. Graham oversees health care policy and all human services for the borough president. Her vision was critical to the 2005 founding of Brooklyn's first Center on Health Disparities, which works to reduce cardiovascular disease, HIV/AIDS, tuberculosis, infant mortality, asthma, and diabetes among minority communities. This center is part of an innovative partnership with the SUNY Downstate Medical Center and the Arthur Ashe Institute for Urban Health.

In an effort to increase the number of women in leadership positions in government, business, and industry. Ms. Graham spearheaded the Women's Leadership Initiative, a partnership between academic institutions, government agencies, community-based organizations, and the private sector that brings women together for dialogue and networking.

Born and raised in Jamaica, West Indies, she moved to New York in 1979 working as a registered nurse in the emergency room of Brookdale Hospital. She holds a bachelor's degree in health administration and community health from St. Joseph's College and a master's degree in public health from Hunter College. In addition, she completed the Executive Program in business administration at Columbia University School of Business and an honorary doctor of law degree conferred on her by St. Joseph's College, her alma mater.

Yvonne Graham has written and published many professional articles and has recently co-authored a textbook that serves as a seminal guide to the operations and management of community-based health organizations and their role in improving health outcomes.

She has been the recipient of numerous awards and honors: YWCA's Women of Distinction Award; National Association of Black Social Workers' Public Citizen of the Year Award; the Frederick Douglass Medal of Honor awarded by the New York State Governor to distinguished Africans-Americans; the American Lung Association's Distinguished Award for Leadership, Creativity, and Caring in Promotion of Community Health; and the Harriet Tubman Award.

Madam Speaker, Ms. Graham's record of public service has continuously demonstrated a level of altruistic dedication and today we should recognize this outstanding woman.

EMILY BECKER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Emily Becker of Blue Springs, Missouri. Emily is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Emily has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Emily has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Emily Becker for her accomplishments with the Girl Scouts of America

and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

INTRODUCTION OF LEGISLATION TO NAME THE NEW CENSUS BUREAU HEADQUARTERS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mrs. MALONEY of New York. Madam Speaker, today I am introducing a bill with my colleagues Mr. WYNN, Mr. HOYER, Mrs. HOLMES NORTON, Mr. TOM DAVIS, Mr. TURNER, Mr. HONDA, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. COHEN to name the new Census Bureau Headquarters building for Founding Father, Thomas Jefferson. The Founding Fathers' recognition of the need for fully representative government which put power in the hands of the people was unprecedented at the time of the Constitution's adoption. The modern decennial census is a uniquely American invention. Naming the Census Bureau Headquarters for Thomas Jefferson, who oversaw the first national census, underscores this historic contribution.

HONORING MARGOT WRIGHT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. BACA. Madam Speaker, I stand here today to honor and remember a civic leader, champion for worker's rights, loving mother and grandmother—Margot Wright.

Margot passed away on Saturday, March 8, 2008.

She was born in Mansfield, Ohio. She attended the Ohio State University, and remained an enthusiastic Buckeye's football fan throughout her life.

In 1967, she moved to California and came to my hometown of Rialto. Here she began a long career as a tax-collections worker in San Bernardino County. Margot soon became an integral part of the Rialto community. She volunteered her time and home to feed overworked police and firefighters, help keep score at little league baseball games, and at the same time raised two wonderful children as a single parent.

During her career, Margot became very involved with her local union. She held numerous terms as president of the San Bernardino Public Employees Association, the union that represents most San Bernardino County workers and counts over 11,000 members.

Margot was known as a fighter, someone who took her union duties seriously and stood up to protect her fellow employees.

I had the great privilege of getting to work with Margot firsthand in the community. Even just a few years ago, she was still an outspoken advocate for her community—when in 2005, she helped lead the support for the Rialto Police Department during their battle to keep the city from contracting with the County Sheriff's Department.

Margot is survived by her son Todd, who is a retired Rialto police officer, her daughter Terri, and three grandchildren.

Let us take the time to pay tribute to this wonderful woman. Let us celebrate the life she lived and the example she led.

Although she is no longer with us, Margot's legacy and spirit will continue to live on through the lives of everyone she has touched. The thoughts and prayers of my wife Barbara, my family and I are with her family at this time.

IN HONOR OF W.L. ''CORKY'' BURR

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. BLUNT. Madam Speaker, I rise today to honor Trooper W.L. "Corky" Burr of the Missouri State Highway Patrol, one of four state troopers nationally to be nominated for the 2007 International Association of Police Chiefs' Trooper of the Year Award. Although I am disappointed to learn that Trooper Burr did not win the award, I want to take this opportunity to honor him and his service to our community. I also extend my congratulations to the winner of the Trooper of the Year Award, New York State Trooper Amanda Reif.

Trooper Burr's actions last August in Neosho, Missouri, are testament to his skill and training as a Missouri State Trooper. On August 12, 2007, a tragic shooting spree occurred in my district at the First Congregational Church in Neosho, Missouri. That shooting left three people dead and several others seriously injured. Trooper Burr arrived at the scene, along with officers from the Neosho Police Department and the Newton County Sheriff's Office, and joined a team of other experienced officers schooled in special weapons and tactics. As they entered the sanctuary of the church, they found a man holding a female hostage at gunpoint, with around 30 members of the congregation positioned around him. Three victims were found lying on the floor mortally wounded and five others critically injured. During a tense confrontation between the suspect and the officers, Trooper Burr was able to calm the gunman, leading to his surrender and allowing the officers to take him into custody.

I had the privilege to meet with Trooper Burr and the other brave law enforcement officers shortly after this tragic event and personally thank them for their heroic actions to save the lives of the others in the church that day. I am proud today to honor Trooper "Corky" Burr for his well deserved nomination for Trooper of the Year, his dedication to his profession and his service to our community, and ask my colleagues in the House to join me in doing the same.

HONORING DR. MONICA DWECK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize Dr. Monica Dweck, a native New Yorker who graduated from Hunter College High School and then attended Princeton University. However, after working for several years, she decided to attend medical school at the State University of New York at the Downstate Medical Center in Brooklyn, New York. Upon graduation, she interned at Hartford Hospital in Connecticut, a large Level I trauma hospital. She returnee, to New York City to do her residency in Ophthalmology at The New York Eye and Ear Infirmary where she was the first African-American woman in their 180-year history.

Her fellowship In Oculoplastic, Reconstructive and Orbital Surgery was done at the Cleveland Clinic and she was the first woman of color in the entire country to receive this type of fellowship training. She then entered private practice in Pennsylvania for several years. Dr. Dweck was soon recruited back to SUNY Downstate Medical Center to create an Oculoplastic Surgery curriculum for the Ophthalmology Residency Program there and to become Director of the Oculoplastic Surgery Service. A few months after her arrival, she was asked to run the Ophthalmology Residency Program. In 2005, Monica was appointed Vice-Chair and Program Director for the Department of Ophthalmology.

Dr. Dweck has held many leadership positions locally, regionally, nationally and has chaired several committees at SUNY Downstate Medical Center. She was elected to the Board of Directors of the New York State Ophthalmological Society and also the Brooklyn Ophthalmological Society, where she served as President.

In 2001, she was appointed by the New York State Board of Regents to the New York State Board of Medicine. Dr. Dweck was elected Chairperson-Elect of the National Medical Association—Ophthalmology Section In 2005.

Dr. Monica Dweck has lectured on national and international levels and has several research abstracts and book chapters. She has received numerous awards over the years, including a listing in the Castle-Connelly "Top Doctors in the New York Metro Area" annually since 2000 and Strathmore's Who's Who.

Madam Speaker, I am very pleased to recognize Dr. Dweck's remarkable career and selfless dedication to medical research, She is distinguished member of the Brooklyn medical community.

ELIZABETH CRUZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Elizabeth Cruz of Liberty, Missouri. Elizabeth is a very special young

woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Elizabeth has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Elizabeth has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Elizabeth Cruz for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

INTRODUCTION OF THE DISTRICT OF COLUMBIA COURT, OFFENDER SUPERVISION, PAROLE, AND PUBLIC DEFENDER EMPLOYEES EQUITY ACT OF 2008

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Ms. NORTON. Madam Speaker, today Congressman TOM DAVIS (R–VA) and I introduced a bill that will correct a long overdue oversight affecting the non-judicial employees of the D.C. Courts, the Court Services and Offender Supervision Agency, CSOSA, and the D.C. Public Defender Service, PDS.

Under the 1997 National Capital Revitalization and Self-Government Improvement Act of 1997, the Federal Government took over the operation of the District of Columbia Courts and related services making the non-judicial employees of the D.C. Courts and the employees of CSOSA Federal employees. In 1998, employees of PDS were similarly transferred as part of the District of Columbia Courts and Justice Technical Collections Act. As Federal employees, these court, CSOSA and PDS employees were brought under the Federal Retirement Program, FERS. However, for the employees transferred in 1997 and in 1998, ''creditable service'' for the purposes of determining when they would be eligible to retire and the amount of annuity they would be entitled to under FERS only began from the date of the transfer. That is, the 1997 and 1998 laws made no provision for treating their year of service as court and related services employees prior to these laws as creditable service for retirement.

Accordingly, the bill we introduced today will amend these laws to require that the time served by these employees before 1997 will count towards their overall Federal retirement eligibility as ''creditable service.'' So for example, if an employee is 60 years old today and has worked 20 years (i.e., since 1985) for the D.C. Courts, under our bill he would be eligible for Federal retirement today (whereas without our bill he would have to work another 12 years).

I should also note that to avoid the problem of ''double dipping,'' since the employees are still entitled to their D.C. retirement benefits (based upon their work status up until 1997), our bill does not count the pre-1997 years spent as D.C. government employees towards the amount of Federal retirement annuity an employee is eligible to receive.

However, it is only fair and just that the court and related services employees who started their jobs with the expectation that would be able to retire without penalty after 20 years of service or more should be allowed to do so. Our bill today does just that, it restores their ''lost time.''

CELEBRATING THE GRANADA THEATER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to honor the Granada Theater located in Mt. Vernon, Illinois, as the community celebrates its 70th anniversary.

The Granada Theater was designed in 1937 by the Boller Brothers and was recently reopened to the public with a weekend long celebration. Many wonderful memories were shared by community members who recalled the original theater and several great movie classics. The announcement that Pearl Harbor had been attacked and the first air conditioning system in the theater were among many unforgettable memories. However, one of the greatest memories that will be shared for years to come was created that night with the relighting of the marquee.

Countless hours of hard work and dedication from community members, along with local businesses, came together to make this celebration possible. Along with the memories shared there were theatrical performances, and the first movie was shown in the renovated theater. The renovated theater is intended to be used for other community events, such as dinner theaters and wedding receptions.

I am pleased to congratulate the Granada Theater on its 70th anniversary celebration.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. KLEIN of Florida. Madam Speaker, today I submit a record of how I would have voted on Tuesday, March 11, when I was unavoidably detained. Had I voted, I would have voted ''no'' on rollcall No. 120.

HONORING GLORIA CHESTNUT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise to recognize Gloria Chestnut, a native of Washington, DC, whose lifelong dream was to further her education. However, she was faced with a critical decision, as she was a single mother, sole provider in her home and yet would have to learn to cope with the challenges of being a student with homework as well as being a full-time breadwinner. Yet she did just that, beginning her amazing journey at the age of 45.

In 1988, Gloria did continue her educational dream by enrolling in Medgar Evers College and was still a liberal arts student there when she retired from the U.S. Postal Service after 27 years of service. She began an introspective search into what would ultimately be her true calling. After graduating with an associates degree from Medgar Evers College, she entered the Graduate Center CUNY B.A./B.S. program and began classes at Brooklyn College in 1995.

It was there in 1997 during a class in the radio and television masters program, when a fellow classmate shared his experience with Brooklyn Community Access Television, BCAT, that she realized her future potential. Here she was, a 67-year-old mother, grandmother of seven, and a great-grandmother of two found a career in the arts through the venues of film, video, radio, and television. Gloria volunteers much of her time assisting producers with their productions as well as editing her own weekly show at BCAT. She produces weekly shows that reflect spirituality: ''Expressions of Faith'' and ''Expressions of Faith Ministries'' are programs that explore faith and the healing power of prayer.

Gloria Chestnut is a member of various organizations: GAMA, Grandmothers As Mothers Again; United Parents For Justice; Church Women United; JPAC, Jewish Association for Services for the Aged; NCNW, National Council of Negro Women; AARP Brooklyn Chapter #180; St. Gabriel and Ft. Greene Senior Centers; JASA, Institute for Senior Actions, as a former volunteer cameraperson for Jazz 966 and Jazzy Jazz. As an independent producer, Gloria has numerous productions to her credit: Aids in the Black Church; The Messiah Is Coming; The Real Life of Harriet Tubman; Malachi Roots Revisited; Mighty Men in the Bible; and many more.

Madam Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Gloria Chestnut as she offers her talents and services for the betterment of our community. Since 1999 she has been rewarded the Hardy Smallwood Foundation Community Service Award, first place PEGASY Religious Import Award, third place in the Alliance for Community Media/Northeast Region Festival, Women's History Month Access Fund Award, Bethune Recognition Award for Loyal and Faithful Service, and the International Library of Photography Editor's Choice Award.

Madam Speaker, Gloria Chestnut is a remarkable woman who demonstrates that she has reinvented the wheel as a senior citizen with a wonderful second career as a video producer.

RECOGNIZING THE SECOND ANNUAL CESAR CHAVEZ CITIZENS MARCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in recognizing the second annual Cesar Chavez Citizens March in my hometown of Flint, Michigan. The March will be held on March 29th to coincide with the 81st birthday of Cesar Chavez.

The Hispanic Latino Collaborative of Genesee County is sponsoring the Citizens March. The March will start on the campus of the University of Michigan-Flint, proceed down Chavez Drive, and conclude back on campus with a luncheon and reception. A fundraiser to help the United Farm Workers will be held in conjunction with the March.

Flint Michigan was the first community in the Nation to pay tribute to Cesar Chavez by naming a street in his honor 21 years ago. Cesar Chavez was an indefatigable fighter for the rights of migrant workers. He founded the National Farm Workers Association and the United Farm Workers. His 5-year nonviolent boycott against California grape growers attracted international attention and led to the signing of the first union contract with the United Farm Workers. In 1994, one year after his death, Cesar Chavez was awarded the Presidential Medal of Freedom.

Madam Speaker, please join me in congratulating the Hispanic Latino Collaborative of Genesee County for bringing to the forefront the life and work of Cesar Chavez, and keeping his memory alive for future generations. Cesar Chavez changed the world for the better and his life is an inspiration to all persons seeking justice, parity, and enhanced working conditions for everyone.

RECOGNIZING THE CENTRAL FLORIDA BALLET

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. FEENEY. Madam Speaker, the Central Florida Ballet's ''Children Series,'' has created a performance in tribute to all who suffered in the 9/11 tragedy. This moving performance of ''9/11—An American Moment'' not only pays tribute to the men and women who tragically lost their lives that fateful September day, but also stirs our patriotism.

Performed by children, the performance captures the poignancy of tested and proven American courage, resolve and pride in response to the World Trade Center attack.

Central Florida Ballet is the only company in the Nation to have choreographed a ballet based on this fateful day in American history. They chose to approach this complex subject motivated by two strong reasons: first to educate; and second to pay tribute to the thousands of victims.

The performance is emotionally stirring. Some scenes contain live recordings of the events that unfolded that fateful morning. The end, however, is both patriotic and uplifting. Our national anthem is played and the audience rises and sings in unison with the performers.

I could not be prouder of our Orange County students and professionals for their dedication and respect in putting together this production. Together we honor part of our heritage as an American people.

HONORING DR. MYRAH BROWN GREEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize the accomplishments of Dr. Myrah Brown Green, who is currently an Adjunct/Assistant Professor of Art History at Medgar Evers College in Brooklyn, New York. She is an Art Historian, Fiber/Surface Designer and a Professional Quilt Artist and has been the Program Director of the Crown Heights Youth Collective in Brooklyn for the past thirty years.

Her quilts are in a number of private collections including the homes of personal collectors and academic institutions. ''At the Cross'' has been acquired by the Smithsonian's Anacostia Museum in Washington, DC. Myrah's quilt exhibitions include one woman shows at the Cacciloa and Back Room Galleries in New York. Other shows include the national traveling exhibit, Textural Rhythm: Constructing the Jazz Tradition, Threads of Faith, at the American Bible Society, Open House at the Brooklyn Museum of Art, Parallel Threads at the New England Quilt Museum, Six Continents of Quilts through the American Craft Museum at the Payne Webster Gallery in New York.

In addition to her remarkable career in quilts, Myrah teaches both art and history along with quilting techniques within a variety of art programs and academic institutions. Her tenure as a docent at the Brooklyn Museum of Art from 1999–2006 afforded her the opportunity to perform tours in galleries of Africa, Native America, 18th and 19th Century period rooms and American and European paintings. Her quilts appear in a number of quilt publications including Fiber Art Magazine, Spirit of the Cloth: Contemporary African American Quilts, Threads of Faith and Textural Rhythms: Constructing the Jazz Tradition. She is also the author of African Rhythms, a chapter included in the book, Rodale's Successful Quilting Library: Choosing Quilting Designs. Currently, Dr. Green has written a book entitled, ''Pieces of a World: Foundation Pieced Symbols From Around the Globe'' that is due to appear on book shelves later this year.

Myrah's PhD. in Interdisciplinary Studies with a focus in Art History is themed: The Presence of African Symbols in Modern Art. She created a lecture entitled, The Presence of World Symbols in Quilt Making, which was presented at the Storytellers in Cloth Conference, Connecticut, the Museum of the American Folk Art, Pratt Institute, New York and the Cheik Anta Diop Conference in Pennsylvania. Dr. Myrah Brown Green is a member of the Quilter's Guild of Brooklyn, the American Quilt Study Group, the Studio Art Quilt Association, Chairperson of Women of Color Quilters Network, Inc. Finally, she is the Director and Co-Founder of ''Tell Mama Now'' a mentoring program for girls interested in Art and Art History.

Madame Speaker, it is important for us to recognize the successful endeavors of Dr. Myrah Brown Green and her talented gifts as an inspirational quilter. I am pleased to congratulate her today.

PAYING TRIBUTE TO CLAUDINE WILLIAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to honor my longtime friend Claudine Williams, Chairman of Community Affairs at Harrah's Las Vegas and congratulate her for being honored by the American Heart Association for her contributions and support of promoting heart health for women.

Ms. Claudine Williams has been an exemplary citizen and businesswoman since she and her husband Shelby moved to Nevada in 1964. Claudine serves on countless boards of directors in Las Vegas and the State of Nevada including the Las Vegas Chamber of Commerce and Nevada State Commission on Tourism. For her service and generosity to the community, Claudine was inducted into the Nevada Business Hall of Fame at the University of Nevada Las Vegas in 2004.

In addition to her many professional successes, Claudine has earned numerous accolades from her peers and other notable organizations. Among those many awards and honors, Claudine has been named Humanitarian of the Year by the Muscular Dystrophy Association (1998), Educator of the Year by the Nevada Hospitality Foundation (2002), and Woman of the Year by the Nevada Dance Theater (1996). Claudine has also established endowment scholarships for education at the William F. Harrah School of Hotel Administration at the University of Nevada, Las Vegas. She was honored by the university in 1990 with the dedication of the Claudine Williams Residence Hall.

Madam Speaker, I am proud to recognize my good friend Claudine. Her hard work and efforts on behalf of the community should be emulated. I applaud Claudine Williams on her success and I wish her the best in her future endeavors.

PUBLIC TRANSPORTATION AND CLIMATE CHANGE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. OBERSTAR. Madam Speaker, I rise today to recognize that Americans took 10.3 billion trips on public transportation in 2007, and recognize the significant impact public transit use can have on improving the environment. This growth in transit usage represents a 2.1 percent increase over 2006, and is the highest level of transit ridership our country has experienced in the past 50 years. In the last decade alone, public transportation use has been more than double the growth rate of the population and up substantially over the growth rate for vehicle miles traveled on our Nation's highways for that same period. The American public has proven that riding transit—especially at such record levels—helps relieve congestion in our crowded cities, addresses climate change and energy independence, and improves the daily lives of our citizens.

Public Transportation and its relationship to the environment is further explored in a new study from the Transportation Research Board and the Division on Earth and Life Studies of the National Research Council entitled ''Potential Impacts of Climate Change on U.S. Transportation'' (Special Report 290). This report highlights the consequences of climate change for the infrastructure and operations of U.S. transportation. Specifically, the report provides an overview of the scientific consensus on those current and future climate changes of particular relevance to U.S. transportation; identifies potential impacts on all transportation modes; examines adaptation options; and offers recommendations for both research and actions that can be taken to prepare for climate change.

The report also summarizes important strategies for reducing transportation-related emissions of carbon dioxide (CO_2)—the primary greenhouse gas that contributes to climate change. Currently, public transportation plays a vital role in reducing emissions because it produces less carbon monoxide, fewer volatile organic compounds, and nearly half as much carbon dioxide and nitrogen oxides for every passenger mile traveled as compared to traveling with private vehicles. Using public transportation helps the Nation save 1.4 billion gallons of gasoline every year, the equivalent of 108 million cars filling up, about 300,000 tanks of gas each day. If Americans rode transit at the rate of 10 percent of daily travel, the U.S. would reduce its dependence on oil imported from the Persian Gulf by more than 40 percent.

For these reasons and more, I support public transportation and pledge to continue the strong Federal partnership with our local communities in providing the necessary resources to offer even more citizens the opportunity to choose transit for their daily commutes. Increased Federal support for public transportation will only further the national goals of addressing climate change, reducing our dependency on foreign oil, and renewing our commitment to environmental stewardship.

PAYING TRIBUTE TO PENDER RHYNES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to honor Pender Rhynes, a retired Chief Master Sergeant for the United States Air Force.

Pender Rhynes was born on June 23, 1945 in Campbellton, Florida. After graduating high school in 1963, Pender joined the United States Air Force, where he served twenty-six and a half years before retiring. He served five different stateside tours and three overseas tours, including the Vietnam War. During the Vietnam War, Pender was a team leader and he was responsible for making major repairs on many F–105 Fighter-Bomber aircraft. He also worked with F–117A Stealth Fighters at Nellis Air Force Base in Nevada. When Pender retired from the United States Air Force, he had earned the Rank of Chief Master Sergeant, which is the highest attainable enlisted rank in the U.S. Air Force.

Since his retirement, Pender has worked for the State of Nevada Unemployment Insurance Claims Office in Las Vegas. He has worked there as a Career Enhancement Program Representative and has since been appointed manager. He has achieved some of the highest production ever, helping thousands of Nevadans receive the training they need to attain successful employment. Pender is married to Gloria Olds and they have two sons, Anthony and Phillip. Pender also is the proud grandfather of seven wonderful grandchildren.

Madam Speaker, I am proud to honor Pender Rhynes. I would like to thank him for his service to our country and our community. I wish him the very best in his current successes and his future endeavors.

HONORING THE MADISON HIGH SCHOOL GIRLS GYMNASTICS TEAM

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Ms. HERSETH SANDLIN. Madam Speaker, on February 15, 2008, the Madison High School girls gymnastics team from my State of South Dakota won its 14th consecutive state championship. This accomplishment sets a national record for consecutive gymnastics State titles.

The Bulldogs' streak began in 1995 with a narrow victory over Stanley County High School and has continued through this season's dominant victory over runner-up Britton-Hecla High School.

Madison's list of accomplishments goes deeper than just a national record. The Bulldogs' victory streak is the longest in South Dakota history—for any sport—and the team holds the State record for highest team score in their class. In addition, Madison gymnasts have won 47 individual State titles during the streak, setting State class records for the balance beam, floor exercise and vault. In addition, Madison's Kristen Osterberg set a record with 14 career State titles from 1996 to 2001.

Led by former coach Linda Collignon and current coach Maridee Dossett, Madison has set a standard by which teams from all across the country can be judged. With a focus on team success first, the Madison gymnastics program doesn't just produce champions, it also creates individuals better prepared to take on all the challenges life can present.

Madam Speaker, it is with enduring pride and respect that I rise today in recognition of the Madison gymnastics team on the occasion of their record-breaking achievement. Their achievement is not only measured in the dominating statistics of their string of victories over fourteen years, but also in how they work together as a team in their commitment to excellence. The Madison gymnastics team has proven itself worthy to be counted among the most dominant high school athletic dynasties in the Nation.

PAYING TRIBUTE TO DR. JAMES E. HANSEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to congratulate Dr. James E. Hansen, the Director of the NASA Goddard Institute for Space Studies, as this year's recipient of the Desert Research Institute's 21st Annual Nevada Medal. This award is Nevada's highest achievement in the area of scientific study and research.

The Nevada Medal was first given out in 1988 and has been bestowed annually upon a scientist whose work has great impact on the field of science and engineering. Dr. Hansen joins an esteemed list of recipients.

Dr. Hansen earned all of his degrees from the University of Iowa which includes a Bachelor of Arts in Physics and Mathematics, a Masters of Science in Astronomy, and a Ph.D. in Physics. In addition to his numerous publications, research and his work with NASA, Dr. Hansen is also a professor at Columbia University.

He has studied the effects of greenhouse gases throughout his career and has developed and applied various models to note the effects these gases have on climate change and other areas. Dr. Hansen has been a consistent speaker warning about the possible effects of greenhouse gas emissions and the possible benefits of decreasing these gases being emitted.

I wish to also congratulate the Desert Research Institute on another year of service and their continued success in the areas of quality of the air, the water, and the land that surrounds us. The effects of their tireless work and research are felt throughout Nevada and across the globe.

Madam Speaker, I am proud to honor Mr. James E. Hansen for being selected as this year's recipient of the Nevada Medal presented by the Desert Research Institute.

NATIONAL PEACE CORPS WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. MORAN of Virginia. Madam Speaker, I would like to take a minute to recognize an enduring legacy of John F. Kennedy—the Peace Corps—in recognition of its 47th anniversary this year and to commend 44 constituents from Northern Virginia currently serving in 38 countries around the world. It is an honor to serve with the likes of my colleague and friend CHRIS SHAYS and others in this body and the other who served our country in the enhancement of citizen diplomacy. I hope all Americans will join us in supporting and expanding this enduring commitment to convey our values as a nation.

As Fareed Zakaria wrote: ''We must begin to think about life after Bush—a cheering prospect for his foes, a dismaying one for his fans (however few there may be at the moment). In 10 months he will be a private citizen, giving speeches to insurance executives. America, however, will have to move on and restore its place in the world. To do this we must first tackle the consequences of our foreign policy of fear. Having spooked ourselves into believing that we have no option but to act fast, alone, unilaterally and preemptively, we have managed in six years to destroy decades of international good will, alienate allies, embolden enemies and yet solve few of the major international problems we face.''

The London Financial Times last December reported that the U.S. has suffered a significant loss of power and prestige around the world in the years since the beginning of this century, limiting our ability to influence international crises, according to an annual survey from a well regarded British security think-tank. The 2007 Strategic Survey of the nonpartisan International Institute for Strategic Studies picked the decline of U.S. authority as one of the most important security developments of the past year—but suggested the fading of American prestige began earlier, largely due to its failings in Iraq.

One of our most special and effective citizen agencies of public diplomacy is the Peace Corps. Think of this—more than 187,000 volunteers have served this venerable legacy of former President Kennedy, serving in 139 countries—where they bring our values to other peoples, and bring understanding and appreciation of other cultures back home.

The greatest gift of the Peace Corps and other civilian programs is not just that ordinary Americans share their values and our culture with other peoples, but also that when volunteers return, they bring greater understanding and appreciation of other cultures.

Foreign policy is not just what we do, but also who we are. America as a place has often been the great antidote to U.S. foreign policy—and it should be again. Mr. Zakaria writes that ''When American actions across the world have seemed harsh, misguided or unfair, America itself has always been open, welcoming and tolerant * * *''

At the end of the day, our openness is our greatest foreign policy. We have succeeded not because of the ingenuity of our government, but rather because of efforts like this unique program to keep ourselves open to the world—to sending our people out across the countries of the world to share our unique culture, our goods and services, our ideas and inventions, our people and cultures. This openness, this civilian diplomacy, has allowed us to make friends across boundaries. It will be central to our place as a Nation in the future.

This week, as we celebrate National Peace Corps Week, we honor the more than 190,000 volunteers who have served in 139 developing countries since President Kennedy's call to service in 1961—and I honor 44 of my constituents currently serving our country in places as diverse as China, Mali, Azerbaijan, Macedonia, El Salvador, and Namibia. This can be lonely and demanding service but service that can create enduring friendships and values that transcend boundaries and cultures.

Today, more than 8,000 Peace Corps volunteers around the world are currently providing training and education in 74 countries. These volunteers each donate their time and skills for over two years, in order to make a difference in the world and to promote understanding between cultures. By offering their valuable skills and showing a passion for helping others, they show the world that Americans value learning and cross-cultural exchange.

Volunteers work in areas of education, health and HIV/AIDS, business development, environment, agriculture and youth, and must often be creative and flexible when living and working in new cultures and learning new languages. The resulting experience is rewarding for all involved, and it highlights the importance of cooperation and involvement between cultures around the globe.

When volunteers return home and share their overseas experiences with their communities, the Peace Corps helps Americans as much as the people in developing countries. From recent college graduates to doctors with decades of experience, volunteers choose to use their valuable skills and education to help people all over the world, but their work affects their lives long after returning home.

This week we remember the dedication and passion of Peace Corps volunteers, young and old, current and returned. We thank them for their service, and encourage more Americans to volunteer with the Peace Corps.

PAYING TRIBUTE TO ROBERT CONGDON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to honor United States Army Staff Sergeant Robert Congdon, for his heroic efforts in saving five lives while under heavy enemy gunfire on January 18, 2008 in Iraq.

Robert is a native of the Las Vegas community. He is a graduate of Bonanza High School. He was a former local lifeguard, paramedic, and is currently an active member of the United States Army. Robert is currently stationed in Georgia, where his wife Bonnie and two year old daughter Samantha reside. Robert's parents, Margaret and Gary Congdon reside in Las Vegas, Nevada along with his sister, Crystal Hill. His younger brother Michael is also in the United States Army and he is stationed in Sparks, Nevada.

Robert is currently on his second tour in Iraq. His first was with the 101st Airborne Division. On January 18, 2008, Robert was caught dodging bullets from a sniper while trying to rescue five soldiers wounded from a roadside blast on a Stryker armored vehicle. He found himself close enough to the blast to race toward his wounded comrades, and was able to avoid any other improvised explosive devices that might be nearby. Robert successfully rescued three of the wounded, and on his way back for the two remaining wounded soldiers, a sniper opened fire. He alerted other military personnel in the vicinity about the situation at hand, but he knew that he had to help his two remaining comrades to safety because of the severity of their wounds. Robert and medical personnel assisted in dragging the two men nearly the distance of a football field and bringing them to safety.

Madam Speaker, I am proud to honor United States Army Staff Sergeant Robert Congdon for his dedication to the United States Army, and dedication to his comrades. His leadership is a true testament of his honor and devotion to our nation. I am proud to represent this hero and the many others from the great state of Nevada.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Ms. WOOLSEY. Madam Speaker, on March 10, 2008, I was unavoidably detained and was not able to record my votes for rollcall Nos. 111–123.

Had I been present I would have voted:

Rollcall No. 111—''no''—On Motion to Adjourn.

Rollcall No. 112—''no''—On Motion to Adjourn.

Rollcall No. 113—''no''—On Motion to Adjourn.

Rollcall No. 114—''no''—On Motion to Adjourn.

Rollcall No. 115—''yes''—Congratulating Iowa State University of Science and Technology for 150 years of leadership and service.

Rollcall No. 116—''yes''—On Motion to table the appeal of the ruling of the Chair.

Rollcall No. 117—''yes''—The Intelligence Authorization Act of 2008.

Rollcall No. 118—''yes''—Congratulating the University of Kansas football team for winning the 2008 FedEx Orange Bowl and having the most successful year in program history.

Rollcall No. 119—''yes''—Congratulating the women's water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women's Water Polo National Championship, and congratulating UCLA

on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history.

Rollcall No. 120—"yes"—On Motion to Adjourn.

Rollcall No. 121—"yes"—Providing for the adoption of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes.

Rollcall No. 122—"no"—Providing for the adoption of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes.

Rollcall No. 123—"yes"—On Motion to Adjourn.

PAYING TRIBUTE TO IRVING JOSEPH SCHWARTZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to honor Irving Joseph Schwartz for his service to the United States Military, and his admirable accomplishments and contributions to our country.

Mr. Schwartz was assigned to the 82nd airborne, where he parachuted into Normandy in 1944 six days before the invasion. Due to his great efforts in this battle, he was awarded with the Silver Star for Gallantry in Action, the Bronze Star, Purple Heart, Combat Infantry Badge, and Parachute Badge with two Bronze Stars for his combat jumps. He also received the European Campaign Badges, along with the Pacific Campaign ribbons.

Today, Mr. Schwartz dedicates countless hours assisting Jewish War Veterans that are down on their luck, as well as homeless veterans. He is a past National Service Officer for the Military Order of the Purple Heart, and is currently involved with the Purple Heart group throughout the Las Vegas Valley. Mr. Schwartz will be 90 on April 19, 2008.

Madam Speaker, I am proud to honor the accomplishments of Irving Joseph Schwartz, and commend his dedication to the veterans throughout the Las Vegas Valley. I wish him the best of luck in his future endeavors.

THE ARMENIAN GENOCIDE

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mrs. BACHMANN. Madam Speaker, the 20th century was a time of unprecedented, historic gains in human rights, freedom, and democracy. But it was also a century of unprecedented oppression, carnage and bloodshed.

Millions of families were exiled, tortured and executed because of their faiths, their beliefs, and their ancestries. Countless innocents were marched to camps, slaughtered in streets, and had their blood spilled as though it were nothing more than water. This religious and ethnic genocide is a permanent stain on the history of man.

From 1915 to 1923, Armenians were expelled from their 2,500-year homeland by the Ottoman Empire. To achieve this travesty, the Ottomans murdered 1.5 million innocent adults and children, and raped and brutalized many more. Yet to this day, this act of genocide has been widely overlooked. In fact, it is officially denied by today's Turkish government. This is unacceptable.

As we pledge ourselves to fighting evil and preventing genocide in our modern world, we must keep the past alive. For if we allow ourselves to forget the unthinkable crimes of the 20th century, mankind will be condemned to bear witness to many more.

As we dedicate ourselves today to ending the cycle of genocide, it's important to realize that education is a crucial step in preventing future horror. Groups like the Armenian National Committee of America and others work hard to raise this critical awareness, and I pray that the monstrous horrors of yesterday and today are all the lesson we ever need to end the cycle of death and suffering.

PAYING TRIBUTE TO JIM CAVALIERI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to honor my friend Jim Cavalieri, who is retiring after twenty years of service in the Henderson Fire Department.

Mr. Cavalieri was raised in Henderson, NV where he has resided for fifty-four years. Jim is an alumnus of Basic Elementary School and also attended Basic High School, where he met his wife, Lorna, of thirty-five years. Jim joined the department in 1987 as a firefighter. He would later serve as a paramedic, captain, and deputy fire chief. Jim was selected as Henderson's Fire Chief in May 2001 after thirteen years of service within that department. As fire chief, Jim provided knowledge, experience, and leadership to the department. He led the Henderson Fire Department to receive its accreditation from the Commission on Fire Accreditation International (CFAI) in 2004.

Mr. Cavalieri is a member of several professional organizations, including Southern Nevada Fire Chiefs Association, Nevada Fire Chiefs Association, and the International Association of Fire Chiefs. Jim is active in his church as well as in community service where he has served as a leader in the Boy Scouts of America.

Madam Speaker, I am proud to honor my friend Jim Cavalieri. His efforts in helping assist the residents of Henderson, Nevada are commendable. I congratulate him on this prestigious award and wish him the best of luck in his much deserved retirement.

ONE OF HOUSTON'S FINEST: OFFICER AL AMATO

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. POE. Madam Speaker, police officers dedicate their lives to keeping our streets and communities secure. They selflessly venture into dangerous situations every day and put their lives on the line so that the rest of us can sleep safely. Houston Senior Police Officer Alphonso "Al" Amato, Jr., is one of those elite individuals, who dedicated his entire career to protecting the innocent from evil-doers.

Officer Amato enrolled in the Houston Police Academy in 1981. His first assignment upon graduation was with the Patrol Division of the Houston Police Department. One of his more notable experiences occurred when he was testifying against an aggravated robbery defendant in the 177th District Court. While he was testifying, the defendant jumped up and threw his chair at the prosecutor. Officer Amato responded, like any top-notch officer would, and without giving it a second thought, jumped up and immediately took the defendant into custody. He was later prosecuted as the trial continued.

Officer Amato has been responsible for removing dangerous outlaws from the streets of Houston. In 1983, he began working on cases involving juveniles and spent the majority of his career working in the Juvenile Division of the police force. While working in the Juvenile Sex Crimes Unit, he investigated more than 1,000 child exploitation cases. Time and again, he has successfully arrested the worst kind of criminal, the one who preys on innocent children.

He has a knack for difficult cases and has taken on the most challenging, where little or no information has been available. Each time, he managed to track down the criminals and bring them to justice.

Not only does Officer Amato have fine-tuned investigative skills, he is also known for his ability to manage a crime scene. He always kept order, even in the most difficult situations, while questioning the involved parties.

During his many years of dedicated service, he has received countless commendations, expressions of appreciation, Unit Citations, an FBI recognition for Task Force and Sting Operations, a U.S. Marshal recognition for Gang Task Force involvement and a Houston Fire Department recognition. He is also well respected throughout the community and among his peers.

Officer Amato's family has a history of service. His father served in the military. Before becoming a law enforcement officer, Officer Amato served in the United States Air Force in Vietnam for 4 years. After his time in the military, he joined the Federal Protective Services and was there until 1977, when he left to join the Chicago Police Department. He stayed in Chicago until 1981 and then began his career with the Houston Police Department. This year, he is retiring from a distinguished career after more than 26 years of service.

According to his fellow officers, Officer Amato served the citizens of Houston with

pride, honor and commitment. He is known as an upstanding citizen, a patriotic American and a devoted law enforcement officer.

I would also like to recognize the contributions of Al's wife, Sandy, and daughter, Raven. I commend them for persevering over the difficult job of their loved one serving as a law enforcement officer. Many of the most successful officers have a significant family support system behind the scenes.

On the date of his retirement, March 21, 2008, I congratulate and thank Senior Police Officer Al Amato for wearing the badge of a Texas lawman with distinction while serving the people of Houston. Future law enforcement officers can learn by the example of Officer Amato and realize that one person truly can make a difference.

And that's just the way it is.

PAYING TRIBUTE TO RAYMOND LANDRY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Raymond Landry for his 35 years of distinguished service to Pardee Homes and to the Southern Nevada community.

Mr. Landry has been a resident of Southern Nevada since 1968, where he has lived with his wife Marge Landry, President/Broker of Landry & Associates, Inc. Mr. Landry began his successful career with Pardee Homes in 1972 and in 1980 he began leading the local sales force in Las Vegas. As Assistant Vice President of Sales, he is well regarded for his commitment to service and professionalism. Over the course of his tenure with Pardee Homes, Mr. Landry has earned countless honors, including the Nevada PTA Community Partner of the Year, the Greater Las Vegas Association of Realtors Builder of the Year, and the Shade Tree Builder of the Year.

Mr. Landry used his expertise and passion in other areas of the housing industry. His founding of and working with various organizations exemplifies such leadership. He was appointed to the Nevada Real Estate Commission by then Governor Bob Miller in 1997. He served for two 3-year terms as the President of the Commission. He is also a founding member of the Southern Nevada Sales and Marketing Council. Furthermore, he is a member of the Southern Nevada Home Builders Association and the Association of the Real Estate License Law officials. Former Nevada Governor Kenny Guinn proclaimed a day in his honor in 2001 describing Mr. Landry as, "an industry leader with the highest professional and ethical standards".

Madam Speaker, I am proud to honor Mr. Raymond Landry for his commitment to Pardee Homes, as well as his efforts throughout the Southern Nevada community. I praise his accomplishments and wish him the best of luck in the future.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is March 12, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,833 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility, as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been giving them.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,833 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 12, 2008—12,833 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of the free and the home of the brave.

PAYING TRIBUTE TO LIN CLARK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. PORTER. Madam Speaker, I rise today to honor Lin Clark, who has been recognized as Citizen of the Year 2008 by the Laughlin Town Advisory Board for her outstanding efforts as a citizen within the Laughlin community.

Lin moved to Laughlin, Nevada when the community was less than 20 years old, and has been a resident for the past 22 years. Since Lin has been a resident, she has taken an active role throughout the community. Lin is the coordinator for the Laughlin Town Fest event in which she dedicates countless hours in successfully organizing the event. She is committed to making sure that the event will be enjoyed by everyone throughout the community. Along with her husband, Bruce, the Clarks are a major part of the success of the bus system's first wine tasting and charity silent auction. The proceeds of this event benefits the senior citizens' transportation program.

In addition, Lin is active in Laughlin's Annual Silver Toy Box. She donates her time and efforts for less fortunate children throughout the Laughlin community by selecting toys and wrapping them, and paying for some of the toys out of her own pocket.

Madam Speaker, I am proud to honor Lin Clark. Her efforts in helping assist the residents of Laughlin, Nevada are commendable. I congratulate her on this prestigious award and wish her continued success.

IN RECOGNITION OF F.N. McNAIR, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 2008

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize Mr. Nick McNair, Jr., who resides in Lexington, SC, on the occasion of his retirement from AgFirst Farm Credit Bank on April 1, 2008.

Much of Nick McNair's life and career has been dedicated to agriculture and the cooperative Farm Credit System. His interest began as a child growing up on his family's row crop and livestock farm south of Leary, GA. At a young age, Nick began to appreciate the vital role that agriculture played in his community and in his home State. After receiving his education from Leary Elementary School and Edison High School, Nick pursued his education at Georgia Southern College in Statesboro, GA and graduated in 1967.

From 1961 through 1963, Nick supported himself by working at Morris Cattle Company in Leary, GA. He also worked for Arlington Oil Mills, Inc., in Arlington, GA, in their cotton ginning operation. As Nick's interest in agriculture continued to grow, he worked for the Baker and Newton County ASCS offices as a performance reporter during the summers of 1963–1966.

In August of 1967, Nick began his career with the Farm Credit System as a fieldman and association appraiser for the Federal Land Bank Association of Camilla in Camilla, GA. Over the next several years, Nick was employed as a vice president with the Northeast Florida Farm Credit Service in Jacksonville, FL and also the FLBA of Dawson, before being selected as President of the FLBA of Ahoskie in Ahoskie, NC, in 1979.

In 1982, Nick was employed by the Farm Credit Bank of Columbia, SC, now known as AgFirst Farm Credit Bank. He has served in many capacities including vice president of marketing as well as vice president of legislative and public affairs. In 2001. he was named Distinguished Cooperator of the year by the South Carolina Cooperative Council. He has also served as president of the Friends of Agriculture in South Carolina.

I certainly appreciate the outstanding work Nick has done throughout his distinguished career to promote not only cooperative principles but the vital role that agriculture plays in our everyday lives. I thank his wife. Phyllis, and two daughters, Shonna and Angie, and the entire McNair family for their support of Nick throughout the years. I congratulate Nick on his retirement and thank him sincerely for his many positive contributions to AgFirst and the State of South Carolina.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 13, 2008, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 14

10 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine ways to reform the District of Columbia Public Schools (DCPS) system.

SD–342

APRIL 1

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 2593, to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land.

SD–366

APRIL 3

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine international fisheries, focusing on management and enforcement.

SR–253

APRIL 8

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Federal Trade Commission reauthorization.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the digital television transition, focusing on consumers, broadcasters, and converter boxes.

SR–253

APRIL 10

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine phantom traffic.

SR–253

HOUSE OF REPRESENTATIVES—*Thursday, March 13, 2008*

The House met at 10:30 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Source of life and human freedom, unite those here present with all the Members of the United States House of Representatives in this moment of prayer.

Help them to be fully engaged in their work today as they shape laws that will make this country stronger in integrity and solidarity.

Inspire them to reach out with policies of compassion to those most in need of society's concern.

May our military sons and daughters be protected from harm and remain focused on doing what is right and just.

Assist the poor and the sick, especially those who are disabled or uninsured.

By Your love and presence, claim us as Your very own, both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McDERMOTT. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McDERMOTT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. DENT) come forward and lead the House in the Pledge of Allegiance.

Mr. DENT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOMENT OF SILENCE FOR THE BRAVE AND FALLEN MEMBERS OF THE U.S. MILITARY

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

Mr. PATRICK MURPHY of Pennsylvania. Madam Speaker, as we prepare to mark the 5-year anniversary of the war in Iraq, I would like to take a moment and offer a moment of silence for the brave and the fallen, including 19 members of my unit, the 82nd Airborne Division, who never made it home.

On this somber occasion, we are united behind our troops. We honor the memories of thousands, and we pledge our support for those still fighting for our freedom.

The SPEAKER. All Members will stand and observe a moment of silence.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Mr. GALLEGLY. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3547.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

COMMEMORATING THE 90TH BIRTHDAY OF AN AMERICAN HERO, MR. JAMES W. MURDY OF ALLENTOWN, PENNSYLVANIA

(Mr. DENT asked and was given permission to address the House for 1 minute.)

Mr. DENT. Madam Speaker, I rise today to commemorate the 90th birthday of an American hero, my constituent, Mr. James W. Murdy.

James Murdy wanted to serve his country in the United States military and learn a trade. He joined the Navy in 1940 and soon thereafter served as an electrician aboard the USS *Helena*, a St. Louis-class light cruiser stationed at Pearl Harbor. On December 7, 1941, shortly after James began serving on the *Helena*, the ship was hit by a torpedo dropped by a lone Japanese torpedo plane. Thankfully, James Murdy survived the attack that killed 20 of his fellow sailors.

James Murdy then attended the Naval Mine Warfare School and worked as a minesweeper for the next 3 years. He was honorably discharged from the Navy in 1946 after achieving the rank of chief electrician's mate, the highest rank he could obtain as an enlisted man.

Shortly after being discharged from the Navy, James wed Mary Robb, with whom he had three children; James Murdy, Rosemary Murdy-Haber, and Patricia Murdy-Cressman. He still lives in Allentown, Pennsylvania and loves rebuilding or constructing items from scratch and being called upon to speak about his experiences at Pearl Harbor. He is an ardent fan of the Philadelphia Phillies and Eagles and loves spending time with his family, including his granddaughter and stepgranddaughter.

Mr. Murdy served our country with valor and distinction, and we should honor his service, his dedication, and his allegiance to our great Nation. It is my honor to join with his many friends and family in celebrating the 90th birthday of this wonderful man.

DEMOCRATIC BUDGET IS FISCALLY RESPONSIBLE BUT ALSO FUNDS CRITICAL PRIORITIES

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, today we continue debate on the Democratic budget that boosts economic growth and restores fiscal responsibility. While the Bush administration's budget priorities and policies are responsible for the largest fiscal deterioration in our Nation's history, the 2009 Democratic budget is not only balanced by 2012, but it also invests in our Nation's top priorities.

We reject the President's budget proposal because it creates a $396 billion deficit this year, while cutting funding for Medicaid and Medicare, veterans and homeland security. Our budget rejects the President's cuts and instead fully invests in Medicare and Medicaid, so that the most vulnerable amongst us, our children and our seniors, continue to have access to healthcare assistance.

We also reject the President's proposal to add more than $18 billion, billion with a B, over the next 5 years in new fees for our veterans and military retirees.

We reject the President's attempt to eliminate several State and local law enforcement programs, including the successful COPS, Community Oriented Policing Services program, which has put more police on the street to help reduce crime.

CALLING FOR AN IMMEDIATE VOTE ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KLINE of Minnesota. Madam Speaker, the Protect America Act expired on February 16. It has been almost a full month since the majority allowed this important element of our national security to lapse.

President Lincoln once told this Nation, ''A house divided against itself cannot stand.'' Madam Speaker, for this past month, Democratic leadership has needlessly attempted to divide this Congress on a national security matter. A bipartisan majority of this House wants to adopt the Senate version of the bill to restore our intelligence teams' ability to protect us, but we have been denied a chance to even vote on the Senate measure.

The leadership has kept this House divided, and for what reason? This morning the newspapers are full of reports that we are jeopardizing our national security in order to benefit the trial lawyers, who stand to gain billions of dollars in suits against the telecommunications companies. These are the companies that reportedly responded to pleas from our government for help, and now they are subject to potentially crippling lawsuits.

A house divided against itself cannot stand. The people of this great Nation expect bipartisan action, and the time is long overdue to come together.

□ 1045

IN MEMORY OF ALDO TATANGELO

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Madam Speaker, I rise to recognize a man that made a significant impact on my hometown of Laredo, former Mayor Aldo Tatangelo.

Mayor Tatangelo passed away last Friday, but not before leaving a mark on our great city. Mayor Aldo Tatangelo served as mayor in Laredo from 1978 to 1990. He is remembered by those closest to him as being a man of honesty and fairness, a man with a vision to improve the city that he loved so much.

Immediately upon taking over as mayor, Tatangelo ordered taking care of a lot of services for Laredo, including the restructuring of the city's Public Works Department, oversaw comprehensive drainage projects, established a pension system for city workers, and created many departments to make sure that the quality of life was improved.

Mayor Aldo Tatangelo pushed for affordable housing for low-income residents, and he also, when he left the office, was active in civic affairs and encouraged young people to get involved in public service.

I rise to recognize a Laredo hero, former Mayor Aldo Tatangelo, and thank him and his family for the great work that they did.

CELEBRATING THE 100TH BIRTHDAY OF CHINCOTEAGUE, VIRGINIA

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Madam Speaker, I am delighted to rise in tribute to the town of Chincoteague, Virginia, which is celebrating its 100th birthday today.

Since its founding one century ago, Chincoteague has enamored citizens and visitors alike with its small town charm and pristine natural beauty. This is no small feat if you consider just how much has changed in the past few 100 years.

As we commemorate Chincoteague's proud history and rich traditions, we must acknowledge its roots as a small fishing village. Today, thousands of people still flock to Chincoteague each year to share in its bountiful shores and the abundance of nearby wildlife. Chincoteague should serve as an example of a happy coexistence between people and nature.

From Chincoteague's annual pony roundup to the annual seafood festival, even the simple everyday beauty of its sunsets, the town of Chincoteague is truly a unique community which has come a long way without letting time erode its proud heritage.

That is why I ask my colleagues to join me today in wishing the town of Chincoteague a happy 100th birthday.

LET US SPEAK OUT FOR PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, we are at the fifth anniversary of the war in Iraq, a war based on lies. A war that has cost the lives of over 4,000 of our brave young men and women, the injuries to tens of thousands, over 1 million innocent Iraqis have perished, a cost of up to $3 trillion.

Let us speak out for peace, as the Winter Soldiers today are speaking out for peace by communicating the truth of a soldier's experience in Iraq and Afghanistan. Let us speak out for peace as the young people involved in the Stop Loss project are doing. Let us speak out for peace and stop financing this war and use the money to bring our troops home.

Let us speak out for peace, for international peacekeepers to move into Iraq as our troops lead. America has had a long period of silence about this war. Let us be silent no more. Let us speak out for peace.

OUTSOURCING NATIONAL DEFENSE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the next Air Force plane that you will see in the air will be branded with ''Made in France'' on the side of it. Not only France but Spain, Germany, and the United Kingdom will be making 170 or more of the new Air Force supertankers built by that European subsidized company, Airbus.

This $40 billion contract will rob thousands of workers of Boeing Company of their jobs. Why is our Air Force outsourcing national defense to the Europeans, of all people? Aren't they the ones that take every opportunity to bash our U.S. military?

The Air Force is trying to do damage control by saying the Airbus is better than the Boeing plane.

Madam Speaker, that dog just won't hunt. U.S.-built planes have been successfully defending our skies and our homeland since before World War II. We are not talking about outsourcing some cheap Wal-Mart product that's made in China. We are talking about outsourcing sensitive military equipment. Some things should always be made in America, by Americans, for Americans.

What's next? Is the Air Force going to outsource those airplane crews with the French as well?

And that's just the way it is.

AVOID MILITARY CONFRONTATION WITH IRAN

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, any voice of reason inside the current administration is a voice in the wilderness, a voice that will be silenced by the President, all of which should be a matter of grave urgency for the American people.

The administration has set its sights on military confrontation with Iran. Just like Iraq, any voice of reason will not be merely muffled; it will be silenced.

Remember Colin Powell? Where is he? Remember General Shinseki? He was drummed out for speaking truth to power about what it would really take to win in Iraq.

Now Admiral Fallon, the Secretary of Defense, wouldn't return phone calls until the Admiral got the message to turn in his resignation because he questioned the President's policy toward Iran.

The President's foreign policy is open hostility and a finger on the trigger

looking for any provocation for a military strike against Iran. That's what the neocons want; that's what co-President DICK CHENEY wants.

Their thirst for oil is matched only by their thirst for war. They think the U.S. will dominate the world with military confrontation. They are the only ones who believe that. We must keep the pressure on to ensure the President does not launch another war. Four thousand have already died.

That's enough.

THE HIGH SPRINGS FARMERS MARKET

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I rise today to recognize and honor the contributions of High Springs Farmers Market, which is in my congressional district.

It was established in 2001. The market provides local growers with an opportunity to sell their products directly to consumers and to provide area residents with high quality, fresh produce and other farm products at affordable prices.

This market then has encouraged and assisted local residents to grow fresh produce through a community garden program, and it provides training and entrepreneurial opportunities for the new growers. By promoting local Florida products, this market allows traditional farmers to sell in today's competitive market.

In addition, the High Spring Farmers Market is the first and only market in the State of Florida to accept food stamps, providing high-quality, fresh food to those who otherwise could not afford it.

I am grateful for the market's dedication to the entrepreneurial spirit and am proud to have it in my district. Congratulations to them and keep up the great work.

COLORECTAL CANCER AWARENESS

(Mr. BOREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOREN. Madam Speaker, I rise today in support of access to colorectal cancer screening for all Americans. The month of March is Colorectal Cancer Awareness Month.

Like far too many other Americans, my life has been touched by cancer. Nine years ago I lost my mother, Janna, to colon cancer. I understand too well the importance of catching this type of cancer early. Colorectal cancer is one of the leading killers in the United States that will this year unnecessarily take the lives of almost 50,000 of our constituents nationwide.

This is a tragedy because we have every tool necessary to prevent the suffering and death from this disease. Only 22 States and the District of Columbia have protections in place to provide access to screening and early detection procedures for colorectal cancer. This is unacceptable. Lifesaving tests that are widely available and reliable should be accessible to each and every one of our constituents.

Please join me in recognizing Colorectal Cancer Awareness Month and the importance of making early detection of this disease a priority.

FIFTH ANNIVERSARY OF THE WAR IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, on this fifth anniversary of the war in Iraq being commemorated in the Capitol today, the statistics tell the tale.

Because of the military surge and Sunni cooperation, we are making significant progress towards stability and freedom in Iraq. Violence is down nationwide by more than 60 percent in the last year.

But as the saying goes, seeing is believing, and thanks to the miracle of youtube.com, Americans can join me for a walk down the streets of Haditha, Iraq, in the heart of al Anbar province. On March 2, with a military security detail and our bipartisan delegation, we walked the streets of this war-torn city, and I posted 15 minutes of unedited interviews with local Iraqis on youtube.com.

The fight is far from over, but we are making significant progress in Iraq. Thanks to youtube.com, the American people can hear and see that progress for themselves.

HONORING KAREN BASS

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute.)

Ms. RICHARDSON. Madam Speaker, I rise today to honor the newly elected Speaker of the California State Assembly, the Honorable Karen Bass. It is with great pleasure that I applaud her accomplishments and wish her future much success.

At the end of this legislative year, Karen Bass will break historic glass ceilings in California and across this Nation by becoming the first African American woman Speaker of the State legislative body.

Speaker-elect Karen Bass, who is respected on both sides of the aisle, received unanimous support. Throughout her career, her public service and social justice has been something that she commonly really used not only in her community but now in her service. In 1990, Speaker-elect Bass founded the Community Coalition for Substance Abuse, Prevention and Treatment. She served as its executive director for 14 years. After the 1992 civil unrest, her organization played a pivotal role in the success of South Los Angeles.

Speaker-elect Bass turned to politics when she concluded that the best way to implement change would be to be an elected official herself. At the time of her election, there were no other African American women serving in the California Legislature. She was immediately appointed majority whip, and now she serves as majority leader.

Please join me in congratulating her as we wish her tremendous success.

THE PRICE OF OIL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, energy security is national security. When President Bush was sworn into office, a barrel of crude oil was approximately $27 a barrel. When the Democrats took over the House, the price of a barrel of crude oil was $58, a $31 increase.

Since this Democrat-controlled House has been in power, the price of a barrel of crude oil has gone from $35 to today $110 a barrel of crude oil.

Now, what's the solution? The solution is more supply. Democrats continue to block Outer Continental Shelf exploration. They continue to block oil exploration. They continue to block coal-to-liquid technologies.

More supply brings lower prices. If you know basic economics supply and demand, you know that if you have a high demand you need more supply.

Until we bring more supply back into this debate, the only thing we could tell our consumers and our constituents is be prepared for more price spikes. Energy security is national security.

HONORING OTTO SCHNELLBACHER AND THE UNIVERSITY OF KANSAS

(Mrs. BOYDA of Kansas asked and was given permission to address the House for 1 minute.)

Mrs. BOYDA of Kansas. Madam Speaker, I rise today because earlier this week the House passed H.R. 948 to recognize the University of Kansas football team on their astonishing accomplishments of the last season and their victory at the Orange Bowl.

I also rise this morning with great sadness because just this Monday KU lost one of its great all-time athletes. Otto Schnellbacher was an all-American who, in 1948, led KU to its very first Orange Bowl appearance. He was a wide receiver whose career 58 catches was a record for almost three decades.

As a professional athlete, he played in both the NFL and the NBA.

This man was an American and an astonishing athlete. Otto was a giant of Kansas athletics. He was a very good friend. He leaves behind many admirers and a legacy that will last forever.

To the University of Kansas, congratulations again on a historic season. To Otto Schnellbacher, we will miss you. To his widow, Jane, God be with you.

THE BUDGET

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, we are voting later today on the Democrat budget.

I am not surprised that it represents larger government and higher taxes. That is the type of government our friends on the other side of the aisle generally prefer. I am surprised, however, that at a time when our economy is shaky and American families are making difficult budget decisions at their kitchen table, that our friends have chosen not to make the difficult decisions necessary to craft a responsible budget.

Their proposal represents what will be the largest tax increase in American history; $683 billion in increased taxes. It is nothing short of irresponsible to simply ignore the coming fiscal crisis, a tsunami, represented by increased spending and entitlement programs.

Perhaps if our friends on the other side of the aisle would ask their constituents what they think, they would hear what I heard from a constituent named Debra in Pennsylvania who said she is working two jobs to pay taxes and oil bills. She said, ''There is no way I can afford to pay more taxes. Enough is enough.''

Well said, Debra.

□ 1100

SUPPORT DEMOCRATIC BUDGET

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, I rise today to express in the strongest terms possible my opposition to President Bush's proposed budget for 2009, a budget that simply does not reflect our traditional American values. The Republican budget would sink us deeper into debt and will destroy Medicare and Medicaid as we know them. Everything, everything the President says he is, he is not. And with the help of his party, the President is doing what Germany and Japan could not do in World War II, destroying our Nation.

The question America voters must ask is: Whose side are we on? Does anyone in this Chamber seriously intend to cut Community Service Block Grants, Community Oriented Policing, the Centers for Disease Control, NIH, the FAA, and Social Service Block Grants? These are essential people-oriented programs that serve as our Nation's social safety net, and we must invest in them.

Join me in supporting the Democratic budget. Let's invest our hard-earned tax dollars right here at home in America based upon our traditional American values.

FISA: FACT VERSUS FICTION

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, President Bush and the congressional Republicans refuse to face the facts on the expiration of the President's Protect America Act, and instead continue their false and misleading scare tactics that are not productive and will do nothing to protect our Nation.

Republicans continue to claim that the expiration of the Protect America Act has reduced our ability to conduct surveillance. That is false, and Republicans know it. They know that the Protect America Act gave the intelligence community authorization for one full year, meaning that they are all still in effect until August of this year.

If Republicans really believed that the expiration of the act would jeopardize our national security, why did every single Republican Member of this body vote against a 21-day extension of the act last month?

Washington Republicans can't have it both ways. Rather than resorting to political games, congressional Republicans should have joined bicameral negotiations that were conducted for several weeks to develop a strong compromise bill. It is time that the Republicans get off the sidelines and work with our Congress. Let's see this legislation come to the floor today.

DEMOCRATS' FISA BILL PROTECTS AMERICA

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, later today the House will have an opportunity to vote on a strong new FISA bill that has been negotiated over the last couple of weeks.

The new legislation will modernize the Foreign Intelligence Surveillance Act. First, it rejects the President's plan to provide blanket immunity to telecom companies who turned over information about their customers. Instead, it gives the Federal court the exclusive opportunity to hear clear classified evidence in order to make a determination whether telecom companies should be held liable for their actions.

Our legislation also requires a special bipartisan commission to investigate the Bush administration's use of wiretaps and other surveillance programs. The commission would be similar to the bipartisan 9/11 Commission that played a critical role in reviewing the events leading up to 9/11 and developing recommendations on how to best protect our Nation.

Madam Speaker, House Democrats are hopeful that Republicans will join us in supporting a FISA bill that protects our Nation and our civil liberties.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE OF REPRESENTATIVES

Mr. PRICE of Georgia. Madam Speaker, pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

H. RES. —

Whereas on December 11, 2007, a bipartisan group of 21 State attorneys general wrote to Senate Majority Leader Reid and Senate Minority Leader McConnell regarding the FISA Amendments Act of 2007 (S. 2248);

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin;

Whereas the State attorneys general stated that protecting communications carriers from ''unprecedented legal exposure is essential to domestic and national security. State, local and federal law enforcement and intelligence agencies rely heavily on timely and responsive assistance from communications providers and other private parties; indeed, this assistance is utterly essential to the agencies' functions. If carriers and other parties run the risk of facing massive litigation every time they assist the government or law enforcement, they will lack incentives to cooperate, with potentially devastating consequences for public safety'';

Whereas on February 5, 2008, the Director of the Federal Bureau of Investigation testified before the Senate Select Committee on Intelligence that ''in protecting the homeland . . . it's absolutely essential we have the support, willing support of the communications carriers'';

Whereas in the same hearing, Director Mueller further stated ''[m]y concern is that if we do not have this immunity, we will not have that willing support of the communications carriers'';

Whereas on March 4, 2008, a bipartisan group of 25 State attorneys general wrote to the Speaker of the FISA Amendments Act of 2007;

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Maryland, Michigan, Nebraska, New Hampshire, North

Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and West Virginia;

Whereas the State attorneys general stated they ''are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe'';

Whereas the State attorneys general also stated ''[a] bipartisan majority of the United States Senate recently approved S. 2248. But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.'';

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House for its consideration;

Whereas the State attorneys general concluded that with ''S. 2248 still pending in the House of Representatives, our national security is in jeopardy.'';

Whereas all Members of the House of Representatives have a responsibility to provide the intelligence community and Federal law enforcement with all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas all Members of the House of Representatives have a responsibility to ensure they are not impeding the efforts of State and local law enforcement to use all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas according to the calendar distributed to Members by the House majority, the House of Representatives is scheduled to be in recess during the two-week period beginning on March 17, 2008; and

Whereas it would bring discredit to the House of Representatives to adjourn for two weeks without considering the amendments to H.R. 3773 now pending before the House: Now, therefore, be it

Resolved, That the House of Representatives—

(1) should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773; and

(2) should not adjourn for the Easter District Work Period prior to consideration of a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore. The gentleman may offer his resolution.

Mr. PRICE of Georgia. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution just noticed.

The SPEAKER pro tempore (Mrs. TAUSCHER). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. —

Whereas on December 11, 2007, a bipartisan group of 21 State attorneys general wrote to Senate Majority Leader Reid and Senate Minority Leader McConnell regarding the FISA Amendments Act of 2007 (S. 2248);

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin;

Whereas the State attorneys general stated that protecting communications carriers from ''unprecedented legal exposure is essential to domestic and national security. State, local and federal law enforcement and intelligence agencies rely heavily on timely and responsive assistance from communications providers and other private parties; indeed, this assistance is utterly essential to the agencies' functions. If carriers and other parties run the risk of facing massive litigation every time they assist the government or law enforcement, they will lack incentives to cooperate, with potentially devastating consequences for public safety'';

Whereas on February 5, 2008, the Director of the Federal Bureau of Investigation testified before the Senate Select Committee on Intelligence that ''in protecting the homeland . . . it's absolutely essential we have the support, willing support of the communications carriers'';

Whereas in the same hearing, Director Mueller further stated ''[m]y concern is that if we do not have this immunity, we will not have that willing support of the communications carriers'';

Whereas on March 4, 2008, a bipartisan group of 25 State attorneys general wrote to the Speaker of the FISA Amendments Act of 2007;

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Maryland, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and West Virginia;

Whereas the State attorneys general stated they ''are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe'';

Whereas the State attorneys general also stated ''[a] bipartisan majority of the United States Senate recently approved S. 2248. But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.'';

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House for its consideration;

Whereas the State attorneys general concluded that with ''S. 2248 still pending in the House of Representatives, our national security is in jeopardy.'';

Whereas all Members of the House of Representatives have a responsibility to provide the intelligence community and Federal law enforcement with all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas all Members of the House of Representatives have a responsibility to ensure they are not impeding the efforts of State and local law enforcement to use all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas according to the calendar distributed to Members by the House majority, the House of Representatives is scheduled to be in recess during the two-week period beginning on March 17, 2008; and

Whereas it would bring discredit to the House of Representatives to adjourn for two weeks without considering the amendments to H.R. 3773 now pending before the House: Now, therefore, be it

Resolved, That the House of Representatives—

(1) should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773; and

(2) should not adjourn for the Easter District Work Period prior to consideration of a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to be heard on whether the resolution constitutes a question of the privileges of the House?

Mr. PRICE of Georgia. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Madam Speaker, we are now 27 days, 27 days into a unilateral disarmament. We are not doing our job in the House of Representatives. We are not fulfilling our oath, and we are not protecting the American people. This brings discredit on the House of Representatives.

□ 1115

The underlying bill simply allows the American intelligence community to make certain that they are able to listen or surveil on terrorists in a foreign land speaking to another terrorist or suspected terrorist in a foreign land.

My constituents don't understand why the House isn't acting on this. They believe the House is bringing discredit on the Nation. Americans don't understand.

The Senate has acted responsibly. It is imperative that the majority of the House be given an opportunity to vote on this issue. The majority of the House has said that they would pass this bill. Not bringing this bill to the floor for a vote brings discredit and abrogates our responsibility as Representatives of the United States of America.

I urge the Speaker and I urge my colleagues to allow this to come to the floor for a vote.

The SPEAKER pro tempore. As the Chair ruled on March 11, 2008, under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Madam Speaker, I move that the appeal be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 222, nays 192, not voting 15, as follows:

[Roll No. 135]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—15

Boustany
Cubin
Hooley
Hunter
Issa
LaHood
Oberstar
Rangel
Renzi
Ruppersberger
Rush
Tancredo
Udall (CO)
Woolsey
Young (AK)

□ 1141

Messrs. COSTELLO and ALTMIRE changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 183, answered ''present'' 1, not voting 23, as follows:

[Roll No. 136]

YEAS—222

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder

Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Altmire
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Knollenberg
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Stupak
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—23

Blackburn
Boustany
Cubin
DeGette
Hooley
Hunter
Issa
Jordan
Kline (MN)
LaHood
Linder
McCollum (MN)
Oberstar
Pitts
Rangel
Renzi
Ruppersberger
Rush
Sullivan
Tancredo
Udall (CO)
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1149

So the Journal was approved.

The result of the vote was announced as above recorded.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1036 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution, H. Con. Res. 312.

□ 1150

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, with Mr. PASTOR (Acting Chairman) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 12, 2008, all time for general debate had expired.

Pursuant to the rule, the concurrent resolution is considered read for amendment under the 5-minute rule.

The text of the concurrent resolution is as follows:

H. CON. RES. 312

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2008 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2013.

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TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,879,540,000,000.
Fiscal year 2009: $2,027,124,000,000.
Fiscal year 2010: $2,205,864,000,000.
Fiscal year 2011: $2,442,025,000,000.
Fiscal year 2012: $2,669,315,000,000.
Fiscal year 2013: $2,771,740,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2008: $0.
Fiscal year 2009: −$70,000,000,000.
Fiscal year 2010: $23,000,000,000.
Fiscal year 2011: $14,000,000,000.
Fiscal year 2012: $16,000,000,000.
Fiscal year 2013: $17,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,556,254,000,000.
Fiscal year 2009: $2,529,246,000,000.
Fiscal year 2010: $2,564,161,000,000.
Fiscal year 2011: $2,698,039,000,000.
Fiscal year 2012: $2,740,065,000,000.
Fiscal year 2013: $2,866,862,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,462,616,000,000.
Fiscal year 2009: $2,563,380,000,000.
Fiscal year 2010: $2,622,295,000,000.
Fiscal year 2011: $2,716,979,000,000.
Fiscal year 2012: $2,728,965,000,000.
Fiscal year 2013: $2,857,394,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $583,076,000,000.
Fiscal year 2009: $536,256,000,000.
Fiscal year 2010: $416,431,000,000.
Fiscal year 2011: $274,954,000,000.
Fiscal year 2012: $59,650,000,000.
Fiscal year 2013: $85,654,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2008: $9,567,484,000,000.
Fiscal year 2009: $10,199,551,000,000.
Fiscal year 2010: $10,724,264,000,000.
Fiscal year 2011: $11,103,954,000,000.
Fiscal year 2012: $11,295,107,000,000.
Fiscal year 2013: $11,495,218,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,396,807,000,000.
Fiscal year 2009: $5,753,900,000,000.
Fiscal year 2010: $5,981,334,000,000.
Fiscal year 2011: $6,047,654,000,000.
Fiscal year 2012: $5,885,687,000,000.
Fiscal year 2013: $5,744,120,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):

Fiscal year 2008:
(A) New budget authority, $590,686,000,000.
(B) Outlays, $576,173,000,000.
Fiscal year 2009:
(A) New budget authority, $542,497,000,000.
(B) Outlays, $573,362,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $560,726,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $560,099,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $556,699,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, 568,829,000,000.

(2) International Affairs (150):

Fiscal year 2008:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2009:
(A) New budget authority, $37,111,000,000.
(B) Outlays, $35,702,000,000.
Fiscal year 2010:
(A) New budget authority, $38,516,000,000.
(B) Outlays, $36,918,000,000.
Fiscal year 2011:
(A) New budget authority, $39,433,000,000.
(B) Outlays, $37,679,000,000.
Fiscal year 2012:
(A) New budget authority, $40,247,000,000.
(B) Outlays, $38,154,000,000.
Fiscal year 2013:
(A) New budget authority, $40,677,000,000.
(B) Outlays, $38,346,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $29,934,000,000.
(B) Outlays, $28,700,000,000.
Fiscal year 2010:
(A) New budget authority, $31,165,000,000.
(B) Outlays, $30,604,000,000.
Fiscal year 2011:
(A) New budget authority, $32,474,000,000.
(B) Outlays, $32,201,000,000.
Fiscal year 2012:
(A) New budget authority, $33,853,000,000.
(B) Outlays, $33,564,000,000.
Fiscal year 2013:
(A) New budget authority, $35,298,000,000.
(B) Outlays, $34,477,000,000.

(4) Energy (270):

Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $4,674,000,000.
(B) Outlays, $2,192,000,000.
Fiscal year 2010:
(A) New budget authority, $4,645,000,000.
(B) Outlays, $2,878,000,000.
Fiscal year 2011:
(A) New budget authority, $4,712,000,000.
(B) Outlays, $3,371,000,000.
Fiscal year 2012:
(A) New budget authority, $4,803,000,000.
(B) Outlays, $3,738,000,000.
Fiscal year 2013:
(A) New budget authority, $4,895,000,000.
(B) Outlays, $4,020,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $38,651,000,000.
(B) Outlays, $35,576,000,000.
Fiscal year 2010:
(A) New budget authority, $33,782,000,000.
(B) Outlays, $36,192,000,000.
Fiscal year 2011:
(A) New budget authority, $34,670,000,000.
(B) Outlays, $36,420,000,000.
Fiscal year 2012:
(A) New budget authority, $35,568,000,000.
(B) Outlays, $36,745,000,000.
Fiscal year 2013:
(A) New budget authority, $36,490,000,000.
(B) Outlays, $37,299,000,000.

(6) Agriculture (350):

Fiscal year 2008:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,529,000,000.
(B) Outlays, $21,279,000,000.
Fiscal year 2010:
(A) New budget authority, $21,719,000,000.
(B) Outlays, $20,680,000,000.
Fiscal year 2011:
(A) New budget authority, $21,891,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2012:
(A) New budget authority, $22,263,000,000.
(B) Outlays, $21,435,000,000.
Fiscal year 2013:
(A) New budget authority, $22,621,000,000.
(B) Outlays, $21,816,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $9,560,000,000.
(B) Outlays, $3,722,000,000.
Fiscal year 2010:
(A) New budget authority, $13,887,000,000.
(B) Outlays, $5,835,000,000.
Fiscal year 2011:
(A) New budget authority, $8,998,000,000.
(B) Outlays, $2,193,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,735,000,000.
Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,648,000,000.

(8) Transportation (400):

Fiscal year 2008:
(A) New budget authority, $79,794,000,000.
(B) Outlays, $77,795,000,000.
Fiscal year 2009:
(A) New budget authority, $73,444,000,000.
(B) Outlays, $80,443,000,000.
Fiscal year 2010:
(A) New budget authority, $77,507,000,000.
(B) Outlays, $83,861,000,000.
Fiscal year 2011:
(A) New budget authority, $78,534,000,000.
(B) Outlays, $86,062,000,000.
Fiscal year 2012:
(A) New budget authority, $79,485,000,000.
(B) Outlays, $88,134,000,000.
Fiscal year 2013:
(A) New budget authority, $80,478,000,000.
(B) Outlays, $90,443,000,000.

(9) Community and Regional Development (450):

Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $14,553,000,000.
(B) Outlays, $24,251,000,000.
Fiscal year 2010:
(A) New budget authority, $14,826,000,000.
(B) Outlays, $21,816,000,000.
Fiscal year 2011:
(A) New budget authority, $15,134,000,000.
(B) Outlays, $17,874,000,000.
Fiscal year 2012:

(A) New budget authority, $15,450,000,000.
(B) Outlays, $15,817,000,000.
Fiscal year 2013:
(A) New budget authority, $15,755,000,000.
(B) Outlays, $15,561,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $90,077,000,000.
(B) Outlays, $90,729,000,000.
Fiscal year 2009:
(A) New budget authority, $95,235,000,000.
(B) Outlays, $90,947,000,000.
Fiscal year 2010:
(A) New budget authority, $102,594,000,000.
(B) Outlays, $98,345,000,000.
Fiscal year 2011:
(A) New budget authority, $105,612,000,000.
(B) Outlays, $103,135,000,000.
Fiscal year 2012:
(A) New budget authority, $107,828,000,000.
(B) Outlays, $104,397,000,000.
Fiscal year 2013:
(A) New budget authority, $101,690,000,000.
(B) Outlays, $103,490,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $285,101,000,000.
(B) Outlays, $286,688,000,000.
Fiscal year 2009:
(A) New budget authority, $306,795,000,000.
(B) Outlays, $305,334,000,000.
Fiscal year 2010:
(A) New budget authority, $323,767,000,000.
(B) Outlays, $324,138,000,000.
Fiscal year 2011:
(A) New budget authority, $344,749,000,000.
(B) Outlays, $343,718,000,000.
Fiscal year 2012:
(A) New budget authority, $367,766,000,000.
(B) Outlays, $366,312,000,000.
Fiscal year 2013:
(A) New budget authority, $393,085,000,000.
(B) Outlays, $391,326,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,191,000,000.
(B) Outlays, $419,974,000,000.
Fiscal year 2010:
(A) New budget authority, $445,225,000,000.
(B) Outlays, $445,349,000,000.
Fiscal year 2011:
(A) New budget authority, $494,370,000,000.
(B) Outlays, $494,193,000,000.
Fiscal year 2012:
(A) New budget authority, $491,353,000,000.
(B) Outlays, $491,110,000,000.
Fiscal year 2013:
(A) New budget authority, $552,389,000,000.
(B) Outlays, $552,503,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $389,865,000,000.
(B) Outlays, $394,100,000,000.
Fiscal year 2009:
(A) New budget authority, $411,699,000,000.
(B) Outlays, $414,032,000,000.
Fiscal year 2010:
(A) New budget authority, $417,519,000,000.
(B) Outlays, $418,617,000,000.
Fiscal year 2011:
(A) New budget authority, $426,924,000,000.
(B) Outlays, $427,541,000,000.
Fiscal year 2012:
(A) New budget authority, $412,355,000,000.
(B) Outlays, $412,831,000,000.
Fiscal year 2013:
(A) New budget authority, $427,988,000,000.
(B) Outlays, $427,703,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,268,000,000.
(B) Outlays, $92,443,000,000.
Fiscal year 2010:
(A) New budget authority, $96,000,000,000.
(B) Outlays, $95,710,000,000.
Fiscal year 2011:
(A) New budget authority, $101,800,000,000.
(B) Outlays, $101,475,000,000.
Fiscal year 2012:
(A) New budget authority, $99,115,000,000.
(B) Outlays, $98,271,000,000.
Fiscal year 2013:
(A) New budget authority, $105,094,000,000.
(B) Outlays, $104,266,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $48,104,000,000.
(B) Outlays, $47,936,000,000.
Fiscal year 2010:
(A) New budget authority, $49,101,000,000.
(B) Outlays, $49,602,000,000.
Fiscal year 2011:
(A) New budget authority, $50,338,000,000.
(B) Outlays, $50,596,000,000.
Fiscal year 2012:
(A) New budget authority, $51,622,000,000.
(B) Outlays, $51,501,000,000.
Fiscal year 2013:
(A) New budget authority, $52,967,000,000.
(B) Outlays, $52,542,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $23,520,000,000.
(B) Outlays, $23,890,000,000.
Fiscal year 2010:
(A) New budget authority, $19,961,000,000.
(B) Outlays, $19,987,000,000.
Fiscal year 2011:
(A) New budget authority, $20,611,000,000.
(B) Outlays, $20,496,000,000.
Fiscal year 2012:
(A) New budget authority, $21,319,000,000.
(B) Outlays, $21,332,000,000.
Fiscal year 2013:
(A) New budget authority, $22,007,000,000.
(B) Outlays, $21,787,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,296,000,000.
(B) Outlays, $349,296,000,000.
Fiscal year 2009:
(A) New budget authority, $334,233,000,000.
(B) Outlays, $334,233,000,000.
Fiscal year 2010:
(A) New budget authority, $370,534,000,000.
(B) Outlays, $370,534,000,000.
Fiscal year 2011:
(A) New budget authority, $406,997,000,000.
(B) Outlays, $406,997,000,000.
Fiscal year 2012:
(A) New budget authority, $427,954,000,000.
(B) Outlays, $427,954,000,000.
Fiscal year 2013:
(A) New budget authority, $436,292,000,000.
(B) Outlays, $436,292,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $1,000,000,000.
(B) Outlays, $531,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $307,000,000.
Fiscal year 2010:
(A) New budget authority, −$150,000,000.
(B) Outlays, −$53,000,000.
Fiscal year 2011:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$164,000,000.
Fiscal year 2012:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$178,000,000.
Fiscal year 2013:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$200,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, −$86,330,000,000.
(B) Outlays, −$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2008:
(A) New budget authority, $108,056,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2009:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $74,809,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $47,407,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $18,251,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $5,176,000,000.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $1,775,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) CHANGES IN MANDATORY SPENDING.—Not later than September 12, 2008, the House Committee on Ways and Means shall report a reconciliation bill making changes in laws within its jurisdiction sufficient to reduce direct spending by $750,000,000 for the period of fiscal years 2008 through 2013.

(b) CHANGES IN REVENUE.—Not later than July 15, 2008, the House Committee on Ways and Means shall report a reconciliation bill making changes in laws within its jurisdiction that will reduce total revenues by $70,000,000,000 for fiscal year 2009 and will increase total revenues by $70,000,000,000 for the period of fiscal years 2010 through 2013.

(c) ADJUSTMENTS TO ALLOCATIONS AND AGGREGATES.—

(1) Upon the reporting to the House of any bill that has complied with reconciliation instructions, the chairman of the Committee on the Budget may file with the House appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates.

(2) Upon the submission to the House of any conference report recommending a reconciliation bill in which a committee has complied with its reconciliation instructions, the chairman of the Committee on the Budget may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

In the House, the chairman of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Childrens Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in no more than $50,000,000,000 in outlays in fiscal years 2008 through 2013, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the combined changes would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND SERVICEMEMBERS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) enhances medical care for wounded or disabled military personnel or veterans;

(2) maintains affordable health care for military retirees and veterans;

(3) improves disability benefits or evaluations for wounded or disabled military personnel or veterans, including measures to expedite the claims process;

(4) expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay;

(5) eliminates the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation; or

(6) provides or increases benefits for Filipino veterans of World War II or their survivors and dependents;

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that enhances education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR INFRASTRUCTURE INVESTMENT.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for increased investment in infrastructure projects by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries (''green collar jobs'') by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief for middle-income families and taxpayers or enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for small business expensing, extension of the deduction for State and local sales taxes, and a tax credit for school construction bonds, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves the Medicare program for beneficiaries and protects access to care, through measures such as increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases and making improvements to the prescription drug program under part D, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE QUALITY, EFFECTIVENESS, AND EFFICIENCY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides incentives or other support for adoption of modern information technology, including electronic prescribing, to improve quality and protect privacy in health care;

(2) establishes a new Federal or public-private initiative for research on the comparative effectiveness of different medical interventions; or

(3) provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such measure if such measure would not increase the deficit

or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID AND OTHER PROGRAMS.

(a) REGULATIONS AND ADMINISTRATIVE ACTIONS.—In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that prevents or delays the implementation or administration of regulations or other administrative actions that would affect the Medicaid, SCHIP, or other programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(b) TRANSITIONAL MEDICAL ASSISTANCE AND QUALIFYING INDIVIDUALS.—In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that extends the transitional medical assistance program or the qualifying individuals program, which are included in title XIX of the Social Security Act, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR TRADE ADJUSTMENT ASSISTANCE AND UNEMPLOYMENT INSURANCE MODERNIZATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes the trade adjustment assistance program to better meet the challenges of globalization or modernizes the unemployment insurance system to improve access to needed benefits by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL PARK CENTENNIAL FUND.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the establishment of the National Parks Centennial Fund by the amounts provided in such measure for that purpose if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT ENFORCEMENT.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves Federal child support collection efforts or results in more collected child support reaching families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—In the House, prior to consideration of a bill, joint resolution, amendment, or conference report, the chairman of the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under section 404 of this resolution.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(B) the budgetary aggregates as set forth in this resolution.

SEC. 402. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the House, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committee on the Budget.

SEC. 403. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), a bill or joint resolution making a general appropriation or continuing appropriation, or an amendment thereto or a conference report thereon, may not provide for advance appropriations.

(b) EXCEPTIONS.—In the House, an advance appropriation may be provided for fiscal year 2010 for programs, projects, activities, or accounts identified in the report to accompany this resolution or the joint explanatory statement of managers to accompany this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $27,558,000,000 in new budget authority, and for 2011, accounts separately identified under the same heading.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any new discretionary budget authority provided in a

bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

SEC. 404. OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.

(a) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities, and such amounts are so designated pursuant to this subsection, then new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(b) EMERGENCY NEEDS.—In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts, and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

SEC. 405. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—In the House, for purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget.

SEC. 407. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the House, upon the enactment of any bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 408. EXERCISE OF RULEMAKING POWERS.

The House adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House and as such they shall be considered as part of the rules of the House, and these rules shall supersede other rules of the House only to the extent that they are inconsistent with other such rules of the House; and

(2) with full recognition of the constitutional right of the House to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE V—POLICY

SEC. 501. POLICY ON MIDDLE-INCOME TAX RELIEF.

It is the policy of this resolution to—

(1) minimize fiscal burdens on middle-income families and their children and grandchildren;

(2) provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the alternative minimum tax (AMT) under current law, in the context of permanent, revenue-neutral AMT reform; and

(3) support extension of middle-income tax relief and enhanced economic equity through policies such as—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(E) extension of the research and experimentation tax credit;

(F) extension of the deduction for State and local sales taxes;

(G) extension of the deduction for small business expensing; and

(H) enactment of a tax credit for school construction bonds.

This resolution assumes that the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the ''tax gap,'' and reduced taxpayer burdens through tax simplification.

SEC. 502. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) the Administration's budget requests should comply with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and the Administration should no longer attempt to fund overseas military operations through emergency supplemental appropriations requests;

(2) the Department of Defense should exclude nonwar requirements from its funding requests for Iraq and Afghanistan;

(3) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs (securing ''loose nukes'') is a high priority and should receive far greater emphasis than the President's budget provides;

(4) readiness of our troops, particularly the National Guard and Reserve, is a high priority, and that greater emphasis needs to be placed on mitigating equipment and training shortfalls;

(5) TRICARE fees for military retirees under the age of 65 should not be increased as the President's budget proposes;

(6) military pay and benefits should be enhanced to improve the quality of life of military personnel;

(7) improving military health care services continues to be a high priority and adequate funding to ensure quality health care for returning combat veterans should be provided;

(8) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;

(9) the Department of Defense should reassess current defense plans to ensure that weapons developed to counter cold war-era threats are not redundant and are applicable to 21st century threats;

(10) sufficient resources should be provided for the Department of Defense to do an aggressive job of addressing as many as possible of the 1,260 unimplemented recommendations made by the Government Accountability Office (GAO) over the last 7 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account;

(11) savings from the actions recommended in paragraphs (8) and (10) of this section should be used to fund the priorities identified in paragraphs (3) through (7);

(12) the Department of Defense report to Congress on its assessment of cold war weapons and progress on implementing GAO recommendations as outlined in paragraphs (9) and (10) by a time determined by the appropriate authorizing committees; and

(13) the GAO report to the appropriate congressional committees by the end of the 110th Congress regarding the Department of Defense's progress in implementing its audit recommendations.

TITLE VI—SENSE OF THE HOUSE

SEC. 601. SENSE OF THE HOUSE ON THE INNOVATION AGENDA AND AMERICA COMPETES ACT.

It is the sense of the House that—

(1) the House should provide sufficient funding so that our Nation may continue to be the world leader in education, innovation and economic growth;

(2) last year, Congress passed and the President signed the America COMPETES Act, bipartisan legislation designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future;

(3) this resolution supports the efforts authorized in the America COMPETES Act, providing substantially increased funding above the President's requested level for 2009, and increased amounts after 2009 in Function 250 (General Science, Space and Technology) and Function 270 (Energy);

(4) additional increases for scientific research and education are included in Function 500 (Education, Employment, Training and Social Services), Function 550 (Health), Function 300 (Environment and Natural Resources), and Function 370 (Commerce and Housing Credit), all of which receive more funding than the President's budget provides;

(5) because America's greatest resource for innovation resides within classrooms across the country, the increased funding provided in this resolution will support initiatives within the America COMPETES Act to educate tens of thousands of new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K–12 classrooms; and

(6) because independent scientific research provides the foundation for innovation and future technologies, this resolution will keep us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships, and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

SEC. 602. SENSE OF THE HOUSE ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of the House that—

(1) the House supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $48,150,000,000 in discretionary budget authority for 2009 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $4,888,000,000 more than the 2008 level, $3,602,000,000 more than the Congressional Budget Office's baseline level for 2009, and $3,232,000,000 more than the President's budget for 2009; and also provides more discretionary budget authority than the President's budget in every year after 2009;

(3) this resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services;

(4) this resolution assumes the rejection of the health care enrollment fees and pharmaceutical co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-traumatic stress disorder, and traumatic brain injury; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 603. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2009 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2009, and additional amounts in subsequent years, in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.

SEC. 604. SENSE OF THE HOUSE REGARDING LONG-TERM FISCAL REFORM.

It is the sense of the House that—

(1) both the Government Accountability Office and the Congressional Budget Office have warned that the Federal budget is on an unsustainable path of rising deficits and debt;

(2) using recent trend data and reasonable policy assumptions, CBO has projected that the gap between spending and revenues over the next 75 years will reach 6.9 percent of GDP;

(3) publicly held debt will rise from 36 percent today to 400 percent of GDP by the decade beginning in 2050 under CBO's alternative policy scenario;

(4) the most significant factor affecting the long-term Federal fiscal landscape is the expectation that total public and private health spending will continue to grow faster than the economy;

(5) the House calls upon governmental and nongovernmental experts to develop specific options to reform the health care system and control costs, that further research and analysis on topics including comparative effectiveness, health information technology, preventative care, and provider incentives is needed, and that of critical importance is the development of a consensus on the appropriate methods for estimating the budgetary impact and health outcome effects of these proposals; and

(6) immediate policy action is needed to address the long-term fiscal challenges facing the United States, including the rising costs of entitlements, in a manner that is fiscally responsible, equitable, and lasting, and that also honors commitments made to beneficiaries, and that such action should be bipartisan, bicameral, involve both legislative and executive branch participants, as well as public participation, and be conducted in a manner that ensures full, fair, and timely Congressional consideration.

SEC. 605. SENSE OF THE HOUSE REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of the House that—

(1) all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending;

(2) title IV of this resolution includes cap adjustments to provide appropriations for agencies that control programs that accounted for a significant share of improper payments reported by Federal agencies: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance Program Integrity;

(3) title IV also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $300,000,000,000 tax gap;

(4) the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate any new high-priority entitlement benefits; and

(5) title IV of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.

SEC. 606. SENSE OF THE HOUSE REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of the House that to reduce the deficit, Congress should extend the PAYGO rules originally enacted in the Budget Enforcement Act of 1990.

SEC. 607. SENSE OF THE HOUSE ON LONG-TERM BUDGETING.

It is the sense of the Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Governments net operating cost, financial position, and long-term liabilities.

SEC. 608. SENSE OF THE HOUSE REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

It is the sense of the House that—

(1) 35.5 million Americans (12.6 million of them children) are food insecure—uncertain of having, or unable to acquire, enough food, and that 11.1 million Americans are hungry because of lack of food;

(2) despite the critical contributions of the Department of Agriculture nutrition programs (particularly the food stamp program), which significantly reduced payment error rates while providing help to partially mitigate the effects of rising poverty and unemployment, significant need remains, even among families that receive food stamps;

(3) nearly 25 million people, including more than nine million children and nearly three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year;

(4) legislation that passed the House with bipartisan support was an appropriate first step toward ensuring that nutrition assistance keeps up with inflation and rising food prices; and

(5) Department of Agriculture programs that help us fight hunger should be maintained and that the House should continue to seize opportunities to reach Americans in need and to fight hunger.

SEC. 609. SENSE OF THE HOUSE REGARDING AFFORDABLE HEALTH COVERAGE.

It is the sense of the House that—

(1) nearly 47 million Americans, including nine million children, lack health insurance;

(2) people without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems;

(3) most Americans receive health coverage through their employers, and a major issue facing all employers is the rising cost of health insurance;

(4) small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, because of higher administrative costs and fewer people over whom to spread the risk of catastrophic costs;

(5) because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the Nation's uninsured individuals; and

(6) legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special circumstances affecting employees of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, and by promoting improvements in disease management and disease prevention.

SEC. 610. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 611. SENSE OF THE HOUSE REGARDING SUBPRIME LENDING AND FORECLOSURES.

It is the sense of the House that—

(1) over the last six months, the Nation has experienced a significant increase in the number of homeowners facing the risk of foreclosure with estimates of as many as 2.8 million subprime and other distressed borrowers facing the loss of their homes over the next five years;

(2) the rise in foreclosures not only has an immediate, devastating impact on homeowners and their families, but it also has ripple effects—

(A) local communities experiencing high levels of foreclosures experience deterioration as a result of the large number of vacant foreclosed and abandoned homes;

(B) rising foreclosure rates can accelerate drops in home prices, affecting all homeowners; and

(C) home mortgage default and foreclosure rates increase risk for lenders, further restricting the availability of credit, which can in turn slow economic growth; and

(3) the rise in foreclosures is not only a crisis for subprime borrowers, but a larger problem for communities as a whole, and considering the multi-layered effects of increasing foreclosures, the House should consider steps to address this complex problem.

SEC. 612. SENSE OF HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

The Acting CHAIRMAN. No amendment to the concurrent resolution is in order except the amendments printed in House Report 110–548. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, and shall not be subject to amendment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 1 OFFERED BY MS. KILPATRICK

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–548.

Ms. KILPATRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 1 offered by Ms. KILPATRICK:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2013.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: $2,113,137,000,000.
Fiscal year 2010: $2,333,975,000,000.
Fiscal year 2011: $2,520,860,000,000.
Fiscal year 2012: $2,736,299,000,000.
Fiscal year 2013: $2,838,866,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2009: $16,013,000,000.
Fiscal year 2010: $151,111,000,000.
Fiscal year 2011: $92,835,000,000.
Fiscal year 2012: $82,984,000,000.
Fiscal year 2013: $84,126,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: $2,597,686,000,000.
Fiscal year 2010: $2,630,042,000,000.
Fiscal year 2011: $2,761,520,000,000.
Fiscal year 2012: $2,802,739,000,000.
Fiscal year 2013: $2,929,212,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: $2,596,055,000,000.
Fiscal year 2010: $2,680,087,000,000.
Fiscal year 2011: $2,777,894,000,000.
Fiscal year 2012: $2,790,731,000,000.
Fiscal year 2013: $2,919,409,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2009: $482,918,000,000.
Fiscal year 2010: $346,112,000,000.
Fiscal year 2011: $257,034,000,000.
Fiscal year 2012: $54,432,000,000.
Fiscal year 2013: $80,543,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2009: $10,146,000,000.
Fiscal year 2010: $10,601,000,000.
Fiscal year 2011: $10,963,000,000.
Fiscal year 2012: $11,149,000,000.
Fiscal year 2013: $11,344,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: $5,701,000,000.
Fiscal year 2010: $5,858,000,000.
Fiscal year 2011: $5,907,000,000.
Fiscal year 2012: $5,740,000,000.
Fiscal year 2013: $5,593,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2009:
(A) New budget authority, $542,497,000,000.
(B) Outlays, $573,362,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $560,726,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $560,099,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $556,699,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $568,829,000,000.

(2) International Affairs (150):
Fiscal year 2009:
(A) New budget authority, $40,506,000,000.
(B) Outlays, $37,529,000,000.
Fiscal year 2010:
(A) New budget authority, $41,911,000,000.
(B) Outlays, $39,535,000,000.
Fiscal year 2011:
(A) New budget authority, $42,828,000,000.
(B) Outlays, $40,665,000,000.
Fiscal year 2012:
(A) New budget authority, $43,642,000,000.
(B) Outlays, $41,307,000,000.
Fiscal year 2013:
(A) New budget authority, $44,072,000,000.
(B) Outlays, $41,672,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2009:
(A) New budget authority, $30,049,000,000.
(B) Outlays, $28,761,000,000.
Fiscal year 2010:
(A) New budget authority, $31,280,000,000.
(B) Outlays, $30,704,000,000.
Fiscal year 2011:
(A) New budget authority, $32,589,000,000.
(B) Outlays, $32,312,000,000.
Fiscal year 2012:
(A) New budget authority, $33,968,000,000.
(B) Outlays, $33,677,000,000.
Fiscal year 2013:
(A) New budget authority, $35,413,000,000.
(B) Outlays, $34,591,000,000.

(4) Energy (270):
Fiscal year 2009:
(A) New budget authority, $5,374,000,000.
(B) Outlays, $2,423,000,000.
Fiscal year 2010:
(A) New budget authority, $5,345,000,000.
(B) Outlays, $3,354,000,000.
Fiscal year 2011:
(A) New budget authority, $5,412,000,000.
(B) Outlays, $3,983,000,000.
Fiscal year 2012:
(A) New budget authority, $5,503,000,000.
(B) Outlays, $4,370,000,000.
Fiscal year 2013:
(A) New budget authority, $5,595,000,000.
(B) Outlays, $4,684,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2009:
(A) New budget authority, $41,428,000,000.
(B) Outlays, $37,340,000,000.
Fiscal year 2010:
(A) New budget authority, $36,559,000,000.
(B) Outlays, $38,557,000,000.
Fiscal year 2011:
(A) New budget authority, $37,447,000,000.
(B) Outlays, $39,030,000,000.
Fiscal year 2012:
(A) New budget authority, $38,345,000,000.
(B) Outlays, $39,424,000,000.
Fiscal year 2013:
(A) New budget authority, $39,267,000,000.
(B) Outlays, $40,038,000,000.

(6) Agriculture (350):
Fiscal year 2009:
(A) New budget authority, $22,094,000,000.
(B) Outlays, $21,726,000,000.
Fiscal year 2010:
(A) New budget authority, $22,284,000,000.
(B) Outlays, $21,226,000,000.

Fiscal year 2011:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,436,000,000.
Fiscal year 2012:
(A) New budget authority, $22,828,000,000.
(B) Outlays, $21,995,000,000.
Fiscal year 2013:
(A) New budget authority, $23,186,000,000.
(B) Outlays, $22,376,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2009:
(A) New budget authority, $11,022,000,000.
(B) Outlays, $4,913,000,000.
Fiscal year 2010:
(A) New budget authority, $15,349,000,000.
(B) Outlays, $7,245,000,000.
Fiscal year 2011:
(A) New budget authority, $10,460,000,000.
(B) Outlays, $3,617,000,000.
Fiscal year 2012:
(A) New budget authority, $10,708,000,000.
(B) Outlays, $3,188,000,000.
Fiscal year 2013:
(A) New budget authority, $11,104,000,000.
(B) Outlays, $3,110,000,000.
(8) Transportation (400):
Fiscal year 2009:
(A) New budget authority, $74,619,000,000.
(B) Outlays, $81,067,000,000.
Fiscal year 2010:
(A) New budget authority, $78,682,000,000.
(B) Outlays, $84,845,000,000.
Fiscal year 2011:
(A) New budget authority, $79,709,000,000.
(B) Outlays, $87,159,000,000.
Fiscal year 2012:
(A) New budget authority, $80,660,000,000.
(B) Outlays, $89,274,000,000.
Fiscal year 2013:
(A) New budget authority, $81,653,000,000.
(B) Outlays, $91,609,000,000.
(9) Community and Regional Development (450):
Fiscal year 2009:
(A) New budget authority, $16,546,000,000.
(B) Outlays, $24,684,000,000.
Fiscal year 2010:
(A) New budget authority, $16,819,000,000.
(B) Outlays, $22,720,000,000.
Fiscal year 2011:
(A) New budget authority, $17,127,000,000.
(B) Outlays, $19,392,000,000.
Fiscal year 2012:
(A) New budget authority, $17,443,000,000.
(B) Outlays, $17,669,000,000.
Fiscal year 2013:
(A) New budget authority, $17,748,000,000.
(B) Outlays, $17,507,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2009:
(A) New budget authority, $115,485,000,000.
(B) Outlays, $96,894,000,000.
Fiscal year 2010:
(A) New budget authority, $122,844,000,000.
(B) Outlays, $118,545,000,000.
Fiscal year 2011:
(A) New budget authority, $125,862,000,000.
(B) Outlays, $123,385,000,000.
Fiscal year 2012:
(A) New budget authority, $128,078,000,000.
(B) Outlays, $124,647,000,000.
Fiscal year 2013:
(A) New budget authority, $121,940,000,000.
(B) Outlays, $123,740,000,000.
(11) Health (550):
Fiscal year 2009:
(A) New budget authority, $323,727,000,000.
(B) Outlays, $310,812,000,000.
Fiscal year 2010:
(A) New budget authority, $340,699,000,000.
(B) Outlays, $337,134,000,000.
Fiscal year 2011:
(A) New budget authority, $361,681,000,000.
(B) Outlays, $359,998,000,000.
Fiscal year 2012:
(A) New budget authority, $384,698,000,000.
(B) Outlays, $383,092,000,000.
Fiscal year 2013:
(A) New budget authority, $410,017,000,000.
(B) Outlays, $408,170,000,000.
(12) Medicare (570):
Fiscal year 2009:
(A) New budget authority, $420,691,000,000.
(B) Outlays, $420,420,000,000.
Fiscal year 2010:
(A) New budget authority, $445,725,000,000.
(B) Outlays, $445,825,000,000.
Fiscal year 2011:
(A) New budget authority, $494,870,000,000.
(B) Outlays, $494,693,000,000.
Fiscal year 2012:
(A) New budget authority, $491,853,000,000.
(B) Outlays, $491,610,000,000.
Fiscal year 2013:
(A) New budget authority, $552,889,000,000.
(B) Outlays, $553,003,000,000.
(13) Income Security (600):
Fiscal year 2009:
(A) New budget authority, $419,956,000,000.
(B) Outlays, $420,166,000,000.
Fiscal year 2010:
(A) New budget authority, $425,776,000,000.
(B) Outlays, $426,298,000,000.
Fiscal year 2011:
(A) New budget authority, $435,181,000,000.
(B) Outlays, $435,414,000,000.
Fiscal year 2012:
(A) New budget authority, $420,612,000,000.
(B) Outlays, $421,056,000,000.
Fiscal year 2013:
(A) New budget authority, $436,245,000,000.
(B) Outlays, $435,944,000,000.
(14) Social Security (650):
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2009:
(A) New budget authority, $97,404,000,000.
(B) Outlays, $96,269,000,000.
Fiscal year 2010:
(A) New budget authority, $100,136,000,000.
(B) Outlays, $99,789,000,000.
Fiscal year 2011:
(A) New budget authority, $105,936,000,000.
(B) Outlays, $105,581,000,000.
Fiscal year 2012:
(A) New budget authority, $103,251,000,000.
(B) Outlays, $102,386,000,000.
Fiscal year 2013:
(A) New budget authority, $109,230,000,000.
(B) Outlays, $108,398,000,000.
(16) Administration of Justice (750):
Fiscal year 2009:
(A) New budget authority, $52,104,000,000.
(B) Outlays, $52,184,000,000.
Fiscal year 2010:
(A) New budget authority, $53,101,000,000.
(B) Outlays, $53,336,000,000.
Fiscal year 2011:
(A) New budget authority, $54,338,000,000.
(B) Outlays, $54,526,000,000.
Fiscal year 2012:
(A) New budget authority, $55,622,000,000.
(B) Outlays, $55,474,000,000.
Fiscal year 2013:
(A) New budget authority, $56,967,000,000.
(B) Outlays, $56,542,000,000.
(17) General Government (800):
Fiscal year 2009:
(A) New budget authority, $24,020,000,000.
(B) Outlays, $24,328,000,000.
Fiscal year 2010:
(A) New budget authority, $20,461,000,000.
(B) Outlays, $20,469,000,000.
Fiscal year 2011:
(A) New budget authority, $21,111,000,000.
(B) Outlays, $20,985,000,000.
Fiscal year 2012:
(A) New budget authority, $21,819,000,000.
(B) Outlays, $21,827,000,000.
Fiscal year 2013:
(A) New budget authority, $22,507,000,000.
(B) Outlays, $22,283,000,000.
(18) Net Interest (900):
Fiscal year 2009:
(A) New budget authority, $333,566,000,000.
(B) Outlays, $333,566,000,000.
Fiscal year 2010:
(A) New budget authority, $367,308,000,000.
(B) Outlays, $367,308,000,000.
Fiscal year 2011:
(A) New budget authority, $401,371,000,000.
(B) Outlays, $401,371,000,000.
Fiscal year 2012:
(A) New budget authority, $421,521,000,000.
(B) Outlays, $421,521,000,000.
Fiscal year 2013:
(A) New budget authority, $429,535,000,000.
(B) Outlays, $429,535,000,000.
(19) Allowances (920):
Fiscal year 2009:
(A) New budget authority, $2,350,000,000.
(B) Outlays, $1,554,000,000.
Fiscal year 2010:
(A) New budget authority, $2,200,000,000.
(B) Outlays, $1,915,000,000.
Fiscal year 2011:
(A) New budget authority, $2,150,000,000.
(B) Outlays, $2,031,000,000.
Fiscal year 2012:
(A) New budget authority, $2,150,000,000.
(B) Outlays, $2,101,000,000.
Fiscal year 2013:
(A) New budget authority, $2,150,000,000.
(B) Outlays, $2,132,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2009:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $74,809,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $47,407,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $18,251,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $5,176,000,000.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $1,775,000,000.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. DEPARTMENT OF DEFENSE REPORT TO CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) between 2001 and 2007, GAO provided the Department of Defense with 2864 recommendations, many related to improving their business practices and, to date, the Department of Defense has implemented 1389 recommendations and closed 215 recommendations without implementation; and

(2) the GAO estimates that the 1389 implemented recommendations have yielded the Department of Defense a savings of $63.7 billion between fiscal years 2001 and 2007.

(b) ASSUMPTION; REPORT.—

(1) ASSUMPTION.—This resolution assumes $300,000,000 to be used by the Department of Defense to implement the remaining 1260 recommendations of the Government Accountability Office.

(2) REPORT.—The Secretary of Defense should submit a report to Congress within 90 days that demonstrates how each such recommendation will be implemented, and, in the case of any such recommendation that cannot be implemented, a detailed reason for such inability to implement such recommendation.

SEC. 202. REDEPLOYMENT.

It is the sense of the Congress that—

(1) the war in Iraq should end as safely and quickly as practicable and our troops should be brought home;

(2) the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately; and

(3) the purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war and occupation.

The Acting CHAIRMAN. Pursuant to House Resolution 1036, the gentlewoman from Michigan (Ms. KILPATRICK) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from Michigan.

Ms. KILPATRICK. Mr. Chairman, at this time, the Congressional Black Caucus will present our 2009 budget for the fiscal year: Tough Choices, Right Priorities.

The Federal budget is $3.1 trillion. Of these four main entitlements: Medicare, programs for over 40 million Americans, disabled children, low-income; Medicaid, 40 million children, low-income, disabled; Medicare, 44 million seniors' health program; and veterans, who have worked to build our country's security over these many years.

The budget we have before us invests in American families. It invests in our children, in our families, and it secures us at the same time.

There is no tax increase in this budget. And you will hear over and over from the other side that we're increasing taxes. We are not. We are rolling back those permanent tax cuts, for any American citizen who earns over $200,000 will have the regular tax procedure. What we're rolling back and increasing the revenue so that we invest in America's families are incomes over $200,000, that we might ensure all of America's children, that we might invest and save Medicare, as well as Medicaid.

We will increase the funding for No Child Left Behind, our premier education program that has never been properly funded. Education is the equalizer. America now falls behind the major nations of the world because our education system is crumbling, and our Congressional Black Caucus budget invests in education. We also offer money in our Justice Department for having safer communities across America.

We will present to you our 2009 Congressional Black Caucus budget. It is fair, it reduces the deficit, and it invests in America's children and in America's families.

It is my opportunity, as we move on and present the various Members who will speak, that we will show you that this budget is a budget that America needs: tough choices, right priorities.

Mr. Chairman, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. MARIO DIAZ-BALART of Florida. First of all, let me commend the gentlelady from Michigan and the other colleagues for bringing forth an alternative budget. As a member of the Budget Committee for the past 6 years, I know how difficult it is to put together a budget of this magnitude. It takes a lot of work and a lot of dedication, so I commend my colleagues for doing this.

This is a true substitute budget, Mr. Chairman. It highlights the stark differences between the Democrats' priorities and the Republican priorities. And yes, it does increase taxes by actually more than $1.1 trillion. I think that bears repeating. It increases taxes by more than $1.1 trillion over the next 5 years. This includes actually $427 billion in increases on top of the $683 billion in the underlying Democratic budget.

The differences between the Republican budget priorities and those of my Democrat friends, frankly, are rather clear. They're crystal clear. The Democratic budget that came to the floor yesterday will raise taxes by $683 billion over the next 5 years. Apparently, however, some of my Democratic friends think that that increase is still not enough, so this substitute raises taxes by, as I said before, $1.1 trillion over the next 5 years. Now, however, Mr. Chairman, the Republican substitute that will be offered later today does not raise a single penny in taxes. It contains absolutely no tax increases.

Mr. Chairman, I would like to take some time to discuss frankly the underlying Democratic budget.

Last year, the Democratic budget promised to raise taxes by $217 billion, and a lot of us were shocked because that was such a huge tax increase. A lot of us thought that was a lot of money. But this year they offer a newer and, frankly, bolder, more dramatic budget and more dramatic tax increase than last year. The underlying Democratic budget raises taxes by over $683 billion over 5 years. It sets up years and years of even higher spending and higher taxes.

Mr. Chairman, at last week's committee markup, the Budget Committee that I am privileged to serve on, a number of my Republican colleagues and I offered several amendments to extend the widely popular middle class tax provisions. And we're going to hear that this budget and the underlying Democratic budget only raises taxes on the wealthy. Well, we had that debate also in the Budget Committee. So, we offered some amendments to see if, in fact, that maybe they had just made a mistake. And yet, not one of these commonsense tax relief amendments were adopted. Every single Democrat on the committee voted against these amendments.

And I want to talk about what those amendments are, because, again, we're going to hear time and time again, oh, that's tax cuts for the wealthy. Let's talk about the specifics of the amendments that were voted down, that did not receive one single Democratic vote in the committee.

They voted against extending the $1,000 child tax credit. You know, I don't know, maybe it's different in the rest of the country, but in Florida, not only the wealthy have children. And they voted against that, against extending the $1,000 child tax credit. And that's raising taxes on families with children by $51 billion.

They voted against extending the marginal tax rates for all Americans and, thus, increasing taxes by $326 billion. They voted against, Mr. Chairman, eliminating the death tax. Now, I thought we could at least all agree that there should be, as a friend of mine here once said on the floor, ''no taxation without respiration,'' but no, they voted against eliminating the death tax, increasing taxes again by 181 additional dollars.

They voted against extending tax relief for married couples, increasing taxes by $25 billion on married couples.

□ 1200

And, again, I don't know, maybe Florida is different; but at least in the State of Florida not only the wealthy get married. That is a tax increase on every married couple in the entire country.

They voted against extending the 10 percent tax bracket for the very-low-income taxpayers. That's correct: we will hear time and time again, no, we

only want to raise taxes on the wealthy. Yes, but then why did they vote against extending the 10 percent tax bracket for the very-low-income taxpayers?

Again, extending the State and local sales deduction for States like Florida, Nevada, and Texas, where people should be able to deduct what they pay in sales taxes because we don't have an income tax, which is deductible in other States, this provision expires this year. But the Democratic budget rejected this deduction, increasing taxes on Floridians and others right away.

My friends on the other side of the aisle claim they support tax relief, and they'll say it time and time again; but, frankly, their actions just don't match their rhetoric.

Those amendments were defeated in committee just a few days ago. Those amendments which are not tax cuts for the wealthy, as we're going to hear, no. They were for middle-class American families in the United States, and they voted against every single one of those amendments. And, again, every single one of them our colleagues on the Democratic side voted against those tax cuts for middle America, for American families, for small businesses, et cetera. Again, not one single Democrat voted for these tax cuts for the middle class.

But these tax provisions affect real people, Mr. Chairman, real American families, workers, and small business owners. Let's take a look at what these tax increases mean. Again, these are real numbers. This is not theory. This is not rhetoric:

A family of four with $50,000 in annual income, not wealthy people but a family of four with $50,000 in annual income, would see its tax bill increase by $2,100. That's $2,100 in tax increases in 2011 as a result of the Democrats' budget. That's a 191 percent increase in their Federal taxes.

Forty-eight million married couples will see their tax bills rise by an average of $3,000; 12 million single women with dependents will face a tax increase of nearly $1,100; 18 million seniors, seniors, will see a tax increase of more than $2,100 in the year 2011; 27 million small business owners, Mr. Chairman, which are the backbone of our economy, which are the job creators in our economy, will see their tax bills increase by over $4,000. More than six million taxpayers who previously had no Federal income tax liability will become subject to the individual income tax in 2011. Again, these are low-income Americans, because, again, unfortunately, the 10 percent bracket has gone away, and also their child deduction will go away.

These are just a few examples, not rhetoric, concrete specific examples of how this amendment and the underlying bill will affect hardworking American families, the American taxpayer.

With this budget, 116 million American taxpayers will see their tax increase by an average of $1,800 in the year 2011. That's actually the underlying bill. With this amendment it would be even higher than that.

I often hear my Democratic friends say that a budget sets priorities. And it's obvious that this budget and this amendment to the budget set priorities. And what are those? More runaway spending and much higher taxes. That's what this budget offers and what this amendment offers. More of the same, just more taxes, more spending, more taxes, more spending, and no reform.

Some people, I guess, believe in this budget, and this amendment shows that some people believe that the Federal Government just doesn't have enough money and that the people have too much money in their wallets; so the Federal Government needs to take it from them because we can do a better job here. The bureaucracy and those smart men and women in Congress, we know much better how to spend people's money than they do.

But, Mr. Chairman, wait. Like those TV commercials: but wait, there's even more. This budget does absolutely nothing to address the huge entitlements, the crisis that our Nation faces. As entitlement programs continue to grow, this underlying budget contains no instructions to reform them so that we will be able to keep them so that they can continue to serve the people that they are serving and they will not bankrupt those programs and also not bankrupt the country.

Again, the truth is, Mr. Chairman, that Medicare and Medicaid are both growing at more than 7 percent a year. Social Security is growing at 7 percent per year. These huge growth rates are, unfortunately, unsustainable for our economy, for those programs, for our fiscal future. We must tackle this crisis. We must reform them to save those programs and also to make sure that we save the fiscal situation in this country. And if we don't, if we put it off for another 5 years, as this amendment does and as the underlying budget does, it will just make the situation worse. We have to act on that now.

Mr. Chairman, this substitute budget and the underlying Democratic budgets are both deeply flawed. They both raise taxes on hardworking Americans to a level that we have never seen. We know what higher taxes will do. It will kill job creation. I mean, we all agreed to that. When we wanted to make sure that we avoided a recession, what did this Congress do on a bipartisan level? We cut taxes because we know that cutting taxes, on a bipartisan level we know, that helps economic growth. But yet this amendment and the underlying budget will increase taxes on the American people without precedent, at levels that, frankly, have no precedent. And this is just more of the same.

And for those reasons, Mr. Chairman, I would respectfully request that we vote down this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. KILPATRICK. Mr. Chairman, I am honored to yield 4 minutes to the chairperson of our House Congressional Black Caucus Budget Task Force, as well as a proud member of the House Democratic Budget Committee, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentlewoman for her leadership in the Congressional Black Caucus.

Mr. Chairman, I would like to begin the discussion on the budget with where we are. And I'd like to use charts because a lot of rhetoric goes back and forth.

This is a statement of where we are right now. You will see the budget deficit year by year was improved in the 8 years of Democratic leadership on the budget and in the last few years has totally collapsed. It has collapsed to the point where we had a surplus projected, a 5- or 10-year surplus of $5.5 trillion, a surplus projected for those 10 years starting in 2001. Those 10 years look like they're going to come in at a $3 trillion deficit. That's an $8.8 trillion deterioration. That's an average of over $800 billion a year deterioration in the budget.

We didn't create any jobs during this time. This job performance under this administration is the worst since Herbert Hoover. You can say what you want, but that's just the arithmetic fact.

The Congressional Black Caucus is dealing with this budget responsibly. We, first of all, repeal the tax cuts that put us into the ditch to begin with. You can call that process whatever you want. You can rant and rave, but the fact is we are repealing all of those tax cuts that got us in the ditch, except those tax cuts that primarily affect that portion of your income under $200,000. Under $200,000 those tax cuts are protected. Those tax cuts that primarily affect your income over $200,000, those are the ones that we are repealing. We are able to, with that money, balance the budget and to go into surplus.

The red is the President's budget, which is significantly worse than the Congressional Black Caucus every year. The Congressional Black Caucus has a lower deficit in the first 3 years and a higher surplus in the next 3 years than either the President's budget or the Democratic budget. We are so responsible, in fact, that we save interest on the national debt. Cumulative compared to the President we save $23 billion in the fifth year alone, $48 billion saved in interest over the 5 years compared to the President's budget.

We are also able to spend on our priorities. Education, compared to the President's budget, $160 billion more on education, particularly No Child Left Behind; $119 billion more in health care, particularly children's health that the President vetoed. Veterans benefits, $60 billion over the President's budget. We're not charging our veterans fees for the services that they desperately need. And justice programs, prevention programs, after-school programs, and Second Chance Programs to make our communities safer, almost $35 billion extra.

This budget is responsible. It invests in our priorities, and it is much more fiscally responsible than the President's budget.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, at this time I would like to recognize, frankly, one of the most talented and one of the most knowledgeable Members in the United States Congress on fiscal matters, that is, the ranking member of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN), for 5 minutes.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

First off, Mr. Chairman, I would like to congratulate the gentlewoman from Michigan and the gentleman from Virginia. The gentleman from Virginia is a knowledgeable man who's very sincere, who understands the budget process, and I want to congratulate you for bringing a budget to the floor. It's not easy to write a budget resolution, and it's important to bring a budget to the floor that reflects your priorities. So first of all, to the CBC, I simply want to congratulate you and your staff for doing this because that's how a debate works here. It's not enough just to criticize; it's important to propose things.

Now for the criticizing part. I simply want to talk about the underlying Democratic Party budget. And there was a debate yesterday about this for a number of hours, whether there's a tax increase in the Democrats' budget or not.

Well, when we hear the Democrat chairman say that they are balancing the budget, that is what their budget does. It is certified by the Congressional Budget Office as actually achieving balance. So we need to accept the fact that their budget does balance.

There's only one reason, there's only one way that it balances. It does so by passing the largest tax increase in American history.

Now, here's what they do with their budget: this red line, which is what we call the Congressional Budget Office baseline, that is the line they use to show that they are achieving a balanced budget. The green line here says here's what the line would be if you don't raise taxes, if you keep the marriage penalty repealed, if you don't raise the child tax credit, and so on. This is the difference between the two budgets.

So when we hear our friends on the other side of the aisle say, We're balancing the budget and we're not raising taxes, they can't have it both ways. It's simply not correct. It's simply untrue. You can't, on the one hand, say you're balancing the budget, which by very definition requires by their math you raise taxes in order to achieve balance, and then not say you're raising taxes.

The question is this: What taxes are we talking about? Are these taxes that just hit wealthy people? No. Everybody who pays income tax rates will see a giant tax increase. All income tax rates will be increased under the Democratic budget. The per child tax credit will get cut in half, from $1,000 per child to $500 per child. That means every family in America will see a $500 per child tax increase. The marriage penalty will come back in full force. That hits people, on average, $1,400 for married couples. Capital gains and dividends tax, which is the tax on our pensions and our 401(k)s, that goes on. And the death tax comes back in full force.

The question before us now, Mr. Chairman, is this: We are almost going into a recession. We are clearly in an economic downturn. Is this the time for a tax increase? I think the answer is no.

The other question is this: We have high prices. It costs a lot to fill the gas tank today. It costs a lot to send kids to school. It costs a lot of money for health insurance. Where I come from in Wisconsin, it costs a lot to heat your home. So the real question for this Congress here and for the American people is, Can you afford the Democrats' tax hike? Can you afford the massive tax increases? We are paying higher prices for everything in America today. Our paychecks for working men and women in America aren't going as far as they used to go. So at this time can we afford this tax increase?

We think there's a better way. And in 2 hours we will be showing the American people the better way we think we ought to go, and that is let's balance the budget, but let's do it not by raising taxes but by controlling spending.

The big problem I also see with the Democratic budget in addition to that it has the largest tax increase in history is that it doesn't think there is any waste in Washington.

□ 1215

They believe we should keep earmarking this place. They believe there is no room to find waste, fraud, abuse and inefficiencies in government. We disagree. We think that there is waste in Washington. We think that there is fraud in the way our taxpayer dollars are being spent. And we think we ought to say this earmark system is coming unglued.

This earmarking system needs to be cleaned up. All this pork, 11,000 pieces of which left this Congress last year, to the tune of $14.9 billion. Let's say stop it for this year and let's clean it up. Let's have a bipartisan commission, clean up the way Congress porks this place up. Save that money. Reduce the deficit. Make sure we don't raise taxes and clean up the way Congress spends taxpayer dollars.

By simply saying no to pork this year and banking that savings in this budget, we can make sure that that per child tax credit stays. We can make sure that people don't pay higher taxes by virtue of simply being married.

Those are the choices we have before us today. We in the Republican budget say no more pork. Let's protect paychecks, and let's make sure we are not taxing people for having children or for getting married.

That's the values we have in our budget. And we think we can go farther and say, let's reform government. Let's reform spending. Let's clean it up. Let's not raise taxes.

Ms. KILPATRICK. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia be permitted to control the balance of my time.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 30 seconds.

First of all, the gentleman indicated that we have nothing in there for waste, fraud and abuse. In fact, we spend $300 million in the Defense Department budget to make sure that they follow through on the GAO recommendations to reduce fraud, waste and abuse.

Furthermore, we protect all of those tax cuts for that portion of the taxpayers' income under $200,000. It is just the tax cuts over $200,000 that primarily got us in the ditch.

At this point, Mr. Chairman, I yield 2 minutes to the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong support of the Congressional Black Caucus alternative budget which exercises fiscal and moral responsibility. And I thank Chairwoman KILPATRICK and Congressman SCOTT for their leadership.

The President's budget contains disastrous cuts which the base Democratic budget goes a long way to restoring. But people who have been left out of the health, education and the economic mainstream need more to ensure the equality, fairness and justice which our country has promised.

The CBC budget does this while balancing the budget and bringing back a surplus. Our budget will strengthen our Nation's overwhelmed and under-resourced health care system, extend the Children's Health Insurance Program, strengthen Medicaid and Medicare, save and expand programs to

build the diverse work force we need, and increase health information technology.

We fund more vital services for people with HIV/AIDS, increase funding to our National Center and rural, infant, mental health and other critically needed programs.

Very importantly, for the first time, the CBC budget creates a Health Equity Fund, a bold but long overdue step that would fund the Health Equity and Accountability Act of 2007 and begin to eliminate the health disparities that claim the lives of 100,000 African Americans and other people of color every year. And we do this by providing tax relief where it is needed, recalibrating taxes so that they are fair, and we put that money where it is needed most.

Mr. Chairman and colleagues, the time is now to pass a budget that balances tough decisions with fiscal and moral responsibility and reflects the needs of all Americans and not just a privileged few.

Mr. Chairman, I rise today in full support of the Congressional Black Caucus' alternative budget—Tough Choices—Right Priorities: Exercising Fiscal and Moral Responsibility. Thank you, Chairwoman KILPATRICK and Congressman SCOTT, for your leadership.

The President's budget contains disastrous cuts which make it blatantly clear that his priorities are out of sync with African-Americans and all Americans.

The base Democratic budget is a good budget. It goes a long way to restoring the cuts and eliminations the President proposes, but people who have for so long been left behind and left out of the health care mainstream and others, need more to ensure the equality, fairness, and justice which this country promises to all.

The CBC alternative budget provides additional critical funding to health, education, crime prevention, economic opportunity and more, this while still maintaining sound fiscal policy, providing moral leadership while balancing the budget and bringing back a surplus in five years.

As a physician and as the chair of the CBC Health Braintrust, I want to focus on the health care fixes the CBC budget provides.

The CBC budget alternative will strengthen our Nation's overwhelmed and underresourced health care system, champions critically important health care needs, and fills the gaps in health care access and quality that detrimentally affect our Nation's health care providers, and the overall health care system. It expands the State Children's Health Insurance Program to insure the majority of the Nation's 9 million uninsured children and strengthens Medicaid and Medicare. It also saves title VII programs to build the diverse workforce we need; it implements health information technology to improve continuity and safety of care.

We fund the Ryan White Program including ADAP, National Minority AIDS Education and Training Centers, and the other vital services for persons with HIV/AIDS; increase funding to the National Center on Minority Health and Health Disparities at NIH and save rural, infant, mental health and other critically needed health programs that the President wants to terminate.

Mr. Chairman, very importantly, for the first time, the CBC budget creates a health equity fund. It is a bold but long overdue step that would finally put our money where our mouth is and finally fund the Health Equity and Accountability Act of 2007 and begin to eliminate the health disparities that literally claim the lives of 100,000 African-Americans and other people of color every single year—bringing wellness within the reach of millions of innocent, hard-working Americans who are now in poorer health, un- and under-insured, and more likely to become disabled or die prematurely from preventable causes during what ought to be their most productive years.

Mr. Chairman and colleagues, the time has come for us—as lawmakers—to pass a budget that delicately balances tough decisions with fiscal and, more important, moral responsibility in a manner that reflects the needs of all Americans and not just a privileged few.

The alternative CBC budget does just that and I encourage all of my colleagues to support it.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 30 seconds.

I want everybody to kind of listen to this debate, to just listen to see where you hear one reduction in this amendment or in the underlying budget, one reduction in Federal spending, one reduction in waste, one cut in waste, one program that is eliminated, one thing in the Federal Government that should get a little bit less money. Please listen to that, and what you will hear is just the opposite. More spending. More spending. More spending, more Federal programs, and not one reduction.

Is the Federal Government so efficient there is nothing that can be reduced? I don't think so.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to thank Chairwoman KILPATRICK, the Congressional Black Caucus and my colleague, Congressman SCOTT from Virginia, for their leadership and unwavering support for the development of this alternative budget.

The CBC alternative budget is filled with progressive and visionary funding that is motivated by principle and compassion. It is a budget that voices the concerns and needs of the poor, the children, and the elderly that have been so easily set aside by this current administration.

The CBC alternative budget understands that our Nation's transportation system is the backbone of our economy and our way of life, neither of which we cannot afford to shortchange.

Funding included in the CBC budget also supports great competitiveness in science and technology. As a senior member of the House Science Committee, I feel it is important to invest in our children's futures, which is also an investment in our own future.

Provisions for the science and technology fields will address access to higher education, enrichment programs in the STEM fields, and spur critical research and development to meet the needs of this country.

Our Nation's future depends more and more on the quality of our innovative ideas. The fruits of these investments meet vital national needs and improve the quality of life for all Americans.

The CBC alternative budget also provides funding for programs and services crucial to the American people, rather than continuing to provide tax breaks for those who least need it.

By repealing several of the tax cuts implemented under the current administration, the CBC budget provides robust funding for much-needed programs and services. Such programs include health care for uninsured children, education, and job training programs, an expanded GI Bill for post-9/11 veterans, as well as increases in benefits and services, juvenile justice prevention and intervention programs, community and regional development, public housing, the Army Corps of Engineers, and homeland security needs.

Mr. Chairman, we are in a position to provide funding for long-neglected programs and to advance on our promise for progress.

The CBC alternative understands that our Nation's transportation system is the backbone of our economy and our way of life, neither of which we can afford to shortchange.

Funding included in the CBC budget also supports greater competitiveness in science and technology. As a senior Member of the House Science Committee, I feel it is important to invest in our children's futures. Provisions for the science and technology fields will address access to higher education, enrichment programs in STEM fields, and spur critical research and development to meet the needs of our country.

Our Nation's future depends more and more on the quality of our innovative ideas. The fruits of these investments meet vital national needs and improve the quality of life for all Americans.

I ask, Mr. Chairman, that Members of this body listen to their conscience.

Mr. MARIO DIAZ-BALART of Florida. I reserve my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2½ minutes to the gentlelady from California, Ms. Maxine Waters.

Ms. WATERS. Mr. Chairman, I would like to thank Mr. SCOTT for the tremendous effort that he has put forward to help develop this CBC alternative budget.

We have before us perhaps the most important piece of legislation that we will vote on all year; the budget resolution that sets forth the priorities this House will pursue for the remainder of the year.

I am very pleased to join with my colleagues in the Congressional Black Caucus to present an alternative budget, a budget that is wise, prudent, responsible and balanced. I have many concerns, deep concerns with health care, education, criminal justice elements of the resolution. But I think I want to focus my time on housing and community development, given my position as the chair of the subcommittee that bears that name.

We have all witnessed the instability of our economy in the face of turmoil directly resulting from the housing and mortgage market. Incredibly, at a time when we should be focusing more resources on this area, the President's budget slashes programs that provide housing and supportive services to our country's poorest disabled and elderly households. It starves the local housing authorities of funds they need to sustain and modernize public housing stock, and once again seeks to cripple the Community Development Block Grant program.

Specifically, the President's budget reduces funding for HUD 202 supportive housing for the elderly by 27 percent. If enacted, this cut would leave funding for this program at a level 40 percent below its fiscal year 2001 appropriations. The CBC adds $300 million to the President's request to rectify this cut.

There are a number of other cuts, but let me draw your attention to the proposed elimination of the HOPE VI program, which the House of Representatives recently voted to reauthorize on a bipartisan vote of 271–130. The CBC budget adds $1 billion to restore this program.

Let me also bring to your attention a cut in the Community Development Block Grant program of $657 million and a zeroing out of the section 108 Loan Guarantee program. If enacted, the President's budget would culminate a multi-year attack on CDBG that could put the program at a funding level of about one-half of its appropriation in fiscal year 2001.

I ask support of the CBC budget. I believe that all of America would be served well by this budget.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE. Mr. Chairman, let me thank my colleague from Virginia for his leadership. Also I want to thank the chairwoman of the Congressional Black Caucus, Congresswoman Carolyn Cheeks Kilpatrick, for her leadership and all of our staff for their very diligent work in putting together this fiscally and morally responsible budget.

This budget rejects the President's budget and his attack on working families, minority communities and many of our most vulnerable populations like seniors and low-income individuals. Instead it, invests in the right priorities for our Nation.

It calls for the implementation of GAO's recommendation to cut waste, fraud and abuse at the Defense Department. We have witnessed billions and billions of dollars disappear, lost or misspent through companies such as Halliburton or Blackwater. We have found, and the GAO has found, that there is at least now a savings of $63.7 billion between fiscal year 2001 and 2007. We want them to complete their audit, and this budget will allow them to do that so we can realize these savings and invest in our communities, in our families and in our children.

This budget also recognizes that domestic security enhances national security. It makes critical investments to build housing and to strengthen our communities. It fully funds SCHIP and increases funding to fight HIV/AIDS. It expands education and job training programs and rebuilds schools destroyed by Hurricane Katrina.

In short, the Congressional Black Caucus budget is fiscally and it is morally responsible. I urge my colleagues to support it.

Let me just highlight the HIV/AIDS budget. We have not received the type of increases for the minority AIDS initiative that our communities need so desperately. The HIV/AIDS pandemic is wreaking havoc on the African American and now unfortunately the Latino communities in our country. And so this bill funds the Ryan White HIV/AIDS program in a way that it should be funded, but it also funds the minority AIDS initiative in the manner that it should be funded.

Also let me just say we have seen such massive cuts in programs for education, such as for our historically black colleges and universities. This budget makes sure that our historically black colleges and universities receive the type of funding they need to educate our young people.

Also it is important to recognize the Congressional Black Caucus understands that our children need health care this, and this budget provides the funding through SCHIP for health care for our children, our most precious resources, who are our future. And it is a shame and disgrace that we haven't been able to do what we needed to do.

So I thank the gentleman from Virginia for making sure this budget is fiscally and morally responsible.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 30 seconds.

I think if you ask the American taxpayer if it helps our domestic security to increase their taxes by $1.1 trillion over the next 5 years like this amendment does, they would probably tell you that no, and that frankly, it puts their domestic security in great jeopardy, or the $683 billion in tax increases in the underlying Democratic budget. I think obviously the answer would be the same.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 15 seconds to remind the public of where we are and how we got in the ditch, and these taxes they are talking about is just repealing what got us into the ditch.

I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. AL GREEN of Texas. Thank you, Member SCOTT, and I thank you for the stellar job that you have done on this budget. I thank Chairwoman KILPATRICK for what she has done as well.

The Members on the other side talk about control spending. I think we need to give some indication of what ''control spending'' is. Control spending occurs when you spend $144 billion per year on war and you cut Medicaid by $500 billion over 10 years.

□ 1230

Control spending is spending $12 billion a month on war, and you are cutting Medicaid by $100 billion over 10 years.

Control spending means that you can't fully fund health care, education, first responders and infrastructure repair; but you can spend $243,550 per minute on war.

It is time for us to assess our priorities. If we can spend $395 million per day on war, then we can spend $32 million to fully fund FHIP, the Federal initiative to make sure that we end discrimination in housing. We can fund it for 1 year for $32 million. It has been cut. In 2006 we had 27,000 housing discrimination complaints; 18,000 were resolved. The administration is presently requesting $26 million in 2008. That is a 15 percent cut, given that $6 million of it will go toward a study.

FHIP is a way to end discrimination in housing. We have to have the will to fund it. If we fund FHIP, we can end housing discrimination. The Fair Housing Initiative Program deserves to be funded, and let's control spending in some other areas and take care of home.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I reserve my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I thank the gentleman from Virginia. I rise in favor of the CBC alternative budget.

Mr. Chairman, a nation is judged by how it treats its most vulnerable; and during the last 7 years, families have experienced a decline in their income, increased hunger, skyrocketing home heating costs, and higher taxes. This has had a devastating impact on children, families, and our seniors; and that is why our CBC budget assumes extension of these family-friendly tax

cuts, but just not extending the tax cuts, for example, for corporate offshoring of jobs.

The CBC budget goes above and beyond the President's budget request. Yes, we are spending. We are spending to reinvest in the future of America's children by providing increased funding for the State Child Health Insurance Program, the Low Income Heating and Energy Assistance Program, the child welfare services, the Child Care and Development Block Grants, the Community Supplemental Food Program, child nutrition programs, and Child Support Enforcement to address the problem of the 13 million children who live in poverty.

The CBC budget also recognizes the importance of fueling the global economy by providing increased funding for educational programs like TRIO and Head Start, and fully funds No Child Left Behind.

The CBC program also increases funding for Pell Grants and Perkins loans to ensure that young people will continue to have the opportunity to get a college education and, again, support America's aspiration to stay ahead in the global economy.

Last week, a government report revealed that employers made their deepest cut in staffing in almost 5 years in the month of February. The report showed that there was a net loss of 63,000 jobs, according to the Labor Department. The CBC budget acknowledges the importance of job training programs by providing increased funding for programs under the Workforce Investment Act.

Along with laying a strong foundation for children, families and seniors and workers, the CBC budget also takes care of our Nation's veterans by providing increased funding for post-traumatic stress disorder and mental health services. It is imperative that we provide veterans with the necessary resources to guarantee excellent health care for these courageous men and women.

Most importantly, the Congressional Black Caucus alternative budget applies over $16 billion to reduce the egregious Federal deficit.

I want to thank my colleagues, and particularly the gentleman from Virginia who worked on this budget.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 1 minute.

As you have heard, yes, we have heard time and time again this amendment does, and the underlying budget does, increase spending. And how do they pay for the increased spending? Well, $1.1 trillion over the next 5 years in increased taxes. Let me repeat that: $1.1 trillion in increased taxes. Including who? Who would get taxed? Well, everybody would get a tax increase, including, for example, reducing the child tax credit in half; including raising taxes by not extending the 10 percent tax bracket for the very-low-income taxpayers of this country; including not extending the tax relief for married couples.

This $1.1 trillion in increased taxes would hit every American, every small business, every family, every taxpayer.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself an additional 30 seconds to remind the public that we are in the ditch. We are repealing what got us in the ditch; but we are protecting those tax cuts, many of which were just mentioned, those that affect that portion of your income under $200,000. But the alternative is to stay in the ditch.

We have a problem in that we have got Social Security we are going to end up having to pay in a few years. We have got more money coming in in Social Security than going out now. That is going to change in 2018, and we are not setting aside any money for that. We have a credible plan to get us out of the ditch by repealing what got us into the ditch.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the gentleman from Virginia for the leadership of the Budget Committee and the CBC budget effort that he has led continuously, and Congresswoman KILPATRICK, the chairperson of the Congressional Black Caucus.

It is important to note that I think Americans are tired of the ''I's and me's'' budget, and that is the budget of this administration, a lot of ''I's,'' a lot of ''me's,'' but never a lot of ''we's.''

I think it is evident that this budget, the Congressional Black Caucus budget, reflects some of the startling facts that Americans are facing. First, the loss of 63,000 jobs in the last month under this administration, the categorizing of this administration as second only to former President Hoover in having the worst economy in the Nation's history. And, of course, if you just go out and talk to Mr. and Mrs. Smith or Mr. and Mrs. Gonzalez or many others, they will tell you that a recession is on the way.

This budget acknowledges the needs of our Nation. It provides the honor to our veterans by increasing that budget for health care, benefits and educational opportunities $60.9 billion. Today we honored the wounded warriors. We spoke to some of them, who said that we are now being assessed for our benefits.

This is what this budget does: it provides more dollars for Community Development Block Grants going into our community for nutrition programs and housing programs by $27.4 billion. I can tell you that the City of Houston has 1,500 senior citizens on a waiting list to rehab their homes that need this budget.

In addition, this administration has had the worst civil rights enforcement ever in the history of the United States. This budget ups the President's budget by $200 million to help those who have been discriminated against.

As you can see, this tells you about the income of Americans under this administration. It is now minus. Minus. Americans are losing money. They are now losing income. We are now in the red. Americans are struggling. If you listen to the Nation's reports about foreclosures, you will find out that Americans are losing their homes by the hundreds. You will find out that the foreclosure market is stalled to the extent that so many people are losing their homes and not trying to regain them. What does that mean? People are out in the streets looking for housing.

Let me applaud Mr. SCOTT and the CBC budget team for recognizing the concept of competitiveness. For in addition to reflecting the need for increased science activity, I am very glad that they have added moneys to aeronautics. They have likewise put in a $175 million plus-up on aeronautics research.

Right now as we stand here today, *Endeavor* is making its way to the international space station. It is there now putting forward outstanding research that will bring about jobs. And that is maintained.

Let me also thank them in my concluding remarks to recognize that we must continue to provide for the soldiers, but we want those troops home. We have in this budget language that suggests that any dollars given to the administration must be used to redeploy our troops home. These are the same troops in Iraq and Afghanistan who have been redeployed once, twice, three times, four times. Their families are suffering. This bill provides us with an outlet for these returning soldiers by increasing the educational budget and providing, of course, more for health care, and, yes, fighting the international drudge of HIV/AIDS.

So I am grateful for a budget that does not stand on I's and me's. It stands on the we's and the us of America. It gives the Americans, Mr. and Mrs. America, the opportunity to dig out of a hole, to stand above this terrible income gap, and to be able to stand again in a great Nation.

This is a great budget. I ask my colleagues to support it.

Mr. Chairman, I rise in support of the Congressional Black Caucus (CBC) Budget Substitute for the Fiscal Year Budget for 2009, introduced by my distinguished colleague from Michigan, Representative CAROLYN CHEEKS KILPATRICK and my colleague from Virginia, Representative ROBERT C. ''BOBBY'' SCOTT.

While I support the Budget as put forth by our majority on the Budget Committee. I believe there is more that needs to be done when this country is on the verge of a recession, the housing market is at one of its worst

points in history, and we have a growing population of uninsured Americans.

CBC BUDGET RESCINDS TAX CUTS

The CBC budget rescinds tax cuts for the top two income tax rates and rescinds capital gains and dividend tax cuts in addition to closing other loopholes. By rescinding these tax cuts, the CBC budget fully funds No Child Left behind (NCLB), the State Children's Health Insurance Program (SCHIP), and it provides additional funding for the fight against global AIDS, Community Development Block Grants (CDBG) and higher education among other items.

BALANCES THE BUDGET

Even after funding these priorities, the CBC alternative budget still manages to balance the budget after FY12 and in fact creates a surplus of $141 billion. The Democratic budget is also in surplus in FY12, but does not fund the priorities of the American people at the same levels as the CBC budget. In comparison, the President's budget deficit in the FY12 is −31 billion.

Moreover, in FY08–FY12, the CBC budget's total cumulative deficit is $107 billion better than the Democratic budget and $339 billion better than the President's budget. As a result, over the next five years, the CBC budget saves $18.3 billion on interest on the national debt compared to the Democratic budget and 27.7 billion compared to the Presidents budget.

The bottom line is that the CBC budget chooses programs important to the American people over tax cuts for those who need it least. At the same time, it reduces the deficit and reaches a surplus in FY 2012.

ADVANCING THE PRIORITIES OF THE AMERICAN PEOPLE

We must not only be economically healthy, but assist in balancing it with the health, education, and security of our citizens. The CBC budget will advance the priorities of the American people by:

Covering all eligible children with health insurance through funding SCHIP, with $119.3 billion more than the President's budget and $84.6 billion more than the Democratic budget to help one of our most vulnerable populations—children;

Ensuring No Child Left Behind (NCLB) has increased funding for Head Start programs, IDEA, college access programs, college loan programs and job training with $162.7 billion more than the President's budget and $101.2 billion more than the Democratic budget;

Honoring our veterans by increasing funding for health care, benefits and educational opportunities with $60.9 billion more than the President's budget, and $17.7 billion than the Democratic budget;

Making more local communities with support through increases to Community Development Block Grants, nutrition programs and housIng programs with $27.4 billion more than the President's budget and $20 billion more than the Democratic budget; and

Contributing to the global community by investing in child survival and, health, international family planning and the global effort to fight AIDS with $11.5 billion more than the President's budget and $16.9 billion more on international affairs than the Democratic budget.

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The CBC budget under the Health Function 550 included a program that I continually push for increased funding, and that is the Juvenile Diabetes Research Foundation. Hope for juvenile diabetes cure lies in research. Real progress is being made, thanks largely to government funding of the Special Diabetes Program. However without the renewal of the program, federal support for Type I Diabetes will be reduced by 35 percent

The health and health care spending in the CBC budget alternative is the fiscally, socially and morally appropriate and responsible response to the President's FY 09 healthcare budget proposal, which showcases grave cuts to every office and agency, as well as to every program that is integrally important to efforts to eliminate health disparities and improve the health, well being and life opportunities of all Americans.

The CBC budget alternative, unlike the President's FY 09 budget, strengthens our nation's overwhelmed and under-resourced health care system, champions the critically important health care needs of health care seekers, and fills the gaps in health care access and quality that detrimentally affect our nation's health care providers and the overall health care system.

The CBC budget alternative makes a more than $174 billion additional investment in the health, health care, well being and thus life opportunities of not only African Americans, but all Americans. Additionally, the budget makes this very wise investment as it generates monies to reduce the nation's deficit.

The CBC budget alternative strengthens and expands the State Children's Health Insurance Program to ensure that the majority of the nation's 9 million uninsured children have access to health care. This is of particular relevance to the CBC because a disproportionate number of the 9 million uninsured children today are African American or Hispanic. Without reliable access to quality health care, children are in poorer health, are less productive in school and in their communities, and are less likely to fulfill their life's potential.

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The CBC budget alternative creates the Health Equity Fund, which will help ensure that this nation take a giant step forward in efforts to reduce and eliminate all health disparities and achieve health equity.

STRENGTHENS MEDICARE

The CBC budget alternative strengthens Medicare—a critically important program that ensures that our nations' senior citizens, as well as those living with disabilities, have access to the health care services and treatments they need to live longer, healthier and fuller lives.

The CBC budget alternative also: saves Title VII (health professions training) programs, which are integral to strengthening and expanding tomorrow's health care workforce; funds the Ryan White HIV/AIDS Program in a manner that allows it to expand ADAP, the efforts of National Minority AIDS Education Training Centers, and the other important services and treatments offered to our most vulnerable with HIV infection; funds the Minority AIDS Initiative in a manner that will build the needed capacity in racial and ethnic minority communities throughout the nation to respond and address HIV/AIDS;

It is our children that will bring forth a thriving future. We need to invest in tomorrow by investing in them today. This starts with their physical well-being. Children, who cannot see the doctor when they are sick, research programs that are not adequately funded to find a cure for diseases such as diabetes, hurt our future generations, and not help lay a foundation for a bright future.

EDUCATION AND AFRICAN AMERICANS IN TEXAS

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This budget provides greater funding to our nation's schools and colleges than even our Democratic budget supplies.

For African Americans health and education concerns spill beyond budgetary issues into the criminal justice consequences. In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university.

The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities.

THE REPUBLICAN BUDGET SUBSTITUTE

Under the Republican Budget the national debt continues to explode. The gross federal debt reached $9.0 trillion at the end of 2007. The CBO projects that the debt will rise by a total of $3.9 trillion at the end of 2008. This unprecedented rise in debt puts our President in the history books. During the seven years of the current Administration, the government has posted the highest deficits in this nation's history. The President's 2009 Budget continues the failed policies that brought us to this point.

CBC BUDGET COMPARED TO THE PRESIDENT'S AND DEMOCRATIC BUDGETS

The CBC budget improves the deficit by $564 billion over the President's budget and $152 billion over the Democratic budget.

The CBC budget saves on interest on the national debt $48.1 billion compared to the President's budget, and $22.7 billion compared to the Democratic budget.

The CBC budget spends more over five years on healthcare, veterans, education and justice than either the President's budget or the Democratic budget. The CBC budget also addresses the President's shortfalls in funding critical Homeland Security programs such as the Port Security Grant Program and grants for First Responders.

PORT OF HOUSTON AND SECURITY MEASURES

Just yesterday, I had the pleasure of meeting with the Port Authority of Houston. They were here to discuss their security measures but also their need for continued federal dollars. The Bush Administration claims they want to secure our nation but cuts funding in areas that are important to our local security such as the ports in Houston, Texas. The CBC seeks to cure that shortfall.

PAY-GO AND SUNSET PROVISIONS

The President's budget and the Republican alternatives violate pay-go and the fiscal responsibility that reconciliation is intended to achieve, by proposing tax cuts that are not offset.

The sunsets for the 2001 and 2003 tax cuts were part of the tax legislation which Republicans voted for and passed. The expiration of the tax cuts is their policy. The Democratic budgets actually calls for the extension of many of these tax cuts, but responsibly requires that tax cut extensions, like other policies, must be fiscally sound, and not make the deficit worse.

CONCLUSION

This important piece of legislation gives us a budget that is balanced fiscally and morally. It does not sacrifice the great many programs and services that this nation needs for a War that the President seems never to end.

Defense of our nation is important, however, we must not support only one portion of the budget to the detriment of everything else. The CBC budget makes tough choices that result in a fiscally and morally responsible budget that will fund essential programs and services vital to our communities and the American people as a whole.

I urge my colleagues to join me in supporting the Congressional Black Caucus Budget Substitute for FY2009.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 2 minutes to the ranking member of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

I don't know what kind of statistical contortion must have gone through producing that last chart. We just finished 52 consecutive months of job growth, the largest expansion in our Nation's history.

But more to the point is this issue of whether we are raising taxes here or not, because we need to be honest with the American people. The underlying Democratic budget, don't take my word for it, it raises taxes. Take the Senate's word for it. Because just this morning on a 99–1 vote in the U.S. Senate, they rejected the logic of this budget. They said we want to preserve the middle-class tax cuts, which they define as the kid credit and the marriage penalty and 10 percent bracket and some others. But they changed the budget by $341 billion to prevent $341 billion of the $683 billion tax increase from taking place.

So don't take my word for it, but the Democrats and the Republicans in the Senate. All but one person said we should not raise taxes as much as the House Democrats are raising taxes; let's raise taxes half as much.

So the point is this: Our friends on the other side of the aisle can come up with reserve funds and senses of Congress and preferences and hopes and dreams and aspirations. But what counts is what you put in the budget. And if you are coming to the floor and saying you are balancing the budget, by the way this budget is written, it only does so by giving us the largest tax increase in American history. No sense of Congress, no empty reserve fund can change that fact.

Don't listen to me. Listen to the fact that the Senate looked at this same budget and said, that is not what we want to do. We want to preserve some of these tax cuts, and they just voted 99–1 to do just that. They decided to raise taxes half as much as the Democrats here in the House are doing.

So what really matters are budgets, because that is the numbers. They don't lie. This budget that we are voting on, this underlying budget, gives us the largest tax increase in American history. Let me read a few of them:

Some 116 million taxpayers will see an average tax increase of more than $1,800 per year.

More than 6 million low-income individuals and couples who currently pay no taxes will be no longer exempt.

A family of four earning $50,000 will see their taxes increase by $2,100.

Approximately 48 million married couples will face an average tax increase of $3,000 per year.

Low-income families with one or two children will no longer be eligible for the refundable child tax credit.

Roughly 12 million single women with children will see their taxes increase by $1,100 a year.

About 18 million seniors will be subjected to tax increases of more than $2,100 a year.

Tax bills for an estimated 27 million small business owners will increase by more than $4,000 each.

That is what the underlying Democratic budget does. It was rejected in the Democratically controlled Senate. It ought to be rejected in this House here today.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

□ 1245

I want to thank the gentleman, Mr. SCOTT, for his leadership on the CBC budget.

Mr. Chairman, I rise to support the Congressional Black Caucus alternative budget offered today. The CBC budget once again proposed to change a 7-year Republican policy that I have called Reverse Robin Hood, stealing from the poor to give tax breaks to the rich.

You might ask why the Democratic budget, which I support, needs improvement. The Democratic budget needs improvement because when America has a cold, the African American community has pneumonia. The CBC budget reversed the deep cuts that have been made to the programs that serve the neediest Americans. This year's Congressional Black Caucus budget covers all eligible children with health care insurance through funding for CHIP, $84 billion more than the Democratic budget and $119 billion more than the President's; ensures no child is left behind by funding education and providing increased funding for Head Start, college access programs, college loans, and job training programs, $101 billion more than the Democratic budget and $162 billion more than the President's; honors our veterans by increasing funding for health care, benefits, and educational opportunities, $17 billion more than the Democratic budget and $60 billion over the President's budget; makes local community more secure by fully funding justice, gang prevention, and local law enforcement programs, as well as ensuring every voice counts by funding the Help America Vote Act.

We talk about a stimulus, and the only stimulus is the investment in our people, in education, in health care, in job training, so support economic and fiscal recovery. Vote ''yes'' on the budget. I encourage us to vote for the economic recovery by voting for the CBC budget.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I once again want to commend our colleagues from the CBC. They have done a lot of work to put this budget together. It is not an easy task to do. It takes a lot of work, not only from the members, from their staffs, so I want to commend them for putting together a work product that I know they spent a lot of time and a lot of effort on, and they must be commended for that.

Obviously, as you have heard today, we have some huge disagreements. This amendment would raise taxes by more than $1.1 trillion, that's trillion with a ''T,'' over the next 5 years.

It's $427 billion above and beyond the already $683 billion in tax increases in the underlying Democratic budget that, frankly, was pretty much just rejected in a very strong vote in the Senate, 99–1.

The reason there was a 99–1 vote was because the Senators on both sides of the aisle, Republicans and Democrats, do not want to support eliminating all of these middle class tax cuts, the tax cuts on families, the tax cuts per child, et cetera, et cetera, which is why they rejected that and adopted an amendment to have half the size of the tax increase that the underlying budget has. Half that size of an increase in taxes is still way too high.

However, the underlying budget that the House is looking at, again, would raise taxes on the American people by $683 billion over the next 5 years, and this amendment goes even further than that by increasing taxes $1.1 trillion over the next 5 years.

For those reasons and many others, I respectfully would ask to vote against

this amendment. But I do want to end one more time by commending the gentleman from Virginia and all his colleagues for doing a lot of work and putting together a work program that requires a lot of effort and a lot of work, even though, again, when it came out, obviously it's a $1.1 trillion tax increase, which is why, among other reasons, we cannot support it.

I would respectfully then ask my colleagues to vote against this amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

I just want to make a couple of closing comments. First on defense, the number on defense, we keep the same number on the defense budget. However, we have different priorities. Those priorities will be debated in a different forum.

The $70 billion for the war we restrict to redeployment. We want those troops back as soon as practicable, consistent with our national security interests.

On waste, fraud, and abuse, we just don't talk about waste, fraud, and abuse. We spend $300 million to implement the GAO's studies and recommendations for how you can reduce fraud, waste, and abuse in the military. We make them spend the money to actually implement those recommendations.

Our budget eliminates the fees and copays that the President's budget has for our veterans. It is insulting to try to balance the budget on the backs of our courageous veterans. We do have entitlement reform, $150 billion in entitlement reform, by reducing the subsidies to private corporations who provide Medicare Advantage. Those that provide, those are the subsidies that you get nothing for. Medicare could do it cheaper, $150 billion cheaper, and that's the reform that we have.

A lot has been said about tax cuts. We repeal what got us in the ditch. We protect those tax cuts that primarily affect that portion of your income under $200,000.

In summary, this is where we are, back in the ditch. We repeal the tax cuts that got us into the ditch. One of those tax cuts that we want to repeal is a $20 billion tax cut referred to as PEP and Pease, affecting personal exemptions and standard deductions. The only people that get this essentially are millionaires. If you make over $1 million you get this much tax cut; $200,000 to $1 million, you get that much tax cut; $100,000 to $200,000 you don't need ink to draw the bar; and $100,000, out of this $20 billion, you get, on average, zero. All of those tax cuts, we have said, had the greatest expansion in recent history.

Let's talk about the arithmetic. Arithmetic fact, worst job growth since Herbert Hoover. Look at the job growth of all the Presidents down to President Hoover; worst, this administration, and they are bragging about it.

We have a responsible budget that reduces the deficit, goes into surplus. It's a responsible budget that also funds many of our priorities: education, health care, veterans, justice. It is a responsible budget, and I would ask for the House to adopt this budget.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the CBC FY09 alternative budget. I'm particularly excited today, because last night the Second Chance Act of 2007, a bipartisan piece of legislation, unanimously passed the Senate. I look forward to President Bush signing the legislation and the appropriation of money in DOJ to fund vital programs which the bill promotes.

Indeed, currently, the Administration FY09 budget proposes to: Merge 30 grant programs under State and Local Law Enforcement Assistance for a reduction in funding of $1.008 billion; collapse 14 Community Oriented Policing Services (COPS) for a reduction in funding of $587.2 million; consolidate Weed and Seed programs for a reduction in funding of $32.1 million; collapse 7 juvenile justice grants into 1 grant program for a reduction in funding of $198.5 million; and lastly, merge current formula and discretionary grant programs into 1 program for a reduction in funding of $120 million, for an overall collapse of 70 DOJ programs into 5 programs and a reduction in funding totaling $1.5 billion.

These cuts come as America's prisons reach an alltime high and State incarceration costs are bursting at the seams. According to the latest study, between 1987 and 2007, States spent more than double on corrections (+127 percent) while higher education spending has been moderate (+21 percent).

It's with this in mind that I categorically support CBC's proposed budget, which includes $4 billion dollars to these vital DOJ programs. The CBC has made tough choices, established right priorities while exercising fiscal and moral responsibility to reduce recidivism and State incarceration costs.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the Congressional Black Caucus, CBC, Budget Substitute for the Fiscal Year Budget for 2009, introduced by my distinguished colleague from Michigan, Representative CAROLYN CHEEKS KILPATRICK and my colleague from Virginia, Representative ROBERT C. "BOBBY" SCOTT.

While I support the Budget as put forth by our majority on the Budget Committee, I believe there is more that needs to be done when this country is on the verge of a recession, the housing market is at one of its worst points in history, and we have a growing population of uninsured Americans.

CBC BUDGET RESCINDS TAX CUTS

The CBC budget rescinds tax cuts for the top two income tax rates and rescinds capital gains and dividend tax cuts in addition to closing other loopholes. By rescinding these tax cuts, the CBC budget fully funds No Child Left Behind, NCLB, the State Children's Health Insurance Program, SCHIP, and it provides additional funding for the fight against global AIDS, Community Development Block Grants, CDBG, and higher education, among other items.

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ADMINISTRATION OF JUSTICE

Under the proposed CBC budget, there is a greater emphasis on the administration of justice and the protection of all Americans. The CBC budget funds programs that the President's budget had severely reduced or not funded at all. These programs must be funded. The CBC budget funds the Justice Assistance Grant Program, Juvenile Justice Programs, the Byrne Weed and Seed Program, Office of Violence Against Women, COPS and JAG programs. All of these programs help keep American communities safe and provide for greater law enforcement at the Federal, State, and local enforcement levels. The CBC budget reinvests in DOJ Prisoner Reentry Program. In addition, the CBC budget invests in our children by requiring funding for Boys and Girls clubs. This investment in our communities and in our children helps keep our youths safe and out of the prison system.

GENERAL SCIENCES, SPACE AND TECHNOLOGY

The CBC budget proposes to invest heavily in our Nation's development in science, space, and technology. The CBC budget invests $31 million in NASA educational programs and $8 million in HBCU–UP. The CBC budget also invests in the NSF Education and Research Programs, with a special emphasis on minority post doctorates. The CBC budget not only invests in minorities, it also invests in women by providing over $500,000 for Graduate Research Fellowships for Women in Engineering and Computer Science.

ENERGY

The CBC budget addresses the environment, energy, and natural resources. The CBC budget provides for $250 million to the weatherization assistance and it provides for $400 million for the energy efficiency and renewable energy programs. These programs are of particular interest to the people of Texas and I think it is necessary for America to remain a vital, energy efficient country. With respect to natural resources and the environment, the CBC budget provides $100 million for EPA funding and $1 billion for the HBCU Historic Preservation Program.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

The proposed CBC budget puts greater emphasis on education, training, employment, and social services. These are critical to the needs of Americans and minority populations in general.

The CBC budget provides funding for the No Child Left Behind Act. Included in that act is funding for Title I, Safe and Drug Free Schools, 21st Century Learning Centers, and Teacher Quality Programs. We must continue to invest in our children because they represent the future of America.

The CBC budget also recognizes that there must be investment in Head Start, mentoring, and dropout prevention. The proposed CBC budget provides $50 million to vocational programs and increases the funding of HBCUs by $200 million. The CBC budget provides for $50 million in investment in minority science and engineering improvement. The CBC budget provides $2 million for Thurgood Marshall Legal Fund, which is a very important measure for educating minority qualified minority lawyers. In addition, the CBC budget invests in adult employment and training activities.

PAY-GO AND SUNSET PROVISIONS

The President's budget and the Republican alternatives violate pay-go and the fiscal responsibility that reconciliation is intended to achieve, by proposing tax cuts that are not offset.

The sunsets for the 2001 and 2003 tax cuts were part of the tax legislation which Republicans voted for and passed. The expiration of the tax cuts is their policy. The Democratic budgets actually calls for the extension of many of these tax cuts, but responsibly requires that tax cut extensions, like other policies, must be fiscally sound, and not make the deficit worse.

CONCLUSION

This important piece of legislation gives us a budget that is balanced fiscally and morally. It does not sacrifice the great many programs and services that this Nation needs for a war that the President seems never to end.

Defense of our Nation is important, however, we must not support only one portion of the budget to the detriment of everything else. The CBC budget makes tough choices that result in a fiscally and morally responsible budget that will fund essential programs and services vital to our communities and the American people as a whole.

I urge my colleagues to join me in supporting the Congressional Black Caucus Budget Substitute for FY2009.

Mr. CONYERS. Mr. Chairman, I rise today in support of the Congressional Black Caucus budget alternative.

Our friends on the other side of the aisle have criticized this proposal because they say that it raises taxes and spending.

The fact is, our Republican colleagues have different priorities than we do. In these perilous economic times, the Congressional Black Caucus believes our priority should be to help those Americans who are losing their jobs and their homes, who can't afford health care, higher education, and job training, who have to decide between paying the gas bill or paying for prescription drugs.

The Republicans want to know where the cuts are in the CBC budget. Their budget slashes Medicare, Medicaid, the Low Income Heating and Energy Assistance Program and countless other critical social service programs. They think these programs are unnecessary; their priority is to preserve the Bush tax cuts, more than 99 percent of which go to people making more than $225,000 per year. More than 85 percent of the money we lose due to these cuts goes to households with incomes above $500,000 per year; 65 percent goes to households with incomes above $1 million. In fact, $51 billion next year alone will go to tax breaks for millionaires.

By rescinding Bush's tax cuts, the Congressional Black Caucus increases funding for needed social programs while reducing the deficit even more than the Republicans do.

It would seem the Republicans' concern is not fiscal responsibility, but preserving tax cuts for the rich, even if this grows the national debt. And, of course, we aren't even discussing the President's war today, which spends $12 billion dollars a month, more than most of these social service programs spend in a year, or 5 years, or 10 years. The debate today is clear. It's about priorities. We believe in keeping working Americans in their homes; the Republicans want to make sure the rich can stay in their mansions and yachts.

I want to draw particular attention to some of my personal priorities within the CBC budget alternative. I am happy that the CBC accepted my proposal to add $10 million to the National Health Service Corps to help train the next generation of doctors to go into underserved communities without being crippled by educational debt.

The CBC budget also includes several of my proposals to increase funding for Department of Justice programs.

The highly successful COPS program focuses on local strategies to fight crime and has been praised by federal, state, and local law enforcement and political officials. The President's budget terminates the COPS program. In contrast, the CBC fully funds COPS at $500 million for FY 2009.

I also recommended, and the CBC budget includes, increased funding for other vital local law enforcement programs, including Drug Courts and the Byrne Justice Assistance Grants. In addition, we significantly increase funding for programs serving juveniles who have entered our justice system, in an effort to break the cycle of crime and violence and to help these children to become productive members of our society.

It's about priorities, and the choice today is clear. Supporting the CBC budget means prioritizing the basic needs of the American people. Supporting the Republicans' proposal means continuing our current course, where the rich keep getting richer, while the needs of the poor and middle class are neglected.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong support of the Congressional Black Caucus Budget Substitute.

I thank the gentleman from Virginia (Mr. SCOTT), the gentlewoman from Michigan (Ms. KILPATRICK), and all our staff for their hard work on this effort. Our budget reflects the values and priorities of the American people.

The CBC Members represent some of the most conservative and most progressive people in this country. Some of us are from big cities; others come from tiny, little towns and farm lands. And every year we find a way to come together. Every year, we find a way to provide funds for the most important priorities of all our constituents.

If you care about health care; if you care about homelessness; if you care about education; then you will support this substitute. Our amendment includes an additional $20 billion investment in education. And we provide an additional $17 billion for health care.

In Georgia, the mortgage foreclosure crisis is devastating our communities. This budget includes an additional $8 billion to assist with housing and services for families, this disabled, senior citizens, and children. Unlike the President's budget proposal, we increase services and security for our constituents. And we find a way to pay for it.

Mr. Chairman, I urge all of my colleagues to really look at this legislation. Study our fact sheets; read the dear colleague letters. Then really think about your constituents, and think about how our budget will better all of their lives.

I urge all of my colleagues to vote "yes" on this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 292, not voting 16, as follows:

[Roll No. 137]

AYES—126

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (GA)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Delahunt
DeLauro
Doyle
Ellison
Emanuel
Engel
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
Langevin
Larson (CT)
Lee
Levin
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Price (NC)
Richardson
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Solis
Stark
Sutton
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wynn

NOES—292

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra

Holden
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—16

Bordallo
Boustany
Cubin
Davis (IL)
Hooley
Hunter
LaHood
Lewis (GA)
Oberstar
Rangel
Renzi
Rush
Space
Tancredo
Woolsey
Young (AK)

□ 1316

Mr. ISRAEL changed his vote from ''aye'' to ''no.''

Messrs. EMANUEL, CLEAVER, COHEN, PALLONE and Ms. KAPTUR changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SPACE. Mr. Chairman, I was unavoidably detained during rollcall vote 137. Had I been present, I would have voted "no."

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MS. LEE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–548.

Ms. LEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 2 offered by Ms. LEE:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2008 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2018.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2018:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,895,099,000,000.
Fiscal year 2009: $2,133,180,000,000.
Fiscal year 2010: $2,325,649,000,000.
Fiscal year 2011: $2,531,506,000,000.
Fiscal year 2012: $2,671,192,000,000.
Fiscal year 2013: $2,772,290,000,000.
Fiscal year 2014: $2,958,205,000,000.
Fiscal year 2015: $3,077,843,000,000.
Fiscal year 2016: $3,229,982,000,000.
Fiscal year 2017: $3.392,139,000,000.
Fiscal year 2018: $3,565,088,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2008: $4,441,000,000.
Fiscal year 2009: $36,056,000,000.
Fiscal year 2010: $142,785,000,000.
Fiscal year 2011: $103,481,000,000.
Fiscal year 2012: $17,877,000,000.
Fiscal year 2013: $17,550,000,000.
Fiscal year 2014: $49,669,000,000.
Fiscal year 2015: $49,578,000,000.
Fiscal year 2016: $49,647,000,000.
Fiscal year 2017: $49,781,000,000.
Fiscal year 2018: $49,781,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,673,946,000,000.
Fiscal year 2009: $2,616,978,000,000.
Fiscal year 2010: $2,715,278,000,000.
Fiscal year 2011: $2,867,630,000,000.
Fiscal year 2012: $2,931,558,000,000.
Fiscal year 2013: $3,115,760,000,000.
Fiscal year 2014: $3,254,760,000,000.
Fiscal year 2015: $3,391,086,000,000.
Fiscal year 2016: $3,574,696,000,000.
Fiscal year 2017: $3,696,318,000,000.
Fiscal year 2018: $3,804,202,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,555,301,000,000.
Fiscal year 2009: $2,633,489,000,000.
Fiscal year 2010: $2,742,901,000,000.
Fiscal year 2011: $2,868,360,000,000.
Fiscal year 2012: $2,906,718,000,000.
Fiscal year 2013: $3,098,022,000,000.
Fiscal year 2014: $3,237,564,000,000.
Fiscal year 2015: $3,369,163,000,000.
Fiscal year 2016: $3,556,338,000,000.
Fiscal year 2017: $3,672,919,000,000.
Fiscal year 2018: $3,784,879,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $680,203,000,000.
Fiscal year 2009: $500,309,000,000.
Fiscal year 2010: $417,252,000,000.
Fiscal year 2011: $336,854,000,000.
Fiscal year 2012: $235,527,000,000.
Fiscal year 2013: $325,732,000,000.
Fiscal year 2014: $299,359,000,000.
Fiscal year 2015: $291,320,000,000.
Fiscal year 2016: $326,356,000,000.
Fiscal year 2017: $280,780,000,000.
Fiscal year 2018: $219,791,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2008: $9,665,000,000,000.
Fiscal year 2009: $10,261,000,000,000.
Fiscal year 2010: $10,786,000,000,000.
Fiscal year 2011: $11,228,000,000,000.
Fiscal year 2012: $11,595,000,000,000.
Fiscal year 2013: $12,035,000,000,000.
Fiscal year 2014: $12,446,000,000,000.
Fiscal year 2015: $12,846,000,000,000.
Fiscal year 2016: $13,259,000,000,000.
Fiscal year 2017: $13,637,000,000,000.
Fiscal year 2018: $13,963,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,494,000,000,000.
Fiscal year 2009: $5,815,000,000,000.
Fiscal year 2010: $6,043,000,000,000.
Fiscal year 2011: $6,172,000,000,000.
Fiscal year 2012: $6,185,000,000,000.
Fiscal year 2013: $6,284,000,000,000.
Fiscal year 2014: $6,351,000,000,000.
Fiscal year 2015: $6,405,000,000,000.
Fiscal year 2016: $6,495,000,000,000.
Fiscal year 2017: $6,541,000,000,000.
Fiscal year 2018: $6,528,000,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2013 for each major functional category are:

(1) National Defense (050):

Fiscal year 2008:
(A) New budget authority, $590,686,000,000.
(B) Outlays, $576,173,000,000.
Fiscal year 2009:
(A) New budget authority, $447,581,000,000.
(B) Outlays, $511,354,000,000.
Fiscal year 2010:
(A) New budget authority, $459,368,000,000.
(B) Outlays, $480,072,000,000.
Fiscal year 2011:
(A) New budget authority, $472,272,000,000.
(B) Outlays, $476,871,000,000.
Fiscal year 2012:
(A) New budget authority, $485,586,000,000.
(B) Outlays, $475,791,000,000.
Fiscal year 2013:
(A) New budget authority, $499,094,000,000.
(B) Outlays, $490,585,000,000.
Fiscal year 2014:
(A) New budget authority, $513,212,000,000.
(B) Outlays, $503,768,000,000.
Fiscal year 2015:
(A) New budget authority, $527,678,000,000.
(B) Outlays, $518,179,000,000.
Fiscal year 2016:
(A) New budget authority, $542,899,000,000.
(B) Outlays, $537,546,000,000.
Fiscal year 2017:
(A) New budget authority, $558,342,000,000.
(B) Outlays, $548,691,000,000.
Fiscal year 2018:
(A) New budget authority, $574,487,000,000.
(B) Outlays, $559,777,000,000.

(2) International Affairs (150):

Fiscal year 2008:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2009:
(A) New budget authority, $78,708,000,000.
(B) Outlays, $58,091,000,000.
Fiscal year 2010:
(A) New budget authority, $80,799,000,000.

(B) Outlays, $69,354,000,000.
Fiscal year 2011:
(A) New budget authority, $82,696,000,000.
(B) Outlays, $75,316,000,000.
Fiscal year 2012:
(A) New budget authority, $84,581,000,000.
(B) Outlays, $78,716,000,000.
Fiscal year 2013:
(A) New budget authority, $86,082,000,000.
(B) Outlays, $82,004,000,000.
Fiscal year 2014:
(A) New budget authority, $88,183,000,000.
(B) Outlays, $83,742,000,000.
Fiscal year 2015:
(A) New budget authority, $90,302,000,000.
(B) Outlays, $85,752,000,000.
Fiscal year 2016:
(A) New budget authority, $92,503,000,000.
(B) Outlays, $87,813,000,000.
Fiscal year 2017:
(A) New budget authority, $94,708,000,000.
(B) Outlays, $89,907,000,000.
Fiscal year 2018:
(A) New budget authority, $96,989,000,000.
(B) Outlays, $91,849,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $27,934,000,000.
(B) Outlays, $27,645,000,000.
Fiscal year 2010:
(A) New budget authority, $28,472,000,000.
(B) Outlays, $28,507,000,000.
Fiscal year 2011:
(A) New budget authority, $29,071,000,000.
(B) Outlays, $29,297,000,000.
Fiscal year 2012:
(A) New budget authority, $29,679,000,000.
(B) Outlays, $29,917,000,000.
Fiscal year 2013:
(A) New budget authority, $30,290,000,000.
(B) Outlays, $30,026,000,000.
Fiscal year 2014:
(A) New budget authority, $30,930,000,000.
(B) Outlays, $30,417,000,000.
Fiscal year 2015:
(A) New budget authority, $31,576,000,000.
(B) Outlays, $30,991,000,000.
Fiscal year 2016:
(A) New budget authority, $32,255,000,000.
(B) Outlays, $31,754,000,000.
Fiscal year 2017:
(A) New budget authority, $32,933,000,000.
(B) Outlays, $32,288,000,000.
Fiscal year 2018:
(A) New budget authority, $33,645,000,000.
(B) Outlays, $32,956,000,000.
(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $33,874,000,000.
(B) Outlays, $11,831,000,000.
Fiscal year 2010:
(A) New budget authority, $33,832,000,000.
(B) Outlays, $22,716,000,000.
Fiscal year 2011:
(A) New budget authority, $33,880,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2012:
(A) New budget authority, $33,950,000,000.
(B) Outlays, $30,073,000,000.
Fiscal year 2013:
(A) New budget authority, $34,022,000,000.
(B) Outlays, $31,681,000,000.
Fiscal year 2014:
(A) New budget authority, $33,989,000,000.
(B) Outlays, $31,695,000,000.
Fiscal year 2015:
(A) New budget authority, $345,096,000,000.
(B) Outlays, $31,850,000,000.
Fiscal year 2016:
(A) New budget authority, $34,203,000,000.
(B) Outlays, $31,917,000,000.
Fiscal year 2017:
(A) New budget authority, $34,318,000,000.
(B) Outlays, $32,019,000,000.
Fiscal year 2018:
(A) New budget authority, $34,443,000,000.
(B) Outlays, $32,167,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $45,960,000,000.
(B) Outlays, $42,952,000,000.
Fiscal year 2009:
(A) New budget authority, $46,290,000,000.
(B) Outlays, $45,834,000,000.
Fiscal year 2010:
(A) New budget authority, $47,182,000,000.
(B) Outlays, $47,922,000,000.
Fiscal year 2011:
(A) New budget authority, $48,070,000,000.
(B) Outlays, $48,656,000,000.
Fiscal year 2012:
(A) New budget authority, $48,968,000,000.
(B) Outlays, $49,384,000,000.
Fiscal year 2013:
(A) New budget authority, $49,890,000,000.
(B) Outlays, $50,111,000,000.
Fiscal year 2014:
(A) New budget authority, $44,106,000,000.
(B) Outlays, $46,623,000,000.
Fiscal year 2015:
(A) New budget authority, $45,045,000,000.
(B) Outlays, $45,838,000,000.
Fiscal year 2016:
(A) New budget authority, $47,484,000,000.
(B) Outlays, $47,643,000,000.
Fiscal year 2017:
(A) New budget authority, $49,976,000,000.
(B) Outlays, $49,972,000,000.
Fiscal year 2018:
(A) New budget authority, $52,998,000,000.
(B) Outlays, $51,603,000,000.
(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,529,000,000.
(B) Outlays, $21,279,000,000.
Fiscal year 2010:
(A) New budget authority, $21,719,000,000.
(B) Outlays, $20,680,000,000.
Fiscal year 2011:
(A) New budget authority, $21,891,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2012:
(A) New budget authority, $22,263,000,000.
(B) Outlays, $21,435,000,000.
Fiscal year 2013:
(A) New budget authority, $22,621,000,000.
(B) Outlays, $21,816,000,000.
Fiscal year 2014:
(A) New budget authority, $23,003,000,000.
(B) Outlays, $22,180,000,000.
Fiscal year 2015:
(A) New budget authority, $22,278,000,000.
(B) Outlays, $21,483,000,000.
Fiscal year 2016:
(A) New budget authority, $22,605,000,000.
(B) Outlays, $21,754,000,000.
Fiscal year 2017:
(A) New budget authority, $23,102,000,000.
(B) Outlays, $22,136,000,000.
Fiscal year 2018:
(A) New budget authority, $23,445,000,000.
(B) Outlays, $22,443,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $9,899,000,000.
(B) Outlays, $3,998,000,000.
Fiscal year 2010:
(A) New budget authority, $13,887,000,000.
(B) Outlays, $5,886,000,000.
Fiscal year 2011:
(A) New budget authority, $8,998,000,000.
(B) Outlays, $2,197,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,742,000,000.
Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,651,000,000.
Fiscal year 2014:
(A) New budget authority, $9,742,000,000.
(B) Outlays, $1,366,000,000.
Fiscal year 2015:
(A) New budget authority, $9,677,000,000.
(B) Outlays, $985,000,000.
Fiscal year 2016:
(A) New budget authority, $9,360,000,000.
(B) Outlays, $442,000,000.
Fiscal year 2017:
(A) New budget authority, $19,282,000,000.
(B) Outlays, $5,249,000,000.
Fiscal year 2018:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $5,138,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $98,594,000,000.
(B) Outlays, $87,772,000,000.
Fiscal year 2009:
(A) New budget authority, $97,798,000,000.
(B) Outlays, $98,321,000,000.
Fiscal year 2010:
(A) New budget authority, $86,607,000,000.
(B) Outlays, $97,871,000,000.
Fiscal year 2011:
(A) New budget authority, $90,527,000,000.
(B) Outlays, $98,670,000,000.
Fiscal year 2012:
(A) New budget authority, $95,470,000,000.
(B) Outlays, $103,030,000,000.
Fiscal year 2013:
(A) New budget authority, $99,456,000,000.
(B) Outlays, $108,070,000,000.
Fiscal year 2014:
(A) New budget authority, $94,588,000,000.
(B) Outlays, $107,880,000,000.
Fiscal year 2015:
(A) New budget authority, $97,628,000,000.
(B) Outlays, $109,579,000,000.
Fiscal year 2016:
(A) New budget authority, $100,659,000,000.
(B) Outlays, $112,823,000,000.
Fiscal year 2017:
(A) New budget authority, $103,685,000,000.
(B) Outlays, $116,645,000,000.
Fiscal year 2018:
(A) New budget authority, $95,302,000,000.
(B) Outlays, $119,603,000,000.
(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $20,178,000,000.
(B) Outlays, $25,473,000,000.
Fiscal year 2010:
(A) New budget authority, $20,470,000,000.
(B) Outlays, $24,372,000,000.
Fiscal year 2011:
(A) New budget authority, $20,804,000,000.
(B) Outlays, $22,173,000,000.
Fiscal year 2012:
(A) New budget authority, $21,149,000,000.
(B) Outlays, $21,076,000,000.
Fiscal year 2013:
(A) New budget authority, $21,483,000,000.
(B) Outlays, $21,109,000,000.
Fiscal year 2014:

(A) New budget authority, $21,843,000,000.
(B) Outlays, $21,045,000,000.
Fiscal year 2015:
(A) New budget authority, $22,202,000,000.
(B) Outlays, $21,368,000,000.
Fiscal year 2016:
(A) New budget authority, $22,577,000,000.
(B) Outlays, $21,726,000,000.
Fiscal year 2017:
(A) New budget authority, $22,960,000,000.
(B) Outlays, $22,100,000,000.
Fiscal year 2018:
(A) New budget authority, $23,352,000,000.
(B) Outlays, $22,512,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $100,077,000,000.
(B) Outlays, $93,665,000,000.
Fiscal year 2009:
(A) New budget authority, $152,938,000,000.
(B) Outlays, $114,540,000,000.
Fiscal year 2010:
(A) New budget authority, $159,402,000,000.
(B) Outlays, $154,790,000,000.
Fiscal year 2011:
(A) New budget authority, $163,118,000,000.
(B) Outlays, $160,122,000,000.
Fiscal year 2012:
(A) New budget authority, $166,089,000,000.
(B) Outlays, $162,091,000,000.
Fiscal year 2013:
(A) New budget authority, $160,703,000,000.
(B) Outlays, $161,936,000,000.
Fiscal year 2014:
(A) New budget authority, $163,075,000,000.
(B) Outlays, $160,666,000,000.
Fiscal year 2015:
(A) New budget authority, $165,862,000,000.
(B) Outlays, $162,859,000,000.
Fiscal year 2016:
(A) New budget authority, $168,896,000,000.
(B) Outlays, $165,817,000,000.
Fiscal year 2017:
(A) New budget authority, $172,108,000,000.
(B) Outlays, $168,982,000,000.
Fiscal year 2018:
(A) New budget authority, $175,190,000,000.
(B) Outlays, $172,248,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $315,101,000,000.
(B) Outlays, $316,688,000,000.
Fiscal year 2009:
(A) New budget authority, $325,947,000,000.
(B) Outlays, $322,038,000,000.
Fiscal year 2010:
(A) New budget authority, $342,990,000,000.
(B) Outlays, $342,678,000,000.
Fiscal year 2011:
(A) New budget authority, $364,074,000,000.
(B) Outlays, $362,827,000,000.
Fiscal year 2012:
(A) New budget authority, $387,180,000,000.
(B) Outlays, $385,634,000,000.
Fiscal year 2013:
(A) New budget authority, $412,555,000,000.
(B) Outlays, $410,734,000,000.
Fiscal year 2014:
(A) New budget authority, $461,751,000,000.
(B) Outlays, $459,405,000,000.
Fiscal year 2015:
(A) New budget authority, $490,571,000,000.
(B) Outlays, $488,275,000,000.
Fiscal year 2016:
(A) New budget authority, $522,027,000,000.
(B) Outlays, $519,484,000,000.
Fiscal year 2017:
(A) New budget authority, $560,796,000,000.
(B) Outlays, $558,123,000,000.
Fiscal year 2018:
(A) New budget authority, $598,392,000,000.
(B) Outlays, $595,600,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,086,000,000.
(B) Outlays, $419,880,000,000.
Fiscal year 2010:
(A) New budget authority, $445,118,000,000.
(B) Outlays, $445,247,000,000.
Fiscal year 2011:
(A) New budget authority, $494,261,000,000.
(B) Outlays, $494,084,000,000.
Fiscal year 2012:
(A) New budget authority, $491,241,000,000.
(B) Outlays, $490,999,000,000.
Fiscal year 2013:
(A) New budget authority, $552,274,000,000.
(B) Outlays, $552,389,000,000.
Fiscal year 2014:
(A) New budget authority, $592,257,000,000.
(B) Outlays, $592,056,000,000.
Fiscal year 2015:
(A) New budget authority, $634,929,000,000.
(B) Outlays, $634,673,000,000.
Fiscal year 2016:
(A) New budget authority, $712,077,000,000.
(B) Outlays, $712,180,000,000.
Fiscal year 2017:
(A) New budget authority, $740,467,000,000.
(B) Outlays, $740,257,000,000.
Fiscal year 2018:
(A) New budget authority, $767,646,000,000.
(B) Outlays, $767,378,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $435,615,000,000.
(B) Outlays, $435,150,000,000.
Fiscal year 2009:
(A) New budget authority, $474,208,000,000.
(B) Outlays, $472,869,000,000.
Fiscal year 2010:
(A) New budget authority, $488,352,000,000.
(B) Outlays, $486,209,000,000.
Fiscal year 2011:
(A) New budget authority, $505,021,000,000.
(B) Outlays, $502,945,000,000.
Fiscal year 2012:
(A) New budget authority, $498,262,000,000.
(B) Outlays, $495,754,000,000.
Fiscal year 2013:
(A) New budget authority, $519,205,000,000.
(B) Outlays, $517,057,000,000.
Fiscal year 2014:
(A) New budget authority, $532,617,000,000.
(B) Outlays, $531,454,000,000.
Fiscal year 2015:
(A) New budget authority, $547,151,000,000.
(B) Outlays, $545,700,000,000.
Fiscal year 2016:
(A) New budget authority, $567,206,000,000.
(B) Outlays, $565,806,000,000.
Fiscal year 2017:
(A) New budget authority, $576,948,000,000.
(B) Outlays, $575,380,000,000.
Fiscal year 2018:
(A) New budget authority, $587,245,000,000.
(B) Outlays, $585,652,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,208,000,000.
(B) Outlays, $21,220,000,000.
Fiscal year 2010:
(A) New budget authority, $23,692,000,000.
(B) Outlays, $23,696,000,000.
Fiscal year 2011:
(A) New budget authority, $27,226,000,000.
(B) Outlays, $27,226,000,000.
Fiscal year 2012:
(A) New budget authority, $30,235,000,000.
(B) Outlays, $30,236,000,000.
Fiscal year 2013:
(A) New budget authority, $33,053,000,000.
(B) Outlays, $33,053,000,000.
Fiscal year 2014:
(A) New budget authority, $36,065,000,000.
(B) Outlays, $36,066,000,000.
Fiscal year 2015:
(A) New budget authority, $39,363,000,000.
(B) Outlays, $39,364,000,000.
Fiscal year 2016:
(A) New budget authority, $43,054,000,000.
(B) Outlays, $43,054,000,000.
Fiscal year 2017:
(A) New budget authority, $47,046,000,000.
(B) Outlays, $47,046,000,000.
Fiscal year 2018:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $51,400,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $94,258,000,000.
(B) Outlays, $100,762,000,000.
Fiscal year 2010:
(A) New budget authority, $96,246,000,000.
(B) Outlays, $97,493,000,000.
Fiscal year 2011:
(A) New budget authority, $100,984,000,000.
(B) Outlays, $101,609,000,000.
Fiscal year 2012:
(A) New budget authority, $97,137,000,000.
(B) Outlays, $97,053,000,000.
Fiscal year 2013:
(A) New budget authority, $138,057,000,000.
(B) Outlays, $137,573,000,000.
Fiscal year 2014:
(A) New budget authority, $139,850,000,000.
(B) Outlays, $139,467,000,000.
Fiscal year 2015:
(A) New budget authority, $141,742,000,000.
(B) Outlays, $141,300,000,000.
Fiscal year 2016:
(A) New budget authority, $147,423,000,000.
(B) Outlays, $147,195,000,000.
Fiscal year 2017:
(A) New budget authority, $145,847,000,000.
(B) Outlays, $145,682,000,000.
Fiscal year 2018:
(A) New budget authority, $144,051,000,000.
(B) Outlays, $143,814,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $45,858,000,000.
(B) Outlays, $45,610,000,000.
Fiscal year 2010:
(A) New budget authority, $44,784,000,000.
(B) Outlays, $46,744,000,000.
Fiscal year 2011:
(A) New budget authority, $45,924,000,000.
(B) Outlays, $46,897,000,000.
Fiscal year 2012:
(A) New budget authority, $47,107,000,000.
(B) Outlays, $47,069,000,000.
Fiscal year 2013:
(A) New budget authority, $48,349,000,000.
(B) Outlays, $47,990,000,000.
Fiscal year 2014:
(A) New budget authority, $49,617,000,000.
(B) Outlays, $49,236,000,000.
Fiscal year 2015:
(A) New budget authority, $53,261,000,000.
(B) Outlays, $52,875,000,000.
Fiscal year 2016:
(A) New budget authority, $55,606,000,000.
(B) Outlays, $55,180,000,000.
Fiscal year 2017:
(A) New budget authority, $57,212,000,000.
(B) Outlays, $56,799,000,000.
Fiscal year 2018:
(A) New budget authority, $58,887,000,000.

(B) Outlays, $58,413,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $23,841,000,000.
(B) Outlays, $24,171,000,000.
Fiscal year 2010:
(A) New budget authority, $20,273,000,000.
(B) Outlays, $20,289,000,000.
Fiscal year 2011:
(A) New budget authority, $21,159,000,000.
(B) Outlays, $21,008,000,000.
Fiscal year 2012:
(A) New budget authority, $21,853,000,000.
(B) Outlays, $21,856,000,000.
Fiscal year 2013:
(A) New budget authority, $22,527,000,000.
(B) Outlays, $22,301,000,000.
Fiscal year 2014:
(A) New budget authority, $23,285,000,000.
(B) Outlays, $23,044,000,000.
Fiscal year 2015:
(A) New budget authority, $23,728,000,000.
(B) Outlays, $23,650,000,000.
Fiscal year 2016:
(A) New budget authority, $24,430,000,000.
(B) Outlays, $24,444,000,000.
Fiscal year 2017:
(A) New budget authority, $25,115,000,000.
(B) Outlays, $24,867,000,000.
Fiscal year 2018:
(A) New budget authority, $25,848,000,000.
(B) Outlays, $25,566,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $350,038,000,000.
(B) Outlays, $350,038,000,000.
Fiscal year 2009:
(A) New budget authority, $336,143,000,000.
(B) Outlays, $336,143,000,000.
Fiscal year 2010:
(A) New budget authority, $372,731,000,000.
(B) Outlays, $372,731,000,000.
Fiscal year 2011:
(A) New budget authority, $411,018,000,000.
(B) Outlays, $411,018,000,000.
Fiscal year 2012:
(A) New budget authority, $437,665,000,000.
(B) Outlays, $437,665,000,000.
Fiscal year 2013:
(A) New budget authority, $456,148,000,000.
(B) Outlays, $456,148,000,000.
Fiscal year 2014:
(A) New budget authority, $478,881,000,000.
(B) Outlays, $478,881,000,000.
Fiscal year 2015:
(A) New budget authority, $499,189,000,000.
(B) Outlays, $499,189,000,000.
Fiscal year 2016:
(A) New budget authority, $517,770,000,000.
(B) Outlays, $517,770,000,000.
Fiscal year 2017:
(A) New budget authority, $533,414,000,000.
(B) Outlays, $533,414,000,000.
Fiscal year 2018:
(A) New budget authority, $548,262,000,000.
(B) Outlays, $548,262,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $108,056,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2009:
(A) New budget authority, $5,760,000,000.
(B) Outlays, $39,491,000,000.
Fiscal year 2010:
(A) New budget authority, $0,000,000.
(B) Outlays, $26,291,000,000.
Fiscal year 2011:
(A) New budget authority, $0,000,000.
(B) Outlays, $11,032,000,000.
Fiscal year 2012:
(A) New budget authority, $0,000,000.
(B) Outlays, $3,302,000,000.
Fiscal year 2013:
(A) New budget authority, $0,000,000.
(B) Outlays, $1,478,000,000.
Fiscal year 2014:
(A) New budget authority, $0,000,000.
(B) Outlays, $805,000,000.
Fiscal year 2015:
(A) New budget authority, $0,000,000.
(B) Outlays, $445,000,000.
Fiscal year 2016:
(A) New budget authority, $0,000,000.
(B) Outlays, $327,000,000.
Fiscal year 2017:
(A) New budget authority, $0,000,000.
(B) Outlays, $302,000,000.
Fiscal year 2018:
(A) New budget authority, $0,000,000.
(B) Outlays, $177,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, $−86,330,000,000.
(B) Outlays, $−86,330,000,000.
Fiscal year 2009:
(A) New budget authority, $−67,060,000,000.
(B) Outlays, $−67,060,000,000.
Fiscal year 2010:
(A) New budget authority, $−70,645,000,000.
(B) Outlays, $−70,645,000,000.
Fiscal year 2011:
(A) New budget authority, $−73,364,000,000.
(B) Outlays, $−73,364,000,000.
Fiscal year 2012:
(A) New budget authority, $−76,104,000,000.
(B) Outlays, $−76,104,000,000.
Fiscal year 2013:
(A) New budget authority, $−79,691,000,000.
(B) Outlays, $−76,691,000,000.
Fiscal year 2014:
(A) New budget authority, $−82,234,000,000.
(B) Outlays, $−82,234,000,000.
Fiscal year 2015:
(A) New budget authority, $−85,193,000,000.
(B) Outlays, $−85,193,000,000.
Fiscal year 2016:
(A) New budget authority, $−88,338,000,000.
(B) Outlays, $−88,338,000,000.
Fiscal year 2017:
(A) New budget authority, $−96,941,000,000.
(B) Outlays, $−96,941,000,000.
Fiscal year 2018:
(A) New budget authority, $−101,681,000,000.
(B) Outlays, $−101,681,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2008:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2009:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2010:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2011:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2012:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2013:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2014:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2015:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2016:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2017:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2018:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.

SEC. 4.

The Acting CHAIRMAN. Pursuant to House Resolution 1036, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I yield myself as much time as I may consume.

Along with my colleague from California, Congresswoman LYNN WOOLSEY, I cochair the Congressional Progressive Caucus. And let me just take a moment to acknowledge our cochair, Congresswoman WOOLSEY, whose hard work, whose brilliant intellect, and whose soaring spirit really is with us today, even though she's at home recuperating very well from back surgery. She'll be back very soon to continue to fight to bring our young men and women home from Iraq.

I rise today to offer the Congressional Progressive Caucus budget. We call it our antipoverty, pro-opportunity, peace, and security budget.

Budgets really are moral documents. They provide a road map to identify and invest in our Nation's values and our priorities. The CPC alternative budget reflects our American mainstream values by making the right investments to fight poverty, to grow our economy, to assist survivors of Hurricane Katrina, to bring common sense to our national security budget, and to redeploy our troops and military contractors from Iraq.

Our budget does this in a way that not only balances our priorities but balances the Federal budget. Our budget stands in stark contrast to the President's very cynical proposal that he presented to us last month.

The Progressive budget rejects the President's budget and its attack on working families, minority communities, and many of our most vulnerable populations, like seniors and low-income individuals.

The Progressive budget rejects the President's ongoing occupation of Iraq that's costing taxpayers $12 billion, $12 billion each month. And the Progressive budget rejects the President's $200 billion cuts to Medicare and Medicaid that would raise premiums for our Nation's seniors and cut payments to the doctors and hospitals who serve them.

Our budget is different. It faces the poverty crisis in America head on, starting with redress and reconstruction for gulf coast victims of Hurricane Katrina. It is designed to reverse the Iraq recession by providing a vital stimulus to jump-start the economy. It is the only budget that brings common sense to national security by reinvesting the President's bloated defense funding request for the Pentagon, the highest since World War II.

The Progressive alternative will provide at least $551 billion for domestic, nonmilitary discretionary spending in fiscal year 2009, $131.9 billion above the President's request. As part of this increase in domestic discretionary spending, the Progressive Caucus budget also includes $73 billion to develop a sustained, coordinated, public private sector strategy that recommits America to a renewed war on poverty. This will cut the poverty rate in America in half in a decade. This goal is in line with H. Con. Res. 198, a resolution that I introduced which passed unanimously in the House in January.

We have budgeted the dollars to bring millions of children out of poverty by expanding the earned income tax credit for larger families and making the child tax credit fully refundable for any family earning more than $3,000. It will also finally begin to fully redress the continuing plight of the survivors of Hurricane Katrina.

Our alternative would provide the funds for the housing and the health care, education, and infrastructure investment, and the vital social services needed to bring people back to Louisiana and Mississippi.

Our budget would also immediately provide $118 billion to fund the most effective stimulus programs available to the government. We extend unemployment insurance, food stamp benefits, and critical Medicaid payments to States that will not only help keep State governments solvent, but keep more workers healthy and productive. The economic stimulus package will include assistance for low-income and unemployed people that were ignored by the first stimulus.

Additionally, the CPC budget provides foreclosure relief and includes new investments to rebuild our Nation's schools, fix our highways and bridges, and build new affordable housing. These initiatives will create jobs that will help keep more families in their homes.

Now, all of these vital programs will be a down payment on our rebuild and reinvest in America initiative. This long-term, sustainable project will create green jobs, reinvigorate our schools, and foster a new commitment to excellence in our students. We will repair our water, power, and transportation systems so that America cannot only compete in the global economy, but once again lead.

The Progressive budget also brings common sense to national security spending, providing $468 billion, which is $68 billion under the President's bloated request. Our budget cuts government waste, fraud, and abuse, and eliminates outdated and ineffective Cold War air weapons systems that were developed to fight an enemy that really no longer exists.

Most importantly, the CPC budget will end the occupation of Iraq by rapidly and safely redeploying our troops and military contractors. We have wasted far too much money on this occupation already, over a half trillion dollars to date. We cannot afford to spend another $3 trillion that some have estimated this will take.

So this budget achieves all these goals and brings the Federal budget, mind you, into budget by fiscal year 2012 and, upon the completion of our reinvest and rebuild America initiative, back into balance in 2018. I urge this body to reject the President's draconian cuts to vital programs for working American families and to support the CPC's alternative budget.

Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise in opposition to the amendment

The Acting CHAIRMAN. The gentleman from Texas is recognized for 30 minutes.

Mr. HENSARLING. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, there are three different budgets that are offered by our friends on the other side of the aisle, the Democrats, today. They have many common elements. This one, perhaps, though, is the worst. It's the worst in that it raises taxes by the highest amount on working families all across America, especially at a time when they're trying to stretch their paychecks to make sure that they can keep a roof over their head, to make sure that they can fill up their cars and their pickup trucks, to make sure that maybe for the first time they're able to send somebody to college.

Now, we know that the main Democrat alternative, the one that ultimately will be voted on by the majority of our friends on the other side of the aisle, that has over a $600 billion tax increase included in it. That's roughly $3,000 for every family in America. That's the average tax increase that will be imposed upon families over the next 5-year period.

Now, this particular budget increases taxes by almost a third more. So I haven't, Mr. Chairman, quite had the time to do the back-of-the-envelope calculation, but who knows, maybe they're raising taxes by $4,000 per family.

And not unlike all the other Democrat budgets we hear, they're saying, well, we don't really want to raise taxes on working families, and we really want to give them tax relief.

But what I don't see, Mr. Chairman, is any effort whatsoever for people to put their vote where their rhetoric is.

If I've done my homework properly, over the last 6 years there have been 21 different votes on the House floor to stop these huge automatic tax increases that are part of current law. And yet, my guess is, and I don't have the list in front of me, that most of my friends on the other side of the aisle kept those tax increases, and so now they're going to be imposed on working people.

Now we're told, well, it's not really a tax increase. It's just the expiration of tax relief. Well, that's kind of interesting, because I can tell you that is a fine distinction that's going to be lost on the working men and women of the Fifth Congressional District of Texas.

If you wake up one day and your paycheck, if you're making the same salary next year that you made last year, and all of a sudden your taxes are higher, I can tell you, to the school teacher in Mesquite, Texas, that's a tax increase. To the rancher in Mineola, Texas, that's a tax increase. To a factory worker in Garland, that's a tax increase. So I know that it's very common and seems to be favorable within the Halls of Congress to say, well, there's no tax increase; we're just letting tax relief expire. Well, ultimately, especially in 2011 when the full brunt of this tax increase occurs, working families all across America will be hit, and it will impact, again, their ability to keep a roof over their head, their ability to send someone to college.

The Republican budget doesn't have any tax increases in it. It also, on the other hand, has no tax cuts in it. But what it does do is it prevents automatic tax increases that are part of current law from occurring.

Now, a second part of this budget, which is common with all the Democrat budgets, is it does nothing, nothing about the proliferation of earmarks. There's been a huge debate in the United States Congress about what to do about earmarks.

Now, Mr. Chairman, I'll admit not all earmarks are bad, but the system is bad. And our friends on the other side of the aisle told us they would come here and clean them up. They said they'd cut them in half. But last year we had the second highest amount of earmarks that we've ever had.

We were told there would be transparency, yet we had almost 300 of what we call air-dropped earmarks that just somehow appear mystically out of the heavens into these bills that nobody knows they're there and no opportunity to come to the House floor to debate.

And so here we have on the one hand, Mr. Chairman, we have working families struggling, struggling to stretch their paychecks, and yet our friends on the other side of the aisle want to perpetuate the status quo of earmarks, which many Americans are now waking up to the fact that all too often someone in Congress is taking a bite out of their paycheck so that some Member of Congress can keep theirs. It's not fair to them, particularly in tough, challenging economic times.

□ 1330

So in the Republican budget, we declare a year-long moratorium on earmarks. And we give that money to the taxpayer. We say, You know what, it's more important that you are able to pay your heating bill, and it is more important that you be able to put gasoline in your car than it is to fund some kind of monument to me as has been done for the chairman of the Ways and Means Committee. It's more important that you have $2 million than some Member of Congress get a monument to himself.

We say it's more important, again, that the rancher in Mineola, Texas, is able to send a kid to college than it is to send $100,000 to make sure we have proper landscaping in the L.A. fashion district.

These are two very distinct differences. So we are having the largest tax increase in American history to pay for more congressional earmarks, and clearly this budget and every other Democrat budget needs to be summarily rejected by this body.

With that, I reserve the balance of my time.

Ms. LEE. I would like to yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK), the Chair of the Financial Services Committee, who has had a very good handle on what it takes to bring our economy back.

Mr. FRANK of Massachusetts. Mr. Chairman, I thought the Republican budget deficits that we have seen since they took power in 2001 were pretty big, but the rhetoric deficit between what they say and economic reality is even bigger. There are zero tax increases or cuts in any of these budgets. The tax situation at the end of the year, the end of this fiscal year, will be the same.

Now, the gentleman from Texas is worried about people who will be facing tax increases later on. By the way, he says tax increases that are in current law, that's current law that the Republicans passed.

I didn't vote for the current law, so they don't like what they put into the law. But the people I talk with, working people in my district, no, they are not worried about estate taxes on $20 million. They're not worried about incomes over $200,000.

The gentleman did make an accurate point. He said, What about the person whose paycheck will be exactly the same next year? Well, before the Republicans took over, her paycheck wasn't exactly the same. They used to go up. Paychecks used to increase. Only with the Republicans in power have we seen this freeze on real pay, in fact, a decrease in real pay.

Let me tell you why I am for the Progressive budget, because I do believe we ought to save the taxpayers money. I am prepared to say that when the Republicans were in power, we won the Cold War. They apparently don't recognize that, because they've got a budget that's still fighting it. In addition to the enormous waste of lives and American prestige and everything else that is involved in the Iraq war and the enormous waste of money there, we are still funding weapons in this budget. Now, many of these weapons are great weapons, but they have one defect: they have no enemy. A weapon without an enemy is a pretty silly thing to have.

So I like the Progressive budget because, among other things, it brings under control this enormous increase in Pentagon spending, and apparently according to my right-wing Republican colleagues, spending on weapons that we don't need is good spending. Spending to pay for health care for children is bad spending. I think they get it exactly opposite and the Progressive budget is the way to fix that.

Mr. HENSARLING. Mr. Chairman, at this time I would yield 5 minutes to the distinguished ranking member of the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I wish my friend from Massachusetts would have stayed at the mike.

I simply want to ask if the Democratic budget balances the budget, if it achieves balance. Would the gentleman care to answer the question if the Democratic budget achieves balance in 2012?

Mr. FRANK of Massachusetts. If the gentleman will yield to me, I haven't looked at that part. I was addressing the assertion that it raises taxes in this current year.

Mr. RYAN of Wisconsin. My question was, Does the budget achieve balance in 2012?

Mr. FRANK of Massachusetts. I will give the answer.

No. I don't think it does, anymore than the President's does or yours does.

Mr. RYAN of Wisconsin. Oh, well, that's different than what the Budget chairman says.

Mr. FRANK of Massachusetts. Well, if the gentleman has me confused with the chairman, I would like to hear from the chairman.

Mr. RYAN of Wisconsin. Reclaiming my time from the chairman of Financial Services, I'm not sure if he's on the same page as the chairman of the Budget Committee. The chairman of the Budget Committee is claiming that their budget balances the budget by 2012. I'll take him at his word, and actually it's correct. The Congressional Budget Office certifies that the Democratic budget does indeed balance in 2012. Here is how they certify it balances in 2012: by raising taxes.

They simply cannot say on the one hand they're balancing the budget, and then on the other hand not raising taxes. Because the only way their budget balances is only by raising taxes.

So, Mr. Chairman, don't listen to me. Listen to the 99 Senators who just voted this morning to validate everything I just said. Ninety-nine Senators, just a couple hours ago, voted for the Baucus amendment, the Democratic chairman of the Finance Committee's amendment, that said the tax increases in this budget are just a little too big; let's cut them in half. Let's reduce the tax increases by $341 billion. So it's only about a $300 billion tax increase. The Senate budget now has half the tax increase in it that this budget here does.

My friends, the Progressives, I want to compliment them because they're bringing a budget to the floor that reflects the principles that respect their values, and they are putting their rhetoric where their mouth is by bringing a budget to the floor, and I want to commend my Progressive friends for doing that. That's what we all should be doing.

You hear me criticizing the underlying budget. You hear me criticizing the Progressive budget. But we will be bringing our own budget to the floor in just a few minutes to show what we stand for; and what we stand for is controlling spending, is doing an earmark moratorium and saving that money. By just saying ''no'' to earmarks for a year, as our budget proposes to do, we can pay for making the child tax credit permanent, making the marriage penalty repeal permanent. Just those two things.

So at the end of the day, Mr. Chairman, it's about choices. It is about values. Do we want pork, or do we want more money in paychecks of Americans? Pork or paychecks? We are going to vote for paychecks. And the reason we're going to vote for putting more money in people's paychecks, for protecting their paychecks, is because people's paychecks aren't stretching as far as they used to.

You have high gas prices, high home health heating prices, high health care prices, high food prices. The last thing the American workers need today, the last thing American families need today is an average $3,000 tax increase. We shouldn't be taxing people because they're married. We shouldn't be raising taxes $500 per child. We shouldn't be making small businesses pay a higher tax rate than the largest corporations in America. Yet, that is exactly what the Democratic budget does.

It's what the Progressive budget does as well. It's what the Congressional Black Caucus budget does as well. It's a difference of opinion. It's a difference of values. We think Washington spends too much money. And my friend from California, she was right when she said it is about morals; it is about values. And we have different ideas.

We believe that the engine of economic growth, what makes America

great, is its people, are the families, the workers, the small businesses, the entrepreneurs of America.

We also believe we have a moral imperative to make right by future generations. You know, my parents told me that the legacy of America is you leave the next generation better off. You make them safer, more prosperous, and will to them a higher standard of living.

We may sever that relationship because of the unsustainable past of our entitlement programs which each of these budgets makes worse. The Democratic budget, just in two programs, sends two programs, Medicare and Social Security, $14 trillion deeper in debt. That's wrong. That's giving our children and grandchildren a huge debt, a higher debt.

We think we need to go the other direction. We need to reform these programs so it can fulfill the mission of health and retirement security, but do so while still guaranteeing our children and grandchildren get a better future, a more prosperous future, a higher standard of living. That's why we should vote ''no'' on all of these budgets.

Ms. LEE. I yield myself 30 seconds.

First of all, the Democratic budget does balance by 2012. The Congressional Black Caucus budget balances by 2012. The Congressional Progressive Caucus budget balances by 2012. There are people in this country making over $1 million, $1 million, and all that we do is we provide the tax cuts which will expire in 2010 for the people in our country who make over $1 million. That's the top 1 percent, mind you, 1 percent of taxpayers, and that brings us at least $222 billion.

I yield now 3 minutes to the gentlelady from California (Ms. WATERS), who chairs the Housing and Community Opportunity Subcommittee of the Financial Services Committee and who has helped us put together this budget, especially the Rebuild America's Communities budget, who has worked on our housing issues, Katrina issues and so many issues for so many years. And this section of this budget is a remarkable section, and I hope everyone will listen to her so they can understand exactly what we did in our Progressive Caucus budget.

Ms. WATERS. Mr. Chairman, I would like to thank Congresswoman BARBARA LEE and Congresswoman LYNN WOOLSEY for their leadership on the Progressive Caucus for all of the work that they do, not only putting this alternative budget together, but the leadership they have provided to this Congress and trying to get this Congress moving in the right direction and representing all of the people.

I certainly did not want to take my time responding to the gentleman from Wisconsin, but we need to understand the definitions. When he talks about raising taxes, what he's really talking about is the fact that both of these budgets, the Congressional Black Caucus budget and the Progressive Caucus budget simply will eliminate the tax giveaways to the richest corporations in America. And that's what he calls raising taxes, the very people who are responsible for getting us in this subprime mess that we are in now where we have people who are losing their homes to foreclosures.

Having said all of that, I have already spoken about my support for the Congressional Black Caucus. And I'm offering today my very, very strong support for the Progressive Caucus budget.

Many of the priorities are the same in these two budgets, including vastly increasing funds for housing and community development, veterans education, health programs, and energy independence. I strongly support these increases.

As I said, when I talked about the Congressional Black Caucus budget, they had eliminated HOPE VI, a program that would provide decent housing for the most vulnerable people in our society in a responsible way. They tried to reduce the CDBG program, the program that goes to these small cities and to these towns that are using them for infrastructure and helping senior citizens and youth. And this budget would put the money back in to make them continue to be credible programs.

Let me talk a little bit about the economic stimulus. The components of the economic stimulus package included in the Progressive Caucus budget, for which we have been advocating for many weeks now, are certainly needed to help those Americans hardest hit by the worsening economic situation.

Most importantly, stimulation will come from increased funds for housing assistance and community development. The economic downturn came from the devastating housing market, and that is where we need to focus our resources.

The Progressive Caucus also targets unemployment, insurance, food stamps, FMAP and health care aid and large infrastructure projects in each of our States to invest in our cities and create new jobs. With well-founded fears of a recession being discussed at dinner tables across the country, these investments are absolutely necessary to support our constituents and stimulate our economy.

The Progressive Caucus also focuses on cutting the fat from our bloated Pentagon budget. Our military is still preparing to fight the Cold War against the USSR. I won't go any further than that.

I thank the gentlewoman for the time, and I'd like to express my support for the Progressive Caucus.

Mr. HENSARLING. Mr. Chairman, how much time is remaining on each side?

The Acting CHAIRMAN. The gentleman from Texas has 19 minutes. The gentlewoman from California has 18 minutes.

□ 1345

Mr. HENSARLING. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I think it is very important for all the American people who are following this debate, we always hear these claims that all we're going to do is somehow tax the rich. Well, again we've heard the gentlelady from California say that this budget balances, but according to the Congressional Budget Office, headed up by a Democrat, their appointee, the only way that that budget balances or any of the Democrat budgets balance is by huge automatic tax increases that will take place over the next few years. And under the tax increases that will take place in current law, you're going to have 116 million taxpayers see an average tax increase of $1,800 a year.

More than 6 million low-income individuals and couples who currently pay no tax, no tax, will no longer be exempt. Approximately 48 million married couples will face an average tax increase of $3,000 a year. Low-income families with one or two children will no longer be eligible for the refundable child tax credit in 2011. Roughly 12 million single women, and we know that often to be poor in America is to be a single mother, 12 million single women will see their tax increases by $1,100 per year. And again, don't take my word for it, go to the Congressional Budget Office and look at the numbers and their impact on all the different tax brackets. Those who are at the lowest bracket today, the 10 percent bracket, are going to see their taxes increase 50 percent to a 15 percent bracket.

So I hope the American people are watching this debate very closely, because every time we hear the Democrats say, oh, we're just going to tax the wealthy, we're going to tax the wealthy, that's a sign for any working American to hold on to their wallet, Mr. Chairman. That's what that sign is.

And we're also debating today the AMT, the alternative minimum tax, which would have been more aptly named the ''absolute maximum tax.'' Well, when that was brought to the floor by Democrats in the first place, Mr. Chairman, we were told that's going to only impact 150 high-income Americans, and yet today we know it threatens 25 million Americans with an additional tax payment of over $2,000 a year.

So our friends on the other side of the aisle can't have it both ways. Either you do not balance the budget, or if you do, you certainly have no spending discipline in your budget, then

you're doing it through the tax increases. And look at the numbers of your Congressional Budget Office. They say you will impose the single largest tax increase in American history. And it's not just aimed for the wealthy; it's aimed at all.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio, Congressman DENNIS KUCINICH.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Progressive Caucus budget because it includes home foreclosure relief. The foreclosure crisis is at the epicenter of our economic slowdown, and northeast Ohio is among the hardest hit in the Nation.

Hardworking American families deserve financial security. Foreclosure undermines the physical, emotional, and financial security of America's families, has a detrimental effect on the greater community. Neighborhoods with foreclosed properties are likely to experience declining property values. Cuyahoga County, which includes Cleveland, my hometown, had 11,000 foreclosures in 2005, more than triple the number a decade earlier.

My home State of Ohio has the ninth highest rate of foreclosures, and fourth nationwide for the number of preforeclosure and foreclosure filings. So I'm urging my colleagues to support this budget for that reason. But there's another reason, too.

We can talk about the transfer of wealth, which is a lot of the discussions that go on. This whole government is an engine to transfer the wealth of the country upwards. We have to recognize it. If there is one engine that's transferring the wealth upwards with great acceleration it's the war. Because this war would be as if every American family took out a checkbook and wrote out a check already for $16,000 and handed it over to the government. Already it has cost each family in this country $16,000. And if we continue this war, if you read Joseph Stiglitz, the Nobel Prize winning economist, the war is going to cost $3 trillion, and by the time we get over it, it will be upwards of $5 trillion.

Let's talk about how this budget is being used to accelerate the wealth of the Nation. Now, portend, it's the Progressive budget which offers an alternative which says, end the war, stop funding the war, stop funding wasteful military spending. We want a secure Nation, but we cannot secure our Nation on lies. The war is based on lies. We're on the fifth anniversary of this war. We went into war based on lies at a cost of $3 trillion now, 4,000 of our troops, a million innocent Iraqis, the morality of the United States, our position in the world all under attack because the truth wasn't told.

This budget is the truth. This budget gives the American people an opportunity to finally have their basic needs met. And those needs are going to continue to be neglected as long as we stay riveted to a war that is based on lies.

Bring those troops home. The Progressive budget does it. Stop the war. The Progressive budget does it. Take a new direction with our international policy. The Progressive budget does it. Take care of things here at home. The Progressive budget does it. Vote for the Progressive budget.

Mr. HENSARLING. Mr. Chairman, at this time, I will yield 4 minutes again to the distinguished ranking member of the Budget Committee, the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding. And I thank the gentleman for all the work he has done on making us fiscally secure, being fiscally responsible, and bringing fiscal sanity to Congress. He's one of the leaders.

Mr. Chairman, the problem in Washington is not that we have too little tax money coming in. The problem in Washington is spending is too high.

Let me show you what this chart shows. It's a little complicated. The red line shows you the Democrats' line of higher taxes. The blue line shows you the revenue line that our budget will do, which is lower taxes. That's the difference of the marriage penalty, the child tax credit, income tax rates across the board, capital gains, dividends, the death taxes. The green line is the current spending trajectory that we are on. Let me describe what it looks like in just one program, as foreseen in the Democratic budget.

Under the Democratic budget, the Medicare program today has an unfunded liability of $34 trillion. What does that mean per household, per family? Three hundred thousand dollars. Right now, every family in America would have to put in $300,000 just to make Medicare secure, just to make Medicare viable and solvent. Under the Democratic budget, they increase that debt by $11 trillion in just 5 years. This 5-year budget says that in 5 years, by the time their budget expires, it will be about a $400,000 burden to every single household in America. You can buy a pretty darn nice house for $400,000.

Let me explain what this looks like across the board. And that's just one program where they're raising the debt by $11 trillion. This is the one that counts the most, Mr. Chairman.

For the last 40 years, the Federal Government has been pretty consistent in how much money it has had to tax to pay for the Federal Government. Washington had had to tax about 18.3 cents on the dollar for every dollar made in America. About 18.3 cents of the dollar made in America went to pay for Washington. Well, because of the baby boomers, because of their retirement, this isn't a Democrat thing or a Republican thing. It's just what's happening in America, because we are doubling the amount of retirees we have in this country, we're going from 40 million retirees to 78 million retirees. And these programs are what we call pay-as-you-go, where current workers pay a current tax to finance the benefits for current beneficiaries.

So I'm paying my payroll taxes and my income taxes for my mom, who's on Medicare and Social Security. That's the way the system works. And it works out well if you have an equal ratio of workers and beneficiaries, but we don't. The reason we don't is because our birth rates declined after the baby boomer generation. There's nothing wrong, nothing sinister about it. It's just that it is what it is.

And so we're increasing our tax-consuming generation. We're increasing the beneficiaries by 100 percent, but we're only increasing the taxpayers by 17 percent. That, in a nutshell, is why we have this fiscal train wreck. That, in a nutshell, is why we're staring at these enormous debts in our country's future.

What does that mean to the future of our country? What does that mean for our children and our grandchildren? I'll tell you what it means to my three children. My son Sam is 3, my son Charlie is 4, my daughter Liza is 6. By the time my three children are exactly my age, and I'm not the oldest guy around here, by the time they are my age, they will have to pay twice what we pay in taxes just to keep today's Federal Government going for them at that time.

Let me say it a different way. Instead of taking 18.3 cents out of every dollar made in America today, when my three kids are my age, they're going to have to spend 40 cents on every dollar made in America just to pay the bills to the Federal Government.

Mr. Chairman, we have real competition that we have staring us in the face. We have competition from India, from China. The age of the global economy is here with us whether we like it or not, it is here. You can't extend and give a prosperous Nation a higher standard of living to the next generation if we're doubling their taxes. If we say today it's 18 cents on the dollar and tomorrow it's 40 cents on the dollar, you can't give our children and grandchildren a chance at a great career at a higher standard of living in this new competitive era we're in. If we do go down this path, we're going to give more and more jobs to China, to India, to other countries.

So we say what we ought to do is do what our employers want us to do. The people that sent us here to Congress want us to fix this problem. They want us to fulfill the mission of healthy retirement security and do it without bankrupting future generations, and do it so we can stay competitive in a global economy so that we can pass a better future on to future generations.

That's why this budget should be defeated.

Ms. LEE. Mr. Chairman, I yield 4 minutes now to the gentlelady from Texas, whose voice is heard loud and clear in terms of her priorities with regard to the Progressive Caucus budget, Congresswoman SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is interesting to listen to my good friends about the tax cuts that they believe will generate happiness in America. I want to remind my friends that the last 8 years have been governed by a Republican administration that has had as the definition of their viability in this country that they are the big tax cutters. And they're right. If you're making a million dollars or you're Warren Buffet, you're celebrating and dancing in the streets. That's the tax cuts that my friend is talking about. But if you're hardworking, middle class Americans that have looked toward the dream that Americans have offered, those who built cars with their hands or drive trucks, teachers and nurses, the very people who made America great, the kind of salt of the Earth that a Thomas Edison came from or a George Washington Carver, then you're not dancing in the street. In fact, you're trying to pick the pieces up and walk through the street.

Because if you look at what this administration has generated, $1.47 in 2001, now the average price per gallon $3.13, maybe going to $4, because right now the price per barrel of oil is $110 dollars a barrel. Not only hurting those hardworking Americans, but even in Texas, some of the refineries that hire blue collar workers can barely make it because they can't make a recovery when they're paying $110 a barrel for gas or for oil. They don't answer that question.

The Progressive budget is a budget that addresses the heartburn of America. What it says to his children and their grandchildren is that we believe in a domestic agenda that gets you out of the pits of depression and economic recession. We believe in helping children and parents work by improving and expanding early child care and increasing Head Start. If you've got a 1962 car, 1977, 1999, barely you can make it, trying to get to work and pay child care. We get them out of the doldrums of the recession.

We understand that there are people who are now evicted who were homeowners. We give out 200,000 housing vouchers so that those in my district alone, 25,000 people on the waiting list for section 8 and other housing resources, not because they can't work, because there are no facilities for them and because the market is out of control. This is what the Progressive budget does.

And then it takes to the least of those, those children in the foster care system that circle around in the system. Who knows who they turn out to be. Maybe it's the unfortunate young men that found themselves on the streets of North Carolina to take the life of a coed.

There are tragedies out there, and this budget understands that investing in America and these workers will make a difference. That's why this budget supports an increase in the EITC to increase work incentives and reduce poverty. And it brings the troops home. That's where the money is going. And it doesn't stifle competition. It promotes the space program. It applauds science and math for young people to aspire to space, but it gives those whose pocket has a hole in it, it gives them opportunity.

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It is a bill, a budget, that stamps out poverty, that recognizes that it is important to not ignore those who you can ignore because they're not in front of you.

I applaud Warren Buffett for his ingenuity and his greatness in terms of his economic prowess. But I also applaud Mrs. Jones who gets up every morning at 3 a.m. trying to get to work. This is what she's facing.

The domestic budget by the Progressive Caucus should be supported.

I rise today in support of the budget substitute offered by the Congressional Progressive Caucus. I support this budget proposal because it represents the mainstream values of our great nation, providing crucial boosts in domestic spending by eliminating expenditure on outdated and obsolete military technologies.

SECOND ECONOMIC STIMULUS

This budget includes funding for a second economic stimulus package, designed to infuse $119.9 billion into our struggling economy. While I was very pleased to see the passage earlier this year of an economic stimulus package injecting $145.9 billion into the economy in 2008, I continue to be concerned about a number of important provisions that were omitted from the package. The "Economic Stimulus #2" package included in the Progressive Caucus budget includes more effective stimulus tools to meet the outstanding needs of the American people.

The Progressive Caucus budget extends Federal spending for unemployment insurance and food stamp benefits, and it increases Federal spending on Federal Medical Assistance Percentage (FMAP) Medicaid payments to states. In addition, this budget recognizes the crisis posed by rising home foreclosure rates, and it provides home foreclosure relief and housing assistance. The Economic Stimulus #2 package also includes the creation of jobs repairing the nation's schools, transportation infrastructure, and public housing.

ANTI-POVERTY PLATFORM

In addition to the inclusion of the second economic stimulus package, this alternative budget is also unique because it includes a focused and concerted anti-poverty platform. The Progressive Caucus's "Anti-Poverty and Opportunity Initiative" is committed to cutting the poverty rate in America in half over the next ten years, and we will begin to do so under this budget. This alternative budget invests $73.05 billion in FY09 and increases to $129.3 billion in FY 18 for a sustained, coordinated public-private sector strategy.

POVERTY AND THE PEOPLE

This morning Tavis Smiley shared with the Tom Joyner Morning Show, his thoughts and the American people's thoughts, on what is really going on in America. He shared how we have easily gotten side-tracked with nonessential staff and consultants to the CLINTON and OBAMA campaigns and to the exploits of Governor Spitzer; all the while forgetting the issues of importance to the people.

Eradicating poverty is something the Progressive Caucus is addressing with its funding of anti-poverty legislation.

CHILDREN AND THE BUDGET

As Chair of the Congressional Children's Caucus and the Progressive Caucus, I am proud to support this budget alternative because it contains provisions designed to help our children succeed.

This budget improves and expands early child care and it increases Head Start funding. It will help parents and families by making the Child Tax Credit fully refundable and expanding the EITC for larger families. It also fully funds Community Development Block Grants and distributing grants to families with disabled members and as such promises to lift every child out of deep poverty. Furthermore, this budget provides for the improvement of Child Support Distribution as well as helping abused and neglected children by improving the Foster Care system.

Specifically the Progressive budget:

Iraq—projects complete U.S. military redeployment out of Iraq before the end of FY09—savings of at least $135 billion and replicated in subsequent years.

Target waste, fraud, and abuse, starting with Pentagon savings—projects enactment of the Common Sense Budget Act, which would save at least $60 billion/year on largely obsolete Cold War-era weapons systems plus tens of billions more in waste, fraud, and abuse in DOD spending identified by the nonpartisan Government Accounting Office, GAO—savings of at least $687 billion over ten years;

Repeal of Bush tax cuts for the top 1 percent of taxpayers—due to expire in 2010 regardless and beyond—savings of at least $222 billion;

Crackdown on corporate welfare—increased revenue of at least $18–50 billion/year throughout the next decade from the elimination of some of the many corporate tax loopholes throughout the tax code, including but not limited to special tax breaks for the oil and gas industry and other extraction industries;

SMART Security Alternative to Preemption Doctrine—shifts some spending and increases other non-military spending to enhance homeland security and fight the root causes of terrorism—21st century diplomacy and meeting basic human needs (e.g. HIV/AIDS/TB/Malaria, universal basic education for all);

Global Warming and Energy Independence—funding for immediate, cost-effective

steps to redress global warming and the rapid acceleration of renewable energy development and commercialization;

Education for All—fully fund the ESEA and IDEA and improve Teacher Corps and job training;

Medicare for All—affordable, accessible, quality health care for all Americans, starting with fully funding of the SCHIP program to ensure that every American child eligible is covered for basic health insurance;

Guaranteed Veterans' Health Care—ensure whatever federal funding is needed to provide health care (including mental health care) for All America's veterans (including but not limited to veterans of the Iraq and Afghanistan military operations;

Fairness for Middle-Class—increase funding to protect fundamental worker rights, enforce fair credit and lending practices, and promote livable wages and safe workplaces;

Renew the Social Contract and 21st Century Safety Net—substantially increase funding for decent affordable housing, anti-hunger programs, and more quality child care for low-income and impoverished Americans (including Hurricane Katrina victims); and

Rebuild America's Communities—increase funding for Community Development Block Grants, Hurricane Katrina relief and reconstruction, community policing, and priority clean-up of leaking underground storage tanks that threaten the drinking water of nearly half of all Americans—a down payment on the implementation of other urgently needed environmental justice programs.

PENTAGON AND DEFENSE SPENDING

The Progressive Caucus Budget will be the only budget substitute offered in this debate that will actually cut even one penny from the Pentagon budget below the full amount that President Bush requested for Fiscal Year 2009—a 7.4 percent increase boost over last year (not counting Iraq and Afghanistan operations).

UNIFIED SECURITY BUDGET

If Congress fully funds President Bush's military budget request of $707 billion (including Iraq operations more accurately at $170 billion and Afghanistan operations) for next fiscal year, our Nation will spend more on our armed forces next year than at any time since World War II. As Bush administration officials defend their latest defense spending request before congressional committees, they and their supporters are also arguing for a substantial increase above this amount in future years, even as they disingenuously project spending on the current operations in Iraq and Afghanistan to go down.

A consistent theme of these presentations is that military spending currently represents a relatively low percentage of our national Gross Domestic Product. We should spend more, according to this argument, because we can. The fallacy of this argument is readily apparent as we fall deeper into debt.

The Bush Administration's national security doctrine of pre-emptive warfare, drawn up before the current wars were launched, prescribes an expansive, global role for the U.S. military, one that even current levels of spending and manpower don't come close to covering. After five years of failed tests, it's time to ask: Does the Bush doctrine of preemptive warfare and its costs make sense? What we must ask ourselves is does it make us safer and more secure?

No Member of this Congress can claim credibly to be fiscally responsible and not tackle head-on the soaring, unsustainable financial costs of the Iraq debacle. Accordingly, we hope virtually all of our Republican colleagues and most Blue Dog Democrats will stop paying for this foreign policy disaster with a credit card that seemingly has no limits.

SAVINGS

The Progressive Caucus Budget is the most transparent and accurate, when it comes to scoring the fiscal impact of on-going U.S. military operations in Iraq. We can save at least $135 billion if we end the U.S. military occupation of Iraq by the end of FY09.

The Progressive budget will save at least $135 billion over the subsequent nine fiscal years if we change the Bush policy, end the U.S. military occupation of Iraq, don't establish permanent military bases in Iraq, and bring virtually all U.S. troops and military contractors no later than September 30, 2009.

Let me state that we already approved $70 billion of the $170 billion in President Bush's supplementary request for FY08. The remainder to be voted upon in April 2008 or soon thereafter should be strictly fenced, so that it can only be used for the safe and orderly redeployment of U.S. troops and military contractors.

CUTTING OUTDATED AND UNNEEDED WEAPONS SYSTEMS ($60 BILLION/YEAR)

The Defense Department is wrought with waste, fraud, and abuse as it continues to spend in excess of $60 billion a year on holdover Cold War era weapons systems.

It's time that we bring some common sense back to the budget process and see to it that the basic human needs of all Americans come before the needs of the military industrial complex. The Progressive Caucus budget targets weapons programs that are either outdated or poorly conceived from the very beginning for elimination. Despite what a handful of giant defense contractors would have us believe, this inexcusable waste actually makes us less safe.

COMBATING GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA ($5.412 BILLION)

It is also in our national security interest for America to do more to meet the world's growing humanitarian crises. Let me cite just one example from our Progressive Caucus Budget.

Over the last five years the United States has achieved significant progress in fighting the global HIV/AIDS pandemic. Direct funding provided to developing countries heavily impacted by HIV/AIDS through the Emergency Plan for AIDS Relief has supported treatment for over 1.45 million people with life saving anti-retroviral medications.

Additionally, U.S. contributions to the Global Fund to Fight AIDS, Tuberculosis, and Malaria have supported AIDS treatment for another 1.4 million people, while also providing treatment for tuberculosis to over 3.3 million people, and distributing 46 million insecticide treated bed nets to protect against malaria.

In line with pending legislation in the House and Senate to reauthorize the Emergency Plan for AIDS Relief, and to continue U.S. involvement with the Global Fund, this increase in funding will fully fund our efforts to combat the global HIV/AIDS, tuberculosis, and malaria pandemics for the next five years.

This increase in funding will help reach the goal of preventing 12 million new HIV infections; treating at least 3 million people living with HIV/AIDS—including 450,000 children; providing care for 12 million individuals affected by HIV/AIDS—including 5 million orphans and vulnerable children in communities affected by HIV/AIDS; and training and retaining at least 140,000 new health care professionals for HIV/AIDS prevention, treatment and care.

This overall level of funding will fundamentally help our programs achieve sustainability as we increase program linkages and strengthen country ownership of these important initiatives.

INVESTING IN CLEAN RENEWABLE ENERGY SOURCES

If we want a more peaceful, secure world, then America must act with a sense of urgency to end our growing dependency upon imported oil and bring on line the full range of renewable energy technologies. We need a national commitment to accelerate the development and commercialization of renewable energy sources on the scale of the Manhattan Project during World War II or the moon shot of the 1960s. That is what we provide in the Progressive Caucus Budget.

It calls for spending $30 billion/year for the next decade to create 3 million new, clean energy jobs to free America from foreign oil dependence. We want to reinvest in the competitiveness of American industry, rebuild our cities, create good jobs for working families, and ensure good stewardship of both our national economy and the environment we share with the rest of the world.

INFRASTRUCTURE NEEDS

Our Nation faces a crumbling transportation infrastructure that is being asked to handle ever-increasing loads. Between 1955 and 2005, the U.S. population grew by 130 million to 295 million. Over the next 50 years it is expected to grow by 140 million to 435 million. Over the next 30 years, 88 percent of that growth will occur in the south and west. By 2030, the population of people over 65 will have grown from 35 million to 70 million. More than 70 percent of the Nation's population growth and 80 percent of its economic growth are expected to take place in metropolitan areas. At the same time, rural States will face the enormous cost of preserving the network of roads they have built over the past 80 years. Congestion on our Nation's highways gets worse by the year as funding fails to keep pace.

The Progressive Caucus Budget reverses this trend with additional transportation funding over a ten-year period to strengthen our infrastructure and provide millions of new construction jobs. The Federal Highway Trust Fund is facing shortfalls that need to be met and this Budget addresses those needs by funding the gap between what we need to maintain the current system versus the degradation that is projected over the life of this Budget.

TRANSPORTATION STIMULUS ($18 BILLION IN FY09)

Every billion dollars spent on infrastructure creates 42,000 new jobs. States have identified 3,000 projects (see below) that could be

up and running in 30–90 days for a total cost of $18 billion dollars. In a time when the economy is in trouble due to the over-inflated price of housing and the sub-prime mortgage market, the people in most need of jobs are construction workers. Funding transportation projects puts these people to work, in good paying jobs, which serve an overall benefit to the economy.

As a woman, a mother, a Member of Congress, and the Progressive Caucus, I am proud of the initiatives taken by the Progressive Caucus and morally compelled to support this budget.

Mr. HENSARLING. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I'm not sure the hardworking men and women of America need a chart to know how expensive gasoline is, and I was interested in my friend from Texas's history lesson. But there is a more recent history lesson that I believe the American people could benefit from.

Elections have consequences. The Democrats took control of the Senate and took control of the House in January of 2007. They've been in control of the Nation's economy now for 15 months. This is what the price of oil was when the Democrats took control of this body. Here's where the price of oil is now. Roughly double.

Since the Democrats took control of this body, Mr. Chairman, job growth has been cut in half, and the economy has actually lost over 80,000 jobs in the most recent 2 months. The average family's grocery bill has increased about $70 per month since the Democrats took control of Congress. The stock market has lost about 10 percent of its value since the Democrats took control of Congress. Home prices have fallen roughly 8 percent since the Democrats took control of Congress. Consumer price inflation has increased over 4 percent, the largest calendar year increase since the early 1990s, since the Democrats have taken control of Congress. That is the more recent history lesson that the American people can profit from.

There is another aspect, though, of these Democrat budgets that, again, I believe deserve very special attention. I want to again thank the ranking member for his insight into the peril that these budgets present to future generations and really the threat to the retirement security of our children and grandchildren because these budgets compromise it.

We know that Medicare, Medicaid, and Social Security won't be around for future generations unless they are reformed. But I want to focus again on the fact that this budget and every Democrat budget will raise taxes on hardworking American families by at least $3,000 a month.

And what do they do with that money? They keep alive an earmark system that far too many Americans have rightfully concluded that all too often represent the victory of secrecy over transparency and special interest over the national interest and privilege over merit. So they're going to raise taxes on American families $3,000 a year. And what are they going to pay for? Well, they are going to pay for things like $2 million to study yoga in the Defense bill that was placed in by a Democrat Member of Congress. And perhaps they don't have a bridge to nowhere, but according to CBS News, we have an arch to nowhere. A Democrat Member of Congress wanted to rebuild an arch in a park.

We fund the Doyle Center for Manufacturing Technology, named after a Democrat Member of Congress. I have already mentioned the Charlie Rangel Center. They raise taxes on the American people, $3,000 a family, to pay for the Charlie Rangel Center for Public Service. I've already mentioned the fact that they are spending $100,000 for the L.A. fashion district for ''signage and streetscape improvements.'' One of the district's main thoroughfares, Robertson Boulevard, is known as a ''great place to spot celebrity shoppers.'' The Democrat budgets keep these earmarks alive and well and raise taxes on the American people $3,000 a year to pay for it.

There's $231,000 for something called the Lincoln Airport Commission, an airport in Illinois that does not even exist, the executive director of whom apparently is on the staff of a Democrat Member of the United States Congress.

In order to raise taxes $3,000 a year on American families, the Democrats also continue to fund earmarks like $300,000, requested for a Democrat Member, to help train future employees of Hollywood movie sets. I'm sure the movie studios are struggling as they make their multimillions at the box office. And $2 million for the ''paint shield'' for protecting people from micro-bio threats, which was given to one specific company. No competitive bid. They just handed the money to Sherwin-Williams and said no need to compete. No need to show merit. We're going to raise taxes on the American family $3,000 a year to pay for more earmarks. And the list goes on and on.

Two very different budgets, Mr. Chairman. The Republican budget says enough's enough; declare a year-long moratorium on earmarks and fix this broken system. Every single Democrat budget, Mr. Chairman, says the status quo is fine. Let's keep these earmarks acoming. Let's make sure we take from the family paychecks so some Member of Congress can keep theirs.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I would like to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentlewoman for yielding.

Mr. Chairman, let me again thank Congresswoman BARBARA LEE and Congresswoman WOOLSEY for their steadfast commitment to addressing the concerns of the most heavily impacted Americans in this most disruptive economic season.

Let me remind my friends that we are speaking of a Congress Democratically led for a little over a year. In that time frame, we have, in fact, increased the minimum wage. We have waged a valiant fight for the Children's Health Insurance Program to insure 10 million children.

But what you have seen that has occurred, if you will, under this administration, which is really the definition of this Republican minority, they are the residents on the ship captained by this administration. So if they want to talk about what burdens are falling on the American people, the Democratic House and Senate leadership is no more than a year, but the helm of this government has been captained by a Republican administration. And we can clearly see that a surplus existed under the past administration, under the Clinton administration; but under this administration not only have we eaten up the surplus, thrown hardworking Americans under the bus, but it is growing and growing and growing. Now, that is with the so-called tax cuts that this administration insists on making permanent, that the Progressive budget recognizes cannot continue to eat away in the pockets of those who go out and work every day.

And to my good friend on the earmarks, let me suggest to him that he might read some of the studies that say that earmarks are fairly distributed.

This is the cause of our depression. The Progressive budget should be supported.

Mr. HENSARLING. Mr. Chairman, at this time I yield 2½ minutes to the distinguished ranking member on the Budget Committee.

Mr. RYAN of Wisconsin. Mr. Chairman, as the gentleman from Texas mentioned, we are not saying all earmarks are bad. Some of them are worthy. Some of them are vetted. Some of them fit within the proper role of the Federal Government. But a lot of them are bad. A lot of them are wasteful. A lot of them probably go outside of what most people think is the proper role of the Federal Government.

The point is we don't have all the answers on how to make it work right. That's why we think we ought to have a commission of an equal number of Democrats, an equal number of Republicans, the Kingston-Wolf Commission is what everybody calls it, to figure out how to make these things work right so that Congress can regain the trust and confidence of the American people. But in the meantime, let's say ''no'' to these earmarks for a year. Let's do a moratorium. That's what we do.

Do you know what we can accomplish by actually having a moratorium of earmarks for 1 year? By banking those savings, by saying ''no'' to earmarks for a year and carrying those savings in our budget, we can make sure that we're not going to cut the child tax credit in half; that we are not going to tax people for being married. We can make permanent the $1,000 per-child tax credit, the repeal of the marriage tax penalty.

Let me just read along this list of earmarks that we have: an ode to Tom Daschle, a nice guy, former Senate majority leader, a $1 million earmark to create a center for Tom Daschle in South Dakota. Or we could look at the Hippie Museum. This one's been pretty well known, $1 million to commemorate hippies at Woodstock. Or we can look at the sailing earmark, they call it, a 65-foot catamaran sailing around Monterey Bay. It sounds like a fun thing to do. Why should people in Wisconsin pay their Federal taxes to pay for that? Or we could take a look at all the lists and lists and lists that go on. One of my personal favorites is the ''ferry to nowhere.'' That came from our side of the aisle, $50 million for a Navy expeditionary marine craft, just a ferry to go to a peninsula that serves 40 people.

The point is, Mr. Chairman, we're not saying that Republicans are so much better than Democrats on all of this. We're saying Congress is broken in this area. Let's fix it. But in the meantime, let's save this money. Let's have a time out. Let's fix this problem so that we can regain the trust and take that money and do two really important things: let's not tax people for being married, and let's not raise taxes on American families by $500 per child. We can do those two things by simply saying ''no'' to earmarks this year. That's what our budget will do.

Ms. LEE. Mr. Chairman, I would like to now yield 4 minutes to the gentlewoman from California, a very active and strong member of the Hispanic Caucus (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise today in strong support of the Congressional Progressive Caucus budget.

As Chair of the Hispanic Task Force on Health and the Environment, this budget speaks to the growing need to create green collar jobs and reinvest in our country, and I am very proud that they were able to include that language in this proposed budget.

It also increases Federal spending for unemployment insurance and food stamps. And we know that Latinos are hard-pressed and hard hit when it comes to bad economic times in this country, and we are no different. Right now in my district in East Los Angeles, we see upwards of 7.2 percent of unemployment and foreclosures occurring almost every hour. In my district alone, 650,000 people have already lost their home. It's time for a change. It's time for a new direction.

This budget also increases Federal spending on Federal Medicaid assistance percentage payments to our States, which are sorely in need of that assistance right now, providing help, again, for foreclosures and housing assistance; reinvesting and creating jobs in the near term repairing the Nation's schools, transportation, and infrastructure.

I also want to touch base on something that's very deeply of much concern with our community, and that is with respect to education and health care overall. And I'll tell you the temperature of the patient in terms of Latinos, African Americans, and people of color is not good. Right now what we see is 40 million people that don't have health care insurance. About 40 percent of those happen to be Latino children under the age of 6. We know there has to be a change. We need to promote a budget that will provide that kind of safety net for all Americans.

Our budget also increases veterans funding in 2009 by $3.6 billion, something that we should keep as an honorable deed when we say that we want to send our soldiers out there to defend, first and foremost, our liberties. Let's make sure that we take care of them when they come home. A high percentage tend to be those young men and women of color using the military because they have no other way of gaining access. When they come home, whether they are disabled or not, they need to have the kind of assistance that's ready made available for them where they don't have to trek 2 hours to get on a bus to go down to the nearest Veterans Administration to get help and assistance. We need to change that and this budget does that.

In terms of the environment and global warming, Latinos' low-income communities are always hard-pressed. We need to reverse that trend and make sure that EPA gets the full assistance that they need to enforce our current laws that will create a better level playing field for all Americans.

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This budget addresses that issue.

Again, I would like to say that I am strongly supportive of the Congressional Progressive Caucus budget and would ask the Members of the House to support this budget in a new direction and new reform for this country.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time is remaining on each side.

The Acting CHAIRMAN (Mr. SERRANO). The gentleman has 4½ minutes remaining. The gentlewoman has 7 minutes remaining.

Mr. HENSARLING. At this time, Mr. Chairman, I would like to yield 2½ minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), one of the prime authors of the Kingston-Wolf earmark moratorium bill.

Mr. KINGSTON. I thank the gentleman for yielding.

I want to say from the beginning I am supporting the Republican budget. And I do find it ironic that a Congress that just distributed a one-time $1,200 per household tax credit is now going to turn around and raise taxes by $3,155 per household. It doesn't make sense. And for that reason, I'm planning to vote ''no'' on the Democrat tax increase budget and support the Republican alternative.

But also I wanted to speak specifically about the earmark portion. I'm a member of the Appropriations Committee, and I realize that if you are a member of one party, you might not always disagree with the members of the other party. For example, if you are a Democrat right now, you might not be in complete agreement with the Bush budget. Likewise, if you're a Republican, should a President from another party get elected, you might not agree with their budget all the time. Therefore, it is important for equal branches of government to have a say-so in the construction of a budget.

Within that framework, it is often important that Congress have the ability to earmark. However, I want to say that, as a Republican, earmarking got out of control under our Republican watch. We know that for a fact. Any Republican who is denying that probably has his head in the sand. And I want to give Democrats credit. They have tried to reform earmarks. However, unfortunately, the reforms haven't been apparent, they haven't been given the credit, and they haven't been enough. We still have work to do.

Therefore, I am supporting the Kingston-Wamp-Wolf approach, which is to call for a bipartisan, bicameral select committee to review earmarks, with a moratorium for the time period that the select committee is in existence. And I know that ours isn't, the moratorium is lifted when they come back, report back to Congress. In this bill there's a 1-year moratorium. But I think either way you can take a step back and look, what is the process and how can we improve it?

Because as an appropriator, we are always focused on appropriations earmarks, and yet the infamous Bridge to Nowhere did not come from an appropriations bill. It came from a transportation bill.

In December 2006, we passed a tax relief bill that had, I think, over 100 different types of earmarks on it. But because it was a tax bill, they weren't defined as earmarks. We see the same thing in trade bills. I believe that all earmarks should be put on the table and the process should be reviewed. And that should include the White House earmarks. That is why it is important for us, on a bipartisan, bicameral basis, to take a step back and

see what we can do to improve this. We all agree earmarks should not increase a budget but work within the existing budget limits passed by Congress.

Ms. LEE. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Michigan, the Chair of the Judiciary Committee, Congressman CONYERS, and thank him for his leadership.

Mr. CONYERS. I thank the cochair of the caucus for allowing me to make it clear to our friends on the other side of the aisle that the budget, as a document of what it is we believe in, what we put our money down in support of, expresses in some greater way the values of the Nation. And so we come to this 2008 budget consideration in the midst of what some call an economic downturn, others call a recession and other things.

Now, what we have done, and if there are parts of the Progressive Caucus budget that are specifically objected to, I would like to invite our friends on the other side to let us know what they are so that we can continue our work on it, because the Progressive Caucus every year always introduces an alternative budget. We've been getting more support on it each year.

It's our hope that with your enlightened analysis of it, we will get more support. I'm looking for the day when we get a bipartisan vote on the Progressive Caucus budget. I think it's possible. I think it states our priorities that don't have ''Democratic'' or ''Republican'' stamped on them. What we are saying is let's look at these issues in the budget and point out which ones make your favorite, make the hit list, and which ones don't match the aspirations and viewpoints of the minority.

I thank you, Madam Floor Manager.

I rise today in support of the budget alternative offered by the Congressional Progressive Caucus, CPC.

We often say that the Federal budget is a moral document, expressing the values and priorities of our Nation.

During this economic downturn, when more families are facing unemployment, foreclosure and bankruptcy, our top priority should be protecting our most vulnerable citizens and keeping more Americans from falling into poverty.

The President, however, seems to have his priorities upside-down. In this final budget proposal of his presidency, he once again sacrifices services for low- and moderate-income families failing to provide adequate funding for health care, housing, child care, job training and a host of other programs.

Even though the President cuts these vital programs, his budget still makes the deficit worse, because it continues to give stunningly high tax cuts to the rich. Tax cuts for millionaires alone will cost $51 billion in FY '09.

The CPC alternative budget gets our priorities straight. In stark contrast to the President's proposal, the CPC budget puts the needs of the economically vulnerable ahead of the needs of millionaires.

The CPC budget proposal is the only one under consideration today that cuts wasteful cold war era defense spending, according to standards recommended by the GAO, so that we can employ our scarce resources to help people, not to keep feeding the military industrial complex for weapons we don't need.

I want to draw attention today to the efforts of the Congressional Out of Poverty Caucus, which I co-chair along with my colleagues Ms. LEE, Mr. HONDA, Mr. BACA and Mr. BUTTERFIELD.

Under Ms. LEE's leadership, the House recently passed by unanimous consent H. Con. Res. 198, which commits the Congress to cutting poverty in half in the next decade. With the passage of H. Con. Res. 198, the House went on record, with unanimous, bipartisan support, making the alleviation of poverty a priority for this government.

For the good of the Nation, it is imperative that we live up to our commitment. The Congress must take action to make good on this promise.

The CPC budget promotes policy initiatives that can move us toward this goal by expanding programs with a proven track record of success in reducing poverty, like the Earned Income Tax Credit. We don't need more war and tax breaks for the rich. We need jobs, job training and better access to health care, child care and education. The CPC budget provides these critical tools that can help Americans lift themselves out of poverty.

Let's get our priorities straight. Let's pass the CPC budget alternative.

Mr. HENSARLING. Mr. Chairman, am I correct in assuming I have the right to close?

The Acting CHAIRMAN. The gentleman from Texas has the right to close.

Mr. HENSARLING. In that case, I reserve my time.

Ms. LEE. Mr. Chairman, let me say a couple of things as I close in response to my colleagues on the other side of the aisle.

First, let me just talk about the argument with regard to tax increases. Our budget provides for tax fairness. We want to bring back some real justice in the Tax Code. Let me just say to you that the Progressive Caucus believes that individuals earning $1 million or more a year, which is the top 1 percent of our country, that those tax breaks should be rolled back, the tax bracket should be rolled back to 39.6 percent. That raises at least $96 billion. I finally think that that $96 billion can be put into restoring some of the very draconian cuts in our budget to initiatives such as education and health care which the President has cut.

Secondly, we're talking about repealing capital gains and dividends tax breaks raises at least $74.4 billion. I think that that $74.4 billion can restore the 50 education programs, including student financial aid, which the President has sought to cut. We also want to roll back the estate tax break, raising at least $74 billion. I think that that $74 billion can go to restore those deep cuts to highway infrastructure or, of all things he is slashing, support for law enforcement. I think that those resources could better be used in those areas.

Also, we're talking about in terms of repealing all additional tax breaks for the top 1 percent. That means we have $177 billion. Maybe that could go to help restore the energy assistance for low-income families that the President cut. Or maybe it could go to restore the renewable energy and energy conservation programs that the President decided to cut.

And what about this when you talk about tax increases? How about what we want to do to eliminate the corporate tax incentives for offshore jobs? The Tax Code has a number of preferences that directly or indirectly encourages, mind you, encourages United States companies to relocate operations and jobs overseas. How about using those revenues to create some jobs and to invest in job training programs which, of course, the President wants to cut in his budget? That makes sense to me. That's about fairness. That's not about tax increases.

We're not talking about increasing taxes on middle-income individuals. We're talking about tax fairness, restoring some tax fairness to the Tax Code. And I don't believe that anyone in our country, if they knew the bogus nature, I think, of this argument with regard to what all of us are trying to do to bring some fairness into the Tax Code, I think the American people would say, what is wrong with raising revenue from those making over $1 million a year? They actually didn't really support that tax cut when they received it, so what's wrong with creating jobs in our own country rather than giving tax breaks for sending jobs offshore? I don't think the American people see that as being the wrong way to use our tax dollars. I don't think that they would worry at all about us repealing some of these estate taxes and individual tax breaks for the 1 percent.

And so I think that when you talk about tax increases, we need to be honest and say what we're really talking about, and that's giving tax breaks, continuing to give tax breaks for the very wealthy while our young people, our children, our senior citizens, the poor, low-income, middle-income individuals are struggling to just manage to survive through this recession that has been created, yes, by many of these tax cuts, but also by this deep hole that we are digging in terms of the Iraq war and the Iraq recession.

I yield to the gentleman from Michigan.

Mr. CONYERS. I thank you so much. I just wanted to commend you before our debate closes on the Progressive Caucus proposal, because I'm hearing for the first time, we want to get beyond partisan positions, progressive partisan positions, progressive or conservative positions.

Ms. LEE. In fact, this is a moral document. A budget should be a moral document. We have bipartisan support from Catholic Charities, from many faith groups, from many organizations around the country.

The Acting CHAIRMAN. The time of the gentlewoman from California has expired.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 2 minutes remaining.

Mr. HENSARLING. Mr. Chairman, I want to congratulate my friends on the other side of the aisle. Although we have very strong disagreements, I respect their principle and I respect the passion that they bring to the floor in this debate. We on this side of the aisle have our passion. We have our principles. And I think, Mr. Chairman, that it's important to note that no matter what Democrat budget you're talking about, there's really only one Democrat budget, and they differ from the Republican budget in many different ways. Theirs values the government budget. Ours values the family budget. Every Democrat budget, including this Progressive budget, will increase taxes on the American family, the largest single tax increase in American history, by over $3,000 per family. The Republican budget will prevent those tax increases while hardworking American families are trying to fill up their cars, send their kids to college, and put food on the table.

Second of all, every Democrat budget provides the highest amount of government spending we've ever seen. More government. If you think the answer to your problems is more government, then maybe you want this Democrat budget. If you think the answer to your problems is more freedom, more opportunity, a secure paycheck, and greater career opportunities, then you want the Republican budget.

The Democrat budgets are silent, silent on earmark reform. They want to preserve the status quo. They will continue to take a bite out of people's paychecks again so that some Member of Congress might keep theirs.

But for as bad as what these budgets do, they are even worse for what they don't do. They are stone cold silent on the number one fiscal challenge in the land, and that is out-of-control entitlement spending. Mr. Chairman, Medicare, Medicaid, Social Security will not be here for future generations unless we reform them. We are on the verge of being the first generation in American history to leave the next generation with a lower standard of living, double their taxes with just the government we have today. I will not sit idly by, nor will any Republican, and let that happen.

Defeat the Democrat budget. Vote for less government, more freedom, and our children's future.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Congressional Progressive Caucus, CPC, PC fiscal year 2009 alternative budget. In an attempt to meet head on the administration's proposed fiscal year 2009 upside-down budget priorities, the CPC budget calls for a more humanitarian approach addressing the current deficit and economic downturns.

Indeed, CPC's alternative budget:

Funds a second economic stimulus package designed to pump $118.9 billion into our declining economy and help the hardest hit low- and middle-income Americans;

Repeals the President's tax cuts for the top 1 percent of taxpayers;

Leaves no child behind by fully funding NCLB and IDEA while improving Teacher Corps and job training;

Provides Medicare for all with affordable, accessible quality health care for all Americans;

Renews the Social Contract and 21st Century Safety Net by substantially increasing funding for decent affordable housing, anti-hunger programs, and more quality childcare; and foremost

Rebuilds America's communities that are being plagued by the aftermath of Katrina by substantially increasing funding for Community Development Block Grants, community policing, and priority cleanup of leaking underground storage tanks that threaten the drinking water of nearly half of all Americans.

Collectively, these provisions reflect a commitment to addressing socioeconomic woes affecting middle- to-lower class Americans across the country. I commend CPC for their pledge to cut the poverty rate in America in half during the next decade and for a progressive budget that appropriates funding to much needed programs.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Ms. LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 322, not voting 14, as follows:

[Roll No. 138]

AYES—98

Abercrombie
Ackerman
Baca
Baldwin
Becerra
Blumenauer
Brady (PA)
Butterfield
Capps
Capuano
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (IL)
Delahunt
Doyle
Ellison
Engel
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kilpatrick
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Norton
Olver
Pallone
Pastor
Payne
Ryan (OH)
Sánchez, Linda T.
Schakowsky
Scott (GA)
Serrano
Slaughter
Solis
Stark
Thompson (MS)
Tierney
Towns
Tsongas
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wynn

NOES—322

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Obey
Ortiz
Pascrell
Paul
Pearce
Pence

Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—14

Bordallo
Boustany
Garrett (NJ)
Hooley
Hunter
LaHood
Oberstar
Rangel
Renzi
Rush
Tancredo
Weller
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes left on this vote.

□ 1453

Mr. MORAN of Virginia changed his vote from ''aye'' to ''no.''

Messrs. KAGEN and BECERRA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. LEE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARNEY) having assumed the chair, Mr. SERRANO, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, had come to no resolution thereon.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 12, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Matthew Tusing, Deputy Secretary of State, Office of the Secretary of State of Indiana, indicating that, according to the unofficial returns of the Special Election held March 11, 2008, the Honorable André D. Carson was elected Representative to Congress for the Seventh Congressional District, State of Indiana.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

MARCH 12, 2008.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, March 11, 2008, for Representative in Congress from the Seventh Congressional District of Indiana show that André D. Carson received 45,598 or 54.04% of the total number of votes cast for that office.

It would appear from these unofficial results that André D. Carson was elected as Representative in Congress from the Seventh Congressional District of Indiana.

To the best of our knowledge and belief at this time, there is no contest in this election.

If you have additional questions, please contact my office.

Sincerely,

MATTHEW TUSING,
Deputy Secretary of State,
Office of the Indiana Secretary of State.

SWEARING IN OF THE HONORABLE ANDRÉ CARSON, OF INDIANA, AS A MEMBER OF THE HOUSE

Mr. VISCLOSKY. Madam Speaker, I ask unanimous consent that the gentleman from Indiana, the Honorable ANDRÉ CARSON, be permitted to take the oath of office today.

His certificate of election has not yet arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Indiana delegation present themselves in the well.

Mr. CARSON appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE ANDRÉ CARSON TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Indiana (Mr. BURTON) is recognized for 1 minute.

There was no objection.

Mr. BURTON of Indiana. Madam Speaker, I know Julia Carson, who was a beloved Member of all of us in this body, is looking down from heaven today and is very, very proud of ANDRÉ. He was the apple of her eye, her grandson, and if there was one thing she wanted, she wanted him to succeed her in the Congress of the United States. I am sure she is very, very happy today.

André has a background in law enforcement. He worked with the State police, he worked with Homeland Security in the area of terrorism watching and controlling. He is a past member of the City-County Council of Indianapolis, and I presume they are going to have to pick somebody else to fill your seat now.

He will be a welcome Member of this body. We congratulate you on your election and we look forward to working with you.

Madam Speaker, I yield to my colleague from Indiana (Mr. BUYER).

□ 1500

Mr. BUYER. Madam Speaker, I would like everyone to know that we all enjoyed Julia very much. But I want you to know this, what just happened in the well is ANDRÉ responded to the Speaker with two words that would make Julia very proud. His first two words as a new Member of Congress, he turned and said, ''Yes, ma'am.''

Mr. BURTON of Indiana. ANDRÉ's wife, I presume, is here with him today, Mariama. They are the proud parents of a 1-year-old daughter, Salimah. I am sure when she is a little older, she will be very proud as well.

I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I appreciate the gentleman yielding, and I appreciate the biographical information. That is very important for all of us to recognize as far as ANDRÉ's achievement. I do think today as he is sworn in, he is probably best known as Julia Carson's grandson. Henceforth, he will be ANDRÉ CARSON, Member of Congress, and we welcome you.

Mr. BURTON of Indiana. Madam Speaker, I yield to our new Member of Congress.

Mr. CARSON of Indiana. Madam Speaker, my fellow colleagues, thank you for your warm welcome.

Today, I want to thank the people of Indiana's 7th Congressional District. I am truly and extremely humbled by

the trust they have placed in me, grateful for their support, and committed to serving them each and every day.

I want to thank my wife, Mariama, who has stood with me every step of the way, and our 1-year-old daughter, Salimah, who inspires me to serve.

I also want to thank and honor and salute a great leader who I wish were here, my grandmother, Congresswoman Julia Carson.

Thank you.

For 11 years, she came to this floor as the people's champion. I am committed to building on her accomplishments and service to the people of the 7th Congressional District and the City of Indianapolis. I can think of no better way to honor her memory than by rolling up my sleeves and getting to work on day one.

Our working families, our seniors, our children and our troops are counting on us to stand up and take responsibility for the changes we need in our country. In Indianapolis and across America, working families are struggling in our failing economy. As we are all painfully aware, in February alone, 63,000 Americans lost their jobs, many of them in the great Hoosier State of Indiana.

Overseas, we must honor and care for our brave troops. And the best way to honor them is to change our direction in Iraq, end this war, and bring our troops home.

Solving these problems won't be easy, but together we can make real changes and offer real solutions. We can start by giving middle-class families property tax relief. That is why I am proud that today, as my first official legislative action, I am signing on to my colleague Congressman BARON HILL's bill to provide property tax relief. This will help families in Indianapolis and those who have been hit hard with high taxes.

As we move forward, I look forward to meeting with working with all of you, Republicans and Democrats, to strengthen our economy, create good jobs, and invest in our children.

Thank you, Indiana; thank you, 7th Congressional District; and thank you all. God bless.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Indiana, the whole number of the House is 431.

CALL OF THE HOUSE

The SPEAKER. Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 139]

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wynn
Yarmuth
Young (FL)

□ 1524

The SPEAKER pro tempore (Mr. ELLISON). On this rollcall of the House, 384 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1036 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 312.

□ 1525

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the Congressional budget for the United States Government for fiscal year 2008, establishing the Congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, with Mr. SERRANO (Acting Chairman) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 printed in House Report 110–548 by the gentlewoman from California (Ms. LEE) had been disposed of.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 3 OFFERED BY MR. RYAN OF WISCONSIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–548.

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 3 offered by Mr. RYAN of Wisconsin:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2008 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2013.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House of Representatives.

TITLE III—EARMARK REFORM

Sec. 301. Moratorium on earmarks.
Sec. 302. Joint select committee on earmark reform.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Enhance accountability by requiring a separate vote on an increase in the public debt.
Sec. 402. Same-day consideration of reports.
Sec. 403. Two-thirds requirement for certain waivers under the Rules of the House.
Sec. 404. Two-thirds requirement for availability of certain measures on the Internet.
Sec. 405. Cost estimates for conference reports and unreported measures.
Sec. 406. Roll call votes for new spending.
Sec. 407. Nondefense, nonterrorism related spending point of order.
Sec. 408. Limitation on long-term spending proposals.
Sec. 409. Limit on new direct spending in reconciliation legislation.
Sec. 410. Restrictions on advance appropriations.
Sec. 411. Policy statement on hanford and nuclear clean-up.
Sec. 412. Policy statement on war funding.
Sec. 413. Policy statement on medical liability.
Sec. 414. Policy statement on the Medicare ''trigger''.
Sec. 415. Program integrity initiatives.
Sec. 416. Policy statement on the alternative minimum tax.
Sec. 417. Policy statement on health care spending.

TITLE V—EMERGENCY RESERVE FUND

Sec. 501. Nondefense reserve fund for emergencies.
Sec. 502. Emergency criteria.
Sec. 503. Development of guidelines for application of emergency definition.
Sec. 504. Committee notification of emergency legislation.
Sec. 505. Up-to-date tabulations.
Sec. 506. Contingency operations related to the global war on terrorism and for unanticipated defense needs.

TITLE VI—LEGISLATIVE LINE ITEM VETO AUTHORITY

Sec. 601. Presidential recommendations.
Sec. 602. Procedures in the United States Congress.
Sec. 603. Identification of targeted tax benefits.
Sec. 604. Additional matters.
Sec. 605. Abuse of proposed cancellations.

TITLE VII—PAY-AS-YOU-GO

Sec. 701. Strengthening pay-as-you-go.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. Application and effect of changes in allocations and aggregates.
Sec. 802. Adjustments to reflect changes in concepts and definitions.
Sec. 803. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 804. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,873,540,000,000.
Fiscal year 2009: $2,017,033,000,000.
Fiscal year 2010: $2,104,764,000,000.
Fiscal year 2011: $2,198,889,000,000.
Fiscal year 2012: $2,291,296,000,000.
Fiscal year 2013: $2,352,645,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2008: -$6,000,000,000.
Fiscal year 2009: -$80,091,000,000.
Fiscal year 2010: -$78,100,000,000.
Fiscal year 2011: -$229,136,000,000.
Fiscal year 2012: -$362,019,000,000.
Fiscal year 2013: -$402,095,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,546,649,000,000.
Fiscal year 2009: $2,429,637,000,000.
Fiscal year 2010: $2,409,712,000,000.
Fiscal year 2011: $2,514,762,000,000.
Fiscal year 2012: $2,523,758,000,000.
Fiscal year 2013: $2,619,267,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,461,810,000,000.
Fiscal year 2009: $2,478,438,000,000.
Fiscal year 2010: $2,476,911,000,000.
Fiscal year 2011: $2,523,601,000,000.
Fiscal year 2012: $2,504,363,000,000.
Fiscal year 2013: $2,594,191,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $588,270,000,000.
Fiscal year 2009: $462,405,000,000.
Fiscal year 2010: $372,147,000,000.
Fiscal year 2011: $324,712,000,000.
Fiscal year 2012: $213,067,000,000.
Fiscal year 2013: $241,546,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2008: $9,572,826,000,000.
Fiscal year 2009: $10,179,229,000,000.
Fiscal year 2010: $10,745,093,000,000.
Fiscal year 2011: $11,281,763,000,000.
Fiscal year 2012: $11,746,433,000,000.
Fiscal year 2013: $12,233,839,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,402,148,000,000.
Fiscal year 2009: $5,733,577,000,000.
Fiscal year 2010: $6,002,163,000,000.
Fiscal year 2011: $6,225,463,000,000.
Fiscal year 2012: $6,337,014,000,000.
Fiscal year 2013: $6,482,741,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $693,273,000,000.
(B) Outlays, $604,289,000,000.
Fiscal year 2009:
(A) New budget authority, $612,497,000,000.
(B) Outlays, $645,433,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $607,032,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $577,925,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $561,666,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $570,503,000,000.

(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $38,072,000,000.
(B) Outlays, $33,588,000,000.
Fiscal year 2009:
(A) New budget authority, $33,768,000,000.
(B) Outlays, $35,763,000,000.
Fiscal year 2010:
(A) New budget authority, $35,118,000,000.
(B) Outlays, $35,808,000,000.
Fiscal year 2011:
(A) New budget authority, $35,956,000,000.
(B) Outlays, $35,327,000,000.
Fiscal year 2012:
(A) New budget authority, $36,684,000,000.
(B) Outlays, $35,274,000,000.
Fiscal year 2013:
(A) New budget authority, $37,028,000,000.
(B) Outlays, $34,967,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $27,934,000,000.
(B) Outlays, $27,645,000,000.
Fiscal year 2010:
(A) New budget authority, $28,472,000,000.
(B) Outlays, $28,507,000,000.
Fiscal year 2011:
(A) New budget authority, $29,071,000,000.
(B) Outlays, $29,297,000,000.
Fiscal year 2012:
(A) New budget authority, $29,679,000,000.
(B) Outlays, $29,917,000,000.
Fiscal year 2013:
(A) New budget authority, $30,290,000,000.
(B) Outlays, $30,026,000,000.

(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.

Fiscal year 2009:
(A) New budget authority, $3,874,000,000.
(B) Outlays, $1,928,000,000.
Fiscal year 2010:
(A) New budget authority, $3,832,000,000.
(B) Outlays, $2,330,000,000.
Fiscal year 2011:
(A) New budget authority, $3,880,000,000.
(B) Outlays, $2,656,000,000.
Fiscal year 2012:
(A) New budget authority, $3,950,000,000.
(B) Outlays, $2,984,000,000.
Fiscal year 2013:
(A) New budget authority, $4,022,000,000.
(B) Outlays, $3,212,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $32,890,000,000.
(B) Outlays, $34,424,000,000.
Fiscal year 2010:
(A) New budget authority, $33,782,000,000.
(B) Outlays, $35,328,000,000.
Fiscal year 2011:
(A) New budget authority, $34,670,000,000.
(B) Outlays, $35,729,000,000.
Fiscal year 2012:
(A) New budget authority, $35,568,000,000.
(B) Outlays, $36,169,000,000.
Fiscal year 2013:
(A) New budget authority, $36,490,000,000.
(B) Outlays, $36,896,000,000.
(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,529,000,000.
(B) Outlays, $21,279,000,000.
Fiscal year 2010:
(A) New budget authority, $21,719,000,000.
(B) Outlays, $20,680,000,000.
Fiscal year 2011:
(A) New budget authority, $21,891,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2012:
(A) New budget authority, $22,263,000,000.
(B) Outlays, $21,435,000,000.
Fiscal year 2013:
(A) New budget authority, $22,621,000,000.
(B) Outlays, $21,816,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $8,560,000,000.
(B) Outlays, $2,907,000,000.
Fiscal year 2010:
(A) New budget authority, $8,687,000,000.
(B) Outlays, $1,448,000,000.
Fiscal year 2011:
(A) New budget authority, $8,798,000,000.
(B) Outlays, $1,244,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,637,000,000.
Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,535,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $79,794,000,000.
(B) Outlays, $77,795,000,000.
Fiscal year 2009:
(A) New budget authority, $74,798,000,000.
(B) Outlays, $80,350,000,000.
Fiscal year 2010:
(A) New budget authority, $76,607,000,000.
(B) Outlays, $83,694,000,000.
Fiscal year 2011:
(A) New budget authority, $77,527,000,000.
(B) Outlays, $85,807,000,000.
Fiscal year 2012:
(A) New budget authority, $78,470,000,000.
(B) Outlays, $87,808,000,000.
Fiscal year 2013:
(A) New budget authority, $79,456,000,000.
(B) Outlays, $90,112,000,000.
(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $14,553,000,000.
(B) Outlays, $24,251,000,000.
Fiscal year 2010:
(A) New budget authority, $14,826,000,000.
(B) Outlays, $21,816,000,000.
Fiscal year 2011:
(A) New budget authority, $15,134,000,000.
(B) Outlays, $17,874,000,000.
Fiscal year 2012:
(A) New budget authority, $15,450,000,000.
(B) Outlays, $15,817,000,000.
Fiscal year 2013:
(A) New budget authority, $15,755,000,000.
(B) Outlays, $15,561,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $90,077,000,000.
(B) Outlays, $90,729,000,000.
Fiscal year 2009:
(A) New budget authority, $92,835,000,000.
(B) Outlays, $89,831,000,000.
Fiscal year 2010:
(A) New budget authority, $98,754,000,000.
(B) Outlays, $94,527,000,000.
Fiscal year 2011:
(A) New budget authority, $101,693,000,000.
(B) Outlays, $99,246,000,000.
Fiscal year 2012:
(A) New budget authority, $103,814,000,000.
(B) Outlays, $100,416,000,000.
Fiscal year 2013:
(A) New budget authority, $97,578,000,000.
(B) Outlays, $99,411,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $285,101,000,000.
(B) Outlays, $286,688,000,000.
Fiscal year 2009:
(A) New budget authority, $305,795,000,000.
(B) Outlays, $304,946,000,000.
Fiscal year 2010:
(A) New budget authority, $322,751,000,000.
(B) Outlays, $323,300,000,000.
Fiscal year 2011:
(A) New budget authority, $343,709,000,000.
(B) Outlays, $342,746,000,000.
Fiscal year 2012:
(A) New budget authority, $366,700,000,000.
(B) Outlays, $365,286,000,000.
Fiscal year 2013:
(A) New budget authority, $391,993,000,000.
(B) Outlays, $390,267,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,086,000,000.
(B) Outlays, $419,880,000,000.
Fiscal year 2010:
(A) New budget authority, $445,118,000,000.
(B) Outlays, $445,247,000,000.
Fiscal year 2011:
(A) New budget authority, $494,261,000,000.
(B) Outlays, $494,084,000,000.
Fiscal year 2012:
(A) New budget authority, $491,241,000,000.
(B) Outlays, $490,999,000,000.
Fiscal year 2013:
(A) New budget authority, $552,274,000,000.
(B) Outlays, $552,389,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $389,865,000,000.
(B) Outlays, $394,100,000,000.
Fiscal year 2009:
(A) New budget authority, $410,152,000,000.
(B) Outlays, $412,970,000,000.
Fiscal year 2010:
(A) New budget authority, $414,946,000,000.
(B) Outlays, $416,690,000,000.
Fiscal year 2011:
(A) New budget authority, $424,315,000,000.
(B) Outlays, $425,038,000,000.
Fiscal year 2012:
(A) New budget authority, $410,706,000,000.
(B) Outlays, $410,707,000,000.
Fiscal year 2013:
(A) New budget authority, $426,299,000,000.
(B) Outlays, $426,036,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $94,268,000,000.
(B) Outlays, $92,943,000,000.
Fiscal year 2010:
(A) New budget authority, $96,000,000,000.
(B) Outlays, $96,210,000,000.
Fiscal year 2011:
(A) New budget authority, $101,800,000,000.
(B) Outlays, $101,475,000,000.
Fiscal year 2012:
(A) New budget authority, $99,115,000,000.
(B) Outlays, $98,271,000,000.
Fiscal year 2013:
(A) New budget authority, $105,094,000,000.
(B) Outlays, $104,266,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $50,024,000,000.
(B) Outlays, $47,520,000,000.
Fiscal year 2010:
(A) New budget authority, $48,972,000,000.
(B) Outlays, $49,384,000,000.
Fiscal year 2011:
(A) New budget authority, $47,218,000,000.
(B) Outlays, $48,912,000,000.
Fiscal year 2012:
(A) New budget authority, $48,425,000,000.
(B) Outlays, $48,887,000,000.
Fiscal year 2013:
(A) New budget authority, $49,692,000,000.
(B) Outlays, $49,540,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $22,970,000,000.

(B) Outlays, $23,408,000,000.
Fiscal year 2010:
(A) New budget authority, $19,402,000,000.
(B) Outlays, $19,449,000,000.
Fiscal year 2011:
(A) New budget authority, $20,039,000,000.
(B) Outlays, $19,938,000,000.
Fiscal year 2012:
(A) New budget authority, $20,733,000,000.
(B) Outlays, $20,753,000,000.
Fiscal year 2013:
(A) New budget authority, $21,407,000,000.
(B) Outlays, $21,194,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,335,000,000.
(B) Outlays, $349,335,000,000.
Fiscal year 2009:
(A) New budget authority, $333,462,000,000.
(B) Outlays, $333,462,000,000.
Fiscal year 2010:
(A) New budget authority, $367,501,000,000.
(B) Outlays, $367,501,000,000.
Fiscal year 2011:
(A) New budget authority, $403,836,000,000.
(B) Outlays, $403,836,000,000.
Fiscal year 2012:
(A) New budget authority, $429,556,000,000.
(B) Outlays, $429,556,000,000.
Fiscal year 2013:
(A) New budget authority, $445,455,000,000.
(B) Outlays, $445,455,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, -$8,599,000,000.
(B) Outlays, -$274,000,000.
Fiscal year 2009:
(A) New budget authority, -$84,556,000,000.
(B) Outlays, -$72,700,000,000.
Fiscal year 2010:
(A) New budget authority, -$129,273,000,000.
(B) Outlays, -$124,124,000,000.
Fiscal year 2011:
(A) New budget authority, -$155,968,000,000.
(B) Outlays, -$168,315,000,000.
Fiscal year 2012:
(A) New budget authority, -$195,848,000,000.
(B) Outlays, -$205,425,000,000.
Fiscal year 2013:
(A) New budget authority, -$229,181,000,000.
(B) Outlays, -$246,124,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, -$86,330,000,000.
(B) Outlays, -$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, -$68,110,000,000.
(B) Outlays, -$68,110,000,000.
Fiscal year 2010:
(A) New budget authority, -$71,710,000,000.
(B) Outlays, -$71,710,000,000.
Fiscal year 2011:
(A) New budget authority, -$77,424,000,000.
(B) Outlays, -$77,424,000,000.
Fiscal year 2012:
(A) New budget authority, -$78,136,000,000.
(B) Outlays, -$78,136,000,000.
Fiscal year 2013:
(A) New budget authority, -$86,033,000,000.
(B) Outlays, -$86,033,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSION TO PROVIDE FOR THE REFORM OF MANDATORY SPENDING.—

(1) IN GENERAL.—Not later than July 29, 2008, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce direct spending $9,321,000,000 for the period of fiscal years 2009 through 2013.

(B) COMMITTEE ON ARMED SERVICES.—The Committee on Armed Services shall report changes in laws within its jurisdiction sufficient to reduce direct spending $1,292,000,000 for the period of fiscal years 2009 through 2013.

(C) COMMITTEE ON EDUCATION AND LABOR.—The Committee on Education and the Labor shall report changes in laws within its jurisdiction sufficient to reduce direct spending $15,926,000,000 for the period of fiscal years 2009 through 2013.

(D) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce direct spending $115,812,000,000 for the period of fiscal years 2009 through 2013.

(E) COMMITTEE ON FINANCIAL SERVICES.—The Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce direct spending $73,000,000 for the period of fiscal years 2009 through 2013.

(F) COMMITTEE ON FOREIGN AFFAIRS.—The Committee on Foreign Relations shall report changes in laws within its jurisdiction sufficient to reduce direct spending $250,000,000 for the period of fiscal years 2009 through 2013.

(G) COMMITTEE ON THE JUDICIARY.—The Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce direct spending $3,450,000,000 for the period of fiscal years 2009 through 2013.

(H) COMMITTEE ON NATURAL RESOURCES.—The Committee on Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce direct spending $3,721,000,000 for the period of fiscal years 2009 through 2013.

(I) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—The Committee on Oversight and Government Reform shall report changes in laws within its jurisdiction sufficient to reduce direct spending $4,679,000,000 for the period of fiscal years 2009 through 2013.

(J) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce direct spending $4,672,000,000 for the period of fiscal years 2009 through 2013.

(K) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce direct spending $253,204,000,000 for the period of fiscal years 2009 through 2013.

(b) REVENUE RECONCILIATION.—The House Committee on Ways and Means shall report a reconciliation bill not later than July 29, 2008, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $1,151,441,000,000 for the period of fiscal years 2009 through 2013.

(c) SUBMISSION OF REVISED ALLOCATIONS.—

(1) Upon the submission to the Committee on the Budget pursuant to subsection (a), or the reporting of a measure pursuant to subsection (b), a recommendation that has complied with its reconciliation instructions pursuant to section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget may file with the House appropriately revised allocations and aggregates under such Act.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

TITLE III—EARMARK REFORM

SEC. 301. MORATORIUM ON EARMARKS.

(a) HOUSE.— In the House, for the remainder of the 110th Congress, it shall not be in order to consider a bill, joint resolution, or conference report, containing a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are defined in clause 9 of rule XXI of the Rules of the House of Representatives.

(b) SENATE.—In the Senate, [to be supplied]

SEC. 302. JOINT SELECT COMMITTEE ON EARMARK REFORM.

(a) ESTABLISHMENT AND COMPOSITION.—There is established a Joint Select Committee on Earmark Reform. The joint select committee shall be composed of 16 members as follows:

(1) 8 Members of the House of Representatives, 4 appointed from the majority by the Speaker of the House and 4 from the minority by the minority leader; and

(2) 8 Members of the Senate, 4 appointed from the majority by the majority leader of the Senate and 4 from the minority by the minority leader. A vacancy in the joint select committee shall not affect the power of the remaining members to execute the functions of the joint select committee, and shall be filled in the same manner as the original selection.

(b) STUDY AND REPORT.—

(1) STUDY.—The joint select committee shall make a full study of the practices of the House, Senate, and executive branch, regarding earmarks in authorizing, appropriation, tax, and tariff measures. As part of the study, the joint select committee shall consider the efficacy of—

(A) the disclosure requirements of clause 9 of rule XXI and clause 17 of rule XXIII of the Rules of the House of Representatives, House Resolution 491, and rule XLIV of the Standing Rules of the Senate, and the definitions contained therein;

(B) requiring full transparency in the process, with earmarks listed in bills at the outset of the legislative process and continuing throughout consideration;

(C) requiring that earmarks not be placed in any bill after initial committee consideration;

(D) requiring that Members be permitted to offer amendments to remove earmarks at subcommittee, full committee, floor consideration, and during conference committee meetings;

(E) requiring that bill sponsors and majority and minority managers certify the validity of earmarks contained in their bills;

(F) recommending changes to earmark requests made by the executive branch through the annual budget submitted to Congress pursuant to section 1105 of title 31, United States Code;

(G) requiring that House and Senate amendments meet earmark disclosure requirements, including amendments adopted pursuant to a special order of business;

(H) establishing new categories for earmarks, including—

(i) projects with national scope;

(ii) military projects; and

(iii) local or provincial projects, including the level of matching funds required for such project.

(2) REPORT.—

(A) the joint select committee shall submit to the House and the Senate a report of its findings and recommendations not later than 6 months after adoption of this concurrent resolution.

(B) no recommendation shall be made by the joint select committee except upon the majority vote of the members from each House, respectively.

(C) notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint select committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint select committee. In conducting the study under paragraph (1), the joint select committee shall hold not fewer than 5 public hearings.

(c) RESOURCES AND DISSOLUTION.—

(1) The joint select committee may utilize the resources of the House and Senate.

(2) The joint select committee shall cease to exist 30 days after the submission of the report described in subsection (a)(2).

(d) DEFINITION.—For purposes of this section, the term ''earmark'' shall include congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits as those terms are defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate. Nothing in this subsection shall confine the study of the joint select committee or otherwise limit its recommendations.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. ENHANCE ACCOUNTABILITY BY REQUIRING A SEPARATE VOTE ON AN INCREASE IN THE PUBLIC DEBT.

(a) PUBLIC DEBT LIMIT.—In the House, a joint resolution prepared pursuant to the adoption of a concurrent resolution on the budget, or any revision to such concurrent resolution, under the procedures set forth in rule XXVIII of the Rules of the House of Representatives shall reflect an increase in the statutory limit on the public debt of zero.

(b) STATEMENT.—The report of the Committee on the Budget on a concurrent resolution and the joint explanatory statement of the managers on a conference report to accompany such concurrent resolution shall

(1) include the language of the joint resolution described in rule XXVIII, which will reflect no increase in the statutory limit on the public debt;

(2) contain a clear statement that an increase in the statutory limit on the public debt requires a separate roll call vote of all Members of the House of Representatives.

SEC. 402. SAME-DAY CONSIDERATION OF REPORTS.

A report on a rule, joint rule, or the order of business may not be called up for consideration on the same calendar day, or less than 17 hours after that, it is presented to the House except—

(1) when so determined by a vote of two-thirds of the Members voting, a quorum being present;

(2) in the case of a resolution proposing only to waive a requirement of clause 4 or of clause 8 of rule XXII concerning the availability of reports; or

(3) during the last three days of a session of Congress.

SEC. 403. TWO-THIRDS REQUIREMENT FOR CERTAIN WAIVERS UNDER THE RULES OF THE HOUSE.

It is not in order to consider a rule or order that waives—

(1) the layover requirement of clause 8 of rule XXII concerning the availability of reports;

(2) clause 8(a)(1) of rule XXII;

(3) the scope requirement of the last sentence of clause 9 of rule XXII;

by a vote of less than two-thirds of the Members voting, a quorum being present.

SEC. 404. TWO-THIRDS REQUIREMENT FOR AVAILABILITY OF CERTAIN MEASURES ON THE INTERNET.

(a) AVAILABILITY OF COMMITTEE REPORTED MEASURES.—Except as specified in subparagraph (2) of clause 4(a) of rule XIII of the Rules of the House of Representatives, it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available and until the third such calendar day on which the underlying measure or matter has been made available by the Committee on Rules on its Internet site.

(b) AVAILABILITY OF CONFERENCE REPORTS.—Except as specified in subparagraph (2) of clause (a) of rule XXII of the House of Representatives, it shall not be in order to consider a conference report until—

(1) the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which the conference report and the accompanying joint explanatory statement have been available, published in the Congressional Record and until the third such calendar day on which such conference report and joint explanatory statement have been made available by the standing committee of the House with subject matter jurisdiction over the underlying legislation on its Internet site; and

(2) copies of the conference report and the accompanying joint explanatory statement have been available to Members, Delegates, and the Resident Commissioner for at least two hours,

(c) POINT OF ORDER.—It is not in order to consider a rule or order which would waive subsections (a) or (b) by a vote of less than two-thirds of the Members voting, a quorum being present.

SEC. 405. COST ESTIMATES FOR CONFERENCE REPORTS AND UNREPORTED MEASURES.

It shall not be in order to consider a conference report or an unreported bill or joint resolution unless an estimate of costs as described in clause 3(d)(2) of rule XIII has been printed in the Congressional Record at least one day before its consideration.

SEC. 406. ROLL CALL VOTES FOR NEW SPENDING.

The yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of a conference report, for which the chairman of the Budget Committee has advised the Speaker that such bill, joint resolution or conference report authorizes or provides new budget authority of not less than $50,000,000. The Speaker may not entertain a unanimous consent request or motion to suspend this section.

SEC. 407. NONDEFENSE, NONTERRORISM RELATED SPENDING POINT OF ORDER.

(a) NONDEFENSE AND NONTERRORISM-RELATED SPENDING.—It shall not be in order to consider any supplemental appropriation measure that primarily provides funding for war-related defense needs and for the global war on terrorism, that also provides funding for domestic discretionary programs, projects or activities designated as emergencies.

(b) LISTING OF NONDEFENSE AND NONTERRORISM-RELATED PROVISIONS.—Prior to the consideration of any appropriation bill or joint resolution referred to in subsection (a), the Committee on the Budget of the House shall transmit to the Speaker, the Majority Leader, the Minority Leader, and the Ranking Member of the Committee on the Budget, and, to the extent practicable, publish in the Congressional Record, a list of any nondefense and nonterrorism related provisions designated as emergency included in that bill or joint resolution.

SEC. 408. LIMITATION ON LONG-TERM SPENDING PROPOSALS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), or amendments thereto or conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in fiscal year 2016 through fiscal year 2055.

(b) DIRECT SPENDING LIMITATION.—In the House, it shall not be in order to consider any bill, joint resolution, amendment, or conference report that would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

SEC. 409. LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

In the House, it shall not be in order to consider any reconciliation bill, joint resolution, amendment, or conference report, in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(1) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20 percent of the total savings instruction to the committee; or

(2) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20 percent of the total savings instruction to the committee.

SEC. 410. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) ADVANCE APPROPRIATION.—In the House, an advance appropriation may be provided for the fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,565,000,000 in new budget authority in each year.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making general appropriations or any new budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

SEC. 411. POLICY STATEMENT ON HANFORD AND NUCLEAR CLEAN-UP.

It is the policy of this resolution that the United States Government must meet its responsibility in cleaning up nuclear waste sites created in the name of our Nation's defense by our World War II and Cold War era nuclear weapons production and is an obligation of the Federal Government, not an option. The Environmental Management program responsible for cleaning up these wastes requires a sufficient level of funding so as not to cause legal cleanup milestones and obligations to be missed.

SEC. 412. POLICY STATEMENT ON WAR FUNDING.

(a) FINDINGS.—Congress finds that—

(1) there are currently more than 183,000 troops in the theater supporting Operations Iraqi and Enduring Freedom;

(2) in February of 2007, the President submitted a war request for supplemental funding to support these troops and their ongoing operations in the global war on terrorism;

(3) more than a year later, Congress has only acted to partially fund that request by providing less than half of the funding required by the troops;

(4) this policy assumes Congress will act on war funding requests in a timely manner so as to avoid—

(A) not having sufficient funds to pay United States soldiers, serving at home or abroad;

(B) not having sufficient funds to pay civilian Army personnel;

(C) significant disruption in base budget activities, which may result in delaying or foregoing contracts and activities (e.g., training) that ultimately may increase cost; and

(D) losing the ability to use the Commanders Emergency Response Program, which is critical to the success of United States and Coalition Forces in Iraq and Afghanistan.

(b) POLICY OF THE HOUSE ON WAR FUNDING.—It is the policy of the House that funding for troops in Operations Iraqi and Enduring Freedom should be provided in a timely manner so as not hinder their performance or needlessly place them in harms way.

SEC. 413. POLICY STATEMENT ON MEDICAL LIABILITY.

(a) FINDINGS.—Congress finds that—

(1) medical liability and the resulting practice of defensive medicine continue to plague the medical profession in the United States, reducing access for patients, increasing the cost of medical care generally, and increasing the cost of government programs such as Medicare and Medicaid for the United States taxpayer; and

(2) as the medical liability crisis grows, a large fraction of these dollars will be spent on wasteful health care services provided solely to shield providers from a lawsuits.

(b) POLICY STATEMENT ON MEDICAL LIABILITY.—It is the policy of this resolution that it assumes effective medical liability reform which will contribute to the overall goal of domestic entitlement reform, constraining the growth of vital programs such as Medicare and Medicaid and helping to ensure their long-term viability.

SEC. 414. POLICY STATEMENT ON THE MEDICARE ''TRIGGER''.

This resolution assumes that the committees of jurisdiction, in complying with the reconciliation instruction set forth in section 20, will submit to the Committee on the Budget language that locks in any savings resulting from Medicare funding warning legislation designed to reduce the program's general revenue spending exceeding 45 percent. By directing savings solely to deficit reduction, this provision will help Medicare fulfill its mission for the long term.

SEC. 415. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—In the House, prior to consideration of a bill, joint resolution, amendment, or conference report, the chairman of the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under section 404 of this resolution.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(B) the budgetary aggregates as set forth in this resolution.

(c) PRESIDENT'S BUDGET.—In determining whether an adjustments may be made pursuant to this section, the Chairman of the Committee on the Budget shall take into consideration, the recommendations made in President's budget related to such adjustments.

SEC. 416. POLICY STATEMENT ON THE ALTERNATIVE MINIMUM TAX.

This resolution assumes that the Committee on Ways and Means, in complying with the reconciliation instruction set forth pursuant to section 201(b) of this resolution, will prepare legislative language which will phase out the alternative minimum tax.

SEC. 417. POLICY STATEMENT ON HEALTH CARE SPENDING.

(a) FINDINGS.—The Congress finds that—

(1) Medicare's unfunded liability will grow from $34 trillion to $45 trillion in the next 5 years;

(2) health care spending is expected to reach nearly 20 percent of GDP by 2017;

(3) half of the Nation's $2.4 trillion in annual health care spending comes from taxpayer dollars; and

(4) the only way to ensure health care entitlement programs survive and continue to fulfill their missions in the 21st century is through fundamental reform.

(b) POLICY STATEMENT ON HEALTH CARE SPENDING.—This resolution assumes that the committees of jurisdiction over health care spending issues will report legislation to reduce health care costs and expand coverage, in part, by removing distortions in the health care market. The removal of these distortions may be accomplished by increasing personal ownership and improving health care quality and information through the sharing of information, including the passage of H.R. 1174 and H.R. 3370.

TITLE V—EMERGENCY RESERVE FUND

SEC. 501. NONDEFENSE RESERVE FUND FOR EMERGENCIES.

(a) NONDEFENSE SET ASIDE.—In the House:

(1) Except as provided by subsection 506, if a bill or joint resolution is reported, or an amendment is offered thereto (or considered as adopted) or a conference report is filed thereon, that provides new discretionary budget authority (and outlays flowing therefrom), and such provision is designated as an emergency pursuant to this section, the chairman of the Committee on the Budget

shall make adjustments to the allocations and aggregates set forth in this resolution up to the amount of such provisions if the requirements set forth in section 504 are met, but the sum of all adjustments made under this paragraph shall not exceed $7,300,000,000 for fiscal year 2009.

(2) If a bill or joint resolution is reported or a conference report is filed thereon, and a direct spending or receipt provision included therein is designated as an emergency pursuant to this paragraph, the chairman of the Committee on the Budget may make adjustments to the allocations and aggregates set forth in this resolution.

(b) ADDITIONAL ADJUSTMENT PROCEDURES.—In the House, before any adjustment is made pursuant to this section for any bill, joint resolution, or conference report that designates a provision an emergency, the enactment of which would cause the total amount of the set aside fund set forth in subsection (a)(1) for fiscal year 2009 to be exceeded:

(1) The chairman of the Committee on the Budget shall convene a meeting of that committee, where it shall be in order, subject to the terms set forth in this section, for one motion described in paragraph (2) to be made to authorize the chairman to make adjustments above the maximum amount of adjustments set forth in subsection (a). If the Chairman does not call such a meeting within 24 hours of a committee reporting such a measure, any member of the Committee may call such a meeting.

(2) The motion referred to in paragraph (1) shall be in the following form: ''I move that the chairman of the Committee on the Budget be authorized to adjust the allocations and aggregates set forth in the concurrent resolution on the budget for fiscal year 2009 by the following amount: $_____,000,000 for fiscal year 2009.'', with the blank being filled in with amount determined by the chairman of the Committee on the Budget. For any measure referred to in subsection (a)(1), such amount shall not exceed the total amount for fiscal year 2009 designated as an emergency in excess of the applicable amount remaining in the set aside fund.

(3) The motion set forth in paragraph (2) shall be open for debate and amendment, but any amendment offered thereto is only in order if limited to changing an amount in the motion.

(4) Except as provided by paragraph (5), the chairman of the Committee on the Budget may not make any adjustments under subsection (a) or subsection (b) unless or until the committee filing a report or joint statement of managers on a conference report on a measure including an emergency designation fulfills the terms set forth in section 504.

(5) The chairman of the Committee on the Budget shall make any adjustments he deems necessary under this section if he determines the enactment of the provision or provisions designated as an emergency is essential to respond to an urgent and imminent need, the chairman determines the exceptional circumstances referred to in rule 3 of the rules of the committee are met and the committee cannot convene to consider the motion referred to in this section in a timely fashion.

(c) APPLICATION OF ADJUSTMENTS.—The adjustments made pursuant to subsection (a) or (b) shall

(1) apply while that bill, joint resolution, conference report or amendment is under consideration;

(2) take effect upon the enactment of that legislation; and

(3) be published in the Congressional Record as soon as practicable.

SEC. 502. EMERGENCY CRITERIA.

As used in this title:

(1) The term ''emergency'' means a situation that—

(A) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

(B) is unanticipated.

(2) The term ''unanticipated'' means that the underlying situation is—

(A) sudden, which means quickly coming into being or not building up over time;

(B) urgent, which means a pressing and compelling need requiring immediate action;

(C) unforeseen, which means not predicted or anticipated as an emerging need; and

(D) Temporary, which means not of a permanent duration.

SEC. 503. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

In the House, as soon as practicable after the adoption of this resolution, the chairman of the Committee on the Budget shall, after consultation with the chairmen of the applicable committees, the Ranking Member of the Committee on the Budget, and the Director of the Congressional Budget Office, prepare additional guidelines for application of the definition of an emergency and shall issue a committee print from the Committee on the Budget for this purpose.

SEC. 504. COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.

(a) COMMITTEE NOTIFICATION.—Whenever a committee of the House (including a committee of conference) reports any bill or joint resolution that includes a provision designated as an emergency pursuant to this title, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide amounts designated as an emergency and shall provide an explanation of the manner in which the provision meets the criteria set forth in section 502.

(b) CONGRESSIONAL RECORD.—If such a measure is to be considered by the House without being reported by the committee of jurisdiction, then the committee shall cause the explanation to be published in the Congressional Record as soon as practicable.

SEC. 505. UP-TO-DATE TABULATIONS.

The Committee on the Budget of the House shall publish in the Congressional Record up-to-date tabulations of amounts remaining in the set aside fund set forth in section 501, or authorized in excess thereof, as soon as practicable after the enactment of such amounts designated as emergencies.

SEC. 506. CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM AND FOR UNANTICIPATED DEFENSE NEEDS.

(a) EXEMPTION OF CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM AND FOR UNANTICIPATED DEFENSE NEEDS.—In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes appropriations for fiscal year 2009 for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, then the new budget authority, new entitlement authority, outlays, or receipts resulting therefrom shall not count for purposes of titles III or IV of the Congressional Budget Act of 1974.

(b) CURRENT LEVEL.—Amounts included in this resolution for the purpose set forth in this section shall be considered to be current law for purposes of the preparation of the current level of budget authority and outlays and the appropriate levels shall be adjusted upon the enactment of such bill.

TITLE VI—LEGISLATIVE LINE ITEM VETO AUTHORITY

SEC. 601. PRESIDENTIAL RECOMMENDATIONS.

(a) PROPOSED CANCELLATIONS.—If, within 45 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit, the President proposes, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority, item of direct spending, or targeted tax benefit, such recommendation shall be introduced as a free-standing measure consistent with the terms of this title and shall be eligible for the expedited procedures set forth herein. If the 45 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 45 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

(b) TRANSMITTAL OF SPECIAL MESSAGE.—

(1) SPECIAL MESSAGE.—

(A) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the discretionary budget authority, items of direct spending proposed, limited tariff benefits, or targeted tax benefits to be canceled—

(i) the dollar amount of discretionary budget authority, the specific item of direct spending (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1017(9)), the limited tariff benefit, or the targeted tax benefit that the President proposes be canceled;

(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

(iii) the reasons why such discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit should be canceled;

(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to propose the cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority, item of direct spending, limited tariff benefit, or the targeted tax benefit is provided;

(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority, items of direct spending, limited tariff benefit, or targeted tax benefits proposed in that special message; and

(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why

the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit more than one time under this Act.

(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than 5 special messages under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 10 special messages for any omnibus budget reconciliation or appropriation measure.

(2) ENACTMENT OF APPROVAL BILL.—

(A) DEFICIT REDUCTION.—Amounts of budget authority, items of direct spending, limited tariff benefit, or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

(C) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this title shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

SEC. 602. PROCEDURES IN THE UNITED STATES CONGRESS.

(a) EXPEDITED CONSIDERATION.—

(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

(3) CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

(F) CONSIDERATION OF THE HOUSE BILL.—

(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

(ii) PROCEDURES AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

SEC. 603. IDENTIFICATION OF TARGETED TAX BENEFITS.

(a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as ''the chairmen'' shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

(b) STATEMENT INCLUDED IN LEGISLATION.—

(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall ''_____'' apply to ''_____.'' with the blank spaces being filled in with—

(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ''only'' in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ''not'' in the first blank space and the phrase ''any provision of this Act'' in the second blank space.

(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

(2) in the case of a statement described in section 13(b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law

(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

SEC. 604. ADDITIONAL MATTERS.

(a) DEFINITIONS.—

(1) APPROPRIATION LAW.—The term ''appropriation law'' means an Act referred to in section 105 of title I, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article

I, section 7, of the Constitution of the United States.

(2) APPROVAL BILL.—The term ''approval bill'' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of new direct spending, limited tariff benefits, or targeted tax benefits in a special message transmitted by the President under this part and

(A) the title of which is as follows: ''A bill approving the proposed cancellations transmitted by the President on _____,'' the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

(B) which does not have a preamble; and

(C) which provides only the following after the enacting clause: ''That the Congress approves of proposed cancellations: _____,'' the blank space being filled in with a list of the cancellations contained in the President's special message, ''as transmitted by the President in a special message on _____,'' the blank space being filled in with the appropriate date, ''regarding _____.'' the blank space being filled in with the Public Law number to which the special message relates;

(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or items of direct spending, or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014;

(E) if any proposed cancellation other than discretionary budget authority or targeted tax benefits is estimated by CBO to not meet the definition of item of direct spending, then the approval bill shall include at the end: ''The President shall cease the suspension of the implementation of the following under section 1013 of the Legislative Line Item Veto Act of 2006: _____,'' the blank space being filled in with the list of such proposed cancellations; and

(F) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

(3) CALENDAR DAY.—The term ''calendar day'' means a standard 24-hour period beginning at midnight.

(4) CANCEL OR CANCELLATION.—The terms ''cancel'' or ''cancellation'' means to prevent

(A) budget authority from having legal force or effect;

(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect;

(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect;

(D) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

(E) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

(5) CBO.—The term ''CBO'' means the Director of the Congressional Budget Office.

(6) DIRECT SPENDING.—The term ''direct spending'' means—

(A) budget authority provided by law (other than an appropriation law);

(B) entitlement authority; and

(C) the food stamp program.

(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—

(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the dollar amount of budget authority—

(i) specified in an appropriation law, or the dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

(B) The term ''dollar amount of discretionary budget authority'' does not include—

(i) direct spending;

(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

(iii) any existing budget authority canceled in an appropriation law; or

(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

(8) ITEM OF DIRECT SPENDING.—The term ''item of direct spending'' means any provision of law that results in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, in the first year or the 5-year period for which the item is effective. Such item does not include an extension or reauthorization of existing direct spending, but only refers to provisions of law that increase such direct spending.

(9) LIMITED TARIFF BENEFIT.—The term ''limited tariff benefit'' means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

(10) OMB.—The term ''OMB'' means the Director of the Office of Management and Budget.

(11) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term ''omnibus reconciliation'' or ''appropriation measure'' means—

(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

(12) TARGETED TAX BENEFIT.—

(A) The ''term targeted tax benefit'' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to ten or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(B) For purposes of subparagraph (A)—

(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(iii) all employees of an employer shall be treated as a single beneficiary;

(iv) all qualified plans of an employer shall be treated as a single beneficiary;

(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(C) For the purpose of this paragraph, the term ''revenue-losing provision'' means any provision that is estimated to result in a reduction in federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for a period of the—

(i) first fiscal year for which the provision is effective; or

(ii) five fiscal years beginning with the first fiscal year for which the provision is effective;

(D) the ''term targeted tax benefit'' does not include any provision which applies uniformly to an entire industry; and

(E) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

SEC. 605. ABUSE OF PROPOSED CANCELLATIONS.

The President, or any executive branch official, should not condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this title upon any vote cast or to be cast by any Member of either House of Congress.

TITLE VII—PAY-AS-YOU-GO

SEC. 701. STRENGTHENING PAY-AS-YOU-GO.

(a) LIMITATION.—In the House, in determining the effect of a bill, joint resolution, amendment or conference report on the deficit or surplus for purposes of clause 10 of rule XXI of the Rules of the House of Representatives, the Committee on the Budget shall disregard provisions that are impermissible offsets.

(b) DEFINITION OF IMPERMISSIBLE OFFSETS.—A provision is an ''impermissible offset'' if the Committee on the Budget determines that it—

(1) is the same or substantially the same as a change in law reducing the deficit included in a bill, joint resolution, or conference report previously passed by the House but not enacted;

(2) causes a decrease in outlays within the first time period set forth in clause 10 of such rule XXI, but causes no change in outlays over the second time period included in the clause; or

(3) causes an increase in revenue within the first time period set forth in clause 10 of such rule XXI, but causes no change in revenues over the second time period included in the clause.

(c) TREATMENT OF DIRECT SPENDING PROVISIONS.—In the House:

(1) For purposes of enforcing clause 10 of rule XXI of the Rules of the House of Representatives, a provision included in a bill, joint resolution, or conference report increasing direct spending in any year may be deemed by the chairman of the Committee on the Budget to be structured such that it artificially disguises an increase in entitlement spending by use of expiration dates or reductions in entitlement or beneficiary levels.

(2) The chairman of the Committee on the Budget shall cause a clear statement for any bill, joint resolution or conference report as to whether a provision increasing mandatory budget authority or outlays has or has not been structured as described in paragraph (1), to be inserted in the Congressional Record if requested by the Speaker, the Majority Leader, the Minority Leader or the Ranking Member of the Committee on the Budget.

(d) STRENGTHEN PAY-AS-YOU-GO.—It shall not be in order to consider any bill, joint resolution, or conference report that increases the deficit in the budget year or the five-fiscal year period following the second period of fiscal years set forth in clause 10 of rule XXI of the Rules of the House of the House Representatives. The effect of such measure on the deficit or surplus shall be determined on the same basis as set forth in such clause.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to reflect the timing of responses to reconciliation directives pursuant to section 201 of this resolution.

SEC. 802. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 803. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 804. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

The Acting CHAIRMAN. Pursuant to House Resolution 1036, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I would like to yield 1 minute to the esteemed minority leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Chairman, I want to thank my colleague from Wisconsin for yielding and congratulate him and the Republican members of the Budget Committee for a job well done in putting this budget together.

I also want to thank our colleague from South Carolina, Mr. SPRATT, the chairman of the committee for their budget. Although I'll be critical of it, still, the gentleman did his work, and the House is considering the budget at the time of the year the House should be considering its budget, in March, and in early March, which has not always happened.

When we think about our budgets, it's not as complicated as people think. It's about revenue coming into the Federal Government and revenue going out of the Federal Government to provide benefits for the American people. And it's not just about numbers for this year. It's about numbers for next year and over the next 5 or 10 years that we need to look at so that there is a balance between revenues and expenses.

Clearly, over the last 40 years, there's been a big imbalance between what goes out and what comes in. And the fact is that in 36 of those 40 years, the Federal Government has run a deficit, at least 36. I think 36 of the 40 years we've run a deficit. We balanced the budget in the late 1990s when Republicans controlled the Congress by holding the line on spending while revenues to the Federal Government were growing in a healthy economy, held the line on spending at or near the rate of inflation, and revenues surpassed expenses for the first time in some almost 30 years.

But here we are again, back in a situation where we're spending more than what's coming in, mostly as a result of the attacks of 9/11, the aftershocks to our economy. But if you look at the revenue over the last 5 years, revenues have grown at 11 percent annually in each of the last 4 years, going back through 2006. And even in 2007, revenues to the Federal Government grew, estimated to grow at about 8 to 9 percent. And so revenue growth to the Federal Government, I think, has been healthy since we reduced taxes on capital gains and dividends, per child tax credit, and relief for the marriage penalty back in 2001 and 2003.

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And so you can see that reducing tax rates doesn't mean less revenue to the Federal Government. Matter of fact, you can look back over the last 27 years, other than a couple of small exceptions, there has been a significant effort to lower tax rates, income tax rates, capital gain tax rates; and as a result, there has been more economic activity in our country, more people employed in our country, and more people paying taxes.

And so if you look at the marginal tax rates today as compared to 1980, you see that those tax rates are significantly lower. Yet the Federal revenue, the taxes that American families pay, continues to come into Washington at very high levels of growth on an annual basis

I would argue that making the capital gains tax rate permanent, making the rate on dividends permanent, would give more people reasons to invest in America's economy allowing those rates of growth in revenue to the Federal Government to continue.

And so Washington doesn't have a revenue problem. Washington has a spending problem. And when you look at the Washington spending problems,

it really rolls down to several things: one is controlling the growth of domestic discretionary spending. I think, by and large, if you look at the budgets that we've seen over the last 15 years, we've done a fairly good job of controlling domestic discretionary programs and the spending that goes there. There are some exceptions, and there is certainly some room to eliminate some of what I would call wasteful Washington spending. But if you look at the increases, most of it has gone into the area of defense.

The real problem that we have is that we continue to have an older America. The number of Americans over 65 continues to grow and will grow significantly as I and other baby boomers begin to retire.

And so when you look at the problem today in terms of the spending problem, it is in the entitlement area. And the underlying budget that the majority has put forward does nothing to reform entitlement spending. I came here in 1990 because I thought that programs like Social Security and Medicare were unsustainable unless Congress was willing to act to protect those programs.

And here we are in my 18th year. We've nibbled around the edges of a couple of these programs, but have never really done anything that would make these programs sustainable for tomorrow and for succeeding generations. As I have said hundreds of times on this floor, our generation has made promises to ourselves that our kids and grandkids can't afford.

So if you look at the budget being presented by myself and our Republican colleagues, we assume that the capital gains rate of 15 percent will be made permanent. We assume that the rate on dividends at 15 percent is made permanent and the per-child tax credit is put in permanent law as is the marriage penalty, the tax cuts that were put in place on a temporary basis in 2001 and 2003.

So our budget balances over the next 5 years, and it balances because we go in and actually do something about the spending side of the equation.

Now, if you look at the Democrat budget, they assume that the 15 percent capital gains rate goes back to 20 percent. They assume that the 15 percent rate on dividends goes to whatever the marginal tax rate for that taxpayer would be, probably an average tax rate of about 30 percent on dividends, or double that tax, that the marriage penalty comes back in for all Americans and that the $1,000 per-child tax credit goes away.

And I forgot one, of all things: the death tax that we want to see go away completely in 2010. The death tax, under the Democrat proposal, comes back in full force putting the Federal Government back into a competition with the heirs over the balance that we have in people's estates.

But the real issue in the Democrat budget is spending. If you look at the chart I'm holding here, the Democrat budget assumes all of these tax cuts go away. So you have a $683 billion tax increase in their budget, the largest one in American history; and they have it in because if you look at their spending levels, they do nothing about reforming entitlement programs or putting a lid on the growth of domestic discretionary spending.

So I think that the budget that the Republicans are putting forward here is a responsible budget, and I think, frankly, a majority of the American people would agree with me. We ought to keep tax rates low. We ought to encourage economic activity and more economic growth in America that would provide more opportunity for more jobs and better paying jobs in America, and to get the balance, do something constructive about Social Security and Medicare, especially, to modify those programs so that we can save them for future generations.

At some point, we are going to have to ante up to the piper, and the sooner we begin to address the long-term problems in Social Security and Medicare, the better off we will be.

So I would encourage my colleagues to look closely at the budget put together by Mr. RYAN and his Republican colleagues on the Budget Committee, and I ask all of our Members to consider supporting it.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the substitute.

The Acting CHAIRMAN (Mr. SERRANO). The gentleman from South Carolina is recognized for 30 minutes.

Mr. SPRATT. Mr. Chairman, I yield myself 6½ minutes.

Mr. Chairman, I think it bears remembering that 8 short years ago the budget of this government was $236 billion in surplus. Since 2001, we have experienced, on the watch of this administration, the largest deficits, nominal deficits, in American history, and an accumulation of debt that's enough to blow the mind. The debt of this country was $5.7 trillion when Mr. Bush came to office. When he leaves office, it will be $10 trillion. So that explains why we are skeptical, if you will, and even more skeptical and dubious when we look at the substitute resolution that has been brought to the floor, about which the leader barely spoke until he got to the very end of his presentation a few minutes ago.

To find the real numbers in this resolution, the leader said that this is addressed to deal with a spending problem, not a revenue problem. So as we look through the spending side of the resolution, we have to go all the way to an obscure account called function 920 Allowances to find where the real action is.

Now, this function is typically an allowance function where we have things we haven't decided how to assign yet and put into allowances because we know it is a catch-all account until some decision is made as to how to treat it.

Typically, therefore, you find smaller amounts in this account; but in this particular case, in this particular resolution, $817 billion in additional cuts are called for.

If you look at the Republican resolution, initially it seems to be providing current services for just about every function. But then you get to function 920 and you see that what has been provided is taken back. And when you ask where these cuts are distributed, who bears the brunt of $817 billion in cuts over a 5-year period of time, there is no real answer because they're unallocated. We've heard them say they've added a billion dollars to veterans health care; but once they begin allocating the $817 billion, that billion dollars is likely to be wiped out.

The same can happen to defense and nondefense programs. We can't say, because $817 billion is left unresolved tucked away in this account called function 920. This is the first black hole in this budget.

This budget then goes on. You can do a little arithmetic and figure out that $405 billion is assigned to cuts in domestic discretionary spending, $417 billion is assigned to mandatory cuts. Mandatory cuts are entitlement programs like Social Security, Medicare and Medicaid; and if you look at the accounts here, you will find that basically it appears that the Ways and Means Committee is being directed to save $253 billion, is presumably out of Medicare; the Energy and Commerce Committee is being asked, told, directed to save that $116 billion out of Medicaid. These are not just small cuts, minor adjustments that you would normally find in function 920. These are emasculating cuts for programs that are critically important.

Then when we come to the reconciliation provisions, we find that the Republicans' substitute anticipates at least another $1.1 trillion in tax reduction. How that's allocated, we can't tell for sure; but the tax cuts have to be reconciled against the mandatory spending cuts. When you do that, what we find is the tax cuts equal $1.1 trillion; the mandatory spending cuts equal $412 as a $739 billion addition to the deficit. It worsens the deficit rather than improving the deficit. That's the second black hole in this particular budget.

Reconciliation actually works as a problem instead of improves it. We know that the other side intends to repeal the alternative minimum tax after 3 years. We know also that they intend to extend the tax cuts that were enacted in 2001 and 2003. The total of these would come to $2.5 trillion easily over a period of 5 to 10 years; and if

that's the case, the third hole, the third hole that this resolution leaves is a big hole in the bottom of the budget.

So what we've got here is work that is not really a completed product. It is not a finished product because function 920 leaves $817 billion still to be distributed, still to be determined. By whom? Apparently by the appropriators or someone like this, but not today on the floor. When you vote for this today, it has tremendous consequences.

Let me just offer one illustration of what the consequence might be.

After the cuts in Medicare and Medicaid, which are truly sizable, they are starkly large, there is a cut called for of $115 billion in savings by the Education and Labor Committee. Now, where would the Education and Labor Committee go to get such cuts? They would go to student loans.

We have just done something phenomenal. In last year's budget, we were able to make some rearrangements and reduce the interest rate over time and subsidize student loans from 6.8 percent to 3.4 percent. A phenomenal accomplishment. This indicates that the reduction in interest would be abolished, reversed, as one way of achieving that direction to save $115 billion.

We just passed a College Cost Reduction and Access Act. One of the things it did would take Pell Grants up to $5,400 over time. That, too, would have to be repealed in order to meet $115 billion.

So watch out for the black holes. Watch out for the things that won't easily appear as you read the language here. If anyone votes for this, we are voting, in effect, in my opinion, to go back to where we were over the last 7 years in a period of endless deficits and mountainous debts. This is not the way to go. This is not good work. This is not a finished product, and we should not support this as an amendment to the base bill.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I would like to yield 2 minutes to our minority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Chairman, I rise in support of the budget he brings to the floor. I think it's clear, looking at that budget, that the specific cuts that have just been suggested don't have to be the cuts that are made. That's up to those committees.

Now, I personally, as a former university president, would not go to student loans as the first thing to look at of all of the things that are in the Education and Labor Committee to decide what the Federal Government's doing that it could be doing better. This is a budget that's willing to take that kind of responsibility. This is a budget, a budget that's being presented by Mr. RYAN, that's willing to look at the things that otherwise will overwhelm us in the future.

The mandatory spending in the Federal Government is going to be overwhelming if it is not dealt with. This budget deals with it. I had people yesterday, reporters, asking, well, how could you slow the growth of these mandatory programs from 5.2 percent to 3.8 percent? That would be $400 billion over 5 years.

□ 1545

Now, the key is slow the growth. The other key is they would still grow by 3.8 percent. And the final key is we're going to have to look at these programs and not just think about them in terms of whether we care based on how much money we spend, but whether we care based on the service we provide.

And we can look at these programs, as this budget anticipates we will, in a way that makes us look at health care so that people have more rights to have choices in health care, so they have more rights to their information in health care. We can look at health care. We can look at Social Security. We can look at things that provide a better service in a better way for taxpayers and recipients.

Just simply not exceeding inflation as our goal doesn't mean we're going to provide worse service. It means we're going to really look at these programs seriously. This budget has the courage to do that. I rise in support of it and hope that my colleagues will join me.

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Mr. Chairman, this week, the House has in front of it two well-thought-out but starkly different visions of where to take the country. We have put forward a budget that is true to our principles. We believe that you grow the economy and create opportunity for people by stopping the practice of running the government on borrowed money, by investing in the education, health care, and development of our people, and by expanding opportunities for economic development both here and around the world.

The minority, true to its principles, has introduced a budget which follows its strategy. I think this is a sincere and well-thought-out budget whose principles are just wrong. And if anything, I think that this budget is nostalgic because it does remind us of the 6 years in which the minority had the majority in both the House and the Senate and the White House. And it follows a tried and true, but failed, strategy, which is to say that you reduce taxes by more than you cut spending, and you borrow the difference.

Now, if I add this up correctly, in reading the minority's budget, it calls for spending cuts in the area of $800 billion over 5 years. Perhaps there's a different interpretation, but it would seem to me that there is entitlement spending reduction there and also discretionary. And it calls for reductions in revenue over a 5-year period in the vicinity of $1.2 trillion. So it would appear to me that there is about a one-third or $400 billion difference between the reduction in revenues that is called for and the reduction in spending that is called for. That is, if nothing else, traditional to the practice of borrowing money to run the government.

Second, I have a concern about the specificity of the spending cuts that are put forward. Our friend from Missouri, the minority whip, just talked about the instructions to cut spending in the Education and Labor Committee's area. And our friend said that, as a former university president, he would not first look to cut student loans as a way to deal with the cuts that are required under the minority's budget. Well, I would respectfully say to him, Mr. Chairman, through you, that to my knowledge there is only two other places one could look to find those cuts: The first would be in the pensions of Americans through the Pension Benefit Guaranty Corporation, and the second would be through the school nutrition program, through school breakfasts or lunches.

So, one can say that you don't want to cut student loans, but if you do, then you've got to turn either to the school lunch or breakfast program, or the pensions of Americans.

We, frankly, disagree with that approach. We took a very different approach on student loans, as the chairman said. What we did was to cut student loan rates in half and expand opportunities for Pell Grants and other scholarships, and we did so without borrowing money. What we did was to go after what we felt were unjustifiably high subsidies for the student loan banking industry. So, this example, I think, shows the difference in philosophies.

In order to finance tax cuts which are skewed toward the wealthiest in our country, the minority would borrow a substantial amount of money on top of the debt it has already run up, and it would pay for it in part by cutting either student loans, by raising interest rates to students, or cutting school lunches and school breakfast programs, or somehow getting money out of the Pension Guaranty Corporation. We would not do that. What we did was to cut student loan rates in half, increase Pell Grants and other scholarship opportunities, and pay for it without borrowing money by reducing what we view as a corporate welfare subsidy to the student loan banking industry.

This is a very big difference. It's a legitimate difference. We think it's why the gentleman's amendment should be rejected.

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to yield myself 6

minutes, and I'm going address the House in the well.

Mr. Chairman, first of all, I want to start off by thanking my friends from New Jersey and South Carolina. They did put together a credible budget that adds up. We did, too.

Budgets are about priorities; they're about values; they're about what way you think the country should go on a fiscal ship. Let me walk through our budget and how it's different.

Number one, my friend from New Jersey and the chairman himself said that by calling our budget that makes today's tax policy a permanent tax cut, I want to thank them for saying that. By keeping tax rates where they are today, which is what we propose, a tax cut, then the opposite of that is a tax increase. They have proven my point. Their budget raises taxes.

Now, let me simply show you, Mr. Chairman. This red line is the baseline that the Democrats have chosen to adopt for their budget. This blue line is the baseline we've chosen on revenues to adopt for our budget. The blue line says, make the child tax credit permanent, repeal the marriage penalty forever, make the income tax rate not go up, keep the death tax repealed, keep the lowered tax rate on capital gains and dividends. What does the Democrat budget do? It raises taxes $683 billion on everybody, not just rich people.

What do we do on the alternative minimum tax? Here's what the Democratic budget proposes to do: It proposes to patch it for a year by swapping it out with another tax increase. Then, by 2009, about 30 million people are going to get hit by it; 2010, 31 million people. On and on and on. We propose to make sure no new people get hit by the alternative minimum tax, then we phase it out completely. That's point two of what our budget achieves.

Point three, and I think you're going to hear this a lot, we cut, cut, cut, cut, cut, cutting here, cutting there. You hear this sort of legislative gobbledygook about function 920. Well, as we looked at the Democratic budget, we really couldn't find any savings, but we did, we found a sliver of savings in the budget. Where was that sliver of savings kept? Function 920.

What matters in a budget resolution are two numbers, the discretionary number, the 302(a) we call that, we do that, and the direction to the committees, we do that. We do it just like the Democrats did it. That's how we wrote our budget. But there's a difference. You may not be able to see this. For those who are watching on TV, you may have to zoom in. The CBO baseline is the red line. The Republican substitute is the blue line. Not a huge gap of difference in spending. We are simply saying let's not spend that money as fast, and by controlling the growth and the increase in spending, we can make sure we don't raise taxes on the American people. We can repeal the alternative minimum tax. That's the difference in values between the two of us.

Let me give it to you in a different way. What we Republicans are proposing to do is, instead of spending $15.82 trillion over the next 5 years, let's instead spend $15.32 trillion over the next 5 years. Don't spend 15.8, spend 15.3. What's the difference? We're not cutting the child tax credit in half. We're not bringing back the marriage tax penalty. We're not raising every single income tax payer's tax rates across the board. We're not raising the tax on pensions and 401(k)s by raising the tax on dividends and capital gains, and we're not going to keep taxing people when they die. At the end of the day, though, what are we doing for our children and our grandchildren? That's what we should be talking about in budgeting.

Budgets are moral documents. There is a moral imperative before this country, before this Congress, and that moral imperative is, what are we doing for future generations? In just one program, in just one program, the Medicare program, one of the most important programs in the history of the Federal Government, the Democrats' budget proposes to increase its debt by $11 trillion. The debt for Medicare right now stands at $34 trillion; that's the unfunded liability. What are the Democrats doing by doing nothing, by going 5 years with blinders on? $45 trillion. That breaks down to $395,000 per household, each household would owe to make Medicare whole.

What are we doing? We're reforming the program. We're making it work better. We're giving it changes that are needed so that we can make it sustainable, so we can save the program for the baby boomers.

We lower the Medicare debt and unfunded liability by $11 trillion to 23. The Democrats raise the debt to Medicare alone by $11 trillion; we reduced it by $11 trillion. At the end of the day, it's about priorities.

We also call for a 1-year moratorium on earmarks. We're simply saying, let's just take a time-out from pork for a year in Congress. What do we achieve with that? By not doing earmarks for 1 year and by saving that money in this budget, we can make sure we don't raise taxes on every household by $500 per child. We can make sure we don't return to the days of taxing people when they're married. Just those two things can be accomplished by saying ''no'' to earmarks for a year, having a time-out, saying let's have Democrats and Republicans from both parties from both the Senate and the House get together and figure out how to clean up this system and, in the meantime, save the money. So we don't tax people for having kids and we don't tax people for being married.

At the end of the day, you're going to hear all this rhetoric about cuts, about devastation, about how wrong it is and how immoral it is. We're simply saying, instead of spending $15.8 trillion, spend $15.3 trillion. We're still increasing spending, but let's not increase it as fast as Washington has been spending it so we can save that money, so we can make sure we don't raise taxes on Americans. That's what our budget does.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, this week, or just today, rather, it was found out, we discovered and it was reported, that the United States is running a $176 billion deficit in February alone. Earlier this week, we also found out that the Iraqis have a surplus of over $50 billion.

We also know that the American taxpayers have paid for 20 Iraqi hospitals to be refurbished and 80 health clinics to have been built and 60 more planned. And the Republican budget, in the area of health care, cuts $370 billion from Medicare and Medicaid.

The Iraqis, due to the American taxpayers, will get 6,700 schools rehabbed. The Republican budget eliminates the Pell Grant increases that Congress proposed this year.

We're also increasing our funding and training of the Iraqi teachers. The Republicans plan to reduce the military retirement and health care benefits by $1.3 billion. And while Iraq is running a surplus and not spending their resources on improving their country, the entire deficit over the entire period of time that the Republican budget has is a little over $700 billion.

President Kennedy once said, ''To govern is to choose,'' and my friends on the other side have made some choices. While the Iraqis run a surplus, they've made sure that America runs a deficit. While Iraq and American taxpayers are asked to make sure that we rebuild schools and hospitals in Iraq, here in the United States their budget cuts those very investments.

In fact, the Democratic budget turns this ship around of inheriting $3.8 trillion in new debt that has accumulated over the last 6 years and ensures that we invest in American schools, in American hospitals, in American health clinics, and in American teachers. And it ensures, also, that we have a middle class tax cut. So, it makes sure that, while we are doing what we are supposed to do in Iraq, we don't do it at the expense of what we need to do here at home. We have invested in Iraq, and our budget ensures that we invest in America.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 30 seconds just to simply say to my friend from Illinois, cutting military benefits? Where did that one come from? Not true, not even

anywhere in our budget. You know what? Medicare goes up, spending goes up. Education? Spending increases. I don't know where these cuts are coming from that he's talking about, but that's not in our budget.

At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Virginia, our assistant minority whip, Mr. CANTOR.

Mr. CANTOR. I thank the gentleman.

First of all, let me respond to some of the assertions made by our friend from Illinois. He tries to portray this as a choice, a budget document that represents a choice between the Iraqi people and the American people. I beg to differ with the gentleman.

This budget document is not a choice about that. This budget document represents a choice about the future of where we're going in this country. This represents a choice about whether we here in Washington are actually going to do something for the American people.

You know, if you think about the American people right now when they're watching us on TV, you know, I don't blame them when they look at the TV in disgust and say, you know, they just don't get it up in Washington.

□ 1600

They believe, and they're right, that Washington is broken and we have got to do something to fix it. Frankly, we have got to get the Federal Government working for the people again. But that means we have got to spend less.

The gentleman from Wisconsin talked about the fact that there is absolutely no treatment, no curtailment of anything having to do with the earmark question. Earmarks are just the tip of the iceberg as far as our spending culture is here in Washington. Let's go ahead and take the first step. Let's reform that process because we have got to spend less.

Let's face it: gas prices, they're too high. The American public is sick and tired of excuses coming out of Washington. But the way to fix it is not to put more burden on the American family while they are already facing the prospects of $4-a-gallon gas this summer. That's just not what we do. People across this country are worried about their health care. They're worried about their jobs. This stuff about we're going to provide you with middle-class tax cuts, have you looked to see what's in this document? This document will lead us to the largest tax increase in American history.

The choice here is not between whether we are going to provide for our national security and the people of America. The choice here is whether we are going to trust in the people to control their own destiny.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the chairman for yielding.

Mr. Chairman, we have to remind ourselves exactly where we are with the policies that took place in 2001 and 2003 and what has happened to our budget. You will see that we dug ourselves out of a ditch from 1993 to 2001, and it had a surplus. And overnight that surplus has absolutely collapsed. And we need a chart because there is a lot of partisanship on the floor. If you tried to describe this, people would think you're being partisan because they can't believe that you could do this to the budget.

In fact, in the 10 years after 2001, we had a projected surplus of $5.5 trillion. After the policies of 2001 and 2003, it looks like we are going to have a $3 trillion deficit, not a surplus, a swing of $8.8 trillion.

Now, a $5.5 trillion surplus. Everybody knows that the Social Security program is in trouble. In 2001 we had a shortfall of $4 trillion in the Social Security program. If we had $4 trillion in the bank in 2001, we could pay Social Security for 75 years without reducing benefits. We had a surplus of $5.6 trillion, not just the $4 trillion we needed to solve all of the problems in Social Security.

When we started in 2001, one of the questions that Chairman Greenspan had to answer was, what's going to happen when we pay off the national debt? Because by 2013 we would have paid off the national debt and put all the money back in the trust funds. Zero debt, zero interest on the national debt. Now it looks like in 2013 we're going to have to pay $300 billion a year in interest on the national debt because we messed up the budget. And $300 billion at $30,000 each is enough to hire everybody now drawing unemployment with money to spare with a $30,000-a-year job. That's $30,000 a year for everybody drawing unemployment. You've got money left over before you run out of people.

Now, we have heard that by cutting all these taxes, we increase revenues. Well, let me just show you this chart that shows the income tax revenues over the past years going back to 1960. The color code says that green is a year in which you had a record revenue. Red is a year in which you did not have a record revenue. You look back since 1960 through recessions, depressions, good times, bad times, high taxes, low taxes. We had record revenues every year but two, and the following year you had a record revenue. So we always get record revenues. Whoops, excuse me. Until 2001 and 2003, 1, 2, 3, 4, 5, 6 consecutive years without record revenues. So we didn't get record revenues.

And we hear that people are bragging about jobs that were created during this time. Let's look at the chart, get rid of the arithmetic. The worst job performance in this administration since Herbert Hoover. You've got to go back to Herbert Hoover to find job performance any worse that this.

So we've gotten into the ditch. We're trying to get out of the ditch. The Democratic budget makes the responsible decisions to try to get us out of the ditch. We've had tough decisions.

And other things like earmarks, we have heard this thing about earmarks: just cut out the earmarks and we will save some money. Let's have a word about how these earmarks work. If you have an appropriation of $200 million and I have got a little earmark for $1 million for a program in my district, that comes out of the $200 million. If I don't get an earmark, $200 million. If I get an earmark, $200 million. Get rid of the earmarks, and you're not saving the taxpayers any money. What this Republican budget does is it has a fantasy of about $800 billion in unspecified cuts. We don't know where these cuts are coming from. It might be health care. It might be student loans, school lunches, food safety, airline inspections, homeland security, port security grants, public safety. We've already tried to cut back on the COPS program.

This budget makes no sense unless you actually name the cuts, because the fact of matter is you're probably not going to cut student loans. You're probably not going to cut the school nutrition program. You say you're going to cut, and you don't do it. And so you've had the tax cuts. You got us in the ditch. And then when the spending cuts come around, nothing happens. So until they start naming what will be cut, this entire budget proposal substitute makes no sense.

I would hope that we would adopt the Democratic budget. I would have hoped that we had had the Congressional Black Caucus budget, but the Democratic budget makes a responsible attempt to reduce the deficit, go into surplus, and make the expenditures on the priorities that we desperately need.

We should reject this substitute and adopt the underlying bill.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 30 seconds to make three points.

The gentleman's revenue chart makes our point. After the dot-com bubble, we went into recession and revenues went down. After the tax cuts, and his own chart makes the point clear, revenues went up.

Point number two, this budget, the Democratic budgets, has the single largest increase in the national debt in any given year in the history of the country.

Point number three, Mr. Chairman, as the gentleman just acknowledged more or less, their budget raises taxes. We don't believe we should be raising taxes at a time when people are paying a lot just to live in a time when we're about to go into recession.

With that, Mr. Chairman, I would like to yield 2 minutes to the gentleman from South Carolina, the vice-ranking member of the Budget Committee (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Republican substitute. And there is a clear difference between the two proposals on the table.

The key to managing, and budgeting, is to set priorities. Everybody knows that that has had a family or run a business. You have to do this. You have to make tough choices, and you can't have everything you want when you want it.

But the Democrats have refused to set priorities, Mr. Chairman. They simply want to spend more on everything and everyone within the reach of the Federal Government. And to pay for all this new spending, well, they simply want to raise taxes, this time by $683 billion, the largest tax increase in American history.

If you want me to bring it home in South Carolina terms so all my folks in South Carolina can understand it, this is a $2,500 tax increase for the average South Carolina home, $2,500.

The Republican substitute achieves a balance by 2012 without raising taxes. Also, this substitute attempts to repeal another looming tax increase by completely repealing the AMT, the alternative minimum tax, by 2013.

Our country's on the verge of a financial crisis, Mr. Chairman. The total unfunded entitlement liability, Medicare and Social Security, this country faces is $53 trillion. Former Comptroller General David Walker said, ''You are not going to tax your way out of this problem. You are not going to grow your way out of this problem. You are not going to do it by constraining spending. You are going to have to do it by a combination of things, and the biggest thing you are going to have to do is entitlement reform, Social Security and Medicare being the greater challenge. And we need to start soon because time's working against us. That $53 trillion number is going up between 2 and $3 trillion a year by doing nothing.''

The Republican substitute reduces the $53 trillion unfunded liability by $11 trillion. It makes an attempt to secure the future existence and benefits of major entitlement programs, especially Medicare and Medicaid, which are currently on an unsustainable path to spending.

Mr. Chairman, therefore, I not only firmly support this Republican substitute but insist on it so we don't raise taxes any higher on the American citizens.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, we have heard about this average tax cut. I just want to show a chart of what they mean when they talk about ''average.''

This is a $20 billion tax cut that's in the Republican package. It's involving personal exemption phaseout and the elimination of ceilings on itemized deductions. This is $20 billion, which is an average $100 for every man, woman, and child. And here's how you distribute the average for this tax cut: if you make over $1 million, you get $17,500. If you make $200,000 to $1 million, you get about $650. If you make $100,000 to $200,000, you get $11 out of this tax cut. And if you make under $100,000, you get on average zero. This is what they call an ''average'' $100-a-person tax cut.

When they talk about the biggest tax cut and all this kind of stuff, let's be clear. What is repealed or what we allow to expire are the kinds of policies that got us into the ditch to begin with. We need to let them expire, get back on the right track, balance the budget, and address our priorities.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, a senior member of the Budget Committee, (Mr. HENSARLING).

Mr. HENSARLING. I thank the ranking member for yielding, and I certainly thank him for his leadership and all he does to protect the family budget from the Federal budget.

Mr. Chairman, today the American people are truly presented a tale of two budgets. Look at the Democrat budget: a $683 billion tax increase, the single largest tax increase in American history. And, Mr. Chairman, it's about $3,000 out of every American family paycheck a year. This is written in the law. This isn't something they are planning. This is something written into law. And I hope, Mr. Chairman, that they'll reflect upon how this impacts working families in their district because I can assure you I hear from families in my district.

I heard from the Vance family in Maybank, Texas, in the Fifth Congressional District. They write: ''Dear Jeb, both my wife and I are cancer patients, and I can't for the life of me understand why anyone would think this Nation could survive such a huge tax increase at this time. As it stands right now, I would have to sell my house, lose my small business, and go without health insurance'' to pay the Democrat tax increase. The Republican budget: no tax increases.

Let's look at the spending side. No news here. The largest single budget in American history. More government programs, more government spending, more of the same. The Republican budget actually has spending control, holds discretionary spending to 4.3 percent, and still funds our Nation's priorities.

Let's look at the national debt. What did the Democrats bring us? The single largest 1-year increase in the Federal debt. The Republican budget balances the budget in 2012 without, I repeat, Mr. Chairman, without tax increases.

Let's look at earmarks. The Democrat budget: status quo. They want to continue the earmarks. While they are raising taxes on hardworking American families $3,000 a year, just look at what they did last year.

□ 1615

There was $100,000 for landscaping for the L.A. fashion district; $300,000 to train people to work on Hollywood movie sets; $2 million, $2 million so they could create a monument to one of their Members, all while putting the single largest tax increase on American families. Now let's think about entitlement spending: Medicare, Medicaid, and Social Security. They're not going to be around for my 6-year-old daughter or my 4-year-old son unless we reform these entitlements.

The Democrat budget? Stone cold silent. What does that mean? Listen to our former Comptroller General: ''The rising cost of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.''

The Republican budget reforms these programs. It is a budget for the next generation. Theirs is a budget for the next election. Two completely different visions, Mr. Chairman. Theirs is a vision of more government, less opportunity, and higher taxes. Ours is about greater economic security and a brighter future for our children. We don't want to be the first generation in America's history to leave the next generation with a lower standard of living. And that's what they do by remaining stone cold silent on the greatest fiscal challenge to our Nation. We can have a brighter future for our children, but we must enact the Republican budget.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the majority leader of the House, Mr. HOYER, the gentleman from Maryland.

Mr. HOYER. I'm always interested to listen to some of the representations made on this floor. I have been here some time, as all of you know.

Ronald Reagan said ''trust but verify.'' For 27 years, all but 8 of those with Republican Presidents, I have heard representations from the floor by Republicans about what their deficits were going to do.

For every one of those 27 years that Republicans were President of the United States, every one without exception, we ran huge deficits. And this year will be no different. The Republicans have had monopoly on policymaking in this town for essentially 7 years. This past year, we had some authority because the American people wanted change. But clearly, the President of the United States would not

agree with us, and we had to do what the President would agree to so that, essentially, without restraint, the Republicans have had, for the last 7 years, the authority to do whatever they wanted to do.

The first 8 years I was here, Ronald Reagan was President. He ran $1 trillion in deficits. Then George Bush became President, a little over $1 trillion. This President, a little over $1.6 trillion. President Clinton was President for 8 years, only 8 years that we have had the Presidency, and America ran a net surplus.

So when you hear the protestations of the distinguished ranking member of the Budget Committee and the gentleman who just spoke from Texas, listen to them, but verify. Look at the record of Republican fiscal irresponsibility undiminished in the 27 years I have been here.

Mr. RYAN, for whom I have a great deal of respect, and I have very substantial differences on how you get from here to there, is he correct that we need to look at our entitlement system? He is absolutely correct. As a matter of fact, as he knows, I went to the Senate and testified on behalf of a resolution that does that. There is a resolution here that does that, as well. We have to do that. There is no alternative.

Have they done that over the last 7 years of this Presidency? They did not. Did we do it in 1983 with Ronald Reagan as President, Tip O'Neill as Speaker of the House? We did. And we made Social Security secure for the next 60 years. But when we were running up those deficits that Ronald Reagan said we were not going to run up, the Social Security, Medicare, and Medicaid crisis that confronts us was decades away.

Today, the gentleman from Wisconsin is correct. It is years away. However, the solution is not to cut medical services for senior citizens and to cut education for our college students. The solution is not to put the car in reverse. The solution, as Ross Perot said, is to lift up the hood and fix it. And that is what the Spratt budget is doing. The Spratt budget is saying to all the Members of this House and to this Congress, we must act responsibly. Responsibly is not only acting fiscally responsibly, but also investing responsibly in the future of our country.

I would urge my colleagues to reject this tired, tired, tired shibboleth about ''the biggest tax increase in history.'' Frankly, the biggest per capita real tax increase in my tenure was under Bob Dole and Ronald Reagan in 1982. And then, of course, George Bush was defeated, presumably because he tried to help balance the budget. And in fact, George Bush made a significant contribution because it was the George Bush agreement on pay-as-you-go, the 1997 Newt Gingrich-Bill Clinton agreement on pay-as-you-go that got us those 4 years of surplus of which I have spoken.

JOHN SPRATT was involved in the leadership of that effort. Tom Kahn of the committee was involved in that effort. And as a result of that effort, we brought surpluses, 4 years. Surprisingly, one of those years was a real surplus. And when I say ''real surplus,'' notwithstanding the Social Security income that we are counting to get to either balance or surplus which is really not what we should be doing, I agree with that, on either side of the aisle.

But ladies and gentlemen, John Spratt's budget meets the test of verification. It meets the test of reality. It meets the test of saying we need to pay for what we buy and not pass it along to our children and grandchildren. The budget vote is one of the most important that we make. Not because the American people really will look closely at the budget or because they think it has great consequence in their lives. It is very difficult to see the consequence of the budget because the budget then needs to be carried out in appropriations, authorizations, and policy.

But ladies and gentlemen of this House, we know that it speaks to whether or not we have the courage of our appropriations. The gentleman that spoke before me from Texas talked about earmarks. I am always interested to hear Republicans talk about earmarks. They came to Congress and quadrupled, quadrupled, four times, the number of earmarks.

Mr. RYAN of Wisconsin. Will the gentleman yield for a friendly point on that?

Mr. HOYER. I am always pleased to yield to a friendly point. Do I get to make the judgment as to how friendly it is?

Mr. RYAN of Wisconsin. The gentleman is right. Earmarks proliferated under Republican watch. You're right about that. Both parties are guilty. That is why we should have a moratorium and clean the system up.

Mr. HOYER. I am reclaiming my time.

The tears, the crocodile tears that flow from the eyes of the ranking member of the Budget Committee about this awful thing that we called ''congressional investments.'' It is so sad that for 6 years they were unable to discipline themselves. And by the way, last year, they were unable to discipline themselves. And guess what? This year they wanted a moratorium for 6 months.

Mr. RYAN of Wisconsin. Will the gentleman yield on that point? This budget is a 1-year, for-the-rest-of-the-Congress moratorium.

Mr. HOYER. You have gone much longer than your caucus wanted to go. I understand that. But the conference wanted to go for 6 months.

I thought it was such an interesting proposal because it meant ''we will go just long enough until we really do appropriations and when it really means something.'' Too often, ''hypocrisy, thy name is ourselves.'' I say it on both sides of the aisle.

Now, I'm for, as everybody knows, congressional initiatives. But I am for paying for them. When we quadrupled them, we borrowed for them from the Chinese, from the Germans, and from the Saudis. As a matter of fact, this President, as my friend knows, has borrowed more money from foreign governments than all of the other Presidents combined. Trust but verify.

Every year that I have been here, ranking members have risen, one of whom is now the chairman of the OMB, and told me what a bright future it would be if their budgets were adopted. Now, the problem is that sometimes they can't get agreement between Senate Republicans and House Republicans on what that beautiful budget ought to be. We passed a budget last year. We lived within that budget last year. We need to do so this year. And we are trying to pay for things. We had a stimulus we didn't pay for. Some of us were concerned about that, but you can't stimulate and depress at the same time.

So my colleagues in the House, Republicans and Democrats, vote for our children and future generations today. Vote for the John Spratt Democratic budget. Reject this budget that pretends it's going to bring you balance but has never done so once, not once in the 27 years that I have been here. Vote for the Spratt budget. It is good for our country. It is good for our people. It is good for our future.

Let me first thank the chairman of the Budget Committee, JOHN SPRATT of South Carolina, for all of his hard work, patience and intelligence in producing this Democratic budget resolution—which is nothing less than a blueprint of our values and priorities.

Let me also thank my colleagues in the Congressional Black Caucus and Progressive Caucus for offering their important budget alternatives—alternatives that reflect our shared commitment to the American people and a stronger America.

Now, before I discuss what I believe to be the vastly superior and realistic Democratic budget, let me briefly address the Republican budget substitute that we are now debating.

I both like and respect the gentleman from Wisconsin, the ranking member on the Budget Committee, Mr. RYAN. He is a thoughtful, diligent Member.

And, I believe that were it up to him, he might actually try to implement the provisions in the Republican budget substitute.

But the problem, of course, is that he would be fighting a lonely, losing, untenable battle.

This we know: many, many Republicans would not support the deep, draconian cuts to domestic programs called for in their own budget.

The fact is, this Republican budget only reaches balance in 2012 by slashing funding for mandatory programs by $412 billion.

This Republican budget would cut Medicare and safety-net programs; cut Medicaid, thereby jeopardizing health care for more than 50 million children, parents, seniors and disabled Americans; cut—and possibly eliminate—the recently enacted increase in Pell Grants; and cut funding for military retirement and health care.

Furthermore, the Republican budget implies very deep cuts in discretionary programs, devastating public health, education, safety net and infrastructure programs.

This Republican budget fails to reflect the values and priorities of the American people.

In contrast, the Democratic budget continues to move our Nation in a new direction and to clean up the fiscal train wreck caused by failed Republican economic policies over the last 7 years.

Remember, in just 86 months, Republicans have turned projected budget surpluses into record deficits—including a projected $386 billion this year and another $340 billion next year—and added more than $3 trillion to the national debt, which today stands at $9 trillion.

Our Democratic budget restores fiscal responsibility, adhering to pay-as-you-go budget rules and bringing the Federal budget back to balance by 2012.

It rejects the drastic funding cuts in the Republican substitute and the President's budget, which includes cuts to Medicare, Medicaid, State and local law enforcement programs, and environmental protection.

It strengthens our economy, providing crucial funding for our innovation agenda, efficient and renewable energy programs, education, and infrastructure.

It provides tax relief for hard-working Americans, including a reconciliation instruction that provides offsets for a new one-year patch of the alternative minimum tax.

And, our Democratic budget makes America safer, providing for a robust defense, boosting homeland security funding, and rejecting the President's cuts to first responder programs.

This is a budget that we can be proud of. And, it stands in stark contrast to the irresponsible fiscal policies of the current administration and former Republican majorities in Congress.

I urge all of my colleagues:

Vote for fiscal responsibility, and a bright future for our children.

Vote for the budget that reflects our values—and meets the needs of the American people.

Vote for this Democratic budget.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time, I yield myself 1 minute simply to praise the majority leader before he leaves because he has been a man who has sincerely discussed and talked about the need to reform entitlements most of his career. And we need to talk to each other more often. I want to praise him for his leadership on entitlements.

I also want to say that this budget proposes to borrow more in one year from foreign governments than any has in history. Also, Mr. Chairman, let's take a look at the 2003 taxes.

Mr. HOYER. Will my friend yield on his last point?

Mr. RYAN of Wisconsin. I yield to the gentleman from Maryland.

Mr. HOYER. I agree with him, and the reason for that, of course, is while you cut revenues, you didn't cut spending when you were in charge.

Mr. RYAN of Wisconsin. Reclaiming my time, my point is the Democrats' budget, the Spratt budget, has the single largest increase in national debt in any given year, which comes from largely foreign governments these days.

My other point was I understand why my friends on the other side of the aisle are so dismissive of these tax cuts in 2003. Only three Democrats who are here today voted for them. All but three of them voted against them. They voted against reducing the marriage tax penalty. They voted against expanding the child tax credit. They voted against lowering tax rates across the board. They voted against lowering dividends and capital gains and repealing the death tax.

I simply would say that, as this chart shows you, even after all of those tax cuts, look what happened. Receipts went up. Four straight years of income tax receipts increased. Do you know why? People went to work. They got jobs. They paid taxes. Economic growth, even at those lower tax rates.

At this time, Mr. Chairman, I would like to yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. HOYER. It is too late to ask you to yield, I take it, on the employment issue.

Mr. PENCE. I thank the ranking member for yielding, and I thank him for his extraordinary leadership on this budget. Mr. Chairman, I rise in support of fiscal responsibility, and my conscience therefore demands that I rise in support of the Republican budget.

Now, the American people deserve to know the truth. We have a $9.3 trillion national debt, but that is not the whole story. The American people also deserve to know that we have some $53 trillion in unfunded liability in Social Security and Medicare over the next 75 years. Frankly, if this government were a business back in Indiana, it would have to file bankruptcy.

Republicans are offering an alternative budget to deal with this fiscal crisis at the national level based on spending restraint and entitlement reform. It balances the budget without taxes and without earmarks.

But the answer from the Democrat majority? Get this: The largest budget in American history, $3.1 trillion. The largest 1-year increase in the public debt in American history, some $646 billion. Higher taxes and nothing to reform earmarks or the very entitlement spending that threatens the economic vitality of our children and our grandchildren's future.

□ 1630

In 2006, the American people voted for change in Washington, D.C., but they weren't referring to what would be left in their pockets after the Democrats took control. We must balance the Federal budget with fiscal discipline and reform, not with more spending and more taxes. We must reject the policies of the new liberal Democratic majority in Congress and reject their budget.

I urge my colleagues to vote for fiscal discipline and reform, to end earmarking as usual, and to stand for fundamental entitlement reform in Washington, DC. Vote for the budget priorities of the Republican minority in Congress. They are, I believe with all my heart, the budget priorities of the overwhelming majority of the American people.

Mr. RYAN of Wisconsin. I want to inquire of the time, Mr. Chairman.

The Acting CHAIRMAN (Mr. CAPUANO). Both sides currently have 10 minutes each.

Mr. SPRATT. Mr. Chairman, I yield myself 4 minutes.

We have heard throughout this debate the charge repeatedly that we are raising taxes by as much as any tax increase since the history of time. The charge won't really bear itself out. But let me just turn to third parties. Don't take it from me, let me turn to third parties who have a tremendous interest in the Federal budget and in the deficit in particular. None is more respected or more truly nonpartisan than the Concord Coalition, and here is what the Concord Coalition says:

''Allowing some of the tax cuts to expire would not be the result of Congress' raising taxes. It would be the result of sunsets that were included when those tax cuts were originally enacted to avoid the level of fiscal scrutiny that PAYGO is designed to ensure.''

Now, I have a chart here which is a replica of our famous eye chart to test your visual acuity. I am not sure whether you can see it, but the bottom line is instructive. We will reach surplus, starting from a CBO baseline, our budget will take us to surplus by the year 2012. That surplus will continue throughout time, 2012, 2013. And if you total that surplus up between 2012 and 2018, the total amount you get is $1.4 trillion.

Out of that $1.4 trillion in surpluses, a lot of money can be derived if we so choose to offset tax cuts. And toward that end, we have pledged ourselves as specifically and explicitly as we possibly can in the budget resolution before you in commitment to the middle-income tax relief. And anyone who has any doubt of this should come and read this paragraph in our budget resolution itself, not in the report, it is in the budget resolution itself, which says the following:

''It is the policy of this resolution to minimize the fiscal burdens on middle-

income families and children and grandchildren, to provide immediate relief for tens of millions of middle-income families who would otherwise be subject to the AMT, the alternative minimum tax,'' and, by the way, we provide a 1-year patch. Talk about tax cuts, we have got a tax cut, and it is offset in our bill.

To extend the child tax credit we commit ourselves; to extend the marriage penalty relief, we commit ourselves; to eliminate estate taxes on all but a small fraction of estates, we are committed to that; to extend the research and experimentation tax credit, we are committed to that; to extend the deduction for State and local sales taxes; to extend the deduction for small business expenses; to enact a tax credit for schools.

This resolution assumes that the cost of enacting these policies is offset by reforms within the Internal Revenue Code that promote a fairer distribution of taxes across families and generations and economic efficiency and higher rates of tax compliance. And we put money in the bill for program integrity, for the IRS to bear down and try to close the tax gap.

When you take what we can reap from doing that, it may not be as great as it would seem since the tax gap is estimated to be $500 billion, when you add to that the $1.4 trillion in surpluses per our projection of our budget, you have a lot to work with, not just for tax relief, but for other things as well. Debt retirement, the retirement of the baby boomers, all of these things will be demanding.

That is why we put this decision off until a later time. It is not pressing now. It doesn't have to be committed to now. The tax cuts don't expire until December 31, 2010. In the interim, nobody's taxes are going up because of what is done here on the House floor today, and nobody's taxes are going down, because it doesn't work that way.

Over time, we think that we have got a partial solution here. If we can simply adhere to the budget that we are proposing in House Concurrent Resolution 312, we believe that we can produce surpluses along this bottom line, a substantial portion of which can be used to offset tax cuts.

Mr. Chairman, I reserve the balance of my time.

Mr RYAN of Wisconsin. Mr. Chairman, may I inquire as to who has the right to close. There seems to be difficulties about that.

The Acting CHAIRMAN. The gentleman from South Carolina has the right to close.

Mr RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding.

You know, our friends on the other side of the aisle may not like and may have problems with our budget, but the one thing they can't say is that we are not doing what we say we are going to do. We have said that we are not going to raise taxes, and it doesn't. We said we will balance the budget in 5 years without raising taxes, and it in fact does that. We have said that entitlements are a big problem and that they will swamp this budget and the next generation with debt if we don't deal with them, and this budget begins to deal with it. They may not like that, but we are doing what we say.

And there is an old saying that says ''do what I say, not what I do.'' That is what somebody who intends to have their actions be different than their words says, ''do what I say, not what I do.''

Let's take a look at this Democratic budget, which I would argue is the ''listen to what I say, don't watch what I do budget.'' We have heard over the last year how PAYGO and all these other things were going to result in and lead towards a balanced budget and that is where they wanted to go. But yet this budget nearly doubles, actually more than doubles, the deficit from the last budget passed under Republican rule.

Our friends on the other side say that they want to eliminate the alternative minimum tax, at least they say for whatever they define as ''middle-class taxpayers.'' But yet in this budget, this budget counts on and continues the revenues from the alternative minimum tax at its current rate or higher for the entire 5 years of the budget.

Our Democratic friends have always talked about how they want a tax cut for the middle class. But yet as has been mentioned, this budget counts on all of the money, all of the tax increases that have been described. It counts on eliminating the marriage penalty credit and the child care credit; it counts on raising the tax rates all the way from the 10 percent rate to 35 percent, raising them all.

They talk about health care, that they want to cover everyone with health care, universal health care and all of that. Is any of that in this budget? No. There are no changes to anything like that in the budget. They were offered the opportunity to put that in the Budget Committee and they didn't do it.

They talk a lot about the death tax, that the death tax is strangling farmers and small businesses. And it is. And what does this budget do? It takes the death tax back up to the rates it was 10 years ago. It increases the death tax over where it is now.

Then there is the big issue of entitlement reform. All of the analyses, liberal, conservative, in the middle, everyone agrees if we don't reform Medicare, Social Security and Medicaid, they will bankrupt this country. What do they do to reform those in the next 5 years in this budget? Nothing. Absolutely nothing.

Yes, my friends, Mr. Chairman, this is the ''listen to what I say, but don't pay attention to what I do'' budget. It is like the Wizard of Oz. Watch the smoke in the front, but don't pay attention to what the man behind the curtain is doing. This budget, if you look at it, is what the man behind the curtain is doing and really wants to do, but it is not what is right or what is good for America or for taxpayers.

Mr SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House of Representatives.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

May I begin by thanking the gentleman from South Carolina, Mr. SPRATT, the chairman of the Budget Committee, for his masterly work in bringing this budget before us. It is fiscally sound. It is a responsible blueprint to build our economy, moving us forward and strengthening our national security. The Democratic budget, which is the budget for our country, puts the future first. It is about future generations, and it moves us to surplus by 2012.

Thank you, Mr. Chairman, for the fiscal soundness of this budget.

While being fiscally sound, the budget is also a plan again to get our country moving. It is a budget for the future by putting family budgets first, helping make affordable everything from energy to groceries to college education, helping families avoid foreclosures, and lowering, lowering, taxes. It provides for us to have middle-income tax cuts. This is about America's families and their economic security.

It invests in the future by investing in renewable energy to make America more energy independent and secure and to create green jobs. It is a blueprint for a green revolution in our country.

It creates a new generation of innovators by investing in math, science, engineering and technology, to keep good-paying jobs here in America. In total, we provide $7.1 billion more than last year for education and job training.

It rebuilds America's crumbling infrastructure, which again is an engine of job creation, and makes health care more affordable for families and veterans. VA health care will receive a $3.6 billion increase to care for the men and women who have defended America.

I read this list of provisions in the bill to show that this budget is really a statement of our values. It shows to the American people that we indeed care about them and the budget that we write is relevant to their lives. These are priorities that leading economic experts have said will put our Nation on solid economic footing.

Our budget is also a plan for a stronger America that begins to restore military readiness and better protect Americans against terrorism. Many of you know that the distinguished chairman of the Budget Committee is also the second-highest ranking Democrat on the Armed Services Committee, so he brings to this budget process a full knowledge of our national security needs, a full commitment to our military and their families, and dedication to our veterans which has been unsurpassed.

In this bill in terms of national security, ours is a plan to make Americans safer and stands in stark contrast to the President's priorities in Iraq. That misguided war has badly strained our military, distracted us from the fight against terrorism, and damaged our reputation in the world. In fact, the funds committed to that war, some say $3 trillion, huge amounts of money, not only are an opportunity cost for investments here at home in our own education and reconstruction and military readiness, but the deep debt that we are incurring because of the war in Iraq is damaging to our economy. We cannot continue to borrow to pay for the war in Iraq and not see it have an impact on our economy, and that is in addition to the rising cost of oil prices that are related to the war in Iraq as well.

We begin in our national security to reestablish America's strength by rebuilding our military, investing in equipment and training that our military requires, and making caring for our troops, veterans, and military families a top priority.

Our plan stands in stark contrast to the President's priorities and the Republican budget, which would undermine health care for seniors and working families by cutting Medicare and Medicaid over half a trillion dollars over the next 10 years and charge veterans and military retirees more than $18 billion in new fees over 5 years. Our budget does not do that. The Republican budget puts the burden of additional fees on our veterans.

The Republican budget eliminates essential funding for State and local law enforcement and cuts EPA grants that would help protect our planet and our health.

□ 1645

On inauguration day 2009, President Bush will move out of the White House. But, unfortunately, his fiscal legacy will remain unless we can reverse that.

The Bush administration turned a projected $5.6 trillion surplus, I heard our distinguished majority leader talking about this earlier, into a $3.2 trillion deficit. That is historic, that is a historic fiscal turnaround of epic proportions, nearly a $10 trillion swing in fiscal soundness. The President leaves a record of breathtaking fiscal recklessness.

Budgets are more than just accounting documents. Budgets, our Federal budget, I believe, should be a statement of our national values. What we believe in our Nation should be reflected in the allocation of our resources, in our budget.

With this budget, the New Direction Congress and under the leadership of Chairman SPRATT is saying that we value families and their economic future, we will fight to insure their hard work is rewarded, and that the American Dream is renewed.

With this statement of our values, we are saying that we do value our valiant men and women in uniform. We will insist that they receive the tools and training they need to perform their mission, and that when they return home, they will come to high quality health care.

And we were saying in this statement that we value our children. We will invest in their education, their health care, and their future, and do this without leaving them a legacy of debt.

My colleagues, we must make clear that the American values are the values of this House. We should have a statement of the values of the American people in the budget that we put forth, and we do today, to invest in our children's health and education and strengthening families, to provide for the national security of our country by rebuilding our military and respecting our responsibility to our veterans, by investing in the future and innovation and new energy technologies and the education that goes with it. We must make clear that this is a budget plan for a stronger America, for stronger families, for a stronger economy, and a stronger military.

I urge my colleagues to support with great pride the budget put forth by Mr. SPRATT in the Budget Committee this evening.

Mr. RYAN of Wisconsin. Mr. Chairman, I will just take 30 seconds for myself.

I would simply say our budget does not have the veterans fee increases. That is in the President's budget. That is not in our budget.

Also, our budget does not cut Medicare and Medicaid by a half a trillion dollars. Under our budget, Medicare and Medicaid increases every year, one year after the other. We simply think it should not increase as fast as it is because we want to make it more solvent.

Third point, they say this is a new vision budget that they are proposing. All they are really doing is bringing us a CBO baseline and slapping another $280 billion on top of it. That's what their budget is. The problem is that the CBO baseline requires the largest tax increase in history. That's what we don't support.

Mr. Chairman, I yield 2 minutes to the new Member from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Chairman, the Speaker is absolutely right, but this is about their values, not America's values. We hear it's about the children. The Democrat Party's budget, the one that they have proposed, is going to bankrupt our children. They are not going to live at a standard of life as we live today because of their budget, if this is put into place.

The Republican budget is about the children, because it will save their future. Our budget is about the children's well-being. The Democratic Party's budget is about their values, bigger government, greater control of people's lives. They want to do that. They want to take money away from hardworking American citizens and build a bigger government, and they want to tax them to death, tax them into bankruptcy.

But our budget doesn't do that. It actually helps to balance the budget. It helps to have a future for our children. That's the difference. Our budget is about the children. It's about families. It's about businesses. It's about having a strong financial future for small business. That's what our budget does. Their budget guarantees a bigger future for government bureaucrats.

I encourage anyone in this House who is interested in, truly, our children and furthering the best interests of America and the middle class to vote for the Republican budget.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, may I just ask the chairman of the Budget Committee, are you the last person? You are going to close next, no more speakers on your side; is that right?

Mr. SPRATT. I reserve the right to close. I have no further speakers.

Mr. RYAN of Wisconsin. All right. I will address the House from the well for the remainder of my time.

Mr. Chairman, may I ask how much time I have left?

The Acting CHAIRMAN. The gentleman has 5 minutes.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to say thank you to a few people. I would like to take this moment to recognize the hard work of the minority staff of the Budget Committee.

I want to thank Austin Smythe, our new staff director; Chauncey Goss, Pat Knudson, Charlene Crawford, Tim Flynn, John Gray, Jim Herz, Charlotte Ivancic, Angela Kuck, Paul Restuccia, Jon Romito, Stephen Sepp and Clete Willems; and our interns, Sigurd Neubauer, Dustin Antonello, and Ryan Michaels.

I am very fortunate to have very bright, very talented, and very dedicated coworkers on the Budget Committee. I also want to thank the chairman for being a gentleman and for his staff for being professional as well.

I have a problem with the budget the chairman has brought to the floor. We have a different vision. It's good that we have these choices. We owe the American people a choice. We owe them two different visions to choose from in this country.

That's what's good about elections. Lately, the differences have been muddled. I'm glad we are making them more clear. What do we want to do with our budget?

We believe that we should do a few things. We should balance the budget, number one, and we shouldn't raise taxes. We think that it's really tough for people to afford just the cost of living today. You are filling up your gas pump at the highest prices you have ever paid before. You are paying health care costs the highest you have probably ever paid before. Food prices are up $70 a month for the average family these days.

The last thing the American taxpayer needs is a big tax increase, an average of $3,000 per family per year. That's what the Democrat budget has.

Now, the Democrats like to say they have this policy document in their budget. On page 48, it's the policy that we don't want these taxes to go up. Then they say, later on, but we are balancing the budget.

The first 27 pages are ones that matter in this budget, the numbers. They can't have it both ways. They can't look the American people in the eye and say we are balancing the budget and we are not raising taxes, because the only way they balance the budget, you can bring out all these left-of-center experts that tell you otherwise, but according to the numbers, according to the Congressional Budget Office, the only way they balance the budget is by enacting the largest tax increase in American history.

So the question is, at this time of economic uncertainty, at this time of job loss, at this time where we possibly could go into a recession, at this time of high prices of living, can we afford the Democrats' tax hike? I would like to know. I would like to get e-mails and calls from people to know, can we afford this?

What is our vision? Our vision is to balance the budget without raising taxes. The key thing is we have got to save money. We are not even proposing to cut spending. We are saying instead of spending $15.832 trillion over the next 5 years, let's spend $15.32 trillion over the next 5 years. Instead of growing spending at 5.2 percent, let's grow it at 3.8 percent.

In that, we are saying let's put a down payment for reform on our children and grandchildren so we can make Medicare and Social Security more solvent, so we can say to the seniors of this country we want Social Security and Medicare to last for you and for our kids.

But we also say, this Congress is broken. Most people get that. We don't call earmarks congressional initiatives or investments; it's pork. If we just do away with the pork for 1 year, we can put a down payment on making sure we don't have our taxes increased. For 1 year, we can make sure we don't raise taxes on everybody who has children by $500 per child. We can make sure we are not going to tax people simply because they are married if Congress just says ''no'' for pork for a year.

So what's the question? Do we want pork or paychecks? More money in workers' paychecks or more pork up here in Washington?

I agree that earmarks are necessary and are a function of this branch of government. It's out of control. It's broken. It needs to be fixed.

Let's stop them for a year, fix this problem so that it has the integrity and the faith that the American people deserve. While we are doing that, let's balance the budget without raising taxes. That is what our budget does.

Yet you hear this same old thing in Washington every year. What they always say is, if you are doing anything other than spending as much as they want, you are cutting spending. If you are not throwing all this money at new programs, you are cutting spending, you are hurting the veterans, you are hurting children, you are hurting people, you are doing this, you are doing that. We are simply saying we need to control our spending in this town.

You see, Washington doesn't have a tax revenue problem. Plenty of money is coming in. Washington has a spending problem. We have got to get our handle on that spending.

By controlling that spending, by growing it at a slower pace, by putting a down payment on reform, by making Medicare more solvent, we can do those things while we balance the budget without raising taxes.

That's the choice. We can have their plan with the largest tax increase in history, more and more and more spending, more earmarks, more pork, less money in our paychecks, or we can have our plan: control spending, balance the budget, keep more money in your paychecks.

Because you know what? Paychecks aren't going as far as they used to. They don't cover as much groceries, as many gas tanks. They don't cover as much of health care bills as they used to. We believe it's the people's money; they believe it's Washington's money. That's the basic difference at the end of the day.

We believe people ought to keep more of their own money because it is their money. They believe it's Washington money, and they want more of it.

Mr. Chairman, I yield back the balance of my time.

Mr. SPRATT. Mr. Chairman, for purpose of closing, I yield myself the balance of my time.

Mr. Chairman, like Mr. RYAN, I want to express my heartfelt gratitude to the staff on both sides: Tom Kahn, Sarah Abernathy, Ellen Balis, Arthur Burris, Linda Bywaters, Barbara Chow, Marsha Douglass, Stephen Elmore, Chuck Fant, Jason Freihage, Jose Guillen, Jennifer Hanson-Kilbride, Dick Magee, Sheila McDowell, Diana Meredith, Gail Millar, Morna Miller, Namrata Mujumdar, Kimberly Overbeek, Kitty Richards, Diane Rogers, Scott Russell, Marcus Stephens, Naomi Stern, Lisa Venus, Greg Waring, Andrea Weathers, and interns Les Braswell and Tina Shah.

We have had a fast track on which to bring this resolution out of committee onto the floor to passage. Without their assistance, long nights, weekends, you name it, we certainly could not have done it. We certainly could not have done it without the presentation we put on the last 2 days. To them, I am deeply indebted for all of their help, both sides of the aisle, my staff in particular, which I think is one of the best committee staffs of any committee on the Hill in either House.

If I had a chart of my choice, I would have a counterpart to Mr. RYAN's chart, which said, can we afford the Democrats' tax? It would say, can our children afford the Republicans' debt tax? Because the legacy of this administration, 8 years, is nearly $5 trillion in additional debt, a phenomenal increase in debt that will have to be borne by our children.

When I say that our first objective in taking on this budget was to move it to balance, that's not some economic goal. That's not some green eyeshade objective. That's because I think we are morally wrong in leaving this mountain of debt to our children and our grandchildren.

□ 1700

If I had a chart, it would say just that, because I would assign the blame, the primary blame, to our Republican colleagues for the last 7 years.

We have brought to this floor a budget resolution, the base bill on which we will vote. After we vote on the Ryan amendment, we will vote on the base bill. I would ask for a vote against the Ryan amendment and for the base bill, H. Con. Res. 312, which is the Democratic-reported budget resolution.

We set as our first objective balancing the budget within a reasonably foreseeable period of time. The day we chose was 2012, and we hit that day. In fact, by our calculations, using CBO numbers, we will have a surplus that year under certain assumptions of $178

billion. That surplus will grow as time moves on; and by the year 2018, we will have accumulated $1.4 billion in surpluses. Now, I know they will be dissipated and used for other purposes, but I am suggesting here and have been suggesting that is one of the ways that we will pay for the tax cuts, particularly the middle-income tax cuts to which we have explicitly committed ourselves. That is one way we will make certain that they are cared for and extended.

Secondly, even though we are committed to balancing the budget, we are also morally committed to doing other things that shouldn't be held up or put aside while we try to bring our books in order, one of which is the education of our children. The President's budget basically flat funds education for the next 5 years.

I am proud to say that our budget provides $7.3 billion, $7.1 billion more than the President requested in his budget for the education of our children.

And watch out for education when they begin to, if you adopt the Ryan resolution, when they begin to distribute these undistributed, unallocated cuts, because education is right there in the bore sights.

Secondly, veterans health care. Of all of the promises government makes, the promises we make to our veterans ought to be upheld. And right now we have an increasing caseload. Therefore, we are proposing $3.6 billion over and above current services in order to pay for the additional case loads.

CHIP, children's health insurance. I am proud to claim a little paternity there. I was involved in 1997 when we created the program in the Balanced Budget Act of 1997. Now we are saying that we can balance our budget and still balance our priorities by seeing that our children, all of our children who don't have health insurance, can get health insurance. We provide for that. We provide for that in this budget resolution.

Finally, we provide for innovation, competitiveness, energy, research, things that will keep our economy on a competitive edge. For all of these reasons, we think we have brought to the floor a good budget resolution which is worthy of the support of not just the Democrats on this side, but Republicans as well. It moves us toward balance, and it has balanced priorities. It is good for America and good for our economy.

I, therefore, request a vote in favor of the Spratt resolution, H. Con. Res. 312, which is the base bill and against the Ryan resolution which, if it were adopted, and I don't think it will be, but were it to be adopted, it would displace our bill. Vote for the base bill, H. Con. Res. 312, and vote to do these things that are so important to our economy, our country, our families, and our children. This is a good bill and I commend it to you for your support today.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 263, not voting 15, as follows:

[Roll No. 140]

AYES—157

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walberg
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (FL)

NOES—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fossella
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Regula
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth

NOT VOTING—15

Bordallo
Boustany
Fortuño
Hooley
Hunter
LaHood
Oberstar
Rangel
Renzi
Rush
Tancredo
Waters
Weller
Woolsey
Young (AK)

□ 1730

Ms. ZOE LOFGREN of California, Messrs. GUTIERREZ, SAXTON, Ms. LINDA T. SÁNCHEZ of California, Messrs. HOYER, COHEN, FRELINGHUYSEN, FATTAH, TURNER and Mrs. SCHMIDT changed their vote from ''aye'' to ''no.''

Messrs. FLAKE, EHLERS, FRANKS of Arizona, SHULER and McINTYRE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. McCOLLUM of Minnesota: Mr. Chairman, I rise in support of H. Con. Res. 312 and congratulate Chairman SPRATT for putting forward a budget that reflects the values of American families.

Again this year, President Bush proposed a reckless, fiscally irresponsible budget that would have neglected key investments and made significant cuts to critical services while driving up an already unsustainable deficit. Democrats reject Republican policies that have led to record debt and a weakened economy and today offer a budget that invests in families, makes America safer, strengthens our economy and improves our global competitiveness.

This budget proposal recognizes that smart investments in our country today will result in significant savings in the long run. H. Con. Res. 312 invests in renewable energy and ''green collar jobs''. Record gas prices are straining family, business and government budgets. This investment in the Midwest will reduce our dependence on oil, reduce greenhouse gas emissions, and create new jobs in our communities.

While the President proposed to cut education, the Democrats budget provides for a significant investment in our children by including $7.1 billion above the President's request. This funding will provide needed increases for No Child Left Behind, Head Start and Special Education. The underfunding of these programs under Republican leadership has led to reduced opportunities for our students and increased taxes for homeowners. The Democratic budget makes an important step in living up to the federal government's promises on education funding. It also provides funding for the America COMPETES Act, allowing for the education of the teachers, scientists, engineers and mathematicians we need to remain competitive in the global economy.

The Democratic budget invests in health care. It provides health care for all children and makes significant investments in health research and public health. Importantly, this budget rejects the draconian cuts to Medicare and Medicaid proposed by the President. Democrats recognize that access to health care includes access to quality health care providers.

In contrast to claims made by my colleagues on the other side of the aisle, this budget does not raise taxes on the middle class families. It fact, it includes a 1-year fix for the Alternative Minimum Tax and extends middle class tax cuts including the child tax credit, the marriage penalty relief, and the deduction for state and local sales taxes. It also calls for immediate action on the foreclosure crisis and provides for an affordable housing trust fund to help families find safe, stable housing and to begin to create wealth.

Democrats support investing in our communities. This budget recognizes the declining status of our nation's infrastructure and makes it a priority to invest in the necessary rebuild and expansion. In Minnesota, because of the tragic bridge collapse last August, we are all too aware of the need for upgrade and repair to our infrastructure. In addition, families are spending too much time and too much money commuting. This budget will allow for investment in transportation—both to increase options and to improve safety.

I also commend the Congressional Black Caucus and the Progressive Caucus for putting forward alternative budget proposals. I strongly support the emphasis on diplomacy and investments in global health proposed in these amendments.

Mr. Chairman, the Democratic budget reflects America's priorities and will put this country back on track by reducing our debt and investing in our future. I urge my colleagues to support H. Con. Res. 312.

Mr. ORTIZ. Mr. Chairman, this budget is a commitment to restoring fiscal responsibility while providing for programs that boost economic growth, create new jobs, and provide tax relief to millions of middle-class families.

When the President presented the last budget proposal of his administration last month, he cemented his legacy of fiscal irresponsibility. Since January 2001, a $5.6 trillion 10-year surplus has been converted into record deficits and mounting debt.

The budget, which will outline Congressional spending for the next fiscal year, rejects the President's original proposal of cutting Medicare/Medicaid, key education programs, and the COPS law enforcement agency grant programs.

In contrast to the Administration's budget proposal, this budget passed by the House reaches a balance by FY 2012. It ensures that, under the adopted pay-as-you-go principles, any new spending is offset and does not add to the deficit.

With over 20 million middle-class American families facing the burden of paying the Alternative Minimum Tax, AMT, we have included fiscally responsible legislation that will provide a one-year 'patch' and provide AMT relief to those families.

This is a budget that defends our Nation and provides for our Nation's veterans and wounded heroes. It increases veterans funding for FY 2009 by $3.6 billion above current levels and $38 billion over the next 5 years. Our budget also allows the Department of Veterans Affairs to treat 5.8 million patients in 2009 and rejects the $2.3 billion in health care fee increases imposed by the President's budget proposal.

The budget also prioritizes resources to restore military readiness that has been worn down by repeated deployments and more than 6 years of war. As chairman of the Readiness Subcommittee of the House Armed Services Committee, I am fully aware of the need to restore the strength of our military and protect our country from future attacks.

Despite the President's insistence on not expanding children's health insurance program, CHIP, this budget includes a reserve fund to provide up to $50 billion for CHIP. The President's budget proposal also cuts Medicaid by $94 billion over 10 years and a whopping $479 billion from Medicare over the same period. That is unacceptable and Congress rejects those cuts.

I urge all my colleagues to support this fiscally responsible budget that properly funds our nation's priorities.

Mr. UDALL of Colorado. Mr. Chairman, I support this budget resolution, which will lay the foundation for the decisions about spending and taxes that we must make this year.

Our first responsibility as Members of Congress is to provide for our national defense and homeland security, in order to safeguard the lives and liberties of the American people.

For that reason, and as a Member of the Armed Services Committee, I am glad to be able to say that this budget meets that responsibility by providing $537.8 billion for national defense, which is in line not only with the amounts requested but also the recommendation of our committee.

I also support the budget because it puts the needed priority on moving to restore the capabilities so seriously eroded by repeated deployments and more than 6 years of war. And, even more important, it includes instructions to properly care for the men and women in uniform by rejecting TRICARE fee increases, providing funding to continue addressing problems such as those at Walter Reed Army Medical Center, and calling for enhanced pay and benefits to improve the quality of life of our troops and their families. It also calls for allocating $4.9 billion more than in the current fiscal year for veterans' health care.

But that is not the end of our responsibility. We also need to act responsibly to change the policies that over the last seven years have brought us deeper budget deficits and massive increases in the national debt even as we make needed investments in our society here at home.

This budget meets that responsibility as well. It lays out a path that can bring the budget back to balance. It includes an essential aspect of fiscal responsibility by following the ''pay-as-you-go'' approach now embodied in our House rules, requiring that any entitlement spending increases or revenue reductions be offset, so that the bottom line of the budget is not worsened.

At the same time it allows for funding priority investments in education, children's health care, veterans' health care, and innovation but also accommodating tax relief for middle-income Americans. It rejects President Bush's proposed cuts in Medicare, Medicaid, and assistance to local law-enforcement agencies while accommodating $50 billion over 5 years for the State Children's Health Insurance Program (SCHIP). It also allows for substantially greater appropriations that the president has requested for education, and energy efficiency and renewable energy programs.

And it includes a deficit-neutral reserve fund to accommodate middle-income tax cuts, such as extension of the child tax credit, marriage penalty relief, extension of the 10 percent individual income tax bracket, elimination of most estate taxes, extension of the research and experimentation tax credit, extension of the deduction for state and local sales taxes, and a tax credit for school construction bonds. In addition, through a reconciliation instruction to the Ways and Means Committee, it allows for action to protect more than 20 million middle-income taxpayers from exposure to the alernative minimum tax, which was never intended to apply to them.

As a member of the Committee on Science and Technology, I applaud the fact that the

budget will allow an additional $1.98 billion over the amounts appropriated for this fiscal year for science, space, and technology.

That amount will fully accommodate the commitments made in the America COMPETES Act—a measure I was proud to cosponsor and champion in the conference committee—for the National Science Foundation and the Department of Energy Office of Science.

Further, the budget includes increased budget authority for energy technology research programs such as those at the Advanced Research Projects Agency for Energy, ARPA–E and the National Institute of Standards and Technology, which include help for small manufacturers and technology companies through the Manufacturing Extension Partnership and Technology Innovation Program.

These programs have great potential to increase our economic growth and to foster innovation. As the global marketplace becomes more competitive, it is essential that we compete on the basis of improved skills and greater productivity, rather than follow the destructive path of trying to compete solely on cost with the half of the world's workers who earn less than $2 a day.

That is the purpose of the America COMPETES Act, and why it is so important that we provide adequate funding for it. And it also the point of the resolution's provision saying the House should provide sufficient funding so that our Nation may continue to be the world leader in education, innovation, and economic growth and so we can stay on a path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships, and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

In addition, as a member of the Natural Resources, and as a westerner, I also support the budget because it will allow for an increase of more than $6 billion in the amounts available for protection of our water and air and the sound management of our public lands and other natural resources.

Mr. Chairman, it is said that to govern is to choose—and today's debate demonstrates the truth of that adage because the House must choose among four competing proposals for how the budget should be shaped in the years ahead.

Before deciding to support the resolution approved by the Budget Committee, I carefully reviewed the three competing alternatives, and in each I found some things that I think have considerable merit. For example, I liked the additional investments in education, job training, and employment included in the alternative advanced by the Congressional Black Caucus, as well as the provisions regarding unemployment insurance, food stamps, and housing assistance highlighted in the Progressive Caucus alternative. And the Republican alternative includes procedures for a legislative line-item veto similar to legislation (H.R. 595) I have introduced under the name of the Stimulating Leadership in Limiting Expenditures (or "SLICE") Act and would place a moratorium on spending earmarks pending review of the earmarking process by a bipartisan panel—two ideas that I think could result in worthwhile reforms.

But, on balance, I have concluded that the version now before us, developed in the Budget Committee under the able leadership of its distinguished Chairman, the gentleman from South Carolina, Mr SPRATT, is the best choice. It is a sound proposal that will enable our government to meet its responsibilities, at home and abroad, in a way that is fiscally sound and respectful of the need to provide tax relief for middle-income Americans and promoting a sound economy.

I will vote for it and I urge its approval by the House.

Mr. ETHERIDGE. Mr. Chairman, on behalf of North Carolina's children and our working families, I rise in support of this budget resolution and I congratulate you, Chairman JOHN SPRATT for your visionary leadership in crafting this important document.

With this budget resolution, the Democratic majority will succeed where our Republican predecessors failed. To budget is to govern, and this resolution will produce a balanced budget with balanced priorities.

As the only former State schools chief serving in Congress, I am particularly pleased about this measure's provisions for education and innovation. Specifically, rather than continue the Republicans' record of passing a crushing debt burden on to future generations, the Spratt resolution contains tough budget discipline for a new direction for the Federal budget. The Spratt resolution rejects the President's proposed education cuts and instead provides greater investment in our Nation's schools, including the school construction bonds Chairman RANGEL and I have been working on for nearly a decade and increased Impact Aid for federally impacted local public schools. It provides $50 billion for children's health insurance. And it protects millions of middle income families from the onslaught of the alternative minimum tax.

As a Member of the Committee on Homeland Security, I am pleased that after 7 years of this Administration failing to address fully some of our most pressing security needs, the Chairman's mark provides the necessary resources to meet critical threats to the Nation. Specifically, the Chairman's mark places high priority on rejecting the President's cuts to first responder support. This includes the State Homeland Security Grant Program through which States may direct grants to local law enforcement, firefighters, emergency medical services, and other preparedness officials to address a wide array of public safety needs. The Administration proposed cutting this proven security initiative by $705 million, and the Spratt budget rejects that misguided cut. The Chairman's mark also rejects these other mistaken budget cuts: $463 million from firefighter assistance grants that give local firefighters the tools they need to do their dangerous jobs protecting the public; $173 million from Byrne Justice Assistance Grants flexible funding for local criminal justice efforts; $599 million from the Community Congress Oriented Policing Services COPS funds that help local communities hire, train and retain police officers and to improve law enforcement technology. I strongly believe the homeland security starts with hometown security, and I strongly support the Chairman's mark as it provides essential services for local first responders. Unbelievably, for the sixth year in a row, the President's budget proposes to eliminate the State Criminal Alien Assistance fund of $417 million which helps States cope with the costs of incarcerating undocumented aliens who commit crimes. I am pleased the Chairman's mark rejects this misguided budget cut.

I was disappointed to see the President's proposed budget contains the failed Social Security privatization plan, and the leading Republican Presidential candidate just this week embraced this risky plan. When the President first proposed privatizing Social Security, I toured the country to oppose this risky gamble with Social Security. The American people have spoken loud and clear that they want their Social Security benefits to be an ironclad guarantee instead of a risky gamble like the Republicans continue to propose. The Bush/McCain plan is a bad idea. I am pleased the Chairman's mark rejects this risky Social Security privatization scheme.

Finally, Mr. Chairman, I have become increasingly concerned about the legacy of debt this Administration is passing on to future generations. The $5.6 trillion projected surplus that the Administration inherited when it took office has been transformed into a $3.2 trillion deficit. More than 80 cents of every dollar of new debt since 2001 is owed to foreign investors, including foreign governments. The high level of indebtedness to foreign investors heightens the American economy's exposure to potential instability or even from financial threat from unfriendly foreign governments, and places additional burdens on our children and grandchildren. It is a massively irresponsibly tax on posterity.

There are many reasons to support this resolution, but in my brief allotment of time, I want to say that I support this resolution on behalf of my grandchildren and all the children of this country and their families who deserve a budget that puts their needs first. That's the definition of a budget that's truly balanced.

Mr. LANGEVIN. Mr. Chairman, I rise today in support of H. Con. Res. 312, the Budget Resolution for fiscal year 2009. This proposal fulfills an important commitment that we have made to the American people by investing in fiscally responsible tax relief to millions of households and in programs that strengthen the economy, make America safer, and help families struggling to make ends meet in an economic downturn.

On February 6, I expressed my strong concerns over the misguided budget request that the President transmitted to Congress. I am very pleased to see that the budget before us today restores many of the important programs that the President proposed to cut, while achieving balance by 2012. It is more vital than ever that we remain responsive to the needs of the American people, while maintaining strong fiscal stewardship to ensure our financial obligations are not passed along to our children and grandchildren.

Any budgetary blueprint that we expect to bolster the economy must also include an investment in education and job training programs that will promote new employment and ensure our workforce can adapt to the jobs of the future. Unfortunately, those programs were

not priorities for this Administration. Under the President's proposal, Rhode Island would see $1.5 million less for after-school programs and a cut of almost $6 million for career and technical education. In contrast, the Democratic budget resolution would provide $7.1 billion more than the President for vital education, job training, and social services programs nationwide in 2009.

I am pleased that this resolution addresses the President's failure to make higher education affordable for students with economic challenges, especially in Rhode Island, where college tuition has risen 45 percent in 4 years. This measure also includes crucial funding for the Democratic innovation agenda and the America COMPETES Act, which will enhance our edge in math and science education and research. To maintain our economic advantage in the coming years, our Nation must invest more in science, technology, engineering and mathematics, STEM, education.

Also critical to America's economic prosperity is a budget that promotes fiscally responsible tax relief to millions of families struggling to make ends meet. In particular, this measure includes a 1-year patch to keep millions of hard-working, middle-class Americans outside the ever-widening net of the alternative minimum tax, AMT, and it is fully offset. In addition, the Democratic budget will extend the R&D tax credit, which will spur economic growth, create new jobs, and help struggling small businesses regain their competitive edge.

Community development and social services programs will play an important role for businesses and families as we attempt to reclaim our economic prosperity, and I am proud to support a budget that funds these initiatives. This budget restores community and regional development programs, like the Community Development Block Grant, CDBG, program, which provides vital funding for economic and community development in both urban and rural areas nationwide. The House Democratic budget resolution also reverses cuts to the Low Income Home Energy Assistance Program, LIHEAP, and the Weatherization Assistance Program, which helps people actually reduce their energy consumption. These programs are vital to places like Rhode Island where families are struggling with astronomical heating costs.

This budget resolution also includes $1.2 billion more than the President's budget for energy programs. As families face unprecedented costs to heat their homes and put gas in their cars, it is imperative that we fund efficient and renewable energy programs. H. Con. Res. 312 does this by encouraging the production of renewable energy alternatives, increasing energy efficiency, investing in new energy and vehicle technologies, and training workers for ''green collar'' jobs. This resolution also encourages mass transit by increasing funding for Amtrak. I am proud that Rhode Island has already started many of these initiatives, but Democrats recognize that we need to support them on a broad, nationwide basis.

Equally important during this challenging economic time is the continued need for strong health care funding. The Democratic budget measure rejects the President's proposed 10-year cut of over $500 billion to both Medicare and Medicaid, two vital safety net programs serving our Nation's elderly, low-income, and disabled citizens. It also provides an increase over the President's proposed discretionary health care budget to fund programs that emphasize support for disease-prevention, food safety, and access to quality health care for underserved populations. I am also very pleased to see that this budget will accommodate up to a $50 billion increase to expand children's health insurance to cover millions of uninsured children.

Health care also remains the highest priority for our Nation's veterans and the brave men and women currently serving in our Armed Forces. This resolution appropriately addresses veterans' needs by rejecting the President's proposed new fees and increasing veterans funding by $3.6 billion relative to the amount needed to keep pace with inflation. This will provide increased resources for the VA to treat 5.8 million patients in 2009, including 333,275 Iraq and Afghanistan war veterans. We cannot lose sight of the fact that the VA will play a larger role in the coming years as more servicemembers return from ongoing conflicts.

As the Chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, I am proud to support a budget that properly invests in our homeland security. Unlike the President's budget, this resolution provides robust funding for programs important to State and local law enforcement in Rhode Island, including the State Homeland Security Grant Program, which awarded $34.8 million to Rhode Island from 2004 to 2007, and the Law Enforcement Terrorism Prevention Program, LETPP, from which Rhode Island received $11.5 million from 2004 to 2006. By passing the Democratic budget, we can give local law enforcement officials in Rhode Island the tools they need to continue to keep our citizens safe.

The Democratic budget resolution also makes America safer by investing in our Nation's transportation systems, including highways and waterways, providing sufficient funding as well as a reserve fund to facilitate new infrastructure initiatives. This budget also meets the President's funding level for the Department of Defense, but shifts resources to high priorities such as nuclear nonproliferation programs, which was a recommendation of the 9/11 Commission. Finally, this resolution responds to the current hardships faced by our servicemembers by funding quality of life improvements for the troops as well as their families.

In this time of uncertainty, the American people are relying on us as decisionmakers to put forth a plan that will restore our economic prosperity, strengthen our national security, provide relief where it is needed, and promote fiscal discipline. Today, I am pleased to rise in support of a Democratic proposal that will accomplish each one of these goals. This budget resolution represents a new roadmap toward achieving the true priorities of Americans, and I urge my colleagues to join me in voting yes on this measure.

Mr. SKELTON. Mr. Chairman, let me take this means to congratulate Budget Committee Chairman JOHN SPRATT, also a senior and well-respected member of the House Armed Services Committee, for crafting a strong, balanced budget for fiscal year 2009. I am pleased to support this bill that would provide for a strong national defense, would put our country on a path to budget surpluses in 2012, would promote tax relief for middle-class American families, and would invest in programs that have been priorities for those living in rural Missouri.

On defense, the House Budget Resolution would prioritize resources to restore military readiness that has been worn down by repeated deployments and more than 6 years of war. The resolution would reject TRICARE fee increases, provide funding to continue addressing problems such as those identified at Walter Reed Army Medical Center, and would call for enhanced pay and benefits to improve the quality of life of our troops and their families.

On rural affairs, the House Budget Resolution would bolster commodity support, agricultural research, and animal and plant inspection programs. It would assume sufficient resources for the Farm Bill, which provides Missouri farmers with a secure economic safety. It would also set aside critical funds for rural development, for food and nutrition programs, and for conservation.

Also important to Fourth District residents are commitments in the House Budget Resolution to infrastructure improvements, to local police and firefighters, to the health care needs of Missouri's senior citizens and low-income children, to education, and to our cherished veterans.

The resolution would provide immediate and long-term relief from the alternative minimum tax and provide for additional middle-class tax relief and enhanced economic equity through tax policies. And, importantly, it would adhere to the ''pay-as-you-go'' rule adopted by House Democrats early in 2007. That rule requires new entitlement spending or revenue reductions to be offset so the budget remains in balance.

On behalf of the rural Missourians I am privileged to represent, I am pleased to support Chairman SPRATT's work product.

Mr. VAN HOLLEN. Mr. Chairman, I rise in support of this budget blueprint for the priorities it sets and the fiscal sanity it restores to our Nation's Capitol.

Seven years after President Bush inherited a projected 10-year $5.6 trillion year budget surplus, the Congressional Budget Office now reports that the FY 08 budget deficit will be $396 billion and the FY 09 budget deficit will total $342 billion. These are the second and fourth largest budget deficits in U.S. history. Not coincidentally, the first and third largest budget deficits in U.S. history were also recorded during the Bush administration.

During the same period, our national debt has exploded by $3.9 trillion to well over $9 trillion—or more than $30,000 for every citizen in the United States. In fact, each taxpayer is now paying over $3000 every year just to pay the interest on their share of the national debt.

Astonishingly, this budget deterioration has coincided with dangerous disinvestment in our Nation's health, education, public safety, energy independence, veterans and basic scientific research—among other critically important priorities.

This budget document changes all that. It rejects the President's misguided cuts in health care for seniors and lower-income citizens. It increases our national investment in education and lifelong job training. It restores funding for State and local law enforcement. It prioritizes the development of next generation renewable energy and energy efficiency technologies. It spares veterans the President's proposed fee increases for health care they have rightfully earned. And it provides robust funding for the Democratic innovation agenda to enhance our Nation's position in the global marketplace.

Importantly, this budget accomplishes these objectives while providing middle class tax relief to millions of hard-working Americans by patching the Alternative Minimum Tax and extending the child tax credit, marriage penalty relief and the 10 percent income tax bracket. Consistent with the PAYGO rules adopted by this House, this document achieves these public policy goals with no new deficit spending. And it brings our budget into balance in 2012.

Mr. Chairman, this budget represents a properly prioritized, fiscally responsible blueprint for the Nation's future. I urge its adoption and encourage my colleagues' support.

Mr. HALL of New York. Mr. Chairman, I reluctantly voted against the substitute budget offered by Ms. LEE of California. I express that reluctance because this substitute included a number of individual provisions that I am very proud to support.

I strongly applaud the fact that the substitute budget included full funding for vital education programs, including No Child Left Behind. I believe Congress must continue working toward the goal of eliminating unfunded mandates. For too long, President Bush and his Republicans supporters have forced local communities to bear the brunt of the cost of No Child Left Behind's mandates. This has caused undue stress on local government's budgets, and led to an unacceptable increase in local property taxes in the nineteenth district of New York and across the country.

I'm also proud to support the commitment this bill has for full, guaranteed funding for veterans' healthcare. The ongoing wars in Iraq and Afghanistan have created a new generation of veterans with new healthcare needs. We must make sure that the VA healthcare system will accommodate this new influx of patients, while continuing to provide high quality care for veterans from previous generations. As a member of the Committee on Veterans' Affairs, I am committed to the fact that the VA must honor the pact we make with our soldiers; if they fight to defend our Nation, our Nation will always make sure they have the care they need.

I was also pleased that the substitute budget included additional steps to provide more immediate help to those people struggling to deal with our troubled economy. I was proud to support the bipartisan economic stimulus package when it passed the House earlier this year, and while it was a good start, I believe we need more relief specifically targeted to working and middle class families who are feeling the worst right now. Relief for these people will only come from our commitment to increasing assistance for unemployment insurance, food stamps, Federal Medical Assistance Percentage payments to states, and housing assistance as is contained in the substitute budget.

Although I've highlighted these specific provisions, there are a number of other highly commendable parts of this amendment I would have been proud to support. The proposal includes much-needed provisions to crack down on corporate welfare and a commitment to expand health coverage to all Americans, which I wholeheartedly support. It also includes the repeal of the Bush tax cuts, which have helped to put us on the path to fiscal ruin while providing no relief for working families.

I strongly support these provisions, and would embrace the opportunity to vote for them. Unfortunately, after years of Republican rule, our Nation finds itself in the midst of a fiscal nightmare, and I believe the only way to restore some semblance of financial discipline is through the admirable budget that chairman SPRATT has put together. It is a difficult decision, but one I do not make lightly. I am also concerned that the substitute amendment failed to include much needed reform of the AMT. The AMT unnecessarily burdens over 30,000 families in my district and threatens to dip further into the middle class. Any budget that fails to deal with the AMT fails to deal with one of our most pressing national concerns.

The underlying budget resolution, which I did vote for, contains significant funding increases for many of the programs I have discussed. The resolution also balances the budget and provides vital AMT relief for taxpayers. In light of our difficult fiscal situation, I believe that the underlying budget represents a strong step forward, and I believe it was deserving of my support.

Mr. DINGELL. Mr. Chairman, today I rise in support of H. Con. Res. 312, the House Budget Resolution for fiscal year 2009.

There are a number of reasons why the President's budget was considered ''dead on arrival'' by Members of this House. I can think of five off of the top of my head—(1) $200 billion in cut funding over 5 years from Medicare and Medicaid; (2) $570 million in cut funding from the Low Income Home Heating Assistance Program; (3) $800 million cut from the Federal-Aid Highways Administration; (4) $85 million from the Manufacturing Extension Partnership and 5) $59 million cut from the Migration and Refugee Assistance. The icing on the cake—the President proposed freezing spending for the Consumer Product Safety Commission and the National Institutes of Health.

If this is not a sign that this President is out of tune with the American people, then I would advise this President that he spend more time reading the mail that comes to his office and less time on his ranch in Crawford.

With today's budget resolution, the House is holding true to its commitment to the American people and the priorities of our families. Frankly, there is no excuse to continue to neglect the families that need help from their government.

Recently the Congressional Budget Office projected that under the current policies of this administration the budget deficit will reach $396 billion in 2008 and $342 billion in 2009. These are the second and fourth largest deficits ever. I would remind my colleagues that when this administration took office we were fortunate to have a projected $5.6 trillion 10-year surplus. For a President who continues to advocate for fiscal responsibility, it appears to me that he has not followed his own advice.

Currently, 80 cents of every dollar of new debt since 2001 is owed to foreign investors. This is not a trend that we will let continue. Unlike the Bush administration, the Democratic Budget will be balanced by 2012 and will remain in balance in 2013. Furthermore, we will reduce the deficits over the next 5 years while continuing to follow pay-as-you-go.

The Democratic Budget also holds true to its commitment to our veterans by increasing funding for 2009 by $3.6 billion above the current level. At the same time that the administration is demanding more and more from our troops, they have also shamefully proposed $18 billion over 5 years in new fees for veterans and military retirees. Our troops have served in Iraq and Afghanistan honorably and dutifully and they deserve to come home to quality health care and strong education benefits. This budget will allow the VA to treat 5.8 million patients in 2009, 333,275 of which are Iraq and Afghanistan war veterans.

On January 20, the Commission on the Guard and Reserve issued a report announcing that the military is not ready for a catastrophic attack on the country. More worrisome is the conclusion that the National Guard is ill-trained and ill-equipped to handle the job. The Democratic budget addresses this issue by focusing on improving military readiness and enhancing the pay and benefits for our troops in order to improve their quality of life.

In the last 7 years, this Administration has failed to support our first responder programs, firefighter assistance grants and the Community Oriented Policing Services. The Democratic budget proposes to reverse this trend by placing a high priority on restoring funding. It is imperative that while we are assisting those abroad with their security needs, that we are also supporting our own domestic security needs.

I am proud to say that this budget proposal will also follow through on our commitment to expand children's health insurance coverage by providing a $50 billion increase to the State Children's Health Insurance Program (SCHIP) so that we can provide healthcare to millions more children who otherwise would go uninsured. As we all witnessed last year, the President vetoed legislation expanding SCHIP on two occasions. In my home state of Michigan we have seen the number of uninsured increase to 10.7 percent of Michigan's population. Rather than making healthcare coverage less accessible, Congress must be doing everything it can to ensure that every individual who wants healthcare coverage has the means to get it.

The Democratic budget also rejects the proposed $500 billion in cuts to Medicare and Medicaid. There is no doubt that this President does not place the health of our families on the top of his priority list, however, his budget did ensure that his fat cat friends in the insurance industry would still receive the overpayments to private managed care plans. I am

pleased to say that the House has proposed $1.9 trillion in mandatory spending programs, including Medicare, Medicaid and Social Security.

As we have seen college costs and tuitions skyrocket, this President has proposed freezing funding to the Department of Education. The President has again failed to provide funding for No Child Left Behind (NCLB), providing only $24.6 billion for 2009, making the cumulative shortfall for NCLB $85.6 billion. On top of this, the President has proposed cutting Teacher Quality State Grants by $100 million. At a time when we are asking our teachers and schools to meet rigorous standards of NCLB, how can we cut funding from a program designed to assist with professional development?

The Democratic budget rejects these cuts by providing $7.1 billion for education and job training above the President's proposal. If we want to turn our economy around we must have workers that are well-trained and equipped to compete in the global market. However, to do so we must address rising college costs. In the last year the average tuition and fees to attend a four-year in-state public college increased 6.6 percent to $6,185, and for a four-year private college families are facing a bill of $23,712. This budget resolution will help parents and students pay for college raising the maximum Pell grant and continuing Perkins Loans and Supplemental Opportunity Grants.

The Democratic budget provides funding that is crucial for job creation. As we have seen here at home, our economy is heading towards a recession. From 2001–2006 alone, Michigan lost 235,000 jobs, many of them high-paying manufacturing jobs. With the rising unemployment rate, it is clear that we need to invest in our workers and new industries that would promote job creation here at home.

This budget provides critical funding for the America COMPETES Act increasing funding for math and science education and research. The Manufacturing Extension Partnership, which was drastically cut under the President's budget, will receive continued funding which will help to retain 37,000 jobs. It also supports the trade adjustment assistance program, which would provide 130,000 workers with both income support and access to training.

In the past year we have witnessed the danger of our neglected infrastructure in the tragedy of the Minneapolis bridge collapse. Until the next surface transportation bill, we must ensure that our roads and bridges are receiving the funding and support needed to be safe and secure for our communities. We must also address the negative effects of the rising costs in fuel. Congestion on our roads has resulted in 26 gallons of wasted fuel per person, costing our constituents $78 billion annually.

Over the years we have heard time and again from the President that we must decrease our dependence on foreign oil, yet he has proposed cutting funding for our highway and transit programs, mass transit expansions and Amtrak by $2 billion below authorized levels. The Democrats will not stand for this and instead propose increasing the investment in transportation infrastructure by $41.2 billion for highway programs, $10.3 billion for transit, $1.3 billion for highway safety and $3.9 billion in airport improvement grants. This will save our constituents delays on the roads and in the airports and reduce pollution and fuel needs.

Just this week it was announced that Michigan is sixth in the nation for foreclosures; nationally almost 2.8 million homeowners are at risk of losing their homes to foreclosures. Last year the House passed legislation that would create an affordable housing fund, which is currently awaiting Senate consideration. This budget takes a step forward by providing needed funding for the $2.8 billion shortfall for the project-based rental assistance program at the Department of Housing and Urban Development and provides funding for tenant-based rental assistance.

The Democratic budget would also help those that are struggling with home heating costs by rejecting the President's cut to the Low-Income Home Energy Assistant Program. Since 2001, home heating costs have gone up by 80 percent. There is no reason our families should be choosing between groceries and heat during the tough winter months.

While the President can propose cutting funding, Congress will continue to provide funding for bipartisan programs such as our water and natural resources programs. This budget rejects the proposed $2.9 billion in cuts and instead invests in water infrastructure that will promote and protect our clean and safe drinking water supplies.

The Democratic budget provides tax relief for the middle class families that need it most. The Democratic budget will continue the tax cuts for the middle class, while also preventing 20 million families from being subject to the alternative minimum tax.

Finally, earlier this year, I wrote a letter to Chairman SPRATT requesting that he keep in mind the plight of the millions of Iraqi refugees and internally displaced persons when preparing the budget priorities for this year. I am happy that he was able to include language in the Committee Report accompanying the budget document recognizing this humanitarian crisis.

Mr. Chairman, I am pleased to say that not only have we received the last budget proposal from this Administration, but it is also the last budget of empty promises. I look forward to passing the Democratic budget resolution proving Congress's commitment to our American families. More importantly, I look forward to working next year with my colleagues and the next Administration to develop a fiscally responsible budget that will finally put the needs of our country first.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong support of the Progressive Caucus Budget Substitute.

This week, many of my constituents are visiting Washington, DC. They are here asking for more funding for important Federal programs.

I keep explaining to them, that I will do my best; we all will do our best. We will fight for them; we will fight with them.

But the problem is the war in Iraq. Every penny we spend on this war is another penny that will cost our children, our grandchildren, our great grandchildren. Every cent we spend on this war in an emergency supplemental is off-budget. But every dollar we invest in health care, unemployment insurance, housing, in child welfare is subject to devastating cuts. This administration believes that we have an endless pot of money for war, but no money for hard-working Americans.

Across the country people are struggling. They are struggling to keep up with their bills. Struggling to pay their mortgages, pay for college, pay for food, pay for gas. They come here and ask us to invest in their needs. They ask us to provide funding not for the war but for their communities.

Mr. Chairman, this budget amendment does just that. We provide nearly $132 billion more than the President to assist struggling Americans. This proposal responds to our constituents. It says we found a way to fund what is important to you.

I urge all of my colleagues to vote ''yes'' on this amendment.

Mr. WILSON of South Carolina. Mr. Chairman, the Democrats proposed budget is tax and spend all over again.

Instead of preserving tax relief for Americans, the Democrat budget includes a $683 billion tax increase. This is $683 billion dollars the majority plans to take from everyday American, who are already feeling the pinch from rising gas prices, increasing food costs, and credit card debt. These horrendous tax increases are meant to pay for the tens of billions in wasteful, new Federal spending proposed in the Democrat budget.

And where is the entitlement reform that we so desperately need to ensure our children and grandchildren are not saddled with the price of our inaction? It is nowhere to be found in the Democrat budget.

For a majority leadership that sailed into power under the guise of change, it is terribly obvious that what this budget represents is merely more of the same—more of the same wasteful spending and tax increases to pay for it all. Washington does not have a revenue problem. It has a spending problem. The Democrat budget has got it backwards.

In conclusion, God bless our troops, and we will never forget September 11th.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today to support the Fiscal Year 2009 Democratic Budget Resolutions.

Once again this year, the President's budget proposal made a number of cynical choices and cut or eliminated programs that make a real difference in people's lives. The President's budget calls for more than $1 trillion in tax breaks for the wealthiest Americans over 10 years at the expense of vital domestic programs that benefit millions of people. The President's cuts include $479 billion of Medicare cuts, and $94 billion in cuts to Medicaid over 10 years; more than $18 billion over 5 years in new fees for veterans and military retirees; cuts to EPA grants that help protect public health and maintain environmental quality; and the elimination of several state and local law enforcement programs, including Byrne Grants and COPS funding.

The President has already taken a projected 10-year surplus of $5.6 trillion and turned it into a $3.2 trillion deficit. Now the President wants to slash funding for crucial domestic programs while he continues to spend $10.3 billion a month for the war in Iraq—a war that

has already cost more than $495 billion and which may cost more than $3 trillion by the end of our involvement. This war has cost Americans far too much—most importantly, in terms of lives.

The President's budget also misses the boat by choosing not to fund programs which would stimulate economic growth and benefit all Americans. For example, the President's budget does not include much-needed increases for things such as rehabilitating our Nation's crumbling schools and highways, securing our ports, investing in renewable energy, and helping lower the cost of healthcare for millions of children and seniors. And I was also dismayed to see the number of cuts in the President's budget that come at the expense of our Nation's poorest citizens. To cite just one example, the budget eliminates the Community Services Block Grants which reduce poverty and provide assistance for individuals dealing with housing, health, nutrition, energy, and substance abuse problems.

I am proud that the Democratic budget resolutions restore sanity to our Nation's fiscal policy. Our budget increases veterans funding for 2009 by $3.6 billion (8 percent) above current services; provides additional resources to address long-standing domestic priorities within a fiscally responsible framework, including increased funding for scientific innovation and energy initiatives, and education, training, and social services; and it rejects the President's proposed cuts, including cuts to environmental protection, first responders, and Low Income Home Energy Assistance Program. It also makes room for the expansion of children's health insurance coverage, and includes reforms to improve Medicare for beneficiaries and reforms of the Higher Education Act to make college more affordable.

H. Con. Res. 312 is not perfect. I wish it included less spending on unnecessary, outdated weapons programs, and more spending on domestic priorities for relief for the millions of Americans who are struggling to make ends meet amidst higher energy, healthcare, and food costs; and for the people in our society who need the most help. However, I am grateful to Chairman SPRATT for crafting a budget that rejects the President's cuts.

I am also proud to support the Congressional Progressive Caucus substitute, which provides over $550 billion for domestic nonmilitary discretionary spending in FY09—over $130 billion above President's request—to restore the President's harmful cuts. This budget contains a second economic stimulus package that would include an extension of unemployment insurance, an increase in assistance for food stamps, Medicare payments to states, and foreclosure relief, as well as over $300 billion to rebuild our Nation's crumbling schools and roads. It also provides $1.22 trillion to cut the poverty rate in half over the next decade, starting with redress and reconstruction for Gulf Coast victims of Hurricane Katrina. It does this by cutting down on waste, fraud in the Pentagon and by eliminating certain cold war weapons systems; as well by closing egregious corporate tax loopholes and rolling back the President's tax cuts for the wealthiest Americans.

Mr. Chairman, the President's last budget is no more than a sad continuation of his failed fiscal policies. I'd like to thank Chairman SPRATT once again for all of his hard work on the budget, and am proud to stand with my Democratic colleagues to support a budget that rejects the President's cuts and reinvests in our domestic priorities.

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. CAPUANO, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, pursuant to House Resolution 1036, he reported the concurrent resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the concurrent resolution will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 991.

The vote was taken by electronic device, and there were—yeas 212, nays 207, not voting 12, as follows:

[Roll No. 141]

YEAS—212

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—207

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton

Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—12

Boustany
Hooley
Hunter
LaHood
Oberstar
Rangel
Renzi
Rush
Tancredo
Weller
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1750

Mr. SHULER changed his vote from ''yea'' to ''nay.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

RECOGNIZING THE EXCEPTIONAL SACRIFICE OF THE 69TH INFANTRY REGIMENT, KNOWN AS THE FIGHTING 69TH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 991, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCINTYRE) that the House suspend the rules and agree to the resolution, H. Res. 991.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 24, as follows:

[Roll No. 142]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
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Dent
Diaz-Balart, L.
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Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
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Ferguson
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Forbes
Fortenberry
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Foxx
Frank (MA)
Franks (AZ)
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Gallegly
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Herseth Sandlin
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Hill
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Hobson
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Inslee
Israel
Issa
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Jefferson
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Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
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Kingston
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Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
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Lee
Levin
Lewis (GA)
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Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
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Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
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Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
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Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
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Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
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Scott (GA)
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Sensenbrenner
Serrano
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Sestak
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Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
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Snyder
Solis
Souder
Space
Spratt
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Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—24

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Boustany
Cramer
Gohmert
Gutierrez
Hooley
Hunter
King (IA)
LaHood
Lewis (CA)
McCarthy (NY)
McCollum (MN)
McCotter
Meeks (NY)
Oberstar
Rangel
Renzi
Rush
Tancredo
Tierney
Waters
Weller
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

□ 1759

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Madam Speaker, I was detained in the elevator while attempting to reach the House floor to cast my vote on roll-call 142 earlier this evening. Had I been able to reach the floor before the vote was closed, I would have voted ''yea.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5464

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent to remove my name as an original cosponsor of H.R. 5464, the A Child is Missing Alert and Recovery Center Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PENSION PROTECTION TECHNICAL CORRECTIONS ACT OF 2008

Mr. STARK. Madam Speaker, I ask unanimous consent that the Clerk be authorized to engross the bill, H.R. 3361, in the form of the bill that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

H.R. 3361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the ''Pension Protection Technical Corrections Act of 2008''.

(b) REFERENCES TO ACTS.—For purposes of this Act—

(1) AMENDMENT OF 1986 CODE.—The term ''1986 Code'' means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term ''ERISA'' means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term ''2006 Act'' means the Pension Protection Act of 2006.

SEC. 2. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 302(c)(7) of ERISA is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking '', the valuation date,''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 412(c)(7) of the 1986 Code is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking '', the valuation date,''.

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 303(f)(4)(A) of ERISA is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking ''section 205(g)(3)(B)(iii)(I)) for such month'' and inserting ''section 205(g)(3)(B)(iii)(I) for such month)'', and

(ii) by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.'',

(ii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iii) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 303(k)(6)(B) of ERISA is amended by striking '', except'' and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking ''as of the first day of the plan year'' the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking ''paragraph (2)'' in paragraph (4)(A) and inserting ''paragraph (3)'',

(iii) by striking ''paragraph (1), (2), or (4) of section 206(g)'' in paragraph (6)(B)(iii) and inserting ''subsection (b), (c), or (e) of section 436'',

(iv) by striking ''the sum of'' in paragraph (6)(C), and

(v) by striking ''of the Treasury'' in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting ''and target normal cost'' after ''funding target'' in subparagraph (B),

(ii) by striking ''liabilities'' and inserting ''benefits'' in subparagraph (B),

(iii) by striking ''section 417(e)(3)(D)(i)) for such month'' in subparagraph (F) and inserting ''section 417(e)(3)(D)(i) for such month)'', and

(iv) by striking ''subparagraph (B)'' in subparagraph (F) and inserting ''subparagraph (C)''.

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.'',

(ii) by striking ''section 302(c)'' in subparagraph (D)(ii)(II) and inserting ''section 412(c)'',

(iii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iv) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting ''(as provided under paragraph (2))'' after ''applies'' in paragraph (1), and

(ii) by striking '', except'' and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking ''section 206(g)(4)(B)'' and inserting ''section 206(g)(4)(A)''; and

(ii) by adding at the end the following: ''The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.''.

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking ''a funding'' and inserting ''an adjusted funding''.

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting ''BENEFIT'' after ''EVENT''.

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.''.

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting ''adjusted'' before ''funding''.

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking ''without regard to this subparagraph and'' in clause (i), and

(ii) in clause (iii)—

(I) by striking ''without regard to this subparagraph'' and inserting ''without regard to the reduction in the value of assets under section 303(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.''.

(H) Section 502(c)(4) of ERISA is amended by striking ''by any person'' and all that follows through the period and inserting ''by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking ''section 303'' and inserting ''section 430'' in the matter preceding subparagraph (A), and

(ii) by striking ''a funding'' and inserting ''an adjusted funding'' in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting ''BENEFIT'' after ''EVENT'' in the heading, and

(ii) by striking ''any event'' in subparagraph (B) and inserting ''an event''.

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.''.

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting ''adjusted'' before ''funding'' in paragraph (1)(D), and

(ii) by striking ''prefunding balance under section 430(f) or funding standard carryover balance'' in paragraph (2) and inserting ''prefunding balance or funding standard carryover balance under section 430(f)''.

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking ''without regard to this paragraph and'',

(II) by striking ''section 430(f)(4)(A)'' and inserting ''section 430(f)(4)'', and

(III) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'', and

(ii) in subparagraph (C)—

(I) by striking ''without regard to this paragraph'' and inserting ''without regard to the reduction in the value of assets under section 430(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

''(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

''(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.''.

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking ''subsection'' and inserting ''section'', and

(B) by striking ''subparagraph'' and inserting ''paragraph''.

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking ''the normal costs, the accrued liabilities'' and inserting ''the normal costs or target normal costs, the accrued liabilities or funding target'', and

(ii) by striking paragraph (7) and inserting the following new paragraph:

''(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.''.

(B) Section 4071 of ERISA is amended by striking ''as section 303(k)(4) or 307(e)'' and inserting ''or section 303(k)(4),''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking ''ON PLANS IN AT-RISK STATUS'' in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking ''section 430(j)'' and inserting ''section 430(j)(3)'', and

(ii) by striking ''paragraph (5)(A)'' and inserting ''section 430(j)(4)(A)''.

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subparagraph (B)(iii) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(b)(2) (without regard to subparagraph (B) thereof)'' in subparagraph (D) and inserting ''section 412(b)(1), without regard to section 412(b)(2)''.

(D) Section 411 of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subsection (a)(3)(C) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(e)(2)'' in subsection (d)(6)(A) and inserting ''section 412(d)(2)''.

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

''(I) the sum of the funding target and target normal cost determined under section 430, over''.

(F) Section 4971 of the 1986 Code is amended—

(i) by striking ''required minimum'' in subsection (b)(1) and inserting ''minimum required'',

(ii) by inserting ''or unpaid minimum required contribution, whichever is applicable'' after ''accumulated funding deficiency'' each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking ''section 412(a)(1)(A)'' in subsection (e)(1) and inserting ''section 412(a)(2)''.

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

''(g) EFFECTIVE DATES.—

''(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

''(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.''.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting ''to an applicable covered employee'' after ''under the plan''.

SEC. 3. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking ''has not used'' and inserting ''has not adopted, or ceased using,''.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 302(b)(3) of ERISA is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(B) Section 305(b)(3)(C) of ERISA is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(C) Section 305(b)(3)(D) of ERISA is amended by striking ''The Secretary'' in clause (iii) and inserting ''The Secretary of the Treasury, in consultation with the Secretary''.

(D) Section 305(c)(7) of ERISA is amended—

(i) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.'', and

(iii) by adding at the end the following new subparagraph:

''(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.''.

(E) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'',

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'', and

(III) by adding at the end the following new clause:

''(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)(C)(iii)—

(I) by striking ''the Secretary'' in subclause (I) and inserting ''the Secretary of the Treasury, in consultation with the Secretary'', and

(II) by striking ''Secretary'' in the last sentence and inserting ''Secretary of the Treasury'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(F) Section 305(f)(2)(A)(i) of ERISA is amended by adding at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs after the date such notice is sent,''.

(G) Section 305(g) of ERISA is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(H) Section 502(c)(2) of ERISA is amended by striking ''101(b)(4)'' and inserting ''101(b)(1)''.

(I) Section 502(c)(8)(A) of ERISA is amended by inserting ''plan'' after ''multiemployer''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking ''The Secretary of Labor'' and inserting ''The Secretary, in consultation with the Secretary of Labor''.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking ''section 304(d)'' in subparagraph (A)(ii) and inserting ''section 431(d)'', and

(ii) in paragraph (7)—

(I) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.''.

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'', and

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)—

(I) by striking ''section 204(g)'' in subparagraph (A)(i) and inserting ''section 411(d)(6)'',

(II) by inserting ''of the Employee Retirement Income Security Act of 1974'' after ''4212(a)'' in subparagraph (C)(i)(II),

(III) by striking ''the Secretary of Labor'' in subparagraph (C)(iii)(I) and inserting ''the Secretary, in consultation with the Secretary of Labor'', and

(IV) by striking ''the Secretary of Labor'' in the last sentence of subparagraph (C)(iii) and inserting ''the Secretary'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended—

(i) by striking ''section 411(b)(1)(A)'' and inserting ''section 411(a)(9)''; and

(ii) by inserting at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs after the date such notice is sent,''.

(F) Section 432(g) of the 1986 Code is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking ''section 412(a)'' in paragraph (3) and inserting ''section 431(a)'', and

(ii) by striking paragraph (9) and inserting the following new paragraph:

''(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g)—

''(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

''(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).''.

(H) Section 412(b)(3) of the 1986 Code is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking ''first day of'' and inserting ''day following the close of'', and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

''(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking ''Section 4971(c)(2) of such Code'' and inserting ''Section 4971(e)(2) of such Code''.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting '', except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year'' before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking ''section 305(b)(3) of the Employee Retirement Income Security Act of 1974'' and inserting ''section 432(b)(3) of the Internal Revenue Code of 1986''.

SEC. 4. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking ''2008'' and inserting ''2009''.

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking ''section 205(g)(3)(B)(iii)(II)'' and inserting ''section 205(g)(3)(A)(ii)(II)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking ''clause (ii)'' and inserting ''subparagraph (C)''.

(B)(i) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

''(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).''.

(ii)(I) Except as provided in subclause (II), the amendment made by clause (i) shall apply to years beginning after December 31, 2008.

(II) A plan sponsor may elect to have the amendment made by clause (i) apply to any year beginning after December 31, 2007, and before January 1, 2009, or to any portion of any such year.

SEC. 5. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking ''1990'' and inserting ''2005''.

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking ''commercial airline'' and inserting ''commercial''.

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''.

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking ''and'' at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

''(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

''(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and''.

SEC. 6. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking ''for which the latest annual report filed under section 104(a) was filed'' in subclause (I)(aa) and inserting ''to which the notice relates'', and

(2) by striking subclause (II) and inserting the following new subclause:

''(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of

the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),''.

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

''Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).''.

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking ''section 103(f)'' and inserting ''section 101(f)'', and

(ii) striking ''the administrators'' and inserting ''the administrator''.

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting ''funding'' after ''plan's''.

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking ''section 101(f)'' and inserting ''section 104(d)''.

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking ''section 302(d)(2)'' and inserting ''section 303(d)(2)''.

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking ''subsection (a)(2)'' the second place it appears and inserting ''subparagraph (A) or the regulations under subsection (a)(2)''.

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking ''and plan sponsor'' and inserting '', the plan sponsor, or the corporation'', and

(B) by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking ''regulations prescribed by the Secretary'' and inserting ''such regulations as the Secretary may prescribe'', and

(B) by striking the last sentence and inserting ''The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).'', and

(2) by striking paragraph (2) and inserting the following:

''(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).''

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

''(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

SEC. 7. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking ''subsection (b)(14)(B)(ii)'' and inserting ''subsection (b)(14)(A)(ii)''.

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking ''financial adviser'' and inserting ''fiduciary adviser''.

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking ''the participant'' each place it appears and inserting ''a participant'', and

(ii) by striking ''section 408(b)(4)'' in clause (ii) and inserting ''subsection (b)(4)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking ''and that permits'' and inserting ''that permits''.

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking ''subsection (b)(14)'' and inserting ''subsection (d)(17)'',

(ii) in subparagraph (C)(iv)(II), by striking ''subsection (b)(14)(B)(ii)'' and inserting ''(d)(17)(A)(ii)'',

(iii) in subparagraph (F)(i)(I), by striking ''financial adviser'' and inserting ''fiduciary adviser,'',

(iv) in subparagraph (I), by striking ''section 406'' and inserting ''subsection (c)'', and

(v) in subparagraph (J)(i)—

(I) by striking ''the participant'' each place it appears and inserting ''a participant'',

(II) in the matter preceding subclause (I), by inserting ''referred to in subsection (e)(3)(B)'' after ''investment advice'', and

(III) in subclause (II), by striking ''section 408(b)(4)'' and inserting ''subsection (d)(4)''.

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking ''section 4975(c)(3)(B)'' and inserting ''section 4975(e)(3)(B)''.

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking ''or less''.

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking ''party in interest'' and inserting ''disqualified person'', and

(ii) by striking ''subsection (e)(3)(B)'' and inserting ''subsection (e)(3)'',

(B) in paragraphs (19), (20), and (21), by striking ''party in interest'' each place it appears and inserting ''disqualified person'', and

(C) by striking ''or less'' in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting ''of the Employee Retirement Income Security Act of 1974'' after ''section 407(d)(1)'', and

(2) inserting ''of such Act'' after ''section 407(d)(2)''.

(d) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking ''participant'' each place it appears and inserting ''participant or beneficiary''.

SEC. 8. AMENDMENTS RELATED TO TITLE VII.

(1) AMENDMENTS TO ERISA.—

(A) Section 203(f)(1)(B) of ERISA is amended to read as follows:

''(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,''.

(B) Section 204(b)(5) of ERISA is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(C) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 411(b)(5) of the 1986 Code is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(B) Section 411(a)(13)(A) of the 1986 Code is amended—

(i) by striking ''paragraph (2)'' in clause (i) and inserting ''subparagraph (B)'',

(ii) by striking clause (ii) and inserting the following new clause:

''(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,'', and

(iii) by striking ''paragraph (3)'' in the matter following clause (ii) and inserting ''subparagraph (C)''.

(C) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 701(d)(2) of the 2006 Act is amended by striking ''204(g)'' and inserting ''205(g)''.

(B) Section 701(e) of the 2006 Act is amended—

(i) by inserting ''on or'' after ''period'' in paragraph (3),

(ii) in paragraph (4)—

(I) by inserting ''the earlier of'' after ''before'' in the matter preceding subparagraph (A), and

(II) by striking ''earlier'' and inserting ''later'' in subparagraph (A),

(iii) by inserting ''on or'' before ''after'' each place it appears in paragraph (5), and

(iv) by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

''(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

''(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply

to plan years ending on or after June 29, 2005.''.

SEC. 9. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking ''430(g)(2)'' in paragraph (2)(A)(ii) and inserting ''430(g)(3)'', and

(B) by striking ''412(f)(4)'' in paragraph (4)(B) and inserting ''412(d)(3)''.

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking ''the plan's funding shortfall determined under section 430'' in the last sentence and inserting ''the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))''.

(b) AMENDMENT RELATED TO SECTION 802.—Section 404(a)(1)(D)(i) of the 1986 Code is amended by striking ''431(c)(6)(C)'' and inserting ''431(c)(6)(D)''.

(c) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

''(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

''(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

''(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.''.

(d) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second ''an'' before ''eligible'',

(B) by striking ''other than a Roth IRA'', and

(C) by adding at the end the following new flush sentence:

''This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).''

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking ''(other than a Roth IRA)'' and by inserting at the end the following new sentence: ''This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)''.

(e) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting ''on or'' before ''before''.

(f) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting ''described in paragraph (8)(B)(iii)'' after ''eligible retirement plan'' in subparagraph (A), and

(B) by striking ''trust'' before ''designated beneficiary'' in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''Such term shall include any distribution to a designated beneficiary which would be treated as an eligible rollover distribution by reason of subsection (c)(11), or section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B), if the requirements of subsection (c)(11) were satisfied.''

(B) Clause (i) of section 402(c)(11)(A) of the 1986 Code is amended by striking ''for purposes of this subsection''.

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(g) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(h) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking ''subparagraph (C)(ii)'' and inserting ''subparagraph (B)(ii)''.

(i) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C).''

(2) Section 420(f)(2) of the 1986 Code is amended by striking ''such'' before ''the applicable'' in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) any transfer described in section 420(f)(2)(B)(ii)(II).''.

(j) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting ''maintained by the employer described in paragraph (4)(B)'' after ''an eligible retirement plan'', and

(ii) by striking ''of the employee, his spouse, or dependents (as defined in section 152)'' ,

(B) in paragraph (4)(D), by—

(i) inserting ''(as defined in section 152)'' after ''dependents'', and

(ii) striking ''health insurance plan'' and inserting ''health plan'', and

(C) in paragraph (5)(A), by striking ''health insurance plan'' and inserting ''health plan''.

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking ''all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(k) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking ''or special trial judge''.

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking ''or special trial judge''.

(l) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(m) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking ''Reconciliation''.

SEC. 10. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

''(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking ''such compensation as exceeds 1 percent but does not'' and inserting ''such contributions as exceed 1 percent but do not''.

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking ''an erroneous automatic contribution'' and inserting ''a permissible withdrawal'', and

(B) by striking ''ERRONEOUS AUTOMATIC CONTRIBUTION'' in the heading and inserting ''PERMISSIBLE WITHDRAWAL''.

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting ''through the end of such taxable year'' after ''such amount''.

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting ''and'' after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

''(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

''(E) a simple retirement account (as defined in section 408(p)).''.

(6) Section 414(w)(6) of the 1986 Code is amended by inserting ''or for purposes of applying the limitation under section 402(g)(1)'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an

eligible combined plan, the plan administrator shall terminate each such plan separately.''

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.'', and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking ''paragraph (1)'' and inserting ''paragraph (10)''.

(2) Section 4021(b) of ERISA is amended by inserting ''or'' at the end of paragraph (12), by striking ''; or'' at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 11. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

''(3)(i) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

''(A) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

''(B) The spouse or former spouse attains age 62.

''(C) The employee attains age 62 (or if deceased, would have attained age 62).

''(ii) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

''(iii) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.''.

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 12. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking ''Act'' the first place it appears and inserting ''section''.

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting '', and'',

(D) by striking ''(15)'' and inserting ''(15)(A) subject to subparagraph (B),'', and

(E) by adding at the end the following:

''(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;'', and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking ''paragraph'' each place it appears in clauses (ii), (iii), and (v)(I) and inserting ''subparagraph'',

(2) striking ''subclause (i)(II)'' in clause (iii) and inserting ''clause (i)(II)'',

(3) striking ''subparagraph'' in clause (v)(II) and inserting ''clause'', and

(4) by striking ''section 101(b)(4)'' in clause (v)(III) and inserting ''section 101(b)(1)''.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

Mr. STARK (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the gentleman's initial request is agreed to.

There was no objection.

PERMISSION TO RESOLVE INTO SECRET SESSION

Mr. HOYER. Madam Speaker, at the request of, and after discussion with, the distinguished Republican whip, I ask unanimous consent that at a time designated by the Speaker on the legislative day of March 13, 2008, the House resolve itself into secret session as though pursuant to clause 8 of rule XVII; secondly, debate in such secret session proceed without intervening motion for 1 hour equally divided and controlled by the majority leader and the minority whip; and, thirdly, at the conclusion of that debate, the secret session shall be dissolved.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. BLUNT. Reserving the right to object, Madam Speaker, I believe I heard the leader say clause 8.

Did you mean clause 9?

Mr. HOYER. Clause 9. Excuse me.

Mr. BLUNT. Clause 9. And this secret session would be convened at some time by the Speaker today when the room has been secured and would dissolve at the end of an hour of discussion? Is that what I understand?

Mr. HOYER. That's what the consent agreement is, pursuant to our discussions.

Mr. BLUNT. I withdraw my reservation, Madam Speaker.

Mr. KUCINICH. Reserving the right to object, Madam Speaker, would the gentleman from Maryland yield to a question?

Mr. HOYER. Certainly.

Mr. KUCINICH. Can you divulge to this House what is going to be discussed, not the content of it, but the topic that's going to be discussed?

Mr. HOYER. My presumption is, and I think that's accurate because of my discussions with the Republican whip, the discussion will be with reference to the Foreign Intelligence Surveillance Act.

Mr. KUCINICH. And the debate that will take place regarding the Foreign Intelligence Surveillance Act, what would conceivably be the nature of that debate?

Mr. HOYER. I can't tell you that because I don't know.

Mr. KUCINICH. Is it going to be debate over legislation?

Mr. HOYER. I presume, I tell the gentleman from Ohio, that it certainly will relate to the legislation that we will then be considering probably at this point in time tomorrow.

Mr. KUCINICH. The gentleman, in his long experience in the House, could he communicate to those who have, in my case, been in this House 12 years or less, anytime in your experience where the House has debated legislation in secret?

Mr. HOYER. My presumption is that we will not debate the legislation in secret. Not only is that my presumption, I think we will clearly have public debate tomorrow on the bill. The minority whip came to me indicating that there were things he thought the Members ought to have knowledge of that he was of the opinion could not be divulged in public debate. There is a provision under our rules to accomplish that objective. After discussion with him and limitation on the time so that we could, in fact, get to a vote on what we believe is very important legislation, we have agreed to this arrangement. Again, it's limited, but we did not want to be nor are we in the position of saying to the minority whip if he has such information that we want to preclude that from being offered, because we want no indication that any information is being withheld. That is appropriate, obviously. There are going to be restrictions, obviously, even in the context of the session.

Mr. KUCINICH. My friend has said two things. One is that there's an assumption that it's going to be about

FISA, and another one is that there is going to be a debate of sorts.

When I asked the question if you are aware of whether or not anything like this has happened before, we are talking about specific legislation that is before this House, would the gentleman know what the precedent for this is? Is this unprecedented that the House of Representatives would be meeting in secret preliminary to legislation that it intends to pass? I haven't experienced this in my time; and for information purposes, I would ask the gentleman, who has been here, I think 26, 28 years, if in his experience he can remember that.

Mr. HOYER. I thank the gentleman. In responding to him, I believe, and I'm not, frankly, absolutely positive, and I am hoping that somebody perhaps on the Intelligence Committee staff or others in the House knows, but I believe that during the early 1980s, 1983, on Contragate there was such a session.

Mr. KUCINICH. When?

Mr. HOYER. In 1983.

Mr. KUCINICH. On what?

Mr. HOYER. Contragate.

Mr. KUCINICH. Iran-Contra?

Mr. HOYER. Yes.

Mr. KUCINICH. Was that before the hearings or after the hearings?

Mr. HOYER. I don't know the answer to that question.

Mr. KUCINICH. Well, I mean there's relevance here.

Mr. HOYER. If you will yield to Mr. BLUNT, he may be able to offer some information.

Mr. KUCINICH. I yield to my friend, Mr. BLUNT.

Mr. BLUNT. My friend, I didn't quite hear your last question.

Mr. KUCINICH. I said was it Iran-Contra?

Mr. BLUNT. It was not on Iran-Contra. It was 1983 and it was on Contra. In fact, our colleague from Florida (Mr. YOUNG) called for that secret session in 1983. There was also a secret session in 1979 and in 1980. So there have been three of these. They were in recent years, but it has obviously been a long time since 1983.

Mr. KUCINICH. And they were preliminary to the passing of legislation?

Mr. BLUNT. I don't know the answer to that.

Mr. KUCINICH. I just want to point out something here, Madam Speaker, as this House proceeds on this track. There are some of us here who feel that this country has drifted towards a version of a national security state. When the House begins to meet in secret on matters that relate to security prior to legislative acts, it raises questions about the Constitution of the United States. I know I am familiar with my friends' awareness that the Constitution gives the Congress the ability to make its own rules. I also understand from the first amendment that Congress wouldn't restrict any establishment of free speech. This is the citadel of free speech. This is the only place in America that someone can stand and say anything they want at any time and be free from any kind of a legal attack.

Once we close that up, we're changing the nature of it at a time when this country's at war, when there have been questions raised about secret meetings and what was told with respect to torture, about secret meetings and what was told with respect to rendition, about secret meetings and what was told with respect to private corporations doing wiretapping.

I just want the Members of this House to incorporate that in their reflections when we proceed to approve an agreement for a secret meeting.

I'd also like to state this, to just share my experience, and that is without referring to any content of any secret meeting I have been in, and I have been in a few at the beginning of my term in the House, I have found from my own experience, from my own experience, that secret meetings end up being occasions for the communication of information of, at least at best, dubious value. And I am not in any way impugning the motives of my good friends who are asking for a secret meeting in this case. But I am sharing with you my experience prior to this moment that secret meetings have been the occasion to communicate information that hasn't been particularly forthright or true.

Now, I could point to individuals, at least one individual who is sitting in this Chamber right now, who, when we had a secret meeting right after 9/11, walked right down that aisle and uttered a famous barnyard expletive after we were being briefed in a secret meeting by a member of the administration. Some of you who were there at the time remember. So I'm just communicating a concern here about the path we're going down, and I can only do that.

I will not attend that meeting. I will withdraw my reservation of objection. But I want to have my friends here know that we ought to be proceeding with the utmost caution in going in this direction. I am not going to be attending such a session. I believe that it violates the spirit of this House, but I will withdraw my reservation of objection since my good friend feels that this is the path that he has to go.

The SPEAKER pro tempore. Is there further objection?

Mr. PASTOR. Madam Speaker, reserving the right to object, would the leader yield for two questions?

Mr. HOYER. Yes.

Mr. PASTOR. As I understand the situation, we are going to secure the Chamber, and in securing the Chamber, I think it means that from the Cloakroom, the people who work the Cloakroom who usually tell us when the Chamber will be cleared, how are they going to communicate that we can come back in for the secret session?

Mr. HOYER. The answer to the question is you will all be receiving from the leader and the whip's office on your e-mails notification of the time and you will get sufficient notice. It is contingent upon how long it takes those that have the responsibility to do so. But you will be getting your e-mails in a time frame that will allow you to get back notice.

Mr. PASTOR. The second question I have is do you expect to have further votes tonight, for those of us who will not attend this secret session and we won't know when it's finished?

Mr. HOYER. If this is approved, my expectation is there probably will be no further votes tonight.

Mr. PASTOR. I withdraw my reservation of objection, Madam Speaker.

The SPEAKER pro tempore. Is there further objection?

Mr. DOGGETT. Reserving the right to object, Madam Speaker, certainly if the minority leader or any other Member of this House has classified information about a sensitive, important subject like foreign intelligence and there is no other way to present it, this is an appropriate way to do it. I want to be sure that I understand the parameters under which that's being done.

It is occurring pursuant to a unanimous consent agreement that sets forth the conditions of this meeting?

Mr. HOYER. Yes.

Mr. DOGGETT. And the minority leader has mentioned there were secret sessions in this House in 1979, in 1980, and 1983; and apparently there has not been one since 1983, to the best of your knowledge?

Mr. HOYER. I think that's accurate.

Mr. BLUNT. If the gentleman would yield, that's to the best of my knowledge. I'm the minority whip. I am sure the leader would verify that as well, and we have Members who were here during that time. But there has not been a secret session since 1983. There have clearly been times when the room has been secured, but not for secret session.

Mr. DOGGETT. So in the history of the United States Congress since its founding, there have been secret sessions no more than five times?

Mr. BLUNT. That's not correct.

Mr. DOGGETT. Do you have an estimate of it?

Mr. BLUNT. I think in the early days they were in secret session all the time or much of the time. Since 1825, I think, there have been three secret sessions. Prior to that I think there were many secret sessions.

Mr. DOGGETT. So since 1825, three times in the history of this country, and at no time since 1983 we have done what you are proposing in this unanimous consent agreement to do.

□ 1815

Now, in this session, so that I understand the parameters and assure that we are not really doing the public's business in secret that ought to be done out here in public, will the session and the debate be limited to the presentation of classified material or the discussion of the significance of that classified material?

Mr. HOYER. That is my expectation.

Mr. BLUNT. If we move this without unanimous consent under the rules, it provides for 1 hour of debate, and you can debate and discuss the information that is presented and the conclusions that may have been drawn from that information.

Mr. DOGGETT. Let me just get clarification of that.

Mr. BLUNT. I don't have the time.

Mr. DOGGETT. I would not want to limit the ability of anyone to debate any aspect of this. If their points are clear and justified, I would want them to do that in front of the American people and not in a secret session, unless it in some way compromised the confidentiality and the classified nature of the material.

And that is why I am trying to be sure that if I come tonight, as I intend to do, to this session, and I hear an hour or 15 or 20 minutes of debate that has nothing to do with these classified materials, I want to know if I am going to have the right to raise a point of order that this is conducting the public's business in secret and that we have been brought here under false pretenses. I assume that won't happen, but I want to be clear before going into this session what my rights are pursuant to the unanimous consent agreement. Because if the unanimous consent agreement does not protect that, then it would be appropriate, I suppose, at this time, to ask that the agreement be amended to provide something along those lines.

Mr. HOYER. I think the answer is that, within the framework of the unanimous consent, I've requested there is not such a limitation. I think the gentleman is correct on that. However, as I said, my expectation and my discussions with the whip ares that the purpose of the session is to offer information that might not otherwise be appropriate to disclose in public session.

My expectation is there is going to be a fulsome debate, as there has been, tomorrow on the legislation itself. So my expectation, given the shortness of the time that we are talking about, 30 minutes per side, we will have the Intelligence Committee here and the Judiciary Committee here to comment, obviously it is going to be a little difficult, because if there is information brought up that there may be comment on that information, and very frankly, the parameters of the debate tomorrow may, although not disclosing that information, may obviously be perceived by many of us as relating to whatever is discussed. It is very difficult to know specifically because I do not know the specific information that that request was made for.

Mr. DOGGETT. I understand. If there is discussion and debate of matters that do not concern classified materials, then under the terms of the unanimous consent agreement and the rules of the House, is any Member of this House who is present for that discussion free to openly discuss in public, during later debate, what was said during that session?

Mr. HOYER. I think that's a very good question. Let me tell you that we have asked. Mr. BLUNT and I have discussed that. And we have asked the appropriate officials, bipartisan officials, of this House, under the rules, to give us the answer to that question and to have on paper the specific advice to every Member of the House so that we cannot have Members go out of here, put themselves at risk of violation of the rules, have clear advice and counsel as to what that is.

Now, it is my belief, this is not an opinion given to me, but it is my belief that every Member of this House that receives information from sources unrelated to this hour are certainly free, as they are right now, to discuss that information. And the fact that it is discussed in the session would not adversely affect that right. I would be shocked and not in agreement with this unanimous consent if the case were otherwise.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield?

Mr. DOGGETT. I believe I control the time under the reservation, but I yield to you.

The SPEAKER pro tempore. The gentleman from Texas controls the time.

Mr. DANIEL E. LUNGREN of California. I was here for the last three secret sessions we had. They are unusual, but it is within the rules that did deal with subject matter dealing with legislation that we were to talk about. We should be careful, however, while some classified information might be discussed, the information that those of us on the Judiciary Committee and Intelligence Committee received of the program we were read into, we are not able to discuss what we were briefed on specifically. We are, as I understand under the rules, able to draw conclusions and attempt to present that based on what we saw, but the fact that we have a secret session does not allow us to speak to that.

Secondly, that which is discussed in the secret session cannot be revealed even if it is of an unclassified nature. It does not prohibit you in the later debate on the floor from discussing the same subject saying the same thing; it is that you cannot refer to it having been in the secret session.

And I hope that helps the gentleman.

Mr. DOGGETT. You are saying you were here in 1979, 1980 and 1983 for those three sessions?

Mr. DANIEL E. LUNGREN of California. Believe it or not, I was, as young as I am now.

Mr. HOYER. We are not surprised by that.

Mr. DOGGETT. I would just suggest that we could be better off having this done in the unanimous consent agreement itself, since that is what's setting out the terms of this discussion. It is a very, very serious matter when we do the public's business in secret. That is why it has only been done three times since 1825. And it is a very bad precedent for this House to get into the business of conducting any of its business in secret, except, and Mr. BLUNT appears to provide the exception, except under a circumstance where there's classified material on something as important as the security of our families. And so long as we have set out all the parameters of the meeting in the agreement, then I have no problem with it. But I don't want it to wander off in debate, which now my friend tells me I can't talk about afterwards, because I came to this secret session about something that maybe didn't need to be secret.

Mr. HOYER. Madam Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Maryland.

Mr. HOYER. The contemplation of this unanimous consent is that there will be no business done in the sense of ''doing business'' as taking legislative action. Nobody contemplates that.

Mr. DOGGETT. I understand the distinction, but I think of my history with the Texas Open Meetings Act, and just the discussing of these matters is part of public business.

Mr. HOYER. If I could continue, there are some in this body who have, because of their membership on particular committees, been able to see information in secret which other Members of this body have not seen. As the distinguished gentleman from California observed, there are still limitations notwithstanding this secret session.

We have a room that allows people to receive information in secret. They are not necessarily transacting business; although, the Intelligence Committee obviously on both Houses does, in fact, conduct its business in secret in that they vote in secret on some legislation.

All this contemplates is the offering and receiving of information that the minority has represented they believe they want to give to the Members that they ought not to give in open session. The matter that we are considering obviously is a very important, critical matter. There are substantial, as you know, differences. You and I agree on most of those. We perhaps disagree with others. It was the Speaker's and

my view after discussing with Mr. CONYERS and Mr. REYES that to deny that would give Members the impression that somehow we did not believe they ought to have that information.

Now, I don't know what the information is, as I have said. But having said that, we certainly do not contemplate any business being done. Now, the fact that a Member may say something that is not secret, I would presume things are going to be said in there that are not secret. The gentleman from Ohio raised some excellent points. I share the concern of the gentleman from Texas and the concerns.

But I also understand this is a serious matter. We believe in public we will debate tomorrow a serious proposal as to how to serve our intelligence interests and our constitutional responsibilities. So I am hopeful that we will not object to this, although I think the concerns raised are absolutely legitimate, very serious, worthwhile concerns, and as the gentleman from Texas observes, which is why this is done so very infrequently. I have only been a participant in the 1983 session.

I thank the gentleman for yielding. But that is my take on what is going to transpire.

Mr. BLUNT. Madam Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Texas.

Mr. BLUNT. I will say to my friend, I appreciate your concern about this. I would also say the rules provide for this kind of session. Many Members of the House, more Members in the majority than the minority were here when we had a secret session before when we talked about implementing legislation of the Panama Canal Zone or Cuba and other Communist block countries' involvement in Nicaragua.

I actually think that the debate that we are entering into this week is at a high level of security for the country. I believe I will bring information to the secret session that some Members are aware of but most are not. I also think that by the definition of the mutual agreement that we would divide the time, that I am only bringing part of the discussion. I certainly can't suggest what will happen in the questions, comments, and concerns that will come from the other side. So at least 30 minutes of the hour, I also have no idea what will be said in that, but I thought that was a fair way to divide the hour that I could at least ask for to control on my own under the rules with none of the restrictions the gentleman has suggested, and a majority of the Members of the House can either decide to do that or not.

And I appreciate the Speaker and the leader trying to work in this important issue to create an environment where we can talk about topics that we could not otherwise talk about. I am also sure, as my friend from California suggested, that some of the things that will be talked about very likely can and will be talked about later in the week, because they will be related to a secret topic but not secret in nature. You just can't discuss them as having been discussed as part of this secret session. You just discuss them as you would if we hadn't had the secret session that the rules clearly allow for.

And again, the most times these rules were exercised in the history of the Congress was not in the 1820s or 1830s. It was in the 1970s and the 1980s. And many Members of the majority were here during that time and participated in those sessions.

I thank the gentleman for yielding.

Mr. DOGGETT. You ease some of my concerns. But when you talk about the seventies and the eighties and the like, it is three times since 1825.

Let me just be sure that I'm clear, because maybe we are in agreement on this. The only purpose of your requesting this secret session is to present to the House, or have others present, matters that you feel you cannot present in public concerning matters that are classified. It may be necessary to discuss other interrelated matters, and you can anticipate what questions you may be asked, but the only reason for convening the House tonight in secret is because there are classified matters that you feel would jeopardize the security of our country if we discussed them in public.

Mr. BLUNT. I think I am in agreement with the parameters the gentleman has suggested. I also understand that when you raise those topics, you have perhaps a fuller exchange of ideas, but certainly you can't control what the exchange of ideas will be in the hour that we would mutually agree to give ourselves for this topic. And I believe the topic is every bit as important as implementing legislation for the Panama Canal Zone or other things that this has been used for in the past. And I frankly think the topic is of supreme importance to the security of the country.

And that is why I was prepared to make the request, but also prepared not to make the request with, my discussions with the majority leader and the Speaker about a way that we could mutually agree how to divide the time, how to establish rules that go beyond the rule that I would have been entitled to ask for, but perhaps not as far as being able to prove that we wouldn't talk about anything in that hour that wasn't of a secret nature. And I would thank the gentleman for yielding.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman. Let me simply say I was here for those secret sessions. And I think the great utility of having another one, given the mumbo jumbo that I heard at the last three, is simply to demonstrate the almost total uselessness of secret sessions.

□ 1830

Mr. DOGGETT. Madam Speaker, I will at this point withdraw my reservation, but would want noted by the reservation my concern as a former member of the Judiciary about the precedent-setting nature of this. This is the fourth time since 1825, and I just ask that we stick to the purpose for which the gentleman has said we are gathering, and we give the most careful consideration before embarking on any such secret sessions in the future.

Mr. HOYER. I appreciate the gentleman's comments.

Mr. DOGGETT. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. PRICE of Georgia. Madam Speaker, reserving the right to object, I appreciate the comments of my friend from Texas on our concern about our not conducting our business in secret. We share those concerns. Although this isn't unprecedented, it is an extraordinary act for this Congress to take.

I think it is important that many of us, at least on this side of the aisle, believe the necessity for this is because the Protect America Act has not been brought to the floor and the House hasn't been allowed to vote on it. Consequently, we believe that it is important to have a discussion that hopefully will allow our friends, many of our friends on the other side of the aisle, to see the imperative of moving forward with the Protect America Act and allowing H.R. 3773 with the Senate amendments to be voted on on this floor of the House.

So I will be supporting moving into the secret session, because I believe that it is a step that will allow our colleagues on the other side of the aisle to appreciate and understand the imperative of having a vote on the floor of the House to the Senate amendments and concur in those Senate amendments to H.R. 3773.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. SERRANO. Madam Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. SERRANO. The least important thing I can think of, the least important, is that the American public doesn't think too well of Congress right now, and going into a secret session is not going to help that. But that is the least important thing.

It almost sounds like we need a secret session prior to the secret session

to tell the membership what we are allowed to do and say after the secret session. Some of us who oppose many of the things that have happened since September 11 have already drawn conclusions as to what we think is happening or not happening. I am not privy to all the intelligence and I don't think anyone is, and there are some folks in our government and some agencies historically that I don't trust. So I will never really know what the truth is. But I have a sense of what the truth may be and what the danger is of what we are doing in this country at this point.

So my concern is, at what point does what I feel and know become part of what is discussed at this session, and therefore if I keep discussing it in public I have now violated the secret session that I wasn't supposed to violate? I heard before that some things will be discussed at the secret session that are not classified. So if I discuss them later, am I in violation of House rules?

In other words, what I am suggesting, Mr. Leader, is that to tell the membership that we are having a secret session and have someone like me who has been here 18 years say what is that, without preparation for this extreme type of behavior, is to put the membership at risk. At risk.

We don't want to walk into this blindly, and I am walking into it blindly if I decide to attend. I don't know what I am allowed to say and do, and I say a lot of things about our behavior.

So I would hope if we are going to do this, we actually, and this is not a very popular notion, take some extra time in private to tell us. I know what happens when a general comes to me and tells me something that is going on in Iraq. I know I can't say that, because it was a classified meeting. I know that. But this is going to be debate. How is that debate going to be different from some things we say tomorrow in open debate? And if I forget, and I am not trying to be funny here, and mention some of that debate in this debate, what violation am I in?

My last point: With all due respect, if the gentleman has secret information that speaks to the safety of my beloved country, our country, why didn't the gentleman take that information to the chairman of the Intelligence Committee, where it belongs? Why bring it to the whole House and put us all in that situation, when indeed we have an Intelligence Committee, we have a ranking member, we have a full committee?

I as a Member would be totally comfortable with the gentleman bringing that information. I assure you that if I ever learn anything that I believe can hurt our country, I will bring it to the Intelligence Committee right away. I will not call for a secret session that puts us at risk, that makes the American people think that we don't want to discuss in public some things, and that may in fact strike fear into Members to vote for a bill that we probably should not vote for.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Does any Member further object?

Mr. HASTINGS of Florida. Madam Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. HASTINGS of Florida. Madam Speaker, one of the reasons that we find ourselves in this position is the discussion between both Houses of Congress and Members on either side regarding immunity. It is fascinating that we find ourselves in the position of debating giving immunity to people that we don't know what violations they have committed that we are giving them immunity for. Very strange.

But I would ask the distinguished majority leader and the distinguished minority leader a very serious question: Who has the classified information? As I listened to both of you, I did not get clarity as to whether either of you know what is supposed to be that information. And if that person has classified information, at what level is it? Is it at top secret, or is it at secret? Can either of the distinguished gentlemen provide that information to this Member?

Mr. BLUNT. Madam Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I would be happy to yield to the gentleman from Missouri.

Mr. BLUNT. I think it would be my obligation, even though I haven't actually moved to do so based on our discussions, to bring information and communicate information that is confidential and that I believe ought to be kept secret at this time. I will also remind my colleagues that many of them in September of 2006 voted to go into secret session, and we didn't go into secret session that day. I am pleased that we appear to be moving in that direction. But there is a time that the rules call for when you are in a situation where the national security of the country is important, and there is much of the information that reaches a secret level that could be discussed in a secret session that conclusions have been drawn from and can be drawn from, that my belief is we would benefit from that discussion.

Mr. HASTINGS of Florida. Reclaiming my time and continuing my reservation, with all due respect, I don't think the distinguished minority leader answered the question that I asked, and that is, Who has the classified information?

Mr. BLUNT. If the gentleman will yield further, I think I said it would be my obligation to bring that information. Because of my clearance level, I have seen the secret information, and information at other levels as well, and would anticipate bringing information to the secret session at the secret level.

Mr. HASTINGS of Florida. It is at the secret level.

Mr. BLUNT. At the secret level.

Mr. HASTINGS of Florida. That being said, I will not object. But as other Members have, I will place on the RECORD I came here with the thought in mind that there was a substantial reason for us to go forward with a secret session, but I have learned from a considerable amount of experience in this arena that there are times when it is best not to be where ostensibly secret information is supposed to be provided, so at least I will not attend the session.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there further objection?

Ms. KAPTUR. I reserve the right to object, Madam Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized.

Ms. KAPTUR. Madam Speaker, reserving the right to object, and I likely will object, in my 26th year in the House I guess first I look at the clock. It is Thursday night, almost 7 p.m. here in Washington. We have been in session all week long. We knew that FISA would be coming up. Now at this moment a secret session is requested.

As a member of one of the key committees in the House, the Defense Appropriations Subcommittee, whatever is so secret has never been discussed in our subcommittee. We have been having repeated meetings every day for the last several weeks.

I don't know if this has come up before our Intelligence Committee. I notice that most of the people who are asking are not ranking members on some of our key committees dealing with the oversight of intelligence in our country, and that makes me wonder why on Thursday night, when people have had to change their plane reservations, this is coming up now.

I ask myself, is there any imminent danger to our country that would require such a secret session now, and why is the gentleman asking and not the minority leader asking, if it is so imminent and it is so much a threat?

Mr. BLUNT. Madam Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Missouri.

Mr. BLUNT. The timing of the floor, I would tell my friend from Ohio, is not up to me, and it has been well known for this entire day that I would make this request at sometime during the day. We worked with the majority to try to get the budget out of the way. It is my impression we were going to be here on Friday anyway. Maybe others had better knowledge of plane reservations than I did, but I think we are here on Friday.

I think the Friday work we would do is critically important, and my view is that this discussion adds to the knowledge that the Members will have as we have the debate on the bill tomorrow. Of course, I would much prefer we were voting on the Senate bill tomorrow, a bill that could go to the President; but I don't control that either, not being in the majority.

Ms. KAPTUR. Continuing my reservation, most of the information that I have ever sought relating to intelligence, one can ask special permission. You can go up to the room in the Capitol and you can read anything. You can read for days. I really don't understand what the minority is doing here tonight.

I am not comfortable with this at all. We had caucus meetings this week. This never came up. I understand under the rules you can ask for it and it can come up almost immediately, but I just am extraordinarily uncomfortable with being asked to hold this session tonight.

I won't attend, and I think there is special responsibility on the gentleman for providing documentation in the regular channels in the Intelligence Committee and in the other committees that have oversight over intelligence for the information that you claim you are going to be presenting to this Chamber.

I would just urge our leadership to not approve this.

Madam Speaker, I withdraw my reservation for the moment.

The SPEAKER pro tempore. Is there further objection?

Ms. WATSON. Madam Speaker, I reserve the right to object to this process.

I am feeling manipulated. My question is, if there is confidential information, why was it not taken to the Intelligence Committee first before there is a secret session?

The SPEAKER pro tempore. Does the gentlewoman reserve the right to object to the request?

Mr. HOYER. If the gentlewoman will yield, I believe the gentlewoman is reserving her right to object and wanted to speak on the issue.

Ms. WATSON. I reserve my right to object. That is what I said before I came to the mike. I guess I wasn't heard.

Mr. HOYER. The gentlewoman has the floor.

The SPEAKER pro tempore. The gentlewoman from California is recognized.

Ms. WATSON. Madam Speaker, I want to know why the Intelligence Committee did not receive the confidential information that I am hearing is going to be discussed here. If the information discussed here is not confidential, why do we need a secret session and to what end are we having this? We are supposed to vote on FISA tomorrow. I understand there is a compromise that pretty much has been agreed upon. I have been whipping it.

So I want to know to what end we are having this secret session. I would like to yield to you, Mr. BLUNT.

□ 1845

Mr. BLUNT. I thank the gentlelady for yielding.

I would say that every knowledge I have would indicate that our Intelligence Committees have seen the information, and that does not preclude moving to secret session to share information with other Members. I appreciate what some other Members have said about the difficulty of remembering what's secret and what's not, because those of us who have the obligation or the clearance level to look at this information have to do that.

I think the information we will bring to the floor will not be confusing to the Members but enlightening to the Members, and that's why I propose that we will move for a secret session later in the day if this UC is not agreed to.

Ms. WATSON. Reclaiming my time, I would like to know the purpose of the secret session, if you have confidential information, why it was not taken to Intelligence before it was brought here to the Chambers in secret?

I have got to go back to my district and explain to my constituents why we had a secret session before we voted on the FISA bill.

Mr. BLUNT. I actually think it would be harder to explain to our constituents why we didn't have a secret session.

This is a bill that goes well beyond the information that most Members would normally have. I think the secret session will be helpful to the Members, or I wouldn't have said early today that I would ask for it. The information that I have, I believe, will be information that, in my opinion, has been available to the Members with the security clearance that allows them to normally see this information.

The Intelligence Committee would already know the kinds of things that I would intend to discuss this evening.

Ms. WATSON. Reclaiming my time, I asked the Chair, and the Chair is unaware of what this information might be. I am continuing to object until I am satisfied that this meeting is necessary in secrecy and why it didn't go to the Intelligence Committee first.

I don't feel comfortable being manipulated with scare tactics.

Why is it this didn't come forward prior to voting on FISA?

Mr. HOYER. Will my friend yield?

Ms. WATSON. I yield.

Mr. HOYER. I thank my good friend for yielding. What I think the whip is saying, the Whip came to me earlier today, said he wanted to discuss information which the Intelligence Committee has, which the broad reach of the Members do not have, but he did not want to, he did not feel he could discuss that in open session.

The rules provide for the whip to make a motion to do that. That will then be a relatively lengthy process. The whip and I discussed this on his representation that he had information that he felt, in good conscience, he could not divulge, not because it's not in the bosom of the Intelligence Committees or, frankly, maybe the Judiciary Committee, which has been cleared, but because he felt it was information that was not releasable.

What we have done is reached an agreement that makes it very clear that there are very short parameters for this discussion and debate.

I want to say that I, generally, have not been here as long as Mr. OBEY, but my experience on these kinds of sessions, whether they are briefings, has been the same as his. I have rarely learned something that I couldn't read in U.S. News & World Report or Time the day before or the day after.

But having said that, we have tried to reach an agreement with the minority that would facilitate the receiving of information which many Members, not the Intelligence members or the Judiciary members, but many Members have not had available to them and could not be discussed in open session.

I thank the gentlelady for yielding.

Ms. WATSON. I just want to end this with this: I went over to the Chair of Intelligence. I said, Do you know about this? He said, No. He can speak for himself. But why at this time are we given information that is supposed to be so strategic we have to do it before we take the vote on FISA? I smell something, and I do not like to be manipulated.

Madam Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Are there further objections?

Ms. JACKSON-LEE of Texas. Madam Speaker, I reserve the right to object.

Madam Speaker, listening to this discussion and the minority whip, as we have gathered a number of overlays of a discussion, people who are frustrated by the idea of a secret session.

Mr. Majority Leader, I am always interested in Members having the full understanding of the challenges that they face. It is important to know that the chairman of the Judiciary Committee and chairman of the Intelligence Committee made every opportunity for Members to engage in materials or to utilize materials that they might find helpful in this discussion on the FISA bill. Certainly members of the two committees, of which I am a member of the Judiciary Committee, had intense opportunity and, of course, meetings in the appropriate place to be able to garner information.

To the minority whip, I think what I have heard from Members is a degree of

confusion and opposition at the same time. We do understand that majority leader has been most gracious in cooperating with Members who are unready, but our difficulty is that it seems as if it is a tool to delay our full discussion on FISA.

I would ask the first question of whether that is the case. Then the other part of it is: There are a number of Members who have already indicated that they will not be present. I am disappointed in that, not in the Members, but in their concern of being held accountable when they debate the question on the floor tomorrow as to why they have said a statement or not said a statement, whether it's relevant or whether it is in this discussion today.

The first question: Is this a tool to delay us from the ultimate business that the people of America want us to engage in is to pass a FISA bill from this floor?

I yield to the gentleman.

Mr. BLUNT. I thank the gentlelady for yielding. I would say it is not intended for that but, in fact, to further amplify our ability to have that discussion tomorrow as we thoughtfully reflect on information. You couldn't talk about the information but you could talk about your reflections on things that you now know other Members are discussing. I think it helps that.

In terms of FISA, the rule allows for 20 minutes to the entire Intelligence Committee to discuss this issue and 40 minutes for Judiciary.

I just think this provides for a fuller moment for the Members to think about, talk about, and discuss some specific information at the secret level that otherwise would not have a chance to be discussed before we move forward with this vote tomorrow.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Majority Leader, on a very detailed explanation of why we should do this; however, there are gaping holes in the explanation of why we should do this, the timing of it. I think you are being enormously cooperative. I think it's important for the minority that ask for a privilege to be given a privilege.

Mr. Leader, I am concerned, if I might yield to you again, the two-edged sword that Members want to be vigorous in their discussion and want to be open minded, if they participate in this closed session, closed to the American people, the lights out, in essence, questions about the constitutionality, not because it might not have that basis, but others may question it because it is so unique, three times since 1825.

What is the standard, what is the criteria for Members' discussion in a closed session and then the Member going to the floor tomorrow and wanting to be within the realm of the rules of debate tomorrow, want to make the right decision, and now may be caught in a two-edged sword?

It should not be that a Member has to not come tonight to be fully briefed, as Mr. BLUNT seems to think we need to be, and then be in the crosshairs tomorrow when we need to have a full debate in front of the American people.

Madam Speaker, I yield to the gentleman.

Mr. HOYER. I thank the gentlelady for yielding.

For my part, I believe I will be fully engaged on this piece of legislation, on its merits, what it does to facilitate the interception of communications which may prove dangerous to our country and at the same time protect our Constitution.

I don't think I am going to be constrained in any way.

Now, what I will be constrained on saying is that, obviously, I have had the opportunity and taken the opportunity to go to the committee to review information in the bosom of the committee and to make conclusions on that. I will not discuss that specific information, but there is, most of the information that I have, having done that, is from the New York Times, the Washington Post, the Wall Street Journal, other news magazines, from articles that I have read. I frankly think that no Member is going to have to be confused about debating the merits or the demerits of the issue that will be before us tomorrow based upon this secret session.

Now, the gentleman, as I say, has made a request that he has information that he wants to discuss which he believes ought not to be discussed in public. I think everybody, not in public in the sense of depriving the American people from the information, but information that we need to hold close so that it is not used by those who would cause us harm, without speculating as to what that information may be. I frankly think that every Member will be able to make that judgment.

But, more than that, we have discussed this, and we hope to have, and I forget who it was who was mentioned, very appropriately, we hope being prepared now is directive from a nonpartisan source of security people. This is, after all, a rule of the House that is being pursued. It could be pursued by motion, but it's being pursued by unanimous consent. Doing so, we believe, sets the parameters more appropriately.

Ms. JACKSON-LEE of Texas. Reclaiming my time, this point was made earlier, but I don't think that it has been clearly enunciated for Members. What you are suggesting is that Members can participate in this discussion. Unfortunately, closed to the American people sounds ominous, and it is unfortunate that we have reached this point, because I do believe that Members have the individual opportunity to visit the Intelligence information, as was made possible by both the Intelligence Committee and the Judiciary Committee.

But I think it's important to note that a Member could be on the floor this evening and review materials and be in debate, be on the floor tomorrow and say, in my studied opinion on the discussions of last evening, I believe so and so, meaning that I think this FISA bill is solid on its four corners, it is protected, it is constitutional, it protects those individuals covered by it, it gives the American people the sense of national security but also the protection of their civil liberties.

They will at least be able to refer in that general term, is that my understanding? They are not completely silenced from even referring to the fact that they were in a secret session last evening or they were looking at materials in a secret condition.

Mr. HOYER. Would the gentlelady yield?

Ms. JACKSON-LEE of Texas. I am happy to yield.

Mr. HOYER. I don't want to go further than I am absolutely confident on the response to this. However, let me say that I believe that all the information that Members need to debate this bill tomorrow is currently in their possession and will be elicited in public debate.

The minority whip does not believe that. He believes there is additional information.

I think Members, I would not want to leave the impression with any of our Members that somebody had information that they believed was very important to the security of our country that they were precluded from giving to Members. That is why we pursued this objective.

As I say, the rules provide for that. But in terms of the debate, my suggestion is, I think, particularly the gentlewoman who serves so ably on the Judiciary Committee has all the information, and she has some information she knows she can't speak of because she has received briefings as a member of the Judiciary Committee.

□ 1900

But I believe there will be no constraints.

However, the constraint I think is you would not say, out of a secret session, and none of us should say out of a secret session, that X, Y and Z was said in a secret session, or that I got this information from a secret session. And if you did not have that information but for being in that session, my advice would be not to tell that information. But my view has been this has been a very wide, public debate; and I don't have any problems debating this vigorously tomorrow, as I intend to do because I think the bill is a good bill and protects both our intelligence ability and our Constitution. So I will not feel constrained at all. But I will not say I will not tell information that I received in this secret session because I

don't think I am going to need to at all.

Ms. JACKSON-LEE of Texas. I yield to the minority whip.

Mr. BLUNT. I would just say obviously some Members were here and others were not when we had these sessions, five times since 1825, or three times since 1979, depending on how you want to use those numbers. My understanding is that you constantly in your efforts with the information you have as a member of the Judiciary Committee know where that line is. And you can't refer to the secret session, although you can clearly refer to any information that happened to be discussed there that was generally available before that session. You just don't say that it came out of the secret session. And the gentlelady does that with frequency based on her level of current clearance, and you know that line better than most Members of the House do and how to do that.

This would be the same kind of source of information that you would use in your other access, and it is a secret session under the rules on the basis that the rules then provide that what is there is not later to be discussed.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I want it to be clear that a Member can rise on the floor and say, having been in a secret session last evening, not recounting what was in the secret session, but I find that my position remains the same in my support of the bill or my opposition to the bill. One could say that.

Members are going to be coming to the floor and some Member may want to say tomorrow that they were here. They would not be reciting what they heard. They would simply say what they heard did not move them or it moved them. Can someone not say tomorrow they were in the session without recounting what you heard?

Mr. HOYER. I think the fact of attending the session is not secret. The answer is ''yes.''

Ms. JACKSON-LEE of Texas. Having not been in a session, Members don't know the parameters. Minimally they can say they were here, and what they heard, which they don't recount; they can proceed in their debate on how they review the bill. But they don't recount what was heard.

I yield.

Mr. HOYER. I think every Member will in fact say based upon the information they have, as I will say and as you will say, some of that information is held close. Some is not. And we will make our decisions based upon the information we have. So I think the gentlelady is absolutely correct.

Ms. JACKSON-LEE of Texas. I would be happy to yield to the gentleman from Ohio.

Mr. KUCINICH. This reflects on what our distinguished majority leader said, Congresswoman JACKSON-LEE. In the House under rule XVII, clause 9, it is true that any Member could ask for a secret session, claim they have information. That is a privilege. Furthermore, under rule X, clause 11, and then a subparagraph, the Select Committee on Intelligence may move to hold a secret session to determine whether classified information held by the committee should be made public.

Now, we haven't seen our distinguished colleague ask for such a secret session, although our other distinguished colleague is requesting it. Now obviously since this has only been done five times in 182 years, five times in 182 years of this institution, it would seem to me that a very high bar has been reached here.

Now my question would be, hypothetically, since any Member has the ability to call for a secret session, if a secret session is requested and the bar that one would assume that we would need to clear to achieve a secret session has in fact not been met, that in fact a secret session was called for reasons for something that was not really all that secret, or not evidence that was probative and weighty, but instead that one person may have felt. And I am not impugning my friend here because he may have some information.

But generally speaking, under the rule, we can all ask for it. But, Mr. HOYER, I think since you are our senior Member here who is our majority leader, or maybe the Parliamentarian knows, if a secret session is called for and the bar isn't reached, what then? What happens then with that secret session?

Ms. JACKSON-LEE of Texas. Reclaiming my time, I would be happy to yield to the majority leader.

Mr. KUCINICH. And what happens to the Member, if I may.

Mr. HOYER. There are a lot of hypotheticals, a, I believe the gentleman is correct, there is a high bar. I will tell you that as everybody in this House knows, Mr. BLUNT and I are friends. I have great respect for Mr. BLUNT. Mr. BLUNT came to me, without denigrating any other Member, he is a leader of his party and I accord him the respect of making the judgment that in fact he is going to meet that high bar.

I have not interrogated him any more than I would want him to interrogate me on that issue. I take him at his word as a Member. Now, the consequence of not meeting that high bar is only that Members will say that a request was made that was not justified. I think that is the consequence. There is certainly no consequence in the rules. And, first of all, we would, I suppose, as a body have to judge, a, what the bar was and whether you met it.

In any event, I think the gentleman understands the answer to my question. I respect him as the leader of his party. He has made this request, and we are trying to honor it, I might say, in a way that most fashions it so that it will be as focused and as helpful as can be.

Mr. KUCINICH. Would the gentlelady yield?

Ms. JACKSON-LEE of Texas. Reclaiming my time, I yield to the gentleman from Ohio.

Mr. KUCINICH. It is my understanding relative to these proceedings in a secret session that the proceedings of a secret session are not published unless the relevant Chamber votes during the meeting or at a later time to release them. Then portions can be released in the CONGRESSIONAL RECORD. Is that right, Congressman JACKSON-Lee and Mr. HOYER?

Ms. JACKSON-LEE of Texas. Reclaiming my time, I yield to Mr. HOYER.

Mr. HOYER. The gentleman is reading from the rule and he is a very bright, good friend; and I am sure he read the rule accurately. So my presumption is that he is accurate.

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. KUCINICH. So that is the remedy, that the House could vote at some point to release.

Mr. HOYER. The gentleman is absolutely correct on that observation.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I indicate to the majority leader and to the minority whip just the discussion here this evening highlights, one, the collegiality of the relationship and the effort, Mr. Leader, you are making, and you are to be commended.

But it also highlights the constitutional weakness, if you will, of the understanding of the Members and the whole question of what we are doing before the American public in a secret session.

I would like to simply say to the American public it is not that we are denying you the opportunity to be fully informed. It is my understanding that Members are asking to debate information that may be classified or secret. Whether this is the right approach, I take great question to this, and would rather it not be.

I think all Members have had access to materials. They can study the FISA bill. The good news is that the American people will have a FISA bill tomorrow passed by this House.

I have a continuing reservation. However, at this time I will withdraw my reservation acknowledging that this is both a unique challenge that we are being offered and that it is possible that there is a better way. But I hope the debate tomorrow, in front of the eyes of the American people, will be vigorous and honest and straightforward and that a bill will be passed.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. SCOTT of Georgia. Reserving the right to object, Madam Speaker, I just wanted to very briefly come down because I think we need to remember, first of all, that we are standing on some very hallowed ground here. We are standing on the grounds of the citadel of this Nation where some heavy prices were paid for the foundation of our government, the hallmark of which is openness and freedom. So when we take a step to close our proceedings to the American people, we are treading on treacherous ground.

And so I believe, I think that it is very important, Mr. Minority Whip, that I ask you this question because I think you certainly need to answer this for those of us here and the American people, and that question is: Is this a political ploy? In the land of Greek mythology was a land called Troy, and in that land they brought a Trojan horse. And so when you look at the facts that have been exposed in this discourse this evening, you say you have information that is of high intelligence matter, that you are asking us to undermine the very hallmark and foundation of our free, open Republic to present, that has not even been presented to the proper channels of our Intelligence Committee on the eve of a vote that has been moving around these Chambers for well over a month.

Here, just before we are about to go for a 2-week recess, we come with this mysterious information. So the question has to be answered: Is this a Trojan horse? Is this a political ploy? To call a meeting in secret to give secret information, those of us that would come have to abide by the secrecy, then when the vote takes place, if it doesn't go the way that you want it, you can say to the press, well, hey, we called a secret meeting. We gave them valuable information, and see what they did.

It puts this whole situation in a very confounding box, and I ask you to answer that question. Is this not a political ploy? Is this not a Trojan horse? And if so, could it not be a misuse of the sanctity of the House of Representatives?

Mr. BLUNT. I would say to my friend that it is not a political ploy. I would also say that beginning in 1978 when we passed actually the first Foreign Intelligence Surveillance Act, we set a new structure in place where the House of Representatives took more responsibility for intelligence information in the country.

And we can talk about how many times we have done this since 1825 or whatever, but three times, and certainly three times after the House decided in 1978 to take more responsibility for the intelligence issues in the country, we had a discussion that I thought was possible to have here today.

The bar certainly, I understand why my friends would want to raise the bar, but I have information that has been available to the Intelligence Committee that I thought the Members that have not seen that information would benefit from talking about.

I haven't suggested it is at the top secret level. I haven't suggested it is at the program level. I have said it is at the secret level. That kind of information is important to discuss, I think, and should not be discussed in a general session, but also does not rise to the kinds of things that even in a secret session of the whole House I don't think should be discussed.

You know, the suggestion that somehow here the bar is that if the Member doesn't bring information that the entire country should know, the very future of the country, the essence of the country, rests on, that is not the determination of either a secret level of intelligence or a secret session.

Nor in saying to my good friend, the majority leader, I would be glad to discuss this for an hour, this topic generally, based on information that I think would be important for all of the Members to talk about. Many of the Members have not seen this. It is information I think would be helpful.

□ 1915

I certainly can't control the discussion of the hour, the 30 minutes that I've said I'd be more than happy for the majority to have. I hope we'd both try to be positive here in creating a discussion of items on an issue that, after all, does relate to some of the most sensitive techniques and procedures in our country.

I'm not going to talk about the highly classified parts of the program. I'm not going to talk about the top secret parts of the program that the chairman and the ranking member and others, including the majority leader and I am aware of. But I did have some information that I thought would help the debate that rose to the secret level that all of the Members otherwise would not hear.

Mr. SCOTT of Georgia. But if you were, if that information rose to that level, Mr. Minority Leader, to that level of secrecy, then why would it not certainly have raised to the level that you could have shared it with the chairman of the Intelligence Committee?

Mr. BLUNT. I've said three times now this was information that's been available to the Intelligence Committee.

Mr. SCOTT of Georgia. What I'm saying, but the point is that you, yourself, had the information, but you, yourself, did not share it with the chairman of the committee.

Mr. BLUNT. That is not what I said or what the record would reflect.

Mr. HOYER. Will the gentleman yield?

Mr. SCOTT of Georgia. I will yield to the majority leader.

Mr. HOYER. The reason I stand is because again I want to explain. The information, I don't know the information, but the information that Mr. BLUNT has clearly is within the bosom of the Intelligence Committee, and I don't know, but I presume the Judiciary Committee has had access to it under the President's order. What has not been done is that information has not been shared with the Members. It's not a question of the sharing with the Intelligence Committee. I understand the gentleman's concern. What Mr. BLUNT is simply saying is he wants to share with the Members. He cannot share it in open session. I don't know what the information is, but, again, as I expressed to my friend, and I would hope that we would understand that at some point in time, we need to accord to one another the credibility. Particularly I would hope that he would accord to me, as the leader, credibility, and as I accord to him credibility on his assertion that this is something he wants to share with the Members, some of whom would not have had access. They may have had access to it, but they haven't heard it. That is all I think he's saying. And in that context, we have come to this agreement which we think, as I say, focuses and serves the concerns that you have legitimately raised and focuses our efforts.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. SCOTT of Georgia. I will yield to you.

Mr. DANIEL E. LUNGREN of California. As a member of the Judiciary Committee who's read into the program, when Mr. BLUNT talked to me about the possibility of this effort, it was in the context of how do we make that careful distinction, and those of us who've been read into the program, to try and inform the membership without violating the confidentiality under which we work. And the suggestion was that a secret session might allow for a freer discussion, while those of us who've been read into the program still protect the classified nature of the program.

Now, I don't know if it's going to work. All I'm saying is it's no information that's, from my standpoint, that is unknown to other members of the Judiciary or the Intelligence Committee who've been read into the program, but it's our effort to try and find some vehicles by which we can inform the membership while still preserving the confidential status of that information. It's nothing that we have within our bosom that no one else has. It is information that we're trying to find a vehicle to allow the other membership to be informed. And I hope that helps the gentleman.

Mr. SCOTT of Georgia. My final concern is, and I will let this rest, is that after tomorrow when we read the accounts of this, or when we go home and the American people ask us that question, the issue is going to be, Was it worth it? Was it, did it reach that level to really undermine the openness in government?

Our Nation is littered with examples of secrecy when it should have been openness. And as we've seen from those who've been here long before I have, who've gone through these previous times, in the five times and the most recent two or three times that some of those that spoke have been here, it proved to not reach that bar. And I'd just say, these are hallowed grounds. This is a precious country, the centerpiece of which is openness, and if we keep tipping away at this, we undermine the very fabric of our country. And I just submit to you, Mr. Leader, this is really what's at stake tonight.

Mr. BLUNT. Would the gentleman yield?

Mr. SCOTT of Georgia. Yes.

Mr. BLUNT. I would just say to my friend that the information that I had hoped we would discuss today and still hope we will be able to discuss today is not, is information that most of the Members do not have and have not had access to. And I think our respect for each other as we approach this important decision would indicate that a further discussion, and my view was a discussion that could not be had because of the nature of some of the implications of what we do in an open session, would benefit the debate and the final decision at whatever point that decision will be made.

We do know tomorrow when we leave, the Senate's leaving and there will be no decision made that becomes law this week. But my thought was that all of the Members would benefit from a discussion based on information at a level that could not be disclosed in full debate and a discussion that I hoped would actually see the Members respond with appreciation for each other and our ability to talk about one or two items that were secret and what those items might mean, rather than say, Did that rise to the level of our time?

I don't know what all Members had planned to do tonight, but I suspect that you could argue, if you wanted to, that that discussion will lead, will be well worth the time. I also suspect if you don't want to, you could argue that it doesn't. But my intention was not to create animus among the Members, but to try to create an opportunity where all of our Members, as they have this ongoing discussion about foreign intelligence, have just a little broader window. I think it's important we all understand.

I'm not proposing we open the entire window. I'm not proposing that we go to levels that we probably even among 431 of us who respect each other would want to go to. I thought it would be helpful. We've already debated whether to have this discussion far longer than I had anticipated the discussion taking. But I respect the Member's concern about something that we've only done three times in 30 years, haven't done very many times in the history of the Congress, and we may decide that the expectation of this discussion becomes so high that no Member would ever even consider saying, you know, I saw something here that I think we, it is truly secret so I can't talk about it in the full session. I think we should discuss it in a bigger session.

But if Members begin to think that that has to be that somebody has the plans, and we didn't know it, to nuclear weapons before it's worth having that discussion, we'll never have that discussion. That's not what I'm proposing at all, nor was I anticipating setting any kind of condition that my friends would have a problem with. I truly believe, after months of looking at this issue, that if the Members understood, even at the entry level, some of the problems it creates not to have a program in place that deals with these problems, the Members would reach a different conclusion. It may turn out that I am wrong on that, and I may take the advice of others who were here 30 years ago when we had three of these and decide this is never worth advancing again to my colleagues; but could we have a discussion in private about things that we can only discuss in private.

The option here is to discuss it in private or not to discuss it at all. And if my friends want to set a level of that discussion so high that if a Member walks out of here and says, well, the world wouldn't have survived without that session, we're never going to have a session where any more of us know the secret level items available to the Congress than know those items right now.

I was trying to be expansive in my sense of this discussion, rather than restrictive. By the end of the day, I'm beginning to think that may have been a mistake, but I'm still optimistic that we can have a discussion that the Members will think, you know, I don't know what I intended to do with the hour tonight, but that was actually as valuable as whatever it was I expected to do. And I would hope that would be the decision the Members would make, was this a more valuable hour for me as I looked to the future of these programs than the hour I might have spent doing whatever you would have been doing if you hadn't been here as Members of Congress talking about things that, if they're going to be talked about, can only be talked about in this way.

Mr. SCOTT of Georgia. Well, just finally, in conclusion, I just want to say that I know that I speak for every single Member of the House of Representatives, both Democrat and Republican, when I say that foremost in all of our minds, foremost is the security of the United States of America, and foremost in our minds is that we do that in the context of the foundations of this country, which are freedom and openness.

We walk a very delicate balance this evening. Let us hope we walk it right.

I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1930

PERMISSION TO ADJOURN UPON DISSOLUTION OF SECRET SESSION

Mr. REYES. Madam Speaker, I ask unanimous consent that when the secret session of the House is dissolved pursuant to the previous order of the House, the House stand adjourned.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to read to the Members the contents of clause 9 of rule XVII:

SECRET SESSION

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and the proceedings thereon, unless otherwise ordered by the House.

The galleries of the House Chamber will be cleared of all persons and the House Chamber will be cleared of all persons except Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House. All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House.

In addition to the provisions of clause 13 of rule XXIII, which is applicable to all Members, officers and employees, every employee and officer present in the Chamber during the secret session will sign an oath of secrecy, which is in the Speaker's Ceremonial Office, room H–210.

The Chair will declare a recess long enough for this order to be carried out.

The Chair will ask all Members to leave the Chamber temporarily until the security check is completed.

Three bells will be rung approximately 15 minutes before the House reconvenes for the secret session.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 33 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2211

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 10 o'clock and 11 minutes p.m.

SECRET SESSION

The SPEAKER pro tempore. Pursuant to the previous order of the House, the Chair declares the House in secret session.

(House proceedings held in secret session.)

The SPEAKER pro tempore. The secret session is dissolved.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2733. An act to temporarily extend the programs under the Higher Education Act of 1965.

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to the previous order of the House, the House stands adjourned until 10 a.m. tomorrow.

Accordingly (at 11 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, March 14, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

ANDRÉ CARSON, Indiana, Seventh.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5710. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. APHIS-2007-0116] (RIN: 0579-AC64) received March 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5711. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Risk of Coronary Heart Disease [[Docket No. FDA-2009-P-0090](formerly Docket No. 2006P-0393)] received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5712. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Securities Offering Disclosure Rules [Docket ID OCC-2008-0003] (RIN: 1557-AD04) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5713. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast License Public Interest Obligations Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398) [MM Docket No. 00-168 MM Docket No. 00-44] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5714. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of DTV Consumer Education Initiative [MB Docket No. 07-148] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5715. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service [MB Docket No. 87-268] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5716. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fisheries of the Gulf of Mexico; Revisions to Bycatch Reduction Devices and Testing Protocols [Docket No. 0612243163-7151-01] (RIN: 0648-AU59) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5717. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02] (RIN: 0648-XF24) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5718. A letter from the Director Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Criteria and Procedures for Proposed Assessment of Civil Penalties (RIN: 1219-AB57) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5719. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Amendment to the Attorney Advisor Program [Docket No. SSA 2007-0036] (RIN: 0960-AG49) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ELLSWORTH (for himself, Mr. EMANUEL, Mr. MCDERMOTT, Mr. LEWIS of Georgia, and Mr. POMEROY):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself and Mr. TAYLOR):

H.R. 5603. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RAMSTAD, Mr. ALLEN, Mrs. CAPITO, Mr. COHEN, Mr. MARIO DIAZ-BALART of Florida, Mr. AL GREEN of Texas, Mr. HOLDEN, Mr. KENNEDY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Ms. MATSUI, Mr. MORAN of Virginia, Mr. PLATTS, Ms. ROS-LEHTINEN, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 5604. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee

on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. STARK, Mr. BERRY, Mr. CHANDLER, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. MCGOVERN, Mr. ISRAEL, Mr. DOGGETT, Ms. LEE, Mr. WU, and Mr. KUCINICH):

H.R. 5605. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. ROGERS of Michigan):

H.R. 5606. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. PETRI, Mr. CONYERS, and Mr. DELAHUNT):

H.R. 5607. A bill to provide safe, fair, and responsible procedures and standards for resolving claims of state secret privilege; to the Committee on the Judiciary.

By Mr. RAHALL (for himself and Mr. KILDEE):

H.R. 5608. A bill to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; to the Committee on Natural Resources.

By Mr. BISHOP of Georgia (for himself, Mr. BUYER, Mr. TAYLOR, Mr. MILLER of Florida, Mr. SAXTON, Mr. WILSON of South Carolina, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. RANGEL, Mr. REICHERT, Mr. FILNER, Mr. PASTOR, Mrs. LOWEY, Mr. HINCHEY, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mr. BUTTERFIELD, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. LOEBSACK, Mr. COHEN, Mr. MCNERNEY, Mr. BOYD of Florida, Mr. CARNEY, Mr. CRAMER, Ms. HARMAN, Mr. MARSHALL, Mr. MELANCON, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. WILSON of Ohio, Mr. SENSENBRENNER, Mr. KAGEN, Mr. BOSWELL, Mr. ABERCROMBIE, Mr. WALZ of Minnesota, Mr. MICHAUD, and Mrs. BOYDA of Kansas):

H.R. 5609. A bill to provide for transitional health care for members of the Armed Forces separated from active duty who agree to serve in the Selected Reserve of the Ready Reserve; to the Committee on Armed Services.

By Mr. GRIJALVA (for himself, Mr. RAHALL, Mr. DEFAZIO, Mr. COSTA, and Mr. UDALL of New Mexico):

H.R. 5610. A bill to designate as wilderness additional National Forest System lands, Bureau of Land Management Lands, and National Parks Service lands in the States of West Virginia, Arizona, New Mexico, Oregon, and California, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia (for himself, Mr. DAVIS of Kentucky, Mr. GERLACH, Mr. MANZULLO, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. JONES of North Carolina, Mr. WILSON of Ohio, Mr. CLAY, Mr. ROSS, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. DONNELLY, Ms. GINNY BROWN-WAITE of Florida, and Mr. LINCOLN DAVIS of Tennessee):

H.R. 5611. A bill to reform the National Association of Registered Agents and Brokers, and for other purposes; to the Committee on Financial Services.

By Mr. TAYLOR (for himself, Mr. MELANCON, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, and Mr. PICKERING):

H.R. 5612. A bill to amend the Internal Revenue Code of 1986 to waive the deadline on the construction of GO Zone property which is eligible for bonus depreciation; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 5613. A bill to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. GUTIERREZ):

H.R. 5614. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS (for himself, Mr. GEORGE MILLER of California, Mr. PLATTS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 5615. A bill to provide parity under group health plans and group health insurance coverage in the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Education and Labor.

By Mrs. BACHMANN (for herself, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. SMITH of Nebraska, Mrs. CUBIN, Mr. GOODE, Mr. FEENEY, Mrs. DRAKE, Mr. WALBERG, Mr. SENSENBRENNER, Mr. WELDON of Florida, and Mr. SHADEGG):

H.R. 5616. A bill to provide for the repeal of the phase out of incandescent light bulbs unless the Comptroller General makes certain specific findings; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself and Ms. SLAUGHTER):

H.R. 5617. A bill to amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mr. SAXTON, Mr. ABERCROMBIE, Mr. GILCHREST, and Mr. FARR):

H.R. 5618. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; to the Committee on Natural Resources.

By Mr. BOUCHER (for himself and Mr. SMITH of Texas):

H.R. 5619. A bill to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Mr. COHEN, Mr. FILNER, and Mr. PAYNE):

H.R. 5620. A bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5621. A bill to amend title 10, United States Code, to extend concurrent receipt authority to members and former members of the uniformed services who are entitled to voluntary separation incentive payments and are also entitled to veterans' disability compensation; to the Committee on Armed Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5622. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to establish standards of access to care for veterans seeking health care from certain Department of Veterans Affairs medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. MILLER of Florida):

H.R. 5623. A bill to amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice; to the Committee on Veterans' Affairs.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. LANGEVIN, Ms. HARMAN, and Mrs. LOWEY):

H.R. 5624. A bill to amend the Homeland Security Act of 2002 to secure domestic sources of radiological materials that could be used to make a radiological dispersion device against access by terrorists, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER:

H.R. 5625. A bill to amend the Economic Stimulus Act of 2008 to provide for a temporary increase in the maximum loan guaranty amount for housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT (for himself and Ms. DELAURO):

H.R. 5626. A bill to reassert the constitutional role of Congress in making long-term security commitments, to defer significant long-term security commitments to Iraq to the next Administration and Congress, and to maintain international legal authority and immunity for United States Armed Forces in Iraq by promoting the extension of

the United Nations mandate; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. SIRES, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. BURTON of Indiana, and Mr. SMITH of New Jersey):

H.R. 5627. A bill to award the congressional gold medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy and human rights in Cuba; to the Committee on Financial Services.

By Mr. ELLISON (for himself, Ms. LEE, and Ms. MOORE of Wisconsin):

H.R. 5628. A bill to amend the Help America Vote Act of 2002 to give individuals who are permitted to cast a provisional ballot in elections for Federal office the option to reregister to vote in such elections at the polling place, to establish a uniform standard for the treatment of provisional ballots cast at incorrect polling places, and for other purposes; to the Committee on House Administration.

By Ms. ESHOO (for herself, Mr. BARTON of Texas, Mr. HILL, Mr. UPTON, Mr. WYNN, Mr. PITTS, Ms. ZOE LOFGREN of California, Mr. ROGERS of Michigan, Mr. CAPUANO, Mr. BUYER, Mr. MCGOVERN, Mr. TIM MURPHY of Pennsylvania, Mr. LYNCH, and Mr. FERGUSON):

H.R. 5629. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS:

H.R. 5630. A bill to modify certain requirements with respect to H-1B nonimmigrants; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. TOM DAVIS of Virginia, Mr. BOUCHER, Mr. CANTOR, Mr. GOODLATTE, Mr. FORBES, Mr. SCOTT of Virginia, Mrs. DRAKE, Mr. WOLF, Mr. WITTMAN of Virginia, and Mr. MORAN of Virginia):

H.R. 5631. A bill to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GORDON (for himself, Mr. WHITFIELD of Kentucky, and Mr. MATHESON):

H.R. 5632. A bill to prohibit the importation of certain low-level radioactive waste into the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. WATT, and Mr. FRANK of Massachusetts):

H.R. 5633. A bill to amend the Fair Credit Reporting Act to prohibit certain discriminatory uses of consumer reports and consumer information in connection with certain personal lines of insurance, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY (for himself and Mr. MCCAUL of Texas):

H.R. 5634. A bill to exempt from numerical limitations any alien who has received a Ph.D. from an institution of higher education within the 3-year period preceding such alien's petition for special immigrant status; to the Committee on the Judiciary.

By Mr. KIND (for himself and Mr. BRADY of Texas):

H.R. 5635. A bill to suspend temporarily the duty on digital-to-analog converter boxes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 5636. A bill to establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 5637. A bill to authorize the Attorney General to award grants to eligible entities to prevent or alleviate community violence by providing education, mentoring, and counseling services to children, adolescents, teachers, families, and community leaders on the principles and practice of nonviolence; to the Committee on Education and Labor.

By Ms. ZOE LOFGREN of California:

H.R. 5638. A bill to amend title 35, United States Code, to create an exception from infringement for certain component parts used to repair another article of manufacture; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself and Mr. WAMP):

H.R. 5639. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. ALLEN, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAMSTAD, and Mr. WALZ of Minnesota):

H.J. Res. 78. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. REICHERT, Ms. BALDWIN, Mr. PRICE of North Carolina, Mr. HINCHEY, and Ms. SLAUGHTER):

H.J. Res. 79. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself and Mr. DANIEL E. LUNGREN of California):

H. Res. 1045. A resolution recognizing the paramount need to address the threat of international terrorism and protect the global security of the United States by reducing the number and accessibility of nuclear weapons and preventing their proliferation, and directing a portion of the resulting savings towards child survival, hunger, and universal education, and calling on the President to take action to achieve these goals; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Mr. SHAYS, Mr. FARR, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. MOORE of Kansas, Mr. COHEN, Mr. RANGEL, Ms. WOOLSEY, Mr. BERMAN, Mr. GERLACH, Ms. SCHAKOWSKY, Mr. KUCINICH, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 1046. A resolution expressing support for the designation of September 2008 as ''National Link Awareness Month'' and recognizing the link between animal cruelty and other forms of societal violence; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H. Res. 1047. A resolution expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Ukraine; to the Committee on Foreign Affairs.

By Ms. ZOE LOFGREN of California (for herself, Mr. DANIEL E. LUNGREN of California, and Ms. ROS-LEHTINEN):

H. Res. 1048. A resolution condemning the detention of Dr. Nguyen Quoc Quan, a citizen of the United States, by the Government of Vietnam, and expressing the sense of the House of Representatives that the United States should remove permanent normal trade relations status with Vietnam unless Dr. Nguyen is released; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK (for himself, Ms. ROS-LEHTINEN, Mr. PENCE, Mr. MARIO DIAZ-BALART of Florida, Mr. LAMBORN, Mr. MCHENRY, Mrs. BONO MACK, Mr. MCCAUL of Texas, Mr. WESTMORELAND, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 1049. A resolution calling for the Bolivarian Republic of Venezuela to be designated a state sponsor of terrorism; to the Committee on Foreign Affairs.

By Mr. OLVER (for himself, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. TSONGAS, Mr. CAPUANO, Mr. LYNCH, Mr. DELAHUNT, Mr. HODES, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. MURPHY of Connecticut, Mr. FARR, Mr. MICHAUD, Mr. COURTNEY, Mr. SHAYS, Mr. MARKEY, Ms. DELAURO, Mr. KENNEDY, Mr. ALLEN, Mr. AL GREEN of Texas, Mr. UDALL of Colorado, and Mr. TOM DAVIS of Virginia):

H. Res. 1050. A resolution recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word ''baseball'' in the United States as well as being the birthplace of college baseball; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. KUHL of New York and Mr. LATTA.

H.R. 211: Mr. MATHESON.

H.R. 333: Mrs. WILSON of New Mexico.

H.R. 406: Mr. MEEKS of New York, Mr. BOYD of Florida, Mr. ALTMIRE, Mr. LAHOOD, Mr.

MURPHY of Connecticut, Mr. BOOZMAN, Ms. TSONGAS, Mr. HELLER, and Mrs. MCMORRIS RODGERS.

H.R. 552: Mr. JEFFERSON, Mr. SARBANES, Ms. CLARKE, Ms. GIFFORDS, Mr. MCNULTY, Mr. BUCHANAN, Mr. TIM MURPHY of Pennsylvania, Mr. PATRICK MURPHY of Pennsylvania, Mr. SESSIONS, Mr. RUSH, and Mr. MURPHY of Connecticut.

H.R. 594: Mr. WOLF.

H.R. 619: Ms. DELAURO.

H.R. 690: Mr. MCINTYRE.

H.R. 706: Ms. BERKLEY and Mr. CROWLEY.

H.R. 760: Mr. NADLER.

H.R. 847: Ms. BERKLEY.

H.R. 882: Mrs. WILSON of New Mexico.

H.R. 1017; Ms. RICHARDSON.

H.R. 1043: Mrs. MYRICK and Mr. JOHNSON of Illinois.

H.R. 1072: Mr. FARR.

H.R. 1103: Ms. ESHOO.

H.R. 1108: Mr. SHAYS.

H.R. 1178: Ms. NORTON.

H.R. 1193: Mr. ELLISON.

H.R. 1237: Mr. SAM JOHNSON of Texas, Ms. CLARKE, Mr. LYNCH, and Mr. RUSH.

H.R. 1264: Mr. GERLACH and Mr. KAGEN.

H.R. 1295: Mr. SHIMKUS.

H.R. 1363: Mr. HINCHEY and Mr. HOLDEN.

H.R. 1418: Mr. GOODE, Mr. WYNN, and Mr. COHEN.

H.R. 1431: Mr. ALEXANDER.

H.R. 1439: Mr. FORTUÑO.

H.R. 1594: Mr. FILNER.

H.R. 1665: Mr. TIM MURPHY of Pennsylvania.

H.R. 1767: Mr. LATHAM.

H.R. 1781: Mr. MOORE of Kansas.

H.R. 1820: Mr. STARK.

H.R. 1843: Ms. RICHARDSON and Mr. JEFFERSON.

H.R. 1992: Mr. CLAY and Mr. MCCOTTER.

H.R. 2054: Mr. HOLDEN.

H.R. 2091: Mr. KAGEN and Mr. DOGGETT.

H.R. 2123: Mr. COHEN.

H.R. 2138: Mrs. BLACKBURN and Mrs. MYRICK.

H.R. 2205: Mr. KING of New York.

H.R. 2342: Ms. BORDALLO.

H.R. 2469: Mr. BILBRAY.

H.R. 2495: Mr. ALTMIRE.

H.R. 2790: Mr. RODRIGUEZ, Mr. PASTOR, and Mr. ALLEN.

H.R. 2792: Mr. WU and Mr. PASTOR.

H.R. 2820: Mr. MILLER of North Carolina.

H.R. 2892: Mr. TOWNS.

H.R. 2894: Mr. KENNEDY.

H.R. 2896: Mr. BERRY.

H.R. 2897: Mr. ABERCROMBIE, Mr. CARNEY, and Mr. KILDEE.

H.R. 2922: Mr. BOUCHER.

H.R. 2965: Ms. ESHOO and Mr. MARSHALL.

H.R. 3036: Mr. DELAHUNT.

H.R. 3089: Mr. KUHL of New York.

H.R. 3098: Mr. SMITH of Nebraska.

H.R. 3175: Ms. DEGETTE.

H.R. 3212: Mr. CONYERS and Ms. CORRINE BROWN of Florida.

H.R. 3223: Ms. BORDALLO.

H.R. 3232: Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. ENGEL, and Mr. INGLIS of South Carolina.

H.R. 3287: Mr. TOWNS.

H.R. 3314: Mr. NEAL of Massachusetts.

H.R. 3406: Ms. SUTTON.

H.R. 3533: Mr. TOM DAVIS of Virginia, Mr. HULSHOF, Mr. KNOLLENBERG, Mr. LEVIN, Mr. KAGEN, Mr. RAMSTAD, and Mrs. CHRISTENSEN.

H.R. 3543: Ms. DELAURO.

H.R. 3544: Mr. BERRY.

H.R. 3547: Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, and Mr. BERMAN.

H.R. 3609: Mr. BRADY of Pennsylvania, Ms. KILPATRICK, Mr. MARKEY, Ms. SLAUGHTER, and Mr. OLVER.

H.R. 3622: Mr. TIM MURPHY of Pennsylvania.

H.R. 3652: Mr. FILNER.

H.R. 3654: Mr. BISHOP of New York.

H.R. 3660: Ms. RICHARDSON.

H.R. 3726: Mrs. CHRISTENSEN and Mr. CARSON.

H.R. 3797: Mr. DOGGETT.

H.R. 3799: Mr. LEWIS of Georgia, Mr. FATTAH, Mr. AL GREEN of Texas, and Mr. SERRANO.

H.R. 3822: Mr. RAMSTAD.

H.R. 3825: Mr. TIM MURPHY of Pennsylvania and Ms. HIRONO.

H.R. 3834: Ms. FALLIN, Mr. GONZALEZ, and Ms. BALDWIN.

H.R. 3846: Mr. MILLER of North Carolina.

H.R. 3865: Mr. OLVER.

H.R. 3934: Mrs. DRAKE and Ms. PRYCE of Ohio.

H.R. 3968: Mr. AKIN, Mr. MCNULTY, and Ms. CLARKE.

H.R. 4044: Mrs. GILLIBRAND.

H.R. 4054: Mr. BAIRD.

H.R. 4055: Mr. HINCHEY.

H.R. 4061: Mr. HULSHOF and Mr. PLATTS.

H.R. 4088: Mr. BUYER.

H.R. 4105: Mr. MCNERNEY.

H.R. 4116: Mr. MCINTYRE.

H.R. 4139: Mr. SALAZAR.

H.R. 4230: Ms. SOLIS and Ms. WATERS.

H.R. 4248: Mrs. CAPITO, Mr. CALVERT, and Mr. FERGUSON.

H.R. 4313: Mr. BACA, Mr. KAGEN, Ms. SUTTON, Mr. COOPER, and Mr. WAXMAN.

H.R. 4318: Mr. TERRY.

H.R. 4460: Mr. MARIO DIAZ-BALART of Florida.

H.R. 4884: Mr. MCNERNEY.

H.R. 4897: Ms. WOOLSEY.

H.R. 4900: Mr. PORTER, Mr. BOUSTANY, Mr. DAVID DAVIS of Tennessee, Mr. AKIN, Mr. PEARCE, Mr. PUTNAM, Mr. KAGEN, Mr. MATHESON, Mr. NUNES, Mr. ADERHOLT, Mr. CULBERSON, Mr. MURTHA, Mr. SALI, Mr. NEUGEBAUER, Mr. SMITH of Nebraska, Mr. STEARNS, Ms. FOXX, Mr. BOREN, and Mr. ROYCE.

H.R. 4926: Mr. GORDON and Ms. WOOLSEY.

H.R. 4930: Mr. JOHNSON of Georgia.

H.R. 4934: Mr. SCOTT of Georgia.

H.R. 4959: Mr. FILNER.

H.R. 4987: Mr. FEENEY.

H.R. 5032: Mr. BRADY of Texas, Ms. FOXX, Mr. BARRETT of South Carolina, Mrs. CUBIN, Mr. CANTOR, Mr. WAMP, and Mrs. DRAKE.

H.R. 5038: Mr. SIRES and Ms. WOOLSEY.

H.R. 5109: Mr. SMITH of Nebraska.

H.R. 5130: Mr. CUMMINGS, Mr. MEEK of Florida, Mr. INSLEE, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Ms. KILPATRICK, and Mr. CONYERS.

H.R. 5136: Mr. SHAYS.

H.R. 5173: Mr. PRICE of North Carolina and Mr. KAGEN.

H.R. 5180: Mrs. BOYDA of Kansas, Mr. HINOJOSA, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Mr. WYNN, Mr. DAVIS of Illinois, Mr. BARROW, Mr. KLEIN of Florida, and Ms. SOLIS.

H.R. 5223: Mrs. NAPOLITANO.

H.R. 5235: Mr. WELDON of Florida and Mr. MILLER of Florida.

H.R. 5244: Mr. LEWIS of Georgia.

H.R. 5268: Mr. STARK and Ms. WOOLSEY.

H.R. 5315: Mr. MOORE of Kansas and Mr. WALBERG.

H.R. 5437: Mr. BOREN and Mr. SHIMKUS.

H.R. 5440: Mr. SHIMKUS.

H.R. 5443: Mr. LARSEN of Washington and Mr. JOHNSON of Georgia.

H.R. 5445: Mr. FORTENBERRY and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5448: Mr. ENGLISH of Pennsylvania, Mr. MCNERNEY, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. TERRY, and Mr. KAGEN.

H.R. 5461: Mr. KUCINICH.

H.R. 5465: Mr. GRIJALVA.

H.R. 5467: Mr. MILLER of Florida, Mr. MCINTYRE, and Mr. POE.

H.R. 5470: Mr. BERRY and Mr. THOMPSON of California.

H.R. 5475: Mr. GRAVES.

H.R. 5481: Mr. SOUDER and Mr. FOSSELLA.

H.R. 5489: Mr. YOUNG of Florida, Mr. PUTNAM, and Mrs. CAPPS.

H.R. 5490: Ms. FOXX, Mr. KINGSTON, Mr. BRADY of Texas, Mrs. CUBIN, Mr. GOODE, Mr. FEENEY, Mr. WAMP, and Mr. SHADEGG.

H.R. 5505: Mr. LIPINSKI.

H.R. 5510: Mr. COSTELLO and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5514: Mr. PITTS.

H.R. 5529: Mr. MILLER of North Carolina, Mr. MCNERNEY, and Mr. GRIJALVA.

H.R. 5532: Mrs. BLACKBURN and Mr. BOUCHER.

H.R. 5534: Mr. DEFAZIO and Mr. LEVIN.

H.R. 5542: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5543: Ms. GINNY BROWN-WAITE of Florida and Mr. MCNERNEY.

H.R. 5558: Mr. ENGLISH of Pennsylvania.

H.R. 5559: Mr. PAUL, Mr. GRIJALVA, Mr. GOODLATTE, and Mr. SOUDER.

H.R. 5561: Mr. CLEAVER.

H.J. Res. 53: Mr. FALEOMAVAEGA.

H.J. Res. 68: Mr. FILNER.

H. Con. Res. 28: Mr. CARNEY.

H. Con. Res. 75: Ms. SHEA-PORTER.

H. Con. Res. 223: Mr. MARSHALL.

H. Con. Res. 244: Mr. BILBRAY, Mr. COURTNEY, and Mr. SMITH of Nebraska.

H. Con. Res. 305: Ms. WOOLSEY, Mr. DOGGETT, Mr. DOYLE, and Mr. BISHOP of Georgia.

H. Con. Res. 315: Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. COLE of Oklahoma, Mr. DAVIS of Kentucky, Mr. PETERSON of Pennsylvania, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. SULLIVAN, Mr. TANCREDO, Mr. SHUSTER, Mr. TERRY, and Mr. GRAVES.

H. Res. 356: Mr. RADANOVICH.

H. Res. 424: Mr. WALZ of Minnesota, Mr. ALTMIRE, Ms. SUTTON, Mrs. MALONEY of New York, Mr. RYAN of Ohio, Ms. CASTOR, Ms. MOORE of Wisconsin, Mr. KILDEE, Ms. BALDWIN, Mr. HILL, Mr. BRADY of Pennsylvania, Mr. EMANUEL, Mrs. MCCARTHY of New York, Mr. BAIRD, Mr. BOSWELL, and Mr. MARKEY.

H. Res. 538: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. KIRK, and Mr. VAN HOLLEN.

H. Res. 887: Mr. BURTON of Indiana.

H. Res. 888: Mr. KINGSTON and Mr. BACHUS.

H. Res. 896: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 985: Mr. ENGLISH of Pennsylvania and Mr. DAVIS of Illinois.

H. Res. 987: Mr. ISRAEL and Mr. HINCHEY.

H. Res. 988: Mr. SAM JOHNSON of Texas and Mr. HULSHOF.

H. Res. 990: Mr. JEFFERSON.

H. Res. 992: Ms. SUTTON.

H. Res. 997: Mr. ALTMIRE and Mr. COSTA.

H. Res. 1006: Mr. MARSHALL.

H. Res. 1011: Mr. RUSH, Mr. SHAYS, Mr. STARK, Mr. FRANKS of Arizona, Ms. WATERS, and Ms. JACKSON-LEE of Texas.

H. Res. 1016: Mr. JORDAN, Mrs. MCMORRIS RODGERS, Mr. MCCOTTER, Mr. KUHL of New

York, Mrs. CUBIN, and Mr. MCCARTHY of California.

H. Res. 1026: Mr. SMITH of Washington, Mr. PEARCE, and Mr. REYES.

H. Res. 1044: Ms. JACKSON-LEE of Texas.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Mr. GALLEGLY.

H.R. 5464: Mr. SENSENBRENNER.

SENATE—*Thursday, March 13, 2008*

The Senate met at 10:15 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, gracious Father of us all, You have guided the leadership of this Nation through troubled waters in the past. Lead our lawmakers now into these difficult days. Give our governmental leaders wisdom and energy, that they may successfully meet today's challenges. Assure them of Your presence, love, and grace in their labors. Temper their awareness of privilege in this place with humility and respect toward each other. May their work be productive of justice, equity, and peace. Today, Lord, we also pray Your blessings upon our Nation's military and our men and women in harm's way.

We pray in the Name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 13, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MOMENT OF SILENCE TO HONOR U.S. TROOPS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will observe a moment of silence in honor of our troops.

(Moment of Silence.)

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATOR HOWARD METZENBAUM

Mr. REID. Mr. President, I had the good fortune to serve in the Senate with one of the real characters of this Senate, Howard Metzenbaum. A smile has to cross my lips when we talk about Howard Metzenbaum because he was someone who really was a Senator. He had read the bills. He wanted to make sure people were treated fairly. If they weren't, he knew how to slow things up. But in the end, he was willing to come around. I have such respect and gratitude for the service to our country of Howard Metzenbaum.

He served 18 years as a Senator from Ohio, from 1976 to 1995. He was really a self-starter, for lack of a better description. He held his first job at age 10 delivering groceries, worked his way through Ohio State University with all kinds of jobs—sold flowers, played trombone in the band at the university, sold magazines, razor blades, rented bicycles. But he graduated Ohio State with all those odd jobs, Ohio State law school.

His first big business break came when he and a partner created a 24-hour staff parking lot at Cleveland's Hopkins Airport. No one had ever heard of a 24-hour parking lot. He did.

Howard Metzenbaum came to the Senate as a very wealthy man. He was a self-made man. He was a man who had made a name for himself. He was a labor lawyer, a union lobbyist. When he came to the Senate, he never forgot the people those unions represented, the working men and women of Ohio. After he left the Senate, he became the head of the Consumer Federation of America, a perfect place for him.

His partner in all this was his wife Shirley, whom we all came to adore. They have four daughters.

I want the RECORD to be spread with my appreciation and admiration for this good man from Ohio.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PASSING OF SENATOR HOWARD METZENBAUM

Mr. MCCONNELL. Mr. President, let me also note the passing of our former colleague, Senator Metzenbaum. I think the majority leader captured him well. He was a man who operated in the Senate similarly to two of our colleagues today—I think of Senator COBURN and Senator FEINGOLD—in the sense that he actually was interested in every piece of legislation that went across the Senate floor. He took the time to look at it, to decide whether he thought it was a good idea or not. He was a man of extraordinary passion.

He was, by his own description, an orthodox liberal and made no apologies about it. As the majority leader has pointed out, he had extraordinary success, rising from absolutely nothing financially and in terms of connections, not only made a substantial amount of money in the private sector but then had a long and distinguished public career as well.

We all remember Senator Metzenbaum with fondness and with respect. I, too, extend my sympathy to the Metzenbaum family.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, as we all know, this is the time for the vote-arama or whatever we want to call it. It is usually an exciting day, but it is a difficult day. I have conferred with the two Republican leaders, and what we are going to do—and I ask unanimous consent that this be the case—the first vote we are going to have will occur sometime around 11 o'clock. The first vote will be 15 minutes plus 5, like we do. After that, they will be 10 minutes straight, no wiggle time at all. Senator CONRAD and Senator GREGG have been through this many times. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tried 5 minutes; it doesn't work. But 10 minutes we are going to do. This is going to apply to my side of the aisle and the other side of the aisle, the 10 minutes. We are going to cut things off, if people miss votes.

Mr. MCCONNELL. Will the leader yield? That would include, of course, the 1-minute explanation of the amendment on each side.

Mr. REID. Of course. I appreciate that very much. As my friend indicated, prior to each vote there will be 1 minute on each side, pro and con. I also have asked the Parliamentarian to enforce this. I say to the Chair, and I hope you will notify your successor, we are going to gavel people after 1 minute. These 1-minute speeches drag on for 3 or 4 minutes. That takes away from what we are supposed to do. The 1 minute is something we have kind of traditionally started doing. There is nothing in the rules to say you have any time.

I ask unanimous consent that the first vote be 15 minutes plus 5, subsequent votes will be 10 minutes, with no wiggle room after that, and that there be 1 minute on each side on each amendment and that the Chair will enforce the 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, my final request would be that the Senator from Ohio, Mr. BROWN, be given 5 minutes to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent for 3 minutes for Senator KENNEDY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Ohio.

SENATOR HOWARD METZENBAUM

Mr. BROWN. Mr. President, Senator KENNEDY and Senator Metzenbaum were so often fighting for same causes and the same issues and showed the same courage. They both were and are heroes to many. I thank the majority leader for the time.

A great son of Ohio, Senator Howard Metzenbaum, passed away last night in Florida. He was personally inspirational to so many. He changed the lives of Ohioans, as he changed the lives of so many Americans through his lifetime commitment to public service. I am honored to hold his seat in the Senate and to follow in his footsteps.

According to Senate tradition, many Members of the Senate carve their names in the drawers of the desks that line the rows. Whoever has Senator Metzenbaum's desk can, with all of us, share in the legacy of his greatness.

As different as they were, Senator Metzenbaum and Senator John Glenn, who served together for almost two decades, made an unparalleled team for Ohio.

Senator REID mentioned that Howard was a child of poverty. He was a child of prejudice growing up as a Jew on the east side of Cleveland and suffered both from his family's poverty and anti-Semitism in all too many cases. He worked his way in jobs, starting as a 10-year-old, through Ohio State.

Senator REID told us that in the Senate, Senator Metzenbaum was a master of the rules, a constant presence in an often empty Chamber, who would, when leaving the Chamber, post an aide to scout for an unexpected amendment or hastily scheduled floor action on various bills. Once, when a 2-week filibuster was cut off and Metzenbaum was still determined to block action on lifting natural gas price controls, he and a partner sent the Senate into round-the-clock sessions by demanding rollcall votes on 500 amendments. He did not care if he angered his colleagues. He did not care if he was liked every day by his colleagues. What he cared about was to fight for economic and social justice for the 10 million citizens whom he represented in Ohio and for the 250 million or so Americans when he served in the Senate.

The Washington Post, in 1982, said that Senator Metzenbaum singlehandedly saved at least $10 billion by blocking special interest tax breaks and pork-barrel programs.

I remember watching Senator Metzenbaum when I served in the House, at the beginning of my House career and at the end of his Senate career. I watched him as a younger elected official in State politics. Even as he was getting older and he began to show his age, when he stood in front of an audience, the energy just burst from him. Fiery passion for economic justice and social justice poured forth from Howard Metzenbaum. He would start at the podium—he is the first politician I saw do this—and as he would work his way up into his speech and begin to inspire people, he would come away from the podium and walk out into the audience, and he had a strong, powerful voice even when he was no longer speaking into the microphone. People would always respond with the same kind of passion and be inspired by him. That is my clearest, favorite memory of him. His legislative record, of course, was so important too. One of the most important things he did was the plant closing legislation, giving 60 days' notice to workers who too often have seen their jobs disappear with nothing to show for it—pensions, health care, all that.

Howard Metzenbaum always fought for people who had less. He always fought for people who had less privilege than he had. He always fought for opportunity for people of all races and both genders and all social classes. That is what he will be remembered for.

I particularly admire his family. Howard was a great family man—a man who cared very much about Shirley, his wife, and his four daughters: Shelley, Amy, Susan, and Barbara. He will be greatly missed.

After his service in the Senate, as Senator REID said, he became the head of the Consumer Federation of America. He never gave up his passion for fighting for ordinary people and for being a warrior for social and economic justice.

Mr. President, I yield to Senator KENNEDY, who was a comrade in arms in so many ways with Senator Metzenbaum.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF BUSINESS

Mr. REID. Mr. President, one thing I did not mention—the Republican leader is on the floor—we are going to finish this bill tonight. Or if it goes past midnight, we are going to finish it on Friday. We are going to finish this bill. We have a lot of amendments. It is not as if we have not done this before. I hope people will be understanding of the rest of the Senators as to how many amendments are offered.

We understand the rules. You can offer all you want. We are going to finish this legislation tonight. It is important we do that. We have a very important work period coming, with many things scheduled. I have had a number of Democrats and Republicans come to me and say it would be to everyone's advantage if we finished this bill earlier tonight rather than later. But whenever it is, whether it is late on Thursday, early on Thursday, or early Friday morning, we are going to finish this legislation tonight or in the morning.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

SENATOR HOWARD METZENBAUM

Mr. KENNEDY. Mr. President, all of us are deeply saddened with the loss of an extraordinary Senator and a great human being: Howard Metzenbaum. We extend our condolences to Shirley and to the members of the Metzenbaum family.

He truly was the conscience of the Senate for so many years. This is an institution made up of 100 individuals, and all of us wonder whether any of us can make much of a difference in a group of 100. But history will show that Howard Metzenbaum made an extraordinary difference in this institution and for the working men and women of this country whom he championed.

He was an unabashed champion for those who were left out and left behind.

So often their interests and their well-being are forgotten, but they never were when Howard Metzenbaum served in this institution.

Reference has been made to one of the great battles, among the many he fought, and that was on this issue of the deregulation of natural gas. Howard and Jim Abourezk and a few of us were interested in that issue. We were following the leadership of Howard Metzenbaum. He absolutely infuriated every Member of this body as he kept us here day and night, day and night, rollcall after rollcall, but he would not give up, and he would not give in.

All of the Members were in an uproar, until finally a solution was reached and the Senate went in adjournment. As Senator Metzenbaum walked out on the Senate steps, Senator after Senator came up and congratulated him. They all were expressing a viewpoint that was unsaid, but they were basically saying beneath their breath that they hoped they could be the champion for their interests as Howard Metzenbaum was a champion for the interests of working men and women in this country.

Howard could scold, he could hassle, he could provoke, he could cajole, but he also could smile and he could joke. He had a warm heart and a brilliant mind. He was a Senator's Senator. He will be greatly missed, but he will be greatly remembered as well for his service to this institution, which he loved, and for the people of Ohio, whom he served so nobly.

Mr. COCHRAN. Mr. President, I was deeply saddened by the news of the death of our former colleague and friend, Howard Metzenbaum.

The Senator from Ohio was one of the most conscientious, hardest working, and influential Senators I have had the privilege to observe since I came to the Senate in 1979.

We were friends even though we would disagree on some subjects and be on the opposite sides of amendments he would offer on appropriations bills I was supporting. He was a fierce debater and would often become agitated and raise his voice level for effect. But, he always impressed me as sincere, honest, and relentless.

The Senate and the United States were well served by Howard Metzenbaum.

Mr. HATCH. Mr. President, I rise to speak today regarding the passing of former Senator Howard Metzenbaum, who passed away last night at his home in Fort Lauderdale, FL. I think I speak for many of my colleagues when I say that our Nation has lost a principled leader and that Senator Metzenbaum will be missed.

Senator Metzenbaum was born in Cleveland, OH in 1917 and spent much of his life serving the people of that great State. He graduated from Ohio State University in 1939 and received a law degree from that same institution in 1941. The early days of his legal practice were devoted to representing labor unions in Ohio.

In 1943, he began an 8-year period of service in the Ohio State Legislature, serving 4 years in the Ohio House of Representatives and 4 more in the Ohio Senate. He soon became a prominent figure in Ohio politics.

After his time in the Ohio Legislature, he continued his legal practice and also embarked on a very successful career in real estate development, becoming a self-made millionaire through a series of very successful investments. However, he did not stay out of public service for long.

In 1974, Senator Metzenbaum was appointed by Ohio Governor Jack Gilligan to fill the vacancy in the U.S. Senate left by Senator William B. Saxbe who had departed to serve as U.S. Attorney General. After losing a tough primary election to future Senator John Glenn later that year, Howard was elected to Ohio's other Senate seat in 1976, the same year I came to the Senate. He served three Senate terms before retiring in 1995.

I had the privilege of serving with Howard for his entire career in the Senate. It always amazed me how dedicated Howard was and how he dutifully watched out for his constituents' interests. It seemed like he was always on the floor at the right time and ready to stop any amendment that he thought might go against the principled views he held.

For many years, Howard's Senate office was across the hall from my office on the first floor of the Russell Senate Office Building. Frequently, when there was a vote, Howard and I would enter the hallway at the same time and he would immediately make a statement about the loud tie I was wearing. He never failed to notice the unique collection of ties I wore. However, over the years, I noticed his selection of tie choices began to grow louder and louder as well until eventually, we used to see who could wear the most outlandish ties to work each day. We sure did wear some ugly ties trying to outdo each other. We really developed quite a fondness for each other during those years.

As you might expect, Howard and I often found ourselves butting heads on many issues. He certainly had a tendency, at times, to frustrate some of our colleagues. However, we all admired him for his courage and conviction.

Howard was a tough politician. As we came to the close of each of our Senate work periods right before a recess began, you could always find Howard sitting at his desk on the Senate floor objecting to every piece of legislation that he did not agree with. He spent hour upon hour standing up for the people of Ohio.

Howard's enthusiasm in protecting the interests of Ohioans was probably the only thing that exceeded his zeal in guarding against legislation that he viewed as helping large corporations. I recall with some amusement an incident surrounding an amendment I was trying to add to a tax bill on the Senate floor that would have lowered excise taxes for certain companies that supplied materials to mining companies. This amendment had been cleared by the managers of the bill, who were the leaders of the Finance Committee. It appeared that acceptance of the amendment was a done deal.

That is, until Senator Metzenbaum found out that a potentially pro-corporation amendment was about to be accepted.

Howard began objecting to the unanimous consent request to include this amendment in the bill. During a call of the quorum, I went over to chat with him. I informed him that of the roughly two or three dozen mining supply companies that would be helped by this amendment, three were located in Ohio. I could see in his eyes the difficult nature of his dilemma—on the one hand he did not want to spend money on helping corporations and on the other hand, he always wanted to help his beloved Ohioans.

In the end, Howard made what he thought was the best decision for his constituents and agreed to let the amendment go, but not before he had a chance to weigh in his mind the importance of his decision. I remember thinking at the time that I had probably witnessed one of the only times Howard ever changed his mind regarding a piece of legislation.

Mr. President, I want to extend my deepest sympathies to the Metzenbaum family. As I said, Howard and I didn't often find ourselves on the same side of matters before the Senate, but I can say, without reservation, that he was a dedicated public servant, a man I have always admired and a dear friend.

Mr. BYRD. Mr. President, I was saddened to learn that my good friend and former colleague, Senator Howard Metzenbaum, has passed away.

He was a man of courage, conviction, commitment, and toughness. He was a labor lawyer and union lobbyist, who grew up in poverty, and went on to become a champion of the rights of American workers. He was a self-made millionaire who became a dedicated adversary of big business.

I was honored to work with him in the Senate for 18 years. He was an unabashed liberal who brought such an intensity to any issue he was promoting, that it was a pleasure simply to watch him as he worked. It was the high level of energy and emotion that he brought to the issues about which he felt most deeply that prompted me to remark at one point, ''Some men have succeeded in politics through diplomacy and compromise, [but] Howard Metzenbaum's forte has been his passion.''

And he was passionate about liberal causes. During his career in the Senate, he wrote legislation on nutrition-labeling, funding for ''orphan drugs'' for rare diseases, airline safety, and penalties for violations of child-labor laws.

It was a delight to work with him in the incredibly productive 100th Congress—and he was one of the reasons that that particular Congress was so productive. Some of the legislation that Senator Metzenbaum sponsored during that Congress included plant-closing notification and a massive worker-retaining program.

Mr. President, Senator Metzenbaum's support for liberal causes earned him a variety of labels and descriptions. While the Wall Street Journal branded him ''Senator No'' for his determination and ability to block legislation that favored special interests, the Dayton Daily News called him ''Senator Can Do'' for his legislative accomplishments.

The Cleveland Plain Dealer described him as the ''watch dog for American consumers.'' The Gannet News service called him the ''millionaire friend of the little guy.'' The Congressional Quarterly depicted him as the ''Democratic Gatekeeper.'' In his weekly newspaper column, Senator Paul Simon called him ''the tiger of the Senate.'' The head of Handgun Control, Sara Brady, labeled him a ''hero'' for his leadership in fighting for the Brady bill and other gun-control measures. I was privileged to be able to call Senator Metzenbaum ''friend'' and ''colleague.''

American workers and American consumers, as well as members of the Senate, the State of Ohio, and the citizens of our beloved country are all so much better off because he served in this chamber for nearly two decades.

Mr. President, during one of his fights against special interests, the Washington Post editorialized, ''Thank God for Metzenbaum.'' I loved that remark because I, too, wish to ''thank God for [Senator] Metzenbaum.''

Mr. HARKIN, Mr. President, I was saddened to learn of the death, last night, of former Senator Howard Metzenbaum of Ohio. But my grief is leavened by wonderful memories of this extraordinary person and all that he accomplished during his nearly two decades in this body.

There are several essential, bedrock things you quickly learned about Howard Metzenbaum. He was proud, unreconstructed, irrepressible liberal. He was a fighter who never gave in or gave up. And he was utterly intolerant of injustice or discrimination toward any human being.

In many ways, he was a classic child of the Great Depression, raised amidst poverty and anti-Semitic prejudice, and reared on the speeches of his hero, Franklin D. Roosevelt.

Howard was a self-made man who said that he was ''born knowing how to make money.'' And he did, indeed, make a fortune in the business world. But, for Howard, money was not an end in itself. It gave him the freedom to devote himself to public service and to the causes that he believed in so passionately.

Howard and I shared a common interest in combating child labor and child slavery around the world. I especially admired his work as a founding member of the RUGMARK Foundation, a non-profit organization dedicated to fighting child labor in the hand-made carpet industry, especially in countries like India and Pakistan.

He poured all his energy and prestige as a U.S. Senator into getting RUGMARK started, and building it into the successful humanitarian organization that it is today. And on many occasions, he joined with other anti-child-labor activists in picketing outside of rug stores that persisted in selling products made with abusive child labor.

Of course, Howard's fight for social and economic justice extended into many other arenas.

For many years, he worked as a lawyer for labor unions, and he always believed passionately in unions as instruments for lifting people up and fighting for justice. It was Senator Metzenbaum who passed the law requiring 60-day notice before a plant could be closed.

And I dare say that the Senate has never had a more outspoken advocate for the American consumer. In fact, after he retired from the Senate, Howard served as chairman of the Consumer Federation of America. He fought for access to affordable prescription drugs. And, with good reason, he was especially proud of the law he passed requiring nutrition labels on all processed food products.

Food labels—listing calories, fat, salt, and cholesterol content—have changed the way Americans shop, and they have given us an important tool for taking charge of our own health. Howard's work on food product labels was the inspiration for my own bill, which would require chain restaurants to provide similar information on the nutritional content of regular menu items.

Mr. President, those of us who were privileged to serve in the Senate with Howard Metzenbaum will never forget his sharp wit and equally sharp tongue. He didn't come to the Senate to be Mr. Popularity; he came here to get things done and to change the world for the better.

And that's exactly what Senator Metzenbaum did during his 19 years in this body. He was a tireless, outspoken voice for working families and union members, for the poor, and for anyone who is oppressed, exploited, or discriminated against.

Mr. President, there was one other great passion in Howard Metzenbaum's life, and that was his love for Shirley, his wife and partner for more than five decades. My thoughts and prayers, today, are with Shirley.

She is saying goodbye to her beloved husband. We are saying goodbye to one of the true giants of the Senate in the late 20th century.

UNANIMOUS-CONSENT REQUEST—S. 1027

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 351, S. 1027; the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BUNNING. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 70, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

Pending:

Baucus amendment No. 4160, to provide tax relief to middle-class families and small businesses, property tax relief to homeowners, relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita, and tax relief to America's troops and veterans.

Graham amendment No. 4170, to protect families, family farms, and small businesses by extending the income tax rate structure, raising the death tax exemption to $5,000,000 and reducing the maximum death tax rate to no more than 35 percent; to keep education affordable by extending the college tuition deduction; and to protect senior citizens from higher taxes on their retirement income, maintain U.S. financial market competitiveness, and promote economic growth by extending the lower tax rates on dividends and capital gains.

Bingaman amendment No. 4173, to provide additional funding resources in fiscal year 2009 for investments in innovation and education in order to improve the competitiveness of the United States.

Gregg (for Specter/Craig) amendment No. 4189, to repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto.

Conrad amendment No. 4190, to add a deficit-neutral reserve fund for repealing the

1993 rate increase for the alternative minimum tax for individuals.

Kyl amendment No. 4191, to protect small businesses, family ranches, and farms from the Death Tax by providing a $5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35%.

Conrad (for Salazar) modified amendment No. 4196, to reform the estate tax to avoid subjecting thousands of families, family businesses, and family farms and ranches to the estate tax.

Bunning amendment No. 4192, to repeal the tax increase on Social Security benefits imposed by the Omnibus Budget Reconciliation Act of 1993.

Conrad amendment No. 4204, to add a deficit-neutral reserve fund for repealing the 1993 increase in the income tax on Social Security benefits.

Gregg (for Specter) amendment No. 4203, to increase funding for the National Institutes of Health and the Low Income Home Energy Assistance Program.

Dorgan amendment No. 4198, to increase the Indian Health Service by $1,000,000,000 in fiscal year 2009.

Alexander amendment No. 4207, to establish a deficit-neutral reserve fund to improve energy efficiency and production.

Kennedy amendment No. 4151, to add a deficit-neutral reserve fund for increasing federal student loan limits to protect students against disruptions in the private credit markets.

Sununu amendment No. 4221, to save lives, promote overall health care efficiency, and lower the cost for the delivery of health care services by facilitating the deployment and use of electronic prescribing technologies by physicians.

Murray (for Lincoln) amendment No. 4194, to provide the Veterans Benefits Administration with additional resources to more effectively meet their increasing workload and to better address the unacceptably large claims backlog.

Alexander amendment No. 4222, to take $670,000 used by the EEOC in bringing actions against employers that require their employees to speak English, and instead use the money to teach English to adults through the Department of Education's English Literacy/Civics Education State Grant program.

Sessions amendment No. 4231, to establish a deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.

Cornyn amendment No. 4242, to protect the family budget by providing for a budget point of order against legislation that increases income taxes on taxpayers, including hard-working middle-income families, entrepreneurs, and college students.

Conrad (for Pryor) amendment No. 4181, to add a deficit-neutral reserve fund for Science Parks.

Allard amendment No. 4246, to raise taxes by an unprecedented $1.4 trillion for the purpose of fully funding 111 new or expanded Federal spending programs.

Menendez amendment No. 4259, to establish a reserve fund for immigration reform and enforcement.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are on the budget resolution. We will complete work today or tomorrow at some point. It is important we complete the business.

Let me indicate this is the circumstance we inherit: The last balanced budget was in 2001. Since then, this administration has run up record deficits and record debt.

Mr. President, 2004 was the largest dollar deficit in history. In fact, we have now had the five largest deficits in our history under this administration. That dug a very deep hole as we began to write this budget resolution.

This is what has happened to the debt: At the end of the first year of the administration—we do not hold them responsible for the first year because they inherited a budget from the previous administration—the debt of the United States stood at $5.8 trillion. It will be, at the end of 2009, over $10.4 trillion. This administration will nearly have doubled the debt of our country.

In terms of who is financing that debt, increasingly we are dependent on the kindness of strangers because increasingly this money is being borrowed from abroad.

I show this chart: There are 42 Presidents pictured here. It took 224 years to run up $1 trillion of U.S. debt held abroad. This President has more than doubled that amount in 7 years. In fact, he has far more than doubled foreign holdings of U.S. debt in 7 years.

That brings us to this budget, which recognizes the economic weakness our country is confronting. So our first priority is to strengthen the economy and create jobs. We do that by investing in energy, to reduce our dependence on foreign oil. We invest in education, knowing we cannot be a first-class nation unless our people are the best educated, best trained in the world. We invest in our infrastructure, to help make us more competitive. We also expand health care coverage for our children because that is a wise investment that pays off over a lifetime. And we provide tax cuts for the middle class.

At the same time, we restore fiscal responsibility by balancing the budget in 4 years, and maintaining balance in the fifth year. We also seek to make America safer by supporting the troops by providing for veterans' health care, and by protecting the homeland by rejecting the President's proposed cuts in law enforcement, the COPS Program, and our first responders.

We all know the economic weakness the country is currently experiencing. Economic growth, in 2006, averaged 2.6 percent; in 2007, 2.5 percent. The Congressional Budget Office is now estimating for 2008 the economic growth will only be 1.6 percent. Many of us believe the economy is not growing at all at the present time. In fact, we may well be in a recession.

So in order to strengthen the economy, we have provided for stimulus in this budget resolution: some $35 billion in an insurance policy, standby authority in case this economy weakens further; providing relief in the hard-hit housing sector, where we know they are not in a recession, they are in a depression; also having the option of extending unemployment insurance; providing for additional resources for food stamps; and also having the opportunity for additional funding for low-income heating assistance, the WIC program, and infrastructure funding for 2008—projects that are ready to go: road building, highway construction, bridge construction, school construction—projects that are designed, that are engineered, all of the land has been acquired; they just need the money to begin construction and to hire people and to create jobs.

There is also substantial tax relief in this budget resolution: Alternative minimum tax relief, so an additional 20 million families are not caught up in the alternative minimum tax; additional energy tax incentives, again to reduce our dependence on foreign oil; additional education tax cuts, in order to make college more affordable; the stimulus provisions we have discussed, especially targeted at the housing sector; and, of course, the all-important extenders—those tax provisions that are expiring that need to be extended.

The first amendment to the budget resolution will also extend the middle-class tax relief. It will extend the marriage penalty relief, the child tax credit, the 10-percent bracket. It will also provide for estate tax reform, providing for an exemption of $3.5 million a person—and all of that to keep pace with inflation as well. It also contains an important new property tax relief measure that the chairman of the Finance Committee will describe, tax relief for our troops and veterans, and tax relief for the victims of Hurricanes Katrina and Rita.

All of that is against the backdrop of a budget that is balanced. Once the Baucus amendment is adopted that extends the middle-class tax relief, we show that we are able to balance the budget in the fourth year, and maintain balance in the fifth year, showing a positive balance in the fourth year of $4 billion, and a similar amount in 2013.

We are also, under this resolution, once the Baucus amendment is adopted, taking the debt as a share of our national income down each and every year, from 69.6 percent, down to 66 percent in 2013. So we have the debt going in the right direction, going down as a share of our national economy.

We also have spending going down under this budget resolution as a share of our national income, from 20.8 percent of gross domestic product in 2009, stepped down each year, until in the fourth and fifth years we have reduced Federal spending as a share of our national economy to 19.1 percent.

Now, we will hear on the other side assertions that this budget spends hundreds of billions of dollars more. I don't know what budget they are talking about because it is not this budget.

This shows the difference between our budget and the President's budget in terms of spending. The red line is the President's spending line. The green line is the spending under this resolution. My colleagues can see, in relative terms, they are very close. There is only a 2-percent difference in spending over the 5 years, the difference between what is in the President's budget and what is in this budget. We use those additional resources for energy, for education, for infrastructure, for our veterans, and to maintain law enforcement programs such as the COPS Program.

One percent: What does this signify? One percent is the difference in the spending level for this next year between our budget and the President's budget. There is 1 percent more spending in our budget in total for 2009 than is in the President's budget. Again, those additional resources are devoted to primarily education, reducing our energy dependence, infrastructure, and veterans health care. Those are the primary areas of difference.

Here are the lines which show the difference between the revenue in our proposal and the revenue in the President's proposal. We will hear there is a $1 trillion tax increase somehow buried in this budget. There is no such thing. They made the same claims last year. There was no $1 trillion tax increase last year; there is no $1 trillion tax increase this year. I said yesterday that if I brought up the menu from the dining room downstairs and introduced it as a budget resolution, our colleagues would say there is a $1 trillion tax increase because that is what they always say.

The fact is the difference in revenue between the two is 2.6 percent. Here is the difference between the revenue in the President's budget and the revenue in our budget: 2.6 percent. That means we are able to pay the debt down more. That means we are able to balance the budget. That means we are able to put some additional resources in these high priority needs such as veterans health care, education, energy, and infrastructure to help create jobs and stimulate this economy and also position America to be fully competitive in the years ahead.

So how could we get 2.6 percent more revenue than the President and not have a tax increase? Well, I suggest we can do it by going after things such as the tax gap, the difference between what is owed and what is paid. The vast majority of us pay what we owe; some don't. That amount of money has become very large. The IRS says in 2001, that gap between what is owed and what is paid was $345 billion.

However, that is not the only place there is money that is not being secured. We have offshore tax havens. The Permanent Subcommittee on Investigations has told us we are losing $100 billion a year to these offshore tax havens. Here is an example: A building in the Cayman Islands, a 5-story building that claims to be home to 12,748 companies. They all say they are doing business out of this little building. Does anybody believe that? The only business they are doing down there is monkey business. What they are doing is avoiding and evading their taxes in this United States. We ought to shut it down. If we do shut it down, there is a tremendous amount of money there, according to our Permanent Subcommittee on Investigations.

This article appeared on March 6 in the Boston Globe: ''Top Iraq contractor skirts U.S. taxes offshore.'' It is a perfect example of what I have been talking about. This story indicates that:

> Kellogg Brown & Root, the nation's top Iraq war contractor and until last year a subsidiary of Halliburton Corp., has avoided paying hundreds of millions of dollars in federal Medicare and Social Security taxes by hiring workers through shell companies based in this tropical tax haven.

I wish that was the exception. Unfortunately, our Permanent Subcommittee on Investigations says it is no exception. It is increasingly the case.

Let me close by saying on the other side, our colleagues will say a $1 trillion tax increase. They made the same claim last year. Now we can go back and check the record and see what actually happened. With Democrats in control of the House and the Senate, did they increase taxes by $1 trillion? What actually happened? Well, if you go check the record—this isn't a forecast, this isn't a projection, this isn't a claim; this is a fact—this Congress reduced taxes by $194 billion. They increased revenue through loophole closers by $7 billion, so a net reduction in taxes of $187 billion. That is what the Congress did. Congress, controlled by the Democrats in the House and the Senate, didn't increase taxes, as was claimed by the other side last year. They make the same claim this year. The fact is we cut taxes, and we cut taxes quite dramatically.

The stimulus package that will lead to checks being sent out to 100 million Americans, that was a tax cut. In addition, fixing the alternative minimum tax so more than 20 million American families weren't hit with increased taxes are in those numbers.

This is a budget resolution worthy of our colleagues' support, and I encourage each of our colleagues to carefully evaluate it and to support it.

Might I, before my colleague begins, thank him for his many courtesies during consideration of the budget resolution. As always, we have differences. My colleagues will hear them now, I am sure. On substantive issues, we have places where we disagree, but he has been an absolute professional in the conduct of the work of this committee and the handling of this resolution on the floor. I thank him for it.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, let me join in complimenting the chairman of the committee. He is also a professional and a very enjoyable person to work with. Whether it is his birthday or he is sick, he does a great job around here. I think the comity which we have and the professionalism that is shown, between our staffs especially, who do an extraordinary job, under tremendous pressure, is the way the Senate should work. Obviously, we are debating and engaging on very significant issues of public policy, but they should stay as political and substantive policy debates. The actual operation of the Senate and the management of a piece of legislation such as this needs to be done through cooperation between the two sides, and as a result of the tenor the chairman sets in the committee, it is.

However, as he said, I do disagree. I do disagree with the bill that has been brought forward. In my opinion, it is a lost opportunity of immense proportions.

This Nation faces so many very significant issues—the most significant, of course, being the threat of Islamic terrorism and an attack on our shore again. But that is followed fairly closely by the equally significant issue, in my opinion, of the looming fiscal meltdown of this Nation as a result of the costs which we have put on our children, costs which they will have to bear dealing with paying for the benefits of the retirement of the baby boom generation.

In addition, there are issues such as tax policy and issues such as health care this country needs to deal with. Everybody who fills up their gas tank with gasoline any day of the week knows we better get our hands around the cost of energy or we are going to be in big trouble.

This budget does virtually nothing in any of these areas and, in many of these areas, in my humble opinion, significantly aggravates the problems. The opportunity was there to do things—to do significant things—to take significant steps, to be creative, to be imaginative, to even be bipartisan, which would have been nice, but those opportunities were passed.

Right upfront, this budget underfunds the troops in the field. Now, they are not alone. The administration sent up a budget that did the same thing. But then later, I give the administration credit for correcting their mistake and the Secretary of Defense came forward and said what the right number would be. Last year, the budget and the administration reflected a correct number on what was needed for the troops, but this budget

grossly underfunds the troops in the field. Even if you subscribe to the view of some of my colleagues on the other side of the aisle, which is that these troops should come home tomorrow and acknowledge surrender, you can't get them home. They are going to be left in the field without the equipment they need, without the tools they need to fight this war under the number in this budget.

In addition, this budget dramatically expands spending. My colleague loves to use a chart which shows two lines together and it is only 1 percent. Well, folks, 1 percent on $3 trillion is real money, at least in New Hampshire. That is $300 billion of increased spending on the discretionary side of the ledger. When you put in the entitlement side of the ledger, it adds up to over $700 billion of increased spending. Also, it gets built into the baseline. In other words, when you spend that extra $22 billion this year, which adds up to over $300 billion over 5 years, that becomes a figure off which the next year's spending occurs. So it gets bigger and bigger and bigger. It grows and grows and grows. There is no attempt in this budget to try to discipline spending on the discretionary side of the ledger but, more importantly, there is absolutely no attempt in this budget for disciplined spending on the entitlement side of the ledger.

We know we are facing a fiscal meltdown as a result of the costs of Medicare, Medicaid, and Social Security when this huge generation, of which I am a member and of which my colleague is a member, retires. Sixty-six trillion dollars of unfunded liability will be put on the backs of our children. What does that mean? That means their taxes will go up so much in order to support our generation that they will be unable to afford the lifestyle of our generation. They will not be able to send their kids to college. They will not be able to buy that first house. They will not be able to enjoy the comforts of a lifestyle of affluence this country has obtained, the most affluent country in the world, because entitlement costs will not be able to be borne.

This bill does absolutely nothing in this area. Why? Why do we leave this problem to the next generation? We are the ones who are creating this problem. The administration at least had the courtesy to send up a whole series of ideas and they were all fair and they were all reasonable and none of them impacted the vast majority of Medicare beneficiaries or Social Security beneficiaries. Yes, they did impact Warren Buffett. They suggested the Warren Buffetts of this world—I guess there is only one Warren Buffett—the people who have high incomes, the people with over $80,000 of personal income or $160,000 of joint income, that they should pay a fair portion of the cost of their drug insurance under Medicare. Today, they pay virtually nothing—well, a very small amount anyway, less than a quarter of a percent—a quarter of it. But that idea was not included in this bill, although there will be an amendment to have it included in the bill.

Ideas on improving technology weren't included. Ideas on improving malpractice weren't included. All ideas to get entitlement spending at least partially under control—in fact, the administration proposals which would have reduced the outyear liability which we are passing on to our children and which they can't afford, reduce that liability by almost a third in the area of Medicare, nothing in this bill, absolutely zero.

How much saving is in this bill in discretionary accounts? Zero. How much saving is in this bill in entitlement accounts? Zero. In fact, in both accounts, there are significant expansions and spending.

Then there are the games. This bill is replete with games to try to make it look like it is more reasonable and fair and cost-effective than it is. The most obscene game being played around here is the reconciliation instructions. Reconciliation, as we know—those of us who work here—is the one tool of significance which the Budget Committee has. It allows us to change how entitlement programs are funded and slow their rate of growth—that was the purpose of reconciliation—and do it without the changes being subject to the filibuster rule. It is a vehicle basically directed on the purposes of the Senate.

What has happened in this bill? There is no talk of reconciliation. What happens on the House side? They have a $750 million reconciliation instruction, which is a fig-leaf instruction, under which they intend to build a massive expansion of programmatic activity. The House doesn't need reconciliation. The House is doing the dirty work of the Senate because the Senate leadership on the Democratic side is unwilling to put forward what they are planning to do. It is the ultimate, cynical game of hide and seek with the budget.

That is why I call this the fudge-it budget. There is another fudge-it number in this budget, and that is this alleged tax gap the Senator from North Dakota talks about so much. He talked about it last year. Last year, he said we could get $300 billion. We got zero. In fact, we ended up cutting the IRS last year—the other side did—so they couldn't even collect as effectively as they were collecting the dollars that were coming in. This tax gap number may exist at some level, but there is no record at all that it is ever going to get collected. And you certainly should not be taking credit for it, claiming that is the way you are going to pay for the tax increases in this budget.

This budget has tax increases. Again, the chairman says it is only 2.6 percent. Well, 2.6 percent on $3 trillion is approximately $800 billion. What does it mean in real terms? Well, it means they are going to allow to expire the tax rates on capital gains, dividends, estate taxes, R&D credit, energy credit, tuition tax credit—on a whole series of items that benefit a lot of America.

The claim we hear from their national candidates on the Democratic side is that we are just going to tax the rich; we can pay for everything we want to do if we just tax the rich. If you take the top tax rate from the present level of about 35 percent up to the Clinton years' level of 39.6 percent, you raise $25 billion year. You cannot pay for even 10 percent of what the Democratic party is planning to spend with $25 billion a year. They have $300 billion in this budget alone. Senator OBAMA has proposed another $300 billion of annual increases in spending. They are short hundreds of billions of dollars in tax revenue by taxing the rich. Where is that money going to come from? I will tell you where. It is obvious. It is going to come from hard-working middle-class American families. Our estimate is that this tax package is going to cost the average small business $4,100—small business, which is the backbone of American job creation. This budget is a direct attack on their capacity to create jobs with that type of a tax increase. This budget is going to cost the average senior in America—18 million seniors—$2,200 each. That is what this package is going to cost in tax increases to pay for the spending that is in the program.

My colleague on the other side of the aisle is fond of saying: We didn't raise taxes last year; our budget is not going to raise them. This budget has built into it the expectation that taxes are going to go up by $1.2 trillion. And then they spend the money. They spend the money, so they have to raise the taxes. So they cannot claim it both ways, but they try to. That is why I call it the ''fudge-it budget.''

Individuals in this country—43 million Americans—will have to pay $2,300 each to pay for this budget. That doesn't count what Senator OBAMA and Senator CLINTON are proposing on the campaign trail. As I said earlier, OBAMA has already proposed $300 billion of new spending every year. That is $1.2 trillion over the 5 years. That would double this figure, and it would mean American families would have to pay over $4,500 a year for all of the OBAMA plans for spending, which mirror Senator CLINTON's plan—I don't want to just pick on Senator OBAMA uniquely. On top of this budget, you would have $2,300 plus $2,300, or $4,600 of new taxes on every family in America. Those are not rich families. It is every family who pays taxes of any significance, families who make more than $50,000, to put it into context. Individuals who make more than $30,000

will have to pay this tax. The irony is that we hear, as I mentioned, we are going to just tax the rich.

In this budget, they already assume that the tax rates on the wealthy are going to go from 35 percent to 39.6 percent in years 11 and 12. Then they spend that money. So when these proposals come forward from their national candidates that we are going to put another $300 billion on the books of new spending next year and we are going to get it from the rich—well, they have already taxed the rich. That is already assumed in here. Who will really pay for it? Working, average Americans and small businesses. Talk about stifling an economy. Nothing will stifle an economy more than that.

This check reflects it. Under this budget, Americans are going to have to write Uncle Sam a check for $2,300 a year. The spending is built into the baseline, and the taxes are coming down the road. It is, regrettably, in my opinion, a budget of missed opportunities and a budget that is misdirected.

What we need in this country is the willingness to step forward and take aggressive steps to get spending under control, especially in the area of entitlements, and to reform our tax laws so they are more efficient and more effective in collecting obligations. But none of that is assumed in this budget, and none of it is attempted in this budget.

We need to support our troops in the field. None of that is assumed in this budget. Whether or not you agree with the policies of fighting terrorism that the President is pursuing, you have to feel that the troops need our support. This budget does not have that support.

We need to have a budget that doesn't constantly game itself, where we set up alleged enforcement mechanisms, such as pay-go, and then manipulate the budget so we go around those enforcement mechanisms. We need to have something here that protects the integrity of the few disciplining initiatives we have, such as reconciliation, rather than right out of the box, with true cynicism, set up a scenario where you are going to game the reconciliation instructions to use them to expand the size of Government instead of controlling the rate of growth of Government.

Most importantly, we need a budget that understands that it is not our money, it is not the Federal Government's money, not the money of the Members of Congress. It is the money of the people who are working out there every day, trying to make ends meet, trying to fill up their gas tanks and pay for the heat in their houses, trying to send their kids to school, trying to pay their mortgage. It is their money, for goodness' sake. Around here, it is treated as if it is our money and as if it is a generous act on our part to let people keep their money. Well, the purpose of the budget should be to structure itself so that we control spending in a manner that allows us to keep taxes under control and doesn't raise the tax burden on working American families.

We are going to be here voting a long time on a lot of issues. A lot of these issues will be raised during those votes. I appreciate the courtesy of the Senator from North Dakota and the way we have gotten to this point. I, obviously, disagree with the budget as presented.

The PRESIDING OFFICER (Mr. BROWN). The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, with my time remaining, let me answer a few of the things that were said by my colleague.

No. 1, we fully fund the President's defense and war costs request. So let's not have any misunderstanding about that for the troops.

Mr. GREGG. Will the Senator entertain a question on that?

Mr. CONRAD. I don't have time for a question.

No. 2, the Senator says it is not our money, it is the people's money. He is exactly right. It is also the people's debt, and unfortunately the other side has run up the people's debt.

Finally, there are no tax increases assumed in this budget. In fact, there are significant tax reductions assumed in this budget in AMT, energy tax, incentives, college tax—all of that is in the budget.

A final point. Mr. President, when our colleague says over and over there are these tax increases, those tax increases must be in the President's budget, too, because there is only a 2.6-percent difference in the revenue.

I thank the Chair and our colleagues. I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. Mr. President, we want to announce the first 10 votes for the information of our colleagues. This has been cleared on both sides. The Baucus amendment will be followed by the Graham amendment, followed by the Bingaman amendment, the Conrad amendment, the Specter amendment, the Salazar amendment, the Kyl amendment, the Conrad amendment, the Bunning amendment, and the Specter amendment. Those are the first 10 in order. That takes us now to Senator BAUCUS.

AMENDMENT NO. 4160

The PRESIDING OFFICER. There is 2 minutes, equally divided, on the Baucus amendment. Senators should know that after the 1 minute Senator BAUCUS speaks and Senator GREGG speaks, there will be a 15-minute vote. Senators should understand there will be several subsequent votes.

The Senator from New Hampshire is recognized.

Mr. GREGG. As I understand it, when we go into the vote to come after the first vote, it will be a hard 10-minute vote on each one.

The PRESIDING OFFICER. The Senator is correct. There will be a 5-minute leeway on the first amendment, and we will go into subsequent hard 10-minute votes, with 1 minute of debate on each side. Members should stay here.

Mr. BAUCUS. Mr. President, this amendment would maximize the budget's help for America's working families. It would use the surplus to provide tax cuts to every American taxpayer.

Our amendment provides for permanent extensions of 2001 tax cuts that help working families, including the 10-percent bracket, marriage penalty relief, the refundable child credit, the adoption tax credit, and the child-care tax credit.

Our amendment provides for a new property tax deduction available to any American homeowner, even those who don't itemize.

Our amendment includes tax relief for America's military men and women, room to prevent the estate tax from rising above 2009 levels, and protection from unexpected taxes for gulf coast hurricane survivors.

Turning surplus dollars into tax relief for American families is the right thing to do. I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, I have no problem with this amendment, obviously. It extends tax cuts. I think it is a poster child for the ''fudge-it budget'' because last year the same amendment was offered. Actually, after that budget was adopted, none of those taxes cuts were extended. So now we are doing it again. It is sort of like the gift that keeps giving, reoffering this amendment when it has no actual impact or nothing comes from it. We are for it because it reduces some of the tax burdens in this bill, but it still leaves in place, by our calculation, hundreds of billions of dollars of new taxes on working Americans, which will lead to significant tax increases for working Americans because this doesn't relieve all of the tax burdens in this bill.

The PRESIDING OFFICER. All time last expired. The question is on agreeing to the Baucus amendment.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—99

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Barrasso	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Johnson	Shelby
Carper	Kennedy	Smith
Casey	Kerry	Snowe
Chambliss	Klobuchar	Specter
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	Wicker
Dodd	McCaskill	Wyden

NAYS—1

Feingold

The amendment (No. 4160) was agreed to.

AMENDMENT NO. 4170

Mr. BROWN. There are now 2 minutes of debate equally divided prior to the vote on the Graham amendment, No. 4170.

Who yields time?

We are going to have 2 minutes of debate on each amendment. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I have a modification to the amendment, which I think has been cleared, that I would like to send to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 3, line 10, decrease the amount by $245,000,000.

On page 3, line 11, decrease the amount by $949,000,000.

On page 3, line 12, decrease the amount by $3,215,000,000.

On page 3, line 13, decrease the amount by $93,791,000,000.

On page 3, line 14, decrease the amount by $127,024,000,000.

On page 3, line 15, decrease the amount by $151,137,000,000.

On page 3, line 19, decrease the amount by $245,000,000.

On page 3, line 20, decrease the amount by $949,000,000.

On page 3, line 21, decrease the amount by $3,215,000,000.

On page 3, line 22, decrease the amount by $93,791,000,000.

On page 3, line 23, decrease the amount by $127,024,000,000.

On page 3, line 24, decrease the amount by $151,137,000,000.

On page 4, line 4, increase the amount by $1,900,000.

On page 4, line 5, increase the amount by $18,000,000.

On page 4, line 6, increase the amount by $110,000,000.

On page 4, line 7, increase the amount by $2,487,000,000.

On page 4, line 8, increase the amount by $8,005,000,000.

On page 4, line 9, increase the amount by $15,207,000,000.

On page 4, line 13, increase the amount by $1,900,000.

On page 4, line 14, increase the amount by $18,000,000.

On page 4, line 15, increase the amount by $110,000,000.

On page 4, line 16, increase the amount by $2,487,000,000.

On page 4, line 17, increase the amount by $8,005,000,000.

On page 4, line 18, increase the amount by $15,207,000,000.

On page 4, line 22, increase the amount by $247,000,000.

On page 4, line 23, increase the amount by $967,000,000.

On page 4, line 24, increase the amount by $3,325,000,000.

On page 4, line 25, increase the amount by $96,278,000,000.

On page 5, line 1, increase the amount by $135,079,000,000.

On page 5, line 2, increase the amount by $166,344,000,000.

On page 5, line 7, increase the amount by $247,000,000.

On page 5, line 8, increase the amount by $1,214,000,000.

On page 5, line 9, increase the amount by $4,539,000,000.

On page 5, line 10, increase the amount by $100,817,000,000.

On page 5, line 11, increase the amount by $235,846,000,000.

On page 5, line 12, increase the amount by $402,190,000,000.

On page 5, line 15, increase the amount by $247,000,000.

On page 5, line 16, increase the amount by $1,214,000,000.

On page 5, line 17, increase the amount by $4,539,000,000.

On page 5, line 18, increase the amount by $100,817,000,000.

On page 5, line 19, increase the amount by $235,846,000,000.

On page 5, line 20, increase the amount by $402,190,000,000.

On page 26, line 12, increase the amount by $1,900,000.

On page 26, line 13, increase the amount by $1,900,000.

On page 26, line 16, increase the amount by $18,000,000.

On page 26, line 17, increase the amount by $18,000,000.

On page 26, line 20, increase the amount by $110,000,000.

On page 26, line 21, increase the amount by $110,000,000.

On page 26, line 24, increase the amount by $2,487,000,000.

On page 26, line 25, increase the amount by $2,487,000,000.

On page 27, line 3, increase the amount by $8,005,000,000.

On page 27, line 4, increase the amount by $8,005,000,000.

On page 27, line 7, increase the amount by $15,207,000,000.

On page 27, line 8, increase the amount by $15,207,000,000.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I know we are all busy and trying to catch up on a lot of business, but in 1 minute this is what I am trying to do. This amendment is not about me, it is about a lot of people paying taxes, and their taxes are going to go up if we don't pass this amendment.

The Baucus amendment passed 99 to 1. That was good for America. We are filling in a gap that exists when it comes to the budget and protecting tax cuts. My amendment would extend through 2013 the marginal rate cuts that are now in law. The current law is 25 percent. If we don't pass my amendment, in 2011 the tax will go up to 28 percent, a 10-percent increase, 35 percent becomes 39.6 percent, and that means 23 million Americans are going to pay higher taxes.

The estate tax relief in this amendment would protect families and small businesses from losing, through estate taxes, their deductions and exemptions. It will keep the rate at 45 percent versus 50 percent.

The capital gains rate. Nine million people depend on capital gains to help support their family. The rates go up to 20 percent, if my amendment does not pass, versus 15.

Dividend tax rates are great for our economy. We lock in the dividend tax rate cuts we have achieved the last couple years. Twenty-four million people are affected.

Small business expensing. Under the current law, you get $250,000 under small business expensing. If my amendment doesn't pass, it goes to $25,000.

There is a lot at stake if you vote against my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. REID. Mr. President, I checked with the two managers, and on the amendments that are pending, I ask unanimous consent that there be no second-degree amendments on the list of amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the Graham amendment, well-intentioned as it is, is the road to fiscal irresponsibility. This will absolutely blow a hole in the budget. We now have balance by 2012, and we maintain balance in 2013. If you adopt the Graham amendment—because none of it is paid for, there are no offsets, no spending reductions, no other revenue—it is put on the debt.

So if you want to borrow more from China, if you want to borrow more from Japan, vote for the Graham amendment. If you want to balance the budget, if you want to get this country back on the road to fiscal responsibility, vote no.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the Graham amendment. This is a 10-minute vote, and the 10 minutes will be enforced.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—47

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Barrasso	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Specter
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Corker	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Lugar	

NAYS—52

Akaka	Feinstein	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Inouye	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Clinton	Lincoln	Voinovich
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	
Feingold	Nelson (FL)	

NOT VOTING—1

Kerry

The amendment (No. 4170), as modified, was rejected.

AMENDMENT NO. 4173

The PRESIDING OFFICER. There are now 2 minutes of debate, equally divided, prior to a vote on the Bingaman amendment, No. 4173. The Senate will come to order.

Mr. BINGAMAN. Mr. President, this amendment is to raise the caps in the appropriate accounts so there is room in this budget for the President's requested levels of spending for the National Science Foundation and for the Office of Science in the Department of Energy, for science and math education, for research and development. It is an amendment I am proposing for myself and Senator ALEXANDER, Senator DOMENICI, Senator KENNEDY, Senator MIKULSKI, Senator ENSIGN, Senator DURBIN, Senator LANDRIEU, Senator FEINSTEIN, Senator LIEBERMAN, and Senator SCHUMER.

This is bipartisan. It is something we should do. It follows on to the America COMPETES Act that we passed last year.

Let me defer to Senator ALEXANDER the remainder of the time.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CONRAD. On opposition time, I yield 30 seconds to the Senator.

Mr. GREGG. I look forward to the Senator's opposition.

Mr. ALEXANDER. Mr. President, this is another example of Senators in this Chamber working together on an important matter and getting a good result. It makes room for us to meet the President's number, to keep our investment in science and technology so we can keep our brainpower advantage and keep jobs from going overseas.

The PRESIDING OFFICER. The time of the Senator has expired. Is there further debate? There are 30 seconds left for the opposition.

All time has expired. The question is on agreeing to the Bingaman amendment.

The amendment (No. 4173) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we can thank Senators BINGAMAN and ALEXANDER for setting a very good example, of taking an amendment on a voice vote.

AMENDMENT NO. 4190

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided prior to a vote on the Conrad amendment, No. 4190. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, the alternative minimum tax will affect an additional 20 million families if it is not dealt with. In the budget resolution, we have a 1-year patch to prevent additional families from being hit. This is at a cost of some $62 billion. For the outyears, we are providing in this amendment for a reserve fund that is fully offset so it does not add to the deficit and debt. I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, we need to defeat this amendment. This is not the usual AMT fix we are used to. This actually repeals rates of the AMT that were put into effect in 1993. The reality is we are not going to increase taxes in order to pay for the relief that would be provided to taxpayers here. This points out the difference between the Specter amendment, which we will deal with next, and the Conrad amendment.

I urge my colleagues to support the Specter amendment because it is the real deal. It is the real way we will deal with AMT, rather than the phony way that is presented by a mere indication that we will find revenues somewhere to offset against this tax cut. The question the majority would have to answer is: What taxes are you going to raise in order to pay for this rate reduction for the people who would otherwise pay the AMT?

There is certainly no suggestion that there is a spending cut in the offing. Therefore, what taxes would be raised to pay for this?

The PRESIDING OFFICER. The question is on agreeing to the Conrad amendment.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the Specter amendment puts it on the debt. The Conrad amendment is offset and paid for. I urge colleagues to vote for the Conrad amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I believe it is the practice of the Senate, under the 2-minute rule, that one person speaks for their time, the other person speaks for their time, and there isn't a tradition that you reserve 10 seconds or 15 seconds. If that is going to be the situation, we are going to go back and forth and everybody has to have a last word, we are going to be here for a long time.

The PRESIDING OFFICER. The Senator from North Dakota has not consumed his entire minute.

The Senator from North Dakota.

Mr. CONRAD. That is the observation I was going to make; we had time remaining on our side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4190, the Conrad amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—53

Akaka	Clinton	Kennedy
Baucus	Collins	Kerry
Bayh	Conrad	Klobuchar
Bingaman	Dodd	Kohl
Boxer	Dorgan	Landrieu
Brown	Durbin	Lautenberg
Byrd	Feingold	Leahy
Cantwell	Feinstein	Levin
Cardin	Harkin	Lieberman
Carper	Inouye	Lincoln
Casey	Johnson	McCaskill

Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Warner
Wicker

NOT VOTING—1

Biden

The amendment (No. 4190) was agreed to.

AMENDMENT NO. 4189

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Specter amendment No. 4189. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, my amendment would reduce the alternative minimum tax rate from 28 to 24 percent. When the tax increase was enacted in 1993, it raised the rates and that has caught many more people in the snare, because the alternative minimum tax was not indexed for inflation.

I provided for no offset, because this tax was never intended to capture the millions of people to whom it now applies. Originally, it was intended to apply to a very small number of people. So, as a matter of equity, we ought not to have an offset when the tax was not intended to apply at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. The amendment that has just passed has dealt with this issue and done it in a deficit-neutral way. The Specter amendment, as he correctly describes, would not be paid for, would not be offset, but would simply add to the debt $185 billion and would mean this budget would not be in balance for any one of the 5 years.

I urge my colleagues to reject the Specter amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—49

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner
Wicker

NAYS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—1

Cornyn

The amendment (No. 4189) was rejected.

Mr. MENENDEZ. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

Mr. GREGG. I object. I object to laying it on the table.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—51

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

The motion was rejected.

The PRESIDING OFFICER. The question now is on the motion to reconsider.

The Senator from New Hampshire.

Mr. GREGG. Parliamentary inquiry, Mr. President: Where actually do we stand right now?

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider amendment No. 4189.

The motion is not debatable.

Mr. GREGG. Mr. President, what is the effect of agreeing to the motion to reconsider?

The PRESIDING OFFICER. If the motion to reconsider is agreed to, the Senate will revote on amendment No. 4189.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to reconsider.

The clerk will call the roll.

The assistant journal clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—50

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman

Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

The VICE PRESIDENT. On this question, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The question now is on agreeing to the amendment upon reconsideration. The yeas and nays, having been ordered previously, are automatic.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—49

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Warner
Wicker

NAYS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

The amendment (No. 4189) was rejected.

The VICE PRESIDENT. The Senator from North Dakota is recognized.

AMENDMENT NO. 4196, AS MODIFIED

Mr. CONRAD. Mr. President, we now go to the Salazar amendment No. 4196. I see the Senator from Colorado in the Chamber.

The VICE PRESIDENT. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask my colleagues to join me in support of amendment No. 4196. This is about estate tax reform and providing the Finance Committee, Chairman BAUCUS, the opportunity to craft a package that makes sense. This will help make sure that our farmers and ranchers are able to stay on the ranch, that family businesses will be able to keep their family businesses together, and that we can provide certainty for the future in terms of those who will be hit with the estate tax.

There is an alternative amendment that will be coming up by our friend from Arizona, Senator KYL. The problem with that amendment is it is not paid for. We will then continue to build upon this mountain of debt, which has already reached $10 trillion in the last 7 years.

This amendment is paid for and I urge my colleagues to support it.

The VICE PRESIDENT. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the question here is whether we are serious about estate tax reform. We went through the exercise last year and passed it in the budget, and we didn't do anything. We are going to repeat that same thing this year unless we commit ourselves to actually passing a bill, saying we are going to raise taxes—because I am sure we are not going to reduce spending—and that is akin to saying it is not going to happen. Once again, we would be passing an amendment we know we are not going to act on. We need to be accountable to the American people and pass something in the budget that we know we are going to do, with real legislation.

I urge my colleagues to vote against this amendment and to vote for the next amendment, which is the real vote in favor of estate tax return.

The PRESIDING OFFICER (Mr. TESTER). The question is on agreeing to the Salazar amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 62, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—38

Akaka
Baucus
Bayh
Biden
Boxer
Byrd
Cantwell
Casey
Clinton
Collins
Conrad
Dodd
Feingold
Feinstein
Inouye
Johnson
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Salazar
Snowe
Stabenow
Tester
Voinovich
Webb
Wyden

NAYS—62

Alexander
Allard
Barrasso
Bennett
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Cardin
Carper
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Kyl
Levin
Lugar
Martinez
McCain
McConnell
Murkowski
Reed
Reid
Roberts
Rockefeller
Sanders
Schumer
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Warner
Whitehouse
Wicker

The amendment (No. 4196), as modified, was rejected.

AMENDMENT NO. 4191

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Kyl amendment No. 4191. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, last year this amendment received 56 votes, Democratic and Republican votes. It was then in the form of a motion to instruct conferees, but the provisions are the same.

This is the amendment on the estate tax that has a top rate not to exceed 35 percent, and it has a $5 million exemption for each spouse, for a total of $10 million.

This amendment is endorsed by small business groups such as the NFIB and by other pro-estate tax reform groups.

I hope my colleagues will agree it is a way to send a very strong signal through the budget process that we are serious about reforming the estate tax this year.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. SALAZAR. Mr. President, I urge my colleagues to vote against the amendment of my friend from Arizona because at the end of the day, it does not hold up to the principle of fiscal responsibility. All that the amendment of my friend will do is continue to make the mountain of debt bigger and bigger. It is a mountain of debt that is already at $10 trillion and going beyond. The pay-go rules we have in this Chamber are important for us to maintain if we are going to be fiscally responsible stewards of America's financial treasure.

I urge my colleagues to vote no on the Kyl amendment.

The PRESIDING OFFICER. The Senator from Arizona has 17 seconds remaining.

Mr. KYL. Mr. President, I appreciate my colleague's comments. The question is what taxes are we going to raise in order to provide tax relief. I don't think it is realistic that we are going to raise taxes, and I certainly don't expect we will reduce spending. If we are serious about it, we need to send a signal through this amendment if we want to reform the estate tax.

The PRESIDING OFFICER. The Senator from Colorado has 22 seconds remaining.

Mr. SALAZAR. Mr. President, I respond to my friend from Arizona, at the end of the day, if we are going to be

fiscally responsible in the Senate, we have to pay for those items that are creating this mountain of debt. We are either serious about paying down the debt in this country and getting a handle on the fiscal responsibility of the last 8 years or we are not. Senator CONRAD has been right in terms of pay-go. I ask my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4191.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—50

Alexander	DeMint	Martinez
Allard	Dole	McCain
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Landrieu	Warner
Craig	Lincoln	Wicker
Crapo	Lugar	

NAYS—50

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Stabenow
Casey	Levin	Tester
Clinton	Lieberman	Voinovich
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	

The PRESIDING OFFICER. Has every Senator voted? Does any Senator wish to change his or her vote?

With 49 in the affirmative, 48 in the negative, the——

Mr. REID. Mr. President, how am I recorded?

The PRESIDING OFFICER. Mr. REID of Nevada is recorded in the negative.

Mr. KYL. Mr. President, the time of the vote has expired.

The PRESIDING OFFICER. The time has expired. The clerk will tally the vote.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from North Dakota is recorded in the negative.

Mr. KYL. Mr. President, parliamentary inquiry: Once the Presiding Officer has announced the clerks will tally the vote, is the vote not concluded?

The PRESIDING OFFICER. Senators are permitted to change their vote.

Mr. KYL. Mr. President, might I inquire as to whether any of the persons who have cast a vote since the Presiding Officer made that comment have changed their vote? The reality is they cast their vote after the time for voting expired by at least 4 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate my friend, the distinguished Senator from Arizona, but it has always been the standard here, when there is a close vote—and this is a close vote, I have to acknowledge that; I think now it is 50 to 50—people have the opportunity to change their vote.

We are doing our very best to hold it to the 10-minute limit. To go through the charade of reconsidering because somebody is—it is really unnecessary. This is the vote total, and I think people just have to be very patient. We are going to adhere to the 10-minute limit as much as we can. Everyone knows that if there is a problem on the other side, we do the same thing. We are not playing favorites with anyone.

The PRESIDING OFFICER. With 50 votes in the affirmative and 50 in the negative, amendment No. 4191 is not agreed to.

The amendment (No. 4191) was rejected.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to the vote on the Conrad amendment, No. 4204, as modified.

Mr. KYL. Parliamentary inquiry.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Is there objection to the motion to lay on the table?

Without objection, the motion to lay on the table was agreed to.

Mr. KYL. Parliamentary inquiry for the benefit of the Senators who are here.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. Mr. President, if we are within two or three votes of a tie vote, is it going to be the rule that the Chair will leave the time for voting open by at least 4 minutes, as was just explained?

My second question is, Given the fact that the time was closed and Senator CORNYN was not given the opportunity to vote earlier, what would the Chair's opinion be with respect to having a revote on that?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, would the Senator be kind enough to direct his inquiry, through the Chair, to me?

Mr. KYL. I had a parliamentary inquiry, but I will be happy to always have the majority leader comment on whatever.

Mr. REID. I am sorry, I think a lot of us didn't hear the question.

Mr. KYL. I am sorry, Mr. President, I am perhaps confused because I have two questions.

The first was, since the time for voting had clearly expired by at least 4 minutes and the vote was within two or three of being tied and the majority leader said it was the case that Members could continue to change their votes or vote if it was a close vote, whether we had now established a precedent for the remainder of the day that if we are within two or three of a tie vote, even though we are 4 minutes beyond the time for voting, that the Chair would then, according to this precedent, allow people to change their vote or cast a vote?

Mr. REID. Mr. President, if I can just respond.

The PRESIDING OFFICER. The majority leader.

Mr. REID. And certainly I am not taking the place of the Chair. I personally didn't know if Senator CORNYN was coming to vote or not. If you or Senator MCCONNELL or anyone else had indicated that he was on his way, or one of those we have heard that of before—on his way—no one was trying to take advantage of anyone on the vote. No one was trying to take advantage of anyone. But I think we went through a lot of wasted time, and I probably would have done the same thing had I been in your position. But nobody was trying to take advantage of Senator CORNYN. It was late, and that is too bad. We will try to be as fair as we can.

At this stage, we have about 25 votes left.

Mr. GREGG. We have about 40 votes left.

Mr. REID. Okay, so 40. That was the last count I looked at. And we are going to try to move through these as expeditiously as possible. There will be other close votes, and we are going to try to be as fair as we can to you and to us. So no one is trying to take advantage of anyone, and I think there is an order in effect. The order is we are going to have 10-minute votes.

Mr. KYL. Mr. President, if I could just address this question to the majority leader. That is exactly the question I had. Since we announced the 10 minutes, in the last vote we went over by about 5 minutes. We need to be consistent and our Members need to know what the rules are going to be. We made an exception here.

My inquiry to the Chair is whether, as a result of that exception, which did change the result of the vote, that the precedent would now be that we actually would have up to 15 minutes to cast votes.

Mr. REID. Mr. President, certainly the Chair can respond to this, but there is an order now in effect that we are going to do 10-minute votes. Everybody agreed to that this morning.

I would simply say this: I do say, and I am glad the Senator from Arizona raises this as an issue, that there is not time for lunch, there is no time for meetings, unless you go to the reception area. In the future, I think people are going to have to start missing votes. It is really not fair to both sides if we have people simply off doing other things. Everyone is busy, and the reason we have the 10-minute rule is because we need to work our way through these votes.

So I think you have made a very good point, I say to my friend. I think we need to stick to the 10-minute rule. So we will stick with the 10-minute rule. If you have a problem when people are here shifting votes around—but I think they should be in the Chamber—that is how we will proceed. If anyone can figure a better way to do it, I am happy to listen, but I think the 10-minute rule should apply.

Mr. KYL. Mr. President, one final question. I think I need to address this to the Chair as a purely parliamentary inquiry; that is, once the clerk's tally has been requested by the Presiding Officer, is the vote closed or not, except for Members who might wish to change their vote?

The PRESIDING OFFICER. The conventional practice of the Senate has been that Senators have been permitted to vote or change their vote at that time.

The Senator from North Dakota.

AMENDMENT NO. 4204, AS MODIFIED

Mr. CONRAD. In regular order, is my amendment next?

The PRESIDING OFFICER. Yes. There is now 2 minutes of debate equally divided prior to the vote on the Conrad amendment, No. 4204, as modified.

Mr. CONRAD. Mr. President, the alternative I have offered would provide for a reserve fund that would allow the repeal of the 1993 tax increase on Social Security benefits in a way that would protect Social Security and Medicare and not increase the deficit or the debt over the period of the resolution.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who rises in opposition? The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, this is a very interesting amendment, since I have had this amendment the last two times a budget went through the Senate. Senator CONRAD, the chairman of the Budget Committee, has offered this alternative, but I would note that it contains an instruction that he himself, as chairman, should come up with the savings.

This is a very odd instruction that we put in the budget resolution because it does not say where the savings will occur. I hope he has no intention of raising taxes on other Americans to pay for this amendment.

I urge a ''no'' vote on this amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—53

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Obama
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Snowe
Clinton	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—46

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Corker	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Lugar	
Crapo	Martinez	

NOT VOTING—1

Byrd

The amendment (No. 4204) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4192, AS MODIFIED

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Bunning amendment No. 4192.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, there is a modification at the desk to my amendment. The Chairman has been notified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 3, line 11, decrease the amount by $14,300,000,000.

On page 3, line 12, decrease the amount by $15,600,000,000.

On page 3, line 13, decrease the amount by $17,500,000,000.

On page 3, line 14, decrease the amount by $19,800,000,000.

On page 3, line 15, decrease the amount by $21,600,000,000.

On page 3, line 20, decrease the amount by $14,300,000,000.

On page 3, line 21, decrease the amount by $15,600,000,000.

On page 3, line 22, decrease the amount by $17,500,000,000.

On page 3, line 23, decrease the amount by $19,800,000,000.

On page 3, line 24, decrease the amount by $21,600,000,000.

On page 4, line 5, decrease the amount by $14,300,000,000.

On page 4, line 6, decrease the amount by $15,600,000,000.

On page 4, line 7, decrease the amount by $17,500,000,000.

On page 4, line 8, decrease the amount by $19,800,000,000.

On page 4, line 9, decrease the amount by $21,600,000,000.

On page 4, line 14, decrease the amount by $14,300,000,000.

On page 4, line 15, decrease the amount by $15,600,000,000.

On page 4, line 16, decrease the amount by $17,500,000,000.

On page 4, line 17, decrease the amount by $19,800,000,000.

On page 4, line 18, decrease the amount by $21,600,000,000.

On page 27, line 16, decrease the amount by $14,300,000,000.

On page 27, line 17, decrease the amount by $14,300,000,000.

On page 27, line 20, decrease the amount by $15,600,000,000.

On page 27, line 21, decrease the amount by $15,600,000,000.

On page 27, line 24, decrease the amount by $17,500,000,000.

On page 27, line 25, decrease the amount by $17,500,000,000.

On page 28, line 3, decrease the amount by $19,800,000,000.

On page 28, line 4, decrease the amount by $19,800,000,000.

On page 28, line 7, decrease the amount by $21,600,000,000.

On page 28, line 8, decrease the amount by $21,600,000,000.

On page 32, line 10, decrease the amount by $21,500,000,000.

On page 32, line 11, decrease the amount by $14,300,000,000.

Mr. BUNNING. This is the third time I have addressed on the Senate floor this amendment, the unfair tax that has been on the senior citizens of this country since 1993 when the additional 35 percent was put on. This time it is paid for, not like the last one we voted on. This time it is paid for in my modification.

It specifically states it is paid for by an across-the-board cut in discretionary spending. We do not touch the entitlement spending, but discretionary spending is cut by the amount of money we need to pay for this cut for our senior citizens.

This is the real cut of taxes for senior citizens. The last one was a ''cover some part of your body'' rather than the real kind of tax cut.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there are real cuts, the Senator is right about that. This would cut, across the board by $21 billion, education, veterans' health, homeland security, law enforcement. If you want to do that, vote for the Bunning amendment.

I urge my colleagues to oppose it.

Mr. BUNNING. But the other one did not pay for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—47

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Lugar	Wicker
Crapo	Martinez	

NAYS—53

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Snowe
Clinton	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	

The amendment (No. 4192), as modified, was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the previous vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4203

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Specter amendment No. 4203.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I offer this amendment on behalf of 31 Senators. It adds $2.1 billion to NIH funding which would bring it to a total of $32 billion. NIH has been grossly underfunded for many years. Enormous progress was made during the NIH doubling; major advances on cancer, Parkinson's, and Alzheimer's. It also adds $1 billion for LIHEAP, which is significantly underfunded, bringing the total to $3.5 billion. I urge support of the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is important to note this is a reprioritization within the budget. I happen to agree with this reprioritization, but it comes out of what is known as the 920 account, which means in order to pay for this, it is an across-the-board cut to all other accounts. I think the Senator is correct that if we are going to prioritize spending, I am willing to do an across-the-board cut to all accounts to put more money into NIH and more money into LIHEAP. I suggest we take it on a voice vote, unless the Senator wants a recorded vote.

Mr. SPECTER. I ask for the yeas and nays. I think it is important people know the strength of this body's support for the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from North Dakota.

Mr. CONRAD. I encourage Members to support the amendment. The Senator has made a very powerful case for it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4203. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—95

Akaka	Clinton	Grassley
Alexander	Coburn	Gregg
Allard	Cochran	Hagel
Barrasso	Coleman	Harkin
Baucus	Collins	Hatch
Bayh	Conrad	Hutchison
Bennett	Corker	Inouye
Biden	Cornyn	Isakson
Bingaman	Craig	Johnson
Bond	Crapo	Kennedy
Boxer	Dodd	Kerry
Brown	Dole	Klobuchar
Brownback	Domenici	Kohl
Bunning	Dorgan	Landrieu
Burr	Durbin	Lautenberg
Byrd	Ensign	Leahy
Cantwell	Enzi	Levin
Cardin	Feingold	Lieberman
Casey	Feinstein	Lincoln
Chambliss	Graham	Lugar
Martinez	Reed	Stabenow
McCain	Reid	Stevens
McCaskill	Roberts	Sununu
McConnell	Rockefeller	Tester
Menendez	Salazar	Thune
Mikulski	Sanders	Voinovich
Murkowski	Schumer	Warner
Murray	Sessions	Webb
Nelson (FL)	Shelby	Whitehouse
Nelson (NE)	Smith	Wicker
Obama	Snowe	Wyden
Pryor	Specter	

NAYS—4

Carper	Inhofe
DeMint	Kyl

NOT VOTING—1

Vitter

The amendment (No. 4203) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment is an amendment by Senator DORGAN; then there would be a side by side to Senator ALEXANDER's energy reserve amendment; then the Senator ALEXANDER amendment; then the Senator KENNEDY amendment; followed by Senator SUNUNU; followed by Senator LINCOLN; followed by Senator ALEXANDER; a side by side to Alexander; then Alexander; then Menendez; then Sessions; then Cornyn; then Pryor; then Allard. That is the regular order previously entered, for the notice of Senators.

We would note that none of them are subject to second degrees. We will make that request. Mr. President, I ask unanimous consent that none of these amendments be subject to second degrees.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, that takes us to the Dorgan amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 4198

Mr. DORGAN. Mr. President, this amendment has to do with Indian health care. We have both a trust responsibility and treaty responsibilities for the health care of American Indians. They are the first Americans.

Let me tell you how we meet our responsibility. We also have a responsibility to provide health care for incarcerated Federal prisoners. We spend twice as much money for health care for our incarcerated prisoners as we do to meet our promise to American Indians for health care. This amendment provides $1 billion restoration of funding for the Indian health care program. It is paid for by a general reduction in function 920.

Let me say again, people are dying as a result of the underfunding for health care for American Indians. It is a

promise we have made, and it is long past the time we keep that promise. This amendment is a step in that direction.

The PRESIDING OFFICER. Who seeks recognition in opposition?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Dakota has made an exceptional case regarding the failure of the Indian health program, especially as it relates to his citizenry and other citizenry throughout this country. He has pointed out that it involves rationing, poor medical care, and that it involves inconsistent and spotty medical care. I think he has probably made one of the best cases you could possibly make for why we do not want the Federal Government running health care. The Indian health care system is a Federal system.

So however people vote on this amendment, I think we should understand that this vote is a condemnation of the idea of nationalizing our health care system.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4198.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—69

Akaka	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Boxer	Grassley	Obama
Brown	Harkin	Pryor
Brownback	Inhofe	Reed
Byrd	Inouye	Reid
Cantwell	Johnson	Rockefeller
Cardin	Kennedy	Salazar
Casey	Kerry	Sanders
Clinton	Klobuchar	Schumer
Coburn	Kohl	Smith
Cochran	Landrieu	Specter
Coleman	Lautenberg	Stabenow
Collins	Leahy	Stevens
Conrad	Levin	Tester
Craig	Lieberman	Thune
Crapo	Lincoln	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wicker
Domenici	Menendez	Wyden

NAYS—30

Alexander	Cornyn	Kyl
Allard	DeMint	Lugar
Barrasso	Ensign	Martinez
Bond	Enzi	McConnell
Bunning	Gregg	Roberts
Burr	Hagel	Sessions
Carper	Hatch	
Chambliss	Hutchison	
Corker	Isakson	
Shelby	Sununu	Voinovich
Snowe	Vitter	Warner

NOT VOTING—1

Baucus

The amendment (No. 4198) was agreed to.

AMENDMENT NO. 4329

Mr. NELSON of Florida. Mr. President, I call up amendment No. 4329.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. LAUTENBERG, Mr. SALAZAR, and Mr. MENENDEZ, proposes an amendment numbered 4329.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to improve energy efficiency and production)

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects; and

(4) the development of oil and natural gas resources beneath the outer Continental Shelf in areas not covered by a Presidential or Congressional moratorium.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided.

Mr. NELSON of Florida. Mr. President, the Alexander amendment that is coming up unwisely attempts to override the moratorium we have which Congress adopted and the President signed 3 months ago to prevent commercial oil shale leasing, before the impacts of those proposed technologies are known and before the R&D projects in Colorado or Utah have produced any results. So my amendment takes that out.

My amendment also takes out his portion, where he is going to allow oil and gas drilling on the Outer Continental Shelf. Senator ALEXANDER is going to change that just to have gas drilling off Virginia. But I would argue, that is the proverbial camel's nose under the tent and what we fight about each year: Oil drilling off the coast.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, there are only 2 ways to bring down the price of $3.50 gasoline and to keep electricity from going up. One is to reduce demand and one is to increase supply.

The Senator from Florida and I agree on our amendments on several provisions, but he would take out the parts that will increase the supply of natural gas and increase the supply of oil, which will tend to reduce the price of gasoline and reduce the price of natural gas and make us less dependent on people in other countries who are trying to kill us.

I urge a ''no'' vote if you want lower energy prices.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—56

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	Menendez	Wyden
Dorgan	Mikulski	

NAYS—43

Alexander	DeMint	McConnell
Allard	Domenici	Murkowski
Barrasso	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Brownback	Grassley	Specter
Bunning	Gregg	Stevens
Burr	Hagel	Sununu
Chambliss	Hatch	Thune
Coburn	Hutchison	Vitter
Cochran	Inhofe	Voinovich
Corker	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Landrieu	
Crapo	Lugar	

NOT VOTING—1

McCain

The amendment (No. 4329) was agreed to.

AMENDMENT NO. 4207, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 4207, offered by the Senator from Tennessee, Mr. ALEXANDER.

Mr. ALEXANDER. Madam President, I have sent a modification of my amendment to the desk.

The amendment, as modified, is as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects;

(4) the development of natural gas resources beneath the outer Continental Shelf but only off the coastline of the State of Virginia; and

(5) the development of oil shale resources on public land pursuant to section 369(d) of the Energy Policy Act of 2005 (42 U.S.C. 15927(d)), without regard to section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. ALEXANDER. Madam President, my amendment limits the encouragement of the development of natural gas resources beneath the Outer Continental Shelf to the coastline, off the coastline of the State of Virginia.

Madam President, the estimates are that this year 400 billion American dollars are going overseas to buy oil. This amendment has some conservation measures in it, but it also allows us to proceed with the Department of Interior to develop oil from oil shale in the western part of the United States. It allows Virginia, which has asked to do it, to explore for natural gas off the coastline of Virginia. A ''yes'' vote is to bring down $3.50 gasoline prices. The supply of oil and gas is important if we want to bring down the price of oil and gas to Americans and make us less dependent upon foreign oil.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I point out that the Alexander amendment takes away the sensible moratorium, which Congress just adopted and the President signed 3 months ago, which prevents commercial oil shale leasing before the impacts of those technologies are known, with the R&D projects in Colorado and Utah. It further starts the process of drilling in the Outer Continental Shelf, which you just protected by adopting my amendment. By doing what Senator ALEXANDER said, the camel's nose is under the tent to start drilling off of Virginia.

I urge a ''no'' vote on Senator ALEXANDER's side-by-side amendment.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I ask unanimous consent to have 1 minute to answer the statement made by the Senator from Florida.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, if the Senator will amend his request for a minute on each side, I would be happy not to object. I would like to talk about it too.

Mr. DOMENICI. I don't care if the Senator wants 5 minutes.

The PRESIDING OFFICER. Is there objection to a minute on each side? Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, what happened in this case, with reference to shale oil, is the United States has as much shale oil in these two States—Colorado and Utah—as the Saudi Arabians have oil. We had that arranged in our Energy bill, where it was being researched by major American oil companies. In the dead of night, the appropriators changed the law in an appropriations bill and put a moratorium on final regulations so that those who are investing money to see if we can produce this with $100-a-barrel oil out there, or not, they have to look at a moratorium as to whether they should invest money.

There should not be a moratorium. It is protected by law. This is somebody up in one of these States putting a moratorium on in appropriations with nobody around. This Senator wasn't there. If I were there, it would not have happened. We would not have had a bill. We would have had to filibuster that bill because it is so wrong to, in appropriations, say no to the largest body of ore in America that could substitute for crude oil. You might say: Why didn't we do it before? We didn't do it because oil wasn't high enough. Now it is.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I oppose this amendment because what this will do, as Senator NELSON said, is undo a quarter century of bipartisan agreement where there is a moratorium on the Outer Continental Shelf, both west and east. If we want to end our addiction and if we care about prices, then don't do it by striking another vein, ultimately, of the same energy resource. You do it by considering alternatives. This amendment does nothing about that, but it does undermine the moratorium in the Outer Continental Shelf.

I yield to my colleague from Colorado.

Mr. SALAZAR. Madam President, I urge my colleagues to vote no on this amendment because it deals with the State of Colorado and the oil shale reserves there. We have a thoughtful way to move forward with that program. This is putting the horse ahead of the cart. This is the wrong way to go.

I urge a ''no'' note.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia, Mr. BYRD, is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—47

Alexander	DeMint	Lugar
Allard	Domenici	McConnell
Barrasso	Dorgan	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Johnson	Warner
Craig	Kyl	Wicker
Crapo	Landrieu	

NAYS—51

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Smith
Clinton	Lieberman	Snowe
Collins	Lincoln	Stabenow
Conrad	Martinez	Tester
Dodd	McCaskill	Webb
Dole	Menendez	Whitehouse
Durbin	Mikulski	Wyden

NOT VOTING—2

Byrd	McCain

The amendment (No. 4207), as modified, was rejected.

AMENDMENT NO. 4151

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I believe the pending amendment is the amendment I offered earlier; am I correct?

The PRESIDING OFFICER. Amendment No. 4151. There is 2 minutes of debate equally divided.

Mr. KENNEDY. Madam President, everyone is aware of the credit crisis and its impact on homeowners. This amendment is designed to ensure that the crisis does not impact students.

The amendment ensures that Congress can act to provide low-interest loans to students who need them. It will bring stability and security to our higher education system. My amendment strengthens the Federal Student Loan Program so that secure, low-interest student loans will always be available to Main Street America, even when Wall Street is in turmoil.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Madam President, the only cost in this country that has risen faster than medical care has been college education. There is no shortage of student loan money under Government-guaranteed loans. We sent $77 billion to colleges and universities last year, half of them through earmarks.

The more money we send to universities, the higher the tuitions go. That is one of the reasons it is higher than it is today. According to the Secretary, in a study issued this last week, there is no shortage of available student loans among the federally backed Student Loan Guarantee Program. There is a slight shortage in the 10-percent private.

This amendment does not address or increase at all the availability that is already there. So we are not doing anything with this amendment other than spending the very money these kids are going to have to pay back. By borrowing now, they will have to pay it back two and threefold.

The PRESIDING OFFICER. Twenty seconds remains.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand, the time has expired.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4151.

The amendment (No. 4151) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Sununu amendment.

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, as I understand it, Senator SUNUNU and Senator KERRY are discussing this amendment. I suggest we move to the next regular order item, if there is no objection, which is Senator LINCOLN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4194

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Lincoln amendment, No. 4194.

The Senator from North Dakota.

Mr. CONRAD. Madam President, I will give a moment to the Senator to collect herself and indicate that we are making very good progress. We have a long way to go. We thank colleagues for being so cooperative, but I do indicate that if we have any hope of getting done tonight, even late tonight, it is going to take forbearance on the part of colleagues because we have probably 45, even 50 amendments still pending. That means at three an hour—my colleagues can do the math—we will be well into tomorrow. I ask colleagues, if there is an ability to withhold amendments on this vehicle for another vehicle, that would certainly be helpful.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, my amendment is a simple one, and that is to better ensure that the men and women who have so courageously served our Nation in uniform receive the benefits to which they are entitled, and certainly have earned, in a more timely manner.

I join my colleague Senator SNOWE in offering this amendment. Last year, we got around $70 million in the budget resolution and then again through the appropriations to specifically go to the Veterans Benefits Administration to hire more claims processing staff.

We have seen a tremendous backlog. I know other Senators in their offices and in their casework find the same situation I do, and that is, these incredible men and women who have served our Nation in uniform and done so in such a courageous and brave way are not getting the benefits they need or deserve. And they are not getting them in a timely way—anywhere from 180 days to more in terms of backlog.

The VBA certainly needs more resources. They need the resources to train these individuals who are working with them to ensure that those benefits are delivered to these brave men and women.

I certainly thank the chairman and the ranking member for working with us, and certainly Senator SNOWE, and urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I am a cosponsor of the Lincoln, Mikulski, and Snowe amendment.

Our military people don't stand in line when they have to serve this country, and they shouldn't have to stand in line to file for their disability claims. This is outrageous. We need to put enough money into the checkbook to protect the troops over there and when they come back here.

Let us vote for this Lincoln amendment. If you support the troops, let us end the backlog.

The PRESIDING OFFICER. Who yields time in opposition?

The question is on agreeing to the amendment.

The amendment (No. 4194) was agreed to.

Mr. GREGG. Madam President, I believe we are back to the Sununu amendment. We have a side-by-side, I understand, with Senator KERRY.

AMENDMENT NO. 4221

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Sununu amendment.

The Senator from New Hampshire is recognized.

Mr. SUNUNU. Madam President, this is an amendment that simply adds language to the deficit-neutral fund that emphasizes health care IT.

We all know the value of technology and improving health care efficiency, lowering costs, and reducing medical errors. Our language—my language—would ensure that health care IT focuses first on electronic prescriptions. We know we can reduce the number of errors, the mistakes in prescribing, improve the quality of care, and improve health care costs for all our seniors by moving to electronic prescribing, with incentives for doctors, grants for doctors to accelerate this process.

This is based on legislation introduced by Senators KERRY and STABENOW on the Democratic side and Senator ENSIGN and me on the Republican side. It is a strong bipartisan effort that will save money and improve the cost of care. I know Senator KERRY has a similar amendment that adds further language to this section, and I hope the Senate will accept both of the amendments.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, we have no objection to the amendment of the Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the Sununu amendment pass.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4221) was agreed to.

Mr. CONRAD. I move to reconsider, and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 4332

Mr. KERRY. Madam President, I call up amendment No. 4332.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Ms. STABENOW, and Mr. WHITEHOUSE, proposes an amendment numbered 4332.

Mr. KERRY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote the modernization of the health care system through the adoption of electronic prescribing technology)

On page 64, line 1, insert ", including incentives or other supports for the adoption of electronic prescribing technology," after "technology".

Mr. KERRY. Madam President, as the Senator from New Hampshire has said, this is a slight variation of the amendment we just passed. It is an idea we have been working on, on a bipartisan basis and hopefully in the conference the two amendments can be melded into one. We didn't have time to do it now, but I look forward to seeing it pass.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, can we go to consideration of the Kerry amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4332) was agreed to.

Mr. CONRAD. Madam President, that takes us to the Kennedy amendment, which is a side-by-side to the Alexander amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4350

Mr. KENNEDY. Madam President, we are going to have, in a moment, the Alexander amendment. This is an option which I hope the Senate will accept.

The Alexander amendment would undermine our civil rights laws. The Alexander amendment would cut the EEOC's budget at a time when they have reported a 9-percent increase in the charges of discrimination. We should be giving the EEOC more money to fight the problem, not less.

In addition, the kinds of cases the Senator from Tennessee opposes are extremely rare. The EEOC filed only 29 suits in the past 11 years involving English-only policies, and only when speaking English was unnecessary to do the job.

If we want to fund English literacy—and I favor that we should do it—we should do so, but not by harming the EEOC's ability to fight discrimination. So my amendment provides the needed support for English language education, and funds it across the board for the cut, without harming the EEOC's ability to fight discrimination.

Madam President, this is amendment No. 4350.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Senator KENNEDY] proposes an amendment numbered 4350.

The amendment is as follows:

(Purpose: To increase funding for the Department of Education's English Literacy-Civics Education State Grant program, with an offset)

On page 18, line 16, increase the amount by $1,000,000.

On page 18, line 17, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $1,000,000.

On page 27, line 17, decrease the amount by $1,000,000.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, as I understand the amendment of the Senator from Massachusetts, he would increase funding for the adult literacy programs to help Americans learning English. I think that is a terrific idea. Since 1906, immigrants have been required to learn English. No Child Left Behind, which the Senator helped to write, measures their progress in English. Legislation I have offered, and which the Senate has passed, gives people who are legally here and who seek to become a citizen a chance to become a citizen a year early if they become proficient in English.

I support Senator KENNEDY's amendment. In a moment, I will offer my amendment, which will stop the Government from suing the Salvation Army for requiring its employees to speak English on the job. That is a different matter. The Senator is right on this amendment, and I look forward to voting for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CONRAD. Would the Chair yield for a moment?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I would ask if both Senators would be willing to take voice votes on these two amendments?

Mr. ALEXANDER. Madam President, no, I wish to have the rollcall vote on our amendment.

Mr. GREGG. We are agreeable to a voice vote on the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I would be glad to take it if the Senator from Tennessee wanted a voice vote. I am glad to take it. If he insists on a rollcall, then we will necessitate a rollcall on our side. But I would be glad to voice vote it if the Senator from Tennessee wants to do that.

Mr. ALEXANDER. Madam President, I admire the amendment of the Senator from Massachusetts and I plan to vote for it, but there is not so much admiration for my amendment by some Senators. I wish to have a rollcall vote on it because I think it is time it became the law, and it has already been passed here before. So I will require a rollcall vote on my amendment.

Mr. GREGG. I ask for the yeas and nays.

Mr. CONRAD. I ask for the yeas and nays on the Kennedy amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—95

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Pryor
Biden	Graham	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Roberts
Boxer	Hagel	Rockefeller
Brown	Harkin	Salazar
Brownback	Hatch	Sanders
Bunning	Hutchison	Schumer
Burr	Inouye	Sessions
Cantwell	Isakson	Shelby
Cardin	Johnson	Smith
Carper	Kennedy	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Clinton	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Craig	Lincoln	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wicker
Dodd	McCaskill	Wyden
Dole	McConnell	

NAYS—2

Coburn	Inhofe

NOT VOTING—3

Byrd	McCain	Obama

The amendment (No. 4350) was agreed to.

AMENDMENT NO. 4222

The PRESIDING OFFICER. There will now be 2 minutes of debate equally

divided prior to a vote on amendment No. 4222, offered by the Senator from Tennessee, Mr. ALEXANDER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, in the 1990s, Arthur Schlesinger, Jr., a prominent Democrat, a great friend of the Senator from Massachusetts, wrote a book about the ''Disuniting of America.'' He deplored the balkanization of our country. The Equal Employment Opportunity Commission is balkanizing our country when it sues the Salvation Army, as it did, for requiring its employees to speak our common language on the job. Any employer may require any employee to speak whatever language, but that is our national language. Only a few things unite us—our common history, the principles in our founding documents, and our common language. We should be valuing rather than devaluing our common language. A vote yes is for uniting America, a vote no on this amendment is for disuniting America, in the words of Arthur Schlesinger.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, let's look at what the law is and what the Alexander amendment provides. The law currently says that if there is a need to speak English on the job, fine; employers can require that. But employers cannot use English-only rules as an excuse when they want to fire minorities who are performing the job correctly. In this fact situation, those employees had performed the job correctly for 5 years.

In addition, this amendment reduces the EEOC's ability to fight all forms of discrimination because it cuts the entire budget. That means race, age, religion, and disability cases will be harmed.

I hope the amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia, (Mr. BYRD), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—54

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Barrasso	Dole	Nelson (NE)
Baucus	Domenici	Pryor
Bayh	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Brownback	Grassley	Smith
Bunning	Gregg	Snowe
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Wicker

NAYS—44

Akaka	Feinstein	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Johnson	Obama
Brown	Kennedy	Reed
Cantwell	Kerry	Reid
Cardin	Klobuchar	Rockefeller
Carper	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Conrad	Levin	Stabenow
Dodd	Lieberman	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCaskill	Wyden
Feingold	Menendez	

NOT VOTING—2

Byrd	McCain

The amendment (No. 4222) was agreed to.

Mr. ALEXANDER. Madam President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Madam President, I think it would be useful at this point to recap the next tranche of amendments. The following amendments are in order: Menendez, 4259; Sessions, 4231; Cornyn, 4242; Pryor, 4181; Allard, 4246; Nelson, 4212, Ensign 4240; Sanders, 4218; Conrad, undesignated; Gregg, 4305; Reed, 4154; DeMint 4328; Biden, 4164; Dole, 4208; Dodd, 4254; Allard, 4232; Brown, 4155; Brownback, 4284; Kohl, 4197; Baucus side-by-side, undesignated; Hatch, 4280. That is the order of the next tranche of amendments.

Let me say for the benefit of our colleagues that it is going to take real restraint if we are going to have any kind of reasonable ending by any kind of reasonable time. All of those amendments are in order. We are prepared to vote on them. To the extent colleagues could withhold on additional amendments, that would certainly be helpful.

We are rapidly approaching the point at which we will have had the average number of amendments on a budget resolution. It runs from 32 to 36, roughly, on a budget resolution for rollcall votes. If we get through this tranche, I think we will be well over that number. But colleagues have a right, we understand that. We ask people to think if there is a possibility to withhold.

Senator MENENDEZ is next.

AMENDMENT NO. 4259

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on the amendment offered by the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Madam President, my amendment creates a deficit reserve fund to support increased border security and enforcement of immigration laws. But instead of going down the same old tired way that has not created results, as you will be asked to do in the amendment from Senator SESSIONS, what we do is actually go after the magnet that brings people to this country; that is, jobs and those who employ them illegally.

So we have the ability, under this amendment, to pursue civil penalties against bad-actor employers, to render them ineligible to receive Federal contracts; to also go after criminal aliens in Federal, State, and local prisons to make sure we deport them; and finally, to implement the exit data portion of the US-VISIT entry and exit data system so we know who is coming into this country and how to track them. These are the ways we will begin to address some of our immigration challenges.

Finally, we make sure we allow the National Guard to go to the border but not until we have it declared that it will not impede or render unsafe our troops abroad, which the National Guard are supporting.

For all those reasons, I urge my colleagues to support our amendment and oppose the amendment from Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the amendment offered by my colleague is an amendment that does not effectively replace the amendment I have offered.

My amendment that will be coming up next is a broad amendment. But this amendment contains immigration reform language that suggests once again that enforcement cannot be effectively done without a comprehensive amnesty approach. It fails to include any provision for State and local law enforcement, fails to include any provision for border fencing, fails to include any provision to advance specifically the effective operations streamline policy that is being done now in four border areas, that needs to be done in 20, and that has resulted in a 60-percent reduction in illegal entry in those four areas. The Menendez amendment does not particularly cover that area. I would ask that it not be passed and that my amendment coming up next would be the one more appropriately effective to carry out the will of this Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia, Mr. BYRD, is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—53

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Nelson (NE)
Biden	Johnson	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Snowe
Coleman	Lieberman	Stabenow
Collins	Lincoln	Sununu
Conrad	Martinez	Tester
Dodd	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	

NAYS—45

Alexander	DeMint	Lugar
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Dorgan	Roberts
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Graham	Smith
Burr	Grassley	Specter
Chambliss	Gregg	Stevens
Coburn	Hagel	Thune
Cochran	Hatch	Vitter
Corker	Hutchison	Voinovich
Cornyn	Inhofe	Warner
Craig	Isakson	Webb
Crapo	Kyl	Wicker

NOT VOTING—2

Byrd	McCain

The amendment (No. 4259) was agreed to.

AMENDMENT NO. 4231

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4231 offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama.

Mr. SESSIONS. Madam President, this Senate has repeatedly voted on issue after issue after issue that would move us toward a lawful system of immigration. But for one reason or the other, those votes have not been translated into action or funding. As a result, we have not made the progress we should have made. We have created a lack of confidence in the American people who are cynical about what we do. My amendment is broad. It would allow a budget-neutral reserve fund for any immigration factor, but it specifically mentions six. It does not in any way suggest these enforcement measures should be delayed until some amnesty proposal or comprehensive reform is passed. The programs include Operation Streamline. Four of twenty southern border sectors now are prosecuting illegal entries, and they have seen a 60-percent reduction in illegality. We would like to see that in all 20, of course. It would commit us to construction of the fence and four other areas.

I urge support for this amendment, which would clearly move us in the direction we have been voting in the past.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I urge my colleagues to oppose this amendment. The Senate, in a significant vote, voted to get to the heart of the matter, the draw of jobs and those who offer them illegally. That is where the whole issue is. The Senate acted intelligently in that respect. It was tough and smart. But under the Sessions amendment, we are going to deploy another 6,000 National Guard, without conditions, to the border at a time in which we are overstretched with the National Guard in Iraq, Afghanistan, and for challenges that States have for emergencies in their own States. We are going to go ahead and deputize local police in local departments. I believe that is a mistake. We have had these before. They have not succeeded. We succeeded in passing an amendment that is going to be tough and smart and deal with the heart of the matter—employers who illegally hire people. It will make sure they get sanctioned, make sure we proceed against those who have Federal contracts doing this and makes sure we get rid of criminal aliens in the jails—local, State, and Federal. That is the way to pursue it.

Vote against the Sessions amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4231.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—61

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Barrasso	Dorgan	Pryor
Baucus	Ensign	Roberts
Bayh	Enzi	Sessions
Bennett	Graham	Shelby
Bond	Grassley	Smith
Brownback	Gregg	Snowe
Bunning	Hagel	Specter
Burr	Hatch	Stevens
Carper	Hutchison	Sununu
Chambliss	Inhofe	Tester
Coburn	Isakson	Thune
Cochran	Klobuchar	Vitter
Coleman	Kyl	Voinovich
Collins	Landrieu	Warner
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker
Craig	Martinez	Wyden
Crapo	McCaskill	
DeMint	McConnell	

NAYS—37

Akaka	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Cardin	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Conrad	Levin	Stabenow
Dodd	Lieberman	Whitehouse
Durbin	Menendez	
Feingold	Mikulski	

NOT VOTING—2

Byrd	McCain

The amendment (No. 4231) was agreed to.

AMENDMENT NO. 4242

The PRESIDING OFFICER (Mr. WEBB). There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4242, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mr. CORNYN. Mr. President, this amendment creates a 60-vote point of order against any legislation that will increase income tax rates on taxpayers, including, of course, middle-class families and others.

If this looks familiar, it is because it is. Last year, we had a vote on this precise amendment. You will see that we had 63 Senators vote in support of this point of order against raising income tax rates, including our friends on the other side of the aisle whose names are indicated on this chart.

I understand from the distinguished chairman of the Budget Committee he may offer a procedural objection to this amendment, but we are prepared at the appropriate time to offer a motion to waive any objection.

I ask for support on this bipartisan legislation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I ask the Parliamentarian, through the Presiding Officer, a series of questions about this amendment?

The PRESIDING OFFICER. The Senator will state his inquiries.

Mr. CONRAD. Mr. President, No. 1, is this amendment germane to the budget resolution?

The PRESIDING OFFICER. In the opinion of the Chair, it is not germane.

Mr. CONRAD. No. 2, if this amendment were to be adopted, is it corrosive to the privileged nature of a budget resolution?

The PRESIDING OFFICER. In the opinion of the Chair, the amendment would be corrosive to the budget resolution.

Mr. CONRAD. No. 3, if this amendment came back from the conference committee, would it be fatal to the privileged nature of the budget resolution?

The PRESIDING OFFICER. It would be fatal to the privileged nature of the budget resolution.

Mr. CONRAD. Mr. President, that is the problem with this amendment. This is not in the jurisdiction——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. It is not in the jurisdiction of the committee.

Is all time yielded back?

The PRESIDING OFFICER. The time has expired.

Mr. CORNYN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I inquire whether adding the amendment at this point—that is, prior to any conference committee—would endanger the privileged nature of the budget resolution as opposed to offering it and adding it in conference? In other words, is there any difference between doing it now and adding it later?

The PRESIDING OFFICER. It is corrosive, but not fatal, to add the amendment at this point in terms of the privilege.

Mr. CORNYN. So it would not affect the privileged status of the budget resolution to agree to my amendment at this time?

The PRESIDING OFFICER. It would not fatally affect it at this time.

Mr. CORNYN. I thank the Chair.

Mr. CONRAD. Mr. President, it would fatally affect it if it came back from conference committee.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I raise a point of order that the Cornyn amendment is not germane and therefore violates section 305 of the Budget Act.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, pursuant to Section 904(c) of the Congressional Budget Act of 1974, I move to waive section 305(b)2 of the Budget Act for consideration of this amendment to S. Con. Res. 70, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—58

Alexander	DeMint	Murkowski
Allard	Dole	Nelson (NE)
Barrasso	Domenici	Pryor
Baucus	Ensign	Roberts
Bayh	Enzi	Salazar
Bennett	Graham	Sessions
Bond	Grassley	Shelby
Brownback	Gregg	Smith
Bunning	Hagel	Snowe
Burr	Hatch	Specter
Cantwell	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Coburn	Isakson	Tester
Cochran	Kohl	Thune
Coleman	Kyl	Vitter
Collins	Lincoln	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Wicker
Craig	McCaskill	
Crapo	McConnell	

NAYS—40

Akaka	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Cardin	Kerry	Rockefeller
Carper	Klobuchar	Sanders
Casey	Landrieu	Schumer
Clinton	Lautenberg	Stabenow
Conrad	Leahy	Webb
Dodd	Levin	Whitehouse
Dorgan	Lieberman	Wyden
Durbin	Menendez	
Feingold	Mikulski	

NOT VOTING—2

Byrd	McCain

The PRESIDING OFFICER. The yeas are 59, nays 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. CONRAD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, we have now cast roughly 19 rollcall votes. We have another 20 pending. For the background of Senators, in 2005, we had 37 recorded rollcall votes; in 2006, we had 36 recorded rollcall votes; in 2007, we had 32 recorded rollcall votes. So with the votes we have already had and the votes in the train, we will have exceeded the recorded rollcall votes of any of the last 3 years.

I say that knowing Senators have a right to continue to ask for amendments, certainly. But to put it into some perspective, with 20 additional amendments to be voted on, that would take 7 hours, which would put us at midnight. I know sometimes the Senate does its best work after dark, but I hope we will think seriously about relinquishing some of these amendments and save them for a later vehicle.

AMENDMENT NO. 4181

Mr. CONRAD. The next vote in order is the vote on the amendment by the Senator from Arkansas, Mr. PRYOR. We have indicated that on both sides we would be willing to take that as a voice vote.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, this is amendment No. 4181. The cosponsors are Senators SNOWE, BINGAMAN, and KERRY. It is a deficit-neutral reserve fund for science parks. These are sometimes called technology parks or business incubators. But there is no doubt these science parks have a great track record of spurring innovation and job creation at a time when the economy is slowing and international competition is growing. We need to do everything we can to provide good-paying jobs for American workers.

More than 300,000 workers in North America work in a university science park. Every job there generates an average of 2.57 jobs in the economy.

With that, I think we have an agreement that we will voice vote this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 4181) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4246

Mr. CONRAD. Mr. President, that would take us to the Allard amendment No. 4246.

The PRESIDING OFFICER. There is 2 minutes equally divided. Who yields time?

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLARD. Mr. President, on the campaign trial, Senator OBAMA has called for about 188 proposals of new spending. What this amendment consists of is this. We take 111 of those new spending proposals and we put them in this amendment. If you look at it with the 2009 5-year budget, it will cost this country around $1.4 trillion. The argument has been made on the campaign trail this will be paid for by taxing the rich. That is not possible.

If you apply tax increases to those who make $250,000, or more per year, all you come up with is about $225 billion. That is not even close to what it takes to pay for all these new proposals. What you are going to do is have to cram your hands into the pockets of small businesses and the middle-class families and yank the money out of their pockets and send it to Washington to pay for a bloated bureaucracy.

The point of this amendment is you cannot pay for all the spending by taxing the rich.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this amendment is a concoction. It is a complete fabrication. Senator OBAMA is not the President of the United States. Senator OBAMA has not presented a budget to this body. This is make-believe.

I think it is unfortunate the Senator has offered this amendment styled in this way. We have not done that. I think this is beneath the dignity of the Senate. I urge my colleagues to vote no against what is a complete fiction.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

If present and voting, the Senator from Arkansas (Mrs. LINCOLN) would vote ''no.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 97, as follows:

[Rollcall Vote No. 62 Leg.]

NAYS—97

Akaka	Craig	Landrieu
Alexander	Crapo	Lautenberg
Allard	DeMint	Leahy
Barrasso	Dodd	Levin
Baucus	Dole	Lieberman
Bayh	Domenici	Lugar
Bennett	Dorgan	Martinez
Biden	Durbin	McCaskill
Bingaman	Ensign	McConnell
Bond	Enzi	Menendez
Boxer	Feingold	Mikulski
Brown	Feinstein	Murkowski
Brownback	Graham	Murray
Bunning	Grassley	Nelson (FL)
Burr	Gregg	Nelson (NE)
Cantwell	Hagel	Obama
Cardin	Harkin	Pryor
Carper	Hatch	Reed
Casey	Hutchison	Reid
Chambliss	Inhofe	Roberts
Clinton	Inouye	Rockefeller
Coburn	Isakson	Salazar
Cochran	Johnson	Sanders
Coleman	Kennedy	Schumer
Collins	Kerry	Sessions
Conrad	Klobuchar	Shelby
Corker	Kohl	Smith
Cornyn	Kyl	Snowe
Specter	Thune	Whitehouse
Stabenow	Vitter	Wicker
Stevens	Voinovich	Wyden
Sununu	Warner	
Tester	Webb	

NOT VOTING—3

Byrd	Lincoln	McCain

The amendment (No. 4246) was rejected.

Mr. DORGAN. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4212

Mr. CONRAD. Mr. President, the next amendment in order is the Nelson amendment on construction. I understand the Senator has a modification.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, the modification is not in the body of the amendment but in the stated purpose. To make the statement of purpose acceptable to the other side, we have stricken the word ''emergency.'' That meets with the approval of the other side, so it is now as changed.

As we all know, the budget resolution before us includes room in the budget in 2008 and 2009 for an additional stimulus package. The distinguished chairman included this ''insurance policy'' against further economic downturn, and I commend him for it. I also thank him and Senator BAUCUS and all the distinguished bipartisan cosponsors for working with me to adopt this amendment.

The amendment simply allocates more of the stimulus money for ''ready to go'' infrastructure projects. The amendment moves $3.5 billion from the allowances functions to the transportation function and designates it as fiscal year 2008 discretionary funding. This existing money is already assumed in the resolution.

I reiterate this point: The $3.5 billion is already assumed in the resolution. The idea behind this amendment is simple. If we are going to spend, we should invest. This amendment injects money into the economy and creates jobs, over 40,000 jobs per billion dollars of infrastructure expenditures, but it also makes a lasting investment in infrastructure that will remain long after the economy recovers.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The clerk will report the amendment.

The assistant journal clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. VOINOVICH, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. DURBIN, Mr. NELSON of Florida, Mr. SCHUMER, Mr. CONRAD, and Ms. STABENOW, proposes an amendment numbered 4212.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create additional jobs and make a lasting investment in our national infrastructure by increasing Fiscal Year 2008 infrastructure stimulus funding by designating $3.5 billion in existing stimulus funding in the resolution as discretionary funding)

On page 16, line 9, increase the amount by $3,500,000,000.

On page 16, line 10, increase the amount by $3,500,000,000.

On page 27, line 12, decrease the amount by $3,500,000,000.

On page 27, line 13, decrease the amount by $3,500,000,000.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4212) was agreed to.

AMENDMENT NO. 4240

Mr. CONRAD. Mr. President, the next amendment is the Ensign amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, briefly, this amendment is to means test Medicare Part D the same way we means test Medicare Part B. An individual making over $82,000 a year, a couple making over $164,000—seniors—would be expected to pay a little over $10 a month extra. That is all we are doing.

This amendment saves a couple billion dollars over the next 5 years. It is very reasonable. There is nothing else in this budget that does anything on entitlement reform, and we all know entitlements are heading for a train wreck in this country. We ought to at least do this little bit for our children for deficit reduction.

I encourage all Senators to vote for this amendment. It is very reasonable. It is modeled exactly after Medicare Part B means testing.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant journal clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. GRAHAM, Mr. BUNNING, Mr. ENZI, and Mr. DEMINT, proposes an amendment numbered 4240.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require wealthy Medicare beneficiaries to pay a greater share of their Medicare Part D premiums)

On page 4, line 5, decrease the amount by $125,000,000.

On page 4, line 6, decrease the amount by $300,000,000.

On page 4, line 7, decrease the amount by $375,000,000.

On page 4, line 8, decrease the amount by $450,000,000.

On page 4, line 9, decrease the amount by $550,000,000.

On page 4, line 14, decrease the amount by $125,000,000.
On page 4, line 15, decrease the amount by $300,000,000.
On page 4, line 16, decrease the amount by $375,000,000.
On page 4, line 17, decrease the amount by $450,000,000.
On page 4, line 18, decrease the amount by $550,000,000.
On page 4, line 23, decrease the amount by $125,000,000.
On page 4, line 24, decrease the amount by $300,000,000.
On page 4, line 25, decrease the amount by $375,000,000.
On page 5, line 1, decrease the amount by $450,000,000.
On page 5, line 2, decrease the amount by $550,000,000.
On page 5, line 8, decrease the amount by $125,000,000.
On page 5, line 9, decrease the amount by $425,000,000.
On page 5, line 10, decrease the amount by $800,000,000.
On page 5, line 11, decrease the amount by $1,250,000,000.
On page 5, line 12, decrease the amount by $1,800,000,000.
On page 5, line 16, decrease the amount by $125,000,000.
On page 5, line 17, decrease the amount by $425,000,000.
On page 5, line 18, decrease the amount by $800,000,000.
On page 5, line 19, decrease the amount by $1,250,000,000.
On page 5, line 20, decrease the amount by $1,800,000,000.
On page 20, line 16, decrease the amount by $125,000,000.
On page 20, line 17, decrease the amount by $125,000,000.
On page 20, line 20, decrease the amount by $300,000,000.
On page 20, line 21, decrease the amount by $300,000,000.
On page 20, line 24, decrease the amount by $375,000,000.
On page 20, line 25, decrease the amount by $375,000,000.
On page 21, line 3, decrease the amount by $450,000,000.
On page 21, line 4, decrease the amount by $450,000,000.
On page 21, line 7, decrease the amount by $550,000,000.
On page 21, line 8, decrease the amount by $550,000,000.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the problem with this amendment is exactly what the sponsor said: It is exactly like Part B. Part B, as we know, is a premium that is paid with respect to doctors' examinations and Medicare reimbursement. Part D is the drug benefit. Part D premiums vary significantly nationwide according to geography and according to the plans offered. It is nothing like Part B.

To say we should pattern this off Part B is a statement not fully appreciative of the sophistication of the changes in the Part D. That is one reason not to support this amendment.

Second, any change in Part D is required to be in any Medicare bill if it comes up. We may want to make other Medicare changes. We don't want to be restricted to means testing.

Third, this should be considered broad health care reform, at least Medicare reform, and not be isolated in this case.

I strongly urge this amendment not be adopted.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4240.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—42

Alexander	Cornyn	Kyl
Allard	Craig	Lugar
Barrasso	Crapo	McCaskill
Bennett	DeMint	McConnell
Bond	Dole	Murkowski
Brownback	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Carper	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hagel	Thune
Coleman	Hatch	Vitter
Collins	Inhofe	Voinovich
Corker	Isakson	Warner

NAYS—56

Akaka	Harkin	Nelson (NE)
Baucus	Hutchison	Obama
Bayh	Inouye	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Casey	Lautenberg	Smith
Clinton	Leahy	Snowe
Cochran	Levin	Specter
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Tester
Domenici	Martinez	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wicker
Feingold	Murray	Wyden
Feinstein	Nelson (FL)	

NOT VOTING—2

Byrd	McCain

The amendment (No. 4240) was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4218

Mr. SANDERS. Mr. President, I call up amendment No. 4218.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mrs. CLINTON, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. SCHUMER, and Mr. BROWN, proposes an amendment numbered 4218.

The amendment is as follows:

(Purpose: To put children ahead of millionaires and billionaires by restoring the pre-2001 top income tax rate for people earning over $1 million, and use this revenue to invest in LIHEAP; IDEA; Head Start; Child Care; nutrition; school construction and deficit reduction)

On page 3, line 11, increase the amount by $10,800,000,000.
On page 3, line 12, increase the amount by $16,600,000,000.
On page 3, line 13, increase the amount by $5,100,000,000.
On page 3, line 20, increase the amount by $10,800,000,000.
On page 3, line 21, increase the amount by $16,600,000,000.
On page 3, line 22, increase the amount by $5,100,000,000.
On page 4, line 5, increase the amount by $9,800,000,000.
On page 4, line 6, increase the amount by $15,600,000,000.
On page 4, line 7, increase the amount by $4,100,000,000.
On page 4, line 14, increase the amount by $4,196,000,000.
On page 4, line 15, increase the amount by $11,966,000,000.
On page 4, line 16, increase the amount by $9,443,000,000.
On page 4, line 17, increase the amount by $3,187,000,000.
On page 4, line 18, increase the amount by $708,000,000.
On page 4, line 23, decrease the amount by $6,604,000,000.
On page 4, line 24, decrease the amount by $4,634,000,000.
On page 4, line 25, increase the amount by $4,343,000,000.
On page 5, line 1, increase the amount by $3,187,000,000.
On page 5, line 2, increase the amount by $708,000,000.
On page 5, line 8, decrease the amount by $6,604,000,000.
On page 5, line 9, decrease the amount by $11,238,000,000.
On page 5, line 10, decrease the amount by $6,895,000,000.
On page 5, line 11, decrease the amount by $3,708,000,000.
On page 5, line 12, decrease the amount by $3,000,000,000.
On page 5, line 16, decrease the amount by $6,604,000,000.
On page 5, line 17, decrease the amount by $11,238,000,000.
On page 5, line 18, decrease the amount by $6,895,000,000.
On page 5, line 19, decrease the amount by $3,708,000,000.
On page 5, line 20, decrease the amount by $3,000,000,000.
On page 18, line 16, increase the amount by $6,200,000,000.
On page 18, line 17, increase the amount by $1,244,000,000.
On page 18, line 20, increase the amount by $9,800,000,000.
On page 18, line 21, increase the amount by $6,766,000,000.
On page 18, line 24, increase the amount by $2,000,000,000.
On page 18, line 25, increase the amount by $6,459,000,000.
On page 19, line 4, increase the amount by $2,843,000,000.
On page 19, line 8, increase the amount by $688,000,000.

On page 21, line 16, increase the amount by $3,600,000,000.

On page 21, line 17, increase the amount by $2,952,000,000.

On page 21, line 20, increase the amount by $5,800,000,000.

On page 21, line 21, increase the amount by $5,200,000,000.

On page 21, line 24, increase the amount by $2,100,000,000.

On page 21, line 25, increase the amount by $2,984,000,000.

On page 22, line 4, increase the amount by $344,000,000.

On page 22, line 8, increase the amount by $20,000,000.

On page 32, line 10, increase the amount by $8,600,000,000.

On page 32, line 11, increase the amount by $2,996,000,000.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senators DURBIN, KENNEDY, CLINTON, HARKIN, SCHUMER, MIKULSKI, BROWN, CASEY, and MENENDEZ for cosponsoring this amendment. I also thank dozens of national organizations representing tens of millions of Americans for supporting it, including the AFL–CIO, the SCIU, the Children's Defense Fund, the YWCA, and many other organizations.

This amendment cannot be simpler. The wealthiest people in the country have not had it so good since the 1920s. Their incomes are soaring, while at the same time the middle class is shrinking, and we have by far the highest rate of childhood poverty of any major country. The time is now to begin changing our national priorities and moving this country in a different direction.

This amendment restores the top income tax bracket for households earning more than $1 million a year, it raises $32.5 billion over 3 years, and invests that in our kids, including $10 billion for special education, because the time is long overdue that we kept our word regarding special education.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the problem is we are in the game here, spending the same dollar three or four times, it appears. Under the Sanders amendment, it is paid for by raising taxes another $32.5 billion, ostensibly from the rich; that is to say, by raising taxes on people who make over $1 million a year. Here is the problem with that. The budget on the floor already assumes the expiration of the current tax rates; that is to say, the rates on the highest level go from 35 to 39.6, and that money is spent. If you took all the top-rate income, you would come up with $25 billion a year, not even enough to meet what is here, and that money has already been spent.

The reality is somewhere or other, somehow, more taxes would have to be raised. I don't think the American people want to do that, particularly in the current environment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—43

Akaka	Feinstein	Mikulski
Bayh	Harkin	Murray
Biden	Inouye	Nelson (FL)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Cardin	Klobuchar	Reid
Casey	Kohl	Rockefeller
Clinton	Landrieu	Sanders
Collins	Lautenberg	Schumer
Conrad	Leahy	Stabenow
Dodd	Levin	Webb
Dorgan	Lieberman	Whitehouse
Durbin	McCaskill	
Feingold	Menendez	

NAYS—55

Alexander	DeMint	Nelson (NE)
Allard	Dole	Roberts
Barrasso	Domenici	Salazar
Baucus	Ensign	Sessions
Bennett	Enzi	Shelby
Bond	Graham	Smith
Brownback	Grassley	Snowe
Bunning	Gregg	Specter
Burr	Hagel	Stevens
Cantwell	Hatch	Sununu
Carper	Hutchison	Tester
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Kyl	Voinovich
Coleman	Lincoln	Warner
Corker	Lugar	Wicker
Cornyn	Martinez	Wyden
Craig	McConnell	
Crapo	Murkowski	

NOT VOTING—2

Byrd	McCain

The amendment (No. 4218) was rejected.

Mr. CONRAD. Mr. President, I want to, one more time, implore our colleagues—we have some colleagues who have multiple amendments pending. By the time we end this tranche, we will have had nearly 40 votes. That is significantly more than any of the last 3 years we have had a budget resolution in terms of recorded rollcall votes. But we have some colleagues—I do not know whether this is their staff speaking for them or whether Members are actually so wedded to those amendments. I would ask colleagues to ask their staffs how many amendments they have on these lists. We have a list here of 50 more amendments. That really is not reasonable. That is not reasonable by any historic standard.

The next amendment in order is the amendment by the Senator from Rhode Island.

Mr. GREGG. Mr. President, I believe the next amendment was my amendment, but we have agreed to pass over it.

Mr. CONRAD. Yes, that is correct. Senator GREGG's amendment is next in line, but we have agreed to drop that down. Some work is being done on that amendment, which makes the next amendment in order the amendment of the Senator from Rhode Island.

AMENDMENT NO. 4154

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, my amendment would increase LIHEAP funding by an additional $2.6 billion to bring it up to the fully authorized amount.

I call up amendment No. 4154.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. OBAMA, Ms. SNOWE, Mr. SUNUNU, and Mr. WHITEHOUSE, proposes an amendment numbered 4154.

The amendment is as follows:

(Purpose: To reduce the energy burden of low-income families, seniors, and individuals with disabilities by increasing funding for the Low-Income Home Energy Assistance Program (LIHEAP) by $2.6 billion in FY 2009)

On page 19, line 16, increase the amount by $2,600,000,000.

On page 19, line 17, increase the amount by $1,820,000,000.

On page 19, line 21, increase the amount by $728,000,000.

On page 19, line 25, increase the amount by $52,000,000.

On page 27, line 16, decrease the amount by $2,600,000,000.

On page 27, line 17, decrease the amount by $1,820,000,000.

On page 27, line 21, decrease the amount by $728,000,000.

On page 27, line 25, decrease the amount by $52,000,000.

Mr. REED. Mr. President, this amendment would raise the LIHEAP spending to the authorized total of $5.1 billion. I wish to recognize the work of Senator SPECTER and Senator HARKIN, who earlier today passed an amendment that increased LIHEAP funding. I have worked very closely with my colleagues, especially Senator COLLINS.

Let me point out what is obvious to everyone today: Oil reached $111 a barrel. That translates very quickly into excruciatingly high prices for seniors or low-income Americans. LIHEAP is a program that can help them. I would urge passage.

I see my colleague, Senator COLLINS, on the other side.

Ms. COLLINS. Mr. President, I, too, urge adoption of this amendment. This

has been a very hard winter in the Northeast, with extreme cold and very high prices. We can make a big difference by increasing this account to bring it to the authorized level. In my State of Maine, the last allocation was used up in a matter of 4 days.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

AMENDMENT NO. 4154, AS MODIFIED

Mr. REED. Mr. President, I ask unanimous consent to modify the amendment in order to reflect the previous amendment passed by Senators HARKIN and SPECTER. It has been agreed to by both sides.

The PRESIDING OFFICER. Is there objection?

Mr. REED. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 21, line 16, increase the amount by $1,600,000,000.

On page 21, line 17, increase the amount by $1,120,000,000.

On page 21, line 21, increase the amount by $448,000,000.

On page 21, line 25, increase the amount by $32,000,000.

On page 27, line 16, decrease the amount by $1,600,000,000.

On page 27, line 17, decrease the amount by $1,120,000,000.

On page 27, line 21, decrease the amount by $448,000,000.

On page 27, line 25, decrease the amount by $32,000,000.

Mr. GREGG. I urge adoption of the amendment and ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4154), as modified, was agreed to.

Mr. GREGG. Mr. President, I understand we are going to Senator DEMINT next.

AMENDMENT NO. 4328

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up amendment No. 4328 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4328.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for Social Security reform)

At the end of title III, add the following:

SEC. ___. RESERVE FUND FOR SOCIAL SECURITY REFORM.

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.) by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are to be used only to finance expenditures to provide retirement income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1952;

(3) providing participants with the benefits of savings and investment while permitting the pre-funding of at least some portion of future benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds;

the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by such legislation, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. DEMINT. Mr. President, every Senator here today knows we need to address the problem with Social Security. Within the next 8 or 10 years, the current surplus we have for Social Security will run out and we will be in the red as far as cashflow goes. We will begin to transfer money from the general fund to pay for Social Security.

Over the last two decades, we have taken over $2 trillion of Social Security surplus and spent it on other things. In the next 5 years alone, counting interest, we will take another trillion of this surplus and spend it elsewhere. This amendment simply says we should spend this Social Security surplus that is in front of us only on Social Security.

The last time this bill was on the floor, it got 45 votes. Several of you who voted against it said you thought it set up private accounts, so you voted against it. There is nothing in this amendment about setting up private accounts or how we save it. It simply says that we spend Social Security on Social Security and save it for the future.

The PRESIDING OFFICER (Mr. NELSON of Florida.) The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment is privatization of Social Security. This body rejected an amendment of this nature in 2006. We also voted last year and rejected it. The country rejected the privatization in 2005.

This will increase insolvency of the Social Security trust fund, not help it. Despite what the Senator said, let me quote what it says:

Providing participants with the benefits of savings and investment while permitting the prefunding . . .

Essentially, this, as stated in the language, sets up private accounts for the benefits of investments and savings. We all know that the volatility of the stock market is not the best thing for seniors.

This is privatization of Social Security. We have voted on this many times in the past. I urge the same vote today.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—41

Alexander	DeMint	Martinez
Allard	Dole	McCaskill
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Coleman	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Warner
Craig	Kyl	Wicker
Crapo	Lugar	

NAYS—57

Akaka	Durbin	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shelby
Casey	Lautenberg	Smith
Clinton	Leahy	Snowe
Cochran	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Voinovich
Dodd	Menendez	Webb
Domenici	Mikulski	Whitehouse
Dorgan	Murray	Wyden

NOT VOTING—2

Byrd	McCain

The amendment (No. 4328) was rejected.

Mr. CONRAD. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator

from Kansas be recognized to change a vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CHANGE OF VOTE

Mr. ROBERTS. Mr. President, I wish to be recorded ''yea'' on DeMint amendment No. 4328. It was my intent to vote yea. I did vote nay. That was a mistake. This would not change the vote, as it was 40 to 58.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment is the amendment by Senator BIDEN, No. 4164.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 4164

Mr. BIDEN. Mr. President, I have been instructed by the Budget Committee that I have to ask for a modification of the amendment. The pagination on the amendment was off. First, I call up amendment No. 4164.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. KOHL, Mr. LEAHY, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. REED, and Mr. FEINGOLD, proposes an amendment numbered 4164.

Mr. BIDEN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase 2009 funding for the COPS program to $1.15 billion, with an offset)

On page 24, line 16, increase the amount by $551,000,000.

On page 24, line 17, increase the amount by $66,000.000.

On page 24, line 21, increase the amount by $154,000,000.

On page 25, line 25, increase the amount by $138,000,000.

On page 26, line 4, increase the amount by $110,000.000.

On page 25, line 8, increase the amount by $83,000,000.

On page 27, line 16, decrease the amount by $551,000,000.

On page 27, line 17, decrease the amount by $66,000,000.

On page 27, line 21, decrease the amount by $154,000,000.

On page 27, line 25, decrease the amount by $138,000,000.

On page 28, line 4, decrease the amount by $110,000,000.

On page 28, line 8, decrease the amount by $83,000,000.

AMENDMENT NO. 4164, AS MODIFIED

Mr. BIDEN. Mr. President, I send a modification to the desk. As I explained to my colleagues, the pagination in the amendment was incorrect.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 24, line 16, increase the amount by $551,000,000.

On page 24, line 17, increase the amount by $66,000,000.

On page 24, line 21, increase the amount by $154,000,000.

On page 24, line 25, increase the amount by $138,000,000.

On page 25, line 4, increase the amount by $110,000,000.

On page 25, line 8, increase the amount by $83,000,000.

On page 27, line 16, decrease the amount by $551,000,000.

On page 27, line 17, decrease the amount by $66,000,000.

On page 27, line 21, decrease the amount by $154,000,000.

On page 27, line 25, decrease the amount by $138,000,000.

On page 28, line 4, decrease the amount by $110,000,000.

On page 28, line 8, decrease the amount by $83,000,000.

Mr. BIDEN. Mr. President, I urge my colleagues to support this amendment. My amendment will support full funding for the COPS Program. It is fully offset by an across-the-board cut in nondefense discretionary spending. The chairman asked whether I would be willing to have a voice vote. At this hour of the night, I would be willing to do about anything he asked me to do, including a voice vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think there is no time in opposition.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to amendment No. 4164, as modified.

The amendment (No. 4164), as modified, was agreed to.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4208

Mr. CONRAD. The next amendment is the amendment by Senator DOLE, No. 4208.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I call up amendment No. 4208 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. DOLE], for herself, Mr. GRASSLEY, and Mr. VITTER, proposes an amendment numbered 4208.

Mrs. DOLE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase amounts budgeted for States and local governments for expenses related to immigration enforcement training and support under section 287(g) of the Immigration and Nationality Act, with an offset)

On page 24, line 16, increase the amount by $75,000,000.

On page 24, line 17, increase the amount by $60,000,000.

On page 24, line 21, increase the amount by $7,500,000.

On page 24, line 25, increase the amount by $7,500,000.

On page 27, line 16, decrease the amount by $75,000,000.

On page 27, line 17, decrease the amount by $60,000,000.

On page 27, line 21, decrease the amount by $7,500,000.

On page 27, line 25, decrease the amount by $7,500,000.

Mrs. DOLE. Mr. President, my amendment would direct $75 million for ICE to expand the 287(g) program so that more local law enforcement agencies have the resources to identify and help process criminal illegal aliens. To address the problems presented by individuals who are not only here illegally but who have self-identified themselves because of their criminal behavior, we must provide the funding for ICE to make the necessary resources available to local law enforcement officials who are on the front lines. Greater funding for ICE, specifically the 287(g) program, is sorely needed. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there is no opposition. We ask colleagues to accept the amendment on a voice vote, if the Senator would agree.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4208.

The amendment (No. 4208) was agreed to.

Mr. CONRAD. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4254

Mr. CONRAD. Next in order is an amendment by Senator DODD, No. 4254.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Ms. COLLINS, and Mr. KENNEDY, proposes an amendment numbered 4254.

The amendment is as follows:

(Purpose: To increase funding for the National Institutes of Health, the Centers for Disease Control and Prevention and the Health Resources and Services Administration for autism research, education, and early detection with an offset)

On page 19, line 16, increase the amount by $197,000,000.

On page 19, line 17, increase the amount by $73,000,000.

On page 19, line 21, increase the amount by $93,000,000.

On page 19, line 25, increase the amount by $22,000,000.

On page 20, line 4, increase the amount by $4,000,000.

On page 27, line 16, decrease the amount by $197,000,000.

On page 27, line 17, decrease the amount by $73,000,000.

On page 27, line 21, decrease the amount by $93,000,000.

On page 27, line 25, decrease the amount by $22,000,000.

On page 28, line 4, decrease the amount by $4,000,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator COLLINS of Maine, and Senator KENNEDY, and I ask unanimous consent that Senators KLOBUCHAR, OBAMA, MENENDEZ, LIEBERMAN, DURBIN, and CLINTON be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, we are aware of the growing problem of autism. It used to be, not that long ago, that 1 child in 166 was afflicted with autism. Those numbers have now dropped to 1 in 150. It is the fastest growing neurological disability in the United States and becoming more and more serious. It is highly complex. Senator Santorum and I offered the combating autism legislation a year or so ago, which passed overwhelmingly. This legislation increases the funding by $197 million. It is completely offset by dealing with the function 920. Therefore, it is paid for completely and revenue neutral. We urge its adoption.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, there has been an alarming increase in the diagnosis of autism in this country. Back in the 1980s, it was 1 in 2,500 children. As the Senator from Connecticut has indicated, the current statistics are 1 in 150. That means that some 1.5 million children and their families are coping with this disease. This is an area where more research can make a tremendous difference. I urge adoption of the Dodd-Collins amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DODD. Mr. President, it is the fastest growing developmental disability in the United States.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4254.

The amendment (No. 4254) was agreed to.

Mr. CONRAD. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4232

Mr. CONRAD. Mr. President, that takes us to Allard amendment No. 4232.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up amendment No. 4232 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for Mr. ALLARD, proposes an amendment numbered 4232.

Mr. DEMINT. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pay down the Federal debt and eliminate government waste by reducing spending 5 percent on programs rated (as mandated under the Government Performance and Results Act (Public Law 103–62)) ineffective by Office of Management and Budget Program Assessment Rating Tool)

On page 4, line 5, decrease the amount by $750,000,000.

On page 4, line 14, decrease the amount by $375,000,000.

On page 4, line 15, decrease the amount by $225,000,000.

On page 4, line 16, decrease the amount by $150,000,000.

On page 4, line 23, decrease the amount by $375,000,000.

On page 4, line 24, decrease the amount by $225,000,000.

On page 4, line 25, decrease the amount by $150,000,000.

On page 5, line 8, decrease the amount by $375,000,000.

On page 5, line 9, decrease the amount by $600,000,000.

On page 5, line 10, decrease the amount by $750,000,000.

On page 5, line 11, decrease the amount by $750,000,000.

On page 5, line 12, decrease the amount by $750,000,000.

On page 5, line 16, decrease the amount by $375,000,000.

On page 5, line 17, decrease the amount by $600,000,000.

On page 5, line 18, decrease the amount by $750,000,000.

On page 5, line 19, decrease the amount by $750,000,000.

On page 5, line 20, decrease the amount by $750,000,000.

On page 27, line 16, decrease the amount by $750,000,000.

On page 27, line 17, decrease the amount by $375,000,000.

On page 27, line 21, decrease the amount by $225,000,000.

On page 27, line 25, decrease the amount by $150,000,000.

On page 32, line 10, decrease the amount by $750,000,000.

On page 32, line 11, decrease the amount by $375,000,000.

Mr. DEMINT. Mr. President, I would ask Senator ALLARD to take a minute. I have called the amendment up. If the Senator will explain what it is.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, my amendment will cut the Federal deficit and eliminated Government waste by reducing spending 5 percent on programs rated ''ineffective'' by the OMB and use the savings to pay down the Federal debt.

Five percent is the expected increase under this budget. We are not cutting any programs or zeroing anything out, just saying that an ''ineffective'' rating probably means they do not deserve an increase.

The PART program was initiated by Congress, a result of the Government Performance and Results Act, Public Law No. 103–62. It is time we followed through on our efforts to increase Government accountability and efficiency. I urge a ''yes'' vote.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think there is a kernel of a good idea here. Unfortunately, I think the PART program has been defective in its analysis. It says, for example, the Community Development Block Grant program is defective because it lacks a clear purpose. Ask your mayors and your Governors about that. It says Amtrak's purpose is ambiguous. Ask the millions of people who go to work every day on Amtrak. It says the Department of Homeland Security security grants have an ineffective risk assessment formula and a lack of consistent performance. Ask that of the first responders around the country who have the responsibility of protecting the homeland.

This would cut programs $750 million—programs that are vital to the security of the country, to the economic growth of the country. I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. All time has expired.

Mr. ALLARD. Mr. President, do I have any time left?

The PRESIDING OFFICER. All time has expired.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4232.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 68, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—29

Allard	Crapo	Kyl
Barrasso	DeMint	Martinez
Bond	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Chambliss	Gregg	Sununu
Coburn	Hatch	Thune
Corker	Hutchison	Vitter
Cornyn	Inhofe	Wicker
Craig	Isakson	

NAYS—68

Akaka	Durbin	Nelson (FL)
Alexander	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Grassley	Pryor
Bennett	Harkin	Reed
Biden	Inouye	Reid
Bingaman	Johnson	Roberts
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Burr	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Stevens
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dole	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	

NOT VOTING—3

Byrd	Hagel	McCain

The amendment (No. 4232) was rejected.

Mr. REID. Mr. President, I have had a conversation with the distinguished managers of the bill, and we are not there yet, but we are at a point where maybe in the next 20 or 30 minutes we can have a final list of amendments. Whatever that number is, we will lock those in and spend the rest of the time working through those. So I hope we can do that. No one has been cut off from offering any amendments, but I hope people will work with the staffs. The staffs of Senator GREGG and Senator CONRAD have worked very hard all this week, and I hope people will work with them and be considerate of not only them but these people up here who make the Senate work. They have been here since we started voting. So we hope we can do that. We will report back in a half hour or so.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the next amendment in order is amendment No. 4155 by Senator BROWN from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 4155

Mr. BROWN. Mr. President, I call up amendment No. 4155 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Ms. STABENOW, proposes an amendment numbered 4155.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the training of manufacturing workers)

On page 51, line 9, insert after the comma, the following: ''by increasing efforts to train and retrain manufacturing workers,''.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, this amendment is cosponsored by Senators SNOWE, STABENOW, FEINGOLD, and CLINTON.

To increase employment in manufacturing, Congress needs to address training and retraining of manufacturing workers. This amendment does that.

More than 3 million manufacturing jobs have been lost since 2000, more than 200,000 in my State of Ohio alone.

Susan Helper, a business professor at Case Western Reserve University in Cleveland, wrote in the Washington Post recently about ''paving the high road'' for American manufacturing. The high road manufacturing agenda includes significant Federal investment in Federal tax credits for research in the Manufacturing Extension Partnership and in worker training and retraining programs, which is what this amendment does. Manufacturing training is a tool to help businesses succeed, especially small manufacturers.

I urge my colleagues to support the Brown-Snowe-Stabenow-Feingold-Clinton amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4155) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. DORGAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, next in order is an amendment by Senator BROWNBACK of Kansas.

AMENDMENT NO. 4284

Mr. BROWNBACK. Mr. President, I call up amendment No. 4284 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 4284.

Mr. BROWN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for a Commission on Budgetary Accountability and Review of Federal Agencies)

On page 25, line 16, increase the amount by $3,000,000.

On page 25, line 17, increase the amount by $3,000,000.

On page 25, line 20, increase the amount by $6,000,000.

On page 25, line 21, increase the amount by $6,000,000.

On page 25, line 24, increase the amount by $8,000,000.

On page 25, line 25, increase the amount by $8,000,000.

On page 26, line 3, increase the amount by $8,000,000.

On page 26, line 4, increase the amount by $8,000,000.

On page 26, line 7, increase the amount by $4,000,000.

On page 26, line 8, increase the amount by $4,000,000.

On page 27, line 16, decrease the amount by $3,000,000.

On page 27, line 17, decrease the amount by $3,000,000.

On page 27, line 20, decrease the amount by $6,000,000.

On page 27, line 21, decrease the amount by $6,000,000.

On page 27, line 24, decrease the amount by $8,000,000.

On page 27. line 25. decrease the amount by $8,000,000.

On page 28, line 3, decrease the amount by $8,000,000.

On page 28, line 4, decrease the amount by $8.000.000.

On page 28, line 7, decrease the amount by $4,000,000.

On page 28, line 8, decrease the amount by $4,000,000.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, this is a very direct and well-known process that I wish to take to the rest of Government and ask my colleagues to consider it.

I think we are all familiar with the Base Realignment and Closure Commission. It is a process by which we try to correct where our military bases are—where we have closed some, where we have put more resources in other places. I might note to my colleagues that it has saved us $65 billion since BRAC has been in place. It has worked. It is one of the things that has worked.

I wish to take that BRAC process to the rest of the Government programs and have a commission identified, just as the BRAC Commission, to review all of the Federal programs and recommend for elimination those that are duplicative or wasteful or have not accomplished their purposes and then give us one vote in a whole package—35 programs, 200 programs—eliminate them or keep them, deal or no deal, and put that on the line.

So I am asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I would just ask the Senator from Kansas if he would be willing to accept a voice vote.

Mr. BROWNBACK. I would like a recorded vote. We have done this by voice, and I think it is time to really seriously consider it and see where Members are on this issue.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. CONRAD. I will not oppose the amendment of the Senator from Kansas.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4284.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—49

Alexander	Ensign	Lugar
Allard	Enzi	Martinez
Barrasso	Feingold	McCaskill
Bayh	Graham	McConnell
Brownback	Grassley	Mikulski
Bunning	Gregg	Roberts
Burr	Harkin	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Smith
Coleman	Inhofe	Specter
Corker	Inouye	Sununu
Cornyn	Isakson	Thune
Craig	Johnson	Vitter
Crapo	Klobuchar	Voinovich
DeMint	Kyl	Wicker
Dole	Landrieu	
Dorgan	Leahy	

NAYS—48

Akaka	Dodd	Obama
Baucus	Domenici	Pryor
Bennett	Durbin	Reed
Biden	Feinstein	Reid
Bingaman	Kennedy	Rockefeller
Bond	Kerry	Salazar
Boxer	Kohl	Sanders
Brown	Lautenberg	Schumer
Cantwell	Levin	Snowe
Cardin	Lieberman	Stabenow
Carper	Lincoln	Stevens
Casey	Menendez	Tester
Clinton	Murkowski	Warner
Cochran	Murray	Webb
Collins	Nelson (FL)	Whitehouse
Conrad	Nelson (NE)	Wyden

NOT VOTING—3

Byrd	Hagel	McCain

The amendment (No. 4284) was agreed to.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 4197

Mr. KOHL. Mr. President, I ask unanimous consent to call up my amendment No. 4197.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. CLINTON, Mr. COLEMAN, Ms. STABENOW, Mr. LEVIN, Mr. CASEY, and Ms. KLOBUCHAR, proposes an amendment numbered 4197.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers)

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to $160,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. KOHL. Mr. President, I ask unanimous consent that Senator KLOBUCHAR be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I speak today in support of my amendment, which would allow for the creation of a comprehensive nationwide system of background checks for long-term care workers. As it now stands, thousands of individuals with a history of abuse or a criminal record are hired every year to work closely with defenseless seniors within our Nation's nursing homes and other long-term care facilities. These individuals evade detection throughout the hiring process, securing jobs that allow them to assault, abuse, and steal from one of our most vulnerable populations.

I ask that my colleagues support the amendment I offer today with Senators DOMENICI, LINCOLN, WHITEHOUSE, BINGAMAN, CLINTON, COLEMAN, STABENOW, LEVIN, CASEY, and KLOBUCHAR, which will allow us to expand the outstanding results of the pilot program nationwide. The amendment proposes that the Senate reserve $160 million over 3 years in a deficit-neutral reserve fund to pay for such an expansion. I hope we can get this amendment passed. I ask for its support.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 7, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—89

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Brown	Hutchison	Salazar
Brownback	Inouye	Sanders
Burr	Isakson	Schumer
Cantwell	Johnson	Shelby
Cardin	Kennedy	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Clinton	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCaskill	Wicker
Domenici	McConnell	Wyden
Dorgan	Menendez	

NAYS—7

Allard	DeMint	Sessions
Bunning	Dole	
Coburn	Inhofe	

NOT VOTING—4

Byrd	McCain
Hagel	Murray

The amendment (No. 4197) was agreed to.

Mr. CONRAD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we now can go to Senator INHOFE who has an amendment.

AMENDMENT NO. 4239

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I call up amendment No. 4239 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 4239.

Mr. INHOFE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on funding for national defense in future fiscal years)

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON FUNDING FOR NATIONAL DEFENSE IN FUTURE FISCAL YEARS.

(a) FINDING.—The Senate finds that the budget of the President for fiscal year 2009 requests funds for national defense, exclusive of wartime costs and supplemental appropriations, that constitute an amount equal to approximately 3.3 percent of the current gross domestic product of the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the amount of funds for national defense, exclusive of wartime costs and supplemental appropriations, for fiscal year 2010 should be not less than an amount equal to 3.7 percent of the then-current gross domestic product of the United States;

(2) it should be the policy of the United States to fund national defense, exclusive of such costs and appropriations, for fiscal year 2011 in an amount equal to not less than 4 percent of the then-current gross domestic product of the United States; and

(3) the amount of funding for national defense, exclusive of such costs and appropriations, for each fiscal year after fiscal year 2011 should be the amount of funds for national defense for the preceding fiscal year as adjusted pursuant to the most appropriate cost adjustment index.

Mr. INHOFE. Mr. President, it is my intention to withdraw this amendment, but I wish to use this moment to serve notice that this is something that not just myself but several of us are concerned about, particularly those of us on the Senate Armed Services Committee.

We have gone through a period of time, up until the early nineties, when our defense spending was somewhere around—in fact, for the entire 100 years in the 20th century, it averaged 5.7 percent of GDP. At the end of the nineties, it got down to just under 3 percent. If we are to anticipate the needs we will have in the future, it is going to be necessary to have some kind of a floor.

What this amendment says is we will have to start the process by putting 4 percent of the GDP into the defense system. It is one that would accomplish three things.

First, it would allow us to build the next generation of weapons and equipment. As we know, we are doing one weapon right now that will take the next 30 years.

Second, it will add predictability to the industrial base.

And third, it sends a clear message to our military, allies, and enemies that we are committed to the security of our Nation.

It shocks a lot of people when they find out we have platform weapons systems that are not as good as our potential adversaries. This would correct that problem.

AMENDMENT NO. 4239 WITHDRAWN

Mr. President, I ask that this amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe the Senator from North Dakota, the chairman of the committee, is going to make a request as to schedule. But I will simply say we are trying to develop a final finite list, and anybody on our side who has an amendment who has not contacted us—I believe everybody has; I believe we know what all the amendments are that people want—it is very important they tell us about them because we are developing a final finite list. And we will even accept amendments from your side if you want to tell us about them. That is OK too.

As a practical matter, I would encourage people on the Republican side to tell us what they want so we can pull up this final finite list.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, if everyone cooperates in these final hours, I think we could reach conclusion. It will be late, but we could reach conclusion at a reasonable time tonight—at least before midnight. But it really is going to require everybody's cooperation.

If you have an amendment that you could reserve until a later vehicle, please do. We have already had nearly 30 rollcall votes. That is very close to what the average has been in the last 3 years in terms of recorded votes. We still have more rollcall votes that are going to have to be done.

We think at this point it would be wise to take a half-hour break to give people a chance to match the paperwork that is out there and try to conclude on a finite list.

Mr. DORGAN. Would the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, I would ask the chair and the ranking member, I know there are a good number of amendments on both sides that are bipartisan and noncontroversial, and my hope would be that in this break and in future breaks packages of amendments could be put together that are noncontroversial and bipartisan and move them as a block because I think there are a good many of them, and that would be very helpful.

Mr. CONRAD. Mr. President, the Senator has made a good suggestion and one that Senator GREGG and I have just discussed that we will do during this break, and that is to try to put together, No. 1, a finite list of amendments that still require a vote; and, No. 2, a managers' amendment of bipartisan, noncontroversial amendments that could be agreed to as a package.

Mr. GREGG. I stress, Mr. President, when we come out of this break, we hope to have a finite list and hope to lock it in, so we need to hear from folks. We are, as the Senator from—the junior or senior Senator, I never know—from North Dakota suggested, Senator DORGAN, we will be working on a group of amendments that everyone can agree to and doing those as just a package.

RECESS

Mr. CONRAD. Mr. President, I ask unanimous consent that we take a recess for 30 minutes.

There being no objection, the Senate, at 7:32 p.m., recessed until 8:03 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been back in the Republican cloakroom meeting with Senators GREGG and CONRAD. I think we are at a point where we should be able to enter a finite list of amendments. That should be momentarily, I hope. Once we get those listed, then the managers and staffs will look to see which can be accepted on each side and which have to be voted on. Some will be taken by voice, perhaps.

It is now 8 o'clock and we have quite a few amendments. I hope everyone will be cooperative. I think we are at a point where we can do a pretty good job of working through these.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are now going to go to a series of amendments involving sanctuary cities. Leader REID will offer an amendment on this side, and then Senator VITTER will have an amendment on the minority side.

AMENDMENT NO. 4373

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4373.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund for studying the effect of cooperation with local law enforcement)

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR STUDYING THE EFFECT OF COOPERATION WITH LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in this subsection, that would require an assessment of the impact of local ordinances that prohibit cooperation with the Department of Homeland Security, with respect to—

(1) the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activity by immigrant victims of crime, and level of public safety;

(2) changes in the number of reported incidents or complaints of racial profiling; or

(3) wrongful detention of United States Citizens and Lawful Permanent Residents.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

Mr. REID. Mr. President, there is a problem on whose behalf I am offering this. We will get this resolved very quickly. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the record should reflect this is not being offered on behalf of Senator CARDIN or Senator MENENDEZ. It is being offered by me.

This is an important amendment. We believe in the COPS Program. The purpose of the program is to stop crime and the sanctuary city program, that is being advocated by my friend from Louisiana will not alleviate crime. In fact, it will stop people from even going to law enforcement if there is a crime committed, because if they go to a police officer, the police officer, under this provision Senator VITTER has, would have to ask whether citizenship is up to date, and I don't think that does anyone any good. We want immigrants to report crimes. We don't want people taking advantage of them. We want safety. That is what the COPS Program is all about.

We have a Federal form of Government, and that is what this is all about. I certainly ask my friends to vote in favor of this amendment. This is for law enforcement and it is for safe cities and it is to protect our form of Government.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana.

Mr. VITTER. Mr. President, I have no objection to this study amendment. I will support it. I will be happy to support it by voice vote.

For the record, I would like to correct two things. First, I do not support any sanctuary city program. What my amendment does, which is coming up, would be to say that sanctuary cities, which defy Federal law, are going to have to pay some consequence for going completely contrary to Federal law. Do you believe there should be some appropriate consequence for defying Federal immigration law?

With regard to that amendment, I hope to get bipartisan support.

I yield back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Senator from Louisiana.

Mr. VITTER. Parliamentary inquiry. We were in the middle of a vote. Is it possible to curtail the vote while we were in the middle of a vote and suggest the absence of a quorum?

The PRESIDING OFFICER. Yes, it is.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, the leader has indicated that he would be willing to take a voice vote on his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. This is a vote on which amendment?

Mr. CONRAD. The leader's amendment.

The PRESIDING OFFICER. The vote is on the majority leader's amendment.

The amendment (No. 4373) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I believe Senator VITTER is the next speaker in order.

AMENDMENT NO. 4309

Mr. VITTER. I call up the Vitter sanctuary city amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. INHOFE, proposes an amendment numbered 4309.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4309) is as follows:

(Purpose: To create a reserve fund to ensure that Federal assistance does not go to sanctuary cities that ignore the immigration laws of the United States and create safe havens for illegal aliens and potential terrorists)

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT FUNDING FOR SANCTUARY CITIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would ensure that funds appropriated for the Community Oriented Policing Services Program are not used in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)), provided that such legislation would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

Mr. VITTER. Mr. President, I was happy to support that study amendment. But this is the meat of the issue. There are so-called sanctuary cities all across the country which establish, as an official policy of their jurisdiction, an official action by vote of the council: We are not going to cooperate with Federal immigration enforcement officials. That is wrong. What is more, it is completely contrary to Federal immigration law.

My amendment says: We are going to put some consequence to that defiance of Federal law. We are not going to give them COPS funds. We are going to send those funds, instead, to all of those other jurisdictions which abide by Federal law.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, my understanding is that there are sanctuary cities in about 23 different States across America. What the Vitter amendment will do is to take away the COPS funding from those cities.

The offeror of this amendment has not spoken to the police departments. If you will speak to the policemen, they will tell you they need the cooperation of everyone to solve crimes and stop crime. If you create fear in the minds of those who are here in an undocumented status that any cooperation with the police will result in their arrest, they will not cooperate and criminals will go free. There will

be more people who will become victims—exactly the opposite of what we want to see in America.

Let's not use the COPS Program as some sort of threat. If you want to deal with immigration, deal with it responsibly in a comprehensive way. Please, let's defeat the Vitter amendment.

Mr. VITTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 19 seconds.

Mr. VITTER. Mr. President, if folks feel that way, they should come to Congress and change Federal law, not simply defy Federal law. This is another amnesty vote. Are we going to give folks in sanctuary cities amnesty for defying Federal law and refusing to cooperate, as Federal law demands, with Federal immigration officials?

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. CONRAD. I move to table the Vitter amendment.

Mr. VITTER. Parliamentary inquiry: Is that motion in order even though you have already asked for the yeas and nays?

The PRESIDING OFFICER. Yes.

The question is on the motion to table.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—58

Akaka	Hagel	Nelson (NE)
Baucus	Harkin	Obama
Bayh	Inouye	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Snowe
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Collins	Lincoln	Stevens
Conrad	Lugar	Tester
Dodd	McCaskill	Voinovich
Dole	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NAYS—40

Alexander	Barrasso	Bond
Allard	Bennett	Brownback
Bunning	Ensign	McConnell
Burr	Enzi	Roberts
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Cochran	Gregg	Smith
Coleman	Hatch	Sununu
Corker	Hutchison	Thune
Cornyn	Inhofe	Vitter
Craig	Isakson	Warner
Crapo	Kyl	Wicker
DeMint	Landrieu	
Domenici	Martinez	

NOT VOTING—2

Byrd	McCain

The motion was agreed to.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4214, 4244, 4229, 4269, 4297, 4264, 4349, 4248, 4261, 4243, 4153, 4215, 4287, 4148, 4166, 4225, 4253, 4286, 4183, 4210, 4199, 4249, 4285, 4162, 4211, 4176, 4172, 4219, 4227, 4352, 4364, 4195 EN BLOC

Mr. CONRAD. Mr. President, the following amendments have been cleared: Nos. 4214, Senator ENZI; 4244, Senator ROBERTS; 4229, Senator MARTINEZ; 4269, Senator THUNE; 4297, Senator HATCH; 4264, Senator COLEMAN; 4349, Senator DOLE; 4248, Senator BARRASSO; 4261, Senator GRASSLEY; 4243, Senator VITTER; 4153, Senator BURR; 4215, Senator ENZI. In addition, these amendments have been cleared on both sides: Nos. 4287, Senator KLOBUCHAR; 4148, Senator KENNEDY; 4166, Senator BIDEN; 4225, Senator FEINSTEIN; 4253, Senator DODD; 4286, Senator KLOBUCHAR; 4183, Senator PRYOR; 4210, Senator LAUTENBERG; 4199, Senator DORGAN; 4289, Senator DORGAN; 4285, Senator NELSON of Florida; 4162, Senator REID. The following bipartisan amendments have been cleared: Nos. 4211, Lieberman-Collins; 4176, Carper-Coburn; 4172, Sessions-Casey; 4219, Voinovich-Stabenow; 4227, Clinton-Warner; 4352, Casey-Grassley; 4364, Smith-Clinton; and 4195, Lincoln-Snowe.

Let me indicate, if I may, this is the first managers' package. There are others that are being considered that have not yet been vetted. If your name is not on this list, it does not mean your amendment has been rejected. There are still amendments being reviewed by the committees of jurisdiction. The process we go through, the Budget Committee staff has to review them, as well as the committees of jurisdiction on both sides. That is the process for clearing amendments. So there are a fair number of amendments still in the queue going through that process.

Mr. GREGG. I ask unanimous consent that the managers' package be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4214

(Purpose: To establish a deficit-neutral reserve fund to terminate certain deductions from mineral revenue payments made to States)

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109s).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4244

(Purpose: To ensure the viability of small businesses by helping them provide to their employees access to quality child care)

On page 21, line 16, increase the amount by $20,000,000.

On page 21, line 17, increase the amount by $15,200,000.

On page 21, line 20, increase the amount by $10,000,000.

On page 21, line 21, increase the amount by $12,200,000.

On page 21, line 24, increase the amount by $10,000,000.

On page 21, line 25, increase the amount by $10,100,000.

On page 22, line 3, increase the amount by $10,000,000.

On page 22, line 4, increase the amount by $10,000,000.

On page 22, line 8, increase the amount by $2,400,000.

On page 27, line 16, decrease the amount by $20,000,000.

On page 27, line 17, decrease the amount by $15,200,000.

On page 27, line 20, decrease the amount by $10,000,000.

On page 27, line 21, decrease the amount by $12,200,000.

On page 27, line 24, decrease the amount by $10,000,000.

On page 27, line 25, decrease the amount by $10,100,000.

On page 28, line 3, decrease the amount by $10,000,000.

On page 28, line 4, decrease the amount by $10,000,000.

On page 28, line 8, decrease the amount by $2,400,000.

AMENDMENT NO. 4229

(Purpose: To provide a deficit-neutral reserve fund to provide for State disclosure, through a publicly accessible Internet site, of information relating to payments made under the State Medicaid program to hospitals, nursing facilities, outpatient surgery centers, intermediate care facilities for the mentally retarded, institutions for mental diseases, or other institutional providers and the number of patients treated by such providers)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR THE ESTABLISHMENT OF STATE INTERNET SITES FOR THE DISCLOSURE OF INFORMATION RELATING TO PAYMENTS MADE UNDER THE STATE MEDICAID PROGRAM.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for States to disclose, through a publicly accessible Internet site, each hospital, nursing facility, outpatient surgery center, intermediate care facility for the mentally retarded, institution for mental diseases, or other institutional provider that receives payment under the State Medicaid program, the total amount paid to each such provider each fiscal year, the number of patients treated by each such provider, and the amount of dollars paid per patient to each such provider, and provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect such legislation if any such measure would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

AMENDMENT NO. 4269

(Purpose: To provide for a total of $99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act)

On page 24, line 16, increase the amount by $29,000,000.

On page 24, line 17, increase the amount by $26,100,000.

On page 24, line 21, increase the amount by $2,900,000.

On page 27, line 16, decrease the amount by $29,000,000.

On page 27, line 17, decrease the amount by $26,100,000.

On page 27, line 21, decrease the amount by $2,900,000.

AMENDMENT NO. 4297

(Purpose: To provide for a reserve fund for legislation that funds the traumatic brain injury program)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR TRAUMATIC BRAIN INJURY.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide at least $9,000,000 for fiscal year 2009 to funds traumatic brain injury programs under sections 393A, 393B, 1252, and 1253 of the Public Health Service Act, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4264

(Purpose: To deny funding for the United Nations Durban II Anti-Racism Conference, which has been used as a platform to advance anti-Semitism and for this reason opposed by the United States and 45 other members of the United Nations General Assembly during a vote on December 22, 2007 and direct the savings to veterans)

On page 10, line 12, decrease the amount by $1,584,000.

On page 10, line 13, decrease the amount by $1,584,000.

On page 23, line 16, increase the amount by $1,584,000.

On page 23, line 17, increase the amount by $1,584,000.

AMENDMENT NO. 4349

(Purpose: To provide the Secretary of Agriculture with the necessary funding to effectively address the critical community facility infrastructure needs of our rural areas across the United States)

On page 17, line 14, increase the amount by $30,000,000.

On page 17, line 15, increase the amount by $2,700,000.

On page 17, line 18, increase the amount by $30,000,000.

On page 17, line 19, increase the amount by $11,400,000.

On page 17, line 22, increase the amount by $30,000,000.

On page 17, line 23, increase the amount by $18,900,000.

On page 18, line 2, increase the amount by $30,000,000.

On page 18, line 3, increase the amount by $22,800,000.

On page 18, line 6, increase the amount by $30,000,000.

On page 18, line 7, increase the amount by $25,800,000.

On page 27, line 16, decrease the amount by $30,000,000.

On page 27, line 17, decrease the amount by $2,700,000.

On page 27, line 20, decrease the amount by $30,000,000.

On page 27, line 21, decrease the amount by $11,400,000.

On page 27, line 24, decrease the amount by $30,000,000.

On page 27, line 25, decrease the amount by $18,900,000.

On page 28, line 3, decrease the amount by $30,000,000.

On page 28, line 4, decrease the amount by $22,800,000.

On page 28, line 7, decrease the amount by $30,000,000.

On page 28, line 8, decrease the amount by $25,800,000.

AMENDMENT NO. 4248

(Purpose: To provide for a deficit-neutral reserve fund that preserves and promotes Medicare payment policies that support rural health care providers)

On page 62, between lines 3 and 4, insert the following:

(3) RURAL EQUITY PAYMENT POLICIES.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(A) preserves existing Medicare payment provisions supporting America's rural health care delivery system; and

(B) promotes Medicare payment policies that increase access to quality health care in isolated and underserved rural areas,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4261

(Purpose: To reduce waste in Department of Defense contracting)

On page 37, line 4, strike ''spare parts,'' and insert ''spare parts; subject contracts performed outside the United States to the same ethics, control, and reporting requirements as those performed domestically,''.

AMENDMENT NO. 4243

(Purpose: To fully fund authorized amounts to implement the Adam Walsh Act that will increase enforcement to catch and detain child predators, combat child pornography, and make the Internet safer for our children)

On page 24, line 16, increase the amount by $26,000,000.

On page 24, line 17, increase the amount by $26,000,000.

On page 24, line 20, increase the amount by $26,000,000.

On page 24, line 21, increase the amount by $26,000,000.

On page 24, line 24, increase the amount by $26,000,000.

On page 24, line 25, increase the amount by $26,000,000.

On page 25, line 3, increase the amount by $26,000,000.

On page 25, line 4, increase the amount by $26,000,000.

On page 25, line 7, increase the amount by $26,000,000.

On page 25, line 8, increase the amount by $26,000,000.

On page 27, line 16, decrease the amount by $26,000,000.

On page 27, line 17, decrease the amount by $26,000,000.

On page 27, line 20, decrease the amount by $26,000,000.

On page 27, line 21, decrease the amount by $26,000,000.

On page 27, line 24, decrease the amount by $26,000,000.

On page 27, line 25, decrease the amount by $26,000,000.

On page 28, line 3, decrease the amount by $26,000,000.

On page 28, line 4, decrease the amount by $26,000,000.

On page 28, line 7, decrease the amount by $26,000,000.

On page 28, line 8, decrease the amount by $26,000,000.

AMENDMENT NO. 4153

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

On page 19, line 16, increase the amount by $148,000,000.

On page 19, line 17, increase the amount by $89,000,000.

On page 19, line 21, increase the amount by $44,000,000.

On page 19, line 25, increase the amount by $15,000,000.

On page 27, line 16, decrease the amount by $148,000,000.

On page 27, line 17, decrease the amount by $89,000,000.

On page 27, line 21, decrease the amount by $44,000,000.

On page 27, line 25, decrease the amount by $15,000,000.

AMENDMENT NO. 4215

(Purpose: To establish a deficit-neutral reserve fund to improve the animal health and disease program)

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference

report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4287

(Purpose: To establish a deficit-neutral reserve fund for implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve)

At the end of title III, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLEMENTATION OF YELLOW RIBBON REINTEGRATION PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one more bills, joint resolutions, amendments, motions, or conference reports that would provide for the implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2013.

AMENDMENT NO. 4148

(Purpose: To increase by $71 million the resources available to the Food and Drug Administration in FY 2009 for food and drug safety)

On page 19, line 16, increase the amount by $71,000,000.

On page 19, line 17, increase the amount by $54,000,000.

On page 19, line 21, increase the amount by $12,000,000.

On page 19, line 25, increase the amount by $3,000,000.

On page 20, line 4, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $71,000,000.

On page 27, line 17, decrease the amount by $54,000,000.

On page 27, line 21, decrease the amount by $12,000,000.

On page 27, line 25, decrease the amount by $3,000,000.

On page 28, line 4, decrease the amount by $1,000,000.

AMENDMENT NO. 4166

(Purpose: To increase FY 2009 funding for Violence Against Women Act (VAWA) by $100 million, with an offset)

On page 24, line 16 increase the amount by $100,000,000.

On page 24, line 17, increase the amount by $22,000,000.

On page 24, line 21, increase the amount by $30,000,000.

On page 24, line 25, increase the amount by $20,000,000.

On page 25, line 4, increase the amount by $15,000,000.

On page 25, line 8, increase the amount by $13,000,000.

On page 27, line 16, decrease the amount by $100,000,000.

On page 27, line 17, decrease the amount by $22,000,000.

On page 27, line 21, decrease the amount by $30,000,000.

On page 27, line 25, decrease the amount by $20,000,000.

On page 28, line 4, decrease the amount by $15,000,000.

On page 28, line 8, decrease the amount by $13,000,000.

AMENDMENT NO. 4225

(Purpose: To provide for a total of $950,000,000 in outlays for the State Criminal Alien Assistance Program in fiscal year 2009)

On page 24, line 16, increase the amount by $533,000,000.

On page 24, line 17, increase the amount by $117,000,000.

On page 24, line 21, increase the amount by $160,000,000.

On page 24, line 25, increase the amount by $107,000,000.

On page 25, line 4, increase the amount by $80,000,000.

On page 25, line 8, increase the amount by $69,000,000.

On page 27, line 16, decrease the amount by $533,000,000.

On page 27, line 17 decrease the amount by $117,000,000.

On page 27, line 21, decrease the amount by $160,000,000.

On page 27, line 25, decrease the amount by $107,000,000.

On page 28, line 4, decrease the amount by $80,000,000.

On page 28, line 8, decrease the amount by $69,000,000.

At the end of the resolution, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR REIMBURSING STATES FOR THE COSTS OF HOUSING UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that would reimburse States and units of local government for costs incurred to house undocumented criminal aliens, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4253

(Purpose: To increase spending for the Maternal and Child Health Block Grant by $184,000,000 in fiscal year 2009, with an offset)

On page 19, line 16, increase the amount by $184,000,000.

On page 19, line 17, increase the amount by $96,000,000.

On page 19, line 21, increase the amount by $70,000,000.

On page 19, line 25, increase the amount by $9,000,000.

On page 20, line 4, increase the amount by $9,000,000.

On page 27, line 16, decrease the amount by $184,000,000.

On page 27, line 17, decrease the amount by $96,000,000.

On page 27, line 21, decrease the amount by $70,000,000.

On page 27, line 25, decrease the amount by $9,000,000.

On page 28, line 4, decrease the amount by $9,000,000.

AMENDMENT NO. 4286

(Purpose: To provide in the deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a Post 9/11 GI bill for access of rural veterans to health care and other services)

On page 58, line 23, strike ''family members;'' and insert ''family members; or

(4) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

AMENDMENT NO. 4183

(Purpose: To add a deficit-neutral reserve fund to improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce)

At the end of Sec. 302, insert the following:

(b) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce, by the amounts provided in such legislation for such purpose, provided that such legislation would not ncrease the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4210

(Purpose: To include rail (including high-speed passenger rail), airport, and seaport projects in the eligibility requirements of the Deficit Neutral Reserve Fund for Investments in America's Infrastructure)

On page 56, line 12, insert ''rail (including high-speed passenger rail), airport, seaport,'' after ''transit''.

AMENDMENT NO. 4199

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief to reinstate and expand the charitable IRA rollover)

On page 50, line 20, insert '', reinstatement of expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts,'' after ''expiring tax relief''.

AMENDMENT NO. 4249

(Purpose: To increase the number of organ donations by funding the programs authorized by the Organ Donation and Recovery Improvement Act of 2004)

On page 19, line 16, increase the amount by $5,000,000.

On page 19, line 17, increase the amount by $2,000,000.

On page 19, line 21, increase the amount by $2,000,000.

On page 19, line 25, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $2,000,000.

On page 27, line 21, decrease the amount by $2,000,000.

On page 27, line 25, decrease the amount by $1,000,000.

AMENDMENT NO. 4285

(Purpose: To make funds available to ensure that Survivor Benefit Plan annuities are not reduced by the amount of veterans' dependency and indemnity compensation received by military families)

On page 58, line 24, insert after ''family members'' the following: ''or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation)''.

AMENDMENT NO. 4211

(Purpose: To increase funding for operations and management of the Federal Emergency Management Agency, with an offset)

On page 17, line 14, increase the amount by $141,000,000.

On page 17, line 15, increase the amount by $92,000,000.

On page 17, line 19, increase the amount by $24,000,000.

On page 17, line 23, increase the amount by $20,000,000.

On page 18, line 3, increase the amount by $5,000,000.

On page 27, line 16, decrease the amount by $141,000,000.

On page 27, line 17, decrease the amount by $92,000,000.

On page 27, line 21, decrease the amount by $24,000,000.

On page 27, line 25, decrease the amount by $20,000,000.

On page 28, line 4, decrease the amount by $5,000,000.

AMENDMENT NO. 4162

(Purpose: To establish a deficit-neutral reserve fund to provide for the acceleration of the phased-in eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for changing the date by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation under section 1414 of title 10, United States Code, is fully phased in from December 31, 2013, to September 30, 2008, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4176

(Purpose: To provide for a deficit-neutral reserve fund for the increased use of recovery audits)

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4172

(Purpose: To include in the deficit-neutral reserve funds for America's veterans and wounded servicemembers and for a post 9/11 GI bill provision for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated)

On page 58, line 23, strike ''family members;'' and insert ''family members; or

(4) providing for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated;

AMENDMENT NO. 4219

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief to encourage struggling companies to invest in new equipment and stimulate the United States economy by allowing the use of accumulated alternative minimum tax and research and development credits in lieu of bonus depreciation)

On page 50, line 21, insert ''and incentivizing utilization of accumulated alternative minimum tax and research and development credits'' after ''refundable tax relief''.

AMENDMENT NO. 4227

(Purpose: To increase funding for the Administration on Aging by the authorized level of $53,000,000 in fiscal year 2009 for the Lifespan Respite Care Act, which provides much-needed respite care to our nation's dedicated family caregivers for the elderly and disabled)

On page 18, line 16, increase the amount by $53,000,000.

On page 18, line 17, increase the amount by $34,000,000.

On page 18, line 21, increase the amount by $17,000,000.

On page 18, line 25, increase the amount by $2,000,000.

On page 27, line 16, decrease the amount by $53,000,000.

On page 27, line 17, decrease the amount by $34,000,000.

On page 27, line 21, decrease the amount by $17,000,000.

On page 27, line 25, decrease the amount by $2,000,000.

AMENDMENT NO. 4352

(Purpose: To add a deficit-neutral reserve fund for the protection and safety of the Nation's food supply)

At the end of title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4364

(Purpose: To provide a deficit-neutral reserve fund to provide for a demonstration project regarding Medicaid coverage of low-income HIV-infected individuals)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), 2096by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

AMENDMENT NO. 4195

(Purpose: To provide for a deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit to $10,000 for taxable years 2009 and 2010 with no inflation adjustment to ensure that low-income working families receive the benefit of such credit)

On page 69, after line 25, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING INCOME THRESHOLD FOR REFUNDABLE CHILD TAX CREDIT TO $10,000 WITH NO INFLATION ADJUSTMENT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. REID. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I understand we are now proceeding to the Boxer amendment.

Mr. CONRAD. Mr. President, if I may just review for our colleagues, that is 30 amendments that were just cleared. We now go to an amendment by Senator BOXER.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 4368, AS MODIFIED

Mrs. BOXER. Mr. President, I have a modification at the desk seen by both sides. We left out the second page originally. I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 4368, as modified.

The amendment is as follows:

(Purpose: To increase funding for the Department of Justice for the vigorous enforcement of laws protecting children)

On page 24, line 16, increase amount by $50,000,000.

On page 24, line 17, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

Mrs. BOXER. Mr. President, this is a little complicated. The only reason I am offering this amendment is as a substitute to the Ensign amendment which is coming next. The Ensign amendment does something I have never seen in all my years in the Senate. It funds a program that is not the law of the land. It funds a program that Senator ENSIGN strongly supports. It did pass the last Congress—not this Senate, the last Senate. He is setting aside $50 million in the Justice Department for this particular priority. What if we each came down here with our priority bill? I have one to fund preschool for all kids, but it is not passed. If I asked you to set aside $50 million for a bill that was not law yet, it would make no sense. When I asked Senator ENSIGN, he said: Well, it could pass. The Child Custody Protection Act could pass. It could pass here. It could pass the House. It could be signed by the President. But my friends, what I do here is just say: Let's take that same amount of money and use it for all child protection laws. I hope Members will support my amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, what we have done with the Child Custody Protection Act—Senator BOXER is correct, it is a bill that passed the U.S. Senate on a bipartisan vote of 65 to 34. What we are doing is setting up a reserve fund that says if it passes this year, the money will be there to enforce it.

We know around here a lot of times things are authorized, things are passed, but then the money is not there to enforce it. So what we want to do is set up a reserve fund so that if the law is passed, we will have the money there to enforce it. This has to do with protecting minor children. There are many States in this country that have passed laws—parental notification, parental consent laws—that want to protect the rights of parents and children from being taken across State lines by adults. That is what this bill will allow the enforcement of, to make sure the Child Custody Protection Act has the money to be enforced by law enforcement across this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4368, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—90

Akaka	Dodd	Martinez
Alexander	Dole	McCaskill
Allard	Domenici	McConnell
Barrasso	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brown	Hagel	Reed
Brownback	Harkin	Reid
Bunning	Hatch	Roberts
Burr	Hutchison	Rockefeller
Cardin	Isakson	Salazar
Carper	Johnson	Sanders
Casey	Kennedy	Schumer
Clinton	Kerry	Sessions
Cochran	Klobuchar	Shelby
Coleman	Kohl	Smith
Collins	Kyl	Snowe
Conrad	Landrieu	Specter
Corker	Lautenberg	Stabenow
Cornyn	Levin	Sununu
Craig	Lieberman	Tester
Crapo	Lincoln	Thune
DeMint	Lugar	Vitter
Voinovich	Webb	Wicker
Warner	Whitehouse	Wyden

NAYS—5

Chambliss	Gregg	Stevens
Coburn	Inhofe	

NOT VOTING—5

Byrd	Inouye	McCain
Cantwell	Leahy	

The amendment (No. 4368), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. CASEY. Mr. President, on rollcall vote 70, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent I be permitted to change my vote, since it will not affect the outcome—the outcome being 89 to 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, did we move to reconsider and table?

The PRESIDING OFFICER. It has been done.

Mr. CONRAD. Mr. President, can we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CONRAD. We need to ask people to hold it down so we can conduct business. It will go much faster if we do that and respect the rights of Senators to be heard.

We now go to Senator ENSIGN for an amendment.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4335

Mr. ENSIGN. Mr. President, the last amendment Senator BOXER offered was extra money to have laws that protect children. That is fine. That is why I voted for that last amendment. We could actually have taken that amendment by a voice vote.

What my amendment now does is create money so we will be able to enforce the Child Custody Protection Act when we enact that law. Around here, as I said before, too many times we enact laws, we authorize things, and we do not fund them. This is going to set up funding so the Child Custody Protection Act—the law that says we are going to protect young children from being taken across State lines to have a surgical procedure, a surgical abortion—we are going to make sure those people are protected.

Mr. President, I call up amendment No. 4335.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 4335.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Department of Justice for the vigorous enforcement of a prohibition against taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions consistent with the Child Custody Protection Act, which passed the Senate by a bipartisan vote of 65–34, with an offset)

On page 24, line 16, increase the amount by $50,000,000.

On page 24, line 17, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

Mr. ENSIGN. Mr. President, I will finish very briefly.

This amendment strictly funds the Child Custody Protection Act that passed the Senate in a bipartisan fashion by a vote of 65 to 34. We will now vote to make sure it is funded. That is simply what my amendment does.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to inform all colleagues on both sides of the aisle that you voted for $50 million to enhance the enforcement of child protective laws. If Senator ENSIGN's bill becomes a law—which it is not the law; it has not passed this Senate in this Congress and I do not believe people feel it is going to become law—if it does become law, then that money is already there to be used for such a program.

But now to set aside funding for a bill that is not a law is the oddest kind of precedent. It is kind of ''Alice in Wonderland,'' to be honest with you. Every one of us could take our favorite bill and say: Let's set aside funding in case my bill becomes law.

This is not the way to legislate. We have put in $50 million to enhance the enforcement of child protective laws, including this particular bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I hope my colleagues will vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—49

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Barrasso	Ensign	Nelson (NE)
Bennett	Enzi	Reid
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hagel	Smith
Casey	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Thune
Coleman	Isakson	Vitter
Corker	Johnson	Voinovich
Cornyn	Kyl	Warner
Craig	Landrieu	Wicker
Crapo	Lugar	
DeMint	Martinez	

NAYS—49

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Tester
Collins	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NOT VOTING—2

Byrd	McCain

The amendment (No. 4335) was rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the next amendment ready to go is an amendment by the Senator from South Carolina, Mr. DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4340

Mr. DEMINT. Mr. President, I call up my amendment No. 4340 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4340.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create a point of order against bills that would raise gasoline prices)

At the end of the resolution, insert the following:

SEC. ___. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

Mr. DEMINT. Mr. President, with high gas prices becoming an increasingly difficult burden for all American families, it is very important that we consider all the legislation we pass here to make sure it doesn't further increase the prices of gasoline.

This is a very simple amendment that creates a 60-vote point of order against any legislation that would cause the price of gasoline to increase, as determined by the CBO in consultation with the Energy Information Agency.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, might I ask a series of questions, through the Chair, to the Parliamentarian?

The PRESIDING OFFICER. The Senator may do so.

Mr. CONRAD. Mr. President, I ask the Chair if the amendment by the Senator from South Carolina is germane to the budget resolution?

The PRESIDING OFFICER. The amendment is not germane.

Mr. CONRAD. The second question is, If this amendment is adopted, is it corrosive to the privileged standing of budget resolutions?

The PRESIDING OFFICER. It is corrosive.

Mr. CONRAD. No. 3, if this amendment were adopted and went to conference and if it came back from conference, would it be fatal to the budget resolution's privileged status?

The PRESIDING OFFICER. It would be.

Mr. CONRAD. This amendment is simply not in the jurisdiction of the Budget Committee. It is in the jurisdiction of the Energy Committee.

I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974. It is not germane.

The PRESIDING OFFICER. The point of order is premature. The Senator from South Carolina still has 29 seconds.

Mr. DEMINT. Parliamentary inquiry: Mr. President, if this point of order is waived and the amendment is adopted, would it cause the budget resolution to lose its privilege at this time?

The PRESIDING OFFICER. It would not.

Mr. DEMINT. Mr. President, in that case, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—39

Allard	DeMint	Nelson (NE)
Barrasso	Dole	Roberts
Bayh	Ensign	Sessions
Bond	Enzi	Shelby
Brownback	Graham	Smith
Burr	Grassley	Snowe
Chambliss	Gregg	Specter
Coburn	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Craig	Kyl	Warner
Crapo	McConnell	Wicker

NAYS—59

Akaka	Boxer	Casey
Alexander	Brown	Clinton
Baucus	Bunning	Cochran
Bennett	Cantwell	Conrad
Biden	Cardin	Corker
Bingaman	Carper	Dodd
Domenici	Lautenberg	Pryor
Dorgan	Leahy	Reed
Durbin	Levin	Reid
Feingold	Lieberman	Rockefeller
Feinstein	Lincoln	Salazar
Hagel	Lugar	Sanders
Harkin	Martinez	Schumer
Inouye	McCaskill	Stabenow
Johnson	Menendez	Stevens
Kennedy	Mikulski	Tester
Kerry	Murkowski	Webb
Klobuchar	Murray	Whitehouse
Kohl	Nelson (FL)	Wyden
Landrieu	Obama	

NOT VOTING—2

Byrd	McCain

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from North Dakota.

Mr. CONRAD. The next amendment in order is the amendment of the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 4313

Mr. CORNYN. Mr. President, I call up amendment No. 4313 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4313.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the family budget from runaway Government spending by increasing the number of Senators necessary to waive the PAYGO Point of Order from 60 to 100)

At the end of title II, insert the following:

SEC. ____. INCREASING THE NUMBER OF SENATORS NECESSARY TO WAIVE PAYGO POINT OF ORDER FROM 60 TO 100.

Section 201(b) of S. Con. Res. 21 (110th Congress) is amended by striking ''three-fifths'' both places it appears and inserting ''all''.

Mr. CORNYN. Mr. President, my amendment concerns pay-go or pay-as-you-go. Right now pay-go may be waived if 60 Senators support doing so. My amendment would strengthen the pay-go provision by requiring that all 100 Members of the Senate support waiving pay-go before it may be waived.

Pay-go is so riddled with exceptions that the Wall Street Journal has referred to it as the ''pay-go farce.'' If the Senate is serious about fiscal discipline and believes that pay-go is a useful tool in helping control Government spending, then the Senate should be unanimous in passing any bill that violates pay-go, a tool the majority, including members of the Budget Committee, has advocated as a way to keep check on expanding or creating a new Government program. It has been criticized because it does not apply to discretionary spending and has failed to constrain the growth in entitlement programs.

Pay-go needs to be honest. There needs to be truth in legislating when it comes to appropriations. I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CONRAD. Does the Senator yield back his time?

The PRESIDING OFFICER. The time of the Senator from Texas has expired. The Senator from North Dakota has 1 minute.

Mr. CONRAD. Mr. President, I will ask a series of questions of the Parliamentarian through the Chair.

Is the amendment by the Senator from Texas germane?

The PRESIDING OFFICER. We have not seen the amendment.

Mr. CORNYN. It is amendment No. 4313.

The PRESIDING OFFICER. The amendment is not germane.

Mr. CONRAD. Would it be corrosive to the privileged status of the budget resolution if this amendment were adopted?

The PRESIDING OFFICER. It would not be corrosive.

Mr. CONRAD. Would it be fatal to the privileged status of the budget resolution if it came back from conference?

The PRESIDING OFFICER. No, it would not.

Mr. CONRAD. Mr. President, so the challenge of this amendment is it is not germane. I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, pursuant to section 904(c) of the Congressional Budget Act, I move to waive section 305(b)(2) of the Budget Act for consideration of this amendment to S. Con. Res. 70, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 27, nays 71, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—27

Alexander	Craig	Inhofe
Allard	Crapo	Isakson
Bond	DeMint	Kyl
Brownback	Dole	McCain
Burr	Ensign	McConnell
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Corker	Gregg	Smith
Cornyn	Hatch	Sununu

NAYS—71

Akaka	Feinstein	Nelson (NE)
Barrasso	Hagel	Obama
Baucus	Harkin	Pryor
Bayh	Hutchison	Reed
Bennett	Inouye	Reid
Biden	Johnson	Roberts
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Bunning	Kohl	Schumer
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Stevens
Clinton	Lieberman	Tester
Coleman	Lincoln	Thune
Collins	Lugar	Vitter
Conrad	Martinez	Voinovich
Dodd	McCaskill	Warner
Domenici	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wicker
Enzi	Murray	Wyden
Feingold	Nelson (FL)	

NOT VOTING—2

Byrd Cochran

The PRESIDING OFFICER. On this vote, the yeas are 27, the nays are 71. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me just help people understand where we are. We have what conceivably could be 9 or 10 more rollcall votes but dozens of additional amendments that are out there pending—as many as a total of 50. So that is the circumstance we face. The only way that Senator GREGG and I can see to reach conclusion tonight is if we devise another managers' package, put together amendments that can be cleared on both sides and deal with these other votes that require rollcalls, starting with Senator KYL on his extenders.

Or do we want to go to Senator DEMINT?

Mr. GREGG. Senator KYL.

Mr. CONRAD. Senator KYL.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, let me thank all colleagues for their extraordinary patience. This will be, before the end of the day, I think, a record number of votes on a budget resolution in 1 day. I don't think that is anything particularly to be proud of, but it is the reality of what we are confronting.

We can go now to the Kyl amendment?

Mr. GREGG. Mr. President, as I understand it, the next two amendments will first be Kyl, and then we will go to the DeMint amendment, which has been anxiously awaited by large numbers of people.

Mr. REID. Prior to that time, we are going to have a finite list.

Mr. GREGG. In between we agree to have a finite list, and we will read them and that will be it.

Mr. CONRAD. We thank the leaders of both sides, and I especially thank our leader, Senator REID, for pushing to get a final definitive list.

With that, we go to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4348

Mr. KYL. Mr. President, I thank the chairman for his courtesy.

One of the questions we are most frequently asked is, are we, for sure, going to do the tax extenders—the R&D tax credit, the sales tax deduction, the $250 teacher deduction, and the tuition deduction. These already expired at the end of last year, and there are three more that will expire at the end of this year. We need to provide a definitive answer—yes, we are going to do the extenders package.

Now, the budget accommodates generally expiring tax provisions.

Mr. CONRAD. Mr. President, I am having a hard time hearing. I think the Senator deserves to be heard. This is a serious amendment.

Mr. KYL. While we are getting order, Mr. President, this amendment, I gather, had not been technically called up, amendment No. 4348.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 4348.

Mr. KYL. I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide certainty to taxpayers by extending expiring tax provisions such as the R&D Tax Credit that helps U.S. companies innovate, the combat pay exclusion for our soldiers in the field, the education deduction to make colleges more affordable and the alternative energy incentives to make the environment cleaner through the end of 2009)

On page 3, line 10, decrease the amount by $3,692,000,000.

On page 3, line 11, decrease the amount by $10,346,000,000.

On page 3, line 12, decrease the amount by $8,659,000,000.

On page 3, line 13, decrease the amount by $2,396,000,000.

On page 3, line 14, decrease the amount by $1,855,000,000.

On page 3, line 15, decrease the amount by $1,696,000,000.

On page 3, line 19, decrease the amount by $3,692,000,000.

On page 3, line 20, decrease the amount by $10,346,000,000.

On page 3, line 21, decrease the amount by $8,659,000,000.

On page 3, line 22, decrease the amount by $2,396,000,000.

On page 3, line 23, decrease the amount by $1,855,000,000.

On page 3, line 24, decrease the amount by $1,696,000,000.

On page 4, line 4, increase the amount by $28,000,000.

On page 4, line 5, increase the amount by $223,000,000.

On page 4, line 6, increase the amount by $675,000,000.

On page 4, line 7, increase the amount by $1,068,000,000.

On page 4, line 8, increase the amount by $1,277,000,000.

On page 4, line 9, increase the amount by $1,446,000,000.

On page 4, line 13, increase the amount by $28,000,000.

On page 4, line 14, increase the amount by $223,000,000.

On page 4, line 15, increase the amount by $675,000,000.

On page 4, line 16, increase the amount by $1,068,000,000.

On page 4, line 17, increase the amount by $1,277,000,000.

On page 4, line 18, increase the amount by $1,446,000,000.

On page 4, line 22, increase the amount by $3,720,000,000.

On page 4, line 23, increase the amount by $10,569,000,000.

On page 4, line 24, increase the amount by $9,334,000,000.

On page 4, line 25, increase the amount by $3,464,000,000.

On page 5, line 1, increase the amount by $3,132,000,000.

On page 5, line 2, increase the amount by $3,142,000,000.

On page 5, line 7, increase the amount by $3,720,000,000.

On page 5, line 8, increase the amount by $14,289,000,000.

On page 5, line 9, increase the amount by $23,623,000,000.

On page 5, line 10, increase the amount by $27,087,000,000.

On page 5, line 11, increase the amount by $30,218,000,000.

On page 5, line 12, increase the amount by $33,360,000,000.

On page 5, line 15, increase the amount by $3,720,000,000.

On page 5, line 16, increase the amount by $14,289,000,000.

On page 5, line 17, increase the amount by $23,623,000,000.

On page 5, line 18, increase the amount by $27,087,000,000.

On page 5, line 19, increase the amount by $30,218,000,000.

On page 5, line 20, increase the amount by $33,360,000,000.

On page 26, line 12, increase the amount by $28,000,000.

On page 26, line 13, increase the amount by $28,000,000.

On page 26, line 16, increase the amount by $223,000,000.

On page 26, line 17, increase the amount by $223,000,000.

On page 26, line 20, increase the amount by $675,000,000.

On page 26, line 21, increase the amount by $675,000,000.

On page 26, line 24, increase the amount by $1,068,000,000.

On page 26, line 25, increase the amount by $1,068,000,000.

On page 27, line 3, increase the amount by $1,277,000,000.

On page 27, line 4, increase the amount by $1,277,000,000.

On page 27, line 7, increase the amount by $1,446,000,000.

On page 27, line 8, increase the amount by $1,446,000,000.

Mr. KYL. Mr. President, just to conclude, the budget says expiring provisions are accommodated, but I don't think the Senate is going to raise $50 billion in new taxes to pay for these, to pay permanently for 1 or 2 years of these extenders. In fact, in recent times, more often than not, we have extended these tax provisions without offsets. In fact, this was done when the Democratic Party was in control of this Chamber, of this body, in the year 2002.

So what this amendment does is it simply explicitly extends all of these expiring tax provisions, which would expire at the end of this year and that have already expired, and it would not be required to have a permanent increase in taxes in order to accommodate that extension.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the budget resolution already provides for a 1-year package of extenders that is fully paid for. The Kyl amendment would add a second year without paying for it. Consequently, the Kyl amendment would drive us $28.6 billion into debt, driving us further away from the balance that we are seeking to achieve by the fourth year.

We anticipate that tax extenders will be dealt with in the regular order, and our resolution provides for longer term extensions, as long as they are paid for.

I ask colleagues to resist the Kyl amendment.

Mr. KYL. Mr. President, is there any time remaining on my side?

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia, (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—49

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Domenici	Roberts
Bennett	Ensign	Sessions
Bond	Enzi	Shelby
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Collins	Isakson	Warner
Corker	Kyl	Wicker
Cornyn	Lugar	
Craig	Martinez	

NAYS—50

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Biden	Johnson	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Stabenow
Conrad	Lieberman	Tester
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murray	

NOT VOTING—1

Byrd

The amendment (No. 4348) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

Mr. REID. Mr. President, this has been cleared by the minority and the majority managers.

I ask unanimous consent the following numbered amendments be the only amendments in order, that if Senator GREGG or Senator CONRAD decide they want a so-called side-by-side with these, that is at their discretion.

I would ask unanimous consent there be no second-degree amendments in order. The amendments are: 4242, 4230, 4330, 4276, 4168, 4186, 4220, 4308, 4209, 4233, 4311, 4307, 4345, 4344, 4357, 4339, 4371, 4347, 4269, 4243, 4270, 4206, 4369, 4334, 4375, 4283, 4265, 4159, 4331, 4351, 4202, 4200, 4255, 4245, 4361, 4300, 4256, 4310 and an unnumbered amendment by Senator BROWN, an unnumbered amendment by Senator WHITEHOUSE, an unnumbered amendment by Senator BINGAMAN, an unnumbered amendment by Senator KYL, an unnumbered amendment by Senator DEMINT, an amendment No. 4268, an unnumbered amendment by Senator CONRAD, and an unnumbered amendment by Senator VITTER.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object because I have no idea off the top of my head what all of those are, I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. I would say to everyone, there is no one trying to take advantage of anyone. If there is a problem we will be happy to work with you. This is a finite list. If there is some misunderstanding, we have two of the most generous, patient men I have ever seen, Senator CONRAD and Senator GREGG. We will work with you. Let's get this locked down. If there is a problem, we will work with you. No one is trying to take advantage of anyone.

I ask unanimous consent that we approve this agreement. If there is something that my friend from Louisiana has a problem with, we will talk with him.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, point of clarification. If an amendment is not on that list, is it cut off for the evening?

Mr. REID. Yes.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, while that matter is being resolved, could we go to the next amendment?

And the next amendment in order is Senator DEMINT's.

AMENDMENT NO. 4347

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. My colleagues, it is time for some straight talk on earmarks. And it is time for some real change that all Americans can believe in. All three of our colleagues running for President are cosponsors of this moratorium on earmarks.

All three of our colleagues running for President are cosponsors of this amendment. I thank JOHN MCCAIN particularly for years of warning us of what earmarks and our earmark system were doing to undermine confidence in this Congress. I thank Senator MCCASKILL for her courage in standing up, and my Democratic cosponsors, Senators OBAMA, CLINTON, and BAYH, and all of my Republican cosponsors who know what we all know: That this earmark system is out of control.

It has undermined the faith and the confidence of the American people. It is time for a timeout. My amendment creates a 1-year moratorium on all earmarks by establishing—

The PRESIDING OFFICER. The Senator's time has expired.

Does the Senator offer an amendment?

Mr. GREGG. I ask unanimous consent that the Senator be given 30 seconds to discuss this very important amendment.

Mr. REID. I have no problem with that. I renew my previous unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent that Senator DEMINT get an additional 30 seconds so he can be heard.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. My amendment creates a 1-year moratorium on all earmarks by establishing a 67-vote point of order against bills with earmarks. We have heard all the excuses; we will hear some more tonight.

I encourage all of my colleagues to vote against the status quo and vote for this moratorium to give us time and a sense of urgency to reform the system.

I reserve the remainder of my time.

The PRESIDING OFFICER. Is the Senator offering an amendment?

Mr. DEMINT. I call up amendment No. 4347 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself, Mr. MCCAIN, Mrs. MCCASKILL, Mr. COBURN, Mr. KYL, Mr. CORKER, Mr. BURR, Mr. GRAHAM, Mr. OBAMA, Mrs. CLINTON, Mr. CORNYN, Mr. BAYH, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, and Mr. INHOFE, proposes an amendment numbered 4347.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4347) is as follows:

(Purpose: To establish an earmark moratorium for fiscal year 2009)

At the appropriate place, insert the following:

SEC. ____. FISCAL YEAR 2009 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEAR 2009.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal year 2009.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

Mr. CONRAD. Mr. President, I ask, through the Chair, a question to the Parliamentarian.

Is this amendment germane to the budget resolution?

The PRESIDING OFFICER. This amendment is not germane.

Mr. CONRAD. The amendment is not germane.

Mr. President, if this amendment were adopted, is it corrosive to the privileged status of the budget resolution?

The PRESIDING OFFICER. It is.

Mr. CONRAD. Mr. President, if this amendment were adopted and came back from conference, would it be fatal to the privileged nature of the budget resolution?

The PRESIDING OFFICER. It would.

Mr. CONRAD. Mr. President, I suggest the pending amendment is not germane; therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. DEMINT. May I ask the Chair a question?

The PRESIDING OFFICER. Yes.

Mr. DEMINT. It is not the intent to bring down the budget or compromise a privilege in any way. If the Senator is worried about privilege, I ask unanimous consent if the motion to waive is successful, that the amendment be withdrawn and deemed passed in a separate Senate resolution.

Mr. CONRAD. I would be constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. If that is the case, I now move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 29, nays 71, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—29

Alexander	DeMint	Lieberman
Allard	Dole	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Burr	Feingold	McConnell
Chambliss	Graham	Obama
Clinton	Grassley	Sessions
Coburn	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	

NAYS—71

Akaka	Durbin	Nelson (NE)
Baucus	Feinstein	Pryor
Bennett	Gregg	Reed
Biden	Hagel	Reid
Bingaman	Harkin	Roberts
Bond	Hatch	Rockefeller
Boxer	Hutchison	Salazar
Brown	Inouye	Sanders
Brownback	Johnson	Schumer
Bunning	Kennedy	Shelby
Byrd	Kerry	Smith
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Stevens
Cochran	Leahy	Tester
Coleman	Levin	Vitter
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Craig	Menendez	Webb
Crapo	Mikulski	Whitehouse
Dodd	Murkowski	Wicker
Domenici	Murray	Wyden
Dorgan	Nelson (FL)	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 29, the nays are 71. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

Mr. CONRAD. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, the next amendment in order is an amendment by Senator LANDRIEU. It is a side-by-side to Senator KYL. This is on the estate tax. Obviously, these are important amendments. We would ask for the attention of our colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 4378

Ms. LANDRIEU. Mr. President, I ask unanimous consent for each of us to have a minute and a half.

Mr. GREGG. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. Each Senator has 1 minute.

Ms. LANDRIEU. Mr. President, a group of Senators, now for several years, has been working to reduce the estate tax. With the constraints on the budget, particularly with spending $348 million a day in Iraq, this has been difficult. But some of us have been working in good faith to reduce the 55-percent rate and to raise the unified credit. The tax in its current form is onerous, in my view unnecessary, and it clouds the ability of many of our successful business owners from planning the growth and expansion of their businesses that create jobs right here at home in America. Something should be done now, something that is real and does not increase our debt.

The amendment I offer will reduce the rate to 35 percent and increase the unified credit to $10 million. Most importantly, this is paid for by the President's own offsets in the budget he submitted to us. So it is fully paid for. It reduces the tax rate to 35 percent and increases the unified tax credit to $10 million.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. LANDRIEU. I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4378.

The amendment is as follows:

(Purpose: To protect family businesses and farmers without increasing our nation's debt by providing for an estate tax that sets the exemption at $5 million and the rate at 35 percent, with the benefits of the exemption recaptured for estates over $100 million, paid for by closing tax loopholes that allow offshore deferral of compensation and transactions entered into solely for the purpose of avoiding taxation)

On page 3, line 12, increase the amount by $4,297,000,000.

On page 3, line 13, decrease the amount by $655,000,000.

On page 3, line 14, decrease the amount by $2,645,000,000.

On page 3, line 15, decrease the amount by $1,030,000,000.

On page 3, line 21, increase the amount by $4,297,000,000.

On page 3, line 22, decrease the amount by $655,000,000.

On page 3, line 23, decrease the amount by $2,645,000,000.

On page 3, line 24, decrease the amount by $1,030,000,000.

On page 4, line 6, decrease the amount by $91,000,000.

On page 4, line 7, decrease the amount by $180,000,000.

On page 4, line 8, decrease the amount by $114,000,000.

On page 4, line 9, decrease the amount by $35,000,000.

On page 4, line 15, decrease the amount by $91,000,000.

On page 4, line 16, decrease the amount by $180,000,000.

On page 4, line 17, decrease the amount by $114,000,000.

On page 4, line 18, decrease the amount by $35,000,000.

On page 4, line 24, decrease the amount by $4,388,000,000.

On page 4, line 25, increase the amount by $475,000,000.

On page 5, line 1, increase the amount by $2,531,000,000.

On page 5, line 2, increase the amount by $995,000,000.

On page 5, line 9, decrease the amount by $4,388,000,000.

On page 5, line 10, decrease the amount by $3,913,000,000.

On page 5, line 11, decrease the amount by $1,382,000,000.

On page 5, line 12, decrease the amount by $387,000,000.

On page 5, line 17, decrease the amount by $4,388,000,000.

On page 5, line 18, decrease the amount by $3,913,000,000.

On page 5, line 19, decrease the amount by $1,382,000,000.

On page 5, line 20, decrease the amount by $387,000,000.

On page 26, line 20, decrease the amount by $91,000,000.

On page 26, line 21, decrease the amount by $91,000,000.

On page 26, line 24, decrease the amount by $180,000,000.

On page 26, line 25, decrease the amount by $180,000,000.

On page 27, line 3, decrease the amount by $114,000,000.

On page 27, line 4, decrease the amount by $114,000,000.

On page 27, line 7, decrease the amount by $35,000,000.

On page 27, line 8, decrease the amount by $35,000,000.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Arizona.

Mr. KYL. Mr. President, I oppose this amendment. The reason is very simple. The provisions are essentially the same as the amendment I offered earlier and will be offering again with the 5 and $5 million exempted amount and not to exceed 35 percent rate. There are minor differences. The bottom line is that the bulk of it, all but $22 billion, is not paid for with any explicit taxes. The question has to be, what tax are you going to raise permanently in order to offset the cost of this estate tax relief? It is not real if we are not willing to answer that question. You can't say there is going to be an amorphous fund out there that somehow or other we are going to raise some taxes for. We all know it is not going to happen that way. The question is, are we serious about tax relief for estates?

The reason the NFIB and other groups support the approach I have taken is they know it is an exercise in futility if all we do is say we are going to pay for it with a tax increase, when, in fact, everybody knows we are not going to raise taxes permanently for estate tax relief.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 4378.

Mr. CONRAD. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—23

Baucus	Landrieu	Nelson (NE)
Bayh	Leahy	Pryor
Collins	Levin	Salazar
Conrad	Lieberman	Snowe
Feingold	Lincoln	Stabenow
Hutchison	McCaskill	Tester
Klobuchar	Mikulski	Wyden
Kohl	Nelson (FL)	

NAYS—77

Akaka	Crapo	McCain
Alexander	DeMint	McConnell
Allard	Dodd	Menendez
Barrasso	Dole	Murkowski
Bennett	Domenici	Murray
Biden	Dorgan	Obama
Bingaman	Durbin	Reed
Bond	Ensign	Reid
Boxer	Enzi	Roberts
Brown	Feinstein	Rockefeller
Brownback	Graham	Sanders
Bunning	Grassley	Schumer
Burr	Gregg	Sessions
Byrd	Hagel	Shelby
Cantwell	Harkin	Smith
Cardin	Hatch	Specter
Carper	Inhofe	Stevens
Casey	Inouye	Sununu
Chambliss	Isakson	Thune
Clinton	Johnson	Vitter
Coburn	Kennedy	Voinovich
Cochran	Kerry	Warner
Coleman	Kyl	Webb
Corker	Lautenberg	Whitehouse
Cornyn	Lugar	Wicker
Craig	Martinez	

The amendment (No. 4378) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, next up is the Kyl amendment.

AMENDMENT NO. 4372

Mr. KYL. Mr. President, do we need to call up amendment No. 4372 first?

The ACTING PRESIDENT pro tempore. The amendment should be called up.

Mr. KYL. If so, I ask unanimous consent to call up amendment No. 4372.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 4372.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect small businesses, family ranches and farms from the Death Tax by providing a $5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35%)

On page 3, line 12, decrease the amount by $500,000,000.

On page 3, line 13, decrease the amount by $19,500,000,000.

On page 3, line 14, decrease the amount by $18,600,000,000.

On page 3, line 15, decrease the amount by $19,900,000,000.

On page 3, line 21, decrease the amount by $500,000,000.

On page 3, line 22, decrease the amount by $19,500,000,000.

On page 3, line 23, decrease the amount by $18,600,000,000.

On page 3, line 24, decrease the amount by $19,900,000,000.

On page 4, line 6, increase the amount by $11,000,000.

On page 4, line 7, increase the amount by $499,000,000.

On page 4, line 8, increase the amount by $1,453,000,000.

On page 4, line 9, increase the amount by $2,468,000,000.

On page 4, line 15, increase the amount by $11,000,000.

On page 4, line 16, increase the amount by $499,000,000.

On page 4, line 17, increase the amount by $1,453,000,000.

On page 4, line 18, increase the amount by $2,468,000,000.

On page 4, line 24, increase the amount by $511,000,000.

On page 4, line 25, increase the amount by $19,999,000,000.

On page 5, line 1, increase the amount by $20,053,000,000.

On page 5, line 2, increase the amount by $22,368,000,000.

On page 5, line 9, increase the amount by $511,000,000.

On page 5, line 10, increase the amount by $20,509,000,000.

On page 5, line 11, increase the amount by $40,563,000,000.

On page 5, line 12, increase the amount by $62,930,000,000.

On page 5, line 17, increase the amount by $511,000,000.

On page 5, line 18, increase the amount by $20,509,000,000.

On page 5, line 19, increase the amount by $40,563,000,000.

On page 5, line 20, increase the amount by $62,930,000,000.

On page 26, line 20, increase the amount by $11,000,000.

On page 26, line 21, increase the amount by $11,000,000.

On page 26, line 24, increase the amount by $499,000,000.

On page 26, line 25, increase the amount by $499,000,000.

On page 27, line 3, increase the amount by $1,453,000,000.

On page 27, line 4, increase the amount by $1,453,000,000.

On page 27, line 7, increase the amount by $2,468,000,000.

On page 27, line 8, increase the amount by $2,468,000,000.

Mr. KYL. Mr. President, this is a revote of a vote we had earlier in the day. If you supported the estate tax reform then, obviously you would want to do it now.

I appreciate the last vote. This is a better approach. This is an approach which is supported by groups such as the NFIB, which asked us—we only have 1 year to go before the estate tax is totally repealed. In the year 2010, there is no more estate tax, and then the year after that, it comes roaring back with a rate of 60 percent and an exemption of $1 million.

Clearly, we have to provide some certainty. The only way to do that is to adopt a rate not to exceed 35 percent, an exempted amount of $5 million per spouse, and to ensure that we can actually get it done this year, not require that we find some permanent tax to increase in order to offset it. If that is what we are asking for, we know it won't happen, the outside groups know it won't happen, and they know this budget exercise then is a game rather than a serious attempt to reform the estate tax.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank my colleague, Senator KYL, for his courtesy during all of the debates today.

I urge my colleagues to oppose the Kyl amendment because it is not paid for. It goes onto the debt some $200 billion over 10 years. This would knock us out of balance in 2012 and in 2013. The previous amendment that had the same more generous exemptions was paid for. It didn't add to the debt, didn't add to the deficits, and it kept us in balance.

So I would urge my colleagues to vote no on the Kyl amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—48

Alexander	Barrasso	Bond
Allard	Bennett	Brownback
Bunning	Enzi	McConnell
Burr	Graham	Murkowski
Chambliss	Grassley	Roberts
Coburn	Gregg	Sessions
Cochran	Hagel	Shelby
Coleman	Hatch	Smith
Collins	Hutchison	Snowe
Corker	Inhofe	Specter
Cornyn	Isakson	Stevens
Craig	Kyl	Sununu
Crapo	Lincoln	Thune
DeMint	Lugar	Vitter
Dole	Martinez	Warner
Domenici	McCain	Wicker

NAYS—50

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Obama
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lieberman	Voinovich
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NOT VOTING—2

Byrd	Ensign

The amendment (No. 4372) was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, the next amendment is from the ranking member of the Finance Committee, Senator GRASSLEY.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

AMENDMENT NO. 4276, AS MODIFIED

Mr. GRASSLEY. Mr. President, I send to the desk a modification of amendment No. 4276.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 4276, as modified.

The amendment is as follows:

(Purpose: To exempt from pay-as-you-go enforcement modifications to the individual alternative minimum tax (AMT) that prevent millions of additional taxpayers from having to pay the AMT)

SEC. _____. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending of revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for either of the applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term 'applicable time period' means either—

(A) the period of the current fiscal year, the budget year, and the ensuing 4 fiscal years following the budget year; or

(B) the period of the current fiscal year, the budget year, and the ensuing 9 fiscal years following the budget year.

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term 'direct spending legislation' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms 'direct spending legislation' and 'revenue legislation' do not include—

(A) any concurrent resolution on the budget;

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; or

(C) any provision of legislation that affects the individual alternative minimum tax exemption amount for taxable years beginning after 2007; or

(D) any provision of legislation that affects the extension of alternative minimum tax relief for non-refundable personal credits for taxable years beginning after 2007.

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

(e) REPEAL.—In the Senate, section 201 of S. Con. Res. 21 (110th Congress), the fiscal year 2008 concurrent resolution on the budget, shall no longer apply.

Mr. GRASSLEY. Mr. President, remember, before Christmas the Senate voted to make sure that middle-class America didn't pay the alternative minimum tax, and we did it without an offset by a vote of 95 to something. So here we are again with an opportunity to say to middle-class America that we are not going to tax the people who were not supposed to be hit by the AMT, and we are going to do it without an offset.

This amendment gives us an opportunity to get over that hurdle that is in this budget resolution that, under pay-go, you would have to have an offset for the AMT. So even though the resolution sets aside money to deal with this year's patch, unless my amendment is adopted, there is no guarantee the patch will be done. The 25 million families who will be hit by the AMT increase will get a tax increase of over $2,000 apiece. So they deserve a guarantee of relief.

My amendment puts the budget money where its mouth is, and that is we are going to guarantee AMT relief. The principle is applicable to this year's patch and AMT's relief in future years.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, if you want to blow a hole in the budget as big as all outdoors, here is your opportunity—a trillion dollars not paid for, a trillion dollars that we are going to go out and borrow from the Chinese and Japanese. That makes absolutely no sense. I urge my colleagues to vote no.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—47

Alexander	Coburn	Ensign
Allard	Cochran	Enzi
Barrasso	Coleman	Graham
Bayh	Collins	Grassley
Bennett	Corker	Gregg
Bond	Cornyn	Hagel
Brownback	Craig	Hatch
Bunning	Crapo	Hutchison
Burr	DeMint	Inhofe
Chambliss	Dole	Isakson
Kyl	Roberts	Sununu
Lugar	Sessions	Thune
Martinez	Shelby	Vitter
McCain	Smith	Warner
McConnell	Specter	Wicker
Murkowski	Stevens	

NAYS—51

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Biden	Johnson	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Snowe
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Tester
Dorgan	McCaskill	Voinovich
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—2

Byrd	Domenici

The amendment (No. 4276), as modified, was rejected.

The ACTING PRESIDENT pro tempore. The Chair needs a clarification of the bill manager, and that is, there was an earlier unanimous consent agreement that included an amendment No. 4289. The question is, Should amendment No. 4289 have been read as amendment No. 4249?

Mr. CONRAD. That is correct.

The ACTING PRESIDENT pro tempore. It should have been amendment No. 4249.

Mr. CONRAD. That is correct. That is a Dorgan amendment. That is correct. It should have been read as amendment No. 4249.

The ACTING PRESIDENT pro tempore. The Chair thanks the Senator.

AMENDMENT NOS. 4252, 4230, 4330, 4268, AS MODIFIED, 4186, 4311, 4357, 4361, 4370, 4200, 4334, 4376, AS MODIFIED, 4159, 4333, 4255, 4283, 4345, AND 4220 EN BLOC

Mr. CONRAD. Mr. President, we have a list now of additional amendments in a managers' package we can approve: amendment No. 4252, Senator BROWN; amendment No. 4230, Senator CHAMBLISS; amendment No. 4330, Senator OBAMA; amendment No. 4268, as modified, Senator THUNE; amendment No. 4186, Senator BUNNING; amendment No. 4311, Senator ALEXANDER; amendment No. 4357, Senator GREGG; amendment No. 4361, Senator CLINTON; amendment No. 4370, Senator BINGAMAN; amendment No. 4200, Senator DORGAN; amendment No. 4334, Senator SMITH; amendment No. 4376, as modified, Senator SNOWE; amendment No. 4159, Senator ALLARD, as well as amendment No. 4333, Senator BAUCUS; amendment No. 4255, Senator KOHL; amendment No. 4283, Senator HATCH; amendment No. 4345, Senator DEMINT; and amendment No. 4220, Senator CARDIN.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 4252

(Purpose: To increase Federal assistance to food banks)

On page 53, between line 16 and 17, insert the following:

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

AMENDMENT NO. 4230

(Purpose: To increase FY 2009 funding for the Byrne/Justice Assistance Grant program to $906,000,000, with an offset)

On page 24, line 16, increase the amount by $386,000,000.

On page 24, line 17, increase the amount by $85,000,000.

On page 24, line 21, increase the amount by $116,000,000.

On page 24, line 25, increase the amount by $77,000,000.

On page 25, line 4, increase the amount by $58,000,000.

On page 25, line 8, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $386,000,000.

On page 27, line 17, decrease the amount by $85,000,000.

On page 27, line 21, decrease the amount by $116,000,000.

On page 27, line 25, decrease the amount by $77,000,000.

On page 28, line 4, decrease the amount by $58,000,000.

On page 28, line 8, decrease the amount by $50,000,000.

AMENDMENT NO. 4330

(Purpose: To provide an additional $5 million to the military departments' respective Boards for Correction of Military Records to expedite review of cases in which service members with combat-related psychological injuries (such as PTSD) or closed head injuries (such as TBIs) were administered discharges for personality disorders or other discharges resulting in a loss of benefits or care and seek a correction of records or upgraded discharge)

On page 9, line 13, increase the amount by $5,000,000.

On page 9, line 14, increase the amount by $4,000,000.

On page 9, line 18, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $4,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

AMENDMENT NO. 4268, AS MODIFIED

On page 13, line 13, increase the amount by $25,000,000.

On page 13, line 14, increase the amount by $18,500,000.

On page 13, line 17, increase the amount by $25,000,000.

On page 13, line 18, increase the amount by $24,000,000.

On page 13, line 21, increase the amount by $25,000,000.

On page 13, line 22, increase the amount by $24,875,000.

On page 13, line 25, increase the amount by $25,000,000.

On page 14, line 1, increase the amount by $24,875,000.

On page 14, line 4, increase the amount by $25,000,000.

On page 14, line 5, increase the amount by $24,875,000.

On page 24, line 16, increase the amount by $15,000,000.

On page 24, line 17, increase the amount by $13,800,000.

On page 24, line 20, increase the amount by $15,000,000.

On page 24, line 21, increase the amount by $15,000,000.

On page 24, line 24, increase the amount by $15,000,000.

On page 24, line 25, increase the amount by $15,000,000.

On page 25, line 3, increase the amount by $15,000,000.

On page 25, line 4, increase the amount by $15,000,000.

On page 25, line 7, increase the amount by $15,000,000.

On page 25, line 8, increase the amount by $15,000,000.

On page 27, line 16, decrease the amount by $40,000,000.

On page 27, line 17, decrease the amount by $32,300,000.

On page 27, line 20, decrease the amount by $40,000,000.

On page 27, line 21, decrease the amount by $39,000,000.

On page 27, line 24, decrease the amount by $40,000,000.

On page 27, line 25, decrease the amount by $38,875,000.

On page 28, line 3, decrease the amount by $40,000,000.

On page 28, line 4, decrease the amount by $39,875,000.

On page 28, line 7, decrease the amount by $40,000,000.

On page 28, line 8, decrease the amount by $39,875,000.

AMENDMENT NO. 4186

(Purpose: To provide a point of order against any budget resolution that fails to achieve an on-budget balance within 5 years)

At the end of title II, add the following:

SEC. ____. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by the real gross domestic product) for each of the most recently reported quarter and the immediately preceding quarter is less than zero percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(e) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) BUDGET YEAR.—In this section, the term ''budget year'' shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 4311

(Purpose: To improve education in the United States by providing 300,000,000 for the Teacher Incentive Fund to support State and local school district efforts to reward outstanding teaching and school leadership by improving compensation programs for teachers who have a demonstrated record of improving student academic achievement, teachers who teach in high need subjects such as mathematics and science, and teachers who teach in high need, low income schools)

On page 18, line 16, increase the amount by $300,000,000.

On page 18, line 17, increase the amount by $15,000,000.

On page 18, line 21, increase the amount by $135,000,000.

On page 18, line 25, increase the amount by $105,000,000.

On page 19, line 4, increase the amount by $45,000,000.

On page 27, line 16, decrease the amount by $300,000,000.

On page 27, line 17, decrease the amount by $15,000,000.

On page 27, line 21 decrease the amount by $135,000,000.

On page 27, line 25, decrease the amount by $105,000,000.

On page 28, line 4, decrease the amount by $45,000,000.

AMENDMENT NO. 4357

(Purpose: Point of order against using reconciliation to create new mandatory programs and 20% limit on new direct spending in reconciliation legislation)

SEC.——. POINT OF ORDER—20% LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a)(1) In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

AMENDMENT NO. 4361

(Purpose: To increase funding for the Department of Agriculture by $1,000,000 in fiscal year 2009 to provide public access to information about the sources of foods distributed through the school lunch program and other nutrition programs under the jurisdiction of the Secretary of Agriculture)

On page 21, line 16, increase the amount by $1,000,000.

On page 21, line 17, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $1,000,000.

On page 27, line 17, decrease the amount by $1,000,000.

AMENDMENT NO. 4370

(Purpose: To provide for a deficit-neutral reserve fund to make improvements to ensure access to the Medicare program for low-income senior citizens and other low-income Medicare beneficiaries)

On page 62, between lines 3 and 4, insert the following:

(3) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare Part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4200

(Purpose: To provide for the use of the deficit-neutral reserve fund to invest in clean energy and preserve the environment for the 5-year extension of energy tax incentives)

On page 57, line 12, insert ''for 5 years'' after ''to extend''.

AMENDMENT NO. 4334

(Purpose: To increase the funding levels for programs carried out under the Older Americans Act of 1965 by $184,000,000 to keep pace with inflation and increasing numbers of older Americans, and comply with minimum wage requirements for the programs)

On page 18, line 16, increase the amount by $184,000,000.

On page 18, line 17, increase the amount by $91,000,000.

On page 18, line 21, increase the amount by $86,000,000.

On page 18, line 25, increase the amount by $5,400,000.

On page 19, line 4, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $184,000,000.

On page 27, line 17, decrease the amount by $91,000,000.

On page 27, line 21, decrease the amount by $86,000,000.

On page 27, line 25, decrease the amount by $5,400,000.

On page 28, line 4, decrease the amount by $1,000,000.

AMENDMENT NO. 4376, AS MODIFIED

On page 68, line 4, insert '', and through reducing barriers to cafeteria plans'' after ''consumer protections''.

AMENDMENT NO. 4159

(Purpose: To ensure that the Secretary of Health and Human Services has continued authority to prevent fraud and protect the integrity of the Medicaid program and SCHIP and to reduce inappropriate spending under those programs)

Strike paragraph (1) of section 306(e) and insert the following:

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as no provision in such bill, joint resolution, amendment, motion or conference report shall be construed as prohibiting the Secretary of Health and Human Services from promulgating or implementing any rule, action, or guidance designed to prevent fraud and protect the integrity of the Medicaid program or SCHIP or reduce inappropriate spending under such programs, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

AMENDMENT NO. 4333

(Purpose: To express the sense of the Senate that Medicaid administrative regulations should not undermine Medicaid's role in our Nation's health care system, cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, or undermine the Federal guarantee of health insurance coverage Medicaid provides)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America's children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more

than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

AMENDMENT NO. 4255

(Purpose: To increase 2009 funding for Juvenile Justice Programs to $560 million, with an offset)

On page 24, line 16, increase the amount by $170,000,000.

On page 24, line 17, increase the amount by $20,000,000.

On page 24, line 21, increase the amount by $48,000,000.

On page 24, line 25, increase the amount by $43,000,000.

On page 25, line 4, increase the amount by $34,000,000.

On page 25, line 8, increase the amount by $25,000,000.

On page 27, line 16, decrease the amount by $170,000,000.

On page 27, line 17, decrease the amount by $20,000,000.

On page 27, line 21, decrease the amount by $48,000,000.

On page 27, line 25, decrease the amount by $43,000,000.

On page 28, line 4, decrease the amount by $34,000,000.

On page 28, line 8, decrease the amount by $25,000,000.

AMENDMENT NO. 4283

(Purpose: To express the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the USPTO shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended)

At the end of the bill, insert the following:

SEC. 308. SENSE OF THE SENATE REGARDING THE DIVERSION OF FUNDS SET ASIDE FOR USPTO.

It is the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the United States Patent and Trademark Office shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

AMENDMENT NO. 4345

(Purpose: To provide for a deficit-neutral reserve fund for education reform)

At the end of title III, add the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote flexibility in existing Federal education programs, restore State and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4220

(Purpose: To increase funding for water quality research programs at the United States Geological Survey, with an offset)

On page 13, line 13, increase the amount by $12,000,000.

On page 13, line 14, increase the amount by $11,000,000.

On page 13, line 18, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $12,000,000.

On page 27, line 17, decrease the amount by $11,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

Mr. REID. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, if Senator SNOWE's staff is in the Chamber, we need the modification to Senator SNOWE's amendment sent to the desk.

Senator DEMINT has an amendment on deductibility. If the Senator can describe that amendment and if he would be willing to take that amendment on a voice vote, we can accept it at this point.

AMENDMENT NO. 4339

Mr. DEMINT. Mr. President, I thank the chairman. This is amendment No. 4339. What it does is what I believe all of us in the Chamber would like to do and that is to make it easier for people without health insurance to buy health insurance. It does not accomplish all our goals or solve all the problems, but what it does is allow people who do not have health insurance through their employer to buy health insurance and deduct it the same way an employer would.

It is a very simple amendment. That is the only item in it, to allow individuals to deduct the cost of a health insurance premium from their taxes.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant journal clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4339.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for providing an above the line Federal income tax deduction for individuals purchasing health insurance outside the workplace)

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING AN ABOVE THE LINE FEDERAL INCOME TAX DEDUCTION FOR INDIVIDUALS PURCHASING HEALTH INSURANCE OUTSIDE THE WORKPLACE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide an above the line Federal income tax deduction under section 62 of the Internal Revenue Code of 1986 for individuals who do not receive health insurance through an employer and who purchase such insurance on the private market, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. CONRAD. Mr. President, the ranking member tells me we need to defer on this DeMint amendment because it involves another amendment, it affects another amendment, and the other amendment is still in the clearing process. So we need to defer on this amendment.

Senator DEMINT has another amendment on Semper Fi; is that correct?

Mr. DEMINT. Correct.

Mr. CONRAD. I ask the Senator from South Carolina if he can describe the amendment briefly, and if he will accept a voice vote, we can proceed to that amendment. We can accept that amendment.

Mrs. FEINSTEIN. Mr. President, if it is what I think it is, we will object. It will take all grants away from the University of California, if I understand the amendment correctly.

Mr. CONRAD. Mr. President, we were told that amendment had been cleared. It appears it has not.

Mrs. BOXER. Excuse me, if I may, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, if I may have a moment, the amendment I agree with is the Vitter amendment which says that the rules surrounding FACE, which is the Freedom of Access to Clinic Entrances Act, would apply to recruiting stations because we do not want anyone hurt by demonstrators. Whether it is at a reproductive health care clinic or a recruiting station, we fully agree, and we are very happy to accept that amendment.

The amendment by the Senator from North Carolina, on the other hand, would take funds away from the University of California, would take funds away from the police and firemen in Berkeley, would take funds away from the children who go to school there, would take funds away from transit—these people who had nothing to do with anything any city councilman in Berkeley said. And, by the way, P.S., they took it back. They took back what they said.

Mr. CONRAD. Mr. President, we have to return to regular order if we can. Perhaps the best way to unwind this situation, as I understand, Senator DEMINT's amendment then will require a vote; is that the case? Then I think what we should do is ask Senator DEMINT to take his 1 minute to explain the amendment. Then we will ask for 1 minute in opposition by perhaps the two Senators from California, vote on the DeMint amendment, and then perhaps we can go to Senator VITTER's amendment, if that is OK.

Mr. DEMINT. Mr. President, I ask unanimous consent, since there has already been more than a minute in opposition, that I have 2 minutes to speak on this amendment.

Mrs. FEINSTEIN. I object.

Mr. CONRAD. No, no, that is fair. I think we need to agree to that request. That has to be done. That is fair.

The ACTING PRESIDENT pro tempore. Will the Senator call up his amendment?

AMENDMENT NO. 4380

Mr. DEMINT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4380.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for transferring funding for Berkeley, CA earmarks to the Marine Corps)

At the end of title III, insert the following:

SEC. ___. RESERVE FUND FOR BERKELEY RESCISSIONS AND FUNDING THE MARINE CORPS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would rescind any congressionally directed spending item for the City of Berkeley, California, and any entities located in such city, and transfer such funds to the Marine Corps, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. DEMINT. Mr. President, if I may have the attention of the Chamber, I bring this Semper Fi amendment to the floor as a promise to a number of marines and their families. I admit this is somewhat unusual, but this amendment is not about free speech.

In Berkeley, CA, there were some folks protesting the Marine Recruitment Office. They have their right to protest, to speak out. My case is against the city of Berkeley, which incited hate against our marines and encouraged them to disrupt recruitment, which is their Federal responsibility.

This is a terrible precedent for a local government to take a position against our constitutional role to defend our Nation, which requires recruitment.

The things that were said by the city council about our marines were disgraceful. What we are proposing is to make a point. The earmarks that are talked about that went to Berkeley, over $2 million worth of earmarks, should not have gone there anyway, and they do involve special gourmet-type meals for the schools and money to the University of California at Berkeley, where they already have a $3.3 million endowment.

We can argue about the earmarks all night, but I am trying to make a point on behalf of marines and everyone in uniform that it is not the role of city or State governments to try to disgrace and intimidate, embarrass—whatever—our marines who are doing what we ask them to do.

So my amendment takes away those $2 million worth of earmarks as a symbol to every local government that may want to take on our Federal role and try to make an issue with our marines.

Semper Fi means ''Always Faithful.'' It is the motto of our marines. They are always faithful to us, and I promised many of their families, when I was in Iraq and back here, that I would stand up for them. I encourage all my colleagues to vote for this amendment to make a point.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum. At this moment we have, unfortunately, not yet seen the amendment of the Senator. We do need to take a moment to review it, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, for the purpose of helping us move along effectively, in order to get this done it is very important that both sides have copies of the amendments that are offered. We can't do business efficiently if we don't—both sides—have copies of the amendments.

I say this because both of us are in such a rush to conclusion that sometimes we neglect to make sure the other side—we have done it, which we apologize for, and it is very easy to happen in this hectic ending.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, since we have had argument on both sides, I wonder if it would be fair now to have 2 minutes for those in opposition, 1 minute by each of the Senators from California.

Mr. DEMINT. Would it be OK to add an additional 30 seconds, just to clarify the misinformation?

Mr. CONRAD. I think we have to cut this off at this point, if I can say that to my colleague.

So Senator FEINSTEIN.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The Senator from California.

Mrs. FEINSTEIN. Mr. President, this amendment is an overkill. My colleague and I are the first ones to say Berkeley made a huge mistake. Berkeley apologized for that mistake. Following all of this, the recruiting station wrote a letter to the University of California and thanked them for their steadfast service and accommodation of the recruiting center.

Essentially, what the Senator is trying to do is punish by rescinding any congressionally directed spending item for Berkeley, any entities located in such city, such as the Roberts Center which treats paralyzed veterans, and to transfer such funds to the Marine Corps. They would remove transportation funds, police and fire funds, and nutrition funds for children.

I mean, the point has been made. The situation is solved, but it isn't enough for the Senator. He has to come back and hit hard, and I disagree.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President and my colleagues, this is a moment we could be together because we had some outrageous statements coming out of the Berkeley City Council. They rescinded. They apologized. And what the Senator wants to do is take it out on people who, A, had nothing whatsoever to do with this in the first place; and, B, the whole thing ought to be moot because they have apologized.

Now, I don't see how you are faithful to the Marines—and by the way, I hope everyone will donate, as I do, to the Semper Fi Fund. Since you mentioned semper fi, there is a fund that takes care of our wounded vets. I hope we will all write a personal check tonight.

You want to help the Marines? How do you help the Marines and their families when you take money away from paralyzed people, including paralyzed veterans? That is what the earmark was about. How do you help the Marines when you take money away from American kids who are learning about the importance of nutrition? How do you help the Marines when you take money away from police and fire?

Please vote this down. It is mean spirited.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. BOXER. And it is not in the interest of America to do this.

Mr. CONRAD. Time for the vote. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? Seeing a sufficient second, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—41

Alexander	Barrasso	Bond
Allard	Bayh	Brownback
Bunning	Ensign	McCain
Burr	Enzi	McConnell
Chambliss	Graham	Roberts
Coburn	Grassley	Sessions
Coleman	Gregg	Shelby
Collins	Hatch	Smith
Corker	Hutchison	Snowe
Cornyn	Inhofe	Sununu
Craig	Isakson	Thune
Crapo	Kyl	Vitter
DeMint	Landrieu	Wicker
Dole	Martinez	

NAYS—57

Akaka	Hagel	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bennett	Inouye	Obama
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Cochran	Lincoln	Stevens
Conrad	Lugar	Tester
Dodd	McCaskill	Voinovich
Dorgan	Menendez	Warner
Durbin	Mikulski	Webb
Feingold	Murkowski	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—2

Byrd	Domenici

The amendment (No. 4380) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, in the previous list sent to the desk, we need to show amendment No. 4268, by Senator THUNE, as having been modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are about to move. We are awaiting some additional amendments to clear. While we are doing that, we could go to the next amendments, which are on the unborn child. Senator BOXER has a side-by-side, followed by Senator ALLARD. These will require votes.

Senator BOXER.

AMENDMENT NO. 4379

Mrs. BOXER. Mr. President, I did not want to have to offer another amendment here to tonight. The only reason I am doing that is because the amendment that will be offered in a moment by Senator ALLARD says that the SCHIP program, our kids health program, should cover children—this is from his amendment—from the moment of conception until 19 years old. I am assuming the idea is to make sure pregnant women are covered. Yet it doesn't say that. So my side-by-side says pregnant women will be covered. That means you don't get into that whole area of when does life begin and so on.

We are saying, please vote for this. Let's cover pregnant women, and that will, indeed, cover the pregnant woman and her fetus, all the way from the minute she is pregnant.

This is what we hope you will vote aye for. We hope you will vote no on the Allard amendment. I am sorry to trouble you with another vote.

The PRESIDING OFFICER. Will the Senator from California call up her amendment?

Mrs. BOXER. I call up amendment No. 4379.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], proposes an amendment numbered 4379.

Mrs. BOXER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To facilitate coverage of pregnant women in SCHIP)

On page 60, line 8, insert ''or pregnant women'' after ''children''.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLARD. Mr. President, I stand in opposition and ask for a ''no'' vote and ask for an ''aye'' vote on the Allard amendment.

What the Allard amendment does is redefines the child. The way the law right now reads, a pregnant woman is under the definition of a child. All we do is move the child out from the definition of the pregnant woman and say that the child is in the period from conception to birth, and then the rest of the program. If this is a health program for children, then we define the child as part of that population of children. The pregnant woman, who is the adult, would be kept separate.

As far as I am concerned, it is just a truth-in-labeling provision so we have a distinction between the child and mother. We have surgical procedures now that are just for the unborn child and not necessarily a surgical procedure, technically, on the woman.

Mrs. FEINSTEIN. Mr. President, is all time used?

The PRESIDING OFFICER. All time has been used.

Mr. ALLARD. Mr. President, can I make one more point? My amendment is a pro-life vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Boxer amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—70

Akaka	Feingold	Murkowski
Alexander	Feinstein	Murray
Baucus	Graham	Nelson (FL)
Bayh	Grassley	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Hutchison	Pryor
Bond	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Cardin	Kerry	Sanders
Carper	Klobuchar	Schumer
Casey	Kohl	Smith
Chambliss	Landrieu	Snowe
Clinton	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Tester
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wyden
Dorgan	McConnell	
Durbin	Menendez	

NAYS—27

Allard	Crapo	Martinez
Barrasso	DeMint	Roberts
Bennett	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Gregg	Sununu
Burr	Hagel	Thune
Coburn	Hatch	Vitter
Cochran	Inhofe	Voinovich
Craig	Kyl	Wicker

NOT VOTING—3

Byrd	Domenici	Mikulski

The amendment (No. 4379) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4233

Mr. ALLARD. Mr. President, I call up the Allard amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 4233.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4233) is as follows:

(Purpose: To require that legislation to reauthorize SCHIP include provisions codifying the unborn child regulation)

On page 60, line 8, insert ''and amends the definition of the term 'targeted low-income child' under title XXI of the Social Security Act to provide that such term means an individual under age 19, including the period from conception to birth, who is eligible for child health assistance under such title XXI by virtue of the definition of the term 'child' under section 457.10 of title 42, Code of Federal Regulations'' after ''children,''.

Mr. REID. Would my friend yield?

Mr. ALLARD. I will yield.

Mr. REID. Mr. President, we have a few amendments. We know everyone is very tired. We are doing very well. I would hope that those who have sense-of-the-Senate amendments would consider not moving them. I know they are important amendments, but they are sense of the Senate.

Anyway, even with those, we do not have many left. So if everyone would be patient, the staff is working very hard. The managers have another group of amendments that can be accepted. So if everyone will be very patient, final passage is going to be close. We need everybody here. So everyone please be patient.

AMENDMENTS NOS. 4270, AS MODIFIED; 4302, 4300, 4331, 4209, AS MODIFIED; 4375, 4307, AND 4371

Mr. CONRAD. Mr. President, we can now approve another group of amendments that have been cleared on both sides: 4270, as modified, Senator LEAHY; 4302, Senator GREGG; 4300, Senator CLINTON; 4331, Senator BAUCUS; 4209, as modified, Senator COLLINS; 4375, Senators SPECTER and CASEY; 4307, Senator BUNNING; and 4371, Senator GRAHAM.

I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4270, AS MODIFIED

At the end of title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PROCESSING NATURALIZATION APPLICATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the adjudication of name check and security clearances by October 1, 2008 by the Federal Bureau of Investigations for individuals who have submitted or submit applications for naturalization before March 1, 2008 or provide for the adjudication of applications, including the interviewing and swearing-in of applicants, by October 1, 2008 by the Department of Homeland Security/U.S. Citizenship and Immigration Services for individuals who apply or have applied for naturalization before March 1, 2008, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4302

(Purpose: To provide for a reserve fund for legislation to provide access, coverage, and choice for every American to quality and affordable care)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) promotes choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes;

(2) strengthens health care quality by promoting wellness and empowering consumers with accurate and comprehensive information on quality and cost;

(3) protects Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability; and

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4300

(Purpose: To provide for a reserve fund for legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

If the Chairman of the Senate Committee on Health, Education, Labor, and Pensions reports out legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, and if the Committee on Health, Education, Labor, and Pensions makes a finding that previously spent World Trade Center Health Program funds were used to provide screening, monitoring and treatment services, and directly related program support, the Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4331

(Purpose: To add a deficit-neutral reserve fund to ban abusive and inappropriate sales and marketing tactics used by private insurers offering Medicare Advantage and prescription drug plans)

At the end of Title III, insert the following:

SEC. ——. DEFICIT-NEUTRAL RESERVE FUND TO BAN MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PLAN SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries, free meals and inducements at sales events, cross-selling of non-health products, and up-selling of Medicare insurance products without prior consent of beneficiaries, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

AMENDMENT NO. 4209, AS MODIFIED

On page 57, line 13, after ''resources,'' insert ''the biodiesel production tax credit, or''

On page 57, line 14, after ''program,'' insert ''to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles,''

On page 57, line 16, after ''plants'' insert ''Tax legislation under this section may be paid for by adjustments to Sections 167(h) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.''

AMENDMENT NO. 4375

(Purpose: To express the Sense of the Senate regarding Philadelphia Housing Authority's ''Moving to Work Agreement'' with the U.S. Department of Housing and Urban Development)

At the appropriate place, insert the following

Expressing the Sense of the Senate regarding extending the ''Moving to Work Agreement'' between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one year.

Whereas, the current ''Moving to Work Agreement'' between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development is set to expire on March 31, 2008;

Whereas, Philadelphia Housing Authority has used this agreement to leverage private and public resources to develop mixed-income communities that address the needs of the very poor while reshaping entire communities, and estimates that it will lose $50 million as a result of the agreement expiring;

Whereas, the U.S. Department of Housing and Urban Development has refused to grant Philadelphia Housing Authority a 1-year extension of its current agreement under the same terms and conditions;

Whereas, the U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements;

Whereas, Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court;

Whereas, there is a suspicion of retaliation with regard to the U.S. Department of Housing and Urban Development's refusal to grant a one-year extension of Philadelphia Housing Authorities current agreement under the same terms and conditions;

Whereas, it was discovered that two senior level officials at the U.S. Department of Housing and Urban Development had the following email exchange, referring to Philadelphia Housing Authority Executive Director Carl R. Greene:

Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ''Would you like me to make his life less happy? If so, how?''

Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendrick wrote, ''Take away all of his Federal dollars?''

Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ''Let me look into that possibility.''

Whereas, these emails were the subject of questioning by Senator Casey to U.S. Department of Housing and Urban Development Secretary Alphonso Jackson at a March 12, 2008 hearing before the Senate Committee on Banking, Housing and Urban Affairs; and by Senator Specter to Secretary Jackson at a March 13, 2008 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies;

Whereas, Philadelphia Housing Authority's allegation of retaliation appears to be substantiated by these newly discovered emails;

Whereas, the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia: Now, therefore, be it:

Resolved, that it is the Sense of the Senate that Philadelphia Housing Authority should be granted a one-year extension of its ''Moving to Work Agreement'' with the U.S. Department of Housing and Urban Development under the same terms and conditions as the current agreement.

AMENDMENT NO. 4307

(Purpose: To pennanently extend the adoption tax credit and the exclusion for adoption assistance programs included in the Economic Growth and Tax Relief Reconciliation Act of 2001)

On page 3, line 13, decrease the amount by $113,000,000.

On page 3, line 14, decrease the amount by $386,000,000.

On page 3, line 15, decrease the amount by $414,000,000.

On page 3, line 22, decrease the amount by $113,000,000.

On page 3, line 23, decrease the amount by $386,000,000.

On page 3, line 24, decrease the amount by $414,000,000.

On page 4, line 7, decrease the amount by $113,000,000.

On page 4, line 8, decrease the amount by $386,000,000.

On page 4, line 9, decrease the amount by $414,000,000.

On page 4, line 16, decrease the amount by $113,000,000.

On page 4, line 17, decrease the amount by $386,000,000.

On page 4, line 18, decrease the amount by $414,000,000.

On page 27, line 24, decrease the amount by $113,000,000.

On page 27, line 25, decrease the amount by $113,000,000.

On page 28, line 3, decrease the amount by $386,000,000.

On page 28, line 4, decrease the amount by $386,000,000,

On page 28, line 7, decrease the amount by $414,000,000.

On page 28, line 8, decrease the amount by $414,000,000.

AMENDMENT NO. 4371

(Purpose: To express the Senate of the Senate regarding a Balanced Budget Amendment to the Constitution of the United States)

At the appropriate place, insert:

SEC. ——. SENSE OF THE SENATE REGARDING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(a) FINDINGS.—The Senate finds that—

(1) On January 26, 1996, the House of Representatives passed H.J. Res. 1, the Balanced Budget Amendment to the Constitution of the United States, by the necessary two-thirds majority (300–132);

(2) On June 6, 1996, the Senate fell three votes short of the two-thirds majority vote needed to pass the Balanced Budget Amendment; and

(3) Since the House of Representatives and Senate last voted on the Balanced Budget Amendment, the debt held by the public has grown from $3,700,000,000,000 to more than $5,000,000,000,000.

(b) SENSE OF SENATE— It is the sense of the Senate that a Balanced Budget Amendment to the Constitution of the United States should be voted on at the earliest opportunity.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 4233

Mr. ALLARD. On the Allard amendment, it will codify the current unborn child rule by amending the SCHIP reauthorization reserve fund.

Many States' definition of coverage for a pregnant woman leads to the strange legal fiction that the adult pregnant woman is a child. This amendment will clarify in statute that the term ''child'' includes the period from conception to birth and will not include a pregnant woman in the definition of a child.

I ask for an ''aye'' vote. This is a pro-life vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, in the Boxer amendment, we clarified SCHIP law. A pregnant woman's coverage under SCHIP law is optional. We made it obligatory so every pregnant woman has the advantage of medical insurance. This amendment undoes that. It takes it away from the woman and gives it to the fetus. Now, if the woman is pregnant in an accident, loses the child, she does not get coverage, the child gets coverage.

We solved the problem in the Boxer amendment. If you cover the pregnant woman, you cover her fetus. What Senator ALLARD does is remove the coverage from the pregnant woman and cover the fetus.

I urge a ''no'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLARD. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested.

Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—46

Alexander	Bunning	Coleman
Allard	Burr	Corker
Barrasso	Casey	Cornyn
Bennett	Chambliss	Craig
Bond	Coburn	Crapo
Brownback	Cochran	DeMint

Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—2

Byrd
Domenici

The amendment (No. 4233) was rejected.

Mrs. FEINSTEIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we would like to take two additional amendments at this point, 4206, Senator BARRASSO; and 4299, Senator VITTER. That takes us to the DeMint amendment on deductibility.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Parliamentary inquiry, Mr. President: Is that a unanimous consent request to accept those amendments, because if it is, I object and would request a vote on 4299.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 4339

Mr. DEMINT. Mr. President, was the chairman accepting the deductibility amendment?

Mr. CONRAD. No, sir. There has been objection by the chairman of the Finance Committee.

Mr. DEMINT. So you would like to bring it up and vote.

The PRESIDING OFFICER. The amendment is pending.

Mr. DEMINT. Mr. President, we have had some partisan and controversial amendments tonight. I hope this won't be one. This amendment simply allows individuals who buy health insurance on their own to deduct it from their taxes.

All of us talk about the uninsured. This is a chance to give a number of the uninsured the opportunity to buy health insurance on the same basis that we do in Congress, and that is to make it deductible. Some will say this is a cost. We are already paying for this, and probably much more, as people seek health care in the emergency room and other places when they are not insured.

I encourage all of my colleagues to vote for the amendment to allow Americans to deduct 100 percent of the cost of the health insurance premium.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the effect of this amendment is not as described. It is similar to the amendment on privatizing Social Security. He said it was not; it was. He says this amendment gives people health insurance. It does not. What does it do? This is a death spiral for companies that provide health insurance for their employees because this amendment will have the effect of causing, for companies that have health insurance for their employees, those employees to leave the health insurance they have and get their own, particularly if they are young and healthy, which will mean the insurance plan the company provides will not work, and that is why it is a death spiral. This will have the effect of hurting small businesses that provide health insurance for their employees because younger, healthier people will leave to get their own, and that will cause the employer-provided coverage to disappear.

This should not be done in middle of the night. We should have overall health reform, not this pernicious amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have a vote.

The PRESIDING OFFICER. The DeMint amendment is pending. Time has expired.

The question is on agreeing to DeMint amendment No. 4339.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—45

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Bond
Byrd
Domenici
McCain

The amendment (No. 4339) was rejected.

Mr. CONRAD. Mr. President, have we reconsidered the vote?

I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have talked to the managers of the bill. We have two amendments left. It is my understanding the Biden amendment, which has 16 or 17 Republican cosponsors, is going to be accepted.

Mr. GREGG. No, not necessarily.

Mr. REID. No?

Mr. CONRAD. We do not have an answer yet.

Mr. REID. We do not have an answer yet. When do you think we might have an answer?

Mr. GREGG. Why don't we just keep going?

Mr. REID. We have two left. We have the Biden amendment and we have the Vitter amendment. We have indicated that we would take the Vitter amendment without a vote. It is a sense of the Senate. We have had 40 amendments already. The average is 32. It is 1 o'clock in the morning. I think it would be appropriate if we could work something out on these last two and have final passage. Everyone has their rights, but I would say that we get an answer on the Biden amendment.

Mr. GREGG. We have an answer.

Mr. REID. We have an answer?

Mr. GREGG. We need a vote.

Mr. REID. OK, we need a vote. Listen, I am happy to vote. But I sure hope we can work to change the rules, Mr. President, next go-around. But we have not changed them yet. We keep talking about it.

So, anyway, the one thing that brought a little bit of peace and serenity to this chaotic situation has been the two managers of the bill. They have been patient and very good in everything they have done. So I appreciate the good job they are doing. They have worked together for so many years, and I think they have set an example of how people, in very adverse conditions, should work together.

Mr. CONRAD. Senator BIDEN.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 4245

Mr. BIDEN. Mr. President, I call up my amendment No. 4245.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. LUGAR, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD, Mr. MARTINEZ, Mr. MENENDEZ, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. LEVIN, Mr. VOINOVICH, Mr. OBAMA, Mr. CORKER, Mr. LEAHY, and Mr. HAGEL, proposes an amendment numbered 4245.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore full funding for the international affairs budget, in support of the reconstruction of Iraq and Afghanistan, nuclear nonproliferation, foreign assistance, fighting global AIDS, promoting sustainable development, and other efforts, with an offset)

On page 10, line 12, increase the amount by $4,139,000,000.

On page 10, line 13, increase the amount by $2,127,000,000.

On page 10, line 17, increase the amount by $1,142,000,000.

On page 10, line 21, increase the amount by $418,000,000.

In page 10, line 25, increase the amount by $290,000,000.

On page 11, line 4, increase the amount by $161,000,000.

On page 27, line 16, decrease the amount by $4,139,000,000.

On page 27, line 17, decrease the amount by $2,127,000,000.

On page 27, line 21, decrease the amount by $1,142,000,000.

On page 27, line 25, decrease the amount by $418,000,000.

On page 28, line 4, decrease the amount by $290,000,000.

On page 28, line 8, decrease the amount by $161,000,000.

Mr. BIDEN. Mr. President, this amendment reinstates the President's international affairs budget to the number he called for, No. 1. No. 2, it has 34 cosponsors, evenly divided, Republicans and Democrats. Everyone from Senator LUGAR to Senator VITTER and everyone in between has cosponsored this amendment.

No. 3, the point I would like to make is, Defense Secretary Gates, as well as 50 flag officers, represented by General Zinni and Admiral Smith, as well as our commanders in the field, all recognize we are spending $19 to $1—19 military dollars to every one civilian dollar we spend—to deal with international affairs. I will conclude by saying, when I was in Afghanistan last week, the commanding general made the comment the Taliban begins where the road ends.

I say to my colleagues this is critically important to our physical security to fund the international function because it is redevelopment money to go to Afghanistan.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma is recognized for 1 minute.

Mr. COBURN. Mr. President, 40 percent of the money in the United Nations is absolutely wasted. They will not report transparency in anything they do. We know on their procurement it is at least 40 percent. We know 25 percent of the last peacekeeping operation was wasted through fraud. We should not send another penny to the United Nations until they become transparent with how they are spending the money they have now.

I urge my colleagues to vote in opposition.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired.

The question is on agreeing to the amendment.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—73

Akaka	Corker	Lautenberg
Alexander	Cornyn	Leahy
Baucus	Dodd	Levin
Bayh	Dole	Lieberman
Bennett	Dorgan	Lincoln
Biden	Durbin	Lugar
Bingaman	Feingold	Martinez
Boxer	Feinstein	McCaskill
Brown	Graham	McConnell
Brownback	Hagel	Menendez
Burr	Harkin	Mikulski
Cantwell	Inouye	Murkowski
Cardin	Isakson	Murray
Carper	Johnson	Nelson (FL)
Casey	Kennedy	Nelson (NE)
Chambliss	Kerry	Obama
Clinton	Klobuchar	Pryor
Coleman	Kohl	Reed
Collins	Landrieu	Reid
Roberts	Snowe	Warner
Rockefeller	Specter	Webb
Salazar	Stabenow	Whitehouse
Sanders	Sununu	Wyden
Schumer	Tester	
Smith	Voinovich	

NAYS—23

Allard	DeMint	Kyl
Barrasso	Ensign	Sessions
Bunning	Enzi	Shelby
Coburn	Grassley	Stevens
Cochran	Gregg	Thune
Conrad	Hatch	Vitter
Craig	Hutchison	Wicker
Crapo	Inhofe	

NOT VOTING—4

Bond	Domenici
Byrd	McCain

The amendment (No. 4245) was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 4299

Mr. VITTER. Mr. President, I call up amendment No. 4299.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 4299.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures)

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING THE NEED FOR COMPREHENSIVE LEGISLATION TO LEGALIZE THE IMPORTATION OF PRESCRIPTION DRUGS FROM HIGHLY INDUSTRIALIZED COUNTRIES WITH SAFE PHARMACEUTICAL INFRASTRUCTURES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is the world's largest market for pharmaceuticals, yet consumers still pay the world's highest prices.

(2) In 2000, Congress took action to legalize the importation of prescription drugs from other countries by United States wholesalers and pharmacists, and before such a program can go into effect, the Secretary of Health and Human Services (HHS) must certify that the program would have no adverse impact on safety and that it would reduce costs for American consumers.

(3) Since 2000, no Secretary of HHS has made the certification required to permit the implementation of a program for importation of prescription drugs.

(4) In July 2006, the Senate approved by a vote of 68-32 an amendment to the Department of Homeland Security Appropriations Act, 2007, that prohibits Customs and Border Protection from preventing individuals not in the business of importing prescription drugs from carrying them across the border with Canada.

(5) In July 2007, the Senate adopted language similar to the 2007 amendment in the Department of Homeland Security Appropriations Act, 2008.

(6) In October 2007, the Senate adopted language in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, that prohibits anti-reimportation activities within HHS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe;

(2) such legislation should be given an up or down vote on the floor of the Senate; and

(3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

Mr. VITTER. Mr. President, this is about reimportation. There is a clear majority in the Congress to pass reimportation legislation. I think there is a clear 60-vote majority in the Senate to do so. So why aren't we getting on with that business? Let's do it. This simply says we should take up a full-blown reimportation bill, with all the necessary safety provisions, and have that debate and vote on the floor of the Senate this year. It is as simple as that. We have the votes. Let's do that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, many of the Senators worked on this even prior to the Senator from Louisiana joining us in the Senate. I don't object to the sense of the Senate. It will have no legislative impact and it has no relationship to the budget. It is 1 o'clock in the morning, 14 hours after we started voting. And on this issue, about 30 minutes ago, the managers of the bill indicated they would approve this. Yet my colleague insists on a recorded vote. I observe this. I have fondly and affectionately pointed out that the Senate is occasionally 100 bad habits. Look, all of us have been willing to forgo recorded votes from time to time, but everybody has a right to ask for a recorded vote on anything at any point. I understand that.

Again, this is a sense of the Senate that has no legislative impact or relationship to the budget. I have no objection to it. We will vote for it. I observe again that the managers had agreed to this 30 minutes ago. I would have hoped we could have voice voted this.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I appreciate the Senator's comments. I only add my final comments that I was here Tuesday morning with this amendment, ready to briefly talk about this amendment and get a vote on the Senate rules on this amendment. For 48 hours, we did nothing in terms of votes.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—73

Akaka	Feingold	Obama
Alexander	Feinstein	Pryor
Allard	Graham	Reed
Baucus	Grassley	Reid
Bayh	Hagel	Roberts
Biden	Harkin	Rockefeller
Bingaman	Inhofe	Salazar
Boxer	Inouye	Sanders
Brown	Johnson	Schumer
Brownback	Kennedy	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Casey	Kohl	Snowe
Chambliss	Landrieu	Specter
Clinton	Leahy	Stabenow
Coburn	Levin	Tester
Coleman	Lieberman	Thune
Collins	Lincoln	Vitter
Conrad	Lugar	Voinovich
Corker	Martinez	Webb
Craig	McCaskill	Whitehouse
DeMint	Mikulski	Wicker
Dodd	Murray	Wyden
Dorgan	Nelson (FL)	
Durbin	Nelson (NE)	

NAYS—23

Barrasso	Dole	Lautenberg
Bennett	Ensign	McConnell
Bunning	Enzi	Menendez
Burr	Gregg	Murkowski
Carper	Hatch	Stevens
Cochran	Hutchison	Sununu
Cornyn	Isakson	Warner
Crapo	Kyl	

NOT VOTING—4

Bond	Domenici
Byrd	McCain

The amendment (No. 4299) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, quickly, I have two other items of business.

AMENDMENT NO. 4206

Mr. CONRAD. Mr. President, amendment No. 4206 by Senator BARRASSO needs to be accepted. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4206) was agreed to, as follows:

AMENDMENT NO. 4206

(Purpose: To provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973)

On page 13, line 13, increase the amount by $50,000,000.

On page 13, line 14, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

VOTE EXPLANATION

Mr. BAUCUS. Mr. President, I missed the rollcall vote for amendment No. 4198, to increase the Indian Health Service by $1 billion in fiscal year 2009. Had I been present, I would have voted ''yea,'' in favor of the amendment. I have cosponsored the Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2007, S. 2532, and know the need to increase funding for the Indian Health Service.

Mr. LEAHY. Mr. President, on rollcall vote No. 70, if present, I would have voted ''aye.''

AMENDMENT NO. 4347

Mr. BYRD. Mr. President, in his essay on ''Politics and the English Language,'' George Orwell laments the abuse of speech by political leaders. He notes how certain words are so vague in meaning that they can be twisted and distorted into something they are not. What is entirely altruistic, he argues, can be made to seem repugnant and avaricious.

One such Orwellian word that has found its way into our political lexicon is ''earmark.'' This poor, wretched, maligned word has had scorn heaped upon it. It has been equated with corruption and invoked to describe dastardly, behind-the-scenes machinations—sometimes real, but mostly imagined.

President Bush has enthusiastically embraced this Orwellian line. In his State of the Union Address, the President asked the Congress to reduce Congressional earmarks by half and threatened to veto any bill that does not comply. He instructed executive agencies to ignore Congressional guidance on earmarks for fiscal year 2009. Let the executive agencies make the spending decisions, his argument goes.

Certainly the White House budget office would like us to do that. I don't expect officials from that office to understand the critical needs of the communities we represent. They do not meet with our constituencies. They do not know our States and their people. They do not see what we see. An earmark may be pork to some political chatter box on television, but it could be an economic lifeline for a community. It may be a road that has fallen into dangerous disrepair or a bridge that is on the verge of collapse. An earmark is an economic need that many times falls between the cracks of the Washington bureaucracy. When that happens, the people we represent cannot call some unelected bureaucrat in the White

House budget office. They cannot get a Cabinet Secretary on the line. When they need help, they come to us, their elected representatives. These are the working people in our society. Their priorities may be considered unimportant by some, but it's our job to make sure critical needs in our States are addressed.

Some earmarked spending has proven to be a tremendous asset to this country. Children's Hospital, here in the District of Colombia, which has served over 5 million critically-ill children, was built with earmarked funds. Human genome research was initiated by an earmark sponsored by our colleague Senator DOMENICI. The WIC program, which has provided essential nutrition to 150 million women, infants, and children, was started as an earmark. The Predator unmanned aircraft, which has been so effective in the Global War on Terror, was built with an earmark.

The DeMint amendment before the Senate today fails to acknowledge the existence of these achievements. The amendment does not recognize that Members of Congress know the needs of the people they represent better than unelected bureaucrats at the White House budget office. The idea that an all-knowing, all-powerful executive bureaucracy is more trustworthy than the elected representatives of the people when it comes to spending taxpayer dollars challenges the most basic tenet of our political system.

Frankly, the effort to demonize earmarks is a ruse; it is a feint; it is an effort to distract Americans from horrendous budget deficits which have mushroomed under President Bush. When President Bush took office, this Nation had just completed 4 straight years of budget surpluses. The Congressional Budget Office estimated that the surplus between 2002 and 2011 would be $5.6 trillion. Now, according to the White House's own budget documents, we are facing $2.7 trillion of debt over those same 10 years. During the Bush Presidency, our government will have experienced the five largest annual deficits in the history of the Republic. The author of this amendment would like Americans to think that these deficits were caused by earmarks. What poppycock. If anyone thinks they can eliminate the $400 billion deficit by eliminating earmarks, they need to take a refresher course in arithmetic.

In fiscal year 2008, the total cost of the Bush tax cuts will be $252 billion—21 times the amount of earmark spending in question. In fiscal year 2008, the cost of the tax cuts for the wealthiest one percent of taxpayers will be almost $70 billion—6 times the amount of spending in question. In fiscal year 2008, special interest tax favors will cost $1 trillion—83 times the amount of spending in question. Corporate tax hand-outs will cost $91 billion—over 77 times the amount of spending in question. The level of Congressional earmarks is one-fiftieth of what this country has exhausted on the war in Iraq.

I implore my colleagues to look at the facts. Last year, the President proposed almost 2,000 earmarks, totaling more than $22 billion. Earmarks exploded under the Bush administration, including presidential earmarks for cattle fever ticks, fruit flies, and light brown apple moths. When President Bush signed the highway bill in 2005, it contained over 6,000 earmarks, 50 percent more earmarks than all the previous highway bills combined.

In the past year, it was the Congress that took the initiative to limit earmarks. In 2007, we had a moratorium on earmarks until rules could be enacted that would add transparency to the process of earmarking funds. Last year, Congress enacted new rules that added unprecedented transparency and accountability to the process of earmarking funds. These were needed.

Adding transparency and accountability to the earmarking process is responsible. Reducing the level of earmarks below the levels approved by President Bush for fiscal year 2005, is responsible. We have already taken these steps. But pretending that we can save money by eliminating earmarks is pure folly. It is poppycock. It is also bad policy. The Constitution gives the power over the purse to Congress. That is the most effective way to check an irresponsible President of either party. Congress must not cede decisions about how the taxpayers' money should be spent.

It's simply ridiculous to criticize Federal investments in local and State communities without having visited the neighborhoods that will benefit, without talking with the people who live there, and without understanding the local planning that is involved. The earmark is the safety net under blind formulas. It brings local concerns of average people into the funding process. A Republic cannot address its needs based on formulas and the educated guesses of bureaucrats. The earmark ushers judgment, compassion, need, humanity, decency, and common sense into the budget process. Certainly our bloated, bureaucratic Federal Government could use a whole lot more of all of those virtues.

I urge a ''no'' vote on the amendment.

Mr. LEAHY. Mr. President, I oppose the DeMint amendment to impose a year-long moratorium on congressionally directed spending projects, popularly known as earmarks, and I urge my colleagues to do the same. Rather than finding real solutions to a weakening economy and American dollar, the growing debt and job losses, and the fact that millions of Americans are losing their homes, the Senate is being asked to bow to political posturing by turning to the already much debated issue of earmarks.

Discretionary spending in the Federal budget continues to be a decreasing share of the overall budget, and appropriations provisions initiated in the Congress amount to only a sliver of that. Meanwhile, the President, and many in Congress who talk so much about earmarks, seem to find no inconsistency as they push Congress every few months to approve tens of billions of additional dollars to be sent to Iraq. An analysis by two prominent economists, published last Sunday in The Washington Post, forecast that the overall, budget and off-budget cost of the Iraq war eventually will exceed an incredible one trillion dollars. And unlike the regular appropriations bills, the periodic Iraq spending bills are off the budget altogether—they go directly onto the national debt, waiting there to be paid by our children and grandchildren.

Funny thing, but the President never bothers to point out to his audiences that these Iraq spending bills dwarf congressionally led appropriations items. Nor does he point out that regular appropriations bills are paid for, whereas his budget proposals for Iraq are not. Nor does he point out that by far the majority of earmarks suggested for appropriations bills are requested by the President, not by Congress. In Vermont, and in many of our States, we would call that kind of illogic about earmarks ''the old bait and switch.''

As a member of the Senate Appropriations Committee, I take seriously my responsibility to help craft a responsible budget for the Federal Government, and I know from long experience in working with my colleagues that this sense of responsibility is felt throughout the committee. Each of the annual appropriations bills forged by the Appropriations Committee and its 13 subcommittees comes in at or under the amount allocated under the budget process, and they often come in below the departmental amounts recommended by the President. For instance, the State and Foreign Operations appropriations bill that we brought to the Senate Floor last year for this fiscal year was $2 billion below the President's request.

Long ago I became used to seeing sensational headlines about spending priorities that are authored by Congress instead of by the executive branch. Lists are drawn up that label every line item, every program and every project not explicitly proposed by the President as ''pork-barrel spending''—regardless of their merit, need or importance to communities nationwide.

The Constitution confers the power of the purse to Congress, not to the President. As elected representatives

from diverse districts, we each are closer to the needs of our states and communities than are the unelected staffers in White House's budget office. We also have an obligation to be responsive to our constituents' priorities.

As a senior member of the Appropriations Committee, I often advocate for projects that benefit Vermont and feel strongly that the carefully drawn initiatives that I have worked to secure have improved my State's infrastructure, economy and quality of life. Over the years I have secured funds to improve community wastewater systems, roads and bridges, strengthen public safety, and build affordable housing. These address real needs that often are unknown or overlooked by the federal bureaucracy. Similarly, I work each year to shape and address other priorities that are ignored in presidential budget requests, on issues ranging from developing safer antipersonnel landmines, or helping to save the lives of the poorest of the poor from preventable death or disease. Attempts to ban earmarks would limit the ability to address these and other issues.

The alternative would be to leave all spending decisions up to the executive branch, which—when given no direction by Congress—can descend into political favoritism, feasibility and retribution when it comes to choosing whose states receive Federal funding. That would also lessen accountability.

In 2007 the Democratic-led Congress added unprecedented transparency and accountability to the earmark process. More than ever before, we are now committed to openness and accountability. Projects receiving funds in fiscal year 2008 are identified by member, amount, purpose and location. Those who make funding requests must certify that they have no financial interest in their earmarks and those letters are posted online. Never before has it been as simple for the public, for outside groups, for journalists or for Members of Congress themselves to see the spending their elected officials are advocating.

Earmark opponents mislead when they say that congressional earmarks are given no scrutiny or oversight. Actually, the money is not just handed to an award recipient, but rather carefully vetted by the appropriate federal agency to make sure the intended award recipient and project qualify under that specific program's regulations. There is an assistance agreement between the federal agency administering the grant and the award recipient on the amount of funding and a plan for how exactly those funds will be spent.

DeMint amendment proponents will tell you that earmarks tripled in number over the last decade, but they neglect to say that President Bush signed those earmarks into law. They also do not mention that the tripling in earmarks occurred under prior Republican-led Congresses. In fact, fiscal year 2008 congressional earmarks dropped significantly, with overall earmark costs cut by $14.9 billion, or 51 percent, compared with the earmarks contained in the Republican appropriations bills of 2 years ago.

A 51-percent reduction in earmark costs, total transparency and total disclosure—I could have sworn that is what earmark opponents advocated when we considered and passed the ethics bill last year.

Another thing earmark opponents do not widely broadcast is that presidents, including the current one, are champions in the earmarking process. President Bush stuffs his budgets with billions and billions for his designated projects. In fact, the President directs 20 times as much spending to special projects than Congress does. Look through the fiscal year 2008 omnibus bill or the fiscal year 2009 budget proposal and you will see page after page of special projects amounting to billions of dollars, all requested by the President. With the reforms that the Democratic-led Congress put in place last year, congressional earmarks now receive far, far more public scrutiny than do the President's.

The amendment offered by the Senator from South Carolina fails to include a moratorium on Presidential earmarks. If we are bent on doing away with congressional earmarks, then we should apply the same rules to earmarks requested by the President.

Lastly, I am struck by the tunnel vision of several of this amendment's backers who have been stalwart supporters of the biggest earmark of all: The blank checks written for hundreds of billions, if not trillions, of dollars for the war in Iraq.

The proponents of this amendment claim that they want to get our Nation's checkbook in order, but what they do not say is that congressional earmarks are already paid for—the money is there to be spent, as prioritized by the appropriations bills. They are ready and willing to support the President's request to Congress for billions in emergency funding to continue the war in Iraq. Those dollars do not score against the budget, so the White House can advance the fiction that the President is being fiscally responsible at the same time that he piles on the debt for future generations.

Democracy depends on openness and accountability in government. Last year, the new Congress moved promptly to improve accountability by dramatically reducing earmark costs, and implementing a system of total transparency and total disclosure. We would be making a mistake to impose a rash and unnecessary moratorium on congressional earmarks. We will be shirking our constitutional responsibility by ceding the power of the purse to the executive branch. I will vote no on the DeMint amendment, and I strongly urge my colleagues to do the same.

Mr. SPECTER. Mr. President, I rise today in opposition to the amendment offered by the Senator from South Carolina that would create a point of order against consideration of any legislation that contains an earmark.

I have stated in the past that I think earmark reform is a very good idea. I supported the Honest Leadership and Open Government Act, which was signed into the law last year and for the first time brought transparency into the earmark process. Additionally, I have fully supported the steps that have been taken to have greater transparency. I think to have legislation that brings light into the process is entirely appropriate.

I am concerned, however, that this amendment would cede Congress's authority to participate in the appropriations process to the executive branch. Article I, section 8 provides the Congress, not the Executive branch, with the power of the purse. As stated by the ranking member of the Senate Appropriations Committee, ''this debate is not about the level of Federal spending, the size of the deficit, or the national debt. This debate is about who decides how Federal dollars are spent and where.'' Congressional participation in the appropriations process is a fundamental constitutional issue and should not be readily yielded.

Additionally, I submit that Members of the House and Senate are intimately knowledgeable about the legitimate needs of their districts. It is important to recognize that members of Congress represent the constituents of their State, and there are a great many issues where Members of the House and Senate know more about their districts and States than the remote bureaucrats in Washington.

It is important to note the earmark allocation is a very small percent of the budget. Recognizing this fact, I was willing to make the tough decision to cut all of the earmarks in the appropriations bill when I was chairman of the Labor, Health and Human Services Subcommittee because there was insufficient funding available for healthcare, LIHEAP, and education.

For these reasons, I will oppose the amendment offered by the Senator from South Carolina, but I look forward to working with my colleagues in the future on reforms that will increase transparency in the appropriations process.

Mr. MCCAIN. Mr. President, I am pleased to lend my strong support for the amendment offered by Senator DEMINT to impose a 1-year moratorium on earmarks. I thank him for his leadership on this important, fiscally responsible proposal, and am pleased to join with Senators MCCASKILL, COBURN,

KYL, CORKER, BURR, and GRAHAM in cosponsoring the amendment. Additionally, Mr. President, I understand that my colleagues from Illinois and New York, Senators OBAMA and CLINTON, have recently signed on as cosponsors of our effort. I welcome them to our cause.

All of us in Congress should be paying very close attention to the current economic realities facing our country. Almost daily, we are informed of worsening news on the market front, widening subprime mortgage delinquencies, defaults, and foreclosures, declining housing values, and a broadening credit crunch affecting all sectors of the economy. Less than a month ago we passed an economic stimulus package in an effort to help avert an even worse situation than exists now. While I have long railed against wasteful porkbarrel spending, now more than ever, we have got to establish some commonsense budgetary guidelines to live within our means, just like most American families are doing, tightening their belts and not wasting their money on ''wants'' to ensure they have the funds available to cover their ''needs.'' We need to follow their lead. The American public is counting on us to represent their interests, not the special interests, and to stop spending their hard-earned tax dollars on needless earmarks.

Just over a year ago, in January 2007, 96 Members of the Senate voted to fundamentally reform ''business as usual'' in Washington when we voted to pass S. 1, the Legislative Transparency and Accountability Act of 2007. I was very proud to support the passage of that bill because in addition to sound ethics and lobbying reforms, many which I had long championed, the bill also included the most far-reaching earmark reforms I had witnessed. Unfortunately, nearly all of the earmark reforms were gutted in the final version of the bill, causing a number of us to have to vote against its passage despite our support for some of the good reforms in the bill. We didn't just miss the opportunity to address a broken legislative system of earmarking. The opportunity was purposely and deliberately scuttled by those who didn't want real earmark reforms, and they are the ones who had the seat at the table when the final version was drafted. And as I recall, not one of those seats was filled by a member of the minority party.

As a result, the earmarking practice continues, as proven by the more than 9,000 earmarks in the omnibus spending measure approved last December 18—3 months after S. 1 was enacted. Here is just a sampling of some of the earmarks that were included in the omnibus:

$50,000 for the construction of a National Mule and Packers Museum in Bishop, CA;

$100,000 for Cooters Pond Park in Prattville, AL;

$625,000 for the Historic Congressional Cemetery;

$1.628 million for animal vaccines in Greenport, NY;

$477,000 for Barley Health Food Benefits in Beltsville, MD;

$244,000 for Bee Research in Weslaco, TX

$10 million for the design and construction of the Derby Dam fish screen in Nevada to allow passage of fish;

$1.786 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan;

$846,000 to the Father's Day Rally Committee in Philadelphia, PA;

$125,000 for International Mother's Day Shrine in Grafton, WV;

$470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD;

$446,500 for Horseshoe Crab Research, Virginia Tech, VA;

$125,000 for the Polish American Cultural Center in Philadelphia, PA;

$400,000 for the National Iron Worker's Training Program;

$350,000 for leafy spurge control in North Dakota;

$1.725 million for the Hudson Valley Welcome Center in Hyde Park, NY;

Clearly, when it comes to earmarking in Congress, it is business as usual, business as usual. And that is what drives me and other sponsors of this amendment.

Not long ago, a prominent member of the majority party in the House, Congressman HENRY WAXMAN, called for exactly what this amendment calls for: a moratorium on earmarks. Representative WAXMAN was quoted in the press as saying, ''We have a problem in Congress, Congressional spending through earmarks is out of control.'' Congressman WAXMAN added ''I think our best approach would be to suspend all earmarks for the 2009 appropriations cycle while we consider the right reforms for the earmark process.'' You will not hear me say this very often, but I could not agree more with Congressman HENRY WAXMAN.

I encourage my colleagues to support this amendment. We need to start making tough choices around here—and we need to start today. We have to face the facts, and one fact is that we can't continue to spend taxpayers' dollars on wasteful, unnecessary pork barrel projects or cater to the special interests any longer. The American people will not tolerate any more ''bridges to nowhere,'' and they shouldn't.

AMENDMENT NO. 4297

Mr. HATCH. Mr. President, I rise to speak about an amendment that would ensure funding for an extremely important program, the Federal traumatic brain injury—or TBI—program. This is the only Federal program that helps the 3.5 million Americans living with TBI and their families.

In 1996, when I helped to create the Federal TBI program along with my colleague, Senator KENNEDY, most people had probably never heard of a traumatic brain injury. Many more people now are familiar with the term TBI because it has been increasingly highlighted in the media, but they may still not fully comprehend the gravity of such a condition.

TBI can strike anyone of any age without warning and with absolutely devastating results. For this reason, it is often called the ''silent epidemic.'' TBI is defined as brain damage from externally inflicted trauma to the head resulting in significant impairment to an individual's physical, psychosocial, and cognitive functional abilities. According to the CDC, brain injuries are among the most likely types of injury to cause death or permanent disability.

People ages 15 to 24 years and those over age 75 are the two age groups at highest risk for TBI. Motor vehicle accidents, sports accidents, falls, and violence are the major causes of TBI. TBI is particularly common among young males and people of both sexes who are 75 years and older. Because of its unique nature, TBI affects the whole family and often results in huge medical and rehabilitation expenses over a lifetime.

TBI may also be caused by explosives, and medical experts have described it as the signature wound of the Iraq war. Up to two-thirds of injuries in the Iraq war may be brain injuries.

TBI affects people like no other condition simply because it affects the brain. Just imagine what the consequences could be if the brain did not work properly. The brain is the control center of the central nervous system and is responsible for behavior and information processing. It controls cognition, perception, memory, and the ability to pay attention. The brain is also in command of posture, reflexes, movement, and coordination, as well as motor skills and other forms of learning. It performs a variety of body functions automatically, such as coordinating blood pressure and body temperature and breathing.

Given this, it is clear that an injury to the brain is unpredictable and has the potential to cause catastrophic results. TBI can be mild, moderate, or severe, depending on the extent of the damage to the brain and the actual location of the injury. TBI can cause a host of physical, cognitive, emotional, and social effects. Results can be anything from complete recovery to permanent disability or death.

As I mentioned, TBI is different from other disabilities due to the severity of cognitive loss. Most rehabilitation programs are designed for people with physical disabilities, not cognitive disabilities. Cognitive disabilities require more specialized accommodations than physical disabilities. Finding needed services is typically a logistical, financial, and psychological challenge for family members and other caregivers, because so few coordinated systems of care exist for individuals with TBI.

The program comprises surveillance and research activities at the CDC and

NIH, respectively, as well as grants through HRSA to fund State demonstration projects to improve access to health and other services and for protection and advocacy systems.

The passage of the original Traumatic Brain Injury Act of 1996 has improved TBI service systems at the State level and also increased the overall visibility and awareness of TBI. However, more work needs to be done at both the national and State level to build an effective, durable service system for meeting the needs of individuals with TBI and their families. There are still too many dots that need to be connected. We must not stop now. We must sustain this program.

That is why I have been working with my colleague, Senator KENNEDY, to reauthorize the program once again. I am pleased that our TBI reauthorization bill—S. 793—passed the Senate by unanimous consent on December 11, 2007. Just this week, the House Energy and Commerce Subcommittee on Health acted on its companion bill, H.R. 1418, and amended it with language from our Senate bill. I am hopeful that we can secure a timely passage of this reauthorization and thereby reaffirm our commitment to helping the TBI community.

Under the President's fiscal year 2009 budget proposal, funding is eliminated for this program. I support my President, and I support the goals of funding programs with proven performance accountability while reducing the deficit; however, I disagree with the proposal to cut this important program—the only program that helps this vulnerable population.

And I know that I am not the only one. This is not the first time elimination of the program has been proposed—but it keeps getting funded because others also feel it is an incredibly important program. It is a relatively small program, budgetwise, but that should not be a reason to ignore its significance or to let it fall by the wayside. That is why I have crafted this budget-neutral amendment to create a reserve fund of $9 million for the TBI program. This amendment will ensure the sustainability of this essential program, and the availability of services for individuals with TBI, and I urge my colleagues to support it.

AMENDMENT NO. 4270

Mr. LEAHY. Mr. President, the well publicized naturalization backlog that the administration has allowed to build up over the last year threatens not just to deprive hundreds of thousands of people the right to participate in the upcoming Federal elections, but it has undermined the legitimate expectations of those who have followed the law that their government will function as it is intended.

The related issue of a backlog at the FBI in completing security name checks in connection with naturalization applications not only contributes to these delays, but undermines the very purpose of the security check itself. If a security name check is pending for as long as three years, the result is that either someone who should not be in the United States is languishing unaccounted for, or that someone who should be approved is caught in a bureaucratic gridlock. Neither result is acceptable.

Our amendment gives Congress the flexibility to legislate a solution in relation to the backlogs at both the FBI and USCIS if the administration is unable to resolve this situation. Whether it is necessary to give more resources or additional authority to these agencies, it is becoming apparent that Congress may need to intervene. The administration's efforts thus far to address this issue are too little too late. Many in Congress have been rightly concerned about this situation in light of the serious security questions it raises, and we should not tolerate the vulnerabilities we are left with. What was a foreseeable situation was not foreseen. It is disappointing that for all of the administration's rhetoric in support of fair and realistic immigration reform, it has allowed this to happen. Those individuals who have come lawfully to the United States and who have proven their commitment through hard work, perseverance, and responsibility deserve better. I urge all Senators to join us in support of this amendment.

AMENDMENT NO. 4245

Mr. DURBIN. Mr. President, I am pleased to support the Biden/Lugar amendment that restores the full amount of the President's request for the international affairs budget.

While American military engagement overseas is at an all time high, the strength of our ideas, diplomacy, generosity, and values is at an all time low.

For example, America's lead development agency, the U.S. Agency for International Development, at one point in its history had more than 5000 full time foreign service officers working on health, education, agricultural, and political development around the world.

Yet today, while engaged in a global war of ideas and values, USAID has only 1000 foreign service officers. Its budget in real dollars has been cut by 27 percent from a high in the 1980s.

Similarly, the Peace Corps, one of our most successful programs at both sharing American values and assistance while also exposing our young people to the peoples and cultures of other worlds, has seen its budget in real dollars cut by almost 40 percent since its inception in 1967.

At a time when more and more failed states are in need of international peacekeeping missions, the United States is more than $700 million in arrears in U.N. peacekeeping dues.

Tragically, we have all become more aware of what dangers failed states pose and what misery they bring to their own people.

These stark shortcomings in American nonmilitary engagement overseas—our smart power—not only threaten our own security, but also who we are as a nation and how we are viewed abroad.

Defense Secretary Gates and many former military officers have spoken publicly about the need for a greater emphasis on American smart power. They recognize that our diplomatic, development, and economic engagement around the world not only lift the lives of others but also make us safer at home.

These investments in bringing stability, maternal and child survival programs, clean water and sanitation, economic development, and sustainable democratic institutions and processes cost a fraction of potential military engagement.

This amendment will not address all our international engagement needs and challenges—that will only happen when we take such steps as closing Guantanamo, unequivocally renouncing torture, and taking responsibility for our contribution to global warming—but the amendment is an important step in the right direction.

Finally, I want to emphasize the importance of America's continued generosity in funding programs to fight HIV/AIDS, TB, and malaria, diseases that kill over 6 million people each year.

Through its contribution to the global fund, the U.S. has helped save almost 2 million lives in over 100 countries during the last 5 years. This highly successful program, which uses contributions from around the world and works directly with individual country's health care providers and organizations, is a leading force for the fight against disease, improving the lives of others, and improving America's image around the world.

I believe America must work to meet a full one-third contribution to the fund's efforts and I hope funds from this amendment can help meet this important goal.

I similarly urge the Senate to support the upcoming reauthorization of the President's Emergency Plan for AIDS Relief, commonly known as PEPFAR. The President deserves credit for supporting this effort—an effort that should be continued.

AMENDMENT NO. 4232

Mr. SPECTER. Mr. President, I voted against the Allard amendment because I am not prepared to accept the blanket assessment by OMB as to which programs are effective or not effective. In my judgment, Congress should make the assessment as to which programs are effective or ineffective and then Congress should act to eliminate all of the ineffective programs.

AMENDMENT NO. 4218

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator SANDERS. Budgets are vital documents that reflect our national priorities, and few things are more important than ensuring the health and well-being of all our Nation's children. Yet for the past 7 years, we have been moving in the wrong direction.

Thirteen million American children now live in poverty, an increase of 12 percent since the year 2000. Democrats have worked hard to support struggling families, especially in these difficult economic times, but we have not done enough. This amendment helps to fill the gap.

Federal investments in early childhood education and care are especially important in reducing the effects of poverty. The facts are clear. Early education unquestionably helps children achieve at higher levels when they enter school. Children from low-income families who participate in high-quality early childhood education have to repeat fewer grades. They are less likely to require special education, less likely to commit crimes, and less likely to be dependent on public assistance.

Despite these compelling facts, the United States ranks 9th among 14 developed countries in public investments in early education. Only 14 percent of eligible American families have access to quality child care for their children, and half of our neediest children still lack access to Head Start.

The Sanders amendment brings greater opportunities for high-quality early education for the children who need it most. It provides an additional $5 billion for Head Start to carry out the reforms enacted last year. It supports programs offering needed transportation services to children and families, provides cost of living increases to program staff, enables programs to offer full-day, full year services, and provides other essential support as well—such as mental health services for young children and their families.

The Sanders amendment also provides an additional $4 billion for the Child Care Development Block Grant, to reduce the shortfall in child care assistance across the nation and improve the quality of such care. With these additional funds, overwhelmed parents will be better able to balance their child care obligations with their jobs, and make sure that their children have a safe place to go after school. The funds will also mean better training and support for child care workers, and strengthen coordination among federal, state and local programs.

We also need to do more to see that children have a safe and satisfactory environment to learn. Many schools across the country today are crumbling from disrepair, which creates a discouraging, inadequate environment for learning. The backlog on repairs is now estimated at $100 billion, and we can't afford to ignore it. This amendment makes a down payment on rebuilding the schools by authorizing $3 billion to begin the most urgently needed repairs.

Another key issue is the home heating crisis, which is also putting countless children across the country at unacceptable risk. They can't grow and develop normally if their homes are too cold, and their families can't even afford the fuel to cook their food. LIHEAP—the Low Income Home Energy Assistance Program—was intended to help families in need pay their energy bills, but it has never been fully funded. Too many families are left out of the program, and left in the cold. The funds in this amendment will support millions of additional households, and bring vital assistance to those in need.

Finally, the amendment provides funds to expand the Food Stamp Program. In these difficult economic times, more and more Americans are struggling to put food on their table. Thirty-five million Americans live in hunger or on the verge of hunger, an increase of nearly 2 million under the Bush administration. One in every six children struggle with hunger in the United States each year. How can we let that happen in the richest country in the world?

The Food Stamp Program has long provided vital support for low-income families. It improves their children's diet, their children's health, and their children's performance in school. The Sanders amendment will bring millions of additional families into the program, and give millions more children the chance for a brighter future.

Investing in our Nation's children is the best money we can spend. The Sanders amendment provides the funds we need to truly start fulfilling our commitment to America's children.

AMENDMENT NO. 4209

Mr. LEVIN. I am pleased to join Senator COLLINS today in offering the Collins-Levin energy independence amendment that sets forth important steps to be taken in the area of energy tax policy. The amendment we are offering will provide some improvements to the work already done by the Budget Committee.

The budget resolution before us includes a reserve fund for clean energy and the environment that establishes a framework for Congress to enact legislation that will reduce our dependence on foreign oil, reduce our greenhouse gas emissions, and protect the environment. Tax incentives such as extension of the renewable energy production tax credit and the Clean Renewable Energy Bond, CREB, program will be key components of such legislation. Both will expire at the end of 2008, and both are critical to the development of new renewable energy projects. Without an extension of the renewable production tax credit, many projects will be put on hold because they will be less financially viable. With the tax credit, these projects can go forward, and provide both investment in the economy and creation of new jobs. Similarly, the CREB program provides interest free borrowing by public utilities for qualified projects, by providing a tax credit for the taxpayer holding the bond. Eligible renewable projects are the same as those that qualify for the renewable production tax credit, including wind, solar, biomass, geothermal energy, landfill gas, trash combustion, and qualified hydropower facilities.

The amendment we are offering today adds several important tax incentives to those that may be included in the legislation under this reserve fund and it specifies an adjustment in the tax code that could be used to help pay for the tax credits proposed to be extended or established. The additions that we are proposing will help us take strides toward increased use of renewable sources of energy and away from our dependence on oil.

I want to mention 3 tax incentives that are included in this amendment that offer the potential to reduce significantly both our dependence on oil and our greenhouse gas emissions. We propose 2 tax incentives that address the production of ethanol from cellulosic sources and the production of biodiesel fuels, and we propose a new tax credit for plug-in hybrid vehicles.

Specifically, we propose extension of the current production tax credit for biodiesel fuel and the small-producer biodiesel tax credit, both of which will expire at the end of 2008. Extension of these tax credits were included in the 2007 energy bill but not enacted into law. Many of our small biodiesel producers are already having a hard time now because of the increasing prices of feedstock. Without this tax credit, they will not be able to stay afloat and we will lose these new sources of biodiesel fuels. We cannot afford to do that.

We also propose a new production tax credit for cellulosic ethanol. Current law provides for an ethanol blenders tax credit for ethanol from any source. Ethanol produced from cellulosic sources, however, offers the potential to reduce greenhouse gas emissions by 80 percent or more. Therefore, we propose a new per gallon production tax credit for cellulosic ethanol, up to a limit of 60 million gallons. This provision was also included in the 2007 energy bill but not enacted into law. Again, this is a necessary boost needed by those pushing the technology toward cellulosic ethanol to ensure that they are able to bring the technology to commercialization.

Finally, we propose a new tax credit for plug-in hybrid vehicles, including a

tax credit for hybrid conversion kits that can modify current technologies with the latest in battery technology as it is developed. This new tax credit would provide for a base tax credit of $3,000, with up to an additional $2,000 available based upon kilowatt hours of battery power capacity. This tax credit was previously included in the 2007 energy bill but not adopted in the final package. The combination of advanced battery technology and advanced hybrid systems offer tremendous potential for reduction of oil consumption, but tax incentives will be necessary to offset the increased cost to consumers and to achieve widespread acceptance by consumers. These tax credits will accelerate significantly the availability of these new plug-in hybrid vehicles to consumers.

Lastly, I want to say something about the offset that we propose. Our amendment specifies that legislation under this reserve fund may include adjustments to the amortization of geological and geophysical expenditures for major integrated oil companies to help pay for the new tax incentives. In 2005, the major oil companies testified that they do not need all of these tax breaks. Adjustment to these tax breaks could provide billions over 5 years—with that investment put into renewable sources of energy instead, I believe we can take significant strides toward reducing our dependence on oil and protecting the environment.

Ms. COLLINS. Mr. President, the Collins-Levin energy independence amendment will help set us on a path toward energy independence and provide a more sensible energy tax policy. The Collins-Levin energy independence amendment to the budget resolution specifies that legislation under the reserve fund for investing in clean energy, preserving the environment, and providing for certain settlements may also include tax credits for the following:

Our amendment expands energy tax credits to encourage replacement of old wood stoves with clean burning, more efficient stoves. Unfortunately, many of the wood stoves purchased decades ago are outdated, inefficient, and are contributing to both indoor and outdoor air pollution. The emissions from these old wood burning stoves present a serious health concern, contributing to such respiratory ailments as asthma and bronchitis. New, EPA-certified wood and wood pellet stoves can cut emissions by more than 70 percent and use as much as a third less firewood for the same amount of heat.

The production of ethanol from cellulosic sources and production of biodiesel fuels. These technologies each offer tremendous potential for reductions in our gasoline consumption and in greenhouse gas emissions and will help move our petroleum-based economy toward a renewable, sustainable forest bio-economy.

The purchase of plug-in hybrid electric drive vehicles. The combination of advanced battery technology and advanced hybrid systems offer tremendous potential for reduction of oil consumption, but tax incentives will be necessary to offset the increased cost to consumers and to achieve widespread acceptance by consumers. It is estimated that a plug-in hybrid could get the equivalent of 100 MPG, having a large impact on reducing our use of oil.

We would pay for these by scaling back a tax preference for large oil companies which their executives have testified they do not need. The amendment also specifies that legislation under this reserve fund may include adjustments to the amortization of geological and geophysical expenditures by integrated oil companies to help pay for the tax incentives.

In 2005, the major oil companies have conceded that they do not need this tax break. Adjustments to this tax break could provide billions over 5 years. There is no reason to provide reduced tax rates for one of the world's most profitable industries at a time when so many families and small businesses are struggling and when we need to address the long-term challenge of reducing our reliance on imported oil.

AMENDMENT NO. 4196

Mr. BAUCUS. Mr. President, I have been a strong proponent for repeal of the estate tax. Over the years, I have voted repeatedly to get rid of this tax. It harms American families, farms, and businesses.

Once I realized that repeal would not be enacted immediately, however, I worked to get a compromise for the American people. I am continuing that fight.

Last fall, during the farm tax markup, I announced my goal to develop a workable estate tax compromise that could be passed this year. I continue to be committed to that goal.

As chairman of the Finance Committee, I have been using the Senate process to fully analyze what we need to do. I have been holding hearings on effective estate tax reform.

The first estate tax hearing was held in November. The hearing focused on the scope of the problem. We had a second hearing yesterday to explore alternatives to our current estate tax system.

And in April, the Finance Committee will hold a final hearing to discuss reforms to our current system that go beyond rates and exemptions.

After those hearings, we plan to roll up our sleeves and begin working on an estate tax bill—a bill that will pass in the Senate. Once we develop that bill, we will have a markup in Committee.

My goal is an estate tax bill that will get enough support to pass. That goal will take time and work on both sides.

AMENDMENT NO. 4170

Mr. MCCAIN. Mr. President, I am pleased to lend my strong support for the amendment offered by Senator GRAHAM. We should always strive keep taxes low, but the threat of higher taxes is especially damaging during this time of subpar economic growth. I thank him for his leadership on this important, fiscally responsible proposal, and am pleased to join as a cosponsor. I believe this amendment addresses the most important issue among any that will be discussed during this budget debate, and the one that most clearly defines the differing governing philosophies between the majority and minority parties: The Democrat-controlled Senate wants to raise taxes by $1.2 trillion and immediately spend those tax dollars, while the Republicans want to prevent tax increases and reduce wasteful spending. It really is that simple.

All of us should be paying very close attention to the current economic realities facing our country. Almost daily, we are informed of worsening news on the market front, widening subprime mortgage delinquencies, defaults, and foreclosures, declining housing values, and a broadening credit crunch affecting all sectors of the economy. But we also need to look beyond the economic news—we need to focus on the American families who are struggling as a consequence, some close to giving up hope, and we need to help them. Having spent the past weeks and months traveling across America, I have heard first hand of the difficulties facing so many hard-working families. I can assure you, not one of them has asked for higher taxes.

Instead, we should he focused on sound, meaningful progrowth policies that will help create jobs. But the one thing that we should not do, under any circumstances given our present economy, is to raise taxes on American workers who are already struggling to put food on their tables and gas in their cars.

I have long fought against tax increases, as have my other colleagues supporting this amendment. This Congress has the power to keep taxes low. Instead, the majority party is actively seeking damaging tax increases on a broad spectrum of Americans 116 million taxpayers—$1,833 increase; 84 million women—$2,121 increase; 48 million married couples—$3,007 increase; 43 million families with children—$2,323 increase; 12 million single women with dependents—$1,091 increase; 18 million seniors—$2,181 increase; 27 million small business owners—$4,066 increase.

I oppose these efforts because millions of middle-class families will be hit with higher taxes, not just the rich. In fact, I believe the overwhelming tax increases that will occur under this budget will hit overwhelmingly the middle class.

Let me offer just a few examples of how families will be impacted if we fail to provide tax relief that our amendment would allow for. A family of four with two children who earn $50,000 annual income today—$53,400 in 2011—would see a $2,155 increase, from $1,128 to $3,283, or a 191-percent higher tax bill. A family of four with two children who earn $60,000 annual income today—$64,100 in 2011—would see a $1,901 increase, from $2,733 to $4,634, or a 70-percent higher tax bill.

Instead of increasing taxes as the Democrats' budget resolution envisions, and in turn spending that money on more Federal programs, or worse, earmarks, we should be focusing on less government, not more. Americans want jobs, not new Federal programs. Yet this budget provides for the largest tax increase in history—$1.2 trillion. And, not surprising, it calls for the largest spending increase in history—$1 trillion. And what does that get the average American family: a $2,300 tax increase. Thanks, but no thanks. Keep their taxes low and stop spending so much of their money—that is what most Americans will say—and I know because I hear that every single day.

What we should be doing within this budget resolution is considering the best long-term economic approach and acting accordingly. We need to adopt this amendment to avoid a crippling tax increase for millions of Americans. We need to adopt the DeMint earmark moratorium amendment, which I am pleased to also cosponsor, to rein in wasteful pork-barrel spending. We should eliminate the AMT, not just provide another 1-year patch as the Democrats are suggesting. These are steps we should take now to end the uncertainty facing American families and businesses—not raising taxes by $1.2 trillion.

As I said, this is a defining moment. American families want us to fix our economy and help those along the way who struggling the most. We have much ahead of us to do, and, unfortunately, the tax-and-spend budget resolution before us does not get us to where we need to be. Even worse, it is taking the country in the wrong direction.

I urge my colleagues to support this amendment.

AMENDMENT NO. 4195

Ms. SNOWE. Mr. President, today Congress is confronted with making difficult choices in developing the budget for fiscal year 2009. Undoubtedly, there will be issues that will divide us as we consider this budget resolution, but I do believe that surely we can all come together on other issues. One such issue that I hope we can find mutual agreement is the need to expand the availability of the child tax credit to more working families. This is an issue that I have long worked with my good friend, Senator LINCOLN, the senior Senator from Arkansas.

Specifically, I have joined Senator LINCOLN on an amendment that would create a reserve fund to lower the income threshold for the refundable child tax credit to $10,000 and de-index it from inflation. This amendment is modeled after legislation that I introduced last year with Senator LINCOLN, the Working Family Child Assistance Act.

In 2001, Congress doubled the child tax credit from $500 to $1000, and I along with the Senator from Arkansas pushed to make the child tax credit refundable for workers making around the minimum wage as well. As enacted, a portion of a taxpayer's child tax credit would be refundable beginning with up to 15 percent of earnings above the indexed $10,000 threshold.

The consequences of inaction are serious for low-income Americans living paycheck-to-paycheck. It means that tens of thousands of low-income families will be completely ineligible for a credit they should receive. This year, because the income threshold is indexed, only taxpayers earning over $12,050 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than $12,050 are shut out of the child tax credit completely.

Today I am introducing legislation, the Working Family Child Assistance Act, with Senators LINCOLN, OBAMA, and ROCKEFELLER that will enable more hardworking, low-income families to receive the refundable child credit this year. My legislation returns the amount of income a family must earn to qualify for the child tax credit to $10,000. Moreover, my bill would ''de-index'' the $10,000 threshold for inflation, so families failing to get a raise each year would not lose benefits.

The staff of the Joint Committee on Taxation has estimated that this amendment will allow an additional 600,000 families to benefit from the refundable child tax credit. The Maine Department of Revenue estimates that 16,700 families in Maine alone would benefit from our proposal. Two thousand of these Maine families would otherwise be completely locked out of the refundable child tax credit under current law.

I am committed to this issue, thank the Senator from Arkansas, and urge my colleagues to join me in supporting this critical amendment that will make the child tax credit available to 2 million children who would be otherwise ineligible. Most notably, this amendment is identical to the refundable child credit proposal the Senate passed in May 2001 as part of its version of that year's tax bill.

AMENDMENT NO. 4181

Ms. SNOWE. Mr. President, I rise to speak on an amendment, which passed today, that I introduced with my colleagues Senators PRYOR and BINGAMAN. The amendment will create a deficit-neutral reserve fund for science parks. This deficit-neutral reserve fund will help highlight the need for funding so this critical industry can continue to expand. Science parks are concentrated high-tech, science, and research-related businesses, and are an important tool in strengthening America's global competitiveness. Through the development of new innovative technologies, competing and complementary companies working within close quarters are able to build on each other's ideas when entering the national and global marketplace. Unlike well known industrial parks, science parks primarily focus on innovation and product advancement. These parks are a vital part of the Nation's economy, creating 2.57 jobs for each core job in a science park.

As a strong supporter of expanding America's science parks, I am the lead cosponsor of S. 1371, legislation which provides grants and loan guarantees to promote the development and construction of science, research, and technology parks. I adamantly encourage increased investment in new and existing science, research, and technology parks throughout the U.S. This amendment highlights that science parks need more funding to help drive innovation and regional entrepreneurship by enabling existing science parks to make needed renovations while also encouraging rural and urban States to undertake studies on developing their own successful regional science clusters.

Congress recently passed, and the President signed into law, the ''America Competes Act,'' legislation authorizing $43 billion of new funding over the next three fiscal years which will boost Federal investment in math and science education programs. Building on the efforts of the America Competes Act by increasing research funding and education for our innovative workforce is vital, and this amendment will help ensure that this workforce is provided with a place in which to operate.

Residency in science parks provides businesses numerous advantages such as access to a range of management, marketing, and financial services. At its heart, a science park provides an organized link to local research centers or universities, providing resident companies with constant access to the expertise, knowledge, and technology they need to prosper. These innovation centers are specifically geared towards the needs of new and small companies, providing a controlled environment for the incubation of firms and the achievement of high growth.

In my home State of Maine, we simply do not have the population density in any given area to support traditional science parks. However, Maine has been a national leader in providing business ''incubation'' services. Incubators, like science parks, are critical to

the success of new companies. To help start-up entrepreneurial companies in Maine, centers around the State provide business support tailored to companies in their region. The benefit of business incubators in Maine has been nothing short of monumental, with 87 percent of all businesses that graduate from incubators remaining in business. The seven technology centers located throughout Maine have played a pivotal role in promoting technology-led economic development by advancing their own regional competitive advantages. Under this amendment, funding can be made available for not only science parks, but business incubators may also be eligible for assistance.

It is also vital to point out that the jobs science parks create reflect the needs of a high-tech, innovative, and global marketplace. Science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs, for a total of 750,000 jobs in North America.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Through America's investments in science and technology, we continually change our country for the better. Ideas by innovative Americans in the private and public sectors have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage the advancement of this vital sector if America is to compete at the forefront of innovation. I thank my colleagues for their support of this amendment, and I look forward to working with my colleagues to secure additional funding to ensure the growth and prosperity of science parks.

AMENDMENT NO. 4121

Mr. GRASSLEY. Mr. Secretary, I want to talk for a moment about how important it is to encourage physicians to adopt e-prescribing. Some studies suggest that e-prescribing could save the Nation tens of billions of dollars. It can prevent doctors from prescribing a drug to a patient when he is allergic to it. It can prevent doctors from prescribing a drug that could cause dangerous interactions with a drug the patient is already taking. It can help doctors better use health plan formularies, saving themselves time and their patients money.

Senator SUNUNU knew this years ago. Well ahead of others, he was pushing to give incentives to physicians to buy and implement e-prescribing systems. Senator SUNUNU introduced a bill 3 years ago, but Congress wasn't ready to take his lead. We should be ready now. Studies show that only 11 percent of physicians are using e-prescribing.

Adopting e-prescribing isn't cost-free to doctors. Not only must they invest in the technology, but they also must reengineer their practices. This means lost time and money. And many doctors, especially rural doctors, cannot afford that. So providing some financial incentives to get them started makes a lot of sense.

There is bipartisan support for e-prescribing. Many members of the Finance Committee, Democrats and Republicans alike, have said how important they think it is. The administration, too, supports e-prescribing as an integral part of electronic health records. With all this support, it is time to get the job done. I support Senator SUNUNU'S amendment to provide financial incentives to encourage physicians to adopt e-prescribing. I urge my colleagues to support the amendment.

Mr. HATCH. Mr. President, I rise today to discuss my amendment to the fiscal year 2009 budget resolution, S. Con. Res. 70, which condemns the unwise practice of diversion of funds from the U.S. Patent and Trademark Office, USPTO.

By stopping the short-sighted practice of fee-diversion, Congress would ensure that all funds collected are available to modernize the USPTO and increase the number of examiners so that U.S. entrepreneurs receive swift, precise decisions to secure their intellectual property.

The patent system is the bedrock of innovation, especially in today's global economy. The USPTO is the sole intellectual property policy office in the U.S. Government and a leading agency for intellectual property protection and enforcement worldwide. The nature of the USPTO workload is constantly evolving and increasing year by year, and requires active, responsive management. Considering the value of our Nation's intellectual property and its contribution to building a strong and vibrant economy, it is incomprehensible to siphon these funds away from their intended use, especially during these trying economic times.

Patent applications reflect cutting-edge technology, and are increasingly complex. More than ever, resources commensurate with the burdens placed on examiners are needed to efficiently and accurately prosecute patent applications. The backlog of unfinished applications for U.S. patents might reach well over 800,000 this year alone. It makes no sense to me why Congress would siphon off funds from the USPTO at this crucial time. Now is the time to act to protect this important agency, which is so vital to our Nation's economy.

Last year alone, more than 467,000 applications were filed at the USPTO. The sheer volume of patent applications reflects the vibrant, innovative spirit that has made America a worldwide leader in science, engineering, and technology. No doubt, the number of applications is hampering the agency's ability to keep pace with the innovative thought of applicants and to be flexible with the emergence of new technologies.

By prohibiting the practice of diverting fees to pay for other programs, the agency will be able to ensure that fees paid by inventors are used solely for USPTO operations. The resource-starved agency is still trying to recover from the almost $750 million in patent and trademark application fees that were diverted away from the USPTO between 1992 and 2004. As a result, the agency has been unable to hire, train, and retain the number of qualified examiners needed to handle the ever-increasing number of patent application filings. Moreover, the practice of fee diversion has inhibited the agency from playing more of a key role in combating counterfeiting and piracy, both domestically and abroad.

I note that the Congress and the administration have permitted the USPTO to keep almost all of its fees for the last 3 fiscal years. But, there is nothing to prevent this devastating practice of fee diversion from happening in the future. This senseless starving of the USPTO must end.

I believe this sense of the Senate is the first step in acknowledging that Congress must act in short order to stop depriving the USPTO of funds it so desperately needs and give the paying applicants the quality and timeliness of service they are due.

For all of the above reasons, I encourage my colleagues to support this sense of the Senate.

Mr. SALAZAR. Mr. President, I rise in strong support of the budget resolution that is before the Senate today. I want to thank Chairman CONRAD for his leadership—he and the Budget Committee have put together a smart, fiscally disciplined budget that will help put our economy back on track while bringing our budget into balance by 2012.

This is the time of year when middle-class families across the country are sitting down at their kitchen tables with stacks of bills, tax forms, and a calculator. They are adding up expenses and incomes—and the numbers are not good.

The cost of health insurance is up. Mortgage payments are up. Gas prices are up. Food prices are up. Heating bills are up. Inflation is up. Unemployment is up.

Families' expenses are on the rise, but, for the last 7 years, wages have not kept pace. In times like these, it is hard to balance a budget, but American families don't have a choice. They either balance their budget or face debts and bankruptcy.

The Federal Government should take a lesson from American families: when pennies are tight, we need to be making smart, disciplined decisions that bring budgets into balance. That is no easy task when you consider the fiscal mess this Congress inherited.

In 2000, we were running $236 billion in budget surpluses. In 2006, the Federal budget deficit was $248 billion. The national debt will have gone from $5.8 trillion in 2001 to over $10 trillion by the end of this year. Think of that for one second: in just 8 years, this administration will have almost doubled the entire national debt. It is staggering. And it is the reason that Americans have lost trust in the fiscal policies of this administration.

But the budget resolution we passed last year and the budget resolution we are considering today rein in this recklessness.

This budget, thanks to the work of Chairman CONRAD and the Budget Committee, is the blueprint for how we fund our most important Federal programs, provide new tax relief, and bring the budget into balance within 4 years—without raising taxes.

And this budget puts the Federal Government back on a pay-as-you-go basis, meaning that if someone wants to pass a new Federal program or cut taxes—they have to find a way to pay for it. This is known as ''pay-go,'' and it is simple common sense.

It is not easy to enforce the type of fiscal restraint embodied by pay-go while addressing the most pressing challenges our country is facing, but this budget succeeds in doing just that.

I want to spend a few moments talking about the tax portions of the budget resolution because they are of direct interest to those middle class families who are feeling the squeeze of stagnant wages, rising costs, and declining home values. The underlying budget resolution offers AMT relief and measures to close the tax gap, and the amendment that Senator BAUCUS has offered would provide further relief.

The Baucus amendment would permanently extend a series of critical middle-class tax cuts and create new tax relief for two important groups: (1) Middle-class homeowners burdened by high property taxes and (2) veterans and servicemembers that are giving so much. As a member of the Senate Finance Committee, I believe that Congress should use the budget resolution to demonstrate its strong support for the tax policies that provide relief for middle-class families.

The Baucus amendment makes permanent the 10-percent tax bracket, the child tax credit, the adoption credit, the dependent care credit, and marriage penalty relief.

It helps address the housing crisis by allowing middle-income taxpayers an ''above-the-line'' deduction for property taxes. This would allow homeowners to deduct their property taxes whether or not they itemize their deductions, providing relief to a segment of the population that has been hard-hit by recent economic troubles.

In addition, the Baucus amendment includes a series of targeted provisions designed to provide tax relief to veterans and servicemembers, including a provision to allow servicemembers to count combat pay as income for purposes of the earned income tax credit.

Finally, this amendment will pave the way for meaningful estate tax reform by preventing any increase in the estate tax above the 2009 rate and exemption levels. The Finance Committee is working toward the goal of enacting permanent and comprehensive reform, and this amendment is an important step in the right direction.

These are not the only tax priorities that we intend to pursue this year, but they are at the top of the list for urgency and priority.

In addition to these tax cuts for middle class families, the budget establishes and funds priorities and programs that have been neglected for far too long.

For our Armed Forces, the budget provides full funding for our troops in Iraq and Afghanistan but also helps rebuild a military that has been under intense strain for five years. The Army Chief of Staff, General Casey, has been very clear that the current operational tempo and repeated deployments is putting the Army ''out of balance,'' and less able to respond to contingencies.

The National Guard has also been hit hard by the administration's policies—units have been short equipment for training, disaster response, and other missions. This budget, though, provides over $49.1 billion to recruit, train, equip, and sustain National Guard and Reserve units—these funds are desperately needed to reset the force. The budget also provides a 3.4-percent pay raise for military personnel, and rejects the administration's proposals for new TRICARE enrollment fees and higher deductibles for military retirees.

For our veterans, the budget provides $48.2 billion for discretionary programs, including medical care. This is $3.2 billion more than the President's proposed funding level and brings funding for the VA in line with the recommendations in the independent budget, which veterans' service organizations compile each year to guide funding for the VA.

I am particularly proud that the committee was able to fulfill my request to restore funding for major construction projects in the VA, including the Fitzsimons Hospital in Denver. The administration has been dragging its feet on the construction of major medical facilities that have been planned for years. The foot-dragging has only caused costs to rise and veterans to have to wait longer for modern medical facilities. This is unacceptable. I appreciate Chairman CONRAD's willingness to work with me to include funding and report language that will help get the VA back on track on these projects.

In addition to the good things that this budget does to rebuild our military, honor our veterans, and cut taxes for middle class families, it also provides adequate funding for domestic programs that are fundamental to Americans' economic security.

As a Senator from a State where 57 of our 64 counties rely on payment in lieu of taxes, PILT, to offset tax revenue that can not be collected from the federally owned lands in their county, I know how damaging the President's cuts to PILT are. For a county like Mineral County, CO, which has over half a million acres of Federal land, cuts to PILT are devastating to its budget. That is why I am proud that the Budget Resolution rejects the President's cuts to PILT and creates a deficit neutral reserve fund to accommodate legislation that will fully fund the program for five years.

I am also cosponsoring an amendment that Senator ENZI is offering that will help stop the Federal Government from raiding the States' share of mineral leasing revenues. Those revenues from oil and gas leases in Colorado, Wyoming, and across the West should be divided 50–50 between the state and the Federal Government. The administration succeeded in changing this formula in 2008, but the reserve fund that Senator ENZI's amendment creates would help ensure that this does not happen again.

But these aren't the only steps we can take in this budget to help rural economies. The budget resolution also makes a dramatic new investment in renewable energy development and research. It puts $2 billion into the Department of Energy EERE account, which funds research and development at labs like the National Renewable Energy Lab in Golden, CO. This is a $738 million increase over the President's budget. It will help accelerate the renewable energy revolution that is sweeping across the country, giving new life to rural economies.

On health care, the budget once again lays the groundwork for expanding health care coverage for children. On two separate occasions last year, the President vetoed bills that would have expanded the Children's Health Insurance Program. If not for those vetoes, 3.8 million more children would have health insurance today.

We are not going to give up that fight, so the budget provides up to $50 billion for CHIP so that we can expand coverage to 6 million more children.

And on law enforcement, the budget resolution rejects the President's proposal to eliminate the COPS program. This was the sixth straight year that the President has proposed massive cuts to a program that has put over 100,000 police officers on the streets. As a former attorney general, I can tell you just how misguided these cuts would be, if we allowed them to go through.

As American families sort through their finances, stack up their bills, and calculate their 2007 taxes in this period, they know they have to set priorities in their own budgets.

They expect the Federal Government to do the same: they expect Congress to assemble and pass a budget that is fiscally disciplined, that provides tax relief, and that funds those programs that are fundamental to our security and our economy.

I believe that this budget meets those objectives by putting us on track to balance the budget by 2012, despite the fiscal recklessness that will be the legacy of this administration.

I again want to thank Chairman CONRAD and the Budget Committee for all their work on this budget. I am proud to stand behind it.

Mr. KOHL. Mr. President, I will be supporting this budget resolution and would like to offer a few observations as we go forward.

I begin by expressing my appreciation to the chairman and ranking member of the Senate Budget Committee, as well as their talented staff. Plotting a fiscal roadmap is a difficult task. While everyone may not agree on the outcome, I think we all appreciate and commend the dedication and expertise of those who are at the center of the process.

Sandwiched as it was, between Super Bowl Sunday and Super Tuesday, the President's budget generated only passing scrutiny beyond the beltway when it was submitted earlier this year. I believe the budget before us improves on that plan substantially.

The President put forward a $3 trillion budget with near-record projected deficits and the biggest defense expenditure since World War II. It recycled a number of ill-advised proposals that have been roundly rejected in the past. It put the squeeze on Medicare and Medicaid. And it shortchanged future generations. Congress can and will do better in addressing the challenges Americans face on education, health care, job creation, crime prevention, and high energy costs. I look forward to working with Democrats and Republicans alike in developing bills that put the priorities of the American people first.

This budget invests in education by increasing resources for education and training programs. It provides for $13 billion in education tax cuts, which will help make college more affordable. It provides a $2 billion Education Reserve Fund to provide for school construction and facility improvements, as well as the reauthorization of the Higher Education Act and the extension of education tax credits and deductions.

This budget gives a little more hope for American families raising children with disabilities. The President's budget proposed $11.3 billion in funding for special education, which represents the lowest level of support since fiscal year 2002. Last year, over 56,000 Wisconsin students with disabilities did not receive needed services due to chronic underfunding of IDEA, and the President's budget sought to continue this shameful trend.

This budget is better for Head Start, a program that prepares low-income children to succeed in school. For every dollar invested in Head Start, Wisconsin reaps $15 in future higher earnings, fewer crimes, and less remedial education. Head Start's funding has not kept pace with inflation or had any cost of living adjustments. In fact, Head Start has been cut by 11 percent since 2002.

This budget resolution rejects the President's proposal to eliminate 48 education programs, including vital student financial aid programs like Supplemental Educational Opportunity Grants and the Perkins Vocational Education Program. The President's proposal would have translated into a loss of $24 million in Federal aid for Wisconsin career and technical education.

This budget rejects the over $200 billion in cuts to Medicare and Medicaid that the President proposed. Such large cuts to these programs cannot be sustained without our Nation's health care safety net suffering. The result would be fewer people with access to health care, and that is not acceptable. In Wisconsin, this would have meant $1.3 billion in cuts to hospitals over 5 years, decreased enrollment in BadgerCare, and drastic cuts in Medicaid. I am pleased that my home State of Wisconsin will not see President Bush's unrealistic health care funding cuts implemented.

This budget resolution provides for more funding for the National Institutes of Health and other health care programs. I believe we must continue to invest in the NIH.

This budget anticipates a $4 billion allocation for the Community Development Block Grant Program, an increase of $68 million from last year. The CDBG Program is the largest program that helps cities and states create job opportunities and affordable housing. For Wisconsin, that would translate into approximately $74 million if the increase is enacted. Given the current housing market crisis, a program like CDBG is vital for communities to combat rising foreclosures and create more affordable housing units through rehabilitation of those properties.

This budget resolution would allow restoration of the Manufacturing Extension Partnership program, MEP, at $122 million. MEP helps manufacturers streamline operations, integrate new technologies, shorten production times and lower costs, leading to improved efficiency. At a time when we want to increase economic activity and strengthen the manufacturing base of our Nation, the MEP is a fiscally sound investment of Federal resources.

I am especially pleased that the budget resolution includes a reserve fund to address child support enforcement. This gives Congress the leeway to repair the damage done under the Deficit Reduction Act which slashed funding for the child support enforcement program. Counties in Wisconsin are feeling the crunch of those cuts—and so are families relying on child support to make ends meet. I am hopeful that Congress will take the opportunity laid out in the resolution to help these families by restoring cuts to the child support program.

And finally, as chairman of the Senate Appropriations Subcommittee on Agriculture, I would be remiss if I failed to draw some observations about the President's budget and the situation we face on the WIC Program. I would like to insert for the record a letter which I recently sent to the Secretary of Agriculture. WIC provides essential nutrition assistance to pregnant women, infants, and children. It is widely recognized for the impact this has on early childhood development. It is a critical discretionary program that is underfunded in the President's budget.

Our Nation faces extraordinary challenges. War and terrorism demand resources and attention. An aging population struggles to find the money to educate the next generation while battling increased health care costs. Our economy is struggling to create jobs. We need a budget that does better on all these counts. We need one that sensibly faces these challenges. This budget may not be perfect, but it gets us closer to that goal and therefore earns my support.

I ask unanimous consent that a letter dated March 12, 2008, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 12, 2008.

Hon. ED SCHAFER,
Secretary, Department of Agriculture, Washington, DC.

DEAR SECRETARY SCHAFER: The Consolidated Appropriations Act of 2008 included the following language as part of its Explanatory Notes:

". . . the Department is directed, beginning on the date of enactment of this Act, and thereafter, to provide monthly reports on the program performance and estimated funding requirements to fully fund the WIC program. Timeframes addressed in these estimates should include the prior year, current year, and budget year of the President's budget submission, currently under consideration by the Congress and should separately address baseline program performance from the impact of current law and legislative budget proposals. The Department shall consider, and include in these estimates, current

participation trends and current Economic Research Service food cost estimates in developing updated WIC estimates.''

Although this measure was signed into law by the President on December 26, 2007, the first report pursuant to this directive was not received until March 4, 2008. It appears the Administration was either unable or unwilling to meet the established deadlines. This is unacceptable. The intent was clear, and similar disregard will not be tolerated in the future.

The letter accompanying the initial report notes that ''Since 2001, the Administration has consistently sought to ensure that all eligible women, infants and children seeking to participate in the WIC program can be served.'' Were that an entirely factual statement, this directive would not have been necessary in the first place.

Congress faced incredible difficulty fully funding WIC in FY 08 because program costs increased by more than $633 million above the President's budget request. This situation was never acknowledged by USDA in any responsible manner, nor were specific counter-measures recommended. Sadly, the Administration only recognized this problem (in the vaguest of terms and at the last possible moment) in response to a request by this Committee. That lack of responsiveness forced Congress to rely on updated estimates from an outside (and historically reliable) organization. While I value the expertise of outside organizations, I do not believe this is the best way to make important funding decisions on such a vital program. The circumstances we face demand much more meaningful cooperation between the Executive and Legislative branches of government.

As we contemplate that cooperation in the future, I am obliged as Chairman of the subcommittee to turn my attention to the Administration's FY09 budget request for WIC. Sadly, I find the Administration's proposal to be detached from reality. It is difficult to fathom, given current economic trends, that the Administration realistically believes an increase of $80 million is an appropriate amount for WIC. (The inadequacy of this request is tacitly acknowledged elsewhere in the budget which anticipates using $150 million in ''contingency'' funding for program participation, rather than reserving it for unforeseeable circumstances, which is its intended purpose.)

Outside estimates already provided to the Congress show that the WIC level requested in the budget is at least $400 million below the amount necessary to fully fund participation, assuming that Congress will continue to reject the Administration's attempt to cap administrative funding. My grave fear is that the Administration's inadequate WIC budget request will greatly diminish our ability to provide sufficient funding levels for other important functions of the Department.

Mr. Secretary, Congress did not create this WIC reporting directive to be difficult or require more work on the part of USDA. We are making an honest attempt to avoid the surprises and the dismal alternatives we faced last year when WIC costs increased suddenly and substantially, and we were forced to cut other important items at USDA in order to overcome this shortfall. Our hope was that these reports will be useful in protecting the integrity of USDA programs. They will be useless if the Administration refuses to provide the information in a timely and honest manner.

We are not asking for a budget amendment—simply information. Your initial report states that USDA believes the President's budget request is adequate, although it says participation estimates are already higher than anticipated. It further says that USDA will continue to monitor program performance. Continued monitoring means nothing unless you are willing to provide this information to the Congress. USDA employs many competent staff, including many at FNS and the Economic Research Service. I believe their expertise can provide better information than that which we have been sent so far.

It would be difficult to overstate the seriousness with which I view this issue. The WIC appropriation equals one third of this Subcommittee's entire discretionary allocation and estimate errors of only a few percentage points can mean shortfalls of hundreds of millions of dollars. You should know that if the Administration fails to provide this necessary information in the manner requested, this Subcommittee may, and likely will, take more stringent measures in the months to come. We are eagerly anticipating the next report, and hope that it will be a substantial improvement. We note that it is due to us before your testimony at the USDA budget hearing on April 8, 2008.

Sincerely,

HERB KOHL,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies.

Mr. LEVIN. Mr. President, this budget resolution lays out a fiscally responsible plan with the right priorities, which include job creation, tax breaks for the middle class, and programs that ensure the safety, health, and education of our Nation's children.

Our Nation is enduring hard economic times. Congress cannot neglect its responsibility to enact priorities which help our Nation return to a state of economic stability and prosperity. Through this budget, the Senate will set the blueprint for its work to help reverse the current administration's failed fiscal and economic policies.

Since 2001, we have lost over 3 million manufacturing jobs nationwide. My home State of Michigan has lost over 250,000 manufacturing-related jobs. The manufacturing industry faces pressure from international corporations that are subsidized by their respective governments; our own government needs to act to keep American manufacturing companies competitive in the global marketplace and competing on a level playing field.

That is why I am glad that the Budget Committee included in this resolution my proposal to establish a deficit-neutral reserve fund to promote American manufacturing. Congress needs to act to revitalize our domestic manufacturing sector.

The American Manufacturing Initiative, which I announced last year with a number of my colleagues, would help address critical needs in the manufacturing sector by increasing Federal support for research and development; expanding the scope and effectiveness of manufacturing programs across the Federal government; increasing support for the development of alternative fuels and leap-ahead automotive and energy technologies; and creating tax incentives to encourage continued U.S.-based production of advanced technologies and supporting infrastructure. Over the last year, we have been able to give more support to some components of the AMI—primarily increasing authorized funding levels for the Manufacturing Extension Partnership and the Technology Innovation Program and providing significant new funding for defense manufacturing programs—but much more needs to be done.

I look forward to continuing to work with my colleagues and the next president to support the manufacturing sector in a meaningful way, and make a wise investment in the long-term growth, health, and stability of the manufacturing industry.

I am also pleased that this budget paves the way for a second, much-needed, economic stimulus package. The economic stimulus package that passed in January of this year was a very modest first step toward addressing our economy's problems. Further initiatives such as an extension of unemployment insurance and housing relief are urgently needed and this budget provides $35 billion toward that effort.

The continuation of the pay-go rule, which would require any new spending or tax cuts to be paid for elsewhere in the budget unless a supermajority of at least 60 votes in the Senate agrees otherwise, shows that the Senate is committed to reversing the administration's digging into a deeper and deeper ditch of debt. I hope the Senate will live up to this important standard we set for ourselves.

This budget resolution will also allow for much-needed tax relief for middle-class families by shielding them from the alternative minimum tax. Congress has long known that this is the only fair thing to do for America's middle-class families, since the tax was never intended to impact them in the first place.

I am also pleased that we passed the Baucus amendment to pave the way for extending a number of existing tax cuts that help working families, including a tax credit provided for each child in a family and relief from the joint-filing penalty paid by America's married couples. It also extends estate tax reform at the 2009 level, meaning that married couples would be able to pass on to their beneficiaries estates worth up to $7 million before they become subject to the estate tax. The Baucus amendment also includes fully paid-for tax relief to members of America's military, including a provision allowing combat pay to count toward a refundable federal income tax credit.

I am pleased that the Senate adopted the Collins-Levin amendment that sets forth important steps to be taken in the area of energy tax policy.

Specifically, our amendment proposes extension of the current production tax credit for biodiesel fuel and the small-producer biodiesel tax credit, both of which will expire at the end of 2008. Many of our small biodiesel producers are already having a hard time now because of the increasing prices of feedstock. Without this tax credit, they may not be able to stay afloat and we could lose these new sources of biodiesel fuels. We cannot afford to do that.

We also propose a new production tax credit for cellulosic ethanol, up to a limit of 60 million gallons. Ethanol produced from cellulosic sources offers the potential to reduce greenhouse gas emissions by 80 percent or more. Again, this is a necessary boost needed by those pushing the technology toward cellulosic ethanol to ensure that they are able to bring the technology to commercialization.

Finally, we propose a new tax credit for plug-in hybrid vehicles, including a tax credit for hybrid conversion kits that can modify current technologies with the latest in battery technology as it is developed. The combination of advanced battery technology and advanced hybrid systems offer tremendous potential for reduction of oil consumption, but tax incentives will be necessary to offset the increased cost to consumers and to achieve widespread acceptance by consumers. These tax credits will accelerate significantly the availability of these new plug-in hybrid vehicles to consumers.

I am also pleased that this budget plan provides for Congress to go after the offshore tax haven and tax shelter abuses that are undermining the integrity of our tax system, and I commend Chairman CONRAD and the Budget Committee members for their willingness to address these complicated areas. Cracking down on these abuses is a critical step toward achieving fairness in our tax system.

For many years, the Permanent Subcommittee on Investigations, of which I am chairman, has been looking at the problem of offshore corporate, bank, and tax secrecy laws and practices that help taxpayers dodge their U.S. tax obligations by preventing U.S. tax authorities from gaining access to key financial and beneficial ownership information. The subcommittee has also investigated abusive tax shelters, which are complicated transactions that are entered into to provide tax benefits unintended by the Tax Code. They are very different from legitimate, congressionally-approved tax shelters, such as deducting the interest paid on your home mortgage or taking tax credits for historic building preservation. Abusive tax shelters, on the other hand, are marked by one characteristic: no real economic or business rationale other than tax avoidance. We cannot tolerate high-priced accountants, lawyers and banks concocting ways for tax cheats to offload the missing revenue from their unpaid taxes onto the backs of honest taxpayers. That is why I have introduced The Stop Tax Haven Abuse Act, on which I am proud to have as cosponsors Senators COLEMAN, OBAMA, SALAZAR and WHITEHOUSE. This bill provides a powerful set of new tools to clamp down on offshore tax and tax shelter abuses.

If Congress addresses these inequities, it would bring in billions of dollars needed to pay for many important national priorities. These priorities are recognized in this budget, including education, children's health care, veterans' medical care, community development block grants, and law enforcement. We can go a long way toward paying for these critical programs by stopping these tax dodges that rob the Treasury of up to $100 billion a year, and shift the tax burden from high income persons and companies who are principal users of offshore tax havens onto the backs of working families who pay their taxes.

This budget can provide for ample revenues by shutting them down, which is not only reasonable, but crucial to improving the integrity of our tax system. I applaud Chairman CONRAD and the Budget Committee, as well as the Finance Committee and Chairman BAUCUS and Ranking Member GRASSLEY, for their efforts on this front, and I look forward to working with them and other allies on this issue as we address these problems over the next year.

The blueprint set forth in this resolution is worthy of support. It sets us on a course of fiscal responsibility and paves the way for important investments in America's future.

Mr. LAUTENBERG. Mr. President, from 1997 to 2000, I served as ranking member of the Senate Budget Committee alongside Chairman DOMENICI, and I am proud to say that by the end of my tenure, the Federal Government had a budget surplus of $236.4 billion.

Today we face a starkly different picture. Our country is more in debt than ever, owing an astounding $9.3 trillion. Under President Bush's watch, the national debt will have almost doubled, and he has sacrificed the stability of our economy in the process. He has effectively taken our Nation from one of economic stability and prosperity to a nation on the brink of recession, and our children and grandchildren will be stuck with the bill for generations to come.

Each year, the President has a chance to do the right thing and propose to Congress a responsible budget which addresses the needs of our country and is fair to all Americans. I have been extremely disappointed these last 8 years as President Bush has continually presented us with budget proposals that have resulted in four of the five highest deficits in our country's history, leaving us with a staggering budget deficit of hundreds of billions of dollars. At the same time, his proposals have rewarded the wealthiest members of our society at the expense of the middle class and Americans struggling to earn a living.

I am proud to have helped ensure that Congress rejected these Bush proposals. Once again this year, we find ourselves in the same process.

In rejecting President Bush's fiscal year 2009 budget proposal, we in the Senate Budget Committee under the leadership of Chairman CONRAD have brought forward a budget that is not only fiscally responsible but also morally responsible. As a member of this committee, I was pleased to be able to help shape this budget.

This budget focuses on the real problems that Americans face. It includes tax relief for the middle class, makes much needed investments in our economy and our future, and keeps America safe by responsibly funding our homeland security needs.

One of the most pressing concerns to New Jerseyans, and all Americans, is tax relief for the middle class.

New Jerseyans in particular need relief from the unfair and unintended consequences of the alternative minimum tax, AMT. This tax was first imposed on the richest 155 families to ensure they did not abuse loopholes to avoid paying any taxes at all. But it has grown to ensnare far too many people, even members of the middle class, and has become an unfair and unintended tax. That is why it is so important that our budget includes AMT relief for over 1.4 million New Jerseyans who would otherwise be forced to pay this tax. That is a significant tax cut for the middle class.

I am pleased our budget includes this AMT relief, and I will continue to work diligently to help create a lasting solution to provide sufficient tax relief—from the AMT and other Federal taxes—for those who need it in New Jersey and nationwide.

I am also proud to be a cosponsor of the Baucus amendment to the budget, which the Senate passed today, to provide further tax relief for America's working families.

Our amendment permanently extends a lowered tax rate that benefits every single wage-earning American by keeping the tax rate on the first $7,000 of income earned to only 10 percent. This provision will save taxpayers an average of $498.

Our amendment also provides for the permanent extension of marriage penalty relief. According to the latest estimates, this extension will benefit 29.5 million Americans with an average savings of $686 per year. In addition, our amendment extends the refundable child tax credit which will provide an average of $1,025 in tax relief to some 31.3 million families.

Important especially to New Jerseyans, this amendment provides new relief from high property taxes. We pay among the highest property taxes in the country, and many in our State need help.

While two-thirds of all Americans are homeowners, only one-third of homeowners itemize property tax deductions on their tax returns. That leaves 28.3 million Americans without a property tax deduction benefit, over 451,000 of whom live in New Jersey.

Our amendment provides tax relief to those who don't itemize by creating a standard property tax deduction. For single filers, this amendment will provide $500 in property tax relief and for joint filers that number increases to $1000 in property tax relief.

Aside from providing middle-class tax relief, our budget prepares for our economy's future by making the necessary investments in critical priorities, such as infrastructure, energy, and education.

To keep America moving, we must invest in our transportation infrastructure.

Last year, we saw the I–35W bridge collapse in Minneapolis, MN. Some 25 percent of our bridges are still structurally deficient or functionally obsolete. Much of our surface infrastructure is in disrepair, and it will cost billions to improve it.

But less than 1 year after the collapse in Minneapolis, President Bush wants to cut funding for high and bridge repair by almost $2 billion.

He also wants to fund transit programs at $200 million below the level that Congress authorized. These cuts hurt States like New Jersey that need transit funding the most, and working families who depend on this transportation.

All of these programs are vital to commuters and travelers in New Jersey. After all, New Jersey is the most densely populated State in the country and is even more densely populated than the countries of India and Japan.

Traffic congestion on our roads costs our country nearly $80 billion a year—twice the Federal budget for highways. Commuters cannot afford to sit in traffic when gas prices are well over $3 a gallon, and our environment cannot afford the greenhouse gas emissions from these idling cars.

Our budget restores billions of dollars President Bush proposed in cuts to transportation and provides even more money to rebuild the backbone of our economy—our bridges, highways, skyways, seaports, airports, and transit systems. Our budget is expected to create 475,000 new transportation jobs, 7,900 in New Jersey alone. I was proud to sponsor an amendment to this budget to ensure that infrastructure projects involving rail transportation, including high-speed rail, airports, and seaports are eligible for this new funding.

Airline travelers fared no better under President Bush's budget proposal. The Bush administration's failures on aviation have led to one of the worst years ever for flight delays. More than one in four flights was late. Our air traffic control system remains dangerously understaffed, and air traffic controllers are overworked and fatigued. And there is a lack of leadership in preventing runway incidents.

One billion airline passengers will be flying each year by 2015. Now is no time to be cutting funding for our Nation's airports and runways by $765 million, as President Bush proposes. Our budget restores these cuts to aviation infrastructure to keep passengers moving.

President Bush is also trying once again to bankrupt Amtrak.

In a time of record high gas prices and record airport delays, we should not be taking away this popular, energy-efficient, and convenient travel option, which people are using in record numbers.

Last October, the Senate passed my legislation with former Senator Trent Lott to provide $11.4 billion for Amtrak to expand passenger rail in the United States, and I am working with my House colleagues to get it taken up and passed into law this year. It is time that America had a world-class passenger rail system.

I want to thank Chairman CONRAD working with me to ensure Amtrak's operations and capital needs are fully funded in this budget—a total of $1.8 billion, plus an additional $250 million for State passenger rail grants.

Another key feature of our budget is tackling the extremely important energy and environmental problems we are facing. Our budget shows real commitment to tackling these challenges.

The proposal by President Bush would cut funding for the Low-Income Home Energy Assistance Program, which provides much needed assistance for many contending with expensive bills to heat their homes in the winter.

President Bush also proposed major cuts to programs that reduce our greenhouse gas emissions and help us combat global warming—the most serious environmental threat we face. At a time when the science of global warming is certain, President Bush attempted to cut the budget for renewable energy by almost 30 percent. This is not a strategy to fight the climate crisis; this is simply the same old, ineffective energy policy.

Our budget not only restores these cuts but goes even further and calls for new programs that will reduce our dependency on foreign oil and help us fight global climate change.

When it comes to education, our budget addresses the real problems American families face with rising tuition costs. While New Jerseyans and the rest of the Nation have seen average tuition costs go up 52 percent since 2000, President Bush has continued to propose massive cuts in education programs. That is no way to ensure the future of Nation.

Not only does our budget reject these proposed cuts but it increases education funding by an additional $5 billion. That is a serious commitment to education.

Our budget puts in place policies that will help our children get the education they need to compete in a global society. It increases money for Pell grants and student loan programs so that our students can afford to go to college and achieve their dreams. Our budget also provides increased funding for early education like Head Start and puts additional resources into our public schools.

Another issue of importance to all Americans is ever-rising health care costs. Since President Bush took office, health care premiums have risen 40 percent in New Jersey. Our budget restores proposed cuts to Medicare, Medicaid, and other important programs to ensure all members of our society get the health care they need.

In addition, no responsible budget would be complete without dealing with the continuing threat of terrorism here in the United States.

While spending over $3 billion a week on the war in Iraq, President Bush has badly underfunded our homeland security needs, leaving our Nation at greater risk.

This risk is very real in New Jersey. The FBI has called the 2-mile stretch between Newark Liberty International Airport and Port Elizabeth, NJ, ''the most dangerous two miles in the country'' for terrorism.

Yet President Bush proposed cutting funding for State homeland security grant programs by almost 80 percent.

We all know that homeland security begins with hometown security. President Bush inherited a country where crime was going down thanks to successful, proven programs like COPS and Byrne Justice Assistance Grants, Byrne JAG.

But after declining for years, violent crime has gone up in each of the past 2 years. And now President Bush wants to eliminate critical funding for local law enforcement under COPS and Byrne JAG.

Thankfully, our budget restores funding for these programs and reaffirms our commitment to keeping our communities safe.

When it comes to taking care of the men and women of our military, I am very pleased that we have recognized the sacrifices our career military retirees make by rejecting President Bush's proposal for TRICARE enrollment fees and deductibles. This is something I have been working to fix permanently.

I also strongly support the 3.4-percent pay raise for military personnel

that our Senate budget resolution proposes. I believe our service men and women deserve the best benefits that a grateful nation can provide.

Lastly, and perhaps most prudently, this budget provides relief to those being hit hardest by the current downturn of our economy.

It is clear that our economy is struggling. In response to that, this budget provides an additional $35 billion for a future stimulus bill to help families and businesses boost the economy.

I am hopeful that this stimulus bill will include funding for our States, including increased Medicaid funding and even more infrastructure dollars.

I commend Chairman CONRAD for his leadership on this budget resolution, and I am proud to be a coauthor. It is a much needed step in the right direction.

Ms. MIKULSKI. Mr. President, I congratulate Senator CONRAD on this budget. He has done a brilliant job, and this bill will give us a safer country and a stronger economy. It will meet compelling human needs and take care of the long-range needs of America.

This budget reflects America's priorities and my priorities: finding cures for devastating diseases, helping families with special needs, protecting our homeland and protecting our communities, supporting our troops with what they need overseas—and what they need when they come back home.

Unlike President Bush's proposal, this budget makes a difference for families. It looks out for our returning military and rejects the President's Draconian cuts that would hurt the most vulnerable people.

I am for this budget because it takes care of NIH. NIH is a jewel in the Nation's crown. It is saving lives and improving our Nation's health by bringing discoveries to patients from the lab to the bedside. NIH needs adequate resources to meet its mission.

That is why I strongly supported doubling the NIH budget from $13.6 billion in 1998 to $27 billion in 2003, but this year the President shortchanged NIH. His budget flat funds NIH at $29.5 billion which doesn't even keep up with inflation.

Shortchanging NIH means we slow down research and slow down our transition from research to treatment. We need this research to improve the treatments for autism, Alzheimer's, diabetes, cancer, and heart disease.

I am on the side of science, which is why I joined my colleagues Senator HARKIN and Senator SPECTER to cosponsor an amendment to increase the NIH budget by $2.1 billion. This additional funding will improve the health of the Nation by supporting research on causes, diagnosis, prevention, and cures. So this funding will save lives today and tomorrow.

Our budget should save lives, and it should also improve lives—especially for the most vulnerable. In December, Bush announced a new rule which said CMS won't pay for most Medicaid case management services. This cuts our most vulnerable citizens off from their social workers and nurses.

This rule is just wrong. Without case management, Medicaid falls apart. If you don't provide the right services in homes and in schools, you can't coordinate health care plans to keep kids and the elderly healthy.

In Maryland, this rule would mean 200,000 poor adults and children with disabilities or chronic health problems may not receive case management services. And in these tough fiscal times, my State will lose over $66 million and 1,400 jobs: mostly nursing and social work jobs.

Our budget rejects the President's reckless rule until we have a new President and a new attitude. I am going to make sure that we keep the commitments in this budget and keep our promises to those sick adults and children who need our help.

Our budget also recognizes that families need a government that is on their side. However, the Bush budget shortchanges children with special needs and their families by not providing enough for IDEA. When Individuals with Disabilities Education Act, or IDEA, passed in 1975 Congress promised to pay 40 percent of costs. Thirty three years later, we don't even come close.

This year, IDEA should be funded at $21.5 billion, but it only got $11 billion. Bush talks about leaving no child behind, but his budget abandons a generation of children by making IDEA an unfunded mandate.

Senator SANDERS' amendment, which I cosponsor, would increase IDEA funding by $10 billion over the next 3 years and would dramatically improve services for 7 million children. These are children who can't make it on their own and who may need individual services like special attention from teacher's aides, speech therapy, and smaller classes.

These aren't ''extras.'' They are essentials that may mean the difference between self-sufficiency and a life of dependence. America needs to get behind our kids—by getting behind those kids that need us most.

The Bush budget also falls short, once again, when it comes to social services block grants. These are services that give people the tools they need to practice self-help such as child care assistance and treatment for substance abuse.

The Bush budget cuts SSBG from $1.7 billion to $1.2 billion. That is half a billion dollars that States won't have to help their most vulnerable residents. And the President wants to eliminate the program entirely in 2010. I am outraged that the President would be so coldhearted but I am proud that the Senate budget rejects these cuts and restores funding to $1.7 billion.

My home State of Maryland will receive $32 million this year. I know our communities need it—especially during these tough times. These services help families who are scrimping and saving to stay afloat.

I know about social services block grants. Before I was ''Senator Barb,'' I was ''Social Worker Barb.'' The services provided are about more than checking boxes and pushing paper; they are about helping people with their problems and meeting them where they are.

The Democratic budget also helps families by helping them keep what they earn for things that they need with smart tax breaks for the middle class. We do it responsibly and realistically by using the budget surplus to extend the tax breaks that matter to working families like the $1000 refundable credit per child, so families can make ends meet; like marriage tax penalty relief so that we don't put a tax on getting married; and like the 10 percent tax bracket so lower income working Americans keep more of their hard-earned pay check. Finally, we also make sure that AMT doesn't hit more middle-class families.

These are the tax breaks that help Main Street, not Wall Street, and they are tax breaks we can afford.

I am always going to fight for our first responders because we need to protect the Americans who protect us. But President Bush wants to eliminate Community Oriented Policing Program, COPS, funding. That is a $587 million cut from last year.

The COPS Program pays for cops on the beat because the way that you reduce crime is to increase cops. That is why Democrats added $599 million to our budget for COPS.

Firefighters also protect our communities. They need tools to protect themselves—and to protect us. Yet the Bush budget slashes funding for our first responders—eliminating one grant program for firefighters and cutting another grant program by $260 million.

They put their lives on the line every day; they should never be shortchanged by their government. That is why our budget rejects the administration's reckless cuts and adds $2.2 billion more for law enforcement and first responders.

The Democratic budget also supports our troops with what they need on the battlefield—and what they need when they come back home.

We fully fund the President's request for the military, and we take care of them here at home. I am so proud that Senator BAUCUS's amendment includes the Defenders of Freedom Act. These are tax breaks to reward soldiers for their service—a tax credit for businesses who keep National Guard and Reserve on their payrolls when reservists and guards are called to help their country and a tax break on money

earned because of service to the Nation.

I want everyone to look at what the Bush budget does for our veterans. It is unacceptable that the President underfunded programs for vets. Promises made must be promises kept. Vets fight our enemies on foreign battlefields; they shouldn't have to fight their own Government for the services and benefits they deserve.

Democrats understand, and we keep our word to America's vets by providing an additional $3.2 billion to come up to the funding suggested by Independent Budget.

Finally, as the chairman of the subcommittee that funds science and our space program, I am pleased that the Democrats have an innovation budget. This is a strong budget for NASA: $18.7 billion for NASA. That is $1 billion more than the President's request. NASA is our premier innovation agency. It creates new technologies that create new jobs and excites our next generation of scientists and engineers.

These extra funds will allow us to reimburse NASA for the costs of returning the space shuttle to flight safely after the Columbia disaster.

I have fought for this extra funding for several years, and I hope we can make it a reality this year in the CJS bill.

The budget also says that we must have a balanced space program of science, aeronautics, and space exploration and that we should work to close the 5-year gap in our human space flight program.

I support these goals and thank Chairman CONRAD for his leadership.

Yet I am disappointed that the budget does not recommend full funding for the American Competitiveness Initiative at the National Science Foundation and the National Institutes of Standards and Technology.

That is why I am supporting the Bingaman-Alexander amendment, to provide the fully authorized levels for these science agencies as recommended by the America COMPETES Act. This funding will provide critical investments in education in science, technology, engineering, and mathematics, STEM. This is the research that creates new technologies and new jobs.

It is an important time for America. Our economy is in trouble, and we need to spend wisely. Democrats are making the hard choices to make America stronger, invest in our future, and balance the Nation's checkbook.

The budget reflects the best of our country. It keeps commitments to vets and our first responders, invests in our kids and our future, and meets our economic challenges head on.

Let's get the job done and pass this budget. Americans deserve it, and the Senate needs to deliver.

Mr. INHOFE. Mr. President, I join my colleagues in expressing great concern for families struggling during these tough economic times. Costs are going up. Prices for everyday goods are increasing. Food costs are skyrocketing. Heating and electricity prices are on the rise. The price of gas is breaking all-time records. The family budget is being strapped. We all agree this is a time of great economic uncertainty.

But we disagree about how Congress should respond to this situation. What is the Federal Government's role? I will tell you precisely how we should not respond—when the costs of food and fuel for families are going through the roof. We should not add to that burden by increasing the cost of the Federal Government. Unfortunately, that is precisely what my friends on the Democrat side plan to do with their budget. With the family budget under serious threat, the other side of the aisle plans to expand the federal budget—at the expense of the family budget. I say to my friends: if there was ever a time not to raise taxes, if there was ever a time not to increase the costs people pay for the federal government, that time is now. Yet this budget contains the largest tax increase in America's history.

We all hear about rising energy costs. However, families are also taking another big hit in the pocketbook with food prices that are increasing at their fastest rates since 1990. Prices for many groceries are rising at double-digit rates. Milk prices increased 26 percent last year. The price for eggs is up 40 percent. Cheese prices have doubled from a year ago. Beef prices are up 50 percent. Flour is up about 20 percent since last year. Taken as a whole, food and beverage prices are rising at 4 percent a year, which is the fastest rate of increase in 20 years. All indicators point to this trend continuing, if not worsening.

Food, which accounts for about 13 percent of the family budget, is not the only expense that has seen dramatic increases. Energy costs now consume about 4 percent of a family's budget. On Monday, gas prices set a record high of $3.227 per gallon—while oil prices broke the all-time, inflation-adjusted record and rose to $108 per barrel. The cost of heating and powering a home is rising. The Energy Department is forecasting sustained increases in the demand and prices of electricity and residential energy usage. It is important to remember that even modest increases in home energy prices have a significant impact on the budgets of middle-income Americans.

Undoubtedly, the costs of many items in the family budget are increasing. In this context, Democrats are rolling out their budget plan, and what do we see? Unbelievably, we see plans to radically increase the cost that families will pay for the Federal Government. With the cost of so many household essentials skyrocketing, why are we raising the cost of the Federal Government? This is the last thing the economy needs. And it is the last thing families need.

This year, the Federal Government will tax $21,604 per household, spend $25,117 per household, and run a deficit of $3,513 per household. But it is not enough. It never is.

The budget we are considering contains a $1.2 trillion tax hike. On top of the thousands of dollars families are already paying for the Federal Government, on top of food costs and energy costs reaching stratospheric levels, the majority party is rolling out a budget plan with record tax increases. This budget plan increases taxes by more than $2,300 each year for 43 million families with children. $2,300 in addition to what these families are already paying.

I watch my colleagues on the other side come down to the floor one after another and complain that the Federal Government does not have enough money. Might I remind my friends that this budget is a $3 trillion budget. This government spends more money than the entire economies of most countries. In 2006, only two countries had entire economies—every good and service produced within their borders—bigger than $3 trillion. One was the United States. The other was Japan at $4 trillion. Germany ranked third in world GDP. Amazingly, my colleagues have proposed a budget that is bigger than Germany's entire economy in 2006.

Under the Democrat's budget, 43 million families face tax increases of $2,300. What could $2,300 buy for an American family? I started by talking about food costs, which are rising at the fastest rate in two decades. $2,300 could buy 8 month's worth of groceries for a family. Then I talked about record-setting energy costs; $2,300 could buy a family's electricity and home heating oil for an entire year.

Now more than ever, we need to protect the family budget from the Federal budget. The Democrat budget does exactly the opposite, containing massive tax increases. It deserves to be defeated.

While the family budget is under threat by Democrat's nondefense spending, our Nation is under threat by global terrorist forces. We must support our courageous men and women in uniform by adequately funding defense spending.

The greatest trust placed upon Congress by the American people is to provide for their security by maintaining a strong national defense. It is a trust we cannot betray. However, we are rapidly reaching a crossroads—a nexus that will determine America's security for the next several decades.

To better understand where we are today, it is important to understand how we arrived at this point. This Nation's historical pattern has been one

of a small professional military in peacetime, rapidly supplemented by a mobilization of civilians during war, followed by a rapid demobilization at the war's end. This demobilization or downsizing occurs within a context of balancing risks and threats. The trick is to retain and fund a force of sufficient size and capability to deter or dissuade, and, if necessary, to fight and win.

In the late 1970s, the military of the United States was a hollow force—low morale, low pay, outdated equipment, and unable to maintain the equipment it possessed. In the 1980s, Ronald Reagan expanded the military budget, increased troops size, reenergized weapons procurement, and revived our intelligence capabilities . . . returning this country back to its superpower status. The Cold War officially ended in 1990.

Much of this Nation's firepower is a legacy of the Reagan years. With the demise of the Soviet Union, our military was downsized to counter a ''perceived'' diminished world threat. Unfortunately, the global strategic environment has since then become increasingly complex, dynamic, lethal, and uncertain.

During the Clinton administration, I was on the floor every 2 weeks warning that we would live to regret the massive cuts and procurement holiday of the 1990's. I believe one of the great tragedies of our national security history is the military spending during this time passed.

Between fiscal year 1994 and fiscal year 2001, the DOD budget experienced a downward trend, $313.3 billion less than if it stayed true to the rate of inflation. Clinton's proposed budget was $99 billion less than what Congress believed defense required. The Clinton/Gore administration cut the defense budget by 40 percent, reducing it to its lowest percentage of the gross national product since before World War II.

As a result of these budgetary cuts, today's force is half the size of the military in the 1990s. The Army was reduced from 18 divisions to 10, the Air Force from 37 tactical air wings to 20, and the Navy from 568 ships in the late 1980s to only 276 today.

As our forces decreased in size, the number and lengths of deployments increased and international terrorism took the forefront. Afghanistan was used as a training ground for terrorists and the Taliban regime allowed al-Qaida unfettered mobility.

On February 26, 1993, a car bomb was planted in the underground parking garage below the World Trade Center, foreshadowing the 9/11 attacks. On June 25, 1996, the Khobar towers were bombed by Hezbollah, with intelligence pointing to support by al-Qaida. On August 7, 1998, there were simultaneous bombings at the U.S. embassies in Dar Es Salaam, Tanzania, and Nairobi, Kenya. On October 12, 2000 suicide bombers used a boat to attack the USS *Cole* while it was moored in Yemen.

America's response was comparatively restrained and, at best, inconsistent. Operation Infinite Reach included cruise missile strikes against Afghanistan and Sudan, but there was no real change. This inadequate response has been cited as a factor emboldening al-Qaida to undertake further plans. WMD proliferation throughout the world reached an unprecedented level.

The Chinese government learned that it could rely on our acquiescence. They transferred prohibited weapons technology to North Korea, Pakistan, Iran, Iraq, Syria, and other countries, threatened to absorb Taiwan, and intimidated our regional treaty allies, South Korea, and Japan. During this period, our country concluded, as Secretary Gates put it, ''that the nature of man and the world had changed for the better, and turned inward, unilaterally disarming and dismantling institutions important to our national security—in the process, giving ourselves a so-called ''peace'' dividend . . .''

We were wrong. The reason I talk about this is because it highlights what can happen when we don't adequately fund our military and provide it with stability and predictability about its future. The United States must build and sustain military capabilities required to respond to possible future threats across the spectrum of conflict.

The next war will not be like the past one—history has taught us this. We cannot assume freedom of the seas, freedom of air and space, and freedom of maneuver on the ground. In order to provide stability, America must be able to deter or defeat any threat, be it an insurgency or a challenge from a near-peer competitor. In order to provide this stability, Congress needs to guarantee a baseline in funding.

Guaranteeing a baseline budget, one that is indexed to our GDP, is the best way to accomplish this. Historically, defense spending was 4.6 percent in 1991 during the gulf war; 8.9 percent in 1968 during Vietnam; and 11.7 percent in 1953 during the Korean war. Across the last century, it has averaged about 5.7 percent. The fiscal year 2009 defense budget is $541.1 billion—approximately 3.3 percent of GDP.

We can no longer afford to kid ourselves that we are still sending our sons and daughters out with the best equipment available. In some cases, we simply can't match the quality of our competitors. In other cases, while we may have developed a superior system, we have restricted the quantity to a point where many of our soldiers, sailors, airmen, and marines are forced into battle with the older, inferior equipment.

Many other countries are able to buy avionics, airframes, and weapons—often mixed and matched together—to create aircraft that rival our current F–15, F–16, or Navy and Marine F–18, such as Russian Su–30s and 35s, or upgraded MiG–21s and MiG–29s. We can solve this problem if we decide to make the investment in our F–22 and F–35 programs, and buy the number needed to ensure American air superiority in the future. Despite the Air Force's requirement for 381 F–22 Raptors, it is now slated to only obtain 183.

Some systems in the Army are overmatched by systems sold by other countries. Four other countries have better artillery systems than the U.S. The British AS90, the Russian 2S19, the South African G6, and the German PzH 2000 are all superior in rate of fire and range to our Paladin. Though we are currently investing in Future Combat Systems, the Army has been forced to extend the production time by 4 years.

Our Navy and Marine Corps are being challenged by a variety of threats ranging from near-peer competitors, to non-state and transnational actors, to rogue nations and pirates. While trying to sustain and recapitalize their ships, submarines, aircraft, and ground equipment, they are being challenged across the globe. Russian and Chinese submarines continue to threaten our forces with China operating over 60 submarines. China, Japan, Australia, India, Malaysia, Pakistan, Indonesia, Singapore, Bangladesh, and South and North Korea either now have or are planning to acquire submarines. While most do not pose much of a threat to our more advanced fleet, that dynamic is changing. It is simply unacceptable that we have been forced into this predicament.

One can never predict future threats accurately. Our level of defense spending must consider the resources needed to meet current and future threats. A Pentagon official claimed 15 years ago that in 10 years we would no longer need a standing army. This is not the only example of flawed strategic thinking. We weren't able to predict the fall of the Soviet Union, or the rise in asymmetric warfare that we are currently engaged in. We built a force for 50 years that was predicated upon the idea that we would be fighting a conventional war against the Soviets in the heart of Europe. It doesn't matter how great our military leaders or intelligence is, our strategic thinking will always be imperfect. There will always be unknowns.

Tying defense spending to GDP accomplishes three things. First, it will allow our military to develop and build the next generation of weapons and equipment: Weapons and equipment that will be needed to maintain national security for the next 30 years; that will provide increased capability across the spectrum of warfare; and that have lower lifetime costs and increased readiness rates.

Second, it provides predictability for our military and industrial base. It allows the Department of Defense and the Services to plan and fund their acquisition programs based on a minimum known budget. We are no longer able to complete purchases of large acquisition programs in 3 to 5 years. To recapitalize the entire Air Force tanker fleet will take over 30 years. Programming from a known minimum budget for the out years will translate to less reprogramming and more stability for thousands of businesses throughout the United States at decreased costs.

Finally, a commitment to a minimum defense budget sends a clear signal to our military, allies, and enemies alike that we are committed to the security of our nation and the preservation of freedom and democracy around the world. Congress must provide the Department of Defense with the certainty and stability that comes with a long-term defense-spending plan.

Mr. LEAHY. Mr. President, I will support the Senate budget resolution brought to the Senate by the Budget Committee and Chairman CONRAD. This budget continues the long process that the new Congress started last year to restore fiscal responsibility and order to our Federal budget. I commend Chairman CONRAD and his colleagues on the Budget Committee for producing a responsible budget resolution that strives to meet the real needs of the American people and to optimize our Nation's most pressing challenges and opportunities.

As we debate the budget, it is important to recall how we got to this point. When he took office in January of 2001, President Bush inherited a record Federal budget surplus. Instead of steering the country on a prudent course that would have helped prepare for the retirement of the baby boomers, supported the aspirations of working families, met the pressing needs of those who are struggling, and paid down our large national debt, the President immediately pushed through more than $1 trillion in tax cuts aimed at the wealthiest Americans and corporations.

Since then, the Bush administration has pursued fiscal policies of recklessness and squander that have short-circuited the priorities of hard-working families, children and seniors. For the Bush administration, investments in health care, education, housing, the anticrime and antidrug work of our law enforcement community, our first responders, and the rising home heating costs of those who can least afford them have taken a back seat to a costly, misguided and mismanaged war in Iraq and to the administration's disastrous fiscal policies here at home.

Now that a worsening housing slump, high gas prices and dampened consumer confidence have caused jitters throughout our Nation's financial markets—leading to continued job losses and weaker-than-expected retail sales—the President's continued fiscal mismanagement has hamstrung the government's ability to provide needed investments in programs that will help hard-working American families weather the financial storm.

We cannot continue on the path of fiscal irresponsibility the current administration has set, by holding to a course that will cost more than $3 trillion in Iraq and ignoring the needs of our most important domestic programs. As far as the White House is concerned, anything goes when it comes to spending in Iraq, while the real priorities of the American people have been forced farther and farther back in the line.

With the budget plans of the past 2 years, the new Congress has ended the days of rubberstamping the President's budget, and the process has begun of shifting our country in a new direction that will be better for hard-working Americans everywhere. By strengthening our economy, creating jobs, investing in our infrastructure, increasing our energy independence and supporting our military veterans and first responders, the Senate's budget plan puts the concerns of the working Americans front and center. Moreover, by carefully targeting and reallocating resources, the budget resolution would return us to Federal budget surpluses in 2012 and 2013 and accomplish this without raising new taxes.

Mr. BYRD. Mr. President, I support this alternative to the President's deeply flawed budget policies.

The President submitted a budget request with a shocking price tag, $3.1 trillion. In the entire history of the Republic, the Congress has never had to grapple with such an enormous budget request. In the entire history of the Republic, the Congress has never had to reconcile such enormous deficits, the highest ever proposed by any administration. In the entire history of the Republic from George Washington, to Abraham Lincoln, through Franklin Roosevelt—in 220 years, after a Civil War, two World Wars, and the Cold War, after severe economic depressions, and stock market manipulations and crashes that eclipse anything we have seen in our lifetimes—the Congress has never, ever had to wrestle with such an alarming explosion in the national debt. No administration has ever proposed to borrow so much money. Once you look past the Orwellian rhetoric about earmarks, and see through the phony arguments about domestic programs somehow paying for everything else, you come to inexorable conclusion that this administration's policies have been an unmitigated, indisputable fiscal disaster.

What's most worrisome, is that the President's budget continues a dangerous practice of squeezing domestic agencies, and gambling that they can get by for another year, and another year, and yet another year on a starvation diet. Hurricane Katrina exposed the consequences of this kind of budgeting, when disasters inevitably occur and agencies like FEMA do not have the resources they need to respond. The same thing happened at the Mine Safety and Health Administration, where the administration chipped away at the mine safety budget for 6 years until it had lost inspectors, and teetered on the edge of disaster daily. Coal miners died because of budget decisions of this administration. Federal prisons are dangerously understaffed. Food safety inspections are alarmingly less than they should be. Our Nation is forgoing investments year after year to replace aging and deficient infrastructure, and that is going to come back to haunt us one day. There are consequences, sometimes deadly consequences, when the necessary operations of government are denied adequate funding.

Now the administration is telling local communities they must do without Federal investments in State economies, threatening community and neighborhood projects that have been long planned and supported by the Federal Government. Some may deceptively dismiss these investments as earmarks, but they are vital stimuli for communities, especially in the midst of an economic slowdown. The President has even taken the brazen step of instructing Federal agencies and offices to ignore congressional committee report language related to future appropriations bills. To direct executive agencies to ignore the guidance of congressional committees on a spending bill, opens the door to its doing so on other bills—maybe an appropriations bill, maybe an authorization bill, maybe a revenue bill, maybe on matters that are entirely unrelated to so-called earmarks. It is a dangerous, dangerous precedent, and something that is to be resisted.

After 8 years of budgets that have burdened future generations with enormous debt and interest payments, and left behind physical infrastructure that is dangerously underfunded, let us do what we should have done many years ago, and reject this President's ill-conceived proposal. I am glad that the Budget Committee produced an alternative budget, and I look forward to supporting it.

Mr. BIDEN. Mr. President, I rise today to speak in favor of the higher education tax provisions included in the fiscal year 2009 budget resolution.

I would like to begin by commending Chairman CONRAD and the rest of the Budget Committee for their foresight in providing for $13 billion in tax relief to help make college more accessible and affordable. Prioritizing education

in this year's budget, in my opinion, is a step in the right direction. If we do not change the status quo, over the next decade, an estimated 2 million students will not attend college because their families cannot afford it. We must not stand idly by while the goal of providing a better future for our children becomes unattainable. Qualified students should not be denied access to a college education because they cannot afford it.

Since my first Senate campaign in 1972, I have supported tax incentives to help families send their children to college. While we have come a long way since then, we must do more, such as enacting the bill I introduced last year—the College Affordability and Creating Chances for Educational Success for Students Act, S.1399—or ''College ACCESS Act.'' I would encourage my colleagues to consider one specific provision in the College ACCESS Act: the creation of a single $3,000 refundable tax credit, or the ACCESS credit.

The ACCESS credit would consolidate two existing tax incentives—the Hope credit and the tuition deduction—and replace them with a single $3,000 refundable tax credit. Families would no longer face the complex and varying eligibility criteria or the difficult task of determining which tax incentive has the greatest value. The ACCESS credit improves the existing tax incentives in several ways.

First, the ACCESS credit would allow families to claim the credit for each child in their household. While the Hope credit can be claimed for multiple students in a household, the tuition deduction can only be claimed once per tax return. The ACCESS credit removes this discrepancy.

Second, the ACCESS credit would be available for all 4 years of college and 2 years of graduate school. Presently, the Hope credit is available only for the first 2 years of a student's postsecondary education while the tuition deduction can be claimed for multiple years. The ACCESS credit remedies this discrepancy.

Another improvement is that the maximum value of the ACCESS credit is $3,000 per student, which covers the average cost of tuition at a public 2-year college and half the average cost of tuition at a public 4-year college. In comparison, the Hope credit's maximum value is only $1,650 per student and the tuition deduction's maximum value is only $1,120 per household.

One of the most important features of the ACCESS credit is that it would be refundable. The existing tax incentives for higher education are of limited or no benefit to low-income families who have no income tax liability. These families cannot claim either the Hope credit or the tuition deduction. The ACCESS credit's refundability provides relief for those that need it the most.

The ACCESS credit also broadens the income eligibility limits to help more middle-class families. Couples earning up to $130,000 could claim the full credit, while a reduced credit would be available for those earning up to $166,000.

A report issued by the Government Accountability Office found that 27 percent of eligible tax filers claimed neither the tuition deduction nor an education tax credit because of their complexity. Tax incentives cannot benefit students and their families if they do not know about them or understand their eligibility criteria or their value. The ACCESS credit would eliminate existing discrepancies and reduce the complexity of the existing incentives for students and their families, helping approximately 4 million more hard-working American families pay for college.

While a college education has never been more important, a college degree is fast becoming a luxury good for too many families. This budget provides us with an opportunity to reverse that trend. If we expect to maintain our status as a leader in the global economy, we must do more for our students. The ACCESS credit I have introduced would do just that, ensuring that the doors that lead to opportunity in our country remain open to all our children.

Mr. GRASSLEY. Mr. President, the budget resolution proposes that Congress delay several CMS Medicaid regulations that are unpopular with states and advocates. I know some people have concerns with the CMS Medicaid regulations. I am not going to argue they are perfect. I have issues with some of them as well.

However, the regulations do address areas where there are real problems in Medicaid. States don't have clear guidance and could be inappropriately spending taxpayer dollars. This leads to improper payments and wasteful spending.

We see this throughout the regulations in question. I have a CRS memo that shows some of the issues that exist under current law that I am going to be quoting from shortly, and ask unanimous consent at this time to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
March 13, 2008.

MEMORANDUM

To: Senate Committee on Finance—Attention: Rodney L. Whitlock, Ph.D., Health Policy Advisor.

From: Elicia Herz, Specialist in Health Insurance Financing; Cliff Binder, Analyst in Health Care Financing; Jean Hearne, Specialist in Health Insurance Financing; Rick Apling, Specialist in Education Policy.

Subject: Responses to Medicaid Regulation Questions Governing: Graduate Medical Education, Intergovernmental Transfers, School-based Services, Rehabilitation, and Targeted Case Management.

Per your request, we are responding to your specific questions on Medicaid regulations recently issued by the Centers for Medicare and Medicaid Services (CMS). Also as you instructed, we have framed our responses to your request in the context you described as if the proposed regulations did not exist:

''The questions below assume that none of the regulations are allowed to go into effect. Therefore, current statute and any regulations or guidance in place prior to the issuance of these regulations remain in effect.''

Your questions focus on specific aspects of selected issues addressed in the new Medicaid regulations regarding intergovernmental transfers (IGTs), graduate medical education (GME), school-based services, rehabilitation services, and targeted case management (TCM). Therefore, the responses provided in this confidential memorandum are neither intended to be a full discussion of CMS' justifications for each new regulation, nor the counterpoints raised by opponents of the regulations. The Congressional Research Service (CRS) is preparing several reports on these new regulations that will encompass fuller discussions of these issues.

In the meantime if you have addition questions or need clarification, please contact staff as follows: IGTs, Jean Hearne or Elicia Herz, GME and school-based services, Elicia Herz, the Individuals with Disabilities Education Act (IDEA), Rick Apling, and rehabilitation services and TCM, Cliff Binder.

1.0 Intergovernmental Transfers (IGTs)

1.1 Can a state pay a hospital and require the hospital to return a portion of the payment to the state?

Under certain circumstances, a state can require providers to transfer funds to the state and because a provider's Medicaid receipts are indistinguishable from other receipts, effectively a portion of Medicaid payments may be included in those transfers. There are two allowable methods states can use to require hospitals to transfer funds to states: intergovernmental transfers and taxes. Each method has its own set of requirements. Congress specifically protects the ability of states to collect funds from governmental providers through intergovernmental transfers as long as those transfers are certified public expenditures (Section 1903(w)(6)(A)). States are limited, however, in their ability to collect funds from non-governmental providers. States are able to collect funds from all types of providers through taxes as long as the taxes comport with federal Medicaid law.

2.0 Graduate Medical Education (GME)

2.1 Is there any guidance in statute for how states should bill CMS for IME and GME?

Most states make Medicaid payments to help cover the costs of training new doctors

in teaching hospitals and other teaching programs. Historically, both Medicare and Medicaid have recognized two components of GME: (1) direct graduate medical education (DGME) (e.g., resident salaries, payments to supervising physicians), and (2) indirect graduate medical education (IME) (e.g., higher patient costs in teaching hospitals due to treating sicker patients, residents ordering more diagnostic tests than experienced physicians).

There is one explicit reference to GME in the federal Medicaid statute. Section 1932(b)(2)(D) of the Social Security Act stipulates that non-managed care organization providers (non-MCO providers) that deliver emergency care to an MCO beneficiary must accept as payment in full (up to) the maximum amount applicable in the fee-for-service (FFS) setting, minus any GME payments.

There also is one explicit reference to GME in federal regulations at 42 CFR 438.6(c)(5)(v). This regulation stipulates that if a state makes payments to providers for GME costs under an approved state plan, the state must adjust capitation rates for managed care to account for those GME payments made on behalf of MCO beneficiaries, not to exceed the aggregate amount that would have been paid under the fee-for-service (FFS) delivery system. States must first establish actuarially sound capitation rates prior to making adjustments for GME.

These provisions are intended to prevent duplicate GME payments under Medicaid managed care since states may make supplemental GME payments directly to teaching hospitals outside of provider payments assumed in capitation rates to MCOs.

2.2 Do states bill for IME and GME using a consistent methodology?

There appear to be no data that directly address how states claim federal Medicaid matching dollars for payments related to IME and DGME. These payments may be included in claims for inpatient and outpatient hospital services when made on a FFS or direct payment basis, and also may be represented in claims for capitation rates paid to managed-care organizations.

Survey data show that 48 states provided payment for DGME and/or IME costs under their Medicaid programs. States use a variety of methods to calculate IME and DGME payment amounts under both FFS and managed care. Some states use more than one method. For example, under FFS in 2005, 20 states reported following Medicare's methodology; 12 used a per-resident amount based on a teaching hospital's share of total Medicaid revenues, costs or patient volume; 5 used a lump sum amount; 4 used a per-Medicaid discharge amount; and 19 states used other methods. Also, under FFS, states typically use two methods to distribute GME payments to hospitals. Thirty-one states included GME payments as part of the hospital's per-case or per-diem rates, 20 states made a separate direct payment to teaching hospitals, and 2 states used other methods.

Under managed care, ten states recognized and included GME payments in capitation rates for MCOs, but only two of those 10 required MCOs to distribute DGME/IME payments to teaching hospitals; the other 8 states assumed MCOs provided these payments to their participating hospitals.

2.3 Do all states separate out IME and GME in billing CMS?

Data do not appear to be available with which to directly answer this question. However, according to the AAMC survey, in 2005, 11 states reported that their GME payments to providers did not distinguish between IME and DGME under at least one delivery system (FFS, managed care, or both).

2.4 Does CMS know how much they are being billed for IME and GME?

States are not required to report GME payments separately from other payments made for inpatient and outpatient hospital services when claiming federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected state behavioral changes, for example.

3.0 School-Based Services

3.1 Based on the original intention of the program, are states under-funded by the federal government for the provision of IDEA services?

States, school districts, interest groups, and parents of children with disabilities often argue that the federal government is not living up to its obligation to 'fully fund' Part B of the Individuals with Disabilities Education Act (IDEA, P.L. 108–446) (the grants-to-states program). This argument can be made on one of two grounds.

First, when IDEA was enacted in 1975, the Congress set a goal (or made a promise—depending on one's interpretation of the legislative history) to fund up to 40% of the excess cost of providing special education and related services to children with disabilities. The metric used to measure excess cost is the national average per pupil expenditure (APPE). Appropriations for Part B have never reached the 40% level. Current appropriations represent about 17%. Based on this goal, promise, or intent, one can argue that IDEA has been under-funded.

Another argument for under-funding can be based on authorization levels contained in the Act. The 2004 reauthorization of IDEA added specific authorization levels for FY2005 to FY2011. The authorization levels were intended to provide a path to ''full funding'' by FY2011. The FY2008 authorization is $19.2 billion while the FY2008 appropriation is $10.9 billion. So the current appropriation is below the ''full funding'' level, which would be about $25 billion for FY2008, and it is significantly below the FY2008 authorization level, which was meant to be a target on the path to eventual ''full funding.''

3.2 Are school-based transportation services focused largely on children who are receiving IDEA services?

When certain conditions are met, the costs of transportation from home to school and back home again may receive federal matching funds as a Medicaid benefit. These conditions are: (1) the child receiving the transportation must be enrolled in Medicaid and receiving services pursuant to an Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP) under IDEA, (2) the need for specialized transportation must be listed in the child's IEP or IFSP, (3) the transportation is billed on a day when the child receives a medically necessary Medicaid covered service in school pursuant to the IEP or IFSP, and (4) the school or school district that is billing for the transportation must be a certified Medicaid provider. In this context, ''specialized transportation'' means the child requires transportation in a vehicle adapted to serve the needs of individuals with disabilities, including a specially adapted school bus. In addition, if a child resides in an area that does not have school bus transportation (e.g., areas in close proximity to school), but has a medical need for transportation that is noted in the IEP, that transportation may also be billed to Medicaid. Transportation from school to a provider in the community may also be billed to Medicaid for both Medicaid/IDEA children and Medicaid/non-IDEA children. These policies apply whether the state is claiming FFP for transportation as medical assistance or administration.

There does not appear to be data that show the proportion of school-based transportation services that are provided to Medicaid/IDEA versus Medicaid/non-IDEA children. It is generally assumed that such transportation is predominantly provided to Medicaid/IDEA children.

4.0 Rehabilitation Services

4.1 Do states bill CMS for rehabilitation services and how much has it increased recently?

There are two reporting mechanisms that states may use to report expenditures for optional rehabilitation services: the Form HCFA–64 and MSIS. States report expenditures on the Form HCFA–64, a quarterly financial accounting reporting form. There is a separate category on the HCFA–64 form where states may report optional rehabilitation services. States report rehabilitation expenditures through Medicaid Statistical Information System (MSIS). MSIS data are derived from individual paid Medicaid claims. Even though there is a category for reporting rehabilitative service expenditures, states have discretion in deciding which paid claims will be classified as rehabilitative services.

States report rehabilitation expenditures to CMS when claiming FFP. States or fiscal agents receive bills or Medicaid claims for payment from providers (e.g., hospitals, physicians, physical therapists, psychologists, social workers, nurses, and other providers). Claims submitted to Medicaid are verified that they meet certain requirements and electronically checked before being paid.

As shown in Table 1, in FY2005 total federal and state Medicaid expenditures reported via MSIS as rehabilitation services were approximately $6.4 billion. In FY1999, states reported MSIS rehabilitation expenditures of approximately $3.6 billion. Between FY1999 and FY2005, federal and state Medicaid rehabilitation expenditures increased by 77.7%. In FY1999, 1.2 million beneficiaries received rehabilitation services; but by FY2005, the number of beneficiaries receiving rehabilitation had increased by 36.2% to more than 1.6 million. Further, average per beneficiary rehabilitation expenditures increased by approximately 30% between FY1999 and FY2005. In FY2005 six states reported no rehabilitation services expenditures and another state reported only 2 beneficiaries received rehabilitation services.

TABLE 1: MEDICAID REHABILITATION SERVICES EXPENDITURES AND BENEFICIARIES FY 2005 AND FY 1999

Item	FY1999	FY2005	Percent Change FY1999–FY2005
Beneficiaries	1,207,543	1,645,095	36.2
Expenditures, Federal and State (in billions)	$3.6	$6.4	77.7
Average $/Beneficiary	$3,020	$3,916	29.7%

Source: Medicaid Statistical Information System (MSIS), FY1999 and FY2005, downloaded March 6, 2008. FY2004 MSIS data for Maine were used as an estimate of state expenditures for Rehabilitation in FY2005.

4.2 Is there clear guidance to states for appropriate billing for rehabilitation services so that states bill on a consistent basis?

Guidance for claiming rehabilitation service expenditures and receiving FFP can be found in Section 1901 [42 U.S.C. 1396] of the Social Security Act (SSA) which gives states the option to cover rehabilitation services. Section 1905(a)(13) of SSA, and Medicaid regulations [42 CFR 440.130(d)] define rehabilitation services broadly as ''any medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his or her practice under State law, for maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level.''

States may receive more explicit guidance on what specific services may be included as rehabilitation when preparing and submitting state plan amendments to CMS' Regional Central Offices. CMS' Regional and Central Office staff must review and approve all SPAs before a state may add or change a service.

In addition, a state Medicaid director letter (SMDL) was issued by CMS in June 1992 (#FME–42) that provided states some guidance on using the rehabilitation option as a vehicle for providing services to mentally ill beneficiaries. This letter reiterated regulatory guidance that rehabilitation services were intended to be ''medical and remedial in nature for the maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level.'' The letter offered some examples of services that states could cover under the rehabilitation option including: basic living skills, social skills, and counseling and therapy. The SMDL also described examples of services CMS believed to fall outside of the definition of rehabilitation including: vocational training, direct personal care services, case management (case management is covered under a separate benefit option).

There have been several attempts to clarify in statute and regulation what activities states may cover as rehabilitation services. These administrative and legislative activities strived to define how rehabilitation service benefits should be used as well as to control or reduce states' rehabilitation service expenditures. For example, the Secretary approved a few states to cover habilitative services in the 1970s and 1980s under the rehabilitation option for individuals with mental retardation. Habilitative, in contrast to rehabilitative services, are intended to help individuals acquire, retain, and improve self-help and adaptive skills, but are not intended to remove or reduce individuals' disabilities. The Secretary later withdrew approval for habilitative services, because the services were determined to not meet conditions to qualify for the rehabilitation benefit.

In 1989, with passage of the Omnibus Budget Reconciliation Act of 1989 [§ 6411(g), P.L. 101–239)], Congress intervened and specifically allowed states that already had received the Secretary's approval to cover habilitative services for individuals with mental retardation to continue to cover these services. Congress disallowed other states from being approved to cover habilitative services for mental retardation.

4.3 Is there clear guidance to states so that they can tell when they should be billing Medicaid for rehabilitation services or another program?

States need initial CMS' approval for state plan amendments to offer services for rehabilitation. There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services. However, there is some informal guidance that states could utilize from GAO and HHS/OIG reports as well as audits, SPA denials, disallowances, and deferrals (see footnotes in next section).

Guidance also is often provided on a state-by-state basis from CMS' Regional Office staff. CMS' Central Office staff in the Center for Medicaid and State Operations also may provide individual state guidance on what services might be claimed as rehabilitation services.

4.4 Is there a clear definition for states of what constitutes 'rehabilitation'?

Section 1905(a)(13) of SSA, and Medicaid regulations [42 CFR 440.130(d)] define rehabilitation services broadly as ''any medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his or her practice under State law, for maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level.''

In 2006, 47 states and the District of Columbia covered rehabilitation services. Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catchall. Services provided under the Medicaid rehabilitation optional benefit span a broad range of treatments from physical rehabilitation to behavioral health and substance abuse treatment, but there may not be consensus on one definition of Medicaid rehabilitation. GAO in particular has attributed confusion about the rehabilitation benefit to the lack of clear guidance and inconsistent enforcement of existing regulations across states and CMS Regions. Some states have been audited and faced subsequent disallowances and claim denials, while other states have been permitted to continue similar rehabilitation claiming practices.

Often Medicaid rehabilitation services assist beneficiaries who have mental-health conditions. In one study, nearly 80% of MSIS claims that states classified as rehabilitation expenditures, contained a diagnosis for mental health. Programs like the New Freedom Initiative that encouraged better integration and acceptance of mental health treatments and settings might have led states to utilize Medicaid rehabilitation benefits to reach mentally-ill beneficiaries. Also, state initiatives to close psychiatric facilities may have contributed to a surge in utilization of the Medicaid rehabilitation benefit for providing treatment to individuals with mental illness. Although mental health services are important, even dominant components of states rehabilitation service benefits, they are not the only services encompassed by the benefit. States also utilize rehabilitation to assist beneficiaries with services such as physical, occupational, and speech therapy, as well as other comprehensive services to treat and help individuals recover from substance abuse disorders.

5.0 Targeted Case Management (TCM)

5.1 How do states bill CMS for case management services and how much has it increased recently?

In 2006, only Delaware did not cover TCM. Most states report TCM expenditures in their Medicaid Statistical Information Systems (MSIS) data. MSIS data are derived from paid Medicaid claims. In FY2005, six states and the District of Columbia did not report any TCM expenditures in the MSIS data. In addition, states report Medicaid expenditures to CMS to claim FFP using a financial accounting form (Form HCFA–64). The HCFA–64 has a reporting line for targeted case management. In FY2006, total federal and state expenditures for TCM reported on the HCFA–64, were $2.8 billion (individual state-by-state expenditures were not available from this data source). Expenditures reported on the HCFA–64 and MSIS data for the same years can vary considerably, since these systems for capturing and reporting Medicaid activity are independent of each other. HCFA–64 data were for FY2006, while the most recently available MSIS data were reported for FY2005.

Medicaid expenditures for TCM have increased rapidly. As shown in Table 2, between FY1999 and FY2005, total federal and state TCM expenditures reported in MSIS more than doubled from $1.41 billion in FY1999 to $2.9 billion in FY2005. For the same period, the total number of beneficiaries increased 62.6% from approximately 1.7 million in FY1999 to approximately 2.7 million in FY2005. The average expenditures per beneficiary also increased during the period FY1999–FY2005 rising by nearly 27%, from $834 in FY1999 to $1,058 in FY2005.

TABLE 2: MEDICAID TARGET CASE MANAGEMENT EXPENDITURES AND BENEFICIARIES FY1999 AND FY2005

Item	FY1999	FY2005	Percent change FY1999–FY2005
Beneficiaries	1,687,440	2,744,027	62.6
Expenditures, Federal & State (in $ billions)	$1.41	$2.90	105.7
Average $/Beneficiary	$834	$1,058	26.9

Source: Medicaid Statistical Information System (MSIS), FY1999 and FY2005, downloaded March 6, 2008. FY2004 MSIS data for Maine were used as an estimate of state expenditures for TCM in FY2005.

5.2 Is there clear guidance to states for appropriate billing for case management services so that states bill on a consistent basis?

Guidance for states on appropriate claiming of federal financial participation for TCM can be found in a number of official and unofficial sources including: a 2001 letter to state Medicaid and child welfare directors (SMDL 01–013); the Medicaid statute, Sections 1905(a)(19) and 1915(g) of the SSA; Section 6052 of the Deficit Reduction Act of 2005 (DRA, P.L. 109–171); Medicaid regulations at 42 CFR Parts 431, 440, and 441 (§§ 440.169 for TCM definition); the state Medicaid manual at Section 4302, Optional Targeted Case Management Services—Basis, Scope, and Purpose; CMS' Regional Office staff and CMS' Central Office state representatives; unofficial sources, such as reports from Health and Human Services (HHS) Office of Inspector General and the U.S. Government Accountability Office (GAO); and denials and approvals of state plan amendments.

In reviewing states use of contingency contractors, GAO found that CMS has allowed some states to continue to claim for TCM services even though other states were denied approval for state plan amendments for similar proposals to provide TCM services. In addition, some states received disallowances, deferrals, and denials for TCM services, while other states were not audited for similar practices. States received guidance on TCM claiming for foster care in a January 2001 letter to state Medicaid and child welfare directors (#01–013). This letter reiterated the statutory definition of TCM and described services ''commonly understood to be allowable'' as case management including: (1) assessment of the eligible individual to

determine service needs, (2) development of a specific care plan, (3) referral and related activities to help the individual obtain needed services, and (4) monitoring and follow-up. Moreover, CMS added that, ''In general, allowable [case management] activities are those that include assistance in accessing a medical or other service, but do not include the direct delivery of the underlying service.'' Although there has been guidance for individual states and some indirect guidance and discussion on TCM claiming, states have received limited written national guidance from CMS.

HHS/OIG and GAO have documented what they describe as states' attempts to maximize FFP by claiming additional TCM. These tactics include the use of contingency contractors who allegedly assisted states in exploiting ambiguity in Medicaid statutes and regulations to claim additional FFP. Another tactic CMS and GAO cite that states use to increase Medicaid matching funds is the practice of paying for direct services delivered by staff of other state social services programs, such as schools, juvenile justice, parole, child welfare, and foster care programs. Furthermore, CMS and GAO have cited problems with states' use of cost allocation plans that duplicate claiming for administrative expenses by several programs. CMS has repeatedly cited these abuses as rationale for explicit and comprehensive TCM regulation.

5.3 Is there clear guidance to states so that they can tell when they should be billing Medicaid for case management services or another program?

States may find guidance on whether services should be billed as Medicaid case management/TCM or as components of other programs: the state Medicaid manual at Section 4302, Optional Targeted Case Management Services—Basis, Scope, and Purpose; a 2001 letter to state Medicaid and child welfare directors [(SMDL 01–013), see reference in previous section]; HHS/OIG audits, such as (A–07–06–03078) [see footnote below]; Sec. 6052 of the Deficit Reduction Act of 2005, (DRA, P.L. 109–171); denials and approvals of state plan amendments; and CMS's Regional Office staff and CMS's Central Office state representatives.

Although there may be a number of issues related to claiming FFP for Medicaid addressed in these sources, at least two issues have been sources of confusion, misunderstanding, and dispute. One issue where there has been misunderstanding is non-duplication of payments. Guidance for states on non-duplication of payments can be found in the State Medicaid Manual, ''Payment for case management services under 1915(g) of the [SSA] Act may not duplicate payments made to public agencies or private entities under the program authorities for this same purpose.'' States can not receive Medicaid FFP for services provided to beneficiaries who received these services from other state agencies, such as schools, foster care, child welfare, and juvenile justice. However, there has been misinterpretation and disagreement about claiming of a share of administrative costs attributable to other programs where there is overlap between Medicaid and other state programs (e.g., foster care, special education, and juvenile justice). The aforementioned sources advise states to allocate administrative costs between the overlapping programs in accordance with OMB Circular A–87 under an approved cost allocation plan.

Another area where there has been some disagreement is over the direct delivery of services by other programs where Medicaid is then charged for the direct services provided by the other program. A letter to state Medicaid directors (January 19, 2001, SMDL 01–013) indicates that FFP would not be available for the direct delivery of services by another program:

''Unallowable services: Medicaid case management services do not include payment for the provision of direct services (medical, educational, or social) to which the Medicaid-eligible individual has been referred. For example, if a child has been referred to a state foster care program, any activities performed by the foster care case worker that relate directly to the provision of foster care services cannot be covered as [Medicaid] case management.''

Subsequent HHS/OIG audits recommended that CMS establish policies and procedures to ensure state FFP claims do not include direct medical services.

Mr. GRASSLEY. Mr. President, I will start with the public provider regulation.

We know that in the past, many states used to recycle Federal health care dollars they paid to their hospitals to use for any number of purposes beyond health care.

It was an embarrassing scam that several administrations tried to limit.

This administration has gone a long way towards cleaning that up and the oversight of payments to public providers is part of that effort.

I have taken issue at times with the administration's methods. I don't believe they have their public provider definition right in the current regulation.

That said, simply making the CMS regulation go away opens the door for a return to the wasteful, inappropriate spending of the past.

Quoting from the CRS report, ''Under certain circumstances, a state can require providers to transfer funds to the state and because a provider's Medicaid receipts are indistinguishable from other receipts, effectively a portion of Medicaid payments may be included in those transfers.''

Intergovernmental transfers do have a legitimate role, but it is critical that states have a clear, correct understanding of what is a legitimate transfer and what is not.

If the regulation goes away, those lines will still not be adequately defined.

Now I would like to turn to the new regulation on graduate medical education. I personally think Medicaid should pay an appropriate share of graduate medical education or GME.

But I would like to see us put that in statute rather than return to the current customary practice because I don't think the taxpayers are well served by the way Medicaid GME operates today.

If we simply make the regulation go away, what are the rules for states to follow?

There are five different methods States use in billing CMS, eleven States don't separate IME from GME, and CMS can't say how much they are paying States for GME.

Let me quote from the CRS memo: ''States are not required to report GME payments separately from other payments made for inpatient and outpatient hospital services when claiming federal matching payments under Medicaid. For the Medicaid GME proposed rule published in the May 23, 2007 Federal Register, CMS used an earlier version of the AAMC survey data as a base for its savings estimate and made adjustments for inflation and expected state behavioral changes, for example.''

To make their cost estimate for the regulation, CMS relied on a report from the American Association of Medical Colleges to determine how much they are paying for GME in Medicaid. That's because the states don't provide CMS with data on how much they pay in GME.

That is simply unacceptable.

You can disagree with the decision to cut off GME, but simply leaving the current disorderly and undefined structure in place is not good public policy.

Now let me turn to the regulations governing school-based transportation and school-based administration.

Is it legitimate for Medicaid to pay for transportation in certain cases? I think the answer to that is ''yes.''

I do think it is legitimate for Medicaid to pay for transportation to a school if a child is receiving Medicaid services at school.

That said, we should have rules in place that make it clear that Medicaid doesn't pay for buses generally.

We should have rules in place that make it clear that schools can only bill Medicaid if a child actually goes to school and receives a service on the day they bill Medicaid for the service.

You can also argue that the school-based transportation and administrative claiming regulation went too far by completely prohibiting transportation, but if making this regulation go away allows States to bill Medicaid for school buses and for transportation on days when a child is not in school, we still have a problem.

It is also critical that Medicaid pay only for Medicaid services.

We all openly acknowledge the federal government does not pay its fair share of IDEA.

Quoting from the CRS memo: ''States, school districts, interest groups, and parents of children with disabilities often argue that the federal government is not living up to its obligation to 'fully fund' Part B of the Individuals with Disabilities Education Act (IDEA, P.L. 108–446) (the grants-to-states program).''

We can also acknowledge that just because IDEA funding is inadequate, States will try to take advantage of Medicaid to make ends meet.

Again quoting from the CRS memo: ''It is generally assumed that such

transportation is predominantly provided to Medicaid/IDEA children.''

We should define clear lines so that States know what is and is not Medicaid's responsibility.

Now I would like to turn to the rehabilitation services regulation.

I certainly wouldn't argue that Medicaid paying for rehabilitation services is a bad thing. We want Medicaid to help beneficiaries get better.

But States must have a common understanding of what the word 'rehabilitation' means in the Medicaid program.

Again quoting from the CRS memo: ''Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catch-all.''

Also, States need clear guidance on when they should bill Medicaid or another program.

Again quoting from the CRS memo: ''There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services.''

You can say the CMS regulation went too far, but that does not mean there is not a problem out there.

As CRS notes, billing for rehabilitation services between 1999 and 2005 grew by 77.7 percent. I am far from convinced that all of that growth in spending was absolutely legitimate.

Finally turning to the case management regulation, I first want to point out the issues relating to case management are a little different than issues associated with some of the other Medicaid regulations I have discussed so far.

The provision in the Deficit Reduction Act of 2005 (DRA) relating to case management received a full review in the Finance Committee, along with Senate floor consideration and conference debate prior to enactment of the DRA. This regulation relates to a recently enacted statutory provision.

Certainly there is reason to believe that states have been using case management to supplement state spending. An example is child welfare. The income eligibility standard for the Federal entitlement for foster care is linked to a pre-welfare reform standard. This means that every year fewer and fewer children are eligible for federally supported foster care. States must make up the difference for these children. This has caused some to believe that states are shifting some of their child welfare costs to the Medicaid program through creative uses of case management.

Concern about the inappropriate billing to Medicaid for child welfare services extends back to the Clinton administration.

There are some that would disallow most child welfare case management claims from reimbursement from Medicaid. This goes further than I would support. Children in the child welfare system are arguably some of our Nation's most vulnerable citizens, presenting with complex and multiple problems. Getting them the proper services requires thoughtful review, planning and management and I believe that Medicaid is the appropriate agency to support these activities.

On the other hand, driving a child in foster care to a court appearance and billing the caseworker's time to Medicaid is not an activity that should be billed to Medicaid.

Certainly, the regulations are not perfect. I am not convinced that limiting individuals eligible for case management to one case manager will contribute to the quality of their care and provide for access to services. Requiring case manager's to document their time in 15 minute increments seems overly burdensome and inefficient. Eliminating the 180–day period to transition from an institution into the community is contrary to a number of provisions supporting home and community based services, including the ''Money Follows the Person'' program, also included in the DRA.

But again let me quote from the CRS memo: ''Although there may be a number of issues related to claiming FFP for Medicaid addressed in these sources, at least two issues have been sources of confusion, misunderstanding, and dispute. One issue where there has been misunderstanding is non-duplication of payments. Another area where there has been some disagreement is over the direct delivery of services by other programs where Medicaid is then charged for the direct services provided by the other program.''

When CMS tried to come up with rules to increase accountability in case management, they had good reason to be trying to provide clarity and specificity for states.

Surely the answer is not to tell States they are on their own to interpret the case management provision in the DRA.

As CRS notes, billing for case management services between 1999 and 2005 grew by 105.7 percent. With spending growing that fast, we must make absolutely certain states understand how they should be billing CMS.

Mr. President, the budget resolution provides for 1.7 billion dollars to address the regulations.

This is only to delay the regulations until the end of March of next year. I know supporters hope that the next administration will pull back and undo the regulations.

What would it cost if we tried to completely prevent these regulations from ever taking effect?

Not $1.7 billion that's for sure.

It would actually cost the taxpayers 19.7 billion dollars over 5 years and 48 billion dollars over 10 years.

It is an absolute farce for anyone to argue that all of those dollars are being appropriately spent and that Congress ought to just walk away from these issues.

What we ought to do is insist the Finance Committee to REPLACE the regulations.

That's what this amendment does.

Instead of just making the regulations go away, the Finance Committee should replace them with policy that fixes the problems.

Mr. President, that's what we should be doing for the taxpayers.

Mr. President, on Monday, the chairman of the Budget Committee talked about the need for adequate funding to fight health care fraud and abuse and how they believe the budget accomplishes that.

Let me quote:

> We have program integrity initiatives to crack down on waste, fraud, and abuse in Social Security and Medicare. In fact, I received a letter from the Secretary of Health, Secretary Leavitt, thanking us for the program integrity funds that we have included so that he can continue his important investigations to shut down these Medicare fraud operations that he found in Florida and other parts of the country last year and that he is continuing to crack down on.

What the chairman failed to mention is that Democrat appropriators apparently do not think rooting out fraud and abuse in the health care system is a priority.

In fact, here is what actually happened last year. Last year, the Omnibus appropriations bill gave CMS nearly $39 million less than the prior year to fight health care fraud and abuse in the Medicare and Medicaid programs.

And they cut all the new funding for fighting fraud and abuse—that is almost 100 million dollars they took from CMS for fighting health care fraud and abuse. That is an actual cut in funding to fight fraud from the prior year.

The funding we are talking about here is for the Health Care Fraud and Abuse Control Program known as HCFAC. The HCFAC Program was created in the Health Insurance Portability and Accountability Act of 1996 and is jointly administered by the Department of Health and Human Services and the Justice Department. It is intended to help combat fraud and abuse in health care programs including Medicare and Medicaid and establishes a national framework to coordinate Federal, State and local law enforcement efforts to detect, prevent, and prosecute health care fraud and abuse.

These funds are used to pay for FBI agents, OIG investigators, as well as assistant U.S. attorneys who prosecute fraudfeasors. These funds represent the frontline defense we have for fraud against the Medicare and Medicaid programs and pay for themselves in savings.

I absolutely agree that CMS must be properly funded. Of course the agency

needs funding to detect and deter fraud and abuse in health care—there are billions at stake. CMS also needs funding for general program oversight.

Congress actually cut funding last year, yet my colleagues on the other side of the aisle are given to criticizing the job CMS does.

Just to expand on this, the Finance Committee has had three hearings in the last 6 weeks that focused on how well CMS was enforcing the rules in Medicare Advantage. During those hearings, some of my colleagues on the other side of the aisle were critical of the job CMS is doing.

For example, in Medicare Advantage, some want to let the States take over enforcement of the marketing rules. They say that CMS lacks the resources and the experience to do the job.

But it is hard to conduct oversight when Congress cuts the money you need to get the job done right—and that is exactly what the other side did. It is a self-fulfilling prophesy. Without the right resources CMS can't get the job done and CMS didn't get the resources. CMS would like to improve its enforcement and oversight of Medicare Advantage plans.

For Fiscal Year 2009, CMS is requesting $198 million in new fraud and abuse discretionary funding. This would be 100 percent more than last year, when there was no funding.

The administration plans to use $147 million of the $198 million—or about three-quarters—for the Medicare Integrity Program, which is used for Medicare Advantage oversight. Without these new funds, CMS cannot undertake some of the oversight activities Congress believes it should.

I agree with my good friend Senator CONRAD that Congress must fund CMS appropriately to crack down on fraud and abuse. After all billions of dollars are at stake. But it also needs to fund CMS appropriately to ensure that Medicare beneficiaries are well served by those selling and providing Medicare services.

I urge my colleagues on the other side to avoid last year's mistake, which was to talk a good game in the budget process but zero out needed new funding in the actual funding bill. But to be blunt, the budget resolution is no better on the Medicaid side.

Allocating $1.7 billion in the budget to stop CMS Medicaid regulations aimed at providing States clarity, stopping inappropriate spending and protecting the integrity of the Medicaid Program without requiring any action to replace the regulations is irresponsible.

Money spent on fighting fraud and abuse is money saved in the long run. We have seen time and time again that when we invest money in fighting fraud, we get lots of dollars back. And rest assured that the deterrent value associated with those actions is significant too—crooks read the papers, and they will think twice when they see someone turning in their pinstripe suit for an orange jumpsuit.

While Democrats like to talk about how inexpensive Medicare administration is, that is no excuse to fund CMS at such a low level that it cannot actually oversee its own programs so that it can protect taxpayer money.

If you want to combat fraud and abuse in Medicare and Medicaid, you really do need to put your money where your mouth is. On this subject, the majority is toothless.

Mr. DURBIN. Mr. President, I am proud to support the Democratic budget that Chairman CONRAD and the Budget Committee have so ably put together. This budget lowers taxes, and it creates or maintains nearly a half million good-paying jobs here at home.

In contrast, the Bush-Republican budget that the President proposed last month promotes the same tired old ideas that got us into this fiscal mess in the first place—ideas that have weakened the economy and hurt America's middle class.

A budget is an expression of values: you choose what to spend your money on and you choose how much of it to spend now instead of later.

As families across America sit down at the kitchen table to create their own family budgets, they decide what they have to pay for now—the house, the tuition, the heating bills, the gas for the car—and then how much they can spend on other things without going too far into debt.

Creating a budget for the Federal Government is very similar. This week the Senate will decide what we have to pay for now—housing, education, energy, and infrastructure—and what we cannot afford without further burdening our children with our bills.

The Democratic budget recognizes that one of the key elements of the American economy—the housing market—is in very serious trouble, the worst we have experienced since the Great Depression.

For most families, the largest monthly expense is the mortgage or the rent, and as the housing market crumbles, increasing numbers of families are struggling to pay that bill. Our budget takes steps to support the families struggling in this housing market as well as the communities that are coping with this crisis.

Our budget allows for the four main appropriations within the Foreclosure Prevention Act, a bill the Senate attempted to debate a couple of weeks ago. We allocate funding for Community Development Block Grants, housing counselors, mortgage revenue bonds, and net operating loss carrybacks.

The Republicans filibustered that bill. Every Republican but one stated very clearly that they do not even think the housing crisis is important enough for the Senate to talk about. The Democrats are proving with this budget that we think it is time to act.

The simple fact is that our economy will not fully recover until we address the primary cause of this economic crisis. If families can't keep a roof over their heads, they aren't going to produce much for the economy or buy enough to keep the economy growing.

The Democrats will try again to pass this housing bill when we return to Washington after the recess, and I hope that our Republican friends will join us in that effort. This bill will help over 600,000 families avoid foreclosure nationwide—28,000 families in Illinois.

The housing crisis goes beyond just those families that are in danger of losing their homes. As property and sales taxes flatten when the economy slows down, local governments are stretched thin. It is more important than ever for the Federal Government to support community development programs that provide funding for critical local housing programs.

The Democratic budget includes an inflation-adjusted increase of $68 million for community development. Compare that to the President's budget. The Bush-Republican budget requested a $932 million cut in community development funding.

Under the President's budget, my home State of Illinois would lose over $40 million in Community Development Block Grants compared with this year, which would have meant that funding would be slashed for housing counseling, abandoned property maintenance, upgrading low-income housing, and many other critical programs—just as communities need funding for these initiatives most.

The Democratic budget says no to the President, and instead increases this vital community funding. We must help stabilize the housing market in order to help our economy grow, and this Democratic budget will help us do just that.

With the economy slowing and the unemployment rate creeping higher, we need to provide workers with the best retraining opportunities that we can right now. In the long term, America can only compete effectively in the global economy if we develop the best workers in the world. The Democratic budget recognizes both of these realities. The Bush-Republican budget recognizes neither.

Overall, the Democratic budget provides an additional $8.8 billion above the President's request for training and education. Workers who are trying to learn new skills and parents who are trying to pay tuition bills will all benefit from the investments made by the Democrats in this budget.

The budget allows for $414 million in job training, which will help 165,000 workers build the skills they need to

compete in the economy of the 21st century.

For many working Americans worried about their current jobs and for at least some of the 1.3 million Americans who have been looking for work for longer than 6 months, this funding will provide a little hope, a little help towards a better job in the future. For students, the resolution provides an additional $5.4 billion for the Department of Education, which funds Head Start, No Child Left Behind, and Pell Grants to make a quality education more accessible to students of all ages.

Compare that to the Bush-Republican budget. The impact of the Bush-Republican budget on education in my home State of Illinois would be severe. Mr. President, 119,871 Illinois elementary and high school students would be left without the full services promised by No Child Left Behind. Nearly 90,000 Illinois students would be hurt by the President's decision to eliminate Supplemental Educational Opportunity Grants, Leveraging Education Assistance Partnerships, and Federal Perkins Loans.

Mr. President, 10,000 Illinois students would no longer have a safe place to go after school thanks to the President's proposed cuts to afterschool programs.

The Democratic budget supports the workers of today and tomorrow. The Bush-Republican budget cares about neither.

To create good jobs in America we must invest in industries that promise growth in the short and the long term. Green-collar jobs—which help America reduce its dependence on foreign oil and push us down the path of energy independence—represent perhaps the best opportunity for meaningful job creation for millions of Americans over time.

The Democratic budget focuses on these jobs by allocating $8.45 billion towards clean energy and another $2.7 billion specifically towards green-collar jobs. This funding will support weatherizing homes and office buildings, investing in battery research and development, developing wind and biofuel power generation, and much more. And all of those jobs can be created here at home.

The Bush-Republican budget? It has a 7-percent reduction in solar energy research, a 27-percent cut in energy efficiency programs, a 79-percent cut in weatherization programs, ''intergovernmental'' programs to help local and State governments become more energy efficient, and a reneging on the earlier commitment for the FutureGen clean coal energy program in Mattoon, IL.

The Democrats believe that green-collar jobs should be the centerpiece of our economy. President Bush and the Republicans apparently do not.

Our budget also provides other forms of critical energy assistance at a time when the price of oil has reached $110 per barrel. The Democratic budget provides $2.5 billion for families who are struggling to heat their homes, $500 million more than the President's request.

The Bush-Republican budget proposes to cut LIHEAP funding by $359 million. In Illinois, 15,000 low-income families and seniors would lose heating assistance.

That is unacceptable. The Democratic budget invests properly in the energy needs of the country, which supports the long-term strength of the economy and the short-term needs of the people who need it most.

The Democratic budget would create nearly 500,000 good-paying jobs here at home, including nearly 20,000 in Illinois. How? By investing in our infrastructure.

The general rule of thumb in the transportation infrastructure industry is that for every $1 billion invested in roads, bridges, airports, and the like, around 47,500 jobs are created. The Democratic budget invests over $10 billion more than the Bush-Republican budget in rebuilding our infrastructure, which is good for short-term economic vitality and for longer term economic strength.

The demand for this funding is readily apparent, from the bridge disaster in Minneapolis last year to the crumbling roadways in Illinois and throughout the country. The American Association of State Highway and Transportation Officials reported last month that $18 billion worth of infrastructure projects were ready to go in 46 States and the District of Columbia, including 212 projects worth $831 million in Illinois. These projects are already designed and approved, and construction work could begin within 90 days from the moment that Federal funding was provided.

The Democratic budget would give the go-ahead to put Americans to work on many of these jobs. The Bush-Republican budget would not.

Overall, the Democratic budget lowers taxes and balances the budget by 2012.

Including Senator BAUCUS's amendment, which I support, middle class Americans would benefit from the extension of the alternative minimum tax patch, which will spare 20 million middle-class Americans from paying the AMT this year: the child tax credit; marriage penalty relief; the adoption credit; and the 10 percent tax bracket.

The Bush-Republican budget, on the other hand, would extend tax breaks that overwhelmingly benefit the wealthy. Households with annual incomes over $1 million would save more than $150,000 a year in tax cuts from the Bush-Republican budget, on average.

Although this group makes up just 0.3 percent of the Nation's households, its combined tax cuts would exceed the entire amount that the Federal Government spends on elementary and secondary education, or the entire amount that we devote to medical care for our veterans. That certainly doesn't reflect this Senators' priorities, and I don't think that reflects the priorities of most Americans either.

Perhaps most importantly, the Democratic budget funds America's economic priorities wisely, without running up more debts that our children will be forced to pay. Our budget balances by 2012.

The Bush-Republican fiscal record is far less sensible.

Seven years ago, President Bush inherited the largest budget surplus in our Nation's history. Since that time, when both Houses of Congress were mostly controlled by Republican majorities, Federal spending has increased by over 50 percent. The Federal debt has grown by over $3 trillion.

Enough is enough. It is time to manage the Federal budget like adults.

It is time to manage the budget more like families must manage their own finances every month around the kitchen table— pay for what you must, and don't spend what you can't afford. It is time to pass a budget like the Democratic resolution we have before us.

I urge my colleagues to do so.

Mr. GREGG. Mr. President. I rise today to recognize the senior Senator from Colorado, Mr. ALLARD, for his service as a valued member of the Senate Budget Committee. Senator ALLARD and I have served through eight budget cycles together on the Budget Committee. This will be his last budget season as he has decided to retire when his term expires at the end of this Congress.

Since he joined the Budget Committee, Senator ALLARD has been an advocate for fiscal responsibility and a good steward of the taxpayers' money. I think this was made clear through his contributions this year, especially in the constructive amendments he has offered both in committee and on the Senator floor. Senator ALLARD will be missed as an important voice for fiscal discipline in this body and most notably as a member of the Budget Committee.

I also wish to pay tribute to Senator DOMENICI, who essentially defined what it means and how to be chairman of the Senate Committee on the Budget. The Senator has announced that he is not seeking to be reelected for the sixth time. That means that last week he participated in his last markup of a Budget resolution. This week is the last vote he will take on the Senate floor on a committee-reported budget resolution.

At the start of the 108th Congress, Senator PETE V. DOMENICI stepped down as the longest serving chairman,

and the only Republican chairman, in the history of the Senate Budget Committee. Senator DOMENICI has either been the chairman or ranking member of the Budget Committee for nearly two-thirds of the committee's 34-year existence.

A member of the committee from 1975, one year after its formation, Senator DOMENICI held the chairmanship for 12½ years, and was the ranking member for 9½ years. During his time on the committee, Senator DOMENICI served with its first chairman, Edmund Muskie, and Muskie's brief successor, Senator Hollings in 1980. DOMENICI first became the Committee's Chairman in 1981, remaining in that position through 1986. After serving as ranking member from 1987 to 1994, he returned as chairman in 1995 and served in that role through May 2001. Over the years, he has served as the committee's ranking member to three Democratic chairmen: Senators Chiles, Sasser, and CONRAD.

Looking back over his distinguished career on the committee, Senator DOMENICI has been at the center of Federal budgeting. This year he is participating in his 34th congressional budget cycle. In 1981, he led the effort in the first major use of reconciliation as part of the budget process. He joined Senators Gramm, Rudman, and Hollings in 1985 to offer the first major reforms to the 1974 Budget Act. He was in the forefront guiding fiscal policy through the dark days of the stock market crash in the fall of 1987 that led to a major budget summit agreement in November 1987. Later he directed and guided the Senate in the budget summit of 1990 that resulted in the Budget Enforcement Act of 1990, which remained the basis of fiscal discipline through its expiration at the end of 2002. The pinnacle of his budget leadership occurred in 1997 with the historic bipartisan balanced budget agreement. Along the way, he helped craft the Credit Reform Act of 1990 and the Unfunded Mandates Reform Act of 1995.

For his successors as chairman—first Senator Nickles, and then myself—Senator DOMENICI's intimate knowledge of the budget process, much of which he helped invent along the way, and wise counsel have been tremendously valuable in helping us try to fill his big shoes. Senator DOMENICI will remain a legend whenever people talk about the congressional budget process, and I thank him for his service to the Senate and to the country.

Mr. President, a little more than a year ago, offices were being relocated, staffs were being reorganized, and Capitol Hill was readying itself for the change in majority in the House and Senate. The new majority's leadership and Budget Committee membership immediately set out to put in place pay-as-you-go rules that would fulfill Democrats' promise to return to ''tough, old-fashioned pay-go.'' What does ''old-fashioned'' or ''traditional'' pay-go mean?

In November 2005, during debate on a reconciliation bill that became the Deficit Reduction Act of 2005, the now Chairman of the Senate Budget Committee offered an amendment to change the Senate's pay-go point of order and stated, ''Our proposal is to go back to what has worked in the past. It is traditional pay-go.'' In March 2006, during debate on the FY 2007 budget resolution, the same Senator again offered an amendment to change the Senate's pay-go point of order and stated, ''This amendment would reestablish the budget discipline that worked so well in previous years, a rule that has been allowed to lapse by our colleagues on the other side of the aisle.''

These are just two examples. In fact, Democratic Senators have offered amendments to reinstate in the Senate ''tough, old-fashioned pay-go'' to every Republican budget resolution debated since 2004. They also proposed pay-go amendments to the 2005 tax reconciliation bill and during the Senate Budget Committee markup of the Stop Over Spending Act of 2006.

The Senate pay-go point of order amendments offered by Democrats when they were in the minority were remarkable in their consistency.

Every time Senate Democrats offered a proposal to reinstate the ''tough, old-fashioned pay-go'' point of order, the proposal required deficit neutrality in the first year of the budget, over the sum of years 1 to 5 and over the sum of years 6 to 10. For example, if such a point of order were in place for the 2008 budget resolution, it would require direct spending and revenue legislation to be deficit-neutral in 2008, 2008 to 2012, and 2013 to 2017.

Every instance of their proposal also included a cumulative pay-as-you-go scorecard, so that any net savings recorded from an enacted piece of legislation could be used to offset the cost of a future piece of legislation.

Why did Senate Democrats keep returning to the same version of the pay-go point of order? Because the Senate pay-go point of order was based on the original pay-go law, enacted in 1990 in the Budget Enforcement Act. That law put in place a 5-year pay-go scorecard that kept track of any accumulated deficit increases from enacted legislation. If, at the end of each year, the net effect of all enacted laws affecting revenues and mandatory spending was to increase the deficit, then the Office of Management and Budget was supposed to issue a sequestration order—an across-the-board cut of certain mandatory spending.

Statutory pay-go, in effect, was the original ''first-year'' test, enforced by sequestration. In 1993, Senate Democrats created a 5-year pay-go point of order, for the Senate only, that was based on and paralleled the pay-go law but relied on the sanction of a point of order instead of sequestration to encourage compliance.

But some Members sought to increase spending after the 5-year pay-go window so they would not run afoul of the initial 5-year pay-go point of order. So in a 1994 revision to this initial point of order, the Senate added a second 5-year test, which covered years 6 through 10 of the ''budget window,'' to have the point of order cover a 10-year period instead of just 5 years. Given all this activity on pay-go in the 1990s, some assert that the pay-go concept—without being specific about whether it was the pay-go law, the pay-go point of order, or both—was responsible for reducing the deficit in the 1990s.

No question about it—Democrats are on record in support of traditional pay-go, and that support was carried through as a major theme of many 2006 Democratic candidates' campaigns. We have heard again on the floor this week the familiar refrain: ''If you want to increase spending you have to pay for it. If you want to cut taxes you have to pay for it.'' And when Democrats returned to power in the Senate in 2007, their efforts appeared true to their past pay-go efforts and campaign promises—at first.

As one of their ''top 10'' legislative priorities for the 110th Congress, the new majority leader along with the new Budget Committee chairman introduced S. 10, the Restoring Fiscal Discipline Act of 2007.

S. 10 included a provision to install in the Senate the exact same ''old-fashioned'' pay-go point of order offered so many times over the previous 3 years, as summarized in Table 1. S. 10 was referred to the Budget Committee on January 4, 2007, but the chairman has scheduled no further action.

Following the pay-go promise set out in S. 10, the 2008 Senate-passed budget resolution did include the same ''old-fashioned'' pay-go point of order requiring deficit neutrality in each of the periods covering year 1, years 1 to 5 and years 6 to 10.

In contrast, the 2008 House-passed budget resolution did not include pay-go budget enforcement because a House pay-go rule had already been put in place. The House had never before had any kind of pay-go point of order—not until January 5, 2007, when the House agreed to its rules package in H. Res. 6 for the 110th Congress. Title IV of that package included the first-time-ever pay-go point of order that applies in the House.

The House pay-go rule makes it out of order to consider direct spending or revenue legislation that increases the deficit or reduces the surplus over years 1 to 6 or over years 1 to 11. So in the case of legislation considered during 2007, the relevant periods were 2007 to 2012 and 2007 to 2017; for 2008, the relevant periods in the House are now 2008

to 2013 and 2008 to 2018. Each measure is considered on a bill-by-bill basis; savings from one bill cannot be ''banked'' and used to satisfy the pay-go requirement for future legislation.

When it came time to arrive at a conference agreement on the 2008 budget resolution, there were two good reasons to think that the agreement would include the Senate pay-go point of order in the exact same form as was included in the Senate-passed budget resolution, which was the old-fashioned pay-go they advocated for years.

First, the pay-go point of order in the Senate-passed 2008 budget resolution applied only in the Senate. The House-passed budget resolution did not include any pay-go point of order for the Senate or the House because the House already had adopted one. So there was no reason for the conference agreement to compromise or deviate from the version in the Senate-passed budget resolution.

Further, Senate supporters of ''old-fashioned'' pay-go had repeatedly insisted over recent years and throughout the 2006 campaign on the same version of pay-go contained in the Senate-passed 2008 budget resolution and had pledged to return to it if they were in the majority.

Apparently, 15 years of Senate Democrats' support for ''old-fashioned'' pay-go was expendable when their conferees on the 2008 budget resolution decided that the new, less-stringent time periods for deficit neutrality in the House rule weren't so bad after all. Currently, in the Senate's enforcement under the conference agreement on the 2008 budget resolution, the relevant time periods for measuring pay-go compliance are 2008 to 2012, the first 5 years, and 2008 to 2017, the 10-year period. The year 2007 is no longer included in the sum because 2007 is over.

But there is no test for the first year, which currently is 2008, and there is no test for just the ''second'' 5 years, which are 2013 to 2017, aka the 5 years after the first 5 years.

The rationale or excuse of the chairman of the Senate Budget Committee for this divergence from the pay-go rule that he had long promised was that the Senate wanted to be the same as the House. Of course that is nonsense.

Why does the House get to dictate the form of a point of order for the Senate? The Senate had a pay-go point of order for 13 years when the House never had one. If the Senate wanted to be like the House for all those years, the Senate never would have had a pay-go point of order in the first place.

The Senate has had, and currently has, plenty of points of order that the House does not have or that are different from the House's version of the point of order. If the Senate wanted to retain its old, tough first year test that it had from 1994–2006, it simply could have kept it, and all legislation would have had to clear that hurdle before it could be enacted, even if it was tougher than the House rule. This dynamic essentially describes the difference between the House and Senate anyway, where things can pass the House by simple majority and things almost always need 60 votes to pass the Senate.

And if the Senate really wanted to be the same as the House on the pay-go rule, then why does the Senate point of order not include some of the tougher features the House included in the House's new pay-go rule as shown in table 2.

For example, the pay-go point of order that applies only in the Senate as adopted via the 2008 budget resolution conference agreement measures any deficit effect of each bill against a pay-go scorecard. If the scorecard has a zero or negative balance on it, the legislation would have a pay-go point of order against it, unless the deficit increases are offset in the same measure. If the Senate pay-go scorecard has a sufficient positive balance on it, which represents a projected on-budget surplus or net decreases in the deficit accumulated from previously enacted legislation, then no pay-go point of order would apply against the measure.

In the House, there is no pay-go scorecard. Instead, each bill is independently evaluated by whether it increases the deficit, on net, over 6 and 11 years.

In addition, the House pay-go rule prohibits legislation that increases the on-budget deficit or reduces the surplus; the Senate rule only prohibits legislation that increases the on-budget deficit.

Despite their rhetoric about returning to good, old-fashioned pay-go enforcement, the Democrats' 2008 budget resolution changed their promised, long-sought Senate pay-go point of order to a much easier test that is now in place. Legislation cannot increase the deficit over the sum of 5 years or over 10 years. But for the first time since pay-go began back in 1990, legislation no longer has to be deficit neutral in the first year.

By throwing the first-year test overboard and swapping the old test for years 6 to 10 for a new 10-year sum, the Democrats' new pay-go point of order has encouraged timing shifts to make legislation look like it is paid for over the near-term, even if it isn't.

Consider a simple example starting with table 3A to see how this has worked. Under good, old-fashioned pay-go, let's say you wanted to increase spending or cut taxes by $9 billion in 2008 with no budgetary effect thereafter. To avoid an old-fashioned, traditional pay-go point of order, you would have had to come up with a $9 billion offset in 2008 so that there would be no net increase in the deficit, which would satisfy the first-5-year test and the first-5-years test.

But let's face it—under old pay-go, coming up with an immediate reduction in spending of $9 billion this year or increasing taxes by $9 billion this year would be supremely tough. So maybe you defer your spending to 2009 instead. Then you don't need an offset in 2008, and you could come up with an offset that reduces the deficit by $9 billion over the next 4 years—say by $2.25 billion in each of the years 2009 to 2012—and still not have a pay-go point of order, as shown in table 3B.

But maybe you don't even have an offset that is palatable over the next several years. Maybe the only offset you can come up with is to extend customs user fees past 2015, when they are currently slated to expire. For this example, table 3C shows that doing so would yield about $3 billion in customs fees in each year 2015 to 2017, for a total of $9 billion. Customs user fees have been around since 1985 and will likely continue to be extended forever since they are a favorite offset.

So under tough old pay-go, customs user fees would not save you from a pay-go point of order because extending them does not provide an offset when you need it—in the first 5 years. Good thing that Senate Democrats threw out old pay-go for a new version that would allow them to skip a first-year test and use offsets far in the future, like customs user fees, to pay for near-term spending as shown in table 3D. While this example shows the increase in spending in 2009, note that, because there is no first-year test, this approach would work just as well if you want to do your spending in 2008 instead of 2009.

But the trick of using customs user fees—which won't be collected until 7 years from now—to pay for spending today requires one more tweak. While customs user fees will satisfy the 10-year test of deficit neutrality, extending these in 2015 still would not satisfy the first 5-years test, as shown in table 3D.

So what to do? Do what many bills have already done in the 110th Congress do a timing shift as shown in table 3E. Specifically, tell corporations with assets of at least $1 billion to increase their corporate estimated tax payment due in the last quarter of fiscal year 2012 by a certain percentage. Also tell corporations that their first payment due in fiscal year 2013 should be decreased by the same percentage.

This progression of examples demonstrates that new pay-go is essentially only a 10-year test of deficit neutrality. The stricter tests of deficit neutrality in the first year and over the first 5-years have been dropped or emasculated, respectively. The corporate tax timing shift is the linchpin for meeting new pay-go's significantly weakened tests in the 110th Congress because it makes it possible to satisfy the first 5-year test when the only real

offsets occur near the end of the 10-year period.

Table 4 shows that in the first session of the 110th Congress, six bills were enacted that include the corporate estimated tax shift. The Internal Revenue Code now says that corporations must send in $6.8 billion more to the Federal Treasury in 2012. Congress apparently thinks that corporations are OK with that, since corporations will send in $6.8 billion less in 2013.

In addition, there is $8 billion more in corporate tax shifts still in the wind, depending on the conference outcomes of the farm bill and energy tax provisions. Is there a point at which corporations say ''Whoa!''? Perhaps. If the House-passed ''paid for'' AMT patch for 2007 had become law, corporations may have had a hard time shifting nearly $32 billion in tax payments from 2013 into 2012.

In the past, these timing gimmicks have been occasionally used to fill in budget enforcement holes here and there by both Republicans and Democrats. However, in the 110th Congress, it seems like the corporate estimated tax payment shift is a required element in every direct spending or revenue measure.

I am surprised that timing shifts have become so prevalent, especially considering the criticism that the current chairmen of the Budget and Finance Committees have both raised in the past.

The Senator from North Dakota has argued that timing shifts don't pay for anything. During Senate floor debate on the 2004 highway bill he said: ''I believe that the spending in this bill, which occurs over six years, should be fully paid for over the same six year period. However, I do not believe that the shift in corporate estimated tax payments is the most appropriate way to achieve the goal of fully funding this bill over six years. The provision proposed by the Chairman shifts a hole in general revenues from one year to another.'' He continued: ''I am counting on them [the Finance Committee Chairman and Ranking Member] to keep that commitment that in this Chamber, before this bill leaves the floor, that it will be paid for—and not by any timing changes; not by moving corporate receipts from 2010 to 2009, or any funny-money financing, but really paid for.''

The Senator from Montana levied similar criticism. During Senate Finance Committee debate on the 2004 highway bill, he said: ''The shift in corporate income in one year actually has moved forward, and then it is canceled out the next year. This is something that we can work [on]. To be honest, it is not something I am very comfortable with.''

Indeed, isn't pay-go supposed to be about ''paying'' for something? How does moving money 3 months forward pay for anything?

Supporters of the new pay-go who have bragged on its success throughout 2007 neglect to tell you about an important feature of their new, though not improved, rule. As the examples above demonstrate, because it no longer has a first-year test, new pay-go allows Congress to spend new money immediately, or cut taxes immediately, without an immediate offset.

Everything else being equal under our current Federal budget deficits, where does the Treasury go to get the money to pay for the new spending? To the credit markets, of course. Treasury has to go out and borrow the money to pay for the new spending or tax cuts today for as long as it takes for the offsets to kick in.

In the case of the example in table 3E, the offsets for the $9 billion in spending in 2008 do not start coming in until 2015 to 2017. The corporate tax timing shift only moves corporate payments forward by 1 month, which does not significantly affect Treasury's borrowing needs over the next 10 years. The Treasury won't be able to pay off all the principal amount of $9 billion until the end of 2017. By then, however, it will have cost Treasury $4 billion in interest to borrow that $9 billion for 8 to 10 years.

Does the new pay-go require that the $4 billion in interest costs be offset to satisfy the point of order? No.

Pay-go pretends that the Treasury does not have to borrow money in the near-term. But in fact, Treasury has no choice but to add to the debt, at least for many years, to provide for the new spending. If the ''debt is the threat,'' then why is it so virtuous that new pay-go requires the Treasury to borrow the $9 billion today and pay $4 billion in interest financing costs? This adds to the national debt forever the $4 billion in interest costs, which will never be offset under new pay-go.

By throwing away the discipline of a first-year test that had characterized all previous versions of pay-go from 1991–2006, the Democrats' current pay-go is now Wimpy's pay-go: ''I'll gladly pay you Tuesday for a hamburger today.'' What is a first-year test?—any spending increase or revenue reduction in the first year of a budget period had to be deficit neutral and therefore matched in that same year with an offsetting spending cut or revenue increase. But instead of a hamburger, Congress wants more spending today.

And instead of next Tuesday, Congress has decided to wait at least 5 or 6 years before starting to pay for the spending today.

Here are some specific examples from the first session of the 110th Congress to use in evaluating the actual experience with pay-go.

The U.S.-Peru Free Trade Promotion Agreement Implementation Act was signed into law on December 14, 2007. Over the next 5 years, the free-trade agreement part of the legislation increased outlays by exempting certain goods from customs merchandise processing fees by $27 million and reduced revenues through tariff phaseouts by $173 million, for a total 5–year deficit increase of $200 million. How was the deficit increase paid for? It wasn't paid for in 2008 or 2009 or 2010 or even 2011 and $465 million of corporate taxes were shifted into 2012 from 2013. Is it paid for yet? Well, the test for deficit neutrality in the first 5 years was satisfied, but the shift created a hole in the second 5 years. How was this hole filled? By our old friend, of course—customs user fees.

Under the law that existed at the beginning of the 110th Congress, customs user fees were set to expire on September 30, 2014. So far this Congress, five bills have been enacted that have extended these fees for 1 week, 2 weeks, and 2 months. The U.S.-Peru Free Trade Agreement increased the fees for 2 months through December 13, 2014, resulting in $485 million additional fee collections in 2015. Subsequently, the Andean Trade Preference Extension Act extended the fees through December 27, 2014.

Table 5 illustrates that the only real offset for the new spending that happens in years 2008 through 2015 is the customs user fee extension in 2015.

The Senator from North Dakota is fond of saying that prior to enactment of the 2007 AMT patch in December 2007, there was a ''surplus'' on the pay-as-you-go scorecard.

Consider in table 6 all of the bills with pay-go effects, except the AMT patch, that were enacted during the 1st session of the 110th Congress. The first line summarizes the pay-go effects of the six enacted bills that used the corporate tax timing shift. You can see that bills with the shift increased the deficit in each and every year until 2012. In 2012, the six bills reduced the deficit on net by $8.7 billion, then increased the deficit by $5.3 billion in 2013.

The second line of table 6 summarizes the pay-go effects of all the other bills enacted during the first session. You can see that these bills increased the deficit in 2008, 2009, and 2010, and only begin to reduce the deficit in 2010.

The total line shows that in 2007 to 2010, all of these bills increased the deficit by a total of $10.7 billion. Then how can there be a ''surplus'' on the pay-go scorecard? Because of the big, bumpy deficit reduction that takes place in 2012, thanks mostly to the corporate tax payment shifts. If the interest impacts of spend now, pay later were taken into account, there would be only a very small surplus on the scorecard in the first 6 years and a deficit of $1.5 billion over 11 years.

Nonetheless, the chairman of the Senate Budget Committee is fond of saying, as he did during Senate floor

debate on the Food and Energy Security Act of 2007 on November 16, 2007, that ''pay-go is not full of holes . . .[but] don't take my word for it. We can look to the nonpartisan Congressional Budget Office.''

Actually, when you look at the cost estimates that the nonpartisan Congressional Budget Office has prepared during the 110th Congress, you will not find one word about pay-go. CBO's job is straightforward: it prepares estimates of the budgetary effects of legislation and displays them in each year for a 10–year period. A CBO cost estimate has never ever evaluated whether a House or Senate point of order applies against legislation or determined whether a piece of legislation complies with the budget resolution. That is the job of the chairmen of the House and Senate Budget Committees, most often using CBO estimates to inform those determinations, but sometimes using alternate estimates.

For example, last year, the House Budget Committee chairman overrode a scorekeeping rule and directed CBO to score savings for a particular provision in the House farm bill—without this directed scoring, the House farm bill would have violated pay-go. It was the House Budget chairman who decided whether the House pay-go point of order applied against the House farm bill. CBO did not decide. In addition, it was CBO's estimate of the farm bill that let Congress know that some of the cost of the Senate farm bill was deferred to after the period of pay-go enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not say that the Senate complied with pay-go, nor did it say that the Senate dodged pay-go. But any user of CBO's estimates would come to the conclusion that pushing spending outside the enforcement window is avoiding pay-go.

In addition, CBO does not evaluate the merits of ''policy'' in its cost estimates. CBO estimates the budgetary incidence of early sunsets and payment shifts exactly as written in legislation, gimmicks though they are. CBO's job is to simply provide the estimates of budgetary effects year by year. It is the budget chairmen who then say ''CBO estimates this bill reduces the deficit'' while abdicating themselves from responsibility for the gimmicks.

Finally, the Senate Budget Committee chairman likes to point to the bottom line of table 6 to illustrate how well pay-go has worked because there was a pay-go scorecard surplus for a brief period in the fall. But was there really a surplus? Over the 2008 to 2012 and 2008 to 2017 periods, respectively, the pay-go surplus was $1.988 billion and $1.311 billion.

But what the scorecard omits is a cost of spending now and paying later that the Treasury does not have the luxury of ignoring. Because of enactment of all of these bills, the deficit is now increasing by $10.7 billion over 2007 to 2010. The Treasury has no choice but to go out right now to the credit markets and borrow $10.7 billion, and will have to pay $2.8 billion in interest costs over the next 10 years until all the offsets in these bills finally come in and allow the Treasury to pay off that borrowing. Not only does that unrecognized interest cost get added permanently to the debt, but it is also so large that it more than wipes out the supposed and ephemeral pay-go scorecard surplus of just over $1 billion.

But another bill wiped out the surplus on the pay-go scorecard first. The enacted AMT patch increased the deficit by $50.6 billion in 2008 because it was not offset and it did not comply with pay-go. Before it passed both the Senate and the House without an offset, the House passed a ''paid for'' AMT patch with the deficit increase in 2008 and actual offsets in later years. The House bill only satisfied the 2008 to 2012 deficit-neutrality test for pay-go by using a corporate estimated tax shift of $32 billion from 2013 into 2013.

Finally, let me address some of the protestations of the Budget Committee chairman about my criticisms about the spotty enforcement of his vaunted pay-go rule after this past year.

For example, I have criticized the gimmick of enacting a one-month extension of MILC in the 2007 supplemental in order to get mandatory MILC spending in the baseline and avoid pay-go enforcement to the tune of $2.4 billion over 10 years. My summary of this gimmick is as follows:

The story starts with confusion about how budget rules work. Consider a recent example, fueled by misinformation from congressional sources, from a daily Capitol Hill publication dealing with a provision to extend subsidies to certain dairy farmers—known as the Milk Income Loss Contract Program, or MILC—in the House- and Senate-passed versions of the 2007 supplemental:

> CBO has not included MILC in the baseline for the new farm bill because [MILC] was scheduled to [expire at the end of August 2007], but [Senator] Kohl said in a release that the extension to the end of . . . fiscal year [2007] ''will also build the cost of the dairy program into the baseline budget for the next farm bill.'' The [House-passed] version [of the 2007 supplemental] . . . extends the MILC program for 13 months at a cost of $283 million, but the extension is as a discretionary program, which means CBO would not include it in the baseline. A Democratic House aide said the House did not include it as a mandatory program because under budget rules the bill had to account for the full 10-year cost of the program, which CBO estimated at $4.2 billion. But the Senate did not have that problem because it does not have similar budget rules.

To understand why this is a confused statement requires minitutorials on several facets of budget enforcement history and rules.

The Budget Enforcement Act of 1990 established a two-sided budget enforcement system designed to measure the budgetary effects of every piece of legislation enacted by Congress and compare those effects against a standard of enforcement.

One ''side'' of enforcement was defined as discretionary spending—that is, spending provided in annual appropriation bills. The enforcement standard was discretionary caps or limits set out in law for a period of 5 years. If appropriations for a year exceeded the discretionary cap for that year, then the Office of Management and Budget would order a sequester—an across-the-board reduction of appropriations of a sufficient magnitude so that the remaining appropriations could fit within the cap.

The other ''side'' of enforcement was pay-as-you-go, or pay-go, which covered all spending provided in all legislation that is not an appropriation bill, aka mandatory spending, and all legislated changes in Federal revenues. If, at the end of a year, all the mandatory spending and revenue legislation enacted by Congress cumulatively increased the deficit relative to the OMB baseline, then OMB would order a sequester of mandatory spending. All mandatory spending that was not exempted would be cut across-the-board to achieve savings corresponding to the amount of deficit increase enacted by Congress that year.

That sounds easy since there are only two kinds of enforcement discipline to worry about. To make things even easier, the joint explanatory statement of managers in the conference report on BEA included a list of all accounts at that time that were to be considered mandatory. Of course, the universe of spending accounts in the budget never remains static. So to anticipate future changes, as well as the likelihood that Congress may occasionally decide to make changes in mandatory spending programs in appropriation bills, or vice-versa, the statement of managers also included the following scorekeeping rule number 3 in a larger set of scorekeeping guidelines:

> Entitlements and other mandatory programs, including offsetting receipts, will be scored at current law levels as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act, unless Congressional action modifies the authorization legislation. Substantive changes to or restrictions on entitlement law or other mandatory spending law in appropriations laws will be scored against the Appropriations Committee section 302(b) allocations in the House and the Senate.

Put another way, rule number 3 means that if an appropriation bill makes a change in what has in the past been a mandatory program, then the appropriation bill is the bill that gets charged with the cost or gets credit for the savings. That change is counted against the bill's discretionary limit, aka the 302(b) allocation.

If an authorization bill, which is any bill that is not an appropriation bill, makes a change to mandatory spending or previously enacted discretionary appropriations, then that authorization bill is scored with the cost or credit and that bill is measured under pay-go. Scorekeeping rule 3 has often been colloquially paraphrased in the following way: ''He who does the deed gets charged with the cost or the credit.''

So how did this work in practice? Consider in the following table some stylized discretionary caps roughly equivalent to the levels enacted for the last 5 years for which BEA discretionary caps and pay-go were in effect. Those statutory enforcement mechanisms expired at the end of fiscal year 2002; similar, but not equivalent, mechanisms for discretionary caps and pay-go that are enforced by points of order rather than sequesters have continued in the Senate since then. Last year the House adopted a pay-go point of order for the first time.

Assume all the appropriation bills for 1998 provided in aggregate the exact level of discretionary spending allowed for that year—$530 billion. Since the enacted level for all appropriation bills did not exceed the cap, there would be no sequester.

Out of this total, what if the Agriculture appropriation bill for 1998 included a $2 billion annual increase in a mandatory program that had been created by the agriculture authorizing committee in the 1996 farm bill? Budget experts will recognize this concept as a CHIMP, or Change In Mandatory Program. For purposes of scoring the 1998 Agriculture appropriations bill, the $2 billion increase would be considered discretionary spending in every year, even though it was for an existing mandatory program, because it was enacted in an appropriations bill, not an authorizing bill. This $2 billion increase in a mandatory program would not count against pay-go.

So where would it count? For 1998, the answer is straightforward—the $2 billion cost of increasing the mandatory program in 1998 would count against the discretionary cap of $530 billion for that year.

But what about subsequent years? Since the appropriation bill for 1998 is only measured against the 1998 discretionary cap, how would the ''do-er'' get charged for the ''deed'' of increasing the cost of a mandatory program by $2 billion in 1999 and each year thereafter? By reducing the amount that the appropriations committee would be able to spend in future years under their discretionary caps.

OMB would simply reduce the discretionary cap in each of those subsequent years by $2 billion. In 1999, the $2 billion in higher spending on farm bill programs would appear back on the mandatory side of the budget, which is known as ''re-basing'' in budget-speak, but its effects would not have escaped enforcement because the 1999 discretionary cap would be reduced from $535 billion to $533 billion and so on for as many subsequent years as there are statutory caps. Under this system, no one could get away with free mandatory spending by hiding it in a different legislative vehicle to avoid pay-go.

When BEA and some supermajority budget points of order in the Senate were about to expire late in 2002, many Senators were concerned that there would no longer be any budget enforcement, especially since there was no budget resolution for 2003.

After several failed attempts to extend the statutory enforcement of BEA, the Senate settled for adopting S. Res. 304 by unanimous consent on October 16, 2002. For a 6-month period, until the next budget resolution could be agreed to, S. Res. 304 extended the 60-vote requirement for waiving certain points of order, extended the Senate's pay-go point of order, and applied the pay-go point of order to appropriation bills.

Why suddenly apply pay-go to spending in appropriation bills? Because there was no budget resolution or deemer for 2003, the chairman of the Senate Appropriations Committee did not have a discretionary allocation for 2003 and was concerned that members would want to load up new mandatory-type, permanent, automatic spending programs or increases in existing mandatory programs on his appropriation bills to avoid pay-go.

If those mandatory programs were enacted in authorizing bills, they would have continued to face a pay-go point of order because S. Res. 304 also extended the expiration date for the pay-go point of order. But since there was no discretionary allocation for appropriation bills for 2003, there was no budget enforcement for appropriation bills. Mandatory spending programs attached to appropriation bills would not have to be counted against anything. There would have been no 60-vote point of order to thwart them.

In addition to persuading the Senate to adopt S. Res. 304 to discourage such behavior, the chairmen of the Appropriations Committee and the Budget Committee went so far as to issue a warning to members: If a provision to increase a mandatory program for later years was somehow enacted on an appropriation bill, those two chairmen promised to see to it that whatever allocation that would have occurred for future years would be reduced by the amount of the mandatory spending added to the appropriation bills. But remember, there were no longer discretionary caps set out in law in advance for future years; instead, discretionary allocations were set on a year to year basis. This saber rattling seemed to do the trick, but only temporarily since S. Res. 304 expired on April 15, 2003.

For the next 4 years, 2003 to 2006, the only supermajority point-of-order tool available to prevent increases in mandatory spending programs from hitching a ride on appropriation bills was the advance appropriation point of order. Remember that until very recently, since enactment of BEA in 1990, when changes to a mandatory spending program are added to an appropriation bill, even if the changes seem mandatory-like, they have been considered as discretionary spending for purposes of budget enforcement on that bill.

Therefore, budget authority for mandatory spending activities provided for future years in an appropriation bill is considered a discretionary appropriation. The advance appropriation point of order in section 401 of the 2006 budget resolution, H. Con. Res. 95, 109th Congress, has included a definition of the term that captures this scoring practice: ''the term 'advance appropriation' means any new budget authority provided in a bill . . . making general appropriations . . . for fiscal year 2007, that first becomes available for any fiscal year after 2007.''

With the advent of the 110th Congress and a new chairman of the Senate Budget Committee, however, the Senate Parliamentarians—contrary to precedent in the 108th and 109th Congresses—have decided that this definition of advance appropriation somehow no longer applies to budget authority in appropriation bills when that budget authority results from changes in mandatory programs. As a result, folks in the Senate have flocked to the 2007 supplemental appropriations bill to augment their favorite mandatory programs for free.

For example, the Senate-passed version of the supplemental included the Wyden amendment, adopted on the Senate floor, that would extend ''county payments'' under the Secure Rural Schools and Community Self Determination Act from 2008 to 2012 at a cost of $2.2 billion. Proponents of this program, which was initially enacted as a temporary, transitional program in 2000, have fretted for the past several years about the imminent expiration of the program and how they could find sufficient offsets to pay for its extension.

The proponents were not able to convince the authors of the 2008 budget resolution to include a sufficient allocation to the Energy Committee to cover authorizing legislation to extend the program. But adding the extension to the supplemental means they did not have to pay for it under pay-go. The sponsors of the county-payments amendment claimed that they ''offset'' the cost by increasing various revenues, but the revenue provisions add up to only $0.2 billion over 2008 to 2012, which is $2.0 billion short of offsetting the cost of the amendment.

The amendment did include other provisions that pretended to raise revenues, but those provisions—amounting to $1.4 billion over 2008 to 2012—had already been incorporated by unanimous consent into the supplemental through the minimum wage amendment, and you cannot use the same offsets twice in one piece of legislation. Regardless of the amount of the supposed revenue offsets, any revenue increases enacted in the supplemental will go on the Senate's pay-go scorecard to be available to be spent on some other authorizing legislation in the future. Revenues cannot be used to offset spending in an appropriation bill.

Finally, also consider the confusing tale of MILC. MILC is a farm-bill program that makes payments to certain dairy farmers. MILC was intentionally scheduled to expire on August 31, 2007, unlike most of the other farm bill programs that were scheduled to expire on September 30, 2007, with some variation depending on the type of crop. When Congress first enacted the MILC Program, it designed it that way on purpose so MILC would not be continued in the CBO baseline; consequently, MILC was not continued in the CBO baseline for 2008 to 2017, while the rest of the farm bill was by and large continued in the baseline.

In an authorization bill reported from the Agriculture Committee, an extension of MILC for 1 month—making it expire at the same time as the rest of the farm bill—would have allowed the program to receive the same continuing-in-the-baseline treatment as the rest of the farm bill. But then that authorization bill and the Agriculture Committee would have had to pay for the extension with an offset for the last month of 2007 as well as for the subsequent 10 years or else be subject to the 60-vote scrutiny of the pay-go point of order. Proponents of MILC were not able to convince the authors of the 2008 budget resolution to include a sufficient allocation to the Agriculture Committee to cover authorizing legislation to extend the MILC Program. But with the option of the 2007 supplemental, it appears they did not need to.

While a 1-month extension of MILC was added to the Senate supplemental, it is not automatic—contrary to the suggestion in Senator KOHL's press release cited earlier—that CBO will ''build the cost of the dairy program into the baseline budget for the next farm bill.''

What happens instead is that CBO consults the chairman of the Senate Budget Committee on whether the Budget Committee wants CBO to continue an expiring mandatory program in the baseline. Note that in the case of county payments mentioned above, the current Budget chairman had advised CBO not to extend the payments in the baseline after they would have expired under the supplemental at the end of 2012.

But in the case of the 1-month extension of MILC in the Senate-passed supplemental, the current chairman of the Senate Budget Committee has instructed CBO to parlay that 1-month extension, which cost $31 million, into a $1.2 billion increase in the 5-year allocation to the Agriculture Committee, or $2.4 billion over the 10-year enforcement period under pay-go, all without any offset or any 60-vote budget enforcement opportunity.

The chairman could have just as easily directed CBO not to assume continuation of MILC in the baseline, which is what Budget Committee chairmen have advised CBO to do about MILC in the past and what the current chairman did in the case of county payments. That would have prevented a $2.4 billion dodge around pay-go. Instead, the chairman chose to exempt MILC from the pay-go discipline.

The House-passed supplemental also included an extension of MILC, although it did so without amending the existing MILC law. In contrast to the Senate, the House supplemental simply appropriated money to USDA to make MILC-like payments to dairy farmers as if MILC were still in effect for the 13 months after August 31, 2007.

Even so, the distinction made in the news article cited earlier about the House extending MILC as a discretionary program and the Senate extending it as a mandatory program is misleading. MILC is by definition a mandatory program because it was created by an authorizing committee. However, any changes made to the MILC Program in an appropriation bill are considered discretionary for purposes of evaluating that appropriation bill for budget enforcement, regardless of whether MILC is extended by tweaking language in existing law or by creating parallel new language.

Further, the Democratic House aide cited in that article is not correct that ''under [House] budget rules that [House supplemental] bill had to account [with an offset] for the full 10–year cost of the [MILC] Program'' if the MILC program were going to be extended for that long. Note that the House supplemental did not ''pay for'' the $283 million cost of extending MILC through 2008; it just designated it as an emergency to avoid budget enforcement.

Why was the House aide incorrect? Because the House pay-go point of order does not apply to appropriation bills in the House. After the House adopted its pay-go rule in January 2007, there was some initial confusion and unsettledness about which legislation its pay-go rule would apply to. But now it is clear that the House pay-go rule applies to authorization bills only.

The House appropriators, however, do not want their bills to become the vehicle of choice to carry increases in mandatory spending programs that cannot find offsets in authorization bills to fit under the House pay-go rule. So, it is only the persuasive jawboning by interested parties, such as the chairman of the House Appropriations Committee, that has thus far been able to keep House appropriation bills nearly free and clear of multiyear changes in mandatory spending.

At least the House seems committed as a matter of practice, even if not as a result of its rules, to preventing its appropriation bills from becoming a huge loophole for avoiding pay-go enforcement. However, the Senate has shown no such restraint since it added $4.6 billion in mandatory spending increases over the next 10 years for county payments and MILC alone to its version of the 2007 supplemental.

There is a way to close this pay-go loophole. One way would be to reinstate the enforcement of pay-go for appropriation bills that the chairman of the Appropriations Committee succeeded in providing for six months in 2002 to 2003 through S. Res. 304. The Appropriations chairman, however, now opposes that approach.

Another way would be if the conference report on the 2008 budget resolution had included an amendment offered by the chairman of the Budget Committee and myself, which was adopted by UC during Senate debate on that budget resolution. The amendment would have created a 60-vote point of order against net increases in spending for mandatory spending programs on an appropriation bill.

In fact, the conference report did include a weakened version of the Gregg-Conrad point of order that the Senate passed. But that weakened point of order exempted the 2007 supplemental. So there was no 60-vote point of order available to strip the MILC provision out of the supplemental. The Budget Committee chairman's excuse is that he did not want to change the rules in the middle of the game while the supplemental was being considered at the same time as the 2008 budget resolution.

But this is nonsense. If the MILC provision had instead been in an authorizing bill at that time, the pay-go point of order that was already in place in the Senate would have made it possible to subject the MILC provision to 60-vote scrutiny. That was the rule already in place at the time. By hiding the MILC provision in the supplemental and getting the Parliamentarian to change the precedent on what constituted an advance appropriation, that was changing the rules in the middle of the game in order to protect the MILC provision and, even more importantly, to stock the farm bill baseline with $2.4 billion more in spending that would never be subject to pay-go.

Some other things that the Budget chairman has wrong about pay-go are as follows.

He said this week that pay-go matters only when bills are enacted. This is exactly the opposite of the truth. Pay-go is a point of order. A Senator cannot raise a point of order after a bill has been enacted into law. The pay-go point of order is only worth anything when the Senate considers a bill before sending it on to conference; seldom do conference reports get blown up by a point of order.

The chairman also said pay-go has been defended nine times since the 2008 budget resolution was put in place and that it was never waived, so that is an indication of how successful and wonderful it has been. But I count only eight times that a pay-go point of order was raised since adoption of the 2008 budget resolution conference report, and in each and every instance it was raised against amendments offered to bills brought to the floor. The pay-go point of order has not yet been raised in its current incarnation against any of the several bills brought to the floor that by themselves violated pay-go.

The Budget chairman is defensive about pay-go. He should be. The pay-go he defends is not the pay-go that he promised for years that we would have if only his party were in charge. Now that he is in charge, pay-go is watered down and incredibly easy to gimmick or avoid.

I ask unanimous consent that the tables to which I have referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—PROPOSED PAY-GO AT START OF THE 110TH CONGRESS

	S. 10	House (H. Res. 6)
Description	Would create a point of order in the Senate against measures that increase or create an on-budget deficit in the current year, the budget year (1st year), the first 5 years, or the second 5 years (would not apply if sufficient on-budget surpluses were projected).	Makes it out of order to consider legislation that increases the deficit or reduces the surplus for the first 6 years (2007–2012) or the first 11 years (2007–2017).
Votes Needed to Waive Point of Order	60 votes	Simple majority through adoption of a rule that waives the point of order.
Scorecard	Uses a cumulative scorecard, so that savings in earlier enacted bills could offset deficit increases in later bills.	House point of order applies on a bill-by-bill basis. No scorecard maintained.
Sequestration	No sequestration enforcement	House point of order is not a law and therefore can not include sequestration.
Expiration date	September 30, 2012	House point of order is effective for the 110th Congress only.
In effect?	Must be enacted to go into effect. (Pay-go provision in S. 10 could be put into effect if written into a new budget resolution that Congress agrees to).	House point of order is in effect now.

TABLE 2.—PAY-GO IN EFFECT IN THE 110TH CONGRESS

	Senate (Sec. 201 of S. Con. Res. 21, 2008 Budget Resolution Conference Agreement)	House (H. Res. 6)
Description	Point of order against direct spending or revenue legislation that increases or creates an on-budget deficit.	Makes it out of order to consider direct spending or revenue legislation that increases the deficit or reduces the surplus.
Period covered [a]	Must be deficit-neutral for the first 6 years (2007–2012) and the first 11 years (2007–2017). No first-year test and no test for years 6–10.	Must be deficit-neutral for the first 6 years (2007–2012) and the first 11 years (2007–2017). No first-year test and no test for years 6–10.
Application	Would not apply if sufficient on-budget surpluses were projected	Applies regardless of whether on-budget surpluses are projected.
Votes Needed to Waive Point of Order	60 votes	Simple majority—via adoption of a rule that waives the point of order.
Scorecard	Uses a cumulative scorecard, so that savings in earlier enacted bills could offset deficit increases in later bills.	House point of order applies on a bill-by-bill basis. No scorecard maintained.
Expiration date	September 30, 2017 or until changed by a subsequent resolution	House point of order is effective for the 110th Congress only.
In effect?	Current pay-go point of order became effective on adoption of the conference agreement on S. Con. Res. 21 (May 17, 2007).	House point of order has been in effect since January 5, 2007.

[a] In the House these were the periods covered for the first session of the 110th Congress. With the start of the 2nd session, the House pay-go rule required the enforcement periods to change to 2008–2013 for the first six years and 2008–2018 for the 11 years.

TABLE 3A.—TOUGH FIRST-YEAR OFFSET REQUIREMENT UNDER OLD-FASHIONED PAY-GO

[$ billions]

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17
Increase in Spending	9	0	9	0
Needed Offset (tax increase or spending decrease)	−9	0	−9	0
Net Deficit Effect [1]	0		0	0

[1] Old Pay-go test would have been satisfied since each of these three periods is zero or less.

TABLE 3B.—UNDER OLD PAY-GO, OFFSETS EASIER TO ACHIEVE OVER 5 YEARS BY SHIFTING COST PAST FIRST YEAR

[$ billions]

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17
Increase in Spending	0	9	9	0
Needed Offset (tax increase or spending decrease)	0	−2.25	−9	0
Net Deficit Effect [1]	0		0	0

[1] Old Pay-go test would have been satisfied since each of these three periods is zero or less.

TABLE 3C.—UNDER OLD PAY-GO, OFFSETS IN YEARS 6–10 COULD NOT PAY FOR NEAR-TERM SPENDING

[$ billions]

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17
Increase in Spending	0	9	9	0
Needed Offset—Customs Fees	0	0	0	−9
Net Deficit Effect (+ = deficit increase/minus = deficit decrease) [1]	0		+9	−9

[1] Old Pay-go test would have not been met because deficit increases in 2008–2012.

TABLE 3D.—NEW PAY-GO NEEDS MORE THAN LONG-TERM OFFSET TO PAY FOR SPENDING TODAY

[$ billions]

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17	all 10 years 2008–17
Increase in Spending	0	9	9	0	9
Needed Offset—Customs Fees	0	0	0	−9	−9

TABLE 3D.—NEW PAY-GO NEEDS MORE THAN LONG-TERM OFFSET TO PAY FOR SPENDING TODAY—Continued

[$ billions]

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17	all 10 years 2008–17
Net Deficit Effect [1]	0		9		0

[1] New Pay-go test would not be met because deficit increases over 5 years (note that over 10 years this example is budget neutral).

TABLE 3E.—NEW PAY-GO, ALONG WITH CORPORATE TAX TIMING SHIFT, ALLOWS SPENDING TODAY WITH OFFSETS FAR IN THE FUTURE

[$ billions]

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17	all 10 years 2008–17
Increase in Spending	0	9	9	0	9
Needed Offset—Customs Fees	0	0	0	−9	−9
Needed Timing Shift Corporate est. tax payments			−9	9	0
Net Deficit Effect [1]	0		0		0

[1] New Pay-go test is met because deficit does not increase over 5 years or 10 years.

TABLE 4.—CORPORATE ESTIMATED TAX SHIFT USED IN LEGISLATION IN THE 110TH CONGRESS

	Public Law	($ billions) 2012	2013
Enacted legislation:			
2007 Supplemental (incl. minimum wage increase)	110–28	+5.0	−5,0
Andean Trade Preference Act extension	110–42	+0.2	−0.2
Burmese Freedom and Democracy Act	110–52	+0.2	−0.2
Trade Adjustment Assistance extension	110–89	+0.2	−0.2
U.S.-Peru Free Trade Agreement	110–138	+0.5	−0.5
Mortgage Forgiveness Debt Relief Act	110–142	+0.9	−0.9
Total enacted tax shift		+6.8	−6.8
Pending legislation:			
H.R. 2419, Farm Bill, as passed by the Senate (in conference)		+4.2	−4.2
Possible agreement on energy tax provisions (not included in H.R. 6)		+3.8	−3.8
Total tax shift in pending legislation		+8.0	−8.0
Tax shift in passed, but not enacted, legislation (H.R. 4351, House-passed 2007 AMT patch)		+31.7	−31.7

Details do not add to totals due to rounding.
Source: CBO/JCT cost estimates.

TABLE 6.—DEFICIT IMPACT OF PAY-GO LEGISLATION

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2007–2012	2007–2017
Subtotal, bills that included the corporate estimated tax shift	190	573	802	3,918	2,362	−8,682	5,296	−1,267	−1,792	−897	−688	−838	−192
Other enacted pay-go bills	3	4,320	2,478	−1,572	−3,561	−2,817	2,524	882	−921	−1,350	−1,107	−1,150	−1,119
Total deficit impact	193	4,893	3,280	2,346	−1,199	−11,499	7,820	−385	−2,713	−2,247	−1,795	−1,988	−1,311

NOTE: Positive numbers indicate increase in deficit and negative numbers indicate decrease in deficit.

ILLUSTRATION OF HOW CHANGES IN MANDATORY SPENDING ENACTED IN AN APPROPRIATION BILL COUNT FOR BUDGET ENFORCEMENT

[Budget authority in $ billions]

	1998	1999	2000	2001	2002
Illustrative Statutory Discretionary Caps	530	535	540	545	550
5-year Increase in Mandatory Spending:					
Program Enacted in a 1998 Appropriation Bill Counts against 1998 Discretionary Cap		2	2	2	2
–and–					
Outyear Statutory Discretionary Caps Reduced to Reflect Mandatory Increase		533	538	543	548

Mr. CONRAD. Mr. President, I ask unanimous consent that the enrolling clerk be authorized to make technical and conforming changes to levels in title I of S. Con. Res. 70 at the direction of the majority staff of the Budget Committee to reflect the effects of amendments agreed to by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of all Members, we will not be in session today. We will have final passage. I said this just a few minutes ago, but it really speaks volumes. This bill has been managed in a very professional way, and we appreciate the good work.

We will be out now for 2 weeks. There will be no votes on Monday, March 31, but there will be votes—it is more apropos to what we have done today—on April Fools' Day, April 1. We are going to have votes before lunch on Tuesday, April 1. We will have votes before lunch. So everyone should be advised there will be votes before noon on Tuesday. I hope everyone will keep that in mind and have a happy and successful 2-week break period.

The PRESIDING OFFICER. The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I know everybody wants to head off quickly, but I have to take a minute to first thank Senator CONRAD for his professionalism in leading this bill. Although we disagree, I greatly admire the way he managed this bill. He did an extraordinary job.

I also thank his staff, led by Mary Naylor. They are extremely professional. Everybody's staff around here spends extraordinary time, a lot of time away from family. We thank them for everything they have done.

In particular, I wish to thank all my staff, first and foremost, Denzel McGuire, who wears many hats for me. In addition, the rest of my Budget Committee staff have worked tirelessly:

Cheri Reidy, Allison Parent, Jim Carter, David Fisher, Jay Khosla, Melissa Pfaff, Liz Wroe, Amy Tenhouse, Matt Giroux, Nancy Perkins, Kevin Bargo, Greg McNeil, Mike Lofgren, Betsy Holahan, Emma Post, David Myers, Jim Hearn, Giovanni Gutierrez, Winnie Chang, and David Pappone.

I wish to acknowledge that this is the last budget in which PETE DOMENICI—regrettably, he is not here right now—will participate. He is, obviously, the father of the budget process, along with Senator BYRD. His commitment

to this budget process is extraordinary, and his impact on this Congress is extraordinary. I wanted to acknowledge that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first, thanks to all of our colleagues for their extraordinary patience. I thank Senator GREGG, the ranking member, for being so decent, reasonable, and fair-minded. I think that helped the process.

Special thanks to my staff director, Mary Naylor, John Righter, Joel Friedman, and Lisa Konwinski. I also thank Steve Bailey, Jamie Morin, Mike Jones, Joan Huffer, Jim Miller, Jim Esquea, Cliff Isenberg, Sarah Kuehl, Robyn Hiestand, Brodi Fontenot, Matt Salamon, Kobye Noel, Steve Posner, Stu Nagurka, David Vandivier, Anne Page, Jackie Keaveny, Josh Ryan, Ben Soskin, and Brock Ramos. I will just say they have worked tirelessly 7 days a week for months.

I also want to give great regard to Senator GREGG's staff, led by Denzel McGuire—a truly professional team.

Mr. REID. Mr. President, I apologize to everyone. Everyone, please be patient.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to S. Con. Res. 70, as amended.

Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. Mr. President, on this vote, I have a pair with the Senator from West Virginia, Mr. BYRD. If he were present and voting, he would vote ''yea.'' I withhold my vote, which is ''nay.''

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—51

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Cantwell	Klobuchar	Reid
Cardin	Kohl	Rockefeller
Carper	Landrieu	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Collins	Levin	Snowe
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Tester
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—44

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Ensign	Roberts
Bennett	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hagel	Sununu
Coburn	Hatch	Thune
Cochran	Hutchison	Vitter
Coleman	Inhofe	Voinovich
Corker	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Lugar	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stevens, against

NOT VOTING—4

Bond	Domenici
Byrd	McCain

The concurrent resolution (S. Con. Res. 70), as amended, was agreed to.

(The concurrent resolution will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I now ask unanimous consent to proceed to Calendar No. 340, H.R. 3221, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask now that there be a period of morning business, with Senators permitted to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPRINGTIME AND EASTER

Mr. BYRD. Mr. President, this week, as the Senate debates proposed changes to the budget resolution, our minds are focused keenly on the pros and cons of various amendments and on the consequences of the budget resolution for the authorization and appropriations process that lies ahead. We have much to do this year, and less time than usual in which to do it.

Personally, I am glad to be back amid the controlled chaos of the annual budget debate. As many people know, I fell last week. Fortunately, I only gave my back a good wrench, but my family and my doctors insisted on a lot of care and physical therapy, which was both therapeutic and frustrating. I do not like to be poked and prodded and cajoled any more than the next person, especially after I begin to feel better and am ready to get back to work. Nevertheless, the rest did let me spend a little time staring out the windows, watching the beauty of springtime steal across Washington. I hope that each of my colleagues will have a chance to enjoy the springtime show as the Senate breaks for the Easter recess.

This year, the vernal equinox falls in the middle of the Easter Holy Week, on Maundy Thursday. Therefore, the first day of spring is also the day that marks the Last Supper between Jesus and his disciples, the evening before the crucifixion Good Friday and the miracle of resurrection on Easter Sunday. It is fitting that the dawning of the spring and the resurrection of Christ occur in close conjunction. Both events celebrate renewal and rebirth, the awakening of new life. I, too, feel a sense of renewal this year, of restored health and energy that only enhances my usual affection for the springtime of year.

I welcome spring with the words of the English poet, William Blake (1757–1827) in his poem, ''To Spring:''

O thou with dewy locks, who lookest down
Through the clear windows of the morning, turn
Thine angel eyes upon our western isle,
Which in full chorus hails thy approach, O Spring!

The hills tell one another, and the listening
Valleys hear; all our longing eyes are turn'd
Up to thy bright pavilions: issue forth
And let thy holy feet visit our clime!

Next week, as Christians step through the liturgical calendar of Easter, observing and commemorating great events of two millennia past, the occupants of the northern hemisphere also count down the days to Spring. In these first warm and fragrant days, we can most fully appreciate the beauty of the season, so easily compared to the cold and wet weather of the previous weeks. With each trumpeting daffodil, each nodding crocus, each arching branch of yellow forsythia, and each dainty petal of blooming pear and cherry tree, we find the undeniable evidence of the approaching season. In the ever-lengthening evening light, we spy the house wren flitting about as she seeks a sheltered spot to build her nest. We hear, clear and strong, the first

evening chorus of frogs, a song that will be lost in the background noise later in the season. But this week, we hear it ''a capella,'' unaccompanied by the evening singing of crickets and the hum of air conditioners on hot summer evenings.

Each sign of spring, each glory of the Easter-tide, is a gift from the Creator, a promise made to each of us that there is life after death, and beauty after the dark days of winter. I urge my colleagues in the Senate and those listening at home to step outside and revel in the glory and the beauty of spring.

Mr. President, I close with a poem by the great American poet, Robert Frost (1874–1963), called ''A Prayer in Spring.'' I thank my colleagues for their many kind wishes for my renewed health.

Oh, give us pleasure in the flowers to-day;
And give us not to think so far away
As the uncertain harvest; keep us here
All simply in the springing of the year.

Oh, give us pleasures in the orchard white,
Like nothing else by day, like ghosts by night;
And make us happy in the happy bees,
The swarm dilating round the perfect trees.

And make us happy in the darting bird
That suddenly above the bees is heard,
The meteor that thrusts in with needle bill,
And off a blossom in mid air stands still.

For this is love and nothing else is love,
The which it is reserved for God above
To sanctify to what far ends He will,
But which it only needs that we fulfill.

TRIBUTE TO DR. HARRY CARLOSS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a good friend and respected Kentuckian, Dr. Harry Carloss. Dr. Carloss has worked diligently for over 32 years to treat thousands of his patients who face one of life's most terrible illnesses, cancer.

Originally from Lexington, KY, Dr. Carloss went to the University of Louisville Medical School and later worked at the Scripps Clinic and Research Foundation in San Diego, CA. Dr. Carloss, along with and his wife Barbara, returned a few years later to Kentucky and settled in Paducah to practice as an oncologist. Dr. Carloss worked in Paducah for 28 years, choosing to help those who oftentimes were facing a death sentence.

Along with helping his patients, he became a point man in the campaign to battle cancer. He has written medical scientific papers, been involved in many research and clinical trials over his career, and been given numerous accolades in the form of honors and awards from his peers.

Mr. President, I ask my colleagues to join me in honoring a man who worked tirelessly and gave so much of himself to the people he served. Recently the Paducah Sun published a story about Dr. Harry Carloss, which admirably illustrates the work, sacrifice and commitment Dr. Carloss gave to his patients, and to finding a cure for cancer. I ask unanimous consent that the full article be included in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Paducah Sun, Mar. 12, 2008]

CARLOSS STANDING DOWN—AFTER A RELUCTANT WITHDRAWAL, COMBATANT IN WAR ON CANCER LOOKS BACK ON CAMPAIGN

(By Steve Vantreese)

PADUCAH, KY.—A cancer doctor dying of cancer—that sort of story has a dark irony.

In the case of Paducah oncologist Harry Carloss, happily it isn't true.

''I've heard the rumor,'' he said, not particularly offended. ''I don't have cancer. I have physical limitations that forced me to retire.''

Instead of his primary foe over 32 years as a cancer fighter, a fall from a ladder stopped the 57-year-old Carloss in his oncological tracks. He broke his back, had it surgically repaired as best as could be done—ruined spinal parts removed, at least—and now is debilitated. Not dead, not totally paralyzed, both of which he could have been. Just limited.

He returned to his practice after injury and surgery, but found after a trial period that he couldn't remain on his feet for any length of time, or sit in most circumstances, for that matter. He makes little reference to ongoing pain, loss of sensation and difficulties in walking that came with the nerve damage.

''Other people have far worse problems,'' Carloss notes in self-deferring fashion.

He's seen enough to know. As once the sole oncologist in a void west of Louisville, south of St. Louis and north of Nashville, Carloss saw a steady parade of patients in dire straits.

The Lexington native and University of Louisville medical school graduate went to the Scripps Clinic and Research Foundation (San Diego, Calif.) to work in primarily hematology. He and his wife, Barbara, returned to Kentucky, coming to Paducah as a smaller town in which to raise their kids.

''I came here to be an oncologist, but I had doubts at first that a town the size of Paducah could support an oncologist,'' Carloss said. ''That turned out to be the joke of the century.''

In the 28 years that he practiced in Paducah, Carloss treated thousands. When he recently had to cease practice, he found that he had approximately 3,000 current patients on chemotherapy who shifted their cases to other physicians' care.

Even though cut short by result of accident and injury, Carloss can still claim a lengthy practice in a field that often doesn't produce long runs.

''Thirty-two years is a long time to practice as an oncologist,'' Carloss said. ''There is a high burnout rate. Most doctors who do this end up in research or something outside seeing patients every day.''

One reason is that there is extra emotional burden in specializing in the care of people who in many instances are fatally ill.

The position of the oncologist has improved through the years as medicine has, yet there is still the excess baggage that comes from serving some of the sickest people.

''Their problems become your problems,'' Carloss said. ''Especially during the early years of my practice, before medicine evolved as much, many cancers were just a death sentence.

''The stuff we had to use for chemotherapy would either kill you or cure you,'' he said. ''It has to attack cancer cells, but it attacked white blood cells, too. We now have antidotes that chemo patients get to keep their white cell levels from dropping.

''There are lots of things we have to battle cancer now that we didn't have then,'' Carloss said. ''And over the years the mortality for cancer has gone down. It's become more of a chronic disease than a death sentence.''

That has eased Carloss' burden of fighting what too often seemed a losing battle. More clear wins against cancer certainly helped, but he also has learned to benefit patients—and himself—with relative, mitigated victories.

''I discovered pretty early that I couldn't fix everything,'' he said. ''What I learned is, while I might not be able to save somebody, there are things I could do. I might give them more time, make sure they had less pain and improve the quality of the life they had left.''

Carloss said fairly early in his practice he got help in dealing with losses, assistance that came from dying men.

''I explained to one man that he was terminally ill and offered him a chance to take part in some research,'' Carloss said.

''He really didn't show any emotion and I wasn't sure he understood, so I explained his situation again—and still no emotion.

''Then he told me that he'd landed on Omaha Beach on D-Day and everybody in his group was killed but him,'' he said. ''He figured that everything he'd done since that day was a bonus. And he said if he could do anything that would help somebody else with the time he had left, he'd be glad to.''

A young man told Carloss that there was a blessing in his cancer as opposed to a fatal heart attack.

''He said at least he had time to correct his mistakes and say his good-byes to people,'' Carloss recalled.

Carloss doesn't regret the emotional expenditures from his past practice. He does have some sore spots about some of its frustrations.

''Because of the way treatment is paid for, all services aren't available to everybody,'' Carloss said.

He said Medicare regulations and the resulting insurance coverage parameters are such that every cancer patient simply cannot get access to some of the drugs that might be beneficial.

''Now drugs have become so expensive that reimbursement drives what can be used for a patient,'' Carloss said. ''I could, or I used to could write you a prescription for a drug that would cost you $72,000 for a year's supply. There are drugs available that nobody can afford.

''That's the part of the practice that I don't miss,'' he said. ''Before, in the first 25 years of my practice, if there was a drug out there, I could use it for a patient and it would be paid for. We never turned anybody away if they didn't have the money.''

Beyond patient care in small town America, Carloss has been a point man in the campaign to counter cancer.

He has been involved in a wealth of research and clinical trials through the years. He likewise has been a prolific writer of medical scientific papers.

Carloss' honors and awards among medical peers have stacked up through his career. His foremost recognition may be his selection for mastership in the American College

of Physicians, which comes only for those cited for exceedingly stellar career achievements.

Carloss, a plain talker might say, had a lot of irons in the fire. His injury-forced retirement was such an abrupt change in schedule, the reversal of pressure was so extreme that it might have produced the bends in a mental sense.

Long days of life and death decisions were suddenly switched over to longer days of no particular commitments.

''I had lots of people that I was taking care of, and it took me two months to stop calling the office every day to check on them,'' he said. ''I solve problems during the night, and it took me two months before I could sleep through the night and not be lying there working things out in my head.''

The demands of the career don't seem to have taken a regrettable toll, however.

''If I could do it all over tomorrow, I'd do it again,'' Carloss said.

TRIBUTE TO THE MOUNT SAINT JOSEPH CONFERENCE AND RETREAT CENTER

Mr. MCCONNELL. Mr. President, I rise today to honor an organization that has contributed greatly to the Commonwealth of Kentucky and its citizens. The Mount Saint Joseph Conference and Retreat Center celebrates its 25th year of service this year. The center has been a long time contributor to the State and the community in western Kentucky surrounding Maple Mount.

In 1983, after many years as a boarding school, the Ursuline Sisters of Mount Saint Joseph made a difficult, yet promising decision to close its educational facilities. That led to the opportunity to develop the center into a modern facility. After much thought and prayer, the sisters that so dedicatedly ran the boarding school worked to transform it and its surroundings into a retreat center offering programs and meeting spaces for businesses and organizations.

Since the renovation 25 years ago, the Mount Saint Joseph Conference and Retreat Center has focused on spirituality, the arts, and environmental education. Each year, 500 students visit the center to tour the surrounding farm and learn good stewardship of the Earth. Groups from churches and businesses frequent the center, which contains living quarters and a cafeteria.

Not only does the center add to the mental and spiritual well-being of the people of western Kentucky, it works to preserve the environment as well. Through the dedicated leadership of Sister Amelia Stenger, director of the center, the Ursuline nuns have made it their mission to educate the community about the environment. In so doing, they have built one eco-friendly home out of straw and now plan to rebuild a home using several energy-saving measures.

They plan to build a ''near-zero'' home that uses no outside sources of energy in western Kentucky. Sister Stenger pioneers these efforts after a visit to Austria, where she toured various conservation efforts there. This house will be called the Casa del Solé Environmental Education Center. The name is Italian for ''house of the sun,'' and for the Ursulines it also refers to Jesus Christ.

The service and selflessness of Sister Stenger, three previous directors, and the center's staff has contributing much to those who visit the center every year and to the Commonwealth of Kentucky. I ask my colleagues to join me in honoring the Mount Saint Joseph Conference and Retreat Center for 25 years of service in the community.

HOUSE CONSIDERATION OF FISA LEGISLATION

Mr. LEAHY. Mr. President, I commend the House of Representatives for debating its amendment to the Senate's FISA Amendments Act of 2007. This is a step forward and a good bill.

The Foreign Intelligence Surveillance Act is intended to protect both our National security and the privacy and civil liberties of Americans. This law was passed to protect the rights of Americans after the excesses of an earlier time.

The FISA Amendments Act of 2007 that passed the Senate had a number of serious failings and did not adequately protect the privacy and civil liberties of Americans with this sweeping new surveillance. I had hoped that the Senate would incorporate improvements that had been reported by the Senate Judiciary Committee and that I and other Senators offered as amendments on the floor. It did not. Instead, having gotten exactly the bill they wanted from the Intelligence Committee, the administration threatened of Presidential veto if any further improvements were made. The Senate bill was flawed.

The House leadership understood that under our constitutional system of government, Congress gets a say in legislation. For the last month the House has worked with 4 Senators and sought to work with congressional Republicans and the administration to fashion a reasonable compromise between its earlier legislation, the RESTORE Act, which passed last fall, and the Senate's bill. Unfortunately, congressional Republicans and the administration have refused to engage in meaningful discussions or negotiations about the legislation. It has been their position that the Senate's bill must be the end of all discussions, and the House must simply accept it. I commend the House leadership for upholding our legislative tradition and allowing Congress to act as a separate and equal branch of the Federal Government. The Constitution provides in article I for Congress to write the laws and in article II for the executive to faithfully execute them—not the other way around.

The administration has engaged in all of its usual scare tactics to try to bully the House into accepting the Senate bill. First, they refused to allow an extension of the Protect America Act, thereby allowing it to expire. Then, they tried to convince the American people that the expiration put Americans at risk—and somehow that was the Democrats' fault. It was not true, of course; the expiration of the Protect America Act put nobody at risk because the orders entered under that act remain in force for a year. And it is the White House and congressional Republicans who have repeatedly refused to extend the Protect America Act. And they have ensured delay by refusing to allow the appointment of conferees so work on the bill can move forward. These are just more in a long line of administration attempts to politicize national security in order to shield itself from accountability.

Despite the failure of the administration and the Republican Members of Congress to discuss the bills, the House engaged in intensive, productive bicameral discussions and produced a compromise bill that improves on both the Senate bill and their earlier efforts. It adds to title I of the bill several protections that I urged in the Senate. Very importantly, it includes a requirement that inspectors general, including the Department of Justice inspector general, conduct a thorough review of the so-called terrorist surveillance program and report back to the Congress and, to the greatest degree possible, the American people. This is a key measure to finally require accountability from this administration. We have not yet had anything close to a comprehensive examination of what happened and how it happened. We cannot expect to learn from mistakes if we refuse to allow them to be examined. As an additional accountability mechanism, the House bill would establish a bipartisan national commission to investigate and report on the administration's warrantless surveillance activities.

The House bill also strengthens the exclusivity provision from the Senate bill by mandating that, absent specific statutory authorization, FISA is the exclusive means to conduct electronic surveillance. This provision makes clear that the Government cannot claim authority to operate outside the law—outside of FISA—from legislative measures that were never intended to provide such exceptional authority. This administration argues that the Authorization for the Use of Military Force, AUMF, passed after September 11, justified conducting warrantless surveillance of Americans for more than 5 years. That is not what was intended. With enactment of this

strengthened exclusivity provision, we should not see similar arguments of circumvention in the future.

The House bill would also clarify that the Government may not use this new authority to target Americans indirectly when it cannot do so directly. The administration says it will not do that, but the Senate bill does nothing to prevent it.

Finally, and critically, the House bill would not grant blanket retroactive immunity. This administration violated FISA by conducting warrantless surveillance for more than 5 years. They got caught, and if they had not, they would probably still be doing it. When the public found out about the President's illegal surveillance of Americans, the administration and the telephone companies were sued by citizens who believe their privacy and their rights were violated. Now, the administration is trying to get this Congress to terminate those lawsuits in order to insulate itself from accountability.

The House bill does, however, address the concerns of the carriers who are defendants in those lawsuits that they are prevented from defending themselves because the administration is asserting the State Secrets privilege over the subject matter of the litigation. The bill provides mechanism for the companies to present their defenses in secure proceedings in the district court. I think this is a fair provision.

I have been very disappointed by the failure of the administration and congressional Republicans to participate in important discussions about this bill. I applaud the House for its significant efforts. It has passed a good bill.

Republicans in Congress and the administration now have a choice: If they are concerned with a delay in authority, they should help the House, and in urn the Senate, pass the improvements to FISA that the House amendment contains and replace the expired Protect American Act provisions and do so immediately. Having rejected the extension of the Protect America Act and allowed it to expire before the last congressional recess, I hope that they will join in supporting the House amendment to restore the additional tools this measure would provide without further delay.

40TH ANNIVERSARY OF THE FAIR HOUSING ACT

Mr. HARKIN. Mr. President, April 11, 2008 marks the 40th anniversary of the enactment of the Fair Housing Act, Title VII of the Civil Rights Act of 1968. Signed into law just 1 week after the assassination of Dr. Martin Luther King, Jr., the bill made discrimination in the sale and rental of housing illegal based on a person's race, color, religion, sex, or national origin. This act opened doors of opportunity. It was a big step towards eliminating discrimination in housing and to providing fair housing.

Dr. King's inspiring message of equal opportunity for every person and the commitment to change views and attitudes is embodied in the Fair Housing Act. As we celebrate the 40th anniversary of this historic legislation, we must reaffirm our commitment to ensure that every person has equal access to housing.

I want to commend the Iowa Civil Rights Commission and the 25 local commissions across Iowa for their advocacy of housing opportunities for all of our citizens. These commissions provide comprehensive community education, public outreach, investigation, mediation, and training to foster fair housing by enforcing local, State, and Federal fair housing laws.

I would encourage my fellow Members of Congress to support a commitment to fair housing by strengthening laws against predatory lending practices, racial segregation, and restoring rights for persons with disabilities under the ADA.

On this 40th anniversary, we can celebrate many victories, but, unfortunately, housing discrimination still occurs. We still have many battles to be fought in our march towards a future where there is justice and housing opportunities for all Americans.

FIREARMS INFORMATION USE ACT OF 2007

Mr. MENENDEZ. Mr. President, I rise today for two purposes. One is to shed light on the serious problem of gun violence that afflicts our Nation, and the other is to introduce legislation which would assist law enforcement in their efforts to address this growing scourge that affects countless Americans every day.

Each and every year, tens of thousands of Americans have their lives senselessly cut short because of gun violence. In 2004, 29,569 Americans were killed by guns. This figure is higher than the number of deaths our military has suffered in any year of any war since World War II—and it translates to over 81 gun deaths per day—over 3 deaths per hour. Tragically, statistics show that by the time I finish this speech, another American will have lost his or her life to gun violence.

Gun violence does not discriminate; it affects rich and poor, young and old, the innocent and guilty alike. It is not a red or blue State issue, but an American crisis that concerns our Nation as a whole. Not a single American is immune to the tragic reach of gun violence.

Our brave law enforcement officers risk their lives every day to stop gun violence before it occurs, but they cannot do it alone. They need resources—not just funding and equipment although those are critically important—but also information and intelligence. That is why the ATF collects and compiles gun trace data—to provide crime gun information to law enforcement agencies, federally firearm licensees, FFL, the public, Congress, and State and local authorities so they may better understand and prevent gun violence.

It goes without saying that the more we understand a problem and its sources, the more proficient we will be in our ability to solve it. That is particularly true when talking about guns that are used to commit crimes. In fact, one study has shown that 1.2 percent of gun dealers sell 57 percent of guns later traced to criminal investigations.

My home State of New Jersey has some of the strictest gun laws in the country, yet hundreds, if not thousands, of off-limit customers, such as those under age or those with violent criminal records, wind up with such weapons each month. And the overwhelming majority of guns used to commit crimes in our State's cities were originally sold in compliance with the law in other States.

In fact, a large majority of the guns used to commit crimes in Jersey City, Newark, and Camden traveled up the east coast along I–95—the ''Iron Pipeline''—and therefore don't fall under New Jersey's gun laws. This is truly a paradox that has not only frustrated law enforcement agents, but elected officials too.

According to ATF reports released in July 2002, 85 percent of the traced guns used to commit crimes in Jersey City and Newark, and 77 percent of those used in Camden, were originally purchased outside of New Jersey. And more than 67 percent of crime guns recovered in Jersey City were originally purchased more than 250 miles away, with 20 percent originating in South Carolina.

This is exactly the type of information that assists law enforcement officials in placing local crime guns in a regional and national strategic enforcement context and would allow Federal, State, and local elected officials to develop national, regional, and local strategic responses to gun crime.

Unfortunately, every year for the past few years some of my colleagues from the other side of the aisle have slipped a provision into law to prohibit the release of this information to anyone other than '' a Federal, State, or local law enforcement agency or a prosecutor solely in a criminal investigation or prosecution.'' This amendment effectively prohibits information from reaching Congress, and State and local authorities, and the public. The practical impact of the Tiahrt amendment is that gun trace data is rarely shared and an important law enforcement tool goes largely unused.

The Tiahrt amendment also limits how Federal, State and local law enforcement agencies can use crime gun trace data they are able to obtain. The Tiahrt provisions restrict use of the information to retroactively investigate crimes that have already been committed. Using the data to proactively prevent gun crimes from happening is not permitted.

This makes no sense. We should be using every tool we have to prevent the deaths and injuries that result from gun violence—not waiting until they happen and then figuring out the hows and whys.

Unfortunately, here in Washington, every year the Republican Congress and President Bush bow to the gun lobby in Washington and sacrifice the safety of our streets. They do this by including the Tiahrt provisions.

Denying police access to critical information about crime gun traces helps no one but the bad guys. Our families' safety should never take a backseat to the demands of radical interest groups seeking only to further their own narrow agenda. Congress needs to pass my legislation—instead we need to stand up to President Bush and the gun lobby, and stand up for our families.

Far too often in this country, innocent Americans, including children, are tragically caught in the crossfire of gun violence. Far too often these crimes may have been prevented with stricter gun control regulations. As a Senator, it is my solemn duty to do everything within my power to protect the American people from the ravages of gun violence. Addressing this grave issue should not be hampered by divisive, partisan bickering. We must undertake a bipartisan approach to reach an effective solution to this problem that is concerned solely with the welfare and safety of the public.

That is why I am introducing legislation to make this gun crime data public again. It will not only help law enforcement prosecute gun crimes, but will also increase public awareness about where these guns originated. I urge my colleagues to support this commonsense legislation.

DEATH OF CHALDEAN ARCHBISHOP PAULOS FARAJ RAHHO

Mr. LEVIN. Mr. President, just this morning, the world learned of the death of Archbishop Paulos Faraj Rahho, who was kidnapped 2 weeks ago following the Way of the Cross ceremony at a church in Mosul. I extend my condolences to the Chaldean community in Iraq and in the United States on the tragic death of one of their church's spiritual leaders. The Chaldean community and those impacted by this tragic death are in the thoughts and prayers of people around the world from all religions.

The death of this spiritual leader demonstrates the fragility of the situation in Iraq and the vulnerability of the Chaldean community. I hope the Archbishop's life of integrity and testimony to his faith in God and in his country will serve as an inspiration to the Chaldean community as they move forward in these difficult times.

I also hope this tragic death will motivate President Bush to focus more attention on assisting this highly vulnerable community in northern Iraq, particularly as al-qaida shifts much of its operations to the north in search of new victims.

FOURTEEN YEARS AFTER THE BRADY LAW WAS ENACTED

Mr. LEVIN. Mr. President, we recently marked the 14th anniversary of the enactment of the Brady Handgun Violence Prevention Act. This legislation was a major step in our fight to curb gun violence. According to Centers for Disease Control statistics, since the Brady law went into effect, the number of gun deaths in the United States has dropped 26 percent, from 39,595 in 1993 to 29,569 in 2004. Even more dramatically, the number of gun homicides dropped by more than 38 percent from 17,024 in 1993 to 10,661 in 2004.

According to the Brady Campaign to Prevent Gun Violence, the Brady law's requirement that gun purchasers undergo a criminal background check before purchasing a firearm has prevented approximately 1.4 million prohibited purchasers from buying guns from federally licensed gun dealers. By preventing these potentially dangerous individuals from obtaining guns, the law has helped prevent countless tragedies. On this 14-year anniversary, I urge my colleagues to capitalize on the successes of the Brady law by taking up and passing additional gun safety legislation, such as closing the gun show loophole and establishing an assault weapons ban.

In a New York Times Op-Ed written March 29, 1991, on the 10th anniversary of the assassination attempt on his life and that of his press secretary, James S. Brady, President Reagan described his incredible ordeal of surviving the shooting and then went on to talk about Jim Brady. President Reagan said:

> I was lucky. The bullet that hit me bounced off a rib and lodged in my lung, an inch from my heart. It was a very close call. Twice they could not find my pulse. But the bullet's missing my heart, the skill of the doctors and nurses at George Washington University Hospital and the steadfast support of my wife, Nancy, saved my life.
>
> Jim Brady, my press secretary, who was standing next to me, wasn't as lucky. A bullet entered the left side of his forehead, near his eye, and passed through the right side of his brain before it exited. The skills of the George Washington University medical team, plus his amazing determination and the grit and spirit of his wife, Sarah, pulled Jim through. His recovery has been remarkable, but he still lives with physical pain every day and must spend much of his time in a wheelchair.
>
> Thomas Delahanty, a Washington police officer, took a bullet in his neck. It ricocheted off his spinal cord. Nerve damage to his left arm forced his retirement in November 1981. Tim McCarthy, a Secret Service agent, was shot in the chest and suffered a lacerated liver. He recovered and returned to duty.
>
> Still, four lives were changed forever, and all by a Saturday-night special, a cheaply made .22 caliber pistol, purchased in a Dallas pawnshop by a young man with a history of mental disturbance. This nightmare might never have happened if legislation that is before Congress now, the Brady bill, had been law back in 1981.

President Reagan was right. The record of prevention of gun sales to potentially dangerous buyers over the past 14 years and the lives saved dramatically demonstrate that and remind us of the wisdom embodied in the Brady law.

5TH ANNIVERSARY OF THE WAR IN IRAQ

Mr. FEINGOLD. Mr. President, next week marks the 5-year anniversary of the war in Iraq. Although Saddam Hussein's brutal authoritarian regime no longer exists, the war has been nothing less than a disaster for that country, for others in the region, and unquestionably for our own, as well.

Four million Iraqis are displaced from their homes and Iraq's profoundly weak central government cannot provide its citizens with sufficient basic services like food, water, and electricity or protect them from savage violence, disappearances, or kidnappings. Tensions continue to rise throughout the Middle East and, as the war triggers internal unrest in many countries, it has caused our own credibility to decrease significantly.

The war continues to undermine our top national security priority—the fight against al-Qaida, which has strengthened itself in Pakistan and reached out to new affiliates around the world. According to the Congressional Research Service, the war costs us over $10 billion a month in direct costs. The war saps our military, which is stretched too thin to keep us safe here at home. In short, the war is making us weaker, not stronger, and that trend is not likely to change.

America continues to be mired in a conflict that has no end in sight. As of the beginning of this week a total of 3,974 American soldiers had been killed and 29,320 wounded. While the administration touts a recent decline in violence as an indication that the surge is ''working,'' there is little political progress that might indicate the decrease in violence will result in genuine national reconciliation. As the region remains particularly fragile and our international credibility profoundly damaged, Americans ask each other just how many more billions of

dollars will be spent and how many more of our brave troops will die or be injured while we wait for national reconciliation in Iraq—which is the only way to end the violence.

Just 2 weeks ago, many of my Republican colleagues stood on the Senate floor to sing their praises of the surge, but now we may be witnessing a reemergence of the brutal violence that was said to have dissipated. Early last week, 2 car bombs exploded, killing 24 people and wounding 56, while later in the week 2 bombs exploded in downtown Baghdad, killing nearly 70 people and wounding over 120. Yesterday a suicide bomber approached five American soldiers in Baghdad and detonated a bomb—killing all five soldiers and injuring three more. This attack has been labeled the worst attack on U.S. forces in months and it comes only days after a female suicide bomber blew herself up in the home of a Sunni leader who was reported to have been working in collaboration with U.S. forces.

Similarly, another political impasse in Parliament may result in little tangible results from recently passed and supposedly key legislation. Yes, a debaathification law has passed but it may usher in renewed sectarian tensions as former officials from Hussein's regime try to reclaim their old jobs. A provincial powers election law was sent back to the Parliament by the President's Council—requiring another round of drafting before it is able to move forward. As we well know, working on a law and even passing it is one thing—seeing it successfully implemented is another.

National reconciliation still looks far off. The passage of what the administration is calling ''benchmark'' laws does not ensure society-wide sectarian reconciliation; in fact, there are significant concerns about how the local efforts we have supported to bring about this decline in violence will be integrated into the national framework. The Sunni Awakening has taken tens of thousands of former-insurgent Sunni militia fighters and it is unclear to what extent we can rely on their loyalties. It is not hard to see, however, that this policy risks increasing distrust between the local Sunnis and national government, which is led predominately by Shi'ites.

Without a legitimate political settlement at the national level, any decline in violence in Iraq is likely to be tenuous. Recent news from Iraq seems to indicate that any gains in security are already slipping and without a strategy for safe redeployment, it is inevitably our brave men and women who will pay the price.

The war in Iraq drags on while al-Qaida has reconstituted and strengthened itself. The Director of National Intelligence, DNI, recently testified before Congress that al-Qaida's central leadership based in the border area of Pakistan is its most dangerous component. And just a few months ago, the DNI again repeated the Intelligence Community's assessment that, over the last 2 years, ''[al] Qaida's central leadership has been able to regenerate the core operational capabilities needed to conduct attacks in the Homeland.''

Let me remind my colleagues, that it was from Afghanistan, not Iraq, that the 9/11 attacks were planned and it was under the Taliban regime—which is once again gaining ground—that al-Qaida was able to flourish so freely. With a recent report warning that we are not winning in Afghanistan, we need to rethink our current Iraq-based strategy so we can counter the threat posed by al Qaida around the world.

As we approach the 5th anniversary of the US-led invasion in Iraq, it is clear that continuing the current open-ended military policy doesn't make sense. The American people certainly know that this war doesn't make sense and they expect us to do everything in our power to end it. We in Congress cannot in good conscience put Iraq on the backburner, and we cannot turn a blind eye or feign helplessness as the administration keeps pursuing its misguided policies.

This Congress has no greater priority than making right the mistake it made over five years ago when it authorized the war in Iraq. I do not want the American people to lose faith in their elected leaders for pursuing a war that they rightly oppose. I do not want to watch a failed strategy perpetuate regional turmoil any longer and I do not want any more American troops to die or get injured for a war that is not in our national security interest.

KC–X TANKER DECISION

Mr. WARNER. Mr. President, on February 29, 2008, the Secretary of the Air Force, Michael W. Wynne, announced that the Air Force had made a selection in the KC–X competition for development and procurement of up to 179 tanker aircraft, which are urgently needed to support our armed forces.

This was a critical step forward in the recapitalization of an aging fleet of aircraft that are essential for force projection, intelligence, surveillance, and global strike capabilities. A modern tanker force is at the heart of our national security.

I understand that it was a carefully constructed and transparent process that the Department of Defense and the Department of the Air Force structured and faithfully implemented to reach this decision. As Secretary Wynne said, the announcement ''is the culmination of years of tireless work and attention to detail by our acquisition professionals and source selection team, who have been committed to maintaining integrity, providing transparency and promoting a fair competition for this critical aircraft program.''

The Boeing Company has filed a protest, as is their right under law, with the Government Accountability Office concerning the Air Force's award of this contract to Northrop Grumman. Further, as provided by law, the GAO will issue their decision within the next 100 days.

I now would like to provide some context and historical background to the ongoing discussion by reviewing the oversight process employed by Senate oversight committees beginning with the original proposed tanker lease procurement.

Nearly 6 years ago, a $30 billion authorization provision, placed in the fiscal year 2002 Defense appropriations bill, provided the Air Force the authority to lease, not purchase, up to 100 767s from Boeing, a sole source contract, for use as aerial refueling tankers.

Authority to fund and execute this lease required approval of the 4 congressional committees of jurisdiction over defense programs. Three approved; but, the fourth, the Senate Armed Services Committee, disapproved.

Under Senate procedure, the chairman of the committees made the decision for their respective committees. As chairman of Armed Services at the time, I found fault with the proposed lease contract and after consultations with Members—in particular Senator MCCAIN, who provided valuable oversight of the entire process—the committee declined to approve the proposal.

Additionally, consultations with outside experts had corroborated that procedures and provisions related to the lease contract required further oversight by Congress.

Following a full committee hearing on September 4, 2003, I directed the Department of Defense, by letter to investigate the Air Force's initial proposal and analyze alternatives that would meet the operational requirement.

Furthermore, in letters to the General Accounting Office, the Congressional Budget Office, and the Office of Management and Budget, among others, I directed that these other agencies provide assessments of the proposal.

These assessments, as well as further oversight conducted by both the Senate Armed Services and Commerce Committees, led Deputy Secretary of Defense Wolfowitz to order a ''pause'' in the execution of the proposed lease contract.

On December 2, 2003, I sent a letter to the Deputy Secretary to concur with the decision requiring a ''pause'' in execution, and stated further:

> The Department of Defense Inspector General inquiry should pursue the trail of evidence wherever it leads, in accordance with standard IG procedures.

By February 2004, Secretary of Defense Rumsfeld put a ''halt'' to the entire tanker lease process, pending the DOD inspector general report.

During the following 3 years, the investigative process uncovered evidence revealing serious, criminal breaches in the very process that Americans trust to provide their service members with the equipment necessary to defend our great Nation. In fact, these efforts resulted in jail sentences for senior persons from the Air Force and Boeing, and a settlement of $600 million that was paid to the U.S. Treasury.

The findings confirmed—the view of the Senate Armed Services Committee—that the Air Force's tanker lease proposal was faulty. Actions by the Congress allowed for the requisite time within which the executive branch could establish a free and fair competition. This ultimately resulted in a new proposed contract.

On December 1, 2006, Senator MCCAIN, then chairman of the Airland Subcommittee, wrote a letter to Robert Gates, then the President's nominee to be Secretary of Defense. In his letter, Senator MCCAIN encouraged Secretary Gates to ensure a fair and open competition by issuing a second draft request for proposals in an effort to make certain that there was no ambiguity in the competition process. As chairman of the committee, I concurred with his initiative, given I have been a very strong proponent of competition.

Since the announcement on February 29, 2008, by the Secretary of the Air Force with regard to the Department's acquisition decision, there has been, in my opinion, an injection of considerable misinformation in the public forum. Consequently, I believe I had an obligation to recite—and document—portions of the history relative to the debate.

I am particularly concerned about allegations that the proposed contract would adversely affect job opportunities in America, given parts of the aircraft would be manufactured abroad.

I draw on my experience as Under then as Secretary of the Navy, 1969–74, when I solicited bids, for major procurements of fleets of new aircraft, from an American industrial base of many companies sized, financed, and experienced to compete.

For many reasons that base, comprised of numerous large domestic companies, has consolidated and narrowed, but America remains the preeminent provider for the vast majority of our military procurements. Today, we also rely on our global partners for a wide diversity of technologies and support in joint military procurements. A prime example is the Joint Strike Fighter procurement.

In closing, we must respect the right of Boeing to seek a review by the GAO as provided by law. It is my judgment that until the GAO acts and reports to Congress their findings; we should lower the emotional rhetoric, be accurate with the facts, and withhold judgment of the work done by a large dedicated group of uniformed and civilian acquisition specialists.

I ask unanimous consent that several letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 4, 2003.

Hon. DONALD H. RUMSFELD,
Secretary of Defense, Washington, DC.

DEAR MR. SECRETARY: As you know, the Senate Armed Services Committee held a hearing today on the Department's proposed lease of 100 KC–767A tanker aircraft. There was a large attendance of members and an extensive exchange of questions and views in this hearing that lasted over three hours.

During the course of the hearing, Chairman Warner raised the option of leasing a smaller number of tanker aircraft—up to 25—to address the current, short-term need for additional tankers, to be followed by a traditional procurement, not a lease, of the remaining tankers, presumably under multiyear authority. Secretary Roche said that such an option had not been considered. We would like to draw your attention to section 367 of the Senate version of National Defense Authorization Act for Fiscal Year 2004, which requires the preparation of an analysis of alternatives for the Department's aerial refueling requirements. While this language is not directly targeted at the KC–767A lease proposal, it reflects the thinking of the Senate that other alternatives should have been considered.

We request that the Department analyze the option of leasing up to 25 tanker aircraft, followed by a procurement of the remaining aircraft. Such an analysis should include an examination of the budgetary and cost implications of various options for an incremental lease-buy, including an accelerated exercise of the purchase option in the proposed lease.

Additionally, given the emphasis on an apparent corrosion problem in the existing KC–135 tanker fleet, we would appreciate your providing as with a thorough assessment of the extent of those corrosion problems and the expected cost of addressing those problems if tanker aircraft were purchased according to the previous Air Force plan instead of leased sooner as more recently proposed. Also, please provide us with a justification of the Department's decision to pay $10.3 million per aircraft more than the $120.7 million per aircraft as determined by the Institute for Defense Analysis to be a reasonable purchase price.

The Committee will await your reply prior to meeting to discuss the pending lease proposal.

With kind regards,

Sincerely,

CARL LEVIN,
Ranking Member.
JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 25, 2003.

Hon. DAVID M. WALKER,
Comptroller General of the United States, Washington, DC.

DEAR MR. WALKER: As you know, the Senate Armed Services Committee held a hearing on September 4, 2003, to review the Department of Defense's (DOD) proposed lease of 100 KC–767 aerial refueling aircraft. Testimony by the General Accounting Office (GAO), as well as GAO's work for the Congress on this issue over the past year and a half, was instrumental to the Committee during the hearing.

Subsequent to the hearing, Senator Levin and I asked DOD to analyze the option of leasing up to 25 aircraft, followed by a procurement of the remaining aircraft. We also asked for more detailed pricing information and an assessment of corrosion problems including the cost of addressing those problems for the existing KC–135 fleet of aircraft.

The Department has responded to that letter, and identified several alternative acquisition strategies, with associated estimates of cost and savings. I ask that the GAO review the Department's response, a copy of which is attached. Please provide the Committee with your assessment of the validity of DOD's assumptions and the accuracy of the cost and savings estimates, and identify any other alternative acquisition strategies the Committee should consider.

Sincerely,

JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 25, 2003.

Mr. DOUGLAS HOLTZ-EAKIN,
Director, Congressional Budget Office, 402 Ford House Office Building, Washington, DC.

DEAR MR. HOLTZ-EAKIN: As you know, the Senate Armed Services Committee held a hearing on September 4, 2003, to review the Department of Defense's (DOD) proposed lease of 100 KC–767 aerial refueling aircraft. Testimony by the Congressional Budget Office (CBO), as well as CBO's work for the Congress on this issue over the past year and a half, was instrumental to the Committee during the hearing.

Subsequent to the hearing, Senator Levin and I asked DOD to analyze the option of leasing up to 25 aircraft, followed by a procurement of the remaining aircraft. We also asked for more detailed pricing information and an assessment of corrosion problems including the cost of addressing those problems for the existing KC–135 fleet of aircraft.

The Department has responded to that letter, and identified several alternative acquisition strategies, with associated estimates of cost and savings. I ask that the CBO review the Department's response, a copy of which is attached. Please provide the Committee with your assessment of the validity of DOD's assumptions and the accuracy of the cost and savings estimates, and identify any other alternative acquisition strategies the Committee should consider.

I ask that the CBO provide the results of this assessment as soon as possible.

Sincerely,

JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITEE ON ARMED SERVICES,
Washington, DC, October 2, 2003.

Hon. JOSHUA B. BOLTEN,
Director, Office of Management and Budget, Washington, DC.

DEAR DIRECTOR BOLTEN: On September 4, 2003, Deputy Director Kaplan testified before the Senate Armed Services Committee on the proposed Air Force lease of 100 KC–767 tanker aircraft.

After the hearing, we wrote a letter to the Secretary of Defense (copy attached) in

which we requested three things: (1) an analysis of the option of leasing up to 25 tanker aircraft; followed by a procurement of the remaining 75 aircraft; (2) a thorough assessment of the extent of corrosion problems in the existing KC–135 tanker fleet and the expected cost of addressing those problems over the period before purchased aircraft would become available; and (3) justification and explanation of the Department's decision to pay $10.3 million per aircraft more than the $120.7 million per aircraft determined by the Institute for Defense Analysis to be a reasonable purchase price. Deputy Secretary Wolfowitz has responded to our letter, a copy of which is also attached.

Given the importance of this tanker leasing issue, we would appreciate receiving the benefits of your review of Secretary Wolfowitz's response. Specifically, do you concur with the assessments of the advantages and disadvantages of the various funding options that are portrayed in the Deputy Secretary's letter, and do you agree with the stated rationale for paying the price per aircraft as negotiated by the Air Force? We believe that the Committee needs to hear your views on this subject before reaching a decision on the lease. Accordingly, we ask that you provide this matter prompt attention.

Sincerely,

CARL LEVIN,
Ranking Member.
JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 2, 2003.

Hon. PAUL WOLFOWITZ,
Deputy Secretary of Defense, Defense Pentagon, Washington, DC.

DEAR SECRETARY WOLFOWITZ: I commend the Secretary of Defense and yourself for the prompt actions you have taken regarding the Air Force's tanker aircraft program, in light of recent extraordinary personnel actions taken by the Boeing Company. Your decision to require a ''pause'' in the execution of any contracts to lease and purchase tanker aircraft is a prudent management step.

Further, I concur in your judgment to task the Department of Defense Inspector General (DOD–IG) to conduct an independent assessment. However, I believe that the DOD–IG assessment should go further than the review described in your letter of December 1, 2003. The DOD–IG inquiry should pursue the trail of evidence wherever it leads, in accordance with standard IG procedures. This inquiry should examine the actions of all members of the Department of Defense and the Department of the Air Force, both military and civilian, top to bottom, who participated in structuring and negotiating the proposed tanker lease contract which was submitted to the Congress in July 2003.

Your recent actions clearly indicate that there are many outstanding questions that must be answered before proceeding with this program. I expect that you will consult further with the Congress as you receive the report of the DOD–IG and that no actions will be taken with respect to the lease and purchase of KC–767 tanker aircraft until the Congress has had an opportunity to review the DOD–IG report. Ultimately, this program, as restructured, must be executed in a manner that is fully consistent with Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

With kind regards, I am

JOHN WARNER,
Chairman.

JOHN MCCAIN,
U.S. SENATE,
Washington, DC, December 1, 2006.

Dr. ROBERT M. GATES,
President, Texas A&M University, One Circle Drive, College Station, TX.

Re Tanker Replacement Program.

DEAR DR. GATES: Subject to the confirmation of your nomination, perhaps the most important new major defense acquisition program for which you will be responsible, will arise from the replacement of the KC–135 aerial refueling tanker fleet. As you probably know, this program is currently valued at about $200 billion.

Given the regrettable history of the Air Force's prior attempt to recapitalize the fleet, it is vital that this program obtain the best possible joint aerial refueling capability at the most reasonable price. In my view, this can only be achieved by conducting a competition for replacement aircraft fully, openly and transparently—using objective, verifiable metrics. More to the point, if this very important program is to reach production timely, I respectfully suggest that the final Request for Proposals (RFP) must be unambiguous and uncontroversial. Unfortunately, I am not sure we are yet on that course.

In recent correspondence to Deputy Secretary Gordon England, I conveyed concern about the unprecedented inclusion of an element related to litigation between the United States and the European Union Trade Commission currently pending before the World Trade Organization (WTO), in the draft Request for Proposals (dRFP). I remain troubled that, without clarity on how answers to this provision will be evaluated, this element (and other similarly troubling provisions, including an overly restrictive invocation of the Berry Amendment and a questionable extension of ITAR regulations) may risk eliminating competition before bids are submitted. I understand that the Department will issue a final RFP on December 15, 2006.

Recent developments in the program underscore my concerns. On Tuesday, November 28, 2006, the Air Force held an Acquisition Strategy Panel (ASP) to review tanker requirements and select an acquisition strategy for replacement aircraft. I understand that the ASP selected a strategy that did not include a ''capabilities-based acquisition.'' As such, the approach that the ASP selected appears to deviate from what I understand the Joint Requirements Oversight Council (JROC) prescribed. I understand that, in vetting the KC–X Operational Requirements Document (ORD), the JROC called on the Air Force to consider tanker aircraft options that maximize cargo and passenger capacity. But, without a capabilities-based evaluation that objectively and verifiably measures capability beyond thresholds in either the primary mission area (aerial refueling) or other inherently critical missions available from large aircraft platforms (such as airlift), it is difficult to see how the JROC's recommendation can be implemented. As a result, competition may, once again, be eliminated before bids are even submitted.

Against this backdrop, I respectfully suggest that issuing a second dRFP, which can address issues raised by all prospective offerors in their responses to the first dRFP, and conducting a capabilities-based evaluation, which can help assure that the warfighter and the taxpayer obtain the most capable platform at the best possible value, may be useful.

If you are confirmed, I respectfully ask for the following: that you withhold releasing the final RFP until you have provided me with an explanation of how you intend to assure that the competition for tanker aircraft will be conducted fully, openly and transparently—particularly in light of the issues described above.

Sincerely,

JOHN MCCAIN,
Chairman, AirLand Subcommittee.

ADDITIONAL STATEMENTS

HONORING HENRIETTA BELL WELLS

• Mr. CORNYN. Mr. President, today I wish to pay my respects to one of my constitutents, Mrs. Henrietta Bell Wells, who passed away on February 27, 2008.

Mrs. Wells was the last surviving member of the famous debate team from Wiley College in Marshall, Texas, whose story is told in the recent film ''The Great Debaters.'' She was a remarkable woman whose early success in challenging gender and racial barriers was followed by many years of faithful service. She will be missed but certainly not forgotten. Her life is truly an inspiration.

I ask that an obituary that was published in The New York Times yesterday be printed in the RECORD.

The material follows:

[From the New York Times News Service, Mar. 12, 2008]

(By Douglas Martin)

Henrietta Bell Wells, the only woman, the only freshman and the last surviving member of the 1930 Wiley College debate team that participated in the first interracial collegiate debate in the United States, died Feb. 27 in Baytown, Texas. She was 96.

Her friend Edward Cox confirmed the death.

The story of the team, called the Great Debaters in last year's movie of the same name, began in 1924 at Wiley College, a small liberal arts college in Marshall, Texas, founded a half-century earlier by the Methodist Episcopal Church to educate ''newly freed men.''

Melvin B. Tolson arrived at the all-black school that autumn to teach English and other subjects. He also started a debate team.

Tolson, who would win wide distinction as a poet, saw argumentation as a way to cultivate mental alertness. Wiley was soon debating and defeating black colleges two and three times its size.

In 1930, Tolson decided to break new ground. He managed to schedule a debate with the University of Michigan Law School, an all-white school. Wiley won. Other debates with white schools followed, culminating with Wiley's 1935 victory over the national champion, the University of Southern California.

Tolson's stunningly successful debate team was portrayed in ''The Great Debaters,'' directed by Denzel Washington. Describing the cinematic young debaters in The Chicago Sun-Times, the critic Roger Ebert wrote, ''They are black, proud, single-minded, focused, and they express all this most dramatically in their debating.''

In the fall of 1930, Henrietta Bell, who would later marry Wallace Wells, was a freshman in an English class taught by Tolson. The professor urged her to try out for the debate team, because she seemed to be able to think on her feet. She was the first woman on the team.

In an interview with The Houston Chronicle in 2007, she said the boys ''didn't seem to mind me.''

But the work was far from easy. Bell attended classes during the day, had three campus jobs and practiced debating at night. The intensity of debating was reflected in Tolson's characterization of it as ''a blood sport.''

But the hard work paid off. In the interview with The Chronicle, Wells declared, ''We weren't intimidated.''

Henrietta Pauline Bell was born on the banks of Buffalo Bayou in Houston on Jan. 11, 1912, and raised by a hard-pressed single mother from the West Indies. When riots broke out in 1917 over police treatment of black soldiers at a World War I training camp, the family's house was searched. Wells recalled being unable to try on clothes in segregated stores.

She did not debate in high school but was valedictorian of her class. She earned a modest scholarship from the YMCA to go to Wiley, Episcopal Life reported.

In the spring of 1930, Bell, her teammates and her chaperone arrived at the Seventh Street Theater in Chicago. It was the largest black-owned theater in town, because no large white-owned facility would host a racially mixed audience, according to an article in The Marshall News-Messenger. Wells remembered a standing-room-only crowd.

She wore a dark suit and had her hair cut in a boyish bob. In an interview with Jeffrey Porro, one of the screenwriters of ''The Great Debaters,'' she felt very small on that very big stage. ''I had to use my common sense,'' she said.

She remembered Tolson urging her to punch up her delivery. ''You've got to put something in there to wake the people up,'' he had said.

Wells told The Chronicle, ''It was a nondecision debate, but we felt at the time that it was a giant step toward desegregation.''

She debated for only one year, because of the need to work for money. She kept up with drama, which Tolson also coached. After graduating from college, she returned to Houston, where she met Wallace Wells and married. He was a church organist and later an Episcopal minister. She worked as a teacher and social worker.

Wells advised Washington on the movie, using her scrapbooks as visual aids. She urged him to play Tolson, something he at first was not inclined to do. He called her ''another grandma.''

Wallace Wells died in 1987. Wells left no immediate survivors.

Her advice to today's students was straightforward: ''Learn to speak well and learn to express yourself effectively.''

She learned this lesson directly from Tolson, whom she called her crabbiest and best teacher. He was known for issuing intellectual challenges immediately upon entering the classroom.

A typical salutation: ''Bell! What is a verb?''●

TRIBUTE TO THE DRAKE UNIVERSITY MEN'S BASKETBALL TEAM

● Mr. GRASSLEY. Mr. President, I am here today to commend the Drake University Men's Basketball team on its outstanding and unexpected success this past season. Drake is a school of less than 5,000 students in Des Moines, IA. Today the Drake community is experiencing basketball success the likes of which it hasn't seen in over 35 years. Coached by Keno Davis, the Bulldogs won the regular season Missouri Valley Conference, the Missouri Valley Conference tournament and earned a berth to the NCAA tournament. They were picked to finish ninth in the conference and instead roared to a 28–4 overall record. It was only the second winning season the Bulldogs have enjoyed in the past 20 years. And it's the first time since 1971 that they will play in the NCAA tournament. Drake also finished the regular season ranked 20th in the Nation and beating a tough Illinois State team by 30 points in the MVC tournament final. It's been a long drought, but the Bulldog nation, from Iowa to Washington, DC, to California, could not be prouder.

This upstart team has quite a story. Two starters, Adam Emmenecker and Jonathon Cox are former 3-year walk-ons who recently earned basketball scholarships. They are also incredibly successful academically. Drake started off the season well and won the mythical State championship by beating the University of Iowa, Iowa State University and the University of Northern Iowa. They snapped a 20 game losing streak at the University of Iowa. Drake also had great success in Missouri Valley Conference play. The Bulldogs cracked the Top 25, too, and traveled to Butler University and beat the eighth ranked team on their home court.

This Drake team exemplifies what it means to be a student-athlete. Five Drake players, Adam Emmenecker, Josh Young, Klayton Korver, Brent Heemskerk, and Jonathon Cox were named to the MVC's scholar-athlete team. Four of the five Bulldog starters have a GPA above 3.0. In addition, Emmenecker was named the ESPN Scholar Athlete of the year for NCAA Men's Division I basketball, with a 3.97 GPA and four majors.

It goes without saying that behind a great college team are great coaches and administrators. Keno Davis is in his first year as a head coach. He's been named the Missouri Valley Conference Coach of the Year, and Sporting News Coach of the Year. Just 36 years old, Keno learned from his father, Dr. Tom Davis, who retired as Drake's head coach in 2007, and was a longtime head coach at the University of Iowa. I have great respect for the Davis family, and I'm so glad that they have rebuilt the Drake program. Keno and his wife Krista became parents during the season, too. Assistant coaches Chris Davis, Rodell Davis and Justin Ohl have obviously spent hours fine-tuning their talented and intelligent team.

I also need to congratulate Drake's president Dr. David Maxwell and Athletic Director Sandy Hatfield Clubb for their support of the men's basketball program. They have helped rebuild Drake's basketball program while maintaining high academic standards. We all know how hard that is in college sports today. Drake is a shining example of how a team can win on the court and in the classroom.

Dolph Pulliam, a member of Drake's one and only Final Four team, has served as an inspiration to the current Bulldogs. Dolph and his team played Lew Alcinder, known as Kareem Abdul-Jabbar today, and UCLA back in 1969 and only lost by 3 points. Since his playing days, Dolph has remained in the Des Moines area, working for the university and broadcasting their games on the radio. And he is quite a presence with his huge smile and blue leather suit. I know he has influenced the current Drake players, thanks to encouragement from Dr. Tom Davis to help them all rekindle the fires of great basketball.

So I want to again extend my congratulations to the Drake University men's basketball program, and to their students and fans who've never lost faith in them. It has been a joy to watch their success, and I hope that they continue winning during March Madness. I also hope that these young men will serve as an example to the young people in Iowa, to show that it is entirely possible to maintain high academic standards and winning ways on the court.●

IN TRIBUTE TO BYRON JANIS

● Mr. HARKIN. Mr. President, today I pay tribute to the accomplishments and inspirational life of Byron Janis as he approaches his 80th birthday later this month.

I learned about Mr. Janis's upcoming milestone from his good friend Dick Thornburgh, the former Attorney General of the United States. Mr. Thornburgh was a key advocate during the administration of George Herbert Walker Bush for enactment of the Americans with Disabilities Act, ADA, and I was proud to be the chief sponsor of the ADA in the Senate.

A Pennsylvania native, Mr. Janis is renowned as one of the world's most talented concert pianists. In addition, his perseverance is a source of inspiration to countless Americans. By the age of 20, his virtuosity at the piano was so extraordinary that he performed a sold out debut at New York's famed Carnegie Hall.

Later, Mr. Janis was chosen to be the first individual to represent the United States in a cultural exchange with the Soviet Union. Remarking on this mission, The New York Times wrote that ''if music could replace international politics, Byron Janis could consider himself an ambassador.''

In the decades since, Byron Janis has dazzled audiences worldwide. He has performed for numerous U.S. Presidents, and has been honored with countless awards from around the globe.

However, perhaps Byron Janis's greatest contribution to America lies not in his musical talent but rather in the example he has set of an individual responding to adversity with grace and courage, and with a truly indomitable spirit.

In 1973, he was diagnosed with arthritis in his hands and wrists, which could have ended his career as a pianist. But Mr. Janis refused to be stymied or stopped. As he put it, ''I have arthritis—it doesn't have me.''

He continued to play for 12 years before disclosing his arthritis at a White House performance. That same day, Mr. Janis assumed the role of Ambassador for the Arts for the Arthritis Foundation.

Through his continued performances and other appearances, he has raised awareness as well as funds to support the foundation's noble cause. To this day, audiences continue to be captivated by Byron Janis's musical talents, even as they are impressed by his amazing persistence in the face of adversity.

March 24 will be Byron Janis's 80th birthday. And this year also marks the 60th anniversary of his debut at Carnegie Hall. Across all those years, his determination, courage, and selfless service have embodied the American spirit at its best. His lifetime of accomplishments as a performer, cultural ambassador, and role model are truly remarkable. I am pleased today to recognize and congratulate Byron Janis for his triumphs, for his accomplishments, and for inspiring millions of individuals around the world.●

RECOGNITION OF BUSINESS EXECUTIVES FOR NATIONAL SECURITY

● Mr. ROBERTS. Mr. President, today I wish to recognize the contributions of Business Executives for National Security, BENS.

Since 1982, this national organization has been a primary channel through which American business leaders have contributed their special experience and talent to help build a more secure nation. Founded by business tycoon Stanley A. Weiss, BENS operates on the principle that America's national security is everybody's business. BENS is a highly respected nonpartisan organization of senior executives and entrepreneurs dedicated to enhancing our national security by implementing proven practices of the private sector.

Working with Congress and the Department of Defense, BENS helps protect the American homeland and build a more efficient and effective military. As the United States continues to confront domestic and international threats, BENS proves more important than ever before.

BENS has provided distinguished service to the Nation for over a quarter century. This service includes reforming the business of defense, protecting the homeland, tracking terrorist funding, and banning chemical weapons. BENS helps our Armed Forces by slashing bureaucracy, streamlining operations, and cutting waste, making more funds available for urgent priorities such as military readiness and modernization.

BENS is a pioneer in homeland security creating innovative partnerships around the country that civic-minded companies that provide assistance to local and State governments in times of emergency. BENS works with the Department of the Treasury to improve America's ability to locate and suspend suspicious financial activities that fund terrorism.

BENS is a strong advocate of the Chemical Weapons Convention to eliminate the chemical weapons stockpile by 2012, reducing the chances such weapons will be used against the United States through a terrorist attack.

Mr. President, I ask my distinguished colleagues in the Senate to join me in recognizing BENS and their commitment to national security interests.●

TRIBUTE TO PORTLAND STATE VIKINGS

● Mr. SMITH. Mr. President, today, as a proud Oregonian, I congratulate the Portland State University men's basketball team on a stellar performance last night. The PSU Vikings capped a five-game winning streak by soundly defeating the Northern Arizona University Lumberjacks 67 to 51 to win the Big Sky Conference Tournament and advance to the NCAA Tournament.

This achievement marks the Vikings' first trip to the ''Big Dance,'' and an important moment to recognize their collective talents. I think I speak for all Oregonians when I say that we are greatly impressed by the hard work these young men and their coaches have put into achieve this victory.

I congratulate this team not only for their athletic achievement, but also for putting Oregon's largest university on the map of collegiate sports. I know the PSU Vikings, who have lost only twice in 2008, will be an excellent representative of our home State in the national tournament.

Certainly this victory is just the beginning for the members of this team. I look forward to hearing of their successes not only in athletics but in any endeavor they choose to take on in the future.

Mr. President, allow me to specifically mention the names of all the coaches and players who have made my State so very proud: Julius Thomas, Deonte Huff, Andre Murray, Mickey Polis, Jeremiah Dominguez, Dominic Waters, Brian Curtis, Tyrell Mara, Kyle Coston, Dupree Lucas, Phil Nelson, Justynn Hammond, J.R. Moore, Alex Tiefanthaler, Scott Morrison, Ken Bone, Tyler Geving, Eric Harper, Curtis Allen, and Tyler Coston. I heartily congratulate each and every one of you. I look forward to cheering you on in the NCAA Tournament this month.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, withdrawals and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:18 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

ENROLLED BILL SIGNED

At 11:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2733. An act to temporarily extend the programs under the Higher Education Act of 1965.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

At 3:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 13, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2733. An act to temporarily extend the programs under the Higher Education Act of 1965.

S. 2745. An act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5394. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spiromesifen; Pesticide Tolerance'' (FRL No. 8351–7) received on March 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5395. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Texas'' (Docket No. APHIS–2008–0003) received on March 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5396. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2'' (Docket No. AMS–FV–07–0115) received on March 10, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5397. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the first quarter report for fiscal year 2008 of the Joint Improvised Explosive Device Defeat Organization; to the Committee on Armed Services.

EC–5398. A communication from the Director, Pentagon Renovations and Construction Program Office, Department of Defense, transmitting, pursuant to law, the Office's Annual Report for the year ending March 1, 2008; to the Committee on Armed Services.

EC–5399. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Export-Controlled Information Technology'' (DFARS Case 2004–D010) received on March 12, 2008; to the Committee on Armed Services.

EC–5400. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Commercial Activities Report for fiscal year 2007; to the Committee on Armed Services.

EC–5401. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (73 FR 9699) received on March 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5402. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (73 FR 10155) received on March 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5403. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations'' ((FCC 07–205) (MB Docket No. 00–168)) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5404. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''DTV Consumer Education Initiative'' ((FCC 08–56)(MB Docket No. 07–148)) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5405. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service'' ((FCC 07–138)(MB Docket No. 87–268)) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5406. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Susanville, California'' (MB Docket No. 07–221) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5407. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of 73.202(b), Table of Allotments, FM Broadcast Stations: Blanca, Colorado'' (MB Docket No. 07–165) received on March 10, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5408. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Inseason Closure of the Commercial Gill Net Fishery for Gulf Group King Mackerel in the Gulf of Mexico Southern Florida West Coast Subzone for the 2007–2008 Fishing Year'' (RIN0648–XF24) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5409. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program'' (RIN0648–XF29) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5410. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and–Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF55) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5411. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Amendment to Adjust the Seasonal Timing for Trip Limits for Atlantic Migratory Group Spanish Mackerel'' (RIN0648–AV17) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5412. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Amending the Pacific Halibut Individual Fishing Quota Program Processing Restrictions'' (RIN0648–AU85) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5413. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final 2008 Specifications for the Atlantic Bluefish Fishery'' (RIN0648–XB94) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5414. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Amendment to the FMP for the Shrimp Fishery of the Gulf of Mexico'' (RIN0648–AU59) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5415. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting, pursuant to law, the Corporation's Grant and Legislative Request for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC–5416. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard for the Flammability of Mattress Sets; Technical Correction'' (16 CFR Part 1633) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5417. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' (Docket No. TX–058–FOR) received on March 12, 2008; to the Committee on Energy and Natural Resources.

EC–5418. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana'' (FRL No. 8541–3) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5419. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM–10; Affirmation of Determination of Attainment for the San Joaquin Valley Nonattainment Area'' (FRL No. 8542–6) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5420. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Colorado: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 8541–5) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5421. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Hazardous Air Pollutants From Mobile Sources: Early Credit Technology Requirement Revision'' ((RIN2060–AO89)(FRL No. 8542–1)) received on March 12, 2008; to the Committee on Environment and Public Works.

EC–5422. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Attorney Advisor Program'' (RIN0960–AG49) received on March 12, 2008; to the Committee on Finance.

EC–5423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Dollar-Value LIFO Pooling for Resellers of New and Used Vehicles'' (Rev. Proc. 2008–23) received on March 10, 2008; to the Committee on Finance.

EC–5424. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2008–37) received on March 10, 2008; to the Committee on Finance.

EC–5425. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a Danger Pay Allowance for its civilian employees assigned to Chad; to the Committee on Foreign Relations.

EC–5426. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to human rights practices; to the Committee on Foreign Relations.

EC–5427. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the defense articles and services that were licensed for export during fiscal year 2007; to the Committee on Foreign Relations.

EC–5428. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the waiver of restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC–5429. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Russia to support a commercial communications satellite; to the Committee on Foreign Relations.

EC–5430. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Mexico for the assembly and repair of Honeywell Product Lines for various weapons systems and platforms; to the Committee on Foreign Relations.

EC–5431. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Mexico to support the manufacture of electronic connectors and other materials for use in military avionics and guidance systems; to the Committee on Foreign Relations.

EC–5432. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to the United Kingdom in support of the Directional Infrared Countermeasure System Program; to the Committee on Foreign Relations.

EC–5433. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008–21— 2008–26); to the Committee on Foreign Relations.

EC–5434. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a semiannual report relative to payments made to Cuba for telecommunications services; to the Committee on Foreign Relations.

EC–5435. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Australia to provide continued support for the manufacture of F/A–18 structural components; to the Committee on Foreign Relations.

EC–5436. A communication from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Criteria and Procedures for Proposed Assessment of Civil Penalties'' (RIN1219–AB57) received on March 10, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5437. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, two reports relative to national healthcare quality; to the Committee on Health, Education, Labor, and Pensions.

EC–5438. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5439. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations'' (RIN3209–AA14) received on March 10, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5440. A communication from the Acting Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation'' (FAC 2005–24) received on March 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5441. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report relative to the proceedings of the Judicial Conference of the United States for the September 2007 session; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–291. A resolution adopted by the Board of Chosen Freeholders of the County of Monmouth of the State of New Jersey urging Congress to reverse the decision to close the United States Army Installation at Fort Monmouth; to the Committee on Armed Services.

POM–292. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM–293. A resolution adopted by the Senate of the State of Michigan urging Congress to reject legislation that would preempt the authority of the Great Lake states to curb the release of ballast water; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 86

Whereas, Ballast water discharges from ships entering the Great Lakes are the leading pathway for the introduction of aquatic invasive species. Since the opening of the St. Lawrence Seaway in 1959, ocean-going ships have introduced more than 30 new species to the Great Lakes; and

Whereas, once introduced and established, aquatic invasive species are nearly impossible to eliminate and costly to control. Zebra mussels and other aquatic invasive species introduced from ballast water have irrevocably changed the Great Lakes and directly cost cities and industries—and indirectly cost Great Lakes residents—tens of millions of dollars per year to control; and

Whereas, current federal ballast water regulations designed to protect the Great Lakes are ineffective. At least eleven new aquatic invasive species have been introduced from ballast water since current requirements for ballast water exchange with open ocean water went into effect, including the recent introduction of viral hemorrhagic septicemia (VHS) that directly threatens the $4.5-billion Great Lakes fishery; and

Whereas, the ocean-going shipping industry has shown little urgency over the last two decades to develop and install ballast water treatment technology, even as it introduced more and more aquatic invasive species to new regions. Rather, the industry has continuously fought efforts in the United States Congress, state legislatures, and the courts to require expeditious treatment of their ballast water. For every year treatment is not required for ballast water, an additional one to two new species, with unknown but potentially devastating impacts, make the Great Lakes their permanent home; and

Whereas, the state of Michigan has succeeded in identifying and requiring treatment technologies that would provide additional protection to the Great Lakes; and

Whereas, Michigan and other states bear primary responsibility for protecting the health and safety of their citizens and the integrity of natural resources for their citizens. The Congress of the United States acknowledged the authority for the Great Lakes states to act unilaterally to protect and preserve the waters of the Great Lakes

Basin in the federal Clean Water Act and the National Invasive Species Act, as affirmed this past summer by the United States District Court for the Eastern District of Michigan; and

Whereas, Federal ballast water legislation, such as the Coast Guard Authorization Act of 2007 (H.R. 2830) and the Ballast Water Management Act of 2007 (S. 1578), would preempt Michigan's efforts to protect its waters from further degradation. Preempting state actions before strong federal treatment standards are in place would leave the Great Lakes vulnerable to future invasions and would trample on fundamental states' rights to protect their natural resources. This shortsighted approach undermines the millions of dollars and thousands of hours spent each year working to restore the Great Lakes to a healthy, self-sustaining system; and

Whereas, The Coast Guard Authorization Act of 2007 and the Ballast Water Management Act of 2007 would also set a precedent for future federal actions that restrict state authority to protect essential natural resources. Clearly, Michigan and other states are best suited to make decisions that keep waters safe, clean, and healthy for its residents with regulations, when needed, above and beyond minimum federal requirements; now, therefore, be it further

Resolved by the Senate, That we memorialize the Congress of the United States to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water; and be it further.

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–294. A resolution adopted by the House of Representatives of the State of Maine urging Congress to ensure funding for veterans' health care; to the Committee on Veterans' Affairs.

JOINT RESOLUTION

Whereas, the United States Department of Veterans Affairs provides medical care for all veterans of the United States Armed Forces; and

Whereas, the funding for this health care is passed each year by the United States Congress as part of the discretionary budget; and

Whereas, this health care is seriously underfunded; and

Whereas, this serious and now chronic shortfall affects the veterans' access to quality medical care services; and

Whereas, the United States Department of Veterans Affairs and our Nation have a duty to serve our veterans and have entered into a contract, absolute and irrevocable, to provide them with proper health care: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that full funding for health care for veterans of the United States Armed Forces be passed and that all parties involved do their utmost to see that those who served their Nation are given the health care they deserve; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Honorable James B. Peake, Secretary of Veterans Affairs, and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 694. A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes (Rept. No. 110–275).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1580. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes (Rept. No. 110–276).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 352. A bill to provide for media coverage of Federal court proceedings.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Vern M. Findley II, to be Lieutenant General.

Air Force nomination of Lt. Gen. Stephen R. Lorenz, to be General.

Air Force nomination of Maj. Gen. Allen G. Peck, to be Lieutenant General.

Air Force nomination of Maj. Gen. John T. Sheridan, to be Lieutenant General.

Army nomination of Lt. Gen. Martin E. Dempsey, to be General.

Army nomination of Maj. Gen. Kathleen M. Gainey, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. James F. Amos, to be General.

Navy nomination of Rear Adm. Derwood C. Curtis, to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) William R. Burke and ending with Rear Adm. (lh) James P. Wisecup, which nominations were received by the Senate and appeared in the Congressional Record on February 14, 2008.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Andre G. Sarmiento, to be Major.

Air Force nomination of Rickey J. Reynolds, to be Major.

Air Force nomination of Daniel E. Bates, to be Major.

Air Force nominations beginning with Jeffrey D. Lewis and ending with Robert J. Love, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Air Force nominations beginning with Austin B. Dosh and ending with Joshua M. Sill, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Air Force nominations beginning with Gerald B. Whisler III and ending with Samuel R. Wetherill, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Air Force nominations beginning with Frank W. Allara, Jr. and ending with John M. Yaccino, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Air Force nominations beginning with John R. Andrus and ending with Randall C. Zernzach, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Air Force nominations beginning with Kathryn L. Aasen and ending with Richard D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Air Force nominations beginning with Zenen T. Alpuerto and ending with Dustin Zierold, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Air Force nominations beginning with Lenny W. Arias and ending with Michael K. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Air Force nominations beginning with Wesley M. Abadie and ending with Scott A. Zakaluzny, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Army nomination of Samuel H. Williams, to be Major.

Army nomination of Michael R. Brooks, to be Major.

Army nomination of James E. Davis, to be Major.

Army nomination of Michael G. Ryder, to be Lieutenant Colonel.

Army nominations beginning with Nicolas Aguilar and ending with D060541, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with Doreene R. Aguayo and ending with George J. Zeckler, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with Roy W. Alabran and ending with John T. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nominations beginning with Kristin E. Agresta and ending with Michelle Thompson, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Army nomination of Richard E. Michael, to be Major.

Army nomination of Michael E. McCowan, to be Major.

Army nomination of Michael F. Szymaniak, to be Major.

Army nomination of Barbara T. Embry, to be Major.

Army nominations beginning with Jose A. Acostahernandez and ending with Mary E. Capoccioni, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Army nomination of Llena C. Caldwell, to be Major.

Army nomination of Deanna L. Reiber, to be Major.

Army nomination of Christopher D. Yao, to be Major.

Army nomination of Michael L. Mansi, to be Lieutenant Colonel.

Army nomination of Marc Ferraro, to be Colonel.

Army nomination of Wendell L. King, to be Colonel.

Army nominations beginning with Paul C. Perlik and ending with Keith Moore, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Marc C. Hendler and ending with James D. Townsend, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with James H. Kelly and ending with Kristine R. Saunders, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Allyson A. Peterson and ending with Brian E. Prehn, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Larry W. Ake and ending with Patrick S. Carson, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Gary L. Gross and ending with Peter M. Tan, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Harold L. Campbell, Jr. and ending with Kenneth P. Storz, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Magdalena A. Acevedo and ending with Cory J. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Julian D. Alford and ending with Philip J. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Marine Corps nominations beginning with Bamidele J. Abogunrin and ending with Jay K. Zollmann, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Marine Corps nominations beginning with Berch H. Abbott and ending with Mark D. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Marine Corps nomination of Phillip J. Woodward, to be Major.

Marine Corps nominations beginning with Jeffrey S. Clemons and ending with Anthony J. Giovenco, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Brian J. Corris and ending with Larry Miyamoto, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Donald F. Carter, Jr. and ending with James R. Towney, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Christopher J. Cox and ending with Douglas M. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Robert A. Dill and ending with Edward T. Seifert, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Billy A. Dubose and ending with Mark A. Mitchell, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Stephen M. Breen and ending with Raymond J. White, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Robert S. Adams and ending with John G. Zuppan, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nomination of Patrick T. Grosso, to be Major.

Marine Corps nomination of James D. McCoy, to be Lieutenant Colonel.

Marine Corps nomination of Walter C. Murphy, Jr., to be Lieutenant Colonel.

Marine Corps nomination of Donald L. Bohannon, to be Lieutenant Colonel.

Marine Corps nomination of Charles B. Spencer, to be Lieutenant Colonel.

Marine Corps nominations beginning with John G. Oliver and ending with Roger W. Scambler, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Mark F. Birk and ending with Kenneth L. Kelsay, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Christopher J. Ambs and ending with Todd E. Kunst, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Tim J. Schroeder and ending with Joseph G. Sinese, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Richard D. Hardin and ending with George M. Sexton, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Roy E. Lawrence and ending with Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Peter D. Charboneau and ending with Steven R. Fredeen, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Sal L. Leblanc and ending with Kevin R. Williams, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Robert F. Emminger and ending with Michael G. Marchand, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Christopher F. Bergeron and ending with Mark B. Windham, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Navy nomination of Roderick A. Bacho, to be Commander.

Navy nominations beginning with Jeffrey H. Nard and ending with Daniel J. Trueba, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Navy nominations beginning with Andrew S. Lomax and ending with Rupert L. Hussey, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Navy nominations beginning with David R. Coughlin and ending with Timothy S. Styles, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Navy nominations beginning with Michael D. T. Edwards and ending with Chad D. West, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Navy nomination of Keith L. Ferguson, to be Lieutenant Commander.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

*Simon Charles Gros, of New Jersey, to be an Assistant Secretary of Transportation.

*Coast Guard nomination of Rear Adm. Clifford I. Pearson, to be Vice Admiral.

*Coast Guard nomination of Vice Adm. Robert J. Papp, to be Vice Admiral.

*Coast Guard nomination of Rear Adm. David P. Pekoske, to be Vice Admiral.

*Coast Guard nomination of RDML (select) Daniel R. May, to be Rear Admiral (Lower Half).

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Kimberly J. Avsec, to be Lieutenant Commander.

Coast Guard nominations beginning with Anthony K. Palmer and ending with Patrick J. St. John, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

National Oceanic and Atmospheric Administration nominations beginning with Bennie N. Johnson and ending with Faith C. Opatrny, which nominations were received by the Senate and appeared in the Congressional Record on March 5, 2008.

By Mr. BIDEN for the Committee on Foreign Relations.

*William Raymond Steiger, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: William Raymond Steiger.

Post: U.S. Ambassador to the Republic of Mozambique.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $500.00, 04/22/2004, Friends of Brett Davis, (Candidate for State Assembly in Wisconsin); $1500.00, 10/22/2004, Republican National Committee; $1500.00, 04/20/2006, Republican National Committee.

2. Spouse: N/A.

3. Children and Spouses: William Alexander Curwen, None.

4. Parents: William Albert Steiger, (Deceased in 1978); Janet Dempsey Steiger, (Deceased in 2004), $250.00, 01/24/2003, Republican National Committee; $275.00, 12/15/2003, Republican National Committee; $1000.00, 02/12/2004, Bush-Cheney '04.

5. Grandparents: Carl Albert Steiger, (Deceased in 1985); Ruth Storms Steiger, (Deceased in 1990); Kathleen Wright Dempsey, (Deceased in 1989); Ray C. Dempsey, (Deceased in 1962).

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Allan P. Mustard and ending with Kevin N. Smith, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2008.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Neil Romano, of Maryland, to be an Assistant Secretary of Labor.

*Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

*Robert F. Cohen, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

*Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2007.

*Jamsheed K. Choksy, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Dawn Ho Delbanco, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Gary D. Glenn, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Marvin Bailey Scott, of Indiana, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

*Carol M. Swain, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Joxel Garcia, of Connecticut, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefor as provided by law and regulations, and to be an Assistant Secretary of Health and Human Services.

*Jan Cellucci, of Massachusetts, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

*William J. Hagenah, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

*Mark Y. Herring, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

*Julia W. Bland, of Louisiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

*Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

*Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

*Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

*Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. BUNNING, Mr. HATCH, and Mr. ROCKEFELLER):

S. 2754. A bill to amend the Internal Revenue Code of 1986 to modify the definition of refined coal; to the Committee on Finance.

By Mrs. MURRAY:

S. 2755. A bill to provide funding for summer youth jobs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. SPECTER):

S. 2756. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 2757. A bill to amend the Internal Revenue Code of 1986 to extend certain benefits applicable to the Gulf Opportunity Zone, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 2758. A bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. DURBIN, and Mr. KERRY):

S. 2759. A bill to provide for Kindergarten Plus programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. BOND):

S. 2760. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. SCHUMER:

S. 2761. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and transfer the proceeds of the tax to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. COBURN, Mr. CRAIG, and Mr. BUNNING):

S. 2762. A bill to prioritize the provision of assistance to combat HIV/AIDS, tuburculosis, and malaria to in-need countries; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 2763. A bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives; to the Committee on Finance.

By Mr. KERRY:

S. 2764. A bill to amend the Servicemembers Civil Relief Act to enhance protections for servicemembers relating to mortgages and mortgage foreclosures, and for other purposes; to the Committee on Armed Services.

By Mr. HAGEL:

S. 2765. A bill to strengthen and permanently preserve social security; to the Committee on Finance.

By Mr. NELSON of Florida (for himself and Mrs. BOXER):

S. 2766. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 2767. A bill to provide for judicial discretion regarding suspensions of student eligibility under section 484(r) of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BAUCUS, Mrs. CLINTON, Mr. KERRY, and Mrs. BOXER):

S. 2768. A bill to provide a temporary increase in the maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 2769. A bill to authorize appropriate use of information in the Firearms Trace Database, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. STEVENS, Mr. AKAKA, and Mrs. BOXER):

S. 2770. A bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. LANDRIEU (for herself, Mr. HAGEL, Ms. SNOWE, Mr. DODD, Mr. BAYH, Mr. KERRY, Mr. CASEY, Mr. WHITEHOUSE, and Mr. JOHNSON):

S. 2771. A bill to require the President to call a White House Conference on Children

and Youth in 2010; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mrs. BOXER):

S. 2772. A bill to amend title 10, United States Code, to provide for the investigation of suicides committed by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN (for himself and Mr. BOND):

S. 2773. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. SCHUMER):

S. 2774. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. HARKIN, and Mrs. CLINTON):

S. 2775. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits; to the Committee on Finance.

By Ms. CANTWELL (for herself, Mr. HATCH, Mr. BOND, Mr. LIEBERMAN, and Mr. HAGEL):

S. 2776. A bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. ENSIGN, and Mr. COLEMAN):

S. 2777. A bill to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN (for himself and Mrs. BOXER):

S. 2778. A bill to amend title 37, United States Code, to expand certain bonus and special pay authorities for members of the Armed Forces in order to enhance the recruitment and retention of psychologists, social workers, mental health nurses, and other mental health professionals in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. SALAZAR, Mr. ALLARD, and Mr. BENNETT):

S. 2779. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. LIEBERMAN):

S. 2780. A bill to require an electronic database of information on the incidence of suicide among members of the Armed Forces; to the Committee on Armed Services.

By Ms. STABENOW (for herself and Mr. BUNNING):

S. 2781. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. BROWN):

S. 2782. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit on crude oil and transfer the proceeds of the tax to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mrs. BOXER, and Mr. MCCAIN):

S. 2783. A bill to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 2784. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW:

S. 2785. A bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2786. A bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. COLEMAN, Mr. HARKIN, Mr. CASEY, Mr. SANDERS, Mr. SCHUMER, Mr. CARDIN, Mr. BROWN, Ms. COLLINS, Mr. LEAHY, Mrs. CLINTON, Mr. LEVIN, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. REID, and Mr. BINGAMAN):

S.J. Res. 30. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. SCHUMER, Mr. LAUTENBERG, Mr. FEINGOLD, and Ms. STABENOW):

S. Res. 481. A resolution designating April 2008 as ''National Autism Awareness Month'' and supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON):

S. Res. 482. A resolution designating July 26, 2008, as ''National Day of the American Cowboy''; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. LIEBERMAN):

S. Res. 483. A resolution recognizing the first weekend of May 2008 as ''Ten Commandments Weekend''; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 484. A resolution designating March 25, 2008, as ''National Cerebral Palsy Awareness Day''; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. VOINOVICH, Mr. BROWN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 485. A resolution relative to the death of Howard Metzenbaum, former United States Senator for the State of Ohio; considered and agreed to.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. STABENOW, Mr. DOMENICI, Mr. LEVIN, Mr. BROWN, Mr. ENSIGN, Ms. CANTWELL, and Mrs. LINCOLN):

S. Res. 486. A resolution to congratulate the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition; considered and agreed to.

By Mr. CHAMBLISS (for himself and Ms. LANDRIEU):

S. Res. 487. A resolution designating March 22, 2008, as National Rehabilitation Counselors Appreciation Day; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. LUGAR, Mr. CRAPO, Mr. BAYH, Mr. MCCONNELL, Mrs. BOXER, Mr. BUNNING, Ms. LANDRIEU, Mr. FEINGOLD, Mr. INHOFE, Mr. JOHNSON, Mr. COCHRAN, Mr. DURBIN, and Mr. DODD):

S. Res. 488. A resolution designating the week beginning March 16, 2008, as ''National Safe Place Week''; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. STEVENS, Mr. SPECTER, Mr. CARDIN, and Mr. LEAHY):

S. Res. 489. A resolution designating April 2008 as Public Radio Recognition Month; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VITTER):

S. Con. Res. 71. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 334

At the request of Mr. WYDEN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 593

At the request of Mr. BURR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 593, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 739

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 739, a bill to provide disadvantaged children with access to dental services.

S. 789

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 789, a bill to prevent abuse of Government credit cards.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 881

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1050

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1050, a bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes.

S. 1161

At the request of Mr. BINGAMAN, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1177

At the request of Mr. CARPER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1725

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1725, a bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to improve the protection of pension benefits, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1926

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2159

At the request of Mr. NELSON of Florida, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Maine (Ms. COLLINS), the Senator from Vermont (Mr. LEAHY), the Senator from Montana (Mr. TESTER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. CRAIG), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Oklahoma (Mr. COBURN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. INHOFE), the Senator from Nebraska (Mr. NELSON), the Senator from New Hampshire (Mr.

SUNUNU), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Tennessee (Mr. CORKER), the Senator from Utah (Mr. HATCH), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. WICKER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mr. BURR), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alabama (Mr. SESSIONS), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Delaware (Mr. CARPER), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2188

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2418

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2418, a bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes.

S. 2431

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2431, a bill to address emergency shortages in food banks.

S. 2460

At the request of Mr. BINGAMAN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2523

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2549

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2549, a bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. 2579

At the request of Mr. INOUYE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2580

At the request of Mr. BROWN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2645

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2645, a bill to require the Commandant of the Coast Guard, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to conduct an evaluation and review of certain vessel discharges.

S. 2690

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2690, a bill to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

S. 2709

At the request of Mr. SESSIONS, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2709, a bill to increase the criminal penalties for illegally reentering the United States and for other purposes.

S. 2710

At the request of Mr. SESSIONS, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2710, a bill to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a ''no match'' notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

S. 2711

At the request of Mr. SESSIONS, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were

added as cosponsors of S. 2711, a bill to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes.

S. 2731

At the request of Mr. DODD, his name was added as a cosponsor of S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 2734

At the request of Mr. BOND, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2734, a bill to aid families and neighborhoods facing home foreclosure and address the subprime mortgage crisis.

S. 2736

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2736, a bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes.

S.J. RES. 28

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. CON. RES. 60

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan.

S. RES. 470

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 470, a resolution calling on the relevant governments, multilateral bodies, and non-state actors in Chad, the Central African Republic, and Sudan to devote ample political commitment and material resources towards the achievement and implementation of a negotiated resolution to the national and regional conflicts in Chad, the Central African Republic, and Darfur, Sudan.

AMENDMENT NO. 4154

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 4154 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4155

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 4155 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4162

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4162 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4164

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Colorado (Mr. SALAZAR), the Senator from Connecticut (Mr. DODD), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4164 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4164 proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4165

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 4165 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4165 intended to be proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4166

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4166 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4166 proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4168

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. OBAMA), the Senator from Oregon (Mr. SMITH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4168 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4171

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 4171 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4172

At the request of Mr. CASEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4172 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4173

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 4173 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4181

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 4181 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the

congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4192

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 4192 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4194

At the request of Mrs. LINCOLN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 4194 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4195

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4195 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4197

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 4197 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4198

At the request of Mr. DORGAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 4198 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4199

At the request of Mr. DORGAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 4199 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4200

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4200 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4203

At the request of Mr. SPECTER, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Utah (Mr. HATCH) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 4203 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4207

At the request of Mr. ALEXANDER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4207 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4210

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 4210 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4212

At the request of Mr. NELSON of Nebraska, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maine (Ms. SNOWE), the Senator from New York (Mrs. CLINTON), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 4212 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4215

At the request of Mr. ENZI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 4215 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4218

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 4218 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4222

At the request of Mr. ALEXANDER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 4222 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4225

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 4225 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4230

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 4230 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 4230 proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4231

At the request of Mr. SESSIONS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 4231 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United

States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4233

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 4233 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4243

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4243 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4245

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 4245 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 4245 proposed to S. Con. Res. 70, supra.

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maryland (Ms. MIKULSKI), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. BROWN), the Senator from Louisiana (Mr. VITTER), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Rhode Island (Mr. REED), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 4245 proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4248

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 4248 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4251

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4251 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4252

At the request of Mr. BROWN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 4252 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4254

At the request of Mr. DODD, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. DURBIN), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 4254 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4260

At the request of Mrs. CLINTON, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. OBAMA), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 4260 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4263

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 4263 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4266

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 4266 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4267

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4267 intended to be proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

AMENDMENT NO. 4269

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 4269 proposed to S. Con. Res. 70, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2755. A bill to provide funding for summer youth jobs; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Summer Jobs Stimulus Act of 2008''.

SEC. 2. SUMMER YOUTH JOBS.

(a) FINDINGS.—Congress finds that—

(1) a temporary $1,000,000,000 investment in summer employment for youth, through the summer youth jobs program supported under this section, will create up to 1,000,000 jobs for economically disadvantaged youth and stimulate local economies;

(2) research from Northwestern University has shown that every $1 a youth earns has an accelerator effect of $3 on the local economy;

(3) there is a serious and growing need for employment opportunities for economically disadvantaged youth, as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2007—

(A) the unemployment rate increased to 5 percent, as compared to 4.4 percent in December 2006;

(B) the unemployment rate for 16- to 19-year-olds rose to 17 percent, as compared to 13 percent in December 2006; and

(C) the unemployment rate for African-American 16- to 19-year-olds increased 5 percent in 1 month, jumping to 34.7 percent, as compared to 20 percent in December 2006;

(4) summer youth jobs help supplement the income of families living in poverty;

(5) summer youth jobs provide valuable work experience to economically disadvantaged youth;

(6) often, the summer jobs provided through the program are an economically disadvantaged youth's introduction to the world of work;

(7) according to the Center for Labor Market Studies at Northeastern University, early work experience is a very powerful predictor of success and earnings in the labor market, and early work experiences raises earnings over a lifetime by 10 to 20 percent;

(8) participation in a summer youth jobs program can contribute to a reduction in criminal and high-risk behavior for youth; and

(9)(A) summer youth job programs benefit both youth and communities when designed around principles that promote mutually beneficial programs;

(B) youth benefit from summer youth jobs that provide them with work readiness skills and that help them make the connection between responsibility on the job and success in adulthood; and

(C) communities benefit when youth are engaged productively during the summer, providing much-needed services that meet real community needs.

(b) APPROPRIATIONS.—Out of any money in the Treasury not otherwise appropriated, and in addition to any funds appropriated under any provision of Federal law other than this section, there is appropriated to the Secretary of Labor for youth activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), $1,000,000,000, which shall be available for the period of April 1, 2008 through December 31, 2008, under the conditions described in subsection (c).

(c) CONDITIONS.—

(1) USE OF FUNDS.—The funds appropriated under subsection (b) shall be used for summer employment opportunities referred to in section 129(c)(2)(C) of such Act (29 U.S.C. 2854(c)(2)(C)).

(2) LIMITATION.—Such funds shall be distributed in accordance with sections 127 and 128 of such Act (29 U.S.C. 2852, 2853), except that no portion of such funds shall be reserved to carry out 128(a) or 169 of such Act (29 U.S.C. 2853(a), 2914).

(3) MEASURE OF EFFECTIVENESS.—The effectiveness of the activities carried out with such funds shall be measured, under section 136 of such Act (29 U.S.C. 2871), only with performance measures based on the core indicators of performance described in section 136(b)(2)(A)(ii)(I) of such Act (29 U.S.C. 2871(b)(2)(A)(ii)(I)).

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. SPECTER):

S. 2756. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, I rise today with my colleagues Senator HATCH and Senator SPECTER to introduce the Child Protection Improvements Act of 2008. This bill will expand and make permanent the national child safety pilot program that we passed as part of the PROTECT Act back in 2003. This bill is, in my view, an absolutely essential step towards developing a comprehensive approach to protect our Nation's children.

Human service organizations rely on volunteers and employees to provide services and care to children. These individuals coach soccer games, mentor young people, run youth camps, and much more. Approximately 61 million adults currently volunteer—with 27 percent dedicating their volunteer service to education and youth programs. By volunteering, they necessarily gain very close, often unsupervised access to our children. Of course, the vast majority of these people have the best interest of our children at heart—and we need as many volunteers as we can get. But, at the same time, we have to understand that bad people will take any step they can to gain access to children and many attempt to do this by volunteering.

Congress has previously attempted to ensure that States make FBI criminal history record checks available to organizations seeking to screen employees and volunteers who work with children, through the National Child Protection Act of 1993 and the Volunteers for Children Act. However, according to a report from the Attorney General, these laws ''did not have the intended impact of broadening the availability of checks.'' A 2007 survey conducted by MENTOR/National Mentoring Partnership found that only 18 States allowed youth mentoring organizations to access nationwide Federal Bureau of Investigation background searches. And, even when states do provide access to background checks, it can be expensive and time consuming.

With the PROTECT Act pilot we decided to give some groups a direct line towards obtaining a national background check from the FBI and obtaining a fitness determination by the National Center for Missing and Exploited Children to see whether the applicant could present a potential threat to children. Thanks to the hard work and commitment of NCMEC, the FBI, MENTOR/National Mentoring Partnership, and others this pilot program has proven incredibly effective. During the course of the pilot, we conducted roughly 37,000 background checks. Of these checks, 6.1 percent of prospective volunteers were found to have a criminal record of concern—including very serious offenses like sexual abuse of minors, assaults, murder, and serious drug offenses. In all, this represents over 2,200 dangerous people we prevented from working as volunteers with children. In addition, over 40 percent of the individuals with criminal records had committed an offense in a state other than where they were applying to volunteer, meaning that a state-only search would not have found relevant criminal records. In my view, this speaks to the urgent need of expanding this pilot to more groups and towards making the program permanent.

Despite these successes, the pilot was limited in several respects. The pilot was limited in scope with only a few youth-serving entities able to participate, and irregularities with respect to the annual appropriations process made it extremely difficult to operate the program to its fullest extent. With the legislation, we are introducing today, we build upon the lessons learned by taking the following steps: make the program permanent, which will help ensure that long-term investments are made to make the program effective and inexpensive; establish an Applicant Processing Center, APC, to assist youth serving organizations with the administrative tasks related to accessing the system, such as obtaining a fingerprint and handling billing with the FBI; and permanently establish and upgrade the fitness determination process at the National Center for Missing and Exploited Children.

In addition, we authorize the collection of a small surcharge to pay the FBI fee and offset the expenses incurred by National Center for Missing and Exploited Children and the Applicant Processing Center. With literally millions of volunteers working with our Nation's youth every year, it is imperative to provide a mechanism to allow more youth-serving organizations access and ensure a steady stream of resources to allow the program to grow toward the goal of protecting more children. This bill will do that.

Before closing, I want to touch on fee for service component which is added to this bill. Of course, the goal has always been that the checks have to be fast, inexpensive, and accurate for these checks to be suitable for nonprofit organizations. By adding a small surcharge to the fee the FBI charges, we maintain that goal while expanding access. The bottom line is this—youth-serving organizations have told us that the ability to consistently obtain background checks and fitness determinations is critical and they will pay a little more to have access. Because Federal resources are simply not sufficient to provide wide access, and because the ebb and flow of the appropriations process creates instability with respect to how many checks can be completed, we felt that a small surcharge was the right approach.

Even with the surcharge, we still keep the cost very low. The bill calls for a fee no greater than $25 or the actual costs of preparing the application, running the background check by the

FBI, and making the fitness determination by NCMEC for nonprofits. The applicant processing center created in this bill will collect this fee and make sure that all the costs are offset. And the goal is that this fee will offset all of the costs so that we can grow a system that is available to a wide range of entities that work with children. As of today, the American Camp Association, the Afterschool Alliance, the America's Promise Alliance, Big Brothers Big Sisters of America, Boys and Girls Clubs of America, Communities In Schools, Inc., First Focus, MENTOR/National Mentoring Partnership, and YMCA of the USA all agree with this approach.

In addition, the bill authorizes $5 million in 2009 for startup costs and to develop new processes and technologies to automate and streamline the functions to keep costs down. And, while it's not a part of this legislation, I hope that we can get some of our great technology companies to help us with this effort by possibly donating some of their time, expertise, and ingenuity towards helping us automate the process—especially with the fitness determination process at the National Center for Missing and Exploited Children which is a time consuming, labor-intensive process involving the manual review of criminal rap sheets. We formed a similar public-private partnership when we established the National Domestic Violence Hotline, and I hope we will be able to replicate that success here. Once we get this bill passed, I will be reaching out to some of our best technology companies to see if they can help us ensure that these checks remain inexpensive and available for as many youth-serving groups as possible.

I would once again like to thank my colleagues Senator HATCH's and Senator SPECTER's work on crafting this bill. We proved that we can help protect children at a low cost with the pilot program, and I believe that this bill will help expand access to a greater number of groups so that we can grow that number of protected children exponentially. To me, this is exactly the kind of service that the government owes to its people, and I look forward to its prompt passage before the expiration of the pilot program on July 30th, later this summer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Protection Improvements Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2006, 61,200,000 adults (a total of 26.7 percent of the population) contributed a total of 8,100,000,000 hours of volunteer service. Of those who volunteer, 27 percent dedicate their service to education or youth programs, or a total of 16,500,000 adults.

(2) Assuming recent incarceration rates remain unchanged, an estimated 6.6 percent of individuals in the United States will serve time in prison for a crime during their lifetime. The Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation maintains fingerprints and criminal histories on more than 47,000,000 individuals, many of whom have been arrested or convicted multiple times.

(3) A study released in 2002, found that, of individuals released from prison in 15 States in 1994, an estimated 67.5 percent were rearrested for a felony or serious misdemeanor within 3 years. Three-quarters of those new arrests resulted in convictions or a new prison sentence.

(4) Given the large number of individuals with criminal records and the vulnerability of the population they work with, human service organizations that work with children need an effective and reliable means of obtaining a complete criminal history in order to determine the suitability of a potential volunteer or employee.

(5) The large majority of Americans (88 percent) favor granting youth-serving organizations access to conviction records for screening volunteers and 59 percent favored allowing youth-serving organizations to consider arrest records when screening volunteers. This was the only use for which a majority of those surveyed favored granting access to arrest records.

(6) Congress has previously attempted to ensure that States make Federal Bureau of Investigation criminal history record checks available to organizations seeking to screen employees and volunteers who work with children, the elderly, and individuals with disabilities, through the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) and the Volunteers for Children Act (Public Law 105–251; 112 Stat. 1885). However, according to a June 2006 report from the Attorney General, these laws ''did not have the intended impact of broadening the availability of NCPA checks.''. A 2007 survey conducted by MENTOR/National Mentoring Partnership found that only 18 States allowed youth mentoring organizations to access nationwide Federal Bureau of Investigation background searches.

(7) Even when accessible, the cost of a criminal background check can be prohibitively expensive, ranging from $5 to $75 for a State fingerprint check, plus the Federal Bureau of Investigation fee, which ranges between $16 to $24, for a total of between $21 and $99 for each volunteer or employee.

(8) Delays in processing such checks can also limit their utility. While the Federal Bureau of Investigation processes all civil fingerprint requests in less than 24 hours, State response times vary widely, and can take as long as 42 days.

(9) The Child Safety Pilot Program under section 108 of the PROTECT Act (42 U.S.C. 5119a note) revealed the importance of performing fingerprint-based Federal Bureau of Investigation criminal history record checks. Of 29,000 background checks performed through the pilot as of March 2007, 6.4 percent of volunteers were found to have a criminal record of concern, including very serious offenses such as sexual abuse of minors, assault, child cruelty, murder, and serious drug offenses.

(10) In an analysis performed on the volunteers screened in the first 18 months of the Child Safety Pilot Program, it was found that over 25 percent of the individuals with criminal records had committed an offense in a State other than the State in which they were applying to volunteer, meaning that a State-only search would not have found relevant criminal results. In addition, even though volunteers knew a background check was being performed, over 50 percent of the individuals found to have a criminal record falsely indicated on their application form that they did not have a criminal record.

(11) The Child Safety Pilot Program also demonstrates that timely and affordable background checks are possible, as background checks under that program are completed within 3 to 5 business days at a cost of $18.

SEC. 3. BACKGROUND CHECKS.

The National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) is amended—

(1) by redesignating section 5 as section 6; and

(2) by inserting after section 4 the following:

''SEC. 5. PROGRAM FOR NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS FOR CHILD-SERVING ORGANIZATIONS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'applicant processing center' means the applicant processing center established by the Attorney General under subsection (b)(1);

''(2) the term 'child' means an individual who is less than 18 years of age;

''(3) the term 'covered entity' means a business or organization, whether public, private, for-profit, nonprofit, or voluntary that provides care, care placement, supervision, treatment, education, training, instruction, or recreation to children, including a business or organization that licenses, certifies, or coordinates individuals or organizations to provide care, care placement, supervision, treatment, education, training, instruction or recreation to children;

''(4) the term 'covered individual' means an individual—

''(A) who has, seeks to have, or may have unsupervised access to a child served by a covered entity; and

''(B) who—

''(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a covered entity; or

''(ii) owns or operates, or seeks to own or operate, a covered entity;

''(5) the term 'fitness determination program' means the fitness determination program established under subsection (b)(2);

''(6) the term 'identification document' has the meaning given that term in section 1028 of title 18, United States Code;

''(7) the term 'participating entity' means a covered entity that is approved under subsection (f) to receive nationwide background checks from the applicant processing center and to participate in the fitness determination program;

''(8) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; and

''(9) the term 'State authorized agency' means a division or office of a State designated by that State to report, receive, or disseminate criminal history information.

''(b) ESTABLISHMENT OF PROGRAM.—Not later than 90 days after the date of enactment of the Child Protection Improvements Act of 2008, the Attorney General shall—

''(1) establish within the Federal Government or through an agreement with a nonprofit entity an applicant processing center; and

''(2) enter into an agreement with the National Center for Missing and Exploited Children, under which the National Center for Missing and Exploited Children shall establish a fitness determination program.

''(c) APPLICANT PROCESSING CENTER.—

''(1) PURPOSE.—The purpose of the applicant processing center is to streamline the process of obtaining nationwide background checks, provide effective customer service, and facilitate widespread access to nationwide background checks by participating entities.

''(2) DUTIES.—The applicant processing center shall—

''(A) provide information to covered entities on the requirements to become a participating entity;

''(B) provide participating entities with access to nationwide background checks on covered individuals;

''(C) receive paper and electronic requests for nationwide background checks on covered individuals from participating entities;

''(D) serve as a national resource center to provide guidance and assistance to participating entities on how to submit requests for nationwide background checks, how to interpret criminal history records, how to obtain State criminal background checks, and other related information;

''(E) to the extent practicable, negotiate an agreement with each State authorized agency under which—

''(i) that State authorized agency shall conduct a State criminal background check within the time periods specified in subsection (e) in response to a request from the applicant processing center and provide criminal history records to the National Center for Missing and Exploited Children; and

''(ii) a participating entity may elect to obtain a State background check, in addition to a nationwide background check, through 1 unified request to the applicant processing center;

''(F) convert all paper fingerprint cards into an electronic form and securely transmit all fingerprints electronically to the national criminal history background check system and, if appropriate, the State authorized agencies;

''(G) collect a fee to conduct the nationwide background check, and, if appropriate, a State criminal background check, and remit fees to the National Center for Missing and Exploited Children, the Federal Bureau of Investigation, and the State authorized agencies, as appropriate;

''(H) convey the results of the fitness determination to the participating entity that submitted the request for a nationwide background check; and

''(I) coordinate with the Federal Bureau of Investigation, participating State authorized agencies, and the National Center for Missing and Exploited Children to ensure that background check requests are being completed within the time periods specified in subsection (e).

''(3) REQUESTS.—A request for a nationwide background check by a participating entity shall include—

''(A) the fingerprints of the covered individual, in paper or electronic form;

''(B) a photocopy of a valid identification document; and

''(C) a statement completed and signed by the covered individual that—

''(i) sets out the covered individual's name, address, and date of birth, as those items of information appear on a valid identification document;

''(ii) states whether the covered individual has a criminal record, and, if so, provides the particulars of such criminal record;

''(iii) notifies the covered individual that the Attorney General and, if appropriate, a State authorized agency may perform a criminal history background check and that the signature of the covered individual on the statement constitutes an acknowledgment that such a check may be conducted;

''(iv) notifies the covered individual that prior to and after the completion of the background check, the participating entity may choose to deny the covered individual access to children; and

''(v) notifies the covered individual of the right of the covered individual to correct an erroneous record of the Attorney General and, if appropriate, the State authorized agency.

''(4) FEES.—

''(A) IN GENERAL.—The applicant processing center may collect a fee to defray the costs of carrying out its duties and the duties of National Center for Missing and Exploited Children under this section—

''(i) for a nationwide background check and fitness determination, in an amount not to exceed the lesser of—

''(I) the actual cost to the applicant processing center and the National Center for Missing and Exploited Children of conducting a nationwide background check and fitness determination under this section; or

''(II)(aa) $25 for a participating entity that is a nonprofit entity; or

''(bb) $40 for any other participating entity; and

''(ii) for a State criminal background check described in paragraph (2)(E), in the amount specified in the agreement with the applicable State authorized agency, not to exceed $18.

''(B) REDUCED FEES.—In determining the amount of the fees to be collected under subparagraph (A), the applicant processing center—

''(i) shall, to the extent possible, discount such fees for participating entities that are nonprofit entities; and

''(ii) may use fees paid by participating entities that are not nonprofit entities to reduce the fees to be paid by participating entities that are nonprofit entities.

''(C) PROHIBITION ON FEES.—

''(i) IN GENERAL.—A participating entity may not charge another entity or individual a surcharge to access a background check conducted under this section.

''(ii) VIOLATION.—The Attorney General shall bar any participating entity that the Attorney General determines violated clause (i) from submitting background checks under this section.

''(d) FITNESS DETERMINATION PROGRAM.—

''(1) PURPOSE.—The purpose of the fitness determination program is to provide participating entities with reliable and accurate information regarding whether a covered individual has been convicted of, or is under pending arrest or indictment for, a crime that bears upon the fitness of the covered individual to have responsibility for the safety and well-being of the children in their care.

''(2) REQUIREMENTS OF FITNESS DETERMINATION PROGRAM.—As part of operating the fitness determination program, the National Center for Missing and Exploited Children shall—

''(A) establish procedures to securely receive criminal background records from the Federal Bureau of Investigation and, if appropriate, State authorized agencies;

''(B) make determinations regarding whether the criminal history record information received in response to a criminal history background check conducted under this section indicate that the covered individual has a criminal history record that may render the covered individual unfit to provide care to children, based on the criteria described in paragraph (3);

''(C) convey a fitness determination to the applicant processing center;

''(D) specify the source of the criminal history information upon which a fitness determination is based; and

''(E) work with the applicant processing center and the Federal Bureau of Investigation to develop procedures and processes to ensure that criminal history background check requests are being completed within the time periods specified in subsection (e).

''(3) CRITERIA.—

''(A) IN GENERAL.—Subject to subparagraph (B), the fitness determination program shall use the criteria relating to when criminal history record information indicates that an individual has a criminal history record that may render the individual unfit to provide care to children that were established for the Child Safety Pilot Program under section 108(a)(3) of the PROTECT Act (42 U.S.C. 5119a note).

''(B) REVIEW.—The Attorney General and the National Center for Missing and Exploited Children, in coordination with national organizations representing a range of covered entities, shall review the criteria described in subparagraph (A) and make any changes needed to use such criteria in the fitness determination program.

''(e) TIMING.—

''(1) IN GENERAL.—Criminal background checks shall be completed not later than 10 business days after the date that a request for a national background check is received by the applicant processing center. The applicant processing center shall work with the National Center for Missing and Exploited Children and the Federal Bureau of Investigation to ensure that the time limits under this subsection are being achieved.

''(2) APPLICATION PROCESSING.—The applicant processing center shall electronically submit a national background check request to the national criminal history background check system and, if appropriate, the participating State authorized agency not later than 3 business days after the date that a request for a national background check is received by the applicant processing center.

''(3) CONDUCT OF BACKGROUND CHECKS.—The Federal Bureau of Investigation and, if appropriate, a State authorized agency shall provide criminal history records information to the National Center for Missing and Exploited Children not later than 3 business days after the date that the Federal Bureau of Investigation or State authorized agency, as the case may be, receives a request for a nationwide background check from the applicant processing center.

''(4) FITNESS DETERMINATIONS.—The National Center for Missing and Exploited Children shall convey a fitness determination to a participating entity and the applicant processing center not later than 4 business days after the date that the National Center for Missing and Exploited Children has received criminal history records from the

Federal Bureau of Investigation and, if appropriate, each applicable State authorized agency.

''(f) PARTICIPATION IN PROGRAM.—

''(1) IN GENERAL.—The applicant processing center shall determine whether an entity is a covered entity and whether that covered entity should be approved as a participating entity, based on the consultation conducted under paragraph (2).

''(2) CONSULTATION.—In determining how many covered entities to approve as participating entities, the applicant processing center shall consult quarterly with the Federal Bureau of Investigation and the National Center for Missing and Exploited Children to determine the volume of requests for fitness determinations that can be completed, based on the capacity of the applicant processing center and the fitness determination program, the availability of resources, and the demonstrated need for such determinations in order to protect children.

''(3) PREFERENCE FOR NONPROFIT ORGANIZATIONS.—In determining whether a covered entity should be approved as a participating entity under paragraph (1), the applicant processing center shall give preference to any organization participating in the Child Safety Pilot Program under section 108(a)(3) of the PROTECT Act (42 U.S.C. 5119a note) on the date of enactment of the Child Protection Improvements Act of 2008 and to any other nonprofit organizations.

''(g) RIGHTS OF COVERED INDIVIDUALS.—

''(1) IN GENERAL.—A covered individual who is the subject of a nationwide background check under this section may contact the Federal Bureau of Investigation and, if appropriate, a State authorized agency to—

''(A) request that the full criminal history report of that covered individual be provided to that covered individual or the applicable participating entity not later than 10 business days after the date of that request; and

''(B) challenge the accuracy and completeness of the criminal history record information in the criminal history report.

''(2) RESOLUTION OF CHALLENGES.—The Federal Bureau of Investigation and, if appropriate, a State authorized agency shall promptly make a determination regarding the accuracy and completeness of any criminal history record information challenged under paragraph (1)(B).

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2008, to—

''(A) establish and carry out the duties of the applicant processing center established under this section;

''(B) establish and carry out the fitness determination program; and

''(C) purse technologies and procedures to streamline and automate processes to enhance cost efficiency.

''(2) FITNESS DETERMINATIONS.—There are authorized to be appropriated to the Attorney General to carry out the agreement under this section with the National Center for Missing and Exploited Children $1,000,000 for each of fiscal years 2009 through 2013 to support the fitness determination program and so that fees for nonprofit organizations under that program are as low as possible.

''(3) SENSE OF THE SENATE.—It is the sense of the Senate that in fiscal year 2009, and each fiscal year thereafter, the fees collected by the applicant processing center should be sufficient to carry out the duties of the applicant processing center under this section and to help support the fitness determination program.

''(i) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the participating entities, the number of covered individuals submitting applications under this section, and the data on the number and types of fitness determinations issued under this section.

''(j) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—A participating entity shall not be liable in an action for damages solely for failure to conduct a criminal background check on a covered individual, nor shall a State or political subdivision thereof nor any agency, officer, or employee thereof, be liable in an action for damages for the failure of a participating entity (other than itself) to take action adverse to a covered individual who was the subject of a background check.

''(2) RELIANCE.—The applicant processing center or a participating entity that reasonably relies on a fitness determination or criminal history record information received in response to a background check under this section shall not be liable in an action for damages based on the inaccuracy or incompleteness of that information.

''(3) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the National Center for Missing and Exploited Children, including a director, officer, employee, or agent of the National Center for Missing and Exploited Children, shall not be liable in an action for damages relating to the performance of the responsibilities and functions of the National Center for Missing and Exploited Children under this section.

''(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subparagraph (A) shall not apply in an action if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the National Center for Missing and Exploited Children, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(C) ORDINARY BUSINESS ACTIVITIES.—Subparagraph (A) shall not apply to an act or omission relating to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

SEC. 4. EXTENSION OF CHILD SAFETY PILOT.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) by striking ''60-month''; and

(2) by adding at the end the following: ''The Child Safety Pilot Program under this paragraph shall terminate on the date that the program for national criminal history background checks for child-serving organizations established under the Child Protection Improvements Act of 2008 is operating and able to enroll any organization using the Child Safety Pilot Program.''.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. DURBIN, and Mr. KERRY):

S. 2759. A bill to provide for Kindergarten Plus programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce legislation to enhance opportunities for low-income children entering school. Today, I am introducing the Sandy Feldman Kindergarten Plus Act of 2008.

The Kindergarten Plus Act will provide children below 185 percent of the poverty line with additional time in school during the summer before, and the summer after, their traditional kindergarten school year to ensure that they enter school ready to succeed.

Too many low-income children enter school unprepared because they have not had access to educational resources such as books and other tools for learning. Arriving at school already behind, many of these children find it difficult, if not impossible, to catch up academically to their more affluent peers.

When we consider the achievement gap between low-income children and their wealthier peers, it immediately becomes clear that we must do a better job of preparing these children for school. To prepare them for success, we need to expose them to classroom practices earlier, introduce them to critical educational concepts, and familiarize them with school activities such as story or circle time. Ultimately, we need to provide these students with a solid foundation that allows them to enter school with the skills necessary to become strong students.

Only 39 percent of low-income children, compared to about 85 percent of high-income children, can recognize letters of the alphabet upon arrival in kindergarten. Moreover, low-income children often have a more limited vocabulary. By the time they are in first grade, children in low-income families have, on average, 5,000 words in their vocabulary. In contrast, children from more affluent families enter school with vocabularies of about 20,000 words. These startling discrepancies should tell us that more needs to be done to help all children enter school with an equal opportunity for success. Kindergarten Plus strives to provide these opportunities and to lessen the achievement gap by providing low-income children more support and additional exposure to high-quality schooling.

This legislation was named after Sandy Feldman. As many of you know, Sandy was a tireless advocate for children and public education. Her commitment to social justice and her focus on early childhood education led her to develop the concept for this legislation, and it was Sandy who spent countless hours developing the details to ensure this would be a high-quality initiative. I was honored to have worked with Sandy in developing the initial legislation and am proud that this bill bears her name.

I am joined today in introducing this legislation by my colleagues Senators LIEBERMAN and DURBIN. This bill is supported by the American Federation of Teachers, National Education Association, Council of Great City Schools, the Children's Defense Fund, Service

Employees International Union, American Federation of State, County and Municipal Employees, National Association of Child Care Resource and Referral Agencies, and Easter Seals. I urge my colleagues to join my effort and cosponsor this legislation. I encourage them to help launch low-income children on the path to school success.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kindergarten Plus Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Kindergarten has proven to be a beneficial experience for children, putting children on a path that positively influences their learning and development in later school years.

(2) Kindergarten and the years leading up to kindergarten are critical in preparing children to succeed in elementary school, especially if the children are from low-income families or have other risks of difficulty in school.

(3) Disadvantaged children, on average, lag behind other children in literacy, numeracy, and social skills, even before formal schooling begins.

(4) For many children entering kindergarten, the achievement gap between children from low-income households compared to children from high-income households is already evident.

(5) Eighty-five percent of beginning kindergartners in the highest socioeconomic group, compared to 39 percent in the lowest socioeconomic group, can recognize letters of the alphabet. Similarly, 98 percent of beginning kindergartners in the highest socioeconomic group, compared to 84 percent of their peers in the lowest socioeconomic group, can recognize numbers and shapes.

(6) Once disadvantaged children are in school, they learn at the same rate as other children. Therefore, providing disadvantaged children with additional time in kindergarten, in the summer before such children ordinarily enter kindergarten and in the summer before first grade, will help schools close achievement gaps and accelerate the academic progress of their disadvantaged students.

(7) High quality, extended-year kindergarten that provides children with enriched learning experiences is an important factor in helping to close achievement gaps, rather than having the gaps continue to widen.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE STUDENT.—The term ''eligible student'' means a child who—

(A) is a 5-year old, or will be eligible to attend kindergarten at the beginning of the next school year;

(B) comes from a family with an income at or below 185 percent of the poverty line; and

(C) is not already served by a high-quality program in the summer before or the summer after the child enters kindergarten.

(2) KINDERGARTEN PLUS.—The term ''Kindergarten Plus'' means a voluntary full day of kindergarten, during the summer before and during the summer after, the traditional kindergarten school year (as determined by the State).

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) PARENT.—The term ''parent'' includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(5) PARENTAL INVOLVEMENT.—The term ''parental involvement'' means the participation of parents in regular, 2-way, and meaningful communication with school personnel involving student academic learning and other school activities, including ensuring that parents—

(A) play an integral role in assisting their child's learning;

(B) are encouraged to be actively involved in their child's education at school; and

(C) are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child.

(6) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(7) ELIGIBLE PROVIDER.—The term ''eligible provider'' means a local educational agency or a private not-for-profit agency or organization, with a demonstrated record in the delivery of early childhood education services to preschool-age children, that provides high-quality early learning and development experiences that—

(A) are aligned with the expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as established by the State educational agency; or

(B) in the case of an entity that is not a local educational agency and that serves children who have not entered kindergarten, meet the performance standards and performance measures described in subparagraphs (A) and (B) of subsection (a)(1), and subsection (b), of section 641A of the Head Start Act (42 U.S.C. 9836a) or the prekindergarten standards of the State where the entity is located.

(8) SCHOOL READINESS.—The term ''school readiness'' means the cognitive, social, emotional, approaches to learning, and physical development of a child, including early literacy and early mathematics skills, that prepares the child to learn and succeed in elementary school.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(10) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. GRANTS TO STATE EDUCATIONAL AGENCIES AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide Kindergarten Plus within the State.

(b) SUFFICIENT SIZE.—To the extent possible, the Secretary shall ensure that each grant awarded under this section is of sufficient size to enable the State educational agency receiving the grant to provide Kindergarten Plus to all eligible students served by the local educational agencies within the State with the highest concentrations of eligible students.

(c) MINIMUM AMOUNT.—The Secretary shall not award a grant to a State educational agency under this section in an amount that is less than $500,000.

(d) STATE USE OF FUNDS.—A State educational agency shall use—

(1) not more than 3 percent of the grant funds received under this Act for administration of the Kindergarten Plus programs supported under this Act;

(2) not more than 5 percent of the grant funds received under this Act to develop professional development activities and curricula for teachers and staff of Kindergarten Plus programs in order to develop a continuum of developmentally appropriate curricula and practices for preschool, kindergarten, and grade 1 that ensures—

(A) an effective transition to kindergarten and to grade 1 for students; and

(B) appropriate expectations for the students' learning and development as the students make the transition to kindergarten and to grade 1; and

(3) the remainder of the grant funds to award subgrants to local educational agencies.

(e) PRIORITY.—In awarding grants under this Act the Secretary shall give priority to State educational agencies that—

(1) on their own or in combination with other government agencies, provide full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State; or

(2) demonstrate progress toward providing full-day kindergarten to all kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State by submitting a plan that shows how the State educational agency will, at a minimum, double the number of such children that were served by a full-day kindergarten program in the school year preceding the school year for which assistance is first sought.

SEC. 5. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act—

(1) shall reserve an amount sufficient to continue to fund multiyear subgrants awarded under this section; and

(2) shall award subgrants to local educational agencies within the State to enable the local educational agencies to pay the Federal share of the costs of carrying out Kindergarten Plus programs for eligible students.

(b) PRIORITY.—In awarding subgrants under this section the State educational agency shall give priority to local educational agencies—

(1) serving the greatest number or percentage of kindergarten-age children who are from families with incomes below 185 percent of the poverty line, based on data from the most recent school year; and

(2) that propose to significantly reduce the class size and student-to-teacher ratio of the classes in their Kindergarten Plus programs below the average class size and student-to-teacher ratios of kindergarten classes served by the local educational agencies.

(c) FEDERAL SHARE.—The Federal share of the costs of carrying out a Kindergarten Plus program shall be—

(1) 100 percent for the first, second, and third years of the program;

(2) 85 percent for the fourth year of the program; and

(3) 75 percent for the fifth year of the program.

(d) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of carrying out a Kindergarten Plus program may be in the form of in-kind contributions.

SEC. 6. STATE APPLICATION.

(a) IN GENERAL.—In order to receive a grant under this Act, a State educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary determines appropriate.

(b) CONSULTATION.—The application shall be developed by the State educational agency in consultation with representatives of early childhood education programs, early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include—

(1) a description of developmentally appropriate teaching practices and curricula for children that will be put in place to be used by local educational agencies and eligible providers offering Kindergarten Plus programs to carry out this Act;

(2) a general description of the nature of the Kindergarten Plus programs to be conducted with funds received under this Act, including—

(A) the number of hours each day and the number of days each week that children in each Kindergarten Plus program will attend the program; and

(B) if a Kindergarten Plus program meets for less than 9 hours a day, how the needs of full-time working families will be addressed;

(3) goals and objectives to ensure that high-quality Kindergarten Plus programs are provided;

(4) an assurance that students enrolled in Kindergarten Plus programs funded under this Act will receive additional comprehensive services (such as nutritional services, health care, and mental health care), as needed; and

(5) a description of how—

(A) the State educational agency will coordinate and integrate services provided under this Act with other educational programs, such as Even Start, Head Start, Reading First, Early Reading First, State-funded preschool programs, preschool programs funded under section 619 or other provisions of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1411 et seq.), and kindergarten programs;

(B) the State will provide professional development for teachers and staff of local educational agencies and eligible providers that receive subgrants under this Act regarding how to address the school readiness needs of children (including early literacy, early mathematics, and positive behavior) before the children enter kindergarten, throughout the school year, and into the summer after kindergarten;

(C) the State will assist Kindergarten Plus programs to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting;

(D) the State will conduct outreach to parents with eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children; and

(E) the State educational agency will ensure that each Kindergarten Plus program uses developmentally appropriate practices, including practices and materials that are culturally and linguistically appropriate for the population of children being served in the program.

SEC. 7. LOCAL APPLICATION.

(a) IN GENERAL.—In order to receive a subgrant under this Act, a local educational agency shall submit an application to the State educational agency at such time and containing such information as the State educational agency determines appropriate.

(b) CONSULTATION.—The application shall be developed by the local educational agency in consultation with early childhood education teachers, principals, pupil services personnel, administrators, paraprofessionals, other school staff, early childhood education providers (including Head Start agencies, State prekindergarten program staff, and child care providers), teacher organizations, parents, and parent organizations.

(c) CONTENTS.—At a minimum, the application shall include a description of—

(1) the standards, research-based and developmentally appropriate curricula, teaching practices, and ongoing assessments for the purposes of improving instruction and services, to be used by the local educational agency that—

(A) are aligned with the State expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as set by the State educational agency; and

(B) include—

(i) language skills, including an expanded use of vocabulary;

(ii) interest in and appreciation of books, reading, writing alone or with others, and phonological and phonemic awareness;

(iii) premathematics knowledge and skills, including aspects of classification, seriation, number sense, spatial relations, and time;

(iv) other cognitive abilities related to academic achievement;

(v) social and emotional development, including self-regulation skills;

(vi) physical development, including gross and fine motor development skills;

(vii) in the case of limited English proficiency, progress toward the acquisition of the English language; and

(viii) approaches to learning;

(2) how the local educational agency will ensure that the Kindergarten Plus program uses curricula and practices that—

(A) are developmentally, culturally, and linguistically appropriate for the population of children served in the program; and

(B) are aligned with the State learning standards and expectations for children in kindergarten and grade 1;

(3) how the Kindergarten Plus program will improve the school readiness of children served by the local educational agency under this Act, especially in mathematics and reading;

(4) how the Kindergarten Plus program will provide continuity of services and learning for children who were previously served by a different program;

(5) how the local educational agency will ensure that the Kindergarten Plus program has appropriate services and accommodations in place to serve children with disabilities and children who are limited English proficient;

(6) how the local educational agency will perform a needs assessment to avoid duplication with other programs within the geographic area served by the local educational agency;

(7) how the local educational agency will—

(A) transition Kindergarten Plus participants into local elementary school programs and services;

(B) ensure the development and use of systematic, coordinated records on the educational development of each child participating in the Kindergarten Plus program through periodic meetings and communications among—

(i) Kindergarten Plus program teachers;

(ii) elementary school staff; and

(iii) local early childhood education program providers, including Head Start agencies, State prekindergarten program staff, and center-based and family child care providers;

(C) provide parent and child orientation sessions conducted by teachers and staff; and

(D) provide a qualified staff person to be in charge of coordinating the transition services;

(8) how the local educational agency will provide instructional and environmental accommodations in the Kindergarten Plus program for children who are limited English proficient, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), homeless children, and immigrant children;

(9) how the local educational agency will conduct outreach to parents of eligible students, including parents whose native language is not English, parents of children with disabilities, and parents of migratory children, which may include—

(A) activities to provide parents early exposure to the school environment, including meetings with teachers and staff;

(B) activities to better engage and inform parents on the benefits of Kindergarten Plus and other programs; and

(C) other efforts to ensure that parents have a level of comfort with the Kindergarten Plus program and the school environment;

(10) how the local educational agency will assist the Kindergarten Plus program to provide exemplary parent education and parental involvement activities such as training and materials to assist parents in being their children's first teachers at home or home visiting; and

(11) how the local educational agency will work with local center-based and family child care providers and Head Start agencies to ensure—

(A) the nonduplication of programs and services; and

(B) that the needs of working families are met through child care provided before and after the Kindergarten Plus program.

SEC. 8. LOCAL REQUIREMENTS AND PROVISIONS.

(a) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this Act shall use the subgrant funds for the following:

(1) The operational and program costs associated with the Kindergarten Plus program as described in the application to the State educational agency.

(2) Personnel services, including teachers, paraprofessionals, and other staff as needed.

(3) Additional services, as needed, including snacks and meals, mental health care, health care, linguistic assistance, special education and related services, and transportation services associated with the needs of the children in the program.

(4) Transition services to ensure children make a smooth transition into first grade and proper communication is made with the elementary school on the educational development of each child.

(5) Outreach and recruitment activities, including community forums and public service announcements in local media in various languages if necessary to ensure that all individuals in the community are aware of the availability of such program.

(6) Parental involvement programs, including materials and resources to help parents become more involved in their child's learning at home.

(7) Extended day services for the eligible students of working families, including working with existing programs in the community to coordinate services if possible.

(8) Child care services, provided through coordination with local center-based child care and family child care providers, and Head Start agencies, before and after the Kindergarten Plus program for the children participating in the program, to accommodate the schedules of working families.

(9) Enrichment activities, such as—

(A) art, music, and other creative arts;

(B) outings and field trips; and

(C) other experiences that support children's curiosity, motivation to learn, knowledge, and skills.

(b) ELIGIBLE PROVIDER GRANTS AND APPLICATIONS.—The local educational agency may use subgrant funds received under this Act to award a grant to an eligible provider to enable the eligible provider to carry out a Kindergarten Plus program for the local educational agency. Each eligible provider desiring a grant under this subsection shall submit an application to the local educational agency that contains the descriptions set forth in section 7 as applied to the eligible provider.

(c) CONTINUITY.—In carrying out a Kindergarten Plus program under this Act, a local educational agency is encouraged to explore ways to develop continuity in the education of children, for instance by keeping, if possible, the same teachers and personnel from the summer before kindergarten, through the kindergarten year, and during the summer after kindergarten.

(d) COORDINATION.—In carrying out a Kindergarten Plus program under this Act, a local educational agency shall coordinate with existing programs in the community to provide extended care and comprehensive services for children and their families in need of such care or services.

SEC. 9. TEACHER AND PERSONNEL QUALITY STANDARDS.

To be eligible for a subgrant under this Act, each local educational agency shall ensure that—

(1) each Kindergarten Plus classroom has—

(A) a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

(B) if an eligible provider who is not a local educational agency is providing the Kindergarten Plus program in accordance with section 8(b), a teacher that, at a minimum, has a bachelor's degree in early childhood education or a related field and experience in teaching children of this age;

(2) a qualified paraprofessional that meets the requirements for paraprofessionals under section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319), is in each Kindergarten Plus classroom;

(3) Kindergarten Plus teachers and paraprofessionals are compensated on a salary scale comparable to kindergarten through grade 3 teachers and paraprofessionals in public schools served by the local educational agency; and

(4) Kindergarten Plus class sizes do not exceed the class size and ratio parameters set at the State or local level for the traditional kindergarten program.

SEC. 10. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) GRANTS AUTHORIZED.—If a State educational agency does not apply for a grant under this Act or does not have an application approved under section 6, then the Secretary is authorized to award a grant to a local educational agency within the State to enable the local educational agency to pay the Federal share of the costs of carrying out a Kindergarten Plus program.

(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if the local educational agency operates a full-day kindergarten program that, at a minimum, is targeted to kindergarten-age children who are from families with incomes below 185 percent of the poverty line within the State.

(c) APPLICATION.—In order to receive a grant under subsection (a), a local educational agency shall submit to the Secretary an application that—

(1) contains the descriptions set forth in section 7; and

(2) includes an assurance that the Kindergarten Plus program funded under such grant will serve eligible students.

(d) APPLICABILITY.—Sections 8 and 9 shall apply to a local educational agency receiving a grant under this section in the same manner as the sections apply to a local educational agency receiving a subgrant under section 5(a).

SEC. 11. EVALUATION, COLLECTION, AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Each State educational agency that receives a grant under this Act, in cooperation with the local educational agencies in the State that receive a subgrant under this Act, shall create an evaluation mechanism to determine the effectiveness of the Kindergarten Plus programs in the State, taking into account—

(1) information from the local needs assessment, conducted in accordance with section 7(c)(6), including—

(A) the number of eligible students in the geographic area;

(B) the number of children served by Kindergarten Plus programs, disaggregated by family income, race, ethnicity, native language, and prior enrollment in an early childhood education program; and

(C) the number of children with disabilities served by Kindergarten Plus programs;

(2) the recruitment of teachers and staff for Kindergarten Plus programs, and the retention of such personnel in the programs for more than 1 year;

(3) the provision of services for children and families served by Kindergarten Plus programs, including parent education, home visits, and comprehensive services for families who need such services;

(4) the opportunities for professional development for teachers and staff; and

(5) the curricula used in Kindergarten Plus programs.

(b) COMPARISON.—The evaluation process may include comparison groups of similar children who do not participate in a Kindergarten Plus program.

(c) INFORMATION COLLECTION AND REPORTING.—The information necessary for the evaluation shall be collected yearly by the State and reported every 2 years by the State to the Secretary.

(d) ANALYSIS OF EFFECTIVENESS.—The Secretary shall conduct an analysis of the overall effectiveness of the programs assisted under this Act and make the analysis available to Congress, and the public, biannually.

SEC. 12. SUPPLEMENT NOT SUPPLANT.

Funds made available under this Act shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out activities under this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated $1,500,000,000 for fiscal year 2009 and such sums as may be necessary for each of the fiscal years 2010 through 2014.

By Mr. LEAHY (for himself and Mr. BOND):

S. 2760. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I am pleased again to join my friend and colleague Senator KIT BOND of Missouri in bringing to the Senate another matter of importance to the missions of the National Guard and to the dedicated men and women of the Guard who perform these missions.

Today we are introducing the National Guard Empowerment and State-National Defense Integration Act of 2008. We introduce this legislation on behalf of the 91-member U.S. Senate National Guard Caucus, which we cochair. The military is still not structured properly to respond to the domestic emergencies that we know will come again. This legislation would take us tangible steps forward in correcting that. Our bill would sharpen the Defense Department's focus on helping the National Guard respond to domestic emergencies.

This legislation is a new phase in our bipartisan and bicameral drive to empower the Guard for successfully meeting the challenges that our States and the Nation are asking the Guard to meet. It would clear away bureaucratic cobwebs in the Defense Department's organizational structure to improve decision making on homeland defense issues that involve the Guard. This bill builds on some of the strong provisions enacted from the previous version of the Guard Empowerment Bill in the recently enacted fiscal year 2008 Defense Authorization Bill. By empowering the National Guard through more responsibilities, authorities, and new lines of control, this bill focuses the Defense

Department's attention on this critical realm of domestic defense. The bill structures potential military operations within the U.S. in a way outlined by the Constitution, ensuring local and State control—not Federal control—in these emergencies.

We know that the military—the active duty force, the National Guard, and the Reserves—has an important role in responding to emergencies at home, events like natural disasters. The events of Hurricane Katrina and so many other situations have amply underscored that reality. Our civilian authorities will continue to want to tap into the resources, personnel, and expertise, and there is no question that we need a system that permits that. The debate taking place, mostly behind the scenes and within the walls of the Pentagon, has been about how we structure that response. The goal must be an effective response in line with the Constitution. Our national charter protects our basic liberties and places sovereignty in the hands of the people through government with adequate checks and balances, splitting administration among Federal, State, and local levels.

This Empowerment Bill would be effective because it drives to enhance the National Guard, our first military responders. This force has stepped up during dire situations time and time again. The National Guard takes its responsibility to carry out relief missions at home as seriously as it takes its missions abroad as the nation's primary military reserve. The National Guard is a locally based force, spread out in armories and readiness centers across the country. The Guard can flow forces among States through the Emergency Management Assistance Compacts process, which helped make the force one of the few shining lights in the darkness of the response to Hurricane Katrina. The National Guard has units that specialize in civil support, including highly trained, full-time teams located in every one of our States. The bottom line is that the Guard has shown that it can do this mission and do it superbly.

The approach of the Empowerment Bill is constitutional because it properly involves every layer of Government. It is our mayors, our public safety chiefs, and our Governors who are responsible for the security of their communities. Under our governmental system, they are the ones that should be in control of emergency situations and any Federal assets that come in should be strictly in support of them—certainly not the other way around. The Guard is a State force that works closely with these civilian authorities all the time. The Guard, which serves under the command of the Governors, is part and parcel of the community. The Guard knows that it is civilians, including their elected leaders and the populace, who are the ultimate decision-makers in these situations.

Our bill includes several key provisions. To improve the quality of advice at the highest levels, the Chief of the National Guard Bureau would gain a full seat on the Joint Chief of Staff, a key advisory body where insufficient attention is paid to homeland defense matters. The bill would ensure that U.S. Northern Command remains a Federal military headquarters that truly supports the Governors and the initial Guard response in an emergency, providing for the Governors to have tactical control over any active duty and Reserve assets that might be operating in their home State during an emergency. The National Guard Bureau is enhanced in another section which specifically gives the National Guard a separate budget to purchase domestic defense-oriented items. The Bureau would carry out its responsibilities in close cooperation with a newly established planning committee and council that integrally involves the States' Adjutants General. And the bill assigns several key command and deputy command positions to National Guard officers who have experience in homeland defense and domestic emergency response matters.

This fiscal year 2008 Defense Authorization Bill ushered in several improvements to the National Guard, including an elevation of the Bureau Chief to the rank of four-star general. The National Guard Bureau is now more a joint agency than a sub-branch of the Army and the Air Force, though the Guard remains a key part of the Army and Air Force's Total Force. The Deputy Commander or Commander of U.S. Northern Command now must come from the ranks of the National Guard. These are far-reaching steps, though I remain concerned that the Department has yet to implement these provisions, not even filling the four-star position yet.

Together, last year's enacted organizational changes and those put forth in this bill will fundamentally improve our preparations for an emergency, and ensure an effective, swift, and constitutional response when another emergency occurs.

Our National Guard has never let our country down, and—once again—we cannot let our Guard down. I urge prompt attention and action on this vital legislation.

Mr. President, I ask unanimous consent that the text of the bill and supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Guard Empowerment and State-National Defense Integration Act of 2008''.

SEC. 2. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

SEC. 3. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.

''(2)(A) Under the integrated planning process established under paragraph (1)—

''(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

''(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

''(B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

''(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

''(i) A major general of the Army National Guard.

''(ii) A major general of the Air National Guard.

''(iii) A major general of the regular Army.

''(iv) A major general of the regular Air Force.

''(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

''(vi) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.

''(vii) Seven adjutants general from the planning committee under paragraph (B).''.

(b) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 4. REDESIGNATION OF POSITIONS OF DIRECTOR OF THE ARMY NATIONAL GUARD, DIRECTOR OF THE AIR NATIONAL GUARD, AND ASSOCIATED POSITIONS.

(a) REDESIGNATION.—Section 10506 of title 10, United States Code, is amended—

(1) by striking ''Director, Army National Guard'' each place it appears and inserting ''Vice Chief, Army National Guard'';

(2) by striking ''Deputy Director, Army National Guard'' each place it appears and inserting ''Deputy Vice Chief, Army National Guard'';

(3) by striking ''Director, Air National Guard'' each place it appears and inserting ''Vice Chief, Air National Guard''; and

(4) by striking ''Deputy Director, Air National Guard'' each place it appears and inserting ''Deputy Vice Chief, Air National Guard''.

(b) CONFORMING AMENDMENT.—Section 14512(a)(2)(D) of such title is amended by striking ''Director of the Army National Guard, or Director of the Air National Guard'' and inserting ''Vice Chief of the Army National Guard, or Vice Chief of the Air National Guard''.

(c) REFERENCES.—

(1) DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Army National Guard shall be deemed to be a reference to the Vice Chief of the Army National Guard.

(2) DEPUTY DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Army National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Army National Guard.

(3) DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Air National Guard shall be deemed to be a reference to the Vice Chief of the Air National Guard.

(4) DEPUTY DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Air National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Air National Guard.

SEC. 5. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, as amended by section 4(a) of this Act, is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.''.

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) ANNUAL REPORTS ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than six months after the date of the enactment of this Act, and annually thereafter, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers, and which duty of enlisted members, of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) ANNUAL REPORTS ON JOINT EDUCATION COURSES.—Not later than six months after the date of the enactment of this Act, and annually thereafter, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10, United States Code, or title 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

SEC. 6. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and

the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 7. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

"CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

"Sec.
"341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

"§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

"(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in emergency response activities within such State or possession.

"(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

"(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a), in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

"16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341".

SEC. 8. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

(d) CERTAIN JOINT TASK FORCE POSITIONS.—

(1) IN GENERAL.—Of the officers serving in the positions specified in each subparagraph of paragraph (2), as least one such officer under each subparagraph shall be an officer in the Army National Guard of the United States or an officer in the Air National Guard of the United States.

(2) COVERED POSITIONS.—The positions specified in this paragraph are:

(A) Commander, Joint Task Force Alaska, and Deputy Commander, Joint Task Force Alaska.

(B) Commander, Joint Task Force Civil Support, and Deputy Commander, Joint Task Force Civil Support.

(C) Commander, Joint Task Force North, and Deputy Commander, Joint Task Force North.

SUMMARY: NATIONAL GUARD EMPOWERMENT AND STATE-NATIONAL DEFENSE INTEGRATION ACT OF 2008

PURPOSE

To enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response

Section 1: Title

National Guard Empowerment and State-National Defense Integration Act of 2008

Section 2: Joint Chiefs of Staff

Make the Chief of the National Guard Bureau a full member of the Joint Chiefs of Staff

Section 3: Guard Bureau Duties

Formally give the Guard Bureau the function of working with the states to identify equipment gaps for the purpose of providing military assistance to civil authorities. The Bureau shall work with states—through a State/Adjutant General-dominated planning committee and Federal planning directorate—to validate equipment requirements, develop doctrine for assisting civil authorities in emergencies, acquire necessary equipment, prepare a military assistance budget, and administer the funding provided for military assistance.

Section 4: Vice Chiefs

Rename the positions of Activities Directors of the Army and Air National Guard to "Deputy Vice Chief, Army National Guard" and "Deputy Vice Chief, Air National Guard," respectively.

Section 5: Joint Duty Credit

Provides the Adjutant Generals of the United States with so-called Joint Duty Credit for their experience in the position. Requires the Department of Defense to provide a report on providing joint-duty credit for officers serving in National Guard Joint Force Headquarters, as well as summary of Joint-Duty courses available for Reserve Components officers interested in following a joint career.

Section 6: Northern Command

States that Northern Command and Pacific Command are the commands responsible for providing military assistance for civil authorities, and, to carry out that responsibility, these commands must assist the states in employing the National Guard and facilitate the deployment of Title 10 forces to supplement and support the Guard, whether operating in State Active Duty or under Title 32 United State Code. Northern Command and Pacific Command must complete a Memorandum of Understanding with the National Guard Bureau on their operational relationship within 180 days of enactment.

Section 7: Governor's Tactical Control

Direction to the Department of Defense to establish procedures for the nation's Governors to have tactical control over the military forces, including Title 10 active forces, operating in their state during an emergency. Such tactical control will be exercised by the Governor through the Joint Forces Headquarters of the National Guard of the State. According to Department of Defense standard terms, Tactical Control is "Command authority over assigned or attached forces or commands . . . that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or tasks assigned."

Section 8: National Guard Command Positions

A National Guard officer will remain Commander of Air Force North, while Guard officers shall become the Commander Army North, and Commander or Deputy Commander of Joint Task Force Alaska, Joint Task Force Civil Support, and Joint Task Force North.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, March 13, 2008.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: The National Guard Association of the United States applauds your introduction of the ''National Guard Empowerment and State-National Defense Integration Act of 2008.'' Your legislation is the logical next step in fully codifying the initiatives that had their birth two years ago in the National Guard Empowerment Act.

With the passage of the National Defense Authorization Act for 2008, many of the substantive elements of ''empowerment'' for the National Guard have been presented to the Department of Defense for immediate implementation in accordance with the wishes of the Congress. We are eagerly awaiting their timely response.

Meanwhile, we support the additional well-reasoned legislative remedies contained in your new bill that will knit together the missing pieces of the empowerment concept. In our view, empowerment for the National Guard is simply a restatement, in contemporary language, of the reliance placed on the National Guard by the framers of the United States Constitution in Article 1, Section 8.

Thank you for leading this effort for the American people.

Sincerely,

STEPHEN M. KOPER,
Brigadier General, USAF (Ret), President.

ADJUTANTS GENERAL ASSOCIATION
OF THE UNITED STATES,
Washington, DC, March 13, 2008.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: The Adjutants General Association of the United States commends you, your colleagues and your staff on your foresight in introducing the ''National Guard Empowerment and State-National Defense Integration Act of 2008.'' This legislation will take the next logical step in advancing the gains of the National Guard Empowerment Act and ensuring the intent of that legislation is met.

We understand and appreciate just how hard you and the entire Guard Caucus worked to gain passage of the National Defense Authorization Act for 2008, which gave birth to ''empowerment'' for the National Guard. However, the realization of empowerment has been slow to materialize. With the introduction of this legislation, we are hopeful that the Department of Defense will act in accordance with the wishes of the Congress.

Again, we thank you for your new bill which will serve to complete the vision of the empowerment concept, which had its genesis two years ago with the original National Guard Empowerment Act. It is clear that empowerment for the National Guard remains a priority of the Congress.

We thank you for your continuing efforts on the National Guard's behalf.

Sincerely,

FRANCIS D. VAVALA,
Major General, DEARNG, President AGAUS.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, March 13, 2008.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

Hon. KIT BOND,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND BOND: The Enlisted Association of the National Guard of the United States, EANGUS is pleased to express our strongest possible support, on behalf of the Enlisted men and women of the Army and Air National Guard, in your efforts to amend Title 10 of the United States Code to enhance the responsibilities of the Chief of the National Guard Bureau and the functions of the National Guard Bureau.

Although some historic changes were made in Public Law 110–181, signed by the President on January 28, 2008, many of the original provisions of the National Guard Empowerment Act of 2007 were ''left on the cutting table'' and not enacted into law. These valuable and necessary provisions must be addressed and are addressed in your legislation.

Our association stands firm in support of your action to remedy this error of omission. The lack of respect of the leadership of the National Guard by service secretaries and leaders, the consistent under-funding of National Guard appropriations accounts, and the intentional lack of communication and coordination all have the possibility of being rectified by this legislation by making the Chief a full partner in the decision-making and appropriations process.

Thank you for taking legislative action that is not only timely, but unfortunately necessary, and long overdue. We look forward to working with your staff as this legislation works its way into law.

Working for America's Best!

MICHAEL P. CLINE,
Master Sergeant, USA (Ret), Executive Director.

By Mr. KYL (for himself, Mr. COBURN, Mr. CRAIG, and Mr. BUNNING):

S. 2762. A bill to prioritize the provision of assistance to combat HIV/AIDS, tuberculosis, and malaria to in-need countries; to the Committee on Foreign Relations.

Mr. KYL. Mr. President, I rise today to call attention to the reauthorization of the President's Emergency Plan for AIDS Relief, also known as PEPFAR.

The program authorized in 2003 provided $15 billion over 5 years to the cause of AIDS relief in parts of the world ravaged by that disease. PEPFAR was a demonstration of the American people's desire to help those in need.

The 2003 legislation was also a demonstration of the American people's desire that their generosity not be wasted, as they have seen before with so many other aid programs. To that end, the legislation required that the lion's share of the funds be devoted to treatment of patients in need.

It encouraged accountability and transparency and it funded programs that could demonstrate results, such as the requirement that one third of prevention funds be spent on abstinence education programs—a decision that has kept countless persons from getting infected with HIV since 2003.

It is therefore mind boggling to me that recent reauthorization proposals the bill passed by the House Foreign Affairs Committee last week and the bill scheduled for mark up by the Senate Foreign Relations Committee today—would take such giant steps backward.

The bill originally introduced in the House would have eliminated the conscience clause, which protects humanitarian and medical professionals involved in these programs from having to participate in prevention and treatment methods that they find morally or religiously objectionable. Wisely, this provision was kept in the bill passed by the House committee, though it is substantially watered down—to the point of being nonbinding—in the Senate Foreign Relations Committee bill.

The original House bill struck the requirement that organizations that receive PEPFAR grants be opposed to prostitution and sex trafficking. That these commonsense provisions were even in danger of being dropped in the reauthorization of PEPFAR is sadly telling. It appears the Senate Foreign Relations Committee chose not to challenge such an unimpeachable provision of law.

And, unlike the majority on the House Foreign Affairs Committee, which backed down from including many troubling provisions on abortion and family planning demanded by far left groups, it appears the Senate Committee bill would pander to the so-called ''family planning'' agenda.

I am also deeply troubled that both the House Foreign Affairs Committee and Senate Foreign Relations Committee reauthorization proposals remove the requirement that at least fifty-five percent of the funds in the program be spent on treatment of AIDS patients. This provision was an important check on bureaucratic wastefulness and ''make work'' and it must be preserved.

Additionally, the requirement that thirty-three percent of PEPFAR prevention funds be spent on abstinence education, removed by the majority in last year's omnibus appropriations process, has not been restored in either of these two reauthorization proposals. In fact, all that remains in the tatters of that requirement in either of these bills is something only a bureaucrat could love: in the event a future AIDS coordinator chooses to ignore abstinence education, a report must be sent to Congress.

What is more, both of these reauthorization proposals include provisions that appear to undermine protections for intellectual property, the same protections that are necessary to ensure that innovation and research into life-saving medications continue.

While I am sure the sponsors of these two proposals are well-meaning, they further increase support for TB and malaria programs, even though the U.S. is already the largest contributor to TB and malaria programs through the Global Fund. Sadly, the Global Fund has become synonymous with graft and multilateral bureaucratic waste in many countries. We should not be duplicating those existing programs. We owe it to the American taxpayer, and those people suffering from these dreaded diseases, to fix the problems that abound in the Global Fund.

Lastly, but most significantly, both reauthorization proposals more than triple the expenditure for PEPFAR—something we simply cannot afford. PEPFAR 2003 authorized $15 billion over 5 years for emergency AIDS relief. Not satisfied with a mere doubling of this program as requested, both of these proposals would provide $50 billion over 5 years.

As I have noted already, the American people are a generous people. Our annual foreign aid budget reflects this generosity. However, this ability to give is not limitless.

Need I remind my colleagues, our economy is in distress. The presidential candidates on the other side are calling for a Federal Government bailout of homeowners facing foreclosure: with $50 billion, we could provide 235,157 homeowners with such a bailout.

Moreover, Congress just passed, and the president just signed, a program to provide Americans with checks intended to stimulate the economy. While I have doubts that this plan will succeed, I note that with this $50 billion, 157 million tax filers could be given rebate checks of $318.47.

Alternatively, with $50 billion, we could ''fully fund'' both No Child Left Behind and the Individuals with Disabilities Education Act at their authorized levels for one year.

Congress is beginning the annual budget cycle and we are daily confronted with requests for more and more federal spending. Already, key leaders in the budget process are threatening that if they don't get their way on domestic spending, they will add their spending to the forthcoming but overdue War Supplemental or will short circuit the budget process with a continuing resolution or yet another omnibus. Agreeing to this massive increase is not the way to discipline what is already shaping up to be a budget train wreck.

Governing is about choosing. By agreeing to this increase to $50 billion, neither the House nor Senate committees are governing. They are taking the easy course of action: spending.

I supported the President's Emergency Plan for AIDS Relief in 2003. I could reluctantly support doubling that amount over the next five years. But adding another $20 billion on top of that is too much.

We cannot lose sight of the sacrifices of millions of Americans who work hard and pay the taxes that support these programs. $50 billion is too much.

I cannot support a bill that so dramatically spends beyond what we can afford and so wantonly ignores accountability and transparency tools that safeguard the generosity of the American people.

This legislation can still be salvaged.

Yesterday, I cosponsored legislation with the Senator from Oklahoma, Dr. COBURN, and the Senator from North Carolina, Mr. BURR, that sets some key principles that must be a part of the reauthorization.

Earlier today, I introduced a bill that would prohibit the extension of PEPFAR funds away from their core purpose, helping the neediest countries. This legislation must also be a part of the reauthorization of PEPFAR.

I support the PEPFAR program and I believe that it is worth passage if funded at a responsible authorization level with at least the kind of commonsense policy, accountability, and transparency provided in the 2003 bill.

By Mr. DODD:

S. 2767. A bill to provide for judicial discretion regarding suspensions of student eligibility under section 484(r) of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce legislation to add judicial discretion to the Higher Education Act Aid Elimination Penalty. Since 1998 the law prevents any student convicted of possession of a controlled substance from receiving Federal financial aid.

Since the penalty was enacted, approximately 200,000 low to middle income students seeking a college education have been disqualified from receiving Federal financial assistance. In many cases, these are committed young people who simply want to make better lives for themselves. In order to be eligible for financial aid in the first place, these students have proven they can perform academically. Unfortunately, they have made the mistake many young people have made experimenting with drugs.

Just like every Senator in this chamber, I want to help keep America's young people from making this mistake and jeopardizing their health and their futures. We should all work to enact policies that effectively deter dangerous drug use. But this is a sophisticated and complicated issue and it cannot be solved by blunt measures such as the Aid Elimination Penalty.

Any drug abuse expert will tell you that helping someone get off of drugs or stay away from trying them requires a variety of approaches. In some cases the fear of consequences, such as the Aid Elimination Penalty, may be enough. But in many other cases, counseling, rehabilitation, and positive reinforcement may offer more effective ways to achieve this goal.

Our laws should reflect the need for varied approaches. Unfortunately, the Aid Elimination Penalty does not. It is a blunt tool that sweeps all cases into the same one size fits all solution. There is little distinction under this law as to whether the drug possession is a major or minor violation and to what degree the infraction affects the community at large; Teenagers bowing to peer-pressure for the first time are treated the same as serious drug users disrupting their communities. This means that while in some cases we are penalizing chronic drug abusers, we are also penalizing good students who will mature and have a better chance of rectifying their mistakes by continuing their education.

What is most disturbing is how the consequences of the penalty can negatively impact the course of a student's life. Many students affected by the Aid Elimination Penalty are forced to leave school since it is no longer affordable without financial assistance. Data from the National Center of Education Statistics demonstrates that many of these students will not continue their education: 36 percent of students who leave 4-year institutions do not return within 5 years and 50 percent of students who leave 2-year institutions do not return within 5 years. For these students, denial of Federal college assistance will only force them from school, and may set them on an even more self destructive course of increased drug use and abuse. In these cases, the Aid Elimination Penalty actually backfires and serves to undermine our efforts to prevent the use and abuse of drugs.

That is why I am introducing this legislation to insert judicial discretion into the current law. My bill would make the penalty dependent on the ruling of a judge, allowing them to weigh the value of implementing the penalty as part of other sanctions and punishments on a case by case basis. This will enable the judge to deny student financial aid if the situation merits it, and if he or she believes it is the most effective or even the only way to help a student get control of his or her life. This legislation would also grant judges the ability, based on the circumstances, to determine that continuation of a college education, in conjunction with rehabilitation and possibly other sanctions, offers both the student and the community the best possible outcome. This is the way the rest of the criminal justice system works and it is the way the Aid Elimination Penalty should be implemented. With this change we can fine tune our

approach to this problem and minimize the negative unintended consequences of current law. I urge my colleagues to see the wisdom of this approach and help me to refine the law to be more effective in protecting our communities and ensuring deserving students the opportunity to advance their education.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDICIAL DISCRETION FOR SUSPENSION OF ELIGIBILITY.

Section 484(r) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)) is amended—

(1) in paragraph (1), by striking ''A student'' and inserting ''Subject to paragraph (3), a student'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

''(3) APPLICABILITY.—This subsection shall only apply to a student if the Federal or State court that convicted the student of an offense described in paragraph (1) has ordered that the student's eligibility for assistance under this title be suspended in accordance with this subsection.''.

By Mr. AKAKA (for himself, Mr. REID, Mr. DURBIN, Mr. BURR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BAUCUS, Mrs. CLINTON, Mr. KERRY, and Mrs. BOXER):

S. 2768. A bill to provide a temporary increase in the maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce a bill that would rectify an oversight made in the recent passage of the Economic Stimulus Act of 2008. If enacted, this bill will allow thousands of veterans to realize the American dream of owning a home. Senators REID, DURBIN, BURR, ROCKEFELLER, MURRAY, OBAMA, SANDERS, BROWN, BAUCUS, CLINTON, KERRY, and BOXER join me in offering this legislation.

The VA Home Loan Guaranty was part of the original GI Bill in 1944. It was signed into law by President Franklin D. Roosevelt and provided veterans with a federally guaranteed home loan with no down payment. So, as World War II was ending, landmark legislation made the dream of home ownership a reality for millions of returning veterans. They were able to build new homes and otherwise begin new lives following their service and with the assistance of the Federal Government.

Today, more than 25 million veterans and servicemembers are eligible for VA home loan guarantees. Eligibility extends to veterans who served on active duty for a minimum of 90 days during wartime or a minimum of 181 continuous days during peacetime, and have a discharge other than dishonorable. Members of the Guard and Reserve who have never been called to active duty must serve a total of 6 years in order to be eligible. Certain surviving spouses are also eligible for the housing guarantee.

The amount of the home loan guaranty was last adjusted by the Veterans Benefits Act of 2004. The maximum guaranty amount was increased to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. Using that formula, since the Freddie Mac conforming loan limit for a single family residence in 2008 is $417,000, VA will guaranty a veteran's loan up to $104,250, or 25 percent of the Freddie Mac limit. This guaranty exempts homeowners from having to make a down payment or secure private mortgage insurance.

The newly-enacted Economic Stimulus Act of 2008, however, temporarily reset the Fannie Mae, Freddie Mac, and FHA home loan guarantee limits to 125 percent of metropolitan-area median home prices, without reference to the VA home loan program. This had the effect of raising the Fannie Mae and Freddie Mac limits to nearly $730,000, in the highest cost areas, while leaving the VA limit of $417,000 in place.

The measure I am introducing today would correct the oversight in the Economic Stimulus Act and extend the temporary increase to veterans as well.

Unlike the economic stimulus legislation, my legislation would extend the temporary increase to December 31, 2011, rather than just through 2008. This would enable more veterans to utilize their VA benefit to purchase a home. In fact, VA expects that there would be an increase of approximately 4,313 loans as a result of increasing the VA loan limit through December 2011.

I urge all of my colleagues to support this measure, so that this important group of Americans might reap the benefits of an increased home loan guaranty in this time of economic uncertainty.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2011, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

By Mrs. FEINSTEIN (for herself, Mr. STEVENS, Mr. AKAKA, and Mrs. BOXER):

S. 2770. A bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself, Senator STEVENS and Senator AKAKA to offer a bill that takes a major step forward in protecting our Nation's food supply. This bill will provide penalties for those who are caught trying to slaughter ''nonambulatory'' or downed animals for food, and will improve public notification procedures for voluntary food recalls.

First, this bill would ban the slaughter of ''nonambulatory'' animals for use in food.

Second, it would establish a graduated penalty system providing incentives for slaughter facilities to follow the law regarding nonambulatory animals; and; third, in the event of a meat or poultry recall, it would direct the USDA to release the names of establishments that have received the recalled products so consumers can more easily identify products that could be harmful.

Animals that are sick and too weak to stand or walk on their own should not be slaughtered and used for food.

The safety of our food supply is too important to take any chances.

Processing downed animals poses a health risk especially to vulnerable populations, those who have compromised immune systems, and the very young and elderly who rely on our Government food inspection system to protect them against foodborne illness.

On February 17, 2008, the Westland/Hallmark Meat Company in Chino, CA, issued a recall of over 143 million pounds of beef products that were processed at their plant.

This came after the Humane Society of the U.S. released a video showing workers abusing nonambulatory cows to get them on their feet for slaughter.

The recall brought to the forefront the risk associated with processing

sick or injured animals for human consumption.

The potential health risk of slaughtering downed animals became a public concern in late 2003 when a cow imported from Canada was found to have BSE, mad cow disease.

In an effort to keep BSE infected beef out of the food supply, USDA banned all nonambulatory cattle from being slaughtered regardless of the reason.

Since then, the regulation banning nonambulatory cattle from slaughter has been revised to allow USDA veterinarians discretion on a case-by-case basis to allow downed cattle into the food supply.

Clearly, establishments have an incentive to keep all the animals delivered to their facility ambulatory for slaughter.

This legislation provides the incentive for an establishment to follow the laws and regulations governing the humane handling of nonambulatory animals by offering a graduated penalty system for noncompliance.

For a first violation, in addition to temporarily suspending USDA inspection, a fine will be assessed and will be based on a percentage of the establishment's gross income.

A second violation will suspend USDA inspection services for 1 year.

A third violation will withdraw the establishment's Grant of Inspection permanently, effectively closing the operation.

Additionally, to aid in recovering all of the meat products that are recalled, the USDA will be required to promulgate regulation to release the names of establishments that have received recalled products.

This will help distributors, retailers and consumers better identify products that have been recalled to aid them in getting those products off their shelves and out of their homes.

We must ensure that those who process our food provide the safest, most wholesome products possible to consumers, and when a recall is necessary, we must provide the best notification systems for consumers to take action.

This bill will take us one step closer to a safer more wholesome food supply system.

I hope that my colleagues will join us in support of this important bill.

By Ms. LANDRIEU (for herself, Mr. HAGEL, Ms. SNOWE, Mr. DODD, Mr. BAYH, Mr. KERRY, Mr. CASEY, Mr. WHITEHOUSE, and Mr. JOHNSON):

S. 2771. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I am pleased today to introduce with Senator HAGEL legislation that would reinstate the White House Conference on Children and Youth. This Conference was originally created by President Theodore Roosevelt in 1909, and continued every 10 years through 1970. Despite funding in 1981 and reauthorization legislation in 1990, no conference has been held since that 1970 gathering. It is time to renew our commitment to America's children and resurrect the oldest White House Conference in U.S. history.

Similar to the White House Conference on Aging, this symposium would be the culmination of nationwide events held over a 2-year span. Just as with the first White House Conference, this summit would focus on child welfare issues. The legislation authorizes a conference to be held in 2010, and establishes a bipartisan, bicameral policy committee, including members selected by the next administration. To promote and inform the conference and to engage stakeholders, State and local events would be held around the country in 2009. These events and the conference would focus specifically on child welfare including the range of issues from prevention, intervention to permanency including reunification, kinship care and adoption. Participants would also include state officials, court and legal representatives, providers, children, tribal representatives and other parties affected by or involved with the child welfare system. By connecting these stakeholders through this conference, we can improve the lives of children throughout the country.

Previous conferences have led to major policy improvements in child welfare. The Children's Bureau was established after the first conference, and recommendations were made that deemphasized the institutionalization of children and encouraged the growth of adoption agencies. In 1919, the White House Conference initiated standards for child welfare, and ten years later it created a 19-point charter to address the needs of our children.

We look forward to comparable achievements from the conference in 2010, and hope that you will join with us in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''White House Conference on Children and Youth in 2010 Act''.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds the following:

(1) In 2005 there were over 3,000,000 reports of child abuse and neglect. Only 60 percent of the children from the substantiated reports received follow-up services, and 20 percent of such children were placed in foster care as a result of an investigation.

(2) Each year there are nearly 900,000 substantiated reports of child abuse and neglect.

(3) Each year approximately 60 percent of such substantiated reports are reports of neglect, 30 percent are physical or sexual abuse reports, and more than 20 percent are reports that involve other forms of abuse.

(4) Almost 500,000 children (including youth) were in foster care at the end of fiscal year 2004 and nearly 800,000 spent at least some time in foster care during the year.

(5) While 51,000 children are adopted from the foster care system each year, more than 117,000 children are waiting to be adopted.

(6) Each year approximately 22,000 youth leave the foster care system not because they have found permanent placements, but because they have reached the age at which foster care ends.

(7) The child welfare system includes State and local governments, tribal governments, child welfare agencies, child welfare caseworkers, private agencies, social workers, the courts, volunteer court-appointed special advocates, mental health and health care professionals, educators, and advocates.

(8) There is an overrepresentation of certain populations, including Native Americans and African-Americans, in the child welfare system.

(9) The number of children being raised by grandparents and other relatives is increasing and exceeds 6,000,000 children. The Government recognized that kinship care is a permanency option through the enactment of the Adoption and Safe Families Act of 1997.

(10) The State courts make key decisions in the lives of children involved in the child welfare system, including decisions about whether children have been victims of child abuse, whether parental rights should be terminated, and whether children should be reunified with their families, adopted, or placed in other settings.

(11) The child welfare system will never fully address its primary mission unless the courts are an integral and functioning component of a statewide system of care and protection.

(b) POLICY.—It is the policy of Congress that—

(1) the Government should work jointly with the States and their residents to develop recommendations and plans for action to meet the challenges and needs of children and families involved with the child welfare system, consistent with this Act;

(2) in developing such recommendations and plans, the persons involved should emphasize the role of the Government, State and local child welfare systems, State and local family court systems, child welfare advocates, guardians, and other key participants in such child welfare systems, with a goal of enhancing and protecting the lives and well-being of children and families who are involved with such child welfare systems; and

(3) Federal, State, and local programs and policies should be developed to reduce the number of children who are abused and neglected, to reduce the number of children in foster care, and to dramatically increase the number of children in permanent placements through family reunification, kinship placement, and adoption.

SEC. 3. AUTHORIZATION OF THE CONFERENCE.

(a) AUTHORITY TO CALL THE CONFERENCE.—The President shall call a White House Conference on Children and Youth in 2010 (referred to in this Act as ''the Conference''), to

be convened not later than 18 months after the selection of the last member of the Policy Committee established in section 4, to encourage improvements in each State and local child welfare system, and to develop recommendations for actions to implement the policy set forth in section 2(b).

(b) PLANNING AND DIRECTION.—The Secretary shall plan, convene, and conduct the Conference in cooperation with the heads of other appropriate Federal entities, including the Attorney General, the Secretary of Education, and the Secretary of Housing and Urban Development.

(c) PURPOSES OF THE CONFERENCE.—The purposes of the Conference are—

(1) to identify the problems and challenges of child abuse and neglect, and the needs of the children and families affected by decisions made through the child welfare system;

(2) to strengthen the use of research-based best practices that can prevent child abuse and neglect with a special focus on younger children;

(3) to strengthen the use of research-based best practices that can increase placement permanency for children removed from their homes, including practices involving family reunification, kinship placement, and adoption;

(4) to promote the role of State and local family courts in each State child welfare system;

(5) to develop recommendations that will reduce the number of children who are in out-of-home care and who fail to leave foster care before the age of majority, and recommendations that will reduce the over representation of certain populations in the child welfare system;

(6) to examine the role of the Government in building an equal partnership with State, local, and tribal entities in order to assist with, and encourage, State, local, and tribal coordination;

(7) to develop such specific and comprehensive recommendations for State-level executive and legislative action as may be appropriate for maintaining and improving the well-being of children in such system; and

(8) to review the status of recommendations regarding child welfare made by previous White House conferences.

SEC. 4. POLICY COMMITTEE.

(a) ESTABLISHMENT.—There is established a Policy Committee, which shall be comprised of 17 members to be selected as follows:

(1) PRESIDENTIAL APPOINTEES.—Nine members shall be selected by the President and shall consist of—

(A) 3 members who are officers or employees of the Federal Government; and

(B) 6 members, who may be officers or employees of the Federal Government, with experience in the field of child welfare, including providers and children directly affected by the child welfare system.

(2) HOUSE OF REPRESENTATIVE APPOINTEES.—

(A) MAJORITY APPOINTEES.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the chairpersons of the Committee on Education and Labor, and the Committee on Ways and Means, of the House of Representatives.

(B) MINORITY APPOINTEES.—Two members shall be selected by the minority leader of the House of Representatives, after consultation with the ranking minority members of such committees.

(3) SENATE APPOINTEES.—

(A) MAJORITY APPOINTEES.—Two members shall be selected by the majority leader of the Senate, after consultation with the chairpersons of the Committee on Health, Education, Labor, and Pensions, and the Committee on Finance, of the Senate.

(B) MINORITY APPOINTEES.—Two members shall be selected by the minority leader of the Senate, after consultation with the ranking minority members of such committees.

(b) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Policy Committee. Any vacancy in the Policy Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) VOTING; CHAIRPERSON.—

(1) VOTING.—The Policy Committee shall act by the vote of a majority of the members present.

(2) CHAIRPERSON.—The President shall select a chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.

(d) DUTIES OF POLICY COMMITTEE.—

(1) MEETINGS.—The Policy Committee shall hold its first meeting at the call of the Secretary, not later than 30 days after the last member is selected. Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee.

(2) GENERAL DUTIES.—Through meetings, hearings, and working sessions, the Policy Committee shall—

(A) make recommendations to the Secretary to facilitate the timely convening of the Conference;

(B) submit to the Secretary a proposed agenda for the Conference not later than 90 days after the first meeting of the Policy Committee;

(C) determine the number of delegates to be selected in accordance with section 5 and the manner by which the delegates are to be selected in accordance with such section;

(D) select delegates for the Conference; and

(E) establish other advisory committees as needed to facilitate Conference participation of—

(i) professionals with direct experience providing services to children and families in the child welfare system; and

(ii) children and families in the child welfare system.

(e) POWERS OF THE POLICY COMMITTEE.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Policy Committee may secure directly from any Federal department or agency such information as the Policy Committee considers necessary to carry out this Act. Upon request of the chairperson of the Policy Committee, the head of such department or agency shall furnish such information to the Policy Committee.

(2) POSTAL SERVICES.—The Policy Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) PERSONNEL.—

(1) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

SEC. 5. CONFERENCE DELEGATES.

To carry out the purposes of the Conference, the Secretary shall convene delegates for the conference, who shall be fairly balanced in terms of their points of view with respect to child welfare, without regard to political affiliation or past partisan activity, who shall include—

(1) the directors of child welfare systems of the States;

(2) members of the State and local family court systems, representatives of the State bar associations, and attorneys specializing in family law;

(3) elected officials of State and local governments; and

(4) advocates (including national and State organizations), guardians, experts in the field of child welfare, families and children (including youth) affected by the child welfare system, and the general public.

SEC. 6. CONFERENCE ADMINISTRATION.

(a) ADMINISTRATION.—In conducting and planning the Conference, the Secretary shall—

(1) request the cooperation and assistance of the heads of such other Federal entities as may be appropriate, including the detailing of personnel;

(2) furnish all reasonable assistance, including financial assistance, not less than 18 months before the Secretary convenes the Conference, to State child welfare systems, State and local family court systems, and other appropriate organizations, to enable them to organize and conduct State-level child welfare conferences in conjunction with and in preparation for participation in the Conference;

(3) prepare and make available for public comment a proposed agenda, for the Conference, that reflects to the greatest extent possible the major child welfare issues facing child welfare systems and the courts, consistent with the policy set forth in section 2(b);

(4) prepare and make available background materials that the Secretary determines to be necessary for the use of delegates to the Conference; and

(5) employ such additional personnel as may be necessary to carry out this Act without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) DUTIES.—In carrying out the Secretary's responsibilities and functions under this section, the Secretary shall ensure that—

(1) the conferences held under subsection (a)(2) will—

(A) be conducted so as to ensure broad participation of individuals and groups; and

(B) include conferences on Native Americans—

(i) to identify conditions that adversely affect Native American children in the child welfare system and to identify Native American families who are at risk of entering such system;

(ii) to propose solutions to ameliorate such conditions; and

(iii) to provide for the exchange of information relating to the delivery of services to

Native American children in the child welfare system and to Native American families who are at risk of entering such system;

(2) the proposed agenda for the Conference under subsection (a)(3) is—

(A) published in the Federal Register not less than 180 days before the Conference is convened; and

(B) made available for public comment for a period of not less than 60 days;

(3) the final agenda for the Conference, prepared after the Secretary takes into consideration comments received under paragraph (2), is published in the Federal Register, and transmitted to the chief executive officers of the States, not later than 30 days after the close of the public comment period required by paragraph (2);

(4) the personnel employed under subsection (a)(5) are fairly balanced in terms of their points of view with respect to child welfare and are appointed without regard to political affiliation or past partisan activity;

(5) the recommendations of the Conference are not inappropriately influenced by any public official or special interest, but instead are the result of the independent and collective judgment of the delegates of the Conference; and

(6) before the Conference is convened—

(A) current and adequate statistical data (including decennial census data) and other information on the well-being of children in the United States; and

(B) such information as may be necessary to evaluate Federal programs and policies relating to children;

which the Secretary may obtain by making grants to or entering into agreements with, public agencies or nonprofit organizations, are readily available in advance of the Conference to the delegates.

SEC. 7. REPORT OF THE CONFERENCE.

(a) PROPOSED REPORT.—

(1) PREPARATION.—After consultation with the Policy Committee, the Secretary shall prepare a proposed report of the Conference containing—

(A) the results of the Conference, which shall include a statement of comprehensive coherent national policy on State child welfare systems (including the courts involved); and

(B) recommendations of the Conference for the implementation of such policy.

(2) PUBLICATION AND SUBMISSION.—The proposed report shall be published in the Federal Register, and submitted to the chief executive officers of the States, not later than 60 days after the Conference adjourns.

(b) RESPONSE TO PROPOSED REPORT.—The Secretary shall solicit recommendations about and other comments on the proposed report, to be submitted not later than 180 days after the publication of the report. The Secretary shall request that the chief executive officers of the States submit to the Secretary, not later than 180 days after receiving the proposed report, their views and findings on the proposed report.

(c) FINAL REPORT.—Not later than 90 days after receiving the comments, and the views and findings of the chief executive officers of the States, under subsection (b), the Secretary shall—

(1) prepare a final report of the Conference, which shall include—

(A) a statement of the policy and recommendations of the Conference;

(B) a compilation of the comments, and the views and findings of the chief executive officers of the States; and

(C)(i) the recommendations of the Secretary for a comprehensive coherent national policy on State child welfare systems (including the courts involved), after taking into consideration the comments, views, and findings; and

(ii) the recommendations of the Secretary for the administrative and legislative action necessary to implement the recommendations described in clause (i); and

(2) publish the final report in the Federal Register and transmit the report to the President and to Congress.

SEC. 8. DEFINITIONS AND REFERENCES.

(a) DEFINITIONS.—In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(2) STATE.—The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Marianas.

(b) REFERENCES.—In this Act, a reference to a child welfare system of a State includes a reference to a child welfare system of a tribal government.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $10,000,000 to carry out this Act.

(b) LIMITATION ON APPROPRIATIONS.—Authority provided in this Act to make expenditures or to enter into contracts under which the United States is obligated to make outlays shall be effective only to the extent that amounts are provided, and only to the extent of the amounts provided, in advance in appropriations Acts.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. SCHUMER):

S. 2774. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I join with Senator HATCH to introduce a bipartisan bill to address the resource needs of our men and women on the Federal judiciary and people around the country by authorizing additional U.S. courts of appeals and district court judgeships. It has been 18 years since the last time a comprehensive judgeship bill was enacted to address the growth in the workload of the Federal judiciary by adding new Federal judgeships. That legislation established 11 additional circuit court judgeships and 61 permanent and 13 temporary district court judgeships.

Since 1990, case filings in our Federal appellate courts have increased by 55 percent and case filings on our district courts have risen by 29 percent. Without a comprehensive bill, Congress has proceeded to authorize only a few additional district court judgeships and extend temporary judgeships when it could. For instance, in 2002 we were able to provide for 15 new judgeships in the Department of Justice authorization bill. However no additional circuit court judgeships have been created since 1990 despite their increased workload.

In 2006, the weighted number of filings in district courts, which takes into account an assessment of case complexity, were 464 per judgeship, well above the Judicial Conference's standard. The same year, the national average circuit court caseload per three-judge panel approached the record number of 1,230 cases, recorded a year earlier.

Our Federal judges are working harder than ever, but in order to maintain the integrity of the Federal courts and the promptness that justice demands, judges must have a manageable workload. The bill that we are introducing today would add 12 permanent circuit court judgeships, 38 permanent district court judgeships, and convert 5 existing temporary judgeships into permanent positions. These additional judgeships would address the significant increase in caseloads that the Federal courts have seen over the nearly two decades since the last comprehensive judgeship bill was enacted. It is based on the recommendations of the Judicial Conference and its analysis of caseloads and needs.

Our bipartisan bill would also add 14 temporary district court judgeships, 2 temporary circuit court judgeships, and extend 1 existing temporary district court judgeship. These additional temporary judgeships allow Congress some flexibility with regard to future judgeship needs. If caseloads continue to increase, Congress has the option to introduce legislation making permanent or renewing these temporary judgeships.

By providing that these new judgeships become effective the day after the inauguration of the next President, we attempt to insulate this effort from partisan politics.

This bill has the support of the Judicial Conference and Senators on both sides of the aisle. I thank Senators FEINSTEIN and SCHUMER for joining us in this effort. A comprehensive bill to respond to the increasing workload of our Federal judiciary is long overdue.

Mr. President, I ask unanimous consent that text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Judgeship Act of 2008''.

SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF APPEALS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional circuit judge for the first circuit court of appeals;

(2) 2 additional circuit judges for the second circuit court of appeals;

(3) 2 additional circuit judges for the third circuit court of appeals;

(4) 1 additional circuit judge for the sixth circuit court of appeals;

(5) 2 additional circuit judges for the eighth circuit court of appeals; and

(6) 4 additional circuit judges for the ninth circuit court of appeals.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the ninth circuit court of appeals. The first 2 vacancies arising on the court 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) TABLES.—In order that the table contained in section 44 of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized as a result of subsection (a) of this section, such table is amended to read as follows:

"Circuits	Number of judges
District of Columbia	11
First	7
Second	15
Third	16
Fourth	15
Fifth	17
Sixth	17
Seventh	11
Eighth	13
Ninth	33
Tenth	12
Eleventh	12
Federal	12.''.

SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern district of California;

(4) 2 additional district judges for the northern district of California;

(5) 1 additional district judge for the district of Colorado;

(6) 4 additional district judges for the middle district of Florida;

(7) 2 additional district judges for the southern district of Florida;

(8) 1 additional district judge for the southern district of Indiana;

(9) 1 additional district judge for the district of Minnesota;

(10) 1 additional district judge for the western district of Missouri;

(11) 1 additional district judge for the district of Nebraska;

(12) 1 additional district judge for the district of New Mexico;

(13) 3 additional district judges for the eastern district of New York;

(14) 1 additional district judge for the western district of New York;

(15) 1 additional district judge for the district of Oregon;

(16) 1 additional district judge for the district of South Carolina;

(17) 1 additional district judge for the eastern district of Texas;

(18) 2 additional district judges for the southern district of Texas;

(19) 1 additional district judge for the western district of Texas;

(20) 1 additional district judge for the eastern district of Virginia; and

(21) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the middle district of Alabama;

(2) 1 additional district judge for the district of Arizona;

(3) 1 additional district judge for the central district of California;

(4) 1 additional district judge for the northern district of California;

(5) 1 additional district judge for the district of Colorado;

(6) 1 additional district judge for the middle district of Florida;

(7) 1 additional district judge for the southern district of Florida;

(8) 1 additional district judge for the district of Idaho;

(9) 1 additional district judge for the northern district of Iowa;

(10) 1 additional district judge for the district of Nevada;

(11) 1 additional district judge for the district of New Jersey;

(12) 1 additional district judge for the district of New Mexico;

(13) 1 additional district judge for the district of Oregon; and

(14) 1 additional district judge for the district of Utah.

For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—

(1) The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 104 Stat. 5089) as amended by Public Law 105–53, and the existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(2) The existing judgeship for the northern district of Ohio authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 302(c) shall not be filled.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c) of this section, such table is amended to read as follows:

"Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	8
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	4
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	6
Iowa:	
Northern	2
Southern	3
Kansas	6
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	7
Western	6
Eastern and Western	2
Montana	3
Nebraska	4
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	7
Pennsylvania:	
Eastern	22
Middle	6

"Districts	Judges
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	11
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	12
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this Act.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act (including the amendments made by this Act) shall take effect on January 21, 2009.

(b) COORDINATION RULE.—The amendments made by this Act shall take effect after the amendment made by section 509(a)(2) of the Court Security Improvement Act of 2007 (Public Law 110–177; 121 Stat 2543).

Mr. HATCH. Mr. President, Americans are blessed to have the best and most independent judicial system in the world. In our constitutional framework, Congress has responsibility to both make the laws and ensure that the judiciary tasked with interpreting and applying those laws has the appropriate resources. This includes addressing the staffing and compensation needs of the judicial branch, and we should strive to do so without political gambles or speculation about the outcome of a Presidential election.

For that reason, when I chaired the Judiciary Committee I sponsored and cosponsored judgeship bills in 2000 when Bill Clinton was President and in the 108th Congress under the current President. And that is why I am cosponsoring this bill with Senator LEAHY, the current Judiciary Committee, chairman. It is based on the judicial conference's assessment of their needs, not on backroom political deals, and it reflects the changes to the allocation of appeals court seats made in S. 378, the Court Security Improvement Act, which I also cosponsored.

By Mr. KERRY (for himself, Mr. OBAMA, Mr. HARKIN, and Mrs. CLINTON):

S. 2775. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits; to the Committee on Finance.

Mr. KERRY. Mr. President, today Representatives ELLSWORTH and EMANUEL and Senator OBAMA and I are introducing the Fair Share Act of 2008 which ends the practice of U.S. Government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. On March 6 2008, Farah Stockman of the Boston Globe reported that Kellogg, Brown and Root Inc. KBR, has avoided payroll taxes by hiring workers through shell companies in the Cayman Islands. The article estimates that hundreds of millions of dollars in payroll taxes have been avoided a disturbing, yet not all too surprising discovery.

KBR is an American engineering and construction company, formerly a subsidiary of Halliburton, based in Houston, TX. Throughout its history, KBR and its predecessors have won numerous contracts with the United States military. In recent years, however, many of these contracts have been called into question based on everything from wasteful spending to mismanagement and lack of competition. The evasion of payroll taxes is yet one more serious misstep.

The Fair Share Act of 2008 will end the practice of U.S. Government contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. The legislation amends the Internal Revenue Code and the Social Security Act to treat foreign subsidiaries of U.S. companies performing services under contract with the U.S. Government as American employers for the purpose of Social Security and Medicare payroll taxes. The legislation will apply to foreign subsidiaries of a U.S. parent. The degree of common ownership applied by the legislation is 50 percent, meaning that the U.S. parent would have to own more than 50 percent of the subsidiary.

In addition, the legislation addresses the situation in which a U.S. subsidiary of a foreign corporation subcontracts with its foreign subsidiary to perform a contract with the U.S Government. In this situation, the legislation would apply to wages paid by the foreign subsidiary to its U.S. employees. The legislation does not address the situation in which the foreign parent contracts directly with the U.S. Government. Present law will continue to apply to totalization agreements. The legislation applies to services performed after the date of enactment.

The bottom line is this: Federal contractors should not be allowed to use tax loopholes to avoid paying U.S. Medicare and Social Security taxes on behalf of their American employees working in Iraq. Furthermore, KBR should not have a competitive advantage over its U.S. competitors because it sets up sham corporations to avoid paying its fair share of U.S. payroll taxes. Failing to contribute to Social Security and Medicare thousands of times over is not shielding the taxpayers they claim to protect, it is costing our citizens.

At a time when as much as $300 billion per year in taxes goes uncollected by the government, and by some estimates more than a third of that money may be related to corporations using offshore tax havens, we should close every loophole possible.

Just last week, the Government Accountability Office, GAO, went to the Caymans to investigate U.S. companies' offshore operations. The GAO went to look at the buildings where U.S. corporations locate shell corporations. These corporations are often nothing more than a computer file. According to the Boston Globe, the KBR Cayman Island corporations do not even have an office or a phone number. I commend Senators BAUCUS and GRASSLEY for requesting this investigation.

As a member of the Finance Committee, I will continue working to close corporate loopholes that are fueled by greed. I urge my colleagues to support ending this egregious practice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Share Act of 2008''.

SEC. 2. CERTAIN DOMESTICALLY CONTROLLED FOREIGN PERSONS PERFORMING SERVICES UNDER CONTRACT WITH UNITED STATES GOVERNMENT TREATED AS AMERICAN EMPLOYERS.

(a) FICA TAXES.—Section 3121 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

''(z) TREATMENT OF CERTAIN FOREIGN PERSONS AS AMERICAN EMPLOYERS.—

''(1) IN GENERAL.—If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

''(2) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(3) LIABILITY OF COMMON PARENT.—In the case of a foreign person who is a member of any domestically controlled group of entities, the common parent of such group shall be jointly and severally liable for any tax under this chapter for which such foreign person is liable by reason of this subsection.

''(4) CROSS REFERENCE.—For relief from taxes in cases covered by certain international agreements, see sections 3101(c) and 3111(c).''.

(b) SOCIAL SECURITY BENEFITS.—Subsection (e) of section 210 of the Social Security Act (42 U.S.C. 410(e)) is amended—

(1) by striking ''(e) The term'' and inserting ''(e)(1) The term'',

(2) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and

(3) by adding at the end the following new paragraph:

''(2)(A) If any employee of a foreign person is performing services in connection with a contract between the United States Government (or any instrumentality thereof) and any member of any domestically controlled group of entities which includes such foreign person, such foreign person shall be treated for purposes of this chapter as an American employer with respect to such services performed by such employee.

''(B) For purposes of this paragraph—

''(i) The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

''(ii) The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

''(I) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed after the date of the enactment of this Act.

By Mr. MARTINEZ (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. ENSIGN, and Mr. COLEMAN):

S. 2777. A bill to award a Congressional Gold Medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Dr. Oscar Elias Biscet was born on July 20, 1961, in Havana, Cuba;

(2) Dr. Biscet is married to fellow democracy advocate, Elsa Morejon Hernandez, and he has 2 children;

(3) Dr. Biscet is currently serving a 25-year prison sentence for allegedly committing crimes against the sovereignty of the Cuban regime;

(4) in 1997, Dr. Biscet founded the Lawton Foundation for Human Rights, one of the first independent civic groups in Havana, which promotes the study, defense, and denunciation of human rights violations inside Cuba and wherever the rights and liberties of human beings are disregarded;

(5) as a physician, Dr. Biscet denounced the double-standards and systematic repression of the Cuban National Health Care System, and as a result he was forbidden from practicing medicine;

(6) on February 27, 1999, Dr. Biscet was imprisoned for 3 years, after hanging the national flag sideways at a press conference;

(7) although Cuban independence and democracy advocates have always used this statement as a sign of civil disobedience, the regime nonetheless accused Dr. Biscet of insulting the nation's symbols, public disorder, and inciting criminal activity;

(8) once released in 2002, and unable to practice medicine, Dr. Biscet engaged in organizing seminars on the Universal Declaration of Human Rights;

(9) on December 6, 2002, on his way to one such meeting, he and several of the seminar's participants were beaten and arrested;

(10) on April 7, 2003, Dr. Biscet was sentenced to 25 years in prison and sent to a special state security prison, Kilo Cinco y Medio in Pinar Del Rio province;

(11) Dr. Biscet has declared himself a ''plantado'', a political prisoner who refuses to undertake ideological ''reeducation'' or wear a common prisoner's uniform and therefor remains in Cuba's political gulag;

(12) on November 5, 2007, President Bush recognized Dr. Biscet and presented him (in absentia) with the Presidential Medal of Freedom, stating that ''Dr. Biscet is a champion in the fight against tyranny and oppression. Despite being persecuted and imprisoned for his beliefs, he continues to advocate for a free Cuba in which the rights of all people are respected.''; and

(13) Dr. Biscet is a follower of the Dalai Lama, Ghandhi, and Martin Luther King, and continues to fight every day to bring democracy and justice to Cuba.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Dr. Oscar Elias Biscet in recognition of his courageous and unwavering commitment to democracy, human rights, and peaceful change in Cuba.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprises Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprises Fund.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. SALAZAR, Mr. ALLARD, and Mr. BENNETT):

S. 2779. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects: to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a bill important to public health and safety and the environment in the West. This legislation addresses a recent interpretation by the Department of the Interior, DOI, which restricts the ability of states to use certain funds under the Abandoned Mine Land, AML, Program authorized by the Surface Mining Control and Reclamation Act, SMCRA, for non-coal mine reclamation.

The Tax Relief and Health Care Act of 2006 contained amendments to SMCRA reauthorizing collection of an AML fee on coal produced in the U.S. and making certain modifications to the AML program. Under this program, which is administered by DOI, funds are expended to reclaim abandoned mine lands, with top priority for protecting public health, safety, general

welfare, and property and restoration of land and water resources adversely affected by past mining practices. The program is largely directed to abandoned coal mine reclamation, but under section 409 of SMCRA, limited funds have been available to address non-coal mine sites.

Unfortunately, the Department of the Interior has interpreted the amendments in a manner that limits the ability of western states to use certain funds under SMCRA to address significant problems relating to non-coal abandoned mines, despite the fact that these funds had previously been available for these purposes.

Section 409 of SMCRA, provides that states may address public health and safety hazards at abandoned mine sites, both coal and non-coal. Western states such as New Mexico, Colorado, and Utah, have prioritized the use of AML funds to undertake the most pressing reclamation work on both coal and non-coal mine sites. While activities on non-coal sites have consumed a relatively insignificant portion of the funding provided for the overall AML program, the results in terms of public health and safety in these states is considerable, and there is significant work yet to be done. For example, New Mexico alone has over 15,000 remaining mine openings with a vast majority of these being non-coal. All AML-related fatalities in the State in the last few decades have been at non-coal mine sites.

I disagree with this interpretation by DOI. This result was not the intention of those of us working on the SMCRA amendments, and I believe the interpretation is in error. First, OSM's interpretation disregards the fact that section 409 was left unamended by the Congress. Furthermore, this interpretation is inconsistent with assurances repeatedly given to us by OSM during the consideration of the legislation that non-coal work could continue to be undertaken with these AML funds. Finally, the interpretation has the unacceptable result of requiring states to devote funds to low priority coal sites while leaving dangerous non-coal sites unaddressed.

The bill that I am introducing today would correct this problem by modifying the language of SMCRA to clarify that the funding would be available for noncoal reclamation as it was prior to the passage of the amendments in 2006. Under the bill, western, non-certified States could continue to use the payments comprising their so-called previously unappropriated state share balances for noncoal reclamation.

I hope that my colleagues will support this legislation, which has important implications for abandoned mine clean-up in the West.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABANDONED MINE RECLAMATION.

(a) LIMITATION ON FUNDS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting ''or section 411(h)(1)'' after ''section 402(g)''.

(b) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by inserting ''or 409'' after ''section 403''.

By Ms. STABENOW (for herself and Mr. BUNNING):

S. 2781. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program; to the Committee on Finance.

Ms. STABENOW. Mr. President, I wish to discuss a critical infrastructure issue facing our Nation. As our population ages, we will need more health care professionals. We are already seeing shortages in critical areas such as nursing.

The Council on Graduate Medical Education, COGME, has also strongly advised that we need to train more physicians. COGME recommends that the number of physicians entering residency programs increase by 3,000 over the next 10 years to partially remedy an anticipated shortfall of 85,000 physicians by 2020.

Yet for many of my teaching hospitals, there is a problem in how they are reimbursed through the Medicare Program for training the next generation of doctors. Their ''graduate medical education'' reimbursement GME, is based on data collected over 30 years ago that no longer reflects current costs and increasing needs. Over 30 Michigan teaching hospitals lose more than $18 million a year as a result of Medicare's outdated policy. Insufficient funding makes it very difficult for hospitals to train a workforce sufficient to care for the growing Medicare population.

Congress has recognized that this formula has caused unfairness in GME payments. In 1999, Congress set a minimum payment level at 70 percent of the national average, and in 2000, Congress raised the minimum payment level again to 85 percent of the national average.

The bill I am introducing today with my colleague, Senator BUNNING, merely raises the floor again to 100 percent of the national average over a 3-year period. Teaching hospitals could use the additional money to make up shortfalls or pay for additional residents to train.

I am pleased to have the support of the American Osteopathic Association as well as many of Michigan's premier medical schools and academic medical centers.

I look forward to working with my colleagues on ensuring that our Nation's teaching hospitals are the envy of the world and that we have the physician workforce we need for the future.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEWIDE CAMPUS SYSTEM, MICHIGAN STATE UNIVERSITY COLLEGE OF OSTEOPATHIC MEDICINE,
March 10, 2008.

Hon. DEBBIE A. STABENOW,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR STABENOW: The Statewide Campus System at Michigan State University is a consortium of 26 hospitals in Michigan. Its primary purpose is to provide medical education to nearly 1,300 interns, residents, and fellows within our state. Support for the training of these physicians comes primarily from federal financing through the Medicare program. We are acutely aware how our training institutions are disadvantaged by the current operations of the DGME payment system. Many of our hospitals receive less than the national average from Medicare that is used to offset medical education. Public demands for increased patient safety and competency assessment of procedural skills performed by residents are unfunded mandates that we are now challenged to provide.

We are aware that Congress has addressed this issue in piecemeal fashion in moving the reimbursement level from 70 percent to 85 percent of the locally adjusted national average. Congress further recognized in the Medical Modernization Act of 2003 by adding a provision that the redistributed postdoctoral positions be reimbursed at 100 percent of the national average. The next logical step is to level the playing field so that teaching institutions can be compensated in accordance with their regionally adjusted average and use the additional funds to expand our educational commitments to residents.

The Statewide Campus System is supportive of your efforts to introduce legislation that would increase Medicare's Direct Medical Educational payments at 100 percent for those hospitals whose historical costs are less than the national average. We welcome and endorse legislation that has the same impact sponsored in the 109th Congress, S. 2289/H.R. 4371.

Sincerely yours,

MARK CUMMINGS, PhD,
Associate Dean, SCS.

UNIVERSITY OF MICHIGAN HEALTH SYSTEM,
March 11, 2008.

Hon. DEBBIE A. STABENOW,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR STABENOW: On behalf of Michigan's hospitals disadvantaged under Medicare's Direct Graduate Medicare Education payment system, we strongly endorse your legislation to address the longstanding inequities for graduate medical education to be introduced on the Senate floor on March 13, 2008.

As you know, Medicare's formula for paying hospitals that operate teaching programs is based on data from the early 1980s which are significantly below current costs and increasing needs. Insufficient funding makes it very difficult for hospitals to train a workforce sufficient to care for the growing Medicare population.

In our state, 34 teaching hospitals lose more than $18 million a year as a result of Medicare's out-dated policy. More than 600 hospitals nationwide also receive less than the national average payment from Medicare for the direct costs of providing graduate medical education.

Congress has addressed this problem over the past 7 years in various incremental ways. In 2000, Congress included provisions in the ''Medicare, Medicaid and SCHIP Benefit Improvement and Protection Act'' (BIPA) to raise the floor for direct graduate medical education payments from 70 percent of the locality adjusted national average to 85 percent. In the Medicare Modernization Act of 2003, Congress again recognized the flaws in Medicare's payments to teaching hospitals by including a provision requiring that any resident positions redistributed to other hospitals be reimbursed at 100 percent of the national average.

The legislation would continue on this important path by increasing Medicare's Direct Graduate Medical Education (DGME) payments to hospitals to 100 percent of the national average per resident for facilities whose historical costs are less than the national average. In short, Medicare should pay for the average cost of operating a training program so no hospitals receive less than Medicare's fair share of the costs of operating a medical education program. We appreciate your leadership on behalf of the teaching hospitals, the physicians we train, and the patients we serve.

Sincerely,

DOUGLAS STRONG,
Chief Executive Officer, UMHHC.

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, March 4, 2008.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. JIM BUNNING,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS STABENOW AND BUNNING: On behalf of the 61,000 osteopathic physicians represented by the American Osteopathic Association (AOA), I am pleased to inform you of our support for your legislation, which would amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare program. We applaud your leadership and strongly support your efforts.

Numerous academic and advisory bodies, including the Council on Graduate Medical Education (COGME), have issued reports showing that there will be an inadequate number of physicians to meet patient demands by the year 2020. This shortage of physicians comes at a time when the Nation's senior population and the number of Medicare beneficiaries is growing at a rapid rate. While the precise number of physicians needed is debatable, there is little doubt that the Nation's graduate medical education system limits our ability to meet the future physician workforce needs.

Currently, one in five medical school students in the United States is enrolled in a college of osteopathic medicine. The Nation's colleges of osteopathic medicine currently graduate 3,000 new osteopathic physicians annually. This number will increase to approximately 3,500 in 2008 and is projected to be greater than 4,500 by 2013.

Please be assured that we are committed to educating and training quality physicians that are capable of meeting the health care needs of the nation. However, we must increase the payment floor for direct graduate medical education payments.

Again, thank you for your leadership on this issue. The AOA and our members stand ready to assist you in securing the enactment of this important legislation. Please do not hesitate to call upon the AOA for assistance as you move forward on this issue.

Sincerely,

PETER B. AJLUNI, DO,
President.

Hon. DEBBIE A. STABENOW,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. JIM BUNNING,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

SENATORS STABENOW AND BUNNING: On behalf of the Coalition for DGME Fairness, thank you very much for introducing direct graduate medical education (DGME) legislation.

We stand together in strong support of your legislation so that we can continue to train a workforce sufficient to care for the growing Medicare population. Medicare pays less than its fair share for the costs of educating doctors in more than 600 hospitals across the country.

Your legislation would address the outdated methodology and longstanding inequity by increasing the Direct Graduate Medical Education (DGME) payment—for hospitals whose historical costs are less than the national average—to 100 percent of the national average per resident amount. Medicare pays hospitals for operating teaching programs based on costs reported in the early 1980s. These payments bear little, if any, relationship to the actual cost of operating training programs in the 21st century.

Twice before (1999 and 2001), Congress made incremental improvements in DGME payments for these hospitals, implementing a floor at 70 percent and then raising it to 85 percent of the national average. In the Medicare Modernization Act of 2003, Congress again recognized the flaws in Medicare's payments to teaching hospitals by requiring that unused residency positions redistributed to other hospitals be paid 100 percent of the national average. This legislation would complete Congress's work to address this inequity.

On behalf of our physicians, hospitals, and the patients we serve, we commit to work diligently with you to see this legislation enacted. If you have any further questions or need to get in touch with the coalition please contact Peggy Tighe, Partner at Strategic Health Care at 202–266–2600 or at peggy.tighe@shcare.net.

Sincerely,

COALITION FOR DGME FAIRNESS.

Enclosure.

ALABAMA

Huntsville Hospital; University of Alabama.

ARKANSAS

Crittenden Memorial Hospital.

CALIFORNIA

Cedars-Sinai Medical Center; Loma Linda University Medical Center; Pacific Hospital Long Beach; Stanford Hospital; UCLA Medical Center; UC San Francisco Medical Center; University of CA Davis Medical Center; UCSD Medical Center; UCI Medical Center; UCLA Neuropsychiatric Hospital.

CONNECTICUT

Bridgeport Medical Center; Danbury Hospital; Hospital of St. Raphael; Saint Francis Hospital & Medical Center; Yale New Haven Hospital.

DISTRICT OF COLUMBIA

Georgetown University Hospital.

FLORIDA

Bayfront Medical Center; H. Lee Moffit Cancer Center; Tampa General Hospital; Westchester General Hospital.

ILLINOIS

Memorial Medical Center; Mercy Hospital & Medical Center; Northwestern Memorial Hospital; St. Johns Hospital.

INDIANA

Ball Memorial Hospital.

KANSAS

University of Kansas Hospital.

KENTUCKY

Jewish Hospital; St. Mary's Mercy Medical Center; University of Louisville; University of Kentucky Hospital.

MASSACHUSETTS

Mount Auburn Hospital; Tufts-New England Medical Center.

MAINE

Maine Medical Center.

MICHIGAN

Botsford General Hospital; Genesys Regional Medical Center; Henry Ford Bi-County Hospital; Henry Ford Wyandotte; Ingham Regional Medical Center; Mount Clemens General Hospital; POH Medical Center; St. Joseph Mercy Hospital; University of Michigan Health System.

MINNESOTA

St. Mary's Medical Center.

MISSOURI

Des Peres Hospital; Freeman Health; St. Luke's.

NORTH CAROLINA

Duke University Health System.

NORTH DAKOTA

Trinity Health.

NEW JERSEY

Monmouth Medical Center; Newark Beth Israel Medical Center; Saint Barnabas Medical Center; UMDNJ—University Hospital; Union Hospital.

OHIO

Cleveland Clinic Hospital; Clinton Memorial Hospital; Doctors Hospital; Fairview Hospital; Hillcrest Hospital; Forum Health Western Reserve; James Cancer Hospital; Medical University of Ohio; Ohio State University Hospital; Riverside Methodist; Southern Ohio Medical Center; South Pointe Hospital; St. Elizabeth Health Center; St. Joseph Regional Health Center; The University of Toledo; University Hospitals.

OKLAHOMA

Hillcrest Medical Center; Oklahoma State Univ. Medical Center; St. Anthony Hospital.

PENNSYLVANIA

Lancaster General Hospital; Lehigh Valley Hospital; Memorial Hospital; Millcreek Community Hospital; Robert Parker Hospital.

RHODE ISLAND

Miriam Hospital; Rhode Island Hospital.

TEXAS

JPS Health Network; Memorial Hermann Hospital System; St. Josephs, Ryan.

UTAH

Univ. of Utah Hospitals and Clinics.

WISCONSIN

Gundersen Lutheran; Univ. of Wisconsin Hospitals & Clinics.

Mr. BUNNING. Mr. President, I am proud to be introducing legislation today with Senator STABENOW that will benefit many of the teaching hospitals across the Nation, including 20 facilities in the Commonwealth of Kentucky.

Teaching hospitals play a critical role in educating, inspiring, and preparing our young doctors to meet the challenges of their new profession. Although necessary, this training adds to the cost of patient care. That is why Medicare pays these hospitals for its share of cost of training new physicians through payments known as direct graduate medical education payments—or DGME payments.

Unfortunately, there is some inequity in how DGME payments are calculated. The legislation we are introducing today takes steps to adequately reimburse all hospitals for the cost of training new physicians.

Teaching hospitals initially reported their direct costs to the Department of Health and Human Services in the mid-1980s. These reported amounts are now the basis for which each teaching hospital is reimbursed.

Unfortunately, there was a disparity in the types of costs each hospital reported, which has lead to large variations in payments between hospitals. Hospitals are also being reimbursed on data that is 20 years old.

To help rectify this problem, in 1999 Congress established a floor for calculating Medicare payments for DGME at 70 percent of the national average. In 2001, Congress raised the floor to 85 percent of the national average.

The legislation Senator STABENOW and I are introducing today would bring all of Medicare's DGME hospitals up 100 percent of the national average over a 3-year period. This would affect about 600 hospitals across the Nation that are currently being reimbursed below the national average, including the 20 in Kentucky.

I am glad we are introducing this legislation today and hope my colleagues can take a close look at it. Adequately paying our teaching hospitals is critically important, and this bill would benefit many hospitals across the country.

By Mr. HARKIN (for himself, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 2784. A bill to amend the Federal Food, Drug and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing a bill, the Menu Education and Labeling Act, on behalf of myself and my colleagues, Ms. FEINSTEIN of California, and Mr. KENNEDY of Massachusetts.

Poor nutrition and obesity are a major public health problem in the U.S. The issue is far from merely cosmetic. It is medical and economic. Diet-related disease are prevalent in the U.S. Cardiovascular disease, which is the leading cause of death in the U.S., is clearly linked to poor diets. Type-2 diabetes, results in amputation, blindness, and premature death.

Diet is also clearly associated with rising rates of overweight and obesity. More than 65 percent of American adults are overweight, and more than 30 percent are clinically obese. We lead the world in this dubious distinction, which is growing worse. Increasingly the problem starts in childhood. According to the Institute of Medicine, since 1963, obesity rates have quadrupled among older children ages 6 to 11 years, and tripled for adolescents between the ages of 12 and 19. If we do not change course, kids attending school today will be the first generation in American history to live a shorter lifespan than their parents

The obesity epidemic has far-reaching consequences. Overweight people have an increased risk of diabetes, cardiovascular disease, cancers and other illnesses. Sixty percent of overweight youth already have at lest one risk factor for heart disease, which is the leading cause of death in the U.S. Obesity also causes or contributes to $117 billion a year in health care and related costs, more than half borne by taxpayers.

There is no single solution to the complex problem of poor nutrition and diet-related disease, but we must start taking meaningful steps to address this growing problem by giving people the tools necessary to consume healthier diets. The legislation that we are introducing today will extend nutrition labeling beyond packaged foods to include foods at chain restaurants with 20 or more locations, as well as food in vending machines. This common-sense idea will give consumers a needed tool to make wiser choices and live healthier lives.

In 1990, Congress passed the Nutrition Labeling and Education Act, NLEA, requiring food manufacturers to provide nutrition information on nearly all packaged foods. The impact has been tremendous. Not only do nearly three-quarters of adults use the food labels on packaged foods, but studies indicate that consumers who read labels have healthier diets.

American adults and children now consume a third of their calories at restaurants and nutrition and health experts say that rising caloric consumption and growing portion sizes are causes of obesity. However, restaurants were excluded from the Nutrition Labeling and Education Act. Consumers say that they would like nutrition information provided when they order their food at restaurants, yet, while they have good nutrition information in supermarkets, at restaurants they can only guess.

Similarly, vending machine food sales also play a large role in contributing to the diets of Americans. Over the last three decades vending machine sales have shot up 85 percent after inflation. Most vending machine sales include foods of low nutritional value.

The Menu Education and Labeling Act will require fast-food and other chain restaurants to provide point of sale information on calories, saturated fat, trans fat, and sodium and will require point of sale labeling of calories on foods sold in vending machines.

I would also like to note that last night, one of the true lions of the Senate, my old friend Howard M. Metzenbaum from Ohio, passed away. Senator Metzenbaum was a good friend and a great senator. One of his great achievements in the Senate is that he was the author of and the driving force behind the Nutrition Education Labeling Act, which first established nutrition labeling for packaged foods. The bill that we are introducing today builds upon Senator Metzenbaum's work on nutrition labeling, and in honor of his work and his distinguished career, I am naming this bill after him.

Let there be no doubt: poor nutrition in America is indeed an epidemic, and it is continuing to grow. This is a public health crisis and we must address it. Although this bill alone will not end poor nutrition or halt rising obesity in its tracks, it provides consumers with an important tool with which to make better choices about the food that they and their children consume.

By Mr. GRASSLEY:

S. 2786. A bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to introduce the Medicare Rural Health Access Improvement Act of 2008.

The purpose of this legislation is to continue ongoing efforts to ensure that Americans in rural areas have access to health care services. Much has been done in the past to improve access to rural providers such as hospitals and doctors. Much more still needs to be done.

I hold town meetings in each of the 99 counties in the great State of Iowa

every year. As many know, Iowa is largely a rural State, and a significant concern that I consistently hear during these meetings is the difficulty my constituents experience in accessing health care services. As the former chairman and currently the ranking member of the Finance Committee, it has, therefore, been a priority for me to improve the availability of health care in rural areas.

In Iowa, as in many rural areas across the country, hospitals are often not only the sole provider of health care in rural areas, but also employers and purchasers in the community. Moreover, the presence of a hospital is essential for purposes of economic development because businesses check to see if a hospital is in the community in which they might set up shop. As you can see, it is vital that these institutions are able to keep their doors open.

In previous legislation, Congress has been able to improve the financial viability of rural hospitals. For instance, the creation and subsequent improvements to the Critical Access Hospital designation has greatly improved the financial health of certain small rural hospitals and ensured that community residents have access to health care.

However, there are still a group of rural hospitals that need help. I am referring to what are known as ''tweener'' hospitals, which are too large to be Critical Access Hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. These facilities are struggling to stay afloat despite their tireless efforts. Like in many communities across the country, the staff of tweener hospitals and their community residents take great pride in the quality of care at these facilities. I have heard countless stories of the exemplary work tweener hospitals in Iowa perform not only as providers of essential health care, but also as responsible members of their communities. It is for this reason that many provisions in this bill are intended to improve the financial health of tweener hospitals and ensure that people have access to health care.

Most tweener hospital are currently designated as Medicare Dependent Hospitals and Sole Community Hospitals under the Medicare program. There are provisions, both temporary and permanent, included in this bill that would improve Medicare payments for both types of hospitals. This includes improvements to the payment methodologies so that inpatient payments to these facilities would better reflect the costs they incur in providing care. Improvements are also proposed in this bill to Medicare hospital outpatient payments for both Medicare Dependent Hospitals and Sole Community Hospitals so they would both share the benefit of hold harmless payments and add-on payments.

Also, a major driver of the financial difficulties that tweener hospitals face is the fact that many have relatively low volumes of inpatient admissions. This bill would improve the existing low-volume add-on payment for hospitals so that more rural facilities with low volumes would receive the assistance they desperately need.

Over the years, many have commented that it is simply unfair for many rural hospitals to receive only a limited amount of Medicare Disproportionate Share Hospital, or DSH, payments while many urban hospitals are not subject to such a cap. This bill would eliminate the cap for DSH payments for those rural hospitals for a 2-year period.

There are also other provisions that would continue to help rural hospitals. The rural flexibility program would be extended for an additional year. Certain rural hospitals that are paid on a cost basis for the outpatient laboratory services they provide would continue to do so on a permanent basis. And Critical Access Hospitals that provide outpatient laboratory services would be paid 101 percent of their costs regardless of whether the specimen was collected from a patient of the CAH or whether the specimen was collected in a skilled nursing facility or clinic associated with the CAH.

This legislation also seeks to improve incentives for physicians located in rural areas and increase beneficiaries' access to rural health care providers. It includes provisions designed to reduce inequitable disparities in physician payment resulting from the Geographic Practice Cost Indices, or adjusters, known as GPCIs. Medicare payment for physician services varies from one area to another based on the geographic adjustments for a particular area. Geographic adjustments are intended to reflect cost differences in a given area compared to a national average of 1.0 so that an area with costs above the national average would have an index greater than 1.0, and an area below the national average would have an index less than 1.0. There are currently three geographic adjustments: for physician work, practice expense, and malpractice expense.

Unfortunately, the existing geographic adjusters result in significant disparities in physician reimbursement which penalize, rather than equalize, physician payment in Iowa and other rural states. These geographic disparities in payment lead to rural states experiencing significant difficulties in recruiting and retaining physicians and other health care professionals due to their significantly lower reimbursement rates.

These disparities have perverse effects when it comes to realigning Medicare payment to reward quality of care. Let me put that into context. Iowa is widely recognized as providing some of the highest quality health care in the country yet Iowa physicians receive some of the lowest Medicare reimbursement due to these inequitable geographic adjustments. Medicare reimbursement for some procedures is at least 30 percent lower in Iowa than payment for those very procedures in other parts of the country. That is a significant disincentive for Iowa physicians who are providing some of the best quality care in the country, and it is fundamentally unfair. Congress needs to reduce these disparities in payment and focus on rewarding physicians who provide high quality care.

The inequitable geographic payment formulas have also exacerbated the problems that rural areas face in terms of access to health care. Rural America today has far fewer physicians per capita than urban areas. The GPCI formulas are a dismal failure in promoting an adequate supply of physicians in States such as Iowa, and more severe physician shortages in rural areas are predicted in the future.

The legislation I am introducing today makes changes in the GPCI formulas for work and practice expense to reverse this trend. It establishes a 1.0 floor for the physician work and practice expense adjustments. It also revises the calculation of the work and practice expense formulas to reduce payment differences and more accurately compensate physicians in rural areas for their true practice costs. We must act now to help rural States recruit and retain more physicians so that beneficiaries will continue to have access to needed health care.

Congress has previously enacted a number of other provisions to improve Medicare payment for health care professionals and providers in rural areas that will expire soon. This bill extends the five percent incentive payments for primary care and specialty physicians in scarcity areas through December 2009. It also extends the existing payment arrangements which allow independent laboratories to bill Medicare directly for certain physician pathology services.

The bill includes several new provisions to improve beneficiary access to health care services. It increases rural ambulance payments by 5 percent for the next 18 months. It permanently increases the payment limits for rural health clinics. It allows hospital-based renal dialysis centers and skilled nursing facilities to provide telehealth services. It also allows physician assistants to order post-hospital extended care services and to serve hospice patients.

Finally, the bill would protect rural areas from being adversely affected by the new Medicare competitive bidding program for durable medical equipment. It would ensure that home medical equipment suppliers who provide equipment and services in rural areas

and small metropolitan statistical areas, MSAs, with a population of 600,000 or less can continue to serve the Medicare program by exempting these areas from competitive bidding. We must ensure that rural areas continue to have medical equipment suppliers available to serve beneficiaries in these areas.

Mr. President, as you can see, we still have much to do when it comes to ensuring access to health care in rural America. I look forward to working with my colleagues on this important matter.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICARE RURAL HEALTH ACCESS IMPROVEMENT ACT OF 2008

TITLE I—PROVISIONS RELATING TO MEDICARE PART A

Section 101. Extension of Medicare Rural Hospital Flexibility Grant Program.

Current Law

Presently, the Medicare Rural Hospital Flexibility Grant Program is authorized for $35 million from FY2005 through FY2008.

Explanation of Provision

The provision would extend this grant program through FY2009.

Section 102. Improvements to the Medicare Dependent Hospital (MDH) Program.

Current Law

MDHs are small rural hospitals with a high proportion of patients who are Medicare beneficiaries (have at least 60% of acute inpatient days or discharges attributable to Medicare in FY1987 or in two of the three most recently audited cost reporting periods). An MDH cannot be a Sole Community Hospital (SCH) and must have 100 or fewer beds. Until October 1, 2006, MDHs were paid at the wage-adjusted national standardized amount or, if higher, 50% of their adjusted FY1982 or FY1987 hospital specific costs. Starting for discharges on October 1, 2006, an MDH would be able to elect payments based on its FY2002 hospital specific costs if that would result in higher Medicare payments. Also, starting for discharges on October 1, 2006, an MDH that elected to be paid using its hospital-specific costs would have its payments based on 75% of those costs.

Explanation of Provision

Starting for discharges on October 1, 2008 until October 1, 2011, an MDH that elects to be paid using the national standardized amount would not have that per discharge payment amount adjusted by an area wage adjustment unless such adjustment will result in improved payments to the MDH. Starting for discharges on October 1, 2008 until October 1, 2011, those MDHs would have their payments based on 85% of their hospital specific costs.

Section 103. Rebasing for Sole Community Hospitals (SCHs).

Current Law

Medicare payments to SCHs for inpatient hospital services are made on the basis of the federal per discharge payment amount or on the basis of its updated hospital-specific per discharge amount from FY1982, FY1987, or FY1996, whichever would result in the largest payment.

Explanation of Provision

Starting for discharges on October 1, 2008, SCHs would be able to elect payment based on their FY2002 hospital-specific payment amount per discharge. This amount would be increased by the annual update starting in FY2008.

Section 104. Temporary Improvements to the Medicare Inpatient Hospital Payment Adjustment for Low-volume Hospitals.

Current Law

Under Medicare's Inpatient Prospective Payment System (IPPS), certain low-volume hospitals receive a payment adjustment to account for their higher costs per discharge. A low volume hospital is defined as an acute care hospital that is located more than 25 road miles from another comparable hospital and that has less than 800 total discharges during the fiscal year. Under current law, the Secretary is required to determine an appropriate percentage increase for these low-volume hospitals based on the empirical relationship between the standardized cost-per-case for such hospitals and their total discharges to account for the additional incremental costs (if any) that are associated with such number of discharges. The low-volume adjustment is limited to no more than 25 percent. Accordingly, under regulations, qualifying hospitals (those located more than 25 road miles from another comparable hospital) with less than 200 total discharges receive a 25% payment increase for every Medicare discharge.

Explanation of Provision

This provision would make a temporary adjustment that would provide payments in FY2009 and FY2010 to more low-volume hospitals. A low-volume hospital could be located more than 15 road miles from another comparable hospital and have 2,000 discharges of individuals entitled to or enrolled for Medicare Part A benefits. The Secretary would determine the applicable percentage increase using a linear sliding scale ranging from 25% for low-volume hospitals below a certain threshold to no adjustment for hospitals with greater than 2,000 discharges of individuals with Medicare Part A benefits.

Section 105. Temporarily Lifting the Disproportionate Share Hospital (DSH) Adjustment Cap.

Current Law

Medicare will increase its payments to hospitals that qualify for a DSH adjustment. In many instances, the size of a hospital's DSH adjustment will depend upon the number of patient days provided to poor Medicare patients or Medicaid patients (DSH patient share). However, small urban hospitals and many rural hospitals have their DSH adjustment capped at 12%.

Explanation of Provision

The provision would eliminate the DSH adjustment cap for these hospitals for discharges occurring in FY2009 and FY2010. For discharges on or after October 1, 20010, the DSH adjustment cap would revert to 12%.

TITLE II—PROVISIONS RELATING TO MEDICARE PART B

Section 201. Extension and Expansion of the Medicare Hospital Outpatient Department Hold Harmless Provision for Small Rural Hospitals.

Current Law

Small rural hospitals (with no more than 100 beds) that are not Sole Community Hospitals (SCHs) can receive additional Medicare payments if their outpatient payments under the prospective payment system are less than under the prior reimbursement system. For CY2006, these hospitals will receive 95% of the difference between payments under the prospective payment system and those that would have been made under the prior reimbursement system. The hospitals will receive 90% of the difference in CY2007 and 85% of the difference in CY2008.

Explanation of Provision

The provision would establish that in CY 2009 and CY 2010, small rural hospitals, including Medicare Dependent Hospitals and SCHs, would receive 100% of the difference between payments made under the Medicare Hospital Outpatient Prospective Payment System and those made under the prior reimbursement system.

Section 202. Expansion of the Medicare Hospital Outpatient Department Add-on Payment for Rural Sole Community Hospitals (SCHs).

Current Law

Under Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), the Secretary was required to study to determine whether the costs incurred by rural hospitals were greater than urban hospitals and whether the prospective payment system (PPS) for hospital outpatient departments (HOPD) accounted for those cost differences. The Secretary was authorized to provide a payment adjustment for rural hospitals by January 1, 2006 if such an adjustment was warranted. Starting in CY2006, rural SCHs have had their Medicare payments for outpatient services increased by 7.1%.

Explanation of Provision

This provision would establish that the Secretary's authority to provide a payment adjustment would apply to services furnished in 2006, 2007 and 2008. The Medicare statute would be amended so that SCHs and Medicare Dependent Hospitals (MDHs) in rural areas would receive a 7.1% increase in payments for covered HOPD services for services starting January 1, 2009. The increase would be applied before calculating outliers and coinsurance. The Secretary would be able to revise this percentage starting for services furnished after January 1, 2010 through promulgation of a regulation. The increase would not apply to pass-through drugs and biologicals. The increased payments as they relate to SCHs and MDHs would not be implemented in a budget-neutral manner.

Section 203. Permanent Treatment of Medicare Reasonable Costs Payments for Certain Clinical Diagnostic Laboratory Tests Furnished to Hospital Patients in Certain Rural Areas.

Current Law

Generally, hospitals that provide clinical diagnostic laboratory services under Part B are reimbursed using a fee schedule. Hospitals with under 50 beds in qualified rural areas (certain rural areas with low population densities) receive 100% of reasonable cost reimbursement for the clinical diagnostic laboratories covered under Part B that are provided as outpatient hospital services. Reasonable cost reimbursement for laboratory services provided by these hospitals will expire on July 1, 2008.

Explanation of Provision

This provision would add Section 1833(v) to the Social Security Act which would make reasonable cost reimbursement for laboratory services provided by qualified rural hospitals permanent starting July 1, 2008. The Secretary would be required to apply the current rules that are used to determine

whether clinical diagnostic laboratory services are furnished as an outpatient Critical Access Hospital service (without regard to amendments enacted in this legislation.)

Section 204. Clarification of Payment for Clinical Laboratory Tests Furnished by Critical Access Hospitals (CAHs).

Current Law

Medicare outpatient covered clinical laboratory services are generally paid based on a fee schedule. Clinical diagnostic laboratory services provided to patients who receive services directly from CAHs on an outpatient basis are paid 101% of reasonable costs. Clinical laboratory services provided by CAHs to those who are not patients are paid on the basis of the Medicare fee schedule. In no instance are Medicare beneficiaries liable for any coinsurance or deductible amounts.

Explanation of Provision

Under this provision, clinical diagnostic laboratory services furnished by a CAH starting in January 1, 2009 would be reimbursed at 101% of costs as outpatient hospital services without regard to whether the specimen was collected from a patient of the CAH or whether the specimen was collected in a skilled nursing facility or clinic that is owned by or co-located with the CAH.

Section 205. Extension of Medicare Incentive Payment Program for Physician Scarcity Areas.

Current Law

MMA provided for an additional 5% in payments for certain physicians in scarcity areas for the period January 1, 2005 through December 31, 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) extended these payments through June 30, 2008. The Secretary was required to calculate, separately for practicing primary care physicians and specialists, the ratios of such physicians to Medicare beneficiaries in the county, rank each county (or equivalent area) according to its ratio for primary care and specialists separately, and then identify those scarcity areas with the lowest ratios which collectively represented 20% of the total Medicare beneficiary population in those areas. The list of counties was to be revised no less often than once every three years unless there were no new data. There would be no administrative or judicial review of the designation of the county or area as a scarcity area, the designation of an individual physician's specialty, or the assignment of a postal zip code to the county or other area. The listing of counties appeared in Appendix I and Appendix J of the 2005 physician fee schedule update.

Explanation of Provision

The provision would extend the add-on payments through December 31, 2009.

Section 206. Revisions to the Work Geographic Adjustment Under the Medicare Physician Fee Schedule.

Current Law

Medicare's physician fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor.

The geographic adjustment factors are indices that reflect the relative cost difference in a given area in comparison to a national average. An area with costs above the national average would have an index greater than 1.00 while an area with costs below the average would have an index below 1.00. The physician work geographic adjustment factor is based on a sample of median hourly earnings in six professional specialty occupational categories. Unlike the other geographic adjustments, the work adjustment factor reflects only one-quarter of the cost differences in an area. The Secretary is required to periodically review and adjust the geographic indices.

MMA required the Secretary to increase the value of any work geographic index that was below 1.00 to 1.00 for services furnished on or after January 1, 2004 and before January 1, 2007. TRHCA extended the provision for an additional year, through December 31, 2008, and MMSEA extended the provision for an additional six months, for services provided before July 1, 2008.

Explanation of Provision

Subsection (a) would extend the 1.0 work floor through December 31,2009. Subsection (b) would recognize the equality of physician work in all geographic areas and eliminate differing work index values by establishing a national value of 1.0, effective 2010.

Section 207. Revisions to the Practice Expense Geographic Adjustment Under the Medicare Physician Fee Schedule.

Current Law

Medicare's physician fee schedule assigns relative values to services that reflect physician work (i.e., the time, skill, and intensity it takes to provide the service), practice expenses, and malpractice costs. The relative values are adjusted for geographic variations in costs. The adjusted relative values are then converted into a dollar payment amount by a conversion factor.

The geographic adjustment factors are indices that reflect the relative cost difference in a given area in comparison to a national average. An area with costs above the national average would have an index greater than 1.00 while an area with costs below the average would have an index below 1.00. The practice expense geographic adjustment is calculated by measuring variations in employee wages, office rents, and miscellaneous. The Secretary is required to periodically review and adjust the geographic indices.

Explanation of Provision

Subsection (a) would establish a practice expense floor of 1.0 for 2009 by requiring the Secretary to increase the value of any practice expense geographic index that was below 1.0 to 1.0 for services furnished on or after January 1, 2009 and before January 1, 2010. Subsection (b) would reduce the geographic adjustment for practice expense to 50 percent of the current adjustment for employee wages and rent, effective 2010.

Section 208. Extension of Treatment of Certain Physician Pathology Services Under Medicare.

Current Law

BBA 97 specified that independent labs that had agreements with hospitals on July 22, 1999, to bill directly for the technical component of pathology services could continue to do so in 2001 and 2002. The provision has been periodically extended. TRHCA extended the provision through 2007, and MMSEA further extended it through June 30, 2008.

Explanation of Provision

The provision would be extended through December 31, 2009.

Section 209. Extension of Increased Medicare Payments for Rural Ground Ambulance Services.

Current Law

Ambulance services are paid on the basis of a national fee schedule, which is being phased in. The fee schedule establishes seven categories of ground ambulance services and two categories of air ambulance services. The payment for a service equals a base rate for the level of service plus payment for mileage. Geographic adjustments are made to a portion of the base rate.

Explanation of Provision

The provision would provide for an increase in the rates otherwise established for ground ambulance services of 5% in rural areas for the period July 1, 2008–December 31, 2009.

Sec. 210. Adding Hospital-Based Renal Dialysis Centers (Including Satellites) As Originating Sites for Payment of Telehealth Services.

Current Law

Medicare may cover a telehealth service for beneficiaries who are located (i) in an area designated as a rural health professional shortage area; (ii) in a county that is not included in a Metropolitan Statistical Area; or (iii) at an entity that participates in a federal telemedicine demonstration project that has been approved by (or receives funding from) the Secretary of Health and Human Services as of December 31, 2000. If a beneficiary is located in those areas, counties, or entities, then the beneficiary is permitted to receive telemedicine at one of the following sites: (1) a physician or practitioner's office; (ii) a critical access hospital; (iii) a rural health clinic; (iv) a federally qualified health center; or (v) a hospital.

Explanation of Provision

This provision would permit a hospital-based or critical access hospital-based renal dialysis center (including satellites) to serve as a telemedicine site. The provision would be effective for services furnished on or after January 1, 2009.

Section 211. Expansion of Telehealth Services to Skilled Nursing Facilities.

Current Law

Medicare covers certain services including professional consultations, office and other outpatient visits, individual psychotherapy, pharmacological management, psychiatric diagnostic interview examinations and end stage renal disease related services delivered via an eligible telecommunications system. The originating site (the location of the beneficiary receiving the telehealth service) can be a physician or practitioner's office, a critical access hospital, a rural health clinic, a federally qualified health center, or a hospital. The originating site must be in a rural health professional shortage area or in a county that is not in a metropolitan statistical area or at an entity that participates in a specified federal telemedicine demonstration project.

Explanation of Provision

The provision would permit otherwise qualifying skilled nursing facilities to be the originating site for the provision of covered telehealth services furnished on or after January 1, 2009.

Section 212. Rural Health Clinic Improvements.

Current Law

Most rural health clinics (RHCs) receive cost-based reimbursement from Medicare, subject to per-visit payment limits and certain productivity standards. Each year the

limit is increased by the percentage increase in the Medicare Economic Index (MEI). For CY2007, the RHC upper payment limit is $74.29 per visit.

Explanation of Provision

The provision would establish the RHC upper payment limit at $92 per visit in 2009. The limit would be increased in subsequent years by the limit established for the previous year increased by the percentage increase in the MEI applicable to primary care services.

Section 213. Exemption for suppliers in small MSAs and rural areas.

Current Law

The MMA established Medicare competitive bidding for durable medical equipment, supplies, and other items. The Secretary is required to establish competitive acquisition areas, but has discretion to exempt rural areas and areas with low population density within urban areas that are not competitive, unless a significant national market exists through mail order for a particular item or service. The programs are required to be phased-in so that competition under the programs occurs in 10 of the largest metropolitan statistical areas (MSAs) beginning in 2007, 80 of the largest MSAs in 2009, and remaining areas after 2009.

Explanation of Provision

The provision would require the Secretary to exempt rural areas and small MSAs with a population of 600,000 or less. Competitively bid prices would not apply to rural and small MSAs exempted under this section. The provision would be effective as if included in the MMA, other than for contracts entered into pursuant to implementation of competitive bidding prior to September 1, 2008.

Section 214. Permitting Physician Assistants to Order Post-Hospital Extended Care Services and to Provide for Recognition of Attending Physician Assistants as Attending Physicians to Serve Hospice Patients.

(a) Ordering Post-Hospital Extended Care Services.

Current Law

In a skilled nursing facility (SNF), Medicare law allows physicians, as well as nurse practitioners and clinical nurse specialists who do not have a direct or indirect employment relationship with a SNF, but who are working in collaboration with a physician, to certify the need for post-hospital extended care services for purposes of Medicare payment. Section 20.2.1 of Chapter 8 of the Medicare Benefit Policy Manual defines post-hospital extended care services as services provided as an extension of care for a condition for which the individual received inpatient hospital services. Extended care services are considered ''post-hospital'' if they are initiated within 30 days after discharge from a hospital stay that included at least three consecutive days of medically necessary inpatient hospital care.

Explanation of Provision

The provision would allow a physician assistant who does not have a direct or indirect employment relationship with a SNF, but who is working in collaboration with a physician, to certify the need for post-hospital extended care services for Medicare payment purposes.

(b) Recognition of Attending Physician Assistants as Attending Physicians to Serve Hospice Patients.

Current Law

Under the Medicare program, hospice services may only be provided to terminally ill individuals under a written plan of care established and periodically reviewed by the individual's attending physician and the medical director (and by the interdisciplinary group of the hospice program). For purposes of a hospice written plan of care, Medicare defines an attending physician as a physician or nurse practitioner who may be employed by a hospice program and who the individual identifies as having the most significant role in the determination and delivery of medical care to the individual at the time the individual makes an election to receive hospice care.

For an individual to be eligible for Medicare-covered hospice services, the individual's attending physician (not including a nurse practitioner) and the medical director (or physician member of the interdisciplinary group of the hospice program) must each certify in writing that the individual is terminally ill at the beginning of the first 90-day period of hospice.

Explanation of Provision

For purposes of a hospice written plan of care, the provision would include a physician assistant in the definition of an attending physician. The provision would continue to exclude physician assistants from the authority to certify an individual as terminally ill.

Both provisions would apply to items and services furnished on or after January 1, 2009.

By Ms. MIKULSKI (for herself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. COLEMAN, Mr. HARKIN, Mr. CASEY, Mr. SANDERS, Mr. SCHUMER, Mr. CARDIN, Mr. BROWN, Ms. COLLINS, Mr. LEAHY, Mrs. CLINTON, Mr. LEVIN, Mr. KENNEDY, Mr. KERRY, Mrs. BOXER, Mr. REID, and Mr. BINGAMAN):

S.J. Res. 30. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid program; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 30

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid program (published at 72 Fed. Reg. 68077 (December 4, 2007)), and such rule shall have no force or effect.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 481—DESIGNATING APRIL 2008 AS ''NATIONAL AUTISM AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE FUNDING FOR RESEARCH INTO THE CAUSES AND TREATMENT OF AUTISM AND TO IMPROVE TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM AND THOSE WHO CARE FOR INDIVIDUALS WITH AUTISM

Mr. HAGEL (for himself, Mr. SCHUMER, Mr. LAUTENBERG, Mr. FEINGOLD, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 481

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is 4 times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately $80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas designating April 2008 as ''National Autism Awareness Month'' will increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2008 as ''National Autism Awareness Month'';

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their life spans, and promote understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with

autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) supports the Federal Government's more than 30-year-old commitment to provide States with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

(6) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(7) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

SENATE RESOLUTION 482—DESIGNATING JULY 26, 2008, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 482

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off of the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of approximately 727,000 ranchers in all 50 of the United States that contribute to the economic well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 26, 2008, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 483—RECOGNIZING THE FIRST WEEKEND OF MAY 2008 AS ''TEN COMMANDMENTS WEEKEND''

Mr. BROWNBACK (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 483

Whereas the Ten Commandments are precepts foundational to the faith of millions of Americans;

Whereas the Ten Commandments are a declaration of fundamental principles for a fair and just society;

Whereas, from the founding of the United States, the Ten Commandments have been part of America's basic cultural fabric;

Whereas the national hero and first President, George Washington, proclaimed in his first inaugural address in 1789: ''[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.'';

Whereas one of the great leaders of the United States, President John Quincy Adams, declared in a letter to his son, ''The law given from Sinai was a civil and municipal as well as a moral and religious code . . . [many] were of universal application—laws essential to the existence of men in society, and most of which have been enacted by every nation, which ever professed any code of laws.'';

Whereas President Harry S Truman affirmed, ''The fundamental basis of this Nation's law was given to Moses on the Mount. The fundamental basis of our Bill of Rights comes from the teachings which we get from Exodus and St. Matthew, from Isaiah and St. Paul. I don't think we emphasize that enough these days. If we don't have the proper fundamental moral background, we will finally wind up with a totalitarian government which does not believe in rights for anybody except the state.'';

Whereas, in addition to being understood as an elemental source for American law, the Ten Commandments have become a recognized symbol of law in our Nation's culture;

Whereas a marble relief portrait of Moses, the Hebrew prophet and bearer of the Ten Commandments, is located prominently in the United States Capitol over the gallery doors of the chamber of the House of Representatives in honor of his work in establishing the principles that underlie American law;

Whereas images of the Ten Commandments are prominently displayed in many Federal buildings, including the United States Supreme Court, the National Archives, and the Library of Congress;

Whereas the first weekends of May in 2006 and 2007 were celebrated by many Americans as ''Ten Commandments Weekend'' in recognition of the importance of the Ten Commandments in their faith and the history and culture of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the first weekend of May 2008 as ''Ten Commandments Weekend'';

(2) celebrates the Ten Commandments as a significant aspect of the national life of the United States; and

(3) encourages citizens of the United States to reflect on the integral role that the Ten Commandments have played in the life of the Nation.

SENATE RESOLUTION 484—DESIGNATING MARCH 25, 2008, AS ''NATIONAL CEREBRAL PALSY AWARENESS DAY''

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was:

S. RES. 484

Whereas cerebral palsy is any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, usually occurring during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children are born with cerebral palsy, although it may not be detected until months or years later;

Whereas 75 percent of individuals with cerebral palsy also have 1 or more additional developmental disabilities including epilepsy, intellectual disability, autism and visual impairments, or blindness;

Whereas the Centers for Disease Control and Prevention recently released information indicating an increase in the prevalence of cerebral palsy and that the rate is now about 1 in 278 children;

Whereas 800,000 Americans are affected by cerebral palsy;

Whereas, while there is no current cure for cerebral palsy, some treatment will often improve a child's capabilities and scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as ''National Cerebral Palsy Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

Mr. SPECTER. Mr. President, I have sought recognition today to offer a resolution to designate March 25, 2008, as National Cerebral Palsy Awareness Day.

Cerebral palsy is a group of chronic, neurological disorders that appear in infancy or early childhood and permanently affect body movement and muscle coordination necessary to maintain balance and posture. Cerebral palsy is

caused by damage to one or more specific areas of the brain, usually occurring during fetal development; before, during or shortly after birth; or during infancy. The top two risk factors for the disorders are premature births and multiple births, and despite the introductions of modern prenatal testing, improved obstetric care, and newborn intensive care technologies, the rate of incidence has increased in the United States. These disorders are not caused by problems in the muscles or nerves but, instead, faulty development or damage to motor areas in the brain.

Cerebral palsy currently affects children at a rate of 1 in 278 and an estimated 800,000 Americans. The majority of children who have cerebral palsy are born with it, rather than developing the disorder over time; however, it may not be detected for months or years. Over seventy-five percent of individuals with cerebral palsy also have one or more additional developmental disability including epilepsy, intellectual disability, autism and visual impairments or blindness. The disorders are not progressive and non-communicable.

Currently, there is no cure for cerebral palsy. There are treatments, however, which can serve to alleviate some of the symptoms. Treatments now include physical and occupational therapy; speech therapy; drugs to control seizures, relax muscle spasms, and alleviate pain; surgery to correct anatomical abnormalities or release tight muscles; braces and other orthotic devices; wheelchairs and rolling walkers; and communication aids such as computers with attached voice synthesizers.

It is essential that more research be conducted on ways in which to prevent and treat cerebral palsy. As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I led the effort to double funding for the National Institutes of Health, NIH. Funding for the NIH has increased from $11.3 billion in fiscal year 1995 to $29.2 billion in fiscal year 2008. In 2007, the NIH provided $16 million for cerebral palsy research, which is a $4.5 million increase over 2000, when the NIH provided $11.5 million. The Centers for Disease Control and Prevention, CDC, recently conducted a study on the prevalence rates of cerebral palsy across the nation and found the rates to be much higher than originally expected. This report will help the CDC to provide a more comprehensive picture of cerebral palsy and advance efforts to provide better services for these children.

Raising awareness of cerebral palsy is integral in the fight against this debilitating condition. I encourage my colleagues to work with Senator CASEY and me to designate March 25, 2008 as ''National Cerebral Palsy Awareness Day.''

Mr. CASEY. Mr. President, I am proud to submit, along with Senator SPECTER, this resolution declaring March 25 as National Cerebral Palsy Awareness Day. With this resolution, it is my hope that we can increase education and public awareness about cerebral palsy among the general public and the medical community.

Cerebral palsy, commonly referred to as CP, is not one disorder but many. It includes any number of neurological disorders that may appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture. CP is caused by damage to one or more specific areas of the brain, usually occurring during fetal development, or before or during birth or shortly thereafter.

Although most children with CP are born with it, it is often not detected until months or years later. The Centers for Disease Control and Prevention estimate that about 10,000 babies will develop cerebral palsy each year in the United States. According to the March of Dimes, about 2 to 3 children per 1,000 have cerebral palsy.

An estimated 800,000 people in the United States have CP. The average lifetime cost of cerebral palsy is estimated at nearly $1.5 million. This includes expenses associated with additional doctor visits, speech and physical therapy, surgery, prescription drugs, transportation, emergency room visits, residential care, and other needed expenses. Children with cerebral palsy need much more attention than other children do. They have special needs for movement, interaction, and communication and require daily assistance and therapy. Many times, parents do not know where to turn.

Clearly, children and families affected by cerebral palsy need our help, our understanding, and resources for research and treatment. The Centers for Disease Control and Prevention have recently released information showing that the incidence of cerebral palsy is increasing and the rate is now about 1 in 278 children. While we presently have no cure for cerebral palsy, we do have treatments that will do much to improve a child's abilities to live the fullest life possible. Most children with CP have the capacity for intellectual and emotional development, sometimes far beyond what others may expect of them. Life may be more challenging and stressful, but that should not prevent these children from getting all the help and resources we can offer them and their families.

Scientists and researchers are hopeful that we will achieve a breakthrough in treating cerebral palsy. But to do so, we must make this disorder a priority in our research and medical communities.

Every child and adult with cerebral palsy faces unique challenges and their treatment and therapy must be tailored to meet their own unique needs. But they do have one thing in common—they all share an intrinsic value and worth as human beings and children of God, equal to the value and worth of any other human being on this Earth. Many times, individuals with disabilities in one area have great gifts in other areas. With loving attention and care—and with more research into treatments and assistive resources—individuals with cerebral palsy can access their own unique gifts and full potential. Increasing public awareness about CP can help the general public to understand the contributions such individuals have to make to their families, communities and our society at large.

It is my fervent hope that this resolution will help Americans to understand and recognize the importance of assisting our fellow citizens who have cerebral palsy, of providing support for their family members and research dollars for foundations and leading Government agencies.

SENATE RESOLUTION 485—RELATIVE TO THE DEATH OF HOWARD METZENBAUM, FORMER UNITED STATES SENATOR FOR THE STATE OF OHIO

Mr. REID (for himself, Mr. MCCONNELL, Mr. VOINOVICH, Mr. BROWN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution:

S. RES. 485

Whereas Howard Metzenbaum served the people of Ohio with distinction for 8 years in the Ohio State Legislature;

Whereas Howard Metzenbaum served the people of Ohio with distinction for 18 years in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

SENATE RESOLUTION 486—TO CONGRATULATE THE X PRIZE FOUNDATION FOR THEIR EFFORTS TO INSPIRE A NEW GENERATION OF VIABLE, SUPER-EFFICIENT VEHICLES THAT COULD HELP BREAK THE ADDICTION OF THE UNITED STATES TO OIL AND STEM THE EFFECTS OF CLIMATE CHANGE THROUGH THE AUTOMOTIVE X PRIZE COMPETITION

Mr. BINGAMAN (for himself, Mr. LUGAR, Ms. STABENOW, Mr. DOMENICI, Mr. LEVIN, Mr. BROWN, Mr. ENSIGN, Ms. CANTWELL, and Mrs. LINCOLN) submitted the following resolution;

S. RES. 486

Whereas the United States is heavily dependent on foreign sources of oil that are concentrated in tumultuous countries and regions;

Whereas the national security and economic prosperity of the United States demand that the United States moves toward a sustainable energy future;

Whereas the ability of foreign governments to assert great control over oil production allows unfriendly regimes to use energy exports as leverage against the United States and allies of the United States;

Whereas continued reliance on the use of greenhouse gas intensive-fuel may have significant economic and political impacts as the effects of global climate change take hold;

Whereas the transportation sector is heavily dependent on oil, which makes the people of the United States vulnerable to oil price fluctuation and is a major source of greenhouse gas emissions;

Whereas many promising technologies exist that could lead to a breakthrough vehicle that will meet the need for sustainable transportation;

Whereas breakthroughs are often achieved by the free market fueling the entrepreneurial spirit of inventors and investors;

Whereas the Automotive X PRIZE is a private, independent, technology-neutral competition being developed by the X PRIZE Foundation to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change; and

Whereas the Automotive X PRIZE will award a multi-million dollar purse to teams that can design, build, and demonstrate production-capable vehicles that achieve 100 miles per gallon of fuel or an equivalent: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate—

(1) commends the leadership of the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition;

(2) congratulates the X PRIZE Foundation on the innovation and vision of the Foundation to bring together some of the finest minds in government, nongovernment, institutions of higher education, and industry to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the ongoing commitment of the X PRIZE Foundation for encouraging solutions to some of greatest challenges facing humanity, as exemplified in the Automotive X PRIZE.

SENATE RESOLUTION 487—DESIGNATING MARCH 22, 2008, AS NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. CHAMBLISS (for himself and Ms. LANDRIEU) submitted the following resolution:

S. RES. 487

Whereas rehabilitation counselors conduct assessments, provide counseling, support to families, and plan and implement rehabilitation programs for those in need;

Whereas the purpose of the professional organizations in rehabilitation is to promote the improvement of rehabilitation services available to persons with disabilities through quality education and rehabilitation research for counselors;

Whereas the various professional organizations, including the National Rehabilitation Association (NRA), Rehabilitation Counselors and Educators Association (RCEA), the National Council on Rehabilitation Education (NCRE), the National Rehabilitation Counseling Association (NRCA), the American Rehabilitation Counseling Association (ARCA), the Commission on Rehabilitation Counselor Certification (CRCC), the Council of State Administrators of Vocational Rehabilitation (CSAVR), and the Council on Rehabilitation Education (CORE) have stood firm to advocate up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the NCRE, testified before the Subcommittee on Select Education of the House of Representatives, and was instrumental in bringing to the attention of Congress the need for rehabilitation counselors to be qualified; and

Whereas the efforts of Martha Walker led to the enactment of laws that now require rehabilitation counselors to have proper credentials in order to provide a higher level of quality service to those in need: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 22, 2008, as National Rehabilitation Counselors Appreciation Day; and

(2) commends all of the hard work and dedication that rehabilitation counselors provide to individuals in need and the numerous efforts that the multiple professional organizations have made to assisting those who require rehabilitation.

SENATE RESOLUTION 488—DESIGNATING THE WEEK BEGINNING MARCH 16, 2008, AS ''NATIONAL SAFE PLACE WEEK''

Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. LUGAR, Mr. CRAPO, Mr. BAYH, Mr. MCCONNELL, Mrs. BOXER, Mr. BUNNING, Ms. LANDRIEU, Mr. FEINGOLD, Mr. INHOFE, Mr. JOHNSON, Mr. COCHRAN, Mr. DURBIN, and Mr. DODD) submitted the following resolution; which was:

S. RES. 488

Whereas the youths of the United States will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences, such as child abuse, substance abuse, and crime, and youths need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the Nation's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 900 communities in 41 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 youths have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the youths received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 16 through March 22, 2008, as ''National Safe Place Week''; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer involvement in, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 489—DESIGNATING APRIL 2008 AS PUBLIC RADIO RECOGNITION MONTH

Ms. KLOBUCHAR (for herself, Mr. STEVENS, Mr. SPECTER, Mr. CARDIN, and Mr. LEAHY) submitted the following resolution:

S. RES. 489

Whereas the mission of public radio is to create a more informed public—one that is challenged and invigorated by a deeper understanding and appreciation of events, ideas, and cultures;

Whereas the programming and content created and distributed by public radio is based upon three core values—qualities of mind, qualities of heart and qualities of craft—and exemplifies the inherent meaning of localism by placing value and financial investment in local and regional assets to gather and distribute a collection of programming that informs and improves community;

Whereas public radio is known for distinctive, award-winning programming including Morning Edition, All Things Considered, A Prairie Home Companion, Marketplace, Speaking of Faith, and This American Life;

Whereas the United States' more than 800 public radio stations serve every State and every congressional district with news, information, cultural, and music programming that is unique to free radio;

Whereas some 33 million Americans listen each week to public radio programming;

Whereas the public radio audience has doubled in the past 15 years and increased by some 70 percent in the past decade;

Whereas public radio stations are licensed by community foundations, colleges, universities, school boards, libraries, and other local non-profit entities;

Whereas public radio stations are locally licensed, locally staffed, and locally programmed, and tailor their programming to meet the needs of local audiences;

Whereas public radio stations receive, on average, more than 85 percent of their annual funding from local sources;

Whereas public radio's public service also finds expression through a deep, rich music discovery, education and enrichment experience—both for its audience and for performers, singer-songwriters, musicians, lyricists, and composers—which places the highest emphasis on a value partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else;

Whereas public radio has preserved and enhanced the archetypal musical formats of American music history—jazz, classical, folk, blue grass, the blues, Celtic—and regards these formats as the priceless family treasures of public radio's musical foundations;

Whereas public radio is responding to its commitment to community and fact-based journalism with several initiatives including the Local News Initiative, a national effort to increase public radio's service to communities through investments in station capacity to provide in-depth, serious, and balanced news and Public Insight Journalism, a pioneering concept that uses citizens to help cover the news by sharing their observations, knowledge, and expertise;

Whereas public radio has embraced digital broadcasting technology because of its inherently inclusive nature and potential to expand public service programming; and

Whereas public radio exists to serve the public interest: Now, therefore, be it

Resolved, That the month of April 2008 shall be known as Public Radio Recognition Month, during which time all of America's public radio stations shall be celebrated for their contributions to our Nation's communities and enduring civic spirit.

SENATE CONCURRENT RESOLUTION 71—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO MICHAEL ELLIS DEBAKEY, M.D.

Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. VITTER) submitted the following concurrent resolution:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on April 23, 2008, for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4285. Mr. NELSON, of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

SA 4286. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4287. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4288. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4289. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4290. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4291. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4292. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4293. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4294. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4295. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4296. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4297. Mr. HATCH (for himself, Mr. KENNEDY, and Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4298. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4299. Mr. VITTER proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4300. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. KENNEDY, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res . 70, supra.

SA 4301. Mr. SCHUMER (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4302. Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. CORNYN, Mr. BURR, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CHAMBLISS, Mr. THUNE, Mr. ALLARD, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, Mr. CORKER, Mr. VITTER, Mrs. HUTCHISON, Mr. ISAKSON, Mr. ROBERTS, Mr. ENSIGN, Mr. CRAIG, Mr. GRASSLEY, Mr. BENNETT, Mr. VOINOVICH, Mr. WICKER, Mr. CRAPO, Mr. COLEMAN, Mr. INHOFE, Mr. GRAHAM, Mr. BUNNING, Mr. MCCAIN, Mr. SUNUNU, Mr. HATCH, Mr. LIEBERMAN, Mr. BAUCUS, Mr. KOHL, and Mr. SALAZAR) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4303. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4304. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4305. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4306. Mr. GREGG (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4307. Mr. BUNNING (for himself, Mr. NELSON, of Nebraska, and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4308. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4309. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4310. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4311. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4312. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4313. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4314. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4315. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4316. Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. CHAMBLISS, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4317. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4318. Mr. KERRY (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4319. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4320. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4321. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4322. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4323. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4324. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4325. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4326. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4327. Mr. GREGG (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4328. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4329. Mr. NELSON, of Florida (for himself, Mr. LAUTENBERG, Mr. SALAZAR, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4330. Mr. OBAMA (for himself, Mr. BOND, Mr. BROWN, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4331. Mr. BAUCUS (for himself and Ms. SNOWE) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4332. Mr. KERRY (for himself, Ms. STABENOW, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4333. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4334. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4335. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4336. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4337. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4338. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4339. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4340. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4341. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4342. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4343. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4344. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4345. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4346. Ms. SNOWE (for herself, Ms. COLLINS, and Mr. HATCH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4347. Mr. DEMINT (for himself, Mr. MCCAIN, Mrs. MCCASKILL, Mr. COBURN, Mr. KYL, Mr. CORKER, Mr. BURR, Mr. GRAHAM, Mr. OBAMA, Mrs. CLINTON, Mr. CORNYN, Mr. BAYH, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4348. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4349. Mrs. DOLE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4350. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4351. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4352. Mr. CASEY (for himself, Mr. DURBIN, Mr. BROWN, Mr. GRASSLEY, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4353. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4354. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4355. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4356. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4357. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4358. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4359. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4360. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4361. Mrs. CLINTON (for herself, Mr. CASEY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4362. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4363. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4364. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4365. Mr. GRAHAM (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4366. Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4367. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4368. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4369. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4370. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. CARDIN, Mr. OBAMA, Mr. PRYOR, Ms. COLLINS, Mr. DODD, Mr. LEVIN, Mr. KERRY, Mr. CASEY, Mr. KENNEDY, Mr. SANDERS, Mrs. LINCOLN, Mr. HARKIN, Mr. NELSON, of Nebraska, Ms. STABENOW, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4371. Mr. GRAHAM (for himself and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4372. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4373. Mr. REID proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4374. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4375. Mr. SPECTER (for himself and Mr. CASEY) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4376. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4377. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra; which was ordered to lie on the table.

SA 4378. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4379. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4380. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

TEXT OF AMENDMENTS

SA 4285. Mr. NELSON of Florida (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 58, line 24, insert after ''family members'' the following: ''or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation)''.

SA 4286. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 58, line 23, strike ''family members;'' and insert ''family members; or

(4) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

SA 4287. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLEMENTATION OF YELLOW RIBBON REINTEGRATION PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one more bills, joint resolutions, amendments, motions, or conference reports that would provide for the implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2013.

SA 4288. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of Sec. 302, insert the following:

(b) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by up to $1 billion, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4289. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF EXTENSION OF THE $1,000 CHILD TAX CREDIT FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the $1,000 child tax credit amount under section 24 of the Internal Revenue Code of 1986.

SA 4290. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF EXTENSION OF INDIVIDUAL FEDERAL INCOME TAX RATE REDUCTIONS FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the reduction of individual Federal income tax rates under section 1(i) of the Internal Revenue Code of 1986.

SA 4291. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF MARRIAGE PENALTY RELIEF FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of any temporary marriage penalty relief under the Internal Revenue Code of 1986.

SA 4292. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF EXTENSION OF THE ADOPTION TAX CREDIT FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the increased limitation on the adoption tax credit under section 23 of the Internal Revenue Code of 1986.

SA 4293. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF ESTATE TAX RELIEF FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of estate tax relief under the Internal Revenue Code of 1986.

SA 4294. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF EXTENSION OF 10 PERCENT FEDERAL INCOME TAX BRACKET FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the 10 percent Federal income tax bracket under section 1(i) of the Internal Revenue Code of 1986.

SA 4295. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF EXTENSION OF CAPITAL GAINS AND DIVIDEND TAX RATE REDUCTIONS FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of reductions in the capital gains and dividend tax rates under the Internal Revenue Code of 1986.

SA 4296. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF TAX RELIEF FROM POINTS OF ORDER.

Section 201 of this resolution (relating to long-term deficits), sections 201 and 202 of the Concurrent Resolution on the Budget for Fiscal Year 2008, S. Con. Res. 21 (relating to pay-as-you-go in the Senate and reconciliation) and sections 302, 311(a)(2)(B), and 313 of the Congressional Budget Act of 1974 shall not apply to any bill, joint resolution, amendment, motion, or conference report that would provide for the extension of the tax relief provided in the Economic Growth and Tax Relief Reconciliation Act of 2001, the Jobs and Growth Tax Relief Reconciliation Act of 2003, sections 101 and 102 of the Tax Increase Prevention and Reconciliation Act of 2005, and the Tax Increase Prevention Act of 2007.

SA 4297. Mr. HATCH (for himself, Mr. KENNEDY), and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR TRAUMATIC BRAIN INJURY.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide at least $9,000,000 for fiscal year 2009 to funds traumatic brain injury programs under sections 393A, 393B, 1252, and 1253 of the Public Health Service Act, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4298. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 50, between lines 9 and 10, insert the following:

SEC. _____. SENSE OF THE SENATE AGAINST LEGISLATION THAT RAISES INCOME TAX RATES FOR SMALL BUSINESSES, FAMILY FARMS, OR FAMILY RANCHES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that it should not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase on incomes generated by small businesses (within the meaning of section 474(c) of the Internal Revenue Code of 1986) or family farms or family ranches (within the meaning of section 2032A of such Code) (regardless of the manner by which such businesses, farms and ranches are organized).

(b) FEDERAL INCOME TAX RATE INCREASE.—For purposes of subsection (a), the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

SA 4299. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING THE NEED FOR COMPREHENSIVE LEGISLATION TO LEGALIZE THE IMPORTATION OF PRESCRIPTION DRUGS FROM HIGHLY INDUSTRIALIZED COUNTRIES WITH SAFE PHARMACEUTICAL INFRASTRUCTURES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is the world's largest market for pharmaceuticals, yet consumers still pay the world's highest prices.

(2) In 2000, Congress took action to legalize the importation of prescription drugs from other countries by United States wholesalers and pharmacists, and before such a program can go into effect, the Secretary of Health and Human Services (HHS) must certify that the program would have no adverse impact on safety and that it would reduce costs for American consumers.

(3) Since 2000, no Secretary of HHS has made the certification required to permit the implementation of a program for importation of prescription drugs.

(4) In July 2006, the Senate approved by a vote of 68–32 an amendment to the Department of Homeland Security Appropriations Act, 2007, that prohibits Customs and Border Protection from preventing individuals not in the business of importing prescription drugs from carrying them across the border with Canada.

(5) In July 2007, the Senate adopted language similar to the 2007 amendment in the Department of Homeland Security Appropriations Act, 2008.

(6) In October 2007, the Senate adopted language in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, that prohibits anti-reimportation activities within HHS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe;

(2) such legislation should be given an up or down vote on the floor of the Senate; and

(3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

SA 4300. Mrs. CLINTON (for herself, Mr. SCHUMER, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

If the Chairman of the Senate Committee on Health, Education, Labor, and Pensions reports out legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, and if the Committee on Health, Education, Labor, and Pensions makes a finding that previously spent World Trade Center Health Program funds were used to provide screening, monitoring and treatment services, and directly related program support, the Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4301. Mr. SCHUMER (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR RECAPTURING EXCESS PROFITS AND INVESTING IN ROADS (REPAIR).

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would create a special temporary levy on the excess profits of United States oil companies (and foreign companies that do substantial business in the United States), in order to supplement the Highway Trust Fund and raise additional funds for infrastructure investment, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4302. Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. CORNYN, Mr. BURR, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CHAMBLISS, Mr. THUNE, Mr. ALLARD, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, Mr. CORKER, Mr. VITTER, Mrs. HUTCHISON, Mr. ISAKSON, Mr. ROBERTS, Mr. ENSIGN, Mr. CRAIG, Mr. GRASSLEY, Mr. BENNETT, Mr. VOINOVICH, Mr. WICKER, Mr. CRAPO, Mr. COLEMAN, Mr. INHOFE, Mr. GRAHAM, Mr. BUNNING, Mr. MCCAIN, Mr. SUNUNU, Mr. HATCH, Mr. LIEBERMAN, Mr. BAUCUS, Mr. KOHL, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) promotes choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes;

(2) strengthens health care quality by promoting wellness and empowering consumers with accurate and comprehensive information on quality and cost;

(3) protects Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability; and

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4303. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE MEDICAL LIABILITY REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) addresses the national crisis facing patients who are losing access to quality health care due to skyrocketing insurance premiums driven by frivolous lawsuits;

(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;

(3) protects the ability of injured patients to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;

(4) promotes the reduction of frivolous lawsuits and allows doctors to practice medicine in a manner that is patient-focused and not lawsuit-driven; and

(5) maintains State flexibility;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4304. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHY MOTHERS AND HEALTHY BABIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) addresses the national crisis facing women and children who are losing access to quality pre-natal and maternal care due to skyrocketing insurance premiums driven by frivolous lawsuits;

(2) encourages the national adoption of proven standards to make the medical liability system more fair, predictable, and timely;

(3) protects the ability of injured families to get quick, unlimited compensation for their economic losses while setting reasonable limits for pain, suffering, and non-compensatory damages;

(4) allows doctors to practice medicine in a manner that is family-focused and not lawsuit-driven; and

(5) maintains State flexibility;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4305. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, increase the amount by $268,000,000.

On page 3, line 12, decrease the amount by $1,538,000,000.
On page 3, line 13, decrease the amount by $17,673,000,000.
On page 3, line 14, decrease the amount by $20,049,000,000.
On page 3, line 15, decrease the amount by $40,873,000,000.
On page 3, line 20., increase the amount by $268,000,000.
On page 3, line 21, decrease the amount by $1,538,000,000.
On page 3, line 22, decrease the amount by $17,673,000,000.
On page 3, line 23, decrease the amount by $20,049,000,000.
On page 3, line 24, decrease the amount by $40,873,000,000.
On page 4, line 5, decrease the amount by $3,404,000.
On page 4, line 6, increase the amount by $23,386,000.
On page 4, line 7, increase the amount by $489,542,000.
On page 4, line 8, increase the amount by $1,435,229,000.
On page 4, line 9, increase the amount by $2,997,020,000.
On page 4, line 14, decrease the amount by $3,404,000.
On page 4, line 15, increase the amount by $23,386,000.
On page 4, line 16, increase the amount by $489,542,000.
On page 4, line 17, increase the amount by $1,435,229,000.
On page 4, line 18, increase the amount by $2,997,020,000.
On page 4, line 23, decrease the amount by $271,404,000.
On page 4, line 24, increase the amount by $1,561,386,000.
On page 4, line 25, increase the amount by $18,162,542,000.
On page 5, line 1, increase the amount by $21,484,229,000.
On page 5, line 2, increase the amount by $43,870,020,000.
On page 5, line 8, decrease the amount by $271,404,000.
On page 5, line 9, increase the amount by $1,289,983,000.
On page 5, line 10, increase the amount by $19,452,525,000.
On page 5, line 11, increase the amount by $40,936,754,000.
On page 5, line 12, increase the amount by $84,806,774,000.
On page 5, line 16, decrease the amount by $271,404,000.
On page 5, line 17, increase the amount by $1,289,983,000.
On page 5, line 18, increase the amount by $19,452,525,000.
On page 5, line 19, increase the amount by $40,936,754,000.
On page 5, line 20, increase the amount by $84,806,774,000.
On page 26, line 16, decrease the amount by $3,404,000.
On page 26, line 17, decrease the amount by $3,404,000.
On page 26, line 20, increase the amount by $23,386,000.
On page 26, line 21, increase the amount by $23,386,000.
On page 26, line 24, increase the amount by $489,542,000.
On page 26, line 25, increase the amount by $489,542,000.
On page 27, line 3, increase the amount by $1,435,229,000.
On page 27, line 4, increase the amount by $1,435,229,000.
On page 27, line 7, increase the amount by $2,997,020,000.
On page 27, line 8, increase the amount by $2,997,020,000.

SA 4306. Mr. GREGG (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY AND VISAS FOR HIGHLY SKILLED WORKERS AND NURSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide up to $750,000,000 for improvements to border security, including the construction of fencing along the international border between the United States and Mexico;

(2) provide for the recapture and use of visas that could have been issued to nonimmigrants described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) in prior fiscal years;

(3) provide for the recapture and use of immigrant visas that could have been issued to employment-based immigrants described in section 203(b) of such Act (8 U.S.C. 1153(b)) in prior fiscal years;

(4) provide for the retention of an alien who—

(A) is employed in the United States; and

(B) is seeking an employment-based immigrant visa pursuant to such section 203(b);

(5) establish new fees for the issuance of such recaptured nonimmigrant visas pursuant to such section 101(a)(15)(H)(i)(b) and of such recaptured immigrant visas pursuant to such section 203(b) that would result in the collection of an additional $750,000,000 of such fees; and

(6) establish reasonable, additional enforcement measures relating to the use of visas for nonimmigrants described in such section 101(a)(5)(H)(i)(B);

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4307. Mr. BUNNING (for himself, Mr. NELSON of Nebraska, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Res. Con. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by $113,000,000.
On page 3, line 14, decrease the amount by $386,000,000.
On page 3, line 15, decrease the amount by $414,000,000.
On page 3, line 22, decrease the amount by $113,000,000.
On page 3, line 23, decrease the amount by $386,000,000.
On page 3, line 24, decrease the amount by $414,000,000.
On page 4, line 7, decrease the amount by $113,000,000.
On page 4, line 8, decrease the amount by $386,000,000.
On page 4, line 9, decrease the amount by $414,000,000.
On page 4, line 16, decrease the amount by $113,000,000.
On page 4, line 17, decrease the amount by $386,000,000.
On page 4, line 18, decrease the amount by $414,000,000.
On page 27, line 24, decrease the amount by $113,000,000.
On page 27, line 25, decrease the amount by $113,000,000.
On page 28, line 3, decrease the amount by $386,000,000.
On page 28, line 4, decrease the amount by $386,000,000.
On page 28, line 7, decrease the amount by $414,000,000.
On page 28, line 8, decrease the amount by $414,000,000.

SA 4308. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 12, reduce the amount by $4,900,000.
On page 10, line 13, reduce the amount by $4,900,000.
On page 24, line 16, increase the amount by $4,900,000.
On page 24, line 17, increase the amount by $4,900,000.

SA 4309. Mr. VITTER (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT FUNDING FOR SANCTUARY CITIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would ensure that funds appropriated for the Community Oriented Policing Services Program are not used in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)), provided that such legislation would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

SA 4310. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of Title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR PATRIOT EMPLOYERS TAX CUT.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would enable a reduction in the corporate tax rate for entities designated as Patriot Employers because they invest in American jobs for American workers, pay each employee wages sufficient to support a family, remain neutral in employee organizing drives, prepare workers for retirement with defined benefit or adequate defined contribution plans, provide health insurance, and pay the difference between regular salary and military salary for all National Guard and Reserve employees who are called for active duty, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4311. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 18, line 16, increase the amount by $300,000,000.

On page 18, line 17, increase the amount by $15,000,000.

On page 18, line 21, increase the amount by $135,000,000.

On page 18, line 25, increase the amount by $105,000,000.

On page 19, line 4, increase the amount by $45,000,000.

On page 27, line 16, decrease the amount by $300,000,000.

On page 27, line 17, decrease the amount by $15,000,000.

On page 27, line 21 decrease the amount by $135,000,000.

On page 27, line 25, decrease the amount by $105,000,000.

On page 28, line 4, decrease the amount by $45,000,000.

SA 4312. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ___. REQUIREMENT THAT LEGISLATION BE AVAILABLE AND SCORED 7 DAYS BEFORE CONSIDERATION.

(a) IN GENERAL.—It shall not be in order to consider a bill or resolution unless the text and Congressional Budget Office budget score of the legislation are available on a subsidy accessible congressional website 7 days before such consideration.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4313. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ___. INCREASING THE NUMBER OF SENATORS NECESSARY TO WAIVE PAYGO POINT OF ORDER FROM 60 TO 100.

Section 201(b) of S. Con. Res. 21 (110th Congress) is amended by striking ''three-fifths'' both places it appears and inserting ''all''.

SA 4314. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ___. SENATE POINT OF ORDER AGAINST RECONCILIATION LEGISLATION THAT FAILS TO CONTROL GOVERNMENT SPENDING.

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in gross outlays for any account if taking into consideration the effect of the bill, the Congressional Budget Office estimates that the total amount of mandatory outlays in each year over the period of the reconciliation bill will exceed the 30-year average, as a percentage of the United States Gross Domestic Product in any year over the period of the reconciliation bill,

(b) WAIVER.—Subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(c) DETERMINATION.—For purposes of this section, the level of mandatory outlays and United States Gross Domestic Product shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

SA 4315. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STOP GROWING THE DEBT.

(a) STOP GROWING THE DEBT.—The concurrent resolution on the budget for the budget year shall include spending and revenue levels that result in the gross debt for the budget year and any subsequent fiscal year covered by those projections that is less than its historical thirty-year average, as a percentage of the United States Gross Domestic Product and shall include such provisions as are necessary to protect Social Security and facilitate debt reduction.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget or any conference report thereon that fails to project the gross debt to be less than its historical 30-year average, as a percentage of the United States Gross Domestic Product.

(c) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(d) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(e) BUDGET YEAR.—In this section, the term ''budget year'' shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 4316. Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. CHAMBLISS, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which

was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. RESERVE FUND FOR SUNSET COMMISSION LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion or conference report that—

(1) provides for a bipartisan sunset commission that will review Federal programs, focusing on unauthorized and low-performing programs;

(2) provides for a process that will help abolish obsolete and duplicative Federal programs; and

(3) provides for improved Government accountability and greater openness in Government decisionmaking;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4317. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR LAW ENFORCEMENT RESOURCES RELATED TO UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provides for increased Federal, State, and local detention and prosecution of undocumented criminal aliens who are apprehended in the United States;

(2) provides for technology upgrades and new systems needed for effective 2-way secure communication between State and local law enforcement agencies and Federal law enforcement agencies that handle immigration matters;

(3) creates real-time information sharing between Federal, State, and local governments and law enforcement agencies who detect, apprehend, and remove undocumented criminal aliens, alien absconders, and visa overstays from the United States;

(4) strengthens cooperation between Federal, State, and local law enforcement entities through enforcement initiatives that train, equip, and support border law enforcement officers and that fund costs associated with such activities at every level; and

(5) increases border-region personnel, including Federal prosecutors and judges, who handle criminal alien immigration cases and assist in the prosecution and removal of such aliens from the United States;

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4318. Mr. KERRY (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 15, line 13, increase the amount by $21,000,000.

On page 15, line 14, increase the amount by $16,000,000.

On page 15, line 18, increase the amount by $3,000,000.

On page 15, line 22, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $21,000,000.

On page 27, line 17, decrease the amount by $16,000,000.

On page 27, line 21, decrease the amount by $3,000,000.

On page 27, line 25, decrease the amount by $1,000,000.

SA 4319. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by $3,000,000.

On page 3, line 12, decrease the amount by $2,000,000.

On page 3, line 13, decrease the amount by $2,000,000.

On page 3, line 20, decrease the amount by $3,000,000.

On page 3, line 21, decrease the amount by $2,000,000.

On page 3, line 22, decrease the amount by $2,000,000.

On page 4, line 5, increase the amount by $17,000,000.

On page 4, line 6, increase the amount by $16,000,000.

On page 4, line 7, increase the amount by $9,000,000.

On page 4, line 8, increase the amount by $3,000,000.

On page 4, line 9, increase the amount by $3,000,000.

On page 4, line 14, increase the amount by $17,000,000.

On page 4, line 15, increase the amount by $16,000,000.

On page 4, line 16, increase the amount by $9,000,000.

On page 4, line 17, increase the amount by $3,000,000.

On page 4, line 18, increase the amount by $3,000,000.

On page 4, line 23, increase the amount by $20,000,000.

On page 4, line 24, increase the amount by $18,000,000.

On page 4, line 25, increase the amount by $11,000,000.

On page 5, line 1, increase the amount by $3,000,000.

On page 5, line 2, increase the amount by $3,000,000.

On page 5, line 8, increase the amount by $20,000,000.

On page 5, line 9, increase the amount by $38,000,000.

On page 5, line 10, increase the amount by $49,000,000.

On page 5, line 11, increase the amount by $52,000,000.

On page 5, line 12, increase the amount by $55,000,000.

On page 5, line 16, increase the amount by $20,000,000.

On page 5, line 17, increase the amount by $38,000,000.

On page 5, line 18, increase the amount by $49,000,000

On page 5, line 19, increase the amount by $52,000,000.

On page 5, line 20, increase the amount by $55,000,000.

On page 21, line 16, increase the amount by $17,000,000.

On page 21, line 17, increase the amount by $17,000,000.

On page 21, line 20, increase the amount by $16,000,000

On page 21, line 21, increase the amount by $16,000,000.

On page 21, line 24, increase the amount by $9,000,000.

On page 21, line 25, increase the amount by $9,000,000.

On page 22, line 3, increase the amount by $3,000,000.

On page 22, line 4, increase the amount by $3,000,000.

On page 22, line 7, increase the amount by $3,000,000.

On page 22, line 8, increase the amount by $3,000,000.

SA 4320. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFENDERS OF FREEDOM TAX RELIEF FUND.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would extend for 5 years the election to treat combat pay excluded from gross income as earned income under the earned income tax credit under section 32 of the Internal Revenue Code of 1986, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4321. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 32, between lines 3 and 4, insert the following:

(3) INAPPLICABILITY DURING DECLARATION OF WAR BY CONGRESS.—This subsection shall not apply if a declaration of war by Congress is in effect.

On page 32, strike lines 10 through 12 and insert the following:

(2) for fiscal year 2009, for the defense category, $537,669,000,000 in new budget authority, for the non-defense category, $470,813,000,000 in new budget authority, and $1,108,449,000,000 in outlays for the defense and non-defense categories combined;

SA 4322. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 30, after line 23, insert the following:

SEC. 202. DYNAMIC SCOREKEEPING.

(a) ESTIMATES OF THE CONGRESSIONAL BUDGET OFFICE.—In addition to any other estimates it may prepare of any proposed change in Federal revenue law, a fiscal estimate shall be prepared by the Congressional Budget Office of each such proposed change on the basis of assumptions that estimate the probable behavioral responses of personal and business taxpayers and other relevant entities to that proposed change and the dynamic macroeconomic feedback effects of that proposed change. The preceding sentence shall apply only to a proposed change that the Congressional Budget Office determines, pursuant to a static fiscal estimate, has a fiscal impact in excess of $250,000,000 in any fiscal year.

(b) DISCLOSURE OF ASSUMPTIONS.—Any report to Congress or the public made by the Congressional Budget Office that contains an estimate made under this Act of the effect that any legislation will have on revenues shall be accompanied by—

(1) a written statement fully disclosing the economic, technical, and behavioral assumptions that were made in producing that estimate, and

(2) the static fiscal estimate made with respect to the same legislation and a written statement of the economic, technical, and behavioral assumptions that were made in producing that estimate.

(c) CONTRACTING AUTHORITY.—In performing the tasks specified in this section, the Congressional Budget Office may, subject to the availability of appropriations, enter into contracts with universities or other private or public organizations to perform such estimations or to develop protocols and models for making such estimates.

SA 4323. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 25, line 16, increase the amount by $229,000,000.

On page 25, line 17, increase the amount by $229,000,000.

On page 27, line 16, decrease the amount by $229,000,000.

On page 27, line 17, decrease the amount by $229,000,000.

SA 4324. Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, insert the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO ENCOURAGE STATES TO VERIFY THE LEGAL STATUS OF ALL DRIVER'S LICENSE APPLICANTS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports by the amounts provided in such legislation for the purposes described in paragraphs (1) through (3) if the legislation—

(1) encourages States to verify the legal status of all driver's license applicants;

(2) instructs the Secretary of Transportation to withhold 10 percent of the amount apportioned for highway construction and maintenance under section 104(b) of title 23, United States Code, from States that do not verify the legal status of all driver's license applicants; and

(3) redistributes funds withheld from States under paragraph (2) to States that verify the legal status of all driver's license applicants, in the same ratio as the original apportionments under section 104(b) of title 23, United States Code.

(b) LIMITATION.—Revisions under subsection (a) may not be made unless the legislation described in subsection (a) would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

SA 4325. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO ENSURE THE RIGHT OF SECRET BALLOTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, that ensure that every election conducted by the National Labor Relations Board is a secret-ballot election designed to protect the democratic rights of every employee, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4326. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL THAT DOES NOT FULLY FUND COMPLETION OF THE SOUTHERN BORDER FENCE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between the Houses, motion, or conference report that provides appropriations for the Department of Homeland Security that does not fully fund the completion of the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4327. Mr. GREGG (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY AND VISAS FOR HIGHLY SKILLED WORKERS AND NURSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide $750,000,000 for improvements to border security, including the construction of fencing along the international border between the United States and Mexico;

(2) provide for the recapture and use of visas that could have been issued to nonimmigrants described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) in prior fiscal years;

(3) provide for the recapture and use of immigrant visas that could have been issued to employment-based immigrants described in section 203(b) of such Act (8 U.S.C. 1153(b)) in prior fiscal years;

(4) provide for the retention of an alien who—

(A) is employed in the United States; and

(B) is seeking an employment-based immigrant visa pursuant to such section 203(b);

(5) establish new fees for the issuance of such recaptured nonimmigrant visas pursuant to such section 101(a)(15)(H)(i)(b) and of such recaptured immigrant visas pursuant to such section 203(b) that would result in the

collection of an additional $750,000,000 of such fees; and

(6) establish reasonable, additional enforcement measures relating to the use of visas for nonimmigrants described in such section 101(a)(5)(H)(i)(B);

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4328. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. RESERVE FUND FOR SOCIAL SECURITY REFORM.

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.) by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are to be used only to finance expenditures to provide retirement income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1952;

(3) providing participants with the benefits of savings and investment while permitting the pre-funding of at least some portion of future benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds;

the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by such legislation, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4329. Mr. NELSON of Florida (for himself, Mr. LAUTENBERG, Mr. SALAZAR, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects; and

(4) the development of oil and natural gas resources beneath the outer Continental Shelf in areas not covered by a Presidential or Congressional moratorium.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4330. Mr. OBAMA (for himself, Mr. BOND, Mr. BROWN, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 9, line 13, increase the amount by $5,000,000.

On page 9, line 14, increase the amount by $4,000,000.

On page 9, line 18, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $5,000,000.

On page 27, line 17, decrease the amount by $4,000,000.

On page 27, line 21, decrease the amount by $1,000,000.

SA 4331. Mr. BAUCUS (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of the Title III, insert the following:

SEC. ___ DEFICIT-NEUTRAL RESERVE FUND TO BAN MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PLAN SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries, free meals and inducements at sales events, cross-selling of non-health products, and up-selling of Medicare insurance products without prior consent of beneficiaries, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4332. Mr. KERRY (for himself, Ms. STABENOW, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 64, line 1, insert ", including incentives or other supports for the adoption of electronic prescribing technology," after "technology".

SA 4333. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America's children

and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

SA 4334. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 18, line 16, increase the amount by $184,000,000.

On page 18, line 17, increase the amount by $91,000,000.

On page 18, line 21, increase the amount by $86,000,000.

On page 18, line 25, increase the amount by $5,400,000.

On page 19, line 4, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $184,000,000.

On page 27, line 17, decrease the amount by $91,000,000.

On page 27, line 21, decrease the amount by $86,000,000.

On page 27, line 25, decrease the amount by $5,400,000.

On page 28, line 4, decrease the amount by $1,000,000.

SA 4335. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 24, line 16, increase the amount by $50,000,000.

On page 24, line 17, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

SA 4336. Mr. ENSIGN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO ENSURE THE RIGHT OF SECRET BALLOTS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4337. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND FOR ELIMINATING THE PERMANENT TARIFF AND TEMPORARY DUTY ON ETHANOL.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that provides for the elimination of the permanent tariff on ethanol and the temporary duty on ethanol without increasing taxes.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4338. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND FOR SARBANES-OXLEY REFORM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would make voluntary section 404(a) of the Sarbanes-Oxley Act of 2002 and the rules issued thereunder for smaller public companies.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4339. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING AN ABOVE THE LINE FEDERAL INCOME TAX DEDUCTION FOR INDIVIDUALS PURCHASING HEALTH INSURANCE OUTSIDE THE WORKPLACE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide an above the line Federal income tax deduction under section 62 of the Internal Revenue Code of 1986 for individuals who do not receive health insurance through an employer and who purchase such insurance on the private market, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4340. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S.

Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of the resolution, insert the following:

SEC. ___. LIMITATIONS ON LEGISLATION THAT WOULD INCREASE NATIONAL AVERAGE FUEL PRICES FOR AUTOMOBILES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average fuel price for automobiles, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average fuel price for automobiles.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

SA 4341. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND FOR YUCCA MOUNTAIN NUCLEAR REPOSITORY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would open the Yucca Mountain Nuclear Repository and provide for the expanded use of clean, non-carbon emitting nuclear energy in the United States.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4342. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE PREVENTION OF GOVERNMENT SHUTDOWNS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would establish a process for continuing appropriations to prevent Government shutdowns in any fiscal year in which an appropriations Act is not timely enacted, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4343. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. DEFICIT REDUCTION PROTECTION POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations bill that does not include the following provision:

''SEC. ___. For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt $_____.''.

(b) ENFORCEMENT.—For purposes of enforcing allocations pursuant to section 302(b) of the Congressional Budget Act of 1974, any amendment that transfers budget authority (and the outlays flowing therefrom) into the debt reduction account provided by subsection (a) shall be scored so that the budget authority continues to count towards the section 302(b) allocation (with the outlays scored at the same level as scored in the original account).

(c) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 4344. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM WITHIN THE UNITED NATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for reform within the United Nations, including increased accountability in United Nations accounting, to include an external audit of United Nations finances and the requirement of an annual financial report, streamlining of the United Nations bureaucracy, term limits for Secretaries General of the United Nations, and increased contributions to the budget of the United Nations by other leading member states by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4345. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote flexibility in existing Federal education programs, restore State and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4346. Ms. SNOWE (for herself, Ms. COLLINS, and Mr. HATCH) submitted an amendment intended to be proposed by

her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR AN ABOVE-THE-LINE FEDERAL INCOME TAX DEDUCTION FOR THE PURCHASE OF HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for an above-the-line Federal income tax deduction for the purchase of health insurance by individuals ineligible for employer-provided coverage, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4347. Mr. DEMINT (for himself, Mr. MCCAIN, Mrs. MCCASKILL, Mr. COBURN, Mr. KYL, Mr. CORKER, Mr. BURR, Mr. GRAHAM, Mr. OBAMA, Mrs. CLINTON, Mr. CORNYN, Mr. BAYH, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FISCAL YEAR 2009 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEAR 2009.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal year 2009.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 4348. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $3,692,000,000.

On page 3, line 11, decrease the amount by $10,346,000,000.

On page 3, line 12, decrease the amount by $8,659,000,000.

On page 3, line 13, decrease the amount by $2,396,000,000.

On page 3, line 14, decrease the amount by $1,855,000,000.

On page 3, line 15, decrease the amount by $1,696,000,000.

On page 3, line 19, decrease the amount by $3,692,000,000.

On page 3, line 20, decrease the amount by $10,346,000,000.

On page 3, line 21, decrease the amount by $8,659,000,000.

On page 3, line 22, decrease the amount by $2,396,000,000.

On page 3, line 23, decrease the amount by $1,855,000,000.

On page 3, line 24, decrease the amount by $1,696,000,000.

On page 4, line 4, increase the amount by $28,000,000.

On page 4, line 5, increase the amount by $223,000,000.

On page 4, line 6, increase the amount by $675,000,000.

On page 4, line 7, increase the amount by $1,068,000,000.

On page 4, line 8, increase the amount by $1,277,000,000.

On page 4, line 9, increase the amount by $1,446,000,000.

On page 4, line 13, increase the amount by $28,000,000.

On page 4, line 14, increase the amount by $223,000,000.

On page 4, line 15, increase the amount by $675,000,000.

On page 4, line 16, increase the amount by $1,068,000,000.

On page 4, line 17, increase the amount by $1,277,000,000.

On page 4, line 18, increase the amount by $1,446,000,000.

On page 4, line 22, increase the amount by $3,720,000,000.

On page 4, line 23, increase the amount by $10,569,000,000.

On page 4, line 24, increase the amount by $9,334,000,000.

On page 4, line 25, increase the amount by $3,464,000,000.

On page 5, line 1, increase the amount by $3,132,000,000.

On page 5, line 2, increase the amount by $3,142,000,000.

On page 5, line 7, increase the amount by $3,720,000,000.

On page 5, line 8, increase the amount by $14,289,000,000.

On page 5, line 9, increase the amount by $23,623,000,000.

On page 5, line 10, increase the amount by $27,087,000,000.

On page 5, line 11, increase the amount by $30,218,000,000.

On page 5, line 12, increase the amount by $33,360,000,000.

On page 5, line 15, increase the amount by $3,720,000,000.

On page 5, line 16, increase the amount by $14,289,000,000.

On page 5, line 17, increase the amount by $23,623,000,000.

On page 5, line 18, increase the amount by $27,087,000,000.

On page 5, line 19, increase the amount by $30,218,000,000.

On page 5, line 20, increase the amount by $33,360,000,000.

On page 26, line 12, increase the amount by $28,000,000.

On page 26, line 13, increase the amount by $28,000,000.

On page 26, line 16, increase the amount by $223,000,000.

On page 26, line 17, increase the amount by $223,000,000.

On page 26, line 20, increase the amount by $675,000,000.

On page 26, line 21, increase the amount by $675,000,000.

On page 26, line 24, increase the amount by $1,068,000,000.

On page 26, line 25, increase the amount by $1,068,000,000.

On page 27, line 3, increase the amount by $1,277,000,000.

On page 27, line 4, increase the amount by $1,277,000,000.

On page 27, line 7, increase the amount by $1,446,000,000.

On page 27, line 8, increase the amount by $1,446,000,000.

SA 4349. Mrs. DOLE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 17, line 14, increase the amount by $30,000,000.

On page 17, line 15, increase the amount by $2,700,000.

On page 17, line 18, increase the amount by $30,000,000.

On page 17, line 19, increase the amount by $11,400,000.

On page 17, line 22, increase the amount by $30,000,000.

On page 17, line 23, increase the amount by $18,900,000.

On page 18, line 2, increase the amount by $30,000,000.

On page 18, line 3, increase the amount by $22,800,000.

On page 18, line 6, increase the amount by $30,000,000.

On page 18, line 7, increase the amount by $25,800,000.

On page 27, line 16, decrease the amount by $30,000,000.

On page 27, line 17, decrease the amount by $2,700,000.

On page 27, line 20, decrease the amount by $30,000,000.

On page 27, line 21, decrease the amount by $11,400,000.

On page 27, line 24, decrease the amount by $30,000,000.

On page 27, line 25, decrease the amount by $18,900,000.

On page 28, line 3, decrease the amount by $30,000,000.

On page 28, line 4, decrease the amount by $22,800,000.

On page 28, line 7, decrease the amount by $30,000,000.

On page 28, line 8, decrease the amount by $25,800,000.

SA 4350. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 18 line 16, increase the amount by $1,000,000.

On page 18, line 17, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $1,000,000.

On page 27, line 17, decrease the amount by $1,000,000.

SA 4351. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 10, line 12, increase the amount by $10,000,000.

On page 10, line 13, increase the amount by $10,000,000.

On page 27, line 16, decrease the amount by $10,000,000.

On page 27, line 17, decrease the amount by $10,000,000.

SA 4352. Mr. CASEY (for himself, Mr. DURBIN, Mr. BROWN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4353. Mrs. BOXER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON FUNDING OF FAMILY ADVOCACY PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the 2007 American Psychological Association Presidential Task Force on Military Deployment Services for Youth, Families and Service Members—

(A) Members of the United States Armed Forces and their families face challenges and stressful conditions that are unprecedented in recent history, including unrelenting operational demands and recurring deployments in combat zones;

(B) having a primary caretaker deployed to a war zone for an indeterminate period is among the more stressful events a child can experience; and

(C) hardships for military families may include marital problems, financial difficulties, destabilization of family relationships, potential infidelity, mental health issues, academic problems for their children, and substandard communications conditions during deployment.

(2) A study sponsored by the Army and published in the August 2007 Journal of the American Medical Association reports—

(A) that ''[a]mong families of enlisted soldiers in the US Army with substantiated reports of child maltreatment, rates of maltreatment are greater when the soldiers are on combat-related deployments. Enhanced support services may be needed for military families during periods of increased stress''; and

(B) that ''among Army families of enlisted soldiers with at least 1 substantiated report of child maltreatment who experienced deployments, the rate of child maltreatment was 42% greater during deployments compared with times when soldiers were not deployed''.

(3) Increased numbers of members of the Armed Forces and their families are making use of nonmedical counseling services provided by the Family Advocacy Program of the Department of Defense.

(4) Programs such as the Family Advocacy Program directly affect military retention and are essential to the health and welfare of the members of the Armed Forces, their families, and the communities in which they live.

(b) SENSE OF SENATE.—It is the sense of the Senate that the funding levels in this resolution for fiscal year 2009 for national defense (050) assume that not less than $401,000,000 should be made available for the Family Advocacy Program of the Department of Defense.

SA 4354. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 50 after line 9 insert the following:

SEC. ___. BUDGET SCOPE OF CONFERENCE POINT OF ORDER.

(a) POINT OF ORDER.—It is not in order for the Senate to consider a bill reported pursuant to reconciliation directives in the most recently agreed to budget resolution (or a conference report on that measure) if the Senate did not originally commit reconciliation directives to the conferees on the budget resolution.

(b) WAIVER.—Any Senator may move to waive the point of order by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on the point of order raised under this section.

SA 4355. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States

Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. _____. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) INTRODUCTION.—

(1) BILL.—The Committee on Appropriations may report a bill implementing the rescissions proposed in a special message transmitted by the President under part B of title X of the Impoundment Control Act of 1974 to be considered under the procedures provided in this section.

(2) MEMBER INTRODUCED.—If the President transmits a special message under part B of title X of the Impoundment Control Act of 1974 and the Committee on Appropriations fails to report a bill under paragraph (1) not later than 5 session days after the message is transmitted, any Member may introduce a bill implementing the rescissions proposed in that special message which shall be considered under the procedures provided in this section.

(3) LIMITATION.—Not more than 4 bills may be considered under this section in any calendar year.

(4) RESUBMITTAL REJECTED.—If Congress rejects a bill introduced under this section or if an item is stricken under subsection (d)(2), that item or any of the dollar amounts of discretionary budget authority may not be reconsidered under this section.

(5) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—

(A) IN GENERAL.—Upon the reporting or introduction of any bill under this subsection, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from the proposed rescissions in such bill.

(B) METHODOLOGY.—The estimates required by subparagraph (A) shall be made relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmitted to the chairmen of the Committees on the Budget of the House of Representatives and Senate.

(6) ENACTMENT OF RESCISSION BILL.—

(A) DEFICIT REDUCTION.—Amounts of budget authority that are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

(B) ADJUSTMENT OF BUDGET TARGETS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise spending and revenue levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 or any other adjustments as may be appropriate to reflect the rescission. The appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974. Notwithstanding any other provision of law, the revised allocations and aggregates shall be considered to have been made under a concurrent resolution on the budget agreed to under the Congressional Budget Act of 1974 and shall be enforced under the procedures of that Act.

(b) PROCEDURES FOR EXPEDITED CONSIDERATION.—

(1) IN GENERAL.—A vote on final passage of the bill introduced or reported under subsection (a) shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

(C) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

(3) CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. A motion to proceed to consideration of the bill may be made even though a previous motion to the same effect has been disagreed to. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed a total of 10 hours, equally divided and controlled in the usual form.

(C) DEBATABLE MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour from the time allotted for debate, to be equally divided and controlled in the usual form.

(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

(F) CONSIDERATION OF THE HOUSE BILL.—

(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate shall consider, and the vote under paragraph (1)(C) shall occur on, the House companion bill.

(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, the Senate bill shall be held pending receipt of the House message on the bill. Upon receipt of the House companion bill, the House bill shall be deemed to be considered, read for the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

(4) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a bill is agreed to in the Senate or House of Representatives, the bill has been amended, the bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees not later than 1 day of session after the vote of the second House under paragraph (1)(C). Debate on any debatable motion in relation to the conference report shall be limited to 1 hour to be equally divided between and controlled by the mover and manager of a bill, or their designees.

(B) PERIOD OF CONSIDERATION.—A conference report on a bill considered under this section shall be reported out not later than 3 days of session after the vote of the second House under paragraph (1)(C). If the 2 Houses are unable to agree in conference, the committee on conference shall report out the text of the President's original bill.

(C) SCOPE OF CONFERENCE.—The matter committed to conference for purposes of scope of conference shall be limited to the matter stricken from the text of the bills passed by the Senate and the House of Representatives.

(D) PROCEDURE.—Debate on a conference report on any bill considered under this section shall be limited to 2 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(E) FINAL PASSAGE.—A vote on final passage of the conference report shall be taken in the Senate and the House of Representatives on or before the close of the 2nd day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(F) ACTION OF SECOND HOUSE.—

(i) IN GENERAL.—If the Senate has received from the House, the conference report in relation to the special message from the President, prior to the vote required under subparagraph (E), then the Senate shall consider, and the vote under subparagraph (E) shall occur on the House conference report.

(ii) PROCEDURE AFTER VOTE ON SENATE CONFERENCE REPORT.—If the Senate votes, pursuant to subparagraph (E), on the conference report in relation to the special message from the President, then immediately following that vote, or upon receipt of the House conference report, the House conference report shall be deemed to be considered, read the third time, and the vote on passage of the Senate conference report shall be considered to be the vote on the conference report received from the House.

(c) AMENDMENTS AND DIVISIONS PROHIBITED.—

(1) IN GENERAL.—Except as provided in paragraph (2), no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives.

(2) MOTION TO STRIKE.—

(A) SENATE.—During consideration of a bill in the Senate, any Member of the Senate may move to strike any proposed rescission of a dollar amount of discretionary budget authority if supported by 11 other Members.

(B) HOUSE.—During consideration of a bill in the House of Representatives, any Member of the House of Representatives may move to strike any proposed rescission of a dollar amount of discretionary budget authority if supported by 49 other Members.

(3) NO DIVISION.—It shall not be in order to demand a division of any motions to strike in the Senate, or the division of the question in the House of Representatives (or in a Committee of the Whole).

(4) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATION LAW.—The term ''appropriation law'' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

(2) CALENDAR DAY.—The term ''calendar day'' means a standard 24-hour period beginning at midnight.

(3) DAYS OF SESSION.—The term ''days of session'' means only those days on which both Houses of Congress are in session.

(4) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—The term ''dollar amount of discretionary budget authority'' means the dollar amount of budget authority and obligation limitations—

(A) specified in an appropriation law, or the dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

(5) RESCIND OR RESCISSION.—The term ''rescind'' or ''rescission'' means to reduce or repeal a provision of law to prevent that budget authority or obligation limitation from having legal force or effect.

(e) EFFECTIVE DATE AND EXPIRATION.—

(1) EFFECTIVE DATE.—This section shall—

(A) take effect on the date of adoption of this resolution; and

(B) apply to any dollar amount of discretionary budget authority provided in an Act enacted on or after the date of adoption of this resolution.

(2) EXPIRATION.—This section shall expire on December 31, 2011.

SA 4356. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 30, after line 23 insert the following:

SEC. ___. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget as adjusted for any changes in revenues or direct spending assumed by such resolution; and

(B) be calculated consistent with the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsection (a) through (d) of section 201 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SA 4357. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 30 after line 23 insert the following:

SEC. _____. POINT OF ORDER—20% LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a) (1) In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SA 4358. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 30 after line 23 insert the following:

SEC. _____. SENATE POINT OF ORDER AGAINST SPENDING RECONCILIATION DIRECTIVES THAT DO NOT PROVIDE FOR DE MINIMIS AMOUNT IN SAVINGS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that provides reconciliation directives, pursuant to section 310 of the Congressional Budget Act of 1974, that do not instruct committees to achieve savings in their jurisdictions that total at least 0.5% of on-budget mandatory outlays, excluding net interest, over the budget resolution budget window.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of mandatory spending and reductions therefrom shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

SA 4359. Mr. GREGG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 30 after line 23, insert the following:

SEC. ___. POINT OF ORDER AGAINST TAX INCREASE MEASURES.

(a) In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that includes a Federal income tax rate increase. In this paragraph the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of Section 1, or to Section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) EFFECTIVENESS.—This section shall not apply to any bill, joint resolution, amendment, motion, or conference report if the Congressional Budget Office and the Joint Committee on Taxation submit a report to the Chairman of the Budget Committee certifying that all of the $290 billion annual tax gap has been recovered by the United States Treasury.

(c) WAIVER.—If no report referred to in section (b) is received, this section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill, joint resolution, amendment, motion, or conference report, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4360. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of Title III, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE MEDICARE ADVANTAGE.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate and abusive marketing tactics by private health insurers and their agents offering Medicare Advantage plans, require Private Fee-For-Service plans that offer individual policies under the Medicare Advantage program to contract with a sufficient number of health care providers in areas where at least two Medicare Advantage plan has a provider network in place, address issues related to Private Fee-For-Service plans sponsored by employers, require Private Fee-for-Service and Special Needs Plans to report appropriate quality measures, or make other such reforms that improve the quality and integrity of the Medicare Advantage program, while promoting accurate information for Medicare beneficiaries about Medicare Advantage, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4361. Mrs. CLINTON (for herself, Mr. CASEY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 21, line 16, increase the amount by $1,000,000.

On page 21, line 17, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $1,000,000.

On page 27, line 17, decrease the amount by $1,000,000.

SA 4362. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR ESTABLISHING A COMMISSION TO CALCULATE THE PORTION OF THE NATIONAL DEBT THAT HAS RESULTED FROM PRESIDENT BUSH'S FISCAL AND ECONOMIC POLICIES AND TO RECOMMEND EQUITABLE METHODS FOR PAYING DOWN THAT PORTION OF THE NATIONAL DEBT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would establish a commission to calculate and study the portion of the national debt that resulted from President George W. Bush's fiscal and economic policies, including the tax cuts of 2001 and 2003 and the funding and operation of the war in Iraq, and to recommend equitable methods for paying down that portion of the national debt, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4363. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 18, line 16, increase the amount by $13,000,000.

On page 18, line 17, increase the amount by $11,830,000.

On page 18, line 20, increase the amount by $13,000,000.

On page 18, line 21, increase the amount by $12,870,000.

On page 18, line 24, increase the amount by $13,000,000.

On page 18, line 25, increase the amount by $12,870,000.

On page 19, line 3, increase the amount by $13,000,000.

On page 19, line 4, increase the amount by $12,870,000.

On page 19, line 7, increase the amount by $13,000,000.

On page 19, line 8, increase the amount by $12,870,000.

On page 27, line 16, decrease the amount by $13,000,000.

On page 27, line 17, decrease the amount by $11,830,000.

On page 27, line 20, decrease the amount by $13,000,000.

On page 27, line 21, decrease the amount by $12,870,000.

On page 27, line 24, decrease the amount by $13,000,000.

On page 27, line 25, decrease the amount by $12,870,000.

On page 28, line 3, decrease the amount by $13,000,000.

On page 28, line 4, decrease the amount by $12,870,000.

On page 28, line 7, decrease the amount by $13,000,000.

On page 28, line 8, decrease the amount by $12,870,000.

SA 4364. Mr. SMITH (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SA 4365. Mr. GRAHAM (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 49, strike line 24 and insert the following:

SEC. 225. ENERGY TAX EXTENDERS.

Section 201(a)(4) of S. Con. Res. 21 (110th Congress) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) any provision of legislation that extends or modifies a tax provision that was amended in or enacted by subtitles A through E of title XIII of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) for any taxable year beginning after December 31, 2008.''.

SEC. 226. EXERCISE OF RULEMAKING POWERS.

SA 4366. Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 45, after line 25, insert the following:

SEC. 215. POINT OF ORDER LIMITING NEW EDUCATION LEGISLATION.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a bill, resolution, amendment, motion, or conference report that establishes or contains an authorization for a Federal elementary or secondary education program that was not in existence on the day preceding the date of adoption of this resolution, until the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a fiscal year is sufficient to provide to all States the maximum amount of grants the States are eligible to receive under section 611(a)(2) of such Act (20 U.S.C. 1411(a)(2)) for such fiscal year.

(b) LIMITATION.—The point of order described in subsection (a) shall not apply with respect to legislation containing an authorization for a Federal elementary or secondary education program that was in existence on the date of adoption of this resolution.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended only by the affirmative vote of three fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 4367. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. _____. POINT OF ORDER AGAINST ANY LEGISLATION UNTIL OUR TROOPS ARE SUPPORTED.

(a) IN GENERAL.—

(1) POINT OF ORDER.—For fiscal years 2008 and 2009, it shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report after the last day of May of the current fiscal year, unless a supplemental appropriations bill that fully funds the Armed Forces of the United States deployed for Operation Iraqi Freedom or operation Enduring Freedom is passed by the Senate.

(2) DEFINITION.—In this subsection, the term ''supplemental appropriations'' shall mean any bill, amendment, amendment between house, or provision that provides emergency supplemental funding for the Departments of Defense, State, and Homeland Security.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4368. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 24, line 16, increase amount by $50,000,000.

On page 24, line 17, increase the amount by $50,000,000.

On page 27, line 16, decrease the amount by $50,000,000.

On page 27, line 17, decrease the amount by $50,000,000.

SA 4369. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION CONTAINING NON-TRANSPARENT EARMARKS.

(a) IN GENERAL.—

(1) POINT OF ORDER.— Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, conference report, or message between Houses if such legislation or its accompanying report language or joint explanatory statement provides or recommends funding for a congressionally directed spending item, limited tax benefit, or a limited tariff benefit.

(2) DEFINITION.—In this section, the terms ''congressionally directed spending item'', ''limited tax benefit'', and ''limited tariff benefit'' shall have the same meanings as in rule XLIV of the Standing Rules of the Senate.

(b) EXCEPTIONS.—Congressionally directed spending items, limited tax benefits, or limited tariff benefits, may be provided or recommended if the following items are disclosed on the Internet in a searchable format next to each congressionally directed spending item, limited tax benefit, or limited tariff benefit at least 48 hours prior to the consideration of legislation containing such congressionally directed spending items, limited tax benefits, or limited tariff benefits—

(1) the names and addresses of the intended recipients of requested congressionally directed spending items, limited tax benefits, or limited tariff benefits;

(2) all Federal campaign contributions in each of the previous 2 years received by the official campaign or political action committees of the Senator who requested the congressionally directed spending item, limited tax benefit, or limited tariff benefit from the employees, executives, board members, and trustees of the following—

(A) the intended recipient of each requested congressionally directed spending

item, limited tax benefit, or limited tariff benefit; and

(B) any organization hired to lobby for Federal funding for the intended recipient of each requested congressionally directed spending item, limited tax benefit, or limited tariff benefit;

(3) whether the Senator or the immediate family (son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister), staff, or immediate family (son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister) of the staff of the Senator who requested the congressionally directed spending items, limited tax benefits, or limited tariff benefits can be reasonably expected to benefit financially from the enactment of each requested congressionally directed spending item, limited tax benefit, or limited tariff benefit.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall he deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SA 4370. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. CARDIN, Mr. OBAMA, Mr. PRYOR, Ms. COLLINS, Mr. DODD, Mr. LEVIN, Mr. KERRY, Mr. CASEY, Mr. KENNEDY, Mr. SANDERS, Mrs. LINCOLN, Mr. HARKIN, Mr. NELSON of Nebraska, Ms. STABENOW, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 62, between lines 3 and 4, insert the following:

(3) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4371. Mr. GRAHAM (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. ___. SENSE OF THE SENATE REGARDING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(a) FINDINGS.—The Senate finds that—

(1) On January 26, 1996, the House of Representatives passed H.J. Res. 1, the Balanced Budget Amendment to the Constitution of the United States, by the necessary two-third majority (300–32);

(2) On June 6, 1996, the Senate fell three votes short of the two-thirds majority vote needed to pass the Balanced Budget Amendment; and

(3) Since the House of Representatives and Senate last voted on the Balanced Budget Amendment, the debt held by the public has grown from $3,700,000,000,000 to more than $5,000,000,000,000.

(b) SENSE OF SENATE.—It is the sense of the Senate that a Balanced Budget Amendment to the Constitution of the United States should be voted on at the earliest opportunity.

SA 4372. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

On page 3, line 12, decrease the amount by $500,000,000.

On page 3, line 13, decrease the amount by $19,500,000,000.

On page 3, line 14, decrease the amount by $18,600,000,000.

On page 3, line 15, decrease the amount by $19,900,000,000.

On page 3, line 21, decrease the amount by $500,000,000.

On page 3, line 22, decrease the amount by $19,500,000,000..

On page 3, line 23, decrease the amount by $18,600,000,000.

On page 3, line 24, decrease the amount by $19,900,000,000.

On page 4, line 6, increase the amount by $11,000,000.

On page 4, line 7, increase the amount by $499,000,000.

On page 4, line 8, increase the amount by $1,453,000,000.

On page 4, line 9, increase the amount by $2,468,000,000.

On page 4, line 15, increase the amount by $11,000,000.

On page 4, line 16, increase the amount by $499,000,000.

On page 4, line 17, increase the amount by $1,453,000,000.

On page 4, line 18, increase the amount by $2,468,000,000.

On page 4, line 24, increase the amount by $511,000,000.

On page 4, line 25, increase the amount by $19,999,000,000.

On page 5, line 1, increase the amount by $20,053,000,000.

On page 5, line 2, increase the amount by $22,368,000,000.

On page 5, line 9, increase the amount by $511,000,000.

On page 5, line 10, increase the amount by $20,509,000,000.

On page 5, line 11, increase the amount by $40,563,000,000.

On page 5, line 12, increase the amount by $62,930,000,000.

On page 5, line 17, increase the amount by $511,000,000.

On page 5, line 18, increase the amount by $20,509,000,000.

On page 5, line 19, increase the amount by $40,563,000,000.

On page 5, line 20, increase the amount by $62,930,000,000.

On page 26, line 20, increase the amount by $11,000,000.

On page 26, line 21, increase the amount by $11,000,000.

On page 26, line 24, increase the amount by $499,000,000.

On page 26, line 25, increase the amount by $499,000,000.

On page 27, line 3, increase the amount by $1,453,000,000.

On page 27, line 4, increase the amount by $1,453,000,000.

On page 27, line 7, increase the amount by $2,468,000,000.

On page 27, line 8, increase the amount by $2,468,000,000.

SA 4373. Mr. REID proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009

and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR STUDYING THE EFFECT OF COOPERATION WITH LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in this subsection, that would require an assessment of the impact of local ordinances that prohibit cooperation with the Department of Homeland Security, with respect to—

(1) the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activity by immigrant victims of crime, and level of public safety;

(2) changes in the number of reported incidents or complaints of racial profiling; or

(3) wrongful detention of United States Citizens and Lawful Permanent Residents.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SA 4374. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the end of title III, insert:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR TOUGHER INSPECTION OF IMPORTED SEAFOOD AND TO ENFORCE OF OUR TRADE LAWS SHRIMP, CRAWFISH, AND OTHER SEAFOOD.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) Would enforce tougher inspection requirements for imported seafood products to ensure that imported seafood products do not contain chemicals, antibiotics, or any treatments that are banned in the United States; or

(2) Would increase the enforcement of our trade laws, especially focusing on the problem of antidumping duties that are owed but are not collected, especially on crawfish from China and other seafood products.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4375. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following

Expressing the Sense of the Senate regarding extending the ''Moving to Work Agreement'' between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one-year.

Whereas, the current ''Moving to Work Agreement'' between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development is set to expire on March 31, 2008;

Whereas, Philadelphia Housing Authority has used this agreement to leverage private and public resources to develop mixed-income communities that address the needs of the very poor while reshaping entire communities, and estimates that it will lose $50 million dollars as a result of the agreement expiring;

Whereas, the U.S. Department of Housing and Urban Development has refused to grant Philadelphia Housing Authority a 1-year extension of its current agreement under the same terms and conditions;

Whereas, the U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements;

Whereas, Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court;

Whereas, there is a suspicion of retaliation with regard to the U.S. Department of Housing and Urban Development's refusal to grant a one-year extension of Philadelphia Housing Authorities current agreement under the same terms and conditions;

Whereas, it was discovered that two senior level officials at the U.S. Department of Housing and Urban Development had the following email exchange, referring to Philadelphia Housing Authority Executive Director Carl R. Greene:

Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ''Would you like me to make his life less happy? If so, how?''

Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendrick wrote, ''Take away all of his Federal dollars?''

Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ''Let me look into that possibility.''

Whereas, these emails were the subject of questioning by Senator Casey to U.S. Department of Housing and Urban Development Secretary Alphonso Jackson at a March 12, 2008 hearing before the Senate Committee on Banking, Housing and Urban Affairs; and by Senator Specter to Secretary Jackson at a March 13, 2008 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies;

Whereas, Philadelphia Housing Authority's allegation of retaliation appears to be substantiated by these newly discovered emails;

Whereas, the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia: Now, therefore, be it:

Resolved, That it is the Sense of the Senate that Philadelphia Housing Authority should be granted a one-year extension of its ''Moving to Work Agreement'' with the U.S. Department of Housing and Urban Development under the same terms and conditions as the current agreement.

SA 4376. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 68, line 4, insert '', and through reducing barriers to cafeteria plans'' after ''consumer protections''.

SA 4377. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; which was ordered to lie on the table; as follows:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR—

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would apply the provisions of the Freedom of Access to Clinic Entrances (FACE) Act to military recruitment centers.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total fiscal years 2008 through 2018.

SA 4378. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010; as follows:

On page 3, line 12, increase the amount by $4,297,000,000.

On page 3, line 13, decrease the amount by $655,000,000.

On page 3, line 14, decrease the amount by $2,645,000,000.

On page 3, line 15, decrease the amount by $1,030,000,000.

On page 3, line 21, increase the amount by $4,297,000,000.

On page 3, line 22, decrease the amount by $655,000,000.

On page 3, line 23, decrease the amount by $2,645,000,000.

On page 3, line 24, decrease the amount by $1,030,000,000.

On page 4, line 6, decrease the amount by $91,000,000.

On page 4, line 7, decrease the amount by $180,000,000.

On page 4, line 8, decrease the amount by $114,000,000.

On page 4, line 9, decrease the amount by $35,000,000.

On page 4, line 15, decrease the amount by $91,000,000.

On page 4, line 16, decrease the amount by $180,000,000.

On page 4, line 17, decrease the amount by $114,000,000.

On page 4, line 18, decrease the amount by $35,000,000.

On page 4, line 24, decrease the amount by $4,388,000,000.

On page 4, line 25, increase the amount by $475,000,000.

On page 5, line 1, increase the amount by $2,531,000,000.

On page 5, line 2, increase the amount by $995,000,000.

On page 5, line 9, decrease the amount by $4,388,000,000.

On page 5, line 10, decrease the amount by $3,913,000,000.

On page 5, line 11, decrease the amount by $1,382,000,000.

On page 5, line 12, decrease the amount by $387,000,000.

On page 5, line 17, decrease the amount by $4,388,000,000.

On page 5, line 18, decrease the amount by $3,913,000,000.

On page 5, line 19, decrease the amount by $1,382,000,000.

On page 5, line 20, decrease the amount by $387,000,000.

On page 26, line 20, decrease the amount by $91,000,000.

On page 26, line 21, decrease the amount by $91,000,000.

On page 26, line 24, decrease the amount by $180,000,000.

On page 26, line 25, decrease the amount by $180,000,000.

On page 27, line 3, decrease the amount by $114,000,000.

On page 27, line 4, decrease the amount by $114,000,000.

On page 27, line 7, decrease the amount by $35,000,000.

On page 27, line 8, decrease the amount by $35,000,000.

SA 4379. Mrs. BOXER submitted an amendment intended to be proposed by herm to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

On page 60, line 8, insert ''or pregnant women'' after ''children''.

SA 4380. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; as follows:

At the end of title III, insert the following:

SEC. ____. RESERVE FUND FOR BERKELEY RESCISSIONS AND FUNDING THE MARINE CORPS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would rescind any congressionally directed spending item for the City of Berkeley, California, and any entities located in such city, and transfer such funds to the Marine Corps, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 3, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the influence of non-commercial, institutional investors on the price of oil.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Rosemarie_Calabro @energy.senate.gov.

For further information, please contact Tara Billingsley or Rosemarie Calabro.

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, April 9, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 1633, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of inducing the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, and for other purposes; S. 1993 and H.R. 2197, to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; S. 2207, to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, and for other purposes; S. 2254, to establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes; S. 2262, to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; S. 2329 and H.R. 2627, to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site; S. 2502 and H.R. 3332, to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; S. 2512, to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes; H.R. 3998, to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate .gov.

For further information, please contact David Brooks or Rachel Pasternack.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 2 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 10 a.m. in 215 Dirksen Senate Office Building, to hear testimony on ''Customs Reauthorization: Strengthening U.S. Economic Interests and Security''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 13, 2008, at 10:15 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, March 13, 2008, in executive session to consider the following:

Bills:

S. 1810, Prenatally and Postnatally Diagnosed Conditions Awareness Act; S. 999, Stroke Treatment and Ongoing Prevention Act of 2007; S. 1760, Healthy Start Reauthorization Act of 2007; H.R. 20, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; and S. 1042, Consistency, Accuracy, Responsibility, and Excellence in Medical Imaging and Radiation Therapy Act of 2007:

Nominations:

National Board for Education Sciences: Jonathan Baron; Frank Handy; Sally Shaywitz.

National Foundation on the Arts and Humanities: Jamsheed Choksy; Gary Glenn; David Hertz; Marvin Scott; Carol Swain.

National Museum and Library Science Board: Julia Bland; Jan Cellucci; William Hagenah; Mark Herring.

Truman Scholarship Foundation: Javaid Anwar.

Assistant Secretary of Labor ODEP: Neil Ramano.

Medical Director in the Regular Corps of the Public Health Service and to be an Assistant Secretary of Health and Human Services: Joxel Garcia.

Member of the Federal Mine Safety and Health Review Commission: Robert Cohen; Michael Duffy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, March 13, 2008, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Agenda

Bills: S. 2136, Helping Families Save Their Homes in Bankruptcy Act of 2007 [Durbin, Schumer, Whitehouse, Biden, Feinstein]; S. 2133, Home Owners ''Mortgage and Equity Savings Act'' [Specter, Coleman]; S. 2041, False Claims Act Correction Act of 2007 [Grassley, Durbin, Leahy, Specter, Whitehouse]; S. 2533, State Secrets Protection Act [Kennedy, Specter, Leahy, Feingold, Whitehouse]; and S. 702, State Court Interpreter Grant Program Act [Kohl, Kennedy, Durbin, Biden, Cardin, Leahy].

Resolution: S. Res. 468, designating April 2008 as ''National 9-1-1 Education Month'' [Clinton, Stevens].

Nominations: Catharina Haynes to be United States Circuit Court Judge for the Fifth Circuit, and Rebecca Ann Gregory to be United States Attorney for the Eastern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 13, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 13, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding old-growth forest science, policy and management in the Pacific Northwest region.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–15

Mr. REID. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 13, 2008, by the President of the United States:

Protocol Amending 1980 Tax Convention with Canada (Treaty Document No. 110–15).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as Amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the ''proposed Protocol''). The proposed Protocol would amend the existing income tax Convention between the United States and Canada that was concluded in 1980, as amended by prior protocols (the ''existing Treaty''). Also transmitted for the information of the Senate is the report of the Department of State with respect to the proposed Protocol.

The proposed Protocol would eliminate withholding taxes on cross-border interest payments. In addition, the proposed Protocol would coordinate the tax treatment of contributions to, and other benefits of, pension funds for cross-border workers. The proposed Protocol also includes provisions related to the taxation of permanent establishments, so-called dual-resident corporations, income derived through certain entities that are considered fiscally transparent, and former U.S. citizens and long-term residents. The proposed Protocol further strengthens the existing Treaty's provisions that prevent the Treaty's inappropriate use by third-country residents. The proposed Protocol also provides for mandatory resolution of certain cases before the competent authorities.

I recommend that the Senate give early and favorable consideration to the proposed Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 13, 2008*.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I ask unanimous consent the Senate proceed to H. Con. Res. 316, the adjournment resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 316) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The concurrent resolution (H. Con. Res. 316) was considered and agreed to, as follows:

H. CON. RES. 316

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 13, 2008, or Friday, March 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, March 31, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 13, 2008, through Friday, March 28, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 31, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. REID. I ask unanimous consent the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 71

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table, and that any statements be printed in the RECORD.

The concurrent resolution (S. Con. Res. 71) was agreed to as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on April 23, 2008, for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

CONGRATULATING X PRIZE FOUNDATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 486.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 486) congratulating the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Mr. President, I am pleased to submit today, on behalf of Senator LUGAR, Senator STABENOW, Senator DOMENICI and others, a resolution recognizing an exciting private-sector effort to encourage breakthrough technology in fuel economy. This effort, patterned on the Ansari X-prize competition that led to the development of spacecraft that is likely to make commercial space travel a reality, seeks to apply the same competitive spirit among the best minds in the United States to the pernicious problem of our outsized dependence on foreign oil.

The competition will launch at the upcoming New York Auto Show and sets an ambitious goal for claiming the prize; the winning entrant must produce a commercially viable vehicle that gets at least 100 miles per gallon fuel efficiency over a series of road trials meant to simulate real world driving conditions. It should be an exciting competition, and it is certainly a worthy goal. I wish them the best of luck and look forward to seeing the innovations they inspire.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to, en bloc, and the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 486) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 486

Whereas the United States is heavily dependent on foreign sources of oil that are concentrated in tumultuous countries and regions;

Whereas the national security and economic prosperity of the United States demand that the United States moves toward a sustainable energy future;

Whereas the ability of foreign governments to assert great control over oil production allows unfriendly regimes to use energy exports as leverage against the United States and allies of the United States;

Whereas continued reliance on the use of greenhouse gas intensive-fuel may have significant economic and political impacts as the effects of global climate change take hold;

Whereas the transportation sector is heavily dependent on oil, which makes the people of the United States vulnerable to oil price fluctuation and is a major source of greenhouse gas emissions;

Whereas many promising technologies exist that could lead to a breakthrough vehicle that will meet the need for sustainable transportation;

Whereas breakthroughs are often achieved by the free market fueling the entrepreneurial spirit of inventors and investors;

Whereas the Automotive X PRIZE is a private, independent, technology-neutral competition being developed by the X PRIZE Foundation to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change; and

Whereas the Automotive X PRIZE will award a multi-million dollar purse to teams that can design, build, and demonstrate production-capable vehicles that achieve 100 miles per gallon of fuel or an equivalent: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate—

(1) commends the leadership of the X PRIZE Foundation for their efforts to inspire a new generation of viable, super-efficient vehicles that could help break the addiction of the United States to oil and stem the effects of climate change through the Automotive X PRIZE competition;

(2) congratulates the X PRIZE Foundation on the innovation and vision of the Foundation to bring together some of the finest minds in government, nongovernment, institutions of higher education, and industry to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the ongoing commitment of the X PRIZE Foundation for encouraging solutions to some of greatest challenges facing humanity, as exemplified in the Automotive X PRIZE.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 487.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 487) designating March 22, 2008, as National Rehabilitation Counselors Appreciation Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 487

Whereas rehabilitation counselors conduct assessments, provide counseling, support to

families, and plan and implement rehabilitation programs for those in need;

Whereas the purpose of the professional organizations in rehabilitation is to promote the improvement of rehabilitation services available to persons with disabilities through quality education and rehabilitation research for counselors;

Whereas the various professional organizations, including the National Rehabilitation Association (NRA), Rehabilitation Counselors and Educators Association (RCEA), the National Council on Rehabilitation Education (NCRE), the National Rehabilitation Counseling Association (NRCA), the American Rehabilitation Counseling Association (ARCA), the Commission on Rehabilitation Counselor Certification (CRCC), the Council of State Administrators of Vocational Rehabilitation (CSAVR), and the Council on Rehabilitation Education (CORE) have stood firm to advocate up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the NCRE, testified before the Subcommittee on Select Education of the House of Representatives, and was instrumental in bringing to the attention of Congress the need for rehabilitation counselors to be qualified; and

Whereas the efforts of Martha Walker led to the enactment of laws that now require rehabilitation counselors to have proper credentials in order to provide a higher level of quality service to those in need: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 22, 2008, as National Rehabilitation Counselors Appreciation Day; and

(2) commends all of the hard work and dedication that rehabilitation counselors provide to individuals in need and the numerous efforts that the multiple professional organizations have made to assisting those who require rehabilitation.

NATIONAL SAFE PLACE WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 488.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 488) designating the week beginning March 16, 2008 as ''National Safe Place Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 488

Whereas the youths of the United States will be the future bearers of the bright torch of democracy;

Whereas youths need a safe haven from various negative influences, such as child abuse, substance abuse, and crime, and youths need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the youths of the Nation;

Whereas the Safe Place program is committed to protecting the youths of the United States, the Nation's most valuable asset, by offering short term safe places at neighborhood locations where trained volunteers are available to counsel and advise young people seeking assistance and guidance;

Whereas the Safe Place program combines the efforts of the private sector and nonprofit organizations to reach young people in the early stages of crisis;

Whereas the Safe Place program provides a direct way to assist programs in meeting performance standards relative to outreach and community relations, as set forth in the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youths;

Whereas more than 900 communities in 41 States make the Safe Place program available at nearly 16,000 locations;

Whereas more than 200,000 youths have gone to Safe Place locations to get help when faced with crisis situations and have received counseling by phone as a result of Safe Place information the youths received at school;

Whereas, through the efforts of Safe Place coordinators across the United States, each year more than 500,000 students learn in a classroom presentation that the Safe Place program is a resource they can turn to if they encounter an abusive or neglectful situation, and 1,000,000 Safe Place information cards are distributed; and

Whereas increased awareness of the Safe Place program will encourage more communities to establish Safe Place locations for the youths of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 16 through March 22, 2008, as ''National Safe Place Week''; and

(2) calls upon the people of the United States and interested groups to—

(A) promote awareness of, and volunteer involvement in, the Safe Place program; and

(B) observe the week with appropriate ceremonies and activities.

PUBLIC RADIO RECOGNITION MONTH

Mr. REID. I ask unanimous consent that the Senate now proceed to S. Res. 489.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 489) designating April 2008 as Public Radio Recognition Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be and preamble be agreed to bloc, the motions to reconsider be laid on the table en bloc, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 489) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 489

Whereas the mission of public radio is to create a more informed public—one that is challenged and invigorated by a deeper understanding and appreciation of events, ideas, and cultures;

Whereas the programming and content created and distributed by public radio is based upon three core values—qualities of mind, qualities of heart and qualities of craft—and exemplifies the inherent meaning of localism by placing value and financial investment in local and regional assets to gather and distribute a collection of programming that informs and improves community;

Whereas public radio is known for distinctive, award-winning programming including Morning Edition, All Things Considered, A Prairie Home Companion, Marketplace, Speaking of Faith, and This American Life;

Whereas the United States' more than 800 public radio stations serve every State and every congressional district with news, information, cultural, and music programming that is unique to free radio;

Whereas some 33 million Americans listen each week to public radio programming;

Whereas the public radio audience has doubled in the past 15 years and increased by some 70 percent in the past decade;

Whereas public radio stations are licensed by community foundations, colleges, universities, school boards, libraries, and other local non-profit entities;

Whereas public radio stations are locally licensed, locally staffed, and locally programmed, and tailor their programming to meet the needs of local audiences;

Whereas public radio stations receive, on average, more than 85 percent of their annual funding from local sources;

Whereas public radio's public service also finds expression through a deep, rich music discovery, education and enrichment experience—both for its audience and for performers, singer-songwriters, musicians, lyricists, and composers—which places the highest emphasis on a value partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else;

Whereas public radio has preserved and enhanced the archetypal musical formats of American music history—jazz, classical, folk, blue grass, the blues, Celtic—and regards these formats as the priceless family treasures of public radio's musical foundations;

Whereas public radio is responding to its commitment to community and fact-based journalism with several initiatives including the Local News Initiative, a national effort to increase public radio's service to communities through investments in station capacity to provide in-depth, serious, and balanced news and Public Insight Journalism, a pioneering concept that uses citizens to help cover the news by sharing their observations, knowledge, and expertise;

Whereas public radio has embraced digital broadcasting technology because of its inherently inclusive nature and potential to expand public service programming; and

Whereas public radio exists to serve the public interest: Now, therefore, be it

Resolved, That the month of April 2008 shall be known as Public Radio Recognition Month, during which time all of America's public radio stations shall be celebrated for their contributions to our Nation's communities and enduring civic spirit.

RELATING TO THE DEATH OF FORMER SENATOR HOWARD METZENBAUM

Mr. REID. I now ask unanimous consent that the Senate proceed to S. Res. 485 relating to the death of former Senator Howard Metzenbaum.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 485) relative to the death of Howard Metzenbaum, former United States Senator from the State of Ohio.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that Senator SHERROD BROWN be added as an original cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, Senator Howard Metzenbaum was a progressive visionary whose strong support for America's workers and consumers left a lasting mark on our Nation. His determination to stand for a more just America in the Senate was an inspiration to me and everyone with whom he served. His influence and the example he set still resound strongly in the Senate chamber today.

I deeply appreciate how much support and guidance Senator Metzenbaum gave to me when I came to the Senate in 1993. He had a wonderful way of bringing progressives in Congress together, and I will always be very grateful for that.

He was a force to be reckoned with on the Senate floor—earning the nickname ''Senator No'' through ingenious tactics to stop legislation that threatening to hurt American workers and consumers. He was known for never backing down from a Senate floor fight, and his opposition spelled trouble for almost any bill.

America's workers had no better friend and ally in Congress than Senator Metzenbaum, who sponsored the law requiring 60 days advance notice for a plant closing. Whenever Congress acts to help those American workers struggling in a difficult economy, we are building on Senator Metzenbaum's legacy.

He also took on Washington's most powerful interests in an unrelenting push to stop the wasteful spending that destroys the public's trust in elected officials. In this way, former Senator Metzenbaum laid the ground work for those of us who continue the fight to rein in wasteful government spending. His later service as the chairman of the Consumer Federation of America was a testament to his strong commitment to consumer advocacy.

Howard Metzenbaum was such a distinguished Member of this body, both because he served the people of Ohio so well, and because he set such an outstanding example of courage and commitment to those of us who had the privilege to serve with him. I join my colleagues, the State of Ohio, and the entire Nation in paying tribute to this great American.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 485) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 485

Whereas Howard Metzenbaum served the people of Ohio with distinction for 8 years in the Ohio State Legislature;

Whereas Howard Metzenbaum served the people of Ohio with distinction for 18 years in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. REID. Mr. President, I have spent a lot of time today with the President's Chief of Staff, Josh Bolten. I have said before, he is a very pleasant man. We worked for a long time today trying to work ourselves through the nominations. I think we made great progress. I think we have teed things up to do even more when we come back after 2 weeks.

To show my good faith, when Mr. Bolten said he wanted to work with us, I approved Mr. Filip, who the Attorney General said was very important to him. Judge Filip left a Federal judgeship and is now acting as the Attorney General's Chief of Staff, for lack of a better word.

So we have made progress. And even through this that we have done today, I, in good faith, threw in some people I thought were important, even though we did not have them done—and that was not part of the original deal—and that was to confirm the head of the Internal Revenue Service. But we have done that.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. So, Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider the following nominations: 401, 402, 404, 428, 429, 430, 431, 440, 441, 450, 452, 460, 461, 463, 464, 465, 467, 468, 469, 470, 475, 480, 481 through 489, 490 through 507, 509, 511 through 515, and all nominations on the Secretary's desk; that the nominations be confirmed en bloc, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

John S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

TENNESSEE VALLEY AUTHORITY

Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

NUCLEAR REGULATORY COMMISSION

Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2012.

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2013.

REFORM BOARD (AMTRAK)

Thomas C. Carper, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of 5 years.

DEPARTMENT OF JUSTICE

Ondray T. Harris, of Virginia, to be Director, Community Relations Service, for a term of four years.

David W. Hagy, of Texas, to be Director of the National Institute of Justice.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. John C. Harvey, Jr.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

John E. Osborn, of Delaware, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Elizabeth F. Bagley. of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

DEPARTMENT OF STATE

Goli Ameri, of Oregon, to be an Assistant Secretary of State (Educational and Cultural Affairs).

UNITED STATES TRADE AND DEVELOPMENT AGENCY

Larry Woodrow Walther. of Arkansas, to be Director of the Trade and Development Agency.

DEPARTMENT OF STATE

David J. Kramer, of Massachusetts, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Jeffrey J. Grieco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

James Francis Moriarty, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Margaret Scobey, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

William Joseph Hawe, of Washington, to be United States Marshal for the Western District of Washington for the term of four year.

DEPARTMENT OF THE TREASURY

Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue for the term prescribed by law.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. Vern M. Findley, II

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Stephen R. Lorenz

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Allen G. Peck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John T. Sheridan

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Martin E. Dempsey

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Kathleen M. Gainey

IN THE MARINE CORPS

The following named officer for appointment as the Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

To be general

Lt. Gen. James F. Amos

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10. U.S.C., section 601:

To be vice admiral

Rear Adm. Derwood C. Curtis

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) William R. Burke
Rear Adm. (lh) Mark H. Buzby
Rear Adm. (lh) Philip H. Cullom
Rear Adm. (lh) Mark I. Fox
Rear Adm. (lh) Timothy M. Giardina
Rear Adm. (lh) Robert S. Harward, Jr.
Rear Adm. (lh) William H. Hilarides
Rear Adm. (lh) Daniel Holloway
Rear Adm. (lh) Douglas J. McAneny
Rear Adm. (lh) John W. Miller
Rear Adm. (lh) Michael S. O'Bryan
Rear Adm. (lh) Frank C. Pandolfe
Rear Adm. (lh) David L. Philman
Rear Adm. (lh) Brian C. Prindle
Rear Adm. (lh) Donald P. Quinn
Rear Adm. (lh) Walter M. Skinner
Rear Adm. (lh) James P. Wisecup

DEPARTMENT OF LABOR

Neil Romano, of Maryland to be an Assistant Secretary of Labor.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Michael F. Duffy, of the District of Columbia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

Robert F. Cohen, Jr., of West Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2012.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2007.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jamsheed K. Choksy, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Dawn Ho Delbanco, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Gary D. Glenn, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Marvin Bailey Scott, of Indiana, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

Carol M. Swain, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Joxel Garcia, of Connecticut, to be Medical Director in the Regular Corps of the Public Health Service, subject to the qualifications therefor as provided by law and regulations, and to he an assistant Secretary of Health and Human Services.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Jan Cellucci, of Massachusetts, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

William J. Hagenah, of Illinois, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Mark Y. Herring, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

Julia W. Bland, of Louisiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2012.

NATIONAL BOARD FOR EDUCATION SCIENCES

Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

DEPARTMENT OF COMMERCE

John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

IN THE COAST GUARD

The following named officer for appointment as Chief of Staff of the Coast Guard and to the grade indicated under title 14, U.S.C., section 50a:

To be vice admiral

Rear Adm. Clifford I. Pearson

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard in the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Robert J. Papp

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under section 50:

To be vice admiral

Rear Adm. David P. Pekoske

The following named officer for appointment to serve as the Director of the Coast Guard Reserve pursuant to title 14, U.S.C., section 53 in the grade indicated:

To be rear admiral (lower half)

RDML (select) Daniel R. May

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Javaid Anwar, of Nevada, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2013.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1389 AIR FORCE nomination of Andre G. Sarmiento, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1390 AIR FORCE nomination of Rickey J. Reynolds, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1391 AIR FORCE nomination of Daniel E. Bates, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1392 AIR FORCE nominations (2) beginning JEFFREY D. LEWIS, and ending ROBERT J. LOVE, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1393 AIR FORCE nominations (3) beginning Austin B. Dosh, and ending JOSHUA M. SILL, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1394 AIR FORCE nominations (3) beginning GERALD B. WHISLER III, and ending SAMUEL R. WETHERILL which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1435 AIR FORCE nominations (34) beginning FRANK W. ALLARA JR., and ending JOHN M. YACCINO, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1436 AIR FORCE nominations (60) beginning JOHN R. ANDRUS, and ending RANDALL C. ZERNZACH, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1437 AIR FORCE nominations (22) beginning KATHRYN L. AASEN, and ending RICHARD D. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1438 AIR FORCE nominations (132) beginning ZENEN T. ALPUERTO, and ending DUSTIN ZIEROLD, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1439 AIR FORCE nominations (56) beginning LENNY W. ARIAS, and ending MICHAEL K. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1440 AIR FORCE nominations (296) beginning WESLEY M. ABADIE, and ending SCOTT A. ZAKALUZNY, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

IN THE ARMY

PN1289 ARMY nomination of Samuel H. Williams, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1290 ARMY nomination of Michael R. Brooks, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1291 ARMY nomination of James E. Davis, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1292 ARMY nomination of Michael G. Ryder, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1295 ARMY nominations (51) beginning NICOLAS AGUILAR, and ending D060541, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1296 ARMY nominations (144) beginning DOREENE R. AGUAYO, and ending GEORGE J. ZECKLER, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1297 ARMY nominations (84) beginning ROY W. ALABRAN, and ending JOHN T. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1298 ARMY nominations (21) beginning KRISTIN E. AGRESTA, and ending MICHELLE THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1368 ARMY nomination of Richard E. Michael, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1369 ARMY nomination of Michael E. McCowan, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1370 ARMY nomination of Michael F. Szymaniak, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1371 ARMY nomination of Barbara T. Embry, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1372 ARMY nominations (2) beginning JOSE A. ACOSTAHERNANDEZ, and ending MARY E. CAPOCCIONI, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1395 ARMY nomination of Llena C. Caldwell, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1396 ARMY nomination of Deanna L. Reiber, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1397 ARMY nomination of Christopher D. Yao, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1398 ARMY nomination of Michael L. Mansi, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1399 ARMY nomination of Marc Ferraro, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1400 ARMY nomination of Wendell L. King, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1401 ARMY nominations (2) beginning PAUL C. PERLIK, and ending KEITH MOORE, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1402 ARMY nominations (4) beginning MARC C. HENDLER, and ending JAMES D. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1403 ARMY nominations (4) beginning JAMES H. KELLY, and ending KRISTINE R. SAUNDERS, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1404 ARMY nominations (3) beginning ALLYSON A. PETERSON, and ending BRIAN E. PREHN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1405 ARMY nominations (2) beginning LARRY W. AKE, and ending PATRICK S. CARSON, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1406 ARMY nominations (3) beginning GARY L. GROSS, and ending PETER M. TAN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1407 ARMY nominations (11) beginning HAROLD L. CAMPBELL JR., and ending KENNETH P. STORZ, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1408 ARMY nominations (73) beginning MAGDALENA A. ACEVEDO, and ending CORY J. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

IN THE COAST GUARD

PN1387 COAST GUARD nomination of Kimberly J. Avsec, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1388 COAST GUARD nominations (2) beginning ANTHONY K. PALMER, and ending PATRICK J. ST. JOHN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

IN THE FOREIGN SERVICE

PN1305 FOREIGN SERVICE nominations (18) beginning Allan P. Mustard, and ending Kevin N. Smith, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 2008.

IN THE MARINE CORPS

PN1249 MARINE CORPS nominations (123) beginning JULIAN D. ALFORD, and ending PHILIP J. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1299 MARINE CORPS nominations (344) beginning BAMIDELE J. ABOGUNRIN, and ending JAY K. ZOLLMANN, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1300 MARINE CORPS nominations (856) beginning BERCH H. ABBOTT, and ending MARK D. ZIMMER, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1373 MARINE CORPS nomination of Phillip J. Woodward, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1374 MARINE CORPS nominations (3) beginning JEFFREY S. CLEMONS, and ending ANTHONY J. GIOVENCO JR., which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1375 MARINE CORPS nominations (3) beginning BRIAN J. CORRIS, and ending LARRY MIYAMOTO, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1376 MARINE CORPS nominations (4) beginning DONALD F. CARTER JR., and ending JAMES R. TOWNEY, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1377 MARINE CORPS nominations (2) beginning CHRISTOPHER J. COX, and ending DOUGLAS M. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1378 MARINE CORPS nominations (5) beginning ROBERT A. DILL, and ending EDWARD T. SEIFERT, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1379 MARINE CORPS nominations (5) beginning BILLY A. DUBOSE, and ending MARK A. MITCHELL, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1380 MARINE CORPS nominations (10) beginning STEPHEN M. BREEN, and ending RAYMOND J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1381 MARINE CORPS nominations (108) beginning ROBERT S. ADAMS, and ending JOHN G. ZUPPAN, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1409 MARINE CORPS nomination of Patrick T. Grosso, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1410 MARINE CORPS nomination of James D. McCoy, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1411 MARINE CORPS nomination of Walter C. Murphy Jr., which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1412 MARINE CORPS nomination of Donald L. Bohannon, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1413 MARINE CORPS nomination of Charles B. Spencer, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1414 MARINE CORPS nominations (2) beginning JOHN G. OLIVER, and ending ROGER W. SCAMBLER, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1415 MARINE CORPS nominations (2) beginning MARK F. BIRK, and ending KENNETH L. KELSAY, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1416 MARINE CORPS nominations (2) beginning CHRISTOPHER J. AMBS, and ending TODD E. KUNST, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1417 MARINE CORPS nominations (2) beginning TIM J. SCHROEDER, and ending JOSEPH G. SINESE, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1418 MARINE CORPS nominations (2) beginning RICHARD D. HARDIN, and ending GEORGE M. SEXTON, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1419 MARINE CORPS nominations (2) beginning ROY E. LAWRENCE, and ending DANIEL R. WESTPHAL, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1420 MARINE CORPS nominations (2) beginning PETER D. CHARBONEAU, and ending STEVEN R. FREDEEN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1421 MARINE CORPS nominations (3) beginning SAL L. LEBLANC, and ending KEVIN R. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1422 MARINE CORPS nominations (3) beginning ROBERT F. EMMINGER, and ending MICHAEL G. MARCHAND, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1423 MARINE CORPS nominations (8) beginning CHRISTOPHER F. BERGERON, and ending MARK B. WINDHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1453 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning Bennie N. Johnson, and ending Faith C. Opatrny, which nominations were received by the Senate and appeared in the Congressional Record of March 5, 2008.

IN THE NAVY

PN1301 NAVY nomination of Roderick A. Bache, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1424 NAVY nominations (5) beginning JEFFREY H. NARD, and ending DANIEL J. TRUEBA JR., which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1425 NAVY nominations (4) beginning ANDREW S. LOMAX, and ending RUPERT L. HUSSEY, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1426 NAVY nominations (7) beginning DAVID R. COUGHLIN, and ending TIMOTHY S. STYLES, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1427 NAVY nominations (45) beginning MICHAEL D. T. EDWARDS, and ending CHAD D. WEST, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1441 NAVY nomination of Keith L. Ferguson, which was received by the Senate and appeared in the Congressional Record of March 3, 2008.

Mr. LEAHY. Mr. President, in the time before the 2-week Easter recess, we continue to make progress in filling high level vacancies at the Department of Justice. Today, the Senate will confirm three nominations to important positions at the Department, including nominations of David Hagy to be Director of the National Institute of Justice; Ondray Harris to be Director of the Community Relations Service; and William Joseph Hawe to be U.S. Marshal for the Western District of Washington.

I thank Senator CARDIN for chairing the hearing on these nominations. We continued our work in connection with high-ranking Department of Justice nominees earlier this week when Senator KENNEDY chaired our hearing on the nomination of Grace Chung Becker to be Assistant Attorney General in charge of the Civil Rights Division. The Civil Rights Division is entrusted with protecting precious rights of Americans, including our fundamental right to vote and our rights against discrimination. That hearing was the seventh the committee has held since last September on executive nominations, as we continue to work to restock and restore the leadership of the Department of Justice in the wake of the scandals of the Gonzales era.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

The partisan accusations of ''slow walking'' nominations that the President engaged in at the White House recently, in which he used Republican Senators and nominees as political

props, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales' resignation to supposed ''unfair treatment'' and having ''his good name . . . dragged through the mud for political reasons.'' The U.S. Attorney firing scandal was of the administration's own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

What those who say we are ''slow-walking'' nominations do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, the committee was holding eight hearings on high-ranking replacements to restock and restore the leadership of the Department of Justice between September of last year and this month, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. Of course those 5 months also include the December and January holiday period and break between sessions.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last few months, we have confirmed a new Attorney General, a new Deputy Attorney General, held hearings for several other high-ranking Justice Department spots, and voted them out of the Judiciary Committee. Today we continue that progress with three more executive nominations confirmed.

We could have made progress even sooner, had the Republican members of the Judiciary Committee not effectively boycotted our business meetings in February and obstructed our ability to report the O'Connor nominations and other high-ranking Justice Department nominations as well as judicial nominations. I adjourned both our February 14 and February 28 meetings for lack of a quorum.

It is vital that we ensure that we have a functioning, independent Justice Department. In January, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We held another oversight hearing this month with FBI Director Mueller. These are more steps forward in our efforts to lift the veil of White House secrecy, restore checks and balances to our government, and begin to repair the damage this administration inflicted on the Department, our Constitution, and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the American people's right to the truth. We find shifting answers on issues including the admission that the CIA used waterboarding on detainees in reliance on the advice of the Department of Justice; the destruction of White House emails required by law to be preserved; and the CIA's destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously to refuse to appear when summoned by congressional subpoena.

In spite of the administration's lack of cooperation, the Senate is moving forward with the confirmation of these executive nominations. With the confirmations today, we will have confirmed 26 executive nominations, including the confirmations of 9 U.S. attorneys, 5 U.S. marshals, and the top 2 positions at the Justice Department so far this Congress.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of Federal law enforcement. There are now 19 districts across the country with acting or interim U.S. attorneys instead of Senate-confirmed, presidentially appointed U.S. attorneys. For more than a year I have been talking publicly about the need to name U.S. Attorneys to fill these vacancies to no avail.

I was disappointed but not surprised to see the administration return to tired political attacks. What better time than right now, when the economy is slipping farther off the tracks, when the President's budget shows record annual deficits, with Osama bin Laden still at large, when gas prices rise well beyond $3 a gallon, when we lost 63,000 jobs last month, and when a mortgage crisis grips many parts of the country. I wish the President would put aside his partisan playbook and work with us to address the priorities of ordinary Americans.

We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives and it is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate the nominees and their families on their confirmations today.

NOMINATION OF KRISTINE SVINICKI

Mr. WARNER. Mr. President, I rise today to express my great pleasure with the Senate confirmation of Kristine Svinicki to serve as a Commissioner of the Nuclear Regulatory Commission.

As you may know, Ms. Svinicki is both a longtime resident of my State, and a staff member on the Senate Armed Services Committee, which I have had the privilege to serve on for over 28 years.

During her time with the Senate Armed Services Committee, Ms. Svinicki served with distinction, immersing herself in nuclear energy matters. Her tireless efforts proved invaluable in our committee's work, and her service has been appreciated by not only me but by the other members of the Armed Services Committee—on both sides of the aisle.

It is not well known in some quarters, but the Armed Services Committee has jurisdiction over approximately two-thirds of the Department of Energy—including the very sizable nuclear weapons production sites and laboratory complex, as well as the extensive environmental program to clean up the legacy of nuclear contamination created during the Cold War. These are the programs which I hired Kristine to staff.

With her extensive background and experience in nuclear matters both at the Department of Energy, where she worked prior to joining the Armed Services Committee, and subsequently in her work here in the Senate, Ms. Svinicki is uniquely poised to take on this next challenge.

It is my sincere belief that Kristine Svinicki will be a favorable addition to the Nuclear Regulatory Commission, and I am pleased the full Senate agrees. I appreciate the overwhelming support given to her by this body, and I know she will do all in her power to honor the trust placed in her by the President, the Senate, and the American people.

Mr. REID. Mr. President, these have been approved; is that right?

Mr. BROWN. They have been.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, just to show that we are trying to work with the President's Chief of Staff, as I indicated earlier, we put this in. Even though it wasn't part of the original agreement I had with Mr. Bolten, we added Doug Shuma, Commissioner of the Internal Revenue Service—I am looking for Mr. Sullivan—and John J. Sullivan, Deputy Secretary of Commerce. So we have worked hard to live up to our end of the bargain. I hope when we come back after the break, we can do more. I have indicated to the

distinguished Republican leader and to Mr. Bolton, if things work out right and we are able to work together, there should be some judges we can approve when we come back.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, everyone has worked long and hard tonight. I appreciate everyone's patience and cooperation.

I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislative and executive matters on March 27 from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKS TO STAFF

Mr. REID. Mr. President, everyone has expressed appreciation to a lot of people, but the people in front of the Presiding Officer have been here all day, all night, and now it is morning time. They get very little recognition or attention, but on behalf of the whole Senate, we really appreciate all of your work. We have pages who have been here since early this morning. I would like to express my appreciation to the wonderful floor staff we have, especially someone whom I couldn't do the work without, Lula Davis, who does such great work for the majority, and Dave Schiappa, who is really—even though he looks out, sometimes, a little too much for the minority, he is a pleasant person to work with and is always very fair and understanding of our issues. So I appreciate the work he and Lula do, the work they do together.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 p.m. on Tuesday, March 18, for a pro forma session only, with no business conducted; that the Senate recess until 11 a.m. Friday, March 21, for a pro forma session only, with no business conducted; that the Senate recess until 10 a.m. Monday, March 24, for a pro forma session only, with no business conducted; that the Senate recess until 9 a.m, Thursday, March 27, for a pro forma session only, with no business conducted; that the Senate recess until 2 p.m. Monday, March 31; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, MARCH 18, 2008

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order as a mark of further respect to the memory of Howard Metzenbaum, late a former Senator from the State of Ohio.

There being no objection, the Senate, at 2:36 a.m., recessed until Tuesday, March 18, 2008, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

ENVIRONMENTAL PROTECTION AGENCY

DAVID R. HILL, OF MISSOURI, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROGER ROMULUS MARTELLA, JR.

DEPARTMENT OF STATE

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

T. VANCE MCMAHAN, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

THE JUDICIARY

G. STEVEN AGEE, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. MICHAEL LUTTIG, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be major general

COL. KIMBERLY A. SINISCALCHI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL C. D. ALSTON
BRIGADIER GENERAL BROOKS L. BASH
BRIGADIER GENERAL MICHAEL J. BASLA
BRIGADIER GENERAL PAUL F. CAPASSO
BRIGADIER GENERAL FLOYD L. CARPENTER
BRIGADIER GENERAL DAVID J. EICHHORN
BRIGADIER GENERAL GREGORY A. FEEST
BRIGADIER GENERAL BURTON M. FIELD
BRIGADIER GENERAL RANDAL D. FULLHART
BRIGADIER GENERAL BRADLEY A. HEITHOLD
BRIGADIER GENERAL RALPH J. JODICE II
BRIGADIER GENERAL DUANE A. JONES
BRIGADIER GENERAL FRANK J. KISNER
BRIGADIER GENERAL JAY H. LINDELL
BRIGADIER GENERAL DARREN W. MCDEW
BRIGADIER GENERAL CHRISTOPHER D. MILLER
BRIGADIER GENERAL HAROLD W. MOULTON II
BRIGADIER GENERAL STEPHEN P. MUELLER
BRIGADIER GENERAL ELLEN M. PAWLIKOWSKI
BRIGADIER GENERAL PAUL G. SCHAFER
BRIGADIER GENERAL STEPHEN D. SCHMIDT
BRIGADIER GENERAL MICHAEL A. SNODGRASS
BRIGADIER GENERAL MARK S. SOLO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DENNIS J. HEJLIK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD F. NATONSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DUANE D. THIESSEN

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 13, 2008:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

JOHN S. BRESLAND, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

JOHN S. BRESLAND, OF NEW JERSEY, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

TENNESSEE VALLEY AUTHORITY

THOMAS C. GILLILAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2011.

NUCLEAR REGULATORY COMMISSION

KRISTINE L. SVINICKI, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2012.

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2013.

REFORM BOARD (AMTRAK)

THOMAS C. CARPER, OF ILLINOIS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

NANCY A. NAPLES, OF NEW YORK, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JOHN E. OSBORN, OF DELAWARE, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009.

ELIZABETH F. BAGLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ANA M. GUEVARA, OF FLORIDA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

DEPARTMENT OF STATE

GOLI AMERI, OF OREGON, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

UNITED STATES TRADE AND DEVELOPMENT AGENCY

LARRY WOODROW WALTHER, OF ARKANSAS, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.

DEPARTMENT OF STATE

DAVID J. KRAMER, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFREY J. GRIECO, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

JAMES FRANCIS MORIARTY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

MARGARET SCOBEY, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

DEPARTMENT OF THE TREASURY

DOUGLAS H. SHULMAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF INTERNAL REVENUE FOR THE TERM PRESCRIBED BY LAW.

DEPARTMENT OF LABOR

NEIL ROMANO, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

MICHAEL F. DUFFY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012.

ROBERT F. COHEN, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2012.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2007.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMSHEED K. CHOKSY, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014.

DAWN HO DELBANCO, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014.

GARY D. GLENN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014.

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014.

MARVIN BAILEY SCOTT, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2010.

CAROL M. SWAIN, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOXEL GARCIA, OF CONNECTICUT, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

JAN CELLUCCI, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012.

WILLIAM J. HAGENAH, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012.

MARK Y. HERRING, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012.

JULIA W. BLAND, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2012.

NATIONAL BOARD FOR EDUCATION SCIENCES

SALLY EPSTEIN SHAYWITZ, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011.

FRANK PHILIP HANDY, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011.

JONATHAN BARON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011.

DEPARTMENT OF COMMERCE

JOHN J. SULLIVAN, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. CLIFFORD I. PEARSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. ROBERT J. PAPP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. DAVID P. PEKOSKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECCTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral (lower half)

RDML (SELECT) DANIEL R. MAY

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JAVAID ANWAR, OF NEVADA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2013.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

ONDRAY T. HARRIS, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS.

DAVID W. HAGY, OF TEXAS, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN C. HARVEY, JR.

DEPARTMENT OF JUSTICE

WILLIAM JOSEPH HAWE, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. VERN M. FINDLEY II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. STEPHEN R. LORENZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ALLEN G. PECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN T. SHERIDAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARTIN E. DEMPSEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KATHLEEN M. GAINEY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE ASSISTANT COMMANDANT OF THE MARINE CORPS AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

To be general

LT. GEN. JAMES F. AMOS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DERWOOD C. CURTIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) WILLIAM R. BURKE
REAR ADM. (LH) MARK H. BUZBY
REAR ADM. (LH) PHILIP H. CULLOM
REAR ADM. (LH) MARK I. FOX
REAR ADM. (LH) TIMOTHY M. GIARDINA
REAR ADM. (LH) ROBERT S. HARWARD, JR.
REAR ADM. (LH) WILLIAM H. HILARIDES
REAR ADM. (LH) DANIEL HOLLOWAY
REAR ADM. (LH) DOUGLAS J. MCANENY
REAR ADM. (LH) JOHN W. MILLER
REAR ADM. (LH) MICHAEL S. O'BRYAN
REAR ADM. (LH) FRANK C. PANDOLFE
REAR ADM. (LH) DAVID L. PHILMAN
REAR ADM. (LH) BRIAN C. PRINDLE
REAR ADM. (LH) DONALD P. QUINN
REAR ADM. (LH) WALTER M. SKINNER
REAR ADM. (LH) JAMES P. WISECUP

IN THE AIR FORCE

AIR FORCE NOMINATION OF ANDRE G. SARMIENTO, TO BE MAJOR.

AIR FORCE NOMINATION OF RICKEY J. REYNOLDS, TO BE MAJOR.

AIR FORCE NOMINATION OF DANIEL E. BATES, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY D. LEWIS AND ENDING WITH ROBERT J. LOVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH AUSTIN B. DOSH AND ENDING WITH JOSHUA M. SILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH GERALD B. WHISLER III AND ENDING WITH SAMUEL R. WETHERILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH FRANK W. ALLARA, JR. AND ENDING WITH JOHN M. YACCINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN R. ANDRUS AND ENDING WITH RANDALL C. ZERNZACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH KATHRYN L. AASEN AND ENDING WITH RICHARD D. TOWNSEND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ZENEN T. ALPUERTO AND ENDING WITH DUSTIN ZIEROLD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH LENNY W. ARIAS AND ENDING WITH MICHAEL K. TOWNSEND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH WESLEY M. ABADIE AND ENDING WITH SCOTT A. ZAKALUZNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2008.

IN THE ARMY

ARMY NOMINATION OF SAMUEL H. WILLIAMS, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL R. BROOKS, TO BE MAJOR.

ARMY NOMINATION OF JAMES E. DAVIS, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL G. RYDER, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH NICOLAS AGUILAR AND ENDING WITH D060541, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATIONS BEGINNING WITH DOREENE R. AGUAYO AND ENDING WITH GEORGE J. ZECKLER, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATIONS BEGINNING WITH ROY W. ALABRAN AND ENDING WITH JOHN T. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATIONS BEGINNING WITH KRISTIN E. AGRESTA AND ENDING WITH MICHELLE THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATION OF RICHARD E. MICHAEL, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL E. MCCOWAN, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL F. SZYMANIAK, TO BE MAJOR.

ARMY NOMINATION OF BARBARA T. EMBRY, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSE A. ACOSTAHERNANDEZ AND ENDING WITH MARY E. CAPOCCIONI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

ARMY NOMINATION OF LLENA C. CALDWELL, TO BE MAJOR.

ARMY NOMINATION OF DEANNA L. REIBER, TO BE MAJOR.

ARMY NOMINATION OF CHRISTOPHER D. YAO, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL L. MANSI, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARC FERRARO, TO BE COLONEL.

ARMY NOMINATION OF WENDELL L. KING, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH PAUL C. PERLIK AND ENDING WITH KEITH MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH MARC C. HENDLER AND ENDING WITH JAMES D. TOWNSEND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH JAMES H. KELLY AND ENDING WITH KRISTINE R. SAUNDERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH ALLYSON A. PETERSON AND ENDING WITH BRIAN E. PREHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH LARRY W. AKE AND ENDING WITH PATRICK S. CARSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH GARY L. GROSS AND ENDING WITH PETER M. TAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH HAROLD L. CAMPBELL, JR. AND ENDING WITH KENNETH P. STORZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH MAGDALENA A. ACEVEDO AND ENDING WITH CORY J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

IN THE COAST GUARD

COAST GUARD NOMINATION OF KIMBERLY J. AVSEC, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH ANTHONY K. PALMER AND ENDING WITH PATRICK J. ST. JOHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ALLAN P. MUSTARD AND ENDING WITH KEVIN N. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 6, 2008.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JULIAN D. ALFORD AND ENDING WITH PHILIP J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH BAMIDELE J. ABOGUNRIN AND ENDING WITH JAY K. ZOLLMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH BERCH H. ABBOTT AND ENDING WITH MARK D. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

MARINE CORPS NOMINATION OF PHILLIP J. WOODWARD, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH JEFFREY S. CLEMONS AND ENDING WITH ANTHONY J. GIOVENCO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH BRIAN J. CORRIS AND ENDING WITH LARRY MIYAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH DONALD F. CARTER, JR. AND ENDING WITH JAMES R. TOWNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. COX AND ENDING WITH DOUGLAS M. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT A. DILL AND ENDING WITH EDWARD T. SEIFERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH BILLY A. DUBOSE AND ENDING WITH MARK A. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH STEPHEN M. BREEN AND ENDING WITH RAYMOND J. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT S. ADAMS AND ENDING WITH JOHN G. ZUPPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATION OF PATRICK T. GROSSO, TO BE MAJOR.

MARINE CORPS NOMINATION OF JAMES D. MCCOY, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF WALTER C. MURPHY, JR., TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF DONALD L. BOHANNON, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF CHARLES B. SPENCER, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN G. OLIVER AND ENDING WITH ROGER W. SCAMBLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH MARK F. BIRK AND ENDING WITH KENNETH L. KELSAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. AMBS AND ENDING WITH TODD E. KUNST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH TIM J. SCHROEDER AND ENDING WITH JOSEPH G. SINESE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH RICHARD D. HARDIN AND ENDING WITH GEORGE M. SEXTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROY E. LAWRENCE AND ENDING WITH DANIEL R. WESTPHAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH PETER D. CHARBONEAU AND ENDING WITH STEVEN R. FREDEEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH SAL L. LEBLANC AND ENDING WITH KEVIN R. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT F. EMMINGER AND ENDING WITH MICHAEL G. MARCHAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER F. BERGERON AND ENDING WITH MARK B. WINDHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH BENNIE N. JOHNSON AND ENDING WITH FAITH C. OPATRNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 5, 2008.

IN THE NAVY

NAVY NOMINATION OF RODERICK A. BACHO, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JEFFREY H. NARD AND ENDING WITH DANIEL J. TRUEBA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NAVY NOMINATIONS BEGINNING WITH ANDREW S. LOMAX AND ENDING WITH RUPERT L. HUSSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID R. COUGHLIN AND ENDING WITH TIMOTHY S. STYLES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NAVY NOMINATIONS BEGINNING WITH MICHAEL D. T. EDWARDS AND ENDING WITH CHAD D. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NAVY NOMINATION OF KEITH L. FERGUSON, TO BE LIEUTENANT COMMANDER.

WITHDRAWALS

Executive message transmitted by the President to the Senate on March 13, 2008 withdrawing from further Senate consideration the following nominations:

CHARLES A. GARGANO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA, WHICH WAS SENT TO THE SENATE ON NOVEMBER 7, 2007.

DAVID R. HILL, OF MISSOURI, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED, WHICH WAS SENT TO THE SENATE ON DECEMBER 3, 2007.

EXTENSIONS OF REMARKS

HONORING ROSAMOND PAYNE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rosamond Payne, a Senior Associate Director in emergency medicine at Kings County Hospital Center. Mrs. Payne is also a Family Nurse Practitioner in emergency medicine as well. It behooves us to honor Mrs. Payne who immigrated to the United States from Grenada where she had vast political involvement in solving community issues and needs.

For many years, Mrs. Payne has been a preceptor for Advance Practice Nurse Practitioner students; has been a mentor in the African-American Nursing Leadership Program at New York University. Additionally, Rosamond has been a professor of nursing for three years at the City University of New York serving on the curriculum committee and as the liaison between the City University of New York and the College of Nursing in the Netherlands.

Mrs. Payne is well respected among the medical profession, having been drafted as a visiting clinical instructor at Columbia and Malloy Universities. To her credit, she entered the medical profession as a registered nurse in 1991, and with her enthusiasm and drive, she empowered people and encouraging them to improve themselves.

She also does community outreach medical educational seminars on stroke and stroke education through the American Heart Association. Along the way, Mrs. Payne has given testimony before the legislators in Albany, New York regarding the drafting of the nursing curriculum to provide an excellent education for nursing students and to improve nursing student graduates to pass their licensing examinations in order to ameliorate the nursing shortage statewide.

Finally, Rosamond has volunteered for years on medical missions to Guyana, South America and even drafted her 20 year old daughter, Ann Marie, who volunteered in December 2006 and is on her way to medical school herself in the near future.

Madam Speaker, Mrs. Payne is a proud wife and mother who loves her profession. It is important for us to recognize her accomplishments and her selfless service.

CAROLINE PELTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Caroline Pelton of Cameron, Missouri. Caroline is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Caroline has been very active with her troop, participating in many Scout activities. In order to receive the prestigious Gold Award, Caroline has completed all seven requirements that promote community service, personal and spiritual growth, positive values, and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Caroline Pelton her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

LIVING BY THE SWORD

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. PAUL. Madam Speaker, it has been said that "he who lives by the sword shall die by the sword." And in the case of Eliot Spitzer this couldn't be more true. In his case it's the political sword, as his enemies rejoice in his downfall. Most people, it seems, believe he got exactly what he deserved.

The illegal tools of the state brought Spitzer down, but think of all the harm done by Spitzer in using the same tools against so many other innocent people. He practiced what could be termed "economic McCarthyism," using illegitimate government power to build his political career on the ruined lives of others.

No matter how morally justified his comeuppance may be, his downfall demonstrates the worst of our society. The possibility of uncovering personal moral wrongdoing is never a justification for the government to spy on our every move and to participate in sting operations.

For government to entice a citizen to break a law with a sting operation—that is, engaging in activities that a private citizen is prohibited by law from doing—is unconscionable and should clearly be illegal.

Though Spitzer used the same tools to destroy individuals charged with economic crimes that ended up being used against him, gloating over his downfall should not divert our attention from the fact that the government spying on American citizens is unworthy of a country claiming respect for liberty and the fourth amendment.

Two wrongs do not make a right. Two wrongs make it doubly wrong.

Sacrifice of our personal privacy has been ongoing for decades, but has rapidly accelerated since 9/11. Before 9/11 the unstated goal of collecting revenue was the real reason for the erosion of our financial privacy. When 19 suicidal maniacs attacked us on 9/11, our country became convinced that further sacrifice of personal and financial privacy was required for our security.

The driving force behind this ongoing sacrifice of our privacy has been fear and the emotional effect of war rhetoric—war on drugs, war against terrorism, and the war against third world nations in the Middle East who are claimed to be the equivalent to Hitler and Nazi Germany.

But the real reason for all this surveillance is to build the power of the state. It arises from a virulent dislike of free people running their own lives and spending their own money. Statists always demand control of the people and their money.

Recently we've been told that this increase in the already intolerable invasion of our privacy was justified because the purpose was to apprehend terrorists. We were told that the massive amounts of information being collected on Americans would only be used to root out terrorists. But as we can see today, this monitoring of private activities can also be used for political reasons. We should always be concerned when the government accumulates information on innocent citizens.

Spitzer was brought down because he legally withdrew cash from a bank—not because he committed a crime. This should prompt us to reassess and hopefully reverse this trend of pervasive government intrusion in our private lives.

We need no more Foreign Intelligence Surveillance Act! No more Violent Radicalization & Homegrown Terrorism Prevention Acts! No more torture! No more Military Commissions Act! No more secret prisons and extraordinary rendition! No more abuse of habeas corpus! No more PATRIOT Acts!

What we need is more government transparency and more privacy for the individual!

INTRODUCTION OF THE CONSULTATION AND COORDINATION WITH INDIAN TRIBAL GOVERNMENTS ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. RAHALL. Madam Speaker. Today I am introducing the "Consultation and Coordination with Indian Tribal Governments Act."

Normally, I would be pleased to offer a bill that strengthens the government-to-government relationship between the United States and Indian tribes. But today, I am disappointed that such legislation is necessary.

It is undisputed that the United States has a legal and political relationship with Indian

tribes and Alaska Natives. As such, when the Federal government interacts with Indian tribes, it does so on a government-to-government basis. This, combined with the history of treatment of Indian tribes by the United States, imposes a moral obligation on the United States to consult with Indian tribes before enacting policies that have a direct effect on them.

The history of Federal-Tribal relations has shown that consultation with Indian tribes works. The Federal Indian policies that have failed have been those that were developed without tribal input or are contrary to tribal input. On the other hand, the Federal Indian policy that has succeeded is that which allows Indian tribes the most input and control over their own affairs—tribal self-governance and self-determination. Indian tribes know what is best for themselves and for their members.

So it is disappointing that over 30 years after passage of the Indian Self-Determination and Education Assistance Act that this Administration refuses to engage in timely and meaningful consultation with Indian tribes.

Despite the political and moral obligation, as well as Presidential Executive Order 13175 requiring the administration to consult with Indian tribes, this administration has flagrantly ignored this responsibility. Instead, the administration takes actions that often have serious and negative consequences on Indian country, without any consultation at all. The House Committee on Natural Resources hears from Indian tribes on a continuous basis about the lack of government-to-government consultation between the administration and Indian tribes.

This bill will require the Department of the Interior, the Indian Health Service, and the National Indian Gaming Commission to enter into a true consultation process with Indian tribes and Alaska Natives before new policies or actions are taken, which will directly affect them.

This bill will mandate that Federal Indian policy is formulated only with input from Indian country while respecting Indian tribal self-government, sovereignty, and with honor for treaties signed long ago.

This bill will ensure that the United States will not repeat the mistaken policies of the past where the Great White Father makes decisions and policies in a vacuum.

This bill will make sure that the United States as a government sits at the table with Indian tribal governments when decisions are to be made affecting the lives of our First Americans.

I urge my colleagues to support this important legislation.

RECONNECTING HOMELESS YOUTH ACT OF 2008

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mrs. BIGGERT. Madam Speaker, I rise today as the lead Republican Sponsor of H.R. 5524, the Reconnecting Homeless Youth Act of 2008. I am pleased to join with my good friend Congressman JOHN YARMUTH to introduce this important hill reauthorizing and strengthening programs for runaway and homeless youth programs set to expire this year.

Madam Speaker, each year, between one and three million children in the United States find themselves on their own and on the street. Throughout our Nation, local shelters, like Naperville Community Outreach and Aunt Martha's in my district, rely on Federal support to keep these kids safe and off the streets.

Congress first enacted the Runaway and Homeless Youth Act, RHYA, in 1974 and has regularly reauthorized it to ensure a basic level of support for unaccompanied youth. The Reconnecting Homeless Youth Act does more than reauthorize the Runaway and Homeless Youth Act. It gives children whose lives have been disrupted an opportunity to overcome homelessness and get on track for a successful future.

This bill gives needed flexibility to shelters receiving Basic Center Program, BCP, funds, which provide children with emergency short-term shelter while attempts are made at family reunification. It strengthens Transitional Living Programs, TLP, that provide older youth with lite skills, education and employment services to help them become self-sufficient and independent. The bill also strengthens outreach efforts aimed at educating runaways on the services available and preventing youth from running away in the first place.

While the bill improves key components of runaway and homeless youth programs, I do have some concerns that I look forward to addressing as the bill moves through the Education and Labor Committee. First, I am concerned that raising minimum small state and territory allotments could adversely affect other States and territories if RHYA funding levels remain flat. Secondly, while I support the intent of more accurate research on runaway and homeless youth, I believe we can find a more cost-effective alternative to the research mandated in this bill. Lastly, I am concerned that the grant appeals process created in the bill attempts to fix a problem that simply does not exist and, in doing so, raises costs associated with administering the program.

I very much appreciate the assurances I've been given by the majority and minority on the Education and Labor Committee that we will discuss these and other issues in a bipartisan manner to make a good bill great, and, most importantly, to keep children off the streets.

IN RECOGNITION OF DELIA P. SANCHEZ IN HONOR OF WOMEN'S HISTORY MONTH

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. CASTOR. Madam Speaker, in recognition of Women's History Month, I rise today to honor Delia P. Sanchez, a champion for children in Florida. Ms. Sanchez is a wonderful example of the power of women to shape future generations and make a difference in their communities.

Ms. Sanchez is a lifelong learner. She obtained her bachelor's degree from Florida State University in social work with minors in education and spanish in 1945 and went on to get her master's in social work at Columbia University in 1947. Until 1991, nearly 50 years later, she took graduate level courses in areas such as pupil personnel services, education, and rehabilitation.

All the while, Ms. Sanchez was affecting enormous change in lives of hundreds of children in the Tampa Bay area. One of the greatest services that Delia Sanchez provided to the Tampa community was to work with Congressman Sam Gibbons to bring the first Head Start program to Hillsborough County. She began her career as a child welfare worker for the Florida State Welfare Board. From there Ms. Sanchez went on to work for the School Board of Hillsborough County as a school social worker and a case work consultant, working her way up the ranks to eventually serve as the administrative supervisor for Head Start for 9 years. Then, in the last 3 years of her career, she went into private practice to counsel troubled children.

Throughout her career and in her retirement, Ms. Sanchez has served as a board member or local representative to a number of community organizations. The list is too large to mention them all, but they range from the University of South Florida's Latin Community Advisory Committee, the Citizen's Advisory Council, the Child Abuse Council, the Ybor City Museum Society, to the National Association of Social Workers.

For all of her hard work for the education and welfare of children, countless organizations have recognized her. Ms. Sanchez is the recipient of the U.S. State Department Fellowship Award, the American Red Cross Service Award twice, the Mayor's Brotherhood/Sisterhood Award, the USF Social Work Alumni Society Award for Outstanding Community Service, the Channel 8 WFLA Volunteer of the Year Award, the Commemoration Committee Award for Dedicated Community Service, the Retired Social Worker Outstanding Achievement Award, the St. John Presbyterian Early Childhood Hand Print Award, the Ybor City Museum Society Pizzo Award to preserve Tampa's Latin heritage, the Hillsborough County Martin Luther King, Jr. Award, the Louis De La Parte Mental Health Advisory Council Award, and the National Head Start Association Lifetime Achievement Award.

And, if all of that wasn't enough, she is also a member of Sigma Delta Pi Spanish Honor Society, was named Social Worker of the Year by the National Association of Social Workers by the Tampa Bay Unit and then again by the Florida Chapter, received an honorary Doctorate from the University of South Florida School of Social Work, and in 1993 she was Hispanic Woman of the Year.

Madam Speaker, Delia P. Sanchez is a woman of the highest regard who has dedicated her life to helping others. I am proud to call her my neighbor, and I join many others to applaud her lifetime contribution to the Tampa Bay community.

HONORING ASNETH SYDONNIE COUNCIL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Asneth Sydonnie Council for outstanding and exemplary contribution to children and families in their pursuit of educational opportunities and advancement.

Asneth Council grew up in St. Ann, Jamaica in a home environment nurtured with love and strong family ties. She is the first of four daughters and one son of Mrs. Hillary Livingston, who is herself an educator. Her family's motto is ''Education Is the Key to Success.'' Naturally, Ms. Council epitomizes this motto in her professional life as well as her work with children, families, staff and community stakeholders.

Asneth attended and graduated magna cum laude with a Bachelor of Science Degree in Behavioral Science from Mercy College. She continued her studies at Teachers College of Columbia University where she earned a Master of Arts Degree in Social and Organizational Psychology. Her love of learning propelled Ms. Council to return to Long Island University where she completed a second Master's Degree in Public Administration in May 2007. She is presently enrolled in Doctoral Studies with a concentration in Industrial and Organizational Psychology.

Starting at the Joseph DiMarco Head Start program where she worked with children and their families, she continued working in Head Start by setting up a joint Head Start program with Broadway Housing and Center for Urban Community Services.

In December 2005, Asneth Sydonnie Council joined the Police Athletic League where she was quickly promoted from Deputy Director to the Director of Head Start programs and in August of 2007, was promoted to her current position as Director of Childcare and Nutrition. Moreover, Ms. Council is also a member of the Police Athletic League Strategic Planning Committee.

Ms. Council and her husband, Herbert, are celebrating seven years of marriage and are the proud parents of five children who continue to excel in their educational pursuits. Keeping with the tradition of her family's motto, Asneth also believes that ''every individual is important and has something to offer.''

Madam Speaker, I am very pleased to honor Asneth Sydonnie Council for her important role, her unwavering dedication and valuable contributions on behalf of young children. She is selfless and gives all of her heart to the very young who need her compassion the most.

STEPHANIE MORROW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stephanie Morrow of Blue Springs, Missouri. Stephanie is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Stephanie has been very active with her troop, participating in many Scout activities. In order to receive the prestigious Gold Award, Stephanie has completed all seven requirements that promote community service, personal and spiritual growth, positive values, and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Stephanie Morrow for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

HONORING NANCY PORTER MORRILL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Nancy Porter Morrill—the 2008 recipient the Bucks County Women's History Month Award. Ms. Morrill is being recognized by the Bucks County Women's Fund for her hard work and exceptional achievements in working to improve her community.

Ms. Morrill has a long and distinguished career of service to Bucks County. Committed to improving Bucks County. Ms. Morrill dedicated herself to working for various organizations, such as Community Development Advisory Council, Human Services Advisory Council and the Operations Review and Evaluations Committee.

Ms. Morrill has also worked to improve the scholastic and cultural environment of Bucks County. She was an important member of both School Works! and the Pennsbury School District, working to advance the relationships between businesses, teachers, students, and parents.

She has had an impact on the arts as well. She helped create the Arts and Cultural Council of Bucks County and the Food and Wine Festival in Bucks County which she co-chaired for 5 years. Ms. Morrill was also an active member of the Pennsbury Arts Foundation and the Art Committee of the Phillips Mill Community Association.

Of all Ms. Morrill's outstanding achievements, her most important work has been done fighting for women's rights in Bucks County. Over many years, Ms. Morrill worked tirelessly for the Planned Parenthood organization. She was head of the fundraising committee for the Planned Parenthood clinic in Doylestown and she went on to serve as the president of Bucks County Planned Parenthood organization. Also, Ms. Morrill was named the secretary of the board of the Family Planning Association of S.E.PA, and helped to build the Bucks County Women's Fund.

As her outstanding resume shows, Nancy Morrill has pledged her life to helping those in her community. Through her tireless work, Ms. Morrill has changed Bucks County for the better. Madam Speaker, I am proud to recognize Ms. Morrill for her extraordinary accomplishments and extremely honored to serve as her Congressman.

HONORING OLD FIRST CHURCH IN SPRINGFIELD, MASSACHUSETTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. NEAL of Massachusetts. Madam Speaker, I would like to commemorate the First Church of Christ, Congregational, located in Springfield, MA, commonly known as ''Old First Church.'' The congregation first established on the banks of the Connecticut River in 1637, conducted its last service on Sunday, December 31, 2007. Its steeple bells tolled for the last time after the service was concluded and rang out over Court Square and downtown Springfield in its entirety. Its closing should not go unreported.

Old First Church was founded by settlers, including William Pynchon, who came to the banks of the Connecticut River from Roxbury, MA, in 1636. The settlers began worshiping in settlers' homes in 1637 with the Reverend George Moon. The First Meeting House was built in 1637, the second in 1677, the third in 1752 (during the ministry of the Reverend Robert Breck), and the fourth, and current, Meeting House was built in 1819. The dedication of the building took place on August 19, 1819. Three thousand people, essentially the entire population of Springfield and the surrounding area were in attendance.

Old First Church is the ''mother church'' for 15 ongregations throughout the Connecticut River valley and over 30 churches can trace their roots to Old First Church. Several of the churches were established for reasons of theological difference and sometimes because of differences relative to a particular pastor's style and perspective. Among the active ''daughter'' churches are: First Church of Christ, Congregational, Suffield, CT; Enfield Congregational Church, Enfield, CT; First Congregational Church UCC, West Springfield, MA; Wilbraham United Church, Wilbraham, MA; First Congregational Church, Brimfield, MA; First Congregational Church UCC, Chicopee, MA, First Church in Ludlow UCC, Ludlow, MA; The Thirds Congregational Society; South Congregational Church UCC in Springfield, MA; and First Church in Longmeadow, MA. The members of Old First Church hope that their legacy, which includes a commitment to social justice and to serving the people of Greater Springfield in countless ways, will continue through the members of those ''daughter'' congregations.

The current Meeting House was designed and built by Captain Isaac Damon, with a steeple alter the manner of Christopher Wren. Captain Damon originally traveled to Western Massachusetts from Weymouth, MA, to work on the First Church of Christ in Northampton. Subsequently he worked on additional projects in the Northampton area and it was his work

in that area that caused the members of Old First Church to seek him out.

From its position atop the steeple of Old First Church, the Rooster weathervane (which was first placed on the third Meeting House in 1768 and on the current Meeting House when fully constructed in 1819) has been a witness to Springfield's rich and important New England history including: George Washington passing by on June 30, 1775, to take charge of the defense in Boston; the travel of Henry Knox and his train of artillery on January 26, 1776; the selection of Springfield as the site for the first United States Arsenal; General Burgoyne's army after its defeat in Saratoga, New York in 1777; and the defense of the Springfield Armory from rebel forces lead by Daniel Shays in 1787. In more current times, it has gone on to witness community celebrations and commemorations, demonstrations and festivals. It has remained steady and devoted to the City of Springfield and its citizens, just as the members of the Congregation of Old First Church have for hundreds of years.

There are many events and activities of note which have taken place at Old First Church over the centuries, which include the body of President John Quincy Adams laying in state, and the famed Swedish soprano, Jenny Lind, performing at the Church in July 1851. Samuel Chapin, the subject of the St. Gaudans ''the Puritan'' statue, was an early deacon of the Church. Old First Church played a role in the Underground Railroad. In fact, Reverend Osgood brought in leading abolitionists from England to give speeches advocating against slavery. Daniel Webster attended Old First Church on more than one occasion.

The church also organized and annually hosted a series of musical presentations called ''Music at First'' which featured individual artists, chambers music, ensembles and choral groups. The New England Academy of Academic Artists was also annually provided with a venue for its Juried Show.

Old First Church, until its closing, hosted the largest and longest established Alcoholics Anonymous meeting in Western Massachusetts.

Beginning in 1977, Old First Church began to house ''Open Pantry'' the largest food distribution service for the needy in the Greater Springfield area. It also hosted and regularly staffed ''Loaves and Fishes'' providing two meals for the homeless each Saturday and Sunday. In recent years, during the winter months, the Church opened its door to ''The Warming Place'' supplying emergency shelter to the area's homeless.

Public Vigils to raise consciousness surrounding the issues of AIDS, domestic violence and other social issues have regularly been held at Old First Church as well as memorial services for the New England Association of Fire Chiefs.

The members of the congregation embraced and actively participated in ''Walking United'' a program designed to gather and distribute unused prosthetic devices in the United States to a clinic it established to aid the people of Nicaragua who suffered as a result of land mine and other catastrophic injuries.

Despite its conservative New England roots, Old First Church has been among the most socially progressive churches in Massachusetts. It has been a church which has paved the way for other congregations to follow and one that has always provided unconditional resources and support to those in need within and beyond the City of Springfield.

At the ''Celebrations of the Life of Old First Church 1637 to 2007'' those in attendance were invited by the Reverend Dr. J. Thomas Gough, the 23rd settled pastor of Old First Church, to come forward and accept ''packets of seed'' while offering this prayer:

''Gracious God, Creator of earth and sky, author of all living things, spirit of hope and grace and promise, be part of us now as your people here at Old First Church prepare to offer themselves as seeds of your love. Bless these packets of seed as symbols of your intention for us that we might venture forth into the world bearing what is necessary to grow in other soil.

''May it be your breath that blows us to other places. May it be your call that leads us to go forth from this place to be your people scattered in the world. May we follow in the paths you set before us and take root where next you plant us. Help us, above all, to flourish in new places and to bring the fruit of Old First Church to ripeness in other communities of faith. Let what we have learned in this place, what has given us life and meaning and purpose, create new and holy spaces wherever we are taken in your name.''

Madam Speaker, it is my hope that Old First Church will continue to remain a historic landmark and preserved, as it is truly one of the most significant buildings in the city. The parish house has potential valuable uses for the city and it would be a tragedy if we did not do everything in our power to preserve this building. The memories made at the church will continue to live on in the hearts and spirits of the members.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. WOOLSEY. Madam Speaker, on March 12, 2008, I was unavoidably detained and was not able to record my votes for Rollcall Nos. 124–134.

Had I been present I would have voted:

Rollcall No. 124—''no''—On Motion to Adjourn.

Rollcall No. 125—''no''—Resolution Raising a Question of the Privileges of the House.

Rollcall No. 126—''no''—On Motion to Adjourn.

Rollcall No. 127—''no''—On Motion to Adjourn.

Rollcall No. 128—''yes''—On Motion to Table the Resolution.

Rollcall No. 129—''yes''—Providing for the consideration of H. Con. Res. 312, Congressional Budget for the U.S. Government for Fiscal Year 2009.

Rollcall No. 130—''yes''—Providing for the consideration of H. Con. Res. 312, Congressional Budget for the U.S. Government for Fiscal Year 2009.

Rollcall No. 131—''yes''—Generations Invigorating Volunteerism and Education Act.

Rollcall No. 132—''yes''—Providing for an adjournment or recess of the two Houses.

Rollcall No. 133—''yes''—Honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States.

Rollcall No. 134—''yes''—To temporarily extend the programs under the Higher Education Act of 1965.

HONORING FRANKLIN SCHOOL FOR BEING NAMED AN ILLINOIS SCHOOL OF HONOR

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in congratulating Franklin School, in Belleville, Illinois, for being named an Illinois School of Honor, one of only two schools in Illinois to receive this award.

The University of Illinois Extension has teamed with the Character Education Partnership (CEP) to conduct an award competition that recognizes schools that have implemented outstanding programs in character education. Franklin School was selected in the state competition as one of only two Illinois Schools of Honor. This is a prestigious honor for Franklin School and brings well-deserved recognition to their very successful character education program.

With the emphasis in recent years on testing and meeting aggressive educational standards, it is refreshing to see that schools also realize that character counts. These schools demonstrate that well-rounded students can be developed by instilling values of respect for others and good moral judgment while also focusing on instruction in academic subjects.

The application process for the State School of Character competition is very rigorous and there are specific, objective criteria that must be met to qualify. In order to be considered, a school must demonstrate that they have implemented a comprehensive, effective and successful program for incorporating character development into their school environment. Winning this award reflects positively on the entire Franklin School community, administration, faculty and staff, students and families. All worked together to achieve this honor.

Madam Speaker, I ask my colleagues to join me in congratulating the administration, faculty, staff, students and families of Franklin School for their recognition as an Illinois School of Honor.

FREEDOM FOR RANDY CABRERA MAYOR

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LINCOLN DIAZ-BALART. Madam Speaker, I rise today to speak about Randy

Cabrera Mayor, a prisoner of conscience in totalitarian Cuba.

Mr. Cabrera Mayor was imprisoned by the Cuban totalitarian dictatorship in 1989, a month before his 19th birthday. for his refusal to join the dictatorship's armed forces.

Eight months after his imprisonment, Mr. Cabrera Mayor courageously escaped the atrocious confinement facility known as ''Ganusa'', located in San Jose de las Lajas. He promptly built himself a makeshift boat and attempted to reach freedom in the United States. Unfortunately, Mr. Cabrera Mayor was caught 10 miles off the coast of Matanzas by agents of the communist dictatorship. He was convicted by a sham tribunal on charges of ''treason'' and ''illegal departure from the island.'' This would mark the first of many unsuccessful attempts by this brave political prisoner to achieve his god-given right to freedom.

My colleagues, I wish to bring to your attention the inhumane conditions Mr. Cabrera Mayor is currently living in. The food he is being provided is consistently under an advanced stage of decomposition to the point that it is propagating intestinal diseases. He spends long periods of time in solitary confinement without access to a bathroom and shackles have been attached to his ankles to hinder his movements. When not in solitary confinement, Mr. Cabrera Mayor and other political prisoners are held in the same cells as common criminals of the most dangerous kinds.

Madam Speaker, Mr. Randy Cabrera Mayor has engaged in numerous hunger strikes to protest his conditions and those of other prisoners, and he has been met with threats of beatings and withholding of sustenance, all in accordance with the usual treatments that the brutal regime that currently oppresses Cuba affords its political opponents in the dark and cruel world of Castro's gulags.

Madam Speaker and colleagues, the conditions in which prisoners of conscience in Cuba are held are abominable and condemnable. We must demand the immediate release of Mr. Cabrera Mayor and all unjustly incarcerated prisoners, including all the political prisoners in totalitarian Cuba.

HONORING DR. MONA PERVIL ULYSSE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize Dr. Mona Pervil-Ulysse, a native of Cap-Haitien, Haiti who arrived in the United States at the age of eleven where she attended elementary, junior and high schools in Brooklyn, New York.

Subsequently, Dr. Ulysse pursued her premedical requirements in the Sciences as a Biology Major at Brooklyn College and completing the Basic Sciences years of medical school at the Universidad del Noreste in Mexico. The last two years of medical school were pursued at the Albert Einstein College of Medicine, and the Bronx Lebanon Hospital Center in New York. She completed her residency in Internal Medicine at Kings County Hospital and SUNY Downstate Medical Center, where she proceeded to specialized training in Rheumatology.

Dr. Mona Pervil-Ulysse is Chief of Rheumatology at Interfaith Medical Center since 1997. She is a clinical instructor at SUNY Downstate Medical Center and attending physician at the New York Methodist Hospital. She coordinates a well-organized arthritis clinic, (Orris G. Walker Clinic) and is a mentor to medical residents in training who rotate through the Rheumatology Division at the Interfaith Medical Center. She provides Rheumatology consulting services at various nursing homes and is in private practice. Dr. Pervil-Ulysse has been a co-principal investigator of different research projects during her specialized training in Rheumatology. Her clinical presentations and professional activities have received recognitions in medical journals and newspapers. She is a frequent lecturer of the various rheumatologic diseases, notably Systemic Lupus Erythematosus, Rheumatoid Arthritis and Osteoarthritis, among many others.

Dr. Mona Pervil-Ulysse holds various leadership positions. She is the president of the Christian Community Health Team, the New York Chapter of the Baptist Medical Dental Fellowship from the Southern Baptist Convention. Also, she is president of the Aesclepius Medical Society and administrator of L'ASCH, a Brooklyn partner of the Lupus Foundation. Dr. Pervil-Ulysse participates in health fairs, lectures in schools in the tri-state area and conducts an annual health fair in Haiti with the French Speaking Baptist Church.

Madam Speaker, it behooves us to pay tribute to this incredible doctor who has dedicated her entire career in caring for the ill and for her endless support of the struggle against health care disparities. Dr. Mona Pervil-Ulysse is a remarkable person and I am proud to recognize her today.

MISHA MAZURKEWYCZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Misha Mazurkewycz of Saint Joseph, Missouri. Misha is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Misha has been very active with her troop, participating in many Scout activities. In order to receive the prestigious Gold Award, Misha has completed all seven requirements that promote community service, personal and spiritual growth, positive values, and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Misha Mazurkewycz for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

HONORING LANCE CORPORAL JERED CAMPBELL

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. SALI. Madam Speaker, I rise today to pay tribute to one of my constituents, LCpl Jered Campbell.

Lance Corporal Campbell recently returned from Haditha, Iraq, where he served a 7-month deployment. He was assigned to Company ''E'' of the Second Battalion, Third Marine Regiment of the United States Marine Corps.

The city of Haditha saw unprecedented improvements where Lance Corporal Campbell's Company E served. Upon arrival, Haditha was considered one of the most dangerous regions in Iraq. By the end of Lance Corporal Campbell's deployment, the police force was rapidly growing, attacks on Iraqi police and Marine patrols were steadily decreasing, and relations with the Iraqi people were improving.

Madam Speaker, please join me in paying tribute to Lance Corporal Campbell, whose selfless actions benefit all Americans. Our Nation owes Lance Corporal Campbell and his fellow Marines a great debt of gratitude for their service.

HONORING LARRY FURROW IN HIS ACCOMPLISHMENTS AT RETIREMENT

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. PEARCE. Madam Speaker, I rise today to recognize the great achievements of Lt. Larry Furrow. In the 41 years that Larry has served the U.S. military and Government, he continually showed great dedication, knowledge, and skill. I greatly admire his dedication to his work. His many years of education and lifetime of experiences make Mr. Furrow a noteworthy man and an exceptional example to other people.

Mr. Furrow's service to his country did not stop in the military after he gained the rank of lieutenant in 1993. He went on to become the chief of public affairs for White Sands Missile Range in New Mexico. These are all reasons to honor Mr. Furrow, but he is also admired for his great sense of humor that attracted people to him—whether it was in the military, flying people around, or working in public relations for White Sands Missile Range.

Among his many respectable traits, Mr. Furrow is also an enthusiastic outdoorsman who likes to spend time snowshoeing, skiing, and running marathons. He is not only adventurous and dedicated, he is also a loving husband, father, and grandfather.

In all of the years that Mr. Furrow has been in the workplace, he has exemplified hard work, dedication, and commitment to duty and country. It is inspiring to know and a privilege to honor Mr. Furrow in his time of retirement. On behalf of the people of the Second District

of New Mexico, I congratulate Mr. Furrow on his outstanding career and know that he will continue to inspire others with the intelligence, leadership, thoughtfulness and humor that he displayed to so many throughout the years.

HONORING ANGEL DIAZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BACA. Madam Speaker, I stand here today to honor a civic leader, innovative visionary, loving father and grandfather—Angel Diaz.

Angel was born in Los Angeles, CA, and eventually moved to Richgrove with his family where he attended Delano High School. After graduating from Porterville College in 1961, he served in the United States Army and received an honorable discharge in 1964.

Upon Angel's return to the Delano area, he began an inspiring life of activism due to his passion and fervor for community betterment.

As a founding member of the Kern County Hispanic Chamber of Commerce. he also founded Adelante, a networking database that connects over 2.5 million registered Latino households in order to relay important community messages with the greatest priority necessary. Having sat on numerous boards in positions of authority, Angel is regarded with the utmost respect by community members and leaders alike. In the past, he has served as California State president of Adelante, commissioner on the Civil Service Commission of Kern County, president of MAPA of Kern County and State 15th Senate District, State and National vice president for the Mexican American Political Association, and State vice president of the Latino American Political Association, in addition to being a member of many more.

Furthermore, Angel's influence in the Central Valley as a successful advocate for health safety regarding water contamination distinguishes this man as a genuine fighter and champion for Latino children and families everywhere.

Apart from owning Diaz Enterprise. Angel is also the founder and CEO of California Migrant Leadership Pre-school. It is through this school that Angel is able to successfully convey the importance of establishing a solid foundation for the educational development needs of children in order to prepare them for further academic advancement. As a result of his involvement with this school, Angel has met with a wide spectrum of politicians and community' leaders to compel them to recognize the positive ripple effect it creates for our society.

Angel Diaz is not only an empowering leader, but a true friend not only to me and my family and the Latino community. I am grateful for Angel's admirable dedication to instilling positive change and leading an exemplarily life, one of whose footsteps we all hope to follow. God Bless him for love of country and mankind.

SESQUECENTENNIAL OF THE FOUNDING OF FORT FAIRFIELD

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. MICHAUD. Madam Speaker, I rise today to honor the families who 150 years ago came to the banks of the Aroostook River following the Aroostook War and the Webster-Ashburton Treaty which paved their way. Working together in the midst of wilderness, the community supported a school and increasing amounts of small businesses. Finally, in March, 1858, the Secretary of State certified that an act to incorporate the Town of Fort Fairfield had been signed by Governor Lot M. Morrill.

Today, equipped with the same community spirit and sense of common purpose, the people of Fort Fairfield continue to embrace the challenges and opportunities of living and working on the border in northern Maine. Their commitment and the commitment of their ancestors are to be commended. It is these individuals and families along with the many other hardworking people of Maine that I remember every time I cast a vote here on the floor of the U.S. House of Representatives.

It is an honor and a privilege to represent the people of Fort Fairfield and I am pleased to have this opportunity to help this community celebrate its 150th Anniversary.

HONORING ELLA RILEY GARDNER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ella Riley Gardner who after thirty-four years of service with the New York City Department of Education retired in 2004. Born in Beaufort, South Carolina, she is the only child of Dan and Idelle Riley. She is a wife and mother of Elliot, Michelle, and Deisha, all college graduates and the grandmother of Shantrelle, Jonelle, Terrell, and Michaela.

Ella's motto, ''Love your calling with a passion; it is the meaning of your life'' saw her teaching English for twenty-three years where he enjoyed the richness of literature, poetry, novels, short stories, essays, etc. from all over the world. Her greatest joy was to see the expression of awe and wonder on the faces of her students as he unfolded the themes and life lessons derived from literature. Her greatest satisfaction was to know that they had learned and achieved as a result of her diligent and thorough instruction.

Ella received many accolades during her tenure as teach, including ''Teacher of the Year'' in 1992. From that year until her retirement, were spent in various capacities of administration and supervision: Site Facilitator for District 5 Professional Development Laboratory; Department Chairperson, Literacy Staff Developer, Assessment Coordinator, Assistant Principal at I.S. 195 and administrator of a $350,000 Comprehensive School Reform Technology Grant from 2002 until her retirement.

As an avid community servant, Ella serves children and women in two community-based shelters, adopted schools and other community concerns through two professional organizations; the National Sorority of Phi Delta Kappa and the National Association of Negro Business and Professional Women's Clubs. She is currently in her second term as President of the Brooklyn Club. There, she was instrumental in securing an endowment fund that provides $22,000 yearly for five years to Brooklyn Club scholarship applicants.

Madam Speaker, Ella Riley Gardner's educational preparation includes a B.A. in English, City College New York (1971); MA in Reading CCNY (1973); MS in Educational Administration and Supervision, Pace University (1987); Paralegal Certificate, Long Island University (1989); Professional Diploma in Teacher Leadership, Teacher Leadership Institute at NYU (1993). As a lifelong learner, Ms. Gardner continues to enhance her knowledge and oftentimes attends countless workshops and seminars that expound the latest developments in literacy.

Madam Speaker, it is a privilege to pay tribute to Ella Riley Gardner for her selfless dedication to her passion—her calling as a teacher.

DANIELLE LEEPER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Danielle Leeper of Kingston, Missouri. Danielle is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Danielle has been very active with her troop, participating in many Scout activities. In order to receive the prestigious Gold Award, Danielle has completed all seven requirements that promote community service, personal and spiritual growth, positive values, and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Danielle Leeper for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

IN RECOGNITION OF PEGGY DODDS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize Peggy Dodds, a native South Carolinian for her service, loyalty, and dedication upon her retirement from the South Carolina Research Authority, SCRA.

Before her commitment to SCRA, Mrs. Dodds worked for Columbia College for 13 years. concluding her tenure as the executive assistant to the president.

On its upcoming 25th anniversary, SCRA is looking forward to celebrating its two and a half decades of building and managing multi-organization teams for industry, government, and academia to advance our country's technical competitiveness, During Mrs. Dodds' service to SCRA, she dedicated herself to the premise that SCRA was founded upon—to more quickly deploy our research successes for practical and competitive uses. This is still the bedrock of the organization across many disciplines, which include: manufacturing, shipbuilding, composites, law enforcement, homeland security, health care, and energy.

Mrs. Dodds rose to the position of director of corporate relations and has been an integral contributor, often behind the scenes, to SCRA's many successes. As Bill Maloney, SCRA's CEO and president, has said, ''in a variety of ways and across a variety of programs, Peggy has provided consistently effective interface and execution capabilities on behalf of both the CEO and the entire company, punctuated with a unique signature of polite, pleasant professionalism.''

During Mrs. Dodds' 18 years of service to SCRA, she has skillfully served and admirably performed in her capacity. Mrs. Dodds actively coordinated official business matters with the State's General Assembly and the South Carolina congressional delegation on behalf of SCRA presidents. Other responsibilities included scheduling and interaction with the SCRA trustees and chairman, recording secretary for the company and the All-Associates' meetings, and program management for the South Carolina Nutrition Research Consortium. Mrs. Dodds also assisted program management for SC Launch!, which is working to expand the knowledge economy of South Carolina. Additionally, she has contributed significantly to not only the day-to-day execution, but also the long-term transformation of SCRA. Her integrity is reflected in the thoughts and comments of her peers. Robert Henderson, past president and CEO of SCRA. has remarked that ''she was a great friend and an astounding organizer.'' Another former president and CEO of SCRA, Larry Druffel, says it best with ''Peggy was not only the soul of the organization but she knew the history, the people and most importantly the culture, which she worked to nurture.''

I am grateful for Peggy Dodds' service to the South Carolina Research Authority and her service to the many lives she has helped to improve in the State of South Carolina and the Nation. I know Peggy looks forward to focusing on her lamily and her church as well as traveling with her husband, Dave. I wish her good health and Godspeed for her future.

SUPPORTING PSORIASIS RESEARCH AND CARE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. PRICE of North Carolina. Madam Speaker. I rise today in support of H.R. 1188, the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act, and encourage my colleagues to cosponsor this legislation.

As many as 7.5 million Americans are affected by psoriasis—a chronic inflammatory, painful, disfiguring and disabling disease for which there are limited treatments and no cure. Between 10 percent and 30 percent of people with psoriasis also develop psoriatic arthritis, which causes pain, stiffness and swelling in and around the joints.

Brian Lehrschall, coleader of the Triangle Psoriasis, Education, Advocacy, and Support group in my congressional district, is just one of my constituents living with psoriasis. Diagnosed with plaque psoriasis at age 13. Brian underwent many courses of treatment to address his severe condition, including several different topical medications and ultraviolet radiation. Through the years, Brian has remained active in his local psoriasis support group and been a staunch advocate for the National Psoriasis Foundation's work to increase psoriasis and psoriatic arthritis research.

H.R. 1188 would direct the National Institutes of Health to expand and intensify research and related activities of the Institutes with respect to psoriasis and psoriatic arthritis. Specifically, the bill would direct the National Institute of Arthritis and Musculoskeletal and Skin Diseases to conduct a number of research activities related to psoriasis. The bill also would establish a national psoriasis and psoriatic arthritis patient registry through the Centers for Disease Control and Prevention and would direct the U.S. Department of Health and Human Services Secretary to convene a national summit on psoriasis and psoriatic arthritis research. Finally, the bill would authorize a study by the Institute of Medicine regarding medications and treatments for psoriasis and psoriatic arthritis.

I appreciate the work Brian and his colleagues have done on behalf of so many individuals living with psoriasis and psoriatic arthritis, and I ask my colleagues to join me in supporting H.R. 1188, the Psoriasis and Psoriatic Arthritis Research, Cure, and Care Act.

HONORING ST. FRANCIS PARISH AMARILLO, TEXAS 100TH ANNIVERSARY

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. THORNBERRY. Madam Speaker, I rise today to congratulate the St. Francis Parish, in Amarillo, Texas, on the occasion of its 100th Anniversary.

The history of the St. Francis Parish can be traced to the early 1900's when Texas sold public lands to encourage development in the region. In 1907, the Reverend Francis J. O'Reilly decided to establish a ''Catholic colony'' in the Texas Panhandle. After an extensive search, a site was selected to serve a growing number of parishioners settling the area. By 1908, over 13,000 acres on the Potter-Carson County line were purchased to develop a town.

The community boomed with families who were attracted to West Texas to work the land as faithful farmers and ranchers, and the first Catholic church was built there in 1908. The parish continues to flourish with a current congregation of about 65 families.

Over the years, the community and parish experienced both the blessings and challenges of life in West Texas. Dealing with unpredictable weather, crops, and economic conditions served to help parishioners become even more steadfast in their faith. The strong agricultural community set deep roots in the area, and many descendents of those first families still call the Texas Panhandle and St. Francis home.

The St. Francis Parish continues to actively celebrate and embrace its history of faith and community. In 1983, they commemorated their 75th Anniversary, which included the placement of a historical marker and the publication of a hardbound history book entitled ''Harvest of Memories—The St. Francis Story.''

Faith, family, and fellowship make our communities strong and provide us with hope. As St. Francis Parish celebrates its past and looks ahead to the future, I join with the community to wish them a joyous 100th Anniversary.

HONORING DEPUTY DAVE MILLS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to honor the memory of Deputy Dave Mills of Gallatin County, Illinois. Deputy Mills passed away suddenly on March 11, 2008.

Deputy Dave, as he was affectionately known to the students in Gallatin County, was the Gallatin County School District DARE Officer. I received a letter from a student in Gallatin County, Taylor Jackson, who had this to say about Deputy Dave; ''He was really close to me and most of the students of my school.'' Taylor went on to write, ''he was a great man and a huge influence to me and my teachers and my fellow students . . . I'm only 13, but he really meant the world to me and many others.''

As we can tell from Taylor's words, Deputy Mills' work certainly had an impact that will be forever etched into the hearts and minds of those whose lives he touched. I extend my sympathy to the family and friends of Deputy Dave Mills. My prayers will be with them and the Gallatin County community as they mourn this great loss.

HONORING VERONICA MONTGOMERY-COSTA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize Veronica Montgomery-Costa, the Harlem-born, third-term President of Local 372

and District Council 37 who assumed leadership of more than 26,000 union members on July 15, 1999. Local 372 represents the school-based Substance Abuse Prevention and Intervention Specialists, part-time School Aides, Family Paraprofessionals, Community Coordinators, School Lunch Workers, School Crossing Guards, and school-based Health Service Aides. Ms. Costa hit the ground running and fulfilled more than her campaign promises. She kept her promise to rebuild Local 372, which had been under the administration of its parent union, AFSCME, by implementing much-needed economic and administrative reforms.

Veronica transformed Local 372 into a fiscally sound, ethically administered organization wiping out an inherited $5 million deficit, restoring an effective grievance procedure, training for Grievance Representatives and Shop Stewards and increasing the number of members involved in standing committees. Local 372's integrity was restored along with its bargaining power and its members won record salary increases, improved health, retirement benefits and job security for full-time and part-time workers. With Ms. Costa's determination, Local 372 worked with parents and community groups to block the NYC Board of Education from turning over the management of five public schools to a private, for-profit corporation. Ever in the forefront of the fight against school vouchers, Veronica and Local 372 used its phone bank to support an effort which resulted in the House Education and Workforce Committee dealing President Bush and conservative Republicans a critical blow by voting to strip a private school voucher provision from the House Elementary and Secondary Education Act.

Veronica Montgomery-Costa started a Local 372 Scholarship Fund for Members' children, fought off privatization of the School Lunch Program, successfully lobbied to restore $3.1 million to the School Based Prevention Program in the state budget, and played a role in fighting for the reauthorization of the Child Nutrition Program without any cuts to the program. In conjunction with the Community Food Resource Center, Veronica spearheaded an innovative pilot project to help 500 Local 372 members take advantage of their eligibility for Earned Income Tax Credit.

Madam Speaker, Veronica Montgomery-Costa was unanimously elected for three consecutive terms as President of the 125,000-member District Council 37 by the Council's delegates and also serving in her second term as a member of the Steering Committee of the Municipal Labor Committee. It is an honor to pay tribute to her exceptional leadership on behalf of working men and women. She is most deserving of our recognition today.

ELSIE LEE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Elsie Lee of Kansas City, Missouri. Elsie is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Elsie has been very active with her troop, participating in many Scout activities. In order to receive the prestigious Gold Award, Elsie has completed all seven requirements that promote community service, personal and spiritual growth, positive values, and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Elsie Lee for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

HONORING SAN MARCOS HIGH SCHOOL MADRIGAL SINGERS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mrs. CAPPS. Madam Speaker, I rise today to congratulate an exceptional high school choir in my district, the San Marcos High School Madrigal Singers of Santa Barbara, CA, which was chosen to perform at New York City's legendary Carnegie Hall on March 10, 2008.

The San Marcos High School Madrigal Singers were selected out of dozens of high school choirs across the country for this performance. The concert featured 200 students from four states, and is the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert was conducted by Dr. Craig Jessop, esteemed Music Director of the Mormon Tabernacle Choir, who has been working with the choirs and their conductors throughout the year. Apart from their world-renowned performances, Carnegie Hall brings innovative music education programs to students across the Nation. I am delighted that these young people have been given this opportunity.

Led by Carolyn Teraoka-Brady. The Madrigal Singers, one of 5 choral groups at San Marcos High School, performs a varied repertoire of choral literature, Renaissance to contemporary, for the community and at festivals. In the last 4 years. the group has consistently received superior ratings at State and regional festivals in CA. In 2006, the group received a first place score at the invitational ''National Festival of Gold'' in New York City, featuring some of the country's finest ensembles. In addition to choral activities, these students are also leaders in the school's theatre productions, student government, Mock Trial, school newspaper, and CIF sports. The Madrigal Singers have performed for Donald Brinegar, Lynne Gackle, Anton Armstrong, André Thomas, and Weston Noble.

I am honored to have one of the 4 schools in the Nation chosen for the Carnegie Hall National High School Choral Festival come from my California district. The Madrigal Singers should be proud not only of their musical achievement, but their embodiment of the quality musical education the State of California provides. I commend these students and their leaders for their success.

INTRODUCTION OF THE CHILD PROTECTION IMPROVEMENTS ACT OF 2008

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. SCHIFF. Madam Speaker, I rise to speak about the introduction of the Child Protection Improvements Act of 2008. I introduced this bill today with my colleague Congressman MIKE RODGERS of Michigan to allow youth-serving organizations to perform Federal Bureau of Investigation (FBI) fingerprint-based background checks on prospective volunteers. We are joined by Senator JOSEPH BIDEN, Senator ARLEN SPECTER, and Senator ORRIN HATCH, who are introducing identical legislation in the Senate.

A positive, stable influence can make an incredible difference in a child's life, and we are lucky to have millions of Americans eager to serve their community. In 1986, as a young lawyer, I volunteered as a Big Brother and was paired with a wonderful seven year-old named ''David.'' That relationship has been one of the most rewarding and enduring in my life. It also taught me first hand the trust that we place in the adult in a mentoring situation. Groups like Big Brothers and Big Sisters, the Girl Scouts, and thousands of agencies, large and small, are doing amazing work for children across America. This bill is about giving them the tools they need to protect children and to accomplish their mission.

The Child protection Improvements Act will allow organizations that pair volunteers with children, whether as mentors, Little League coaches, or Scout Masters, to perform quick and accurate background checks through the FBI's fingerprint-based system. It will be simple for organizations to request a check, it will cost non-profits a maximum of 525, and they will receive a result in less than a week.

This legislation arose from the lessons we learned from a 2003 pilot program established in the PROTECT Act. The pilot gave certain mentoring and youth agencies the ability to submit fingerprints directly to the FBI to receive a determination if the volunteers criminal record made them unfit for the role. In 2003, and earlier, state law enforcement agencies have been able to access the FBI system, but as of today only one-third of states have the infrastructure in place for a mentoring agency to get an FBI background check in an affordable and timely manner.

The PROTECT ACT pilot demonstrated the need for background checks to protect children from predators. Six percent of checks conducted came back with serious criminal records, in many cases records that would not have turned up through a search of a state database or through a name-based, commercial search. There are cases around the nation in which applicants were sex offenders, repeat felons, and child abusers. The National Center for Missing and Exploited Children (NCMEC) reviewed tiles in which an applicant had a

criminal record in four states, including a conviction for murder, which they didn't reveal when they applied to be a volunteer.

The pilot also taught us that youth serving organizations want to watch out for children and they want access to affordable, accurate, and prompt background checks. And that was exactly what the pilot provided, returning a fitness determination in an average of three to five days for less than $20.

The Child Protection Improvements Act also protects the privacy rights of volunteers. No criminal records will he transmitted to anyone other than NCMEC without the consent of the volunteer, so their right to privacy will be protected. If they believe their record contains errors, or if they disagree with the determination of NCMEC, they can challenge the completeness of the record or request its full release.

There is a clear and compelling need for this legislation. By passing the Child Protection Improvements Act, Congress will take an important step forward in protecting children and supporting the service of thousands of community-based youth serving organizations around the country.

20TH ANNIVERSARY OF SADDAM HUSSEIN'S ATTACK ON HALABJA, IRAQ

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. WOLF. Madam Speaker, I rise today to call the attention of the House to the 20th anniversary of Saddam Hussein's attack on the city of Halabja with chemical and biological weapons. On March 16, 1988, these weapons killed some 5,000 Kurdish men, women and children, as part of Hussein's Al-Anfal campaign to kill and displace the Kurdish population in northern Iraq.

According to a comprehensive study by Human Rights Watch, the 1988 Al-Anfal campaign consisted of approximately 40 gas attacks and resulted in the deaths of at least 50,000 and perhaps as many as 100,000 Iraqi Kurds. The worst in this series of attacks was on Halabja.

The attack in 1988 has left behind a cruel and persistent legacy on the village of Halabja, where inhabitants experience a high instance of life threatening medical conditions due to the persistence of noxious poisons in the food and water supply. I ask that our colleagues remember this day, which exemplifies the legacy of brutality and human rights abuses that characterized the regime of the late Saddam Hussein.

HONORING LOUVENIA POINTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today to recognize Louvinia G. Pointer who enjoyed a successful career on the Broadway stage. When Noel Coward heard Louvinia's voice, he wrote a part for her to sing in his musical, "Set To Music," starring Beatrice Lillie. After that, she appeared with Alfred Lunt and Lynne Fontaine on Broadway in "The Pirate." Highly esteemed among her peers as a singer, teacher and choral conductor, her fulfilling career includes work with some of the country's outstanding teachers including Rosalie Miller, Samuel Margolis, Sarah Lee, Modena Scoval, and her long-time friend, coach and accompanist, the late Sylvia Olden Lee.

Louvinia's exceptional work as choral director of the National Youth Administration Radio Workshop won praise from notables such as Harry T. Burleigh, Fritz Mahler, Robert Hufstadder, Hall Johnson, Eleanor Roosevelt and Mary McLeod Bethune. Mrs. Pointer took her love of music to the New York City School system, where for many years, she was privileged to share her love of music and teaching gifts with the children of New York City. She taught in Public School 21, Lefferts Junior High School, Girls High and Tilden High Schools. During her 26 years teaching, she received numerous awards for her outstanding work.

Now retired, Mrs. Pointer is committed to the revival and preservation of the "Nego Spiritual." Her dream of establishing an organization to preserve the Negro Spiritual became a reality in 1987 when the Great Day Chorale was formed. Now in its twentieth season, the group, through the positive messages of these songs, has been an inspiration to listeners everywhere.

In 1994, Mrs. Pointer was chosen to take part in the Crown Heights Project, which was a collaboration of the Brooklyn Children's Museum, the Historical Society and the Society for the Preservation of Weeksville and Bedford-Stuyvesant History. Among her many awards, she received citations from the Honorable Howard Golden, former Borough President and the present Borough President, Marty Markowitz. Louvinia has been awarded for her work with Brooklyn-based arts organizations, including Celebrate Brooklyn, BACA, Welcome Back to Brooklyn, the Brooklyn Museum, Brooklyn Botanic Garden, Brooklyn Philharmonic Orchestra, and as a member of the board of the Brooklyn Music School.

Madam Speaker, I am pleased to honor Louvinia G. Pointer for her remarkable achievements and luminous career in the musical arts. She has directed two albums and even arranged the song, In the Garden by Bob Dylan on his album "Gotta Serve Somebody."

STEPHANIE HULL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Stephanie Hull of Liberty, Missouri. Stephanie is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Stephanie has been very active with her troop, participating in many Scout activities. In order to receive the prestigious Gold Award, Stephanie has completed all seven requirements that promote community service, personal and spiritual growth, positive values, and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Stephanie Hull for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

INTRODUCTION OF THE STATE SECRET PROTECTION ACT OF 2008 PROTECTING NATIONAL SECURITY AND THE RULE OF LAW THROUGH SAFE, FAIR, AND RESPONSIBLE PROCEDURES AND STANDARDS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. NADLER. Madam Speaker, the state secrets privilege is a common law doctrine that allows the Government to protect sensitive national security information from harmful disclosure in litigation.

This privilege was first recognized by the U.S. Supreme Court in the 1953 case of U.S. v. Reynolds, a case brought by the widows of three civilian engineers against the U.S. Government for negligence in a military airplane crash. The Government refused to produce an accident report of the crash, claiming that disclosure of the report would reveal secret military information harmful to national security. The Court accepted the Government's state secret claim and allowed the Government to withhold the report without ever reviewing it. When the report was discovered through an internet search 50 years later, it did not reveal any secret military information but, instead, showed the Government's negligence in the crash.

Unfortunately, Reynolds is not the only instance where the secrecy claims have been abused. Exaggerated claims of national security were made in an effort to conceal information about U.S. conduct in Vietnam and the bombing of Cambodia in the "Pentagon Papers" case and to prevent prosecution for the unlawful sale of arms to Iran and the funneling of proceeds from those sales to the Nicaraguan Contras. In the "Pentagon Papers" case, N.Y. Times Co. v. United States, 403 U.S. 713, Solicitor General Griswold warned the Supreme Court that publication of the information would pose a "grave and immediate danger to the security of the United States." Eighteen years later, he acknowledged that he had never seen "any trace of a threat to the national security" from publication of the information and that "there is very rarely any real risk to current national security from the publication of facts relating to transactions in the past, even the fairly recent past."

What these examples teach is that when a government is allowed to escape accountability by hiding behind unexamined claims of national security, it often will, making judicial

oversight of state secrets privilege claim critical to our constitutional system of checks and balances. Unfortunately, in the years following Reynolds, courts have proven reluctant to test Government claims of secrecy, often failing to examine evidence independently and accepting the Government's secrecy claim at face value.

Concerns about the lack of judicial oversight of the state secrets privilege have increased as the current administration has responded to cases challenging the most troubling aspects of its " war on terror"—including rendition, torture, and warrantless wiretapping—with blanket claims that these cases must be dismissed outright, before any discovery can proceed. As a result, injured plaintiffs have been denied justice and the courts have failed to address fundamental questions of constitutional rights. Take, for example, the case of Khaled el-Masri, a German citizen who was kidnapped, rendered to a CIA black site, and tortured before the administration realized that it had the wrong man. There is extensive public evidence supporting Mr. El-Masri's case, including a Council of Europe report verifying the accuracy of Mr. El-Masri's claims and the administration's public disclosure and defense of the rendition and interrogation of terror suspects as a valuable tool in its "war on terror." Yet the administration successfully argued that Mr. El-Masri's case should be dismissed before any discovery could occur based on the state secret privilege.

The transformation of a governmental privilege to withhold specific items of evidence into a claim of absolute immunity, and the overall lack of consistency in how courts handle state secret claims, requires Congressional reform. In 1980, Congress enacted the Classified Information Procedures Act—known as CIPA—to provide courts with clear statutory guidance on handling secret evidence in criminal cases. Congress also authorized courts to review and rule upon sensitive materials under the Freedom of Information Act and the Foreign Intelligence Surveillance Act. For the past several decades, courts have effectively and safely applied these laws—under the procedures and standards articulated by Congress—to protect sensitive information while also respecting the rule of law and providing fairness and justice to litigants.

It is time to enact procedures and standards for civil cases similar to those that we already have provided for criminal cases. Many have called for this reform, including the American Bar Association, which recently issued a report calling upon Congress to enact procedures and standards that promote meaningful, independent judicial review and "bring uniformity to a significant issue on which courts have adopted divergent approaches." The bipartisan Constitution Project has similarly urged us to "craft statutory language to clarify that judges, not the executive branch, have the final say about whether disputed evidence is subject to the state secret privilege," reminding us that "reforms are critical to ensure the independence of our judiciary and to provide a necessary check on executive power."

In a recent hearing held by the Judiciary Committee's Subcommittee on Constitution, Civil Rights, and Civil Liberties, which I chair, experts like retired Federal judges Patricia Wald and William Webster supported legislative efforts to require independent judicial review. According to Judge Webster:

"As a former Director of the FBI and Director of the CIA, I fully understand and support our government's need to protect sensitive national security information. However, as a former federal judge, I can also confirm that judges can and should be trusted with sensitive information and that they are fully competent to perform an independent review of executive branch assertions of the state secrets privilege. Judges are well-qualified to review evidence purportedly subject to the privilege and make appropriate decisions as to whether disclosure of such information is likely to harm our national security."

The State Secret Protection Act of 2008 provides much-needed reform by establishing rules and standards for determining state secret privilege claims. The act will strengthen national security by ensuring that legitimate secrets are protected from harmful disclosure, and it will strengthen the rule of law by preventing abuse of the privilege and maximizing the ability of litigants to achieve justice in court.

Modeled on CIPA, but adjusted for civil litigation, the State Secret Protection Act provides for secure judicial proceedings and other safeguards to protect valid state secrets. Under the act, a judge may not blindly rely upon assertions of secrecy and harm contained in an official's affidavit. Judges must review the information that the Government seeks to protect, along with any other evidence or argument relevant to the claim, to determine whether the harm identified by the Government is reasonably likely to occur. Where this standard is met, a judge may not order disclosure of the information. The judge must, however, consider whether a non-privileged substitute can be created that would allow the litigation to continue.

If a substitute is possible—for example, a redacted version of a document or a summary of the information—the government has the choice of producing the substitute or having the court resolve the issue to which the evidence is relevant against it, as happens in CIPA. Where there is no possible substitute, the judge may issue appropriate orders, including dismissing a claim or finding for or against a party on a factual or legal issue. The act allows the Government to raise a claim of privilege to avoid answering allegations in a complaint but prevents premature dismissal of claims before all issues of privilege are resolved and the parties have the opportunity to conduct non-privileged discovery.

Through these procedures and standards, the act allows parties the opportunity to make a preliminary case and provides courts with the flexibility to craft solutions that protect valid state secrets from harmful and serve the interests of justice. Congress has clear constitutional authority to establish rules of procedure and evidence for the courts, and reform of the state secrets privilege in civil litigation is long overdue. I urge all of you, my colleagues in the House, to join us in this important effort.

IN RECOGNITION OF THE CENTRAL VALLEY HEALTH NETWORK

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. CARDOZA. Madam Speaker, it is with the greatest pleasure that I rise today in recognition of the Central Valley Health Network as they celebrate their tenth anniversary. Comprised of 13 private, non-profit community health center systems, the Central Valley Health Network currently operates 116 clinic sites throughout 20 counties in California, providing high quality health care to those most in need.

In the 10 years since its inception, the Central Valley Health Network has provided families throughout the region with health care that is cost-effective, accessible, comprehensive, coordinated, compassionate, and culturally competent. Serving more than 530,000 patients, the Central Valley Health Network facilitates 2.1 million patient visits annually, providing care for low-income individuals, of which 75 percent are at or below the Federal poverty level, 50 percent of whom are enrolled in Medi-Cal, and 35 percent who are uninsured. Combined, it is the chief health care system for low-income families throughout the Central Valley, and in many communities the Central Valley Health Network's clinics are the only primary health care option available.

The Central Valley of California consistently experiences far greater physician shortages and dramatically increased rates of chronic diseases than other regions in the State. To address these imbalances, the Central Valley Health Network's mission is to support their member community health center systems in the effective delivery of high quality accessible health care with a special focus on advocacy for attaining optimal health for the medically underserved. Furthermore, the Central Valley Health Network's presence in the region has made a significant impact in local economies, generating over $200 million in Federal funds and creating over 2,000 jobs.

The Central Valley Health Network contributes greatly to the improvement of the overall quality of life for families throughout the Central Valley of California. Madame Speaker, I respectfully ask my colleagues to rise and join me in thanking everyone involved with the Central Valley Health Network for the work they do each and every day to provide the people and families of our communities with essential health care services. There is no more important or rewarding work than helping a fellow citizen in need, and through their dedicated and compassionate efforts, thousands of lives have been touched. We all owe them a great debt of gratitude, and I am proud to represent their efforts in Congress.

HONORING KAREN BASS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. RICHARDSON. Madam Speaker, I rise today to honor the newly elected speaker of

the California State Assembly, the Honorable Karen Bass. It is with great pride and pleasure that I applaud her accomplishments and wish her much future success.

At the end of this legislative year, Karen Bass will break glass ceilings in California and across the Nation by becoming the first African-American woman speaker of a State legislative body. Speaker-elect Karen Bass, who is respected on both sides of the aisle, received unanimous vote of the members to become the first Democratic woman elected to this position in California's history.

Throughout her career, public service and social justice have been the common threads around which her life revolved. Understanding the importance of education, Speaker-elect Bass taught as an adjunct instructor at her alma mater, California State University, Dominguez Hills. She also served as the clinical instructor at the Southern California School of Medicine and as the project director for the health careers opportunity program. A graduate of the University of Southern California's, USC, School of Medicine-Physician Assistant Program, Speaker-elect Bass worked in our country's largest trauma center, Los Angeles/USC Medical Center. It was here that she witnessed firsthand the havoc wreaked upon the community by the crack cocaine epidemic.

In 1990, Speaker-elect Bass took action by leaving the medical profession and founding the Community Coalition for Substance Abuse Prevention and Treatment. She served as its executive director for 14 years. After the 1992 civil unrest in Los Angeles, the coalition united and succeeded in transforming the social and economic conditions in south Los Angeles.

Speaker-elect Bass turned to politics when she concluded that the best way to implement change was to become an elected official herself. At the time of her election, there were no other African-American women in the California legislature, but her leadership potential was recognized immediately. During her first term, she was appointed majority whip during the 2005–2006 legislative session. During her second term, she became the first woman and first African-American appointed to the position of majority leader.

As vice chair of California's Legislative Black Caucus, Speaker-elect Bass pressed for the creation of the State of Black California Report, which measured economic and social conditions of California's African-American population. The Speaker-elect also created the People's Council to engage citizens in the debate on public policy and the political process. The Council was composed of four commissions, which examined education, environment, small business, and health issues in the State.

Always reaching for the highest goals, I am certain that Speaker-elect Bass will lead the California State Assembly with the same commitment and dedication that she has demonstrated throughout her entire career. In closing, Madam Speaker, please join me in honoring the achievements of Speaker-elect Karen Bass and wishing her continuing success.

HONORING ERMA ROLLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Erma Jean Rolle, a passionate effective advocate for the needs of minorities, women and children. Moreover, we note her strong commitment to God, her family, her church and her community.

Erma Jean Rolle was born in Little Rock, Arkansas moving to Milwaukee Wisconsin where she graduated from North Division High School. After graduation, she moved to New York with big dreams and goals to be accomplished. Erma joined the New Lots Community Church where she served as: an Elder; Clerk of the Consistory; President of the Women's Ministry; Youth Ministry Leader; member of the Women of Faith choir; Confirmation teacher; Vice-President of the Women's Brooklyn Classical Union; Music and Worship Committee; and a member of the Racial Justice Task Force.

As a community activist, Erma has served on Community Board #5, Vice-President of the Meadow Wood at Gateway Condominiums and Treasurer for the Jamaica Armory Gun Club. Moreover, she helped to organize and start the East New York Drum & Bugle Corps for 60 boys and girls. In addition, she was part of a committee that marched to stop domestic violence against women in the sixties and seventies.

In 2001, Erma retired from the New York City Board of Education as a bus driver. In that same year, she celebrated another milestone—graduating from the College of New Rochelle with a Bachelor of Science Degree in Psychology.

Erma Jean Rolle is a role model for African-American families, especially hers. She has four children; Marshall, Cheryl, Fernanda, and Cassandra. She is also the proud grandmother of James, Kadrian, Brandon, and Kyran. In her leisure time, Erma enjoys going to the rifle range, shopping, bowling, and traveling.

Ms. Rolle lives a full and productive life gathering comfort from one of her favorite Biblical passages (Isaiah 40:31): ''But those who wait for the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.''

Madam Speaker, I am proud to cite Erma Jean Rolle for her invaluable contributions to the New Lots Community Church, her service to the community and her open-heartedness. Even today, she volunteers especially for causes that involve children, at the Johnny Ray Youngblood Academy.

CARRIE HOTTEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Carrie Hottel of Liberty, Missouri. Carrie is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Carrie has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Carrie has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Carrie Hottel for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

TRIBUTE TO DR. ETHEL M. HENDERSON TAYLOR

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to Dr. Ethel M. Henderson Taylor, on the occasion of her retirement after 58 years in broadcasting. Ethel Taylor's 58 years in broadcasting, 51 years in public education and a lifetime of community service is a testament to her commitment to excellence and her personal belief that service to others is the key to happiness in life.

Dr. Ethel Taylor is the first female African-American radio announcer in South Carolina. Her voice was the first one heard on Columbia's heritage radio station WOIC—where she served in multiple capacities for 44 years. Mrs. Taylor then joined the staff of Glory Communications' WFMV/95.3 where she has hosted Golden Gospel Memories for the past 14 years.

Ethel Taylor used her barrier breaking achievement with WOIC in the 1950s, to connect WOIC with its African-American listeners and the community at large. She quickly made headway in the African American community with her weekly Saturday morning show A Date with Ethel. The program drew hundreds of listeners through its skillful mix of soulful music, highlights of community events, and its warm down-home feel that listeners could connect to throughout the midlands. Throughout her career, Dr. Taylor received numerous awards for her broadcast and community accomplishments.

A native of Laurens, SC, Ethel Taylor brings great pride to my home state. She is a 1946 Magna Cum Laude graduate of Benedict College, taught english in the Richland County Public School system for 30 years, earned her masters of education degree in english from the University of South Carolina, and now serves as assistant professor of english at Benedict College. Throughout these years, she served on numerous faculty and community boards in many roles of leadership.

Along the way, Mrs. Taylor and her deceased husband, John B. Taylor, raised nine children. She is a grandmother of 15 and great-grandmother to 4. Mrs. Taylor celebrates her 85th birthday on March 27, 2008.

Madam Speaker, I ask you and my colleagues to join me in honoring the great lifetime achievements of Mrs. Taylor. Today. her retirement from broadcasting only means that Dr. Ethel M. Henderson Taylor is poised to write another chapter in her phenomenal story of service to God, her family and community. I wish her continued success and Godspeed.

HONORING THE DUBUQUE WAHLERT GOLDEN EAGLES BASKETBALL TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BRALEY. Madam Speaker, I rise today to recognize the outstanding results achieved by the Dubuque Wahlert Golden Eagles basketball team at the Iowa State Boys Basketball Tournament in Des Moines this past weekend.

With 2 seconds left in the championship game, No. 2 ranked Wahlert and No. 4 ranked Harlan were tied at 67. Wahlert called a time out and Billy Scherr threw a full-court inbound pass to teammate Eric May; Eric squared up to the basket and nailed a 35 foot 3-point-jumper at the buzzer. It was a magic moment!

I congratulate the Golden Eagles for winning the Iowa Class 3A state championship. This thrilling 70–67 victory by Wahlert gives Dubuque its first state champion since 1931. The Golden Eagles now have a third basketball state championship trophy to add to the case.

Madam Speaker, I am extremely proud of the accomplishments of the Wahlert basketball team, both on and off the court. Perhaps Paul ''Bear'' Bryant, the late, great coach of the Alabama Crimson Tide football team says it best: ''Show class, have pride. and display character. If you do, winning takes care of itself.'' This past weekend, Wahlert proved just that.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this chamber yesterday afternoon, March 12, 2008, due to an urgent family matter. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall votes 128, 129, 130, 131, 132, 133, and 134.

HONORING KILEY SLATER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kiley Slater of Trenton, Missouri. Kiley is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Kiley has been very active with her troop, participating in many Scout activities. In order to receive the prestigious Gold Award, Kiley has completed all seven requirements that promote community service, personal and spiritual growth, positive values, and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Kiley Slater her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

RECOGNIZING NATIONAL WOMEN'S HISTORY MONTH

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LARSON of Connecticut. Madam Speaker, throughout the month of March we observe National Women's History Month, which pays tribute to the contributions of women in this Nation. I rise today to recognize the women of our country, who have played an important role in shaping America's history.

During the month of March we have the opportunity to take pause and celebrate the important contributions of all women, past and present. Not only have women been leaders in securing their rights of suffrage and equal opportunity, but they have played a crucial role in the abolitionist movement, labor movements and the Civil Right's movement.

Leading women in history from Abigail Adams, Harriet Beecher Stowe, Sojourner Truth, and Eleanor Roosevelt have paved the way for contemporary figures such as Nancy PELOSI, the first female Speaker of the House of Representatives. Connecticut has been the proud home of significant women such as Americas first female governor to he elected in her own right—Governor Ella Grasso, and the long-serving champion of the First District and my predecessor, Congresswoman BARBARA KENNELLY—the first woman in American history to serve as a Deputy Majority Whip and to serve on the House Intelligence Committee.

I would be remiss if I did not mention the contributions of Elizabeth Colt, often referred to as the ''First Lady'' of Connecticut. Elizabeth Colt lived in a pre-women's suffrage era, but she refused to surrender to the pervasive gender inequalities of her day. The wife of American inventor and industrialist Samuel Colt, she carried on her husband's dream and life's work after his death and successfully ran their industrial empire. She was an entrepreneur, patron of the arts, philanthropist, and staunch advocate for women's rights—she will long be remembered for her contributions to the Hartford area.

There are many women, named and unnamed throughout American history that have broken glass ceilings and gender barriers for the next generation. As the father of two daughters, I honor the historical women of our country and take great pride in the fact my daughters can grow up in a country where anything is possible for them.

Madam Speaker, I ask my colleagues to join me in honoring the trailblazers who have paved the way for women's equality and recognizing the many contributions that women have made to our Nation and to the entire world by promoting the ideals celebrated in National Women's History Month.

RECOGNITION OF TIM HOFFMAN, SUPERINTENDENT FOR THE ADEL-DESOTO-MINBURN SCHOOL DISTRICT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Tim Hoffman, Superintendent for the Adel-Desoto-Minburn School District, and to express my appreciation for his dedication and commitment to the youth of Iowa.

For the past 25 years, Tim has contributed his time and his talents to the betterment of young Iowans. During his time as superintendent there have been many district-wide improvements, and a new high school was built. Over the years, the school curriculum has also been significantly modified to create greater consistency and to focus on essential learning material, which has in turn helped raise student achievement scores. He credits much of his success to having quality school board members, great administrators, and dedicated employees in the school district. Nearly all the current school district employees were hired by Tim.

During his service, Tim has made a significant impact on the students and the entire surrounding community. His leadership will certainly be missed. I consider it an honor to represent Tim Hoffman in Congress, and I wish him continued success in his future endeavors.

HONORING MURFREESBORO, TENNESSEE AS A NATIONAL AMERICAN MUSIC CENTER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize Murfreesboro, Tennessee as a national center for traditional American music.

The objective for the national center is to educate, market and preserve traditional American music, including old-time music. A learning center will offer concert and performance venues for individual artists.

The Uncle Dave Macon Day Festival has 30 years of experience promoting and developing the traditional music and cultural heritage of Middle Tennessee. Traditional American music includes folk music, blues, gospel, dance music and any kind of acoustic that is learned primarily from oral tradition.

With the aid of Middle Tennessee State University, Murfreesboro can offer the community highly qualified graduates to manage and staff the national center for traditional American music.

MTSU College of mass Communication offers young people the chance to become major players in recording industry, journalism, photography, television and radio-all media on which Uncle Dave Macon Day depends.

PAYING TRIBUTE TO GLADYS MUHAMMAD-WARD OF SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. DONNELLY. Madam Speaker, today I pay tribute to an outstanding citizen of South Bend, Gladys Muhammad-Ward, who devoted her life to the service of her community. Her impact on the city is immeasurable, the result of her unflagging efforts to improve the quality of life for all its citizens. She has been a blessing to her large and loving family as well as to the extended family of those whose lives she has changed.

Whether on the grassroots or executive level, Mrs. Muhammad-Ward's vision, talent and energy have benefited young and old alike. In 1978 she helped establish and became the first director of the YWCA's Battered Women's Shelter, a post she held for six years. Subsequently, as the Deputy Director of South Bend's Code Enforcement, she was instrumental in helping to develop what had been a drug infested and dangerous neighborhood into sixty-five units of affordable housing and cultivating the Charles Martin Youth Center.

Mrs. Muhammad-Ward's influence extends to the national level. She was in the first class of the Washington D.C.-based Center for Community Change's ''Change Agent Project.'' She was also invited to participate in President Clinton's roundtable on neighborhoods held in Little Rock, Arkansas.

Locally, Mrs. Muhammad-Ward has lent her talents to many organizations and served on numerous boards, including The Martin Luther King Jr. Foundation, the Saint Joseph County Democratic Party, the African American Community Fund, the Indiana University South Bend Civil Rights Heritage Center, Bridges Out of Poverty Committee and the Memorial Health Foundation Board of Directors.

Gladys Mohammad-Ward was awarded the key to the City of South Bend in 2007 and the Sagamore of the Wabash in 1998, and in 1994 she was inducted into the South Bend Hall of Fame and named YWCA Woman of the Year. In addition, she was named Citizen of the Year by the National Social Worker Association in 1999 and received the Distinguished Alumni Award from Indiana University South Bend. She has been honored by WNDU–TV, The Indiana Black Expo, Essence Magazine, Kiwanis Club and the YMCA.

So, today, on behalf of the citizens of Indiana's Second District, I thank Gladys Mohammad-Ward for her years of selfless dedication. As she continues her work on behalf of all of our citizens, regardless of race, gender, or socio-economic class, let us pay special tribute to this outstanding woman who serves as a role model to us all.

LOCAL LAW ENFORCEMENT IS VITAL TO HOMELAND SECURITY EFFORTS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. POE. Madam Speaker, Homeland Security shouldn't be left strictly to the Federal Government but requires the vigilant assistance of State, county and city police departments. When local law enforcement agencies choose not to detain criminal aliens for immigration enforcement officials, it is like a city police officer ignoring a bank robbery because it is a Federal crime. That kind of head in the sand mentality is ridiculous and will not make our Nation safer.

In Houston, Texas, Harris County Sheriff Tommy Thomas is blazing a path with a common sense approach to dealing with illegal aliens arrested for committing crimes. Sheriff Thomas recently announced that employees at the Harris County's Inmate Processing Center will receive Section 287(g) training from U.S. Customs and Immigration Enforcement officials.

This program will train deputies to identify, process and detain illegal aliens arrested for criminal activity in Harris County. Instead of catch and release, this new training will allow deputies to catch and begin the deportation process for criminal aliens.

This program will help take more illegals off the streets and make the county safer for Texas families. For example, illegal aliens will no longer have the opportunity to continuously endanger lives by getting arrested multiple times for DWI. The deportation process will start in the county jail the first time they are arrested.

Besides trespassing into our Nation, illegal aliens commit many other crimes such as driving without car insurance, drug trafficking, human smuggling, theft, burglary and murder. As a result, American citizens and legal immigrants end up carrying the financial burden created by illegal aliens such as increased medical and prison expenses.

Empowering local law enforcement officials to start the deportation process immediately after an illegal alien is arrested, sends a clear message that international trespassing will not be tolerated. Protecting citizens and legal immigrants from criminal acts by illegal aliens is the essence of Homeland Security.

By not passing off responsibility for dealing with criminal aliens to the Federal Government, like in some cities, Sheriff Tommy Thomas is finding solutions to reducing crime in Harris County instead of making excuses. He is setting an example that other agencies should follow.

He is a great sheriff who's recent actions demonstrate that he is committing to protect our communities from both foreign and domestic criminals. It will take the leadership of other sheriffs like Thomas and police chiefs with the backbone to enforce all of our Nation's laws, instead of just the ones they prefer, for effective Homeland Security.

Today, I salute Sheriff Tommy Thomas for his local efforts and leadership in moving Harris County, and the rest of our Nation, in the right direction to protect citizens and legal immigrants from criminal aliens.

And that's just the way it is.

IN MEMORY OF THOMAS G. BOLERJACK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to celebrate Thomas Bolerjack's memory and his lifelong contributions to his community, family, and country.

Tom's passion for life was apparent to everyone who met him. A man with a tremendous love for flying, it should come as no surprise that, at 16 years old, Tom was sitting in the cockpit of a plane testing for his pilot's license. He later enlisted in the Air Force, where he worked his way through the ranks and retired as a Colonel.

Tom's enthusiasm, both for flying and serving others, did not diminish upon his retirement from the Air Force. Aviation was an interest that brought Tom obvious joy for the remainder of his life, and his penchant for service became focused on local endeavors. Working with the Boy Scouts of America was a joy Tom shared with his entire family. The Bolerjacks' two sons have been scouts for several years, and Tom was an active part of their experience. He served as an assistant den leader for Pack 170 and was the driving force behind Troop 589, starting the troop a few years ago with a handful of boys. Under Tom's leadership, both troops expanded their memberships to approximately thirty scouts.

In addition to serving as Cubmaster, Webelos leader, and Den leader, Tom was also very involved in Boy Scout training for youth and adults. Tom was the Cub Scout Leader Training Chair, the Boy Scout Leader Training Chair, Troop Committee Chair, and the Mustang District Training Chair. Tom also served on the Baloo, Arrowhead & Twin Arrows staff, and was a trainer for the youth protection and new leader programs. He assisted in the Trainer Development Conference. Tom earned his Wood Badge Beads and went on to staff Wood Badge as a Troop Guide. He also served on the organization's Twin Arrows/National Youth Leadership Training and was very active in the Order of the Arrow. Over the years he was honored with multiple awards, including the Cubmaster Award and the Den Leader Award.

Tom has been described as a giver, an outstanding example to others, and an inspiration to everyone who knew him. His friend Graham Crudgington described Tom best when he said, ''His energy, his spirit, his dedication are all things that I admire, and are things that have pushed and inspired me to do things I

wouldn't normally have done." Tom's ceaseless devotion to the community motivated others to get involved; his passion encouraged the passion of others.

I extend my sincerest condolences to Tom's wife Becky and his two sons, Tommy and B.J. My thoughts and prayers are with Tom's many friends and family members as they endure this difficult time. The North Texas community has lost a devoted citizen and a great man. He leaves behind a legacy of generosity and kindness. The compassion, commitment, and selflessness shown by Mr. Thomas Bolerjack are truly remarkable, and he should serve as an example to all. He will be deeply missed, but his service and dedication will always be greatly appreciated.

BLACK HISTORY EXHIBIT OPENS ON WEST COAST

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. DICKS. Madam Speaker, the United States Capitol Historical Society has prepared a fascinating exhibit of artifacts and interpretative materials entitled "From Freedom's Shadow: African Americans and the United States Capitol" which is being displayed across America this year. It is a depiction of what is truly one of the better kept secrets in our Nation's history: That the construction of the United States Capitol, and even the casting of the Statue of Freedom that sits atop the dome, was accomplished with the help of slave labor.

Earlier this month the exhibit opened on the West Coast, at Olympic High School in my congressional district, and it has given everyone in my home community an interesting, yet disturbing, insight into one of the most troubling contradictions of American society in the 18th and 19th centuries. We were a society founded on the principle of freedom and yet even in the construction of the iconic seat of this Government we tolerated and benefited from the labor of people who were deprived of the essential freedoms that were celebrated beneath the Capitol Dome.

This is an important and instructive exhibit, Mr. Speaker, and I am honored to submit for the RECORD an article from the Central Kitsap Reporter that was published on March 1st, entitled "Black History exhibit at Oly exposes 'cruel irony'."

[From the Central Kitsap Reporter, Mar. 1, 2008]

BLACK HISTORY EXHIBIT AT OLY EXPOSES "CRUEL IRONY"

(By Paul Balcerak)

Central Kitsap School District board members, employees and educators had the tables turned on them Wednesday night.

It was their turn to learn as they got one of the first looks at the U.S. Capitol Historical Society's traveling exhibit, "From Freedom's Shadow: African Americans and the United States Capitol."

The exhibit, a production of the U.S. Capitol Historical Society, offers insight into one of the better kept dirty little secrets in American history: that the U.S. Capitol was built with help from black slave labor.

The exhibit put front-and-center a jarring truth which the historical society's Web site called a "cruel irony."

"It's a real tangible experience of the history that most people don't know," Olympic Principal Bob Barnes said.

Barnes admitted unawareness of the history before being introduced to the project during the plan to bring it to CKSD last year.

"In mainstream history, you get little snippets of things, but you don't really get a feel (for what things were actually like)," he said. "There are lots of little facts out there that our history, as it's written, doesn't necessarily reflect."

Documents showcased at the exhibit cover a period from 1794–1800 and shed light on some of the people history has forgotten, People like Philip Reid, a slave who, ironically, helped cast the five sections of "Freedom," the statue that sits atop the Capitol, in bronze.

The title of the exhibit is in reference to the statue itself.

It wasn't easy unearthing stories such as Reid's, as evidenced by the work exhibit curator Felicia Bell and her colleagues did to bring the exhibit to life.

"It was a lot of primary source research, but also secondary source research (to understand the context of the primary sources)," Bell said.

Also director of education and outreach for the historical society, Bell has spent countless hours at the National Archives, Library of Congress and various historical societies searching for any remnants of information that could contribute to the exhibit. Some of it is scant, but striking; Bell showed off an old timecard used to track all workers' hours that used an "N" next to slaves" names to denote them as "negroes."

The small document offered a blunt lesson: even timecards were segregated.

"It's chilling, but I think it's important to understand so we don't make those mistakes again," CKSD Curriculum Specialist Jeni Zapatka said.

Zapatka was responsible for discovering the exhibit and pushing to have it brought to CKSD. Thanks to donations from UPS, the exhibit is shipped across the country for free and the only cost to the district was to bring Bell to the area to showcase the exhibit.

"It's fun to see how students from various locations and various backgrounds react to the exhibit," Bell said. "I think that it was kind of an eye-opener for students and adults."

She has traveled with the exhibit to various locations around the United States. Its arrival at Olympic, however, marks the first time either have ever been to the West Coast.

The exhibit is now in the hands of students at Olympic, who spent Thursday being trained as docents by Bell. They'll be the ones to pass information along to the public, which has a few opportunities to see the exhibit between now and March 19 (see gray box).

Students were equally outspoken and struck by the exhibit during their training day.

"I never knew anything about the Freedom statue and all the things the enslaved people had to go through to build the Capitol," junior Amanda

Vincent said. "As it stands now, this exhibit being here is top rate for me."

"I like that it's at our school because our school, in the district, is kind of known as the most diverse," junior Kylee McWilliams added.

The exhibit got high marks from those who saw it Wednesday and several involved expressed excitement for the project's value to students and the public.

"I'm just sorry we don't have it in a place that will be open more hours," school board member Christy Cathcart said. "There was . . . quite a lot of introspection going on (at Wednesday's showing).

"Everyone went away with some knowledge that they didn't have before."

'From Freedom's Shadow' public viewing times

March 3, 5–7 p.m.

March 11, 6–9 p.m.

March 19, 6–9 p.m.

The exhibit is located in the Olympic High School library.

The exhibit also can be previewed online at http:uschsonline-exhibits.uschs.org/freedom (no "www.").

INTRODUCTION OF A BILL REAUTHORIZING THE NATIONAL SEA GRANT COLLEGE PROGRAM ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. BORDALLO. Madam Speaker, today I introduced a bill to reauthorize the National Sea Grant College Program Act.

The National Sea Grant College Program originally was established in 1966 upon the enactment of the National Sea Grant College Act, 33 U.S.C. 1121–1131, to improve marine resource conservation, management, and utilization. The act was last reauthorized by an act of the 107th Congress in 2002, and current authorizations of appropriations expire at the end of fiscal year 2008.

The National Sea Grant College Program is patterned after the Land Grant College System, which was created in 1862. Although originally assigned to the National Science Foundation, NSF, the National Sea Grant College Program was transferred in 1970 to the newly created National Oceanic and Atmospheric Administration, NOAA, within the Department of Commerce. Currently, there are over 30 Sea Grant College programs that represent a network of researchers, educators, and marine extension agents at some of the Nation's top academic institutions. Sea Grant Colleges sponsor a wide range of applied and basic marine science research, education, and training and technical assistance programs promoting the understanding, assessment, development, utilization and conservation of ocean, coastal, and Great Lakes resources. Sea Grant Colleges also provide yearlong fellowships to graduate students in marine-related disciplines for placement in congressional offices and Federal agencies.

The bill introduced today would refine the act to modestly expand and clarify the scope and purposes of the National Sea Grant College Program. The hill would provide the national program with the ability to promote, encourage, plan, and implement collaboration among groups of Sea Grant programs, strategic partners, and stakeholders. The bill includes amendments to the act that would describe in more detail the role of Sea Grant in

addressing important issues of regional and national concern as identified in the National Ocean Research Priorities Plan and Implementation Strategy.

The bill would invigorate oversight and accountability by expanding the responsibilities of the National Sea Grant Review Panel, established by an earlier reauthorization of the National Sea Grant College Act. The bill renames this panel as the ''National Sea Grant Advisory Board'' to more appropriately and accurately describe its purpose and function. The bill would further authorize the Board to extend participation to non-panel members, principally through the establishment of subcommittees for the purpose of receiving advice and guidance. The revised title and afforded level of new participation reflects a broader and ongoing responsibility on behalf of the National Sea Grant College Program. The Board would be also charged with providing advice to the Secretary of Commerce as to how the National Sea Grant College Program can he best strengthened to ensure the activities of Sea Grant Colleges are consistent with and supportive of national objectives.

The bill would amend Sea Grant program performance review standards. Adopted as part of the 2002 amendments, the review requirements have had the unintended consequence of creating a disincentive for programs to work cooperatively or form partnerships. Implementation of new measures for program review combined with policies aimed at advancing ''continuous program improvement'' should ensure effective program assessments.

In addition, the bill would increase the percentage of funds exempt from the non-Federal match requirement from the current 1 percent to 5 percent. Many Sea Grant programs address issues of local as well as national concern. In the case of local Sea Grant projects within States, the general match requirement is appropriate. However, the match requirement makes it difficult for Sea Grant to participate in joint competitive programs with other NOAA offices or other Federal agencies because incoming proposals for Sea Grant funding require a match, while proposals from the other agencies often do not.

The bill would also exempt the Dean John A. Knauss Marine Policy Fellowship Program from having to match grant awards in order to achieve parity between fellows placed in congressional offices with those fellows placed in Federal agencies.

Finally, the bill also supports reasonable and justifiable increases in authorized appropriations for Sea Grant. Authorized funding levels would increase from $66 million to $100 million for the period between Fiscal Year 2009 through Fiscal Year 2014.

The National Sea Grant College Program has established an impressive record over the course of its 38-year history. The reauthorization bill introduced today builds on the sensible recommendations of the Sea Grant Association, the Sea Grant Review Panel, other stakeholders, and consultations with personnel assigned to NOAA's Sea Grant Program Office. Sea Grant provides countless benefits to the American public, and I look forward to working with my colleagues on both sides of the aisle to reauthorize and strengthen this important extramural marine conservation program.

HONORING MR. PEDRO JOHNSON FOR HIS YEARS OF SERVICE IN CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LARSON of Connecticut. Madam Speaker, it gives me great pleasure to pay tribute to my dear friend, Pedro Johnson, who has recently decided to retire from his service for his tribe, the Mashantucket Pequot Tribal Nation.

I have known Pedro Johnson for many years and have seen firsthand how he has dedicated himself to improving the lives of others and this Nation. Pedro honorably served in the United States Air Force prior to joining the University of Connecticut Police Department in 1966. He dedicated over 20 years of service to the UCONN police, holding the positions of department liaison, martial arts instructor, and police photographer, before retiring in 1992 at the rank of sergeant.

Retirement would be short-lived for Pedro, and it would not be long before he continued his life passion of public service. As a member of the Mashantucket Pequot Tribe, Pedro was elected to three terms on the Tribal Council including one term in the prestigious position of treasurer. During his time on Tribal Council, Pedro worked with his fellow council members on an incredible transformation that has made the Mashtantucket Pequot Tribe into one of the most respected Tribes in the Nation.

Under Pedro's leadership, the Tribe has become a major economic and cultural focal point in the region. They have become one of the largest employers in the State of Connecticut and opened the Mashantucket Pequot Museum and Research Center, which contains one of the largest collections of indigenous artifacts in North America. The dedication and commitment of Pedro Johnson has been instrumental in shaping the Tribe's vision for the future.

Pedro has always been involved in public service. Over the years he has sat on the board of directors of the Foxwoods Development Company. Natchaug Hospital, Eastern Connecticut State University, Bushnell Theater, Old State House, and the Savings Institute Bank. He was also a member of the Masons Fraternal Order and held the position as worshipful master of his lodge for several years.

We could not pay proper respects to Pedro without mentioning his lifelong partner, his wife Linda. Pedro and Linda recently celebrated their 44th wedding anniversary, and I know they have been a source of strength and love for each other for nearly five decades. They have two children, Michael and David, who have brought them great joy over the years.

Madam Speaker, it is a great honor to pay tribute to a man who has done so much to improve the quality of life for his Tribe and indeed, the people of Connecticut. I know that Pedro is retiring from his position at the Tribe. but I know he will continue to be an active member of our community and I look forward to working with him in the future.

RECOGNIZING THE 2007 NATIONAL PRINCESS OF THE AMERICAN MINIATURE HORSE REGISTRY, ALYSSA PALAS OF STORY CITY, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the 2007 National Princess of the American Miniature Horse Registry, Alyssa Palas of Story City, Iowa.

In September 2007, Alyssa was crowned at the National Miniature Horse show in Tulsa, Oklahoma. As princess, Alyssa presented all the awards during the show, including presenting her mother with Reserve National Champion honors for their two-year-old gelding. She will reign until the 2008 national show.

Alyssa and her family have been involved in the miniature horse business for six years. The Palas family competes across the country under the farm name Royal Palas Miniatures. They received 31 National Top Ten placings at the 2007 national show.

I know that my colleagues in the United States Congress join me in commending and congratulating Alyssa Palas. I consider it an honor to represent Alyssa and her family in Congress and I wish them the best in their future endeavors.

HONORING THE 50TH ANNIVERSARY OF THE ROAD RUNNERS CLUB OF AMERICA

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. GORDON of Tennessee. Madam Speaker, today I rise to recognize the 50th Anniversary of the Road Runners Club of America. The initial organizational meeting took place on February 22, 1958, in a small hotel room in New York City. Five running clubs emerged from that meeting. Today, the RRCA has more than 700 member clubs, representing 180,000 distance runners nationwide. Included among these are 18 clubs from Tennessee with a total of 5,600 members. The Murfreesboro Pacers and the Murfreesboro Half Marathon are among them.

In the late 1950s, jogging for heath and fitness was practically unheard of and there were very few distance racing events in the United States. The Long Distance Log, publication with a circulation of 126 readers, was the chief means of communication with distance runners. In the August 1957 issue of the Long Distance Log an editorial by Olympian Browning Ross proposed developing an organization for American distance runners. The

concept was modeled after the Road Runners Club of the UK, which was founded in 1952. He suggested that membership include not only runners, but also officials, race sponsors, coaches, and more. Ross envisioned the group would encourage running, meet regularly, raise funds, coordinate schedules, recruit sponsors, and promote competition in long-distance races.

Response to the concept was positive; meetings were held in December 1957 and shortly thereafter, the Middle Atlantic Road Runners Club was established. And on February 22, 1958, the Road Runners Club of America was born.

Meeting at the Paramount Hotel in New York City, Ross and nine others discussed the general direction for the organization and developed the basic operating structure. Ross was named acting provisional president. The first RRCA National Championship races were awarded, and events were held in Chicago, New Jersey and Philadelphia.

Interest in the RRCA increased and by April 1958, the New York Road Runners Club, now the New York Road Runners, was established with 29 members. In February 1959, the Michigan Road Runners Club was established in Detroit by Hugh Jascourt and Frank McBride. Several months later, the RRCA held an annual meeting at the Paramount Hotel in New York City. The group elected president Dick Donohue, treasurer Steve Thomas, and co-secretaries Tom Osler and Browning Ross. They served as the first officially elected officers of the RRCA.

At the 1960 annual meeting Ted Corbitt was elected president. ''Those were tough days, days of survival [for the RRCA]'', Corbitt wrote. ''Instead of recognizing the good work the RRCA was doing to promote distance running, the Amateur Athletic Union (AAU) refused to admit the RRCA as a member club and took the position that the RRCA was illegal.'' In those days, the AAU was the ruling body of sport; they advised the RRCA to function solely as a social or fraternal group and not conduct races.

The early 1960s saw the development of new running clubs around the country. By the end of the RRCA's third year, its members had hosted over 600 races around the country compared to the previous handful of races.

Over the years, the RRCA has been credited with developing course certification programs, establishing the first events for recreational joggers, removing age requirements for racing, encouraging competitive opportunities for women, creating a Hall of Fame for distance runners, and obtaining insurance and IRS tax-exempt status for member clubs.

Many important publications have been developed by the RRCA including fact sheets on cold and hot weather running, safety for runners, guidelines for buying a pair of running shoes, tips for helping children start running and many more.

By the 1980s, RRCA membership included 400 clubs and elected its first woman president, Henley ''Gibble'' Gabeau. The first edition of the RRCA Children's Running Booklet and the Parent & Teacher's Curriculum authored by Don Kardong, an Olympic marathoner and future RRCA president, and Jim Ferstle were circulated to thousands for clubs, teachers, schools and more.

More recently the RRCA has developed a coaching certification program, as well as the Roads Scholar Program to support aspiring international caliber American distance runners. In 1997, the RRCA gave a grant through the new Roads Scholar Program to Deena Drossin (Kastor), a young distance runner who went on to win the bronze medal in the 2004 Athens Olympic marathon.

Over the last 50 years, the RRCA has stayed true to its mission. The future of long-distance running and the RRCA's impact on the sport will continue to be written for years to come.

CONGRATULATING THE YMCA OF MICHIANA ON ITS 125TH ANNIVERSARY

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. DONNELLY. Madam Speaker, today I wish to congratulate the YMCA of Michiana. On March 19, 2008 the Michiana YMCA will celebrate 125 of years of steadfast dedication to building strong individuals, families and communities.

The YMCA was launched in 1882 back when Clement Studebaker was president of the Studebaker Company and local resident Schuyler Colfax was the Vice-President of the United States. In order to celebrate Studebaker's 50 years of success in the community and in business, the Studebaker Company established the YMCA, beginning a proud tradition of service. Sports programs flourished over the coming decades. Famed Notre Dame coach Knute Rockne even taught football during the summer at the Michiana YMCA affiliate Camp Eberhart.

Michiana was blessed with an especially successful YMCA. During the 1950s it developed the nation's largest Indian Guide program and started the Indian Maiden program. An impressive tennis program was also developed that rivaled the nation's best. During the 1960s, two newer facilities were built, a more family oriented approach was pursued to encourage both girls and boys to participate and the Urban Youth Services Program was started. Today the YMCA offers physical fitness activities, aquatics, youth and adult sports leagues and many other programs that improve the lives of people of all ages.

These are exciting times for the YMCA as a new three-year Strategic Plan is being implemented. The Michiana community has benefited from the positive influence of the YMCA on the community for over a century. Today I salute the Michiana YMCA and wish them continued success.

DR. VIDA DAVOUDI—CHANGING THE WORLD ONE STUDENT AT A TIME

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. POE. Madam Speaker, today I have the privilege to recognize Dr. Vida Davoudi of Kingwood, TX. Her life as an Iranian immigrant turned proud American citizen is an inspirational tale of not only living the American Dream but of someone who diligently works daily to improve it for others.

Her journey to success in America began early. With encouragement from her parents, they told her to dream big and that the key to great achievement was to obtain an education. While in high school, Davoudi became a foreign exchange student to the United States through the American Field Service Program as well as a sponsorship from a Rotary Club. For one year, she lived with an American family and fell in love with the democratic political system of the United States.

After returning to Iran to graduate from high school, Dr. Davoudi participated in a competitive exam conducted by American International Development and was awarded a four-year, full scholarship to attend American University of Beirut. Continuing her journey of academic excellence, she returned to the United States to attend graduate school at Southern Illinois University.

After Dr. Davoudi earned her masters and doctorate degrees in political science, she returned to her country and ran for a seat in the Iranian Parliament. Davoudi won and become the youngest member ever elected. She served for three years in the national assembly representing the city of Tehran and championed issues such as the abolition of polygamy and divorce law reform. She left Iran for the United States shortly before the Shah of Iran was overthrown in 1979.

When Dr. Davoudi arrived in the United States, the only things she brought with her were a suitcase, her nine-year-old son and her education. Davoudi credits her education as the key ingredient to her success.

''Education was the only thing that enabled us to survive,'' she said. ''I have no doubt that education is the key to opening doors and improving lives financially and intellectually.''

She was hired as a government professor at Kingwood College in 1989 and has used the opportunity to impact the lives of numerous young people.

For example, a recently divorced student approached Davoudi one day in tears. The young woman told her that she was having great difficulty coping with her divorce and wanted to drop her class. Davoudi told the woman that she would not let her withdraw, but instead would provide her with flexibility and whatever she needed in order to complete the course. The young lady successfully finished Davoudi's class and eventually became a practicing nurse. Years later, she was very thankful to Davoudi for not letting her quit during a difficult time in her life.

Davoudi is also the faculty sponsor for the college's Student Government Association.

She fosters leadership development in her students by actively encouraging them every year to seek state-level positions in the organization. Through her diligent efforts and advice, one of her former students was even elected to the highest level of State leadership as president of the Texas Junior College Student Government Association. She teaches her students not to simply attend college but to become leaders.

In addition to pursuing state office positions within the organization, Davoudi has led the students of SGA at Kingwood College in multiple community service projects such as food, clothing and toy drives for non-profit organizations and local area shelters for abused women and children. In the words of one of her colleagues, Dr. Davoudi is "changing the world one student at a time."

I salute Dr. Vida Davoudi for being a shining example of a distinguished scholar and advocate for lifelong learning. Her life and eternal gratitude for living in a country so richly blessed with opportunity and freedom is an inspiration to us all.

COMMEMORATING THE LIFE OF DR. WILLIAM "DOC" WILKERSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the life of Dr. William "Doc" Wilkerson. Dr. Wilkerson, who passed away on February 29, 2008, was one of the founders of Flower Mound, Texas and also the town's second mayor.

Doc Wilkerson was born in Madill, Oklahoma on December 21, 1917, and began working for a locksmith at age 10. This prompted his mother to enroll him in the Boy Scouts of America, where he later achieved the rank of Eagle Scout in 1935.

In 1954, Doc bought 150 acres of unincorporated rural land north of the newly-created Grapevine Lake. It was here that his fight for Flower Mound began. During the early 1960s, Wilkerson worked tirelessly to halt Irving's attempt to annex what is now the town of Flower Mound. Doc was ultimately successful in stopping the annexation. After this success, he worked to incorporate present-day Flower Mound.

Dr. Wilkerson was elected mayor of Flower Mound in 1968. He was only the second individual to hold the position of mayor for the young town, and he held this office until 1973. In honor of his passing, the town of Flower Mound will fly its flags at half-staff.

The first mayor of Flower Mound, Bob Rheudasil, once said about Doc, "No words are big enough to talk about him." This is certainly true; Doc's tireless dedication to Flower Mound greatly contributed to turning the small town into the thriving community it is today.

My thoughts and prayers go out to Doc's two sons, his brother and three sisters, as well as a long list of family members and friends. North Texas has lost a long-time friend and advocate. While Doc Wilkerson will be greatly missed by the community he helped found, he will forever be remembered for his dedication to the city of Flower Mound.

TRIBUTE TO THIRD DISTRICT CONGRESSIONAL YOUTH ADVISORY COUNCIL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, last fall I invited high school students living in the Third Congressional District to join the Congressional Youth Advisory Council. The goal of the CYAC is to foster civic involvement and to encourage students to unleash their passions for America. Each meeting, they exceed my expectations and make me hopeful for the future.

The students who serve on the CYAC represent the best and the brightest in north Texas. Students are leaders, athletes, musicians, volunteers, and activists. They are the voice of their generation to Congress. They make a difference at each meeting, and I'm proud of them.

For this year's community project, students interviewed a veteran and wrote essays. A summary of some of the submitted essays follows.

It is my hope that some day the Congressional Youth Advisory Council will be associated with excellence and one of our highest standards of civic pride for young people in north Texas. I commend the students for volunteering their time on the Congressional Youth Advisory Council. Without a doubt, every student will continue to play an important role in our community for decades to come, and America and north Texas will continue to benefit from their dedication, smarts, and service.

To the members of the 2007–2008 Congressional Youth Advisory Council. Thank you. I salute you; God bless you and God bless America.

I interviewed Mr. Keith Fannon. He served in the United States Air Force. His beginning rank was just a basic airman, but he was able to rise all the way up being a Staff Sergeant when he finished his time of service. He served in the Korean War. Mr. Fannon may not have seen too much on the battlefield in itself, but he performed search and rescue missions for airmen who had been shot down through the Civil Air Patrol (CAP), helped civilians in need in Korea, and had been through six major offensives during his service time. Mr. Keith Fannon has been a family friend for about four years now, and I've solely gotten to know him for the person he is today. To be able to learn of Mr. Fannon's past in the Air Force, though, was a fascinating experience. It gave me more insight to Mr. Fannon as a whole, and I enjoyed every bit of it. Having the ability to learn even more about a friend, a veteran, and America's history from a first-person point of view all at the same time was mind-blowing. I would like to thank Mr. Keith Fannon and the Congressional Youth Advisory Council for giving me such a great opportunity.—Patrick Foster

For the Veteran's History project, I interviewed retired Lieutenant Colonel James Megellas, the most decorated Army officer of the 82nd Airborne, 504th Parachute Infantry Regiment. Lt. Col. Megellas and his regiment fought through Europe in World War II from January 1943 to the end of the war in 1945, and were welcomed home to a victory parade in New York on January 12, 1946. He led his men as a Platoon Leader in many famous battles, including the Battle of the Bulge, Operation Market Garden, and the battle for Anzio, and he eventually participated in the American occupation of Berlin. Interviewing such an influential and heroic veteran truly affected my life in an undeniable and poignant way. Though Lt. Col. Megellas said that he does not agree with those who call him part of the "greatest generation," getting the chance to interview him reminded me that unbelievable heroism, valor, and selflessness can still exist in the face of a world where people's worth is often judged by their money and power in society. Whether he agrees with me or not. I believe that soldiers like Lt. Col. Megellas, including the brave men and women fighting in the military for America today, are the greatest of any generation in American history. As Lt. Col. Megellas put it, "We're blessed in many ways, but not more so than the quality of the young men and women who will step forward whenever we're been in trouble. They are the best of this generation."—Stephen Hayes

Howard Montfort, known to all his friends as Dusty, was born in Carrolton, Texas and has lived in Texas all his life, except for his time of service. He was originally drafted in 1966, but was unable to comply with his draft notice due to an infection of viral encephalitis. After recovering, he was given pardon and transferred from Texas A&M, where he had been going to school, to NTSU. There he was drafted a second time, but decided instead to visit the school's recruiter to join a program which allowed him to finish school while training for the Air Force. Dusty entered the Air Force in 1969, flying the infamous B–52. After joining the Vietnam Conflict, he quickly rose from Second Lieutenant to Aircraft Commander, and flew numerous Tours for a total of 141 combat missions. Dusty received the Air Medal and seven Oak Leaf clusters during his service. In addition, he was awarded the Distinguished Flying Cross in December 1972 for "Heroism or extraordinary achievement while participating in an aerial flight."

In March of 1974, Dusty left the service after flying for five years. He is now married to Gila Montfort, his wife of thirty-eight years. Together, they have a son, Steven Montfort, who lives in Los Angeles and works as an actor. By conducting this interview, I have heard first-hand the experiences of an American veteran. These people have served our country. They have died to pay for our freedom, and I had the opportunity to speak to one of them. In addition, I learned more about the Vietnam Conflict than I previously knew, I am extremely thankful for the experience.—Weston Barker

Mr. Billie Bob Norris proudly served as a Corporal in the United States Marine Corps for 19 months during the Korean War. He was a member of the First Marine Air Wing, Fleet Marine Force, Marine Air Group 12, Service Squadron 1. During that time, he was stationed in the frigid area of Wonsan, North Korea, shortly after its liberation by the South Korean forces. He then joined with the K27 Yonpo Airdrome as they went to Hamhung-Hungnam as part of the "Frozen Chosin" or "Chosin Few." He was also stationed in Pusan, South Korea, and later

worked as a radio-radar technician in Japan for the duration of his service. Mr. Norris currently holds a bachelor's degree in industrial art, a master's degree in secondary school administration, and a specialist degree in vocational education. He is also a member of the Veterans of Foreign Wars (VFW) and lives in Frisco, Texas with his wife, Armetha.

Throughout the process of writing this essay I have earned both a greater respect for this Nation's veterans and a greater understanding of one war in our country's history that is, sadly, looked over by many people. The United States' veterans have gone through experiences that neither I nor anyone in my generation can truly begin to imagine. And for that, we can never thank our troops, both past and current, enough.—Ashley Newton

Lloyd was born in Philadelphia, Pennsylvania on July 10, 1923. At age 11, his family moved to Peacedale, Rhode Island. Some seven or so years later Lloyd voted for his first presidential candidate, Harry S. Truman, for his second term. Then in the November of his nineteenth year, he enlisted in the Navy. He was a payroll officer, and a soldier. When it was necessary, as it was for the Japanese invasion, the payroll was to be set down, and they would fight with the rest of the outfit. When the war was ended, Lloyd decided to stay in the army, and was assigned to Okinawa. Soon thereafter, he sent for Dorothy and their fourteen month-old daughter, Carol. When they arrived, it was the first time Lloyd had ever seen Carol. In January of 1951, he was called to active duty and was stationed at the Air Force base in Miami. Although he was still a payroll officer, his outfit supported the troops in Japan facing Korea. Lloyd retired from military service on a Sunday in 1965 as a senior master sergeant, and began work at the PANTEX Ordnance Plano the very next morning in Amarillo, Texas. He retired from his job in 1986. Lloyd died on February 24th, 2008, in the center of a circle of family members. This project came at the perfect time. I may have missed my chance to learn about him had I not conducted this interview. There was an opportunity for closure, and I'm beginning to see how quickly we are losing the WWII generation.—Bethany Johnston

For the Preserving History project I interviewed Sergeant Quentin Higgins. Higgins served as a tank commander in World War II throughout England, North Africa, and Italy and earning several medals. In addition, he has written a memoir, reached the age of ninety years old, and blessed the lives of many people. Through this experience I have learned more about the dedication of our military to preserve our liberty in the United States that can often be taken for granted. I was initially stunned and amazed that the man I was speaking to went through intense front line combat in World War II and lived to tell about it at ninety years old. While I had read and heard second hand about World War II stories, the reality of the events and experiences of the soldiers came alive in my mind when I spoke with Mr. Higgins. I have acquired a greater appreciation for our troops who sacrifice their lives daily for their country and a deeper comprehension of the traumas of war. Most importantly I gained a fuller gratefulness as Higgins stated ''appreciate life and count your blessings.''—Stephanie Tison

I had the pleasure of interviewing Lieutenant Colonel Bernard Aikens, formerly of the United States Army, on 29 February 2008, at his office in Plano Fast Senior High School. He provided me with his personal history, from his many academic achievements in high school, his introduction to the military during college, and some of his more memorable experiences as an officer in the United States Army. I have also had the opportunity to work with Lieutenant Colonel Aikens for the past four years, and I have found him to be a great example for the students he leads, and very helpful in my own pursuit of goals for the future, as well as instrumental in the roads to success for several other students, my peers, and those who have gone before. His life has been and continues to be one of dedicated and energized service to those around him, to his community. and to his country.—David Paxman

For my Preserving History: Veteran's Interview. I am honored to have received the opportunity to interview Wesley C. Browning. This remarkable individual served in the Iraq War for a nine month period. He was titled as a civilian and worked with the Hazardous Material Management in Baghdad, Iraq. Mr. Browning conquered many challenging obstacles and accomplished well respected goals. He faced the boot camp, bombings, and hardships like the hero he truly represents. During the time he spent in Iraq, his primary task was to assist the soldiers so they could concentrate on defending their country. Mr. Browning dealt with the contamination of foods after battle and vermin localized around the camp. He handled weapons, bomb materials, and fought adjacent to the soldiers while participating in the war. Mr. Browning has gained a wide breadth of experience from joining the Iraq War. He not only has made lifelong friendships, but has learned about the various cultures and traditions in other parts of the world.

I have the utmost respect for anyone that risks their life to defend their country. Conversing with Mr. Browning has allowed me to gain an innovative view of the world and our society. Hearing him discuss passionately his values and morals was very impressive and refreshing. I have learned from this war hero that the materialistic side of life is submissive to the people and relationships present and nothing is worth being taken for granted.—Ally Crutcher

Non-commissioned Officer Josh Bomar joined the United States Marine Corps to find discipline and focus. Bomar served two terms of seven months each in Iraq. The Marines protected, patrolled, and regulated the areas. Bomar's assignments were gunner, who lies on top of the humvee and shoots a machine gun, and vehicle commander, who is in charge of an entire humvee. Bomar's family was very encouraging, both extending and immediate family supported his decision to join the service. Bomar is now attending the University of Texas at Dallas where he is studying criminology. Bomar's military experiences has made him more confident. Becoming a Marine has given Bomar the tools to do better in his life. He now has the discipline to accomplish everything he wants to in the future. Bomar feels fortunate to have been part of the United States Marine Corps and is thankful for all the opportunities he has been given.

By interviewing Josh Bomar, I have gained a better understanding of how joining the service can change your life. This opportunity allowed me to learn about the daily life of soldiers and the realities of combat during the war. I admire the courageous men and women who sacrifice their lives to protect our country.—Emily Buss

Command Sergeant Major Robert F. Donahue epitomizes everything it means to be a proud American. Even after two tours of duty in Vietnam and another in Iraq, he loves to share his experiences and wisdom gained from his time in the military. People are always trying to find someone who can be a great role model for today's young people, CSM Donahue is exactly that. Born into a military family with a career soldier for a father and a World War II nurse for a mother. CSM Donohue was born in North Carolina. He moved many times during his early life and spent most of his high school life in Lawton, Oklahoma. Growing up in Lawton. CSM Donahue didn't know a life other than the one he was living, of military orientation, very regimented and discipline oriented. Prior to his last year of high school, the Tet Offensive happened in Vietnam. Once he graduated from high school, he enlisted in the Marine Corps, heading off to Vietnam for ten months on separate tours of duty. After Vietnam, he stayed in the army reserve up until his time in Iraq. I gained many things from my experience interviewing CSM Donahue.—Michael Buss

I chose to do my biography on Matthew Edward Rice, my dad. In August 1981, at nineteen years old he went to Basic Training at Ft. Gordon. He then went to AIT where he learned to be a Telephone Switchboard Technician, and then he was stationed in Darmstadt, Germany in May of 1982 with the C Co. 44th Signal Battalion. He then received orders to go back to Ft. Gordon for new advanced digital telephone switch training. He was then assigned to Ft. Bragg with orders to the 327th Signal BN. However, he was transferred to B Co. 50th Signal BN, for the liberation of Grenada. He was reassigned to A Co. 327th Signal BN. My dad went to Germany in 1984 and attended Primary Leadership Development Course. He then was transferred to the 17th Signal BN. He then returned to Ft. Gordon as an Instructor. His last assignment was with Headquarters Co. 304th Signal BN South Korea from May of 1991 to June 1992. I have learned a lot about dedication, hard work and responsibility from my father and his stories of his time in the Army. My dad has instilled in me the values that the military has instilled in him.—Allyson Rice

Larry Lucido joined the Marine Corps. He began as a private in the Marine Corps and ended his service as a Sergeant. During his nine month tour of duty in the Korean War he saw a lot of action and fought in several battles including the battle of Chosin Reservoir where the Chinese entered the war and surrounded the Marines until the Marines managed to break out. He was awarded two Purple Hearts during his tour. The first Purple Heart was awarded to him after he was shot in the back. His second Purple Heart was awarded to him after he went to go help one of his injured friends and he stepped on a land mine that took off his leg. He also captured a North Korean soldier than gave them information about the other North Korean Troops in the area.

From this experience I have gained a greater respect for those who serve in our country's armed forces and fight to keep this and other countries free. His service in the Marine Corps is a great inspiration. How he was shot in the back and lost his leg in the service of our country shows how high the price of freedom can be and how we must respect those who fight to protect it.—Brian Bruck

My name is James Garrett Follette and I interviewed Captain Ralph Peter ''Pete'' Langenfield on January 26, 2008. Pete enlisted with the Air Force in the summer of

1942 and saw active duty in January 1943 as a 2nd lieutenant. Pete was assigned to the 785th Bombardment Squadron of the 466th Bombardment Group of the 8th Air Division stationed in England as a bombardier for a B–24 Liberator. His last day of service was on December 19, 1945. For two years, Pete also flew B–29 Bombers during the Korean War. He held the rank of Captain when he was discharged on April 14, 1951.

On August 24, 2006 he received the Distinguished Flying Cross with valor for his heroism on January 2, 1945. On his 31st combat mission over Remagen, Germany, one of the live 2,000-pound bombs on his B–24 Liberator did not release. Pete removed his parachute and oxygen mask so he could move to the open bomb bay and manually release the weapon. Interviewing Captain Langenfeld has been an incredible experience. To listen to the thrill and patriotism in his voice is contagious. It makes one realize how important history is and we do not want to lose these experiences.—Garrett Tollelle

The tributes, memories, and lives of those who serve or have served in the armed forces must be exalted and above all else never forgotten. Thanks to this interview of United States Marine Corps Major John Lauder, I have first hand insight on the life of a true patriot. Major John Lauder went from only a Cadet, to Captain, 1st Lieutenant, 2nd Lieutenant all the way to where he is now at Major. As I listened to the memories and experience of Major Lauder, it occurred to me the massive amount of courage, dedication, and perseverance it takes to serve. As a marine he has served four tours of duty thus far and is still an honorable member of the Marines. It is to him I owe my understanding of the true hardships that one must take on as a Marine. I hold people like Major John Lauder responsible for my feelings of security and pride in such a beloved country.

The memories of our men in service and veterans are important ones. They are memories that should not be lost. These people have put their lives on the line and triumphed over all odds. I proudly say that Major John Lauder is one of these people. While serving, Major Lauder has truly excelled as a Marine. earning awards such as Iraqi and Afghan campaign medals as well as being decorated for valor. Not only those, but he has also received the Global War on Terrorism Service medal, expeditionary medals, along with a combat action ribbon. Major John Lauder is a truly exemplary person and I give thanks to God for people like him.—Amanda Dees

Colonel James E. Gilliland grew up in a changing time throughout the tides of war and peace. He entered the Air Force as the Korean War had ended, but answered the call to defend his country during the Vietnam War, flying 100 vital reconnaissance missions over North and South Vietnam war zones in a very short amount of time. The dangerous missions which he completed helped to contribute to the key strategies during the war, saving countless American lives. Throughout his tour in enemy skies, he was a highly decorated RF–4C pilot in the United States Air Force, which includes the Silver Star, Distinguished Flying Cross, Legion of Merit, Bronze Star and Air Medals. Even after his combat tours in Vietnam, Colonel Gilliland continued to hold senior command and staff positions in Saigon, Hawaii, Colorado, Texas, England, and eventually Belgium. Not only was this man a hero throughout his career with the Air Force, but he is also my grandfather, a man I hold in the highest regard. Hearing his story, which even now is hard for him to tell, has helped me to better understand just how much he has sacrificed for his country.—Trevor Ede

What Corbett Reagan accomplished was a 6 month tour (1990–1991) of duty in Iraq during Operation Desert Storm where he specialized in anti-tank gunning. He was the recipient of the Meritorious Unit Award, the Valorous Unit Citation, and the Kuwait Liberation Medal. What I gained from this interview experience was how committed Corporal Reagan was to his country. It was part of his heart and soul to be a Marine and serve our nation, particularly growing up in a military family. I also was struck by the influence the Marines and his overall service in Kuwait/Iraq during Operation Desert Storm had in molding him into a man of character. Being in the Marines shaped his life in many ways, particularly in helping him understand the issues of life and death, obtaining his education, the importance of family and friends, as well as gaining an appreciation for what it means to live in this great nation of ours.—Lauren Hill

Lieutenant Colonel Richard Castle was born in 1946 in Rochester, New York. His decision to join the Army was voluntary but also influenced by his family. His grandfather had served in the Navy during WWI while his own father had been a captain in the air corp. Even his brother had served in the United States Army during the Vietnam War. Richard served in the Vietnam War as a logistics officer. During his entire military career. Richard reached the position of 5th corp commander under a three star general. At the end of his military career, he reached the position of lieutenant colonel for his incredible service. The things I learned from Lieutenant Colonel Richard Castle were so astounding and intriguing. He seemed like a man who genuinely cared about his country and had loved serving in the Army. It made me gain a much greater appreciation for the men and women in the service right now. Talking on the phone with him. I realized how much of an ordinary person Mr. Castle was. Yet for him to have done so much for the Army is absolutely amazing. His story truly shows that anyone can serve the country and be an inspiration.—Lisa Hu

Colonel Vernon David Gores was born on December 27, 1929 in Bisbee, North Dakota. He grew up exposed to the agricultural environment of North Dakota, in addition to the small city life of Fargo, North Dakota. Vern Gores graduated from North Dakota State University with a degree in civil engineering in 1951. While there he attended ROTC, then entered the United States Air Force as a second lieutenant and attended flight school. Vern served in several capacities for the Air Force. For most of his Air Force career, Vern served as a pilot for transport (C–46) and reconnaissance aircraft (EC–121). He also advised an ROTC unit. He held positions of operations officer, commander advisor to the National Guard, and inspector general. Vern lived across the nation and internationally during his career. After North Dakota he lived in Alabama, Oklahoma, Illinois, Vermont, California, Massachusetts, Florida, and Ohio. He also served in several foreign countries: Japan, South Korea, Libya, Vietnam, and Thailand. Vern served in the Korean conflict and Vietnam. He remembers the Cuban Missile Crisis and the ''ongoing'' Cold War.

Vern retired from the Air Force at the rank of Full Colonel in 1979 at Wright-Patterson AFB, Ohio after 28 years of service. He has been awarded the Legion of Merit, Air Medal, and Bronze Star recognitions. Today Colonel Gore lives in the Villages of Lady Lake, Florida with his wife Colleen. They have been married for more than fifty years. They have one son, two daughters, and five grandchildren. His family is very proud of his accomplishments. He served with untiring effort, superior intellect, and uncompromising values of honesty, integrity, and loyalty. The nation and our family are fortunate to be associated with him.—Garrett McDaniel

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. SOLIS. Madam Speaker, during rollcall vote No. 120, on motion to adjourn, I was unavoidably detained. Had I been present, I would have voted ''no.''

INTRODUCTION OF THE PATHWAY FOR BIOSIMILARS ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. ESHOO. Madam Speaker, the field of biotechnology is the future of medicine. Scientists and doctors are just beginning to scratch the surface of the potential to harness the extraordinary power of biology and the astounding natural processes which occur in the human body, in animals, and in other living organisms to advance breakthrough medical discoveries and treatments. While ordinary pharmaceuticals primarily treat the symptoms of a disease or illness, biotechnology products—''biologics''—can be manipulated to target the underlying mechanisms and pathways of a disease.

Through the study of biotechnology, we will develop effective treatments for cancer and AIDS, many of which are already saving lives. We will cure diabetes. We will prevent the onset of deadly and debilitating diseases such as Alzheimer's, heart disease, Parkinson's, multiple sclerosis and arthritis. We will save millions of lives and improve countless more.

The development of biologics is expensive and extremely risky. Bringing a biologic to market can require hundreds of millions of dollars in research and development costs and can take several years. For every successful biologic, there are another 10 or 20 that do not pan out, making the incentives for investment in this field extremely sensitive to any changes in the regulatory structure for biologics.

In the relatively young industry of biotechnology, many of the original patents on biologics are beginning to expire and it's appropriate for Congress to consider how ''follow-on'' biologics or ''biosimilars'' are considered and approved by the FDA, and the impact these products will have on patient health and safety, health care costs, and incentives for innovation.

As a primary matter, it's important to recognize that traditional ''small-molecule'' pharmaceuticals and biologics are fundamentally different in their development, their manufacture and their chemical makeup. A traditional small-molecule drug is manufactured through synthesis of chemical ingredients in an ordered process, and the resulting product can be easily identified through laboratory analysis. A biologic is a large, complex molecule, which is ''grown'' in living systems such as a microorganism, a plant or animal cell. The resulting protein is unique to the cell lines and specific process used to produce it, and even slight differences in the manufacturing of a biologic can alter its nature. As a result, biologics are difficult, sometimes impossible to characterize, and laboratory analysis of the finished product is insufficient to ensure its safety and efficacy.

The pharmaceutical drug production process is easily replicated and a ''generic'' drug product is virtually identical to the original innovative product, so generic drug manufacturers are permitted to reference the original testing data submitted by the innovator companies when the original drug is submitted to the FDA for approval. With biologics, the manufacturing process is unique to each biologic and is not generally disclosed as part of the published patent. A biosimilar manufacturer would have to have intimate knowledge of these proprietary processes in order to ''duplicate'' the biologic product, and even then it is extremely difficult—no two living cell lines are identical, so no two biologics manufacturing processes have identical starting materials or proceed in the same way.

It's also important to note that because biologics are produced with cells from living organisms, many of them can cause an immune reaction which is normally benign and does not affect safety. However, some of these reactions can negate the effectiveness of the biologic or even cause side effects that are more dangerous. Most of these reactions can only be observed through clinical trials with real patients.

Any expedited regulatory pathway for biosimilars must account for all these factors and I'm proud to join with the Ranking Member of the Energy and Commerce Committee, Rep. JOE BARTON, to introduce the Pathway for Biologics Act. Our bill builds on the significant progress the Senate, led by Senators KENNEDY and ENZI, has already made, as well as the significant level of consensus we have heard on our Committee about this issue. The Pathway for Biologics Act will establish a new statutory pathway for biosimilars guided by three principles:

1. Legislation to facilitate the development of biosimilars should promote competition and lower prices, but patient safety, efficacy and sound science must be paramount.

2. We must preserve incentives for innovation and ensure that patients will continue to benefit from the groundbreaking treatments biotechnology alone can bring.

3. We must strive to protect the rights of all parties and resolve disputes over patents in a timely and efficient manner that does not delay market entry and provides certainty to all parties.

The regulatory pathway set forth in the Pathway for Biologics Act embodies each of these principles and sets forth a sensible, scientifically sound process for approval of biosimilars. The legislation allows for input from all interested parties and provides FDA appropriate flexibility to protect patient health by requesting analytical, animal and clinical studies to demonstrate the safety, purity and potency of a biosimilar. The FDA will be empowered to require the tests and data it deems necessary, but the results of clinical testing for immunogenicity will always be required as part of this data unless the FDA has published final guidance documents advising that such a determination is feasible in the current state of science absent clinical data and explaining the data that will be required to support such a determination. Since biologics are derived from human and animal products, immune reactions are a major concern for any new biologic product and are now impossible to detect without actual human testing.

Our legislation also addresses the important issue of interchangeability of biosimilars for the reference product. Some legislative proposals would allow the FDA to permit pharmacists and insurers to substitute a biosimilar for a physician's prescription for an innovator biologic product even when they cannot be demonstrated to be identical in their composition or effectiveness. Interchangeability of generic pharmaceuticals for brand name drugs is entirely appropriate since traditional generic drugs are chemically identical to the reference product. However, if the state of science is such that a complex molecule cannot be fully characterized and a precursor biologic cannot be adequately compared to a proposed biosimilar, then the biosimilar should not be fully substitutable for the precursor product without a physician's direction. The Pathway for Biologics Act makes it clear that the FDA cannot make a determination that a biosimilar is interchangeable with a reference product until it has published final guidance documents advising that it is feasible in the current state of scientific knowledge to make such determinations with respect to the relevant product class and explaining the data that will be required to support such a determination. This requirement is consistent with the recommendations of the Secretary of Health and Human Services.

An essential element of any new regulatory scheme for the biotech industry is a careful balancing of incentives for innovation and opportunities for new entry by competitors. To preserve incentives for innovation, the Pathway for Biologics Act provides 12 years of data exclusivity for new biologic products, which ensures that biosimilar applications that rely on the safety and efficacy record of existing biologic products will not be permitted to enter the market for 12 years following the approval of the innovator product. The 12-year exclusivity period is meant to preserve existing protections biotech companies receive from patents. The Congressional Budget Office has found that the effective patent life for pharmaceuticals is about 11.5 years, so a data exclusivity period of 12 years is consistent with that finding. Data exclusivity is necessary to provide additional protections and incentives for biologics because biosimilars—unlike generic drugs—will not be chemically identical to the reference product and will be less likely to infringe the patents of the innovator.

The legislation also includes incentives for additional indications and pediatric testing. New indications are critical for biologics and are often more significant than the indications for which approval was granted. Incentives for continued testing on new indications must be included to promote access to new treatments and cures, and this bill provides an additional 2 years exclusivity for new indications. I also believe it's important to provide incentives similar to those given traditional pharmaceuticals under the Best Pharmaceuticals for Children Act to biologics, so the legislation provides an additional 6 months of data exclusivity for testing for use in pediatric groups.

In order to protect the rights of all parties and ensure that all patent disputes involving a biosimilar are resolved before the expiration of the data exclusivity period, the Pathway for Biosimilars Act establishes a simple, streamlined patent resolution process. This process would take place within a short window of time—roughly 6–8 months after the biosimilar application has been filed with the FDA. It will help ensure that litigation surrounding relevant patents will be resolved expeditiously and prior to the launch of the biosimilar product, providing certainty to the applicant, the reference product manufacturer, and the public at large. The legislation also preserves the ability of third-party patent holders such as universities and medical centers to defend their patents.

Once a biosimilar application is accepted by the FDA, the agency will publish a notice identifying the reference product and a designated agent for the biosimilar applicant. After an exchange of information to identify the relevant patents at issue, the applicant can decide to challenge any patent's validity or applicability. All information exchanged as part of this procedure must be maintained in strict confidence and used solely for the purpose of identifying patents relevant to the biosimilar product. The patent owner will then have two months to decide whether to enforce the patent. If the patent owner's case is successful in court, the final approval of the application will be deferred until the patent expires.

Madam Speaker. I believe the Pathway for Biosimilars Act sets forth a straightforward, scientifically based process for expedited approval of new biologics based on innovative products already on the market. This new biosimilars approval pathway will promote competition and lower prices, but also ensure that patients are given safe and effective treatments that have been subjected to thorough scrutiny and testing by the FDA. The Pathways for Biosimilars Act will also protect the rights of patent holders and preserve incentives for innovation in the biotechnology sector to develop the next generation of life-saving, life-changing therapies.

I strongly urge my colleagues to support the Pathway for Biosimilars Act.

RECOGNIZING MARCELLA POTTHOFF OF INDIANOLA, IOWA, AS THE GOOD SAMARITAN SOCIETY'S 2007 VOLUNTEER OF THE YEAR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Marcella Potthoff of Indianola, Iowa, as the Good Samaritan Society's 2007 Volunteer of the Year.

Marcella volunteers three days every week at the Indianola Good Samaritan Center. She performs a variety of tasks for residents, which includes making food, pushing wheelchairs, and playing games. She especially enjoys bingo. According to Trudie Wood, the activity director and volunteer coordinator at the Good Samaritan Center, Marcella's eagerness to serve, and her patience and availability at short notice is what makes Marcella deserving of this award.

Marcella has dedicated her life to improving her community. Her past volunteer work includes teaching Sunday school, hosting a Bible study, helping with youth activities, leading a Girl Scout troop, and being an active member in a quilt club and a singles club. She is a great example for her community, and I commend her on her enduring commitment.

I consider it an honor to represent Marcella Potthoff in Congress. I commend Marcella's willingness to volunteer and I wish her all the best in her future endeavors.

NEW DOGS IN OUR BACKYARD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. POE. Madam Speaker, our own backyard is in jeopardy. Recently Colombia, our ally in the war on drugs and in combating Marxist rebels bent on undermining democracy in the Americas, was threatened with military action by its neighbors Venezuela and Ecuador. Colombia had taken the military initiative to eliminate a FARC commander across the border in Ecuador in order to maintain its own security. Yet the leftist and anti-U.S. leaders from Venezuela and Ecuador took grave offense to the killing of one of their comrades in arms, and rolled up tank battalions to the border to try to intimidate Colombia. Thankfully, cooler heads prevailed in this round, yet the United States should be concerned from some emerging big dogs in our own backyard.

With our attention turned elsewhere around, other nations and interests have been undermining US influence in the Americas. As seen already, Venezuelan President Hugo Chavez has been trying to gather support of other Latin American leaders to oppose the U.S. This latest incident in threatening our ally is a prime example.

Yet there is an even bigger dog, and it is hungry. China is growing in influence in Latin America. Seeking trading, political, and military ties with Latin America nations, China's hunger for expansion is part of its goal to be a chief player in world politics. As China seeks greater ties and influence in South America, it will naturally rely on its Communist ties with Marxist and leftist leaning groups.

What is the result of these two big dogs in our backyard? US influence is lessening in Latin America. For decades we stood by and militarily backed our Monroe Doctrine. In essence, we claim that the Western Hemisphere and the Americas is our sphere of influence. While we were able to keep Europe out, we are failing to keep the Far East and Communism out. Theodore Roosevelt added his corollary to the Doctrine, stating that the US reserves the right to intervene in Latin America. American foreign policy should take notice of this situation. While we have our chickens outside grazing, the coop is empty and under threat. We should hold fast to our Monroe Doctrine, and include all emerging threats, whether from Europe, the Far East, or ideas such as Communism and radical Islam. Strangers in one's backyard do not make for a secure household.

And that's just the way it is.

CONGRATULATING JACK AND DONNA CLARK FOR THEIR SERVICE TO FLOWER MOUND HIGH SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Jack and Donna Clark, long time administrators of Flower Mound High School. The Lewisville Independent School District is honoring their service by naming Flower Mound High School's auditorium the Jack and Donna Clark Auditorium.

Naming the Flower Mound High School auditorium after Mr. and Mrs. Clark is especially fitting because they both enjoy and have an interest in the performing arts. Donna was a member of the world-famous Rangerettes at Kilgore College in Kilgore, Texas. The couple met when both were teaching at Lake Highlands High School in Dallas, Texas. Donna was an English teacher and director of the Highlandettes Drill Team and Jack was the head basketball coach.

The Clark family moved to Flower Mound in 1999 to help open Flower Mound High School. Four years later, Mr. Clark was named principal, the same year the couple's son, Cody, graduated from Flower Mound High School. Additionally, Mr. Clark was named Principal of the Year by Lewisville ISD.

The final paragraph of the nominating letter, which was signed by every assistant principal and member of the counseling staff, states: "The dedication that Jack and Donna Clark have shown through their years of education and to Flower Mound High School should not go unnoticed." This dedication is a great way to honor this couple for their devotion to the community of Flower Mound.

Madam Speaker, I am honored to rise today and pay tribute to Jack and Donna Clark and their legacy of service to the arts. I am proud to represent this couple in the 26th District of Texas and I am glad to know that their legacy will continue to live on.

REGARDING MARCH AS NATIONAL PEANUT MONTH AND THE CONTRIBUTIONS OF TEXAS PEANUT PRODUCERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today I rise in appreciation of the Texas peanut industry.

March is National Peanut Month, and it is timely to thank peanut farmers all over the great State of Texas for the work of their hands. Texas ranks second in the Nation in peanut production. The annual value of peanuts to our State is more than $96 million.

As baseball is America's favorite pastime sport, what would a day at the ballpark be without a bag of peanuts? How would a child's favorite sandwich taste without the creamy goodness of peanut butter?

Few can deny the deliciousness of peanut brittle, peanut butter cups, plain roasted or boiled peanuts. The legumes are used in a great variety of ways and are an important industry to our State and Nation.

Texas peanut farmers produced nearly 370,000 tons of peanuts last year. The primary uses of peanuts, nationwide, are for popular confections. Peanuts are roasted and packaged in plastic bags or sealed cans. They are also used in significant quantities for peanut butter.

Texas is a state of grand scale. There were 190,000 acres of peanuts grown in Texas in 2007; the varieties include Runner, Spanish, Virginia and Valencia. Agriculture and cattle ranching are major Texas industries, and it is fitting to recognize those who work the fields so that people everywhere can enjoy the products of their labor.

Madam Speaker, the Texas Peanut Producers Board and the Western Peanut Growers Association are valuable assets to Texas as leading producers in their industry. It is my privilege to recognize their contributions to our State's economy.

CHABAD LUBAVITCH OF RIVERDALE TOYS CAMPAIGN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. ENGEL. Madam Speaker, for the past 8 years children in Babies and Children's Hospital of Columbia Presbyterian, Bronx Lebanon, Jacobi Medical Center, North Central Bronx Hospital, Lincoln Medical Center, Montefiore Medical Center, St. Barnabas Hospital, and Our Lady of Mercy Hospital have had their holidays brightened with gifts from the Chabad Lubavitch of Riverdale Toys Campaign.

Heartfelt gestures such as these have raised some from the despair of illness in a hospital during the holiday season to bring them hope and laughter. Toys are also given to children of more than 180 families living in homeless shelters in the Bronx.

This mitzvah, this kindness for those who are in need at that most special time of the year for joy and happiness, has earned the Chabad Lubavitch of Riverdale Toys Campaign the Community Organizational Award from the Riverdale Jewish Community Council.

HONORING PASTOR W. JAMES THOMAS II OF SHILOH CHURCH IN MEMPHIS, TN

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. COHEN. Madam Speaker, our pastor today was Pastor W. James Thomas II.

Pastor Thomas is God's visionary for Shiloh Church of Memphis, located in Memphis, Tennessee. Serving as Senior Pastor since 1994, his consistent obedience to God has taken the Shiloh congregation from glory to glory. The membership has grown from 75 to 600 and counting. During these years, Pastor Thomas has been preaching and teaching God's uncompromising Word with a boldness that has changed the lives of the people at Shiloh and throughout the country.

To accommodate the vision and growth of the church membership, Pastor Thomas led the congregation in the acquisition of a 19,000 square foot worship and educational facility in 1998. In 2003, the sanctuary was completely renovated and office complex expanded to accommodate staff and daily operational needs.

Spiritually, Pastor Thomas was saved and received much of his spiritual development in the Church of God in Christ. He was called to the ministry at the age of 14 and began pastoring at the age of 18 in Knoxville, TN. Educationally, Pastor Thomas graduated cum laude from Crichton College in Memphis, Tennessee with a bachelor of science degree in biblical studies and is currently a candidate for the masters of divinity degree. He has also been awarded a doctor of divinity degree from St. Thomas Christian College in Jacksonville, FL. Pastor Thomas was selected from among 300 clergy nationally to participate in, and has completed the first Graduate School of Theological Studies Special intensive at Harvard Divinity School in Cambridge, MA in September, 2005 and Yale School of Divinity in September, 2006.

Pastor Thomas has accomplished many tasks on the local and national level. He is the founder and CEO of Grace Community Development Corporation and Grace for Living Ministries International and currently serves as Vice-Chairman of the Board of Directors for the Marchell Foundation, a regional scholarship granting foundation. In July of 1998, he was appointed and installed as the District Overseer for the West Tennessee Full Gospel Baptist Church Fellowship. Apostolically, he serves as the overseer of True Praise & Worship International Church in Raleigh, NC and Fresh Annointing Christian Fellowship Church in Clarksville, MS. He is a member and chapter officer of Kappa Alpha Psi Fraternity, Inc. He's very active in our community in Memphis, Tennessee. He is married to Minister Antonia R. Thomas, who serves alongside him in the ministry. And even possibly more important than his congregation, Pastor Thomas has two children. One is Private First Class Reginald Cleveland, who has been serving this Chamber for the past 4 years as an officer with the Capitol Police. His daughter Joshlyn Thomas is a student at Craigmont Middle School in Memphis.

Generations are changed because of his passion for mentoring youth, empowering the saints and serving as a spiritual father for Pastors. Through the ministry of Pastor Thomas, people are discovering their destinies. His favorite Scripture is Psalms 37:4—"Delight thyself also in the Lord and he will give you the desires of your heart."

I appreciate Pastor Thomas serving the United States House of Representatives as our pastor this morning.

PAYING TRIBUTE TO DAYNA LYNN AHERN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. PORTER. Madam Speaker, I rise to honor the life and memory of my friend Dayna Lynn Ahern, whose passion for life was an inspiration.

Dayna was a native of Las Vegas who was a student of fashion merchandising at the Fashion Institute in Las Vegas, Nevada. Prior to enrolling in the Fashion Institute, Dayna had earned an Associates Degree from the prestigious Le Cordon Blue College of Culinary Arts in Las Vegas.

Among Dayna's many passions was traveling and music. These dual talents provided her with a number of unique opportunities, such as performing for the Pope at the Vatican and traveling with her high school choir to perform at various locals in Europe. Dayna was also an active member of her Church, and had a strong sense of spirituality.

Madam Speaker, I am proud to honor the life and legacy of my friend Dayna. On March 30, 2006, Dayna passed away but her enthusiasm and passion for life will serve as an inspiration for all who knew her. She will be greatly missed, but her legacy as a caring and motivated individual will live on.

RECOGNIZING CHARLES CITY, IOWA POLICE DEPARTMENT INVESTIGATOR TODD SMITH AND MASON CITY POLICE OFFICER STEVE KLEMAS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Charles City, Iowa Police Department Investigator Todd Smith and Mason City Police Officer Steve Klemas as recipients of The Sullivan Brothers' Award of Valor for saving another's life by risking their own.

The Sullivan Brothers' Award of Valor Program was established in 1977 to recognize peace officers and firefighters, who while serving in an official capacity, distinguished themselves by performing a heroic act while fully aware of a threat to his/her personal safety. The strict nomination process includes background investigations, and the final determination is made by the Governor of Iowa.

On June 18, 2007, Officer Klemas and Investigator Smith responded to a request by the Wright County sheriff to assist in an armed stand-off that occurred after the office attempted to serve a committal order on an individual. After failed negotiations, two rounds of tear gas, and a five-hour stand-off, Officer Klemas and Investigator Smith led a team of eight into the house. Investigator Smith served as the shield person, and was shot at three times as Officer Klemas fired on the individual to subdue him and take him into custody.

Investigator Smith and Officer Klemas' bravery goes above and beyond what we are asked of as citizens of this country. Their courage illustrates the compassion of Iowans; willing to risk their own lives for the safety of our fellow citizens. For this I offer them my utmost congratulations and thanks.

I commend Officer Steve Klemas and Investigator Todd Smith for their bravery. I am honored to represent them in Congress and I wish them the best in their future endeavors.

CONNOR KONZ ENDURES FIJI

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. POE. Madam Speaker, I would like to recognize a young constituent of the Second Congressional District, Mr. Connor Konz, for his participation in the Discovery Kids Channel competition Endurance Fiji.

Connor is a 15-year-old sophomore at Atascocita High School in Humble, Texas. He was selected in June of this year as a participant after submitting a five-minute video describing himself and how he spends his free time.

The game consists of teams collecting 13 pyramid pieces which are essential inner qualities to complete the Pyramid of Endurance. They are Strength, Heart, Courage, Perseverance, Luck, Trust, Leadership, Discipline, Knowledge, Commitment, Teamwork, Ingenuity and Friendship. The first team to collect all 13 pieces wins the game. The teams earn pieces by winning physical and mental competitions.

Connor and his mother, Debbie Konz, were flown to Fiji on Aug. 12. After arriving, he was taken by boat from the airport to an island hotel and from there to another island for the competition.

By no means was this tropical island competition a Sunday picnic or vacation for Connor. He was without all of the daily teenage essentials such as no cell phone, MP3 player

or digital camera the entire time he was on the island. He slept in a sleeping bag, in a bamboo hut with a thatched roof and no air conditioning. Connor said that the worst part of the experience was no electricity or indoor plumbing.

The teens also faced isolation by sleeping on a separate island away from their parents and didn't get to see them again until they were kicked off the show for losing a competition.

Connor had to use his physical and mental abilities to overcome the obstacles and challenges in the competition. It was an experience that pushed him farther than he thought he could go and resulted in lifelong friendships with the contestants.

Connor not only represented his family in the competition but Humble, Texas as well. I salute Connor Konz for enduring Fiji.

And that's just the way it is.

CONGRATULATING THE DENTON COUNTY TRANSPORTATION AUTHORITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Denton County Transportation Authority (DCTA) of Lewisville, Texas. The DCTA was recently awarded a Federal Transit Administration Ridership Award.

The Federal Transit Administration Ridership Awards honor and acknowledge the industry's commitment to excellence. The recipients of the Ridership Award are transit systems that have substantially increased their ridership since 2003 through a variety of techniques and innovations. The DCTA is one of four agencies being recognized that service an area with a population between 200,000 and 1 million people.

The Denton County Transportation Authority is a synchronized county transit agency that provides a wide variety of local services to Denton and surrounding communities, as well as a commuter service to downtown Dallas. The DCTA has strong relationship with the community. In 2005, the DCTA took over the daily operational and management responsibility of the campus shuttle service for the University of North Texas. The DCTA and the University worked together to provide free fares for students, and ridership on the shuttles increased by 15 percent between fall 2005 and fall 2006. The program was expanded in 2006 to allow free access onto the DCTA Commuter Express service and to expand the service on campus by two stops. The number of students, faculty, and staff that rode transit increased substantially in 2006 and, by the end of the year, 35–40 percent of passengers on the Commuter Express were associated with the University.

I extend my sincerest congratulations to the Denton County Transportation Authority. Their commitment to improving the public transportation system is to be commended and I hope other transit agencies will follow in their successful, innovative footsteps.

SUPPORTING OUR NATIONAL INTELLIGENCE COMMUNITY WITH THE TOOLS THEY NEED

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BOUSTANY. Madam Speaker, I rise to support the bipartisan Senate-passed update to the Foreign Intelligence and Surveillance Act, a chief component of national intelligence.

Three weeks have passed since our national security community lost the ability to track valuable intelligence without going through slow and burdensome bureaucratic hurdles. That's more than 3 weeks of terrorist communications that cannot be recovered. Yet, the Democratic House leadership under Speaker NANCY PELOSI refuses to debate a bipartisan Senate bill, which would give intelligence officials expanded authority to track terrorists outside of the United States. Since August last year, a temporary set of new laws authorized this program, but it expired on February 15, 2008.

Violent extremists operating around the world have one aim—kill Americans. I am committed to providing responsible and appropriate tools to our intelligence community to protect and defend Americans at home and abroad. It is not a coincidence that the U.S. has not been attacked at home since September 11, 2001. American intelligence officers protected us, and Congress must provide the tools and techniques they need to meet the long-term challenges that remain. Those standing on the frontlines battling these terrorists must have the ability to quickly intercept foreign communications to stop terrorists.

The Democratic leadership in the House has said, "there is no urgency" on updating our Nation's intelligence laws. I vehemently disagree, allowing this law to expire is completely irresponsible. I will continue to stand up for our men and women who defend us against future terrorist attacks.

I urge my colleagues to adopt the Senate-passed bill to expedite this necessary and timely update to the FISA law. Another day should not pass without our passing this bill.

HONORING THE MIAMI MEDICAL TEAM FOUNDATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize a wonderful organization in my home State and district in Florida, the Miami Medical Team Foundation, M.M.T.F. The M.M.T.F. is celebrating their 25th year as a local organization with worldwide significance and deserves more than a moment of recognition for their service.

The Miami Medical Team Foundation is a group of wonderful people that have formed a nonprofit, humanitarian, self-supported organization whose goals are the improvement of the sanitary and medical conditions in Third World countries.

The M.M.T.F. is composed at its core by medical doctors of all specialties, but as well, nurses, physical therapists, medical technicians, and Pharmacists. Founded in the early 1980s when refugees began piling in the borders between Nicaragua and Honduras, the group has since been involved in many different scenarios of tragedy in five continents of our planet, providing assistance to a total of 19 countries and makes available medical and surgical teams and the shipping of donated medicine and medical equipment. Members of the M.M.T.F. have always covered the costs of each and every humanitarian operation they embark on.

With the strong leadership of their president, Dr. Manuel A. Alzugaray, they have seen their efforts put to amazing use. Manuel is a dedicated individual with a professionalism that can not be easily matched. I know that it will he with his guidance that the M.M.T.F. will continue to play a vital role in making sure the world's most disadvantaged populations receive the timely care that they so desperately deserve.

Again, I praise the Miami Medical Team Foundation for all their successful initiatives across the globe and moreover, I commend them for their willingness to operate as a financially independent organization that could not exist without its members' dedication to the noble principles that they hold so dear. For all that the Miami Medical Team Foundation has done in support of their global humanitarian mission, and will certainly continue to do, I thank them so very much.

EXCERPT FROM THE WORLD OF WATCHERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. KAPTUR. Madam Speaker, the attached article is submitted at the request of the American Center of Polish Culture.

[Excerpts from The World of the Watchers by Edward Pinkowski]

INTRODUCTION

Almost a century after it was created, the equestrian statue of General Casimir Pulaski in Washington, D.C., has overshadowed discussion of many subjects, For example, very few are familiar with the Polish roots of Frank C. Watcher, who was elected in Baltimore, Maryland, as a Republican to the 56th Congress in 1898 and was reelected three successive times. None of the other congressmen then had a drop of Polish blood.

When Abraham L. Brick, who came from South Bend, Indiana, to Washington at the same time as Watcher, introduced a bill for the erection of the monument to Pulaski, Watcher saw that it had little support. He realized that if he didn't speak out, none of his colleagues would pay attention to the bill to honor the Polish hero of the American Revolution. He was known as an efficacious man, with a cheerful smile, who easily won others to his side. "On the last day of the session the Speaker of the House brought it up for consideration," he told a reporter of the Baltimore Sun in 1902. "The bill passed."

It took years after that for the federal government to set up a commission, find a site for the Pulaski monument in the nation's capital, and work out the rest of the details. The sculptor was Kazimierz Chodzinski, who had studied under the famous Matejko in Krakow, Poland, and was the one who carved the Kosciuszko statue before in Chicago. When his equestrian statue of Pulaski was unveiled in 1910, critics said it was the best they ever saw.

CITY OF BALTIMORE

Frank Charles Watcher was born September 16, 1861, in South Baltimore, where the Baltimore and Ohio company built the largest railroad station in the world in 1852 and the stockyards butchered more hogs than any other city on the Atlantic coast. Built on the Patapsco River not far from the Watcher home, Fort McHenry, which Francis Scott Key immortalized in the Star Spangled Banner, was used in the 1860s to hold thousands of Confederate prisoners of war.

When he was growing up, Frank Watcher dreamed of being a tailor like his father. Upon graduation from St. Paul's German English School, however, he got a job as a clerk for $1.50 a week in a clothing store. In time, because of his energy, determination, and brains, he managed a business.

POLITICAL CAREER

The first important campaign of his life came in 1898 when he received the Republican nomination for Congress. Nobody expected him to win. One of the issues in his favor was immigration. The Democratic Party, largely in Irish hands, was against new immigration because the immigrants who came mostly from Poland and Italy were taking the places of Irish workers in mines and factories and working for less money. In the coming election, the Polish citizens of Baltimore, most of whom previously supported Democrats, voted in large part for Watcher. He was elected to the Fifty-sixth Congress by a majority of 122 votes.

Watcher ran again two years later and won by more than 2,071 votes. After three terms in Washington, he ran for mayor of Baltimore. He won in the primaries and lost in the general election by less than 500 votes.

His family was at his bedside when he died on July 1, 1910. His body was followed to Loudon Park Cemetery by a long cortege of political and business associates. The honorary pall bearers included Speaker of the House Joseph G. Cannon.

RECOGNIZING CHARLES CITY, IOWA, CITIZENS POLICE ACADEMY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the Charles City Police Department and the graduates of the first ever Charles City, Iowa, Citizens Police Academy.

On November 13, 2007, seventeen residents of Charles City graduated from the first Charles City Citizens Police Academy, a ten week program facilitated by the Charles City Police Department and North Iowa Area Community College. The Charles City police officers took time to study specific aspects of police work and polished their presentation skills before instructing the classes. The Academy participants learned about the rigorous education and training police officers go through to do their jobs effectively. They also gained knowledge in various topics including; handling stressful situations, law enforcement operations, jurisdiction, the use of force and liability, terrorism training, and self-defense techniques.

This inaugural program has helped citizens better understand all that police do to protect and serve communities and has brought the police and citizens of Charles City closer together. The Academy is a characteristic of what Iowa is all about—regular citizens motivated to protect and cooperate with one another for the betterment of their communities.

I know that my colleagues in the United States Congress join me in commending and congratulating the Charles City Citizens Police Academy and Charles City Police Chief, Mike Wendel. I consider it an honor to represent each member of the Academy and the Charles City Police Department in the U.S. Congress, and I wish them all the best as they work together to make Charles City a safer place.

RECOGNIZING BUD SCHRIER, THE 2008 CARLISLE, IOWA, CITIZEN OF THE YEAR.

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Bud Schrier for his longtime service to the community of Carlisle, Iowa, and being named 2008 Carlisle Citizen of the Year.

Bud was born in 1930 and grew up on a farm west of Carlisle. After graduating high school, he entered the army and fought in the Korean War. He then came back to Carlisle to marry his wife, Betty, and began a 35 year career as an automotive parts salesman for NAPA. Since 1954, Bud has been an active member of the American Legion, promoting patriotism in his community. He also has dedicated a significant amount of time to volunteering for the needy. Since 1977, Bud has also been involved with the Boy Scouts of America in Carlisle as a Scoutmaster.

Around town, Bud is known for having a deep respect for the American flag. He ensures the respectful and proper display of each flag in town and kindly reminds townspeople when their flags need to be replaced. Bud's profound reverence for our country certainly sets a wonderful example for all of us.

Bud's dedication to his community and his commitment to volunteer service should be commended. I consider it an honor to represent Bud Schrier in the U.S. Congress, and I wish him the very best in his future endeavors.

CONGRATULATING THE FORT WORTH TRANSPORTATION AUTHORITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Fort Worth Transportation Authority of Fort Worth, Texas on being recognized by the Federal Transit Administration with the 2008 Ridership Award.

The Federal Transit Administration Ridership Awards honor transit systems that have substantially increased their ridership over the past five years through a variety of methods and improvements. The awards acknowledge the industry's commitment to excellence. The Fort Worth Transportation Authority is one of four agencies recognized that service an area with a population between 200,000 and 1 million people.

The Fort Worth Transportation Authority's bus system, known as "The T," has experienced a significant increase in ridership since the agency executed an advertising campaign aimed at automobile commuters. The effective campaign's goal used fuel prices to show commuters the cost of driving to work by car compared to the cost of using The T system. Additionally, the Fort Worth Transportation Authority partnered with the Fort Worth Independent School District (FWISD) and Texas Christian University (TCU) to promote public transportation use among students of all ages. Fort Worth school teachers were provided with free day passes for field trips, and all TCU faculty, staff and students, as well as FWISD ninth graders, were given a free annual transit pass. The actions taken by the Fort Worth Transportation Authority improved student ridership and established the convenience of public transportation with the future labor force.

Madam Speaker, it is with great honor that I stand here today to recognize the Fort Worth Transportation Authority for receiving this honor. Their diligence and commitment to promoting public transit benefits both the community and the environment, and I sincerely hope other agencies follow their example.

A COALITION TO BUY STARRETT CITY

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. CLARK. Madam Speaker, I am deeply honored to rise today to support the efforts of a coalition of labor, faith-based, and other community groups to buy Brooklyn's Starrett City. This coalition, consisting of the Christian Cultural Center, the Central Labor Council, and the Metropolitan Council on Jewish Poverty intends to keep the community's interest in mind by making certain that the diverse apartment complex remains affordable for renters.

Since 1974, Starrett City has provided affordable housing to more than 90 percent of

the tenants through Government assistance including Federal subsidies. In fact, Starrett City is currently the largest federally subsidized rental complex in the United States.

However, in November 2006, Starrett City residents began to fear the worst as talks began about the possible sale of the 153 acre property. Many believed that the new owners would increase their rent so much that they would no longer be able to live there, and as a result, forcing them to move and possibly making them become homeless. This has been a great concern to many of my New York colleagues such as Congressman ED TOWNS and Congressman ANTHONY WEINER and last year, Representative MAXINE WATERS held a field hearing in Starrett City to examine how Congress can preserve this great treasure for many low and middle income families.

That is why Madam Speaker, it brings me great pleasure to hear that a partnership, spearheaded by the Christian Cultural Center's founder, A.R. Bernard, plans to make a bid to ensure that Starrett City would remain affordable for tenants who cannot pay the skyrocketing rental rates throughout New York City. As he stated, ''the coalition's goal is protecting affordability and raising the quality of life for Starrett as a community.''

In conclusion, I want to extend my sincerest gratitude and support to this coalition as well as commend them for their efforts to save one of ''Brooklyn's last affordable housing frontiers.''

NATIONAL LINK AWARENESS MONTH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce legislation to bring awareness to the link between animal cruelty and other forms of societal violence by designating the month of September 2008 as National Link Awareness Month.

This resolution would highlight the need for more attention and resources to be focused on how violence toward animals is indicative of other violent tendencies. By investigating the link further, information could be gathered that will help mitigate societal violence.

Psychological, sociological, and criminological studies have shown that violent offenders frequently had a history of abusing animals during their childhood and adolescence. The FBI has recognized the connection since the 1970s, when its analysis of the lives of serial killers suggested that most had killed or tortured animals as children. Research has also shown patterns of animal cruelty among perpetrators of child abuse, spousal abuse, and elder abuse. In fact, the American Psychiatric Association considers animal cruelty one of the diagnostic criteria of conduct disorder.

The link between animal abuse and domestic violence is a recognized fact. Each year, defenseless pets face the sad and disturbing reality that they will be victims of cruelty and abuse. Domestic abusers commonly torture or kill family pets as a method of exerting control and ensuring submission. This causes victims, children and adults alike, to remain in violent households in order to ensure their beloved pets are not harmed further.

Research indicates that children who are exposed to domestic violence are nearly three times more likely to mistreat animals than children who are not exposed to such violence. Tragically, this behavior is often symptomatic of future abuse toward other animals or human beings. Significant research documents a relationship between childhood histories of animal cruelty and patterns of chronic interpersonal aggression.

Due to the correlation between animal abuse and other forms of family and community violence, animal abuse must be taken very seriously. Human services, animal services, and law enforcement agencies must share resources and expertise to address animal and human related violence in communities. By effectively and comprehensively addressing the link between violence towards animals and other forms of societal violence, we can learn information that will help stop violence in the home as well as the community at large.

Madam Speaker, I urge my colleagues to support the designation of September 2008 as National Link Awareness Month so that more awareness will be brought to the link between animal cruelty and other forms of violence in society.

RECOGNIZING LINCOLN ELEMENTARY SCHOOL IN CLEAR LAKE, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate the 115 second grade students at Lincoln Elementary School in Clear Lake, Iowa, for their efforts in making the holidays brighter for our U.S. troops overseas.

The second grade class participated in a project called ''Operation Stockings for Soldiers.'' The children donated their own time and money to fill stockings with video games, DVD's, razors, stationary and a variety of other items. Each student also wrote inspiring letters, thanking the soldiers for protecting America and wishing them happy holidays. Some of the students' families donated money for the postage on the stockings.

This collective effort at Lincoln Elementary School is a characteristic of what Iowa is all about—citizens motivated and dedicated to improving the lives of others. I commend all the students, their families and especially their teacher, Kim Williamson, who organized this heartwarming effort to help our Iowa soldiers overseas. The effort of Kim and her students has reinforced the importance and joy of giving to others. I consider it an honor to represent each of the second graders, teachers and parents of the Lincoln Elementary School community involved in the ''Operations Stockings for Soldiers'' project in the U.S. Congress, and commend them for their great act of compassion. And I know my colleagues join me in thanking them for their wonderful work.

ALTERNATIVE PUBLIC SPENDING: EFFECTS ON JOB CREATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Ms. SCHAKOWSKY. Madam Speaker, last week's report of the February jobs figures—a net loss of 63,000 jobs—is yet another sign that we need to act to spur employment. We need to stimulate the economy and to create the good jobs that will help working families across the country achieve the American dream.

I would like to bring my colleagues' attention to a recent study that gives us new information on how to achieve that goal. The study, completed by economists at the University of Massachusetts-Amherst, evaluates the economic relationship between public spending and job creation. The study, ''The U.S. Employment Effect of Military and Domestic Spending Priorities,'' concludes that public dollars invested in health care, education, mass transit or construction for home weatherization and infrastructure create more jobs than investing an equivalent amount in either military or personal consumption through tax cuts.

The study evaluates the relative effects on job creation of investing an equivalent amount of federal dollars in three scenarios: (1) Private consumption through tax cuts, (2) the military, and (3) domestic investments. This important study finds each billion dollars of federal funding would create: 10,799 jobs if spent on tax cuts designed to spur personal consumption; 8,555 jobs if allocated for military spending; 12,883 jobs if invested in health care; 17,687 jobs if invested in education; 19,795 jobs if invested in mass transit; 12,804 jobs if invested in home weatherization and infrastructure.

The bottom line is that public dollars invested in health care, education, mass transit, or construction for home weatherization and infrastructure create more jobs than investing an equivalent amount in either the military or personal consumption.

I hope that my colleagues will review this study, and I would like to thank the Women's Action for New Directions (WAND), the Institute for Policy Studies, and the Political Economy Research Institute at the University of Massachusetts-Amherst for their work in this area.

INTRODUCTION OF TRANSITIONAL HEALTH CARE FOR THE SELECTED RESERVES

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today, along with Representatives STEVE

BUYER, GENE TAYLOR, JEFF MILLER and 41 additional members, to introduce legislation to provide transitional health care for the Selected Reserves.

When an active duty soldier is involuntarily separated from the Army, he or she is afforded 180 days of transitional health care at no cost. Unfortunately, those soldiers who have served honorably and simply leave active duty at the end of their contractual agreement with one of the military services are not afforded transitional health care.

The brave men and women who join the ranks of our proud military deserve every consideration upon their release from active duty. This legislation provides an important measure to the servicemembers and their families as they move to civilian life. It seeks to keep the skilled military members in the Guard and Reserves.

Without our dedicated Guard and Reserves forces, it is impossible to keep the threat of terrorism at bay and sustain the Global War on Terrorism. Retaining these highly skilled men and women is paramount in maintaining our Nation's security. Skills learned while serving on active duty and carried to the Guard and Reserves will provide for future national and world threats. This small incentive allows departing service members a period of adjustment without worrying about a sudden illness or a health emergency.

It is interesting to note that since September 11, 2001, we have had over 600,000 members of the Guard and Reserves called to active duty. Without the Selected Ready Reserves, our ability to defend against enemies foreign and domestic would be greatly reduced. The strength of our Guard and Reserves has always been those former active duty servicemembers who join their ranks.

Those servicemembers also represent a trained pool of military talent available to serve our Guard and Reserves in a different capacity . . . a citizen patriot. Congress should act quickly to help support our Guard and Reserves by passing this bill. I am proud to sponsor this bill along with the many co-sponsors and encourage you to support this important measure.

RECOGNIZING AMES, IOWA POLICE OFFICER CLINT HERTZ AND LT. JEFF BRINKLEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Ames, Iowa Police Officer Clint Hertz and Lt. Jeff Brinkley as recipients of The Sullivan Brothers' Award of Valor for saving another's life by risking their own.

The Sullivan Brothers' Award of Valor Program was established in 1977 to recognize peace officers and firefighters, who while serving in an official capacity, distinguished themselves by performing a heroic act while fully aware of a threat to his/her personal safety. The strict nomination process includes background investigations, and the final determination is made by the Governor of Iowa.

On December 27, 2007, Lt. Brinkley and Officer Hertz responded to a 911 call of a car on fire in the North Grand Mall parking lot. When Lt. Brinkley arrived, he realized the inside of the car was full of black smoke and the back half of the car was in flames. He quickly ran to the car and broke the passenger window, but because of the thickness of the smoke, he was unable to see if there were any passengers inside the car. Officer Hertz then arrived and also ran to the car to check for passengers and found a man trapped inside the car. Officer Hertz then opened the passenger-side door and Lt. Brinkley helped him pull the man to safety. Moments later the car was completely engulfed in flames.

Lt. Brinkley's and Officer Hertz's bravery goes above and beyond what we are asked of as citizens of this country. Their courage illustrates the compassion of Iowans; willing to risk their own lives for the safety of their fellow citizens. For this I offer them my utmost congratulations and thanks.

I commend Lt. Jeff Brinkley and Officer Clint Hertz for their heroism. I am honored to represent them in Congress and I wish them the best in their future service with the Ames Police Department.

INTRODUCTION OF THE PHYSICAL ACTIVITY GUIDELINES FOR AMERICANS ACT OF 2008

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. UDALL of Colorado. Madam Speaker, today, along with my colleague and co-chair of the Congressional Fitness Caucus, Representative ZACH WAMP, I am introducing the "Physical Activity Guidelines for Americans Act of 2008." If enacted, this bill will make important improvements in the way that we measure and promote health and fitness in our communities.

Health care has become one of the most prominent issues of our time, and coming up with solutions to curb rising costs and address the growing numbers of uninsured Americans will take a great deal of hard work and debate. Whatever our disagreements about the best ways to fix these problems, there are simple principles upon which we can all agree. This bill focuses on one of those simple principles: That exercise makes Americans healthier.

Many of us are familiar with Dietary Guidelines for Americans, a report released every five years by the Department of Health and Human Services and the Department of Agriculture. These are recommendations that help guide the way that physicians and nutritionists talk to their patients and clients about their diets and how to think of healthy food as a way of life. Similarly, HHS also releases a report entitled Physical Activity Guidelines, which summarizes current knowledge about the relationship between exercise and fitness.

I would argue that these publications are of equal importance, as diet and exercise are the pillars of a healthy lifestyle. There is one difference, though, that I believe by fixing we can further promote healthy living for Americans. The difference is this: Where Dietary Guidelines is mandated to be updated every five years. Physical Activity Guidelines has no such requirement. Fixing this difference will ensure that Americans have the most up-to-date information about the role and importance of exercise in their lives, just as they do now for their diets.

This bill seeks to accomplish that fix. It would equalize the way that the federal government dispenses information about diet and exercise, and it would benefit ordinary people by giving them relevant information about how to become healthier. As I said. curing all of our health care ills will require a great deal of work. thought. and debate, but I believe that we can get off to a good start simply by helping Americans exercise more and, by staying healthy, go to the doctor a little less. Madam Speaker. I hope my colleagues will join me in supporting this simple measure to help achieve that simple goal.

RECOGNIZING DEBBIE BRACKIN SMITH AS FLORIDA'S SCHOOL-RELATED EMPLOYEE OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Debbie Smith, Florida's School-Related Employee of the Year.

As the Physical Education Assistant at Shalimar Elementary School, Ms. Smith works with hundreds of children everyday. Expanding upon the opportunities provided by her position, she has constructed several new physical education programs that heighten student exercise. The "Miler Club," a new program in which students earn "toe tokens" for every five miles that they run, promotes athleticism and encourages students towards physical activity. Ms. Smith is also instrumental in the school's Field Day, a day devoted to outdoor activity.

In addition to teaching physical education, Ms. Smith also assists in the classroom. Utilizing small group instruction, she works with students requiring extra attention in reading and math.

Ms. Smith's instruction has unbounded influence. Her dedication and devotion have led countless students to a greater understanding of physical education and fitness. Ms. Smith's outstanding accomplishments have distinguished her as one of the great educators in Northwest Florida, and the Okaloosa County School District is honored to have her as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Debbie Smith on her exemplary service in Northwest Florida.

MARCH: CRIMINAL JUSTICE MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. REICHERT. Madam Speaker, I rise in support of H. Res. 945, a resolution that establishes March 2008 as ''National Criminal Justice Month.''

Prior to joining this body, I worked for 33 years as a member of the King County Sheriff's Office, eventually becoming the elected Sheriff of King County in 1997. I could not agree more with the sentiments of this Resolution and want to personally thank each one of the approximately three million Americans working within our nation's criminal justice system today.

I know a job in the criminal justice system, no matter what it is, can often be thankless and tiring. The pressures of family, life and service can be overwhelming. I also know the physical and mental toughness that is required to perform these duties. However, the excitement of a job well done and the respect given to these heroic men and women outweigh the sometimes unpleasant challenges they face.

Those who serve in our criminal justice system today are tasked not only with protecting our communities and neighborhoods but also with protecting our homeland and serving on the front lines of our war against terrorism. Within this framework, the job these brave public servants are doing is truly remarkable. Although sometimes it is hard to feel and see, the gratitude of the American people and this body for our dedicated public servants will not waver.

I ask—as the Resolution does—that we all look seriously at how we as individuals can prevent and respond to crime to help the public servants we too often take for granted.

RECOGNIZING PIERCE BROS. REPAIR OF INDIANOLA, IOWA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate the repair and welding shop, Pierce Bros. Repair of Indianola, Iowa, on celebrating their 50th Anniversary and to express my appreciation for their commitment to providing important services to Iowans in the area.

In 1958, brothers Lee and Gene Pierce opened an old-style blacksmith shop, primarily repairing farm equipment. Current owner Kurt Wells now has a five-man crew doing various jobs in the area, including repairing lawn mowers, grills, trailer hitches, and other projects. Kurt joined the company in 1960 at age 10 and bought the shop in 1972.

Pierce Bros. Repair's success has come by sticking to their original niche and only upgrading the necessary modern modifications. Although the shop has expanded twice since 1958, there are no computer-run tools, and the shop is still heated today by a wood burning stove. Kurt's managing secret is to work with his employees, not boss them. It is a secret that has generated 130 years of experience at the shop between the five current employees.

For 50 years, Pierce Bros. Repair of Indianola has benefited Iowans by providing important, reliable, customer-oriented service, and for this I offer them my utmost congratulations and thanks. It is an honor to represent Kurt Wells and all members of the Pierce Bros. crew in Congress, and I wish them continued success in serving the Indianola community.

HOUSE OF REPRESENTATIVES—*Friday, March 14, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. WASSERMAN SCHULTZ).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 14, 2008.

I hereby appoint the Honorable DEBBIE WASSERMAN SCHULTZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Before You, O Lord, all is to come to fulfillment. All is called into judgment.

The approaching holy days of spring's mysteries invite us to first understand, then embrace, the proposed cycle of womb and tomb: life, death, and new life.

What once appeared drab and even barren now takes shape with additional color and the unpredictable production of new life without advertisement or previews.

The tree of life, the fresh flow of rushing water, the new Moon, as well as the depth of passion, lead to surrender, only to be surprised by the unexpected gift so peacefully given.

As the long sleep of winter ends, all humanity is awakened for the feast by resurrected light that seeks to set the world afire with promise and the evolution of re-creation.

Lord, help Your people to celebrate and to live this new life of the eighth day as the free sons and daughters of the living God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PALLONE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PALLONE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. MCNERNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNERNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 485

In the Senate of the United States, March 14 (legislative day, March 13), 2008.

Whereas Howard Metzenbaum served the people of Ohio with distinction for 8 years in the Ohio State Legislature;

Whereas Howard Metzenbaum served the people of Ohio with distinction for 18 years in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following titles:

H. Con. Res. 316. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 71. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

HONORING DR. MARGRETTA MADDEN STYLES

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Madam Speaker, I rise today to ask my colleagues to join me in honoring the life of Dr. Margretta Madden Styles.

Born on March 19, 1930, in Mount Union, Pennsylvania, Dr. Styles found her life's calling in promoting quality nursing. She served as the president of the American Nurses Association, the International Council of Nurses, and the California Board of Registered Nursing.

Dr. Styles helped create the American Nurses Credentialing Center, which today is the Nation's leader in accreditation of continuing nursing education. Her work on training nurses and advancing our Nation's nursing accreditation process is unparalleled. Her legacy lives on every day through the thousands of certified nurses in the United States, the patients they treat, and the lives they save.

For these reasons I ask my colleagues to join me in honoring the memory of Dr. Margretta Madden Styles and in sending our thoughts and prayers to her beloved family and friends.

ARMY MEDIC MONICA BROWN, TEENAGE IDOL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Army specialist and medic Monica Brown was on patrol in the rugged terrain of Afghanistan when a roadside bomb tore through a convoy of Humvees. As Humvees burned and shrapnel filled the air, Monica ran through insurgent gunfire and mortars to protect wounded comrades. With total disregard for her safety, she used her body to shield five injured soldiers as she administered aid and then dragged each of them 100 meters away to safety.

Monica Brown is from Lake Jackson, Texas, and she's 19 years of age. A teenager, and yet she has already

shown more courage, selflessness, and honor than many show in their entire lifetime. Amelia Earhart said, ''Courage is the price that life requires for granting peace.''

This month Monica Brown will be awarded the Silver Star, the Nation's third highest medal for valor for that courage she showed. She is only the second woman since World War II to receive this medal.

She said that she didn't think of anything except taking care of her fellow soldiers and protecting them from the attack. It was instinctive for her.

We thank her for her service. She is a great Texan and a true American teenage idol.

And that's just the way it is.

A NEW NATIONAL INFRASTRUCTURE PLAN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, this week we commended on the floor of the House the 200th anniversary of the Gallatin Plan that guided the infrastructure for this country for the first century of our existence. It's timely because we are today losing that battle. We have an infrastructure crisis. The Society of Civil Engineers gives us a D minus for condition of transportation and water facilities and we are fast running out of money to fix it.

Now is the time for an infrastructure plan for this century. Yes, we do need adequate resources; but more than money, we need a new vision for all our infrastructure needs: roads, rail, air, energy transmission. Most important, we need to squeeze out more value. We need to find a way to do this critical work better. Congress and Federal agencies can help by changing how they do business.

I urge my colleagues to join me in a new plan for infrastructure for this century for livable communities where our families are safe, healthy, and economically secure.

THE MAJORITY'S BUDGET IS FISCALLY IRRESPONSIBLE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today in strong opposition to the majority's proposed budget. Our country cannot afford this irresponsible budget. It fails to rein in spending and raises the taxes of millions of hardworking middle-class Americans by $683 billion over the next 5 years.

Under this budget, North Carolina taxpayers will be hit with an average tax increase of $2,672. As working Americans face a slowing economy, the last thing they need is a job-killing tax hike.

The majority budget also increases discretionary spending by $276 billion over the next 5 years.

The Federal Government should never spend one penny more of taxpayer money than it needs to. American taxpayers deserve the kind of fiscal accountability that prioritizes balancing the budget without raising taxes on the American people. But this budget is straight from the same old tax-and-spend school of budgeting that Americans simply can't afford.

WHERE SECRECY STARTS, ACCOUNTABILITY OFTEN ENDS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, recent proceedings in this House served one and only one valuable public purpose—Hopefully, this totally unproductive exercise will ensure that the Democratic leadership never again yields to demands that the public business of this people's House be conducted in secret.

Linking secrecy and political power is a dangerous recipe. Accountability often ends where secrecy begins.

Yes, there are always those whose self-importance grows when they participate in mysterious hocus-pocus, who insist that their judgment is superior to ordinary mortals because they possess confidential information not available to mere citizens. Rarely is that true. It was not true before the costly and troubling invasion of Iraq, and it is not true now.

FINANCIAL CRISIS FACING OUR NATION WILL REQUIRE BIPARTISAN EFFORT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I am disappointed in the administration and especially Secretary of Treasury Henry Paulson for not embracing solutions to the economic tsunami that is off our coast. Congressman COOPER and I have proposed the SAFE Commission to respond to what the outgoing U.S. Comptroller, David Walker, characterizes as a ''tsunami of spending and debt levels that could swamp our ship of state.''

We have $53 trillion in unfunded liabilities and are over $9 trillion in debt. What more does Secretary Paulson need?

The SAFE Commission Act has 74 bipartisan cosponsors. It has been endorsed by the Business Roundtable, the National Federation of Independent Businesses, and think tanks across the political spectrum. If we don't get our financial house in order and begin controlling entitlement spending, it will be our children and grandchildren who pay the price.

How will Secretary Paulson feel if he leaves at the end of this term and has done nothing, has done nothing to deal with the entitlement issue?

Secretary Paulson, we ask you to support the Cooper-Wolf bipartisan commission.

CALLING FOR INVESTIGATION OF THE FOREIGN CONTRACT LOOPHOLE REGARDING FRAUD

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, there's a new regulation that was in the process of being promulgated that did a practical and sensible thing for taxpayers: it required contractors who receive over $5 million of taxpayer money to report fraud when they are aware it happened.

At the last minute, there was an exemption that was put in so that foreign contracts were not subject to taxpayer protection. That makes no sense and flies in the face of reason.

By exempting overseas contracts, and this is Iraq and Afghanistan particularly, the Bush administration is sending an unambiguous message: it's okay to rip off taxpayers when you spend money abroad; just don't do it at home.

Not only must we stop this reckless rule, but we must have answers: What was the rationale for the loophole? How did the loophole get slipped into the proposed rule? And who advocated for it?

Through a thorough investigation, we will stop this rule and get some answers.

THE SAVE ACT

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, I rise today to call attention to one issue that I believe we all agree on, and that is the safety and security of American citizens.

Our Nation's borders are our first line of defense. The first step in any immigration plan is to provide for a secure and impenetrable border.

I have introduced a discharge petition on Representative HEATH SHULER's bill, the SAVE Act, which provides a clear, three-point plan to get tough on illegal immigration. The plan is simple:

Increased secured security along our borders, mandatory worksite enforcement, and greater interior enforcement.

This issue deserves debate, and I am proud to reach across the aisle to work with Mr. SHULER on this bipartisan bill. I urge all of my colleagues to join

me and Mr. SHULER and sign this bipartisan petition before you leave today.

It's time to demonstrate that Congress is serious about illegal immigration. The American people expect and deserve our quick and complete attention to securing our borders and protecting our Nation.

□ 1015

THE TOOLS ARE IN PLACE TO PROTECT NATIONAL SECURITY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the White House and congressional Republicans continue to play games with our Nation's national security. Rather than working with us to modernize the Foreign Intelligence Surveillance Act, Republicans insist that this House simply rubber-stamp a bill that passed the Senate earlier this year.

House Democrats refuse to do that. Instead, just as we did last November, we will bring a balanced bill to the floor today that gives our intelligence community the tools it needs to track terrorists and prevent another attack while also protecting the constitutional rights of innocent Americans.

We believe this approach produces the best results for our intelligence community, and that is why we refuse to simply rubber-stamp the Senate bill.

Mr. Speaker, when House Republicans allowed the President's Protect America Act to expire last month, they did so knowing that all of the authorities granted the intelligence community in that act would be in place until this summer. We had time to get this legislation right, and today we intend to pass a strong compromise bill that should garner support on both sides of the aisle.

SAVE ACT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, when a dam breaks, the first action you must take is to stop the flow, to plug the hole. And the same rule applies to illegal immigration.

There are as many as 15 to 20 million illegal aliens in this country today, and we realize the dam is broken. To fix it, we have got to start with border security and enforcement first.

The SAVE Act, which helps fix the dam by hiring 8,000 more border guards and using military equipment for border security, is a good bill. By strengthening workplace enforcement, it dries up easy access to American jobs and stems the tide of illegal immigration.

Despite broad bipartisan support, and even a Democrat sponsor of this bill, the liberal leadership of this House won't bring this up for a vote because they prefer amnesty and government tax dollar giveaways, not real border security.

I ask them to stop playing political games with our immigration policy and with our national security and bring this bill up for a vote.

FISA AMENDMENTS ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1041 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1041

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on the Judiciary or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for purpose of debate only.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consum.

Mr. Speaker, House Resolution 1041 provides for consideration of the Senate amendment to H.R. 3773, the FISA Amendments Act of 2008. The rule makes in order a motion offered by the chairman of the Judiciary Committee to concur in the Senate amendment with the amendment printed in the Rules Committee report on this resolution.

Mr. Speaker, we have come a long way on the crucial issues of intelligence-gathering. I commend Chairmen CONYERS and REYES for their diligence in providing much-needed attention in evaluation of FISA, while ensuring that we provide our Nation's intelligence community with the necessary tools and resources to prevent a future terrorist attack on our Nation.

Over the last few weeks, my office phone lines have been burning up with calls from constituents regarding FISA and the need for Congress to take action. Unfortunately, the calls were prompted by a far-reaching misinformation campaign aimed to scare the public into believing that the House majority is in some way prohibiting our Nation's intelligence community from monitoring the terrorists. Nothing could be further from the truth. Not only are these claims false, they are unconscionable.

I don't believe any Member of this institution, Republican or Democrat, wants to shackle our Nation's intelligence community from preventing another terrorist attack. Frankly, I am getting alarmed by the claims by some of my colleagues. For the last couple of weeks, we have heard only one message from the other side of the aisle: take up the Senate bill because it has the support of the President. I have no interest in being a rubber stamp for this administration, nor of any elected body, even the Senate. That is not why I was sent to Congress. I certainly mean no disrespect to the Senate, but my constituents sent me to Congress to use my judgment and conscience to help govern.

The chairman of the Judiciary Committee said it best earlier in the week during our Rules Committee hearing when he said we are not an appendage of the Senate. I couldn't agree with Mr. CONYERS more. It is our responsibility to the American people to exercise our legislative duty. Furthermore, with an issue like FISA and intelligence-gathering, I am confident that the American people would expect the House to exercise that duty to the fullest extent possible.

We are a bicameral form of government. The changes we are proposing to the Senate bill today represent a powerful step forward in the legislative process. The administration has made it overwhelmingly clear that they need to use electronic surveillance to track and identify terrorist targets. And despite the misinformation campaign and the rhetoric, the proposal we will vote on today makes it easier for our Nation's intelligence community to wiretap suspected terrorists by explicitly

not requiring a court order to wiretap targets believed to be outside the United States. In addition, the proposal provides for surveillance of terrorists and other targets overseas who may be communicating with Americans.

And we are all well aware of the issue of immunity for telecom companies. It seems like that is all we have talked about here for the past several months. As a former prosecutor, I can say from experience and without hesitation, you never provide immunity to anyone unless you are sure whom you are giving the immunity to and why you are giving the immunity out.

One point that has not received enough emphasis over the last few weeks is that the telecom companies have immunity under current law. However, the problem is that anytime a telecommunication company goes to court, this administration steps in and says this is classified material and the question is deemed state secret, and therefore you are not allowed to talk about it. In that way, the telecom companies are not allowed to even defend themselves, but rather have to sit there and answer for any charges civilly made against them.

I, for one, couldn't agree more that if the intelligence community goes to a telecom company with adequate authorization and says, We need communication records for person X because he or she is believed to be a terrorist, the telecom company deserves to be afforded that protection. Unfortunately, we have absolutely no idea what the administration requested and what the telecom companies have provided.

Our proposal provides a commonsense, balanced approach to address the immunity issue. We want to provide the telecom companies with a legal way to present their defense in a secure proceeding and in a secure way in district court without the administration asserting state secret privileges to block those defenses.

And, again, don't be fooled by the misinformation campaign. We are not talking about broadcasting the content of those defenses over the public airwaves, rather just the opposite will be done in camera and in secret. This would involve ex parte proceedings in camera. That is one-on-one telecom company and a Federal district court judge behind closed doors. That way, the determination of whether or not the classified material is, in fact, a state secret is made by a neutral third party and not just this administration.

Finally, our proposal establishes a bipartisan national commission with subpoena power to investigate and report to the American people on the administration's warrantless surveillance activities and to recommend procedures and protections for the future in much the same way that the 9/11 Commission did.

Mr. Speaker, we must bring the misinformation campaign and partisan wrangling to an end. There is no question that there are groups and individuals out there who seek to do us harm. There is no question that my colleagues and I want to give the people who protect us from the danger every tool they need to keep fighting terrorism. The proposal we will vote on today will, in fact, provide our Nation's intelligence community with the resources to prevent future acts of terrorism while protecting the freedoms of the citizens under the Constitution. Everyone in this body wants the same thing, and that is to protect American citizens. This bill does exactly that.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to thank my friend from New York (Mr. ARCURI) for yielding me the customary 30 minutes, which I must note, Mr. Speaker, is more time than the entire House Intelligence Committee will be permitted to debate the legislative proposal covered by this rule. The Democrat Rules Committee is allowing just 20 minutes for the members of the Select Committee on Intelligence to debate this Democrat FISA proposal.

What is at stake is the safety and security of our Nation to protect us against foreign terrorists threats by modernizing the 1970s electronic surveillance law. The issue before the House is no less than our intelligence community's ability to protect American citizens by monitoring foreign terrorists communicating in foreign places. But the respective members of the Intelligence Committee are to be given only 20 minutes to debate this issue.

It appears that Democrat leaders are not content with their record of the most closed rules in the history of the U.S. House of Representatives in shutting down every Member from being permitted to offer amendments on the House floor. So now they are going so far as to restrict the time the House is even permitted to debate bills that they are trying to ram through this body.

Mr. Speaker, since the new Democrat majority took control of the House Rules Committee last January a year ago, they have approved rules that allow other committees far more time to debate matters of far less importance than FISA. For example, H. Res. 214 provided a rule allowing the Transportation Committee 1 hour of floor debate on legislation to ''authorize appropriations for sewer overflow control grants.''

H. Res. 269 gave the Financial Services Committee 1 hour to debate housing assistance for Native Hawaiians.

H. Res. 327 gave an hour to the Science and Technology Committee to discuss scholarships for math and science teachers.

H. Res. 331 gave the Resources Committee 1 hour of time, not just 20 minutes, but 1 hour of time to debate restoring the ''prohibition on the commercial sale and slaughter of wild free roaming horses and burros.''

Mr. Speaker, I believe my colleagues on the other side of the aisle care sincerely about the security of our country and our fellow citizens. But I fail to understand how it could be justified to allow more House floor time to debate overflowing sewers and the killing of wild burros than the members of the Intelligence Committee are allowed today to discuss the urgent needs of FISA.

The answer is that Democrat leaders are working overtime to block the House from voting on a bipartisan compromise bill that has passed the Senate by a vote of 68–29. The bill passed the Senate over a month ago, and on February 12, the Democrat leaders refused to allow the House to even vote on that measure.

Twenty-one Blue Dog Democrats sent a letter to Speaker PELOSI at the end of January declaring their support for the Senate FISA bill. But there still hasn't been a vote. Mr. Speaker, I submit for the RECORD that letter.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 28, 2008.

DEAR MADAM SPEAKER: Legislation reforming the Foreign Intelligence Surveillance Act (FISA) is currently being considered by the Senate. Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February.

It is our belief that such legislation should include the following provisions:

Require individualized warrants for surveillance of U.S. citizens living or traveling abroad;

Clarify that no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States;

Provide enhanced oversight by Congress of surveillance laws and procedures;

Compel compliance by private sector partners;

Review by FISA Court of minimization procedures;

Targeted immunity for carriers that participated in anti-terrorism surveillance programs.

The Rockefeller-Bond FISA legislation contains satisfactory language addressing all these issues and we would fully support that measure should it reach the House floor without substantial change. We believe these components will ensure a strong national security apparatus that can thwart terrorism across the globe and save American lives here in our country.

It is also critical that we update the FISA laws in a timely manner. To pass a long-term extension of the Protect America Act, as some may suggest, would leave in place a limited, stopgap measure that does not fully address critical surveillance issues. We have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation

that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk.

Sincerely,

Leonard Boswell, Marion Berry, Mike Ross, Bud Cramer, Heath Shuler, Allen Boyd, Dan Boren, Jim Matheson, Lincoln Davis, Tim Holden, Dennis Moore, Christopher Carney, Earl Pomeroy, Melissa Bean, Joe Baca, John Tanner, Jim Cooper, Brad Ellsworth, Charlie Melancon, Zack Space.

When the Rules Committee met to discuss this bill on Wednesday, several of my Democratic colleagues argued that the House shouldn't have to give in to a my-way-or-the-highway or take-it-or-leave-it approach when it comes to the bipartisan Senate bill.

I agree with my colleagues, Mr. Speaker. No Member of this House should ever vote for legislation that they can't support. Members have the right to vote their conscience. But, Mr. Speaker, simply allowing the House to vote on a bipartisan FISA bill doesn't force any Members to vote against his or her will. It just gives them an opportunity to vote on a bill that has passed the other body overwhelmingly.

□ 1030

It is the Democrat leaders and a liberal minority amongst that party who are telling the rest of the House that it's their way or no way. For days and weeks, they've refused the call of the 21 Blue Dog Democrats for the House to act in the name of our Nation's security. Democrat leaders are standing in the way of letting the House vote and work its will because they fear a majority of this body will actually approve the Senate bill.

Mr. Speaker, today, every Member of the House is going to have a chance to vote and to allow the bipartisan Senate language to pass this House. Let me be very clear what I intend to do when the previous question is moved, because this will not be the ordinary motion. I will amend just one clause of the rule, that is, section 2, so that the section will then read, and I quote: Upon rejection of the motion to concur specified in section 1, a motion that the House concur in the Senate amendments to H.R. 3773 is hereby adopted.

What does that mean? What this means is that by voting ''no'' on the previous question, the rule will be amended in such a way that continues to allow the House to debate and vote on the proposal that's offered by the Democrats today. But if the House Democrat proposal fails, then the bipartisan Senate FISA bill is then agreed to by the House. So we will have the vote on the Democrats' partisan FISA bill presented to us today, but if the vote on the Democrat FISA bill fails, then the games stop right there and the Senate bill goes to the President for his signature. There's no more stalling, Mr. Speaker, no more posturing.

It's time for the House to stand up and vote and get on with the business of protecting America.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, it just seems to me that this debate is becoming more and more political rather than focusing on what we're here to do, and that is to ensure that the people of this country have absolutely the best FISA bill that they can, a bill that not only protects us but ensures that the Constitution is protected as well. That's what this FISA bill does. It takes the best of all the things that we have been trying to achieve over the past several months and incorporates it into a bill, including unshackling the telecom companies so that if they have done what has been asked of them and what is permitted to do under the law, that they are allowed immunity. We certainly don't want to prosecute people who have been trying to help our country and keep our country safe. Nonetheless, this puts into effect the important factors of ensuring that those things are done.

With that, Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I was assigned to the Pentagon the day 9/11 happened. It was very obvious, sitting there at dead center, that the world had changed. We in the military used to like away games. We liked our wars over there. Suddenly we had a home game and things had to change.

A few days later, I was appointed to be head of the Navy's antiterrorism unit. Shortly after that, I was on the ground in Afghanistan flying in with a fellow from the CIA with a suitcase filled with millions of dollars. I wanted the best insurance, the best intelligence. But I felt I always had that because I had worked at the National Security Council, where in counterproliferation and antiterrorism efforts there, I was able to see that whether it had been President Reagan, President Clinton, or the first President Bush, FISA provided that ability.

I like this bill. It is very similar to the Senate bill. If someone in Saudi Arabia is talking to someone in Germany and it routes to the United States, we can listen in without asking questions.

I remember being in the White House and being frustrated, because if somebody was doing proliferation of weapons of mass destruction, we couldn't, under FISA, get a warrant for them. This bill fixes that.

And then I step back in emergencies. This bill fixes it in an emergency situation that you don't even have to ask permission; you can just do it. And it extends from 3 days of having to come to the court till 7 days. And then even if the court takes another 30 days, keep listening. Thank you for that.

But the real differences come down to what I think is important, because every day I was out there for 31 years in the military, I wasn't just fighting an enemy or trying to deter him; I was fighting for an ideal, the ideal of which America is founded upon, the rights of civil rights. Therefore, I honestly believe what we have done in the telecommunications companies and discussing immunity should be done by the proper branch of government, the judicial branch, a court, the FISA Court. Then if everything was not awry, then we can say, under the provisions of the previous law, they have immunity.

And then I would like to also point out that it is very important to me that we have oversight on reports that are coming, and they must come to the FISA Court to explain the procedures they will follow. That type of oversight is what I followed for. In short, I will never forget being over there in charge of my carrier battle group, fighting in Afghanistan, that what I was fighting for was security, number one, properly balanced with civil rights. This bill does do that. I wouldn't vote for it any other way unless it did.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and I appreciate his fine work.

It's no secret that there is a lot of controversy surrounding this issue of modernization of the Foreign Intelligence Surveillance Act and everything that surrounds our effort to successfully prosecute this war on terror. We know that sacrifices have been made. We know that sacrifices continue to be made. And we're all very committed to the civil liberties of every single American. That's why I'm convinced that we are not going to take actions which will in any way undermine the civil liberties of our fellow Americans.

It is very important to note, Mr. Speaker, that as we look at this issue, there is a great deal of bipartisanship that exists. Unfortunately, it's not in this body. And I recognize that as the people's House we have a unique responsibility and we should not in any way become a rubber stamp for action taken by the other body. But I will say this. As we look at bipartisanship, it extends beyond our colleagues in the United States Senate. It does exist right here in the House, in that 21 Democrats signed a letter to the Speaker and made the specific request that we have a chance to vote on the proposal that is, in fact, the bipartisan compromise that did emerge from the Senate. We also have had a bipartisan group of attorneys general across the

country who have indicated that they very much believe that we should proceed with taking the action that is embodied in that bipartisan compromise that has emerged from the Senate.

And, Mr. Speaker, I think one of the most important things that we should note is not simply bipartisanship but something that clearly transcends any kind of politics or partisanship, and that is the words that come from the Director of National Intelligence, Mike McConnell. And when I say that he transcends partisanship, I would like to remind our colleagues that this is a man who has spent four decades of his life working in the intelligence field. He was the head of the National Security Agency for President Bill Clinton, and he now serves as the Director of National Intelligence.

In testimony before the Judiciary Committee, he referred to the fact that there has been a 66 percent reduction, a two-thirds reduction in the amount of information that they need, that they should be able to glean in the intelligence area. And he has said that in his discussions and negotiations with those in the telecommunications industry that they will not be able to continue as they have in the past to help us prosecute this war if they don't have this immunity.

Now, Mr. Speaker, I think that one of the things that we in this debate on the rule are saying is that, let's just allow a vote on that bipartisan compromise, the so-called Rockefeller-Bond bill that emerged from the Senate. Sixty-eight Democrats and Republicans came together and agreed on it. And we had an interesting Rules Committee meeting, Mr. Speaker, in which we simply said, okay, we're going to have a chance to vote on the measure that will emerge from the majority, but why if as my very dear friend, the chairman of the Committee on the Judiciary, Mr. CONYERS said, he said he wanted there to be an exchange of ideas, if there's going to be an exchange of ideas, let's at least allow our colleagues to have an up-or-down vote on that bipartisan compromise which embodies the above-partisan recommendations of the Director of National Intelligence, the bipartisan recommendations of the attorneys general across the country and simply say that we should have a chance to vote on it. It's very unfortunate that this rule denies Members of the House of Representatives the opportunity to have that vote.

Mr. Speaker, I urge my colleagues to vote down this rule. We need to defeat this rule so that we can in fact have a package that will allow us to do everything we need as we pursue our very, very important responsibility, and that is to secure our Nation.

Mr. ARCURI. Mr. Speaker, I would like to yield 2 minutes to the gentleman from New Jersey, a member of the Intelligence Committee, Mr. HOLT.

Mr. HOLT. Mr. Speaker, I thank the gentleman, and I am pleased to rise to say that not only do we have enough time to debate this, but we have a very good, well-structured bill in front of us.

It is an important role of the Federal Government to look after the safety and the security of the American people. This bill does that. It is a well-structured bill that gives telecom companies the opportunity they have asked for to defend themselves in court. It provides for a congressional commission that will look at how electronic surveillance has been conducted and will make recommendations. It includes a reasonable expiration date to keep Congress involved in the oversight of this. And I would argue most importantly this legislation provides prior involvement of the court in all intercepts of communications of Americans. Critically important.

Here are the facts. This bill gives our intelligence community the flexibility they need to collect information on our enemies while protecting the American people in every aspect. And it mandates extensive reviews and reporting requirements on the electronic surveillance programs in question. It rejects the President's efforts to redefine the relationship between the people and their government, a very key point.

I commend the Speaker, the leader, the Chair of the Judiciary Committee, the Chair of the Intelligence Committee for negotiating with a firm tone and a principled approach to give us very good legislation, a very good bill despite the fact that they've had to work with the relentless drumbeat of propaganda and disinformation orchestrated by the administration in this matter. I commend them for producing such good legislation in such difficult circumstances.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 19½ minutes. The gentleman from New York has 18 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. ROYCE).

□ 1045

Mr. ROYCE. I thank the gentleman.

Mr. Speaker, I am rising to oppose the rule. As I think you know, we are going to end up in a circumstance here, according to our Director of National Intelligence, where, for the first time, frankly, this refusal to protect our telecom companies, who face some 40 lawsuits and billions of dollars, our refusal to allow for the protection for them to defend themselves will end up stopping the intelligence professionals from conducting surveillance of foreign persons in foreign countries. It's really because they cannot read the minds of their terrorist targets and guarantee that they would not call the United States or one of their people in the United States.

Unfortunately, sometimes they do. Mahmood Karimi came into this country in the trunk of a car over the border of Mexico after paying $5,000. He was the brother, by the way, of the Hezbollah general in southern Lebanon who launched the attacks there.

I was in Haifa in August, and the Prime Minister of Israel, by the way, told me that one of his great concerns was the advantages that had been given up and the knowledge that had now become known to the terrorists. He said one of the reasons we are having such difficulty with Hezbollah is because they now know how the United States, how other countries were able to apprehend the information before these attacks came.

But in any event, the brother of the individual who was launching those attacks some years ago actually came into the United States. I am certain somehow he got phone calls out of Beirut, and I am sorry if we violated his constitutional rights. I know there is the assumption that once a foreign agent from a foreign country is in this country, we don't have the right to monitor and violate his civil rights.

Here is what I do know about this individual: I know that he did manage to get through our southern border in my State. I know that somehow we apprehended him up in Detroit. I know that once we did, we found 50 of his cohorts who were part of the Hezbollah cell.

Now, I am not making the allegation that we used this kind of intelligence in order to apprehend him, because, frankly, I don't know how we apprehended him. I only give you that example to say these are the types of individuals who are operating. He was trained by Iran; he was trained by foreign intelligence. He was here in the United States, and I imagine in one case out of 1,000, when someone is trying to make a phone call from Beirut to their agent, let's say in Syria, occasionally that call might come into the United States because there might be a foreign agent here.

The point I want to make is that this is, frankly, more protection than Americans get under court-ordered warrants in Mob and other criminal cases. The issue we are debating, frankly, is pretty important. It's an issue of life and death, frankly, as far as I am concerned.

I serve as the ranking member of the Terrorism and Nonproliferation Subcommittee. That there have not been attacks on our soil since 9/11 is due to the improved surveillance in real-time that we are able to conduct against foreign terrorists.

Now, that good record in no way should lead us to discount the jihadists, because the image of Osama

bin Laden's allies operating in some remote terrain somewhere may give the impression that our foes are isolated. I want to share with you, because of the Internet our foes are not isolated. We are confronting a virtual caliphate. Radical jihadists are physically disbursed, but they are united through the Internet. They use the tool there to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose, and they are very sophisticated in that use.

How has the West attempted to confront that? Well, the British used Electronic surveillance in real-time and they used it last year to stop the attack on 10 transatlantic flights. They prevented that attack a year ago by wiretapping. The French authorities used wiretaps to lure jihadists basically into custody and prevented a bomb attack.

Given this threat, it is unfathomable that we would weaken our most effective preventive tool. That's exactly what this bill does, in the opinion of Admiral McConnell, whose job it is to protect our security. Admiral McConnell said that we are actually missing a significant portion of what we should be getting. Now, he has served both Democratic and Republican administrations with distinction.

I would ask those so distrustful, go ahead, discount his estimate, cut them in half, say we lose one-third of our intelligence as a result of this bill passing and the problems that we foment with telecom companies around the world. I would argue that is too much to give up. I don't want to lose a single percent of our intelligence on terrorist communications. With nuclear and biological material floating around the globe, we don't have that margin of error.

Mr. ARCURI. I thank the gentleman from California. I just want to assure him that I think I speak for the entire Democratic Caucus when I say that we share his concern for the safety of this country.

However, when he speaks about things that just blatantly aren't true, for some reason, and I don't know if it's an attempt to frighten the American people, it's troubling. This bill, this FISA bill, allows the government to wiretap any foreign national, whether they are overseas or they are here. This is just blatantly untrue. What he says about the fact is that we cannot wiretap, we can't monitor a person that comes to this country who is a foreigner. It's just blatantly untrue. This FISA bill allows that to happen.

It's somewhat disheartening when people mention facts that just aren't true, and I certainly hope it's not for political reasons; but let's stick to the facts, because the facts are clearly that this bill allows that to happen.

I yield 2½ minutes to the gentlewoman from Texas, a member of the Judiciary Committee, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I imagine that Admiral McConnell is watching and listening, and so allow me this morning to thank all of the patriots that are stationed around the world that are the front lines of the national security and defense and intelligence community of this Nation. To the American people, let me say on your behalf, we thank them, for they are working every day, and they are working diligently, and they are being successful.

This rule today supporting the underlying bill should be passed, because Admiral McConnell is aware that every single tool that he has asked for, foreign-to-foreign and otherwise in terms of surveillance, is in this bill.

Interestingly enough, if you will talk to members of the law enforcement community and those who are dealing with terrorists, they will tell you that they are intercepting terrorists. They are finding terrorists every single day. I personally spoke to law enforcement who noted in one region of the country that they have intercepted three terrorists. So what we are doing today is providing the codified document to secure your civil liberties, to suggest that if the focus of your surveillance is actually an American, they have to have a court intervention, a quick court intervention.

As it relates to our telecom companies, is anyone suggesting that they are not patriots? Is anyone suggesting that they will not comply with a request by the national security community?

They will, because in this bill it indicates to them that if they get a letter that suggests that we need their help, that they are not breaking the law, that all of the laws have been in compliance certified by the AG, they get absolute immunity.

So going forward, there will be no question. If that happened in the past, they have absolute immunity. There will be no gaping hole, and the idea of avoiding retroactive immunity is a question to America. It is protecting your civil liberties. Yes, we have been secure, or we have avoided a tragedy since 9/11. It is because we have given them the tools, and now we give them better tools.

It is important to pass this legislation, because it advances the security of America. But what it says to the world is that we are not terrorized by the terrorists. We believe in security, but we believe in the civil liberties of all Americans.

The Constitution still stands.

Mr. Speaker, I rise today in support of the H. Res. 1041, Providing for Consideration of the Senate Amendment to H.R. 3773, the Foreign Intelligence Surveillance Act (FISA) Amendments Act. This Rule will allow us to examine the Senate Amendment and to consider the many concerns associated with this act.

We have worked as a body to resolve our issues with FISA and with those of our Senate colleagues without eviscerating the fundamental rights embodied in the Bill of Rights. Leadership has worked tirelessly to not simply reconcile the Senate language with the RESTORE Act (H.R. 3773), which we passed in the House on November 15, 2007, but leadership has also worked tirelessly to go beyond the RESTORE Act. This current FISA Reform legislation has been borne out of this tireless struggle. Let me detail some of the ways that the FISA Reform Act balances security and liberty: adopting provisions from the Senate bill that will for the first time provide statutory protections for U.S. persons overseas, that ensures surveillance of their communications are conducted through the courts; and providing a mechanism for telecommunications carriers to prove their case that they did not engage in any wrongdoing and to guarantee due process with a fair hearing in court.

Like the RESTORE Act, the FISA reform legislation provides for collection against terrorist organizations such as Al Qaeda, while providing prior court approval of acquisition and an on-going process of review and oversight in order to protect Americans' privacy.

The FISA Reform Act creates a bipartisan commission on Warrantless Electronic Surveillance Activities with strong investigatory powers in order to preserve the rule of law in pending and future lawsuits. This revised version of the bill reiterates FISA's exclusive control for conducting foreign intelligence surveillance, unless a specific statutory authorization for surveillance is enacted. This is an area where the House version has differed from the Senate.

Perhaps the most important distinction between the House version of the bill and the Senate's version is that the Court must approve surveillance procedures prior to the start of surveillance. Under the Senate bill, the Director of National Intelligence and the Attorney General authorize surveillance and submit procedures to the FISA Court 5 days after surveillance begins. Under the Senate bill, the FISA Court has no firm deadline for approving the procedures. The Senate bill does not go far enough in protecting the individual rights of Americans.

The FISA Reform Act requires submission to Congress and the FISA Court of "reverse targeting" guidelines that are to be promulgated by the NSA. Specifically, these guidelines will determine whether the "significant purpose" of the surveillance is to acquire communications of a specific U.S. person. In this regard, the House bill gives more teeth to the provisions in the Senate bill, which only has general prohibitions against reverse targeting and does not require the promulgation of agency guidelines addressing reverse targeting.

Both the FISA Reform Act and the Senate bill, provide for prospective liability protection for telecommunications companies that assist with lawful surveillance activities. However, the FISA Reform Act goes further by ensuring that telecommunication companies complying with the Protect America Act (PAA) have liability protection for lawful surveillance that occurred after the expiration of the PAA.

Another major difference between the bills is that the FISA Reform Act does not provide for any retroactive immunity. Instead, the FISA Reform Act provides for a process to allow district courts to review classified evidence in camera and ex parte (in front of the judge without the presence of the plaintiff). This allows the telecommunications companies to have their day in court and to assert defenses that already exist under FISA and other statutes. This process simply creates a pathway for companies to assert such defenses.

This process, which allows the Court to review information and the companies to prove their case, prevents the Executive Branch from blocking the companies from asserting their defenses under the doctrine of ''state secrets'' privilege. The FISA Reform Act permits the telecommunication companies an opportunity to defend themselves but does not create any new defenses or immunity and it does not excuse any conduct that may have been unlawful. Under the House bill, telecommunication companies can prove their innocence in court without the protection of the States immunity privilege. If these companies cannot prove that their actions were proper then they will be held accountable.

The Senate bill grants full immunity to any telecommunication company where the Attorney General certified that assistance was requested as part of the President's warrantless surveillance program. This blanket immunity goes to far, and do not support full immunity.

I believe the FISA Reform Act is better because it provides the telecommunications companies with due process and an opportunity to prove their guilt or innocence. I cannot support a case for blanket immunity and the FISA Reform Act does not allow it.

Lastly, the FISA Reform Act provides a forward looking provision that establishes a bipartisan National Commission, appointed by Congress. The Commission will investigate and report to Congress and the public about the administration's warrantless surveillance activities.

Homeland security is not a Democratic or a Republican issue, it is not a House or Senate issue; it is an issue for all Americans—all of us need to be secure in our homes, secure in our thoughts, and secure in our communications.

I find it disturbing that our Republican colleagues will not join us to ensure that Americans are safe here and abroad. Disturbing that they do not recognize that we must protect the civil liberties of this Nation just as we protect American lives.

Mr. Speaker, in August of last year, I strongly opposed S. 1927, the so-called ''Protect America Act'' (PAA), when it came to a vote on the House floor. Had the Bush administration and the Republican-dominated 109th Congress acted more responsibly in the two preceding years, we would not have been in the position of debating legislation that had such a profoundly negative impact on the national security and on American values and civil liberties in the crush of exigent circumstances. As that regrettable episode clearly showed, it is true as the saying goes that haste makes waste.

The PAA was stampeded through the Congress in the midnight hour of the last day before the long August recess on the dubious claim that it was necessary to fill a gap in the Nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell. In reality, it would have circumvented the Fourth Amendment to the Constitution and represented an unwarranted transfer of power from the courts to the executive branch and a Justice Department led at that time by an Attorney General whose reputation for candor and integrity was, to put it charitably, subject to considerable doubt.

Under the House bill, the Foreign Intelligence Surveillance Court (FISC) is indispensable and is accorded a meaningful role in ensuring compliance with the law. The bill ensures that the FISC is empowered to act as an Article III court should act, which means the court shall operate neither as a rubber-stamp nor a bottleneck. Rather, the function of the court is to validate the lawful exercise of executive power on the one hand, and to act as the guardian of individual rights and liberties on the other.

Moreover, Mr. Speaker, it is important to point out that the loudest demands for blanket immunity did not come from the telecommunications companies but from the administration, which raises the interesting question of whether the administration's real motivation is to shield from public disclosure the ways and means by which government officials may have ''persuaded'' telecommunications companies to assist in its warrantless surveillance programs.

My amendment, which was added during the markup last year, made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

''Reverse targeting'' is a concept well known to members of the Judiciary Committee but not so well understood by those less steeped in the minutiae of electronic surveillance; it is the practice where the Government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians, as well as progressives and civil liberties organizations, have with the FISA is that the temptation of national security agencies to engage in reverse targeting is often difficult to resist in the absence of strong safeguards to prevent it.

My amendment, accepted in the House Judiciary mark up, reduced any temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the ''real'' target of the surveillance is a person in the United States.

The amendment achieved this objective by requiring the administration to obtain a regular FISA warrant whenever a ''significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States.''

The language used in my amendment, ''significant purpose,'' is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson-Lee Amendment provided a clearer, more objective, criterion for the administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

Mr. Speaker, nothing in the Act or the amendments to the Act should require the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, what should be required, is a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

The acquisition of communications will happen over time and the Government will have the time to get an order while continuing its surveillance. It is the national security interest to require the Government to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

We are living in a time of economic crisis and acts of unfettered terrorism. Former President Franklin Delano Roosevelt said that ''our national determination to keep free of foreign wars and foreign entanglements cannot prevent us from feeling deep concern when ideals and principles that we have cherished are challenged.''

Like former President Roosevelt, we must secure our Nation from foreign entanglements but at the same time we must continue to champion the fundamental freedoms of all Americans regardless of whether the surveillance occurs in the United States or abroad.

It is very important to me; and it should be very important to Members of this body that we require what should be required in all cases—a warrant any time there is surveillance of a United States citizen.

In short, the Senate amendment to the House amendment makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace the amended H.R. 3773.

The Bush administration would like the American people to believe that Democrats do not want to protect America. My Republican colleagues echo this false claim in both the chambers of Congress by questioning our patriotism. But I remind them that tyrannical behavior often questions the motivations of those seeking to protect civil liberties.

Let us not fall prey to false proclamations of an administration that takes our Bill of Rights and lays it to the side when they feel like it. Security must go hand-in-hand with liberty. Oppression of some for the alleged security of others is not the example this great Nation should set.

As I wrote in the Politico, ''the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests.''

Thus, the way forward to victory in the war on terror is for the United States to redouble its commitment to the Bill of Rights and the democratic values which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home

of the free, the land of the brave, and the country we love.

Mr. Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counter-intelligence purposes on a sound legal footing, and I am far from persuaded that it needs to be jettisoned.

I continue to insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for approval, but the FISA Court should not be allowed to issue a basket warrant without making individual determinations about foreign surveillance.

In all candor, Mr. Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still not enough on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require a blank check from Congress.

The Bush administration did not comply with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees ''fully and currently informed'' of U.S. intelligence activities. Congress cannot continue to rely upon incomplete information from the Bush administration or upon erroneous revelations leaked through the media. Instead Congress must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within the United States and abroad.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including:

(1) Who the NSA is targeting;

(2) How it identifies its targets;

(3) The information the program collects and disseminates; and most important;

(4) Whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post-9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Mr. Speaker, I encourage my colleagues to Join me In a vote of support for H. Res. 1041, the Rule providing for FISA Amendments Act. I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished Republican Conference chairman, Mr. PUTNAM from Florida.

Mr. PUTNAM. I thank my friend for the time.

Mr. Speaker, much of what we debate down here often is theoretical. We say if this passes, we believe this will happen. If this fails, we believe that will happen. Much of it is speculative. It is our opinions coming down here and directing, gazing into the future about what we think will happen.

Much in this toxic atmosphere that is Washington that we debate is very partisan. This issue is neither theoretical nor partisan. It is not theoretical anymore, because this is now the 27th day that we have denied our intelligence agencies and law enforcement officials the tools they need to keep America safe.

It is not partisan because the bill that we are asking you to vote for and support here in a few minutes already passed the Senate with 68 Senators voting for it. It was voted out on a bipartisan basis.

Now, anyone who follows the activities of the Senate knows that they have a hard time getting 68 votes for a Mother's Day resolution. For them to find 68 votes on an issue of this magnitude is remarkable.

The only way that we can put back into place the provisions of the Protect America Act that allow us to prevent future plots and conspiracies and attacks on our homeland is to pass the Senate bill. If we do not pass the Senate bill today, Congress will leave for 2 more weeks, 2 more weeks that we will deny the eyes and ears to our law enforcement and intelligence officials who keep us safe.

Now, let me just draw attention to the fact that 21 Blue Dog Democrats have put their names to a letter saying pass the Senate bill; 68 Senators have voted to pass the Senate bill. The bipartisan Senate Intelligence Committee said, and I quote, ''Electronic communication service providers acted in good faith on a good faith belief that the President's program and their assistance was lawful.''

This is not a theoretical debate. This is an important tool that we must restore to the hands of our intelligence agencies before Congress goes home for 2 more weeks. This is an example of the tyranny of the few blocking the will of the many. It is not just Republicans who say we need to pass this. It is Senator ROCKEFELLER, chairman of the Senate Intelligence Committee. It is 21 Blue Dog Democrats.

It is 25 States' attorneys general. This is too important to let it slip through our fingers before we go home for 2 weeks. Pass the previous question. Deem the Senate bill passed and give those who stand on alert as the guardians of our freedom and liberty, liberty and security on a daily basis, what they need to continue to keep us safe.

Don't extend the 27 days of darkness for another 2 weeks. Give them the tools they need. Pass the previous question. Pass the Senate bill.

Mr. ARCURI. Mr. Speaker, I yield 4½ minutes to the gentleman from New York, a member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER. Mr. Speaker, the last few weeks, the last few minutes we have heard assertions from our colleagues on the other side of the aisle that are false and designed to mislead and frighten the American people. They claim that we allowed the Protect America Act to expire, that we are dark for 27 days.

Ken Wainstein, the Assistant Attorney General of the United States, and the Bush administration admitted that because of the provisions of the group warrants in the Protect America Act that had gone on for a year, didn't change anything. It is still in effect, number one.

Number two, we forget, this House passed a FISA updating modernization bill in November, on November 14. We called it the RESTORE Act. We waited for the Senate to pass a bill so we could go to conference and compromise on it. When did they pass a bill? Not in November, not in December, not in January. Because of Republican foot-dragging, they didn't pass the bill until February, mid-February, three months after we passed the bill here, and two days before we went home for a week for the Presidents Day recess.

The President came out and said it's up to the House to pass the Senate bill, no questions asked. But there are a lot of questions about the Senate bill. Maybe our bill isn't perfect, but their bill is far from perfect, and our bill is closer to perfect than theirs.

□ 1100

So then we said, well, if you don't want, because catastrophe will happen, according to the President and the Republicans if we go home without passing the Senate bill, we will extend the Protect America Act for 3 weeks until we can come back and deal with this. Who voted it down? The Republicans. They said, no, don't extend it. The President said he would veto an extension.

So let's not hear any remarks on this floor from that side about how we are dark because the act expired. It expired because they made it expire. They voted against a 21-day extension that we could have renewed if necessary until we got this all figured out. So let's not hear any less-than-honest assertions about we are dark and we are unprotected and it is the Democrats' fault.

Mr. Speaker, we have a very good bill here. It gives the intelligence community every single tool they need and every tool they say they need. How does it differ from the Senate bill? In two ways. One, it provides for some closer judicial supervision, because while we are giving the intelligence community the tools they need to wiretap on American citizens, on people who are not American citizens, we have to make sure that our constitutional rights and liberties are protected so that this country, which we

have all defended, and we all want to defend, remains worthy of being defended by defending our own liberties.

Remember why we enacted protections in the first place, because the administration at the time wiretapped Martin Luther King. We don't want that to happen again by a future administration. And so we must protect our civil liberties.

We are told that telecom companies, if we don't provide retroactive immunity, they won't cooperate in the future, we won't get their help. Number one, that is an aspersion on their patriotism. Number two, they can be compelled to do so under court order. And number three, they have always had immunity. They have it now. All they have to do to have immunity is to have a request from the administration that says: A, we need your help; B, you are not violating the law if you do what we ask; and C, you don't need a court order. If they get that request, whether those assertions are true or not, as long as the administration says we need your help, what we are asking you to do won't violate the law, and you don't need a court order, they are absolutely immune. And they have always had this immunity.

So why do they need retroactive immunity, they say because the administration won't permit them to go to court and say we were asked for help, we gave that help. We have this request and we got the legal assurances because the administration won't let that go to court because it says it will violate State secrets.

So what does our bill do? It says you can go to court under secret procedures to protect the security of the State secrets, but you can assert your defense in court and get the case thrown out if you at least got the assurance by the administration in advance, which is all the law required. If you didn't get that, then you have no respect for the privacy rights of Americans and you don't deserve immunity. Even if we gave retroactive immunity for the future to the telecom company that helped us next week, they still have the same requirements for immunity. And if they wanted to go to court to assert them if someone sued them, they would still have to go to court and say the same thing. So you are dealing with a one-time fix.

Retroactive immunity takes it out of the courts and says Congress shall say to American citizens you're wrong, you can't protect your constitutional rights in court, you're right. That is a duty for the courts, not for Congress. That is the basis of the protections of all of our rights. The Senate bill goes the wrong way. We protect the telecom companies and protect our liberties. It is the right way to go. I urge adoption of this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the distinguished Republican leader.

Mr. BOEHNER. Let me thank my colleague from Washington for yielding.

My colleagues, several years ago when the current Speaker, Speaker PELOSI, had my job as the minority leader, she said that bills should generally come to the floor under a fair and open process with amendments allowed and substitutes allowed.

And yet here we are today once again violating the very words that she said how the minority should be treated by bringing a bill to the floor, a Senate bill with amendments crafted by the House with no opportunity for amendments, no opportunity for substitutes. And no opportunity to vote straight up or down on the bipartisan bill that came over from the Senate.

I think that what we have seen here is just a pattern of we are for this, we create rules that allow the minority the opportunity to be fairly heard, and yet they are routinely violated.

And so the only way we can have a straight up-or-down vote on the Senate bill that passed the Senate 68–29, the only way we can have a vote on that is to defeat the previous question. Why do we want to deny the Members of the House to vote on the bipartisan Senate bill? I can probably tell you, that's because it would pass. A majority of the Members of the House of Representatives are in favor of the Senate bill. But House leaders are standing in the way of the opportunity for House Members to actually vote on that bill.

We can get into the merits of the changes that were made to the Senate bill that are being debated here. I think they handcuff our intelligence officials. I think that they open up a wide avenue for trial lawyers to hold communication companies at bay and threaten their very willingness to help us in this very serious business of tracking down those who would want to do Americans harm.

And so I would ask my colleagues to defeat the previous question. Let's have a chance to vote on the bipartisan Senate bill and let's allow the House to work its will.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, the distinguished chairman of the Intelligence Committee, Mr. REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

I'm not a lawyer, but I am told by lawyers that every lawyer learns to argue the following way: When the law is against you, they are taught to argue the facts. When the facts are against you, they are taught to argue the law. To a certain extent, that is what is going on here today.

We just heard from the distinguished minority leader that he wants the House to go in neutral, put our engine in neutral and just vote on what the Senate has sent over. In other words, we want to rush to rubber-stamp what the administration wants. That's not going to happen.

We also heard this morning that somehow my good friend from Washington State says they haven't had enough time to debate these issues, the FISA issue. I would remind my good friend that we had invited our colleagues on the Republican side to work with us, to go through a process, the process of setting up our ability to go to conference, and they refused. They refused to participate. So it is not a failure of getting enough time to participate in the debate; it is a failure of wanting to participate because the rationale is let's rubber-stamp what the administration wants, which is the Senate version.

We also heard that somehow we are losing information. Somehow we are at a disadvantage because the Protect America Act expired. Nothing could be further from the truth. I would remind all of the Members that were here last night that I held up two documents, and one of those documents authored by the DNI and the Attorney General gave you the information that refutes that argument.

We have done everything that the DNI has asked us to do in this bill. He wants us to give the intelligence community the ability to monitor foreign to foreign. This bill does that.

He wants us to give the telecom companies the opportunity to state their case in order to get immunity. This bill does that.

The third thing he wanted was to make sure that any time that there is an American involved or an American address or phone involved, that a warrant be secured. This bill requires that.

This bill puts the FISA Court back in the process. That's the American way.

I will close by saying that I come from a State that reveres the second amendment, our right to bear arms. But I would submit to all of you, my colleagues here, that that amendment would be irrelevant if we were to give the administration exactly what they want, and that is the ability to monitor anyone, any time, for any reason, because a weapon or a gun is not going to do you any good if the government knows your every move.

The Senate version is their answer to give the administration exactly what they want. We took a different approach. Instead of being in neutral, we are telling the administration and, with all due respect, we are telling the Senate, let's reconcile our differences. We have given the DNI every single thing that he wants. And simply stated today, that dog is not hunting that would create an atmosphere of fear for America.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds before I yield to the gentleman from Pennsylvania.

The gentleman from Texas just said that he wanted to reconcile the differences between the House position and the Senate; yet there has never been a motion or an attempt by the House to go to conference on these two bills. If you truly want to have a compromise, why don't you go to conference? That hasn't happened.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise to urge that we defeat the previous question so we can adopt the Protect America Act.

People in this country think that Washington, D.C., is broken, and they are absolutely right. It is. And this issue is proof positive of why Washington, D.C., is broken. Yes, we do have an agreement. It is a bipartisan agreement, 68 votes in the Senate. There is a majority here, but the majority leadership won't allow us to consider this very important and necessary legislation.

Senator ROCKEFELLER, the Democratic chairman of the Intelligence Committee in the Senate, has said our intelligence capacities are being degraded because we have failed to pass the Protect America Act.

You know, it is time that we put the national interest ahead of the special interests. Why are we protecting the most litigious among us in our society at the expense of our troops serving overseas? We know the issues. It is retroactive immunity. The telecommunications companies were attempting to help us in good faith, and no good deed goes unpunished. That is what it happening here. It is time to get the job done.

I'm going to refer to an article I read in the Wall Street Journal back in January, 2006, by Debra Burlingame, the sister of the pilot who crashed into the Pentagon. The title is, ''Al Qaeda, not the FBI, is the greater threat to America.'' I think we should heed her advice and recall, because of that wall that existed before 9/11 between the intelligence agency and our domestic law enforcement, it prevented us from being more effective.

Today, we are placing barriers between our government and those who want to help us in the telecommunications sector, but they are going to be forced to comply with this. They will not be able to do so voluntarily. We know what the issue is. The Fraternal Order of Police, many State attorneys general, the VFW, all agree we should pass the bipartisan. We have it within our means to do it. I don't understand why not. It is important for the majority leadership to explain to this House why they won't let this bipartisan agreement be adopted.

The American people are watching. They want us to get the job done. They have had enough.

Mr. Speaker, I include the Burlingame article for the RECORD.

[From the Wall Street Journal, Jan. 30, 2006]

OUR RIGHT TO SECURITY

AL QAEDA, NOT THE FBI, IS THE GREATER THREAT TO AMERICA

(By Debra Burlingame)

One of the most excruciating images of the September 11 attacks is the sight of a man who was trapped in one of the World Trade Center towers. Stripped of his suit jacket and tie and hanging on to what appears to be his office curtains, he is seen trying to lower himself outside a window to the floor immediately below. Frantically kicking his legs in an effort to find a purchase, he loses his grip, and falls.

That horrific scene and thousands more were the images that awakened a sleeping nation on that long, brutal morning. Instead of overwhelming fear or paralyzing self-doubt, the attacks were met with defiance, unity and a sense of moral purpose. Following the heroic example of ordinary citizens who put their fellow human beings and the public good ahead of themselves, the country's leaders cast aside politics and personal ambition and enacted the USA Patriot Act just 45 days later.

A mere four-and-a-half years after victims were forced to choose between being burned alive and jumping from 90 stories, it is frankly shocking that there is anyone in Washington who would politicize the Patriot Act. It is an insult to those who died to tell the American people that the organization posing the greatest threat to their liberty is not al Qaeda but the FBI. Hearing any member of Congress actually crow about ''killing'' or ''playing chicken'' with this critical legislation is as disturbing today as it would have been when Ground Zero was still smoldering. Today we know in far greater detail what not having it cost us.

Critics contend that the Patriot Act was rushed into law in a moment of panic. The truth is, the policies and guidelines it corrected had a long, troubled history and everybody who had to deal with them knew it. The ''wall'' was a tortuous set of rules promulgated by Justice Department lawyers in 1995 and imagined into law by the Foreign Intelligence Surveillance Act (FISA) court.

Conceived as an added protection for civil liberties provisions already built into the statute, it was the wall and its real-world ramifications that hardened the failure-to-share culture between agencies, allowing early information about 9/11 hijackers Khalid al-Mihdhar and Nawaf al-Hazmi to fall through the cracks. More perversely, even after the significance of these terrorists and their presence in the country was known by the FBI's intelligence division, the wall prevented it from talking to its own criminal division in order to hunt them down.

Furthermore, it was the impenetrable FISA guidelines and fear of provoking the FISA court's wrath if they were transgressed that discouraged risk-averse FBI supervisors from applying for a FISA search warrant in the Zacarias Moussaoui case. The search, finally conducted on the afternoon of 9/11, produced names and phone numbers of people in the thick of the 9/11 plot, so many fertile clues that investigators believe that at least one airplane, if not all four, could have been saved.

In 2002, FISA's appellate level Court of Review examined the entire statutory scheme for issuing warrants in national security investigations and declared the ''wall'' a nonsensical piece of legal overkill, based neither on express statutory language nor reasonable interpretation of the FISA statute. The lower court's attempt to micromanage the execution of national security warrants was deemed an assertion of authority which neither Congress or the Constitution granted it. In other words, those lawyers and judges who created, implemented and so assiduously enforced the FISA guidelines were wrong and the American people paid dearly for it.

Despite this history, some members of Congress contend that this process-heavy court is agile enough to rule on quickly needed National Security Agency (NSA) electronic surveillance warrants. This is a dubious claim. Getting a FISA warrant requires a multistep review involving several lawyers at different offices within the Department of Justice. It can take days, weeks, even months if there is a legal dispute between the principals. ''Emergency'' 72-hour intercepts require sign-offs by NSA lawyers and pre-approval by the attorney general before surveillance can be initiated. Clearly, this is not conducive to what Gen. Michael Hayden, principal deputy director of national intelligence, calls ''hot pursuit'' of al Qaeda conversations.

The Senate will soon convene hearings on renewal of the Patriot Act and the NSA terrorist surveillance program. A minority of senators want to gamble with American lives and ''fix'' national security laws, which they can't show are broken. They seek to eliminate or weaken anti-terrorism measures which take into account that the Cold War and its slow-moving, analog world of landlines and stationary targets is gone. The threat we face today is a completely new paradigm of global terrorist networks operating in a high-velocity digital age using the Web and fiber-optic technology. After four-and-a-half years without another terrorist attack, these senators think we're safe enough to cave in to the same civil liberties lobby that supported that deadly FISA wall in the first place. What if they, like those lawyers and judges, are simply wrong?

Meanwhile, the media, mouthing phrases like ''Article II authority,'' ''separation of powers'' and ''right to privacy,'' are presenting the issues as if politics have nothing to do with what is driving the subject matter and its coverage. They want us to forget four years of relentless ''connect-the-dots'' reporting about the missed chances that ''could have prevented 9/11.'' They have discounted the relevance of references to the two 9/11 hijackers who lived in San Diego. But not too long ago, the media itself reported that phone records revealed that five or six of the hijackers made extensive calls overseas.

NBC News aired an ''exclusive'' story in 2004 that dramatically recounted how al-Hazmi and al-Mihdhar, the San Diego terrorists who would later hijack American Airlines flight 77 and fly it into the Pentagon, received more than a dozen calls from an al Qaeda ''switchboard'' inside Yemen where al-Mihdhar's brother-in-law lived. The house received calls from Osama Bin Laden and relayed them to operatives around the world. Senior correspondent Lisa Myers told the shocking story of how, ''The NSA had the actual phone number in the United States that the switchboard was calling, but didn't deploy that equipment, fearing it would be accused of domestic spying.'' Back then, the NBC script didn't describe it as ''spying on Americans.'' Instead, it was called one of the

''missed opportunities that could have saved 3,000 lives.''

Another example of opportunistic coverage concerns the Patriot Act's ''library provision.'' News reports have given plenty of ink and airtime to the ACLU's unsupported claims that the government has abused this important records provision. But how many Americans know that several of the hijackers repeatedly accessed computers at public libraries in New Jersey and Florida, using personal Internet accounts to carry out the conspiracy? Al-Mihdhar and al-Hazmi logged on four times at a college library in New Jersey where they purchased airline tickets for AA 77 and later confirmed their reservations on Aug. 30. In light of this, it is ridiculous to suggest that the Justice Department has the time, resources or interest in ''investigating the reading habits of law abiding citizens.''

We now have the ability to put remote control cameras on the surface of Mars. Why should we allow enemies to annihilate us simply because we lack the clarity or resolve to strike a reasonable balance between a healthy skepticism of government power and the need to take proactive measures to protect ourselves from such threats? The mantra of civil-liberties hard-liners is to ''question authority''—even when it is coming to our rescue—then blame that same authority when, hamstrung by civil liberties laws, it fails to save us. The old laws that would prevent FBI agents from stopping the next al-Mihdhar and al-Hazmi were built on the bedrock of a 35-year history of dark, defeating mistrust. More Americans should not die because the peace-at-any-cost fringe and antigovernment paranoids still fighting the ghost of Nixon hate George Bush more than they fear al Qaeda. Ask the American people what they want. They will say that they want the commander in chief to use all reasonable means to catch the people who are trying to rain terror on our cities. Those who cite the soaring principle of individual liberty do not appear to appreciate that our enemies are not seeking to destroy individuals, but whole populations.

Three weeks before 9/11, an FBI agent with the bin Laden case squad in New York learned that al-Mihdhar and al-Hazmi were in this country. He pleaded with the national security gatekeepers in Washington to launch a nationwide manhunt and was summarily told to stand down. When the FISA Court of Review tore down the wall in 2002, it included in its ruling the agent's Aug. 29, 2001, email to FBI headquarters: ''Whatever has happened to this—someday someone will die—and wall or not—the public will not understand why we were not more effective and throwing every resource we had at certain problems. Let's hope the National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, [bin Laden], is getting the most 'protection.' ''

The public has listened to years of stinging revelations detailing how the government tied its own—hands in stopping the devastating attacks of September 11. It is an irresponsible violation of the public trust for members of Congress to weaken the Patriot Act or jeopardize the NSA terrorist surveillance program because of the same illusory theories that cost us so dearly before, or worse, for rank partisan advantage. If they do, and our country sustains yet another catastrophic attack that these antiterrorism tools could have prevented, the phrase ''connect the dots'' will resonate again—but this time it will refer to the trail of innocent American blood which leads directly to the Senate floor.

Mr. ARCURI. Mr. Speaker, I would again just like to point out that what this bill does is unshackle the telecommunications companies because what we do want to do in this particular case is ensure that they are able to defend themselves if they have cooperated with the government and followed the law, and that is exactly what this bill does.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, I just had to come down to the floor and speak on this. No one, there isn't anybody who disagrees that we ought to be wiretapping the terrorists. No one disagrees with that. Democrats, Republicans, everyone wants to keep this country safe.

□ 1115

Let's make something real clear about what's at stake here. What's at stake is whether we wiretap Americans. That's what we're talking about.

The bill that we proposed that we have here, it can be summarized in one thing: wiretap first, get permission later. Go out and be aggressive. As a matter of fact, you can spy on Americans. You can do anything. You can spy, you can go out there and keep our country safe.

But when it comes to spying on Americans, that's the difference here. We believe that you need a warrant to do that, even after the fact of 6 or 7 days later to go back and tell the court what you've done.

I, for one, do not, and am not able to stand here and say, as the other side says, that the terrorists have already won; we need to give up our basic constitutional right. I don't believe that the terrorists have won, and I find it extremely discouraging.

What I find so troubling is the same, same rhetoric that we heard for this march to Iraq and, quite honestly, lately this march to Iran. Its the same rhetoric that we're hearing now. It's ''trust me.''

Well, I'll tell you what. I didn't get sent to Washington, DC not to speak up. A lot of people are worried sick that a 30-second ad is going to kick them out of office. And I'll tell you what, I will not put my own re-election ahead of the absolute determination that I have to make sure, first and foremost, that my family and your family are safe, but that we do not shred that Constitution to do it. This is not an either/or, and we need to find a balance. I do not believe the terrorists have won.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Mr. ARCURI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to urge support of the rule so we can adopt H.R. 3773.

There's been a lot of very misleading and confusing rhetoric about the issue of immunity. The truth is the phone companies have immunity already under current law. It's 18 U.S. Code, section 2511. And let me just read part of it: ''Notwithstanding any other law, providers of communications services are authorized to provide information in two cases: if there's a court order, or if they receive a certification in writing by a person specified in the title or the Attorney General of the United States that says either no warrant or court order is required, all the statutory requirements have been met and the assistance is required.''

The statute says no cause of action shall lie in any court against any provider of wire or electronic communications if they have received this certification.

I submit the entire text of section 2511 for the RECORD.

[From Westlaw, 18 U.S.C.A. § 2511, Effective: Nov. 25, 2002]

United States Code Annotated Currentness
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part I. Crimes (Refs & Annos)
Chapter 119. Wire and Electronic Communications Interception and Interception of Oral Communications (Refs & Annos)
§ 2511. Interception and disclosure of wire, oral, or electronic communications prohibited

(1) Except as otherwise specifically provided in this chapter any person who—

(a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when—

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication; or

(iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or

(iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or

(v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

(c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;

(d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic

communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(e) (i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e), 2516, and 2518 of this chapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, and (iv) with intent to or improperly obstruct, impede, or interfere with a duly authorized criminal investigation,

shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

(2)(a)(i) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(ii) Notwithstanding any other law, providers of wire or electronic communication service, their officers, employees, and agents, landlords, custodians, or other persons, are authorized to provide information, facilities, or technical assistance to persons authorized by law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, if such provider, its officers, employees, or agents, landlord, custodian, or other specified person, has been provided with—

(A) a court order directing such assistance signed by the authorizing judge, or

(B) a certification in writing by a person specified in section 2518(7) of this title or the Attorney General of the United States that no warrant or court order is required by law, that all statutory requirements have been met, and that the specified assistance is required.

setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance required. No provider of wire or electronic communication service, officer, employee, or agent thereof, or landlord, custodian, or other specified person shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished a court order or certification under this chapter, except as may otherwise be required by legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate. Any such disclosure, shall render such person liable for the civil damages provided for in section 2520. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officer, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order, statutory authorization, or certification under this chapter.

(b) It shall not be unlawful under this chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire or electronic communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

(e) Notwithstanding any other provision of this title or section 705 or 706 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, as authorized by that Act.

(f) Nothing contained in this chapter or chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934, shall be deemed to affect the acquisition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, and procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.

(g) It shall not be unlawful under this chapter or chapter 121 of this title for any person—

(i) to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the general public;

(ii) to intercept any radio communication which is transmitted—

(I) by any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

(II) by any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;

(III) by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

(IV) by any marine or aeronautical communications system;

(iii) to engage in any conduct which—

(I) is prohibited by section 633 of the Communications Act of 1934; or

(II) is excepted from the application of section 705(a) of the Communications Act of 1934 by section 705(b) of that Act;

(iv) to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of such interference; or

(v) for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if such communication is not scrambled or encrypted.

(h) It shall not be unlawful under this chapter—

(i) to use a pen register or a trap and trace device (as those terms are defined for the purposes of chapter 206 (relating to pen registers and trap and trace devices) of this title); or

(ii) for a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of such service.

(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

(I) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

(II) the person acting under color of law is lawfully engaged in an investigation;

(III) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

(IV) such interception does not acquire communications other than those transmitted to or from the computer trespasser.

(3)(a) Except as provided in paragraph (b) of this subsection, a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication (other than one to such person or entity, or an agent thereof) while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.

(b) A person or entity providing electronic communication service to the public may divulge the contents of any such communication—

(i) as otherwise authorized in section 2511(2)(a) or 2517 of this title;

(ii) with the lawful consent of the originator or any addressee or intended recipient of such communication;

(iii) to a person employed or authorized, or whose facilities are used, to forward such communication to its destination; or

(iv) which were inadvertently obtained by the service provider and which appear to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

(4)(a) Except as provided in paragraph (b) of this subsection or in subsection (5), whoever violates subsection (1) of this section shall be fined under this title or imprisoned not more than five years, or both.

(b) Conduct otherwise an offense under this subsection that consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted—

(i) to a broadcasting station for purposes of retransmission to the general public; or

(ii) as an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls,

is not an offense under this subsection unless the conduct is for the purposes of direct or indirect commercial advantage or private financial gain.

[(c) Redesignated (b)]

(5)(a)(i) If the communication is—

(A) a private satellite video communication that is not scrambled or encrypted and the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

(B) a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of the rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this chapter is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain,

then the person who engages in such conduct shall be subject to suit by the Federal Government in a court of competent jurisdiction.

(ii) In an action under this subsection—

(A) if the violation of this chapter is a first offense for the person under paragraph (a) of subsection (4) and such person has not been found liable in a civil action under section 2520 of this title, the Federal Government shall be entitled to appropriate injunctive relief; and

(B) if the violation of this chapter is a second or subsequent offense under paragraph (a) of subsection (4) or such person has been found liable in any prior civil action under section 2520, the person shall be subject to a mandatory $500 civil fine.

(b) The court may use any means within its authority to enforce an injunction issued under paragraph (ii)(A), and shall impose a civil fine of not less than $500 for each violation of such an injunction.

CREDIT(S)

(Added Pub. L. 90–351, Title III, §802, June 19, 1968, 82 Stat. 213, and amended Pub. L. 91–358, Title II, §211(a), July 29, 1970, 84 Stat. 654; Pub. L. 95–511, Title II, §201(a) to (c), Oct. 25, 1978, 92 Stat. 1796, 1797; Pub. L. 98–549, §6(b)(2), Oct. 30, 1984, 98 Stat. 2804; Pub. L. 99–508, Title I, §101(b), (c)(1), (5), (6), (d), (t), 102, Oct. 21, 1986, 100 Stat. 1849 to 1853; Pub. L. 103–322, Title XXXII, §320901, Title XXXIII, §330016(1)(f)(G), Sept. 13, 1994, 108 Stat. 2123, 2147; Pub. L. 103–414, Title II, §202(b), 204, 205, Oct. 25, 1994, 108 Stat. 4290, 4291; Pub. L. 104–294, Title VI, §604(b)(42), Oct. 11, 1996, 110 Stat. 3509; Pub. L. 107–56, Title II, §§204, 217(2), Oct. 26, 2001, 115 Stat. 281, 291; Pub. L. 107–296, Title II, §225(h)(2), Nov. 25, 2002, 116 Stat. 2158.)

Current through P.L. 110–195 (excluding P.L. 110–181) approved 3–12–08

Simply put, the phone companies have immunity. The only issue is, do they get their day in court to tell a judge that they have immunity? This bill allows for that.

I think the phone companies, like any other party, have a right to assert their defenses and be heard by a judge and have their case be heard. This bill provides for that.

Now, why wouldn't the Bush administration be supportive?

I think the administration is more concerned about their liability than the phone companies.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve my time.

Mr. ARCURI. Mr. Speaker, I am prepared to close. We have no further speakers on our side.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Washington has 8¼ minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, earlier in this debate I put into the RECORD the January 28 letter from the 21 Blue Dog Democrats to Speaker PELOSI in support of the bipartisan Senate bill. And I'd like to quote from that letter, Mr. Speaker:

"Following the Senate's passage of a FISA bill, it will be necessary for the House to quickly consider FISA legislation to get a bill to the President before the Protect America Act expires in February."

Mr. Speaker, the Protect America Act has expired, as has the entire month of February. But House Democrat leaders have not acted, as these 21 Blue Dog Democrats have asked, on our national security needs.

I will quote again from the Blue Dog Democrat letter: "We have it within our ability to replace the expiring Protect America Act by passing strong bipartisan FISA modernization legislation that can be signed into law, and we should do so. The consequences of not passing such a measure would place our national security at undue risk."

I regret to say, Mr. Speaker, that for 27 days, our country's national security has been put at undue risk because FISA legislation has not been passed because the Democrat leaders are blocking the House from voting, from even voting on the Senate proposal that passed the Senate by a 68–29 vote.

So let me be very clear about what I'm talking about when I'm going to ask my colleagues to vote "no" on the previous question, and why that will be an attempt, or will be a means, by which we can address the Senate bill for the first time in this body, because this, what I'm going to do, is not an ordinary motion.

By voting "no," Mr. Speaker, on the previous question, I will seek to amend one specific clause of the rule, H. Res. 1041, so that the House will still be permitted to debate the FISA bill that this underlying rule makes in order; but if that bill, and if that proposal does not pass this body, then the House, under the provision that I'm seeking to amend the rule, will agree to the Senate bill; and, therefore, the bill would be sent to the President to become law.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Now let me just review where we are on this, just to put this into a time frame. The Protect America Act was first put into place last August, set to expire in February so they could work out the differences.

Now, the Senate had their proposal, as I mentioned, and as has been mentioned by our leader, passed by a big margin, 68–29.

The House has their version. There's nothing unusual with both Houses in a bicameral legislative body having two versions of the same issue. And the way you generally resolve that is to go to conference and work out the difference.

We have not had the opportunity, in this body, to go to conference with the Senate on this bill. Further, we have been denied time and time again to have an opportunity to even vote on the Senate amendments. By defeating the previous question, we will have that opportunity.

So I urge my colleagues to vote to defeat the previous question so we can amend the rule to have an opportunity to vote and address the Senate bill that passed overwhelmingly.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, as I said earlier, we must bring the misinformation campaign and partisan wrangling to an end.

There is no question that there are groups and individuals out there who would seek to do America harm. There is no question that my colleagues and I want to give the people who protect us from the danger every tool they need to fight terrorism.

The proposal we will vote on today will, in fact, provide our Nation's Intelligence Community with the resources to prevent future acts of terrorism, while protecting the freedoms of our citizens under the Constitution.

I strongly urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1041 OFFERED BY MR. HASTINGS OF WASHINGTON

Strike section 2 and insert in lieu thereof the following:

''SEC. 2. Upon rejection of the motion to concur specified in section 1, a motion that the House concur in the Senate amendmemt to H.R. 3773 is hereby adopted.''.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 190, not voting 23, as follows:

[Roll No. 143]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Boustany
Brown-Waite, Ginny
Cramer
Cubin
Gilchrest
Granger
Hinojosa
Hooley
Hunter
LaHood
McMorris Rodgers
Meeks (NY)
Musgrave
Nunes
Oberstar
Peterson (PA)
Pickering
Rangel
Rush
Tancredo
Weller
Woolsey
Young (AK)

□ 1148

Mr. MANZULLO changed his vote from ''yea'' to ''nay.''

Mr. BAIRD changed his vote from ''nay'' to ''yea.''

Mr. CARSON of Indiana changed his vote from ''present'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 188, not voting 21, as follows:

[Roll No. 144]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—21

Boustany
Brown-Waite, Ginny
Cramer
Cubin
Gilchrest
Hinojosa
Hooley
Hunter
LaHood
Meeks (NY)
Musgrave
Nunes
Oberstar
Peterson (PA)
Pickering
Rangel
Rush
Tancredo
Weller
Woolsey
Young (AK)

□ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 143 and 144, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall Nos. 143 and 144.

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1041, I call up the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROSS). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

''Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

''(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(f) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(ii) cease the acquisition authorized under subsection (a).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(k) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

''(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence; and

''(iv) the congressional intelligence committees.

''SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

''(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph

(1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

''(A) that the minimization procedures be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

''(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

"SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

''(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

"SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

''(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

"SEC. 708. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subparagraph (a) shall include—

''(1) with respect to section 703—

''(A) any certifications made under subsection 703(f) during the reporting period;

''(B) any directives issued under subsection 703(g) during the reporting period;

''(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

''(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

''(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

''(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

''(G) any procedures implementing this section;

''(2) with respect to section 704—

''(A) the total number of applications made for orders under section 704(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 705—

''(A) the total number of applications made for orders under 705(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Limitation on definition of electronic surveillance.

''Sec. 702. Definitions.

''Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.

''Sec. 705. Other acquisitions targeting United States persons outside the United States.

''Sec. 706. Joint applications and concurrent authorizations.

''Sec. 707. Use of information acquired under title VII.

''Sec. 708. Congressional oversight.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting ''(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)'' after ''electronic surveillance''.

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an ''(a)'' before ''CIVIL ACTION'',

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

''(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) pen registers under section 402;

''(D) access to records under section 501;

''(E) acquisitions under section 704; and

''(F) acquisitions under section 705;''.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.''.

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term '' 'Foreign Intelligence Surveillance Court' '' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) reasonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by adding at the end the following new subparagraphs:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting '''weapon of mass destruction','' after '''person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term ''assistance'' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term ''contents'' has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information

relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(6) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

''(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

''(a) REQUIREMENT FOR CERTIFICATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

''(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

''(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

''(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

''(D) the person did not provide the alleged assistance.

''(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

''(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

''(1) review such certification in camera and ex parte; and

''(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

''(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

''(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

''(a) IN GENERAL.—No State shall have authority to—

''(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

''(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

''(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

''(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

''(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions.

''Sec. 802. Procedures for implementing statutory defenses.

''Sec. 803. Preemption.''.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is

defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1041, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. CONYERS:

Mr. CONYERS moves that the House concur in the Senate amendment to H.R. 3773 with the amendment printed in House Report 110–549.

The text of the House amendment to the Senate amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign intelligence surveillance court.
Sec. 110. Review of previous actions.
Sec. 111. Weapons of mass destruction.
Sec. 112. Statute of limitations.

TITLE II—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

Sec. 201. Statutory defenses.
Sec. 202. Technical amendments.

TITLE III—COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES

Sec. 301. Commission on Warrantless Electronic Surveillance Activities.

TITLE IV—OTHER PROVISIONS

Sec. 401. Severability.
Sec. 402. Effective date.
Sec. 403. Repeals.
Sec. 404. Transition procedures.
Sec. 405. No rights under the FISA Amendments Act of 2008 for undocumented aliens.
Sec. 406. Surveillance to protect the United States.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''SEC. 702. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other provision of law, pursuant to an order issued in accordance with subsection (i)(3) or a determination under subsection (g)(1)(B), the Attorney General and the Director of National Intelligence may authorize jointly, for a period of up to 1 year from the effective date of the authorization, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States in order to target a particular, known person reasonably believed to be in the United States;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States;

''(4) may not intentionally acquire any communication as to which the sender and all intended recipients are known at the

time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g) or a determination under paragraph (1)(B) of such subsection; and

''(2) the procedures and guidelines required pursuant to subsections (d), (e), and (f).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures required by paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures for acquisitions authorized under subsection (a) that—

''(A) in the case of electronic surveillance, meet the definition of minimization procedures under section 101(h); and

''(B) in the case of a physical search, meet the definition of minimization procedures under section 301(4).

''(2) JUDICIAL REVIEW.—The minimization procedures required by paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(f) GUIDELINES FOR COMPLIANCE WITH LIMITATIONS.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt guidelines to ensure—

''(A) compliance with the limitations in subsection (b); and

''(B) that an application is filed under section 104 or 303, if required by this Act.

''(2) CRITERIA.—With respect to subsection (b)(2), the guidelines adopted pursuant to paragraph (1) shall contain specific criteria for determining whether a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States. Such criteria shall include consideration of whether—

''(A) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

''(B) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

''(C) the department or agency of the Federal Government conducting the acquisition determines that the specific United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

''(D) the specific United States person is a natural person.

''(3) TRAINING.—The Director of National Intelligence shall establish a training program for appropriate personnel of the intelligence community to ensure that the guidelines adopted pursuant to paragraph (1) are properly implemented.

''(4) SUBMISSION TO CONGRESS AND FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Attorney General shall submit the guidelines adopted pursuant to paragraph (1) to—

''(A) the congressional intelligence committees;

''(B) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(C) the Foreign Intelligence Surveillance Court.

''(g) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), if the Attorney General and the Director of National Intelligence seek to authorize an acquisition under this section, the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EMERGENCY AUTHORIZATION.—If the Attorney General and the Director of National Intelligence determine that an emergency situation exists, immediate action by the Government is required, and time does not permit the completion of judicial review pursuant to subsection (i) prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence may authorize the acquisition and shall submit to the Foreign Intelligence Surveillance Court a certification under this subsection as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a)—

''(I) is targeted at persons reasonably believed to be located outside the United States and such procedures have been submitted to the Foreign Intelligence Surveillance Court; and

''(II) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and such procedures have been submitted to the Foreign Intelligence Surveillance Court;

''(ii) guidelines have been adopted in accordance with subsection (f) to ensure compliance with the limitations in subsection (b) and to ensure that applications are filed under section 104 or section 303, if required by this Act;

''(iii) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4) in accordance with subsection (e); and

''(II) have been submitted to the Foreign Intelligence Surveillance Court;

''(iv) the procedures and guidelines referred to in clauses (i), (ii), and (iii) are consistent with the requirements of the fourth amendment to the Constitution of the United States;

''(v) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition complies with the limitations in subsection (b);

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of an element of the intelligence community; and

''(C) include—

''(i) an effective date for the authorization that is between 30 and 60 days from the submission of the written certification to the court; or

''(ii) if the acquisition has begun or will begin in less than 30 days from the submission of the written certification to the court—

''(I) the date the acquisition began or the effective date for the acquisition;

''(II) a description of why implementation was required in less than 30 days from the submission of the written certification to the court; and

''(III) if the acquisition is authorized under paragraph (1)(B), the basis for the determination that an emergency situation exists, immediate action by the government is required, and time does not permit the completion of judicial review prior to the initiation of the acquisition.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court before the initiation of an acquisition under this section, except in accordance with paragraph (1)(B). The Attorney General shall maintain such certification under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—A certification submitted pursuant to this subsection shall be subject to judicial review pursuant to subsection (i).

''(h) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—Pursuant to an order issued in accordance with subsection (i)(3) or a determination under subsection (g)(1)(B), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition authorized in accordance with this section in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for

providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other provision of law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review of a petition filed under subparagraph (A) not later than 5 days after being assigned such petition. If the judge determines that the petition does not consist of claims, defenses, or other legal contentions that are warranted by existing law, a nonfrivolous argument for extending, modifying, or reversing existing law, or establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition filed under subparagraph (A) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition. If the judge does not set aside the directive, the judge shall immediately affirm or modify the directive and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—If an electronic communication service provider fails to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel the electronic communication service provider to comply with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) PROCEDURES FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified not later than 30 days after being assigned the petition if the judge finds that the directive meets the requirements of this section and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of a decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification submitted pursuant to subsection (g) and the targeting and minimization procedures required by subsections (d) and (e).

''(B) TIME PERIOD FOR REVIEW.—The Court shall review the certification submitted pursuant to subsection (g) and the targeting and minimization procedures required by subsections (d) and (e) and approve or deny an order under this subsection not later than 30 days after the date on which a certification is submitted.

''(2) REVIEW.—The Court shall review the following:

''(A) CERTIFICATIONS.—A certification submitted pursuant to subsection (g) to determine whether the certification contains all the required elements.

''(B) TARGETING PROCEDURES.—The targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(C) MINIMIZATION PROCEDURES.—The minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4) in accordance with subsection (e).

''(3) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification submitted pursuant to subsection (g) contains all of the required elements and that the procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the certification and the use of the procedures for the acquisition.

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification submitted pursuant to subsection (g) does not contain all of the required elements or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States—

''(i) in the case of a certification submitted in accordance with subsection (g)(1)(A), the Court shall deny the order, identify any deficiency in the certification or procedures, and provide the Government with an opportunity to correct such deficiency; and

''(ii) in the case of a certification submitted in accordance with subsection (g)(1)(B), the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(I) correct any deficiency identified by the Court not later than 30 days after the date the Court issues the order; or

''(II) cease the acquisition authorized under subsection (g)(1)(B).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(4) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisition affected by an order under paragraph (3)(B)(ii) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, subject to subparagraph (C), until the Court of Review enters an order under subparagraph (A).

''(C) IMPLEMENTATION OF EMERGENCY AUTHORITY PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order issued under paragraph (3)(B)(ii) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal. The Government shall conduct an acquisition affected by such order issued under paragraph (3)(B)(ii) in accordance with an order issued under this subparagraph or shall cease such acquisition.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(5) SCHEDULE.—

''(A) REPLACEMENT OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110–55), the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court a certification under subsection (g) and the procedures required by subsections (d), (e), and (f) at least 30 days before the expiration of such authorization.

''(B) REAUTHORIZATION OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to this section, the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court a certification under subsection (g) and the procedures required by subsections (d), (e), and (f) at least 30 days prior to the expiration of such authorization.

''(C) CONSOLIDATED SUBMISSIONS.—The Attorney General and Director of National Intelligence shall, to the extent practicable, annually submit to the Court a consolidation of—

''(i) certifications under subsection (g) for reauthorization of authorizations in effect;

''(ii) the procedures required by subsections (d), (e), and (f); and

''(iii) the annual review required by subsection (l)(3) for the preceding year.

''(D) TIMING OF REVIEWS.—The Attorney General and the Director of National Intelligence shall, to the extent practicable, schedule the completion of the annual review under subsection (l)(3) and a semiannual assessment under subsection (l)(1) so that they may be submitted to the Court at the time of the consolidated submission under subparagraph (C).

''(E) CONSTRUCTION.—The requirements of subparagraph (C) shall not be construed to preclude the Attorney General and the Director of National Intelligence from submitting certifications for additional authorizations at other times during the year as necessary.

''(6) COMPLIANCE.—At or before the end of the period of time for which a certification submitted pursuant to subsection (g) and procedures required by subsection (d) and (e) are approved by an order under this section, the Foreign Intelligence Surveillance Court may assess compliance with the minimization procedures required by subsection (e) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(j) JUDICIAL PROCEEDINGS.—

''(1) EXPEDITED PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(2) TIME LIMITS.—A time limit for a judicial decision in this section shall apply unless the Court, the Court of Review, or any judge of either the Court or the Court of Review, by order for reasons stated, extends that time for good cause.

''(k) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—The Foreign Intelligence Surveillance Court shall maintain a record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—The Director of National Intelligence and the Attorney General shall retain a directive made or an order granted under this section for a period of not less than 10 years from the date on which such directive or such order is made.

''(l) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the procedures and guidelines required by subsections (d), (e), and (f) and shall submit each assessment to—

''(A) the congressional intelligence committees;

''(B) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(C) the Foreign Intelligence Surveillance Court.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of each element of the intelligence community authorized to acquire foreign intelligence information under subsection (a), with respect to such Department or such element—

''(A) are authorized to review compliance with the procedures and guidelines required by subsections (d), (e), and (f);

''(B) with respect to acquisitions authorized under subsection (a), shall review the disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence;

''(iii) the congressional intelligence committees;

''(iv) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(v) the Foreign Intelligence Surveillance Court.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of each element of the intelligence community conducting an acquisition authorized under subsection (a) shall conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) the number and nature of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) the number and nature of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of such element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, and the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence;

''(iv) the congressional intelligence committees; and

''(v) the Committees on the Judiciary of the House of Representatives and the Senate.

''(m) CONSTRUCTION.—Nothing in this Act shall be construed to require an application under section 104 for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

''SEC. 703. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review an application and enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information if the acquisition constitutes electronic surveillance or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act and such acquisition is conducted within the United States.

''(2) LIMITATION.—If a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease unless authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of proposed minimization procedures that—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) identifies the type of foreign intelligence information being sought according to the categories described in each subparagraph of section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause under paragraph (1)(B), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures referred to in paragraph (1)(C) do not meet the definition of minimization procedures as required under such paragraph the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving an acquisition under this subsection shall direct—

''(A) that the minimization procedures referred to in paragraph (1)(C), as approved or modified by the Court, be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under such order in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this subsection shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize such acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such

acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving an acquisition authorized under paragraph (1), such acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—If an application for approval submitted pursuant to paragraph (1) is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other provision of law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(g) CONSTRUCTION.—Nothing in this Act shall be construed to require an application under section 104 for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

''SEC. 704. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No department or agency of the Federal Government may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order with respect to such targeted United States person or the Attorney General has authorized an emergency acquisition pursuant to subsection (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—If a targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), acquisitions relating to such targeted United States Person shall cease unless authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of such order.

''(B) APPLICABILITY.—If an acquisition is to be conducted inside the United States and could be authorized under section 703, the acquisition may only be conducted if authorized under section 703 or in accordance with another provision of this Act other than this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity of the Federal officer making the application;

''(2) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(3) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(4) a statement of proposed minimization procedures that—

''(A) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(B) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(5) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(6) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(7) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(5) is not clearly erroneous on the basis of the information furnished under subsection (b).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause under paragraph (1)(B), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures referred to in paragraph (1)(C) do not meet the definition of minimization procedures as required under such paragraph, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all the required elements, or that the certification

provided under subsection (b)(5) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this section, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for the issuance of an order under this section exists,

the Attorney General may authorize such acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an emergency acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition authorized under paragraph (1) shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—If an application submitted pursuant to paragraph (1) is denied, or in any other case where an acquisition under this section is terminated and no order with respect to the target of the acquisition is issued under subsection (c), no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 703 or section 704 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 703(a)(1) or section 704(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 703(b) and section 704(b), orders under section 703(c) and section 704(c), as appropriate.

''(b) CONCURRENT AUTHORIZATION.—

''(1) ELECTRONIC SURVEILLANCE.—If an order authorizing electronic surveillance has been obtained under section 105 and that order is still in effect, during the pendency of that order the Attorney General may authorize, without an order under section 703 or 704, electronic surveillance for the purpose of acquiring foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''(2) PHYSICAL SEARCH.—If an order authorizing a physical search has been obtained under section 304 and that order is still in effect, during the pendency of that order the Attorney General may authorize, without an order under section 703 or 704, a physical search for the purpose of acquiring foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 706. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''Information acquired pursuant to section 702 or 703 shall be considered information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 707. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees and the Committees on the Judiciary of the Senate and the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subsection (a) shall include—

''(1) with respect to section 702—

''(A) any certifications made under section 702(g) during the reporting period;

''(B) with respect to each certification made under paragraph (1)(B) of such section, the reasons for exercising the authority under such paragraph;

''(C) any directives issued under section 702(h) during the reporting period;

''(D) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures adopted pursuant to subsections (d) and (e) of section 702 utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of section 702;

''(E) any actions taken to challenge or enforce a directive under paragraph (4) or (5) of section 702(h);

''(F) any compliance reviews conducted by the Attorney General or the Director of National Intelligence of acquisitions authorized under subsection 702(a);

''(G) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 702(h), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures and guidelines adopted pursuant to subsections (d), (e), and (f) of section 702; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 702(h); and

''(H) any procedures implementing section 702;

''(2) with respect to section 703—

''(A) the total number of applications made for orders under section 703(b);

''(B) the total number of such orders—

''(i) granted;

''(ii) modified; or

''(iii) denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 703(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 704—

''(A) the total number of applications made for orders under 704(b);

''(B) the total number of such orders—

''(i) granted;

''(ii) modified; or

''(iii) denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 704(d) and the total number of subsequent orders approving or denying such applications.

''SEC. 708. SAVINGS PROVISION.

''Nothing in this title shall be construed to limit the authority of the Federal Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Definitions.

''Sec. 702. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 703. Certain acquisitions inside the United States of United States persons outside the United States.
''Sec. 704. Other acquisitions targeting United States persons outside the United States.
''Sec. 705. Joint applications and concurrent authorizations.
''Sec. 706. Use of information acquired under title VII.
''Sec. 707. Congressional oversight.
''Sec. 708. Savings provision.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended—

(A) in subparagraph (C), by striking ''and''; and

(B) by adding at the end the following new subparagraphs:

''(E) acquisitions under section 703; and

''(F) acquisitions under section 704;''.

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

''(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).''.

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking ''authorized by statute'' each place it appears in such section and inserting ''authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112.''; and

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

''(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.''; and

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 111 the following new item:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(E) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(F) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) reasonably determines that the factual basis for the issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case

where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed''; and

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) reasonably determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection, on its own initiative or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), may hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is further amended by adding at the end the following:

''(i) Nothing in this Act shall be construed to reduce or contravene the inherent authority of the court established by subsection (a) to determine or enforce compliance with an order or a rule of such court or with a procedure approved by such court.''.

SEC. 110. INSPECTOR GENERAL REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(3) PRESIDENT'S SURVEILLANCE PROGRAM AND PROGRAM.—The terms ''President's Surveillance Program'' and ''Program'' mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, including the program referred to by the President in a radio address on December 17, 2005 (commonly known as the Terrorist Surveillance Program).

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other element of the intelligence community that participated in the President's Surveillance Program shall complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures and substance of, and access to, the legal reviews of the Program;

(C) communications with and participation of individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by any such Inspector General that would enable that Inspector General to complete a review of the Program, with respect to such Department or element.

(2) COOPERATION AND COORDINATION.—

(A) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(i) work in conjunction, to the extent practicable, with any other Inspector General required to conduct such a review; and

(ii) utilize, to the extent practicable, and not unnecessarily duplicate or delay such reviews or audits that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch related to the Program.

(B) COORDINATION.—The Inspectors General shall designate one of the Inspectors General required to conduct a review under paragraph (1) that is appointed by the President, by and with the advice and consent of the Senate, to coordinate the conduct of the reviews and the preparation of the reports.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other Inspector General required to conduct a review under subsection (b)(1) shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other Inspector General required to conduct a review under subsection (b)(1) shall submit to the appropriate committees of Congress and the Commission established under section 301(a) a comprehensive report on such reviews that includes any recommendations of any such Inspectors General within the oversight authority and responsibility of any such Inspector General.

(3) FORM.—A report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program, to the extent that information is classified.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

SEC. 111. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended—

(A) in paragraph (5), by striking ''persons; or'' and inserting ''persons;'';

(B) in paragraph (6), by striking the period and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end; and

(B) by adding at the end the following new subparagraph:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by adding at the end the following new subsection:

''(p) 'Weapon of mass destruction' means—

''(1) any explosive, incendiary, or poison gas device that is intended or has the capability to cause a mass casualty incident;

''(2) any weapon that is designed or intended to cause death or serious bodily injury to a significant number of persons through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code) that is designed, intended, or has the capability of causing death, illness, or serious bodily injury to a significant number of persons; or

''(4) any weapon that is designed, intended, or has the capability of releasing radiation or radioactivity causing death, illness, or serious bodily injury to a significant number of persons.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting ''weapon of mass destruction ,'' after ''person,''.

SEC. 112. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following new subsection:

''(e) STATUTE OF LIMITATIONS.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any offense committed before the date of the enactment of this Act if the statute of limitations applicable to that offense has not run as of such date.

TITLE II—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

SEC. 201. STATUTORY DEFENSES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after title VII the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning given that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) COVERED CIVIL ACTION.—The term 'covered civil action' means a suit in Federal or State court against any person for providing assistance to an element of the intelligence community.

''(5) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(6) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(7) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), or 703(h).

''(8) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

''SEC. 802. PROCEDURES FOR COVERED CIVIL ACTIONS.

''(a) INTERVENTION BY GOVERNMENT.— In any covered civil action, the court shall permit the Government to intervene. Whether or not the Government intervenes in the civil action, the Attorney General may submit any information in any form the Attorney General determines is appropriate and the court shall consider all such submissions.

''(b) FACTUAL AND LEGAL DETERMINATIONS.—In any covered civil action, any party may submit to the court evidence, briefs, arguments, or other information on any matter with respect to which a privilege based on state secrets is asserted. The court shall review any such submission in accordance with the procedures set forth in section 106(f) and may, based on the review, make any appropriate determination of fact or law. The court may, on motion of the Attorney General, take any additional actions the court deems necessary to protect classified information. The court may, to the extent practicable and consistent with national security, request that any party present briefs and arguments on any legal question the court determines is raised by such a submission even if that party does not have full access to the submission. The court shall consider whether the employment of a special master or an expert witness, or both, would facilitate proceedings under this section.

''(c) LOCATION OF REVIEW.—The court may conduct the review in a location and facility specified by the Attorney General as necessary to ensure security.

''(d) REMOVAL.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(e) SPECIAL RULE FOR CERTAIN CASES.—For any covered civil action alleging that a person provided assistance to an element of the intelligence community pursuant to a request or directive during the period from September 11, 2001 through January 17, 2007, the Attorney General shall provide to the court any request or directive related to the allegations under the procedures set forth in subsection (b).

''(f) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of the enactment of this Act.''.

SEC. 202. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions

''Sec. 802. Procedures for covered civil actions.''.

TITLE III—COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES

SEC. 301. COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch a commission to be known as the ''Commission on Warrantless Electronic Surveillance Activities'' (in this section referred to as the ''Commission'').

(b) DUTIES OF COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) ascertain, evaluate, and report upon the facts and circumstances relating to electronic surveillance activities conducted without a warrant between September 11, 2001 and January 17, 2007;

(B) evaluate the lawfulness of such activities;

(C) examine all programs and activities relating to intelligence collection inside the United States or regarding United States persons that were in effect or operation on September 11, 2001, and all such programs and activities undertaken since that date, including the legal framework or justification for those activities; and

(D) report to the President and Congress the findings and conclusions of the Commission and any recommendations the Commission considers appropriate.

(2) PROTECTION OF NATIONAL SECURITY.—The Commission shall carry out the duties of the Commission under this section in a manner consistent with the need to protect national security.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(A) 5 members shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives; and

(B) 4 members shall be appointed jointly by the minority leader of the Senate and the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens with significant depth of experience in national security, Constitutional law, and civil liberties.

(3) CHAIR; VICE CHAIR.—

(A) CHAIR.—The Chair of the Commission shall be jointly appointed by the majority leader of the Senate and the Speaker of the House of Representatives from among the members appointed under paragraph (1)(A).

(B) VICE CHAIR.—The Vice Chair of the Commission shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives from among the members appointed under paragraph (1)(B).

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(5) INITIAL MEETING.—The Commission shall hold its first meeting and begin operations not later than 45 days after the date on which a majority of its members have been appointed.

(6) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(8) VACANCIES.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Chair, any subcommittee or member thereof may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, such designated subcommittee, or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate under this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(ii) SIGNATURE.—Subpoenas issued under this paragraph may be issued under the signature of the Chair of the Commission, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission and may be served by any person designated by such Chair, subcommittee chair, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—If a person refuses to obey a subpoena issued under subparagraph (A), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(ii) JURISDICTION.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is

served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of the failure of a witness to comply with any subpoena or to testify when summoned under authority of this paragraph, the Commission, by majority vote, may certify a statement of fact attesting to such failure to the appropriate United States attorney, who shall bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government documents, information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall furnish such documents, information, suggestions, estimates, and statistics directly to the Commission upon request made by the Chair, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff in a manner consistent with all applicable statutes, regulations, and Executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(e) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—The Chair, in consultation with Vice Chair and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(2) DETAILEES.—A Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) EXPEDITIOUS PROVISION OF CLEARANCES.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(2) ACCESS TO CLASSIFIED INFORMATION.—All members of the Commission and commission staff, as authorized by the Chair or the designee of the Chair, who have obtained appropriate security clearances, shall have access to classified information related to the surveillance activities within the scope of the examination of the Commission and any other related classified information that the members of the Commission determine relevant to carrying out the duties of the Commission under this section.

(3) FACILITIES AND RESOURCES.—The Director of National Intelligence shall provide the Commission with appropriate space and technical facilities approved by the Commission.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) PUBLIC MEETINGS.—The Commission shall hold public hearings and meetings to the extent appropriate.

(3) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(i) REPORTS AND RECOMMENDATIONS OF COMMISSION.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(2) FINAL REPORT.—Not later than one year after the date of its first meeting, the Commission, in consultation with appropriate representatives of the intelligence community, shall submit to the President and Congress a final report containing such information, analysis, findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(3) FORM.—The reports submitted under paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

(4) RECOMMENDATIONS FOR DECLASSIFICATION.—The Commission may make recommendations to the appropriate department or agency of the Federal Government regarding the declassification of documents or portions of documents.

(j) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (i)(2).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

(k) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) UNITED STATES PERSON.—The term ''United States person'' has the meaning given the term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(l) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission under this section.

(2) DURATION OF AVAILABILITY.—Amounts made available to the Commission under paragraph (1) shall remain available until the termination of the Commission.

TITLE IV—OTHER PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 402. EFFECTIVE DATE.

Except as provided in section 404, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 403. REPEALS.

(a) REPEAL OF PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) AMENDMENTS TO FISA.—

(A) IN GENERAL.—Except as provided in section 404, sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 nt) is amended by striking the items relating to sections 105A, 105B, and 105C.

(ii) CONFORMING AMENDMENTS.—Except as provided in section 404, section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(I) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702(h)(4)''; and

(II) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702(h)(4)''.

(2) REPORTING REQUIREMENTS.—Except as provided in section 404, section 4 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 555) is repealed.

(3) TRANSITION PROCEDURES.—Except as provided in section 404, subsection (b) of section 6 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) is repealed.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) IN GENERAL.—Except as provided in section 404, effective December 31, 2009, title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2009—

(A) the table of contents in the first section of such Act (50 U.S.C. 1801 nt) is amended by striking the items related to title VII;

(B) except as provided in section 404, section 601(a)(1) of such Act (50 U.S.C. 1871(a)(1)) is amended to read as such section read on the day before the date of the enactment of this Act; and

(C) except as provided in section 404, section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by striking ''or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978''.

SEC. 404. TRANSITION PROCEDURES.

(a) TRANSITION PROCEDURES FOR PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) CONTINUED EFFECT OF ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of law, any order, authorization, or directive issued or made pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 552), shall continue in effect until the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF PROTECT AMERICA ACT OF 2007 TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) subject to paragraph (3), section 105A of such Act, as added by section 2 of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 552), shall continue to apply to any acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1); and

(B) sections 105B and 105C of such Act (as so added) shall continue to apply with respect to an order, authorization, or directive referred to in paragraph (1) until the expiration of such order, authorization, or directive.

(3) USE OF INFORMATION.—Information acquired from an acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1) shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of such Act (50 U.S.C. 1806).

(4) PROTECTION FROM LIABILITY.—Subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, shall continue to apply with respect to any directives issued pursuant to such section 105B.

(5) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 103(e), as amended by section 5(a) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556), shall continue to apply with respect to a directive issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, until the expiration of all orders, authorizations, and directives issued or made pursuant to such section.

(6) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act, the Protect America Act of 2007 (Public Law 110–55), or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 4 of the Protect America Act of 2007 shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted as part of a semi-annual report required by section 4 of the Protect America Act of 2007;

(iii) that states that there will be no further acquisitions carried out under section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, after the date of such certification; and

(iv) that states that the information required to be included under such section 4 relating to any acquisition conducted under such section 105B has been included in a semi-annual report required by such section 4.

(7) EFFECTIVE DATE.—Paragraphs (1) through (6) shall take effect as if enacted on August 5, 2007.

(b) TRANSITION PROCEDURES FOR FISA AMENDMENTS ACT OF 2008 PROVISIONS.—

(1) ORDERS IN EFFECT ON DECEMBER 31, 2009.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), any order, authorization, or directive issued or made under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), shall continue in effect until the date of the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF TITLE VII OF FISA TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), with respect to any order, authorization, or directive referred to in paragraph (1), title VII of such Act, as amended by section 101(a), shall continue to apply until the expiration of such order, authorization, or directive.

(3) CHALLENGE OF DIRECTIVES; PROTECTION FROM LIABILITY; USE OF INFORMATION.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) section 103(e) of such Act, as amended by section 113, shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act, as added by section 101(a);

(B) section 702(h)(3) of such Act (as so added) shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act (as so added);

(C) section 703(e) of such Act (as so added) shall continue to apply with respect to an order or request for emergency assistance under that section;

(D) section 706 of such Act (as so added) shall continue to apply to an acquisition conducted under section 702 or 703 of such Act (as so added); and

(E) section 2511(2)(a)(ii)(A) of title 18, United States Code, as amended by section 101(c)(1), shall continue to apply to an order issued pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978, as added by section 101(a).

(4) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 601(a) of such Act (50 U.S.C. 1871(a)), as amended by section 101(c)(2), and sections 702(l) and 707 of such Act, as added by section 101(a), shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives;

(iii) that states that there will be no further acquisitions carried out under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), after the date of such certification; and

(iv) that states that the information required to be included in a review, assessment, or report under section 601 of such Act, as amended by section 101(c), or section 702(l) or 707 of such Act, as added by section 101(a), relating to any acquisition conducted under title VII of such Act, as amended by section 101(a), has been included in a review, assessment, or report under such section 601, 702(l), or 707.

(5) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall continue in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that such authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

SEC. 405. NO RIGHTS UNDER THE FISA AMENDMENTS ACT OF 2008 FOR UNDOCUMENTED ALIENS.

This Act and the amendments made by this Act shall not be construed to prohibit surveillance of, or grant any rights to, an alien not permitted to be in or remain in the United States.

SEC. 406. SURVEILLANCE TO PROTECT THE UNITED STATES.

This Act and the amendments made by this Act shall not be construed to prohibit the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) from conducting lawful surveillance that is necessary to—

(1) prevent Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States, any United States person, or any ally of the United States;

(2) ensure the safety and security of members of the United States Armed Forces or any other officer or employee of the Federal Government involved in protecting the national security of the United States; or

(3) protect the United States, any United States person, or any ally of the United States from threats posed by weapons of mass destruction or other threats to national security.

The SPEAKER pro tempore. Pursuant to House Resolution 1041, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes, and the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Ladies and gentlemen of the House, we finally come to the point in time where we consider the Foreign Intelligence Surveillance Act amendments, and I am delighted to bring this measure to the floor.

I begin by observing that there are few rights that are more fundamental to our democracy than the right to have protections against unreasonable search and seizure, and there are few responsibilities that are more important than the government's protecting us from foreign threats. I submit that the measure before us does both of those and regards them as the two most important acts that we can pursue as responsible Members of the Congress. That conflict or tension goes to the very core of who we are as a Nation.

Now, for more than 30 years, we have relied on the Foreign Intelligence Surveillance Act to strike the appropriate balance between the government's need to protect our rights from foreign attack and our citizens' right to be free from unreasonable searches and seizures and to have freedom of speech. The heart of that bargain was that the government could indeed use its awesome power of surveillance but only through independent court review. That's FISA since 1978.

Now, a few years ago, the administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. And last August, when this scheme appeared to be breaking down, this administration pushed through a law that it had caused to be drafted that essentially transferred the power of independent review from the courts to the Attorney General of the United States. Today, we will be voting on legislation to restore that proper balance.

And so we present to you an uncomplicated consideration of a measure that has three titles. The first allows the government to obtain a single court order to approve surveillance against all members of any known terrorist group. It includes important safeguards to make sure that this power is not used to target innocent Americans.

□ 1215

The chairman of the Intelligence Committee has a lot more to say about that.

The second title deals with the difficult issue of how we make sure that those telecom carriers who assisted the government in the aftermath of the September 11 tragedy are not placed in a position where they cannot defend themselves in court.

And then, finally, the last title provides an accounting of the highly controversial warrantless surveillance program. The administration tells us they have nothing to hide and the program was lawful in their program or its implementation. If that is the case, they should have nothing to fear from this blue ribbon commission that will be created by the enactment of the provision before us.

Now, we learned only yesterday that the Federal Bureau of Investigation was continuing to misuse the authorities that we granted it under the PATRIOT Act 6 years ago to unlawfully obtain information about law-abiding Americans. Just yesterday. We learned 4 days ago that the National Security Agency was using its massive power to create a nationwide database of American citizens. Four days ago.

And so that's why I believe it important that we include the civil liberties safeguards set forth in the legislation today. We have been working very closely with the American Civil Liberties Union in that regard, and we have a half dozen other organizations that have fully endorsed the bill.

The legislation before us gives the administration and the agencies every tool they need to protect our Nation against terrorism, while at the same time protecting our own citizens' civil rights and liberties. I urge that we carefully examine the proposition before us.

And I will reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

This debate today is not about Republican or Democratic arguments. It is not about right or left ideology. It is simply about protecting our country, and it is about protecting American lives. This might be a good time to recall the story of the American soldiers who were killed in Iraq last May. When the U.S. military discovered that the soldiers had been kidnapped by terrorists, they launched a full scale search and rescue mission.

In the early hours of the operation, U.S. intelligence officials on the ground discovered a lead that required immediate electronic surveillance of telephone conversations. But the terrorist loophole, which requires a court order from Washington before conducting surveillance on a foreign target, prevented our intelligence officials from gathering information from almost 10 hours.

The body of one of the soldiers was later found in the Euphrates River. The terrorists claim to have executed the other two soldiers.

We will never know if that information could have saved the lives of our soldiers. But we do know that the terrorist loophole tied our hands then and perhaps is costing us lives now.

Prior to enactment of the Protect America Act, the Director of National Intelligence, Admiral McConnell, warned Congress that our intelligence community was missing two-thirds of all overseas terrorist communications. Three weeks ago, the Protect America Act expired, and our intelligence community lost the tools they need to monitor terrorists overseas and protect Americans here at home. We may never recover the foreign intelligence lost because of Congress's inaction.

This intelligence might have given us information about terrorist plots or foreign espionage. I hope these missed opportunities will not lead to a terrorist attack in the United States or in other countries that could have been prevented.

We are now 27 days late and much intelligence short because of the Democratic leadership's refusal to consider the bipartisan Senate bill. If they had brought it to the floor 3 weeks ago, it would have passed easily; and America would be safer today. But rather than modernize the Foreign Intelligence Surveillance Act, the Democrat majority's bill actually weakens it.

First, the Democrats' bill requires a court order before the government can begin surveillance of a foreign terrorist overseas. FISA has never required a court order to target foreigners overseas. As we saw in May, this causes significant delays in gathering foreign intelligence, placing Americans at risk.

Second, the Democrats' bill denies giving immunity to telecommunications providers who assisted the government following the terrorist attacks of September 11, 2001. The past and future cooperation of these companies is essential to our national security.

Ninety-eight percent of America's communications technology is owned by private sector companies. We cannot conduct foreign surveillance without them. But if we continue to subject them to billion-dollar lawsuits, we risk losing their cooperation in the future. In fact, this bill is so flawed that the President has promised to veto it. Even more, Senator REID, the Democratic majority leader, acknowledges that this legislation will never pass in the Senate.

Congress can and must do better than this bill. Our liberties, our security, and the future of our Nation depend on it.

I urge my colleagues to oppose this fatally flawed piece of legislation, and I ask the Democratic majority to bring the bipartisan Senate bill to the House floor for a vote.

Mr. Speaker, I will reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

I am proud to rise today in support of H.R. 3773, the FISA Amendments Act of 2008. This bill arms our intelligence community with powerful new tools to track and identify terrorist targets outside the United States. At the same time, it restores essential constitutional protections to Americans that were sharply eroded when the President signed the law known as the Protect America Act last August.

We have put the security of Americans first and foremost, with close attention to their constitutional rights. We have also included provisions to allow companies that acted lawfully to make that argument to the courts. If they did nothing wrong, as they have said, then they will be immune from any lawsuit.

Title I of this bill ensures that the government does not need to get an individualized warrant when it targets communications of targets overseas, the so-called foreign-to-foreign. This is the central problem that the administration cited with FISA in August, and we have fixed it.

Let me be clear, Mr. Speaker, this bill does not require individual warrants for foreign targets before surveillance can begin. It does require the FISA Court to ensure that the procedures that the government uses to identify foreign targets are designed to protect the rights of Americans. This independent front-end review is necessary to ensure that the rights of Americans are being properly protected before any violations occur. However, we also provide a generous emergency provision, at least 30 days, so that the surveillance can begin in an emergency before the government has to go get approval from a court.

In title II, we address the issue of the lawsuits filed against the telecom companies who allegedly participated in the President's warrantless surveillance program. This bill allows the courts to carefully safeguard classified information under well-established protocols. This information that the companies may wish to use to defend themselves now gives them that opportunity. This will also allow the companies to defend themselves in a secure effort. If they are innocent, they will face no damage. If they broke the law, they will be held to account. But this issue will be decided by a court, the American way.

Title III of this bill establishes a bipartisan national commission to investigate warrantless tapping. I believe that the Nation is deeply concerned about what has gone on for the last 7 years. And I also want to restore some of the trust in the intelligence community. Title III is designed to do just that, by bringing these things into light in a careful and bipartisan manner. The American people deserve to know the truth about what has happened. This provision makes that happen.

This is an important step forward, Mr. Speaker. So I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, not enough attention is given to what the Director of National Intelligence and the Attorney General think about this piece of legislation; and in order to serve that purpose, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), who is also a member of the Judiciary Committee.

Mr. FEENEY. Mr. Speaker, there couldn't be a more critical discussion to have this morning before we cast this critical vote. The chairman of the Intelligence Committee, I must say, I respectfully disagree with in terms of the devastating consequences his proposal would have. The Attorney General of the United States and the Director of National Intelligence have looked at this proposal, and here is what they have said about the majority's proposal: ''Requiring prior court approval to gather foreign intelligence from foreign targets located overseas: the reason Congress did not include such a requirement when it passed the original FISA statute and with good reason, these foreign targets have no right to any court review of such surveillance under our Constitution. We know from experience requiring prior court approval is a formula for delay. Thus, this framework would impede vital foreign intelligence collection and put the Nation at unnecessary and greater risk.''

Ladies and gentlemen, assume that you are the head of a corporation or a business in America after America is attacked, thousands of lives and several cities attacked; assuming that there is imminent threats to dozens of other cities and millions of others; assuming the Attorney General or the President contacts you and say that you have access to information that will save millions of Americans. What would you do? I hope you would cooperate.

That is what many companies did, and now they are subject, in San Francisco, to over 50 lawsuits for tens of billions of dollars. The question is whether we ought to protect patriotic companies that for several hundred years have had a privilege to cooperate with government. It's true that technically they may have immunity. But here is what you haven't acknowledged: the immunity is useless to them because they cannot assert it. It would be a violation of Federal law.

Mr. Speaker, I will submit for the RECORD a letter from the general counsel of AT&T, the victim of one of these trial lawyer suits to the tune of tens of billions of dollars as he talks about the state secrets doctrine that prevents them from protecting themselves in a court of law, as he talks about the dilemma that they face in the future going forward if they want to help Americans defend themselves.

Mr. CONYERS. Mr. Speaker, I would like to recognize JIM MARSHALL of Georgia, who has worked with us on this month in and month out, for 1½ minutes.

Mr. MARSHALL. I thank you, Mr. Chairman.

Mr. Speaker, may I engage the chairman of the Judiciary Committee and the chairman of the Intelligence Committee for purposes of a colloquy.

Mr. CONYERS. Of course.

Mr. REYES. I would be happy to oblige my good friend from Georgia.

Mr. MARSHALL. I would like to clarify some elements of the process to be established under title II of the bill we debate today. Title II of the bill would assist the telecommunications carriers in dealing with the civil lawsuits they currently face by permitting

them to use classified information in defense of claims against them.

I want to be clear that any review of classified information would only take place in the judge's chambers without the plaintiffs or their representatives present. The bill requires the judge to follow the procedures in section 106(f) of FISA.

Am I correct in my understanding that section 106(f) of FISA requires that the review of any classified information must take place in camera and ex parte and that such classified information must remain secret, that it is not to be disclosed to the plaintiffs, their representatives or any others except those authorized to receive such information by virtue of their security clearances?

Mr. CONYERS. Mr. MARSHALL, I couldn't put it any more appropriately myself.

Mr. REYES. That is correct.

Mr. MARSHALL. I would also like to clarify what sort of trial would be involved in this process. Am I correct in my understanding that under the bill being debated, if this judicial process in any way involves classified information, the classified portion of the trial would be conducted by a judge without a jury; the judge would privately inspect, but not reveal, classified information relevant to the case; and that the process would be limited to the in camera ex parte procedures already outlined in FISA?

Mr. REYES. That is correct.

Mr. CONYERS. I agree, as well.

□ 1230

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. I thank the ranking member for yielding.

Mr. Speaker, you know, we are here not really talking about the issue of rights. I haven't found anyone yet who has had their rights trampled on, their rights to be free from unreasonable search and seizure, as the chairman announced from the beginning.

As I look at what is going on here in policy, there is a situation going on right now in New York, in that area, where you have contractors that answered the call and the crisis of 9/11, and they are under lawsuits by the thousands, and I think we are in pretty much unanimous agreement that we should indemnify them for answering the call to protect America. I don't understand the difference between why we would not want to indemnify an information company that answered the call to protect America.

To me, those are the closest two comparisons that we can get. If we protect contractors when they went to that smoking hole in that war zone, why won't we protect telecommunication companies when they stepped up on good faith and believed that they were legally operating under the law?

Where is that first citizen that has had their privacy violated? I haven't found one yet. None have been brought forward. I sat in hours of classified briefings. No one even uttered the name of a person who had their rights violated.

The chairman talked about restoring the proper balance. Well, here is the thing that sits behind this restoring the proper balance. This is from page 8 of the AT&T letter. ''The legal paradox has implications not just for the carrier defendants, but for the Nation's security in general. It suggests to private companies that even good-faith cooperation is apparently authorized, and lawful intelligence activity can expose them to serious legal and business risk. This creates incentives to resist cooperation.''

That sets up a scenario where we are saying to companies, cooperate with us, but you might have to face, and will face, billions and billions of dollars of lawsuits, two score more of lawsuits, two dozen or more aggregated under a single court, Ninth Circuit, San Francisco, and they are watching their share values go down and watching their opportunities diminish around the world. And then we put them in the face of the paradox, what do you do if there is another attack on America?

These scales of justice are now out of balance because the trial lawyers have put this thing out of balance, and the political pressure and the risk to the American people of the security of being attacked again are what is weighing on the other side. When the fear of attack gets greater and when the political benefit becomes that point, then we will offset the trial lawyers and we will get a bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a coauthor of the bill before us today and the chairman of the Constitution Committee.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this carefully crafted legislation which gives our intelligence agencies all the tools they say they need to protect our country while protecting our fundamental civil liberties.

In the last few weeks, we have heard countless assertions from our colleagues on the other side that are false and misleading. They claim that we allowed the Protect America Act to expire, when it was the Republicans who blocked attempts to extend that bill temporarily, and they continue to claim that retroactive immunity for the telecom companies is necessary for the security of the country.

The telecom companies aided the administration's surveillance program. Some people, American citizens, believe their constitutional rights were violated and brought a lawsuit against the government and telecom companies.

There are two narratives here. One is that these companies patriotically aided the administration to protect Americans from terrorists. The other is that they conspired with a lawless administration to violate the constitutional rights of Americans. Which of these narratives is right is for a court to decide. It is not the role of Congress to decide legal cases between private parties. That is why we have courts.

We had told the telecom companies they would not be subject to lawsuits for doing their duty. But whether they were doing their duty or abusing the rights of Americans is precisely the issue.

In any event, the existing law already provides absolute immunity if their help was requested and if they were given a statement by the Attorney General or various other government officials stating that the requested help did not require a warrant or court order and would not break the law. They have immunity. Whether those statements are true or not, they can rely absolutely on the government's assertions.

So why do they think they need retroactive immunity? Because of the administration's sweeping assertion of the State secrets doctrine, will has prevented the companies from claiming their immunity.

This bill allows the telecom companies in secret in court to present the evidence for their immunity and to get their immunity, if they obeyed the law. And I remind that obeying the law means simply obtaining a statement from the government that the company's help is needed and that the requested help does not require a court order or violated the law. A company that assisted in spying on its customers without getting that simple assurance from the government does not deserve immunity. And even if we voted retroactive immunity, they would still have to prove that immunity for what they do next week in the same way, and they would have the same problem.

So, by solving the State secrets problem, we give the companies the immunity they need, if they need it, and if they obeyed the law. This still gives our intelligence agencies what they need. I urge its adoption.

Mr. Speaker, I rise in strong support of H.R. 3733, the FISA Amendments Act. This carefully crafted legislation gives our intelligence agencies all the tools they say they need to protect our country, while protecting our fundamental civil liberties.

Mr. Speaker, let us be clear about what this legislation does not do. It does not require individual warrants for the targeting of foreign terrorists located outside the United States. For three decades, that has been the law, and it will still be the law under this bill. There is no dispute about this.

The bill starts with the recognition that the intelligence community needs to surveil all members of a terrorist group—once that group is identified. Any suggestion that it requires individualized warrants to intercept communications of terrorists overseas is wrong.

The bill maintains the traditional requirement of a warrant when our intelligence agencies seek to conduct surveillance on Americans. And because some foreign surveillance may record conversations with Americans, the bill requires that, when the Government proposes to undertake surveillance of a foreign group or entity, it must first apply to the FISA court, except that, in an emergency, the surveillance can begin immediately, and the court can consider the surveillance procedures later.

In both this bill and the Senate bill, the government must inform the court of the procedures it will use to ensure that it is targeting only foreigners overseas and how it will ''minimize'' domestic information it might inadvertently pick up. The only real difference is that the Senate bill lets them listen first, then go to the court within 5 days. This bill requires that they go to the FISA Court first. But in an emergency, we give them 7 days to listen before they go to the court. So will someone please tell me how this minor difference between the bills somehow gives rights to terrorist?

There is one thing that this bill does not do, and this great body must not do—provide blanket, retroactive immunity to the telecommunication companies that assisted in the President's warrantless wiretapping program. Such a move would fly in the face of our notions of justice.

Mr. Speaker, in the last few weeks, we have heard countless assertions from our colleagues on the other side that are false and misleading. They claim that we allowed the Protect America Act to expire—when it was the Republicans who blocked attempts to extend that legislation temporarily. And they continue to claim that retroactive immunity for the telecom companies is necessary for the security of the country. But they have failed to provide any evidence for that claim.

The telecom companies aided the Administration's surveillance program. Some people—American citizens—believe their constitutional rights were violated, and brought suit against the government and the telecom companies. There are two narratives here. One is that the telecom companies patriotically aided the Administration in protecting Americans from terrorists. The other is that the telecom companies conspired with a lawless Administration to violate the Constitutional rights of Americans. Which of these narratives is correct is for a court to decide.

It is not the role of Congress to decide legal cases between private parties. That is why we have courts. If the claims are not meritorious, the courts will throw them out. But if the claims do have merit, we have no right to dismiss them without even reviewing the evidence.

We are told that the telecom companies should not be subject to lawsuits for doing their duty. But whether they were doing their duty, or abusing the rights of Americans, is precisely the issue. And that is a legal issue for the courts to decide.

In any event, the existing law, in a wise balance of national security and constitutional rights that this bill does not change, already provides absolute immunity to the telecom companies if their help was requested, and if they were given a statement by the Attorney General, or by various other government officials, stating that the requested help did not require a warrant or court order and would not break the law. They have immunity whether those statements were true or not. They can rely absolutely on the government's assertions.

So why do they think they need retroactive immunity? Because of the Administration's sweeping assertion of the ''state secrets'' doctrine, which has prevented the companies from claiming their immunity.

Title II of this bill will allow the telecoms to show the courts, in a secure setting, if they were obeying the law or if they weren't. It will allow the telecom companies to assert their immunity in court, and to present the relevant documents and evidence to the court in a secret session that protects any ''state secrets.'' The courts can then judge whether the telecom company obeyed the law—in which case it has complete immunity—or whether it did not. And, I remind you, that ''obeying the law'' means simply obtaining a statement from the government that the company's help is needed, and that the requested help does not require a court order or violate the law. A company that assisted in spying on its customers without getting that simple assurance does not deserve immunity.

Mr. Speaker, this bill gives our intelligence agencies what they say they need. But it also demands that their extraordinary powers be used properly, and that they follow our laws and our Constitution. This bill will help limit this Administration's disregard for the rule of law. It is a carefully crafted measure, and deserves the support of every member in this body.

Mr. SMITH of Texas. I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a member of the Judiciary Committee and the Foreign Affairs Committee.

Mr. PENCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the FISA Amendments Act of 2008. America is at war. We have to do all we can to protect ourselves from those who seek to do us and our communities and our families harm. But for the past few weeks, we have unilaterally disarmed, because this House has failed to pass an acceptable long-term extension of the Foreign Intelligence Surveillance Act, and it will fail again today.

The United States Senate passed a workable bipartisan compromise by a vote of 68–29 that extended FISA for nearly 6 years. The Senate bill provided necessary immunity to communication providers who aided the government after 9/11, and they are now facing numerous frivolous lawsuits as a result. It also closed a massive loophole in our foreign intelligence surveillance laws that prevents us from listening to terrorists in one foreign country who are talking to a terrorist in another foreign country; yet the Senate bill is not before us today.

It is extraordinary that a bipartisan compromise and accomplishment in the United States Senate is not being considered before this House today.

Last August, Republicans and Democrats on the Judiciary Committee came together in the Protect America Act and we forged a compromise, but it was only embraced in the short term. And, sadly, the Senate will not pass this bill, even if it passes the House today, and if it did, the President will veto it. So what we are involved in here is a futile attempt at compromise that will fail.

Speaking less as a Congressman and more as a father and as an American who was here on September 11, I urge my colleagues to take a breath, to step back, to examine the spirit of compromise evidenced by our colleagues in the Senate, and find a way to give our foreign intelligence gathering the tools they need to protect our families.

Mr. REYES. Mr. Speaker, I am proud to say that the 110th Congress is not a rubber stamp for anybody, the Senate or the administration.

I now yield 2½ minutes to the distinguished gentleman from Iowa (Mr. BOSWELL), the vice chairman of the Intelligence Committee.

Mr. BOSWELL. Mr. Speaker, I thank Chairman REYES for the time and your dedicated leadership and hard work to effect oversight over our Nation's multiple intelligence gathering agencies.

In the process of this debate regarding FISA, we have strived to make America safe and exercise and protect the Constitution and Americans' civil liberties. As I have heard Congressman TIERNEY say at different times, if we had followed FISA, we wouldn't be here today, and I appreciate that very, very much. Unfortunately, for whatever reason, and I don't know, none of us do, whatever reason, this President has repeatedly used executive orders and end-run the provisions, protections of FISA that work for the purposes intended.

Several weeks ago, I became concerned that our private telecom companies might be falsely accused and have the effect of putting a chill on their response in the future. I felt a gut confidence that pressure from on high was put on, i.e., we have an emergency, and we, the government, must have your assistance or a terrible event would happen. I think back on my own training in my life, and I know something about those terrible events that could happen, because I put together weapons of mass destruction in my own training, so it kind of haunts you sometimes.

So, yes, I, like others, like 20 others, signed a letter of concern. By the way, it was not a Blue Dog letter or a Blue Dog position. It was individuals, some of whom were Blue Dogs.

Now, over the course of these past weeks, a credit to Chairman REYES and Chairman CONYERS and our super staff, an acceptable solution has been found that makes FISA, supports FISA, and gives protection to those who assist within the provisions of the law.

For example, those who feel their civil rights have been violated can seek justice, and the telecoms who feel they have complied with the law can be defended. A judge would review the classified evidence and decide. This means to me that the Constitution and civil rights are protected, and the telecoms who are asked or pressured to assist in an emergency can know that classified evidence will be seen by the judge. Classified evidence would be seen by a judge and the providers' defense would be taken into account. I believe this to be a solution.

So, in closing, I would say this will protect the Constitution and the American people's civil rights, plus I support the bill because it gives the intelligence community the tools it needs and gives the telecom companies the means to defend themselves from unfair lawsuits. The bill provides telecom companies a way to present their defense in district court without the administration using State secrets to block the defense. If a company is simply doing its patriotic duty and following the law, this bill ensures the company will not be punished.

I urge everyone who signed the letter with me to support this resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of both the Judiciary Committee and the Foreign Affairs Committee.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, we are on the floor today debating yet again another set of amendments to FISA, another set of amendments that limit the ability of law enforcement and intelligence communities to make this Nation safer, another set of amendments that have no chance of becoming law. What these amendments do confirm is that we are a litigious society, that some are willing to put lawsuits over safety.

Prior to the passage of the Protect America Act, our intelligence community told us that they missed more than two-thirds of all overseas terrorist communications because of gaps and inconsistencies in the law. In August, we closed those holes, giving law enforcement and the intelligence communities the tools and resources they need to stay one step ahead.

Disappointingly, 26 days have passed since those provisions expired. For 26 days now, our law enforcement and intelligence communities have had to revert back to the status quo. They have had to revert back to a status that allows terrorists to have the upper hand. And yet this Chamber continues to bring legislation that we know will not do the job, all the while, knowing that there is a solution, a bipartisan solution, to this predicament.

The bipartisan solution lies in the legislation passed by the Senate 30 days ago. These amendments continue and build on the authorizations provided by the Protect America Act, ensuring that surveillance continues on foreign targets outside the United States. Immunity is provided to our communication partners, FISA applications, and orders are processed in a more timely manner, and lengthening the periods of emergency authorization for electronic surveillance.

Yet this bill is mindful of our Constitution and the protections it affords to U.S. citizens, whether they are inside or outside the United States. Moreover, the authority provided by the bill sunsets in 6 years, allowing Congress to revisit if issues arise.

I urge my colleagues to not make the safety of the American people a partisan issue.

There are many things that we can disagree on, but the safety of this country should not be one of them. Let's not send the message that litigation is more important than patriotism, but that we are committed to standing as one in doing what is necessary and needed to keep this Nation safe.

□ 1245

Mr. CONYERS. Mr. Speaker, could I remind my two distinguished members of Judiciary, MIKE PENCE of Indianapolis and STEVE CHABOT of Ohio, that the reason we are not taking up the Senate provisions is that the House has a better idea, and we are coequal. They don't give us whatever they want.

The Chair is pleased now to recognize BOBBY SCOTT of Virginia, chairman of the Crime Committee, for 2 minutes.

Mr. SCOTT of Virginia. I would like to thank the chairs of the Judiciary Committee and the Intelligence Committee for their hard work in addressing the issue of warrantless surveillance under the Foreign Intelligence Surveillance Act and for introducing legislation that addresses national security challenges presented by global terrorism.

This bill provides that any wiretap which would be legal under the President's proposal will be legal under this legislation. It merely requires that under some circumstances that a warrant be obtained prior to the wiretap or if there is an emergency after the wiretap begins. The warrant procedure is a modest protection of our civil liberties.

This bill does not balance civil liberties with national security, because all of the wiretaps would be permitted; but this bill just provides a little oversight. The idea of wiretaps without oversight has to be considered in the context of some recent documents of the Department of Justice.

Republican-appointed officials have accused this administration of firing U.S. Attorneys because they did not indict Democrats in time to affect an upcoming election. We have been unable to ascertain the truth of the allegations for several reasons.

First, high-ranging administration officials question the credibility of Attorney General Gonzales' original response to the allegations. One high-ranking Justice Department official quit; another pleaded the fifth. White House officials have refused to respond to our subpoenas. It is this Justice Department that seeks unprecedented authority to wiretap citizens without traditional oversight or even articulating the primary purpose of the wiretaps.

Furthermore, the bill does not offer retroactive immunity for illegal activities. The fact is that the telecom companies which may benefit from retroactive immunity already have immunity for any reasonable actions they may have taken. This bill provides a procedural change which ensures that these claims of immunity can properly be considered.

In summary, this bill provides for all of the security protections sought by the President, but it also provides modest protection for our civil liberties. Therefore, we should support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my colleague from Texas (Mr. GOHMERT), who is not only on the Judiciary Committee but also the ranking member of the Crime, Terrorism and Homeland Security Subcommittee.

Mr. GOHMERT. Mr. Speaker, we have just heard reference to the Senate bill; and my friend, for whom I have great respect, our chairman of Judiciary, Chairman CONYERS, mentioned that we are coequal branches. I would submit to you, we are an even more important branch because we are more accountable to the people than the Senate is.

The difference, though, in the Senate bill and this bill is, the Senate Democrats got input and allowed input into the bill from their Republican colleagues, and we are not allowed to make amendments on this bill. All we can do is come up and point out problems with it.

My friend, Mr. NADLER, whom I have come to believe has a brilliant legal intellect, has come on the floor this morning and said that there is false information from our side, that we are falsely misleading. He said that we have been less than honest. That bothers me to no end, because he knows some of the talking points that are being talked on this floor are just not right.

Now, I have read the bill. It's a better bill than the manager's amendment we dealt with last time; it is. But we are still not there, and we still haven't been allowed enough input to make it better.

But we also heard from one of our colleagues across the aisle that said he

fought in Afghanistan, and he was a soldier. Thank God we have him and others that would do that. But the telecoms in the week, 2 weeks, 4 weeks right after 9/11, when we did not know if we were going to have thousands of Americans lost any day, they were put in a terrible situation.

You know the law. The law is very restricted on who in the telecom company can see the request or the demand from the administration, from the NSA or whoever makes it. You know that. I pushed to make sure in the law that they are at least allowed to talk to a lawyer, but they are restricted there.

Put yourself in their place. They get a request in any hypothetical case after Americans are killed in an act of war on our soil.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California, Ms. ANNA ESHOO, who chairs our Subcommittee on Intelligence Community Management.

Ms. ESHOO. I thank the distinguished chairman of the House Intelligence Committee.

Mr. Speaker, I rise in support of H.R. 3773. Today's debate really goes to the heart of the two highest responsibilities of Members of Congress, to preserve our Constitution and to secure our Nation.

Front and center, that's what this bill does, it accomplishes both. It gives the intelligence community the most flexible tools for our professionals for their surveillance of terrorists and other necessary targets overseas. It accomplishes that. It safeguards our constitutional rights by requiring the FISA Court to approve targeting and minimization standards at the front end, when no emergency exists and to assure that Americans are not targeted.

It protects the private sector by providing prospective liability protection for telecommunications companies that provide lawful assistance to the government, and it provides those companies a way to present their defenses in secure proceedings, in district court, without the administration using state secrets to block those defenses.

These are the most critical tools and safeguards, and that's why Members of Congress can be assured that they will be taking all the right steps by supporting this bill.

The bill is one that we should all support, and I am proud to support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to my colleague from Texas (Mr. MCCAUL), who is a member of the Homeland Security Committee and the Foreign Affairs Committee.

Mr. MCCAUL of Texas. Mr. Speaker, we all took an oath in this Chamber to protect and defend the Constitution of the United States from all enemies, both foreign and domestic. That is what this debate here today is really all about.

By allowing the Protect America Act to expire, we are extending constitutional protections to foreign terrorists. This bill does nothing to fix that problem.

We need to pass this Senate bill that passed overwhelmingly on a bipartisan basis. I worked in the Justice Department on FISA warrants. The statute was never designed to apply to foreign terrorists in a foreign country, as recently stated by admiral Bobby Inman, the principal author of the FISA statute.

I want to point out two articles that were in The New York Times today: ''Afghanistan: Taliban Destroy Cell Towers.'' ''Taliban Threatens Afghan Cellphone Companies.''

This is what is happening. We need to protect America now by making the Protect America Act permanent. The Taliban in their own words, their own statements, says the surveillance program has ''caused heavy casualties to Taliban'' in great proportions.

It is time to pass the Protect America Act.

Mr. CONYERS. I wanted my friend Judge GOHMERT to know that the reason we didn't get the bipartisanship that the other body did is that you guys boycotted our meetings. Your ranking member or leader could have sent anybody to our meetings, but you didn't come. So now you are complaining.

Mr. Speaker, I am happy to recognize DEBBIE WASSERMAN SCHULTZ, a valuable member of our Judiciary Committee, for 1 minute.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I began my service in Congress fighting for the right to privacy. Above all else, Americans' ability to communicate without the fear of having the government tap their phones, listen to their conversations or intercept their private communication is a right that just cannot be discarded.

Our good friends on the other side of the aisle have said if an American is not communicating with a terrorist, then they have nothing to fear. The manner in which the administration has conducted the warrantless surveillance program has undermined our citizens' confidence in the bedrock belief that we live in a free country where we do not live in constant fear of the government looking over our shoulder.

This is a cherished right that has been arrogantly cast aside by an administration run amok. After a careful review of both classified and unclassified materials concerning the administration's warrantless wiretapping program, I, like so many of my Judiciary Committee colleagues, concluded that the immunity that is proposed by the administration is unnecessary and goes too far.

We must be vigilant when protecting our citizens' right to privacy. It is a rare, unique, and important right that we cannot allow to be subjected to death by a thousand cuts. If the administration has its way and this right falls, what is next? We must stand in the breach and make sure that Americans' right to privacy is preserved.

I urge my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN), whom we wish were a member of the Judiciary Committee.

Mrs. BLACKBURN. Mr. Speaker, the legislation before the House today is nothing short of an abdication of the liberal majority's responsibility to protect the American people. Yesterday's Investor's Business Daily editorial sums the bill up nicely, a ''FISA Fix for Lawyers.'' I could not say it better myself. After all, this bill is nothing short of an earmark for the trial bar, and it reveals the brazen partisan interest of this Democrat majority.

Rather than accept the bipartisan legislation adopted in the Senate and endorsed by our Nation's security experts, the liberal elite of this House instead brings forward a $72,440,904 thank you note to the trial bar. Why $72,440,904? That's the amount the trial attorneys have contributed to Democrat candidates in the 2008 election cycle.

But it might only be a down payment for the potential liability interest that they have if they get their way on their earmark bill. We have to say, at what cost? We have heard the story that I used in a Memphis story on February 28 of our three American soldiers who were kidnapped.

Mr. CONYERS. Mr. Speaker, I am honored to recognize the Speaker of the House of Representatives, the Honorable NANCY PELOSI, for 1 minute.

Ms. PELOSI. I thank Mr. CONYERS, the Chair of the Judiciary Committee, for yielding and thank Mr. REYES, the chairman of the Intelligence Committee, for bringing this legislation to the floor. They know, as does each and every one of us, that our primary responsibility is to protect the American people.

Mr. Speaker, we take an oath of office, as has been referenced, to protect and defend the Constitution of the United States from all enemies foreign and domestic.

In the preamble it states that one of our primary responsibilities is to provide for the common defense. We take those responsibilities seriously, and I don't take seriously any statements by some in this body that any person here is abdicating that responsibility.

All of us understand also the role that intelligence plays. In protecting our troops, force protection, that used to be our primary responsibility and now, of course, Homeland Security is part of that.

None of us would send our troops into harm's way without the intelligence to

perform their mission and keep them safe, although some have been willing to send our men and women in uniform into harm's way without the equipment they need to keep them safe, but we don't make any accusations against them that they are not patriotic Americans who don't want to protect the American people.

Chairman CONYERS and Chairman REYES have already pointed out in some detail this legislation will meet our responsibility to protect America while also protecting our precious civil liberties. The President has said that our legislation will not make America safe. The President is wrong, and I think he knows it. He knows that our legislation contains within it the principles that were suggested by the Director of National Intelligence, Mr. MCCONNELL, early on, as to what is needed to protect our people in terms of intelligence.

□ 1300

The administration demands that Congress grant immunity to companies for activities about which the President wants only a small number of Members of Congress, and no member of the judicial branch, deciding on any currently filed lawsuits to know anything about.

The bill before us acknowledges that immunity for the companies may already exist under current law and allows that determination to be decided by a judge with due protection for classified information, not by hundreds of people who really do not have the facts.

Why should the administration oppose a judicial determination of whether the companies already have immunity. Well, there are at least three explanations. First, the President knows that it's the administration's incompetence in failing to follow the procedures in statute is what has prevented immunity from being conveyed. That is one possibility. They simply didn't do it right.

Second, the administration's legal argument that the surveillance requests were lawfully authorized was wrong, or public reports that the surveillance activities undertaken by the companies went far beyond anything about which any Member of Congress was notified, as is required by the law.

None of these alternatives is attractive, but they clearly demonstrate why the administration's insistence that Congress provide retroactive immunity has never been about national security or about concerns for the companies. It has always been about protecting the administration.

As important as the issue of immunity might be, it is chiefly important to the administration and the telecommunications companies as they look back to events that occurred as many as 6 years ago. What is truly important to the security of our country and the protections of our Constitution going forward are the amendments made to the FISA bill in title I in this bill that is on the floor today, the so-called surveillance title of the bill.

The bill contains three of the essential provisions of the bill passed by the House in November and, in doing so, explicitly rejects the heart of the President's warrantless surveillance program. Those provisions are:

One, the reinstatement that FISA remains the exclusive means to authorize electronic surveillance. The President likes to think he has inherent authority to surveil, to collect on anybody, and this bill restates that FISA is the exclusive authority. This was a point conceded to in 1978 when the Congress of the United States established the FISA law, passed the FISA law, which was signed by the President of the United States, thereby his recognition of Congress's ability to make the courts, the third branch of government, the exclusive authority for the collection of intelligence in the United States. That is exclusivity.

Second, except in emergencies, FISA Court approval must take place before surveillance begins, but there are exceptions in case of emergency.

Third, a refusal to follow the Senate in excluding, and this is very important because people are talking about the Senate bill as though it is some great thing. This is very important: A refusal to follow the Senate in excluding from the definition of electronic surveillance activities historically considered within the definition. In other words, if they don't want the law to apply to a particular activity, they will just say it doesn't fall into this bill.

If the administration's change in the definition was accepted, FISA-derived information, including U.S. person information, could be data-mined with fewer protections than are currently in place under FISA. This is very important to each and every person in America.

The President insists that we pass the Senate bill as is. Yet even that legislation's chief author, Chairman ROCKEFELLER, agrees that many of the House provisions improve the Senate bill.

This legislation before us today will ensure that our intelligence professionals have the tools they need to protect the American people. And the President knows it.

This legislation will ensure that we protect what it means to be an American, our precious civil rights and civil liberties. Both goals are essential and both are achieved in this bill. I urge its passage.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this might be a good time to read excerpts from a letter to the Speaker. This letter was written 2 days ago by the Attorney General and by the Director of National Intelligence, and I think Members and the American people are going to be very interested in what these two individuals had to say.

They expressed particular concern about requiring prior court approval to gather foreign intelligence from foreign targets located overseas.

The letter says: ''Congress did not include such a requirement when it passed the original FISA statute, and with good reason. These foreign targets have no right to any court review of such surveillance under our Constitution. We know from experience that requiring prior court approval is a formula for delay. Thus, this framework would impede vital foreign intelligence collection and put the Nation at unnecessary and greater risk.''

They conclude about this bill that it does not provide the intelligence community the tools it needs to collect effectively foreign intelligence information vital for the security of the Nation.

Mr. Speaker, what else do we need to hear? Members need to know this.

I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN) who serves on our Intelligence Committee.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3773, a careful and reasoned approach to electronic surveillance. Though people have talked a lot about immunity, we must remember that because of changes in technology, this is a bill to update the way we conduct electronic surveillance.

I approached this subject with two principles in mind. First, our surveillance must be effective. Second, the rights of Americans must be protected. On the second point, there is a real difference between the Senate and the House bills.

The issue is how both bills handle the calls of Americans. Under the Senate bill, the DNI and the Attorney General approve surveillance and then go to the court, with no set timeline for ruling. Under the House bill, the program of surveillance, not the specific individual targets, is submitted to the court. The government will essentially ask the court: Is this method of handling the communications of Americans appropriate, careful, and, most importantly, constitutional?

The approval of a program of surveillance allows the government to get approval before there is an operational requirement. So there will never be any operational sacrifice here. If it were going to slow down intelligence collection or cause operational problems, I can see where some might take issue with that. But the simple fact is that the way this bill is drafted, there

is no excuse for not getting the approvals in place in advance.

I am all for strong intelligence authorities. The beauty of this bill is it combines that with care for our civil liberties, without sacrificing either.

Mr. HOEKSTRA. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished minority whip.

Mr. BLUNT. Mr. Speaker, I thank Mr. HOEKSTRA for the leadership he has given on this issue.

The problem we have with the bill on the floor today is, in everything I read, it can't become law. That is one problem. A bigger problem is that it doesn't address the fundamental question of how we treat these companies for doing what we asked them to do after 9/11.

It is clear from all of the facts that as the FISA law anticipated, that the leaders of the House and the leaders of the Senate on the Intelligence Committee would be informed of what was going on. And, in fact, in October of 2001 and November of 2001, in March of 2002, those leaders were informed. On our side, the ranking Democrat at the time is the current Speaker of the House. Porter Goss, the future CIA director, was the chairman of the committee. They were informed on all of those occasions, and these companies only have liability protection if they were pursuing what was given to them as a lawful government order; orders that Members of Congress, including the now Speaker, were told would be issued to these companies.

This program doesn't work without voluntary compliance on the foreign side. It also doesn't work without subpoenas on the American side, the U.S. side. Every U.S. effort has to include a subpoena. The 1978 law anticipated that. The law we would like to have on the books today continues that. But for foreign subpoenas, to have to get a court order for a foreign request of somebody in a foreign country simply bogs this program down to the point it won't work. We proved that in July of last year when this FISA came to a screeching halt.

This bill is not the improvement that we need. There is a bipartisan majority in the House ready to pass a bill that could go to the President today, be signed today.

We are now 4 weeks away from the time when we said, if we just had a 21-day extension, we would solve this problem. This problem needs to be solved. It needs to be solved now. I urge the majority to step back and bring a bill to the House that can pass and become law.

I urge my colleagues to vote ''no'' on this replacement.

Mr. CONYERS. Mr. Speaker, I recognize an invaluable member of the Judiciary Committee, KEITH ELLISON from Minnesota, for 1 minute.

Mr. ELLISON. Mr. Speaker, today I rise to support the House Democratic FISA bill, a bill that provides for collection of data to protect America against people who would harm us, but also, and very importantly, provides court approval of acquisition and an ongoing process of review and oversight in order to protect Americans' privacy.

The bill goes beyond the RESTORE Act which we passed in the House, and I supported, by adopting statutory protections for U.S. persons overseas to ensure that surveillance of their communications are always conducted through the courts.

The House bill does not confer retroactive immunity on telecom carriers alleged to have participated under the President's warrantless surveillance program. It provides a mechanism for the carriers to assert existing immunity claims and to guarantee that they have a fair hearing in court currently prevented by the administration's assertion of the State secrets privilege.

In order to fully ascertain the scope and legality of the TSP, the House bill also creates a bipartisan commission on warrantless electronic surveillance activities with strong investigatory powers.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Speaker, I would like to recognize my colleague, the gentleman from Texas (Mr. THORNBERRY) for 3 minutes.

Mr. THORNBERRY. Mr. Speaker, Chairman CONYERS said a few moments ago the House will not be permitted to vote on the Senate bill because he has a better idea. Let me suggest three reasons why he does not have a better idea.

Number one, the bill before us sets up a new process to adjudicate immunity. Now, if a company voluntarily answered the request of their government, they did not do so to get a chance to have another legal process, to pay some more lawyers to file some more motions. That is not what they were doing. They were doing it to answer the call of their country, and I think most Americans believe that Good Samaritans should be thanked rather than punished with a new legal process.

But I would also suggest that this new legal process chills any hope of voluntary cooperation in the future, not just for intelligence but for quick response for law enforcement matters as well.

I don't see how any company can meet the obligations of the laws this Congress has passed to its shareholders and others and voluntarily submit themselves to another legal process to pay some more lawyers and file some more motions.

□ 1315

Secondly, this bill requires court approval of processes, of procedures before foreign surveillance of foreign targets can ever begin.

Now, under the Protect America Act, the FISA Court took months to approve the procedures. And so it's reasonable to assume it's going to take months to approve the procedures under this bill were it to become law. The problem is, you can't begin foreign surveillance of foreign targets under this law until those procedures are approved. And I am perplexed how Members on either side can feel comfortable having months more go by before we can have that intelligence information.

Thirdly, this bill sets up a new commission. And I understand it may be politically desirable to set up a new commission and have new investigations and have some more folks on a commission looking to make their mark. I understand politically why that would be attractive. But it seems to me that, one, there is no need to do that. What do we have the Intelligence Committee for, if it is not to investigate and understand, as has been done thoroughly in this case. So I must conclude that this new commission must be an attempt to deflect responsibility away from those in this Congress who had the responsibility to oversee these programs.

We have a better option. We should take it.

Mr. CONYERS. I am pleased to yield 1½ minutes to the gentlelady from California (Ms. HARMAN), a former member of the Intelligence Committee. I wish I could give her more time.

Ms. HARMAN. My oldest grandchild, Lucy, is 2 today. She, my other two grandchildren, and my four children are never out of my thoughts as I wrestle with what are the right and wise security policies to protect our country.

I served 6 years on the Armed Services Committee, 8 on the Intelligence Committee, and 4 on the Homeland Security Committee where I chair its intelligence subcommittee.

I received so-called ''Gang of Eight'' briefings on the operational details of the terrorist surveillance program from 2003 to 2006, and I regularly receive classified threat briefings.

Some in this Chamber in both parties seek my views on security issues, and I hope my advice is helpful. On the matter before us it is as follows:

First, the world is very dangerous and we need to protect against threats.

Second, actions we take can and must comply fully with the rule of law. FISA has served us well for 30 years. Its framework is still sound.

Third, FISA does need some tweaking, but the technical changes are not controversial.

Fourth, FISA has already provided immunity for telecom firms which follow its provisions. Telecom firms are now protected under FISA.

Fifth, telecom firms are now complying with FISA.

And, sixth, press accounts, especially Monday's story in the Wall Street Journal, make clear there are other programs out there that haven't been told to Congress.

We can't pass retroactive immunity when we don't know what we're talking about.

So happy birthday, Lucy. May you grow up in a country with security and liberty.

Passing the bill before us is a good start.

Mr. HOEKSTRA. Mr. Speaker, at this time I would like to yield 2 minutes to my colleague from the State of Michigan, a member of the Intelligence Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. Mr. Speaker, two problems with where we're going: one is, this will, in effect, require intelligence officials to seek a Federal court warrant for foreign targets overseas. That is undeniable. Everybody in the intelligence community says it. The Senate even came across in a bipartisan bill, led by Democrats, who agree to the same principle and said that's the wrong direction to go to protect America.

The other serious problem: one of your great distinguished Members, ELIJAH CUMMINGS, took a courageous stand in a courageous moment when he had serious crime in his district in Baltimore. He went out, went on TV on a PSA and said, please cooperate with the local police to solve this crime. Please step up and cooperate so that we can solve these crimes together.

What we are effectively doing today, we're effectively telling businesses, large and small, and citizens from neighborhoods to corporate citizens to individual citizens, everybody who every day across America says, I will cooperate with law enforcement to solve crime because it's the right thing to do, you send an absolute chilling effect across. And I've heard this from businesses not related to this particular issue, telecom companies, companies who cooperate on kidnappings, companies that cooperate on trying to find people who are fugitives, who have raped children, people who cooperate on catching drug dealers. They've said, you know, if you show up and ask me that, I want to help. But what this body is telling them, you might not be protected. It might not be just enough. And if you have enough money, and we have enough trial lawyers, you're going to find yourself in court.

So what these people are saying is, maybe I can't cooperate with my government anymore. Maybe I can't, in good faith, like good Samaritans have done all 200-plus years of this great Nation, come forward and say we are in this together. We are united to stop crime, to keep our homes and neighborhoods safe and to protect our country from terrorism.

The CIA case also said it's not good. The military leader said it's dangerous, the intelligence community said it's dangerous, and so did the Democrats in the Senate. Let's join them and do this right.

Mr. CONYERS. Mr. Speaker, I'm going to recognize BARBARA LEE, but I want my dear friend from Michigan to know you cannot give retroactive immunity when you don't know what you're immunizing. That's the problem.

I turn now to the co-chair of the Progressive Caucus, a distinguished civil rights fighter who has her own experiences, and we yield proudly to BARBARA LEE of California for 1 minute.

Ms. LEE. I want to thank Chairman CONYERS and Chairman REYES for bringing this legislation to the floor which does contain the safeguards necessary to protect the liberties of the American people, while giving the intelligence community powers to protect our Nation, which are very important in this bill.

Now, let me tell you, I know from personal experience about wiretaps during the J. Edgar Hoover period and the unwarranted domestic surveillance and wire tapping as a result of the Cointelpro program. Many innocent people, their lives were destroyed, personal information was gathered from innocent people, yes, including myself, who were no threat to national security. Dr. King and his family were the victims of government-sponsored wiretapping.

We must never go down this road again. So I fully support this bill because it explicitly declares that the FISA Court is the sole authority for electronic surveillance. It prohibits this reverse targeting. It also makes sure that we do not provide retroactive immunity to telecom companies that participated in any illegal spying by this administration.

This bill will protect America and, equally important, protect American civil liberties and values as guaranteed, mind you, guaranteed by the fourth amendment.

Mr. HOEKSTRA. Mr. Speaker, Mr. SMITH and I both have only one speaker remaining, so we would reserve our right to close in the order as determined.

Mr. REYES. Mr. Speaker, I only have one more speaker remaining as well.

Mr. CONYERS. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 2¾ minutes remaining.

Mr. CONYERS. The gentleman from Washington (Mr. INSLEE), who has worked with us on this matter, is recognized for 1 minute.

Mr. INSLEE. Mr. Speaker, from time to time, we are called to, again, define what it means to be an American. And this is never more so than when security concerns threaten our commitment to liberty. And at those moments, at this moment, we need to be imbued with the spirit of 1776, a spirit against tyranny, a spirit that recognizes that the rule of law is the ultimate bulwark of liberty.

A Nation that threw off the shackles of King George should never yield to an executive who seeks to trample on the rule of law. Whether it was inconvenient, whether it was bothersome, whether it was frustrating, we should never yield to an executive who believes himself above the rule of law. We should never yield to an Executive that, instead of coming to Congress to change a law, simply decides to ignore it.

We are nothing without this commitment. We are everything with it. Stand for liberty. Pass this bill.

Mr. CONYERS. Mr. Speaker, I yield everything but 1 minute to the gentlelady from Illinois, JAN SCHAKOWSKY.

The SPEAKER pro tempore. The gentlewoman from Illinois is recognized for 45 seconds.

Ms. SCHAKOWSKY. This FISA legislation is proof that we can protect the American people, keep our country and our families safe without violating American's civil liberties. The Republicans have posed a false choice, tried to convince us, the American people, that the only way to protect this country from terrorists is to sacrifice our civil liberties, particularly when it comes to this administration perhaps illegally telling the telecommunications companies to share our private communications with them.

The Republicans want to wave a wand, grant amnesty to the phone companies, retroactive immunity to turn over information about their customers, not only letting the companies off the hook, but protecting the administration from judicial scrutiny about its warrantless surveillance programs.

This program, this legislation that we have introduced, is a fair way to resolve this conflict issue.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. Having heard all of the answers to all of the questions that have been raised by the opposition, knowing that full justice, civil liberties and the protection is in this bill, I rise in support of the underlying bill.

Mr. Speaker, I rise today in support of the Senate Amendment to H.R. 3773, the Foreign Intelligence Surveillance Act (FISA). This body has worked diligently with our colleagues in the Senate to ensure that the civil liberties of American citizens are appropriately addressed.

We have worked to not simply reconcile the Senate language with the RESTORE Act (H.R. 3773) which we passed in the House on November 15, 2007, but to go beyond the RESTORE Act as part of FISA Reform legislation

by: Adopting provisions from the Senate bill that will for the first time provide statutory protections for U.S. persons overseas, that ensures surveillance of their communications are conducted through the courts; and Providing a mechanism for telecommunications carriers to prove their case that they did not engage in any wrongdoing and to guarantee due process with a fair hearing in court.

Like the RESTORE Act, the FISA reform legislation provides for collection against terrorist organizations such as Al Qaeda, while providing prior court approval of acquisition and an on-going process of review and oversight in order to protect Americans' privacy.

The revised House bill creates a bipartisan commission on Warrantless Electronic Surveillance Activities with strong investigatory powers in order to preserve the rule of law in pending and future lawsuits. This revised version of the bill continues to reiterate FISA's exclusive control for conducting foreign intelligence surveillance, and requires explicit statutory authorization for any means outside of FISA. This is an area where the House version has differed from the Senate.

Homeland security is not a Democratic or a Republican issue, it is not a House or Senate issue; it is an issue for all Americans—all of us need to be secure in our homes, secure in our thoughts, and secure in our communications.

I find it disturbing that our Republican colleagues will not join us to ensure that Americans are safe here and abroad. Disturbing that they do not recognize that we must protect the civil liberties of this nation just as we protect American lives.

Mr. Speaker, in August of this year, I strongly opposed S. 1927, the so-called ''Protect America Act'' (PAA) when it came to a vote on the House floor. Had the Bush Administration and the Republican-dominated 109th Congress acted more responsibly in the two preceding years, we would not have been in the position of debating legislation that had such a profoundly negative impact on the national security and on American values and civil liberties in the crush of exigent circumstances. As that regrettable episode clearly showed, it is true as the saying goes that haste makes waste.

The PAA was stampeded through the Congress in the midnight hour of the last day before the long August recess on the dubious claim that it was necessary to fill a gap in the nation's intelligence gathering capabilities identified by Director of National Intelligence Mike McConnell. In reality it would have eviscerated the Fourth Amendment to the Constitution and represented an unwarranted transfer of power from the courts to the Executive Branch and a Justice Department led at that time by an Attorney General whose reputation for candor and integrity was, to put it charitably, subject to considerable doubt.

Under the House bill, the Foreign Intelligence Surveillance Court, FISC is indispensable and is accorded a meaningful role in ensuring compliance with the law. The bill ensures that the FISC is empowered to act as an Article III court should act, which means the court shall operate neither as a rubber-stamp nor a bottleneck. Rather, the function of the court is to validate the lawful exercise of executive power on the one hand, and to act as the guardian of individual rights and liberties on the other.

Moreover, Mr. Speaker, it is important to point out that the loudest demands for blanket immunity did not come from the telecommunications companies but from the administration, which raises the interesting question of whether the administration's real motivation is to shield from public disclosure the ways and means by which government officials may have ''persuaded'' telecommunications companies to assist in its warrantless surveillance programs. I call my colleagues' attention to an article published in the Washington Post in which it is reported that Joseph Nacchio, the former CEO of Qwest, alleges that his company was denied NSA contracts after he declined in a February 27, 2001 meeting at Fort Meade with National Security Agency, NSA, representatives to give the NSA customer calling records.

To give a detailed illustration of just how superior the RESTORE Act is to the ill-considered and hastily enacted Protect America Act, I wish to take a few moments to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

My amendment, which was added during the markup, made a constructive contribution to the RESTORE Act by laying down a clear, objective criterion for the administration to follow and the FISA court to enforce in preventing reverse targeting.

''Reverse targeting,'' a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the Government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the administration to obtain a regular, individualized FISA warrant whenever the ''real'' target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the administration to obtain a regular FISA warrant whenever a ''significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States.'' The current language in the bill provides that a warrant be obtained only when the Government ''seeks to conduct electronic surveillance'' of a person reasonably believed to be located in the United States.

It was far from clear how the operative language ''seeks to'' is to be interpreted. In contrast, the language used in my amendment, ''significant purpose,'' is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson Lee Amendment provides a clearer, more objective, criterion for the administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

Mr. Speaker, nothing in the Act or the amendments to the Act should require the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, what should be required, is a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

This will usually happen over time and the Government will have the time to get an order while continuing its surveillance. It is the national security interest to require it to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

It is very important to me, and it should be very important to Members of this body that we require what should be required in all cases—a warrant anytime there is surveillance of a United States citizen.

In short, the Senate amendment to the House version makes a good bill even better. For this reason alone, civil libertarians should enthusiastically embrace H.R. 3773.

Nearly two centuries ago, Alexis de Tocqueville, who remains the most astute student of American democracy, observed that the reason democracies invariably prevail in any martial conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to martial success: initiative, innovation, resourcefulness, and courage.

As I wrote in the Politico, ''the best way to win the war on terror is to remain true to our democratic traditions. If it retains its democratic character, no nation and no loose confederation of international villains will defeat the United States in the pursuit of its vital interests.''

Thus, the way forward to victory in the war on terror is for the United States country to redouble its commitment to the Bill of Rights and the democratic values which every American will risk his or her life to defend. It is only by preserving our attachment to these cherished values that America will remain forever the home of the free, the land of the brave, and the country we love.

Mr. Speaker, FISA has served the Nation well for nearly 30 years, placing electronic surveillance inside the United States for foreign intelligence and counterintelligence purposes on a sound legal footing, and I am far from persuaded that it needs to be jettisoned.

However, I know that FISA as it is run currently attempts to circumvent the Bill of Rights and the civil liberties of the American people. I continue to insist upon individual warrants, based on probable cause, when surveillance is directed at people in the United States. The Attorney General must still be required to submit procedures for international surveillance to the Foreign Intelligence Surveillance Court for

approval, but the FISA Court should not be allowed to issue a "basket warrant" without making individual determinations about foreign surveillance.

In all candor, Mr. Speaker, I must restate my firm conviction that when it comes to the track record of this President's warrantless surveillance programs, there is still not enough on the public record about the nature and effectiveness of those programs, or the trustworthiness of this administration, to indicate that they require a blank check from Congress.

The Bush administration did not comply with its legal obligation under the National Security Act of 1947 to keep the Intelligence Committees "fully and currently informed" of U.S. intelligence activities. Congress cannot continue to rely on incomplete information from the Bush administration or revelations in the media. It must conduct a full and complete inquiry into electronic surveillance in the United States and related domestic activities of the NSA, both those that occur within FISA and those that occur outside FISA.

The inquiry must not be limited to the legal questions. It must include the operational details of each program of intelligence surveillance within the United States, including: (1) who the NSA is targeting; (2) how it identifies its targets; (3) the information the program collects and disseminates; and most important, (4) whether the program advances national security interests without unduly compromising the privacy rights of the American people.

Given the unprecedented amount of information Americans now transmit electronically and the post–9/11 loosening of regulations governing information sharing, the risk of intercepting and disseminating the communications of ordinary Americans is vastly increased, requiring more precise—not looser—standards, closer oversight, new mechanisms for minimization, and limits on retention of inadvertently intercepted communications.

Mr. Speaker, I encourage my colleagues to join me in a vote of support for the FISA Amendments Act, H.R. 3773, as it seeks to balance our Nation's securities and our civil liberties.

Mr. HOEKSTRA. Mr. Speaker, before I close, could the Speaker tell me exactly how much time I have left.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) has 3 minutes remaining; the gentleman from Texas (Mr. SMITH) has 2½ minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 1 minute remaining; and the gentleman from Texas (Mr. REYES) has 1½ minutes remaining.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of my time.

What is this Congress thinking? Some of my colleagues are scaring the American people into believing that the men and women in the intelligence community are spying on them. In reality, our intelligence professionals are focused solely on identifying and stopping the threat from radical jihadists.

What's this Congress thinking? Some of my colleagues want to reward opportunist trial lawyers who are suing the very companies that stood up in America's hour of need. We should recognize what these companies did and protect them from these frivolous lawsuits.

What is this Congress thinking? Some of the key leadership in this House, including this current Speaker, were fully briefed and involved in developing the strategies that were implemented to keep America safe in the aftermath of 9/11. Now some are running from those decisions. They should take responsibility for their actions.

□ 1330

At the funerals last week for the victims of the recent terrorist attack in Jerusalem, Rabbi Shapira delivered a eulogy charging the government with not doing enough to keep Israel safe, for not delivering the strong leadership to face down a deadly enemy. That same enemy wants to attack America.

The 9/11 Commission said, "Terrorists could acquire without great expense communications devices that were varied, global, instantaneous, complex, and encrypted."

As Rabbi Shapira last week questioned the leadership of his country, and in light of what the 9/11 Commission told us years ago, I ask the leadership of this House are we doing enough.

Is the 2001 FISA law adequate? The answer has been, and continues to be, a resounding "no."

Are we doing enough to protect America, our troops, and our allies, when we go home without finishing this crucial work on intelligence surveillance? Is it acceptable to have our intelligence capabilities continue to erode? Continuing down this path is dangerous.

I hope that when we return, America will not have its own Rabbi Shapira, our own Rabbi Shapira asking, Why did Congress go home without finishing its work? Why didn't the Democratic Congress do better? Why didn't the House recognize the danger and the threat?

We should complete this work today. We should vote on the Senate bill. Why are we going home? Why are we going home with the work unfinished one more time?

With that, I yield back the balance of my time.

Mr. REYES. Mr. Speaker, before I yield the balance of our time, I would like to insert into the RECORD at this point several letters of endorsement for H.R. 3773.

CENTER FOR DEMOCRACY AND TECHNOLOGY,
Washington, DC, March 12, 2008.

Re Vote "Yes" on H.R. 3773, the FISA Amendments Act.

DEAR REPRESENTATIVE: We are writing to urge you to support legislation to amend the Foreign Intelligence Surveillance Act that the House of Representatives will soon consider. The bill, an amendment in the nature of a substitute to H.R. 3773, is a responsible compromise between the House RESTORE Act and the Senate FISA legislation. This compromise includes most of the civil liberties protections in the RESTORE Act while also providing the intelligence agencies the flexibility they need to monitor the international communications of people believed to be abroad. The legislation would replace the Protect America Act ("PAA," Pub. L. No. 110–55), which became law in August 2007 and which expired a few weeks ago.

Like the RESTORE Act, the compromise bill permits authorization of surveillance programs targeting persons abroad who may be communicating with people in the United States. The compromise bill makes it clear that the government does not have to make an individualized showing of probable cause for targeting any person reasonably believed to be abroad, unless that person is a U.S. citizen or green card holder. It provides intelligence agencies great flexibility in adding new surveillance targets to existing authorizations. The compromise bill also makes it clear that no order is required for surveillance of foreign-to-foreign communications. The compromise bill includes no blanket immunity from civil liability for telecommunications carriers who assisted with illegal warrantless surveillance from October 2001 through January 17, 2007, but it does allow carriers to defend themselves against those lawsuits while protecting classified information.

Unlike the PAA, the compromise bill includes significant civil liberties protections that merit your support.

Prior Court Approval. Most importantly, the compromise bill requires court approval of surveillance procedures prior to the commencement of surveillance. Except in emergencies, the compromise bill bars the executive branch from commencing surveillance unless the Foreign Intelligence Surveillance Court ("FISA court") has approved of targeting and minimization procedures designed to protect Americans. The targeting procedures must be reasonably designed to ensure that communications to be acquired will be those of persons reasonably believed to be located outside the United States. The minimization procedures limit the circumstances in which a U.S. citizen or green card holder can be identified when information resulting from intelligence surveillance is disseminated. We are disappointed that under the compromise bill, the authorization for surveillance comes from the Director of National Intelligence ("DNI") and the Attorney General ("AG"), and not from the FISA court, as would have been provided under the RESTORE Act. While we would have preferred the RESTORE Act approach, surveillance under both bills cannot commence unless the FISA court has first approved the procedures under which it would be conducted.

Court Compliance Assessment. The compromise bill explicitly authorizes the FISA court not only to assess the adequacy of surveillance procedures at the front end, but also to assess whether those procedures are being complied with on a going forward basis. It provides that the court shall assess compliance with the minimization procedures it has approved, and it acknowledges that nothing in the bill prohibits the FISA court from having inherent authority to assess compliance with those procedures and other procedures it has approved. While the extent of the court's inherent authority is unclear, we understand that the Administration has agreed that the court has inherent authority to assess compliance.

Prevention of Reverse Targeting. The compromise bill bars the targeting of a person

reasonably believed to be outside the United States for the purpose of targeting a particular, known person reasonably believed to be in the United States. A number of provisions support this bar. They help ensure that surveillance targeted at persons abroad will not be used to circumvent individualized court order requirements that protect Americans from unwarranted surveillance. The bill requires the AG, in consultation with the DNI, to adopt guidelines to ensure compliance with the reverse targeting limitation. Those guidelines must contain criteria for determining whether a ''significant purpose'' of an acquisition is to acquire the communications of a specific, known U.S. citizen or lawful permanent resident reasonably believed to be in the United States. Those criteria must in turn reflect consideration of criteria listed in the bill that tend to show whether a person in the U.S. has become of significant intelligence interest. The guidelines must be submitted to Congress. AG/DNI certifications submitted to the FISA court in connection with authorized surveillance are reviewed by the FISA court for completeness, and must attest that guidelines meeting the reverse targeting limitation have been adopted. The Inspectors General and the AG/DNI both report to Congress on whether the reverse targeting guidelines are being followed.

FISA Exclusivity. The compromise bill takes a significant step toward the goal of clarifying that FISA is the exclusive means of conducting surveillance in the United States for foreign intelligence purposes. It does this by cutting off the argument advanced by the Administration that Congress may implicitly authorize warrantless surveillance when it authorizes the use of force following an attack on the United States, or when it passes other legislation. Under the bill, such authorization would need to be explicit.

Telecom Immunity. Unlike the Senate bill, the compromise bill wisely rejects proposals to grant blanket retroactive immunity to telecommunications carriers that assisted with illegal warrantless surveillance for more than five years following the attacks of September 11, 2001. Telecoms should be immune when they assist surveillance that meets the statutory requirements, and should face civil liability when they assist with requests for assistance with unlawful surveillance. The compromise bill preserves this incentive system, which helps ensure that telecoms prevent unlawful surveillance. In lieu of retroactive immunity, the compromise bill frees telecoms to present in court information tending to show that they complied with the law, even though such information may be subject to the state secrets privilege. It signals the courts that such submissions must be protected from disclosure and should be handled in accordance with the relevant provision of FISA, Section 106(f).

The compromise bill also includes the following significant provisions:

A December 31, 2009 sunset to prompt Congress to reconsider the legislation in a timely manner, and to encourage Executive branch compliance with reporting duties imposed in the legislation and with congressional requests for information;

An Inspectors General audit of post 9–11 warrantless surveillance that may represent the best chance of shedding light on this surveillance, to the extent consistent with national security concerns; and

A requirement for court orders based on probable cause for surveillance of Americans and green card holders who are believed to be abroad, in lieu of the Attorney General certification of probable cause now required by executive order.

For all of these reasons, we encourage you to vote for the compromise bill when it is considered by the House of Representatives. It represents a responsible effort to preserve both liberty and security, and it is legislation the Administration would be wise to support.

For more information, please see our latest policy brief on FISA legislation (http://www.cdt.org/publications/policyposts/2008/3) or contact the Director of CDT's Project on Freedom, Security & Technology, Gregory T. Nojeim, at 202/637–9800 x113.

Sincerely,

LESLIE HARRIS,
President and CEO.
GREGORY T. NOJEIM,
Director, Project on Freedom, Security & Technology.

CENTER FOR NATIONAL SECURITY STUDIES,
Washington, DC,
MARCH 12, 2008.

Re H.R. 3733 Substitute Amending the Foreign Intelligence Surveillance Act.

Hon. JOHN CONYERS,
Chairman, Judiciary Committee,
Hon. SILVESTRE REYES,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR CHAIRMEN CONYERS AND REYES: We write on behalf of the Center for National Security Studies, which is the only organization whose sole mission is to work to protect civil liberties and human rights in the context of national security issues. For more than thirty years, the Center has worked to find solutions that both respect civil liberties and advance national security interests. The Center advocated for constitutional protections in the Foreign Intelligence Surveillance Act when it was first enacted and has litigated and repeatedly testified against unconstitutional government surveillance since then.

We are writing to outline our views on the substitute bill, which we understand will be brought to the floor for a vote this week.

The new bill (H.R. 3773 substitute) is substantially better than the Protect America Act enacted in August or the bill passed by the Senate last month. The substitute contains strong reporting requirements that will ensure that Congress obtains access to the information needed for public and congressional consideration of what permanent amendments should be made to the FISA. At the same time, the bill would authorize the surveillance of Americans' international communications without a warrant in some circumstances where we believe that the Fourth Amendment requires a warrant. However, the bill contains important protections against such unconstitutional surveillance, many of which were not included in the bill passed by the Senate. Given the votes for that severely flawed bill and the Protect America Act, we welcome this substitute as an important step toward restoring constitutional privacy protections and congressional and public oversight.

A. The new bill contains important provisions to establish accountability for the illegal surveillance by this administration as well as guarantees for future oversight. In particular, and unlike the bill passed by the Senate, it contains:

1. A December 2009 sunset so a new Congress will revisit these temporary powers;
2. A required Inspector General audit of all warrantless electronic surveillance and a public report, which will ensure that information about past programs is preserved and reviewed;
3. Better congressional reporting requirements about future surveillance;
4. Creation of a commission appointed by Congress with subpoena power to investigate and report to the American people about the Administration's warrantless surveillance; and
5. No retroactive immunity for the telecommunications carriers that carried out the warrantless surveillance of Americans' communications.

We applaud your efforts to require an accounting of the administration's past illegal surveillance of Americans. The Inspector General audit, the commission, and the other congressional and public reporting requirements would lay the groundwork for the next administration and the next Congress to gain a full understanding of this administration's illegal surveillance, its underlying interpretations of applicable laws, and the impact of any changes to FISA this year. This bill would help ensure that more information, not just the administration's rhetoric and selective disclosures, are made available to Congress, and will give Congress and the American people the opportunity to assess surveillance procedures on the basis of a complete record in 2009. In this connection, we applaud your commitment to revisiting in advance of that sunset date what the substantive standards and procedures for surveillance of Americans should be in order to better protect Americans' constitutional rights and ensure effective national security measures.

B. The bill also contains stronger judicial review procedures than does the Senate bill.

1. It does not contain the rewrite of the definition of ''electronic surveillance'' contained in the Senate bill, which would have weakened even further the FISA's protections for the rights of people in the U.S.
2. It requires judicial review in advance of surveillance except in emergencies.
3. It contains specific protections from the RESTORE Act for Americans' international communications.
4. It requires a court order based on probable cause to target Americans who are overseas. (This requirement is also in the Senate bill.)
5. The bill also reinforces that surveillance must be conducted within the requirements of the FISA or federal criminal law and not at the President's say-so.

In sum, the bill provides many more protections than any proposal the administration has helped draft on these issues, including the bill passed by the Senate last month.

Thank you for your consideration of our views.

Sincerely,

KATE MARTIN,
Director.
LISA GRAVES,
Deputy Director.

MARCH 12, 2008.

GROUPS URGE FURTHER INVESTIGATION OF TELECOM'S ACTIONS BEFORE ANY VOTE ON RETROACTIVE IMMUNITY

DEAR MEMBER OF CONGRESS: Our thirty-four organizations write to support the March 6 Dear Colleague letter on telecom immunity legislation from House Energy and Commerce Committee Chairman John Dingell, Subcommittee on Telecommunications

and the Internet Chairman Edward Markey, and Subcommittee on Oversight and Investigations Chairman Bart Stupak. These respective Chairs urged Congress to uphold its duty to make an informed decision by first learning and evaluating ''all the facts'' prior to any vote on immunity. They specifically referenced a whistleblowing disclosure from Mr. Babak Pasdar whose affidavit was distributed last week to all House offices. We ask the House to support the chairmen and not grant retroactive immunity as part of any bill to amend the Foreign Intelligence Surveillance Act.

The Dear Colleague letter summarized a threat to privacy rights that is the bottom line in Mr. Pasdar's affidavit: That an unnamed major wireless telecommunications carrier may have given the government unmonitored access to data communications from that company's mobile devices, including e-mail, text messages, and Internet use.

Mr. Pasdar's statement describes a mysterious ''Quantico Circuit'' with apparently unfettered access to this carrier's mobile device data network as well as its core business network, which includes billing records and fraud-detection information. The other end of that Quantico Circuit may have had capabilities to physically track the whereabouts of innocent subscribers and monitor communications and other personal, behavioral habits. Yet, according to Mr. Pasdar, the line was configured so that the carrier could have no record of what information had been transmitted. Of equal concern was his allegation that there was no security to protect this line—an unheard of vulnerability in a carrier environment.

Mr. Dingell, Mr. Markey, and Mr. Stupak are right. Mr. Pasdar's concerns are strikingly similar to those raised by another whistleblower, Mr. Mark Klein from AT&T. Their combined disclosures raise grave questions. For example, who was at the other end of the Quantico Circuit, and what information have they been obtaining? Does such access comport with long-standing federal law? Is the circuit legal? Is its apparent lack of security legal or wise? How long has it been in operation? Who paid for construction and operation of the Quantico Circuit? Was the telecom paid by its recipients for using the circuit? What were the terms?

You must get answers to these questions to make an informed decision about what the Senate's broad retroactive telecom immunity provision would sweep in. Congress should schedule hearings and exercise any other investigative authority necessary to determine the truth about our privacy and telecom companies—before Congress votes on any bill that would give amnesty to these companies.

We urge you not to retreat on the immunity issue in the face of Administration scare tactics. A rush to judgment would not improve national security, and would unnecessarily jeopardize our rights to privacy. Four experts and former aides to the current Director of National Intelligence explained last week that alternate authority exists under current law to continue ongoing surveillance for up to a year, as well as to obtain new approvals as needed. No special immunity is needed, as the FISA court can order telecoms to cooperate with lawful foreign intelligence surveillance.

If Messrs. Pasdar and Klein are telling the truth, they have described the tip of an iceberg. Congress must find out what is underneath. Accordingly, we urge you to investigate these matters fully and not grant retroactive immunity in the meantime.

Sincerely,

Christopher Finan, President, American Booksellers Foundation for Free Expression; Nancy Talanian, Director, Bill of Rights Defense Committee; Chief Gary Harrison, Chickaloon Village, Alaska; Lyn Hurwich, President, Circumpolar Conservation Union; Jesselyn Radack, Coalition for Civil Rights and Democratic Liberties; Matthew Fogg, Congress Against Racism and Corruption in Law Enforcement (CARCLE); Ben Smilowitz, Disaster Accountability Project; Dr. Jim Murtagh, Doctors for Open Government (DFOG); Jim Babka, President, DownsizeDC.org, Inc.; John Richard, Director, Essential Information.

George Anderson, Ethics in Government Group, (EGG); Mike Stollenwerk, Fairfax County Privacy Council; Steven Aftergood, Project Director, Federation of American Scientists; Conrad Martin, Executive Director, Fund for Constitutional Government; Gwen Marshall, Co-chairman, Georgians for Open Government; Tom Devine, Legal Director, Government Accountability Project; James C. Turner, Executive Director, HALT, Inc.—An Organization of Americans for Legal Reform; Helen Salisbury, MD, Health Integrity Project; Scott Armstrong, President, Information Trust; Michael Ostrolenk, National Director, Liberty Coalition.

Dr. Janet Chandler, Co-Director, TAF Mentoring Project; Joan E. Bertin, Esq., Executive Director, National Coalition Against Censorship; Zena D. Crenshaw, Executive Director, National Judicial Conduct and Disability Law Project, Inc.; Mike Kohn, General Counsel, National Whistleblower Center; Ron Marshall, Chairman, The New Grady Coalition; Sean Moulton, Director, Federal Information Policy OMB Watch; Patrice McDermott, Director, OpenTheGovernment.org; Darlene Fitzgerald, Patrick Henry Center; David Arkush, Director, Congress Watch Public Citizen; John W. Whitehead, President, Rutherford Institute; Daphne Wysham, Director, Sustainable Energy and Economy Network; Kevin Kuritzky, The Student Health Integrity Project (SHIP); Jeb White, President, and C.E.O., Taxpayers Against Fraud; Dane von Breichenruchardt, President U.S. Bill of Rights Foundation; Linda Lewis, USDA Homeland Security Specialist (retired).

Mr. Speaker, I now yield the remaining time to the gentleman from Massachusetts (Mr. TIERNEY), a valued and distinguished member of the Intelligence Committee.

Mr. TIERNEY. Mr. Speaker, over history, and particularly since 1970, we have been able to find balance of getting the necessary intelligence collection and also having the protection of our liberties and our constitutional rights; through wars, in fact through the Cold War, which are much more severe existential threats than we see today, to a Cold War where we had nuclear powers that we thought were ready to attack us. We didn't know when and we didn't know to what degree. We never found it necessary to totally abdicate our constitutional rights and privileges. It is unnecessary for us to do that. It is shameful that some think that now is an opportunity for us to do that.

The legislation before us today allows us to, in timely ways, collect all of the intelligence we need. It allows us to do it before a court order in cases of emergency. It allows us to do it without delay. It allows us to have provisions for oversight. It allows us to do everything to protect this country and it protects our civil liberties.

We have a situation with phone companies now wanting immunity. They've always had immunity. The question is did they go for it. Did they have a court order or did they have the proper certification? Why won't the White House let all Members of Congress see that? It would answer the questions if they saw the documents.

All Members of Congress should see the Presidential order and discuss whether the breadth and scope was so breathtaking that they would rush to make sure that courts intervene to make sure we had the constitutional protections there and make sure that we saw the memos that were there for legal justification and whether or not they weren't farcical in some respects and make sure that we saw what went on between the companies and the administration.

If the companies think that they have reason to believe that, despite the fact that they didn't take advantage of their immunity provisions, they still have a claim of defense, we've provided a way for them to go to court so they can make that case. Going forward, they have immunity and a way to protect themselves in the past.

Let's get over the nonsense and pass this law.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Judiciary Committee and a member of the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, oftentimes what is said on this floor reveals the differences between the two parties or the difference between the two approaches. The gentleman who just spoke before me made an allegation about the breathtaking and overwhelming nature of the President's request for information. Frankly, I thought what was at stake at the time was the breathtaking and overwhelming threat that this Nation faced after 9/11. That's what the President was responding to. That's what the President utilized in his request of American companies that come to the aid of their country. And here we stand saying we cannot reward them except to give them lawsuits.

The gentleman from Texas (Mr. REYES) says if the companies are innocent, as if there is some question. I sat

through all of those briefings. There is, in my judgment, not one iota of evidence that the companies acted inappropriately whatsoever. Not one iota of evidence sitting there after question after question after question; yet, on this floor, we raised the very question of those companies by saying if they are innocent. And what does Mr. REYES say? If they are innocent, then it will be decided the good old American way: Go to court.

Well, I'm a lawyer, but I don't think most Americans think the American way in every instance is to go to court. If you look at the legislation we have before us, it is rewarding the Good Samaritans with a lawsuit.

There is a fig leaf here, yes. Now the majority side says, You know, there is a problem that we have to address with respect to telecommunications companies. That's progress, because when we were arguing on the floor with your previous provisions, you didn't even admit that. Now you do it, and now you say we are going to take care of it by the State's secrets doctrine and by going to a secret court proceeding.

It is a fig leaf to allow Members to vote for a bill you know is never going to become law. It is not effective. How do I know? Twenty-five attorneys general of the United States say it doesn't work. They say support the provision that's contained in the Senate bill. Democrats and Republicans alike from Texas, from North Carolina, from Oklahoma, from Florida, from Alabama, Arkansas, Alaska, Colorado, Georgia, Idaho, Indiana, Kansas, Maryland, Michigan, Nebraska, New Hampshire, North Dakota, Rhode Island, South Dakota, Virginia, West Virginia, Washington, Utah, South Carolina, and Pennsylvania.

No, Mr. Speaker, the President is not wrong. No, Mr. Speaker, he is not doing this to protect himself. He's doing it as these attorneys general of the United States recognize to allow us to go forward in protecting the American people.

Don't harm these telecommunications companies with friendly fire.

Mr. CONYERS. Mr. Speaker, it's my privilege to yield the balance of our time to the majority leader, STENY HOYER, whose legal expertise has held him in good stead over the months that we've worked on the Foreign Intelligence Surveillance Act.

Mr. HOYER. Mr. Speaker, this is indeed an important day for our country, for the House of Representatives, and for the American people. An important day because we focus on the protection that we owe to our people and to our country, not only from terrorists but from those who would undermine the Constitution of the United States.

Let me just briefly put in context where we are today some 7 years and 2 months after the start of this administration. From 2001 to 2006, the President of the United States did not veto a single bill. Why did he not veto a single bill? Because the Congress would not send him a bill that he did not want sent to him. It was a complacent, complicit Congress. And as a result of that complacency of the representatives of the American people, the administration came to believe that it could do anything it wanted without oversight or accountability.

And because of that, when we were put at risk by 9/11, the administration's response, perhaps led by the Vice President, was that we do not need to follow the law. There was a law in place. It's still in place. It still provides for the protection of the American people. It's called the Foreign Surveillance Intelligence Act. But as too often has been the case in this administration, they chose not to follow the law. They chose, instead, to follow their own predilections. And that's why we are here today.

In addition to that, we were in a condition where technology had changed. The administration was absolutely correct on that point. And both the Intelligence Committee in the Senate and the Intelligence Committee in the House knew they had to respond to that. As a matter of fact, Mr. HOEKSTRA and Ms. HARMAN, as the chairman and ranking member, and Mr. Goss prior to that, knew that we had to move towards that. That is now a result of the legislation we see before us.

My good friend and distinguished colleague, the former attorney general of the State of California who's been in this body for some years. He was here, then he went back to California. He read from the letter of the attorneys general. One of them was Maryland. I talked to him yesterday.

Sometimes people put letters in front of us that are not accurate and we don't check all of the facts. I presume that the other attorneys general that were presented with this letter are in the same position.

Let me read from this letter: ''Senate Intelligence Committee Chairman John D. Rockefeller authored S. 2248 to solve a critical problem that arose when the Protect America Act was allowed to lapse on February 16, 2008.'' Hopefully, everybody in this body knows that information is inaccurate. Senator ROCKEFELLER started to draft his legislation, and the Senate Intelligence Committee, long before February of 2008, the House Intelligence Committee and the House Judiciary Committee and Senate Judiciary Committee, long before that ever happened. That information is inaccurate. I don't hold the attorneys general personally responsible for that inaccuracy. But I will tell you, my own attorney general, a signatory on this letter, had been misinformed. That's unfortunate.

I presume by the association, the overwhelming majority of these attorneys general are Republicans, but I don't think it was a partisan letter, per se, but it is shocking to me that an attorney general of a State in this country would say, ''whatever action is necessary to keep our citizens safe.'' There have been those down through history who, when we have been at risk, have said whatever action we take is justified, and the Constitution has suffered in that process.

We have a responsibility to do both, not just one. The attorneys general in their letter also said this: ''Intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries.'' That is categorically false. I do not believe that any one of the attorneys general that signed this letter believed it to be false, but it is wrong. They are misinformed.

We have an opportunity today to move this process forward to protect America and protect our Constitution. Senator ROCKEFELLER, the chairman of the Senate Foreign Intelligence Committee, a committee from the Senate, passed a bipartisan bill. And I am so interested to hear all of the Members on the Republican side talk about how a Senate, bipartisan-passed bill ought to pass this House.

My, my, my. If Congressman DeLay were here now, he would turn over in his seat. His premise was the Senate doggone well ought to pass House bills and not ask any questions. That was his position. He had no intent to pass, no matter how bipartisan a Senate bill was, Tom DeLay had no use for talking to Senate Republicans about what he ought to pass.

And by the way, if the President said pass it, if it was the Patients' Bill of Rights that he didn't want and it passed the Senate and the House, it didn't pass out of the conference committee because the President didn't want it. And by the way, on the prescription drug bill that a large number of your caucus was against, you passed anyway. It took you 3 hours to vote it, but you passed it. And so many of your Members came kicking and screaming to the final result and lament that vote this very day, and all of you on that side of the aisle know it. Not all of you, but a large number.

Our responsibility is not to take a Senate bill or a House bill at face value. It is to exercise our best judgment to serve the American people as best we can.

□ 1345

I will close with this: Senator ROCKEFELLER, the chairman of the committee, strong proponent of the bipartisan bill, said this on March 11, 2008, just a few days ago:

''Today's House proposal reflects progress in bringing the two bills together, and it is a step in the right direction.'' He concluded his statement

by saying this: ''As soon as the House sends us this new bill, we will once again roll up our sleeves and get back to work on a final compromise that the House, the Senate, and the White House can support.''

Ladies and gentlemen of this House, that's what the Founding Fathers had in mind when they created the House of Representatives and the United States Senate and they gave to the President of the United States a role in the legislative process. We have an opportunity today to serve the protection of our country, the interception of communications dangerous to our people, and to uphold our oath to preserve and protect the Constitution of the United States. Let us take that opportunity.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 3773. This bill reestablishes the role of the Court into foreign surveillance if and when a U.S. person becomes a target of such surveillance. H.R. 3773 also authorizes the FISA court to review the ''minimization'' procedures used by intelligence agencies regarding the use of material that has been inadvertently intercepted. Moreover, this bill authorizes the FISA court to also review the ''targeting'' procedures that involve U.S. persons. Finally, the bill creates a commission to review the President's previous warrantless surveillance program and to report to Congress. It is important to note that H.R. 3773 contains no retroactive immunity for the telephone companies for their past accommodation to intercept the communications of U.S. persons without a court order.

After the terrorist attack on September 11, 2001, our security agencies worked to improve their intelligence operations to ensure that such a plot could never again be executed on U.S. soil. However, this Administration, rather than assessing the need to make adjustments to surveillance authorities, embarked upon an unauthorized secret program authorized by nothing more than Executive fiat and clearly outside of the Foreign Intelligence Surveillance Act, FISA. The telecommunication industry was directed to comply with demands of the Administration with or without the requisite authority. Some telecommunications companies complied some did not.

Despite repeated requests from Democratic Members of Congress for the Administration to assess the limitations of the existing FISA law and to request necessary changes, the Administration refused to do so. Only after James Risen in 2006 exposed the fact that the Administration had been engaged in a massive domestic spying operation did the Administration begin to address the need to reconcile the program with some semblance of statutory authority. To that end, last summer the Administration identified a change in technology that warranted a change to the law. The change in the telecommunications industry has placed nodes and other technological backbones on U.S. soil regardless of the flow of information. Consequently, many foreign-to-foreign communications pass through the U.S. without involving U.S. persons. This technological ''touch down'' under existing law would require a court order and needed to be changed.

From that request for a technical change, the Administration, with the assistance of the Republicans in Congress, launched an initiative to virtually remove court orders for the surveillance of American persons. Moreover, the Administration launched an additional initiative to provide blanket retroactive immunity for all the phone companies and ISPs that intercepted communications in the absence of a legal authorization. This immunity was demanded without the disclosure of the acts that would be subject to such immunization. Currently, there are almost 40 lawsuits pending that have challenged the legality of the President's unauthorized surveillance program.

All of these past cynical efforts to engage in an illicit surveillance program have now transformed into a campaign to engage in a widespread cover-up of past illegalities. The Republicans and the President cloak their surreptitious activity in a cloak of national security. However, the American people know better. We all want to stop terrorism. We all agree that foreign-to-foreign communications should be intercepted without needing a court order. We all agree that merely because such a communication is transported through a device that sits on U.S. soil, it should not impose any impediment to the surveillance of these communications. Where we disagree is in the need to carry on an illegal program, to defy any accountability and then come to Congress to seek legislation that is purely designed to conceal wrongdoing.

The bill before us today accomplishes the following:

Provides for surveillance of terrorist and other targets overseas who may be communicating with Americans.

Requires the FISA court to approve targeting and minimization procedures—to ensure that Americans are not targeted and that their inadvertently intercepted communications are not disseminated. These procedures must be approved prior to surveillance beginning—except in an emergency, in which case the government may begin surveillance immediately, and the procedures must be approved by the court within 30 days. (This may be extended if the court determines it needs more time to decide the matter.)

Provides prospective liability protection for telecommunications companies that provide lawful assistance to the government.

Requires a court order based on probable cause to conduct surveillance targeted at Americans, whether inside the United States or abroad.

Requires an Inspector General report on the President's warrantless surveillance program.

Prohibits ''reverse targeting'' of Americans.

Explicitly establishes FISA Exclusivity—that FISA is the exclusive way to conduct foreign intelligence surveillance inside the U.S. Any other means requires an express statutory authorization.

Sunsets these authorities on December 31, 2009 (same as the PATRIOT Act sunset).

Moreover, this bill is as important for what it does not contain, i.e. retroactive immunity. This bill does provide telecom companies a way to present their defenses in secure proceedings in district court without the Administration using ''state secrets'' to block those defenses. Finally, this bill also establishes a bipartisan, National Commission—with subpoena power—to investigate and report to the American people on the Administration's warrantless surveillance activities, and to recommend procedures and protections for the future.

We all want to prevent the acts of terrorism. However, some of us believe that we can protect our Nation without throwing away all of the rules that have been designed to protect the Constitutional rights of Americans. The scare tactics that have been used by this Administration to further cloak their illegal programs are reprehensible. What is more is that these tactics are not even marginally credible.

The President's national security programs by and large have been a failure, his misadventure into Iraq on a quest for nonexistent weapons of mass destruction have led us on a path of a substantial loss of life, resources and moral standing in the world. Moreover, it has diverted our attention from those who did attack us on 9/11, Al-Qaeda and its Taliban allies who are regrouping and strengthening, according to declassified U.S. intelligence estimates, along the Afghanistan-Pakistan border. In addition, the President's authorization to use torture on U.S. soil, as well as outsourcing it to foreign countries, by way of rendition, has compromised the security of our troops and diplomatic corps around the world. These practices have done much more to compromise our national security than to protect it. For these reasons, the President is not in a position to invoke national security on any grounds and certainly not to justify a warrantless domestic spying program and retroactive immunity for those who were complicit in this activity.

Mr. BLUMENAUER. Mr. Speaker, over the past few months, we've had a lot of back and forth on this issue. For those who have been at the table, I want to express my appreciation for your hard work and the quality of your debate. I am proud of the fortitude displayed by the Speaker and the Intelligence Committee during this process: There will be no blanket immunity for telecom companies, there will be a two-year sunset, and there will be a commission to thoroughly investigate this administration's shameful wiretapping program.

For the past seven years I have been highly critical of Republican wiretapping legislation. I have voted against past efforts to expand the ability of this administration to intrude in the lives and privacy of innocent citizens. Most recently, I supported the expiration of the Protect America Act because I am confident that the dedicated members of the intelligence community do not need to violate the rights of Americans in order to protect them.

The bill before us will not solve every potential abuse of FISA, but it does provide stronger legal protections for Americans and introduces a measure of oversight. As this issue continues to play out into the future, it is my hope that our next steps will include even stronger protections for innocent Americans, clearer legal standards for FISA to judge surveillance procedures, and explicit requirements for the destruction of unnecessary data.

Ms. MATSUI. Mr. Speaker, liberty and security are not mutually exclusive. Quite the opposite; they go hand in hand.

The FISA Amendments Act recognizes this reality. This legislation is a balanced compromise that protects our country and ensures that our basic American freedoms remain intact.

Our great country is founded on civil liberties, and secured by our intelligence community.

Much of what keeps us safe is our commitment to upholding the values of freedom and liberty.

All the security in the world is meaningless if we fail to protect the values that make our country worth defending in the first place.

If we surrender the basic principles that make us who we are, we will forever change what it means to be American.

Mr. Speaker, I know what can happen when we abandon our core American values. I was born in an internment camp, and my own family suffered the consequences when our country succumbed to the rhetoric of fear.

That was a dark time in our Nation's history—one we cannot afford to repeat.

That is why the legislation before us today is so important.

It protects the liberties that we cherish, liberties that are the birthright of every American citizen.

At the same time, it recognizes the need for the surveillance of our enemies.

It gives our intelligence agencies the tools necessary to keep us safe, and provides strong legal clarity for the intelligence community.

The compromise solution we have negotiated also allows telecommunications companies to defend themselves in a court of law.

It takes Congress out of the equation and puts legal decisions back where they belong: in the court system.

I am confident that this process will result in a fair solution to the civil cases that have been brought against these companies.

That is why this balanced legislation deserves the support of every Member of this House.

This bill will keep us safe, and it will keep us free.

I urge passage of the FISA Amendments Act of 2008,

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my cautious support for this House amendment to the Senate-approved version of H.R. 3773, the FISA Amendments Act of 2008. I extend my gratitude for the hard work that Chairmen CONYERS and REYES have put into this legislation, as well as Speaker PELOSI and Majority Leader HOYER for their efforts to negotiate with the Senate to work out the differences between the different approaches to update the Foreign Intelligence Surveillance Act [FISA] of 1978.

We will never forget the awful terrorist attacks of September 11, 2001, on our country. And we must keep in mind there are still those who wish to do us harm as we authorize essential surveillance authorities balanced by the civil liberty protections ensured by our Constitution. It is disappointing that the Bush Administration and our Republican colleagues have refused to participate in negotiations to date, but I am hopeful that with this new bill approved by the House, we can quickly work out our honest differences to provide our intelligence and law enforcement agencies with the tools required to monitor potential agents with terrorist intentions against the United States.

This bill is a step in the right direction, but I have serious reservations with certain provisions that I urge Congress to promptly resolve in the coming weeks. I strongly believe in the merits of the Senate-approved FISA legislation drafted by Chairman ROCKEFELLER and Ranking Member BOND, and I support a final bill that includes the following provisions: Require individualized warrants for surveillance of U.S. citizens living or traveling abroad; clarify no court order is required to conduct surveillance of foreign-to-foreign communications that are routed through the United States; provide enhanced oversight by Congress of surveillance laws and procedures; compel compliance by private sector partners; review by FISA Court of minimization procedures; and targeted immunity for carriers that allegedly participated in anti-terrorism surveillance programs.

As a District Attorney for 12 years, I understand the importance of cooperation with private-sector partners in law enforcement matters. Without their cooperation in times of emergency, the community I was sworn to protect would be less safe and secure. The National Sheriffs' Association, the International Association of Chiefs of Police, the Fraternal Order of Police and the National Troopers Coalition have all expressed their support for the targeted immunity that the Rockefeller-Bond FISA bill would provide. Key members of the 9/11 Commission have also voiced their support for the Rockefeller-Bond FISA bill. 9/11 Commission Co-Chair and former Congressman Lee Hamilton wrote that: "To the extent that companies helped the government, they were acting out of a sense of patriotic duty and in the belief that their actions were legal. Dragging them through litigation would set a bad precedent. It would deter companies and private citizens from helping in future emergencies. . . ." 9/11 Commissioner and former Senator Bob Kerrey affirmed that sentiment when he stated: "We wrote in the 9/11 Commission report that 'unity of purpose and unity of effort are the way that we will defeat this enemy and make America safer for our children and our grandchildren.' We cannot hope to achieve such unity of effort if on the one hand we call upon private industry to aid us in this fight, and on the other allow them to be sued for their good-faith efforts to help."

I agree with the 21 state attorneys general who wrote in a December 11, 2007, letter to Senate leadership: "The provisions of [Rockefeller-Bond] are consistent with existing, longstanding law and policy. Congress has long provided legal immunity for carriers when, in reliance on government assurances of legality or otherwise in good faith, they cooperate with law enforcement and intelligence agencies . . . provisions of S. 2248 would . . . establish a thoughtful, multi-step process involving independent review by the Attorney General and the courts that, only when completed, would lead to dismissal of the claims."

Congress must continue the hard work of negotiating a suitable compromise that equips our intelligence agents with the tools they need to protect our country, while ensuring that our civil liberties—which make us the greatest nation in the world—remain protected.

Mr. DINGELL. Mr. Speaker, I voted against the original Patriot Act, I voted against the reauthorization of the Patriot Act in 2005, I voted against the President's Protect America Act that was signed into law last August, and I remain prepared to vote against any legislation that does not adequately protect our constitutionally guaranteed civil rights. I have some concerns about this legislation. I don't believe it is perfect. However, I am prepared to vote in support of it today as a sign that we in the House are prepared to negotiate a bipartisan solution that will end the deadlock on this issue.

I note that the President has already rejected this overture, and once again insisted that he will veto any bill that does not grant blanket amnesty to the telecommunications companies that are alleged to have assisted the Bush Administration in conducting illegal warrantless wiretap programs. It is unfortunate that the President has taken this position, but I can assure him that there are those of us who will not be moved by his intransigence.

I have repeatedly asked the Bush Administration to provide me with a briefing about the warrantless wiretap programs that took place without Congressional authorization so I could determine for myself whether amnesty is justified, and these requests have been repeatedly denied. After seven years of lies and obfuscation, I refuse to take the President at his word that amnesty for telecommunications companies is in the best interest of the American people, and I refuse to vote for amnesty until I am given the opportunity to review the evidence supporting it.

Mr. NADLER. Mr. Speaker, I rise in strong support of H.R. 3773, the FISA Amendments Act. This carefully crafted legislation gives our intelligence agencies all the tools they need to protect our country, while protecting our fundamental civil liberties.

Mr. Speaker, let us be clear about what this legislation does not do. It does not require individual warrants for the targeting of foreign terrorists located outside the United States. For three decades, that has been the law, and it will still be the law under this bill. There is no dispute about this.

The bill starts with the recognition that the intelligence community needs to surveil all members of a terrorist group—once that group is identified. Any suggestion that it requires individualized warrants to intercept communications of terrorists overseas is wrong.

The bill maintains the traditional requirement of a warrant when our intelligence agencies seek to conduct surveillance on Americans. And because some foreign surveillance may record conversations with Americans, the bill requires that, when the Government proposes to undertake surveillance of a foreign group or entity, it must first apply to the FISA court, except that, in an emergency, the surveillance can begin immediately, and the court can consider the surveillance procedures later.

In both this bill and the Senate bill, the Government has to inform the court of the procedures it will use to ensure that it is targeting only foreigners overseas and how it will "minimize" domestic information it might inadvertently pick up. The only real difference is that

the Senate bill lets them listen first, then go to the court within 5 days. This bill requires that they go to the FISA Court first. But in an emergency, we give them 7 days to listen before they go to the court. So will someone please tell me how this minor difference between the bills somehow gives rights to terrorists?

There is one thing that this bill does not do, and this great body must not do—provide blanket, retroactive immunity to the telecommunication companies that assisted in the President's warrantless wiretapping program. Such a move would fly in the face of our notions of justice.

Mr. Speaker, in the last few weeks, we have heard countless assertions from our colleagues on the other side that are false and misleading. They claim that we allowed the Protect America Act to expire—when it was the Republicans who blocked attempts to extend that legislation temporarily. And they continue to claim that retroactive immunity for the telecom companies is necessary for the security of the country. But they have failed to provide any evidence for that claim.

The telecom companies aided the Administration's surveillance program. Some people—American citizens—believe their constitutional rights were violated, and brought suit against the government and the telecom companies. There are two narratives here. One is that the telecom companies patriotically aided the Administration in protecting Americans from terrorists. The other is that the telecom companies conspired with a lawless Administration to violate the Constitutional rights of Americans. Which of these narratives is correct is for a court to decide.

It is not the role of Congress to decide legal cases between private parties. That is why we have courts. If the claims are not meritorious, the courts will throw them out. But if the claims do have merit, we have no right to dismiss them without even reviewing the evidence.

We are told that the telecom companies should not be subject to lawsuits for doing their duty. But whether they were doing their duty, or abusing the rights of Americans, is precisely the issue. And that is a legal issue for the courts to decide.

In any event, the existing law, in a wise balance of national security and constitutional rights that this bill does not change, already provides absolute immunity to the telecom companies if their help was requested, and if they were given a statement by the Attorney General, or various other government officials, stating that the requested help did not require a warrant or court order and would not break the law. They have immunity whether those statements were true or not. They can rely absolutely on the government's assertions.

So why do they think they need retroactive immunity? Because of the Administration's sweeping assertion of the ''state secrets'' doctrine, which has prevented the companies from claiming their immunity.

Title II of this bill will allow the telecoms to show the courts, in a secure setting, if they were obeying the law or if they weren't. It will allow the telecom companies to assert their immunity in court, and to present the relevant documents and evidence to the court in a secret session that protects any ''state secrets.'' The courts can then judge whether the telecom company obeyed the law—in which case it has complete immunity—or whether it did not. And, I remind you, that ''following the law'' means simply obtaining a statement from the government that the company's help is needed, and that the requested help does not require a court order or violate the law. A company that assisted in spying on its customers without getting that simple assurance does not deserve immunity.

Mr. Speaker, this bill gives our intelligence agencies what they say they need. But it also demands that their extraordinary powers be used properly, and that they follow our laws and our Constitution. This bill will help limit this Administration's disregard for the rule of law. It is a carefully crafted measure, and deserves the support of every member in this body.

Mr. UDALL of New Mexico. Mr. Speaker, for the past several months, Congress has debated one of the most important issues that we face: the struggle to protect America while preserving the guaranteed liberties that make America great. During this vital discussion, some argued that Congress should stop deliberating and pass a reckless proposal that would unnecessarily sacrifice our constitutional rights. I disagreed. The legislation we discuss today, which was the product of deep deliberation and compromise, will keep America both safe and free. It is a credit to this House and to the American people.

Today's legislation contains a number of carefully crafted provisions intended to protect the civil liberties of Americans at home and abroad while ensuring that the intelligence community can do its job. The wisest decision the House made in this bill was to grant telecommunications companies an opportunity to defend themselves in a confidential FISA court trial. This is in stark contrast to the administration's attempt to provide retroactive immunity for telecommunications companies that may have violated the law. The Bush administration claims that the telecommunications companies have evidence that would exonerate them but cannot be revealed in court because of confidentiality concerns. Our bill ensures that the American people will get their day in court and the companies will have the chance to defend their actions. This compromise is fair to the companies and to those whose rights they may have violated.

I believe we can protect our Nation while upholding the values that make America a beacon of hope to people around the world. America is strong because we are a nation of freedom and a nation of laws. By refusing to grant blanket immunity to those who violated Americans' rights, the House reaffirms the rule of law and the importance of liberty. The Senate should follow our lead.

Mr. KUCINICH. Mr. Speaker, I rise today in opposition to the FISA Amendments Act of 2008.

This legislation is a commendable improvement over the irresponsible Protect America Act passed by this body in August. I am thankful that this new bill does not include retroactive immunity for telecommunication companies. However, the bill still falls short of ensuring the protection of the fourth amendment rights of U.S. citizens.

Blanket warrants, institutionalized by the Protect America Act, will continue with the enactment of the FISA Amendments Act. There is a legitimate concern that surveillance of persons abroad can potentially infringe on the fourth amendment rights of U.S. citizens.

These blanket wiretaps make it impossible to know whose calls are being intercepted by the National Security Agency, which increase the likelihood that the civil liberties of innocent U.S. citizens will be violated.

Specifically, in Section 101(702)(i) appears to include a review process of ''Certifications and Procedures'' but these procedures are of a broad nature, make no connection to specific individuals, provide for no showing of wrongdoing and contain no explanation of how collection procedures will actually work. Consequently, the bill fails to uphold standard fourth amendment judicial involvement.

Section 101(702)(g)(3) states that ''a certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.''

Our county's fourth amendment provides that targets of search and seizure should be stated with particularity. The particularity requirement limits the scope of the search by assuring U.S. citizens whose property is subject to a search is, according to the Congressional Research Service, ''being searched of the lawful authority of the executing officer and of the limits of his power to search. It follows, therefore, that the warrant itself must describe with particularity the items to be seized, or that such itemization must appear in documents incorporated by reference in the warrant and actually shown to the person whose property is to be searched.''

Under current law, reviews conducted by the FISA court do not receive names of targets or organizations which already places some limitation on particularity. But this bill appears to allow the Government to go even further by applying for very broad, year-long authority to issue directives to companies to comply with Government searches as they see fit. This broad authority is reminiscent of the current administration's secret spying program.

Furthermore, Section 101(702)(g)(2)(v) states that a requirement of certification for the targeting of certain persons outside of the United States is that ''a significant purpose of the acquisition is to obtain foreign intelligence information.'' FISA warrants already have a lower threshold of ''probable cause'' than criminal ''probable cause'' because the targets are assumed to be terrorist. The language in this section of the bill eliminates the need to find any wrongdoing whatsoever. Because, in the words of the Congressional Research Service, ''[t]he concept of ''probable cause'' is central to the meaning of the warrant clause'' of the fourth amendment, there are grave concerns about the erosion of our civil liberties.

In sum total, allowing the administration to run a surveillance program of such a broad and undefined nature qualifies as ''unreasonable'' under the fourth amendment. Although the purpose of the bill is to target foreigners abroad, by picking up calls coming into and out of the U.S., the program is not targeted at

individual terrorists and individualized court orders are not required. The bill ensures that all targeted international communications are not covered by the fourth amendment even if a U.S. citizen is involved. The rights guaranteed by the fourth amendment dictate that the Government must have cause to spy on U.S. citizens. But the language in this bill ensures that the Government can spy on U.S. citizens who participate in international communications if there is no cause. If we permit our constitutional rights to be watered down out of fear, we have given up our democracy. Congress must stand firm and defend the Constitution.

Mr. BUTTERFIELD. Mr. Speaker, I rise today to speak on the FISA Amendments Act. The most controversial element of this legislation is the absence of retroactive immunity for telecommunications companies. As we continue this debate, I urge my colleagues to consider the unique circumstances telecommunications companies faced after the events of 9/11. I believe that their cooperation with the government was undertaken in good faith and with an objectively reasonable belief that such assistance was lawful. I applaud this legislation, but urge careful consideration of the issue of retroactive immunity.

Mr. UDALL of Colorado. Mr. Speaker, I support this measure for two reasons.

First, I will support it because, as I have consistently said, I do think the basic law in this area—the Foreign Intelligence Surveillance Act, or FISA—needs to be updated to respond to changes in technology, which was the purpose of the current, temporary law.

That is why, last August, I voted for a bill (H.R. 3356) to provide such an update—a bill that was supported by a majority of the House, but did not pass because it was considered under a procedure that required a two-thirds vote for passage, which did not occur because of the opposition of the Bush Administration, which was supported by all but 3 of our Republican colleagues. That is also why I voted for another bill to update FISA—H.R. 3773, the ''Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective'' (or RESTORE) Act—which the House passed on November 15th of last year.

Second, I will support it because I think it is distinctly better than the version the Senate passed—as an amendment to the House-passed RESTORE Act—on February 12th.

It does include some good features of the Senate version, including provisions that for the first time will provide statutory requirement that surveillance of the communications of Americans overseas will be done pursuant to appropriate orders of the courts.

But it differs from the Senate version in some important ways, particularly in the way it addresses the current lawsuits brought against several telecommunications companies by parties who claim that the companies acted wrongly by assisting with a surveillance program involving the massive interception of purely domestic communications.

Those lawsuits have been consolidated and are pending in one court, but evidently have made little progress because of the Administration's argument, still awaiting court resolution, that the suits are barred because they involve state secrets. My understanding is that the defendant companies have argued that government's invocation of the state-secrets privilege has had the result of preventing them from defending themselves, although at least one company has stated in regulatory filings that the cases against it are without merit.

President Bush has insisted that Congress throw these cases out of court by giving the companies retroactive immunity for whatever they might have done in connection with the surveillance program, even though the Administration and the companies themselves insist that those actions were lawful and that the plaintiffs' complaints against the companies have no merit.

Regrettably, last month the Senate decided to comply with the President's demand on this point, and their version of this legislation would provide that retroactive immunity.

I do not think that was the right decision. I agree with the Rocky Mountain News, which in a February 15th editorial said ''Letting this litigation proceed would not, as Bush [has] said . . . punish companies that want to 'help America.' Businesses that want to help America need to be mindful of the Constitution—and so should the government.''

That is why I think the approach taken in the measure before us is better. Unlike the Senate version, it would not short-circuit the court by preventing the cases from proceeding. Instead, it would allow the defendant companies to defend themselves by freeing them from the ''state secret'' barrier erected by the Bush Administration.

Under the measure before us, the defendants will be able to demonstrate to the court the evidence they say supports their arguments in a way that assures the continued security of that evidence and that avoids the public disclosure the Administration says would be adverse to the national interest. This is a process that has worked well in criminal cases, and while I am certainly not an expert on the matter, I think it can work when applied to these civil cases.

Mr. Speaker, I think it is a matter of basic fairness to allow the companies now being sued, and those that may be sued in the future, to fully defend themselves and to try to show the court why, as the defendants in the current cases claim, they are already immune under existing law.

That is what this measure does—and, in fact, it does more.

Unlike the Senate version, it will protect the companies from lawsuits for compliance with valid authorizations under the temporary surveillance law (the ''Protect America Act'') passed last August for the period between the expiration of that law (but not the underlying authorizations) and the enactment of more lasting FISA reform legislation.

I strongly approve of that aspect of the legislation because while I did not support its original enactment, I do regret the fact that the temporary law was allowed to lapse.

I thought it should have remained in effect while we in Congress work to replace it with a longer-lasting statute. That was why earlier this year, I twice voted to extend it—first, by passage of a 15-day extension (H.R. 5104) and then by voting for a bill (H.R. 5349) that would have provided a further 21-day extension.

Regrettably, that second extension did not occur. Its failure was because of the opposition of President Bush and the resulting fact that all our Republican colleagues here in the House, who voted against the extension and thus allowed the ''Protect America Act'' to lapse—a fact that has been conveniently ignored by many of those who have sponsored television commercials or otherwise complained about that lapse.

In any event, today we have the opportunity to make progress toward the goal of updating the FISA law in a way that will enable our intelligence agencies to obtain information needed to protect the American people while safeguarding our rights under the Constitution. That is what this measure does, and that is why I will vote for it.

For the information of our colleague, I am attaching the February 15th editorial of the Rocky Mountain News that I mentioned earlier.

[From the Rocky Mountain News—Friday, Feb. 15, 2008]

NO IMMUNITY—SENATE VEERS OFF TRACK IN ITS SURVEILLANCE BILL

The Bush administration is in a tizzy because Congress will take its Presidents Day recess and allow the temporary ''terrorist surveillance'' act passed six months ago to expire at midnight Saturday.

Earlier this week, President Bush actually suggested that al-Qaida operatives are watching the calendar, poised to plot new attacks freely with Congress absent—and U.S. intelligence officials will be largely powerless to stop them.

Don't insult the American public, Mr. President. You'll still have the ability to wiretap suspected terrorists—and the warrantless surveillance powers in the bill are valid until August.

Bush is riled because the House is leaving town without adopting immunity provisions in the Senate surveillance bill. The Senate version granted immunity from lawsuits—unwisely, in our view—to telecommunications firms that cooperated with the warrantless wiretaps on overseas calls.

If immunity is in the final legislation—and Bush has said he'd veto any bill that doesn't include it—it would kill the 40-plus lawsuits that have been filed against telecoms in federal court. The litigation challenges the legality of the program and the actions of telecoms that cooperated with the government.

If the lawsuits don't move forward, we may never learn if some telecoms compromised the privacy of innocent Americans. A grant of immunity could also set a dangerous precedent for other businesses when federal agents or local cops who don't have a court order demand private or confidential information about their customers.

(Colorado Sens. Wayne Allard and Ken Salazar both voted to pass the Senate legislation and to oppose an amendment that would have stripped the immunity provisions from the bill.)

Look, we think the government should have greater leeway—and constitutionally, does have greater leeway—to monitor international communications with al-Qaida than it does to intercept domestic phone calls or e-mails.

But we've largely had to take the administration's word that the wiretap program didn't go beyond the narrow confines under which it would be legal. Moreover, any program that lets the government snoop without a judge's approval deserves outside scrutiny to prevent abuses.

In this instance, the lawsuits may reveal whether the wiretaps were targeted or were more like fishing expeditions. We may also learn how effectively the telecoms separated international communications from domestic calls or e-mails.

The government initially tried (and failed) to quash these cases, claiming the program was so top secret that even admitting that private telecoms participated would compromise national security. Federal courts wouldn't buy that line. So AT&T and other telecoms started claiming they were victims—Washington had persuaded them that the program was legal and they had little choice but to assist in the fight against al-Qaida.

Those claims may be true, but they seem to run counter to the experience of Joe Nacchio, the former Qwest CEO who was convicted on insider trading charges last year. Two years ago it was revealed that Nacchio refused to comply with appeals from the government to participate in the warrantless wiretap program; he balked at turning over information about his customers obtained under what Qwest considered suspect legal circumstances.

Court documents released in October revealed that Nacchio first met with national security officials in February 2001—six months before the 9/11 attacks. ''Nacchio's account,'' The Washington Post reported, ''suggests that the Bush administration was seeking to enlist telecommunications firms in programs without court oversight before the terrorist attacks on New York and the Pentagon.''

Letting this litigation proceed would not, as Bush said Wednesday, punish companies that want to ''help America.'' Businesses that want to help America need to be mindful of the Constitution—and so should the government.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 3773, the FISA Amendments Act of 2008. This bill will help protect our Nation's security from terrorist threats while also protecting the civil rights and freedoms of our citizens.

On November 15, 2007, I voted in favor of the Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective (RESTORE) Act that passed the United States House of Representatives by a vote of 227 to 189. The FISA Amendments Act includes and enhances the provisions from the RESTORE Act that form a strong framework for how our intelligence agencies operate. This bill requires the FISA court to approve targeting and minimization procedures to ensure that Americans are not targeted and their communications are not disseminated. These procedures would have to be approved prior to any surveillance, with the exception of emergency cases that would allow the government to begin surveillance immediately, provided that they obtain approval from the FISA court within 30 days. Under the FISA Amendments Act, this requirement would extend to American citizens at home and as well as those traveling abroad. To further enhance accountability, this legislation would create a Congressional commission that would conduct hearings and investigation into the President's recent warrantless wiretapping program. This bill grants new authorities for conducting surveillance and collecting intelligence against terrorist organizations, while preserving the requirement that the government obtain a FISA court order, based on probable cause, when targeting Americans.

While the FISA Amendments Act does not include retroactive immunity for telecommunications companies, it does ensure the ability of these companies to fully defend themselves if they are sued in a court of law. This bill provides these telecommunications companies a way to present their defenses in secure proceedings and gives them access to any documents relating to their case that the government could otherwise withhold as ''state secrets.''

We owe our intelligence agencies clear rules and guidelines in order to perform their duties to the fullest, just as we owe it to every American to protect their rights and freedoms. I support the passage of H.R. 3773, The FISA Amendments Act of 2008, and I urge my colleagues to join me.

Mr. SMITH of Texas. Mr. Speaker, I submit the following for the RECORD.

FISA FIX FOR LAWYERS

National Security: Wiretap law is supposed to protect the U.S. by discovering and foiling terrorist operations. Congressional Democrats seem to think its purpose is to line the pockets of their trial lawyer supporters.

House Democrats want to enact a terrorist surveillance law that puts lawyers' fees before the safety of Americans. It's a bill so skewed that its passage on a vote scheduled for Thursday was questionable even to Democrats in the majority.

At issue is the help given by telecom companies such as AT&T and Verizon in monitoring the telephone and Internet communications of suspected terrorists with contacts within the U.S.

Those heroic firms have saved hundreds, if not thousands, of innocent lives with their cooperation in helping to obtain information that allowed law enforcement to prevent post-9/11 attacks.

Congressional Democrats steadfastly refuse to protect those firms from lawsuits backed by the American Civil Liberties Union. Their message to those patriotic companies seems to be:

You helped President Bush succeed at something we wanted to destroy him over, so now that we control Congress we're going to give you your well-deserved comeuppance.

The ACLU issued a statement expressing delight over the House Democrats' new bill and was also pleased that the Democrats would let the authorization to track terrorists expire in only two years—as if there is any realistic chance that the global war on terror could be behind us by then.

A permanent Foreign Intelligence Surveillance Act could always be revisited or repealed by Congress, yet Speaker Nancy Pelosi's Democrats insist on a FISA sunset provision.

The group said it is ''also heartened by the role retained by the FISA court in overseeing the program,'' an allusion to the fact that under the Democrats' bill, any and all domestic surveillance for anti-terrorism purposes would have to first get the approval of the special FISA courts—a state of affairs that the president has emphatically stated places the nation at risk.

Moreover, it is a state of affairs under which the country is vulnerable today, because the Democratic Congress let FISA expire nearly a month ago.

The Senate's FISA revision provides retroactive protection from lawsuits to the telecom firms. If nothing is done, they could conceivably be liable for hundreds of millions of dollars—which would be some thanks for helping to protect Americans from al-Qaida.

House Democrats instead would give only ''prospective liability protection for telecom companies that assist with lawful surveillance'', according to a statement from House Majority Leader Steny Hoyer.

One of the bill's proposed procedures apparently would be for the firms to tell the judge state secrets as part of their defense while the ACLU lawyers and other plaintiff attorneys are out of the room.

But the ACLU's strategy in trying to destroy our government's ability to monitor terrorist communications has been to take their cases to federal courts in different regions—in effect, judge shopping.

Because the House Democrats' FISA bill would, as the ACLU puts it, keep ''the courthouse door open,'' chances are that they would be able to find judges only too happy to make the telecom firms pay multimillion-dollar awards. The only just solution is for Congress to grant those firms full retroactive immunity.

As Vice President Dick Cheney recently told the Heritage Foundation, ''those who assist the government in tracking terrorists should not be punished with lawsuits . . . it's not even proper to confirm whether any given company provided assistance.'' He added: ''In some situations, there is no alternative to seeking assistance from the private sector.''

The Center for Responsive Politics reports that trial lawyers contributed some $85 million to Democratic candidates in the 2006 election cycle. Obviously, Democrats believe letting those legal parasites feed off patriotic companies who have saved countless American lives is what is expected of them in return.

Mr. STARK. Mr. Speaker, I rise today to support the House's changes to the Foreign Intelligence Surveillance Act, FISA, Amendments Act. After 8 long years of watching Republicans kowtow to the President's tyrannical policies, I am only too happy to stand by a bill that will hold his administration accountable to some of their past actions and prevent future administrations from abusing our civil liberties.

Our government was designed to be of the people, by the people, and for the people. But under President Bush, it has been a government of the executive branch, by the executive branch, and for the executive branch. The Administration's so-called ''security measures''—tapping phones, obtaining personal records, and spying without warrants—have undermined basic freedoms and diminished trust in government.

It will take a great deal of time to clean up the mess left by this administration. We can take an important step forward today by giving telecommunications companies their day in court and establishing strict restrictions to prevent the government from spying whenever and on whomever it pleases. By voting for this bill, we make it clear that we won't let the President make a quick escape from Washington without bringing his transgressions to light. Rather than hide behind the threat of terrorism to justify illegal activities, as past Congresses have done, we will defend the constitutional rights of our constituents.

The Bush administration has tried its hardest to convince us that our country's most basic tenets are unattainable. It believes that

in order to protect life, we must sacrifice liberty and the pursuit of happiness. That line of thought is wrong, President Bush is wrong, and I encourage my colleagues to support this bill and show that they are above the executive branch's scare tactics.

Mr. PAUL. Mr. Speaker, I rise in opposition to this latest attempt to undermine our personal liberties and violate the Fourth Amendment of the Constitution. This bill will allow the federal government to engage in the bulk collection of American citizens' communications. In effect, it means that any American may have his electronic communications monitored without a search warrant.

As such, the bill clearly violates the Fourth Amendment, which states:

''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

The assurances in this bill that Americans will not have their communications monitored without warrant are unconvincing. The bill merely states that the government should do its best to avoid monitoring Americans if possible. We have seen how meaningless such qualified prohibitions have been as we recount the abuses over the past several years.

Just today, we read in the news that the federal government has massively abused its ability to monitor us by improperly targeting Americans through the use of ''national security letters.'' Apparently some 60 percent of the more than 50,000 national security letters targeted Americans, rather than foreign terrorists, for surveillance.

This is what happens when we begin down the slippery slope of giving up our constitutional rights for the promise of more security. When we come to accept that the government can spy on us without a court order we have come to accept tyranny.

I urge my colleagues to reject this and all legislation that allows Americans to be spied on without a properly issued warrant.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of the FISA Amendments Act, H.R. 3773. This bill updates the Foreign Intelligence Surveillance Act, FISA, by providing the Intelligence Community the ability to conduct surveillance of foreign targets outside the U.S. while protecting the civil liberties of Americans, and restoring constitutional checks and balances.

As Americans, our Constitution provides us with freedoms and liberties that, as a Member of Congress, I swore an oath to uphold and defend. Since September 11, 2001, President Bush has sought to expand executive power with the claim of securing our Nation, but all too often this promise of security has been at the expense of constitutionally protected civil liberties. The American people and the world have witnessed a list of serious abuses sanctioned by the Bush administration. There have been detainees tortured, the suspension of the writ of habeas corpus, and wiretapping of phone calls and reading of the private emails of our citizens without a warrant. These of course are only the abuses we know of in large part because we live in a society with a free press that can expose these abuses.

To my dismay, Congress failed the American people last year when it passed the so-called Protect America Act, S. 1927, which updated FISA but allowed for the wiretapping of American citizens without a court issued warrant. The 1978 Foreign Intelligence Surveillance Act required the Government to obtain a warrant before eavesdropping on Americans. Judicial discretion was incorporated into this security procedure to ensure the rights of Americans were not violated. This system worked and, with minor adjustments, could be made to ensure national security and the protection of our civil liberties. Unfortunately, this White House and a majority in Congress sacrificed our civil liberties while adding no additional security benefits.

In order to facilitate its spying on American citizens, the Bush administration elicited the assistance of some of America's largest telecommunications companies. There is a call by the administration and some Members of Congress to allow retroactive immunity for companies that broke the law by acting as co-conspirators in domestic spying on our citizens. I am strongly opposed to any retroactive immunity for those corporate conspirators who participated in violating Americans' civil liberties.

Not all telecommunications companies complied with the administration's request to spy on Americans. Qwest, which serves Minnesota, refused to participate because the company felt uncomfortable with the legality of the request. I applaud Qwest's ethical and appropriate action on behalf of their customers and the rule of law.

Finally, I want to thank the leadership, Chairman CONYERS, and Chairman REYES for their work in bringing this piece of legislation to the floor. I urge my colleagues to support the FISA Amendments Act because with it Congress can safeguard both the security of our nation and civil liberties.

Mr. FLAKE. Mr. Speaker, I voted against H.R. 3773, the FISA Amendments Act of 2008, which was approved by the House of Representatives on March 14, 2008. I believe that this bill was a good compromise between the RESTORE Act approved by the House on November 15, 2007 and the version of the legislation approved by the Senate on February 12, 2008. However, I opposed the version of H.R. 3773 considered in March, because it failed to include immunity for the telecommunications companies that cooperated with the administration's request to assist in intelligence collection.

I disagree with the President's decision to bypass congressional authority in authorizing such surveillance. However, I believe that the telecommunications companies were put in a difficult position and acted in a good-faith interest of national security when they cooperated with the administration's request. If Congress fails to grant them immunity, the consequences would be far-reaching.

Without immunity, the pending lawsuits against the telecom companies will carry on for years and saddle the telecoms with millions of dollars in legal fees—fees that will, in turn, be passed onto consumers.

There will be scenarios in the future when cooperation between the private sector and the Federal Government will be necessary. These situations will likely be met with distrust and extreme hesitance on the part of private companies because we failed to come to their defense in this matter. This could be detrimental to U.S. security.

Instead of immunity, the FISA Amendments Act would allow the telecoms to defend themselves in court by lifting current restrictions and allowing classified information to be introduced as a part of their defense. This may or may not be sufficient to prove the innocence of the telecoms. but the introduction of this information would set a dangerous precedent. Over the objections of the President, highly classified information would be handed over to judges and lawyers who are unlikely to possess the appropriate and necessary security clearances. This would almost certainly make the introduction of such classified evidence in future proceedings easier, and could severely compromise our ability to collect and conduct future intelligence activities.

The initial House-approved FISA reform legislation, the RESTORE Act, did not contain any immunity provisions. I supported it with the expectation that we would consider immunity during a conference with the Senate. We voted instead on the FISA Amendments Act, which I believe is a good bill that represents a careful compromise. Immunity is critical and, because H.R. 3773 has no immunity provisions, I voted against its passage.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1041, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 197, answered ''present'' 1, not voting 20, as follows:

[Roll No. 145]

YEAS—213

Abercrombie	Carnahan	Edwards
Ackerman	Carson	Ellison
Allen	Castor	Ellsworth
Altmire	Chandler	Emanuel
Andrews	Clarke	Engel
Arcuri	Clay	Eshoo
Baca	Cleaver	Etheridge
Baird	Clyburn	Farr
Baldwin	Cohen	Fattah
Barrow	Conyers	Foster
Bean	Costa	Frank (MA)
Becerra	Costello	Giffords
Berkley	Courtney	Gillibrand
Berman	Crowley	Gonzalez
Berry	Cuellar	Gordon
Bishop (GA)	Cummings	Green, Al
Bishop (NY)	Davis (AL)	Grijalva
Blumenauer	Davis (CA)	Gutierrez
Boswell	Davis (IL)	Hall (NY)
Boucher	DeFazio	Hare
Boyd (FL)	DeGette	Harman
Boyda (KS)	Delahunt	Hastings (FL)
Brady (PA)	DeLauro	Herseth Sandlin
Braley (IA)	Dicks	Higgins
Brown, Corrine	Dingell	Hill
Butterfield	Doggett	Hinojosa
Capps	Donnelly	Hirono
Cardoza	Doyle	Hodes

Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Davis, Lincoln

NOT VOTING—20

Boustany
Brown-Waite, Ginny
Cramer
Everett
Green, Gene
Hooley
Hunter
LaHood
Musgrave
Nunes
Oberstar
Peterson (PA)
Pickering
Rangel
Rush
Tancredo
Walsh (NY)
Weller
Woolsey
Young (AK)

□ 1408

Messrs. KINGSTON, EHLERS, and McDERMOTT changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 202, nays 148, answered ''present'' 1, not voting 79, as follows:

[Roll No. 146]

YEAS—202

Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Price (NC)
Rahall
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Sutton
Tanner
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—148

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gilchrest
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Pence
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Wamp
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—79

Abercrombie	Goode	Peterson (PA)
Ackerman	Green, Gene	Pickering
Becerra	Harman	Pitts
Blumenauer	Hayes	Pomeroy
Boehner	Hirono	Rangel
Boustany	Holden	Ros-Lehtinen
Boyd (FL)	Holt	Rush
Braley (IA)	Hooley	Ryan (OH)
Brown-Waite, Ginny	Hunter	Saxton
Buyer	Johnson, E. B.	Schmidt
Coble	Kagen	Sessions
Conyers	Keller	Shays
Costello	Kennedy	Simpson
Cramer	Kind	Slaughter
Crenshaw	LaHood	Stark
Davis (AL)	Larson (CT)	Stupak
Delahunt	Lewis (KY)	Tancredo
Dicks	Marchant	Tauscher
Drake	Matsui	Terry
Edwards	Miller (FL)	Walsh (NY)
Everett	Murtha	Weldon (FL)
Fossella	Musgrave	Weller
Frank (MA)	Neal (MA)	Whitfield (KY)
Frelinghuysen	Nunes	Woolsey
Gallegly	Oberstar	Young (AK)
Gingrey	Pascrell	Young (FL)
	Pearce	

□ 1425

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. MILLER of Florida. Mr. Speaker, I missed rollcall vote No. 146 on March 14, 2008.

If present, I would have voted: Rollcall vote No. 146, Approval of the Journal, "nay."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall Nos. 145 and 146, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, March 14, 2008, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: Rollcall 143—"nay"; rollcall 144—"nay"; rollcall 145—"nay"; rollcall 146—"nay".

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 2, 2008

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 2, 2008.

The SPEAKER pro tempore (Mr. WILSON of Ohio). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 31, 2008

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 14, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 31, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

REAPPOINTMENT AS MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b–3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 4, 2007, the Chair announces the Speaker's and minority leader's joint reappointment of the following individuals to the House of Representatives Page Board for a term of 1 year, effective March 20, 2008:

Ms. Lynn Silversmith Klein of Maryland.

Mr. Adam Jones of Michigan.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3547

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3547.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

CONGRATULATIONS TO THE COUGARS OF MOUNT NOTRE DAME AND THE WINTON WOODS HIGH SCHOOL VARSITY ENSEMBLE

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I come to the floor today to recognize two great high schools in my congressional district.

The ladies of Mount Notre Dame, once again, with their usual style, grace, and determination won the Ohio Division I basketball championship. This win puts them in the history books, as it makes them the first Ohio team ever to win three consecutive State titles.

With time running out and the game tied, freshman guard Kathryn Reynolds scored at the buzzer, clinching the championship for the Cougars 69–67. Coach Dante Harlan, top scorers Tia McBride, Ashley Fowler and the rest of the team are to be congratulated for their achievement. Well done, Cougars.

I also want to recognize the 32 students in the Winton Woods High School Varsity Ensemble who were selected to participate in the Choral Salute at the 2008 Olympic Games in China. For more than a year, these gifted students have been preparing in rehearsals and planning fund-raisers to pay for the trip to Shanghai and Beijing, China.

They are to be commended for showcasing their talent and also for the time and hard work they have dedicated to this journey. I am proud Winton Woods will be representing Ohio's First District this year in the Olympics.

SEEING IS BELIEVING WITH YOUTUBE.COM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, YouTube is an amazing thing. As the fifth anniversary of the war in Iraq will be commemorated across the country in recent days, the statistics tell the tale.

Because of the military surge and Sunni cooperation, we are making significant progress towards stability and freedom in Iraq. Violence is down more than 60 percent last year. But as the saying goes, ''seeing is believing.'' And thanks to this miracle that is called youtube.com, Americans can join me for a walk down the streets of al Anbar province in Haditha, Iraq.

On March 2, with a military security detail, our bipartisan delegation walked the streets of this war-torn city and I posted 15 minutes of unedited interviews with local Iraqis on youtube.com.

The fight is far from over, but we are making significant progress in Iraq. I hope many of my colleagues and many Americans will go to youtube.com, type in ''Mike Pence,'' and take a look for themselves at what Sunni cooperation and the American military have wrought in Iraq.

□ 1430

PROTECTING THE SECOND AMENDMENT AND HUNTING RIGHTS ON FEDERAL LANDS ACT

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Mr. Speaker, today I am introducing the Protecting the Second Amendment and Hunting Rights on Federal Lands Act of 2008. This legislation will protect the Second Amendment rights of American citizens and promote hunting activities on Federal lands.

Under current Federal law, land under control of the National Park Service and the U.S. Fish and Wildlife Service has been subject to a blanket gun ban, regardless of State law. So I was pleased with the Bush administration's recent announcement that the

prohibition of firearms on National Park Service lands, in place since 1983, will soon end.

Currently the laws of 47 States recognize the rights of law-abiding adults to carry firearms for personal protection. The existence of different laws regarding the transportation and possession of firearms has presented a trap for law-abiding gun owners.

It is my hope that these new regulations, when finalized, will provide greater uniformity across our Nation's Federal laws and put an end to the patchwork of regulations that govern the different lands managed by the different Federal agencies. Under this proposal, Federal parks and wildlife refuges will now mirror State firearms laws.

In addition, my legislation would also require that hunting activities be considered as a land use in all management plans for all Federal land to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed.

I ask my colleagues to join me in supporting the Protecting the Second Amendment and Hunting Rights on Federal Lands Act of 2008.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DARFUR: RETURNING TO HELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, 3 months after the United Nations took over peacekeeping and joined forces with African Union peacekeepers, the situation in Darfur has entered a new and deadly phase of conflict. There has been an upsurge of violence in western Darfur, and the Sudanese government launched an offensive at the beginning of February. A number of villages have been bombed by government planes, and there have been ground attacks by the Sudanese army and its allies, the Janjaweed militias. According to the United Nations, more than 100 people have been killed and thousands more left homeless.

A March 12 article in the UK Independent describes recent events in Darfur as ''a return to hell,'' with another ''scorched earth policy'' being unleashed by the Sudanese government, reminiscent of the worst waves of government-backed violence 5 years ago, actions that led the United States to declare what was happening in Darfur as genocide.

Darfur is home to the world's largest humanitarian operation, but the World Food Program reports that 45 of its trucks have been hijacked already this year. WFP now transports about half as much food into Darfur as it normally would.

Tensions also run high between neighboring Chad and Sudan, and eastern Chad is receiving a new influx of refugees from Darfur at a time when Chad itself is facing instability and displacement.

The new commander of the U.N.-African Union peacekeeping force said it would not be fully deployed until the end of this year, possibly not until the beginning of 2009. The peacekeeping mission, which is supposed to deploy 26,000 peacekeepers, currently has only about 9,000 soldiers on the ground.

The Sudanese government, President Al-Bashir, is defying the world. The government is blocking new deployments of U.N. peacekeepers at every turn, vetoing non-African troops, blocking supplies, and refusing to provide land for bases.

But the international community is also to blame for the obstacles confronting the peacekeeping mission. Nations have failed to make good on their pledges of support, from soldiers to equipment to funds. The mission requires 18 troop-carrying helicopters and six armored attack helicopters. So far, they have none. U.N. officials say they could have responded to last month's attack if they had the right equipment.

Mr. Speaker, why haven't the United States and our Western European allies provided these helicopters to the U.N.-AU peacekeeping mission? Why aren't we working collectively and with Russia and China to make sure this force has the helicopters, equipment, manpower and funding necessary to protect the people in Darfur and the refugees? Why hasn't the U.N. Security Council called an emergency session and targeted new sanctions at Sudan's highest officials, including President Bashir? Why isn't the international community working together to make sure peacekeeping missions are fully equipped and deployed to eastern Chad and the Central African Republic? Why haven't we lived up to our word to stop the genocide in Darfur?

Mr. Speaker, words are not enough. It is action that is needed. And while we remain silent, while we refrain from taking action and fulfilling our promises, women and children are raped. Homes are being looted. Villages are being burned to the ground. People are dying of hunger and exposure.

Darfur is returning to hell.

KEEPING OUR PROMISES TO THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, first I want to commend David Walker for his years of service as U.S. Comptroller General, heading up the Government Accountability Office. Mr. Walker is a highly respected CPA from Atlanta and for the last few years has been trying to be a Paul Revere about the horrible financial condition of the Federal Government. He has appeared before many Congressional committees and on television and has traveled around the country trying to sound the alarm about our $9 trillion national debt, and, even worse, our $53 trillion in unfunded future pension liabilities.

Two days ago in the Washington Times he was quoted from testimony he gave about Iraqi oil revenues. ''The Iraqis have a budget surplus,'' Mr. Walker said. ''We have a huge budget deficit. One of the questions is who should be paying.''

Stewart Bowen, Inspector General for Iraq reconstruction, said increased production, along with the highest oil prices in history, ''coalesce into an enormous windfall for the Iraqi government.'' Mr. Bowen said Iraqi oil revenue is now around $60 billion, and probably headed higher.

Most estimates are that we have been spending approximately $12 billion a month on the war in Iraq, a really astounding figure if you stop to think about it. However, even worse, the request for this fiscal year is $189 billion, or $15.75 billion a month. This comes out to $500 million a day.

There is certainly nothing fiscally conservative about the war in Iraq. William F. Buckley, Jr., was an inspiring figure to almost every conservative Republican. In the current issue of the New Republic, John Judis begins an article about Mr. Buckley in this way: ''In the last years of his life, William F. Buckley, Jr., who died on February 27 at the age of 82, broke with many of his fellow conservatives by pronouncing the Iraq war a failure. He even expressed doubt about as to whether George W. Bush is really a conservative, and he asked the same about neoconservatives.''

Mr. Buckley wrote in 2004 that if he had known in 2002 what he then knew, he would have opposed the war in Iraq.

More significantly, in June of 2005, he wrote, ''A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride.'' Mr. Buckley continued, ''It can't reasonably be disputed that if in the year ahead the situation in Iraq continues as bad as it has done in the past year, we will have suffered more than another 500 soldiers killed. Where there had been skepticism about our venture, there will then be contempt.''

The major difference is that instead of just 500 more soldiers killed, we have

had more than 2,000 killed since Mr. Buckley wrote that. Earlier in 2005 he had written that the time had come to get out.

There is nothing traditionally conservative about the war in Iraq. It is huge deficit spending. It is massive foreign aid. It is placing really the entire burden of enforcing U.N. resolutions on our taxpayers and our military, when conservatives have traditionally been the biggest critics of the U.N. This war has gone against every traditional conservative position.

In addition, our Constitution does not give us the authority to govern Iraq, which is what in reality we have been doing. All this against an enemy whose military budget was only a little over two-tenths of one percent of ours, most of which was used by Saddam Hussein to build castles and protect himself and his family. Iraq was no threat to us whatsoever.

As the conservative columnist Charley Reese wrote, ''The war in Iraq was against a country that was not attacking us, did not have the means to attack us, and had never expressed any intention of attacking us. And for whatever real reason we attacked Iraq, it was not to save America from any danger, imminent or otherwise.''

Similarly, nationally-syndicated columnist Georgie Ann Guyer wrote a few months after the war started, ''Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by minorities in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empires across the globe.''

Finally, Mr. Speaker, we have to choose. Do we keep spending mind-boggling amounts of money in Iraq, or do we keep our promises to our own people? We cannot afford to do both.

□ 1445

A CONSTITUTION THAT ALWAYS LIVES AND NEVER DIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud your leadership, and I am delighted to have the opportunity to address the day's and the week's events, because many times, as we discuss these matters on the floor of the House, many of our constituents and Americans sometimes wonder the order of our words.

This afternoon we did an important and major leap towards securing this Nation and providing it with the protection of civil liberties. Although in the course of the discussion there may have been accusations, the FISA bill, the amendments to the Senate bill, was the right approach and the right direction to take.

You know, we had an opportunity last evening for a secret session, and I was on the floor questioning the validity of such, because I always believe what we do in America should be in the eyes of America, although we recognize in this time of terrorism there is a necessity for classified documents or top secret documents, but there is never a time to close the door on America's knowledge.

I would not want this debate that many of you may have heard to be characterized as one of a coverup that we are doing something that does not provide the absolute safety and wise direction that America should take. I wanted to simply add to my statements that will be put into the RECORD the idea that this bill provides the opportunity to secure foreign-to-foreign surveillance, but it also avoids the targeting of Americans without the intervention of the court so that if you were, by chance, talking to a relative in a foreign land that might, without your knowledge, be targeted or through some way, might be connected, that would draw surveillance, you can be assured that as an American, unlike the occurrence with Martin Luther King and some Americans during the Vietnam War, that you have the intervention of a court established first in 1978 under President Carter.

We have streamlined that. The language called ''reverse targeting'' was an amendment that I submitted into the Judiciary Committee that would avoid targeting an American without the intervention of a court, not a court for 6 days or 6 weeks, but an automatic intervention that is given to you within hours.

We have a system where the Attorney General now must, along with the Director of Intelligence, put in guidelines to be able to oversee what happens when an American is targeted. I can ask any American whether or not that is a reasonable approach. If they study the question, I think they would understand that no intelligence and no opportunity to secure or to capture a terrorist has been intervened with while we have been having these debates, because we had the security of the bill that has been in place, the Protect America Act, for over a year.

Authorities still exist, even through the recess that we will take, to provide the intelligence community with any tools that they will need. But it is a sad state of affairs in America if we allow the terrorists to terrorize us and to, in essence, tear up the Constitution.

That is what we did today. We protected the Constitution, and we ensured that those who are concerned, the telecommunications company, many of them, we know their names, are, in fact, protected.

One, we protect them going forward. Two, we give them a cure for the litigation that is going on today, because we don't prohibit the review of top secret documents in camera. The cases that are going on now, those telecommunications companies will be protected because they will have the ability to review the evidence so that they can convince the court that they were operating within the law.

Going forward, we will get a certified letter from the Attorney General or the Director of Intelligence to say we need information from you. We will tell them that they are not breaking the law. We will also tell them that they will be in compliance with all laws. Out of that they will get absolute immunity to provide our Central Intelligence Agency and others the necessary information that we would have.

I think it is important that debate, sometimes looking as if they are accusatory, and one side looking like they have the upper hand, suggesting that we are in crisis, leaving in a recess, that America is unprotected, needs to be clarified. America will be protected. We do have authority in place that could provide the Central Intelligence or other national intelligence agencies any information that they need.

God knows after 9/11 all of us are committed to the war on terror, but we are all recognizing that a Constitution survives no matter what condition America is in. The Constitution survived the Civil War. It survived World War I. It survived World War II, the Vietnam War. It survived the Korean War, the Gulf War and now the Iraq war.

I would ask America, can we not secure ourselves and keep the civil liberties of Americans and the Constitution intact? Today, in voting for this bill, I proudly supported both concepts. I am grateful to be an American, grateful that we have a Constitution that always lives and never dies.

God bless the soldiers in Iraq and Afghanistan and on the front lines. I look forward to visiting with those soldiers in the next couple of days in Iraq.

RESTRICT EARMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I just want to say a few things about earmarks this week.

Yesterday was not a banner day for Congress. In the House, we approved a budget that had no restrictions on the contemporary practice of earmarking.

In the Senate, they turned down an amendment which would have placed a moratorium on earmarks. It went down bad. It went down 71–29.

There will come a day, and I think it will come soon, when we get rid of the contemporary practice of earmarking.

Now, many in the other body and in this body have tried to defend earmarking by saying that this is a constitutional prerogative, and somehow suggesting and even, some have said, that the Founding Fathers would be rolling over in their graves if they knew we were contemplating a moratorium on earmarks, as if to equate all Federal spending or Congress' power of the purse with earmarking.

There is a place for earmarking. There is a place for Congress to say to an administration, you are not adequately addressing this area; therefore, we are going to go through the process of authorization, appropriation, and oversight and tell you how we want money spent.

But that's not the contemporary practice of earmarking. The contemporary practice of earmarking is all about hiding your spending, not going through the process of authorization, appropriation and oversight, but rather to circumvent it. That's what it's all about.

When you have a bill that comes to the floor, as we did last year and the year before and the year before, several years with up to 2,500 or 3,000 earmarks in them placed just hours before the bill comes to the floor, that is not the appropriate role of Congress; that is not power of the purse that should be exercised.

That's an attempt to hide spending and to spend in a way that will benefit you politically. That is simply wrong, and I would suggest that the contemporary practice of earmarking, everybody knows it when they see it.

The difference between the proper use of an earmark and an improper use is whether or not you are attempting to hide funding, attempting to have funding slip through the cracks that nobody sees, rather than saying that we are going to authorize, then we are going to appropriate, and then we are going to have oversight.

Another myth that is often put forward is that we have to earmark because that's how we maintain control or oversight on the administration when, in truth, the contemporary practice of earmarking means that we do far less oversight. You can look at it empirically. Over the past decade, decade and a half, as we have seen a ramp-up in the area of earmarking, we have actually seen far fewer oversight hearings in the Appropriations Committee. Believe me, when you have 26,000 earmark requests a year for the Appropriations Committee in the House to deal with, you don't have time or resources or the inclination to do the proper oversight on the rest of the budget.

By earmarking, we are basically giving up our power of the purse. We are giving up our prerogative just to be able to earmark what amounts to about 1 percent of the Federal budget. We are effectively giving up control of the rest of the Federal budget. When you hear people say that we have to keep earmarking the way we are doing in order to control the Federal bureaucracy, that simply doesn't square with reality.

The contemporary practice of earmarking, as we have seen it over the past several years under Republicans and under Democrats, has been a way to hide spending for individual Members' benefits. It has led to corruption, it has led to scandal and will continue to do so until we end it.

I would encourage Members of the House and say that we are going to get there soon enough. People across the country know that this is the wrong thing to do.

Senator MCCAIN made the statement yesterday that there is only one town in America that doesn't understand that this is wrong, and that town is Washington, DC. Everywhere else across the country, people understand that this is a practice that has to stop.

25TH ANNIVERSARY OF PRESIDENT RONALD REAGAN'S STRATEGIC DEFENSE INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, this month will mark the 25th anniversary since President Ronald Reagan gave that landmark speech at the zenith of the Cold War proposing what became known as the Strategic Defense Initiative to protect the United States of America and her allies and her vital interests from ballistic nuclear missile attack.

In that speech he unveiled a vision for the research, development, and ultimate deployment of a defensive non-nuclear-layered missile defense system that would give us the means to intercept and destroy incoming strategic nuclear missiles and render the threat of a nuclear attack from the Soviet Union impotent and obsolete. President Ronald Reagan's speech marked the end of a chapter in American history when the policies of appeasement and accommodation formed the basis of our foreign policy and the concept of mutually assured destruction was the only viable solution to the Soviet threat.

The apathy that caused democracies to neglect their defense in the 1930s had resulted in the tragedy of World War II. President Reagan reminded the world that it must not allow a similar apathy or neglect to cause that dismal chapter in history to repeat itself.

Speaking with that gentle but confident persuasiveness that would set him apart as the Great Communicator, Ronald Reagan rejected the specter of mutual retaliation and stood alone among Washington bureaucracy in the belief that our security is based on the ability to meet all threats and that peace must be preserved through strength. He knew that developing this revolutionary capability of ballistic missile defense would not be easy or a short-lived task. He said, ''It will take years, perhaps decades of efforts on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs; and as we proceed, we must remain constant in preserving the nuclear deterrent and maintaining a solid capability for flexible response.''

It seems that every revolutionary idea or stride toward greater human freedom is marked first by resistance and ridicule. President Reagan's daring SDI proposition was no exception. Indeed, American intelligentsia berated the idea that America should abandon its complacency and embrace a policy towards Communism as clear and simple and unapologetic as what Ronald Reagan stated in four words: ''We win, they lose.''

But hundreds of millions of people now live in freedom because of his clarity and his courage. Less than 9 years after Ronald Reagan gave his Evil Empire and Strategic Defense Initiative speeches, marking the beginning of what would become the United States' ballistic missile defense program, the entire world stood in stunned wonder and witnessed the dissolution of the once unshakeable Soviet Union.

Today, under the vigilant and dedicated leadership of the Missile Defense Agency and the United States Armed Forces, ballistic missile defense technology has gone beyond development and testing. It is now operationally deployed by the United States and our allies in different parts of the world.

Only weeks ago, on February 21, 2008, President Ronald Reagan's vision, once labeled Star Wars by his deriding critics, was vindicated before the world when a Standard Missile-3 rocket fired from the USS Lake Erie intercepted a disabled satellite tumbling from space toward Earth at over 17,000 miles per hour.

The pivotal significance of Ronald Reagan's almost prophetic vision no longer can be tested. More than ever it is vital for this Congress to continue to advance his vision of a layered ballistic missile defense system capable of defending land, air, sea, and space against rapidly evolving missile threats in a now-multipolar world.

President Reagan knew that if America was to remain a shining city upon a hill, it must remain secure. If it was to remain secure, it must remain strong. He also knew that the costs for maintaining that strength would be great.

But in his SDI speech of 25 years ago, President Reagan himself asked the most important and salient question

about America's national security. He said: ''Isn't it worth every investment necessary to free the world from the threat of nuclear war?''

His question is as relevant today as it was then. May we of this generation honor the legacy of President Ronald Reagan, whose courage and commitment to protect the peace and national security of America not only hastened the demise of the Soviet Empire but transformed our strategic defense policy and gave us the means to ensure that America remains the beacon of hope, strength, and human freedom in the world for generations to come.

□ 1500

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I need to begin today with an apology first. I need to apologize to my very good friend and chairman of our subcommittee on Armed Services, GENE TAYLOR, and I need to apologize to Ron O'Rourke and Eric Labbs who are testifying in a very important subcommittee hearing that I was not able to attend between the two series of votes this morning because I had orthostatic hypotension and I could not maintain a standing hydrostatic column. What that means, Mr. Speaker, if I stood up too long I would faint because I was suffering through flu. So I want to apologize to Congressman TAYLOR and Ron O'Rourke and Eric Labbs and assure them that I was, indeed, sick. I was in the attending physician's office, and I want to thank the attending physician and his assistants there. They really do take good care of us.

I guess I ought to thank my parents, too, for the good genes they gave me because the recuperative powers of the human body are just amazing. Because of the great genes I got from my parents, I am really blessed to have more recuperative power than the average person, for which I am very thankful.

I wouldn't be here except, for me, this is a very important day. I think it is a very important day for the country and the world. You see, 2 months from today will be the 51st anniversary of what I think will be regarded very shortly as the most insightful speech given in the last century. This was a speech given by Hyman Rickover to a group of physicians in St. Paul, Minnesota.

I will have a quote or two from his speech in our little discussion today, and I encourage you to do a Google search for Hyman Rickover and energy and it will pop up, and I think you will agree it is the most prophetic, insightful speech you have read.

Mr. Speaker, I think this is probably the 40th time I have come here, because this is the third anniversary of the first time I came here, which was on March 14, exactly 3 years ago. Between then and now, I was very privileged to have the widow of Hyman Rickover join me. She sat in the gallery up there where I, for an hour, read from her husband's speech and commented on it because it was a very historic speech.

Well, this is a very special day for me today because I have a very good friend, Kjell Aleklett. He is from the Uppsala University in Sweden, and he is the president of ASPO, the Association for the Study of Peak Oil. They have been around for a long time, and if the world had been listening to them, we would not have $110 oil today. And I think you will agree with me as we go through the charts, that would be correct. He sits in the gallery, and thank you, sir, very much for joining us.

The first chart I have is a chart that I have used every one of the 40 times that I have been to the floor. I just wanted to start with this chart because apparently a lot of people have trouble understanding it. I just don't know what is hard to understand about this chart. This seems to me to be a very simple chart.

You need to go back to 1956 to kind of set this in context. In 1956 on the 8th day of March, just a few days ago was that anniversary, a speech was given that I think will be the most important speech given in the last century of Hyman Rickover. It was very insightful. I think the speech given to M. King Hubbert to those assembled oil engineers and oil company people in San Antonio, Texas, will be judged to be the most important speech given in the last century.

At that time, the United States was king of oil. We were producing, using, and exporting more oil than anybody in the world. In that climate, M. King Hubbert got up and told the assembled experts there that in just about 14 years, no matter what they did, the United States would reach its maximum production of oil. And after that, there was going to be less and less and less, no matter what they did.

Here is a chart which shows that, and I don't know what is so hard to understand about this chart. It has been out there for a very long time. The data has been out for a very long time. You could have constructed this chart very easily many years ago.

What M. King Hubbert predicted was that the lower 48 States, the rest of the United States plus Texas, and Texas was pretty big, that they would peak in 1970, and after that, no matter what we did, the production would fall off. Indeed it did. Now, we found a lot of oil in Alaska and we found a fair amount of oil in the Gulf of Mexico. Those fabled discoveries in the Gulf of Mexico hardly made a blip in the slide down the other side of Hubbert's peak. I have been to Alaska to the beginning of that 4-foot pipeline through which, for a number of years, 25 percent of our domestic production of oil flowed. And that made a little blip in the downward slide on the other side of Hubbert's peak, but it didn't reverse the slide except for momentarily.

Now, the reason I ask what is so hard to understand about this chart is that the same man who predicted this in 1979, I believe, predicted that the world would be peaking in oil production about now. I think the obvious question that any rational person would ask themselves is: If M. King Hubbert was right about the United States, which certainly has to be a microcosm of the world, why shouldn't he be right about the world? If, in fact, by 1980 it was very clear that he was right, that we have peaked in 1970, that was 28 years ago, shouldn't the United States and the world have been doing something about the inevitability that the world would probably follow this same kind of a pattern, that the world would reach its maximum production of oil, and no matter what they did after that, it would tail off.

Let me tell you what we did in our country to try to make M. King Hubbert a liar. That is not why they did it, but that is the effect of it. We have drilled more oil wells in our country than all of the rest of the world put together. In spite of having 530,000 producing oil wells, today we produce a bit more than half the oil that we produced in 1970, in spite of the fact that we have large amounts of oil from natural gas liquids, from oil from Alaska, and from oil from the Gulf of Mexico.

I have used this chart 40 times here, and what is so hard to understand about this chart?

In 1956, we were here, and he predicted in 1970 we would be here. And then he predicted, in spite of enhanced oil recovery, in spite of the best discovery techniques and modeling in the world, in spite of drilling more oil wells than the rest of the world put together, we are still producing in the lower 48 way less than half of the oil than we produced in 1970. What is so hard to understand about this?

And the same man who predicted that predicted that the world would be peaking in oil production about now. Well, you know, it is hard for me to understand why with this knowledge that the world wouldn't have said, gee, we really ought to be doing something because this oil is not going to last forever.

Mr. Speaker, it was probably 40 years ago, maybe it is because of the scientist in me, that I started asking myself that question. I looked around the world and there was rock and stones and trees and grass, and I said, you know, oil has to be finite. There has to

be a finite amount, and how much is there. And when should I start being concerned about the amount of oil that is there. Is it a year, 10 years, 100 years? Maybe it is a thousand years. But at some point I knew we would be where we are today.

Again, Mr. Speaker, what is so hard to understand about this chart? And why has there been denial worldwide, just forget it, don't think about it, ignore it? Ignoring it won't make it go away.

The next chart is a statement by Condoleezza Rice, and this comment was mirrored in the President's State of the Union. ''We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word 'warping' diplomacy around the world. We have simply got to do something about the warping now of diplomatic effort by the all-out rush for energy supply.'' That was April 5, 2006, about 2 years ago. What have we done since then? This was a recognition of a real problem.

If you look at what this Congress has done in the last 2 years, what this administration has done in the last 2 years, what the world has done in the last 2 years, what have we done in response to this recognition by the Secretary of State that this is a huge problem?

Well, one country has been doing something. China has been doing something. China has been going all over the world, and you can see by the symbol here for China, they have been going all over the world. They wanted one in the United States. They almost bought Unocal. Remember the furor over that. I wasn't that disturbed because the reality is in today's world, it doesn't make any difference who owns the oil because almost all of the oil is owned by countries, most of them, but he who comes with the dollars gets the oil. So whether they own Unocal I didn't think made all that much difference, but symbolically it made a difference. And fortunately, they didn't buy it.

The next chart is a really interesting one. I guess if there were only two charts to look at, this would be one of them. And several charts from now I will point to the second one that I think is the most instructive. These are the two most instructive charts that I have seen.

This is what the world would look like if the size of the country were relative to how much oil reserves the country had. That is a different looking world, isn't it.

Here is our hemisphere over here, kind of an anemic hemisphere. Venezuela has way more than half of all of the oil in all of our hemisphere. But look at where most of the oil is. The land mass of Saudi Arabia would be 22 percent of the land mass of the world if the size of Saudi Arabia was relative to the amount of oil that it held.

Look at little Kuwait. You look at Iraq, way down to the east is what looks like it ought to be a province of Iraq, and that is what Saddam Hussein tried to do in the Gulf War. They have the second, third, or fourth depending on what you believe about the numbers they give us for their reserves. Iraq is huge. And Iran is big. The little United Arab Emirates, you almost have to have a magnifying glass to find them on the globe, but they have quite a bit of oil there.

Look at where we are over here. We have only 2 percent of the known reserves of oil, and we get most of our oil from Canada and Mexico. Notice that Canada and Mexico, each of them has even less oil than we have.

□ 1515

So how come we're getting oil from Canada and Mexico? Well, there aren't very many people in Canada so they can ship us surplus oil. And although there are a lot of people in Mexico, they're too poor, most of them, to use much oil, so they can ship oil to us.

But notice how Venezuela just dominates the map here in our hemisphere. Look at Russia there. They're really a huge country. They go through 11 time zones, they go nearly halfway around the world. They're not so big relative to oil as they are relative to actual land mass, but they're still a pretty big country. They're a major shipper. Russia has many fewer people than we, and they still are not using near as much oil per person as we, so they are in the happy circumstance of being able to be a major shipper of oil.

What I really want you to look at for a moment here is China and India. Together, they have, what, about as much oil as we, which is 2 percent of the known reserves. China has 1.3 billion people. India has, I guess, a bit more than a billion people now. So between them they have, what, about a third of the world's population and 2 percent of the world's oil.

And China's doing something about that by going about and buying reserves all over the world. Why would they do that? Since in today's world, it doesn't make any difference who owns the oil, he who comes with the dollars, buys the oil. It's impossible to get inside their head to know why they're doing this, but one might note that simultaneously with buying up all this oil, they're doing two things: one is, they're pleading for international cooperation.

I led a codel of nine Members to China a year ago this last Christmas/New Year's break. And we had a chance to spend several days with the Chinese talking about energy. And they began their discussion of energy by talking about post-oil. You know, it's hard for us in this country to think much beyond the next quarterly report if you're in business, or much beyond the next election if you're in Congress. But the Chinese are thinking generations and centuries ahead, and there will be a post-oil world. And they have a five point plan. It ought to be the world's five point plan.

The first point in this plan is conservation. With oil at $110 a barrel, we have run out of excess oil to invest in alternatives, and we've run out of time. And you could free up some oil and buy some time if you had a really aggressive, worldwide conservation effort.

Their second and third points were, get energy from alternatives, and as many of those as you can from your own country.

The fourth one is one that may surprise you, and that is, be kind to the environment while you do that because now they're the world's biggest polluter and they know that. But they have 1.3 billion people. They have 900,000 people in what they call rural areas, which, through the miracle of information technology, know how the rest of the world lives, and they are clamoring for the benefits of the industrialized society. And I think that China is concerned that if they're not able to provide those benefits, that their empire may unravel the way the Soviet Empire unraveled.

The fifth point in that five-point plan is a really significant one, international cooperation. They know that if only one country does it, that you really could have kind of a Jevons paradox, that is, the harder you work the worse it gets.

Let me give you an example from our country. I suppose that we, alone, I don't think that we have any alternative, Mr. Speaker, we use a fourth of the world's oil. We're a fourth of the world's economy. We are a role model. We're a leader, whether we like it or not, and people are watching us.

But suppose that we decided that what we were going to do was to have an aggressive conservation program. What that would do is to drop the price of oil and gas and coal because energy is fungible and those prices will move somewhat together. And then that would make oil even cheaper for the Chinese who are already aggressively competing with us economically and militarily. So it would make them easier to compete with us economically and militarily. So maybe from a national security perspective one might argue that, gee, let's pig it all up as soon as possible so there won't be any for the Chinese or anybody else. Of course that's a grossly irresponsible, irrational response.

But this points out Jevons paradox, that our unique local situation could in fact be made worse if we didn't seek the cooperation of the world, and if we

unilaterally, and I don't think we have any choice, Mr. Speaker, because we are a world leader, and the world is headed for some really rough bumps if we don't do something. So I think that we've got to move and hope that the world will follow. But if the world didn't follow, it would simply make more oil available at cheaper prices to our adversaries, both economic and military adversaries. This is known as Jevons paradox; the harder you work the worse the problem gets.

Well, this is one thing that China is doing is pleading for international cooperation. But at the same time they do that, and I can't get inside their head to know why they're building, very aggressively building a blue water navy, but one might suspect that if you had all that oil around the world and you envisioned that a time might come when you would have to say, gee guys, I'm sorry, but we have 1.3 billion people and the oil is ours and we can no longer share it, the only way to make that happen is to have a blue water navy big enough to protect the sea lanes. At the moment we have the only blue water navy that's large enough to do that.

The next chart is one that inspired, oh, maybe nearly 3 years ago now, 30 of our prominent Americans. Jim Woolsey and McFarlane and Boyden Gray and 27 others, retired admirals and generals, sent a letter to the President saying, Mr. President, the fact that we have only 2 percent of the reserves of oil in the world and we use 25 percent of the world's oil, and we import almost two-thirds of what we use is really a totally unacceptable national security risk. We've really got to do something about that. That is true, of course. That is a totally unacceptable national security risk. And the President has mentioned that risk in his State of the Union messages. That recognition, in my view, has not been followed by appropriate actions on either the part of the administration or of the Congress.

A couple of other interesting numbers here. We really represent less than 5 percent of the world's population. We are one person in 22 in the world, and we use a fourth of the world's energy, and that statistic is not lost on the rest of the world. As oil becomes critically short, and the prices rise, they will be looking more and more at this relatively little land mass across the Atlantic and Pacific that's using a fourth of all of the world's energy.

This 8 percent is really interesting. We have only 2 percent of the world's reserves, and I mentioned that we had 530,000 functioning oil-producing oil wells, so we are pumping our oil down about four times faster than the average in the world.

This group of people, and they're a sizeable number of them and I commend them, who are really concerned about the price of oil and peak oil and its availability and who has the oil and who uses the oil, these people are concerned about our national security. And their solution to that problem, of course, is to use less fossil fuels and move to other sources of energy, like nuclear and wind and solar. These are all electric, by the way, and liquid fuels are going to be the real challenge. And there it really is a challenge. There is no silver bullet. It's going to be a little of this and a little of that.

And at the end of the day, I was privileged to spend a week in South America with the chairman of our Agriculture Committee. And he believes at the end of the day that the world will be able to produce about a third as much liquid fuels as we are now using, and I will tell you that that's probably okay. I think that we could live very comfortably with a third of the liquid fuels that we now have with appropriate conservation and efficiency. So this is one group that has common cause with those of us who are concerned that the oil just isn't going to be there.

There's a second group that has a common cause that I wanted to mention because what I think these three groups ought to do is stop criticizing each other's premise and simply lock arms and march on because all three want to do exactly the same thing. They want to move away from fossil fuels to alternatives.

This third group are those that believe that our excessive use of fossil fuels and releasing the CO_2 that was bound there in these ancient subtropical seas a very long time ago that produced our oil and gas, and it wasn't seas, but the furnace and stuff that produce the coal. They are now releasing that CO_2, and this is a greenhouse gas and it's trapping the infrared radiations that come back from the Earth after the broad number of bandwidth that come in from the sun heats up the Earth and it radiates back just in the infrared, and these are called greenhouse gases because they do for our world what the glass in the greenhouse does for the greenhouse temperature or the glass in your car does for your car which may be 140 degrees on an 80-degree day this summer when you open the door.

Now, what the climate change global warming group wants to do is exactly the same thing. Their solution is the same solution as those who are concerned about national security and those who are concerned about the fact that it just isn't going to be there. They want to use less fossil fuels and move to renewables.

And the question I ask is, Mr. Speaker, why do we criticize each other's premise? Since we all have a similar path to achieving our goal, why don't we just lock arms and expend our energies addressing the challenge by moving away from fossil fuels to sustainable renewables?

The next chart, I wish this could go back the 8,000 years that Hyman Rickover referred to, but it goes back only about 400 years. But it wouldn't matter because if you extend it this way, it's going to be the same. The amount of energy used by mankind is going to be so small that it hardly shows above the baseline. This shows the revolution, the Industrial Revolution. The brown line is wood, the black line, appropriately, is coal, and the red is gas and oil. Wow, look what happened. When we found gas and oil and we learned how to use the incredible amounts and quality of energy and gas and oil, the use of energy just exploded. And with it, by the way, the world's population. If I had a population graph, it follows that same curve. It goes from a half a billion or so down here to roughly, what, 7 billion now, approaching 7 billion people in the world.

Notice what happened in about the 1970s there. And notice the amount of trouble we would have been in if that hadn't happened. We had the embargo-inspired oil price spike heights in the 1970s and there was a worldwide recession. And notice the dip in gas and oil consumption. And then when we recovered from that recession, the slope, and that will show up better on some future graphs where the abscissa is spread out, the slope is very much less than it is here.

The slope there, if we'd continued on that slope today, we would be above the chart there, wouldn't we? The statistics there were just stunning. Every decade the Earth used as much oil as had been used in all of previous history. What that meant, of course, was that had we continued on that path, and we'd used half of all the oil that we could ever recover, we would have had 10 years remaining.

Hyman Rickover, in his speech, and in just a moment I'll have a quote from that speech. I just want to note something here before we put his quote up. He recognized that there would be an age of oil. That age of oil started back here, what, in the late 1800s. They were about 100 years into the age of oil and gas and coal because you can move this back a little bit for fossil fuel energy, about 100 years into the fossil fuel era because oil and gas have so dominated that you could refer to it as the age of oil. And he noted that there would be an age of oil like there was a stone age.

Now, I know the cute remark is the stone age didn't end because they ran out of stone; and, therefore, the age of oil won't end because we ran out of oil. That gets a smile and an applause line. But I think if you believe that we can just go through business as usual and we're going to come out okay, that you probably also believe that you'll solve your personal economic problems by winning the lottery, because I think

the odds of that happening are about the same.

□ 1530

Well, this is the first part of the age of oil. As you will see from M. King Hubbert's predictions, the other side of this should be a mirror and come down like this so we know pretty much how long the age of oil will be. We are about 150 years into this Golden Age, and in another 150, it will be gone.

Now, the quote from Hyman Rickover. This is his speech given the 14th day of May, 1957, to a group of physicians in St. Paul, Minnesota: There is nothing man can do to rebuild exhausted fossil fuel reserves that were created by solar energy 500 million years ago and took eons to grow to their present volume. In the face of the basic fact that fossil fuels are finite, the exact length of time these reserves will last is important in only one respect: the longer they last, the more time we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Fossil fuels resemble capital in the bank. I love this statement. It so correctly describes the collective attitude of the world. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living, or wanton drilling and consumption of oil might be substituted there, and care not one wit how his offspring will fare.

I have 10 kids, 16 grandkids, and 2 great-grandkids. We are going to bequeath them a horrendous debt, not with my votes if you will check the record, but they're going to get the debt anyway.

I tell those who would like me to vote to drill in ANWR and offshore that wouldn't it be nice if I left them a little oil. By the way, I will vote to drill there when I have a commitment that they're going to use all of the energy and the money that they get from pumping those reserves to develop alternatives.

The next chart, and this may be my last chart because the hydrostatic column that I mentioned I had difficulty maintaining is giving me some problems. This is the second one. There were two charts that were very insightful, and this is the second of those charts. This shows the discoveries, and notice that those discoveries occurred a while ago.

Here we are over here. Huge discoveries behind us, very few currently in spite of lots of money spent, lots of drilling and so forth.

This solid black curve is the same curve we saw before. This is the use of energy. A system was compressed and the ordinate expanded, and here's a very sharp curve. Here is the recovery with much more efficiency after that recession in the 1970s as the result of the Arab oil embargo.

Now, where will we go from here? Unless we find a lot more oil, we have these reserves that we can pump in the future. If we pump them very aggressively and bleed them down quickly, we may get more for the moment and less for the future. And you can vary the slide down the other side of the world's Hubbert's peak there by some of the things you do with aggressive drilling and enhanced oil recovery. But remember, you cannot pump what you have not found.

I want to look at one more chart, and then I will have to yield back my time.

I have been saying for 3 years now that we were about to reach peak oil, and I started saying that back here 3 years ago. And at just about that time, the two big agencies in the world that track the use of oil have found that it's flat. One is the IEA, the International Energy Agency. This is a group that tracks what is happening in Iran, among other things. The other is the EIA, the Energy Information Administration, a part of the Department of Energy. Both of those have the production of oil flat for about the last 3 years. And while that's been flat, the price of oil has gone up, as it should with a flat production, and increased demand has gone up from $55 a barrel to $110 a barrel. You can see that spike here.

Mr. Speaker, I'm very sorry that the flu and its effect on my ability to maintain a hydrostatic column means that I am going to have to yield back my time and sit down.

But I want to reemphasize how important this subject is. There is a solution, by the way. That solution will require the total commitment of World War II, the technology focus of putting a man on the Moon, and the urgency of the Manhattan Project.

I'm excited about this. It's exhilarating. It's a huge challenge. There's no exhilaration like the exhilaration of overcoming a huge challenge.

Mr. Speaker, at this time, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for March 13 and the balance of the week on account of official business in district.

Mr. BOUSTANY (at the request of Mr. BOEHNER) for March 13 and the balance of the week on account of a funeral.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for March 13 after 1:30 p.m. and the balance of the week on account of personal reasons.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. SALI, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, pursuant to House Concurrent Resolution 316, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p.m.), the House adjourned until Monday, March 31, 2008, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca,

Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. ''Hank'' Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg, John R. ''Randy'' Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. ''Bobby'' Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C. W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5720. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Blanca, Colorado) [MB Docket No. 07-165 RM-11371] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5721. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Susanville, California) [MB Docket No. 07-221 RM-11402] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5722. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Pension Protection Act Changes [Notice 2008-30] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5723. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 4371.-Imposition of Tax 26 CFR: 4371 (Also: 4372, 4373, and 4374) (Rev. Rul. 2008-15) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5724. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Voluntary Compliance Initiative Covering Policies of Insurance and Reinsurance Issued by Foreign Insurers and Foreign Reinsurers. [Announcement 2008-18] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5725. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Films Under Section 199 [TD 9384] (RIN: 1545-BG33) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5726. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Amendment of Matching Rule for Certain Gains on Member Stock [TD 9383] (RIN: 1545-BH21) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5727. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts [TD 9385] (RIN: 1545-BG65) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5577. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes (Rept. 110–550 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than April 11, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. SCHMIDT (for herself and Mr. OBERSTAR):

H.R. 5640. A bill to authorize the Secretary of Health and Human Services to provide services for birthparents who have placed a child for adoption, and for other purposes; to the Committee on Education and Labor.

By Mr. MCCOTTER (for himself and Mr. PAUL):

H.R. 5641. A bill to amend the Internal Revenue Code of 1986 to permit hardship loans from certain individual retirement plans; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. CANTOR, Mr. GOODLATTE, and Mr. FEENEY):

H.R. 5642. A bill to increase the numerical limitation with respect to H-1B nonimmigrants for fiscal years 2008 and 2009; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. BURTON of Indiana, Mr. CARNAHAN, Ms. GIFFORDS, Mr. DOYLE, Mr. DAVIS of Illinois, and Ms. BORDALLO):

H.R. 5643. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. SHUSTER, Mr. COSTA, Mr. SALAZAR, Mr. BACHUS, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Ms. FALLIN, Mr. GERLACH, Mr. GRAVES, Mr. LOBIONDO, Mr. MACK, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mr. PLATTS, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 5644. A bill to provide for competitive development and operation of high-speed rail corridor projects; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTA, Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. AL GREEN of Texas, Mr. MCDERMOTT, and Ms. CLARKE):

H.R. 5645. A bill to exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. ENGLISH of Pennsylvania, Mr. HENSARLING, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. KING of Iowa, Ms. FALLIN, Mr. MILLER of Florida, Mr. DAVID DAVIS of Tennessee, Mrs. MUSGRAVE, Mr. GINGREY, Mr. GOODE, and Mr. GARRETT of New Jersey):

H.R. 5646. A bill to protect the second amendment rights of individuals to carry firearms and ammunition in units of the National Park System and the National Wildlife Refuge System and to require that hunting activities be a land use in all management plans for Federal land to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed; to the Committee on Natural Resources.

By Mr. EMANUEL:

H.R. 5647. A bill to provide public charter school options for those students that attend schools that are in need of improvement and have been identified for restructuring and those schools with a graduation rate of less than 60 percent, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mr. SALAZAR, Mr. SALI, and Mr. BACA):

H.R. 5648. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a Federal wildland fire emergency suppression fund to facilitate accountable fire suppression activities by the Secretary of Agriculture and the Secretary of the Interior to unanticipated large fire events, to encourage enhanced management efficiencies and cost controls of wildland fire suppression, and to reduce the risk of catastrophic wildfire to communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 5649. A bill to establish the Home Owners' Loan Corporation to provide emergency home mortgage relief; to the Committee on Financial Services.

By Mr. MILLER of Florida:

H.R. 5650. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to limit the repair, restoration, reconstruction, or replacement of certain property and to discontinue large in-lieu contributions; to the Committee on Transportation and Infrastructure.

By Mr. MITCHELL:

H.R. 5651. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 5652. A bill to direct the United States Sentencing Commission to make certain changes in the Sentencing Guidelines as they affect certain human trafficking offenses; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. UDALL of New Mexico, and Mrs. WILSON of New Mexico):

H.R. 5653. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus, and parts thereof, for use in the construction of an isotopic separation facility in southern New Mexico; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. ELLISON, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. COHEN, Mr. LEWIS of Georgia, Ms. WATSON, Mrs. CAPPS, Ms. BALDWIN, Ms. HARMAN, Mr. CLAY, Ms. CLARKE, Mr. RUPPERSBERGER, Mr. LARSON of Connecticut, Ms. DELAURO, and Mr. HASTINGS of Florida):

H.R. 5654. A bill to authorize a program to provide grants to youth-serving organizations that carry out child-parent visitation programs for children with incarcerated parents; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 5655. A bill to amend the Internal Revenue Code of 1986 to expand and improve the dependent care tax credit; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. BERMAN, and Ms. ROS-LEHTINEN):

H. Con. Res. 317. Concurrent resolution condemning the Burmese regime's undemocratic constitution and scheduled referendum; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mr. BLUMENAUER, and Mr. GRIJALVA):

H. Con. Res. 318. Concurrent resolution supporting the goals and ideals of the International Year of Sanitation; to the Committee on Foreign Affairs.

By Mr. WEXLER:

H. Con. Res. 319. Concurrent resolution recognizing March 19, 2008, as the fifth anniversary of the Iraq war and urging President George W. Bush to begin an immediate and safe redeployment of United States Armed Forces from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. DAVIS of Virginia, Mr. GOODE, Mr. CANTOR, Mr. FORBES, Mrs. DRAKE, and Mr. WITTMAN of Virginia):

H. Res. 1051. A resolution congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States; to the Committee on Education and Labor.

By Ms. BEAN (for herself, Mr. CHABOT, and Mr. BURTON of Indiana):

H. Res. 1052. A resolution recognizing the importance of the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself and Mr. POE):

H. Res. 1053. A resolution supporting the mission and goals of National Crime Victims' Rights week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself, Ms. FALLIN, Ms. LORETTA SANCHEZ of California, Ms. HARMAN, Mrs. CAPPS, Ms. NORTON, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, Mrs. WILSON of New Mexico, Ms. GINNY BROWN-WAITE of Florida, Mrs. TAUSCHER, Mrs. MUSGRAVE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Ms. SHEA-PORTER, Mr. SNYDER, Mr. LOBIONDO, Ms. TSONGAS, Mr. LOEBSACK, Ms. DELAURO, Ms. MATSUI, Ms. GIFFORDS, Ms. CASTOR, Mrs. DRAKE, and Mrs. MCMORRIS RODGERS):

H. Res. 1054. A resolution honoring the service and achievements of women in the Armed Forces and female veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Mr. RANGEL, Mr. MEEKS of New York, Ms. SOLIS, and Mr. BUTTERFIELD):

H. Res. 1055. A resolution recognizing the enduring value of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as a cornerstone of global efforts to combat racial discrimination and uphold human rights, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. MCCAUL of Texas, Mr. MATHESON, Mr. MCGOVERN, Ms. SOLIS, Mr. COURTNEY, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. LOEBSACK, Mr. MITCHELL, Mr. HOLT, Mr. WU, Mr. BLUMENAUER, Mr. HONDA, Mr. INSLEE, and Mr. LIPINSKI):

H. Res. 1056. A resolution expressing support for designation of April 28, 2008, as ''National Healthy Schools Day''; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. MARSHALL, Mr. BRADY of Texas, Mr. KING of Iowa, Mrs. CUBIN, Mr. GOODE, Mr. FEENEY, Mr. BROUN of Georgia, Mrs. DRAKE, Mr. KLINE of Minnesota, Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. KINGSTON, and Mr. WILSON of South Carolina):

H. Res. 1057. A resolution commemorating the 25th anniversary of President Ronald Reagan's Strategic Defense Initiative speech; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H. Res. 1058. A resolution supporting the designation of Destination ImagiNation Week; to the Committee on Oversight and Government Reform.

By Mr. WALBERG (for himself and Mr. ROGERS of Michigan):

H. Res. 1059. A resolution congratulating the Adrian College Bulldogs men's hockey team for winning the Midwest Collegiate Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history; to the Committee on Education and Labor.

By Mr. WEINER:

H. Res. 1060. A resolution expressing condolences to the families of the eight people killed and nine people wounded in the library of the Mercaz Harav Yeshiva in Jerusalem's Kiryat Moshe quarter on March 6, 2008; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. MORAN of Virginia.

H.R. 406: Mr. BARRETT of South Carolina, Mr. BONNER, Mr. EVERETT, Mr. NUNES, Mr. SHADEGG, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. CROWLEY, Mr. JACKSON of Illinois, Mr. BUTTERFIELD, Ms. CLARKE, Ms. DEGETTE, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Mr. HALL of New York, Mr. HOLDEN, Mr. HOYER, Ms. KAPTUR, Mr. KIND, Mr. CARSON, Mrs. LOWEY, Mr. MCNERNEY, Mr. MURTHA, Mr. OBEY, Mr. SARBANES, Mr. SCHIFF, Mr. HULSHOF, Mr. DANIEL E. LUNGREN of California, and Mr. UPTON.

H.R. 503: Mr. WITTMAN of Virginia.

H.R. 530: Mr. CONYERS.

H.R. 552: Ms. DELAURO.

H.R. 579: Mr. WAMP and Mr. BOOZMAN.

H.R. 715: Mr. GENE GREEN of Texas and Mr. HOLDEN.

H.R. 917: Mr. PLATTS.

H.R. 948: Mr. TIERNEY.

H.R. 1050: Mr. FILNER and Mr. CARNAHAN.

H.R. 1188: Mr. HOLDEN, Mr. GENE GREEN of Texas, and Mr. GORDON.

H.R. 1197: Mr. FEENEY.

H.R. 1223: Mr. WAMP.

H.R. 1256: Mr. ROTHMAN, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN.

H.R. 1264: Mr. CAMPBELL of California.

H.R. 1282: Ms. CLARKE.

H.R. 1295: Mr. SALI and Mr. CAMP of Michigan.

H.R. 1343: Ms. MOORE of Wisconsin.

H.R. 1419: Mr. LATHAM and Mr. ALTMIRE.

H.R. 1430: Mr. MARSHALL.

H.R. 1461: Mr. TIERNEY.

H.R. 1537: Mr. CUMMINGS.

H.R. 1553: Ms. MCCOLLUM of Minnesota.

H.R. 1584: Mr. SESTAK, Mr. MARIO DIAZ-BALART of Florida, Mr. RAHALL, Mr. NADLER, Mr. RUSH, and Mrs. DRAKE.

H.R. 1609: Mr. FRELINGHUYSEN.

H.R. 1610: Mr. MACK, Ms. FOXX, Mrs. MYRICK, and Mr. SMITH of New Jersey.

H.R. 1621: Mr. JEFFERSON, and Mr. BISHOP of New York.

H.R. 1629: Mr. HOLDEN, Mr. BROWN of South Carolina, Mr. ROSS, Mr. MATHESON, Mr. MILLER of North Carolina, Mr. ARCURI, Mr. MCNULTY, Mr. KAGEN, and Mr. GERLACH.

H.R. 1755: Mr. HINCHEY.

H.R. 1843: Mr. KENNEDY and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1921: Mr. WATT.

H.R. 1992: Mr. WAXMAN and Mr. LANGEVIN.

H.R. 2046: Mr. BISHOP of New York.

H.R. 2132: Mr. BRALEY of Iowa.

H.R. 2331: Mr. WU, Ms. HERSETH SANDLIN and Mr. YOUNG of Alaska.

H.R. 2352: Mr. MORAN of Virginia.

H.R. 2370: Mr. BLUNT and Mr. HOLDEN.

H.R. 2371: Mr. HOLDEN, Mr. ALLEN, and Mr. CLAY.

H.R. 2652: Mr. TERRY.

H.R. 2734: Mr. BROWN of South Carolina and Mr. CANNON.

H.R. 2744: Mr. DELAHUNT and Mr. LOEBSACK.

H.R. 2805: Mr. GERLACH, Mr. SIRES, Mr. PASTOR, and Ms. SOLIS.

H.R. 2898: Mr. MCCOTTER.

H.R. 3010: Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mrs. LOWEY, Mr. SMITH of Washington, Mr. CHANDLER, and Mr. VAN HOLLEN.

H.R. 3089: Mr. LINDER.

H.R. 3094: Mr. DOGGETT.

H.R. 3186: Mr. GORDON.

H.R. 3289: Mr. COURTNEY, Mr. KILDEE, Mr. ALTMIRE, Mr. YARMUTH, and Ms. CLARKE.

H.R. 3347: Mr. TIERNEY.

H.R. 3363: Ms. BALDWIN and Mr. TIBERI.

H.R. 3430: Ms. LEE and Mr. SALAZAR.

H.R. 3453: Mr. ELLISON.

H.R. 3533: Mr. SHIMKUS and Mr. MACK.

H.R. 3609: Ms. DELAURO and Ms. MCCOLLUM of Minnesota.

H.R. 3654: Mr. LAMPSON.

H.R. 3658: Mr. BURTON of Indiana.

H.R. 3750: Mr. MILLER of North Carolina.

H.R. 3807: Mr. BAIRD.

H.R. 3817: Mrs. EMERSON.

H.R. 3834: Mr. MCNERNEY and Mr. LATHAM.

H.R. 3892: Mr. VAN HOLLEN.

H.R. 3934: Mr. TIBERI, Mr. PASTOR, and Mr. DAVIS of Kentucky.

H.R. 3995: Ms. MATSUI.

H.R. 4066: Mr. SHULER and Mr. GRIJALVA.

H.R. 4088: Mrs. WILSON of New Mexico.

H.R. 4206: Mr. BOUCHER.

H.R. 4236: Mr. OLVER, Mr. BOSWELL, and Mr. MURPHY of Connecticut.

H.R. 4266: Ms. ESHOO.

H.R. 4348: Mr. CANTOR.

H.R. 4416: Mr. JONES of North Carolina.

H.R. 4417: Mr. JONES of North Carolina.

H.R. 4418: Mr. JONES of North Carolina.

H.R. 4433: Mr. JONES of North Carolina.

H.R. 4434: Mr. JONES of North Carolina.

H.R. 4435: Mr. JONES of North Carolina.

H.R. 4436: Mr. JONES of North Carolina.

H.R. 4439: Mr. JONES of North Carolina.

H.R. 4440: Mr. JONES of North Carolina.

H.R. 4688: Ms. BORDALLO, Mr. PETERSON of Minnesota, Mr. ACKERMAN, Mr. HONDA, and Mr. ENGLISH of Pennsylvania.

H.R. 4879: Mrs. MUSGRAVE and Ms. GRANGER.

H.R. 4900: Mr. GRAVES, Mr. WITTMAN of Virginia, Mr. BURGESS, Ms. PRYCE of Ohio, Mr. HENSARLING, Mr. HOEKSTRA, Mr. MCHENRY, Mrs. WILSON of New Mexico, Mr. MELANCON, Mr. ALEXANDER, Mr. SAM JOHNSON of Texas, Mr. HAYES, Mr. JORDAN, and Mr. DINGELL.

H.R. 4930: Mr. LYNCH.

H.R. 5031: Mr. GARY G. MILLER of California.

H.R. 5157: Ms. KILPATRICK.

H.R. 5167: Mr. DAVIS of Illinois.

H.R. 5173: Mr. GENE GREEN of Texas.

H.R. 5176: Mr. WEXLER, Ms. CLARKE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5180: Mr. JONES of North Carolina.

H.R. 5232: Mr. BARTON of Texas.

H.R. 5236: Mr. GOODE.

H.R. 5265: Mr. DAVIS of Virginia, Mr. PRICE of North Carolina, Mr. SAM JOHNSON of Texas, Mr. SHAYS, and Mr. HALL of Texas.

H.R. 5268: Mr. TOWNS, and Mr. WILSON of Ohio.

H.R. 5315: Mr. HALL of New York, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, and Mr. HARE.

H.R. 5440: Mr. BILIRAKIS.

H.R. 5443: Mr. COURTNEY, Mr. SNYDER, and Mr. GONZALEZ.

H.R. 5450: Mr. YOUNG of Florida, Mr. SCHIFF, Mr. PRICE of Georgia, Mr. SHADEGG, Mr. SALI, Mr. BILBRAY, Mr. KING of Iowa, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mrs. BACHMANN, Mr. POE, Mr. GINGREY, Mr. ROGERS of Michigan, Mr. BURTON of Indiana, and Mr. YOUNG of Alaska.

H.R. 5465: Mr. CARNAHAN.

H.R. 5468: Mr. ENGLISH of Pennsylvania and Ms. CLARKE.

H.R. 5472: Mrs. CAPPS, Ms. RICHARDSON, Mr. SCOTT of Virginia, Ms. LEE, Mrs. MALONEY of New York, Mr. HARE, Mr. GONZALEZ, Mr. CLAY, Ms. MCCOLLUM of Minnesota, Mr. SHIMKUS, and Mr. RANGEL.

H.R. 5473: Mr. YARMUTH.

H.R. 5475: Mr. COSTA.

H.R. 5477: Mr. BERMAN, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. BECERRA, Ms. HARMAN, Mr. THOMPSON of California, Mrs. CAPPS, Ms. LEE, Ms. MATSUI, Mr. WAXMAN, Mr. FARR, Ms. WATSON, Mr. BACA, Ms. ESHOO, Mrs. TAUSCHER, Mr. MCKEON, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. COSTA, Mr. MCNERNEY, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. CAMPBELL of California, Mrs. DAVIS of California, Mr. CALVERT, Ms. WATERS, Mr. RADANOVICH, Mr. HERGER, Mr. ROYCE, Mr. ISSA, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. SHERMAN, and Mrs. BONO MACK.

H.R. 5515: Mr. GINGREY, Ms. FOXX, Mrs. CUBIN, Mr. MARCHANT, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. DOOLITTLE, and Mr. LUCAS.

H.R. 5519: Mr. MILLER of Florida and Mr. LIPINSKI.

H.R. 5534: Mr. SCHIFF and Mr. FRANK of Massachusetts.

H.R. 5549: Mr. WYNN.

H.R. 5560: Mrs. BONO MACK, Mr. MCNERNEY, Mr. CARNAHAN, Ms. BERKLEY, Mr. GRIJALVA, Mrs. NAPOLITANO, and Mr. HOLT.

H.R. 5580: Mr. SESTAK.

H.R. 5611: Ms. VELÁZQUEZ.

H.R. 5618: Mr. BROWN of South Carolina, Mr. ALLEN, and Mr. PALLONE.

H.J. Res. 1: Mr. HELLER and Mr. LATTA.

H.J. Res. 50: Mr. MACK, Mr. FEENEY, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mrs. TAUSCHER, and Mr. BOOZMAN.

H.J. Res. 55: Mrs. BOYDA of Kansas.

H. Con. Res. 22: Ms. KAPTUR.

H. Con. Res. 40: Mrs. BACHMANN.

H. Con. Res. 241: Mr. TANCREDO.

H. Con. Res. 295: Mr. BISHOP of Georgia and Mr. GONZALEZ.

H. Con. Res. 301: Mrs. BONO MACK.

H. Con. Res. 305: Mr. WU.

H. Con. Res. 315: Mr. CAMP of Michigan, Mr. WITTMAN of Virginia, and Mr. DOOLITTLE.

H. Res. 49: Mr. LEVIN.

H. Res. 76: Ms. MOORE of Wisconsin.

H. Res. 259: Mr. GARY G. MILLER of California.

H. Res. 356: Mrs. MUSGRAVE and Mr. CARDOZA.

H. Res. 424: Mr. WYNN, Mr. COHEN, Mr. PAYNE, Mr. BRALEY of Iowa, and Mr. GENE GREEN of Texas.

H. Res. 727: Mr. UDALL of Colorado.

H. Res. 821: Mr. GARY G. MILLER of California.

H. Res. 906: Mr. BROUN of Georgia, Mr. WELDON of Florida, Mr. MILLER of Florida, and Mr. TIAHRT.

H. Res. 959: Mr. MCGOVERN.

H. Res. 962: Mrs. JONES of Ohio.

H. Res. 984: Ms. JACKSON-LEE of Texas, Mr. FILNER, Ms. KILPATRICK, Mr. MATHESON, Mr. REYES, Mr. BOSWELL, Ms. KAPTUR, Ms. SHEA-PORTER, Mr. MELANCON, Mr. YARMUTH, Ms. RICHARDSON, and Mr. MOORE of Kansas.

H. Res. 990: Mr. GONZALEZ.

H. Res. 992: Mr. VAN HOLLEN, Mrs. TAUSCHER, and Mrs. DAVIS of California.

H. Res. 1003: Mr. CAMPBELL of California.

H. Res. 1005: Mr. WITTMAN of Virginia.

H. Res. 1011: Mr. TANCREDO and Mr. LYNCH.

H. Res. 1019: Mr. STARK and Mr. ELLISON.

H. Res. 1020: Ms. GIFFORDS, Mr. BISHOP of Georgia, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mr. LOEBSACK, Mr. TOWNS, Mrs. SCHMIDT, Mr. FOSSELLA, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. COURTNEY, Mr. COHEN, Mr. SNYDER, Mr. REYES, Mr. CONAWAY, Mr. LAMBORN, Mr. YOUNG of Florida, Ms. SHEA-PORTER, Mr. ISRAEL, Mr. SHAYS, Ms. GINNY BROWN-WAITE of Florida, Mr. SALI, Mr. MCINTYRE, Mr. ORTIZ, Mr. SPRATT, Mr. ETHERIDGE, Mr. BOYD of Florida, Mrs. DRAKE, Mr. SMITH of Washington, Mr. CAMP of Michigan, Mr. CROWLEY, Mr. ABERCROMBIE, Mrs. WILSON of New Mexico, Mr. HAYES, Ms. TSONGAS, and Mr. FRELINGHUYSEN.

H. Res. 1025: Mr. LUCAS.

H. Res. 1027: Mr. SALI and Mr. HENSARLING.

H. Res. 1042: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1043: Mr. RAHALL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Ms. CORRINE BROWN of Florida.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 5, March 11, 2008, by Mrs. THELMA D. DRAKE on the bill H.R. 4088, was signed by the following Members: Thelma D. Drake, Brian P. Bilbray, Lynn A. Westmoreland, Tom Davis, Bill Shuster, Jo Bonner, Peter J. Roskam, Mike Pence, Roy Blunt, Charles W. Dent, Mac Thornberry. Jeff Miller, Terry Everett. Thomas G. Tancredo, Heath Shuler, Ginny Brown-Waite, Steve Buyer, Eric Cantor, Michael C. Burgess, Virginia Foxx, Gus M. Bilirakis, Jeb Hensarling, Joe Wilson, Jean Schmidt, Jim Gerlach, David Davis, Paul C. Broun, Gene Taylor, Tim Walberg, John Campbell, Mike Ferguson, Dean Heller, Thaddeus G. McCotter, Ted Poe, Kevin Brady, Darrell E. Issa, Charles W. Boustany, Jr., Rodney Alexander, Michael R. Turner, Todd Russell Platts, Phil English, Tom Cole, Frank R. Wolf, Edward R. Royce, Mary Fallin, Randy Neugebauer, Marilyn N. Musgrave, Candice S. Miller, Mary Bono Mack, Connie Mack, Jim Jordan, John Abney Culberson, J. Randy Forbes, John Kline, Steve King, Bob Inglis, Joe Knollenberg, Jim Saxton, Peter Hoekstra, Brad Ellsworth, F. James Sensenbrenner, Jr., Ron Lewis, Jerry Weller, Kay Granger, Patrick T. McHenry, K. Michael Conaway, Walter B. Jones, Jo Ann Emerson, Michele Bachmann, J. Gresham Barrett, Ray LaHood, John Barrow, Lee Terry, Dana Rohrabacher, Harold Rogers, John J. Duncan, Jr., John B. Shadegg, Daniel E. Lungren, Nick Lampson, Joseph R. Pitts, Sue Wilkins Myrick, Barbara Cubin, Geoff Davis, Robin Hayes, Christopher H. Smith, Virgil H. Goode, Jr., Henry E. Brown, Jr., Mark Steven Kirk, Lamar Smith, Ken Calvert, Bob Goodlatte, Christopher Shays, Judy Biggert, Todd Tiahrt, Nathan Deal, Michael N. Castle, Robert E. Latta, Ric Keller, David G. Reichert, Kenny Marchant, Jim McCrery, Robert J. Wittman, John Boozman, John R. Carter, Donald A. Manzullo, Sam Graves, Ander Crenshaw, Doug Lamborn, Scott Garrett, Tom Feeney, Rodney P. Frelinghuysen, Cliff Stearns, Paul Ryan, Dave Weldon, Tim Murphy, Kenny C. Hulshof, Jack Kingston, Steven C. LaTourette, Marsha Blackburn, Mike McIntyre, Dan Burton, Duncan Hunter, Nancy E. Boyda. Michael T. McCaul, Greg Walden, Jerry Lewis, David Dreier, Trent Franks, Heather Wilson, Rick Renzi, Jeff Fortenberry, Phil Gingrey, Pete Sessions, John Sullivan, W. Todd Akin, Zach Wamp, Tom Price, John Linder, Adrian Smith, Kevin McCarthy, John L. Mica, John A. Boehner, Frank D. Lucas, Jerry Moran, Ed Whitfield, Adam H. Putnam, Howard Coble, Gary G. Miller, Roscoe G. Bartlett, Louie Gohmert, Dave Camp, C. W. Bill Young, Wayne T. Gilchrest, Elton Gallegly, Ralph M. Hall, John E. Peterson, Peter T. King, Thomas E. Petri. Sam Johnson, Steve Chabot, Howard P. ''Buck'' McKeon, John T. Doolittle. Stevan Pearce, Vern Buchanan, Wally Herger, Chris Cannon, Rob Bishop, John Shimkus, Mike Pence, Robert B. Aderholt, Michael K. Simpson, Ralph Regula, Jim Ramstad, Jon C. Porter. Dennis R. Rehberg, Tom Latham. Spencer Bachus, Joe Barton, Joe Donnelly, Christopher P. Carney, and Jeff Flake.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I was absent from the chamber today, Thursday, March 13, 2008, due to the travel schedule for my return to my district on account of official business. Had I been present for the three rollcall votes taken today in the Committee of the Whole House on the State of the Union on the amendments that were offered in the nature of a substitute to House Concurrent Resolution 312, the Concurrent Resolution on the Budget for Fiscal Year 2009, I would have voted as follows: "aye" on the amendment offered by Ms. KILPATRICK of Michigan and Mr. SCOTT of Virginia (rollcall vote 137); "no" on the amendment offered by Ms. LEE of California (rollcall vote 138); and "no" on the amendment offered by Mr. RYAN of Wisconsin (rollcall vote 140).

HONORING DAVID COURTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Courter a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David Courter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO RIVERSIDE CITIZEN OF THE YEAR ROBERT A. WOLF

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Robert A. Wolf is one of these individuals. On March 27, 2008 at the 108th Inaugural Dinner, the Riverside Chamber of Commerce will recognize Bob as the 2007 Citizen of the Year.

Bob is a principal in many firms active in the financing, development, building and sale of real estate both domestically and internationally, with banking and venture relationships in Western Europe and Japan.

Bob obtained a bachelors degree in business administration and concentrated his continuing education on the field of development. Areas of study and successful completion include real estate law and development, financing, marketing, syndication, business law, group investment and construction techniques. Bob has been successful in international financing, joint ventures and marketing programs. Bob has worked in all facets of development including superintendent, project manager, project engineer, sales manager, and broker before becoming a chief executive officer. This background has helped Bob to draw upon his experience when making any decision regarding a development or investment. He has also had "hands-on" experience in the approval processes at every level of government and is a recognized expert in the field of real estate development, infrastructure and financing. He is a nationally known and sought after speaker on these topics.

Bob has served as Vice Chairman of the City of Moreno Valley's Planning Commission, the County of Riverside Flood Control Commission for Zone Four, and Planning Commissioner for Riverside County. He has recently served as Undersecretary of the Business, Transportation and Housing Agency for California, and has served as Chairman of the California Transportation Commission.

Bob is the author of "How to Become a Developer", a step-by-step description of the development process and the people involved, which was written for people who wish to enter the profession. Published by Crittenden Books, the book received excellent reviews including one from the Los Angeles Times. Bob and his family reside in Riverside, California, where they continue to be active and respected members of the community.

Bob's tireless passion for community development has contributed immensely to the betterment of Riverside, California. Bob served his country honorably in Vietnam and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

HONORING THE MEMORY OF THE HONORABLE TOM LANTOS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great sadness that I rise today to honor the memory of the late Congressman Tom Lantos and his devotion to battling genocide and aiding its victims. We have not only lost a wonderful friend but an individual who, during his lifetime, made countless contributions toward the betterment of our Nation, and indeed, the world.

At the age of 16, Tom was taken by the Nazis as they stormed through Budapest in 1944. After two escapes from the Nazi work camps, he found refuge in a safe house and began working to help other Jews in hiding by gathering food and supplies.

Upon moving to the United States in 1947, Tom Lantos served in various capacities as an educator, consultant and political advisor to several Senators. In 1983, only 2 years after being elected to Congress, Congressman Lantos helped to found the Congressional Human Rights Caucus. During his final year of service to the House of Representatives, he served as the distinguished chairman of the Foreign Affairs Committee.

Chairman Lantos represented California's 12th Congressional District for 27 years in the House of Representatives and will be remembered as a champion of human rights.

We are privileged to have known and worked with such a passionate and loyal individual. Chairman Lantos will be greatly missed and always remembered. Madam Speaker, I ask my colleagues to join me in remembering a dedicated public servant.

He will be deeply missed by his family—his wife, Annette, their two daughters, Annette and Katrina, 17 grandchildren and two great-grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

A TRIBUTE TO MUCM WAYNE C. TAYLOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to pay tribute to Wayne Taylor, Master Chief Musician of the United States Navy Band. Mr. Taylor is retiring on March 21, 2008, after a distinguished career as the lead singer for the U.S. Navy Band's premiere country-bluegrass group, Country Current.

Wayne joined the Navy for his first enlistment in 1974 and was assigned to the Aviation rating. He auditioned and was accepted into the Navy Music Program and received orders to the School of Music at Little Creek, Virginia. Upon graduating he reported for duty with the Seventh Fleet Band in Yokosuka, Japan, as lead vocalist and guitarist with the ''Orient Express'' Rock Band. He was stationed onboard the USS *Oklahoma City*. Throughout his 2 years in Japan, he traveled to many Asian countries on 13 different ships. Wayne was honorably discharged in 1978 as a Musician 3rd Class.

When Wayne decided to re-enlist in the Navy in 1987, he auditioned for Country Current and has spent the last 20 years and 7 months as their lead singer. Country Current has performed in 49 of the 50 states, for four U.S. Presidents, three times at the Grand Ole Opry, for the ''Nashville Now'' show, Good Morning America, the Today Show, Wheeling Jamboree and Richmond Barn Dance. As a member of the Country Current Duo, he has performed at 13 Army-Navy football games and for distinguished military and civilian officials around Washington. Taylor sang the National Anthem to over 100,000 patrons at the Charlotte 600 NASCAR Race in Charlotte, NC, and at Comiskey Park for a Chicago White Sox baseball game.

Wayne and his wife, Marrie, have two children; Wayne Coleman Taylor, Jr. (former Marine) and Terra Lee Ann Taylor, a Hospital Corpsman presently stationed in Earle, NJ. I am sure Members of the House will join me in thanking Wayne Coleman for his service to our country and for sharing his love of music with people throughout the world.

CONGRATULATING THE WORK OF MASTER DISTILLER JIMMY BEDFORD

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, today I rise to commend and congratulate the life's work of Master Distiller Jimmy Bedford, the craftsman behind the smooth and distinct Jack Daniels whiskey that flows out of Lynchburg, Tennessee, every year.

For years, Jimmy studied his trade under the tutelage of one-time Master Distiller Frank Bobo. When Frank retired, Jimmy took the reigns of the milling, yeasting, fermentation, distillation, and charcoal mellowing of the long lived Jack Daniels recipe. For 20 years, Jimmy has safeguarded this Tennessee tradition in Lynchburg's quiet hollow as the sixth Master Distiller in Jack Daniels history.

Throughout Jimmy's tenure at the distillery, Jack Daniels has seen its yearly sales rise from under one million to nearly ten million cases in just forty years, with shipments going out to 135 countries around the world every year; but, no matter where people are drinking their whiskey, whether overseas, along the coasts or right in the heart of Tennessee, they know now, as they have for twenty years, that every bottle of Jack Daniels whiskey comes to them with Jimmy Bedford's approval.

This year, Jimmy will retire to his farm just two miles up the road from the distillery he served for so long. While it is sad to see him go, we can trust that Jimmy will leave this icon of Tennessee and American culture in the hands of an able and dedicated successor. Jimmy retires this month with our blessing, but it is my sincere hope that before he steps down we might impress upon him our gratitude for his stalwart preservation of this lasting Tennessee tradition.

HONORING MAYOR STAN SCHAEFFER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SHIMKUS. Madam Speaker, I rise today to mourn the passing of a great community leader and a great friend.

Mayor Stan Schaeffer of Collinsville, Illinois, passed away March 7, 2008, at his home in Collinsville. Like so many of Stan's constituents, I knew him in many different capacities: not only did he serve our city as mayor for the last 9 years, he was also a city councilman, a teacher for over 40 years, and a coach of many sports teams.

Stan was dedicated to seeing our community and our region move forward. His tenure as mayor will be remembered as one during which Collinsville grew in population and grew economically through business development, but one during which our town remained the caring, close-knit community it has always been.

Many individuals forget that all the basic services we require—local government, police, fire, sanitation, local roads—come from local government. Collinsville faced many challenges during Stan's tenure. His optimistic outlook and his calm spirit is a path that future leaders should follow.

My thoughts and prayers are with his wife, Liz, his daughter Carrie, his stepdaughters Linda, Paula and Jami, his stepsons Timothy and Scott, his fifteen grandchildren, and all those who mourn this day for our friend Stan. He devoted his life to his family and his community, and he left a positive mark on both. He will be dearly missed by all of us who had the privilege to know him.

TEXAS STUDENTS' INTERVIEWS OF VETERANS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, last fall I invited high school students living in the Third Congressional District to join the Congressional Youth Advisory Council. The goal of the CYAC is to foster civic involvement and to encourage students to unleash their passions for America. Each meeting, they exceed my expectations and make me hopeful for the future.

The students who serve on the CYAC represent the best and the brightest in North Texas. Students are leaders, athletes, musicians, volunteers, and activists. They are the voice of their generation to Congress. They make a difference at each meeting and I'm proud of them.

For this year's community project, students interviewed a veteran and wrote essays. A summary of some of the submitted essays follows.

It is my hope that some day the Congressional Youth Advisory Council will be associated with excellence and one of our highest standards of civic pride for young people in North Texas. I commend the students for volunteering their time on the Congressional Youth Advisory Council. Without a doubt, every student will continue to play an important role in our community for decades to come, and that America and North Texas, will continue to benefit from their dedication, smarts, and service.

To the members of the 2007–2008 Congressional Youth Advisory Council. Thank you. I salute you; God bless you and God bless America.

My interview was conducted with Mr. Allen B. Clark. He served in the United States Army as a Military Intelligence Officer for the Fifth Special Forces. He was able to help many of the operations in Saigon and give life to a Special Forces unit started by him. Mr. Allen Clark gave me a perspective of one who risked his life and sacrificed himself for ideals that he believed in. Furthermore, he is the first person whom I have met that has ever faced such adversity and still succeeded in everything he has done. The adjustments he had to make in order to accommodate his prosthetic legs and his spiritual revolution attest to the integrity and strength of his character. Mr. Clark taught me that one who faces adversity never uses it as an excuse to fail, but rather as a motivation for succeeding. If one has a dream, then it is never out of reach even if the odds are against you. Standing firm for principle, guides one in life and gives him direction to make the choices that will allow him to be satisfied with life.—Nabeel Lockmanjee

For my veteran's interview, I interviewed my grandfather, Theodore Wade Falconer. My grandfather served in the Navy from September 1948 to September 1952 and worked up the ranks from Seaman Apprentice to 2nd Class Petty officer. Ted was born in Portland, Oregon on January 19, 1929, but grew up in Coos Bay, Oregon. He joined the Navy after high school for two reasons: one, he couldn't afford to go to college, and two, the Navy had an exceptional electrical technician program. After going through boot camp for 13 weeks, Ted was shipped off to Treasure Island, where he went to a Navy electrician training school. After 42 weeks of training, he was then shipped off to the Naval Communication Station on Guam, where he spent 16 months stationed there, while stating that it had been the best experience of his Navy career. After spending 16 months in a Pacific paradise, Ted was then shipped off to Hunter's Point in San Francisco to re-commission an old World War Two troop transport for active service in the Korean War. After six months of training, his commission was up and he was discharged from the Navy. His post military career was a successful one where he earned his

masters degree and went to work for Texas Instruments for 33 years before retiring. After talking to my grandfather about his military experiences, I saw a living example of all the good virtues a person can posses; integrity, discipline, work ethic, and respect. My grandfather is a perfect example of these traits, focusing his actions based on these virtues. With this, I learned about not only his military experiences, but also how important it is to use these core values as he used them throughout his life. Anchors aweigh.—Joshua Womboldt

Veterans have done a service for our country with their selfless acts during the war, regardless of how large or small their sacrifice was. Charles Pearson made his life the best that he could, and was part of the crucial moment of the Japanese surrender in World War II. As 2nd Lieutenant in the Marine Corps, Mr. Pearson was sent to Okinawa and fought the Japanese on the island for a lengthy period of time. After being sent to Guam to rebuild his division, Mr. Pearson and his men who survived the previous assignment were sent to Japan, just north of Tokyo Bay. Their mission was to verify the Japanese's surrender. Mr. Pearson and his men prepared for a possible attack from the enemy, even though an attack would result in a complete destruction of their ship. Bravely entering the enemy's territory, they were relieved that the Japanese had indeed surrendered. After the peace treaty was signed in 1945, Mr. Pearson was finally sent to China to help improve the economy and send the remaining Japanese back to Japan. In 1946, Mr. Pearson returned home. Since the war, Mr. Pearson has fulfilled his dreams by living a quiet and peaceful life on his family farm in Frisco, Texas.—Rena Sheng

Russell Friese was born in Alto-Pass, Illinois in 1915. After hearing many achievements about brave young men risking their lives for freedom, Mr. Friese decided to enlist and leave with the next shipment of troops for training. He was asked to serve in both the Navy and the Marines but turned down both offers and asked to be stationed in the Army because he knew that he could be more constructive there. He was stationed at Fort Mead in Maryland before going overseas. He received umbilical hernia surgery during boot camp. He was a Private at the time: and his unit was taken overseas. They infiltrated ''Hitler's hideout'' in Salzburg, Austria. During one of the unit's firing missions, Private Friese jumped out of a tank and rolled his right knee. Since then he's had many surgeries and to this day he walks with a cane. He received two battle stars and ended his military career as First Sergeant. He was recently named Grand Marshall in September of 2007 on Veterans Day. Friese is 93 years old and currently lives in Anna, Illinois. Russell's story showed me how determination and love for the U.S. can win freedom for others to take pleasure in. He has encouraged me to stand up for what I believe in and to fight for those beliefs with vigor and passion. Russell's story told of values and beliefs that are in the government and in every American's goal for the future. He showed how perseverance can help you strive to achieve anything with a good heart if you are willing to do so. Finally if we work together as a team, we can all accomplish numerous tasks, and win a war or two.—Alexis Webber

I interviewed Peter Perry, a former Sergeant in the United States Army, and now a U.S. world history teacher for McKinney High School. During Mr. Perry's service he learned that ''* * * I can do a lot more than I thought. It showed me many different kinds of people in the world than I had encountered previously. It gave me respect for the longer-term and career soldiers. Most important, it taught me how to take charge of my life, to organize, plan, overcome difficulties, and to persevere.'' Personally from this interview I gained experience learning how life will be for me within the next nine years. I am going to attend either the United States Naval Academy or the United States Air Force Academy next year and talking to veterans gives me a real outlook on what experiences I can look forward to in the future.— Sean W. Gent

Interviewing my grandfather was a life changing experience. Never before had I realized the importance of preserving our history of the United States armed forces. No matter how big or small an action, being a part of the military is something in which my grandfather is proud to say that he has been a part of. Growing up in a military family, my grandfather's transition into the army was not a foreign ideal. Having been familiar to the lifestyle of a solider, it was easy for my grandfather to adjust to the sometimes harsh living conditions. However, regardless of the struggles, being in the military was an award winning experience. ''The army has provided me with so many opportunities and advantages in which I am grateful for . . . it has also provided me with life learning lessons in which I will always carry with me . . . and continue to pass it on to my children . . . people often take for granted what the army does for them . . . being part of the U.S. armed forces is a big responsibility in protecting our country's freedom.''—Mellissa Stepczyk

I interviewed Commander Martin Nell of the Plano VFW, who served in Vietnam as part of the 1st Amphibian Tractor Battalion of the 3rd Marine Division. He had a diverse range of experiences during his time in Vietnam, and he went into detail about the things he encountered and the people he met—American and Vietnamese—and their impact on him. He was in many combat situations and grew up rapidly during his time in the service. His most poignant remark during our interview was that with regards to dying in battle, he accepted that fact, ''When it's your turn, it's your turn.'' Talking with him was like traveling back in time, and I learned a lot from him about the turbulent era in which Vietnam cast a large shadow over and the cruel ways in which many of the veterans were treated after their brave service in Vietnam. Finally, when comparing his military life to his civilian life, he told me that ''Everyday is a war. In Vietnam I fought for my country and nowadays I fight for my family.'' I will never forget that quote.—Nirjhor Rahman

Allen Clark has done a lot with his life. As the son of an Army father, he graduated from West Point in 1963 and went on to volunteer for action in the Vietnam War. While there, he set up a secret unit whose ultimate goal was espionage against Cambodia. During a mortar attack in 1967, Mr. Clark was severely wounded and lost both of his legs. Since then, he has suffered through depression and bouts with PTSD, but has always fought back and has become an extremely successful man. He has been awarded numerous medals, been very successful in business/politics, and is always busy with giving speeches in the DFW area. Interviewing a person who has traveled as far as him, both emotionally and physically, was an experience most do not get. I feel that I have learned a lot from Mr. Clark because he seems to have life figured out, and I'm very lucky to have met him and to be able to have spoken with him about his life's events and the way he reacted to them.—James MacGibbon

My name is Mark Macmanus, and I interviewed Major General Charles R. Bond of the United States Air Force. Second Lieutenant Bond found himself too old to get a commission, and that made getting into a fighter impossible. Until he heard about the American Volunteer Group in China, headed by Claire Chennault, he knew it was where he belonged. They had a fighter waiting for him. He quickly headed to China. Bond was thrilled to have his own P–40 Tomahawk. After World War II started, several battles and raids took place and his kills started to add up. It was May 4, 1942 where he gained fame among the now called Flying Tigers. During a bombing raid he quickly got off the ground ready to fight. He looked back to realize he was alone against 25 bombers. He took down 1 bomber, and then 3 Japanese Zeros shot him down. He had severe burns, but he continued to fight until July 4, 1942 when the AVG disbanded. For his valiant actions he received the British Distinguished Flying Cross. This story that was relayed to me was an experience that I will never forget. It showed me how many stories of soldiers there are, and how they are all heroes.—Mark Macmanus

Michael L. Coffman entered the Vietnam Conflict as an E1 Private, and returned as an E5 Specialist. He worked logistics in Europe during the war, and made sure that soldiers, military equipment, and supplies were where they needed to be at all times. When the time came that these men and supplies needed to be transported, he would make sure that the trains were at the right place and the right time, and that all the necessary clearances had been provided for the move. After this, he became a trainer to other trainers, instructing them on how to keep up with new army regulations, as they changed frequently. This experience taught me that not all soldiers that make a difference in the war do so with a gun. Had Mr. Coffman not been where he was, and doing what he did in the war, there would have been no soldiers to fight and no guns to use. This interview gave me a new perspective on the Vietnam Conflict as well. Not all of the soldiers were unhappy to be involved, nor did all soldiers consider it a negative experience. Some, like Mr. Coffman, gained valuable knowledge from their experience, and thoroughly enjoyed their time spent.—Jessica Huseman

I chose to interview David Ramsey, an Airborne Forward Air Controller in the Vietnam War. He received eight Air Medals, awarded for all the combat missions that he flew in. In addition to combat missions he flew various other types of missions such as escort missions. The hardest part for him while in Vietnam was having to be away from his family for all that time. The best part for him was that he enjoyed the high levels of patriotism that his fellow soldiers and officers had. From interviewing him I learned that there is more to being in the military than just shooting the enemy. There is teamwork involved and friendships made in the military, as well as fun to be had. I never knew that the military was like this; I always envisioned it as just shooting at enemies.—Kevin Zimmer

Veteran Dr. Randall Friese proudly served his country as a lieutenant commander in the U.S. Navy. Born in Baltimore, Maryland, Dr. Friese became interested in the military when he received a naval scholarship to complete his medical residency. As a battalion

surgeon, Dr. Friese served in operations around the world, including Operation Southern Watch in 1998. One of Dr. Friese's most memorable experiences was the opportunity to travel. His assignments included a position at a naval hospital in Japan and stations in the Middle East, California, Dubai, and United Arab Emirates. Dr. Friese's service ended in July 2001, and since then, he has become an assistant professor at the University of Texas Southwestern Medical Center at Dallas. As a surgeon and researcher in trauma and critical care, Dr. Friese has published several papers. His research on disruptions in Intensive Care Unit patients' sleep was featured in the December 2007 issue of the Journal of Trauma: Injury, Infection and Critical Care. Grateful of the opportunity to serve his country, Dr. Friese would recommend his experience in the Navy to young Americans. After interviewing him, I gained a greater appreciation and understanding of the many sacrifices of our soldiers.—Amanda Lu

Many citizens have carried a passionate gratitude towards the United States government and have risked their lives in order to better our nation. Eugene N. Close is a proud, decorated veteran of the Vietnam War. He served as a team leader in Company C, 1st Battalion (Airmobile), 327th Infantry, in Thua Thien Province in Vietnam. The war caused much turmoil and many people disapproved of it and did not support it. What happened there to Mr. Close has marked him for life as it has too many other people. On April 21, 1970, Mr. Close's platoon came under a ''sudden small arms fire'' from four enemy soldiers. He was stuck by an enemy round but regardless of his wound, Sergeant Close continued to fire and saved the rest of his squad. It is this act of heroism that makes America what it is today, to sacrifice their lives for not only our freedom, but also for our pride, dignity and honor. After conversing with Mr. Close, I have learned the sacrifices people make for their country on a daily basis and how we must not take this for granted. Veterans Day now has a larger meaning to me and I admire the soldiers that are willing to risk their lives for us. The very least we can do is to give them our gratitude, hearts and minds for simply a day. Samaritans such as Eugene M. Close have risked and given far beyond anything we can wish to do ourselves.—Sibel Kayaalp

Charles B. Unger was born in Illinois to Robert Williams and Ida Mae Unger and grew up with two brothers and a sister. At the age of 23, he was drafted into the Vietnam War. Although his family was uneasy about the draft, they supported him. First, he attended Fort Leonard Wood in Missouri for basic boot camp and training. The hardest thing about this time was that he was ripped away from his daily life, and thrown into a life of rules, schedules, and tough workouts. But he also trained with helicopters in Ft. Virginia, which led him to working at the helicopter bases while stationed in Vietnam. From January of 1970 to December of 1970, he worked 13 hour days, 7 days a week, taking soldiers out, flying them in, and doing aircraft maintenance.

While most of it was sheer boredom, there were also times with unexpected terror. There was always the threat that his base at Camp Evans could be attacked. Thankfully it wasn't, and he was able to return home 2 days before Christmas in 1970. He still carries the values and lessons he learned during the war and it has helped him to be successful in life. After telling his story, he concluded by saying that what we have in this country is valuable, and we better be willing to fight for it. Charles and many other men were able and willing to fight for our protection and I value the courage it took to do so. I can only hope that the future generations, no matter how anti-war they might be, will be willing to fight for our freedoms and protect this beautiful country.—Erin McGranahan

Antonio Molina served in the United States Navy during the Vietnam conflict in 1972. After growing up in southern California, he enlisted himself in the Navy at the age of seventeen as a seaman recruit (E–1) and left as a Commander (O–5E). He helped with the evacuation and dismemberment of military bases during the withdrawal of troops from the region. In addition, he helped to clean up many of the mines and other weapons left by troops as they were withdrawing. After leaving the service, he eventually joined a local reserve unit where he attended flight and officer school. He now works in Hollywood using his military and technical experience to create films and spends time stressing the importance of veterans' issues including the existence of post-traumatic stress disorder among the returning troops. This experience stressed the importance of realizing the impact combat situations have on the young minds of our men and women who are fighting in conflicts worldwide from Vietnam veterans to current Gulf War veterans. We owe it to them to help them readjust to life back in the United States just as we help them to adjust to life in conflict.—Laura Rector

In hearing a veteran's story, we become more appreciative of the freedoms soldiers fight to protect every day. I had the privilege of hearing the story of Specialist 4th Class Gary Herrin of the 101st Airborne, 326th Battalion of the United States Army. Herrin was born and raised in Amarillo, Texas and was drafted into the Army in 1968 to fight in Vietnam. He fought in the Battle of Hamburger Hill, placing C4 and grenades in the North Vietnamese bunkers as the infantry charged up the hill to clear the way for his battalion which followed behind. Specialist Herrin was also involved in numerous reconnaissance missions to scout out sites for potential firing bases. If a site was chosen, Herrin and his unit would clear the plot and construct bunkers. On one particular reconnaissance mission, Herrin was knocked off his feet by the concussion of a rocket-propelled grenade and he sustained a bullet wound in the leg as Viet Cong trackers opened fire on his unit. Ironically, Specialist Herrin believes to this day that had the RPG not knocked him off his feet, he would have been a standing target for the V.C. bullets and probably would have been killed. Specialist Herrin's story brought me to realize that there are people we encounter every day with a story of heroic service to tell. They are seemingly ordinary people that have done the extraordinary by sacrificing their time and possibly their lives to ensure that their fellow Americans and others around the world are safe and free. We owe these heroes a debt of gratitude and I hope that one day I too can serve my country in an honorable fashion as our soldiers do every day.—Patrick Ivey

HONORING THE 100TH ANNIVERSARY OF THE ELKINS-RANDOLPH COUNTY YMCA

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor the 100th anniversary of the Elkins-Randolph County YMCA located in West Virginia's Second Congressional District.

For the past century, the Elkins YMCA has played an integral role in the history of the community and its people. The YMCA building was originally built with $25,000 donated by Mrs. Hallie Davis Elkins, the wife of a prominent West Virginia capitalist, Stephen B. Elkins. During the outbreak of World War I and World War II, local troops were reviewed for mobilization in front of the YMCA. The Y building was also used as a training facility for the National Guard between World War I and World War II.

Throughout its many renovations over the next 50 years, the original structure still stands in place to serve the youth, families, and senior citizens as the county's premier recreation and community center. The Elkins YMCA has the proud distinction of being one of three YMCA facilities to serve a city with a population under 10,000.

On March 22, 2008 friends and members of the Elkins-Randolph County YMCA will celebrate its 100th anniversary and name its newest addition, the Legg Family Youth Center.

I would like to recognize all of those who were a part of the Elkins-Randolph County YMCA 100 year history and wish the members and friends of the Elkins-Randolph County YMCA congratulations in celebrating its 100th anniversary.

RECOGNIZING MS. LAURA-LYNN VIEGAS DACANAY AS THE 2008 FINANCIAL SERVICES CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Ms. Laura-Lynn Viegas Dacanay on being named the U.S. Small Business Administration's 2008 Financial Services Champion of the Year for Guam.

Laura is a leader in the financial services industry of the region and is a committed member of our island community. She has a rewarding career in the banking profession dating back to the 1970s, when she began with an entry level position at Chase Manhattan Bank as a telephone switchboard and telex operator and cashier. In 1984, she became a loan officer and later was promoted to loan manager. In 1986, she joined the First Hawaiian Bank as an assistant branch manager.

In just over 10 years, Laura has been promoted from manager to assistant vice president, and today, to senior vice president of the

Guam and Northern Marianas region. Under her leadership, First Hawaiian Bank has had outstanding performance ratings. She has increased residential funding to over $8 million, managed the acquisition of accounts and employees of Union Bank of California on Guam and Saipan, and paved the way for the opening of the Tamuning branch and off-site ATMs.

Laura is active in our community and she is the current chairwoman of the Guam Chamber of Commerce. In addition, she chairs the Family Selection Committee of Habitat for Humanity. She serves as an advisor to the Guam Visitors' Bureau 5-Year Strategic Plan Task Force, Strategic Economic Development Council in Saipan, the USO Advisory Council, and Andersen Civilian Advisory Council. She is also a member of the Guam Hotel and Restaurant Association and Guam Board of Realtors Association.

Laura's expert knowledge of banking and finance has resulted in business success for her banks and quality financial services for our community. I commend her commitment to serving our people, and I congratulate her as the U.S. Small Business Administration's 2008 Financial Services Champion of the Year for Guam.

INTRODUCTION OF EMERGENCY WILDLAND FIRE RESPONSE ACT OF 2008

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GOODLATTE. Madam Speaker, I rise today to introduce the Emergency Wildland Fire Response Act of 2008. This bipartisan bill, introduced by Chairman PETERSON and I, along with five other original sponsors, is a fiscally responsible solution to the USDA Forest Service and Department of the Interior Wildfire budget dilemma.

The Emergency Wildland Fire Response Act of 2008 creates a new fund to pay for firefighting while setting strong standards for containing costs and holding the agencies accountable.

There's no question that firefighting costs will continue to rise in the future, given the current overly-dense condition of our forests and the fact that more people are moving into these heavily forested areas. Last year, over 9 million acres across the country went up in smoke, costing the Forest Service and the Department of the Interior over $1.5 billion to suppress.

This does not mean that Congress should simply give the agencies a blank check to cover these rising costs. This bill sets up a funding structure to balance the need for more funding with the need for accountability.

As firefighting costs are increasing, the Forest Service and Department of the Interior's budgets are not. This means that non-fire accounts are cut as more money is shifted to fight fires. Last year, wildfire expenses amounted to 48 percent of the total Forest Service budget. In the 1990's wildfire constituted only 13 percent.

Since 2000, Forest Service resources for managing recreation, wildlife, and timber in our national forests have been cut by roughly 23 percent. Programs that assist the Nation's 10 million family forest owners with forest management are facing a 58-percent cut this year alone because of the rising firefighting costs. These drastic funding reductions mean that it's nearly impossible for the agencies to fulfill their missions.

In addition to addressing the rising firefighting costs, the Emergency Wildland Fire Response Act provides new tools for reducing fire risks and getting ahead of the game to reduce costs over the long term. First, the bill provides the Forest Service with permanent authority to contract with States to reduce wildfire risks across boundary lines. This authority, commonly called "good neighbor" authority, has been tested successfully in Colorado and Utah for the past several years, accomplishing much-needed hazardous fuels reduction work in severely fire-prone areas. This work is done in compliance with all environmental laws. Since wildfires don't stop at boundary lines, this tool is about making sure the Federal land management agencies are good neighbors to their State and private partners.

The bill also encourages local communities to step up to the plate and reduce wildfire risks. Under this authority, the Secretary would give priority in Federal funding to communities that have taken proactive steps to make their homes and communities fire-ready.

I look forward to working with my colleagues on both sides of the aisle to move this important legislation forward.

WOMEN IN THE TEXAS PETROCHEMICAL INDUSTRY: PAT AVERY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to a personal friend, Ms. Pat Avery, Administrative Manager of Total Petrochemicals. Patricia Avery came into this world a double minority—black and female, but that didn't stop her from pursuing her dream of making it in an industry dominated by white males.

Born and raised in Atlanta, Georgia, she was surrounded by people who looked like her. When she graduated from high school, and stepped off of the plane in Iowa, to attend college at Drake University, that all changed. She was among the first women to live on the fourth floor of the university's Goodwin-Kirk Hall, previously an all male dorm. Ms. Avery graduated from Drake University, with an undergraduate degree in biology and a graduate degree in public administration.

After graduating from college, Ms. Avery joined Church's Fried Chicken, Inc., as a Personnel Assistant and later Regional Personnel Manager. She noted, "You may not start out where you want to be in your career, but take advantage of every opportunity and make the best of it." Five years later, she took the helm of corporate personnel management at Bleyle of America, Inc., a German company that manufactures international women's better sportswear. Pat then joined Mobil as an employee relations representative in Houston and quickly began her march up the corporate ladder. She served as employee relations advisor at Mobil's plastic packaging division in New York. She became the first woman and first minority manager of employee relations at Mobil's chemical specialty division in Beaumont, the first woman and minority manager of employee relations at Mobil's Mining and Minerals Co. in Houston, and manager of Human Resources at Mobil's Polyethylene Plant in Beaumont.

Ms. Avery joined Total's Port Arthur Refinery in March of 1998, again as the first woman and minority on their management team. As the Administrative Manager, she manages the refinery's human resources department, as well as the accounting, security, training, labor relations, purchasing, warehouse, contracts, and public affairs activities. She admits, "I have been the first female and the first African-American throughout my entire career in my industry and really in all of the industries I have worked in. Having been the first and the only in many jobs that I have had has been bittersweet. It was lonely, awkward, challenging, very scary, and extremely hard at times, but it was also invigorating, exciting, rewarding, and historic. I don't want to give the impression that it all happened in perfect order. That is far from the truth. Many times, I wanted to run back into the comfort of my own community where I felt safe, but I didn't. It's one of the most significant lessons I've learned: Nothing ventured, nothing gained."

As busy as she is, Ms. Avery still finds time to serve the community. She is involved in numerous projects and serves as a Board Member with Communities in Schools; United Way of South County; Art Museum of Southeast Texas; the Texas Association of Business; Lamar Institute of Technology Foundation Board; Julie Rogers Gift of Life Board; and Inspire, Encourage, and Achieve Board. She is the Vice Chair of the Golden Triangle Business Roundtable, and also served as their Safety Committee Chairperson for 5 years.

Ms. Avery was appointed by Mayor Evelyn Lord to the Beaumont Board of Adjustments, and reappointed by Mayor Becky Ames. She currently co-chairs Golden Triangle Days in Austin for the Port Arthur Chamber of Commerce and will again be co-chair in 2009. She chaired the Texas Museum Blowout in 2007; is a member of the Port Arthur Rotary Club; and will be President of the 2009/2010 Season of the Symphony of Southeast Texas. In addition, Ms. Avery serves on my Service Academy Board. From 1999–2002, she served on the Port Arthur Chamber of Commerce Board. She was recognized as Business Advocate of the Year in 2002 by Lamar State College's Small Business Development Center, and is a graduate of the 2000 class of Leadership of Southeast Texas.

Madam Speaker, Pat Avery, a former high school track star and cheerleader, found her niche by helping people through employee relations and management. She is a pioneer in the male dominated petrochemical industry, and I am proud to celebrate her accomplishments.

A TRIBUTE TO THE GAMBLE HOUSE UPON ITS ONE-HUNDREDTH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SCHIFF. Madam Speaker, I rise today to honor the Gamble House upon the occasion of its one-hundredth anniversary.

The Gamble House was designed by American Arts and Crafts architects Charles and Henry Greene. The Greene brothers have left an indelible impression on the design heritage of California houses, and their influence is most evident in their best-preserved work, the Gamble House in Pasadena, California.

The Greene brothers' distinctive style was deeply influenced by Japanese architecture and the English Arts and Crafts Movement, and is visible in the distinguished treatment of wood, stone, shingle, and brick. They designed all aspects of the house with assistance from notable European-trained craftsmen, John and Peter Hall, who elevated their exquisite designs to high levels of artistic excellence both throughout the house and in all the joinery, furniture, and decorative arts.

Construction on the Gamble House began in 1908. In January of 1909, the owners, David and Mary Gamble, moved in. The house was inhabited by the Gamble family for over fifty years, and remained their property until 1966, when the Gamble heirs, led by James N. Gamble, deeded the house to the City of Pasadena in a joint agreement with the University of Southern California's School of Architecture.

Boasting nearly 30,000 visitors annually, the Gamble House continues to play a leading role in educating the public about a unique part of Pasadena's heritage, as well as the history of the Arts and Crafts Movement. The Docent Council of the Gamble House, formed in 1967, encompasses a group of volunteers who aid with the cultural and educational components of the Gamble House. The Friends of the Gamble House, founded in 1972, is composed of individuals and organizations whose purpose is to financially support the house and its programs. Some of the programs include the Scholars in Residence Fellowships, the Junior Docent Program, and participation in the Museums of the Arroyo Day celebration.

In 1974 the Gamble House was named a California State Historic Landmark, and four years later the United States Department of the Interior designated the Gamble House a National Historic Landmark. The house has been preserved with the help of the James N. Gamble Preservation Fund.

I ask all members to join me in recognizing the Gamble House upon its one-hundredth anniversary, and to congratulate the staff and volunteers who keep the facility open for the public's education and enjoyment.

RECOGNIZING THE IMPORTANCE OF THE TOWSON UNIVERSITY ANNUAL GEOGRAPHIC INFORMATION SCIENCES (TUGIS) CONFERENCE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SARBANES. Madam Speaker, on the occasion of its 21st annual TUgis Conference, I rise today to recognize Towson University for its excellence in geographic information sciences.

In 1984, Dr. John M. Morgan III, with tremendous vision, created a GIS lab at Towson University. He hosted the first statewide GIS conference in 1988. Since then, the Towson University Center for Geographic Information Sciences, CGIS, has grown to include approximately 35 full-time, degreed professionals dedicated to assisting government agencies, businesses, and non-profit organizations that use GIS to carry out their mission. As the program has grown in size, its reputation has also grown. CGIS has developed strong partnerships with several organizations throughout Maryland and has attracted first-rate students to Towson University who are interested in CGIS and its enormous potential.

The theme for TUgis 2008 is "Democratizing GIS: New Tools for Meeting the Public Demand for Geospatial Information." As a member of Congress, I have been interested in better understanding the needs of those I represent. One way I have been able to gain this understanding is through geospatial information about my district. One of our interns, Matthew Sadecki, who will be graduating from Towson University with a master's in GIS, has been able to construct maps of the district displaying a wide range of information. These maps help me to visualize statistical information related to the geographical layout of Maryland's Third Congressional District and better address the needs of those who live there.

Madam Speaker, I want to again thank Dr. Morgan and Towson University for all they have done to advance GIS to its current form and wish them great success with all they have yet to achieve.

IN TRIBUTE TO EARL MCPHAIL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GALLEGLY. Madam Speaker, I rise to pay tribute to Ventura County, California, Agricultural Commissioner Earl McPhail, who has the distinction of being the longest serving Agricultural Commissioner in the history of the State of California.

Now, after 29 years of regulating Ventura County's agricultural industry, Earl has decided to retire. He leaves a large set of shoes to fill.

In 2006, the value of agricultural products produced by Ventura County's 2,300 farms and ranches was more than $1.5 billion. That's an increase of more than $282 million from the previous year. The county's top three crops in 2006 were strawberries, nursery stock, and lemons.

Earl and the 40 people who work for him enforce state and local regulations on pesticides, worker safety, and other agricultural issues, as well as inspecting flowers and produce for pests before they're shipped to other parts of the state and nation and internationally. It's a huge job with a tremendous economic impact for Ventura County, but Earl has always done it with a calmness that belies his tough resolve in protecting the industry and the industry's consumers.

Earl is a native Southern Californian who graduated with a degree in agricultural biology from the California State Polytechnic University, Pomona, and is a graduate of the California Agricultural Leadership Program. He serves as president of the California Agricultural Commissioners/Sealers Association and is a member of the Ventura County Farm Bureau. He is a past member of the Ventura County Environmental Review Report Committee, Agricultural and Rural Affairs Committee for National Association of Counties, the Ventura County Management Association Board of Directors, and the Santa Paula Future Farmers of America Advisory Committee.

He is equally active outside the agricultural arena. He is an elder for the Santa Paula First Christian Church and chairman of its Board of Directors. Earl serves as a coach for the Saint Bonaventure High School Baseball League, and is a past member of the Boy Scouts of America, Troop 304, Advisory Committee and the National Association of Republican County Officials.

In addition, Earl is past treasurer of the Santa Paula Little League, past president of the Santa Paula Rotary Club, past president of the Ventura County Fair, Board of Directors, and past chairman of the Ventura County 4H Sponsoring League.

Earl has earned his retirement and we thank him for three decades of professionalism and dedication to an industry and community that has grown tremendously during his tenure. I have no doubt he will continue to serve the community and be an elder statesman for the industry.

Madam Speaker, I know my colleagues will join me in wishing Earl and his wife, Willa, the best in the years ahead. Godspeed, my friend.

HONORING JOSHUA JAMES MURPHY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua James Murphy, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with

scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua James Murphy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATIONS TO FRATERNAL ORDER OF EAGLES AERIE #1758

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SHUSTER. Madam Speaker, it is my pleasure to extend congratulations to the members and leadership of the Fraternal Order of Eagles Aerie #1758 in Waynesboro on the occasion of their 100th anniversary.

One-hundred years ago, citizens of Waynesboro organized Aerie #1758 with a simple objective, to ''make human life more desirable by lessening its ills and promoting peace, prosperity, gladness, and hope.'' They have succeeded!

Over the last 100 years, the Eagles have been an integral part of the Waynesboro community—providing civic leadership, raising funds for children, the elderly, and medical research, and improving the borough in ways great and small. The Eagles have made Waynesboro an immeasurably better place to live, work, and raise families.

I would like to thank the Waynesboro Fraternal Order of Eagles for all they have done for Waynesboro, the state, and the country. Congratulations to the members and leadership of Aerie #1758 and to Eagles who have assembled from across the country to be in Waynesboro on this occasion. Best wishes to them for the next 100 years and beyond!

RECOGNIZING DR. JASON BIGGS FOR HIS ACHIEVEMENTS AND SERVICES TO OUR COMMUNITY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize the dedication and commitment of Dr. Jason Biggs to our community of Guam. Dr. Biggs' scholarly achievements and his commitment to youth outreach and educational programs are appreciated by educators and students on Guam. Today he serves as an assistant professor in the University of Guam's Marine Laboratory and is the first Chamorro to hold a tenure-track position within the Marine Lab. He is the son of Joel G. Biggs and Anita R. Cruz.

Dr. Biggs is a graduate of George Washington High School and the University of Guam (UOG), both located in the village of Mangilao, Guam. He obtained his bachelor's and master's degrees in biology from UOG. This academic foundation prepared him to pursue an advanced degree at the University of Utah, and in 2005 he successfully earned his doctor of philosophy in pharmacology and toxicology. Dr. Biggs brings his knowledge and love of learning to our university and our schools. He is a superb role model to our young people.

Dr. Biggs works to promote science and scientific careers to youth through outreach programs. He has authored a textbook designed to introduce concepts in chemistry, biology, and biodiversity to elementary school students to encourage learning through interactive experiments.

Dr. Biggs served in various professional capacities as he pursued his doctorate. He participated in important research as a Molluscan DNA-Barcoder and Specialist of Chemical Ecology of Conidae for the Museum of Natural History in Paris. This research project brought him to the South Pacific country of Vanuatu where he worked with 50 other marine scientists. Dr. Biggs also worked as a forensics consultant for the office of Forensic Science, New Jersey State Police and he now brings these forensic skills to assist in local police efforts.

On behalf of the people of Guam, I commend and congratulate Dr. Jason Biggs for his achievements and his service to our island community. I look forward to hearing of his future academic successes at the University of Guam and his future contributions to our island.

HONORING THE 20TH ANNIVERSARY OF THE NATIONAL COMMITTEE FOR THE PREVENTION OF ELDER ABUSE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. EMANUEL. Madam Speaker, I rise today to recognize the 20th anniversary of the National Committee for the Prevention of Elder Abuse for their dedication to protecting the safety, security and dignity of America's most vulnerable citizens.

The National Committee for the Prevention of Elder Abuse (NCPEA) is a multidisciplinary association of researchers, practitioners, educators, and advocates dedicated to protecting seniors. In 1988 Dr. Rosalie Wolf founded NCPEA and served as its President until her passing 2000. Under her guidance and the leadership of her successors, Randolph Thomas and Pam Teaster, NCPEA kept diligently pursued its mission to prevent abuse, neglect, and exploitation of older persons and adults with disabilities through research, advocacy, public and professional awareness, interdisciplinary exchange, and coalition building.

In 1989 NCPEA published the Journal of Elder Abuse and Neglect, what is now the Nation's leading source of information on research and practice in the field. NCPEA has devoted itself to, and impacted the national debate on elder abuse prevention in a manner that has proved to be both substantial and comprehensive. NCPEA has participated in forums to set national policy to various Institutions such as the National Institute of Medicine, the Department of Justice and the Health Resources and Services Administration. In addition, they have forged a strong international presence and including participation in the United Nations Year of the Older Person, leadership involvement with the United Kingdom Action on Elder Abuse, Latin American Committee for the Prevention of Elder Abuse as well as the International Network for the Prevention of Elder Abuse.

It has been my honor to work closely with NCPEA in the past 5 years. NCPEA was one of the five founding organizations of the bi-partisan Elder Justice Coalition, and as the sponsor of H.R. 1783, the Elder Justice Act, I am proud to have their support and grateful for NCPEA's consistent leadership in the work of the Coalition.

On March 28, 2008, NCPEA will celebrate their 20th anniversary with a celebration right here in our Nation's capital, and I am proud to recognize NCPEA's 20 years of dedication to the protection and safety of our aging population.

Madam Speaker, I congratulate NCPEA on their 20th year of hard work on behalf of our Nation's seniors, and I wish them continued success in the future.

HONORING TARAN RAY WINNIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Taran Ray Winnie, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Taran has been very active with his troop, participating in many scout activities. Over the many years Taran has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Taran Ray Winnie for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN REMEMBRANCE OF JUANITA SERRANO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Juanita Serrano, who dedicated her life to serving as a community organizer on behalf of Women's Rights and social justice.

Juanita Serrano was born in Cayey, Puerto Rico in 1930 and moved to Cleveland in the 1960's. A single mother of seven sons, she dedicated her life to advocating on behalf of

women and the poor. Her commitment to the welfare of others manifested itself in various ways. She participated in many marches and demonstrations in Washington, D.C. and served as the President of the Cleveland chapter of the National Welfare Rights Organization. Juanita was also one of the founding Board members of the May Dugan Multi-Service Center and served on the steering committee which helped create the Thomas F. McCafferty Health Center in Cleveland.

A tireless advocate for women and the poor, Juanita also dedicated her time to improving the life of Cleveland's Spanish speaking community. She served as a board member of the Spanish American Committee and was instrumental in the founding of Cleveland's first Hispanic Catholic Church, San Juan Bautista. Recognized for her life of serving the community, she was the recipient of Cleveland State University's Cervantes Award and was honored as the Grand Marshall of Puerto Rican Friendly Day Parade in 1993. For years Juanita volunteered as a Eucharistic Minister for terminally ill patients at MetroHealth and in 1995, was awarded Volunteer of the Year by the Cleveland Mediation Center.

Madam Speaker and colleagues, please join me in celebrating the life of Juanita Serrano, who committed her life to serving her church, her community and her family.

WOMEN IN THE TEXAS PETROCHEMICAL INDUSTRY: KATHLEEN JACKSON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to Kathleen Jackson, Public Affairs Manager of ExxonMobil Corporation, who is in the elite club of women in the male dominated petrochemical industry.

A graduate of North Carolina State University, Ms. Jackson holds a Bachelor of Science Degree in Chemical Engineering and Pulp and Paper Science & Technology. She attended college on a Pulp and Paper Foundation scholarship, and became their first woman graduate in 1975. She was a North Carolina Leadership Institute Fellow and recipient of the W.E. Cauldwell Fellowship for Chemical Engineering studies.

For more than 30 years, Ms. Jackson has held various positions at the ExxonMobil Beaumont, Texas Refinery in engineering, operations, and environmental departments—including Operations Supervisor of the refinery's natural gas liquids processing facility.

Kathleen has been responsible for the refinery's Capital Budget Planning Program, Environmental Audit Program, and Water Quality issues. She is currently responsible for managing Public Affairs and Community Relations for Exxon Mobil Corporation's Refining & Supply, Chemical, and Lubricants & Petroleum Specialties business in Beaumont, Texas. She is a Texas Registered Professional Engineer and past Chairman of the Southeast Texas Section of the American Institute of Chemical Engineers.

Kathleen serves on the Lower Neches Basin Water Quality Assessment Program; the Beaumont Chamber of Commerce's Education Committee; the Southeast Texas Workforce Development Board; and is the past Chairwoman of the Southeast Texas Industry Public Relations Association, chartered by the Southeast Texas Plant Managers Forum.

In 1994, Ms. Jackson received Mobil Oil Corporation's prestigious Chairman's Award and Team Venture Award. She is also a recipient of ExxonMobil Chemical's Responsible Care Award, and the American Institute of Chemical Engineer's Outstanding Presentation Award. Kathleen is active in numerous community activities including Lamar Institute of Technology's Foundation Board of Directors; Beaumont Independent School District's Educational Improvement Committee; Young Audiences of Southeast Texas Board of Directors; Junior League of Beaumont; Rotary Club of Beaumont; JASON Alliance of Southeast Texas' Board of Directors; and is past President of the American Cancer Society.

Kathleen was appointed to the Governor's Focus on Reading Task Force by former Texas Governor George W. Bush in 1997. She currently serves as an appointee of Texas Governor Rick Perry as President of the Board of Directors for the Lower Neches Valley Authority.

Madam Speaker, Kathleen Jackson is a pioneer in the male dominated petrochemical industry, and I am proud to celebrate her accomplishments.

TRIBUTE TO POCA VALLEY BANK

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor the Poca Valley Bank as it celebrates its 100th anniversary this year.

Poca Valley Bank's first branch opened in 1908 in Walton, West Virginia, situated along the Pocatalico River in Roane County. Since then, it has expanded its banking services to Clendenin, Elkview, and Sissonville in Kanawha County and Winfield and Poca in Putnam County and opened its latest branch location in Spencer located in Roane County in 2005.

Poca Valley Bank gets its namesake from the Pocatalico River that originates in Roane County. Many of the branch locations are located along the Pocatalico River that flows through Kanawha and Putnam Counties.

The bank has found its success in catering to West Virginia's rural communities with a strong foundation built upon personal attention and customer service. With its modest roots in serving small towns and its rural outlying communities, Poca Valley Bank has grown into one of West Virginia's larger banking institutions.

It is an honor to pay tribute to Poca Valley Bank, a financial institution that represents the best of America's small town banks. I wish congratulations to Poca Valley Bank as it celebrates one century of banking in the Mountain State.

CONGRATULATING GARY K. SUNG AS THE 2008 YOUNG ENTREPRENEUR CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Gary K. Sung on being named the U.S. Small Business Administration 2008 Small Business Young Entrepreneur Champion of the Year for Guam.

Gary Sung is the sole proprietor of Ideal Advertising. With his knowledge of technology and web development, combined with his determination and business sense, Gary transformed Ideal Advertising from a home-based business to a successful advertising agency with nine full-time employees.

Gary was also named Regional Young Entrepreneur Champion of the Year in 2007 from a pool of young business owners from California, Nevada, Arizona, and Hawaii.

I congratulate Gary K. Sung on his business success, and I join our island in celebrating his regional and national recognition as the U.S. Small Business Administration 2008 Small Business Young Entrepreneur Champion of the Year for Guam.

ESTABLISHING THE HOME OWNERS LOAN CORPORATION TO KEEP MILLIONS OF AMERICAN FAMILIES IN THEIR HOMES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KIRK. Madam Speaker, just this morning, The New York Times posted this headline: ''JPMorgan and Fed Bail Out Bear Stearns.'' The ''subprime loan problem'' is mushrooming. Unless we take action with temporary relief targeted to keep families in their homes, we risk creating a patchwork ''bailout plan'' that will grow beyond our ability to monitor and will be impossible to dismantle.

Despite today's headlines, the American residential mortgage market remains healthy overall. Homes worth $20 trillion secure just over $10 trillion in mortgages, and over 90 percent of mortgage loans payments are not in default or foreclosure. However, one sector, subprime loans, is in distress. Over 7 million homeowners closed subprime loans between 2003 and 2007. An estimated $1.3 trillion in subprime loans are outstanding, and half of these have adjustable rates. More than 20 percent have fallen past due. Over half of pending foreclosures are the result of failed subprime loans. The worst is not over. During 2008, the interest rates paid by 1.8 million subprime borrowers with $362 billion of adjustable rate mortgages will reset upward, sharply, and continue to rise every 6 months. Lenders have mortgage assets on their balance sheets they cannot sell at a fair price, and borrowers are wincing at the sharply higher reset interest rates they must face later this year.

In today's Washington Post, Alex Pollack, former president of the Chicago Federal Home Loan Banks and now a resident scholar at the American Enterprise Institute, reminds us of ''A 1930's Rescue Lesson''—the Home Owners Loan Corporation, better known as ''HOLC''. This Government corporation was given the authority to purchase troubled home loans from lenders at a discount for 3 years, then liquidate when its ''workout'' mission was complete. HOLC's participation in the troubled 1934 mortgage market assured liquidity, restored confidence, and rescued 800,000 families from the threat of foreclosure. In 1951, HOLC completed its task, returning its initial capital contribution to the Treasury, with a profit.

I am introducing legislation to re-establish the Home Owners Loan Corporation, capitalizing it with $25 billion that can be deployed immediately to purchase up to $300 billion in troubled home loans. The new corporation will have the mission of fulfilling HOLC goals established in 1933, in a way that: keeps borrowers in their homes, and foreclosures to a minimum; does not bail out careless lenders or speculative investors; limits the cost to taxpayers; is temporary.

Its board of directors would include representatives from the Treasury, the Government Accountability Office, the FDIC, HUD, and the Office of Federal Housing Enterprise Oversight.

HOLC21, like its predecessor, will limit its purchases to mortgages secured by primary residences. And, like its predecessor, it will liquidate when its job is complete. This temporary emergency program is meant to be a lifeline to subprime borrowers, preventing a downward spiral into recession. Its doors will not be opened to allow lenders to dump their assets on the Government without recognizing the cost of imprudent credit decisions. HOLC21 would purchase or guarantee mortgages on primary residences that are past due or in default, adjusted to a balance equal to 90 percent of a fair valuation of the collateral property as set by HOLC21. In markets that have seen property values drop, lenders will have the choice of recognizing their loss and selling a mortgage to HOLC21, or holding the loan and waiting for housing values to improve.

Alex Pollack describes HOLC as ''sensible temporary actions'' designed to ''bridge the bust'' and ''be withdrawn as private market functioning returns.'' The private market needs temporary Federal support. Let's make sure it is temporary, efficient, and targeted to homeowners.

HONORING SARAH SPORTSMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sarah Sportsman of Kansas City, Missouri. Sarah is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Sarah has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Sarah has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Sarah Sportsman her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

CONGRATULATING ROBERT EDINGTON FOR BEING NAMED MOBILIAN OF YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to honor Mr. Robert Edington on the occasion of his being named Mobilian of the Year for 2007 by the Mobile Civitan Club. The Mobilian of the Year is the city's most prestigious civic honor, and Robert is most deserving of this award in recognition of over 50 years of dedicated service to the city of Mobile.

A native of Mobile, Robert Edington started his career in the Naval Reserves. He served as an Air Intelligence Officer for a Navy fighter squadron in the Korean War before retiring with the rank of commander.

Robert is an attorney and has served as a legal counselor in the Mobile area for more than half a century. He currently serves as the director of the Mobile Bar Association Volunteer Lawyers Program, a program that provides legal services to the underprivileged.

Robert served for 8 years in the Alabama House of Representatives and 4 years as a State senator representing Mobile County. During his service in the Alabama Legislature, he played a lead role in establishing the Alabama Historical Commission as well as other historic districts in the city of Mobile. One of his greatest contributions to the city of Mobile was his leadership in the creation of the USS Alabama Battleship Commission, which brought the World War II battleship to Mobile in the 1960s. In recognition of his legislative efforts, the National Trust for Historic Preservation in Washington, D.C. presented Robert their national award.

During his tenure in the Alabama Legislature, Robert was also instrumental in the creation of the University of South Alabama, the University of South Alabama College of Medicine as well as the development of Bishop State Community College in Mobile.

Robert served two terms as chair of the USS Alabama Battleship Commission, during which time he oversaw the $7 million restoration project following Hurricane Katrina. He served as former chair of CSS Alabama Association, an organization responsible for underwater archeological expeditions at the wreck site of the CSS Alabama off the coast of France. The artifacts recovered by these missions are now on display at the Mobile Museum of History. Robert also loaned his voice to a History Channel documentary, ''Raise the Alabama.''

Robert was the Consul of Guatemala at Mobile for 20 years, and in this capacity, he organized the first local trade mission to Central America. In recognition of his efforts, he was awarded the U.S. Department of Commerce Achievement Award. He also served on the National Advisory Board for the U.S. Small Business Administration for four years.

For 40 years, Robert has coordinated the U.S. Navy ships for Mobile's Mardi Gras festivities. He is an ardent supporter of Penelope House, a place of refuge for victims of domestic violence. Robert is a member of the Board of Directors of the Mobile Council of the Navy League, the Kiwanis Club of Mobile, and an active member of the National Democratic Party. He is an elder at Spring Hill Presbyterian Church and a charter member of Mobile United.

Madam Speaker, I would like to offer my personal congratulations to Mr. Robert Edington for being named the Mobilian of the Year for 2007 and in so doing, recognize him for his many outstanding professional and philanthropic accomplishments.

I ask my colleagues to join me in congratulating a dedicated professional and friend to many throughout south Alabama. I know Robert's family; his wife, Pat; his son, Sherard; his daughter, Virginia; and his many friends join me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of southwest Alabama and the entire State.

HONORING SERENA LAINE-LOBSINGER, SPELLING BEE CHAMPION IN FLORIDA

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor Ms. Serena Laine-Lobsinger, an accomplished 7th grader from my congressional district, who recently won the regional finals of the Scripps National Spelling Bee in Florida. Serena competed against 8 opponents for 36 rounds of tense competition, to win as the area's top speller. She will now travel to Washington, DC, to represent Palm Beach, Hendry, Glades, and Okeechobee counties at the Scripps National Spelling Bee, the largest and longest standing spelling bee in our country.

Serena is a bright and talented young woman and her hard work and dedication to her studies will surely help her succeed in any endeavor she pursues. I wish Serena the best of luck in the finals of the Scripps National Spelling Bee, and continued success in the future.

TRIBUTE TO MARLENE LEE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SHIMKUS. Madam Speaker, I rise today with a grateful heart to pay tribute to a selfless American, Marlene Lee of Boyds, Maryland.

In 2003, Marlene developed ''Operation Atlas'', a community outreach program for injured soldiers and their visiting families at Walter Reed Army Medical Center. It is through this program that I have been able to work with Marlene on a nearly monthly basis as she escorts soldiers and their families on tours of the Capitol.

Marlene is an incredibly giving person, both of her time and talents. Her son, Greg, has served two tours in Iraq, so she knows intimately the pains military families go through. Yet, she is always ready with a willing hand, a kind heart, and a new way to serve others. Named as one of the American Red Cross Volunteers of the Year in 2003, Marlene was recognized again in 2004 by the Walter Reed Army Medical Center. She is also on the board of directors of ''Operation Support Our Troops'' and the committee for Wheels for Warriors.

Through her time spent with wounded and recovering soldiers, Marlene recognized the need to reach out to children ''who know of, care about, or just plain love a wounded warrior.'' She went back to school, earning a master's of arts in thanatology, the study of death, dying, and bereavement, from Hood College.

With the motto of ''Children 'serve' and sacrifice, too'', Marlene has written two books for children on dealing with the loss of a loved one in the Armed Services: The Hero In My Pocket and That's My Hope. She donates a portion of the proceeds from book sales to selected organizations that assist military families.

I am honored by the time that I have been able to share in service with Marlene. She is a dedicated and humble person who goes out of her way to bless the lives of the men, women and the children in our military families and communities. May God continue to bless her and America.

INTRODUCTION OF RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF JAMES MADISON UNIVERSITY

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GOODLATE. Madam Speaker, I rise today to honor James Madison University on the occasion of its 100th anniversary.

James Madison University, surrounded by the beautiful Shenandoah Valley, has proved to be a catalyst for growth in western Virginia, building on the agricultural base of the region to create a center for higher education.

It has been a true pleasure to work with former president Dr. Ron Carrier and current president Dr. Linwood Rose as they have skillfully guided James Madison Uuniversity into the twenty-first century.

From its inception, James Madison University has been at the forefront of education. Originally a teachers college, today James Madison provides ground-breaking research in information technology, security and alternative fuel sources, and offers more than 100 degree programs for its more than 17,000 students.

Madam Speaker, James Madison University's alumni have impacted the Commonwealth of Virginia, the United States and the world. Madison graduates travel to the farthest corners of the earth to perform research and provide leadership in corporate boardrooms, State legislatures and even here on Capitol Hill.

I am pleased to introduce today, along with the entire Virginia delegation, a resolution recognizing the rich history and accomplishments of this remarkable institution on the occasion of its 100th anniversary. I urge all the Members of this body to join us in congratulating James Madison University on its 100th anniversary.

TRIBUTE TO TOM AND CHRISTINE BUTLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize the accomplishments of Tom and Christie Butler of Lexington, Missouri. Together, the Butlers have contributed over 100 years of outstanding service to the Boy Scouts of America. Their contributions to the young people of Missouri have helped them learn leadership skills and self-confidence that will last a lifetime.

Tom has been involved with the Boy Scouts for the past 56 years and earned the rank of Eagle Scout in 1961. Christie earned the Gold Bar Award from the Girl Scouts of America and became the first female to serve as scoutmaster in the Big Muddy District of the Heart of America Boy Scout Council. Both serve their district by serving as a resource for Scoutmasters, providing training to fellow adult leaders, and attending meetings of different area troops.

The Butlers believe strongly in the values and lessons learned from scouting. Throughout the years, the Boy Scouts have remained one of America's finest organizations in helping young people learn both practical skills and life lessons. Thanks to the work and dedication of people like Tom and Christie Butler, many more young people will have the opportunity to be involved in Scouting.

As an Eagle Scout myself, I understand the impact leaders such as the Butlers have in guiding America's youth. I hope Members of the House will join me in honoring and thanking the Butlers for their work with the Boy Scouts.

CONGRATULATING BILL BOSS ON RECEIVING THE TENNESSEE TITANS 2007 COMMUNITY QUARTERBACK AWARD

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, this January, Bill Boss of Tullahoma, Tennessee, received the Tennessee Titans 2007 Community Quarterback Award, and I rise today to congratulate his service to our community, our state, and our country.

Nearly thirty years ago, Bill completed his service to our armed forces and retired as an officer of the United States Air Force. For Bill, his time as one of America's finest was only the beginning of a life dedicated to his community and the betterment of those around him.

After retiring from the Air Force, Bill began a career as a research engineer for the University of Tennessee Space Institute. It was there that Bill met with friends and colleagues to discuss how they could use their scientific expertise to give young students in Coffee County, Tennessee, and across the state an opportunity to discover the sciences for themselves. Only seven years later, Boss's diligence proved successful and helped open the Tullahoma Hands-On Science Center.

Today, 10,000 eager young learners visit the Hands-On Science Center every year as it continues to provide a forum that engages and enthralls the scientists of tomorrow. I commend Bill for his efforts, and proudly stand to congratulate him today for an award well earned in service to Coffee County students and all those aspiring scholars across the State of Tennessee.

CONGRATULATING THE INDIANA WRESTLING STATE CHAMPIONS AT MISHAWAKA HIGH SCHOOL

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. DONNELLY. Madam Speaker, I rise today to honor the victory of the Mishawaka Cavemen in the Indiana High School Athletic Association state wrestling championship. The championship was a repeat challenge between two-time defending state champions Mater Dei and the Cavemen, who had suffered defeat the year before. It took all their strength and motivation to turn the tables, but at the end of this year's tournament it was the Cavemen who were celebrating victory.

It was the perfect finish to a season full of intense physical training and exhausting practices. On its way to the state title, Mishawaka—ranked third overall—completed their season with a record of 31–1 and knocked off both the first and second-ranked teams. While they have appeared in the state finals for nine consecutive seasons, this is the first championship for Mishawaka since 1991.

Mater Dei had an early lead in the contest, but junior Tim Forte rallied to win his match 1–

0. This gave the Cavemen a score of 9–7—a lead which they were able to maintain throughout the rest of the competition. Seniors Dave Balentine and Randy Morin and sophomore Paul Beck were all victorious in their matches, bringing the score to 22–10. But it was a win by junior and three-time individual state champion Josh Harper that finalized Mishawaka's victory.

These exceptional members of the Mishawaka team were joined by Danny Abu-Shehab, DJ Ballenger, Brandon Barcus, Jon Bennett, Christian Bergin, Dustin Boyd, Andrew Brogdon, Gary Brooks, Andrew Childress, Darius Cooley, David Delarosa, Anthony Eddy, Marty Friedman, Adam Guerra, Matt Guerra, Neal Kostry, Christian Lentz, Anthony Lewis, Darius Marshall, Hunter Marvin, Brandon Merisch, Aaron Merisch, Richard Morin, Tyler Nally, Robert Norris, Caleb Norville, Trenton Reinoehl, Tyler Reinoehl, Steven Sandefer, Nick Schrader, Joey Smith, Tylor Smith, Brandon Straub, Quinci Sullivan, Mitch Sutherland, Travis Thomas, Justin Traver, Eric Uitdenhowen, Austin Vegh, Alex White and Taylor Wisler. These dedicated young men should be commended for their accomplishments.

None of this would have been possible, however, without the support of Mishawaka High School's administration and staff. Special recognition should be given to head coach Darrick Snyder, assistant coaches Fabian Chavez and Mike Lehman and Athletic Director Robert Shriner for the continued support and guidance they give to the team. Volunteers Brad Addison, Pat Day, Mike Faulkner, Scott Gann, Nick Nicodemus, Mike Strycker, Brandon Trtan, and Junior Varsity Coach Brian Woodworth gave freely of their time and energy to make this championship possible. The team was not alone in this accomplishment, as family, friends, fans, members of the Mishawaka community and Mishawaka High School principal Dr. George Marzotto have all tirelessly cheered the team on to victory throughout the season.

The Mishawaka Cavemen wrestling team has achieved a memorable ending to an extraordinary season. I offer my congratulations to the members of the team, the coaching staff, Mishawaka High School and the greater Mishawaka community on this season's accomplishments.

IN HONOR OF THE CLEVELAND FEDERAL EXECUTIVE BOARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Cleveland Federal Executive Board, and all federal employees of our community for their individual and collective dedication as public servants, focused on the public good.

The community of federal employees in Cleveland, Ohio, is comprised of more than 25,000 individuals who contribute their talent, trade and expertise daily within an array of roles, including park rangers, administrators, accountants, clerical employees, attorneys, engineers, military personnel, mail carriers, scientists, nurses and physicians.

The professional contributions extended daily by federal employees serve as a foundation of support, safety and security throughout our community. Every day, the environment is monitored; the mail is delivered; veterans receive medical care; our national park is preserved; immigrants are guided to citizenship; citizens are provided with benefits and programs; and the universe is studied and explored by the astronomers.

Madam Speaker and colleagues, please join me in honoring the members of the Cleveland Federal Executive Board and the thousands of federal employees who live and work within our Cleveland community. Their dedication to their work continues to preserve, protect and strengthen our entire community.

THE 20TH ANNIVERSARY OF THE GAS ATTACK OF THE KURDS OF HALABJA

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to solemnly remember the 20th anniversary of a terrible crime committed against the Kurdish people, the gassing of the inhabitants of the city of Halabja on March 16, 1988. This attack on men, women, and children was a crime against humanity. On that day, Iraqi planes dropped chemical munitions, including mustard gas and nerve gas; the planes concentrated their attack on the city as well as the roads leading out of the town. More than 5,000 people were killed and another 10,000 were injured. Twenty years later, the survivors of this attack are still suffering from the effects of that horrendous onslaught.

As a staffer with the Senate Foreign Relations Committee at the time, I had the opportunity to travel to the region after this attack, in September 1988, and observed first hand the effects of that terrible campaign against the Kurds. With my colleague, Peter Galbraith, I interviewed Kurdish survivors of other chemical attacks that followed. We had the sad but important task of documenting chemical attacks on 49 Kurdish villages. These attacks were part of a year-long brutal campaign that resulted in the deaths and disappearances of approximately 180,000 Iraqi Kurds.

Because of these brutal attacks against the Kurds, the Senate passed stiff economic sanctions against the Saddam Hussein regime at the time, but the Reagan Administration defeated this effort and failed to penalize this regime with any meaningful measures. That failure sent a terrible signal to Saddam Hussein, and he may have concluded that he could subsequently attack Kuwait with impunity. After the Persian Gulf war of 1991, the United States imposed a no-fly zone over the Kurdish region of Iraq, which helped the inhabitants of that area to begin to restore their shattered lives.

Today, the Iraqi Kurdistan region is one of the most stable and peaceful regions of Iraq, and its brave people are trying to concentrate on political and economic development. As we try to assist these people we should also be mindful of what they have lived through and the loved ones they have lost. We must never forget the crime against the inhabitants of Halabja and other Kurdish towns and villages.

TRIBUTE TO PAUL F. GILL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Paul Gill is one of these individuals. On March 26, 2008, a celebration will be held in honor of Paul Gill's retirement—and of the next chapter in his life of public service as the Chief Operations Officer of Pittsburgh Public Schools.

Paul Gill is the Senior Vice President, Regional Operations, for American Dental Partners, a leading dental practice management services organization. He is responsible for supervising California operations, and building a strong dental network for the West Coast. Since 1993, Paul served as the Administrator for Riverside Dental Group.

Prior to coming to Riverside Dental Group, Paul served as Community Development Director for the City of Moreno Valley. In that capacity, he managed the city activities of Planning, Building, and Code Compliance.

Before his position with the City, Paul served more than 23 years in the United States Air Force, last serving as the Wing Commander at March Air Force Base, California. In the Air Force, Paul served in various commands throughout the country and overseas as a pilot, instructor pilot, evaluator pilot and at various levels of operational staff and command. He has flown approximately 4,000 hours, of which more than 800 were in combat.

Paul has a B.S. degree from Duquesne University, an M.S. from Syracuse University, as well as an M.A. from Creighton University. Among his community activities, he served as Chairman, March Joint Powers Authority Technical Advisory Committee, Director of the Silver Eagles, and the LeMay Foundation. Paul has also served as Chairman of Riverside County's Airport Land Use Commission, Chairman of the Silver Eagles, Director of Riverside County's Regional Hospital Foundation, the Monday Morning Group, and the Moreno Valley Action Committee. He and his wife Mary Anne have four grown children.

Paul's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Paul a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires

from the Riverside Dental Group. I wish Paul and his wife all the best as they embark on a new adventure in Pittsburgh, Pennsylvania. They will be sorely missed.

RECOGNIZING MR. BENSON AU-YEUNG AS THE 2008 MINORITY SMALL BUSINESS CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Mr. Benson Au-Yeung on being named the U.S. Small Business Administration's 2008 Minority Small Business Champion of the Year for Guam.

Benson grew up on Guam and has contributed to our community throughout his life. He was born in Kowloon, Hong Kong where he studied the English language for 13 years. In 1976, his family relocated to Guam. He attended Cathedral Grade School, Bishop Baumgartner Junior High School, and graduated with honors from Father Duenas Memorial School. He then left for a short period to obtain a bachelor of science degree in computer science from the University of Hawaii at Manoa.

Benson returned to Guam in 1986 to devote his time to the family business, a successful local company geared toward the visitor industry. He combined their services with his experience in computer programming and started Soft Pacific, Inc which equips Guam and Saipan businesses with Japanese language computers.

In 1998, Benson expanded Soft Pacific, Inc. and acquired the 3M Graphics Division on Guam. Eventually this acquisition resulted in the development of Benz Sign Supplies, a successful sign supply company on Guam. Benz Sign Supplies provides a variety of signage products to the local market and has widened its clientele to include the overseas market, including the U.S. mainland and Canada.

After 10 years, Benson's small business continues to provide important products and services to our community. He is a an active member of the Guam Contractors Association, Guam Hotel and Restaurant Association, Chinese Chamber of Commerce of Guam, and the Guam Chinese Tennis Club. I congratulate him for his achievement as the U.S. Small Business Administration's 2008 Minority Small Business Champion of the Year for Guam.

IN HONOR OF DR. LAWRENCE S. SYKOFF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. PALLONE. Madam Speaker, I rise today to honor Dr. Lawrence S. Sykoff's lasting contributions and dedication to education. After 15 years as Head of Ranney School, Dr. Sykoff has transformed Ranney into one of the premier independent schools in New Jersey.

Dr. Sykoff has been committed to the field of education for 35 years. Before accepting his position at Ranney, Dr. Sykoff served as Head of the Birch Wathen Lenox School in New York, and as a math teacher at the La Jolla Country Day School. He is nationally acclaimed for his studies in Middle School education and curriculum development, and his work on the education of pre- and early adolescent children has been used as a model in schools across the country.

At Ranney, Dr. Sykoff has successfully launched an impressive campaign to expand the school and enhance the education of its students by increasing enrollment, building new facilities, and broadening the scope of Ranney's technological capabilities. Under Dr. Sykoff's leadership, Ranney continues to maintain a strong relationship with its neighborhood and Monmouth County by supporting the Tinton Falls Police Youth Academy and the Tinton Falls City Council.

Currently Dr. Sykoff is very active in the community. He sits on the Board of Trustees of the American Cancer Society and the historic Count Basie Theatre in Red Bank, NJ. He is also a past member of the Board of the Monmouth County Family and Children's Service.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating Lawrence Sykoff. His efforts in advancing the quality of education and his commitment to excellence will continue to benefit and inspire my constituents and all NJ residents.

DESIGNATING APRIL 2008 AS 'NATIONAL FACIAL PROTECTION MONTH'

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. McCARTHY of New York. Madam Speaker,

Whereas 5 million teeth are knocked out each year during sports activities;

Whereas an athlete participating in contact sports has a 10% chance of sustaining a significant oral-facial injury each season;

Whereas studies indicate that approximately one third of all dental injuries and approximately 19% of head and face injuries are sports-related;

Whereas an athlete is 60 times more likely to sustain damage to the teeth when not wearing a protective mouth guard;

Whereas emerging evidence supports that youth athletes wearing full facial protection during baseball, softball, hockey, and lacrosse can significantly reduce their risk of oral-facial trauma;

Whereas the Task Force on Community Preventive Services found that there is insufficient evidence—due to a lack of available research data—to support intervention programs to encourage the use of helmets, facemasks, and mouth guards to reduce oral-facial trauma in contact sports;

Whereas the Task Force on Community Preventive Services has recommended additional research on the effectiveness of intervention programs to encourage the use of helmets, facemasks, and mouth guards;

Resolved, That the House of Representatives—

(1) designates April 2008 as 'National Facial Protection Month';

(2) declares it is critical—

(a) to raise awareness about the importance of using proper dental and facial protection during sporting activities;

(b) to conduct additional research to study the effectiveness of intervention programs to encourage use of helmets, facemasks, and mouth guards;

(3) calls on sports health care professionals, parents, and coaches—

(a) to educate athletes about the importance of protective equipment and encourage the use of all protective devices to ensure the athlete's safety;

(b) to recommend using protective equipment that meets the National Operating Committee on Standards for Athletic Equipment (NOCSAE) and that the equipment is clearly identified as being in compliance;

(c) to observe National Facial Protection Month with appropriate ceremonies and activities.

TRIBUTE TO CHARLES C. LANHAN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. CAPITO. Madam Speaker, I rise to honor the career and accomplishments of Charles C. Lanham of Point Pleasant, West Virginia.

For the past 50 years, he has been a leader of various civic and professional organizations addressing the needs of his community and small town banks. A graduate of Marshall University and former member of the Army National Guard, Charles began his banking career in Ripley, WV and later took a job as Vice President of Citizens National Bank in nearby Point Pleasant in 1963. He spent the next 40 years as a leader in local community banks and recently retired from his current post as Director Emeritus of the Ohio Valley Banc Corps.

Despite his prominent banking career, he is revered most for his public service. He has successfully brought results through his leadership and involvement with countless community organizations that address the needs of Mason County. His greatest contribution; however, is his work to bring attention to improving Route 35.

Charles and two of his colleagues, David Hofsetter and Jack Fruth formed the Route 35 Committee to address the dangerous stretch of highway in Mason and Putnam Counties in 1996. For the next ten years, Charles spent countless hours traveling from his home in Point Pleasant to our state capitol and the halls of Congress to advocate funding for this project.

His hard work finally paid off in 2003 when funding was first appropriated to begin the upgrade. The link of highway he so tirelessly worked to improve was named in his honor as the Fruth-Lanham Highway. In 2005, Charles answered another call to public service when he was named Senator of 4th Senatorial District where he could work to further his mission for Route 35.

Charles represents the true calling of public service. It is an honor to work with such a distinguished citizen who has contributed so

much to our great state. I'm proud to call Charles Lanham a friend and a fellow West Virginian. I wish him all best in his retirement.

CONGRATULATING STAN McNABB OF TULLAHOMA, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, this year, 25,000 individuals from the automobile industry converged to honor the nominees for Time Magazine's ''Dealer of the Year'' Award. Today, I'm proud to congratulate Stan McNabb of Tullahoma, Tennessee, on his nomination for the 2008 Time Magazine Dealer of the Year. This prestigious honor is a tribute to his exceptional performance as an auto dealer and his steadfast commitment to community service, and I rise today to recognize Stan's dedication to his trade and to the people of Coffee County.

Robert Weaver, President of the Tennessee Automotive Association, nominated Stan to represent Tennessee as one of the 51 dealers who will compete as finalists for ''Dealer of the Year,'' an award that required a demonstration of successful auto-dealing as well as an ongoing dedication to community service.

Stan, who earned his degree from Middle Tennessee State University, sold cars as a young man at a Chevrolet dealership and quickly discovered that his passion for automobiles could develop into a career. Stan bought his first dealership in 1980, and now owns three businesses in middle Tennessee. In addition, Stan has used his success in business to contribute to the State. As a board member of ''Partners for Healing,'' an organization meant to provide help and support to the working uninsured in Coffee County, Tennessee, Stan exemplifies a charitable spirit that is a model for business owners across the State.

It is a privilege to congratulate Stan McNabb on his nomination for this award, and to recognize him for his success and service.

CONGRATULATING MR. RONNIE POIROUX ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mr. Ronnie Poiroux on the occasion of his retirement after a 37-year public service career with the Alabama Department of Transportation (ALDOT).

After graduating with a bachelor's degree in civil engineering from the University of South Alabama, Ronnie joined ALDOT in 1971 as an engineering assistant. Six years later, he was named assistant division maintenance engineer, a position in which he supervised 32 employees. In this capacity, Ronnie was charged with bridge inspection and repair, resurfacing, paint striping, traffic signals, and truck weighing. Just months after this promotion, Ronnie was given the additional responsibilities of overseeing tunnels and lift span bridges, including the supervision of an additional 45 employees.

In 1982, Ronnie was promoted to maintenance engineer for the Ninth Division. ALDOT's Ninth Division encompasses a large portion of the First Congressional District, including Mobile, Baldwin, Escambia, and Conecuh counties. As maintenance engineer for the Ninth Division, Ronnie supervised and administered the railroad safety projects, division resurfacing projects and paved shoulder projects in southwest Alabama. Ronnie managed bridge inspections and helped establish priorities for bridge replacement projects. He also administered outdoor advertising as well as the interstate logo program.

Ronnie was promoted to division engineer for the Ninth Division in 1994, a position he held until his retirement 14 years later. As division engineer, Ronnie supervised numerous projects in southwest Alabama, including: $900 million in construction and maintenance projects; $200 million in preliminary engineering, right of way acquisition and utility relocations; the opening of I-165; completion of the I-165 connector and Bay Bridge relocation to Cochrane Africatown Bridge; completion of replacement bridges over Fish River and Dog River; hurricane evacuation routes and emergency evacuations of south Alabama; preliminary design and planning of proposed Mobile Bay bridge; redesign and construction of the new I-10 interchange in Irvington as well as the connector to Bayou La Batre; the widening of Highway 98; design and construction of Alabama 113 from I-65 to Flomaton; completion of additional lanes and widening projects including Alabama 287 and Alabama 59 in Baldwin County, U.S. 31 in Escambia County and Schillinger Road/Alabama 158 in Mobile County; creation of the award winning Gopher Tortoise Preserve in Mobile County; the installation of osprey nesting platforms in Mobile and Baldwin counties; and construction of Mobile's Traffic Management Center and installation of a fog detection system for the I-10 Bayway Bridge.

Madam Speaker, it is clear Ronnie Poiroux has left an indelible mark on southwest Alabama, and I ask my colleagues to join me in congratulating a dedicated professional and friend to many throughout Alabama. I know Ronnie's colleagues, his family, and his many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of southwest Alabama and the entire state.

HONORING AMY ZIEBER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Amy Zieber of Cameron, Missouri. Amy is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Amy has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Amy has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Amy Zieber her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scout Gold Award.

TRIBUTE TO MARGO WELS JESKE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. RAMSTAD. Madam Speaker, I rise to pay special tribute to Margo Wels Jeske, a great American who exemplifies all that is special about our Nation of hard-working, visionary business leaders. Margo has followed a path that all of us in this chamber should strive to emulate—she cares about people first.

Well before the age of computers, in 1966, when jet travel was still rare and gas was 35 cents per gallon, a young woman named Margo Wels from Nicollet, Minnesota, joined the North American Life and Casualty Company as a cashier in its New Ulm office.

Margo served North American Life and Casualty and its successor company, Allianz Life, for 42 outstanding years. She held a series of important positions, including Executive Assistant to the President and other key company officials. Margo retired in early February.

Today, we salute Margo Wels Jeske for her leadership and hard work in protecting people and families and helping our area keep and develop good jobs.

Madam Speaker, we all know from our experience in Congress the importance of people like Margo. They have tremendous institutional knowledge, mentor younger workers and help bring order to the lives of the people with whom they work.

Throughout her entire career at Allianz Life, Margo earned the deepest respect and affection of the thousands of people with whom she came in contact. Her humor, personal kindness and professionalism made her a crucial part of the company.

We live in a time when connections between people are not as strong as they were in the past. But when we examine the life of Margo, we recognize the real importance of those connections. We are worse off for the lack of the personal touch. To thrive, all institutions need committed people, and no one exemplifies this better than Margo Jeske.

Every season of life has its own unique pleasures and Margo has decided it is time to retire, travel and do other things that she enjoys.

Madam Speaker, I want to commend Margo for her successful career and extend my best

wishes to her and Wayne and their son, Eric, for health and happiness in the years ahead. America salutes Margo and all our citizens like her who bring a caring and committed attitude to the job each and every day.

I hope that each of us in the U.S. Congress seek to serve our constituents with the same dedication shown by Margo Wels Jeske each and every day.

CONGRATULATING THIRD DISTRICT MIDDLE SCHOOL PATRIOTIC ESSAY CONTEST WINNERS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SAM JOHNSON of Texas. Madam Speaker, this year marked the first-ever Third District Middle School Patriotic Essay Contest. Students living in the Congressional ''District wrote a patriotic essay on a topic of their choice. Over 275 students submitted essays for this first time endeavor. I must give special credit to Murphy Middle School's award-winning teacher Donna Jenkins. Her students authored the most essays and contributed greatly to this inaugural contest.

Today I'm proud to share the essays from the three winners. From here on out they'll be preserved for antiquity in the CONGRESSIONAL RECORD. Someday, each winner will be able to share with children and grandchildren—''In middle school I wrote a patriotic essay and my work will always be recognized in the official CONGRESSIONAL RECORD.''

1st Place: Kayla Hudgins, 8th Grade—Age 13, Murphy Middle School, Teacher: Donna Jenkins, Lives in Wylie.

2nd Place: Sai Pranathi Baddipudi, 8th Grade—Age 13, Staley Middle School, Teacher: Tammy Brightwell, Lives in Frisco.

3rd Place: Rebecca Beverly Kow, 6th Grade—Age 12, Faubion Middle School, Teacher: Debbie Bennett, Lives in McKinney.

I want to thank the 275+ students who participated in the contest. The outstanding level of participation shows great promise for the future. To the winners, you're the voices of the future and I salute you. God bless you and God bless America.

1ST PLACE WINNER

(By Kayla Hudgins, Grade 8, Murphy Middle School)

Veterans mean the courage to believe in something bigger than your own prosperity and to risk the ultimate sacrifice of your life. These brave soldiers fought for something that deserves our complete gratitude: our freedom. Veterans have a powerful love for their countrymen. But still, we do not seem to fully grasp the importance of their mission.

When the veterans left to war, they never knew if they were coming back alive or not. And still they went, for they believed in the freedoms that the founders of this country did. They went so that their families and friends could remain Americans. Veterans fought, not only for their freedom, but for others' freedom as well. They fought for future generations and the present generation. They suppressed their fears to bring peace to all of mankind.

This love, for country and fellow citizens, is the epitome of selflessness. Veterans are role models of self-sacrifice and brotherly love. Their love for our country and its beliefs lead some of them to give their lives for the sake of others. The veterans do not know if their efforts to bring peace will be in vain. They do not expect thanks for their sacrifices, and that makes them all the more heroes in my eyes.

And though these brave soldiers risk everything, I am not sure people fully grasp the importance of the existence of veterans. The rights and freedoms these women and men fight for are abused and taken for granted. We seem to forget that, if not for them, our lives would most likely be run by a corrupt communist government. But people continue to march off to war, to protect a nation that may very well never even know they were here, to keep us from invading evils.

Veterans, to me, are the last remaining people who truly understand what it means to be an American. They are the remnant souls of the soldiers of the Revolution. They are everything America was built upon, and they fight to keep it alive. Veterans stand for life, liberty, and the pursuit of happiness. They do not exist to go to war but to protect thousands from its consequences. The world may never know their names or stories, but they are the only thing that has kept this nation where it is. What drives them, we may never fully understand, but I am thankful for their determination and neighborly love that has no bounds. Maybe one day, the world will fully comprehend how sorrowful and devastating everything would have been without them; hopefully for now they will be satisfied by the innocent smile on their child's face when they return. Veterans are more than heroes; veterans are America.

2ND PLACE WINNER

(By Sai Pranathi Baddipudi, Grade 8, Staley Middle School)

Herbert Hoover, our 31st president, once said, ''Older men declare war, but it is youth that must fight and die. And it is youth who must inherit the tribulation, the sorrow, and the triumphs that are the aftermath of war.'' Those words ring as clearly in my head as the liberty Bell rang for this very nation many years ago. Everything I treasure: my family, my friends, my life, wouldn't be the same if it hadn't been for the veterans who jeopardized their lives in the name of autonomy.

That ultimate sacrifice made by those courageous young men and women who fought not just for the well being of the world, or our nation, but for each and every person that resides in this country, are commemorated till this very day.

Like many other people living in the U.S.A., I too took freedom for granted. But my perspective on the matter changed one Veteran's Day when my class talked about the Vietnam War, the war in Iraq, and saw pictures of the shocking conditions these soldiers had to endure. We also read letters that were written by those soldiers, talking about the adversities they were facing, and how much they missed their families, of how eager they are to see their newborn baby boy or girl. Through their words, I realized the true value of freedom and how much people in this world were willing to give up for it; I was also able to build great respect for the heroes who put their lives at stake for our liberty.

Ever since, I cherish freedom as a gift. Every day that I am presented with a decision to make, I am thankful that I possess the choice to make that decision. Some of the choices that I have made, and that I will make in the near future will alter my life tremendously. But, I am obliged that I live in a country where it is a right granted to the people to make the decisions that will shape their own lives. I am forever in debt and thankful to those who risked their lives, and to those who lost someone dear to them just so that I could make the decisions that I now make freely on a daily basis.

This nation would not be near as great as it is now if it hadn't been for those noble young men and women who risked their lives for it. So, each day that I'm alive, I prize that gift of freedom, and in remembrance of the American heroes; our veterans, I offer my thanks and gratitude.

3RD PLACE WINNER

(By Rebecca Beverly Kow, Grade 6, Faubion Middle School)

''PATRIOT''

Patriot: a word that gets jumbled in the Vocabulary Vat of our brains. Most of us don't realize that it's the blood, sweat, and tears sacrificed by the person to make our lives easy.

March 10th

Dad has a new job. I wasn't paying attention at dinner, I was busy forking my peas around, trying to make them disappear, I finally had forced one into my mouth, when Dad made the announcement. I almost choked. He's going to join the military. He'd deployed on April 30th. He said he's wanted to do this for a long time; he's always wanted to fight for our country, but I don't want him to leave. I hope I'm not being selfish, but I just don't think I can watch my daddy leave with no guarantee he'll be back.

April 29th

Tomorrow Dad leaves. Today was family day, I didn't find it fun. We just spent the day together, fretting about everything. Now I'm trying to sleep, but when I close my eyes, I see horrible images.

April 30th

Dad's Gone. I was kind of in a daze as we drove to the airport. Before he left I gave him my necklace; it has a little angel on it. He put it on and said he won't take it off until he comes home. I'm trying to write through tears, but it's hard because my vision's blurring. I don't know why it didn't hit me until right after Dad walked away, that I might not see him again.

August 4th

HE'S!! MISSING!! We got a phone call. They said he never came back. Mom promises he's fine, I try to believe her. It's okay, I tell myself, but tears keep coming.

September 13th

My birthday. A day to never forget. I opened the mailbox praying there would be something from Dad. And . . . there kinda was. It was a teeny-tiny envelope with my name on it. It looked like it was holding something, a secret waiting to be told, so big it was about to burst at the seams. I opened it and my necklace fell out. My mind turned to mush, he said he'd wear it until he was home, but why was it mailed, what if he was home . . . just in spirit. OH NO! Thoughts swirled around in my head like a blender, and I sat down on the curb and cried. Later, there was a knock on the door, I slowly opened it. On the other side was something unbelievable; Dad. There he was standing there, home. He had a cast on his leg and bandages everywhere, but he smiled as if he'd won the lottery. That's when he became my hero.

A patriot is a person that loves and defends their country. It means so much to me, these people, risking their lives for us. These people do things that I wouldn't have the courage to do, and I would like to say something to them; thank you.

IN HONOR OF THE 50TH ANNIVERSARY OF THE DODGERS IN LOS ANGELES

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BECERRA. Madam Speaker, it is with utmost pleasure and privilege that I rise today to congratulate the Dodgers for calling the City of Los Angeles its home for the last 50 years. I'm honored to be participating in the kick off event at the Los Angeles City Hall on March 28 for what will be a year-long ''Golden Anniversary'' celebration.

The Los Angeles Dodgers played their first home game on April 18, 1958, defeating the San Francisco Giants 6–5 before 78,672 fans at the Los Angeles Memorial Coliseum. Since arriving in Los Angeles 50 years ago, the Dodgers have had its share of baseball firsts, major league moments, shattered records and invaluable players—making baseball history and achieving golden moments over and over again.

The Dodgers led the geographic expansion of baseball to the west and managed to preserve the New York City cross-town rivalry by convincing the Giants to move to California as well. The historic and heated competition between the Dodgers and the Giants is more than a century old, and is the longest rivalry in baseball history. In 1959 the Dodgers, then playing their second season in Los Angeles, played the defending World Champion New York Yankees in an exhibition game in Roy Campanella's honor at the Los Angeles Memorial Coliseum. The attendance was 93,103—still the largest crowd ever to attend a Major League Baseball game. The Dodgers are set to make history again when they play the defending World Champion Boston Red Sox in an exhibition game on March 29, 2008, at the Coliseum. The game is expected to draw the largest baseball crowd since the Dodgers played that historic 1959 game at the same venue.

The Los Angeles Dodgers earned its reputation for success with five World Championships, nine National League pennants, 15 playoff appearances, eight Cy Young Award winners, four MVPs, an incredible 12 Rookie of the Year recipients (five of which were handed out in five consecutive years—an unmatched feat), and numerous other Major League Baseball honors. And in addition to these impressive records and awards are other ''golden moments'' that stand out in the minds of Dodgers fans.

The 1981 Opening Day starting pitcher was a 20-year-old rookie from Mexico. Fernando Valenzuela pitched a shutout that day and proceeded to win his first eight decisions with five shutouts. Later that year Fernando helped the Dodgers win its first World Series title since 1965. ''Fernandomania'' swept through the baseball world, a culture-crossing phenomenon that took Los Angeles and the world by storm when Valenzuela won both the National League Rookie of the Year and Cy Young awards, becoming the first player to win both in the same year.

And all true blue Dodgers fans can close their eyes and picture the footage of Kirk Gibson hobbling around the bases on both hurt legs, and pumping his fist as he rounds second base, during his pinch-hit home run in game one of the 1988 ''Fall Classic.'' The Dodgers would go on to win a World Series upset that year, and Gibson's ''golden moment,'' his single swing, is considered the ninth most memorable moment in Major League Baseball history.

In all likelihood only one or two fans even remember one of my personal favorite Dodgers ''golden moments,'' and I must admit it was not the bottom of the ninth inning, with two outs, and the bases loaded. But once upon a time, a certain local congressman was invited to throw the first pitch of a ball game—and it was a perfect strike! Such are the heart pounding thrills that the Dodgers deliver time and again.

Madam Speaker, after 50 years of time honored tradition in Los Angeles, the Dodgers truly are a community institution. An institution I'm proud calls Dodger Stadium in my 31 st Congressional District of California home. Whether you are ''thinking blue,'' ''bleeding Dodger blue'' or ''praying to the big Dodger in the sky,'' many Angelenos share an intense loyalty and kinship with their ''Boys in Blue.'' I look forward to many more decades of the Los Angeles Dodgers' community involvement and history-making baseball accomplishments.

IN RECOGNITION OF MICHAEL McDOWELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Michael McDowell, former Minister of Justice and Attorney General of Ireland, as we welcome him to Cleveland, Ohio, on St. Patrick's Day, March 17, 2008.

For almost 30 years, Tim Collins and Thomas Scanlon have organized the St. Patrick's Day Party and Parade, a festive event that brings people together in the heart of Cleveland. On this exceptional day, Cleveland's streets are a sea of green, full with the lively sounds of traditional Irish music, laughter and the spirit of all those joining together to celebrate rich Irish culture.

Born in Dublin, Ireland in May 1951, Michael McDowell followed in the footsteps of his grandfather by dedicating his life to public service and leadership. Mr. McDowell has a decorated political history as a founding member of the Progressive Democrats Political Party, in which he served as President from 2002–2006. While leading the Progressive Democrats Party, he also held the distinguished post of Tanaiste. He was one of 14 Progressive Democrat Teachta Dàla's elected to Dáil Éireann in the 1987 general election, the first election after the party was founded. In this position, he represented Dublin's South East constituency from 1987–1989, 1992–1997 and 2002–2007. In 2002, he began his 5-year tenure as Ireland's Minister of Justice, Equality and Law Reform, and served as Attorney General from 1999 to 2002.

Madam Speaker and colleagues, please join me in honor and recognition of former Irish politician, Michael McDowell, for joining us as we celebrate St. Patrick's Day in Cleveland. Please also join me in recognition of Tim Collins and Thomas Scanlon for their efforts in organizing this marvelous St. Patrick's Day Party this year, as they have for almost 30-years.

HONORING CAROLINE WRIGHT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Caroline Wright of Blue Springs, Missouri. Caroline is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Caroline has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Caroline has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Caroline Wright her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

RECOGNIZING 21 YEARS OF SERVICE BY STEVE MATHIS TO THE HOUSE OF REPRESENTATIVES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement in March of 2008, I rise to thank Mr. Steve Mathis for 21 years of outstanding service to the United States Government, working at the House recording studio here in the U.S. House of Representatives.

A native Californian, Steve graduated from San Diego State University in 1978. He then worked 5 years as a shift supervisor for KPBS–TV. Steve began his House career in the House recording studio's production department in 1980 when ''live'' House television coverage was only a year old. For the next 15 years, Steve was an indispensable member of the House's television floor coverage, recording studio, and radio production crew serving around the clock whenever House sessions required.

After a detour as a production operator at CNN for 6 years, Steve returned to the House

in 2002, becoming a television director for both studio shows and House floor coverage. Highlights have included directing the 2008 State of the Union broadcast along with working on numerous other joint sessions with world leaders.

On behalf of the entire House community, I extend congratulations to Mr. Mathis for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish him and his wife Paula many wonderful years fulfilling his retirement dreams of visiting every Major League ballpark in the country and taking bicycle trips throughout the world.

THANK YOU TO THE KANSAS COYOTES

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise to share the conclusion of a dramatic story that began in the early days of World War II. This testimony underscores the heart and commitment of our Kansas Airmen. In 1944, the crew of a B–24 Liberator bomber was brought down by anti-aircraft fire in the Pacific near Palau. That crew was not found until March of this year. Sixty-four years after the crew of the U.S. Army Air Forces gave their lives for America—the Joint P–O–W/M–I–A Accounting Command recovered the men from their watery graves. Volunteer Kansas Air National Guardsmen from the 190th Air Refueling Wing returned them home to the United States. The fallen men will, finally, be able to rest in peace in the soil of the country they fought to protect. I'd like to give a profound ''thank you'' to the Kansas Coyotes for their role in helping to provide the long overdue closure for the families of the Babes in Arms crew. I commend you for your spirit and dedication to your fellow soldier.

INTRODUCTION OF THE POLITICAL INTELLIGENCE DISCLOSURE ACT

HON. LOUISE E. McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. SLAUGHTER. Madam Speaker, today, I am proud to join my friend and colleague, BRIAN BAIRD, in introducing the Political Intelligence Disclosure Act. By requiring political intelligence firms to make their activities known in the same way lobbying is reported, this bill will help to bring transparency to the growing world of political intelligence.

Political intelligence firms were first established in the 1970s and have been operating since then without regulation. This industry focuses not on influencing Congress, but on gathering information on forthcoming legislative action in order to give their clients an advantage over other investors. This information is then used to influence decisions on stocks, securities and commodities. Currently, firms conducting political intelligence are not required to disclose their clients or earnings. But the bill we are introducing today would change that and require the same disclosure from political intelligence firms as from lobbying firms.

With leading experts noting that political intelligence businesses have quadrupled in size since 2003, these businesses are now emerging as a key factor in the lobby industry, and should be regulated accordingly. Such an important and increasingly relevant business should certainly be required to make its activities known to the public.

Additionally, there have been reports that employees of political intelligence firms have been attending meetings related to legislation, essentially posing as lobbyists. By requiring disclosure of these firms, this bill will ensure that people attending meetings where legislation is discussed make their intentions known and their goals clear.

The Political Intelligence Disclosure Act will bring necessary accountability to this growing field, and I am proud to be an original cosponsor. We must make political intelligence firms accountable and transparent. This important bill will do just that. Madam Speaker, I urge my colleagues to cosponsor this bill today.

HONORING STEPHEN FEINSTEIN

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. WALZ of Minnesota. Madam Speaker, I rise in memory of Stephen Feinstein, the director of the Center for Holocaust and Genocide Studies and adjunct professor of history at the University of Minnesota, who died unexpectedly on March 4, 2008. He was 64.

Born in Philadelphia and educated at Villanova and New York Universities, Prof. Feinstein taught for 30 years at the University of Wisconsin at River Falls before joining the faculty at the University of Minnesota. From its founding in 1997, he built the Center for Holocaust and Genocide Studies into an internationally renowned educational, research, and outreach institution that was engaged with a broad range of human rights issues, including the Armenian Genocide, the treatment of Native Americans, and the humanitarian crises in East Africa. To end genocide, he once said, ''we must study it and understand how it works against what we call 'civilization','' if possible to develop an ''early warning system'' to prevent future genocides.

Feinstein was known around the world as an advocate for Holocaust survivors and genocide education, and in particular, for his expertise on artistic expression and genocide. In addition to his CHGS responsibilities and activities, he served as an art consultant and guest curator for numerous museums, universities and art galleries in Minnesota, Florida, New York and Washington, D.C.

''Above all else,'' said his colleague Eric Weitz, ''Stephen Feinstein was a great humanitarian, someone with a profound belief in the value of research and education, a person who truly believed that if we had just one more lecture about Darfur, ran one more outreach session with teachers on the Armenian Genocide, taught one more course on the Holocaust and genocides, it really could make a difference and the world would be a better place for all of us.''

HONORING THE LIFE OF DR. CECIL C. CUTTING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. STARK. Madam Speaker, Dr. Cecil C. Cutting, the pioneering physician who served as the first Executive Director of The Permanente Medical Group (TPMG) died Sunday, March 2 at the age of 97. His death came one day after the physicians of TPMG came together to celebrate the 60th anniversary of the founding of the group, and to honor his contributions and the Medical Group's achievements.

Dr. Cutting was the first physician hired by Dr. Sidney R Garfield when Dr. Garfield joined forces with Henry J. Kaiser to provide prevention-oriented, prepaid care for the workers building the Grand Coulee Dam in 1938. When the U.S. entered World War II, and Henry Kaiser was awarded the contract to build Liberty ships in the shipyards in Oakland and Richmond, Drs. Garfield and Cutting moved the innovative health care program to Richmond, California. They provided medical care for Kaiser's 200,000 workers at wartime shipyards in Richmond, California; Vancouver, Washington; and Portland, Oregon, as well as at Kaiser's Steel Mill in Fontana, California. Based on the quality of care they were able to provide to the shipyard workers, Henry Kaiser's shipyards set records for the speed with which seaworthy Liberty ships were completed in support of the war effort. The program was so successful, and the care delivered of such high quality, that the unions representing the workers convinced Drs. Garfield and Cutting and Mr. Kaiser to open the program to the public when the war ended in 1945.

On February 21, 1948, Dr. Cutting, Dr. Garfield and five physician colleagues founded The Permanente Medical Group, and selected Dr. Cutting as the first Executive Director, a role he held for 20 years. Under his extraordinary leadership, and in the face of serious opposition from organized medicine at the county, state, and national levels, a firm foundation was laid that set TPMG on course to become the largest and most successful medical group in the country, and Kaiser Permanente the largest non-profit private health care program in America.

Dr. Cutting was born in 1910 in Campbell, California. He received his A.B. and MD degrees from Stanford University, and completed his residency at Stanford Lane Hospital and San Francisco County Hospital in surgery and orthopedics in 1938, just as Dr. Garfield began recruiting physicians to provide care for the workers at the Grand Coulee Dam site. Despite a warning from then Stanford Medical School Dean Loren Chandler, who felt that he ''could never permit Cecil to get mixed up in

such an operation,'' and opposition from physician colleagues in the Bay Area who argued that prepaid group practice was ''unethical,'' Dr. Cutting was attracted by the idea of combining prepayment, prevention, and group practice, and envisioned an opportunity to redefine health care delivery based on those precepts. He joined Dr. Garfield at Grand Coulee, and formed a collegial and professional partnership that would span more than 40 years, and have a profound impact on care delivery in the United States. Together they built an ethical care delivery system founded on the precepts of integration, prepayment, prevention, and multispecialty group practice, and committed to quality care, stewardship of member resources, and community benefit.

Dr. Cutting ensured that the physicians of The Permanente Medical Group would be responsible for the organization of medical services, and would have the freedom and independence collectively to manage and take responsibility for both the quality and value of the care and service provided. He established robust investments in health education and health promotion, began a research program which led to the establishment of the Division of Research, and established the first medicine and surgery residency programs in Kaiser Permanente. Throughout his life, he was one of the country's leading advocates for the benefit to society, and to the profession, of prepaid group practice.

''We wanted to create a medical environment in which the doctors' work would be interesting and stimulating, where they would have reasonable income and security, and very importantly . . . fit into the accepted framework and code of ethics of American medicine, while at the same time develop an effective and efficient alternative to fee-for-service practice,'' he once said. Speaking at the White House Conference on Health in 1965 he challenged health care policy makers to shift the emphasis in public debate toward keeping people well: ''We ought to promote an enthusiasm for taking care of ourselves.''

That same year he addressed the American Association for the Advancement of Science (AAAS) and forecast the arrival of the electronic medical record, encouraging his peers not to feel threatened by computers. In the dawn of the computer age, he predicted that ''All [medical] histories and findings would be recorded by computers and made available to the physician,'' Dr. Cutting told AAAS. ''This mechanization must not be construed as an impersonalization of the relationships between the physician and his patient. The challenge is to do quite the opposite. By increasing the physician's knowledge of the patient . . . his time with the patient should be much more constructively utilized to know the patient as a person and to guide him through sickness.''

Above all else, Dr. Cutting is remembered for his loyalty to The Permanente Medical Group, and his commitment to the Kaiser Permanente Medical Care Program.

Dr. Robert Pearl, the Executive Director and CEO of TPMG, noted that ''the organizational DNA which Dr. Cutting helped to create 60 years ago can be seen today in our outstanding quality outcomes and our national leadership in disease prevention, cardiovascular care, genetic research, deployment of advanced IT systems and health care policy.'' In 2007 TPMG established the Cecil C. Cutting Leadership Award, to recognize outstanding physician leaders, and in recognition of Dr. Cutting's extraordinary contributions as Executive Director of The Permanente Medical Group, and the contributions he made to improving health care in the United States.

A TRIBUTE TO CORPORAL CHASE DINDO AND ALL OF LIMA COMPANY FOR HELPING TO SAVE THE LIFE OF A LITTLE IRAQI GIRL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise today to pay tribute to Corporal Chase Dindo of Mobile and his Alabama-based Marine Corps Reserve unit for helping save the life of a two-year old Iraqi girl, Amenah.

In December of last year, one of the Marines of the Montgomery-based unit, Lima Company of the 3rd Battalion, 23rd Marines discovered little Amenah was suffering from a rare life-threatening heart problem.

Lima Company stepped into action making arrangements with Children's Hospital in Nashville, Tennessee, for Amenah to have the life-saving surgery. The hospital and surgeons donated their facilities and surgical skills at no charge. The unit took Amenah and her mother to the Jordanian border where the two were flown to the United States.

Amenah's three-hour operation was a success, and she will spend six to eight weeks in the United States recovering before returning with her mother to their home in Haditha, Iraq.

I ask my colleagues to join me in recognizing Cpl. Chase Dindo and the entire Lima Company for their selfless actions to save the life of a little girl. I know I join their families and friends in extending our heartfelt thanks for their outstanding service to the United States of America—they are true American heroes.

HONORING KRISTY THOMPSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kristy Thompson of Cameron, Missouri. Kristy is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Kristy has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Kristy has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Kristy Thompson her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

CONGRATULATING CARL LAWRENCE ON HIS RETIREMENT FROM GILES COUNTY FARM BUREAU

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, a great friend of farmers in my district and across the Volunteer State retired from thirty years of dedicated service to the Farm Bureau this year. Carl Lawrence served the Giles County Farm Bureau with distinction in service to the hard working farmers of Tennessee, and I proudly rise today to commend him for a lifetime of work for our agriculture community.

After serving his country as a combat soldier in Vietnam, Carl returned to the state he honorably defended overseas and joined the Farm Bureau in Rutledge, Tennessee. There, he earned a reputation for dedicated management and quickly earned a promotion for his hard work and diligence. Carl's efforts helped swell the ranks at Giles County Farm Bureau, from 1,600 to nearly 5,000 members, and did a great deal to ensure that the local Farm Bureau did everything it could to aid farmers throughout the county.

For all he has done, I am proud to join the Farm Bureau of Giles County in wishing Carl Lawrence a happy retirement and recognize him for a career well spent in service to the farmers of Tennessee.

A PROCLAMATION HONORING THE LIFE OF HOWARD M. METZENBAUM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. SPACE. Madam Speaker, Howard M. Metzenbaum leaves behind a legacy of commitment. His 19 years of service in the United States Senate demonstrates his commitment to the people of Ohio and to the legacy of democracy. He was not simply a legislator, but a statesman.

From a simple beginning to a self-made millionaire, Howard Metzenbaum knew the value of hard work and applied that knowledge to his political career. His character and determination drove him to succeed first in business and then in politics. He championed the working man and ensured government truly represented the people. His diligence ensured that the government was managed fairly and frugally. His determination saw through countless bills that have improved the lives of the public. It is through these traits that Howard Metzenbaum represented the best of a statesman and the best of Ohio.

Through his 90 years, Howard Metzenbaum lived a full life. His wife and four daughters remember a wonderful man and a loving father. I, along with the people of the 18th District of Ohio, also remember a true legislator and an effective statesman. It is in this spirit, that along with his friends, family and residents of the 18th Congressional District of Ohio, that we recognize in memorial, the wonderful contributions that Howard M. Metzenbaum has given to his State and his country.

TRIBUTE TO 50TH ANNUAL SWALLOWS' DAY PARADE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor an event that has been instrumental in shaping the community in southern California, the Swallows' Day Parade. The historic return of the swallows to San Juan Capistrano is celebrated each spring as the world focuses on this wonder of nature. This year, March 29, 2008, commemorates the 50th annual celebration of the Swallows' Day Parade in Orange County, California in the beautiful City of San Juan Capistrano.

Orange County's oldest city, historic San Juan Capistrano is home to the Mission San Juan Capistrano. The mission was founded more than 200 years ago in 1776 as the seventh of 21 California missions to serve as the center of the community, and stands today as a monument to the rich cultural history of southern California. The Mission San Juan Capistrano is believed to be the oldest church in California, and is one of only two standing chapels still in use where Father Junipero Serra is known to have celebrated mass.

The migration of the swallows of Capistrano has become a symbol for nature's changing of the seasons and welcoming of spring. The cliff swallows, upon their arrival begin building their nests under the eaves and ruins of the old stone mission and other buildings throughout the Capistrano Valley. The location has remained an ideal nesting place for the swallows because the area provides an abundance of insects on which they feed.

The species of cliff swallow, Petrochelidon pyrrhonota, a small, long-winged songbird, leaves Goya, Argentina at daylight around the 18th of February, arriving in Capistrano about the 19th of March. This 30-day journey covers nearly 7,500 miles, as the swallows continue through the Gulf of Mexico along Central America to the Yucatan Peninsula, turn west to the Pacific, fly over Baja California until they arrive in San Juan Capistrano and the agricultural valleys of southern California.

Each year on St. Joseph's Day, March 19th, the Fiesta de las Golondrinas celebrates the legendary return of the swallows to the Mission San Juan Capistrano. In 1936, the Fiesta de las Golondrinas was first celebrated when a popular radio host broadcasted from the mission to announce the return of the swallows. The Swallows' Day Parade during the Fiesta de las Golondrinas continues today as an integral part of the festivities, and is recognized as the largest nonmotorized parade in the country.

I take this opportunity to honor the historic city of San Juan Capistrano, as well as the tireless efforts of the San Juan Capistrano Fiesta Association and the overwhelming support of the community in southern Orange County, California. I ask you to join me in celebrating the return of the swallows to San Juan Capistrano and the rich cultural heritage of the 50th annual Swallows' Day Parade.

HONORING NURSES

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. KIND. Madam Speaker, I rise today to call attention to the essential role nurses play in providing quality health care across the country. Every day people with a variety of needs are served by legions of caring, qualified, and professional nurses. They are integral to our Nation's health care delivery system.

Every one can remember an experience when someone they know needed health care and a nurse was the first person by their side providing care and comfort. We all know someone who works in the field of nursing and the commitment they make to their profession, despite extraordinary challenges everyday.

More than 100 representatives of the nursing field are present in our Nation's capitol this week to give a voice to their professional needs and experiences. Nurses care for our children and serve more of our constituents then we will ever meet. Nurses deserve our time, our attention, and our respect for their views.

An adequate supply of nurses is essential to ensuring that all people receive quality care and that our Nation's public health infrastructure has the professonals necessary to respond to all natural and manmade disasters. The Department of Health and Human Services projects that the current 10 percent vacancy rate in the registered nursing professions will grow to 36 percent by 2020, representing more then 1 million unfilled jobs.

Additional congressional leadership, ongoing support, and federal funding is necessary to ensure that the Nation has an adequate supply of nurses to care for the patients of today and tomorrow.

RESOLUTION HONORING THE SERVICE AND ACHIEVEMENTS OF WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution honoring the service and achievements of women in the Armed Forces and female veterans. Every time I visit military installations, both at home and abroad, I am constantly impressed by the tremendous job our service members are doing.

I am particularly impressed by our brave servicewomen, whom I seek out at every chance. Almost 350,000 American women are currently serving in our Armed Forces, following in the footsteps of women who have voluntarily served in every military conflict in United States history since the Revolutionary War.

During the Revolution, women served on the frontlines as nurses, waterbearers, and even saboteurs. For years, women had to disguise themselves as men in order to enlist in our military.

Although the Army and Navy Nurse Corps were established in the early 1900s, it was not until the Women's Armed Services Integration Act of 1948 that women were granted permanent status in the regular and Reserve Armed Forces.

Today, our servicewomen play an increasingly important role in America's military forces. Women are flying helicopters and fighter aircraft; they are saving lives as nurses and doctors; they are driving support vehicles and policing perimeters. We should never fail to remember the sacrifices our servicewomen and their families make to keep our families safe.

As Chair of the House Armed Services Subcommittee on Military Personnel and Co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to honor the legacy of servicewomen in the past, the courage with which women serve today, and the enthusiasm inherent in the young women who dream of serving this great nation in the future.

Madam Speaker, thank you for the opportunity to introduce this resolution today.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. KILPATRICK. Madam Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to attend several rollcall votes. Had I been present, on rollcall No. 111 I would have voted "nay"; on rollcall No. 112 I would have voted "nay"; on rollcall No. 113 I would have voted "nay"; on rollcall No. 114 I would have voted "nay"; on rollcall No. 115 I would have voted "aye"; on rollcall No. 116 I would have voted "aye"; on rollcall No. 117 I would have voted "aye"; on rollcall No. 118 I would have voted "aye"; on rollcall No. 119 I would have voted "aye"; on rollcall No. 120 I would have voted "nay"; on rollcall No. 121 I would have voted "aye"; on rollcall No. 122 I would have voted "nay"; and on rollcall No. 123 I would have voted "aye."

RECOGNIZING KIM ANDERSON YOUNG AS THE 2008 SMALL BUSINESS PERSON OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Ms. Kim Anderson Young on being named the U.S. Small Business Administration's 2008 Small Business Person of the Year for Guam.

As a young girl growing up in Alaska, Kim was inspired by her father who operated a helicopter service, Maritime Helicopters, in Homer, Alaska. She obtained her college degree from Alaska Business College in 1979 and developed a career in real estate in both Alaska and Hawaii. In 1987, the family business expanded and she embarked on a new adventure to lead the development of a new branch of Maritime Helicopters in Saipan called Blue Pacific Helicopters. Under Kim's leadership, Blue Pacific Helicopters grew from a one aircraft operation used to perform rescues, medivacs, and tours to two nine-passenger Piper Navajo Chieftains. This success led to Blue Pacific Helicopters' acquisition by Northwest Airlink.

Kim's business and real estate successes led her to enter the title insurance business. In 1991, she started Pacific American Title Insurance and Escrow Company with a business partner, and later formed a sole proprietorship venture in 1995. She started Security Title, Inc. as the president and her husband, Ronald M. Young, as corporate secretary and treasurer.

Today, Security Title, Inc. has expanded its services to service the communities of Guam, Saipan, Tinian, and Rota. It is also stands as the largest title company on Guam in terms of employees, transactions and revenues. Their growth over the past year is due to company leadership that reacts quickly to Guam's real estate surge and shows the great confidence that real estate agents and financial institutions have in their title insurance products.

Kim is the driving force behind Security Title's leadership role in community relations. They have consistently contributed a significant percentage of their profits each year to local non-profit and charitable organizations that support youth sports, schools, disaster relief, military families, the homeless, abused women and children, and elderly programs. Their good works have been appreciated by our community and they have set a high bar as an example of how much can be accomplished by a business that is socially responsible and that has a deep commitment to our community.

Kim Anderson Young's business success and contributions to our community are an inspiration to our island. I congratulate Kim today on her selection as the U.S. Small Business Administration's 2008 Small Business Person of the Year for Guam and I commend her on this notable achievement.

CONGRATULATING DOLORES ''LALING'' McDONALD PANGELINAN ON BEING NAMED THE 2008 HOME-BASED BUSINESS CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Dolores ''Laling'' McDonald Pangelinan on being named the United States Small Business Administration 2008 Home-Based Business Champion of the Year for Guam.

Mrs. Pangelinan began her business 1986 when she made the decision to retire from her full-time career to remain at home with her ailing son. As she still needed to supplement the family income while being her son's caregiver, Mrs. Pangelinan decided to put her baking and party planning knowledge to work from home. With a strong customer base of people familiar with her culinary talents, Mrs. Pangelinan was able to successfully launch ''Special Events by Les Papillon.''

Over 20 years later, Special Events by Les Papillon has become one of Guam's most successful home-based businesses. It has developed into a full-service party business offering cake decorating, floral arrangement, event planning, special functions organization, and prop background setting. Mrs. McDonald's home continues to serve as the headquarters, but is now equipped with multiple kitchens, extensive storage space, and a commercial van to service client needs.

Mrs. Pangelinan's success is well-deserved, and reminds us of the hard work ethic and family pride that our community holds so dearly. With this, I proudly congratulate Dolores ''Laling'' McDonald Pangelinan for her national recognition as United States Small Business Administration 2008 Home-Based Business Champion of the Year for Guam.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF JACOB STEIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. ACKERMAN. Madam Speaker, I rise today to seek Congressional recognition of the lifetime of achievements of Jacob Stein. During his distinguished career, Jacob, or Jack as his friends refer to him, has made a lasting impact on his community and our Nation. As a public, religious, civic and moral leader, his lifetime of achievement deserves both recognition and our appreciation.

In 1938, Jack Stein graduated from Columbia University and embarked on a successful career as a licensed real estate broker, a member of the Long Island Board of Realtors, and an active developer of residential and commercial properties. He also served on the board of directors of KeyCorp Bank for 25 years. However, the true hallmark of his life's work is his unswerving devotion to service, to his family, his community and to his country.

Jack has been an indispensable leader in local, national and international Jewish circles. A Holocaust survivor himself, Jack helped found the Holocaust Memorial and Tolerance Center of Nassau County. He is a director of the International Synagogue at John F. Kennedy International Airport, and is a member of the board of directors of the Dead Sea Scrolls Foundation. He also served as the president of Temple Israel of Great Neck from 1957–1960, president of the United Synagogue of Conservative Judaism from 1969–1973, chairman of the Conference of Presidents of Major American Jewish Organizations from 1971–1973, and helped author ''Emet V'Emunah,'' the Jewish Theological Seminary's statement of principles of Conservative Judaism in 1988.

Jack has also made his presence felt in other religious communities. He presently sits on the board of the International Jewish Committee on Interreligious Consultations. In the 1980s, Jack worked closely with Rabbi Mordecai Waxman during his meetings with Pope John Paul II in Miami discussing Jewish Catholic relations. Jack was also involved in the communications with the Second Vatican Council that produced the 1965 ''Nostra Aetate,'' the Declaration on the Relation of the Church with Non-Christian Religions. At the age of 92, Jack remains active in the promotion of mutual understanding and appreciation between the Christian and Jewish communities and recognition of their shared roots.

Additionally, Jack made exceptional contributions to public service. He served as a Special Advisor in the White House under President Ronald Reagan, a member of the U.S. Delegation to the United Nations, and a delegate to the Human Rights Commission. Secretary of Defense Caspar Weinberger appointed him to the Defense Department's Policy Advisory Committee on Trade, on which he served for 7 years. Mr. Stein also was a member of the Presidential Task Force on International Private Enterprise in 1984, and he was appointed to a committee that oversaw the first elections in Namibia. As a long time friend, he remains in regular communications with President George H. W. Bush.

Remarkably, among all this activity, Jacob found time to dedicate to the academic world as well. He served as a member of the Stony Brook University Foundation, has given numerous lectures across the country and has authored many articles on religion and politics.

Perhaps most of all, Jack has always been a family man. He and his late wife Jean were married for 65 years and throughout all his public endeavors, they remained inseparable. Jack has had the pleasure of watching their three children grow and find success of their own, and has been blessed with six grandchildren and eight great grandchildren.

In 2007, he published a recording of his memoirs ''Days of Challenge: The Making of a Modern American Jewish Leader,'' detailing his interesting and exciting lifetime of service. Currently, Jack writes a column for several weekly newspapers, sits on the board of the American Jewish Historical Society, and is a member of the board of the Town of North Hempstead Business and Tourism Development Corporation.

Madam Speaker, Jacob Stein's immeasurable contributions to public and community

service have truly helped make this world a better one in which to live. I ask that all of my colleagues now rise and join me to express the thanks of a grateful Nation to Jack Stein for his many years of dedicated service and for his countless achievements.

HONORING JESSICA TASETANO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jessica Tasetano of Liberty, Missouri. Jessica is a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and earning the most prestigious award of Girl Scout Gold Award.

Jessica has been very active with her troop, participating in many scout activities. In order to receive the prestigious Gold Award, Jessica has completed all seven requirements that promote community service, personal and spiritual growth, positive values and leadership skills.

Madam Speaker, I proudly ask you to join me in commending Jessica Tasetano her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of Girl Scouts Gold Award.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this body with yet another Sunset Memorial.

It is March 14, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand—just today. That is more than the number of innocent American lives that were lost on September 11th, only it happens every day.

It has now been exactly 12,835 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children.

Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over their vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common.

They were each just little babies who had done nothing wrong to anyone. Each of them died a nameless and lonely death. And each of their mothers, whether she realizes it immediately or not, will never be the same. And all the gifts that these children might have brought to humanity are now lost forever.

Yet even in the full glare of such tragedy, this generation clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Madam Speaker, perhaps it is important for those of us in this Chamber to remind ourselves again of why we are really all here.

Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No state shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and endowed by their creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet Madam Speaker, another day has passed, and we in this body have failed again to honor that foundational commitment. We failed our sworn oath and our God-given responsibility, as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have been giving them.

But perhaps tonight, Madam Speaker, maybe someone new who hears this sunset memorial will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express, and that 12,835 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust, is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

It is March 14, 2008—12,835 days since Roe v. Wade first stained the foundation of this nation with the blood of its own children—this, in the land of the free and the home of the brave.

COMMENDING EFFORTS TO ESTABLISH TERRY'S HOUSE, A BURN AND TRAUMA SURVIVOR FAMILY HOME

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. COSTA. Madam Speaker, I rise today to commend the efforts of Mr. Tom Richards, The Community Medical Center Foundation, and their partners throughout the 20th District of California for joining together to launch a capital campaign to fulfill a dream—to establish and build a burn and trauma survivor family home on the campus of Community Regional Medical Center.

Community Regional Medical Center hosts the only Level 1 burn and trauma centers between Los Angeles and Sacramento, making it the primary receiving facility for patients in critical condition throughout the Valley and beyond. More than half of Community Regional's burn patients are children. Without any form of temporary housing available, parents traveling long distances for their children's care often face untenable expenses for lodging during their child's treatment. Thanks to the vision and dedication of Community Medical Center and the Richards family, there will soon be a reprieve for these families.

Inspired by his own family's struggle having a loved one miles away in intensive care, Tom Richards committed to help fill a healthcare void in the Central Valley by building a burn and trauma survivor family facility. This 17,000 square foot, twenty-unit facility will provide housing primarily for the immediate families of trauma patients, as well as a much needed family resource center, supplying information and tools for families caring for burn and trauma victims both during and after treatment.

The facility will be named Terry's House in recognition of Tom Richards' brother, Terry, who sustained serious trauma in a car accident at the age of five. For nearly five months, Richards' mother traveled 80 miles a day to be with her son during his recovery. Over 45 years later, Tom Richards hopes Terry's House will help prevent other families from having to endure the same hardship as his did.

By providing a home away from home for burn and trauma families, Terry's House will undoubtedly provide a much needed respite to ease the burden of care on families. I am proud to have such a worthy project in my district and encouraged by the commitment of those involved in bringing Terry's House to life.

RECOGNIZING MS. ANNMARIE T. MUÑA AS THE 2008 WOMEN IN BUSINESS CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Ms.

AnnMarie T. Muña on being named the U.S. Small Business Administration's 2008 Women in Business Champion of the Year for Guam.

AnnMarie is dynamic businesswoman and an inspiration to Guam's small businesses. After working in the insurance industry for 13 years, she leveraged her expertise by forming her own company in 1994, AM Insurance (Access to Markets for Insurance/AMI). In business for nearly 15 years now, AM Insurance has become one of the leading brokers in the region with an extensive portfolio of government, commercial, and personal insurance accounts.

AnnMarie's community contributions have benefited many non-profit organizations including Soroptimist International of the Marianas, American Red Cross, American Cancer Society, and SCID Kid Foundation. She has contributed her time and her energy to help these organizations raise the funds they need to fulfill their missions, and in doing so, she has helped to improve our community.

I commend AnnMarie for the expertise she brings to Guam's insurance market and for her efforts to grow Guam's small businesses. The success of her businesses, AM Insurance and Y'Ma'gas, Inc., are an inspiration to young women in our community. I congratulate her today for her accomplishments and for being named the U.S. Small Business Administration's 2008 Women in Business Champion of the Year for Guam.

TRIBUTE TO RIVERSIDE BUSINESS OF THE YEAR JOHNSON MACHINERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an organization whose contributions to the community of Riverside, CA, have been exceptional. Riverside has been fortunate to have dynamic and outstanding businesses that enrich the lives of their employees, produce quality products, and help make Riverside a wonderful place to live and work. On Saturday, March 27, 2008, at the 108th Inaugural Dinner, Johnson Machinery will be recognized by the Riverside Chamber of Commerce as the 2007 Business of the Year.

Ruel Johnson purchased Freeland Tractor & Equipment Company in 1940. The country was emerging from the Great Depression and business was slow, however, as the Nation recovered, so did the equipment industry. Agricultural businesses purchased new farming machinery and contractors purchased equipment to build new houses, roads, and freeways.

Over 60-plus years of business, customer equipment needs have changed from primarily agricultural to heavy construction and industrial use. In 1986, the company changed its name to Johnson Machinery Co. to reflect this evolution. The company has grown from the original 12 employees to over 600, and remains dedicated to offering the best quality product and service to its customers. This dedication earned Johnson Machinery the rank of Platinum dealer in 2007, after achieving Gold Level dealer for 3 consecutive years; a first in Caterpillar history. Johnson Machinery is now comprised of five divisions.

The geography of the Inland Empire ranges from mountains with elevation as high as 10,000 feet to deserts. Due to this diversity, the industries served by Johnson Machinery are also wide ranging. Some of the major industries are: residential development, industrial development, underground and infrastructure, landscaping, cement plants, mining, sand and gravel, railroad, agriculture, resort and golf communities, and heavy construction and earth moving.

The power division, Johnson Power Systems, started as Johnson Industrial in 1977, and has nearly doubled in size since 1989. It provides on and off highway, and marine engine service as well as power generations sales, service and rentals.

In 1990, Johnson Machinery Co. acquired Eveready Pacific, a heavy-duty machine shop in the La Sierra area of West Riverside. The increased need for specialized service work caused the operation to outgrow its current facility. In 2000, Ever-Pac was moved to a new, larger facility right behind the home office on East La Cadena in Riverside.

Johnson Machinery Co. entered the material handling market in 1976 and in 1992, the Hyster product line was acquired. To reflect the new acquisition, the division changed its name to Johnson Lift/HYSTER. Johnson Machinery introduced Johnson Rental Services in the fall of 1998 and opened the first rental store in Temecula, CA.

It is my pleasure to recognize Johnson Machinery, Mr. Bill Johnson and his family and their world-class employees for over 67 years of exceptional service as well as thank them for their contributions to the community of Riverside, CA. Johnson Machinery not only provides quality products and services to their customers but also provides a positive place to work. I know that many community leaders are grateful for Johnson Machinery and salute them as they receive this prestigious recognition.

CONGRATULATING THE KLOPPENBURG FAMILY FOR BEING NAMED THE 2008 FAMILY-OWNED BUSINESS OF THE YEAR ON GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize Earl and Lois Kloppenburg and their family and I congratulate them on Kloppenburg Enterprises being awarded the U.S. Small Business Administration 2008 Jeffrey Butland Family-Owned Business of the Year for Guam.

Earl Edward Kloppenburg came to Guam only 3 years after the United States liberated our island during World War II. Although Guam was devastated by the war, Earl Kloppenburg saw potential and opportunity on our island. Earl and Lisa began their business venture in 1950 with the opening of Guam Factors, a gift shop specializing in imports from the Orient. Over the years, the Kloppenburg's holdings steadily grew to include the Specialty House, Earl's Hut, The Office, The Tapa Room, the Hideaway and the Coffee Pot—some of Guam's earliest restaurants and lounges. All of these were consolidated under Kloppenburg Enterprises, Inc., in 1964.

Earl Kloppenburg envisioned the future of the visitor industry on Guam and established Pacific Island Caterers to service the Pan American Airways Pacific flights. He then established Turtle Tours and Turtle Cove, two of Guam's first enterprises focused primarily to Guam's visitor industry. Kloppenburg Enterprises, now under the leadership of Earl's son, Bruce, and grandsons, Tom, Travis and Bradley, continues to grow and now consists of Turtle Tours, The Shopping Express Bus System, Adventure River Cruise, Iruka (Dolphin) Watching Adventure Tour, Nautilus Guam (Submarine) Tours, and Agana Bay Sunset Cruises. In addition to being the market leader in Guam's visitor industry, Kloppenburg Enterprises also provides mass transit services on Guam and operates a shuttle bus system for the military community. Kloppenburg Enterprises employs 130 residents and continues to grow.

The Kloppenburg family business accomplishments are a classic American success story, and I congratulate them for Kloppenburg Enterprises being named the Small Business Administration 2008 Jeffrey Butland Family-Owned Business of the Year.

LONG TERM CARE AND RETIREMENT ACT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. PUTNAM. Madam Speaker, due to advancements in technology and health care, people are living longer than ever. As a result, the United States is experiencing a rapidly aging population due to the baby boomers, those born from 1946 to 1964. Florida leads the United States in aging population. According to the American Association of Retired People, AARP, in 2005 Florida was ranked number one in the highest population above the age of 65 at 16.8 percent. AARP estimates that Florida will continue to be ranked number one in this category and by 2020 21.8 percent of Floridians will be above the age of 65.

Long-term care can be provided in a few different ways. According to the National Long-Term Care Study, NLTCS, 60 percent of those over the age of 65 live alone, increasing their need for long-term care. With regard to nursing homes, a study by the U.S. Department of Health and Human Services found that people who reach age 65 have a 40 percent chance of entering a nursing home. About 10 percent of the people who enter a nursing home will stay there 5 years or more. More than nursing homes, adult children or grandchildren are

cited as the main caregivers to the elderly population. According to research conducted by the American Association of Retired People, AARP, two-thirds of older people with disabilities relied solely on ''informal'' help; approximately 75 percent of which was unpaid care from friends and family. With the leading elderly percent population in the country, 13.8 percent of Florida citizens 18 and above are caregivers. The AARP found that the total economic value of this type of caregiving was $350 billion in 2006, which is more than what was spent on all ''formal,'' hospice, paid caregiver, nursing home, etc. . . . long-term care, including both institutional and home and community-based services.

Long-term care is a variety of services that includes medical and non-medical care to people who have a chronic illness or disability. Long-term care can be provided at home, in the community, in assisted living, or in nursing homes. While long-term care is often used for the elderly, it is important to remember that you may need long-term care at any age.

While there are a variety of ways to pay for long-term care, it is important to think ahead about how you will fund the care you get. Generally, Medicare doesn't pay for long-term care. Medicare pays only for medically necessary skilled nursing facility or home health care.

With an ever aging population and the variety of services provided by long-term care, most families at one point or another are forced to make a decision regarding the future of a loved one who needs assistance with everyday living. These decisions are limited and costly, and many find themselves struggling between the high price of institutionalization or informal family care. In an effort to alleviate the financial and emotional burden that families find themselves under, I have introduced the Long-term Care Retirement and Security Act of 2008.

This legislation would amend the Internal Revenue Code to allow a deduction for eligible long-term care insurance premiums for a taxpayer and the taxpayer's spouse and dependents; and a credit for eligible caregivers caring for certain individuals with long-term care needs. This legislation has three provisions. The first two detail the major elements of the legislation regarding deductions and credits. The final part of the bill deals with consumer protections. Specifically this legislation would:

Permit individuals to make a tax deduction in an amount equal to the ''applicable percentage'' of eligible long-term premiums. An ''Applicable Percentage'' is defined as 25 percent in 2009/2010, 35 percent in 2011, 65 percent in 2012, and 100 percent thereafter.

These dedications would create incentives for individuals and by 2017 the number of individual LTC policy holders will increase by 9 percent and 8 percent of individuals will increase the richness of their policy.

Require coordination of deductions and prohibits an individual from making the same deductions twice.

Permit long-term care deductions to be made under cafeteria plans and flexible spending arrangements.

Under cafeteria plans 12 percent increase in the number of active employees with LTC policies by 2017, as well as, flexible spending accounts creating an incentive for individuals to enroll in FSAs and use their funds towards LTC.

Establish an ''applicable credit'' for caregivers of those with long-term care needs. An ''applicable credit'' refers to $1,500 in 2009, $2,000 in 2010, $2,500 in 2011, and $3,000 for 2012 and thereafter. The applicable credit is multiplied by the number of individuals with respect to whom the taxpayer is an eligible caregiver.

Establish consumer protections based on the National Association of Insurance Commissioners recommendations for qualified long-term care policies.

Creating incentives and helping families to afford long-term care insurance will encourage many more Americans to take personal responsibility for their long-term care needs, not only providing more LTC coverage for Floridians but preserving public funds for those who need them.

I urge my colleagues to cosponsor and support this important tool for all Americans' financial and health security.

RECOGNIZING THE VALUE OF ICERD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today as Chairman of the Commission on Security and Cooperation in Europe to introduce a resolution which recognizes the enduring value of the International Convention on the Elimination of All Forms of Racial Discrimination, ICERD, as a cornerstone of global efforts to combat racial discrimination and uphold human rights.

To monitor the implementation of this important agreement a number of multinational organizations continue to cooperate as partners, including the United Nations Committee on the Elimination of Racial Discrimination, CERD; the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights, ODIHR; the European Commission against Racism and Intolerance, ECRI; and the European Union Fundamental Rights Agency, EUFRA.

Recently, CERD held its 72nd session in Geneva, Switzerland to review anti-discrimination efforts undertaken by the Governments of Fiji, Italy, the United States, Belgium, Nicaragua, Moldova, and the Dominican Republic. At this session, the United States received a response to its April 2007 report it submitted to CERD detailing measures taken to adhere to the convention. The ''Concluding Observations'' which CERD responded with includes a number of important achievements that we should be proud of as Americans, but also a number of challenges we must still unite together to address. Until the displaced of Hurricane Katrina are housed and hate crimes are eliminated from our streets and workplaces, we must be vigilant in our quest to be the world leader in tolerance.

Madam Speaker, I call my colleagues to join me in reaffirming the commitment that the United States has made in ratifying the International Convention on the Elimination of All Forms of Racial Discrimination. This resolution is the first step in recognizing the value of this international commitment, and I look forward to working with my colleagues toward its expedited passage.

CONGRATULATING FAYE BALMONTE VARIAS ON BEING NAMED THE 2008 SMALL BUSINESS JOURNALIST CHAMPION OF THE YEAR FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize and congratulate Faye Balmonte Varias on being named the United States Small Business Administration 2008 Small Business Journalist Champion of the Year for Guam.

Ms. Varias began her nearly 10-year-long career as a freelance writer for multiple publications, and today, she serves as the editor for Glimpses of Guam, one of the island's leading publishing and advertising agencies. As editor, she has been instrumental in the development and expansion of the Guam Business Journal, Marine Drive Magazine, and R&R Pacific. Through these publications, Ms. Varias has brought exceptional editorial coverage of Guam's small business news.

Ms. Varias' community efforts cross the spectrum. She has volunteered in schools, organized award-winning events, and committed to teaching our youth about the journalism profession. I congratulate Faye Balmonte Varias on her professional success thus far, and I join our island in celebrating her national recognition as Guam's U.S. Small Business Administration 2008 Small Business Journalist Champion of the Year.

TRIBUTE TO THE PORTLAND STATE UNIVERSITY MEN'S BASKETBALL TEAM

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. WU. Madam Speaker, I rise today to congratulate the Portland State University men's basketball team on achieving their first-ever birth to the NCAA Division I Championship Tournament. The Vikings capped off their historic season with a 67–51 win in the Big Sky Conference Championship game over Northern Arizona University at the Rose Garden in Portland. PSU finished their regular season with a 29–2 record, and were undefeated in the Big Sky Conference Tournament. On Sunday, the Vikings will learn who they will play in the first round of the ''Big Dance.''

The NCAA Tournament is one of the great institutions in all of collegiate sports. It brings together the best college teams from across

our Nation to compete for basketball's greatest prize. Oregon is proud of every one of these outstanding young men and their coaches.

It is also fitting that we should take this opportunity to recognize the entire Portland State community. As Oregon's largest university, PSU is a source of pride for our state. The Viking's athletic achievements reflect the spirit and work ethic of their university, and I am proud to honor their achievement today.

Madam Speaker, I would like to recognize each member of the PSU men's basketball team individually, beginning with Head Coach Ken Bone, Assistant Head Coach Tyler Geving, Assistant Coaches Curtis Allen and Eric Harper, and Director of Basketball Operations Tyler Coston. Furthermore, I congratulate the 2007–2008 PSU Viking's: Brian Curtis, Jeremiah Dominguez, Justynn Hammond, Deonte Huff, Jaime Jones, Lucas Dupree, Tyrell Mara, J.R. Moore, Scott Morison, Andre Murray, Phil Nelson, Mickey Polis, Julius Thomas, Alex Tiefenthaler and Dominic Waters.

Madam Speaker, I invite my colleagues to join me in congratulating these outstanding young men. On behalf of the entire state of Oregon, congratulations and good luck. Go Vikings!

SEATTLE TIMES EDITORIAL: A CHANCE TO STAND UP

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. REICHERT. Madam Speaker, I would like to submit the following article from Monday, March 10, 2008 into the RECORD:

A CHANCE TO STAND UP

Congress has a chance to do what the Federal Communications Commission did not. Protect democracy and serve the public.

The Senate can start by adopting North Dakota Democrat Sen. Byron Dorgan's ''resolution of disapproval.'' The grumpy-sounding legislation would scrap a new FCC rule that lifts the cross-ownership ban, which forbade a company from owning a newspaper, television station and radio station in the same market. The FCC adopted a sneaky new rule change in December. Commission Chairman Kevin Martin portrayed the new rule as restrained because it would only apply to the nation's top 20 media markets. A closer reading reveals that it is far-reaching, allowing for exceptions.

Not encouraging, considering the FCC's demonstrated willingness to hand out exemptions to its rules.

The FCC's troubling rush to appease big media conglomerates must be checked. The public was overwhelmingly against media concentration at every FCC hearing in the past couple of years. The commission not only ignored its public-interest charge, but also disregarded its own studies that showed the damage done to local news by consolidation.

This is not the first time the Senate has pushed back against the FCC. A resolution was broadly supported in 2003 to block an earlier FCC attempt to abolish the cross-ownership ban. Republican opposition was led by Sen. John McCain. The vote ended up being symbolic because the Republican-held House refused to enact its own resolution.

Washington has changed since 2003. Expect the Senate to get this resolution through, and for the House to follow.

More media consolidation will further gut the news outlets that are essential to maintaining a vigorous, informed democracy. Congress has a chance to slap the FCC back into line, while protecting the public at the same time.

HONORING U.S. SENATOR HOWARD METZENBAUM

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mr. LATOURETTE. Madam Speaker, I rise today to honor the late Howard Metzenbaum, the tenacious and scrapping Senator from the State of Ohio who died this week at the age of 90.

I never had the privilege of serving in the Congress with Senator Metzenbaum, as he retired the same year I was elected. Nevertheless, I followed his career closely from the sidelines and admired him because he was so truly authentic and larger than life. Agree with him or not, he was one of the most important political figures in our State in the last century. I respected Senator Metzenbaum because he was so true to himself and his core beliefs and values, even when they were immensely unpopular. He was unflinchingly liberal and made no apologies for it. The Buckeye State—long before we'd been tagged red or blue—consistently rewarded him at the polls for his fighting spirit and his ''don't mess with me'' attitude.

In Metzenbaum, Ohioans had a tenacious, extraordinarily hard-working and committed Senator who helped elevate so many issues of importance to Ohioans to the national stage. One of his most remarkable accomplishments, in my estimation, was giving workers 60 days notice of plant closings, a scenario that has become all too familiar in our State. He is best known for championing workers' rights and the middle class, challenging and aggravating corporate America, and ferreting out wasteful spending. Yet, he had a soft and compassionate side as well, and led the effort to change the law to make it easier to adopt a child of a different race. That one legislative victory made adoption a reality for countless families, and gave so many children a loving home.

Howard Metzenbaum was a man of remarkable wealth, yet he chose to devote so much of his life to public service. He brought to Washington the same work ethic that he'd bestowed on his business affairs, and never seemed to slow down or coast as his years in the Senate stretched on. He left the institution just as feisty and combative as he'd arrived.

Today, far too many politicians' choices are guided by polling data, focus groups and the ramblings of pundits and talk show hosts. Senator Metzenbaum left public life before the Internet took hold and the media feeding frenzy crested, yet I have to believe that the Junior Senator from Ohio wouldn't have been tamed or tempered by talk radio, 24-hour news cycles or the blogosphere. To the contrary, I think it would have emboldened the unapologetic, unabashed and ferocious liberal who, against many odds, earned the respect and support of so many Ohioans.

This week, Ohio and the Cleveland area lost a political giant. My thoughts and prayers are with the Metzenbaum family.

REAUTHORIZING THE COASTAL ZONE MANAGEMENT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Ms. BORDALLO. Madam Speaker, nearly half of the population of the United States lives along our country's 95,331 miles of ocean and Great Lakes coastline. The 153 million people who live and work in the coastal zone—roughly 11 percent of the total U.S. land area—contribute tens of billions of dollars to our national economy. For example, roughly $700 billion in cargo and merchandise moves through our country's ports on an annual basis.

While the country's coastal zone remains intrinsically linked to our entire economy, coastal regions are also home to a variety of incredibly valuable natural resources, such as commercial fisheries, coral reefs, coastal estuaries and wetlands, mineral resources, and vital fish and wildlife habitat. Moreover, at a time when our economy and the environment are both in need of attention, and when cooperation between the Federal government and the States and territories has never been more essential to address future challenges created by a changing climate, it is important for the Congress to reauthorize the Coastal Zone Management Act (CZMA). Reauthorization of this Act re-emphasizes the importance of maintaining a balanced management approach in this critical geographic area.

The initial passage in 1972 of the Coastal Zone Management Act championed an innovative and forward-thinking strategy to address the complexity of issues, the needs of individual States and territories, and the national interest to ensure the long-term, sensible management of the country's entire coastal zone. The Act was designed as a voluntary federal-state partnership. States and territories receive cost sharing grants to develop and subsequently implement State management programs that comply with broad Federal policies. For example, State and territorial coastal zone management programs encourage comprehensive planning to enable both the protection and development of coastal lands where possible. State and territorial coastal programs also strive to restore and enhance coastal resources, perpetuate water-dependent uses and preserve coastal public access.

States and territories also gained an equal authority, known generally as ''Federal Consistency'' to review all Federal agency activities or Federally-permitted activities for the coastal zone to ensure compatibility with Federally-approved State or territory coastal programs and policies. While at times controversial, consistency reviews emerged as a remarkably successful tool in facilitating cooperation between the coastal states and territories and the Federal agencies. Although participation in the Coastal Zone Management

program is voluntary, 34 out of 35 eligible coastal States and territories are now fully participating in the program, and collectively, 99 percent of U.S. coastlines fall under the Act's authority.

The territory I represent, Guam, proudly participates in the coastal zone management program. Because Guam is an island, our entire land area is considered a coastal zone. Important and unique management issues regarding development frequently arise for our community, including impacts on cultural and historic resource preservation, water quality, and the integrity of coral reef ecosystems and our watershed habitat. For example, under the Guam Coastal Management Program, analysis of damages from coastal hazards led to the development of an Environmental Emergency Response Plan that our community relies upon in preparing for and responding to typhoons. This Plan allowed our community to successfully respond to coastal and environmental challenges arising from recent typhoons that struck our island, including Typhoon Chata'an in July 2002 and Super Typhoon Pongsona in December 2002. This plan is but one example from many that demonstrate the practical and positive impact of the Coastal Zone Management Act for Guam.

Since the Act's enactment in 1972, Congress has amended it on various occasions in order to address changing circumstances and needs. Among such refinements was the establishment of a system of National Estuarine Research Reserves, authorization of the Enhancement Grant Program to help States and the territories address new and emerging issues, and the establishment of the Coastal Nonpoint Source Pollution Control Program to address the present and growing threat to coastal waters caused by polluted run-off.

Today, our country is presented with coastal zone challenges that were unforeseen and not addressed in previous reauthorizations of the Coastal Zone Management Act. These challenges include climate change, aquatic nuisance species, increased risk exposure to catastrophic storms and natural hazards, and the preservation of open space in the midst of an expanding human footprint. Many of these challenges were identified by the U.S. Commission on Ocean Policy in 2004 and the Pew Oceans Commission in 2003. In addition, the National Oceanic and Atmospheric Administration (NOAA) and the Coastal States Organization (CSO) initiated in 2007 a joint comprehensive analysis of the Act to see if and how it might be amended to better address the challenges of the future. I believe it is important to reauthorize this Act with input from the States and territories, the National Oceanic and Atmospheric Administration, and scientists and coastal community stakeholders. Any reauthorization of the Act should be oriented toward improving our ability to better prepare for and respond to future challenges impacting the health and integrity of the ecosystems within our country's coastal zones.

It is for these reasons that I introduced H.R. 5451, the Coastal Zone Reauthorization Act of 2008, to reauthorize and increase appropriations to implement the Coastal Zone Management Act. I was joined in doing so by other members of the Subcommittee on Fisheries, Wildlife and Oceans. Together we are committed to addressing this reauthorization opportunity and objective in a bipartisan fashion. On February 28, 2008, the Subcommittee on Fisheries, Wildlife and Oceans convened for a hearing on H.R. 5451 and received testimony from the Administration and stakeholders. I fully recognize that this bill is a placeholder and a starting point for a much more substantive dialogue as we begin to address the new realities facing our country's coastal zone. I hope my colleagues will join us in this effort to reauthorize this landmark environmental law, and to ensure that we leave for our children and grandchildren a coastal zone that is vibrant, healthy and welcoming to all.

HONORING THE LIFE OF SENATOR HOWARD METZENBAUM

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 14, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today to pay my respects to an extraordinary person, former Senator Howard Metzenbaum.

The Honorable Howard Metzenbaum was born in Cleveland, Ohio. He came from humble beginnings, "his father scrapped to make a living, buying and selling second hand goods." He graduated from Glenville High School in Cleveland and later matriculated to Ohio State University where he earned both his bachelor degree and a Juris Doctor degree in 1939 and 1941 respectively.

Metzenbaum served in the Ohio House of Representatives from 1943 to 1947. He was subsequently elected to the Ohio Senate from 1947 to 1951. In addition to his dedication to public service, he also was a savvy astute businessman who would later become one of the Senate's wealthiest members. It has been noted that if he had not chosen a life of committed public service he would have easily become one of America's wealthiest businessmen. Metzenbaum said, "I was born knowing how to make money," however he was guided by the saying, "Is it more important to have $10 million than $9 million?"

In 1974, when Senator William B. Saxbe from Ohio resigned from his seat to accept the nomination as U.S. attorney general, Governor Jack Gilligan appointed Metzenbaum to fill out the remainder of Saxbe's term. It was not until 1994 that Senator Metzenbaum retired after 19 years of service in the United States Senate.

While in the United States Senate Howard Metzenbaum was an instrumental member of the Senate Judiciary committee where he was well known as a powerful advocate of antitrust and consumer protection issues, as well as a staunch proponent of pro-choice abortion rights. He was often referenced as "Senator No," because many of his colleagues knew that if he was opposed to a particular measure his opposition created a great hindrance to its chances of passing.

In the Senate, Metzenbaum devised a different method of filibustering by introducing multiple amendments to bills in place of terminating a piece of legislation by long periods of debate. Senator Metzenbaum championed several important pieces of legislation, most notably the Worker Adjustment and Retraining Notification Act, which required warning periods for large factory closures; the Brady Law, which established a waiting period for handgun purchases; and the Howard M. Metzenbaum Multiethnic Placement Act of 1994 (MEPA) (U.S. Public Law 103–82), which prohibits federally subsidized adoption agencies from delaying or denying child placement on grounds of race or ethnicity. Upon his retirement in 1994 the Cleveland Plain Dealer referred to him as, "The last of the ferocious New Deal liberals."

After leaving the Senate, the Honorable Howard Metzenbaum served as the Chairman of the Consumer Federation of America. In 2005, The United States Bankruptcy Courthouse was named in his Honor in Cleveland, Ohio.

We are all blessed to have known and served our Country with former Senator Howard Metzenbaum. It is with great respect and admiration that I ask this esteemed body to keep his wife, and four daughters: Barbara Sherwood, Susan Hyatt, Shelley Kelman, and Amy Yanowitz in our hearts and prayers. May we all rejoice in having known such a great man and cherish both his memory and his legacy.

SENATE—*Tuesday, March 18, 2008*

(Legislative day of Thursday, March 13, 2008)

The Senate met at 12 and 2 seconds p.m., on the expiration of the recess, and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 18, 2008.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL FRIDAY, MARCH 21, 2008, AT 11 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11 a.m., on Friday, March 21, 2008.

Thereupon, the Senate, at 12 and 33 seconds p.m., recessed until Friday, March 21, 2008, at 11 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Friday, March 21, 2008*

(Legislative day of Thursday, March 13, 2008)

The Senate met at 10:59 and 59 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10 A.M., MONDAY, MARCH 24, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Monday, March 24, 2008, at 10 a.m.

Thereupon, the Senate, at 11:00 and 27 seconds a.m. recessed until Monday, March 24, 2008, at 10 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Monday, March 24, 2008*

(Legislative day of Thursday, March 13, 2008)

The Senate met at 10 and 6 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 24, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9 A.M. THURSDAY, MARCH 27, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Thursday, March 27, 2008, at 9 a.m.

Thereupon, the Senate, at 10 and 36 seconds a.m., recessed until Thursday, March 27, 2008, at 9 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Thursday, March 27, 2008*

(Legislative day of Thursday, March 13, 2008)

The Senate met at 9 and 6 seconds a.m., on the expiration of the recess, and was called to order by the Honorable EDWARD M. KENNEDY, a Senator from the Commonwealth of Massachusetts.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant bill clerk (William Walsh, Jr.) read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 27, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD M. KENNEDY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KENNEDY thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL MONDAY, MARCH 31, 2008, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Monday, March 31, 2008, at 2 p.m.

Thereupon, the Senate, at 9 and 39 seconds a.m., recessed until Monday, March 31, 2008, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.